

Tuesday, September 28, 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-1-A **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

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

RESOLUTION NO. 2004-314, resolution proclaiming the month of October 2004 as "Salmon and Steelhead Awareness Month" in San Luis Obispo County, adopted.

Chairperson Ovitt: reads the resolution and presents the same to Mr. Rick Hawley, Director of Greenspace - The Cambria Land Trust.

Mr. Hawley: thanks the Board members and all the folks working on watershed projects; highlights what various groups are doing to help the watershed and Steelhead in our creeks.

Mr. Dominic Santangelo: California Conservation Corps, states there are 80 Corps members in the County working on creeks and improvements.

Mr. Dan Berman: Morro Bay National Estuary Program Director, thanks all for their participation and help in protecting Steelhead.

Mr. Tom Duff: State Coastal Conservancy, thanks the Board for their support; addresses the projects they have assisted with in the County.

Mr. Brian Stark: Land Conservancy for San Luis Obispo County, addresses a barrier project for Steelhead and what it will entail.

Ms. Stephanie Wald: Salmon Enhancement Project Manager, addresses the concern about Steelhead in South County and their goal to restore the habitat and water quality in this area.

Ms. Jill Falcone: Public Works, introduces "Sammy the Steelhead" and speaks to the County's partnership in this program; provides a phone number and website address to get more information and presents each Board member with an autographed plaque from "Sammy."

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, Pinard, Ryan, Chairperson Ovitt
NOES: None
ABSENT: None

RESOLUTION NO. 2004-315, resolution proclaiming October 3-9, 2004 as National 4-H Week, adopted.

Chairperson Ovitt: reads the resolution and presents the same to Mr. Richard Enfield, Cooperative Extension 4-H Youth Development Advisor and Five 4-H All Stars, who introduce themselves to the Board, present each Supervisor with a 4-H ink pen and ask that the 4-H Flag be flown at the Government Center for the week

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

Mr. Bruce Deile: addresses going to the Prado Homeless Shelter and still having problems with his "service dog" as the Shelter still wants the State certification for the

dog and are ignoring the requirements of Federal law; states he is now being harassed by the staff and has been written up twice because they said his dog growled, which he disputes; they recently gave him a hard time for sharing his muffin with his dog; further, speaks to not being able to get treatment for Lyme Disease.

Mr. Eric Greening: addresses Salmon Awareness month and asks the Board to remember this when they are dealing with issues such as area plan updates.

Supervisor Achadjian: addresses the citizens who appeared last week with concerns regarding the lawsuit by the gentleman who is handicapped and going around to local businesses and charging them with not meeting ADA requirements; feels the Board can do something similar to what the City of Morro Bay did and asks the Board to direct staff to come back next week with a letter, for the Board's consideration, regarding the ADA requirements to be sent to the Governor and elected State and Federal Officials; this letter would ask that businesses that are willing to bring themselves up to ADA compliance be given 90 days to accomplish that.

The consensus of the Board is to direct staff to bring this item back next week for their consideration.

Mr. David Edge: County Administrative Officer, states they will bring this letter back as a core agenda item for next week; addresses the issues raised by Mr. Deile and the Prado Homeless Shelter and states that the County really doesn't have any control over the operations at the shelter as it is run by EOC; he will call and talk to the Director about this; states that Ms. Fontes of his staff did provide Mr. Deile with a muzzle for his dog to use when at the shelter. **No action taken.**

4 B-1 This is the time set for members of the public wishing to address the Board on items
thru set on the Consent Agenda.
B-10

Chairperson Ovitt: opens the floor to public comment without response.

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

Consent Agenda Items B-1 through B-10 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-10 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

B-1 Introduction of amendments to Title 22 of the Land Use Ordinance of the County Code requested by Paso Pacific Properties, LLC/Pacific Tank and Construction, Inc., **Approved and the Clerk is instructed to give notice of hearing date set for October 5, 2004 at 9:00 a.m..**

General Services Items:

B-2 **RESOLUTION No. 2004-316**, authorizing the execution of a notice of completion and acceptance for the San Luis Obispo Veterans Building ADA compliance and restroom remodeling project, **Adopted.**

B-3 Request to authorize the General Services Director to execute a use permit for the League of Women Voters to sponsor a public broadcast forum for discussion of the November ballot measures, **Approved.**

Public Works Items:

B-4 **RESOLUTION NO. 2004-317**, authorizing execution of notice of completion for the construction of a portion of Old County Road in Templeton; 1st District, **Adopted.**

B-5 Request to authorize the surplus of a station wagon; All Districts, **Approved.**

B-6 The following tract map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map: Tract 1798, a proposed subdivision resulting in 4 lots plus one remainder, by Dewane and Kellie Durocher and

Raymond Kanawyer, Oakglen Avenue, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

- B-7 Request by Supervisor Bianchi to allocate \$2,000 from District Two Community Project Funds to the Cambria Chapter of the Land Conservancy of San Luis Obispo County for costs associated with the landscaping portion of the Cambria Main Street Improvement Project, **Approved.**
- B-8 Submittal from the Sheriff's Department of the Inmate Welfare Fund Statement of Operations for the fiscal year ended on June 30, 2004, **Received and Filed.**
- B-9 Renewal agreement with the State Office of Emergency Services for the continuing administration of a victim witness/elder abuse advocacy and outreach project for October 1, 2004 through September 30, 2005, **Approved.**
- B-10 Agreement (Clerk's File) through June 30, 2006 with the State Department of Health Services, Office of AIDS, to assess the housing needs of persons living with HIV/AIDS in the County; and 2) a corresponding budget adjustment in the amount of \$16,499 from unanticipated revenue to hire a consultant to conduct a needs assessment, **Approved.**
- 5 C-1 This is the time set for hearing to consider expenditure proposals for the use of State Citizens' Option for Public Safety Program (COPS) funds; and 2) approve the corresponding budget adjustment in the amount of \$339,214.

Sheriff Pat Hedges: presents the staff report and recommendation.

Supervisor Bianchi: questions the funding and purchase of a 30 passenger bus, with Sheriff Hedges responding.

Mr. David Edge: County Administrative Officer, states that the bus is still being reviewed and if it doesn't work the Sheriff will come back to reappropriate that money.

No one appearing 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 Board held a public hearing to consider the proposed expenditures for the Citizen's Option for Public Safety Program (COPS Program) and approves the use of the current year program funds of \$339,214 as stated in the schedules of the staff report dated September 28, 2004, amends the fixed asset list and approves the corresponding appropriation transfers.

- 6 C-2 This is the time set for hearing to consider: 1) the use of Local Law Enforcement Block Grant funding; and 2) approve a budget adjustment in the amount of \$17,662 and redirect resources in the amount of \$1,962 from within the operating budget totaling \$19,624.

Sheriff Pat Hedges: presents the staff report, outlining what the funding is proposed for and recommends approval of their request.

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 held a public hearing on the use of the Local Law Enforcement Block Grant funding and approves an appropriation transfer from Unanticipated Revenue in the amount of \$17,662 and redirects resources in the amount of \$1,962 from within the operating budget totaling \$19,624.

- 7 C-3 This is the time set for hearing to consider: 1) the 2004 Updated Los Osos Circulation Study; and 2) a resolution revising the Road Improvement Fees by 19% for the Community of Los Osos.

Ms. Rosemarie Gaglione: Public Works, presents the staff report; a map showing the Los Osos Road Fee Area; the Road Impact Fee Account balance; states there were no Fee Appeals filed this past year; highlights the various projects that have been

completed; comments on the current projects with Road Impact Fee Funding; outlines the procedure for calculating the annual fees and the recommendation to increase the fees by 6.9%.

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

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

NOES: None

ABSENT: None

the Board receives and adopts the 2004 Update for the Los Osos Circulation Study as attached to the staff report dated September 28, 2004 and RESOLUTION NO. 2004-318, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all developments within portions of the Estero Planning Area of the County of San Luis Obispo and adopting the required Annual Update, adopted.

8 C-4 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Ben and Sara Brigham.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation for denial of the appeal.

Supervisor Achadjian: questions whether the home is a primary or secondary dwelling and whether the road is County maintained, with Mr. Marshall responding.

Mr. Ben Brigham: Applicant/Appellant, states this is a small secondary dwelling so his family can live there and feels the fees are too high for what he is trying to do; states he is not a developer and asks that the Board reduce the fees.

Board Members: address various comments, issues and concerns: regarding setting up a payment plan; not seeing a way to exempt the Applicant from the fees; the possibility of any alternatives to paying this fee, with Mr. Marshall responding.

Mr. Noel King: Public Works Director, addresses his concern to the County starting a payment program and why he believes this is not a good idea.

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, Pinard, Ryan, Chairperson Ovitt

NOES: None

ABSENT: None

the Board denies the appeal of the South County Road Improvement Fee by Ben and Sara Brigham.

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) *San Luis Obispo County Sanitation District v. County of San Luis Obispo*, (2) *SLO County Deputy Sheriff's Association v. County of San Luis Obispo, et al.*, (3) *Manufactured Home Communities, Inc., dba Sea Oaks Manufactured Home Community v. County of San Luis Obispo, et al.*, (4) *Kyle v. County of San Luis Obispo* **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (11) *All American Pipeline, LP v. County of San Luis Obispo* and (12) *Save the Park v. California Department of Parks and Recreation, California Coastal Commission, 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, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*, (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*, (9) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee

organization: *SLOCEA*, and (10) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Management, Confidential*.

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: No report required as no final action was taken and the Board goes into Open Public Session.

(SUPERVISOR PEG PINARD IS NOW ABSENT.)

10 Add Update on the earthquake that occurred at 10:15 a.m. this morning, is presented.

Mr. Jim Grant: Deputy County Administrative Officer, states the County experienced a 6.0 magnitude earthquake this morning at 10:15 a.m. and a 5.0 magnitude at 10:19 a.m.; there have been more than 30 aftershocks since then; the earthquake was located out in the Parkfield area; there have been no reports of damage from the cities, radio towers, roads, bridges or dams; there are unconfirmed reports of damage to some homes in the Parkfield area; the elementary school in Parkfield was closed; reminds folks that they can get earthquake preparedness information from the front of their phone books or the County Emergency Operations Center website. **No action taken.**

11 C-5 This is the time set for hearing to consider proposed amendments to the Estero Area Plan and Circulation Element of the Local Coastal Program and County General Plan, and related revisions to the San Luis Obispo Area Plan, Land Use Ordinance Chapters 22.92 and 22.108 - Adelaida and San Luis Obispo Planning Areas - Title 22 of the County Code, and various sections of the Coastal Zone Land Use Ordinance, Title 23 of the County Code; 2nd District.

Mr. Mike Wulkan: Planning, thanks all the advisory councils and public who participated in this process; outlines the suggested hearing format for today; outlines the various components of the Update; highlights the area included in the Estero Update and why the Update is necessary; states over 100 meetings were held with the advisory councils and what those meetings included; outlines what staff did to reach the public on the Update; highlights the concerns raised by the Coastal Commission and the response to the same; 12 Planning Commission (PC) meetings were held and both the Los Osos (LOCAC) and Cayucos Advisory (CCAC) Councils unanimously endorsed the draft plan that was presented to the Planning Commission; outlines the actions taken by the Planning Commission; LOCAC and CCAC have submitted comments on the PC Recommended Plan; there are 8 Chapters in the PC Plan and Appendices A-G; highlights the features of the PC Plan including the changes from the existing Plan.

Ms. Nancy Orton: Environmental Specialist, addresses the components of the environmental review; the second draft EIR was released in August 2003 and the Final EIR in December 2003, with an Errata in June 2004; addresses the CEQA Findings; highlights the Issue Areas; comments on the various areas that were found to have significant impacts and will require Overriding Findings.

Supervisor Bianchi: commends Mr. Wulkan for his attendance at all the advisory meetings and Ms. Orton for all her work; comments on a couple of very lengthy letters that the Board received yesterday and her concern to being able to read those on such short notice.

Supervisor Ryan: agrees with comments regarding the late submittal of lengthy letters and it being hard to find the time to read them.

Chairperson Ovitt opens the floor to public comment on the overall Update.

Mr. Eric Greening: states the Estero area is very unique with respect to the habitat, wildlife, etc. and feels the Board only has one chance to do this right.

Ms. Mildred Denham: states she lives in Los Osos on Mitchell and addresses her concern to the proposed height limitations for this area; states back in 1984 there was meeting with the Board on the height for this area and the Board took an action to limit the height to 14 feet in this area; recently found out that the height was changed to 28 feet and the area residents were never notified of this; wants it back at 14 feet.

Supervisor Ovitt: states they will address this issue in Chapter 7.

Mr. Dick Moon: CCAC President, thanks Mr. Wulkan for all his work and states that he did a fantastic job.

Mr. Bruce Gibson: Immediate Past President for CCAC, states that the portions of the Update dealing with Cayucos have tremendous support in the community; and reminds the Board that the issues are very different between Los Osos and Cayucos.

Mr. Richard Nyznyk: states he has two projects in Los Osos and the vision guiding development in this area is nine years old; addresses his concern regarding housing limitations in the Coastal area; addresses the concerns regarding water and believes if you can prove you have water on the property you should be allowed to build.

Ms. Julie Tacker: questions why the Board is in a hurry to complete this by October 5th when there is also the October 19th date to discuss this matter.

Mr. Jeff Edwards: states this is a complex document and asks the Board to be flexible.

CHAPTER 1 - INTRODUCTION AND GENERAL GOALS, is presented.

Mr. Wulkan: provides an overview of what is included in this Chapter; speaks to the similarity in the goals for both Los Osos and Cayucos.

Chairperson Ovitt opens the floor to public comment on Chapter 1.

Mr. Eric Greening: addresses page 1-11 regarding protecting and enhancing the Morro Bay Estuary and outlines the protection gaps in the language; concerns regarding septic effluent coming from outside the prohibition zone and getting into the Bay; the impacts from Duke Power Plant; believes these issues should be added to the document, at the very least as a "concern."

Ms. Linde Owen: speaks to the need to protect the "inter area" of Los Osos and believes this is lacking in the document; wants this Update separated into two documents, one for Los Osos and one for Cayucos.

Supervisor Bianchi: references page 1-16 of the Update, Item **G - Area Plan Maps** and asks that the last paragraph that reads in part "Due to limitations of scale, . . ." be moved from the end of the section and placed as the first paragraph of the section right under the title.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board amends page 1-16 by moving the last paragraph of G. Area Plan Maps, that reads in part "Due to limitations of scale, . . .", to the beginning of G making it the first paragraph of this section and the Board tentatively approves Chapter 1 as amended.

CHAPTER 2 - ECONOMY AND POPULATION, is presented.

Mr. Wulkan: provides an overview of the Chapter and makes a correction to page 2-19, the last paragraph, second to the last line, the word "occurs" needs to be changed to "occur."

Chairperson Ovitt opens the floor to public comment on Chapter 2.

Mr. Eric Greening: addresses the programs listed on page 2-25 regarding Growth Management for both Los Osos and Cayucos and having these changes occur at the same time the Annual Resource Management Study is done.

Ms. Linde Owen: states there has been little discussion regarding affordable housing in this chapter and her concerns regarding this.

Mr. Rick Nyznyk: addresses the issue of build-out in Los Osos.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board amends page 2-19 by changing the word "occurs" to "occur" in the last paragraph of the section titled C. Population Projections and tentatively approves Chapter 2 as amended.

CHAPTER 3 - PUBLIC FACILITIES, SERVICES AND RESOURCES, is presented.

Mr. Wulkan: provides an overview of this chapter with one of the key issues being the water supply for both Cayucos and Los Osos; comments on the build-out figures for Los Osos; concerns raised by the Coastal Commission that this figure is too high and staff's disagreement with this; addresses the build-out figures for Cayucos; states there are no changes to the text being suggested by staff.

Mr. Eric Greening: addresses pages 3-12 and 13 regarding the **Water Supply: Areawide** and the comparisons regarding supply and demand; comments on page 5-4-10 of the EIR as it relates to water.

Ms. Julie Tacker: addresses the areas targeted for restoration in the estuary; addresses the issue of water in Los Osos and states there is no water conservation plan in place in this community.

Ms. Mary Ann Carnegie: thanks Mr. Wulkan for all his work; addresses the language on page 3-48 and the language titled **8. Consolidation - Cayucos** that is marked for deletion and asks that the language be left in and explains.

Supervisor Bianchi: reads a statement from Ms. Linde Owen regarding build-out and water issues; addresses her concern to using TDC's from the prohibition zone to the outer zone.

Mr. Ed Carnegie: speaks to page 3-17 and Table 3-3 and addresses his concern to the numbers regarding Water Demand and feels there is a discrepancy in these numbers.

Chairperson Ovitt: questions why the language for #8 on page 3-48 is marked for deletion, with Mr. Wulkan indicating staff has no strong feeling on whether this language is removed or stays.

Supervisor Bianchi: suggests the following changes: page 3-10, the first paragraph under **A. Water Supply, 1. Areawide Water Supply**, change the end of the paragraph to read ". . . groundwater supplies ~~or~~ **and/or** degrading water quality."; page 3-19, second paragraph (bottom of the page) under **Project Supply** in the second line change the wording to read ". . . causing water supply ~~or~~ **and/or** water quality . . ."; page 3-43, under **J. Emergency Medical Services**, sixth line (sixth sentence) after the wording California Highway Patrol add the following wording "and a private air ambulance service"; page 3-48 leave the paragraph in that is titled "**8. Consolidation-Cayucos**"; page 3-50, **D. Drainage - 1. Cayucos Drainage Plan** is changed to read: "The County Public Works Department should seek funding to implement the master drainage plan for Cayucos to prevent flooding, mudflows and associated storm drainage, while maintaining natural drainage courses and taking into account groundwater recharge and cumulative drainage and geologic impacts of future development."; page 3-51, under **E. Government and Community Services, 1. Community Center-Cayucos**, change the third line to read: "... such as recreation, public assembly **and** the arts, ~~and a substantially expanded library.~~"; page 3-53, on the chart under **D. Drainage**, change the time frame from "short term" to "Med-Term" and the target date from "2005" to "2010."

Chairperson Ovitt: questions the figures in the footnote for **Table 3-3: Projected Water Demand: Cayucos** and the concerns that these figures may not be correct and directs that staff review this and bring it back on October 5th and have Public Works make a presentation on this issue.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board amends the following: page 3-10, the first paragraph under A. Water Supply, 1. Areawide Water Supply, change the end of the paragraph to read ". . . groundwater supplies ~~or~~ **and/or degrading water quality."; page 3-19, second paragraph (bottom of the page) under Project Supply in the second line change the wording to read ". . . causing water supply ~~or~~ **and/or** water quality . . ."; page 3-43, under J. Emergency Medical Services, sixth line (sixth sentence) after the wording California Highway Patrol add the following wording "and a private air ambulance service"; page 3-48 leave the paragraph in that is titled "**8. Consolidation-Cayucos**"; page 3-50, **D. Drainage - 1. Cayucos Drainage Plan** is changed to read: "The County Public Works Department should seek funding to implement the master drainage plan for Cayucos to prevent flooding, mudflows and associated storm drainage, while maintaining natural drainage courses and taking into account groundwater recharge and cumulative drainage and geologic**

impacts of future development.”; page 3-51, under E. Government and Community Services, 1. Community Center–Cayucos. change the third line to read: “... such as recreation, public assembly and the arts, ~~and a substantially expanded library.~~”; page 3-53, on the chart under D. Drainage, change the time frame from “short term” to “Med-Term” and the target date from “2005” to “2010”; directs that Table 3-3 on page C-17 be deferred to October 5th to look at the figures in the table and footnotes and have Public Works staff here to address this issue and the Board tentatively approves Chapter 3 as amended.

CHAPTER 4 - LAND USE POLICIES AND PROGRAMS, is presented.

Mr. Wulkan: provides an overview of this chapter and addresses changes to page 4-7, **Table 4.1: Land Use Category Acreage**, in the row titled “Recreation” changing the acreage for Cayucos from 46 to 48 and “Planning Area Totals” from 5,355 to 5,357 on the same line; on the row titled “Residential Multi-Family” change acreage for Cayucos from 72 to 70, and on the row titled “Commercial Retail” change the “Planning Area Totals” from 88 to 86; page 4-15 provides suggested language changes for the **Cayucos Hillside** under **C. Rural Lands**.

Supervisor Ryan: addresses the suggested language in 4-B (Cayucos Hillside) and his concern that this will tighten it too much.

Chairperson Ovitt: states that the upper lots on this hillside are actually in the Adelaida Plan and are not under the same rule as the lower lots.

Mr. Wulkan: suggests a modification to the proposed language on C -5-12 of the staff report for these two policies.

Mr. John Euphrat: Planning, states that the issue of these properties is scheduled to come back through General Services on an upcoming agenda.

Supervisor Bianchi: speaks to page 4-15 and her concern regarding the TDC Program and where these could be transferred; addresses page 4-50, the second sentence and her concern to deleting the possibility of governmental offices being built in the central business district and wants the wording “non-government” in the second sentence of the first paragraph deleted; on page 4-60, **7. Geologic Study** wants to see language added regarding the Seismic Safety Element; page 4-70, **2. Cayucos Parks, b. Coastal Bluff Park and Coastal Access between Cayucos and Morro Bay, (2)** regarding the off-highway bike path connecting Cayucos and Morro Bay and thinks it’s already built or under construction.

Mr. Euphrat: states he knows funding is being looked for but doesn’t believe they have everything they need and recommends leaving the language in as written.

Chairperson Ovitt: addresses the concern by Supervisor Ryan to the language and that agriculture be included in the policies for the Cayucos Hillside.

Mr. Euphrat: suggests adding the wording “non-profits” and also “agriculture” to the policies.

Mr. Wulkan: suggests language for 4-B.

Supervisor Ryan: asks about adding in adjacent property owners and why he believes that should be added.

Mr. Euphrat: states staff would want the land to stay in agriculture if purchased by adjacent land owners.

Mr. Wulkan: addresses the language on page 4-31, the last paragraph, that continues onto page 4-32 and changing the sentence remaining in that stricken paragraph to read: “Some expansion of tourist-commercial uses can occur in the CBD.”

Chairperson Ovitt: suggests taking that sentence and moving it to the end of the first paragraph under **All Commercial Areas**, on page 4-31.

Mr. Wulkan: addresses page 4-50, the title **Baywood Village Commercial Area** and adding to the end of this title “**(Special Community)**”; page 4-51, change the first line to read: “ **7. Encourage mixed residential and commercial/office uses,**

throughout the Baywood Commercial Area, as well as bed & breakfast accommodations, on 3rd Street."

Ms. Julie Tacker: speaks on behalf of Eric Greening who had to leave, addressing his concern to the Cayucos Hillside and some of that area being in the Adelaida Planning Area and wants to see it all moved to the Coastal Zone.

Mr. Ed Carnegie: addresses page 4-60 and requests that #8 be deleted regarding "Residential Multi-Family Density" and explains.

Ms. Louise Craig Tucker: states she is speaking for Ronald and Kittie Kanzler who own property on Gilbert St.; presents a site map of the area showing the current location of the Urban Reserve Line (URL) and how it curves around the Kanzler property; presents photographs of the area; requests that the URL be straightened out to take in the Kanzler property.

Mr. Rick Nyznyk: addresses the table on page 4-7 and the increase in acreage for the Los Osos area; questions the greenbelt concept for Los Osos and the Environmentally Sensitive Habitat Area (ESHA); addresses page 4-46 and the language regarding the Vista de Oro Area; on page 4-64, #9, has a concern with the language regarding the sewer system being operational by 2008.

Chairperson Ovitt: states that the issue regarding the property on the hillside in Cayucos being in both Estero and Adelaida Planning areas, will be back before the Board soon.

Supervisor Bianchi: suggests changing the wording of #9 on page 4-64 from "not operational" to "not under construction."

Supervisor Ryan: questions removing #8 regarding Residential Multi-Family Density from page 4-60 as requested by the public, with Mr. Wulkan responding.

Supervisor Ryan: addresses the comments raised regarding the sand ESHA versus the greenbelt.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board changes page 4-7, Table 4.1: Land Use Category Acreage, in the row titled "Recreation" changing the acreage for Cayucos from 46 to 48 and "Planning Area Totals" from 5,355 to 5,357 on the same line; on the row titled "Residential Multi-Family" change acreage for Cayucos from 72 to 70, and on the row titled "Commercial Retail" change the "Planning Area Totals" from 88 to 86; direct staff to come back with language for page 4-15 regarding the Cayucos Hillside under C. Rural Lands; page 4-31, All Commercial Areas in the last paragraph, that continues onto page 4-32, changes the remaining sentence in that stricken paragraph to read: "Some expansion of tourist-commercial uses can occur in the CBD." and moving this sentence up to the end of the first paragraph of this section; page 4-50, the title Baywood ~~Village~~ Commercial Area and adding to the end of this title "(Special Community)"; page 4-51, change the first line to read: "7. Encourage mixed residential and commercial/office uses, **throughout the Baywood Commercial Area, as well as bed & breakfast accommodations, on 3rd Street."; page 4-60, 7. Geologic Study wants to see language added regarding the Seismic Safety Element and directs staff to bring back a discussion regarding #8 Residential Multi-Family Density; #9 on page 4-64 from "not operational" to "not under construction." and the Board tentatively approves Chapter 4 as amended.**

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board continues said hearing to October 5, 2004 at 9:00 a.m..

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 28, 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/ Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: October 6, 2004
vms