

Tuesday,  
November 1, 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. 2005-333, resolution commending Douglas C. Odom for 22 years of Service to the County of San Luis Obispo, adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to Mr. Odom.

**Mr. Gerald Shea:** District Attorney, speaks to Mr. Odom's 38 years in law enforcement; indicates that Mr. Odom exemplifies all that an officer and investigator should be; thanks Mr. Odom for his service.

**Mr. Odom:** thanks Mr. Shea for all their years working together; thanks the Board for all their support for law enforcement; thanks all he has worked with.

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. 2005-334, resolution proclaiming November 2005 as "National Hospice Month" in San Luis Obispo County, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to representatives of Hospice.

**Ms. Janet Jeffrey:** Hospice, states they have been operating in the County for eight years now; highlights the services they provided in the south after the hurricane.

**Ms. Donna Keen:** Executive Director of Hospice, comments on the celebration tomorrow for those that have died.

**Mr. Michael Kovacs:** speaks to the resolutions recognizing employees, etc. at the meetings and wonders if anyone has calculated the number of hours spent at meetings doing these resolutions; further, questions why some of these resolutions aren't given to recognize citizens in the County and that he feels Mr. Eric Greening should receive one.

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

**Ms. Julie Rodewald:** County Clerk-Recorder, reminds everyone that today is the last day for the office to mail out an absentee ballot; the office will be open this upcoming Saturday and Sunday from 9 a.m. to 12 p.m..

**Mr. Eric Greening:** gives the location of the Hospice event tomorrow; questions the Resource Management Study and when it will be before the Board.

**Mr. Michael Kovacs:** addresses the Board's response to issues raised by the public; his concern to the limit of 3 minutes by the public to address the Board.

**Mr. Jesse Arnold:** comments on Genetically Engineered (GE) crops and the need for labeling; speaks to the addition of two members to the Task Force on this issue; indicates the Agricultural Commissioner's Office is not going to take a position on this issue; discusses Bacterial Toxin (BT) corn and feels people will want this labeling to occur.

**Ms. Lori Heizer:** In-Home Supportive Services (IHSS) employee, questions who their employer of record will be as of January 1, 2006; speaks to information they need as IHSS employees by next week.

**Mr. David Duggan:** addresses the tentative agreement between the Los Osos Community Services District and the Regional Water Quality Control Board; feels folks in Los Osos are trying to "derail" this process.

**Supervisor Patterson:** thanks Julie Rodewald and her staff for all they do in running an election and for being open this weekend for voters. **No action taken.**

4 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:** questions Item B-11 and asks for an explanation of what the alternative publications include.

**Mr. Michael Kovacs:** speaks to Item B-4 and commends Chairperson Bianchi for her use of Community Project funds for senior citizens. **No action taken.**

5 B-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian, thru and on the following roll call vote:**  
B-11

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-11 are approved as recommended by the County Administrative Officer.**

Consent Agenda Items B-1 through B-11 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 the County Fee Schedule for Fiscal Year 2006-2007 and calendar year 2006 for Parks, Golf Course and Airport fees, **Approved and the Clerk is instructed to give notice of hearing date set for November 22, 2005 at 9:00 a.m..**

Auditor-Controller Items:

B-2 Submittal of a cash procedures review of the County General Services Department, Maintenance Department and Parks Department on August 3 - 5, 2005, **Received and Filed.**

B-3 Submittal of a cash procedures review of County Behavioral Health on August

2, 2005, **Received and Filed.**

Board of Supervisors Items:

B-4 Request by Supervisor Bianchi to allocate \$2,326 from District Two Community Project Funds to the Cayucos Senior Citizens Club for the cost of auto insurance for two vans that are used to transport senior citizens, **Approved.**

B-5 Request by Supervisor Patterson to appoint Gilbert A. Cabrera as a District Five Representative to the Santa Margarita Cemetery District, **Approved.**

Public Works Items:

B-6 **RESOLUTION NO. 2005-335**, approving: 1) the need to expand the contract scope of work to address reconstruction of Juanita Avenue and McCarthy Avenue as a result of utility earthquake repairs; 2) a reimbursement agreement with the Oceano Community Services District for pavement repairs related to utility work and instruct chairperson to sign agreement; 3) a budget adjustment in the amount of \$165,300 to Off-System Earthquake Repair Project (No. P12Q421); and 4) authorization of the Director of Public Works to sign contract change order No. 4 to the contract in the amount of \$148,287; 4th District, **Adopted.**

B-7 **RESOLUTION NO. 2005-336**, authorizing the execution of notice of completion for the replacement of a portion of the Salinas Pipeline at Trout Creek near the community of Santa Margarita (Contract No. 300190); 5th District, **Adopted.**

Other Items:

B-8 Annual modifications to the Workforce Investment Act Local Plan, **Approved.**

B-9 Minutes of the Board of Supervisors meetings of September 13, 20 and 27, 2005, **Approved.**

B-10 **RESOLUTION NO. 2005-337**, 1) Creation of a new project for the repair of several beach access stairways in Cayucos (WBS Project # 350016); 2) a budget adjustment in the amount of \$225,000 from unanticipated revenue; 3) acceptance of grant funding in the amount of \$150,000 for the project, and 4) authorization for the General Services Director to negotiate and sign grant contracts to complete the project, **Adopted.**

B-11 Authorization of the use of alternative publication procedures for amendments to the Land Use Element and Land Use Ordinance, **Approved.**

6 C-1 This is the time set for hearing (introduced October 18, 2005) to consider an ordinance amending Section 2.48.095 of the County Code and increasing the Board of Supervisors salaries by 3.18%.

**Mr. Richard Greek:** Personnel Director, presents the staff report, outlines the formula that is used to determine salaries and recommends adoption of the ordinance.

**Mr. Eric Greening:** states he doesn't encourage nor discourage approval of this salary increase; speaks to appearances if the increase is approved but understands that this is much more than a 40 hour a week job.

**Mr. Jesse Arnold:** agrees with comments by Mr. Greening and wants the Board to increase their salary because he wants them "to do a good job"; urges the Board to also support an increase in the minimum wage.

**Mr. Michael Kovacs:** speaks in support of the salary increase for the Board members; questions why the increase wasn't budgeted.

**Supervisor Ovitt:** states that the employee's salaries and theirs are budgeted and left in Contingencies until the actual dollar figure is known.

**Supervisor Patterson:** says he doesn't believe any of the Board members ran

for their seat for the salary; feels the cost increase is fair in how it is determined; states his increase will be added to Community Project money to be used in District 5.

**Mr. David Edge:** County Administrative Officer, explains the difference in salaries for Board's of Supervisors around the State; addresses how the Contingency amount is set aside for salaries during the budget hearing process.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3071, ordinance amending Chapter 2.48 of Title 2 of the San Luis Obispo County Code, adopted.**

7 C-2 This is the time set for hearing (introduced October 18, 2005) to consider an interim ordinance to establish a moratorium on approving new development permits employing Transfer of Development Credit (TDC) receiving sites in the areas of South Atascadero, Creston, Pozo and Santa Margarita; 5th District.

**Ms. Karen Nall:** Planning, presents the staff report; presents map of the area showing the areas that would be affected by the moratorium; indicates there are 7 applications "in the pipeline" as of today.

**Mr. Eric Greening:** urges the Board to adopt the ordinance; voices his concerns about the avalanche of applications that have been before the Santa Margarita Area Advisory Council (SMAAC) meetings; addresses the negative impacts of TDC's.

**Ms. Lynn Miller:** Templeton Area Advisory Group (TAAG) Vice Chairperson, asks that their area be included in this action.

**Ms. Dolores Simons:** presents six letters of support for the moratorium, for the record.

**Mr. Maria Lorca:** Creston Citizens for Ag Land Preservation, urges the Board to support the moratorium; reads from the original EIR for the TDC program; questions when an application is deemed complete for processing.

**Ms. Audrey Beatty:** Creston resident, urges the Board to adopt the ordinance as presented.

**Ms. Kathryn Sweet:** South Atascadero resident, states this action will return the area to the 2.5 acre minimum.

**Mr. Bill White:** Templeton resident, urges support of the ordinance; indicates he is disappointed that Templeton is not included and asks that this area be added to the ordinance today.

**Mr. Michael Kovacs:** states he thought this would be a permanent ordinance that would be adopted today and urges the Board to preserve the 2.5 acre minimum in this area.

**Mr. Ken Bornholdt:** attorney representing the Bonnheim Family, presents a letter for the record dated October 31, 2005 and addresses their concerns to this proposed ordinance; doesn't believe there is any urgent need for this ordinance to be adopted today.

**Ms. Tina Salter:** South Atascadero resident, urges support of the interim ordinance.

**Ms. Nall:** responds to questions by the public.

**Supervisor Ovitt:** addresses the issues raised by the folks that live in the Templeton area; doesn't believe the findings today support the need for this ordinance; he doesn't believe a moratorium resolves anything; doesn't support adopting this ordinance and feels that the whole TDC issue will be discussed on November 22, 2005.

**Chairperson Bianchi:** explains why areas can't be added today to the ordinance.

**Supervisor Achadjian:** expresses his concern to this ordinance being 45 days when at the last meeting it was decided that it would only go until the November 22<sup>nd</sup> meeting.

**Supervisor Patterson:** addresses what has been occurring in South Atascadero area with respect to reducing the minimum parcel size below 2.5 acres through the use of TDC's.

**Supervisor Lenthall:** questions the applications "in the pipeline" and what does that mean, with Ms. Nall responding.

**Supervisor Achadjian:** further questions the length of the ordinance versus what was discussed at the last hearing on this issue.

**Mr. Tim McNulty:** Deputy County Counsel, states if the Board wants to amend the time frame for the ordinance, Section 3 can be changed to 21 days from 45 to get it to the November 22, 2005 meeting date.

**Mr. John Euphrat:** Planning, states that the issue coming on November 22, 2005 regarding the TDC Program will not change the ordinance that day but is only a discussion as to what the Board wants to do with the ordinance and to provide direction.

**A motion by Supervisor Patterson, seconded by Chairperson Bianchi to waive the reading of the proposed ordinance and said ordinance is read is by title only and an interim ordinance establishing a moratorium of the approval of development permits employing Transfer of Development Credit receiving sites in the areas of South Atascadero, Creston, Pozo and Santa Margarita, fails on the following roll call vote:**

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

**Mr. McNulty:** discusses what would need to be changed to address the concerns raised by Supervisor Achadjian.

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

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

**the Board amends Section 3 of the ordinance to reflect 21 days instead of 45 and the reading of the proposed ordinance is waived and said proposed**

**ordinance is read by title only and ORDINANCE NO. 3072, an interim ordinance establishing a moratorium of the approval of development permits employing Transfer of Development Credit receiving sites in the areas of South Atascadero, Creston, Pozo and Santa Margarita, adopted as amended.**

- 8 D-1 This is the time set for consideration of a request for changes to the California Vehicle Code prohibiting the use of off-highway /all-terrain vehicles on California public lands to persons younger than 14 years of age.

**Mr. Vince Morici:** Administrative Office, provides an overview indicating this is on today at the request of Dr. Larry Foreman and the Board's desire to hear more on this matter; comments on the current law that requires those under 18 to have ATV Safety Certificate or to be supervised by an adult; outlines Dr. Foreman's request to ban all children under the age of 14 from using these vehicles on public lands.

**Dr. Larry Foreman:** ER physician, states he appreciates the time the County has given him on this issue; he is requesting that the Board support him in requesting that the legislators amend the Vehicle Code as he believes the current law is a "bad one"; states he did a check as to where these certificates are available and found they are only in a few places and not readily available in all areas; wants to see the law changed to not allow kids under the age of 14 to ride these vehicles as they do not have adequate training or supervision when using these vehicles; also believes if allowed there should be a way to enforce classes and receiving their certificates before they can ride; addresses his concern to the lack of enforcement under the current law.

**Supervisor Achadjian:** questions whether Dr. Foreman has heard anything from the State level on this, with Dr. Foreman responding he was advised to do more homework and provide more information/statistics.

**Mr. Andrew Zilke:** District Superintendent for Dept. of Parks and Recreation, states the Department is against any legislation that will ban use on their lands and suggests it will be very hard to enforce; they do support legislative changes that would hold parents, etc. responsible for compliance or taking no action at all; feels this type of legislative change would force folks to use Federal and/or BLM (Bureau of Land Management) land.

**Supervisor Lenthall:** questions the lack of training sites for the certificate program.

**Mr. Zilke:** states that the funding and programs come and go and that the State pays for kids to attend these classes.

**Mr. Jim Suty:** Friends of the Oceano Dunes, speaks to the number of years he has ridden and the training he provides his children; suggests there is a lack of information as to what problems/injuries really are; states he is representing the 27,000 members of the Friends group; indicates he does support citing parents.

**Mr. Kevin Rice:** states he is a resident of the County and rides in the Dunes; states , as a firefighter, he supports the comments of Dr. Foreman; believes there should be a limit on the co-mingling of vehicles based on age and he supports classes for these kids.

**Dr. Joe Robinson:** ER Physician, states he shared this information with other ER doctors he works with and the consensus was that this law should be changed and urges the Board to support Dr. Foreman's request.

**Supervisor Lenthall:** questions injury types from these types of accidents.

**Dr. Foreman:** states they saw 1,200 injuries in the past 20 months and what those included.

**Supervisors Achadjian & Patterson:** question Mr. Zilke, with response, as to monitoring of the certification program.

**Chairperson Bianchi:** supports any law that will be enforceable and against the parents.

**Supervisor Ovitt:** supports staff options #2 and #5 and making parents responsible; he does not support a prohibition.

**A motion by Supervisor Achadjian, seconded by Supervisor Lenthall to incorporate all the comments today and the staff report and refer it to the local legislators for their review with an emphasis on #5, is discussed.**

**Mr. David Edge:** County Administrative Officer, summarizes what he hears the Board directing in the motion with respect to referring this to Senator Maldonado and Assemblyman Blakeslee all the information presented today and the staff report with an emphasis on #5 for their review.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board directs staff to send all the comments received today along with the staff report, with an emphasis on Option #5 which supports a legislative change that would hold parents, guardians or authorized adults responsible for compliance with existing law, to our local legislators for their review.**

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

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

**A. Conference with Legal Counsel B Existing Litigation(Gov. Code, §54956.9(a).)** (Formally initiated) (1) *County of San Luis Obispo v. Andre, James, et al. - - - - per Tim Smith*, (2) *Citizens for a Safe and Affordable Environment v. Superior Court of San Luis Obispo* and (3) *County of San Luis Obispo v. Level 3 Communications, LLC*.

**B. Conference with Legal Counsel B 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*; Name of employee organization: *Deputy County Counsel Association*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

**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.

10 C-3 This is the time set for haring to consider amendments to the Land Use Ordinance Section 22.92.020 – Areawide Standards, Adelaida Planning Area – of the County Land Use Ordinance (LUO), Title 22 of the County Code. The proposed amendment establishes “Critical Viewsheds” for Highway 1 and the “Cayucos Fringe” together with development standards to protect scenic views; 1st and 2nd Districts.

**Mr. Mike Wulkan:** Planning, presents the staff report; outlines the major points; comments on and shows a map of the original Highway 1 Corridor; presents a maps of the expanded Viewshed Area and the Visual Analysis Map; outlines the Adelaida Visual Standards and the request to amend the LUO to establish “critical viewsheds” for Highway 1 “Cayucos Fringe”and presents a mapping showing this area; outlines what the Standards would include; outlines the Planning Commission recommendation on a 3-1 vote to approve amendment.

**Mr. Tim Hartzell:** speaks against this viewshed proposal; suggests it’s too large of an area that is being recommended; the Cattlemen’s Association and the Farm Bureau oppose this amendment; states he is a fourth generation farmer and urges the Board to not adopt this ordinance.

**Mr. Jan Davis:** states he wants to continue agricultural operations on his property and doesn’t want any encumbrances on their property; urges the Board to not approve this ordinance.

**Ms. Kay Otis:** speaks against the proposed ordinance.

**Mr. Richard Gonzales:** urges the Board to vote against this; speaks to generations of farmers/ranchers in his family.

**Ms. Eleanor Garcia:** states she has lived on her property for more than 70 years; addresses her concern to the negative impacts this would have on her family and the land.

**Mr. John Taylor:** fourth generation rancher, speaks to the negative impacts of this ordinance; presents a posterboard of photographs of the views surrounding him; is against this amendment being adopted.

**Mr. Robb Eildemiller:** presents a powerpoint outlining the major points they believe argue in support of not approving this ordinance; addresses the lack of public involvement in the process through the advisory board hearings, etc.

**Mr. George Soneff:** land use attorney representing a number of property owners, addresses their concern to the language regarding slopes of 20% and language by staff regarding residential roads; states there has been no review by folks that will be directly impacted; urges denial of the ordinance.

**Mr. Kevin Kester:** President of the Cattlemen’s Association, states their group voted against this ordinance; on a personal note, his children represent the sixth generation of ranchers and they oppose this also.

**Mr. Pat Molnar:** states he was told this ordinance would not affect his property until he wanted to remodel or rebuild the existing home; feels he purchased and owns the view and it shouldn’t be taken away from him.

**Mr. Ed Biaggini:** presents a letter and reads from the same addressing his concern to the impacts this ordinance would have on his private property rights.

**Ms. Dawn Dunlap:** presents a packet of information/photographs of the views from the various locations in the proposed viewshed area; urges the Board to deny this proposal.

**Mr. Bill Martony:** feels this was drafted by folks who live below this ridge and without the input of those that are affected; urges the Board to deny this.

**Mr. Tim Bryon:** lives in Paso Robles and was the Chair for the El Pomar-Estrella Area Plan, indicates they voted to take the viewshed issue out of their Plan all together and explains; addresses the issue of ridgeline development.

**Mr. Steve Tuttle:** agrees with the prior speakers and is opposed to the ordinance.

**Mr. David Garretso:** states he was never noticed for these hearings and is opposed to this amendment.

**Mr. Michael Garcia:** reads a letter from his family into the record in opposition to this ordinance.

**Mr. Roger Lyon:** references his letter of November 1, 2005 in support of the ordinance; states the Planning Commission and Agricultural Liaison Committee support the viewsheds that are recommended; states this doesn't ask for the entire Adelaida Area only the area in Cayucos.

**Mr. Brian Coder:** addresses his concern to areas being mixed and suggests this shouldn't happen.

**Mr. Bernadette Pekarek:** believes this is a taking of private property rights.

**Mr. Smith Held:** Avocado grower, speaks against the ordinance; believes this will rob him of his value on his home and property.

**Ms. Peggy Sonoda:** speaks in opposition to this amendment; feels farmers are good stewards of the land and don't need this imposed on them.

**Mr. Frank Otis:** addresses the impacts this ordinance would have on him and speaks in opposition to the same.

**Mr. Jim Hartzell:** states this would be a taking of what he owns and it's his land; urges the Board to oppose this ordinance.

**Mr. Chase Otis:** opposed this ordinance, addressing the impacts it would have on his family's property.

**Mr. Dwain Davis:** feels the majority of the land that will be affected is Agricultural land and he is concerned about the impacts it will have on his property.

**Mr. Clavis England:** states he is a thirty year resident of the County and opposes this ordinance.

**Mr. John Walker:** states his father farmed and he opposes this ordinance.

**Mr. Dick Mooney:** Cayucos resident, speaks in opposition to this and his concerns to the impacts it will have on his property.

**Mr. James Molnar:** states he is a fifth generation rancher/farmer and is opposed to this.

**Mr. Steve Lucich:** speaks in opposition and feels there hasn't been any discussion in the community on this issue; feels the public needs to have their voice heard before this is approved.

**Ms. Anne Nash:** speaks against this proposal and her concerns as to how it affects property rights.

**Mr. Andrew Christie:** representing the local branch of the Sierra Club, speaks to the ordinance and how it helps reduce visual impacts; urges the Board to adopt the ordinance.

**Mr. Harold Biaggini:** states that farmers are good stewards of the land and don't build homes on the ridge; urges the Board to not adopt this ordinance.

**Ms. Susan Fishman:** speaks in support of protecting the viewshed.

**Ms. Susan Lyon:** speaks in support of the ordinance and doesn't believe this takes anything away from the rancher/farmer.

**Mr. Paul Madonna:** feels the hilltops are worth preserving and urges adoption of the ordinance.

**Dr. Jerren Jorgensen:** farmers are good stewards of the land and he opposes this ordinance.

**Mr. Rodger Anderson:** feels these folks all have property rights and he is opposed this ordinance.

**Mr. Steve Soto:** speaks to the generations of family members that have farmed and he is against this proposal.

**Ms. Lynn Miller:** Templeton Area Advisory Group (TAAG) Vice Chairperson, states this issue never came before their group and there are people on the east side of Adelaida that would be affected by this change; states she is against this proposal.

**Mr. Greg Bettencourt:** believes in property rights and presents a real estate flyer showing why this ordinance should be supported.

**Mr. Daniel McGee:** attorney, suggests there is already too much regulation on private property and urges the Board to not adopt this ordinance.

**Ms. Joy Fitzhugh:** Farm Bureau, presents a letter for the record and highlights the same in opposition to this amendment change; states they want to be a part of a discussion on this issue before it is adopted.

**Mr. Stuart Selkirk:** presents his comments and photographs showing development that is occurring on in the "skyline" and urges support of the ordinance.

**Mr. Bob Blanchard:** Rancher, states this does not affect his Ag operation and supports the ordinance.

**Mr. Chad Wittstrom:** states his relatives founded Cayucos; feels the Mitigated Negative Declaration that has been done on this proposal is inadequate and recommends against the ordinance being adopted.

**Ms. Susie Hermreck:** addresses her concern to the definitions in the document and is opposed to this ordinance.

**Mr. Eric Greening:** speaks in support of the staff recommendation but agrees with folks on both sides of this issue; questions the noticing requirements for the various groups that heard this issue.

**Mr. Wayne Ryburn:** urges support for the ordinance; feels this is needed to protect the viewshed; states he also supports the farmer; feels there should be some way to find a compromise.

**Mr. Bill Warren:** speaks support of the amendment as he believes there is a need to protect the ridgeline from having "monster homes" built on them.

**Mr. Bill Coy:** addresses the need to protect the viewshed and suggests there could be changes that would help everyone with this issue.

**Ms. Kirstin Wright:** suggests her project is the cause of all this discussion

today; speaks to the time and money they have invested, to date, and still don't have a home.

**Mr. Ed Carnegie:** President of the Cayucos Area Advisory Council, believes the ordinance is fair and outlines their review on this.

**Ms. Mary Ann Carnegie:** Cayucos Area Advisory Council member, addresses the strong support this has received in the community and that there is a need to regulate and protect the ridgeline.

**Mr. Ron Wilson:** states this is not an Agricultural issue but is a development issue and urges the Board to adopt the ordinance.

**Mr. Gordon Held:** addresses his property and his concern to the ordinance; wants this to go back to the community for more discussion.

**Mr. John Carsel:** Cayucos Area Advisory Council member, supports removing the 20% slope requirement and urges the Board adopt the ordinance with that change.

**Mr. Ruel Czach:** addresses a map showing property owned by Bruce Gibson and drawing of the home.

**Mr. Tyson Davis:** speaks in opposition to the ordinance.

**Mr. Dave Watson:** gives his views based on the comments he's heard today; believes this process could be accomplished without adopting this ordinance.

**Mr. Tom Vaughan:** speaks to the issue and his views of this ordinance.

**Mr. Bob Staller:** states he's a farmer and comments on how this will affect him.

**Mr. Chuck Lenet:** presents two photographs of homes built on Agricultural land and addresses his views on this ordinance.

**Ms. Barb Lucich:** states they presented more than 200 letters regarding the concern to Agriculture and against this ordinance.

**Ms Susan Paolillo:** speaks in opposition to this ordinance.

**Supervisor Ovitt:** presents letters from the Adelaida Farm Center and the North Coast Farm Center, both in opposition to this ordinance; addresses the issue and feels that any compromise discussions should have occurred a while ago.

**Mr. Wulkan:** addresses the noticing requirements and that more than 1500 notices were sent out for the Planning Commission hearing and then again for this hearing along with publications of the hearings in the newspaper.

**Chairperson Bianchi:** speaks in support of property rights but also supports property owner responsibility; doesn't believe that adoption of the ordinance would prohibit someone from building a home.

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

**Supervisor Lenthall:** speaks to protecting the land and the views; addresses his concern to folks who said they didn't receive notice of the hearings.

**Supervisor Patterson:** doesn't feel this ordinance is "onerous" to the Agricultural community and believes it specifically exempts Ag; states the ordinance

only “kicks in” when property is split or residential development occurs.

**Supervisor Ovitt:** addresses his concern to the definition of “ridge top”; states he doesn’t have a problem with the viewshed language along the Highway 1 corridor; and comments further as to his concerns.

**Supervisor Achadjian:** addresses his concerns and believes this needs more public discussion before it’s considered further by the Board.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board continues this item off calendar and directs that it be re-noticed for a future date.**

11 D- 2 This is the time set for presentation of an overview of the Emergency Management System and consideration of a new Local Hazard Mitigation Plan (Clerk’s File).

**Mr. David Edge:** County Administrative Officer, provides an overview of the Plans before the Board today.

**Mr. Ron Alsop:** Emergency Services, provides an overview of Emergency Management in the County; highlights the various agencies that work in conjunction with the County in the event of an emergency ; indicates there are four “primary” coordinators and who those are; comments on the Standardized Emergency Management system; discusses the “Op Area” coordination; provides examples of how the system has worked for events such at the San Simeon Earthquake; addresses the Local Hazard Mitigation Plan and outlines what this entails; indicates this is for natural hazards; addresses the Action Plan.

**Mr. Eric Greening:** questions why Santa Margarita is missing as a flood hazard area in this Plan; questions the “hidden” fault lines; comments on the Diablo Canyon Draft Evacuation Plan and feels the County should hold a hearing on this plan.

**Mr. Klaus Schumann:** representing the Green Party, presents a letter for the record and addresses his concern to the impacts of a “plume” being released from Diablo Canyon.

**Ms. Henriette Groot:** addresses her concern to rushing this item through and feels it needs more discussion.

**Mr. Alsop:** responds to issues raised and minor corrections he will make before submitting the document regarding Santa Margarita area being in a flood zone.

**Chairperson Bianchi:** discusses this matter coming back for more discussion in the future but approving the Plan for funding purposes today.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board received a verbal presentation of the overview of the emergency management system and its working in the County and approves and authorizes the Chairperson to sign the newly developed Local Hazard Mitigation Plan.**

12 D-3 This is the time set for consideration of the Revised County Earthquake Emergency Response Plan (Clerk’s File) and the Tsunami Emergency Response Plan (Clerk’s File).

**Ms. Tracey Vardas:** Emergency Services, presents the staff report on the Earthquake Plan Update and the Tsunami Plan; outlines the initial response to an event and the procedures that would be followed.

**Mr. David Edge:** County Administrative Officer, addresses the issue; indicates that generally the County is not held liable for “acts of God” but issues are

still reviewed on a case-by-case basis.

**Mr. Eric Greening:** addresses questions he has on various pages of the document with respect to the need for more information; evacuation; concerns for the “non-mobile” population and how they are handled during an evacuation; concerns regarding traffic disruptions; decontamination issues; presents his comments to staff.

**Mr. Klaus Schumann:** representing the Green Party, states their concern mainly revolves around how this will impact Diablo Canyon; states the pools at Diablo Canyon are more dangerous than the reactors.

**Matter is discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and unanimously carried, the Board approves and authorizes the Chairperson to sign the revised San Luis Obispo County Earthquake Emergency Response Plan and the newly developed Tsunami Emergency Response Plan.**

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, November 1, 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: November 7, 2005  
vms