

Tuesday, April 27, 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 Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Harry L. Ovitt

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.

SUM AGN

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

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

RESOLUTION NO. 2004-121, resolution of the Board of Supervisors proclaiming the week of April 25-May 1, 2004 to be designated "National Infant Immunization Week" and the month of May 2004 to be designated "Toddler Immunization Month," adopted.

Chairperson Ovitt: reads the resolution and presents the same to Dr. Greg Thomas, Health Director.

Dr. Thomas: thanks the Board for the recognition and for the Board's efforts in eradicating vaccine preventable illnesses; states the County has had zero vaccine preventable illness for this year.

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

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

RESOLUTION NO. 2004-122, recognizing correctional officers and custody staff of the San Luis Obispo County Jail, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Chief Deputy Greg Slane, Sheriff's Department.

Chief Deputy Slane: thanks the Board for the proclamation and recognizes and thanks everyone at the Sheriff's Department.

Mr. Michael Kovacs: states he supports the proclamation; expresses his appreciation for the Sheriff's effective management; urges him to keep up the good work.

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

Ms. Linda Villanueva-Quesenberry: Chairperson of the Latino Outreach Council, addresses her concerns over "derogatory racial stereotype remarks" relating to farmworkers made at the March 2, 2004 meeting.

Ms. Vicki Freer: reads a letter from Nicki Manning regarding mental health funding.

Dr. Norman White: addresses mental health issues in the County and indicates he is inspired by the Growing Grounds and hopes the Board will continue their funding.

Mr. Felix Rusnak: urges the Board not to make any cuts relating to mental health programs.

Reverend C. Hite: addresses the need for funding for the Growing Grounds; addresses discrimination and exploitation regarding the mentally ill.

Ms. Linda Hall: addresses her concerns relating to genetically modified organisms (GMO).

Ms. Naoma Wright: states Transitions is a lifesaver for many County residents; addresses biological brain disorders; urges the Board to increase mental health funding.

Mr. Shawn Thomas: states the mentally ill need support; reads a list of famous people who have suffered from a mental illness.

Mr. George Pasetes: states he is mentally ill and at times has been “sucked lifeless” by his condition; addresses the need for mental health programs.

Mr. Michael Kovacs: speaks to honest County representation and the handling of public funds.

Mr. Steven Isenhardt: states he suffers from a mental illness; compares the cost of incarceration to mental health programs; states he hopes all the mental health programs stay open.

Mr. Barry Johnson: Director of Transitions, states people are concerned that they will be losing important mental health programs; addresses the number of people in the audience who are concerned about the funding of Mental Health programs; states they are willing to tighten their belt however, to many people, these programs are their lifeline.

Ms. Pam Heatherington: addresses measuring sanity; feels sometimes the connection of some of these mental health programs are underestimated; urges the Board to consider these programs and what they offer.

Mr. Al Barrow: thanks the County for their workshop for advisory committees; states he is an affordable housing advocate and thanks Supervisor Pinard for her work in Avila relating to affordable housing; supports the requests for mental health funding.

Mr. Joe Kelly: addresses illegal taxation on manufactured homes in the County.

Mr. David Edge: County Administrative Officer, indicates the Mental Health funding issue will be discussed at Budget Hearings in June and states the proposed budget actually includes an increase to the Mental Health budget despite all the cuts.

Supervisor Pinard: states the local communities are bearing the debt of the State; indicates it took great courage for some to speak today; states it is hard to get back any programs that are cut; thanks the public for voicing their concerns.

Supervisor Ryan: states the decision on the Mental Health budget will be done in June and indicates the Supervisors understand the issues; feels if the public wants to do more they can contact their State representatives. **No action taken.**

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

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

Mr. Richard Greek: Personnel Director, introduces the following employees and Ms. Trish Stamper, Personnel, presents each with their 20-year service pin: Ms. Barbara Baranek, Public Health (not present); Mr. Rex Reece, Sheriff; Mr. Gerald Giese, Sheriff (not present); Ms. Robin Weckerly, Sheriff; Ms. Patricia Bogdan, Social Services; Ms. Marlene Jacobsen, Social Services; Ms. Constance Langer, Social Services; Mr. Arthur Bacon, Treasurer-Tax Collector; Mr. Michael Kennedy, District Attorney; and Mr. Dennis Schloss, District Attorney.

25-Year Service Awards, are presented.

Dr. Dale Wolf: Mental Health Director, introduces Mr. Thomas O'Malley, presents a brief history of his employment and congratulates him on his 25-years of service.

Ms. Rae Belle Gambs: states Mr. O'Malley is a special man; he taught her how to read a budget; indicates she appreciates his dedication and knowledge.

Mr. O'Malley: states serving the City of Atascadero and the County have been a pleasure and thanks the Board for the recognition.

Mr. Noel King: Public Works Director, introduces Mr. Tim Huntington, presents a history of his time with the County; thanks him for his dedication and professionalism.

Mr. King: introduces Mr. Michael Bishop, presents a brief history of his time with the County and congratulates him on his years of service.

Mr. Bishop: thanks the Board.

Lieutenant Nick Marquart: introduces Mr. Gary Hoving, presents a brief history of his employment and his achievements; states he is the department historian and congratulates him on his 25-years of service.

Lieutenant Marquart: introduces Ms. Karen Colombo; presents a brief history of her employment with the County; addresses her hard work and dedication; congratulates her on her 25-years of service.

Ms. Colombo: indicates she has witnessed a lot of changes over the years; thanks the Sheriff's Department and the County for being good to her.

Ms. Debbie Jeter: Assistant Social Services Director, introduces Ms. Miki Gillman; presents a brief history of her employment with the County.

Ms. Gillman: states working for Ms. Jeter makes it easy; states her theme is "there is so much to be done"; addresses family abuse and the importance of helping families so they become the healing agents.

Ms. Jeter: introduces Mr. Gregory Marshall; presents a brief history of his time with the County.

Mr. Marshall: states he is fortunate to work for the Department; thanks everyone for the recognition.

30-Year Service Awards, are presented.

Chairperson Ovitt: reads a brief employment history for Mr. Michael Jianuzzi and recognizes him for his dedication and service.

Mr. Jianuzzi: thanks the Board, his wife and staff; states he would like to negotiate a retirement proposal.

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

Ms. Katherine Barnett: addresses Item B-9 indicating the need to preserve the oak trees and oak woodlands; states there is no mention of consequences if the oaks are cut; feels this plan falls short and doesn't believe we need an ordinance.

Mr. Tim Okeefe: addresses Item B-9; indicates this is not intended to be an ordinance; feels this is a good first step; states this item needs to be approved in order to receive grant funds; indicates enforcement is essential.

Ms. Susan Harvey: speaks to Item B-9 addressing the inefficiencies of a voluntary management plan; questions the enforcement issue; urges the Board to postpone this item.

Ms. Pam Heatherington: thanks the Native Tree Committee; feels the voluntary plan does not work; urges the Board to send this item back and add language to protect the trees.

Mr. Rick Hawley: addresses Item B-9 and his concerns for the plan; feels community outreach was not done properly; believes this document was rushed and urges the Board to postpone this item.

Mr. Eric Greening: speaks to Item B-9 indicating more work needs to be done; questions how enforcement can take place in a voluntary plan; discusses protecting the oak seedlings; urges the Board to use this as a first step and send it back.

Mr. Chuck Pritchard: addresses Item B-9 indicating the problem is not with the lack of trees but with the management of the trees; states he doesn't want to see this become a mandatory program.

Mr. Michael Kovacs: addresses Item B-1 indicating he thought there was a hiring freeze and Item B-2 questioning why this item could not be done in house.

Mr. Kevin Kester: Cattleman's Association, states he supports Item B-9 as presented; states it's a vehicle to access grant funds.

Mr. Bill Weitkamp: addresses Item B-9 indicating he supports the voluntary stewardship.

Ms. Jackie Crabb: Farm Bureau, addresses Item B-9 indicating the Native Tree Committee prepared this Plan only for the requirement to bring grant money to our County and this Plan does not support or prevent an ordinance. **No action taken.**

6 B-1 **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on**
thru **the following roll call vote:**
B-17

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

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

Consent Agenda Items B-1 through B-17, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

- B-1 **RESOLUTION NO. 2004-123**, amending the position allocation list for Budget Unit 6000 - Medical Services adding three full-time and one half-time Clinical Laboratory Assistant I/II positions, **Adopted.**
- B-2 **RESOLUTION NO. 2004-124**, approving an agreement (Clerk's File) with Octagon Risk Services, Inc., for Workers' Compensation Program administrative services and authorizing the Auditor-Controller and Risk Management to set up the necessary banking arrangements for the new agreement, **Adopted.**

General Services Items:

- B-3 Water and sewer line extension agreement with Templeton Community Services District for the new North County Regional Center off Highway 1 in Templeton, **Approved.**
- B-4 Contract amendment with David Foote (Firma) changing the company's designation from a sole proprietorship to a California Corporation, **Approved.**
- B-5 Contract with San Luis Obispo Auto Parts, Inc., to provide an on-site full service automotive/equipment parts and supplies facility to County fleet services, **Approved.**

Planning and Building Items:

- B-6 Budget adjustment in the amount of \$12,500 from environmental fines to purchase five notebook computers and two digital cameras, **Approved.**
- B-7 Agreement (Clerk's File) with Padre Associates, Inc. to prepare an environmental impact report for the Biorn Land Use Ordinance Amendment and Conditional Use Permit; 4th District, **Approved.**
- B-8 **RESOLUTION NO. 2004-125**, accepting an avigation easement from Michael and Diane Puhek, Robert and Gretchen Anderson, for property located near the Oceano County Airport; 4th District, **Adopted.**
- B-9 **RESOLUTION NO. 2004-126**, adopting the San Luis Obispo County Voluntary Oak Woodlands Management Plan, **Adopted.**

Public Works Items:

- B-10 Bid opening report for the asphalt concrete paving on Foothill Boulevard west of San Luis Obispo City limits; 2nd District, **Approved and the Chairperson is instructed to sign contracts documents with Union Asphalt, Inc, in the amount of \$373,016.60.**
- B-11 **RESOLUTION NO. 2004-127**, authorizing the Director of Public Works to sign environmental regulatory applications and permits, **Adopted.**
- B-12 **RESOLUTION NO. 2004-128**, requesting changes in mileage of maintained county roads, **Adopted.**

Other Items:

- B-13 **RESOLUTION NO. 2004-129**, authorizing the Probation Department to submit an application to the State Board of Corrections for approval of San Luis Obispo County's

Comprehensive Multi-agency Juvenile Justice Plan (CMJJP) Modification for fiscal year 2004/2005, **Adopted.**

- B-14 Appointment of Robert Neumann and David Keil to fill two year terms as the Consumer Representatives on the Emergency Medical Services Agency, Inc. Board of Directors, **Approved.**
- B-15 Amendment to the fixed asset list for Budget Unit 2060 - Treasurer-Tax Collector adding one scanner and approve a budget adjustment in the amount of \$9,900 from within accounts to fund the purchase, **Approved.**
- B-16 Allocation of \$6,000 from Community Project Funds (\$2,000 each from Districts One, Three and Five) to the San Luis Obispo Mozart Festival to the sponsor Mozart Fringe Concerts, **Approved.**
- B-17 Amended contract (Clerk's File) with French Hospital for additional dietary services at the County Psychiatric Health Facility, **Approved.**
- 7 C-1 This is the time set for hearing to consider a resolution approving an ordinance and proposed ballot measure to authorize a 0.25 percent transactions and use tax dedicated to funding Countywide public library programs and operations.

Mr. Brian Reynold: Library Director, presents the staff report; thanks the supporters; discusses the benefits of libraries and reading; states libraries are failing; addresses the needs of the libraries relating to the maintenance of the buildings, the need for new books and increased library hours; presents results of a survey done to gather information of general support for the libraries; states the California Revenue and Taxation Code authorizes the Board to place a measure on the November 2, 2004 ballot to impose a transactions and sales rate of 0.25% in the County for five years with revenues dedicated to funding public libraries; urges the Board's support.

Supervisor Ryan: states he supports the idea of letting the voters decide.

Ms. Denise Indvik: addresses the importance of the library to her home school program; states how much her children love to go to the library and indicates she would gladly pay a tax to improve the libraries.

Mr. Matthew Richman: states the library is the most important public facility; states how important the library is to kids that attend a private school and those that are home schooled; indicates he gives back to the library by volunteering his time and encourages the Board to move forward with this item.

Ms. Kerin Rydberg Clement: states she represents those who home school their children and indicates they lean heavily on the library; urges the Board to approve this item because they need more access to the library.

Members of the Cambria Friends of the Library: state Please Vote Yes.

Ms. Marguerite Bader: League of Women Voters, states the League's position on this issue is in support of the library; addresses the need for adequate funding and urges the Board to put the measure before the voters.

Mr. Eric Greening: states he supports a "yes" vote; suggests the Board author the argument in favor of the tax and let the people decide.

Ms. Susan Harvey: states she wants to remind the Board of the County's longterm commitment to libraries.

Mr. Rick London: President of the Foundation for San Luis Obispo County Public Libraries, compares libraries of yesterday to those of today; addresses

the principles of learning and the appreciation of knowledge; urges the Board to let the voters in the County decide whether or not to increase the sales tax to benefit the libraries.

Ms. June Wright: addresses her concern for library access; feels the computer is a supplement for a library; feels the tax is needed and urges the Board to place this issue on the ballot.

Mr. Jim App: City Manager of Paso Robles, addresses the Paso Robles library and the utilization of volunteers; encourages citizens to take control of their public services; urges the Board to approve a ballot measure for all public services.

Mr. George Finnigan: City Council of Paso Robles, states he supports Mr. App's comments; indicates the entire Council was here to speak on this item; addresses the sunset clause.

Mr. Jim Heggarty: City Council of Paso Robles, presents statistics relating to the Paso Robles Library; states in Paso Robles there are greater needs in other areas; indicates he would like to see a measure on the ballot for a general tax and let the cities use it as they see fit.

Ms. Sheila Wynne: reads a statement from Michael Blank in support of the proposed ballot measure.

Ms. Rose Clinnick: Friends of the Shell Beach Library, urges the Board to put this measure on the ballot and they will work hard to get it passed.

Ms. Cheri Roe: Friends of the Santa Margarita Library, thanks the Board and Supervisor Ryan for being a good friend to the library.

Mr. Michael Kovacs: believes the library problems should be solved within the existing budget.

Ms. Kathleen Boyd: addresses the many benefits that would come from this measure going on the ballot.

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. 2004-131, resolution approving an ordinance and ballot measure to impose a Transactions and Use Tax for Countywide library programs and operations, adopted.

8

C-1 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**

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3027, an ordinance adding Chapter 3.21 to Title 3 of the San Luis Obispo County Code imposing a Transactions and Use Tax for Countywide library programs and operations to be administered by the State Board of Equalization, adopted.

9 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) *NRC Proceedings Concerning Spent Fuel*, 2) *AT&T v. County of San Luis Obispo*, 3) *MCI WorldCom v. County of San Luis Obispo* 4) *Los Osos Community Services District v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 5) *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. 6) *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: 7) Negotiator's Name: *Santos Arrona, Gail Wilcox*; Name of employee organization: *Deputy Sheriff's Association*.

Chairperson Ovitt: 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: Items 1 through 7 - No public report required because no final action was taken and the Board goes into Open Public Session.

10 D-1 This is the time set for consideration of authorizing the processing of applications for General Plan Amendments and issuance of Environmental Determinations - Halpin/Arciero (G030013M - Specific Plan), Blumer (LRP2003-0002 - Specific Plan) and County-Initiated (LRP2003-0004 - Update Shandon Community Plan).

Mr. Dana Lilley: Planning, states this item was continued from March 2, 2004; addresses the request by Shandon to create a Plan and indicates there will be funding and staffing problems to a proposed publically funded plan update; states a couple of private proposals came along and presented an opportunity to enable a comprehensive review of the land use issue at a lower cost; addresses the opportunity for financing a sewer; states on March 2, 2004 the Board directed staff to conduct research of other counties that have cancelled Williamson Act contracts; states one lesson they learned was that cancellation of a Williamson Act contract should either be avoided or minimized in order to comply with State law but also to avoid setting a bad precedent.

Mr. Terry Wahler: Planning, describes the Williamson Act; refers to an addendum to the staff report referring to other areas in the State that have had Williamson Act contract cancellations; indicates the non-renewal is the State's method of choice and cancellation is used only under unusual circumstances and most are under 50 acres.

Mr. Lilley: states action by the Shandon Advisory Committee and staff believe it may be good timing to begin the planning process concurrent with the consideration of the requested Williamson Act contract cancellations; addresses Option 3 on page D-1-4; states if the Board does want to authorize processing, staff would ask to be directed to come back in 60 days with a budget, a schedule, a cost sharing and cooperative oversight arrangement with the applicants including members of the

Advisory Committee; indicates the staff report didn't answer all the questions and explains the reason for the addendum.

Board Members: discuss various issues, comments and concerns regarding: counties taking land out of the Williamson Act to add an expansion zone to a unincorporated town; definition of "minimizing the impacts"; the farm worker's housing ordinance; when does a town grow to take care of its own needs, with staff responding.

Dr. Gregg Doyle: Cal Poly Professor, describes a study done by students; summarizes the proposed plan which will maintain the Shandon's small town agricultural character and allow it to grow significantly; addresses the commercial zoning already in place and the need for the first phase to be the largest; believes only approximately 50 acres would need to be taken out of the Williamson Act in order to achieve the goal; addresses infrastructure costs and a possible land trade out relating to the Williamson Act cancellation; states the study supports staff's recommendation to authorize staff to move forward with direction.

Supervisor Ryan: speaks to the need of workforce housing.

Supervisor Bianchi: questions if there was an evaluation of what it would do to the social fabric of the community to bring in 500 new homes; if there was a fiscal impact analysis done during the study as to how much it would cost the County as a whole to provide the services to the community and how much revenue the developments would bring into the County, with Dr. Doyle respond.

Mr. Steve Blumer: Applicant, states he met with Shandon Advisory Committee and Planning staff; indicates he has heard some of the same concerns regarding: the total amount of land being removed from the Williamson Act and how to mitigate the effects of that removal; addresses the sewage treatment plant; states if the sewage plant was on their site he believes it would take approximately 125 acres; addresses phasing the project and mitigating the cancellation by putting into the Williamson Act an equal or greater amount of land under a brand new contract; states a non renewal would take 10 years; addresses the housing needs and indicates the town is essentially encompassed by agricultural land that is in the Williamson Act.

Mr. Steve Sylvester: North Coast Engineering representing Mr. Arciero, presents an overview of the project; states the project is a master plan development including Residential, Commercial Service Industrial, Public Facilities and Community Services and explains each; addresses the build out analysis; discusses the opinion survey conducted and the results of that survey; addresses available housing versus demand; states the need for housing is evident and the conversion of Ag land is appropriate and necessary; speaks to the cancellation of the Williamson Act; urges the Board to move forward.

Ms. Jackie Jackson: states cancellation of Williamson Act contracts can only be cancelled under extraordinary circumstances; addresses her concerns to the domino effect of cancellations; speaks to the existing homes available in Shandon; feels it is a conflict of interest for the County to co-mingle business with the developer and if the Board cancels a Williamson Act contract they will be inviting a lawsuit; urges the Board to wait the 10 years for the contracts to cancel by non-renewal.

Ms. Kathleen Aragon: addresses the growing population in Shandon; states it's good to see something concrete start to happen; speaks to the need for affordable housing in Shandon.

Ms. Xochiti Corral: states she is here to request low income houses for the residents of Shandon.

Ms. Maria Bustamante: addresses the need for affordable housing.

Ms. Ester C. Garcia: states she supports the two development projects; addresses the need for housing for families that are already in Shandon; thanks Dr. Doyle and the developers for all their hard work.

Ms. Gricelda Sanchez: states she is here to represent the families of Shandon requesting low income housing.

Ms. Loardes Lopez: states she is here in support of all of her fellow residents of Shandon relating to the need for affordable housing.

Ms. Maricela Mora: urges the Board to approve the project because of the need for affordable housing.

Mr. Marciano Ramirez: states he is here on behalf of his children; addresses the many needs in Shandon especially housing.

Ms. Maria Lopez: urges the Board to help them get the homes they need in Shandon.

Ms. Emma Bravo: states she and her family have been living with another family for three years; asks the Board to consider the people in Shandon before they make their decision.

Ms. Maria Soto: pleads with the Board to accept this project due to the fact that there is such a need for affordable housing and services in Shandon.

Ms. Carmen Ramirez: states she would like to see affordable housing that would meet their needs; addresses the wonderful school system in Shandon.

Ms. Maria Teresa Valdez: states she has lived in Shandon for 24 years; indicates she has ten grandchildren; addresses the need for growth and services; states they have worked and lived in Shandon all of their lives; addresses the housing needs of the community; indicates if there were more housing there would not be a need to commute; states she would like to see Shandon become a more prosperous community.

Ms. Rosa Rivera: states she would like to see Shandon become a bigger and better community.

Mr. Michael Sullivan: states the major problem is planning by an outside developer instead of planning by Planning staff; states the plan for the community of Shandon has not been updated for 24 years and needs to be done; addresses the findings on page 17 of the Addendum; states this proposal is not consistent with the Housing Element; urges the Board to hold off to allow for more planning.

Mr. Bill Alley: addresses the cancellation of the Williamson Act contract and the impacts this will have on other adjacent Williamson Act parcels in the area.

Mr. Eric Greening: supports the plea for affordable housing; states the community needs help in establishing a community based process to meet those needs; the need for a process of a Specific Plan focusing inside the urban reserve lines; addresses the Addendum; questions where has rapid development of agricultural land lead to affordable housing.

Ms. Susan Harvey: feels it is premature to make a land use planning decision for the area of Shandon; states she is an advocate for affordable housing; believes if this project passed it would be putting the Williamson Act and the protection of agriculture land at risk.

Mr. George Becker: states it is time to start planning for Shandon's future; invites the Board to the Shandon BBQ on May 30, 2004 at the park.

Ms. Pam Heatherington: Executive Director of the Environmental Center, states she is an advocate for housing and questions what type of affordable housing will this project bring to Shandon; addresses the provision of translation for this meeting; believes planning should start to take place with a specific plan in place; addresses the "domino" effect that will happen if the cancellation of the Williamson Act contract is allowed.

Ms. Janet McKeithen: states her concern for having more than one family living together; addresses the need for affordable housing; states she would like to see the vineyard owners mandated to house their employees.

Mr. Chuck Pritchard: states he has empathy for the people who spoke today; addresses the problem of not taking care of the workforce; discusses how the Williamson Act is vital to cattle ranching and must be preserved; believes there is land in Shandon that could be built on right now; addresses the need for infrastructure.

Mr. Andrew Zaninovich: MCIRP, states his family has been farming in Shandon for over 20 years; states they have a substantial holding just south of the village of Shandon that is not currently in the Williamson Act and indicates they would like to encourage and promote the growth of Shandon with consideration being focused on properties that are not currently in the Williamson Act.

Mr. Jerry Bunin: believes these two projects are good government and good planning; states the developers are willing to put more land into preservation than they will be taking out; indicates the land has to be large enough for the for-profit builder; urges the Board to proceed with good planning.

Ms. Marguerite Bader: President of the League of Women Voters, states the League has no position on the Williamson Act, however the League believes in conserving and protecting agricultural land; addresses the need for affordable housing.

Mr. Irv McMillan: states he's happy to see representation from the people of Shandon; indicates he is not opposed to the need of housing; states the report by staff regarding the cancellation of the Williamson Act contract clearly leaves no question that these two requests would defeat the purpose of the Act and violate the public's trust of this program; addresses the Board's options.

Ms. Barbara King: hopes there is a way to provide housing without compromising the integrity of the Williamson Act.

Mr. George Moylan: Housing Authority, states his concern for providing services and infrastructure to the residents of Shandon; addresses grants received for studies and information relating to Shandon; states he agrees with staff's recommendation.

Mr. Jim Sinton: states the developers have identified land adjacent to the town of Shandon available for development; urges the Board to use this land and leave the land in the Williamson Act alone.

Mr. Steve Sinton: states the Williamson Act requires public confidence that there will be a commitment to agriculture; feels the staff report is clear that these projects are inconsistent with the legal research they did; indicates he doesn't believe there is any provision in the Act that provides for trading property; urges good planning.

Mr. Chris Crawford: Superintendent of Shandon School District, states if these projects are approved the District has concerns; addresses the need for infrastructure if the developments are approved.

Mr. Paul Bestwick: objects to this hearing because the public was not informed of the addendum; feels the report is confusing; states there is land available that is not in the Williamson Act; questions the cost of the cancellation of the Williamson Act; believes affordable housing is needed in Shandon.

Ms. Coralie McMillan: addresses the need for low income housing; questions how many homes are really needed; states the survey did not include the people who are in the Williamson Act.

Chairperson Ovitt: states it is not just housing issue; this is an authorization of doing what the public is asking for and that is to go out and plan this community.

Supervisor Bianchi: addresses the ability to plan concurrent with a non renewal; feels under non renewal it will leave plenty of time to do proper planning; addresses the need for affordable housing in all parts of the County; states she will support this item moving forward if it is non renewal and a fiscal impact analysis.

Supervisor Achadjian: shares his concerns regarding affordable rental housing and the loss of prime agriculture land; addresses his willingness to move forward to see what positive ideas will come forward and have his concerns answered.

Supervisor Ryan: states the Williamson Act is very important to the County; addresses the need to look at the social needs and the need for low cost housing; states general plan updates are behind; indicates the land proposed to come out of the Williamson Act has physical restraints and limitations; addresses commercial development in Shandon; states the cancellation needs to be sufficient in size to be profitable to be able to afford the infrastructure; addresses a trade off of land being put back into the Williamson Act; speaks to the cancellation fee; indicates he would like to see a partial non renewal based on what would be needed to be able to make the projects work; states he would like to move forward with the cancellation to bring back findings and at the same time adopt authorization NO. 2 on page D-1-4.

Supervisor Pinard: addresses the authorization options and feels they are all applicant driven; speaks to zoning changes; states it is time for the Shandon Area Update; indicates there is no argument we need affordable housing and we need creative ideas to get it in Shandon; states the Williamson Act is in jeopardy; states there is land available that may need zoning changes.

Chairperson Ovitt: states Mr. Zaninovich's property is active Ag land; indicates if the Board waits under the current operation of the Planning Department to do the Update it will probably be another 20 years; states the community is asking for a Specific Plan; indicates this action today will get the process moving to answer the questions that are being brought up today.

Supervisor Bianchi: states she cannot authorize the cancellation of a Williamson Act contract.

Supervisor Achadjian: states if this process passes today he may not support the findings in the future.

Supervisor Pinard: states there is approximately 400 acres that can be used now without needing a cancellation; indicates she cannot support a cancellation of the Williamson Act; states she would like to see the planning move forward on the areas already allowed by the existing General Plan and by willing property owners not under contract.

A motion by Supervisor Ryan to look at look at the three properties and direct staff to move forward and come up with findings for a partial cancellation on both the Arciero and the Blumer properties and move forward with Option No. 2 on page D-1-4 in the staff report dated 4/27/04, is discussed.

Mr. James Lindholm: County Counsel, questions the roll of CEQA in the motion; states the motion would do two things: 1) it would go ahead with the cancellation and the General Plan amendment and 2) if there was going to be one EIR then the Board would want to have that EIR processed completed by the cancellation of the contract.

Motion dies for lack of a second.

A motion by Chairperson Ovitt to authorize planning for this specific plan using a modified Option No. 4 on page D-1-4 to read: "The County along with interested parties would fund and prepare a community plan for Shandon and consider expansion and service issues in relation to the Arciero and Blumer sites as well as others. It would hire planning and EIR consultants as it has previously in preparing Land Use Element updates. This approach would be similar to that taken by the City of Paso Robles to prepare the Borkey, Union /46, and Chandler Ranch Specific Plans" and directing staff to return to the Board within 60 days with a work plan which will include but not be limited to cost, cooperative agreements and time lines, is discussed.

Supervisor Bianchi: questions if cost means fiscal impact analysis, with Chairperson Ovitt agreeing.

Supervisor Achadjian: seconds the motion.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board agrees to continue the meeting past 5:00p.m..

Mr. Lilley: clarifies if the motion is option No. 4 with the County as the lead and conducting the update but includes looking at the properties and ask the owners to help pay.

Chairperson Ovitt: states his objective is to do the planning for the community with everyone being integrated into an cooperative agreement.

Mr. Vic Holanda: Planning Director, questions where does the Board want this item to fit in the workload priorities already established.

Chairperson Ovitt: states that discussion will be held when it comes back to the Board.

Mr. McNulty: Deputy County Counsel, states he wants to make sure it's clear that the County is looking for financial participation on the part of any property owners that want to be included within the bounds of the Specific Plan.

Chairperson Ovitt: states that has been the understanding all along.

Mr. Lilley: indicates he wants to clarify that the motion did not include bringing back a completed fiscal impact analysis, with Chairperson Ovitt responding.

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

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

ABSENT: None

the Board authorizes planning for this Specific Plan using a modified Option No. 4 on page D-1-4 to read: “The County along with interested parties would fund and prepare a community plan for Shandon and consider expansion and service issues in relation to the Arciero and Blumer sites as well as others. It would hire planning and EIR consultants as it has previously in preparing Land Use Element updates. This approach would be similar to that taken by the City of Paso Robles to prepare the Borkey, Union /46, and Chandler Ranch Specific Plans” and directs staff to return to the Board within 60 days with a work plan which will include but not be limited to cost, cooperative agreements and time lines.

- 11 E-1 This is the time set for submittal of the revised National Pollutant Discharge Elimination System Phase II Storm Water Management Program (Clerk’s File); All Districts.

Mr. Mark Hutchinson: Public Works, presents the staff report indicating this is just a revised version of the Storm Water Management Program with updated information.

Supervisor Pinard: addresses the amount of plastics that is getting through and asks if there is any way to put up mesh to deal with the pollutants before they get into the creeks, with staff responding.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board reviews and approves the revised national Pollutant Discharge Elimination System Phase II Storm Water Management Program and directs staff to submit the Program to the Regional Water Quality Control Board (RWQCB) for approval.

- 12 E-2 This is the time set for consideration of policy recommendation for supplemental water supplies for County Service Area No. 10A (Cayucos), No. 22 (South San Luis Obispo vicinity) and No. 23 (Santa Margarita); All Districts.

Chairperson Ovitt: continues this item to May 18, 2004.

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

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 27, 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: 4-30-04
cla