

Tuesday, April 8, 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 CHAIRPERSON MICHAEL P. RYAN.

SUM AGN

1 A-1-A **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. 2003-107, resolution commending the United Way of San Luis Obispo County for its valuable service to the Community through its 2002-2003 campaign, adopted.

Chairperson Ryan: reads the resolution and presents the same to Mr. Jim Gardner, Former SLO Police Chief and United Way Campaign Chairperson.

Mr. Gardner: introduces several people taking part in the United Way Campaign; addresses the people who are being helped by United Way and the importance of County employee contributions; thanks the Board and County employees for their support.

Chairperson Ryan: acknowledges the amazing participation of County employees relating to this campaign.

Dr. Greg Thomas: Public Health Director, states he is proud to be a member of the United Way Board of Directors; states United Way is meeting the needs of people that government cannot meet; thanks all County employees for their participation.

2 A-1-B **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. 2003-108, resolution proclaiming the week of April 6-12, 2003 as "San Luis Obispo County Crime Victims' Rights Week", adopted.

Supervisor Pinard: reads the resolution and presents the same to Mr. Gerry Shea, District Attorney.

Mr. Shea: addresses victim's rights; recognizes victim-witness outreach programs and advocate groups; thanks the Board for the recognition.

Supervisor Pinard: states staff does an amazing job helping victims through the system.

3 B-15 **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. 2003-109, resolution commending Cuesta College for its 40 years of service to the San Luis Obispo County Community, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Dr. Marie Rosenwasser.

Dr. Rosenwasser: states she is honored to receive this resolution; invites everyone to attend the open house on April 12, 2003; indicates this is the worst economic fiscal crises the college has experienced in forty years, however Cuesta will never lose sight to strive for excellence.

4 A-2 **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. 2003-110, resolution proclaiming April 10, 2003, as “CASA Child Advocate Day” in San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Wendy Most.

Ms. Most: states Court Appointed Special Advocates (CASA) believe it does take a village to raise a child; indicates they served approximately 300 children last year; recognizes the County agencies that help these children; explains the role of CASA; hands the Board a book entitled “Lighting the Way” and an example of a Court order.

5 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: states he agrees with the author of the Parks and Recreation Commission’s annual report relating to obesity; addresses consistencies with wildlife habitat management and questions performance indicator #2 on page B-7-6 regarding the \$1.62.

Rev. C. Hite: speaks to several Consent Agenda items; addresses people becoming victims and counseling for children.

Ms. Dorothy Jennings: speaks to the important role parks play in our community.

Ms. Pandora Nash-Karner: Chairperson of the Parks and Recreation Commission, addresses the benefits of having parks in communities; addresses the need to provide a future park system. **No action taken.**

6 B-1 Consent Agenda Item B-6 is withdrawn. Item B-14 the letters to the California
thru Legislature are amended due to a technical correction. Item B-15 is moved from the
B-17 Consent Agenda to the Presentation Calendar and acted on previously. **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

Consent Agenda Items B-1 through B-17 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-17 are approved as recommended by the County Clerk-Recorder and are available for public inspection.

Behavioral Health Items:

- B-1 Employee contract (Clerk's File) with Guadalupe Vargas for marriage and family therapist intern services for Mental Health clients, **Approved.**
- B-2 Contract (Clerk's File) with Sanford L. Friedlander for crisis intervention and related services for Mental Health clients, **Approved.**
- B-3 Contract (Clerk's File) with Youth Connection of Ventura County, dba Casa Pacifica to provide group home services for Mental Health, **Approved.**
- B-4 Agreement (Clerk's File) with Lucia Mar School District to provide additional counseling services at Grover Heights Elementary School, **Approved.**

General Services Items:

- B-5 Creation of a capital project to improve fuel facilities at Lopez and Santa Margarita Lakes; and 2) a corresponding budget adjustment in the amount of \$220,000 to fund the project from Proposition 12 Per Capita Grant Funds, **Approved.**
- B-6 Request to approve an agreement (Clerk's File) with Cambria Community Services District for the development of a community park on the East West Ranch, **Withdrawn.**
- B-7 Parks and Recreation Commission's annual report, **Received and Filed.**

Medical Services Items:

- B-8 Contract with Readylink Healthcare to continue the provision of two registered nurses for General Hospital's intensive care and obstetrics units, **Approved.**
- B-9 Contract with Bonnie Olio, R.N. to provide nursing services at General Hospital, **Approved.**

Planning and Building Items:

- B-10 Request to authorize an application to the State Housing and Community Development Code Enforcement Grant Program, **Approved.**
- B-11 **RESOLUTION NO. 2003-111**, approving an open-space agreement for a minor user permit (D010055P) from Walter Elliott and Shirlene Soto for property located at 204 Madera Street in the community of Los Osos; 2nd District, **Adopted.**

Other Items:

- B-12 Agreement with T.Y. Lin International to perform professional services for the Vineyard Drive Interchange Improvements Project and a request to approve a corresponding budget adjustment in the amount of \$880,350 from the Templeton Road Improvement Fees; 1st District, **Approved.**
- B-13 Agreement with the State Department of Health Services to fund a portion of emergency medical services for fiscal year 2002-03, **Approved.**
- B-14 Letters to the California Legislature to support a reduction in proposed state cuts for Cooperative Extension (Farm Advisor), **Approved as amended.**
- B-15 Submittal of a resolution commending Cuesta College for 40 years of service to the San Luis Obispo County community, **Withdrawn and moved to the presentation calendar and acted on previously.**
- B-16 Audit report on the trust fund administration and internal controls for the San Luis Obispo County Environmental Coordinator Trust Fund, **Received and Filed.**

B-17 Fixed asset list for the purchase of a replacement tractor and related tractor implements and approve a corresponding budget adjustment in the amount of \$24,997 from Inmate Welfare to Budget Unit 2590 - Sheriff-Coroner, **Approved.**

7 C-1 This is the time set for hearing to consider a resolution continuing existing road improvement fees for the North Coast Area; 2nd District.

Mr. Dave Flynn: Public Works, presents the staff report; addresses the status of the Road Improvement Fee Account and how they are used; presents a list of recommended projects for funding; addresses the fee structure and states there are no modifications to the plan in this update; indicates staff recommends the Board receive and adopt the update to the Circulation Study and adopt the resolution continuing the existing fee schedule.

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

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

RESOLUTION NO. 2003-112, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within the North Coast Planning Area of the County of San Luis Obispo and adopting the required annual report, adopted.

8 C-2 This is the time set for hearing to consider ordinances amending to Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance) relative to the San Miguel Design and Affordable Housing.

Ms. Kami Griffin: Planning, presents the staff report and recommendation.

Rev. C. Hite: states she is opposed to low income housing near airports and the effect this location could have on children.

Supervisor Ovitt: thanks Mr. Hand, Planning staff, for the clarifications discussed on March 25, 2003.

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, and Chairperson Ryan
NOES: None
ABSENT: None

the Board approves the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq and RESOLUTION NO. 2003-113, resolution to approve the San Miguel Design Plan, adopted.

9 C-2 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2993, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Article 9 - Section 22.104.070 by adding new subsection A. relating to the San Miguel Design Plan, adopted.

10 C-2 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2994, an ordinance amending Title 22 of the San Luis Obispo County Code, The Land Use Ordinance, by amending chapter 22.12 relating to Affordable Housing, adopted.

10A C-2 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2995, an ordinance amending Title 23 of the San Luis Obispo County Code, The Coastal Zone Land Use Ordinance, by amending section 23.04.090 et seq relating to Affordable Housing, adopted.

11 D-1 This is the time set to consider a request to authorize for processing the following General Plan and Land Use Ordinance amendments: **A. G020012T** - Steve and Rene Troesh, request to amend Article 9 - South County Area Plan by changing the allowable uses for the Commercial Services land use category to allow for Agricultural Processing (commercial composting only for APN 090-302-006, 014, 015, 016, and 017); the site is located at 2290 Hutton Road, approximately 500 feet southwest of the intersection of Highway 166 and Highway 101; 4th District; **B. G020008M** - Robert Anderson, request to amend: 1) the South County Area Plan by changing the land use category on an approximately 38 acre site from Agriculture to Residential Rural; 2) the Agriculture and Open Space Element land use map from Agriculture (Land Under Conservation Contract) to Large Lot Rural; and 3) to disestablish the agricultural preserve on the site; the site is located on the northeast corner of Willow Road and Guadalupe Road, adjacent to the Village of Callender-Garrett; 4th District; and, **C. G020006M** - Ben Maddalena, request to amend the San Luis Obispo Area Plan by: 1) changing the land use category on an approximately 56 acre site from Agriculture to Residential Rural; 2) changing the Agriculture and Open Space Element land use map from Agriculture to Large Lot Rural; and 3) extending the Rural Residential San Luis Obispo Rural Planning Area Standards that restricts the maximum allowable residential density to one single family dwelling; the site is located on the west side of Hidden Springs Road, approximately 200 feet west of the intersection of Buckley and Highway 227. The site is approximately 250 feet south of the San Luis Obispo County Airport and approximately 3/4 of a mile south of the City of San Luis Obispo, adjacent to the Urban Reserve Line; 3rd District.

G020012T is presented.

Ms. Lynda Auchinachie: Planning, presents the staff report; describes the area and indicates the purpose of this request is to allow the site to be developed as a commercial composting facility for the receiving and processing of green material.

Supervisor Ovitt: questions if the Board makes this amendment will it be site specific, with Ms. Auchinachie responding yes.

No one appearing and 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 authorizes G020012T for processing.

G020008M is presented.

Ms. Auchinachie: presents the staff report; states the intent is to subdivide a 38 acre site into seven approximately five acre sites; describes the surrounding area.

Mr. Robert Anderson: Applicant, states he is available for questions and urges the Board's support.

Supervisor Pinard: addresses her concerns for future circulation planning, with staff responding.

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, Bianchi, Pinard, Chairperson Ryan

NOES: None

ABSENT: None

the Board authorizes G020008M for processing.

G020006M is presented.

Ms. Auchinachie: presents the staff report; indicates this is a request to change the land use category on an approximately 56 acre site from Agriculture to Residential Rural; describes the location and the concerns that this land is too close to the airport; states the Airport Land Use Commission does not support this request and staff recommends denial.

Supervisor Achadjian: questions what would make this amendment consistent with the Airport Land Use Element and what future could this property have if it stayed in agriculture, with staff responding.

Chairperson Ryan: questions if there is a line across the property.

Ms. Klaasje Nairne: Airports Manager, addresses her concerns for the noise contour; feels this property could be used for commercial and/or industrial but not residential; states a residential area would not be a good neighbor for the Airport; addresses safety concerns; indicates there are two lines across the property.

Supervisor Ovitt: believes if the Board allows the processing of this item, staff can look at multiple uses of the land and possible clustering, with staff responding.

Mr. Ben Maddalena: Applicant, states he has owned the property for 30 years; indicates there is one house there now and he has the ability to build four more; states his primary intent for this request is estate planning; indicates he has never had a problem with the Airport.

Supervisor Bianchi: asks Mr. Maddalena if he wouldn't mind working with staff to determine what could be done with the property, with Mr. Maddalena agreeing.

Supervisor Pinard: states residential dwellings should not be allowed in this area; feels this would be sending staff off to do a "fools errand"; indicates she will support commercial and Industrial mixed use but not residential.

A motion by Supervisor Pinard to authorize processing with the stipulation that it not include residential, dies for lack of a second.

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

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

the Board authorizes G020006M for processing and directs staff to look at multiple uses including Industrial, Commercial Services and Residential.

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) *Naimark v. County of San Luis Obispo* **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** 7) *Committee for Rural Preservation v. County of San Luis Obispo*, and 8) *State of California, et al. v. Norton, et al.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 5) *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. 6) *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.

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

Rev. C. Hite: addresses immunizations; medical conditions and counseling for the public.

Mr. Bill Denneen: states he wants to honor Dr. Richard Kresha as a former Supervisor and a new member of the “seventies club;” states the war is a violation of international law; feels the President should be indicted in criminal court.

Mr. Michael Kovacs: states he came to pay his property taxes; questions the cost for County services; addresses the response time on code violations in the County.

Mr. Brady Radovich: present a plaque of appreciation to the Board from The Community Collaboration Forum.

Mr. Richie Ray Walker: states he supports the war and hopes it’s over soon; addresses the bus schedule and suggests longer hours to better serve the customer.

Ms. Linda Hall: addresses the need for a bus schedule on Sundays and speaks to the issue of vacation rentals; indicates she will be speaking to the Coastal Commission regarding this issue on Friday. **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, April 8, 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: 04/11/2003

cla