

Ms. Julie Rodewald: County Clerk-Recorder, states the item was pulled from a previous meeting to address concerns regarding software issues only; states this is not a voting machine, but a voter registration system.

Ms. Jan DiLeo: County Parks, states the offer of dedication keeps the neighborhood connection.

Board members: discuss the offer of dedication and that it was signed in 2000, addresses the potential impacts to property owners and the County's assumption of liability for the property once the offer of dedication is accepted.

Ms. Lindquist: states she has maintained the property; the property is next to the Santa Margarita Ranch; she will need to build a fence to protect her property from vandalism and believes this is a hazardous area for a trail. **No action taken.**

4 B-1 Consent Agenda Item B-23 the coversheet is amended to correct the recommendation

thru to read Public "Health" Administrator instead of Public Administrator. Item B-37

B-41 amends the staff report to show the terms of reappointments to expire on July 9, 2008. Items B-39, B-40 and B-41 are added to the Consent Agenda.

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

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson,
Chairperson Bianchi

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-41 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-41, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

B-1 Response to the Grand Jury report on County Parks, **Approved.**

B-2 Response to the 2004-2005 Grand Jury Report on the Cayucos Sanitary District and Morro Bay Wastewater Treatment Plant, **Approved.**

B-3 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 71 to the City of San Luis Obispo (McBride), **Approved.**

Behavioral Health Items:

B-4 Amended agreement (Clerk's File) for Fiscal Year 2004-05 with the State Department of Mental Health for services provided through the Conditional Release Program, **Approved.**

B-5 Amended contract (Clerk's File) for Fiscal Year 2004-05 with the Family Care Network, Inc. and approve a corresponding budget adjustment in the amount of \$291,925, **Approved.**

B-6 Request from Drug and Alcohol Services to approve a budget adjustment in the amount of \$48,000 to reclassify funds from the DUI Contingency account to the Labor and Reimbursable Expenditure accounts for impact of this year's prevailing wage and increases in counseling support to the DUI program, **Approved.**

Board of Supervisors Items:

B-7 Request by Board Members to allocate \$6,500 (\$2,000 each from Districts One and Two, \$500 each from Districts Three and Five, \$1,500 from District Four) from Contributions to Other Agencies – Community Project Funds to the

San Luis Obispo Mozart Festival for Mozart fringe concerts to be held July 15-24th, 2005, **Approved**.

B-8 Proclamation by the Official Town Criers of the County of San Luis Obispo (Bev and Jerry Praver) welcoming the public and the Supervisors into the new Board Chambers, **Approved**.

Clerk-Recorder Items:

B-9 Contract (Clerk's File) with Data Information Management Systems, Inc for the purchase of a Voter Registration System and approve a budget adjustment in the amount of \$199,000 from unanticipated revenue. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

B-10 Destruction of unaccepted bids covering the time period of May 6, 1991 through December 6, 1993, **Approved**.

General Services Items:

B-11 Lease agreement (Clerk's File) with the San Luis Obispo County Farm Bureau dba Carrisa Farm Bureau to lease and manage the County-owned Simmler Community Building in Simmler, **Approved**.

B-12 Employment contract (Clerk's File) for Philip M. D'Acri for Real Property Agent services, **Approved**.

B-13 Sublease agreement (Clerk's File) with Community Health Centers of the Central Coast, Inc. for medical office space located at 1551 Bishop Street in the City of San Luis Obispo, **Approved**.

B-14 Lease agreement (Clerk's File) with the State Military Department for the continued occupancy of the buildings and areas currently utilized by the County Fire Department at the Camp San Luis Obispo National Guard Training Facility, **Approved**.

B-15 **RESOLUTION NO. 2005-180**, accepting the King (Bakersfield Rodeway Inn, Inc.) irrevocable offers to dedicate for public coastal access located within the unincorporated community of Cayucos, **Adopted**.

B-16 **RESOLUTION NO. 2005-181**, accepting an offer of dedication for a ten-foot wide access easement connecting Maria Avenue and F Street in the community of Santa Margarita, **Adopted**.

B-17 Budget adjustment in the amount of \$78,000 from Public Facilities Fees – Parks for the completion of new Parks maintenance/office and storage buildings currently under construction at El Chorro Regional Park; and 2) the performance of extra work under and existing construction contract in excess of Public Contract Code change order limits, **Approved**.

B-18 Use permit with Code 7 Meals Inc. dba Higher Groudz Coffee 7 Tea Company, for staging a mobile espresso cart and offering coffee services to Airport patrons at the San Luis Obispo County Regional Airport, **Approved**.

B-19 Use Permit with Coast Hills Federal Credit Union for the installation, operation and maintenance of an Automatic Teller Machine at the San Luis Obispo County Regional Airport, **Approved**.

B-20 Creation of a new maintenance project to repair the parking lot at Cayucos Veterans Hall (Lot # 300269); and 2) a corresponding budget adjustment in the amount of \$25,000 from Proposition 40 and Quimby-Maintenance funds, **Approved**.

B-21 Bid opening report for the construction of a new restroom/shower facility at Santa Margarita Lake Park and request to approve a corresponding budget adjustment in the amount of \$325,000 from Proposition 40 funds; 5th District, **Approved and the Chairperson is instructed to sign contract documents with Voss Construction Corporation in the amount of \$414,107**.

Public Health Department Items:

B-22 Renewal agreement (Clerk's File) with the San Luis Obispo County AIDS Support Network to provide HIV related services, **Approved**.

B-23 Renewal agreement (Clerk's File) with the State Department of Corrections to provide transitional case management services to parolees with HIV disease; and 2) authorize the Public Administrator/Public Health Officer to sign the agreement and future certifications, amendments, **Approved**.

B-24 Agreement (Clerk's File) with the Community Health Centers of the Central Coast for lactation consultant services, **Approved**.

Planning and Building Items:

B-25 **RESOLUTION NO. 2005-182**, approving cooperative agreements (Clerk's File) with the cities to qualify as an "urban county" under the federal Department of Housing and Urban Development's CDBG, HOME, ESG, ADDI and HOPWA funding programs, **Adopted**.

B-26 Proposed mitigated Negative Declaration for the Tank Farm Road Safety and Operational Improvements Project, ED01-361 (300151), **Approved**.

Public Works Items:

B-27 Agreement with Rajappan and Meyer Consulting Engineers for engineering services to prepare a project study report/project report for the Tefft Street/Highway 101 Interchange Improvements (WBS 300147.01); and 2) a corresponding budget adjustment in the amount of \$347,150 to be funded by Nipomo Area 1 Road Impact Fees, **Approved**.

B-28 **RESOLUTION NO. 2005-183**, requesting the delay of transfer of maintenance responsibility to the State Department of Water Resources for Flood Control Zones 1 and 1A, Oceano Area and request to approve a district agreements with the San Luis Obispo County Flood Control and water Conservation District to indemnify the State of California and a San Luis Obispo County Agreement to indemnify the State, **Adopted**.

B-29 Postpone bid date for the Lopez Water Treatment Plant Upgrade Project from June 30, 2005 to July 21, 2005, **Approved**.

B-30 Bid opening report for the El Moro Avenue Bikeway, Contract No. 300173 and request to approve a corresponding budget adjustment in the amount of \$158,000; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction, Inc. in the amount of \$258,362**.

B-31 Bid opening report for the Operations Center Sewer Line Replacement along Kansas Avenue near the City of San Luis Obispo (Contract No. 405R990646) and request to reject the subject bids; All Districts, **Approved**.

B-32 Bid opening report for the Enhancement of Main Street in Cambria (Contract No. 300160) and request to secure a construction contract in accordance with applicable State Law because no bids were received, **Approved**.

B-33 Bid opening report for construction of the Trout Creek Pipeline relocation (Contract No. 300190); 5th District, **Approved and the Chairperson is instructed to sign contract documents with R. Burke Corporation in the amount \$129,310**.

B-34 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:

A. Tract 2024, a proposed subdivision resulting in 17 lots by Viejo Camino Partners, LLC, Carmel Road, south of Atascadero; reject the offer of dedications without prejudice to future acceptance, **Approved**; **RESOLUTION NO. 2005-184**, to approve an Open Space Easement agreement; order the abandonment of a portion of Carmel Road easement in accordance with Section 66434g of the Government Code; 5th District, **Adopted**.

B. CO 04-0136, a proposed subdivision resulting in 2 lots by Walter Bell et al., Las Flores Drive, Nipomo, **Approved; RESOLUTION NO. 2005-185**, accepting the relinquishment of access rights along Las Flores Drive; 4th District, **Adopted**.

C. CO 03-0147, a proposed subdivision resulting in 2 lots, by Michael & Venessa Armstrong, Ocean Street, Oceano, **Approved; RESOLUTION NO. 2005-186**, to approve an avigation easement; 4th District, **Adopted**.

D. CO 01-0400, a proposed subdivision resulting in 4 lots, by Jack & Cynthia Bodger, Sandydale Drive, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved**.

E. COAL 03-0289, a proposed lot line adjustment of 2 lots by Hastings/ Beckham/Bateman/Semmes, Rossi Road at Vineyard Drive, Templeton; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.

F. CO 02-0430, a proposed subdivision resulting in 2 lots, by Adam & Devin Scattini, Vineyard Drive, Templeton; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.

B-35 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:

A. Tract 2484, a proposed subdivision resulting in 9 lots, by Daniel R. Lloyd, Highway 46, west of Templeton; reject the Offer of Dedication without prejudice to future acceptance; 1st District, **Approved**.

Social Services Items:

B-36 Twenty-two service contracts (Clerk's File) in support of Child Welfare Services and the CalWorks Program, **Approved**.

B-37 Request from Social Services to re-appoint various In-Home Supportive Services Public Authority Governing Board members, **Approved**.

Other Items:

B-38 Extension of the EFS Phase II go-live date from October 2005 to January 2006; and 2) a twelve-month on-going support contract (Clerk's File) with ea Consulting Inc, **Approved**.

B-39 **Resolution No. 2005-187**, amending sections of the San Luis Obispo County Employees Retirement Plan to enhance the retirement formula for non-safety members represented by the Deputy Sheriffs Association (DSA), **Adopted**.

B-40 **Resolution No. 2005-188**, amending sections of the San Luis Obispo county Employees Retirement Plan to enhance the retirement formula for safety members represented by the Deputy Sheriffs Association (DSA), **Adopted**.

B-41 Agreement with UCP Ride-On Inc. to provide temporary trolley-driver services for the community of Cambria, 2nd District, **Approved**.

5 C-1 This is the time set for a hearing to consider a resolution adopting the 2005-2006 Final Budget including: 1) a resolution adopting budgets for the County and Board governed Special Districts; and 2) resolutions [sic] adopting the 2005-06 position allocation list.

Mr. Jim Grant: Deputy County Administrative Officer, presents the staff report and recommendations.

Ms. Christine Scanlan: San Luis Obispo County Employees Association representative, speaks to the layoff notice given to Marilyn McDermott after the

budget hearings; discusses Ms. McDermott's bumping rights, the difference in salary at her new position, her 14 years of service with the County, her good employment evaluations and asks the Board to retain her current Head Nurse position at the Morro Bay clinic.

Ms. Marilyn McDermott: questions the Board regarding the elimination of her Head Nurse position at the Morro Bay clinic; discusses the services provided at the clinic and her involvement in seeing that those services are available; states she has been a loyal employee for 14 years and urges the Board to reconsider the termination of this position.

Mr. David Edge: County Administrative Officer, states this is not personal; Ms. McDermott has bumping rights, no one is losing their job; the Department recommended this mid-management position be eliminated as part of a reorganization.

Chairperson Bianchi: states she would like to meet with the Department Head to discuss this position's elimination and how it will impact the clinics in her District.

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

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson,
Chairperson Bianchi
NOES: None
ABSENT: None

the Board closes the 2005-06 budget hearings and RESOLUTION NO. 2005-189, resolution adopting the County Budget and Budgets for Board governed districts for Fiscal Year 2005-2006, adopted.

6 C-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:**

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson,
Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2005-190, resolution allocating positions for Fiscal Year 2005-2006, adopted.

7 C-2 This is the time set for a hearing to consider a resolution accepting the calculations of the 2005-2006 Appropriation Limitation for the County and Special Districts; All Districts.

Ms. Andrea McGarvey: Auditor-Controller's Office, presents the staff report and recommendation.

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

AYES: Supervisors Ovitt, Patterson, Lenthall, Patterson,
Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2005-191, establishing the Appropriation Limit for Fiscal Year 2005-2006 for the County of San Luis Obispo and for Flood Control Zones 1 and 1A, County Service Area Nos. 1-A, 1-B, 1-C, 7-A, 7-B, 10, 10-A, 16 and 23, adopted.

8 C-3 This is the time set for a hearing (introduced June 7, 2005) to consider a resolution confirming amended assessments for the North Mesa Assessment District; 4th District.

Mr. Ken Cardoza: Public Works, presents the staff report and recommendations.

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

**AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson,
Chairperson Bianchi**

NOES: None

ABSENT: None

RESOLUTION NO. 2005-192, resolution confirming and ordering amended assessments for the North Mesa A.D. (Road District), San Miguel A.D. "A" (Water District) and San Miguel A.D. "B" (Water District), adopted. Further, staff is directed to place the fee for preparing the amended assessments the 2005-06 Tax Roll and the Clerk is directed to file the confirmed amended assessments with the County Auditor no later than August 10, 2005.

- 9 C-4 This is the time set for a hearing (introduced on June 7, 2005) to consider an ordinance amending sewer service charges in San Luis Obispo County Service Area No. 18, San Luis Obispo Country Club Area Sewer System, directing the collection of these charges on the 2005-2006 property tax bills; 3rd District.

Mr. Will Clemens: Public Works, presents the staff report and outlines staff recommendations.

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

**AYES: Supervisors Lenthall, Achadjian, Ovitt, Patterson,
Chairperson Bianchi**

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is ready by title only and ORDINANCE NO. 3070, an ordinance establishing service charges for County Service Area No 18 San Luis Obispo Country Club area sewer/waste disposal, adopted.

- 10 C-5 This is the time set for a hearing to consider an appeal by John Wysong of the Administrative Hearing Officer's approval of a request by Chris Knauer and Byron Davis for a Minor Use Permit/Coastal Development Permit to allow grading for a recreational vehicle storage yard and submittal of a resolution affirming the decision of the Administrative Hearing Officer and approving the application of Chris Knauer and Byron Davis; 4th District.

Mr. Murry Wilson: Planning, presents the staff report outlining the Appellant's complaints and the Planning Department's response to each; outlines staff recommendations and corrects the meeting date in the resolution, Page 9, to read June 28, 2005.

Mr. Randy Sabin: Supervising Code Enforcement Officer, discusses the history of the case and his visits to the property; states during a discussion with Mr. Wysong's son was told the property would not be used for grazing until December 2004.

Mr. John Wysong: Appellant, expresses his concerns indicating he did not receive a notice of the hearing; presents photographs to the Board showing the property prior to and after the grading; discusses concerns with the grading that was done and how it will impact the cattle grazing on the property; states he wants the current fencing, which is inadequate, to hold cattle, moved to the original location and to be replaced with railroad ties and 6 strands of barbed wire; states he wants a cement wall constructed to control hillside erosion.

Mr. Chris Knauer: Applicant, discusses how the fence was destroyed and replaced; presents photographs showing cattle grazing on the property on June 16, 2005; states the cattle have been grazing on the property for the past 6 weeks; presents a copy of a survey which they based the property line on, to place the new fence in October 2004; states the slope has not been affected by rains.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian,

seconded by Supervisor Lenthall and on the following roll call vote:

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson,
Chairperson Bianchi

NOES: None

ABSENT: None

the appeal is denied and RESOLUTION NO. 2005-193, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Chris Knauer and Byron Davis for a Minor Use Permit/Coastal Development Permit DRC 2004-00010, adopted.

11 CS The Board announces it will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. Code, § 54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *Santa Maria Water Conservation District v. City of Santa Maria*; (2) *Maria Vista Estates v. County of San Luis Obispo*.

B. Conference with Legal Counsel – Anticipated Litigation (Gov. Code, § 54956.9.) (3) *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. (4) *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: (5) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

Chairperson Bianchi: 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: the Board approves a stipulation on the *Santa Maria Water Conservation District v. City of Santa Maria*, and no other final action was taken and the Board goes into Open Public Session.

12 C-6 This is the time set for hearing to consider: 1) an appeal by Helen Hale of the Planning Commission's approval of a request by Plains Exploration (PXP) for a conditional use permit to expand oil production activities at the Price Canyon Oilfield; and 2) a resolution upholding and modifying the decision of the Planning Commission and conditionally approving the application of plains exploration and production; 3rd District.

Mr. Keith Miller: Planning, presents the staff report outlining the history of the property; highlights the seven appeal issues; comments on well monitoring; and presents the staff recommendations.

Mr. John King: representing the Appellant, states he believes PXP needs to be held responsible for any negative impacts they create; the EIR is inadequate; states the information regarding water quality is not being shared with the public.

Ms. Rachel Kovesdi: representing the Appellant, states information is not being exchanged regarding environmental issues; wants information regarding how spills will be handled; present a copy of the Record of Spills and/or Releases for PXP; asks for a Spill Prevention Plan to be required with the EIR; discusses steam injection and the Feasibility Study approved by the Board on September 14, 2004.

Mr. Chuck Champion: owner of Tower Petroleum Consultants, discusses unanswered questions in the EIR and reports they need from PXP; states he agrees with Amended Condition #29 but Condition #36 needs a contingency plan; asks that oil production be limited; believes a contingency response plan should be required and prepared; doesn't feel the prepared EIR addresses all their

concerns.

Mr. Kirk Koerner: representing PXP, discusses the environmental initiatives and awards they have received; provides a historical perspective of the site; addresses concerns regarding water quality; states the EIR fully analyzed the project impacts and showed no evidence of contamination into the fresh water source; proposes an enhanced monitoring program; states a monitoring program will be designed to provide adequate forewarning of potential impacts.

Mr. Peter Candy: references a letter from Steve Rush of PXP addressed to Steve McMasters and Keith Miller (email dated June 23, 2005) regarding additional language that could amend Condition No. 29 to strengthen mitigations.

Mr. Greg Ray: representing the City of Pismo Beach, states the City has concerns regarding the impacts increased truck traffic is going to have on the City streets; asks that the traffic study be amended to address traffic issues with the necessary mitigations being addressed by the Applicant; presents suggested language to amend Condition No. 9.

Mr. Koerner: responds to the City of Pismo Beach's traffic concerns and disagrees with the additional language requested by the City.

Mr. John Harris: representing the Appellant, discusses the potential hazards with steam operations; states there is information lacking in the EIR, it needs to be revised and there needs to be additional time for public review.

Mr. Steve McMasters: Environmental Specialist/Planning, discusses the EIR that was circulated and the comments that were received were incorporated into the document; an addendum was done to summarize all the issues; states the EIR is adequate, the monitoring plan is key and the State agencies are the enforcement agency on some of the issues.

Supervisor Patterson: questions if there is a plan if pollution is detected in the groundwater and if there is a Spill Prevention & Response Plan.

Mr. McMasters: states the Spill Prevention & Response Plan is covered under Condition No. 41 and addressed in the EIR; discusses the monitoring plan.

Supervisor Achadjian: questions the EIR circulation.

Mr. McMaster: states both the draft and final EIR's were circulated to local agencies and the Department of Fish and Game.

Board members: discuss the number of monitoring wells; the location of the wells, and the frequency of well testing; discusses traffic impacts.

A motion by Supervisor Lenthall to continue this to a future date to allow staff, PXP and the Appellant the ability to address some of these issues, is discussed.

Mr. Harris: states he would like a facilities map that shows the locations and identity of wells; which wells will be injection, steam, wastewater disposal, and production; and wants the map to show geological contour and shows the thickness of the zones as well as the cross sections.

Chairperson Bianchi: discusses the letter dated June 23, 2005 from King Ventures, showing the three conditions needed to be met for Ms. Hale to withdraw her appeal.

Mr. Ed Brannon: District Deputy for the Division of Oil, Gas and Geothermal Resources, addresses the various maps that are part of the record they reviewed and indicates this information is not part of the public record.

Supervisor Lenthall: clarifies his motion that is should address the issues raised regarding the monitoring plan; wants the well locations; any agreements that are out there to have wells located on neighboring properties; and address the issues regarding monitoring of the wells.

Mr. Koerner: expresses his belief that the current EIR addresses all the concerns

raised today and states he does not want to continue this project any longer; would like the Board to make a decision today.

Supervisor Achadjian seconds the motion.

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

AYES: Supervisors **Lenthall, Achadjian, Patterson, Chairperson Bianchi**
NOES: Supervisor **Ovitt**
ABSENT: **None**

the Board directs staff to bring this hearing back on August 9, 2005 at 9:00 a.m. to allow staff, the Applicant and Appellant time to review the concerns regarding (1) the location and number of wells and (2) the frequency of monitoring the wells, and (3) working on the details of the monitoring plan.

- 13 D-1 This is the time set for consideration of a resolution approving agreements (Clerk's File) with The Morro Group and Mundie & Associates for the constraints analysis and market study for the Shandon Community Plan Update; 1st District.

Mr. John Bussell: Planning, presents the staff report and recommendations.

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

AYES: Supervisors **Ovitt, Achadjian, Lenthall, Patterson, Chairperson Bianchi**
NOES: **None**
ABSENT: **None**

RESOLUTION NO. 2005-194, resolution approving an agreement with The Morro Group, a California Corporation, to complete a constraints analysis for the Shandon Community Plan Update and approving an agreement with Mundie and Associates, a California Corporation, to complete a market study for the Shandon Community Plan Update, adopted.

- 14 D-2 This is the time set for hearing to consider the recommendation to require an environmental impact report for the proposed Rural Planned Development Ordinance; All Districts.

Mr. John Nall: Environmental Specialist/Planning, presents the staff report; discusses the history of this proposed ordinance; discusses how this would be applied and presents conceptual photos of lots before and after the ordinance is applied; discusses the potential significant impacts and problems with the proposed ordinance; discusses the possible benefits of the proposed ordinance; discusses the potential for significant impacts to the inland areas; recommends an EIR be prepared for the Rural Planned Development Ordinance because the proposal has the potential to result in significant impacts on the environment; states the funds for the EIR would need to be appropriated, they were not budgeted for; discusses the motivation of the ordinance to allow for a different approach to reconfigure lots for build ability and to protect resources.

Board Members: address various comments, questions and concerns regarding: whether the advisory groups have seen this information; whether this ordinance could be adjusted community by community; feel the estimated cost seems low for a Countywide EIR.

Ms. Kami Griffin: Planning, discusses the differences between this ordinance and the Cluster Ordinance.

Board Members: address various comments, questions and concerns regarding: how you do an EIR when you don't know how many underlying lots there will be; believes that each project would have to stand on its own; doesn't believe this ordinance will take the place of the TDC Ordinance.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and unanimously carried, the Board agrees to continue the

meeting past 5:00 p.m..

Mr. Eric Greening: asks the Board to not go forward with this ordinance; questions where the funding will be pulled from to pay for this EIR; has concerns about the social impacts on children due to the isolation of cluster homes in agriculture areas.

Mr. Cody Ferguson: expresses his concern to public safety in isolated rural areas; comments on the concerns raised in Exhibit G, of the letter by CDF; states the County doesn't need a Rural Planned Development Ordinance.

Mr. Fred Frank: expresses his concern to the financial impacts for fire protection and ambulance services in rural areas.

Ms. Aeron Arlin Genet: Air Pollution Control District staff (APCD), thanks the Board for the Smart Growth Ordinance; addresses their concerns with the proposed ordinance; states the proposed ordinance is not consistent with the General Plan; they oppose this going forward without an EIR.

Mr. Greg McMillan: believes the initial idea of the ordinance is good but it creates more problems than it solves; states the Board should trash this now.

Mr. John Beccia: President of SMART, urges the Board to kill this ordinance now; states only a small group of people will benefit by this; expresses his concerns regarding the cost of the EIR.

Mr. Karen Merriaur: states she supports the staff recommendations.

Ms. Jan Howell Marx: states ECOSLO is opposed to the ordinance and asks the Board to reject this now; presents handout regarding median COCS results on American Farmland Trust Fact Sheet; applauds the Board for adopting the Smart Growth Ordinance and states growth should occur in the cities.

Mr. Andrew Christie: states Board members should not be on subcommittees; believes the County should get rid of this ordinance now and not waste County money or staff time on it.

Mr. Jono Kinkade: recommends the Board not adopt this ordinance.

Ms. Sierra Rose Przybyla: discusses her concerns regarding water.

Ms. Dorothy Jennings: discusses agricultural land under the Williamson Act; believes the ordinance would allow property owners to sell to a developer and keep the lower tax rate; asks the Board to vote down the ordinance.

Ms. Dolores F. Simons: agrees with prior speakers; asks the Board to vote against the ordinance.

Ms. Maria Lorca: reads a letter from the Creston Citizens for Ag Land Preservation, into the record; expresses her concerns regarding the cost of the EIR; states the Board should correct the failures of the TDC program; urges the Board to vote against the ordinance.

Ms. Sheila Lyons: continues reading the letter Ms. Lorca started from the Creston Citizens for Ag Land Preservation.

Ms. Susan Harvey: President of Paso Watch, urges the Board to reject this ordinance and stop spending money and staff time on it.

Ms. Kathryn Sweet: opposes the ordinance due to the impacts on public safety services and water in the rural areas.

Ms. Ella Honeycutt: discusses the Land Use Plan; addresses her concerns to the impacts if the ordinance is adopted.

Mr. Bill White: states this is shameful and he agrees with the prior speakers who are opposed to the ordinance.

Ms. Joy Fitzhugh: Farm Bureau, presents a letter to the Board with questions

they want addressed if the Board proceeds with this ordinance.

Mr. Irv McMillan: states he agrees with prior speakers except he supports doing an EIR to analyse the impacts of development in agricultural areas.

Mr. Richard Hawley: states the Fire Safety Council should review this ordinance prior to coming back to the Board; questions where will the funds come from for fire protection for rural areas; states this will create problems between agriculture and developers.

Mr. Bruce Gibson: agrees with the prior speakers who oppose the ordinance; states the Board should refine the TDC program and put this ordinance to rest.

Mr. Jesse Hill: states he initially thought the ordinance was a good idea but upon further review is not sure how to make it work.

Mr. Brian Stark: discusses his concern regarding development, agricultural land and the impacts to the rural areas; agrees with prior speakers who oppose this.

Mr. Roy Ogden: states staff drafted the proposed language and he supports the ordinance.

Mr. Tom Vaughan: states he was on the subcommittee for this and the proposed ordinance does not increase density; states the Cluster Ordinance currently requires a Negative Declaration; questions the need for the EIR.

Ms. Coralee McMillan: states if buildable lots are movable, it will motivate sales.

Ms. Betty Winholtz: states in the 2050 Vision the top four items support keeping the rural character of the County.

Mr. Joe Kelly: states he supports requiring an EIR if it includes an economic impact report addressing the impacts to agricultural land; states the Board should revisit the General Plan, evaluate the promises made in that document; discusses conflicts between individual area general plans and this proposal.

Mr. Bob Lilley: Agricultural Commissioner, discusses nine areas of concerns they have that should need to be addressed.

Mr. Robert Lewin: Fire Marshall for CDF, discusses his letter of June 14, 2005 to Mr. John Nall and expresses their concern with providing services to rural areas; questions if the impact fees will be enough to provide services to those areas; discusses their ability to protect cluster homes from fire.

Mr. Victor Holanda: Director of Planning and Building, thanks Mr. Nall and Mrs. Griffin for their work on the staff report; states in order to execute this proposed ordinance although the funding for the EIR is not budgeted; the EIR is a challenging and time consuming project and there is no way to determine the total cost of the EIR; questions if it is cost beneficial versus cost effective.

Supervisor Ovitt: expresses his belief that an initial study of each project would allow each project to stand on its own; discusses using an Initial Study to get feedback instead of an EIR then allow each project to provide its own environmental assessment.

Mr. Holanda: states CEQA will not allow for piece-meal projects.

Supervisor Achadjian: discusses his subcommittee involvement; states he volunteered to be on subcommittee because he didn't support the TDC program; he feels this committee was well balanced.

Supervisor Patterson: states the original intention of this ordinance was good; believes it will cause more harm than good; discusses public safety in rural areas; traffic impacts on rural roads; discusses EIR cost concerns and the impacts to the

2005-06 budget; this is not the appropriate time for this ordinance.

Supervisor Ovitt: discusses the history of this ordinance; recaps the concerns discussed today; states the Board has adequate information today and the propose of this ordinance is to be used as a tool.

Chairperson Bianchi: states she has a problem with spending money on this EIR; expresses the proposed ordinance should be tweaked.

A motion by Supervisor Lenthall, seconded by Supervisor Achadjian, to continue this matter off calendar and refer it to the advisory councils and Agriculture Liaison for their review and input on the various issues, is discussed.

Supervisor Patterson: questions what will be resolved by going to the advisory committees; questions whether we want to take staff time for this when there are other projects staff could focus on; states this proposed ordinance should not move forward and will not support a motion to spend more time on it.

The motion maker and second amend their motion to include the list of issues in the Farm Bureau letter dated June 28, 2005 and to also refer this to the Agriculture Task Force, Farm Bureau and the Water Resources Advisory Committee.

Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Achadjian and unanimously carried, the Board continues this matter off calendar and refer it to the advisory councils, Agriculture Liaison, Agriculture Task Force, Farm Bureau and the Water Resources Advisory Committee for their review and input on the various issues raised today and including the list of issues in the Farm Bureau letter dated June 28, 2005.

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, June 28, 2005, 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/C.M. Christensen,
Deputy Clerk-Recorder

DATED: July 25, 2005