

Tuesday, December 7, 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 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Jesse Arnold: discusses genetically engineered crops and urges the Board to bring a discussion back next year to ban these in the County; and, if the Board is going to allow them in the County then requests that there be independent testing done.

Mr. Mark Phillips: speaks to a letter from a Mr. Brown speaking against Measure Q supporters and then Mr. Brown's December letter retracting his prior comments after talking to folks who have concerns about genetically engineered crops.

Mr. Bill Denneen: addresses occurrences on this date in 1941; speaks to the environmental award he created and prior recipients; states that this year he is giving the award to Supervisor Pinard for all her work over the years and cites various things that occurred at Avila Beach. **No action taken.**

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

Mr. Jesse Arnold: speaks to Item B-16 and states another election was successfully conducted without using electronic voting machines. **No action taken.**

3 B-1 thru Consent Agenda Item B-1 is amended replacing page B-1-41 to correct the publication date and to show that this ordinance does not have a page 34. Item B-3 is amended to B-18 correct the transmittal to include the individual that is being replaced. Item B-5 is withdrawn. Item B-17 is amended to include the individual that is being replaced and the term of the appointment.

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

Consent Agenda Items B-1 through B-18 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-18, as amended, 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 a Cable System Regulatory Ordinance that will replace Chapter 6.48 of the County Code in its entirety with a new Chapter 6.48 entitled Cable System Regulatory Ordinance, **Approved as amended and the Clerk is instructed to give notice of hearing date set for December 14, 2004 at 9:00 a.m..**

Board of Supervisors Items:

B-2 Request from Supervisor Ovitt to reappoint Betty S. Robinson as a District One representative to the San Miguel Public Cemetery District, **Approved.**

B-3 Request from Supervisor Bianchi to appoint Michael Thompson as a District Two representative to the Economic Advisory Committee, **Approved as amended.**

- B-4 Request from Supervisor Achadjian to appoint Margaret M. Allan as an alternate member to the Assessment Appeals Board, **Approved.**

General Services Items:

- B-5 Request to terminate existing and approve various new agreements (Clerk's File) with Community Health Centers of the Central Coast to accommodate the provision of medical services in County owned space in San Luis Obispo and Atascadero, **Approved.**
- B-6 **RESOLUTION NO. 2004-386**, dedicating the new pedestrian walkway at the New County Government Office Building in San Luis Obispo as a public way, **Adopted**

Probation Items:

- B-7 Renewal contract (Clerk's File) with the Lucia Mar Unified School District in the amount of \$68,333 to provide a Deputy Probation Officer in the school district, **Approved.**
- B-8 Request to authorize the Chief Probation Officer to sign a Memorandum of Understanding (Clerk's File) between the Probation Department and Superior Court, **Approved.**

Public Works Items:

- B-9 **RESOLUTION NO. 2004-387**, amending the Traffic Regulation Code for the establishment of disabled persons parking on North Ocean Avenue and North Third Street, Cayucos; and Mendel Drive, Oceano; 2nd and 4th District, **Adopted.**
- B-10 **RESOLUTION NO. 2004-388**, authorizing execution of notice of completion for the repair of a timber bridge on Santa Rita Road over Old Creek at Cayucos; 2nd District, **Adopted.**
- B-11 Reassignment of water allocation within County Service Area No. 12 to Rob Rossi, **Approved.**
- B-12 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:

A. CO 02-0058, a proposed subdivision resulting in 2 lots, by Dennis and Julie Spiller, Stanton Road, Nipomo Mesa; act on the attached resolution to accept the offer of dedication for Stanton and Lyn Roads, already in the maintained system, **Approved.**

B. CO 01-0270, a proposed subdivision resulting in 2 lots, by Laszlo and Rosalie Fonagy, La Cumbre Lane, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

C. CO 02-0106, a proposed subdivision resulting in 4 lots, by John and Luana Herlihy, Lyn Road, Nipomo Mesa; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

D. CO 99-0254, a proposed subdivision resulting in 2 lots, by Chuck and Kathy Baker, northeast of Dana-Foothill Road, Nipomo; 4th District, **Approved.**

Treasurer-Tax Collector Items:

- B-13 Agreement (Clerk's File) to purchase tax-defaulted land by the County Department of General Service, **Approved.**
- B-14 **RESOLUTION NOS. 2004-390 and 2004-391**, accepting notice and approving sales of tax-defaulted property subject to the Tax Collector's power to sell, for sale numbers 202 and 203, **Adopted.**
- B-15 Distribution of excess proceeds from tax sale numbers 195, 196 and 197, **Approved.**

Other Items:

- B-16 Request from the Clerk-Recorder to declare the results of the November 2, 2004 Consolidated General Election; and submittal of the summary report and statement of votes cast (Clerk's File), **Approved.**
- B-17 Request from Drug and Alcohol Services to approve the appointment of Chrystal Carlson to the Drug and Alcohol Advisory Board, **Approved as amended.**
- B-18 **RESOLUTION NO. 2004-392**, from Planning and Building approving and accepting an open-space agreement from Insong Edwards for property located at 2807 Rodman Drive in the community of Los Osos; 2nd District, **Adopted.**

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C-1 This is the time set for continued hearing (continued from November 2, 2004) to consider an appeal by James Rickard of the Subdivision Review Board's denial of a vesting tentative parcel map, located on the north and south sides of Highway 166, in the Shandon/Carrizo Plains planning area; 5th District. (The recommendation was amended at the beginning of the hearing, from denial to approval)

Mr. Brian Pedrotti: Planning, presents a resolution reversing the denial of the map based on the direction of the Board at the prior hearing on this matter.

Mr. Jim Rickard: Applicant, questions the conditions with staff responding.

Mr. Ben Maddalena: representing the Applicant, states they are in agreement with the staff report.

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

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

RESOLUTION NO. 2004-393, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of James Rickard for a vesting tentative parcel map for Parcel Map CO 03-0335, adopted.

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C-2 This is the time set for continued hearing (continued from November 23, 2004) to consider proposed amendments to the San Luis Obispo County Land Use Ordinance, the Land Use Element, the Coastal Zone Land Use Ordinance, and the Land Use Element and Local Coastal Plan of the General Plan and the Woodlands Specific Plan: A: G950006M - A request by Dr. John DeVincenzo to amend the County's Land Use Element (San Luis Bay Coastal Area Plan) by changing the land use category from Rural Lands to Recreation on a 33-acre site; and B: G030017S - A request by Woodlands Ventures LLC to amend the Woodlands Specific Plan.

G030017S, is presented.

Mr. Jay Johnson: Planning, presents the staff report, outlining the request and presents additional information for the record from the Planning Commission hearing which includes additional changes.

Mr. Vic Montgomery: RRM Design and representing the Applicant, states they agree with the staff report.

Thereafter, on motion Supervisor Achadjian, seconded by Supervisor Ryan and unanimously carried, the Board tentatively approves G030017S as recommended by the Planning Commission and as amended by staff.

SUPERVISOR MICHAEL P. RYAN DISQUALIFIES HIMSELF FROM THE NEXT ITEM, CITING A CONFLICT OF INTEREST AND LEAVES THE BOARD OF SUPERVISORS CHAMBERS.

G950006M, is presented.

Mr. James Caruso: Planning, presents the request by Dr. DeVincenzo; outlines the area involved in the request and the elements of the project; states this hearing is only to consider the General Plan Amendment and the development plan will come back at a later date; states if this is approved by the Board it will still need to go to the Coastal Commission for their approval; indicates several changes need to be made on the following pages: C-1-14, first paragraph, the first full sentence, the words "on site" need to be deleted and the wording "15 AFY of" needs to be deleted from the beginning of the next sentence; on page C-1-29, #6, the wording "15 AFY of" needs to be deleted from the beginning of the second sentence; and, on page C-2-39, #6, the wording "15 AFY of" needs to be deleted from the beginning of the second sentence.

Supervisor Pinard: indicates that both the Avila Specific Plan and the Coastal Commission asked that there be more visitor serving areas here and originally the Coastal Commission wanted all of those in the downtown area; this proposal along with the Hot Springs proposal takes that pressure off the downtown area.

Board Members: address various issues, comments and concerns regarding: the wetland areas and input by CDF; looking at low cost housing for the Avila area and setting the standard on this; regarding onsite employee housing and whether or not a precedent is set, with Mr. Caruso responding.

Mr. John Wallace: representing Dr. DeVincenzo, presents written information with a couple of additional changes (in addition to the changes cited by Mr. Caruso); presents information showing their vision for the property; presents a site map indicating this is a 16.8 not 16.5 acre site; discusses proposed restoration to the quarry scar; outlines additional issues addressed through the Planning Commission hearings regarding visual impacts and the wetlands.

Mr. Tom Roberts: wetlands biologist, discusses his site visit and presents a map of the wetland delineations and an aerial photograph of the Enhancement Corridor.

Mr. Wallace: continues with the Applicant's presentation addressing the wetlands restoration project; discusses the traffic and parking they will provide, indicates they will have a total of 462 spaces for parking; discusses slope, water and wastewater issues; presents a graph regarding the average occupancy rate for motels; addresses the additional changes they would like on page C-2-16 regarding the bike trail and on page C-2-16 regarding the hiking trail.

Mr. Michael Winn: speaks in support of this proposal.

Mr. Archie McLaren: Avila Valley Advisory Council member, speaks to the project indicating it is part of the vision for this area and urges support of the request.

Mr. John Connor: states this is one of the best projects he has ever seen and urges the Board to support it.

Ms. Rachel Kovesdi: representing King Ventures, presents a letter for the record; indicating they are not against the project but believe a scaled project would benefit all of the businesses in the Avila Valley; addresses their concern regarding the size of the proposed conference center; believe on-site employee housing should be eliminated.

Ms. Pamela Heatherington: ECOSLO, addresses their concerns to this proposal; addresses the concern to genetically engineered corn that is grown here and questions whether the impacts of this are being addressed.

Mr. Wallace: responds to public comment.

Dr. John DeVincenzo: Applicant, addresses the Board and shares his vision for this area when he started working on it 10 years ago.

Matter is fully discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi, with Supervisor Ryan being disqualified, motion carries and the Board amends the Standards as follows: C-1-14, first paragraph, in the first full sentence, the words "on site" is deleted and the wording "15 AFY of" is deleted from the beginning of the next sentence; on page C-1-29, #6, the wording "15 AFY of" is deleted from the beginning of the second sentence; and, on page C-2-39, #6, the wording "15 AFY of" is deleted from the beginning of the second sentence; page C-2-16 (10) the words "Class I" are deleted from the end of the paragraph; page C-2-16 (11) the first sentence which reads "These trails shall be open to the public and signed as coastal trails." is deleted; and, C-2-17 (12) is amended to read "Visitor serving uses shall provide onsite housing for lower paid employees in accordance with standards in place at the time of the development plan application." and, G950006M is tentatively approved as recommended by the Planning Commission and as amended by this Board.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard, with Supervisor Ryan being absent, motion carries and the Board continues said hearing to December 14, 2004 at 9:00 a.m..

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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) *Ramey v. County of San Luis Obispo*, (2) *Vestal v. County of San Luis Obispo* and (3) *Maria Vista Estates v. Director of Public Works, et al.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (4) *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. (5) *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: (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*, (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*, (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *SLOCEA*.

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 is required because no final action was taken and the Board goes into Open Public Session.

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, December 7, 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: December 13, 2004

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