

Tuesday, January 6, 2004

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 SP This is the time set for reorganization of the Board of Supervisors; Election of Chairperson and Vice-Chairperson and presentation of a plaque to Supervisor Ryan in appreciation for his services as Chairperson of the Board during 2003.

**Chairperson Ryan:** calls for nominations for chairperson for 2004.

**Supervisor Bianchi:** nominates Supervisor Ovitt, with Supervisor Achadjian seconding the nomination.

**There being no further nominations, nominations are closed 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

**the Board nominates Supervisor Ovitt to serve as Chairperson of the Board of Supervisors for 2004.**

**Chairperson Ryan:** calls for nominations for Vice Chairperson for 2004.

**Supervisor Ovitt:** nominates Supervisor Bianchi, with Supervisor Pinard seconding the nomination.

**There being no further nominations, nominations are closed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Pinard and on the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**the Board nominates Supervisor Bianchi to serve as Vice-Chairperson of the Board of Supervisors for 2004.**

Chairperson Ryan turns the "gavel" over to Supervisor Ovitt.

**Chairperson Ovitt:** Thanks Supervisor Ryan for his service as Chairperson for 2003 and presents him with a plaque.

The Board adjourns sine die.

**PRESENT:** Supervisors Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Harry L. Ovitt

**ABSENT:** None

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

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

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2004-1, recognizing the San Luis Obispo County Veterans for their contributions to the community, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Bob Lee.

**Mr. Lee:** Vice President of the Central Coast Marine Museum, thanks the Board for the recognition and states he appreciates the Board's help in getting their organization started.

3 PC This is the time set for members of the public wishing to address the Board on items not set on the agenda.

**Mr. Tim Mahmey:** District Manager for Southern California Gas Co., states as far as the Gas Company is concerned the overall picture is pretty good after the earthquake; indicates the biggest problem was customer service after many users shut their gas off and wanted it turned back on; states the Gas Company gave a contribution of \$10,000 to the Quake-Relief effort.

**Mr. Doug Terry:** Southern California Gas Co., states "all in all" the County fared pretty well from the Gas Company's standpoint; indicates Oceano was the hardest hit with gas line problems.

**Mr. Eric Greening:** congratulates the new Chairperson and Vice-Chairperson; states he hopes the incoming Chairperson continues with the "under the three minute speakers going first" system; feels there needs to be work done to reduce the number of last minute items added to the Agenda; feels if an item is late there should be an explanation of why it's late and why it can't be postponed.

**Ms. Laurel Renz:** asks the Board to help them in allowing their business (grocery/gas station) to continue pumping gasoline while the permit and installation process moves forward.

**Ms. Linda Hall:** addresses Social Services funding and Adult Protective Services.

**Ms. Helen May:** addresses the need for more handicapped and disabled parking; urges the Board to create those new parking places around the new building; states she would like this issue discussed at a future Board meeting.

**Mr. Jesse Hill:** believes there needs to be a second reading of the TDC ordinance and urges the Board to bring it back on a future agenda; addresses the South County traffic circulation; urges the Board to streamline the permit process for earthquake victims similar to the way the community of Los Gatos did.

**Mr. Michael Kovacs:** addresses the runaway growth in the County and the associated burden on the people; urges the Board to serve the public. **No action taken.**

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

**Ms. Tarren Collins:** addresses Item B-2 indicating that hiring Susan McCabe would be going against the will of the people to protect the coastline; urges the Board to vote against this contract.

**Mr. Michael Kovacs:** addresses Item B-2 stating he agrees with Ms. Collins; feels the proposal is “ill-timed” for hiring an outside “consultant”; urges the Board to deny this contract.

**Mr. James Patterson:** speaks to Item B-2 questioning the Board’s priority of spending; feels staff should be doing the advocating instead of a high priced lobbyist; urges the Board to deny the contract.

**Mr. Eric Greening:** addresses Item B-2 sharing the concerns with the last three speakers and also questions if the contract is retroactive due to the fact that there is a November date in the contract; feels Item B-3 is premature and should be postponed; addresses Item B-4 and welcomes Ms. Nielsen as the New District 3 Planning Commissioner and hopes there will be a resolution given to Mr. Veasart for his service; speaks to Item B-18 indicating he is pleased about the reappointment of Rae Belle Gambs to the Mental Health Board.

**Ms. Helen May:** addresses Item B-2 and hopes the County moves forward with the contract with Ms. McCabe; states she has the ability to get things done and she is well worth the money.

**Ms. Pam Heatherington:** Environmental Defense Center, speaks to Item B-2 and the need to protect the coastline; addresses Item B-3 indicating this item is unacceptable and “cutting things off at the knees.”

**Mr. Dean Rollins:** addresses Item B-3 and indicates he urges the Board’s support of staff’s recommendation.

**Ms. Linda Hall:** addresses Item B-3 and states she is confused; indicates she thought when General Hospital closed the clinics would take over; urges the Board to explain; speaks to Item B-2 relating to misinformation given to the Coastal Commissioners. **No action taken.**

5 B-2 Request a contract (Clerk’s File) with Susan McCabe and Company for representation at the California Coastal Commission, is presented.

During the discussion on the Consent Agenda Supervisor Pinard requested this item be pulled for a separate vote.

**Board members:** discuss various issues, comments and concerns regarding local control; Ms. McCabe being a lobbyist not a consultant; the cost; having the Board lobby to save money.

**Mr. David Edge:** County Administrator, states there is adequate funding for this contract and the contract is not already in effect and will need to be amended on page three to change the commencement date to February 1, 2004 if it is approved today.

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

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

**the Board authorizes the Chairperson of the Board of Supervisors to sign the contract for services with Susan McCabe & Company, as amended.**

- B-1 **Consent Agenda Item B-2 is withdrawn and acted on previously. Thereafter,**  
**on**  
 thru **motion of Supervisor Bianchi, seconded by Supervisor Ryan, and on the**  
**following roll call**  
 B-19 **vote:**

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

**Consent Agenda Items B-1 thru B-19, are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-19, 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 AGP Video to continue providing videotaping and cable casting services for the Board of Supervisors and Planning Commission meetings, **Approved.**
- B-2 Request a contract (Clerk's File) with Susan McCabe and Company for representation at the California Coastal Commission, **Withdrawn and acted on previously.**
- B-3 **RESOLUTION NOS. 2004-2 and 2004-3**, extending a severance package for employees who may be laid off if the County takes action to close its outpatient, primary care clinics, **Adopted.**

Board of Supervisors Items:

- B-4 Appointment of Sandra Nielsen as the District Three Representative to the Planning Commission, **Approved.**
- B-5 Reappointment of Mary Ellen Gibson as a District Three Representative to the County Commission on Aging, **Approved.**
- B-6 Allocation of \$2,500 from Community Project Funds (District Three - \$2,000, District Four - \$500) to the City of Grover Beach Police Department to purchase computer equipment and accessories for the D.A.R.E. Program, **Approved.**
- B-7 Allocation of \$2,000 from District One Community Project Funds to County Services to Special Districts via the County Public Works Department to be used to offset the cost of holding an election on the formation of the Ground Squirrel Hollow Community Services District, **Approved.**
- B-8 **RESOLUTION NO. 2004-4**, recognizing the Sesquicentennial Anniversary of the Mariposa County Courthouse and the Mariposa Gazette, **Adopted.**

Planning and Building Items:

- B-9 Retroactive step increase due to a late performance evaluation, **Approved.**
- B-10 **RESOLUTION NO. 2004-5**, approving an amended contract with the San Luis Obispo County Housing Trust Fund, Inc. revising the liability insurance requirements, **Adopted.**
- B-11 **RESOLUTION NO. 2004-6**, accepting an avigation easement from Elaine and Ernest Sebby for property located near the San Luis Obispo County Regional Airport, **Adopted.**

Public Works Items:

- B-12 Budget adjustment in the amount \$2,000 and authorize the use of \$7,000 from Budget Unit 2248 - Services to Special District to provide initial funding for the formation of the Ground Squirrel Hollow Community Services District; 1st District, **Approved.**
- B-13 Agreement and grant easement from the State Department of General Services for reconstruction of Old Creek Road, Whale Rock Dam Area; 2nd District, **Approved.**
- B-14 **RESOLUTION NO. 2004-7**, authorizing the execution of a notice of completion for the construction of South Higuera Street Bridge at San Luis Obispo Creek Seismic Retrofit; 3rd District, **Adopted.**
- B-15 The following parcel map had been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map:
- A. CO 02-0320 a proposed subdivision resulting in 2 lots by Stephen and Clarece Nelson, Thompson Avenue, Nipomo reject the offer of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2004-8**, to accept the relinquishment of access rights along Thompson Avenue; 4th District, **Adopted.**

Other Items:

- B-16 Minutes of the November 4 and 25, 2003 Board of Supervisors' meetings, **Approved.**
- B-17 Unannounced cash count of the County of San Luis Obispo Lopez Lake Recreational Area conducted on September 23, 2003, **Approved and the Department is directed to report back to the Board within four months on audit recommendations implementation status.**
- B-18 Reappointment of Rae Belle Gambs as a consumer member to the Mental Health Board, **Approved.**
- B-19 **RESOLUTION NO. 2004-9**, amending the position allocation and salary resolution lists for Budget Units 2100 - County Counsel, 2560 - District Attorney, 2561 - Child Support Services, 2590 - Sheriff-Coroner, 2660 - Probation, 3000 - Public Health and 3200 - Social Services by adding the new appropriate Legal Clerk Series and deleting the obsolete Legal Clerk Series allocations, **Adopted.**
- 7 C-1 This is the time set for hearing to consider the formation of Mission Heights Assessment District for drainage basin maintenance; 1st District.

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

**Mr. Michael Kovacs:** questions the cost to taxpayers for the formation of the new district for Drainage Basin Maintenance.

**Chairperson Ovitt:** indicates this item bears no cost to the public and that information is stated in the staff report.

**Supervisor Ryan:** questions the election process and how many people were involved.

**Mr. Marshall:** indicates the election involved 120 parcels that were owned by one person.

**Mr. David Edge:** County Administrator, states the election results concluded 120 yes votes and zero no votes and indicates this request for the assessment district came from the people.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board declares the results of the election.**

- 8 C-2 This is the time set for hearing to consider a resolution annexing Mission Heights to Zone 16 to the San Luis Obispo County Flood Control and Water Conservation District; 1st District.

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

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2004-10, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing Mission Heights in the County of San Luis Obispo to Flood Control Zone 16, adopted.**

- 9 C-3 This is the time set for hearing to reconsider conditions of approval for Tract Map 1694 by Cal Western Cooling/Ramgar Interests, and allow the mitigation agreement to be amended to relocate the building envelope on Lot 8, located on the west side of Earhart Road, via a private easement, approximately one mile northwest of Old Oak Park Road, north of the City of Arroyo Grande; 4th District.

**Ms. Stephanie Fuhs:** Planning, presents the staff report indicating the applicant is requesting that the building envelope approved with Tract 1694 be modified in order to provide for construction of a single family residence and leach field area.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board approves the relocation of the designated building envelope for Lot 8 of Tract 1694, adopts the Negative Declaration in accordance with CEQA Public Resource Code 21000 et seq., and directs that a new mitigation agreement be prepared to reflect the revised building envelope.**

- 10 C-4 This is the time set for hearing to consider an appeal by Paul Kunzler, W.A. Wetlesen, William & Lynne Corley, Conrad & Charlotte DeFirmian, and Adam Kavic, of the Administrative Hearing Officer's approval of a minor use permit request by Mark Simmons to allow a 1,152 square foot mobile home as a secondary dwelling unit and to adjust the land use ordinance standard requiring access onto at a minimum, a private road surfaced with chip seal or better, and to adjust the requirement for locating the secondary dwelling within 250 feet of the primary dwelling, on a 14.67 acre parcel in the residential rural land use category on Grey Squirrel Lane in the El Pomar - Estrella rural planning area; 5th District.

**Mr. Warren Hoag:** Planning, presents the staff report; states this is an appeal of the Hearing Officer's approval of a Minor Use Permit to allow a mobile home as a secondary dwelling unit; indicates neighbors in the immediate vicinity of the project site have appealed the decision based on the proposed location of the secondary residence and the perceived negative impacts on

neighboring land values; describes the site location and presents graphics of the area; indicates staff believes locations for a secondary dwelling are physically limited; hands out revised Conditions of Approval **Access Requirements** No. 8 “Prior to occupancy or final inspection, whichever occurs first, the applicant shall provide evidence to the Department of Planning and Building that Grey Squirrel Lane is improved across the property frontage and to the nearest publicly-maintained road with a minimum of an all-weather 16-foot wide road section with Class III aggregate base or better. This road improvement shall be inspected by CDF/County Fire Department or the Building Division of the Department of Planning and Building for verification that the required width, depth, length and type of base material has been correctly installed.” and **Miscellaneous** adding No. 23. “The existing accessory buildings (barn and shop) on the site shall be removed or brought into conformance with the Land Use Ordinance prior to issuance of construction permits for the secondary dwelling. A demolition permit may be required.”

**Mr. Adam Kavic:** Appellant, addresses all the violations that have occurred on the Applicant’s property; believes staff has failed to do their research; indicates there was a Stop Order filed May 16, 2002; states the Applicant has never helped maintain the road; addresses the visual impacts; questions if this will be the Applicant’s primary residence; indicates the staff report was not sent to all the appellants; feels the Board needs to adhere to Title 22; urges the Board to dismiss the application and return the appeal fees.

**Mr. Mark Simmons:** Applicant, states this is a learning experience and he didn’t know the process for getting permits; indicates he has helped maintain the road; questions why the other neighbors are not present at this hearing; indicates he will be living in the dwelling and urges the Board’s approval.

**Mr. Paul Kunzler:** Appellant, explains why the neighbors are not present today.

**Mr. Kavic:** presents a brief history of the permit process for this mobile home; addresses the character of the property owner and states if Mr. Simmons would have followed the rules and regulations that are set forth by this Board this hearing would not have taken place today; states CDF was denied access due to the structures; believes requirements are set forth for a purpose and it is a property owners responsibility to follow these requirements.

**Board Members:** discusses various issues, comments and concerns regarding; the staff report being sent to all Appellants; how owner occupancy is enforced; the location of the dwelling in reference to the Blue Line Creek; removing Condition 11 regarding fencing; the condition relating to the kit fox; the road; the site is graded and already has a well; CDF access; the number of buildings built without benefit of a permit, changing Condition #23 to add “residence and” before the word “accessory”, with staff responding.

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

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

**the Board partially denies the appeal, adds Condition No. 8 to read: “Prior to occupancy or final inspection, whichever occurs first, the applicant shall provide evidence to the Department of Planning and Building that Grey Squirrel Lane is improved across the property frontage and to the nearest publicly-maintained road with a minimum of an all-weather 16-foot wide road section with Class III aggregate base or better. This road improvement shall be inspected by CDF/County Fire Department or the**

**Building Division of the Department of Planning and Building for verification that the required width, depth, length and type of base material has been correctly installed;” and, Condition No. 23 to read: “The existing residence and accessory buildings (barn and shop) on the site shall be removed or brought into conformance with the Land Use Ordinance prior to issuance of construction permits for the secondary dwelling. A demolition permit may be required;” Condition 11 is deleted and RESOLUTION NO. 2004-11, affirming the decision of the Hearing Officer and conditionally approving the application of Mark Simmons for MUP D020248P, adopted as amended.**

11 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) *McGurn v. County of San Luis Obispo*, and 5) *Gurican v. County of San Luis Obispo*.

**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. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, § 54957.6.)** It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: 8) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff’s Association*.

**Chairperson Ovitt:** opens the floor to public comment.

**Mr. Eric Greening:** comments on Items 1 thru 3 all relating to Diablo Canyon and states he was under the impression this issue will be placed on the January 13, 2004 agenda in an open public forum; hopes the discussions today in Closed Session will not preempt action on anything that has been requested by the public.

**Mr. Jim Lindholm:** County Counsel, states these items will be a status report only.

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

12 E-1 This is the time set to review the need for continuing the proclamation of local emergency relating to the San Simeon Earthquake.

**Mr. Ron Alsop:** Office of Emergency Services, states there is a need to continue the Proclamation of Local Emergency required by the County Code; addresses the efforts going on to verify damage done by the earthquake in order to have the Federal Government declare the County a Federal Disaster Area; indicates so far the damage estimate is approximately \$222,057,000; urges the public to call 546-3646, the Office of Emergency Services and report any significant damage.

**Mr. John Kelly:** Planning, displays an inventory on the property damage within the County and the information that has been compiled.

**Mr. David Edge:** County Administrator, addresses the value of the material presented by Mr. Kelly; states the technology allows hundreds of thousands of hours that was spent gathering information to be brought up with a click of a mouse.

**Chairperson Ovitt:** congratulates County staff for a job well done.

**Supervisor Achadjian:** questions if there will be an evaluation of the entire process; states he would like to see Planning help streamline applications for repairs.

**Mr. Alsop:** states there will be a debriefing or an “after action report”; indicates this report will include a summary of the response efforts documenting what went right and wrong.

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

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

**the Board reviews the need for continuing the Proclamation of Local Emergency dated December 22, 2003, and ratified by the Board on December 29, 2003 and allows the Proclamation to remain in effect.**

13

D-1 This is the time set for submittal of a report on Assembly Bill 636 process and a resolution approving participation as an early implementer county for child welfare services redesign.

**Mr. Lee Collins:** Director of Social Services, introduces the item.

**Ms. Debbie Jeter:** Social Services, presents a brief history of how the County became an early implementer; addresses the National data on foster care outcomes; presents background of the Federal Government’s and California’s role relating to child welfare; presents a flow chart of the Federal Child & Family Services Review; states the primary goal of AB636 is to encourage State and County leadership to identify and replicate best practices to assure that the unique and critical needs of children and families are met; addresses the performance improvement plan and how it will work; states the County’s Self-Assessment is due in June 2004 and the System Improvement Plan is due September 2004; indicates San Luis Obispo County has been on the forefront of new and innovative practices in Child Welfare Services since 1998; addresses the number of children in foster care; discusses strategies relating to rebuilding our Foster Care System; The CalWORKs/Child Welfare Partnership; and The Redesign; urges the Board to adopt the resolution that approves the County’s participation in the implementation of the Child Welfare Services (CWS) Redesign as a Cohort 1 County; identifies the Child Welfare Agency as the lead entity for the County and acknowledges the County’s commitment to use the funds in a manner that is consistent to achieve CWS Redesign benchmarks and outcomes set by AB636.

**Supervisor Pinard:** asks what happens when the money goes away; addresses interaction with the Court system and safe guards for parent/child relationships, with staff responding.

**Ms. Linda Hall:** questions the honesty in a peer review; feels it's taken a long time for government to realize it's better for the child to leave them in their own home; believes the senior program needs an overview.

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

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

**RESOLUTION NO. 2004-12, approving participation as an  
early implementer  
county for Child  
Welfare Services  
Redesign, adopted.**

- 14 C-5 This is the time set for hearing to consider a resolution approving the Nacimiento Water Project Final Environmental Impact Report (Clerk's File) and approval of the Raw Water Option; All Districts.

**Mr. Paavo Ogren:** Public Works, introduces the item.

**Ms. Christine Ferrara:** Public Works, states they going to demonstrate that there is sufficient information to establish that the EIR certification should take place; addresses the need for water and sites the 1986 Master County Water Plan and the 1998 update of that Plan; speaks to the water supply concerns and the demand trends; states the needs for water are increasing and presents a brief overview of the project.

**Ms. Nancy Orton:** Planning, presents the environmental assessment; states the County prepared a draft EIR in compliance with CEQA and the draft EIR was circulated for public review in the beginning of July for a 60 day public comment period; indicates they received 30 comment letters and have responded to each one; states this document has been available for public review since July except for Chapter 11 which is the only part of this document that is new; indicates the findings for this project contain a summary of the impacts and mitigation measures for the raw water project which is before the Board today.

**Mr. Steve Radis:** Marine Research Specialist, addresses the different alternatives that could be considered for a water supply project; speaks to the different routes that could be taken and the consideration of existing easements in the area; states staff looked at the air quality during construction issue and seismic activity impacts; the EIR identified a lot of mitigation measures, however staff tried to avoid impacts instead of trying to mitigate them; addresses the raw water option versus the treated water system

**Mr. Ogren:** states all staff recommendations are incorporated in the resolution.

**Mr. David Martin:** asks the Board and project leaders to look at a realignment because the proposed project goes through his ranch; states he is willing to work with the County.

**Mr. Eric Greening:** states he supports this project with the raw water option and endorses staff recommendation with the condition that the EIR must be certified as being valid for the raw option only.

**Mr. Dan Del Campo:** requests in light of the recent earthquake that the project be reassessed and come back in sixty days; feels the impacts of the

earthquake are significant and the Board should wait to see if the County will receive a Federal Declaration of Disaster Zone.

**Ms. Patricia Wilmore:** San Luis Obispo Chamber of Commerce, reads a letter from the Chamber Board of Directors advocating for water and commending the Board for moving forward with the Nacimiento Project.

**Mr. Alfredo Cardenas:** states he supports the certification of the EIR and urges the project to move forward.

**Ms. Aeron Arlin Genet:** APCD, states there is an error in the APCD comments relating to the total emissions; states regardless of the error she wants to highlight the magnitude of the air quality impacts of the project and indicates the District will work with the County to make sure there is some offsite mitigation measures incorporated; addresses jeopardizing attainment status.

**Mr. James H. Jensen:** states he does not want to see the EIR certified; feels staff failed to completely evaluate alternatives; addresses the desalination study for Estero Bay; indicates he would like to see a combination of two projects; urges the Board to hold off on their approval today.

**Ms. Cyndie Huntsberger:** representing the Willard Ranch owners, addresses a letter by Mr. Cal Perkins; states on May 22, 2001 it seemed the path of the Nacimiento Water Project had been predetermined without any input from property owners that would be directly affected; states nearly half the land of the Willard Ranch was requisitioned for the Camp Roberts facility and now the Ranch is asked to give once again; states their concerns are contained in the letter dated January 5, 2004 from Mr. Perkins.

**Ms. Pamela Heatherington:** Environmental Defense Center, addresses the short time frame to review the final EIR and suggests the Board allow another 30 days for appropriate public comment period; urges the Board to approve the raw water pipeline independent from the treated pipeline; speaks against the desalination plant for Estero Bay.

**Ms. Susan Harvey:** states she supports the raw water choice and urges the Board to take steps so that this option could not be changed in the future; addresses the importance of water conservation.

**Ms. Katherine Barnett:** states she concurs with Mr. Del Campo; feels the EIR was well written and easy to read; requests the existing ordinance regarding oak trees be respected; states she would like to see the word "should" changed to "shall" regarding spraying of dust piles; feels water conservation should be required as a mitigation measure.

**Mr. Phil Ashley:** states he endorses the comments of Mr. Greening and Ms. Heatherington; feels there was not enough time to review the EIR; requests the Board not certify it until it adequately addresses the river eco-system impacts; presents photos of the damage done to Highway 46 from the San Simeon earthquake; questions a subsequent EIR.

**Mr. Dan Gilmore:** City of San Luis Obispo, commends County staff for their work; urges the Board to certify the EIR and thanks the Board for their consideration.

**Ms. Lillian Jewell:** Hamner, Jewell and Associates, comments on the communication done between the property owners where the alignment of the project crosses private property; states this communication process will continue as the alignment design details become final.

**Supervisor Ryan:** asks if the EIR is certified today can the alignment still be adjusted, with Ms. Jewell responding, yes.

**Mr. Dave Hardan:** Boyle Engineering, addresses the seismic issues addressed by the public; states the design and type of pipe can control the flexibility of the pipeline.

**Ms. Orton:** addresses the comments by the public to certify the raw water portion only; states the project before the Board is to certify the entire EIR.

**Mr. Tim McNulty:** Deputy County Counsel, states the resolution in the staff report certifies the EIR and also directs the Board to take certain actions in regards to the raw water options.

**Supervisor Pinard:** questions if this item would have to come back through the public process to make a switch to a treated water option, with Mr. McNulty responding.

**Mr. Radus:** addresses the air mitigations and indicates to the Board this project would produce a limited source of emissions that will essentially go away.

**Supervisor Pinard:** addresses water conservation programs, with Mr. Ogren responding.

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

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

**RESOLUTION NO. 2004-13, resolution approving the Nacimiento Water Project Raw Water Alternative and certifying the Environmental Impact Report, 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, January 6, 2004, 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: 1-12-04  
cla