

Tuesday,  
October 18, 2005

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.**

**SUM            AGN**

1            A-1-A **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. 2005-298, resolution commending the ConocoPhillips Santa Maria Refinery on its 50<sup>th</sup> Year of Operation, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to two representatives of ConocoPhillips who thank the Board for the recognition.

2            A-1-B **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. 2005-299, resolution declaring October 16th-22nd, 2005 as "San Luis Obispo County Character Counts Week," adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Toby Charles who thanks the Board for the recognition and addresses the events and importance of this for children.

**ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)**

3            A-2    **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. 2005-300, resolution recognizing Sheriff's Search and Rescue volunteer Nancy Acebo and her canine Jaydn for outstanding service, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same Ms. Nancy Acebo and her canine.

**Sheriff Pat Hedges:** Sheriff-Coroner, states that on October 9<sup>th</sup>, Search and Rescue went over to the Valley to help look for an 89 year old woman who had been lost

for 36 hours; Ms. Acebo and Jaydn went out and found this woman within 8 hours of arriving there and she is doing well today.

**Chairperson Bianchi:** comments that Ms. Acebo and Jaydn also spent two weeks in Louisiana assisting.

**Ms. Acebo:** thanks the Board for the recognition and states she is proud to work with the folks involved with the Search and Rescue Team.

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

**Mr. Steve Devencenzi:** SLOCOG, announces that the Community 2050 meetings are coming up and highlights where they will be held throughout the County; outlines what the meetings will entail.

**Mr. Eric Greening:** states the first rain of the season occurred yesterday and addresses how this always makes the roadways slick and slippery from all the oil; concerns about this oil running off the roadways into the creeks and out into the ocean; outlines various ways he believes this issue should be addressed.

**Ms. Angie King:** states she is representing the Adult Services Policy Council and reads a letter into the record outlining their concern to the possible dissolution, without a public hearing, of the In-Home Supportive Services (IHSS) Public Authority.

**Mr. David Duggan:** states that 30% of the voters in Los Osos didn't show up at the polls; comments on the nitrate levels in Los Osos water pursuant to the Regional Water Quality Control Board and his concern to the same.

**Mr. Bob Blair:** comments on the Los Osos sewer problems and indicates that if this area had done what Nipomo did, they would have their sewer in place today; speaks to the cost of living/purchasing a home in this County and indicates it is cheaper to live in Nevada and presents information to support his comments; addresses the poor condition of the highways in South County. **No action taken.**

5 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. Eric Greening:** comments on Item B-16 and his concern to the types of chemicals this sprayer will use at the Parks; and his concern to the types of chemicals that are used.

**Mr. David Duggan:** comments on Item B-26 and his questions as to what consolidating an election entails; questions how information gets added to a ballot. **No action taken.**

6 B-1 Consent Agenda Item B-1 is amended to change the hearing date to November 1, 2005 at thru 9:00 a.m.. Item B-2 is amended to correct the coversheet title to read "Submittal of B-30 resolutions." Item B-4 is amended to replace Attachments A & B to the resolution as there are change impacts to the salary range for the Accountant Auditor II position. Item B-22 is amended to replace the staff report due to a technical correction. Item B-24 is amended to correct the spelling from Cambrone to Camborne Place and to add the following to the coversheet: "and approve a corresponding budget adjustment in the amount of \$15,000." Item B-28 is withdrawn.

**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

**Consent Agenda Items B-1 through B-30 are approved as recommended by**

**the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-30, 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 proposed ordinance amending Section 2.48.095 of the County Code and increasing the Board of Supervisors salaries by 3.18%, **Approved as amended and the Clerk is instructed to give notice of hearing date set for ~~October 25, 2005~~ November 1, 2005 at 9:00 a.m..**

Administrative Office Items:

B-2 **RESOLUTION NOS. 2005-301, 2005-302 and 2005-303**, amending the Fiscal Year 2004-2008 Memorandum of Understanding with the San Luis Obispo County Employees Association (SLOCEA) for the Public Services, Supervisory and Clerical and establishing Fiscal Year 2005-2006 salaries and benefits, **Adopted as amended.**

B-3 **RESOLUTION NO. 2005-304**, amending Fiscal Year 1999-2006 Memorandum of Understanding with the San Luis Obispo County Employees Association (SLOCEA) for the Trades, Crafts and Services Unit and establishing Fiscal Year 2005-2006 salaries and benefits, **Adopted.**

B-4 **RESOLUTION NO. 2005-305**, (Clerk's File) amending the Fiscal Year 2005-2006 compensation adjustments for elected officials, management and confidential employees, **Adopted as amended.**

Behavioral Health Items:

B-5 1) A grant agreement (Clerk's File) with the State Office of Traffic Safety to purchase and deploy portable evidential breath test units to local law enforcement agencies and California Highway Patrol in the County; and, 2) a budget adjustment in the amount of \$196,230 from unanticipated revenue, **Approved**; 3) **RESOLUTION NO. 2005-306**, designating one time signatory authority for this agreement to the Drug and Alcohol Services Director, **Adopted.**

B-6 Fiscal Year 2005-2006 contract with Benjamin Hartwick to provide transcription services for the Health Agency – Mental Health Psychiatric Health Facility, **Approved.**

B-7 Request to appoint Tyler Brown to the Mental Health Board as a “Family Member” category representative, **Approved.**

Board of Supervisors Items:

B-8 Request by Supervisor Ovitt to allocate \$2,000 from District One Community Project Funds to the Paso Robles Chamber of Commerce for expenses associated with raising funds to purchase a heart defibrillator, **Approved.**

B-9 Request by Supervisor Achadjian to appoint Steven Yamaichi as a District Four Representative to the Bicycle Advisory Committee, **Approved.**

B-10 Request by Supervisor Patterson to reappoint Tom O'Malley as a District Five Representative to the Children's Service Network Council, **Approved.**

B-11 **RESOLUTION NO. 2005-307**, commending E.C. Loomis and Son Insurance Associates on its 100<sup>th</sup> Anniversary, **Adopted.**

B-12 **RESOLUTION NO. 2005-308**, recognizing Diana Barnhart as the San Luis Obispo County Teacher of the Year for 2005-06, **Adopted.**

District Attorney Items:

B-13 **RESOLUTION NO. 2005-309**, authorizing an application to the State of

California, Office of Emergency Services for Victim/Witness Elder Abuse Advocacy and Outreach Project grant funds, **Adopted.**

B-14 **RESOLUTION NO. 2005-310**, authorizing an application to the State Office of Emergency Services for Violence Against Women Vertical Prosecution Grant funds in the amount of \$70,000 for January 1, 2006 through June 30, 2006, **Adopted.**

General Services Items:

B-15 Amended contract in the amount of \$81,045 with Kaplan McLaughlin Diaz Architects for additional consulting services for the New County Government Center, **Approved.**

B-16 1) Amend the fixed asset list for the Parks Budget Fund Center-305 to include a replacement mobile chemical sprayer; and 2) a budget adjustment in the amount of \$9,550 from unanticipated camping fee revenue, **Approved.**

Planning and Building Items:

B-17 **RESOLUTION NO. 2005-311**, accepting an avigation easement from John G. Christie, trustee of the John G. Christie Living Trust for property located near the Oceano Community Airport; 4<sup>th</sup> District, **Adopted.**

B-18 **RESOLUTION NO. 2005-312**, accepting an avigation easement from Happie L. Lee, Trustee of the Bill V. Lee Trust B for property located near the San Luis Obispo County Regional Airport; 3<sup>rd</sup> District, **Adopted.**

B-19 **RESOLUTION NO. 2005-313**, accepting an avigation easement from Vachell Lane Properties, LLC for property located near the San Luis Obispo County Regional Airport; 3<sup>rd</sup> District, **Adopted.**

B-20 Submittal of the Canada Ranch/Crystal Oaks Guidance Document for preparation of the Specific Plan and Environmental Impact Report, LRP 2004-00019; 4<sup>th</sup> District, **Received and Filed.**

Public Works Items:

B-21 Amended contract (Clerk's File) in the amount of \$307,315 with Pall Corporation for procuring a low pressure membrane filtration system for the Lopez Water Treatment Plant Upgrade; 3<sup>rd</sup> and 4<sup>th</sup> Districts, **Approved.**

B-22 1) A contract with Cushman Construction for the Construction of Lopez Water Treatment Plant Upgrade Project in County Flood Control Zone No. 3; and, 2) a corresponding budget adjustment in the amount of \$4,329,000, **Approved as amended** and **RESOLUTION NO. 2005-314**, approving a construction change order policy and request to approve; 3<sup>rd</sup> and 4<sup>th</sup> District, **Adopted.**

B-23 **RESOLUTION NO. 2005-315**, authorizing execution of a notice of completion for the construction of Chorro Valley Water Project Local Facility Improvements for the California Men's Colony (Contract No. P160009/Internal Order 537R160009); 2<sup>nd</sup> District, **Adopted.**

B-24 **RESOLUTION NO. 2005-316**, authorizing execution of notice of completion for the Cambrone Place and Burton Drive, Cooperative Road Project in Cambria (Contract No. P300191 & P300192); 2<sup>nd</sup> District, **Adopted as amended.**

B-25 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. CO 03-0247, a proposed subdivision resulting in 4 lots, by Norma Jean Erenius, Alisos Road, East of Arroyo Grande; reject the offer of dedication without prejudice to future acceptance, **Approved; RESOLUTION NO. 2005-317**, to approve an Open Space Easement Agreement as recommended in the memorandum from the Department of Planning and Building; the parent parcel of

the land is 41.73 acres and the open space easement is 11.7 acres; 4<sup>th</sup> District, **Adopted.**

B. Tract 2475, a proposed subdivision resulting in 20 lots by Mike & Cathy English, Marquita Avenue, Templeton; reject the offer of dedication without prejudice to future acceptance; 1<sup>st</sup> District, **Approved.**

Other Items:

B-26 Request by the Clerk-Recorder to consolidate Biennial Elections with the November 8, 2005, Special Statewide Election for California Valley Community Services District, Linne Community Services District, Squire Canyon Community Services District, Santa Margarita Fire Protection District, and Garden Farms Community Water District, **Approved.**

B-27 Agreement with Allan Hancock Community College District to provide fire technology instruction, **Approved.**

B-28 Request from Health Agency – Public Health to approve an agreement (Clerk’s File) with the National Training Institute to develop a community plan on perinatal substance abuse issues and assist in the development of a Children’s Center for children exposed to drugs prenatally, **Withdrawn.**

B-29 Contract for Fiscal Years 2005-2006 and 2006-2007 in the amount of \$8,000 per year with the City of Arroyo Grande for information technology consulting services, **Approved.**

B-30 Contract (Clerk’s File) with Sierra Vista Regional Medical Center for the placement of two Employment Resource Specialists on site for Fiscal year 2005-2006, **Approved.**

7

C-1 This is the time set for continued hearing (continued from September 27, 2005) to consider an appeal by Tri-W Enterprises, Inc. of the Planning Director’s determination concerning application (SUB2004-00056/C04-0473) from Tri-W Enterprises, Inc. requesting 17 Certificates of Compliance on an 84.92 acre property in the Agriculture Land Use Category; the project is located on the southeast corner of Thompson and Rancho Roads, south of the Nipomo Urban Reserve line in the rural portion of the South County Planning Area; 4th District.

**Ms. Kim Murry:** Planning, presents the staff report; maps of the site; aerial photographs; presents a copy of the parcel map for the area which shows the regular and conditional certificates that have been approved; outlines the issues of the appeal and staff’s response to the same; recommendation is to deny the appeal and uphold the Planning Director’s decision.

**Mr. Marshall Ochylski:** representing the Applicant/Appellant, presents a number of overheads: a letter from Paul Crawford dated 11/4/81 that clearly indicates these are “legal parcels”; addresses the law change after that letter was written and this law should not be germane to this; presents copies of a portion of the 1913 Official Map of the County that showed these parcels existed; comments on a 1/16/93 letter from Karen Nall, Planning, that again referred to these as legal lots; presents additional information in support of his argument and urges support of their appeal.

**Mr. Mike Winn:** urges support for the approval of the Certificates of Compliance; feels you can’t take away something that was previously approved.

**Board Members:** address various issues, comments and concerns regarding: sent sites for this parcel; validity of the 1913 map; how a law can change other than through the public process, with Mr. James Lindholm, County Counsel, responding.

**Supervisor Ovitt:** suggests that the 1913 Map didn’t create the lots but did recognize their existence.

**Supervisor Lenthall:** addresses his view as to how a “reasonable” person would determine whether these lots are legal or not.

**Chairperson Bianchi:** addresses the request, her concerns and indicates she will not support the appeal.

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

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

**the Board tentatively upholds the appeal and determines that 17 Certificates of Compliance do exist for this parcel and continues this hearing to November 8, 2005 at 9:00 a.m. to have staff bring back findings in support of this action.**

8 C-2 This is the time set for continued hearing (continued from August 9, 2005) to consider an appeal by Rosemary Carlon of the Subdivision Review Board’s decision to approve 10 Conditional Certificates of Compliance (C03-0416, S030174C Rosemary Carlon, et al.) for property located along Honeygrove Lane between Story and Southland Streets in the community of Nipomo; 4th District.

**Ms. Andrea Miller:** presents the staff report; shows aerial photographs of the property along with a site map; outlines the issue raised in the appeal and staff’s response to the same.

**Board Members:** address various issues, comments and concerns regarding: the removal of a home that previously existed on the site; whether these were considered legal lots when the home was built on this site; questions the fence that is in the roadway easement; the location of septic systems offsite for this property; what will happen if the Carlon’s withdraw their request for these Certificates; what occurred to even trigger this need for the Certificates; questions regarding the lot history and what is legal versus what is being deemed not legal, with staff and Mr. Jim Orton, Deputy County Counsel, responding.

**Supervisor Achadjian:** feels there are a lot of unanswered questions and this issue should probably be continued to answer these concerns.

**Mr. Harrell Fletcher:** representing the Carlon’s, addresses their concerns and believes the 3 parcels are legal; addresses the Carlon family concerns; indicates they can’t find anything that shows that the road in question is a County Road; suggests the Certificates are not needed for this parcel and asks that the appeal fees be refunded.

**Ms. Rosemary Carlon:** Appellant/Applicant, states they couldn’t find any record indicating the road in question has been dedicated to the County or that it’s County maintained; she feels she was “harassed” by County staff to purchase the Certificates of Compliance; addresses the issue of the fence.

**Mr. Barry McCampbell:** representing the Homeowner’s Association, states they don’t oppose the development but have concerns regarding the paved road and drainage; states that road between the properties is private and not County maintained.

**Mr. Max Carlon:** states they were not notified of the hearing before the Subdivision Review Board on June 6<sup>th</sup>; and the fence shifted with the drainage issues in the area.

**A motion by Supervisor Achadjian to notify Code Enforcement to not pursue the violations and direct that staff not delay the developer across the street and continue the hearing to January 10, 2006, is discussed.**

**Supervisor Ovitt:** addresses his concern to the direction to Code Enforcement; and, the Carlon’s have indicated they will fix the fence and work with the developer across the street.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board continues said hearing to January 10, 2006 at 9:00 a.m..**

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:

**ADDED (All requirements of the Brown Act were met as this (A. Conference with Legal Counsel-Existing Litigation) was posted prior to the 72-hour noticing requirement.)**

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code §54956.9(a).) (Formally initiated)** (11) *Building a Better Environment v. County of San Luis Obispo*, (12) *Santa Margarita Area Residents Together v. County of San Luis Obispo*, (13) *County of San Luis Obispo v. Level 3 communications, LLC* and (14) *San Luis Obispo Mothers for Peace, et al. v. U.S. Nuclear Regulatory*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.)**

(1) *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. (2) *§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: (3) Negotiator's Name: *Santos Arrona, Gail Wilcox* Name of employee organization: *Deputy County Counsel Association*; (4) Negotiator's Name: *Santos Arrona, Gail Wilcox*; Name of employee organization: *Deputy Sheriffs Association*. (5) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management/Confidential*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA, Trades*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*. Name of employee organization: *SLOCPPOA*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

**III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.)** It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (9) Property Description: *Sand & Surf RV Park, 1001 Pacific Blvd., Oceano*; Parties with whom negotiating: *William and Carol Rust*, Instructions to Negotiator will concern: *Future disposition of property*; (10) Property Description: *City of Arroyo Grande, 400 W. Branch St, Arroyo Grande*; Parties with whom negotiating: *Steve Adams*; Instructions to Negotiator will concern: *Price, terms, conditions*.

**Chairperson Bianchi:** opens the floor to public comment without response.

Thereafter, the Board goes into Open Public Session.

10 SP This is the times set for presentation of the Cattleman of the Year by the Cattlemen's Association.

**Mr. Kevin Kester:** President of the Cattlemen's Association, introduces Ms. Dee Lacey as the Cattleman of the Year; provides a brief history of her involvement in the County including being on the School Board and the Fair Board; addresses her contributions to the cattle industry.

**Ms. Lacey:** states she is humbled by the honor; thanks the Association for making a woman the Cattleman of the Year; and, asks the Board to join them for lunch at the Madonna Inn.

**The Board recesses to Madonna Inn for lunch. No action taken.**

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:

**ADDED (All requirements of the Brown Act were met as this (A. Conference with Legal Counsel-Existing Litigation) was posted prior to the 72-hour noticing requirement.)**

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code §54956.9(a).) (Formally initiated)** (11) *Building a Better Environment v. County of San Luis Obispo*, (12) *Santa Margarita Area Residents Together v. County of San Luis Obispo*, (13) *County of San Luis Obispo v. Level 3 communications, LLC* and (14) *San Luis Obispo Mothers for Peace, et al. v. U.S. Nuclear Regulatory*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.)**

(1) *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. (2) *§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: (3) Negotiator’s Name: *Santos Arrona, Gail Wilcox* Name of employee organization: *Deputy County Counsel Association*; (4) Negotiator’s Name: *Santos Arrona, Gail Wilcox*; Name of employee organization: *Deputy Sheriffs Association*. (5) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management/Confidential*; (6) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA, Trades*; (7) Negotiator’s Name: *Santos Arrona, Gail Wilcox*. Name of employee organization: *SLOCPPOA*; (8) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

**III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.)** It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (9) Property Description: *Sand & Surf RV Park, 1001 Pacific Blvd., Oceano*; Parties with whom negotiating: *William and Carol Rust*, Instructions to Negotiator will concern: *Future disposition of property*; (10) Property Description: *City of Arroyo Grande, 400 W. Branch St, Arroyo Grande*; Parties with whom negotiating: *Steve Adams*; Instructions to Negotiator will concern: *Price, terms, conditions*.

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

C-3 This is the time set for hearing to consider a resolution amending the Urban County of San Luis Obispo Program Year 2000 and 2001 Action Plans in order to reallocate Community Development Block Grant funds in the City of Arroyo Grande and Home Investment Partnership Act (HOME) funds by the County; 1<sup>st</sup> and 3<sup>rd</sup> Districts.

**Mr. Tony Navarro:** Planning, presents the staff report, outlining the request by the City of Arroyo Grande.

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

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



**RESOLUTION NO. 2005-319, resolution approving the Amendment of the Urban County of San Luis Obispo Program Year 2000 and 2001 Action Plans, adopted.**

- 13 C-4-A This is the time set for hearing to consider the request of John & Mary Donati (AGP2004-00023) to establish an agricultural preserve to enable the applicants to enter into a land conservation contract; 5<sup>th</sup> District.

**Mr. Warren Hoag:** Planning, provides an overview of all the items to be heard or continued today; stating that several will need to be continued to another date due to inadequate noticing for the Planning Commission hearing.

**Ms. Andrea Miller:** Planning, presents the staff report and recommendation.

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2005-320, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.**

- 14 C-4-B This is the time set for hearing to consider the request of Joseph & Jamie Kies (AGP2004-00021) to alter the boundaries of an agricultural preserve, rescind an existing contract and simultaneously enter into a new contract to reflect a lot line adjustment; 1<sup>st</sup> District.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, said hearing is continued to November 15, 2005 at 9:00 a.m..**

- 15 C-4-C This is the time set for hearing to consider the request of Fetzer Vineyard (AGP2004-00028) to establish an agricultural preserve to enable the applicant to enter into a land conservation contract; 1<sup>st</sup> District.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board continues said hearing to November 15, 2005 at 9:00 a.m..**

- 16 C-4-D This is the time set for hearing to consider the request of Don Severa (AGP2004-00024) to alter the boundaries of an agricultural preserve and contract by adding approximately 120 acres; 1<sup>st</sup> District.

**Mr. Terry Wahler:** Planning, 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, Achadjian, Lenthall, Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2005-321, resolution altering the boundaries of Templeton Agricultural Preserve No. 32 pursuant to the California Land Conservation Act of 1965, adopted.**

- 17 C-4-E This is the time set for hearing to consider the request by Paul Page (AGP2004-00015) to establish an agricultural preserve to enable the applicant to enter into a land conservation contract; 5<sup>th</sup> District.

**Ms. Andrea Miller:** Planning, presents the staff report and recommendation.

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

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

**RESOLUTION NO. 2005-322, resolution establishing an Agricultural**

**Preserve pursuant to the California Land Conservation Act of 1965, adopted.**

- 18 C-4-F This is the time set for hearing to consider the request of Carrasco Properties LP (AGP2004-00027) to alter and expand the boundaries of an agricultural preserve and establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract for 160 acres; 1<sup>st</sup> District.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board continues said hearing to November 15, 2005 at 9:00 a.m..**

- 19 C-4-G This is the time set for hearing to consider the request of Peter Harrison (AGP2004-00014) Request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract; 5<sup>th</sup> District.

**Ms. Andrea Miller:** Planning, presents the staff report and recommendation.

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

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

**RESOLUTION NO. 2005-323, resolution establishing an Agricultural**

**Preserve pursuant to the California Land Conservation Act of**

C-5 This is the time set for hearing to consider the proposed Memorandum of Agreement (MOA) with the City of San Luis Obispo regarding the City's Sphere of Influence and submittal of a resolution acknowledging the consistency of the Memorandum of Agreement with the California Environmental Quality Act; All Districts.

**Mr. John Euphrat:** Planning, introduces the item and provides a brief overview.

**Mr. Paul Hood:** LAFCO Executive Officer, addresses the Cortese-Knox Hertzberg Act that requires all spheres to be updated by January 1, 2008 (this is the recently extended date to comply); comments on the LAFCO updates and outlines the three parts of the process; comments on municipal service review; highlights the MOA and what that will include.

**Mr. David Church:** LAFCO staff, states they identified ten study areas in the City of San Luis Obispo and highlights each.

**Mr. Hood:** continues and outlines the information gathering steps they follow.

**Supervisor Lenthall:** addresses the Wixom request with Mr. Church responding.

**Supervisor Achadjian:** addresses the Wixom request and their desire to be included in this process; references the error in spelling throughout the Public Review Draft indicating it needs to be corrected from Wickstrom to Wixom.

**Mr. Euphrat:** outlines what will occur if the MOA is approved; addresses the various issues to be considered before an annexation occurs; staff is recommending approval of the MOA and adoption of the resolution.

**Mayor Dave Romero:** City of San Luis Obispo, addresses the Wixom property and urges its inclusion in this process; comments on the MOA and urges its approval as presented.

**Ms. Jean Boyd:** states she lives next door to the Wixom property and is very concerned about what will happen to this property if it's developed; the impacts she will feel if it is; urges a full EIR on this property.

**Mr. Dan Wixom:** states he owns the property with his sister and they want it included in the Sphere of Influence.

**Mr. Scott Lathrop:** addresses the MOA and feels that all the property owners in the Sphere of Influence should have been notified; addresses his concern as to what will happen to any applications currently in processing.

**Mr. Ty Safreno:** speaks to the business they are developing and that they don't want to be inside the City limits.

**Mr. Mike Draze:** Planner for the City of San Luis Obispo, addresses their role on projects not in the City but rather are going through the County process and that those applications would remain where they currently are.

**Mr. Victor Holanda:** Director of Planning and Building, addresses the positive aspects of approving the MOA; feels this will make for a better process.

**Matter is fully discussed 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 Board authorizes the Chairperson to sign the proposed “Memorandum of Agreement” between the City of San Luis Obispo and the County of San Luis Obispo regarding the City’s Sphere of influence and RESOLUTION NO. 2005-324, resolution to acknowledge consistency of Memorandum of Agreement with City of San Luis Obispo with the City’s General Plan and associated Environmental Documents, adopted.**

**ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)**

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D-1 This is the time set for consideration of a request to direct Planning staff to draft an interim ordinance relating to the use of the Transfer of Development Credit (TDC), pursuant to Government Code Section 65858, for those parts of the County within the review area of the Santa Margarita Area Advisory Council.

**Supervisor Patterson:** addresses his request; requests a change on the hearing date from October 25<sup>th</sup> to November 1<sup>st</sup>; comments on the letters he has received requesting that the TDC Program be temporarily put in a moratorium for the area represented by the Santa Margarita Area Advisory Council (SMAAC) until the November 22<sup>nd</sup> hearing on the TDC program.

**Supervisor Lenthall:** indicates there are fourteen applications in the “pipeline” and at the last meeting on the TDC’s the Board indicated they wouldn’t support a moratorium.

**Mr. Warren Hoag:** Planning, addresses those applications that are in process that are from the SMAAC area.

**Mr. Tim McNulty:** states that the ordinance would need to establish a clear cutoff date for any applications in the “pipeline.”

**Mr. Hoag:** responds to Board questions as to handling any increase of application activity between now and the time a moratorium is adopted, should it be adopted; explains how they determine what is or isn’t a complete application.

**Board Members:** discuss the possibility of applications being rushed in to beat the effective date of the ordinance so that they are in the “pipeline.”

**Ms. Dolores Simons:** presents 39 letters in support of stopping the TDC program in the SMAAC area and asking that a moratorium be approved.

**Mr. Eric Greening:** speaks in support of the request by Supervisor Patterson to put this moratorium in place.

**Mr. Drew Sweeney:** states he is representing the Huer Huero Road area and they all support a moratorium.

**Ms. Susan Harvey:** Paso Watch, speaks to public meetings that have been held to discuss the TDC Program and asks the Board to support the request of Supervisor Patterson; asks that when the issue of the TDC Program comes back on November 22<sup>nd</sup> that the Board eliminate the program all together.

**Ms. Sarah Christie:** 5<sup>th</sup> District Planning Commissioner, states the Planning Commission voted 4-1 to have a Countywide urgency ordinance adopted; gives her definition of “pipeline”; supports the request by Supervisor Patterson for a moratorium.

**Ms. Maria Lorca:** Creston Citizens for Ag Land Preservation, speaks in support of Supervisor Patterson’s request.

**Supervisor Ovitt:** addresses the recent Board meeting on the TDC Program and the direction to staff at that time; doesn’t feel a moratorium cures anything; indicates he doesn’t support this request.

**Supervisor Patterson:** speaks to another recent Board action that didn't allow secondary dwellings in this area; the TDC Program is another way to try and reduce the 2.5 acre minimum in this area; indicates he wants to move forward with this moratorium.

**Chairperson Bianchi:** speaks in support of this as it will be for such a short period of time.

**Supervisor Ovitt:** expresses his concern to the impacts this will have on staff's current workload.

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

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

**the Board directs staff to prepare an interim ordinance prohibiting TDC receiving sites within the review area of the Santa Margarita Area Advisory Council, except for those applications which are determined by the Planning Department to be complete by November 1, 2005 and said proposed ordinance is to come back on November 1, 2005 at 9:00 a.m. for the Board's consideration.**

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, October 18, 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/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: October 26, 2005  
vms