

Tuesday, May 6, 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 Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian and Vice Chairperson Harry L. Ovitt

ABSENT: Supervisor Chairperson Michael P. Ryan

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY VICE CHAIRPERSON OVITT.

SUM **AGN**

1 B-20 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

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

RESOLUTION NO. 2003-125, resolution proclaiming May 5-11, 2003 as "Wildfire Awareness Week," adopted.

Vice Chairperson Ovitt: reads the resolution and presents the same to County Fire Chief Dan Turner and Smokey the Bear.

Chief Turner: thanks the Board for the proclamation and wants to remind the public to think about fire prevention and take defensive actions such as clearing brush and weeds to prepare for fire season; indicates on May 31, 2003 a Fire Safe Expo will be held at all home improvement stores to teach the public about safety.

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

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

presentation of Employee Service Recognition Awards, approved.

Mr. Richard Greek: Personnel Director, introduces the following employees and presents each with their 20-year service pin: Mr. Douglas Odom, District Attorney; Ms. Nancy Smee, Information Technology (not present); Ms. Mary Bettencourt, Medical Services (not present); and Mr. James Hofman, Medical Services (not present); Ms. Barbara Bliss, Public Health (not present) and Ron Hysell, Public Works & Transportation.

25 -Year Service Recognition employees, are presented.

Mr. Duane Leib: General Services Director, introduces Ms. Cindy Couzzi; presents the history of her time with the County; and thanks her for her dedication and service.

Mr. Leib: introduces Mr. Drew Medzyk; presents the history of his time with the County; indicates he is a local boy and speaks to his good character and thanks him for his service.

Mr. Medzyk: states he's proud of the efficiencies and cost savings of the Reprographics Department; thanks Mr. Leib and the Board for the recognition and indicates he has to leave to work on getting next week's agenda out.

Mr. David Edge: County Administrative Officer, introduces Mr. Richard Greek; presents a brief history of his employment with the County; acknowledges his dedication and

leadership and thanks him for his contributions to the County.

Mr. Greek: states his achievements could not be done without the work and support of the Board and the employees; thanks the Board for the recognition.

Chief Deputy Nick Marquart: introduces Ms. Jean Dague: presents a brief history of her employment with the Sheriff's Department; states she is not only a Dispatcher but a problem solver; thanks her for her dedication and service.

30-year Service Recognition Employees, are presented.

Mr. Leib: introduces Mr. Lester Mankins: addresses his job duties over the past 30 years and congratulates him on his years of service.

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

Mr. Michael Kovacs: addresses Item B-10 and allocations made by Supervisors. **No action taken.**

4 B-1 Consent Agenda Item B-2 is amended by changing the hearing date in the
thru recommendation to May 13, 2003. Item B-20 is moved from the Consent Agenda to the
B-43 Presentation Calendar and acted on previously. Items B-42 and B-43 are 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, Pinard, Vice Chairperson Ovitt

NOES: None

ABSENT: Chairperson Ryan

**Consent Agenda Items B-1 through B-43 are approved as recommended by the
County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-43, as amended, are on file in the Office of the
County clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

B-1 Plans and specifications (Clerk's File) for the installation of traffic signals on South Bay
Boulevard at El Moro Avenue in the community of Los Osos; 2nd District, **Approved
and the Clerk is instructed to give notice of bid opening set for June 5, 2003 at 3:00
p.m..**

B-2 Introduction of two ordinances amending the County Code relating to the employment
status and compensation of temporary help workers; All District, **Approved as amended
and the Clerk is instructed to give notice of the hearing set for May 13, 2002, at 9:00
a.m..**

Administrative Office Items

B-3 Request to apply for federal grant funds in the amount of \$249,858 to provide funding for
emergency response equipment, exercises, and related planning and administrative
expenditures on behalf of the San Luis Obispo County Operational Area, and a request
to approve a related governing body resolution and grant assurances, **Approved.**

B-4 Request to apply for federal grant funds in the amount of \$216,446 to provide funding for
emergency response equipment, and exercises on behalf of the San Luis Obispo
Operational Area, and a request to approve a related governing body resolution and grant
assurances, **Approved.**

B-5 Request to accept federal grant funds in the amount of \$103,030, on behalf of the San
Luis Obispo Operational Area to update and enhance emergency operation plans and a

request to approve a budget adjustment in the amount of \$22,571 for the Office of Emergency Services to cover grant related costs, **Approved.**

- B-6 **RESOLUTION NO. 2003-126**, approving the transfer of property tax revenue and annual tax increment with the San Miguel Community Services District; 1st District, **Adopted.**

Auditor-Controller Items

- B-7 Report on the examination of the local sales tax revenue being distributed to the County of San Luis Obispo through the State Board of Equalization, **Received and Filed.**
- B-8 Unannounced cash count and limited review of cash handling procedures of Drug and Alcohol Services at the Arroyo Grande, Atascadero and San Luis Obispo offices, conducted on November 15 and 18, 2002, **Received and Filed.**

Board of Supervisors Items

- B-9 Allocation of \$8,000 from Budget Unit 2080 (District One \$5,000; Districts Two and Three \$500 each; and Districts Four and Five \$1,000 each) to Paso Robles ACORN, Inc., to provide funding towards the creation of a public safety memorial monument, **Approved.**
- B-10 Allocation of \$6,000 from Budget Unit 2080 (\$2,000 each from Districts One, Three and Five) to the San Luis Obispo Mozart Festival to be used for Mozart Fringe Concerts, **Approved.**
- B-11 Appointment of Mary Chambers as a District One Representative to the Commission on the Status of Women, **Approved.**
- B-12 Appointment of Carolee Munger as a District Two Representative to the Commission on the Status of Women, **Approved.**
- B-13 Appointment of Susan Staff to the Citizens's Transportation Advisory Committee, **Approved.**
- B-14 Appointment of Judy Kelley and Samuel Keller to the Private Industry Council Workforce Investment Board, **Approved.**
- B-15 **RESOLUTION NO. 2003-127**, proclaiming May 9, 2003 as "National Provider Appreciation Day", **Adopted.**

Clerk-Recorder Items:

- B-16 Minutes of the March 4, 11, and 25, 2003 Board of Supervisors' meetings, **Approved.**
- B-17 Destruction of unaccepted bids covering the time period of May 15, 1997 through March 17, 1998, **Approved.**
- B-18 Letters opposing Assembly Bill 1531 (Longville) and Senate Bill 430 (Johnson) related to the schedule of primary election dates, **Approved.**

County Fire Items:

- B-19 Amended cost share agreement (Clerk's File) for the construction of a replacement CDF/County Fire Department fire station, emergency dispatch center, and headquarters facility, and 2) a corresponding budget adjustment in the amount of \$347,000 from the fire department public facility fees, **Approved.**
- B-20 Submittal of a resolution proclaiming May 5 - 12, 2003 as "Wildfire Awareness Week", **Withdrawn and acted on previously.**

General Services Items:

- B-21 **RESOLUTION NO. 2003-128**, supporting the General Services Department - Parks Division's application for grant funds under the Land and Water Conservation Fund Program, **Adopted**.
- B-22 **RESOLUTION NO. 2003-129**, honoring the Wings of Freedom Tour and Airport Day at San Luis Obispo County Regional Airport, **Adopted**.

Medical Services Items:

- B-23 Medical Staff Rules and Regulations, Medical Staff Policies and Procedures (Clerk's File), as submitted by the Medical Executive Committee, **Approved**.
- B-24 Contract (Clerk's File) with Sandra Hanson-Erlich, R.N., to provide nursing services at General Hospital, **Approved**.
- B-25 Contract (Clerk's File) with Diana Bergstrom, R.N., to provide nursing services at General Hospital, **Approved**.

Planning and Building Items:

- B-26 Request to authorize the use of alternative publication procedures for amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance, Real Property Division, Growth Management Ordinance, and Construction Ordinance; All Districts, **Approved**.
- B-27 **RESOLUTION NO. 2003-130**, approving a grant agreement with the Department of Housing and Urban Development (HUD) for federal Supportive Housing Program funds for the San Luis Obispo County Case Management Program and authorize the Director of the Department of Planning and Building to execute the grant agreement with HUD and a contract with the Economic Opportunity Commission of San Luis Obispo to implement the program; 3rd and 4th Districts, **Approved**.

Public Works Items:

- B-28 Budget adjustment in the amount of \$123,900 to allow early debt reduction on the Marine Terrace (Cambria) Cooperative Road Project; 2nd District, **Approved**.
- B-29 Contract amendments (Clerk's File) to extend the term of the feasibility study for the sale of 15 acre-feet of County Service Area No. 16 (Shandon) State Project Water to County Service Area No. 12 on behalf of Dr. John DeVincenzo; All Districts, **Approved**.
- B-30 Contract (Clerk's File) with Ride-On Transportation to provide transportation alternative services; All Districts, **Approved**.
- B-31 Agreement (Clerk's File) with the Los Osos Community Services District to extend the use of video equipment and a cable channel; 2nd District, **Approved**.
- B-32 **RESOLUTION NO. 2003-131**, accepting conveyance from Chapman Family Trust for the construction of curb, gutter and sidewalk on Tefft Street and Orchard Avenue in the community of Nipomo; 4th District, **Approved**.
- B-33 Proposed budget adjustment in the amount of \$438,000 for the construction of curb, gutter and sidewalk on Tefft Street and Orchard Avenue in the community of Nipomo; 4th District, **Approved**.
- B-34 **RESOLUTION NO. 2003-132**, accepting conveyance from Mary Lee Schilling, et al for the Cambria Main Street Enhancement Project; 2nd District, **Adopted**.
- B-35 **RESOLUTION NO. 2003-133**, authorizing the execution of a notice of completion for the Lopez Pipeline Cleaning Project, Flood Control Zone 3, in County Service Area No. 12 and Avila Valley; 3rd District, **Adopted**.

- B-36 Bid opening report for the construction of Tefft Street from Oakglen to Thompson, for the Olde Towne Nipomo Enhancement Project and approve a corresponding budget adjustment in the amount of \$256,685; 4th District, **Approved and the Chairperson is instructed to sign contract documents with R. Burke Corporation in the amount of \$1,718,566.**
- B-37 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:
- A. COAL 01-0481, a proposed lot line adjustment of 4 lots, by Richard Woodland and John Loftus, Buena Vista Drive, north of Paso Robles; 1st District, **Approved.**
 - B. CO 01-0142, a proposed subdivision resulting in 4 lots by Brad Goodrow, Marquita Avenue, Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
 - C. CO 01-0113, a proposed subdivision resulting in 3 lots, by David Charles Richards, Poplar Avenue, south of Atascadero, reject the offer dedication without prejudice to future acceptance; 5th District, **Approved.**

Other Items:

- B-38 Letter of intent with the Los Osos Community Services District to include the Los Osos Library expansion in the District's Section Seven permit, **Approved.**
- B-39 Budget adjustment in the amount of \$27,104 from the Inmate Welfare Fund and amend the fixed asset list adding a replacement dishwasher for the jail kitchen, **Approved.**
- B-40 Mental Health Compliance Plan, **Approved.**
- B-41 **RESOLUTION NO. 2003-134**, authorizing the Chief Probation Officer to submit a modification to the County's Multiagency Juvenile Justice Plan application to the State Board of Corrections pursuant to Assembly Bill 1913, **Adopted.**

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

- B-42 Contract amendment with the Central Coast Pathology Consultants, Inc., and Western Dermatopathology Services extending the contract through December 31, 2005, **Approved.**
- B-43 Amended contract with John Fleming, M.D., Medical corporation extending the contract through April 30, 2005, **Approved.**

- 5 C-1 This is the time set for hearing to consider a resolution to establish Underground Utility District No. 25 at San Miguel Street in the community of Avila Beach.

Mr. Tim Smith: County Right-of-Way Agent, presents the staff report and recommendation.

Mr. John Wallace: Wallace and Associates, states he wants to confirm the community's support for this item.

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

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

RESOLUTION NO. 2003-135, resolution establishing Underground Utility District No. 25 at San Miguel Street between Avila Beach Drive and First Street the town of Avila Beach Supervisorial District No. 3, adopted.

- 6 C-2 This is the time set for hearing to consider an appeal by Robert Mueller of the Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit (D020051P) a request by David Angello to construct a new 1200 square foot storage building for an existing ATV rental business; 4th District.

Supervisor Achadjian: states he is working with the Applicant and the Appellant and requests a continuance to allow more time for a solution.

Mr. Robert Mueller: Appellant, thanks Supervisor Achadjian for his involvement; indicates he is willing to continue this item and looks forward to a resolution before May 20, 2003.

Mr. David Angello: Applicant, states he also agrees with the continuance.

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, Bianchi, and Vice Chairperson Ovitt
NOES: None
ABSENT: Chairperson Ryan

the Board continues said hearing to May 20, 2003 at 9:00 a.m..

- 7 C-3 This is the time set for hearing to consider amendments to the Land Use Element/Local Coastal Plan, Title 21 (Real Property Division Ordinance), and Title 23 (Coastal Zone Land Use Ordinance) and introduce amendments to Title 19 (Construction Ordinance), Title 22 (Land Use Ordinance) and Title 26 (Growth Management Ordinance); All Districts.

Mr. John Euphrat: Planning, states the first thing discussed today will be amendments to the Local Coastal Plan (LCP); states Item 2 are amendments to the Coastal Zone Land Use Ordinance that will be discussed later this afternoon; presents a brief summary of events that lead up to the hearing today; indicates today staff is asking for tentative action from the Board on Phase I changes to the LCP; it will then be brought back as a General Plan Amendment on May 20, 2003 and then forwarded to the Coastal Commission.

Mr. Matt Janssen: Planning, explains environmentally sensitive habitat areas (ESHA); indicates staff can only apply adopted LCP policies and ordinances to map ESHA; states there are two issues going on : 1) what is best for the LCP and its ability to protect coastal resources; and 2) additional jurisdiction or appeal ability by the California Coastal Commission; explains mapped versus unmapped ESHA; addresses the two page errata sheet that shows some minor changes.

Board Members: discuss various issues, comments and concerns regarding: local control; is a new project under the new Coastal Commission jurisdiction subject to an appeal under the present LCP; appeal ability, mitigations, and boundaries; why Item 2 on page C-3-3 is so specific relating to appeals; clarity on how the conflicting State Laws inter-relate, with staff responding.

Mr. Eric Greening: believes the Planning Commission has done a good job with Phase I of the Periodic Review recommendations; states he has some suggested changes: Chapter 3 under Water Quality the new section E should more explicitly address the first flush phenomenon of runoff from pavements; Chapter 4 on ESHA's needs to recognize deep soil coastal terraces as ESHA's; suggests a better definition of the designation of scenic viewshed; states he would like to see the fire safety requirements recognized as an impact not mitigation; addresses the letters from Mr. Lyon and the Farm Bureau; addresses urban development permitted in agriculture; speaks to creek issues; urges the Board to scrutinize the changes.

Mr. Doug Buckmaster: Friends of the Ranchland, states a phased response to the Coastal Commission addressing only 33 out of 176 recommendations is not acceptable; indicates it is wasted time and money; feels there has been no planning accomplished over the last three years; feels issues are not being addressed; believes the North Coast is being held “hostage” to one corporation’s greed; states the North Coast issues need to be considered; feels the County is not acting in good faith.

Mr. Jeff Kuyper: Environmental Defense Center, states Phase I is an incomplete response to the California Coastal Commission; addresses delays in the process; states the County has shortcomings in addressing some of the Coastal Commission’s recommendations; addresses the Negative Declaration associated with Phase I and urges the County to prepare an EIR.

Ms. Joy Fitzhugh: Farm Bureau, states the California Coastal Commission recommendations are recommendations; feels the recommendations should be tailored for what is right for the County; believes a phased response will be better accepted; states this update is very serious to all in the coastal zone because there will be longterm impacts; addresses the importance of local control.

Mr. Roger Lyon: representing the Hearst Corporation, addresses the progress being made relating to implementing the conservation framework with the American Land Conservancy; addresses the negative impacts the amendments would have on an ongoing agricultural operation; states his concerns regarding the expansion of the appeal jurisdiction for the Coastal Commission; addresses updating the maps for ESHA; feels the County is doing a good job in implementing the Coastal Act.

Mr. Don Warden: Chairperson for the Agricultural Liaison Advisory Board, hands the Board a letter dated May 6, 2003; states the Ag Liaison Board supports the review in phases; states they suggested to the Planning Commission that a lot of the items that refer to agriculture be discussed in Chapter 5; states impacts to agriculture are of great concern.

Ms. Pam Heatherington: Executive Director of the Environmental Center, addresses the timeframe to respond to the Coastal Commission; states she’s disappointed in the comments that are coming in at the last minute; it is important for the Board to not think so locally regarding the Coastal Act; believes the recommendations should be looked at as a positive thing in our communities; feels there are a lot of Negative Declarations and poor planning within local control.

Supervisor Pinard: addresses Item 1 page 2; the concern that the Coastal Zone boundaries need to make sense.

Chapter 1 is discussed, with no changes made.

Chapter 2 is discussed.

Supervisor Achadjian: addresses page 8 Policy 5 and suggests adding the words “volunteer” and “agriculture” in the first sentence so it would read: “The county shall continue volunteer programs and policies that support agriculture, greenbelt and open space...”.

Supervisor Pinard: addresses Page 7 Policy 1; indicates she would like to see wording referring to environmentally preferable alternatives that can be shown to handle waste water.

Supervisor Bianchi: suggests staff look at Policy 1 and Policy 10 to make sure they don’t contradict each other.

Vice Chairperson Ovitt: addresses page 9 Policy 10; feels the words “Urban Development” should be defined.

Supervisor Achadjian: states included in that should be residential needs for the owner/operator.

Chapter 3 is discussed.

Mr. Euphrat: points out this is the first area of a proposed errata change by adding “(or equivalent)” after the word “percentile” under Water Runoff in (1) Best Management Practices - Residential Development and, (2) Best Management Practices - Commercial Development.

Supervisor Pinard: addresses runoff and flooding.

Chapter 4 is discussed.

Supervisor Bianchi: addresses the increased cost for the land owner to hire a biologist and have a review of ESHA areas on their property versus not having an ESHA review and then being “hammered” by the Coastal Commission, Fish and Game and the Department of US Fish and Wildlife Services, etc.

Vice Chairperson Ovitt: questions who is going to be responsible for updating the maps.

Mr. Janssen: states there are two separate approaches: 1) try to make 20-year old maps current and only use them or 2) to hire a biologist to do the study.

Vice Chairperson Ovitt: would like to see definition of ESHA.

Mr. Euphrat: addresses the errata change on page 16 under Coastal Streams and Riparian Vegetation. changes “and” to “that may be” after the words “quadrangle maps.”

Mr. Janssen: states there are three options relating to this issue: 1) adopt it as is; 2) bump the whole thing to Phase II; or 3) give staff direction to come back with a revised version to update the mapping system.

Board Members: discuss the three options.

Vice Chairperson Ovitt: states there is an operational system now that has been working but it would be nice to have the ability to get the map to define the area further.

Supervisor Pinard: states she does not want to see a bifurcation of Options 1 and 3; she would like to see it come back in Phase II; addressing the process of Options 1 and 3.

Mr. Euphrat: addresses the cost involved in updating the maps.

Mr. Janssen: addresses the problem with blending options.

Supervisor Pinard: addresses the process in Option 1 and the reality is a map is needed which is Option 3; she would add language that states the County will plan to work with other agencies to simplify the process so that the ESHA is the recognized procedure for all input.

Vice Chairperson Ovitt: directs staff to bring back for further discussion a combination of Options 1 and 3 on May 20, 2003.

8 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*, and 5) *Goodrich v. City of Paso Robles*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 6) *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. 7) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

II. PERSONNEL (Gov. Code, § 54954.5) It is the intention of the board to meet in Closed Session to: 8) Consider Public Employee Performance Evaluation for the Position of *County Counsel*.

Vice Chairperson Ovitt: opens the floor to public comment.

Mr. Michael Kovacs: addresses his concern for items that are kept secret; speaks to the use of public funds and asks when the Board is going to start listening to the public instead of staff.

Thereafter, the Board goes into Open Public Session.

9 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 dignity in government and the need for the public to be aware of services provided.

Mr. Michael Kovacs: states the unincorporated areas of the County should be the prime responsibility of the Board; questions when “town hall” meetings will be held for the unincorporated areas; addresses the use of public funds and the idea of government for the people. **No action taken.**

10 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows:

Mr. James Lindholm: County Counsel, indicates the case of *Lum vs. County* was dismissed on April 25, 2003 in Federal Court and a judgment in favor of the County was entered on April 28, 2003. No final action was taken.

11 C-3 This is the time set for continued hearing to consider amendments to the Land Use Element/Local Coastal Plan, Title 21 (Real Property Division Ordinance), and Title 23 (Coastal Zone Land Use Ordinance) and introduce amendments to Title 19 (Constructions Ordinance), Title 22 (Land Use Ordinance) and Title 26 (Growth Management Ordinance); All Districts.

Chapter 5 has been referred to Phase II.

Chapter 6 is discussed.

Supervisor Pinard: addresses page 32, 6.07 and questions “priority visitor-serving uses” and the interpretation by the Coastal Commission; visitor-serving does not necessarily mean development; states she would like to see “priority for the public.”

Vice Chairperson Ovitt: suggests taking the word “priority” out; addresses page 30 Policy 12 to exclude agriculture lands in public access and look at the fiscal impacts.

Chapter 7 is discussed with no changes.

Chapter 8 is discussed.

Supervisor Achadjian: states scenic viewshed should be better defined.

Supervisor Bianchi: addresses the errata changes; explains her reasons for wanting to add Item 8 to read “The preservation of scenic resources shall be balanced with the implementation of safety-related improvement projects.”

Chapter 9 has been moved to Phase II.

Chapter 10 is discussed with no changes.

Chapter 11 has been moved to Phase II.

Chapter 12 is discussed.

Vice Chairperson Ovitt: addresses the maintenance of waterways.

Exhibit B is discussed.

Mr. Euphrat: states this is a group of miscellaneous amendments intended to coordinate planning activities and catch up with the Standards and updating done in the inland areas and bring them into the Coastal Zone; states the Coastal Commission added some modifications which staff felt was not considered by the public; states in the interest of saving time on the issues includes the mapped versus the unmapped features; suggests taking the previous direction from the Board and report back in two weeks.

Mr. Janssen: addresses the last item on the errata sheet indicating on page C-3, 208 under modification 2: number “(3) Where the County charges a fee for the filing or processing of appeals of actions on coastal development projects” was inadvertently deleted during copying.

Matter is fully discussed and thereafter, on motion of Supervisor Achadian, seconded by Supervisor Bianchi, with Chairperson Ryan being absent, motion carries and the Board tentatively approves Phase I.

Ms. Kami Griffin: states the second part of Item C-3 is the introduction of two ordinances; indicates the first having to do with Eagle’s Nest Ranch, which is amendments to Title 22, and the second part is amendments to Title 26 and Title 19 associated with the Growth Management Ordinance; indicates staff requests the Board introduce the ordinances and set them for hearing.

G020010NN is presented.

Mr. David Williams: states they were told there was a controversy about the Eagle’s Nest’s building permit because no fees have been paid; indicates Mr. Peirce states he is happy to pay any fees necessary for the General Plan Amendment; states this property has been assessed as a resort and has paid a little over \$700,000 in property taxes.

Mr. Eric Greening: feels this item must go to the Santa Margarita Advisory Committee; states the staff report needs to look at the precedent of opening up and amending an obsolete area plan; feels there should be an explanation in the staff report as to what public interest will be served.

Mr. Doug Buckmaster: asks how the Board can justify moving ahead with an amendment of an old area plan while its Update is going on.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi, with Chairperson Ryan being absent, motion carries and the Board introduces G020010N - Eagle’s Nest Ranch - Article 9 of the Land Use Ordinance and sets it for hearing on May 20, 2003 at 9:00 a.m..

G020015T is presented.

Ms. Griffin: describes the changes in the Growth Management Ordinance.

Mr. Eric Greening: states he is in favor of supporting agriculture; questions how can the public be assured that homes built under this exemption continue to be used for farm support, with staff responding.

Matter is fully discussed and thereafter, on motion of Supervisor Achadian, seconded by Supervisor Bianchi, with Chairperson Ryan being absent, motion

carries and the Board introduces G0200015T - Growth Management Ordinance and Title 19 and sets it for hearing on May 20, 2003 at 9:00 a.m..

- 12 C-2 Consideration of an appeal by Robert Mueller of the Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit (D020051P) a request by David Angello to construct a new 1200 square foot storage building for an existing ATV rental business; 4th District, is brought back for discussion.

Supervisor Achadjian: indicates the May 20, 2003 date for the continuance is not going to work and wants to change it to June 3, 2003; states both parties are in agreement to this change.

Mr. James Lindholm: County Counsel, indicates this item will have to appear on the agenda for May 20, 2003 continuing it to June 3, 2003.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard, with Chairperson Ryan being absent, motion carries and the Board continues said hearing from May 20, 2003 to June 3, 2003 at 9:00 a.m..

- 13 C-4 This is the time set for hearing to consider selection of activities for funding under the 2003 Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), and Emergency Shelter Grant (ESG) programs and approve overall Urban County of San Luis Program Year 2003 Action Plan of the San Luis Obispo Urban County consolidated plan; and approve amendments to the 1994, 1998 and 2002 CDBG programs.

Mr. Tony Navarro: Planning, presents the staff report and recommendation; states there are two corrections to the staff report: 1) on page 22 the subtotal for housing should read \$1,801,958 instead of \$1,127,991; and 2) on page 27 the total for HOME should read \$1,927,290 instead of \$1,263,000.

Mr. John Wolcott: states he is with small business development by SCORE; indicates they are asking for funds to help people start their own business.

Ms. Catherine Manning: EOC, addresses the importance of services for the homeless; thanks the Board for their efforts in meeting the needs of the homeless and working poor and asks for their continued support.

Mr. Dick Warren: Friends of the Prado Day Center Board, states he supports the proposed distribution of funds and thanks the Board and staff for their support.

Mr. Terry Eberhardt: Avila Beach Civic Association, requests the Board's continued support for the renovation of the Avila Beach Civic Center.

Ms. Jody Smith: Program Manager with EOC, states they housed 117 individuals last year in North County however, the bad news is the number of homeless people continues to rise; addresses their outreach program; urges the continued support for the homeless programs.

Ms. Becky Gonzalez: EOC, explains her work as an outreach coordinator and asks the Board for their continued support.

Ms. Shannon Martin: explains how EOC has helped them; urges continued support for EOC.

Ms. Antonia Herrera: President of the Board of Directors for the Oceano Community Center, states she supports the CDBG funding for the Center and thanks the Board and staff for their support.

Ms. Tove Forte: states she has used the services at the Homeless Shelter and at the Prado Day Center; indicates she was grateful for the help they provided and urges the Board to help them.

Ms. Lisa: states she was homeless in 2002; describes how the services from the homeless shelter and the Prado Day Center helped get her back on her feet.

Ms. Pearl Munak: speaks to the grant for the Paso Robles non-profit housing corporation and the motel voucher program; addresses the need to raise money to help the homeless find shelter.

Mr. JD Main: Homeless Housing Project, states the motel voucher program ran out of money; urges the Board to help fund this program.

Mr. Gil Patterson: shares his experience when he utilized the homeless shelter services; states he is on his feet and working; feels he has become successful through the help of these services.

Mr. David Ryal: Cuesta College Small Business Development Center, thanks the Board for their continued support; states they have provided loans for new businesses and helped over twenty people create jobs by starting their own businesses.

Mr. Vern Dahl: Director of the Oceano Community Services District, speaks to the Oceano Community Center; questions compliance with the lease.

Ms. Peggy Wilson: hands the Board a packet; feels there are so many homeless people and good projects that need this money; hands a letter to Mr. Navarro pursuant to the Freedom of Information Act and Public Records Act asking for information relating to the compliance with spending requirements and timely compliance with those requirements for the use of CDBG funds by the County and its pass through agencies.

Ms. Kathy Smith: Executive Director of Big Brothers and Big Sisters, urges the Board to reconsider the allocation requested by Big Brothers and Big Sisters.

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, Bianchi, and Vice Chairperson Ovitt
NOES: None
ABSENT: Chairperson Ryan

RESOLUTION NO. 2003-136, resolution approving and authorizing submittal of the San Luis Obispo Urban County Program Year 2003 Action Plan of the San Luis Obispo Urban County Consolidated Plan, and amendments of the 1994, 1998 and 2002 Action Plans to the United States [sic] Department of Housing and Urban Development; the execution of any standard agreements if approved for funding under the Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), and Emergency Shelter Grants (ESG) Programs and any amendments thereto; and any related documents necessary to participate in the CDBG, HOME and ESG Programs, adopted.

14 D-1 This is the time set for consideration of a status report and authorization to start Phase 2 - Periodic Review, addressing the recommendations of the California Coastal Commission; 2nd, 3rd and 4th Districts.

Mr. John Euphrat: Planning, presents a map showing protected areas; states they brought these accomplishments to the attention of the Coastal Commission; indicates the opportunities for development are pretty slim in the Coastal Zone.

Supervisor Bianchi: indicates this map is a work in progress and would like all of the urbanized areas added in a contrasting color which will eliminate more areas that cannot be developed; states a good portion of the coastline is already being protected; indicates John Kelly, Planning, is working on how many miles of the coastline are actually protected by either a conservation easement, Williamson Act or urbanized area.

Mr. Euphrat: states the Board just took action on Phase I and its staff's recommendation

to move forward on Phase II on the items that staff believes an agreement can be reached; addresses the cost involved in the review.

Supervisor Pinard: states it's important that when staff proceeds on any one application that it is correlated with other projects.

Mr. Eric Greening: states he encourages the Board to move forward with Phase 2; indicates there are 40 missing policies and questions, if they are the policies that will not be acted on either in Phase I or II; states when there are areas of disagreement to embark on dialogue to reach a compromise; questions if there will be a Phase III.

Mr. Jeff Kuypers: Environmental Defense Center, states they support the beginning work on Phase II; indicates they would like to see some deadlines assigned to tasks to give the public and the Coastal Commission an idea of a completion date for Phase II; addresses the recommendations that were not agreed to by the County.

Mr. Jeff Edwards: states he feels the Coastal Commission is trying to micro manage the County; believes this process is beginning to reach a point of diminishing returns; suggests the Board contemplate proceeding at all; believes the Board has and continues to discharge its responsibility in connection with Coastal Act matters in a responsible way.

Vice Chairperson Ovitt: questions by beginning Phase II of the Periodic Review what will be neglected, with staff responding.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Chairperson Ryan being absent, motion carries and the Board directs staff to commence Phase II -Periodic Review tasks, addressing recommendations by initiating amendments to applicable County Codes and procedures.

15 D-2 This is the time set for consideration of a status report and authorization to start Phase 2 - North Coast Area Plan Update (Clerk's File); 2nd District.

Mr. Matt Janssen: Planning, presents the staff report; states in 2001 the Board adopted a two phase approach; indicates staff is proposing the Board authorize Phase II as updates only to the communities of Cambria and San Simeon Acres, with Phase III - Rural Area to be started only upon subsequent Board approval; indicates by doing it this way staff feels it can be done in a reasonable period of time; states it's a good time to focus on these two urban areas.

Mr. Eric Greening: recommends moving forward with anything that can be moved forward on; doesn't believe the urban should be separated from the rural because so many of the impacts cross lines; addresses the environmental constraints analysis and the maps on pages 21 and 175; urges the Board not to piecemeal the process.

Mr. Jeff Kuypers: Environmental Defense Center, states they recommend proceeding with Phase II of the North Coast Area Plan Update; indicates they don't agree with staff's recommendation to segment the Update; urges the Board to set deadlines on all stages of Phase II.

Mr. Roger Lyon: representing Hearst Corporation, states the County is doing a good job in protecting the Coastal Zone of this County and implementing the Coastal Act; states they support the staff's recommendation.

Ms. Joy Fitzhugh: Farm Bureau, urges the Board to move forward on the urban areas; believes smaller bites are doable and will move forward in a logical time frame.

Board Members: discuss various issues, comments and concerns regarding: agricultural conservation easements; separating rural from urban; other studies in the Coastal Zone that will be impacted, with staff responding.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Chairperson Ryan being absent, motion carries and the Board directs staff to begin Phase II - North Coast Area Plan Update tasks for the communities of Cambria and San Simeon Acres.

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, May 6th, 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: 05/06/2003
cla