

Tuesday, September 23, 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. JIM ORTON, DEPUTY 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. 2003-311, resolution commending CDF/San Luis Obispo County Fire Department Firefighter Gregory Kenneth Beck for 29 years of dedicated service, adopted.

Chairperson Ryan: reads the resolution and presents the same to Mr. Greg Beck, Paid Call Firefighter.

Mr. Beck: states he was taking it one day at a time and before he knew it 29 years had gone by; he became an EMT to help his neighbors and family if they ever needed medical attention; thanks his parents for their support and the Board for their recognition.

Fire Chief Dan Turner: addresses the training Mr. Beck has provided the members of the Department; indicates he is the neighbor everyone wants; states he is a great mentor; presents him with a watch from all the members of CDF and urges anyone who may want to volunteer to do so with the Department.

2 A-1-B **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. 2003-312, resolution recognizing the courageous efforts of ALS patients, their families, friends and community members who support and participate in this worthwhile fund-raiser known as the San Luis Obispo Area Walk to D'feet ALS to be held at the Atascadero Lake on October 4th, 2003, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Louise Barcus, Co-Chair of the Local Amyotrophic Lateral Sclerosis (ALS) Support Group.

Ms. Barcus: states she is an occupational therapist and knows what it means to give care to a ALS patient; invites everyone to participate in the San Luis Obispo Area Walk to D'Feet ALS to be held at the Atascadero Lake on October 4th, 2003; presents the Board with a copy of Lou Gehrig's speech when he left the New York Yankees due to ALS; if anyone has any questions or would like to register for the walk they can call 772-8210.

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

Mr. Eric Greening: addresses the standards for posting, continuing, and having documents available for the Board Agendas.

Mr. James Eickholdt: addresses the need for a Citizens Justice “Overwrite” Committee to review laws and regulations and the actions of law enforcement and make them better; believes this committee would help in making a system that works, work better.

Ms. Gail Jacobson: presents a brief history on the services Hotline provides; indicates there is a new service called Health Line and to find out more about this service or to become a volunteer call 549-8989.

Mr. Michael Kovacs: states the Board of Supervisor’s minutes are only available online in the libraries; the agenda is no longer available in the Atascadero library and questions the posting of the amendments to agendas; feels he’s paying more and getting less. **No action taken.**

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

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

NOES: None

ABSENT: None

the Board approves the presentation of the Employee Service Recognition Awards.

Mr. Richard Greek: Personnel Director, introduces the following employees and presents each with their 20-year service pin: Mr. Thomas Stokes, Public Works, Mr. Randall Ghezzi, Public Works, Ms. Janet Ruggles, Sheriff’s Department (not present), Mr. William Wammock, Sheriff’s Department (not present), Ms. Carolyn Huseby, Sheriff’s Department.

25-Year Service Awards, are presented.

Ms. Pat Beck: Assistant Planning Director, introduces Mr. Larry Kelly, presents the history of his education and employment; thanks him for his service and states she hopes he will be around for the next twenty five years.

Mr. Kelly: states he enjoys public service and hopes that he has contributed to making this County a better place to live.

Ms. Kim Barrett: Chief Probation Officer, introduces Ms. Susan Curry; presents a brief history of her time with the County and thanks her for her dedication and service.

Ms. Curry: thanks the Board and the Department for the recognition; states it was her goal to help troubled youth and try to make a difference.

Mr. David Edge: County Administrator, introduces Ms. Kim Barrett, presents a brief history of her time with the County and congratulates her on 25 years of service.

Ms. Barrett: thanks the Board for the recognition and states working for the County has been her pleasure.

Captain David Albrecht: Sheriff’s Department, indicates Ms. Teri Moore is not present; states she is well thought of for her spirit and cooperation; addresses his appreciation for her contributions and service.

30-Year Service Awards, are presented.

Supervisor Ovitt: indicates Nick Marquart is not present; presents a brief history of his work experience; indicates he has a gift relating to people; states his knowledge and contributions to local government have greatly added to the quality of life of the County; congratulates him on his 30 years of service.

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: addresses Item B-3 indicating there are still unanswered questions relating to evacuation procedures regarding the transient population, people who work outdoors and those who don't drive; feels this item should come back to the Board for a public hearing.

Mr. Gary Hazard: addresses Item B-23 stating he assumes the conditions put on the developer in 1996, by the Board, are still required; addresses easements and emergency access roads; questions if County Road 22 is a legal easement.

Mr. Michael Kovacs: addresses Item B-18 indicating this is the fourth amendment for this agreement; states he believes an amendment is just another word for an increase with a change in the scope of work; urges an internal audit on amendments to agreements.

Mr. Alan Metzler: General Manager of Oakshores Community Association and Nacimiento Lake, requests that the Board maintain the emergency access road as a requirement/condition of Tract 2162 and that the road be maintained as required in the tentative tract map.

Mr. James Larson: Vice President of Oakshores, addresses the need for a secondary access for Tract 2162. **No action taken.**

6 B-1 Consent Agenda Item B-17 is amended to change the recommendation to read:
thru "RECOMMEND APPROVAL AND INSTRUCT THE CHIEF PROBATION OFFICER
B-27 TO SIGN." Item B-23 is amended to add staff report pages B-23-2 thru B-23-8. Item B-25 is amended to change the recommendation to read: "RECOMMEND APPROVAL AND INSTRUCT THE COUNTY FIRE CHIEF TO SIGN." **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

Consent Agenda Items B-1 through B-27 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-27, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

B-1 Contract with Richard Chang Associates to provide training services under the Employee University, geared to enhance employee skills and the overall organizational effectiveness, **Approved.**

B-2 Revised Earthquake Emergency Response Plan (Clerk's File), **Approved.**

B-3 Revised Emergency Operations Plan (Clerk's File), **Approved.**

B-4 **RESOLUTION NO. 2003-313**, approving an agreement (Clerk's File) with Aetna Dental of California Inc., to provide group dental services, **Adopted.**

Behavioral Health Items:

B-5 **RESOLUTION NO. 2003-314**, acknowledging the Mental Health/Criminal Justice Task Force, **Adopted.**

B-6 Appointment of Kim Barrett to the Mental Health Board as a professional member, **Approved.**

Board of Supervisors Items:

B-7 Appointment of Arthur Chapman as a District Two Representative to the Civil Service Commission, **Approved.**

B-8 Allocation of \$4,000 from Community Project Funds (\$2,000 each from Districts Two and Four) to HOTLINE of San Luis Obispo County for 24 hour support, crisis intervention, information and referral services, **Approved.**

General Services Items:

B-9 An amended agreement with ANVI, Inc., dba Lopez Lake Marina and Store increasing the percentage rate used to determine the monthly rent at Lopez Lake from 2% to 5%, **Approved.**

B-10 A memorandum of understanding with various agencies and property owners for the proposed new southerly entrance to the San Luis Obispo County Regional Airport and entrance to private properties on State Route 227 in San Luis Obispo County, **Approved.**

B-11 Bid opening report for the construction of a storage building for the Sheriff at the County Operations Center, **Approved and instruct the Chairperson to sign contract documents with Wysong Construction Company in the amount of \$505,700.**

B-12 Bid opening report for the construction of a playground at Heilmann Park in Atascadero and a request to approve a corresponding budget adjustment in the amount of \$115,000 from Public Facilities Fees to fund the project, **Approved and instruct the Chairperson to sign contract documents with J.B. Keis Construction Company Inc., in the amount of \$232,758.**

B-13 **RESOLUTION NO. 2003-315**, authorizing execution of a notice of completion and acceptance for the interior tenant improvements in the Planning Department at the County Government Center, **Adopted.**

Probation Items:

B-14 Contract renewal with the San Luis Obispo County Office of Education in the amount of \$82,806 for a Vocational Teacher and a Counselor/Case Manager at the Mountain View Vocational Community School site, **Approved.**

B-15 Contract renewal with Family Care Network, Inc., to continue the Intensive Community Diversion Program, **Approved.**

B-16 Contract renewal with the San Luis Obispo County Office of Education in the amount of \$226,940 to provide a Supervising Deputy Probation Officer, four Deputy Probation Officers and one half-time temporary help Deputy Probation Officer at community school sites, **Approved.**

B-17 **RESOLUTION NO. 2003-316**, approving a contract renewal with the California Youth Authority for juvenile diagnostic services, **Adopted as amended.**

Public Works Items:

B-18 Amendment No. #4 to an agreement with Quincy Engineering, Inc., to provide preliminary engineering and environmental services for the River Road Bridge Replacement Project in San Miguel (P12A705); 1st District, **Approved.**

- B-19 **RESOLUTION NO. 2003-317**, vacating a portion of a purported public road, know as Phillips Road, by summary vacation, in the Arroyo Grande fringe area; 4th District, **Adopted**.
- B-20 **RESOLUTION NO. 2003-318**, accepting conveyance from the Torgerson Trust for North View Road, County Road No. 1261 at Highway One near Oceano; 4th District, **Adopted**.
- B-21 **RESOLUTION NO. 2003-319**, amending the Traffic Regulation Code establishing speed limits on Pecho Road, Los Osos; South Elm Street, Oceano; and Paloma Place, near Arroyo Grande; 2nd and 4th Districts, **Adopted**.
- B-22 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. COAL 00-0146, a proposed lot line adjustment of 2 lots, by Leon Jay and Sandra Fairbanks, Timothy and Stephanie Selby, Deerfield Road, west of Templeton; 1st District, **Approved**.
 - B. COAL 02-0110, a proposed lot line adjustment of 2 lots, by Glen, Alice, Carl and John Mondo, Nacimiento Lake Road, west of Paso Robles; 1st District, **Approved**.
 - C. CO 02-0295, a proposed lot line adjustment of 2 lots, by Amparo Puccini Hunt, Juno Court, Nipomo; 4th District, **Approved**.
 - D. COAL 00-0201, a proposed lot line adjustment of 2 lots, by Michael Charles and Cathleen Marie English, Marquita Avenue, Templeton; 1st District, **Approved**.
- B-23 The following Tract map has been received and has satisfied all the conditions of approval that were established in the public hearings on its tentative map and Tract 2162, Phase I, a proposed subdivision resulting in 63 lots by Jonatkim Enterprises, Lake Shore Drive, Nacimiento Lake (Oak Shores) west of Paso Robles, reject the offers of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2003-320** approving an agreement for acquisition of real property, **RESOLUTION NO. 2003-321**, an open space easement agreement, and **RESOLUTION NO. 2003-322**, an agreement for payment of road improvement fees; 1st District, **Adopted as amended**.

Other Items:

- B-24 Contract (Clerk's File) with the Economic Opportunity Commission, Inc., to provide family advocates and site coordinators for at-risk families, **Approved**.
- B-25 A grant agreement with the State Office of Traffic Safety for the acquisition of first responder rescue equipment; 2) a corresponding budget adjustment in the amount of \$50,322 from unanticipated revenue; and 3) an amendment to the fixed asset list adding three complete sets of lightweight portable extraction units, **Approved as amended**.
- B-26 Request from the California Valley Community Services District to consolidate their biennial election with the November 4, 2003 General Districts Election, **Approved**.
- B-27 **RESOLUTION NO. 2003-323**, approving an avigation easement from John Edmunson and Temple of the People, for property located near the Oceano County Airport; 4th District, **Adopted**.

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SP **Ms. Janet Haley:** Deputy Registrar of Voters, presents a brief update on the Special Election, indicates the case is being reheard today and they are hoping for a swift decision; indicates the Elections Division is preparing for the election and she urges all voters to do the same; suggests the public not procrastinate and make sure they check their sample ballot for the location of their polling place; indicates if anyone has any questions they can call 781-5228.

Mr. James Lindholm: County Counsel, states just a few minutes ago they received an opinion

from the 9th Circuit Court of Appeals indicating they sustained the decision of the Trial Court which will allow the election to go forward. **No action taken.**

- 8 C-1 This is the time set for hearing to consider expenditure proposals for the use of State Option for Public Safety Program (COPS) Funds; All Districts.

Captain David Albrecht: Sheriff's Department, presents the staff report and explains the program; indicates the law requires that a public hearing be held to consider spending proposals by the Sheriff's Department and the District Attorney's Office; urges the Board to adopt staff's recommendation.

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

AYES: Supervisor Achadjian, Bianchi, Ovitt, Pinard, Chairperson Ryan

NOES: None

ABSENT: None

the Board approves the proposed expenditures for the Citizen's Option for Public Safety Program (COPS program) and the use of the current year program funds of \$310,358 as stated in the following schedules, amends the fixed asset list, and approves the corresponding appropriation adjustments.

- 9 C-2 This is the time set for hearing to consider the use of Local Law Enforcement Block Grant funds; All Districts.

Captain David Albrecht: Sheriff's Department, presents the staff report and recommendation.

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

AYES: Supervisor Achadjian, Bianchi, Ovitt, Pinard, Chairperson Ryan

NOES: None

ABSENT: None

the Board amends the Fixed Asset List to include one ID card printer at a cost of \$5,800, approves an appropriation transfer from unanticipated revenue in the amount of \$42,060 and redirects resources in the amount of \$4,673 from within the operating budget totaling \$46,733.

- 10 C-3 This is the time set for hearing to consider election results regarding the formation of Flynn/HernandezD010256P Assessment District for Drainage Basin Maintenance; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation.

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

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

NOES: None

ABSENT: None

the Board declares the results of the election.

- 11 C-4 This is the time set for hearing to consider a resolution annexing Flynn/Hernandez D010256P to Zone 16 of the San Luis Obispo County Flood Control and Water Conservation District; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2003-324, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing Flynn/Hernandez D010256P in the County of San Luis Obispo to Flood Control Zone 16, adopted.

12 C-5 This is the time set for hearing to consider the 2003 South County Circulation Study Update and a resolution imposing modified road improvement fees for the South County Area; 4th District.

Mr. Dave Flynn: Public Works, introduces the item.

Mr. Dale Ramey: Public Works, presents the staff report; addresses the purpose and goals of the study; presents a map of the impact fee areas; speaks to the building activity in Areas One and Two; addresses the fee account balance; speaks to the transportation and pedestrian improvements; addresses the reasons for the impact fee changes; what the total impact fee will be and the fee structure; highlights the cash flow projections in Areas One and Two; discusses the Woodlands' fees.

Chairperson Ryan: questions why the projects don't show an inflation rate, with Mr. Ramey responding.

Supervisor Achadjian: questions if there are other resources that could help in lieu of road fees; states he would look at this report more favorably if the percentage rate were lower; indicates he would like to take this report back to the community for more input.

Mr. Homer Fox: indicates he is not in favor of this proposal because he feels the increase is too large; feels it will up the housing cost and it's not equitable.

Mr. Jesse Hill: thanks Mr. Ramey for the job he has done; feels there is a lack of community input regarding this issue; believes this needs to go back to the community and brought back with an updated plan with realistic fees.

Mr. John Janneck: thanks Mr. Ramey, the Board and Supervisor Achadjian for their efforts; would like a better solution; feels Supervisor Achadjian has the right idea to go back to the community for better solutions on how to raise funds.

Mr. Jerry Bunin: Government Affairs Director for the Home Builders Association, states he supports what Mr. Janneck said; questions the proportionality; the plan seems unfair.

Mr. Greg Nester: commends Mr. Ramey for addressing the math issues in the area; states he would like to echo what Mr. Bunin said.

Mr. Flynn: states all the speakers' concerns are also concerns of staff; indicates they are always mindful of keeping fees reasonable and proportional; states Willow Road is the most cost effective solution to many of the circulation problems in Nipomo; indicates what is before the Board is basically the cost of doing business; indicates other means of funding are limited.

Board Members: discuss various issues, comments and concerns regarding: whether anyone would support a Countywide sales tax for road improvements; new development paying their way; reality that rural areas cost more; the issues of equity and fairness; the impact on retail, the difference between last year's fees and this year's fees and why the large increase, with staff responding.

A motion by Supervisor Achadjian to continue this item and bring it back before the

end of the year, dies for lack of a second.

Chairperson Ryan: feels the Board should move forward and put in some kind of an increase for the impacts then go back to the community for an equitable solution and return to the Board to modify the impact fees, with Supervisor Bianchi concurring.

Mr. Tim McNulty: Deputy County Counsel, if the Board concurs with Supervisor Ryan he would ask the Board continue this matter for two weeks so staff can recalculate the numbers and then those numbers can be based on something that is in a form of substantial evidence.

A motion by Supervisor Achadjian, seconded by Supervisor Bianchi to continue this matter for two weeks, is discussed.

Mr. Flynn: states there needs to be criteria for making adjustments; indicates without another funding source to offset the costs there wouldn't be a change in the numbers.

Mr. McNulty: suggests possibly the timing schedule of the projects could be extended to save money.

Mr. Noel King: Public Works Director, states staff understands the direction of the Board however, this is somewhat of a mathematical equation and staff may have to report back that there is no way to change the variables and the formula will have to stay the same; suggests putting fees in place that the Board can support and if this goes back to the community and there are ideas to change to a lower formula there could possibly be a way to give a credit to people who have overpaid.

Chairperson Ryan: questions if a credit is possible, with Mr. McNulty responding.

Mr. Richard Marshall: indicates the statute requirement states when the Board adopts an increased fee there is a sixty day period from the date of the Board's action until it becomes effective; but it doesn't require the sixty day waiting period when the fees go down; so if the Board raised them today but then sometime during the sixty days adopted something lower that could become effective before anyone paid the higher amount.

Supervisor Achadjian: suggests continuing this item and bringing it back on October 28, 2003.

Chairperson Ryan: believes the Board should adopt staff's recommendation and direct staff to work with the community to come up with solutions for the fees.

Supervisors Achadjian and Bianchi withdraw their motion and second.

Mr. McNulty: states he understands the direction is to adopt staff's recommendation realizing the increased fees cannot be imposed on permittees for a sixty day period and during that period the Board will meet on Oct. 28, 2003 to consider an adjustment to the fee.

Matter is fully discussed 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 receives and adopts the 2003 Update to the South County Circulation Study as presented and RESOLUTION NO. 2003-325, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the South County Area of the County of San Luis Obispo and adopting the required annual Update, adopted; and continues this hearing to October 28, 2003 and whatever decision is made on October 28, 2003 will be the new

price increase.

13 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 **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** 5) *County of San Luis Obispo v. Spinelli*.

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.

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

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: 8) Property Description: *2180 Johnson Avenue, San Luis Obispo, Ca.* Parties with whom negotiating: *Pam Heatherington, Vita Miller, San Luis Obispo General Hospital Charitable Foundation*, Instructions to Negotiator will concern: *Price, Terms and Conditions*

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.

14 C-6 This is the time set for hearing to consider a resolution imposing revised road impact fees for the community of Los Osos; 2nd District.

Mr. David Flynn: Public Works, introduces the item.

Ms. Rosemarie Gaglione: Public Works, presents the staff report; presents a map of the Los Osos Road Fee Area; states the account balance is \$644,430; addresses the current projects with road impact fee funding and current projects not funded by road impact fees; highlights how the annual updates are calculated and discusses the 2003 update calculations; requests that the Board adopt staff's recommendation.

No one appearing 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

RESOLUTION NO. 2003-326, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all Development within portions of the Estero Planning Area of the County of San Luis Obispo and adopting the required annual and fifth year updates, adopted.

15 D-1 This is the time set for consideration of: 1) Fiscal Year 2002-03 Year-end Financial Report;

2) acceptance of gift funds and donations; and 3) discharge of bad debt.

Ms. Terese Toomey: Administrative Analyst, presents the staff report; states the County is in good financial shape; highlights fiscal and operational issues including: Court Operations; Workers' Compensation Fund; Liability; Operations Center; Reprographics; Child Support Services; Planning and Building; Roads; Airport; Social Services; the Drinking Driver Programs; Golf Courses; and the SB 90 Revenue; requests the Board adopt staff's recommendation.

Supervisor Achadjian: questions what tools were in place to help collect some of the bad debts, with staff responding

Mr. Michael Kovacs: commends Ms. Toomey on her report; states he was glad to see it came from another department other than the Auditor's Office; questions the recommendation to receive and file; requests the Board change the recommendation to review, scrutinize, receive and file; commends the Planning Department for saving money by using in-house employees; questions the overage in the Social Services Department.

Mr. Lee Collins: states Budget Unit 3290 over expenditure is in part due to the employee theft; indicates their sentence includes full restitution so those monies will be coming back to the County.

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 receives and files the Fiscal Year 2002-03 year-end financial report; accepts gift funds and donations on behalf of the Library and the Sheriff's Department in the amount of \$27,241.30 along with an associated appropriation transfer for the Library, totaling \$23,241.30 and approves requests to discharge bad debt in the amount \$65,096.93 on behalf of Mental Health Services and Drug and Alcohol Services.

16 E-1 This is the time set for a request to authorize the processing of a General Plan amendment application (G020020M - Diani) amending the South County Area Plan of the Land Use Element changing the land use category of an approximately 14.5 acre site from commercial services to industrial, located at 2280 Hutton Road, south of the community of Nipomo; 4th District.

Ms. Kami Griffin: Planning, introduces the item.

Mr. Brian Pedrotti: Planning, presents the staff report; describes the area and presents an aerial map; addresses the major issues which include: 1) if the request is consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Industrial land use category, 2) if this category is consistent with the surrounding land uses; and 3) is there a need to designate land in the Industrial category in this area of the County; suggests if the Board chooses to authorize this application for processing, staff recommends changing the land use category from Commercial Service to Industrial for the subject property as well as additional property to the north in the Commercial Service category, and property to the west in the Residential Suburban category.

Board Members: discuss various issues, comments and concerns regarding: notification to the property owners in the proposed area to be added; compatibility of uses; having double land use zoning placed on properties, with staff responding.

Mr. Daniel Hilker: addresses restricted uses; states many of the conditions put on the Transfer Station never came to pass; addresses water mitigation; indicates his first reaction to this project is no.

Mr. Tim Carmel: represents Jim Diani, Applicant, states this property meets the character statements contain in the General Plan for the Industrial designation; indicates there is a lack of land designated Industrial; urges Board to authorize processing.

Ms. Pam Heatherington: questions an industrial plant located on the banks of a river; questions the impact to the river; states notification to the residential community is essential.

Supervisor Achadjian: addresses the EIR, with Ms. Griffin responding.

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

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

NOES: None

ABSENT: None

the Board authorizes processing for G020020M with the additional area suggested by staff.

17 C-7 This is the time set for hearing to consider amendments to the Land Use Element of the County General Plan, Title 22 (Land Use Ordinance) for the remainder of the fall General Plan Amendment Cycle 2003 and adopt a resolution to take final action on all the amendments recommended for approval in this amendment cycle; All Districts.

Ms. Kami Griffin: Planning, indicates the Board will need to take tentative action on the General Plan Amendments and then take final action by adopting the resolution and ordinances for all amendments in the cycle; introduces Ms. Karen Nall, Planning.

Ms. Nall: reviews the changes for G010001N - Templeton Urban Area and Design Plan; indicates the Advisory Committee recommends approval.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively approves G010001N.

Ms. Griffin: introduces Ms. Mellissa Harvey, Planning.

Ms. Harvey: presents the staff report for G010012P; requests the Board adopt staff's recommendation.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively approves G010013P.

Ms. Griffin: introduces Mr. Terry Wahler, Planning.

Mr. Wahler: presents the staff report and highlights the zoning changes.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively approves G990014P.

Ms. Griffin: introduces Mr. John Hand, Planning.

Mr. Hand: presents the staff report and highlights the zoning changes.

Supervisor Pinard: questions designation; addresses if there is enough different zoning of land, with staff responding.

Mr. Michael Hodge: EDA, and here on behalf of Midland Pacific, indicates the property Supervisor Pinard questioned that was Multi-Family has recently been developed to a single family standard.

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 tentatively approves G020003M.

Ms. Griffin: states staff is available for questions.

Chairperson Ryan: states he would like staff to present an overview of the El Pomar- Estrella Area Plan Update, with Mr. Wulkan, Planning, responding.

Mr. Drew Sweeney: presents a video of County Road #229; hands the Board two petitions, one in opposition to the proposed subdivision, CO 01-0374, on Highway 229 near Rocky Canyon Road and one to urge the Board to not certify the EIR and reject the El Pomar Estrella Area Plan.

Ms. Judy Baker: states she is opposed to Eagle's Nest zoning change and addresses the impact this change will have on Highway 229.

Mr. Eric Greening: reads a statement by Ms. Nancy Coran which urges the Board to respect the petitions handed to the Board by Mr. Sweeney; addresses mitigations of the State Water Project.

Ms. Susan Harvey: states her concerns for water impacts.

Ms. Claudia Engel: starts to read the petition calling for the Board to reject the El Pomar- Estrella Area Plan and the EIR.

Ms. Pamela Heatherington: continues reading the petition calling for the Board to reject the Plan and not certify the EIR.

Mr. Joe Kelly: urges the Board to leave Kingsbury Road as Agricultural zoned land including the five primary accesses off County Road No. 25.

Mr. Bill Spencer: Co-Chairperson for the El Pomar Advisory Committee, states the mission is to preserve and protect open space and the quality of life; suggests the Board think about the future of the County and the direction they're moving; to stay the course or maximize tourism and find a way to make agriculture a viable and sustainable part of a real economy.

Mr. Richard Marshall: Public Works, states there are a variety of roads which were created a long time ago; some of them have never been adopted into the County maintained road system included Co. Road No. 25; the right-of-way is a grey area; states when improved these roads could be accepted into the County maintained road system if the Board takes that action.

Supervisor Bianchi: states last week she voted no on the certification of the EIR and to approval of the Statements of Overriding Considerations; addresses how viable and stable agriculture is in the County; speaks to air quality, public services and water impacts; states she cannot support a plan that will cause a "deleterious" effect to the entire County.

Supervisor Ovitt: states there really is no difference between the 1980 Plan and the one before the Board today; indicates today there is a law to have an EIR; indicates this Update has been in the works for about two and a half years; discussions were open to the public; feels the

community had their say and the Plan represents what was asked for by the community.

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

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

RESOLUTION NO. 2003-327, resolution to amend the San Luis Obispo County General Plan, Land Use Element, Land Use Element/Local Coastal Plan, to adopt ordinances entitled “An ordinance amending Title 22 of the San Luis Obispo Code, the Land Use Ordinance Section 22.104.090 Templeton Urban Area Standards,” “An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.104.090.K. Relating to Public Facilities,” “An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.104.070E relating to Parcels 021-051-004 and 014 and 021-151-044 in San Miguel,” “An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.104.040E, relating to Recreation,” “An ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.94.010 Et Seq” and, “An ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code” and to approve Environmental Documents, adopted.

18 C-7 **Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3010, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Section 22.104.090 Templeton Urban Area Standards and the Templeton Community Design Plan, adopted.

19 C-7 **Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3011, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land use Ordinance Section 22.104.090.K relating to Public Facilities, adopted.

20 C-7 **Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

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

ABSTAIN: Chairperson Ryan

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3012, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Section 22.104.070E relating to Parcels 021-051-004 and 014 and 021-151-044 in San Miguel, adopted.

- 21 C-7 **Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

AYES: Supervisor Ovitt, Achadjian, Pinard

NOES: Supervisor Bianchi

ABSENT: None

ABSTAIN: Chairperson Ryan

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3013, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Sections 22.104.040E relating to recreation, adopted.

- 22 C-7 **Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

AYES: Supervisor Ovitt, Achadjian, Pinard

NOES: Supervisor Bianchi

ABSENT: None

ABSTAIN: Chairperson Ryan

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3014, an ordinance amending Title 22 of the San Luis Obispo County code, the Land Use Ordinance, Sections 22.94.010 Et Seq, adopted.

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

AYES: Supervisor Ovitt, Achadjian, Pinard

NOES: Supervisor Bianchi

ABSENT: None

ABSTAIN: Chairperson Ryan

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3015, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code, adopted.

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

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, September 23, 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: 09-26-03

cla