

Tuesday,
November 15, 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 **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. 2005-347, resolution honoring the Economic Opportunity Commission on it's [sic] 40th Anniversary on December 9, 2005, adopted.

Supervisor Patterson: reads the resolution and presents the same to Ms. Biz Steinberg and Ms. Lisa Delk from EOC.

Ms. Delk: thanks the Board for the recognition

Ms. Steinberg: thanks the Board for their participation over the years, on the EOC Board of Directors; highlights all they have been doing in the community for the past 40 years.

Ms. Julia Miller: speaks to all EOC has done in the community and commends them on their 40 years.

2 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

presentation of the Government Finance Officers Association's Certificate of Achievement for excellence in financial reporting to Gere W. Sibbach, Auditor-Controller, approved.

Chairperson Bianchi: reads the Certificate and presents the same to Mr. Gere Sibbach, County Auditor-Controller.

Mr. Sibbach: thanks the Board; highlights the various staff members he relies on to help with the budget and financial reporting.

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

Mr. David Duggan: addresses his concerns to various activities occurring in Los Osos and the placement of the sewer in this community. **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. Eric Greening: comments on Item B-7 and his concern to the lack of Board meetings in January and February next year and suggests adding the fifth Tuesday back in January to help. **No action taken.**

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B-1 Consent Agenda Items B-8 is amended by replacing the resolution and including thru additional information regarding the proposed projects. Item B-10 is withdrawn
B-18 for separate action. Item B-18 is added to the Consent Agenda.

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-18 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-18, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

B-1 1) **RESOLUTION NO. 2005-348**, setting a public hearing to consider establishing a zone of County Service Area 21 for property located within Castle Street and Windsor Boulevard in the community of Cambria for road improvements; and 2) **RESOLUTION NO. 2005-349**, proposing adoption of a Special Tax for said zone for road improvements to Castle Street and a portion of Windsor Boulevard in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of a public hearing date set for December 6, 2005 at 9:00 a.m..**

B-2 1) **RESOLUTION NO. 2005-350**, setting a public hearing to consider establishing a zone of County Service Area 21 for property located within Bradford Road and Pierce Avenue in the community of Cambria for road improvements; and 2) **RESOLUTION NO. 2005-351**, proposing adoption of a Special Tax for said zone for road improvements to portions of Bradford Road and Pierce Avenue in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of a public hearing set for December 6, 2005 at 9:00 a.m..**

B-3 1) **RESOLUTION NO. 2005-352**, setting a public hearing to consider establishing a zone of County Service Area 21 for property located within Leonard Place and a portion of Richard Avenue in the community of Cambria for road improvements; and 2) **RESOLUTION NO. 2005-353**, proposing adoption of a Special Tax for said zone for road improvements to Leonard Place and a portion of Richard Avenue in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of a public hearing set for December 6, 2005 at 9:00 a.m..**

B-4 1) **RESOLUTION NO. 2005-354**, setting a public hearing to consider establishing a zone of County Service Area 21 for property located within Bradford Circle and a portion of Preston Street in the community of Cambria for road improvements; and 2) **RESOLUTION NO. 2005-355**, proposing adoption of a Special Tax for said zone for road improvements to Bradford Circle and a portion of Preston Street in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of a public hearing set for December 6, 2005 at 9:00 a.m..**

B-5 1) **RESOLUTION NO. 2005-356**, setting a public hearing to consider establishing a zone of County Service Area 21 for a portion of Madison Street in the community of Cambria for road improvements; and 2) **RESOLUTION NO. 2005-357**, proposing adoption of a Special Tax for said zone for road improvements to a portion of Madison Street in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of a public hearing set for December 6, 2005**

at 9:00 a.m..

Administrative Office Items:

B-6 **RESOLUTION NO. 2005-358**, (Clerk's File) reviewing the conflict of interest codes for the Cayucos-Morro Bay Cemetery District, **Adopted**.

B-7 Board of Supervisors meeting calendar for 2006, **Approved**.

Planning and Building Items:

B-8 **RESOLUTION NO. 2005-359**, approving an application and contract execution for funding from the State Department of Housing and Community Development Disaster Recovery Initiative Program and authorizing execution of the grant agreement; All Districts, **Adopted as amended**.

B-9 **RESOLUTION NO. 2005-360**, acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Plan Major Amendment #1-04 – Agricultural Preserve Maps; 2nd and 3rd Districts, **Adopted**.

B-10 Request to approve authorization of a publication of a Notice of Initiation of Proceedings to consider changes to the County General Plan, Land Use Ordinance, Coastal Zone Land Use Ordinance and Real Property Division Ordinance; All Districts, **Withdrawn for separate action**.

Public Works Items:

B-11 **RESOLUTION NO. 2005-361**, declaring a continuation of the Emergency requiring the immediate repair of roads on Juanita Avenue and McCarthy Avenue in the community of Oceano; 4th District, **Adopted**.

B-12 **RESOLUTION NOS. 2005-362 and 2005-363**, one for the County and one for the San Luis Obispo County Flood Control and Water Conservation District approving the issuance and sale of Bond Anticipation Notes (Nacimiento Pipeline Project), 2005 Series A by the San Luis Obispo Financing Authority in an aggregate principal amount not to exceed \$7,000,000; All Districts, **Adopted**.

B-13 The following parcel map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map: CO02-0422, a proposed subdivision resulting in 3 lots, by Arlene G Stanley Trust, Peachy Canyon Road, west of Paso Robles, **Approved**; **RESOLUTION NO. 2005-364**, to accept the offer of dedication for road widening; 1st District, **Adopted**.

Other Items:

B-14 Submittal from the Auditor-Controller of a cash procedures review of the Farm Advisor's San Luis Obispo office conducted on October 26, 2005, **Received and Filed**.

B-15 Request from Supervisor Ovitt to reappoint Ted Jacobson and Ken Sauret to the Fish and Game Fine Committee, **Approved**.

B-16 **RESOLUTION NO. 2005-365**, granting: 1) a permanent easement of 0.66 acres to the City of San Luis Obispo, **Adopted**; and 2) a temporary easement to the City of San Luis Obispo of 0.62 acres behind the former General Hospital in San Luis Obispo for construction, operation and maintenance of the new Bishop Water Tank, **Approved**.

B-17 **RESOLUTION NO. 2005-366**, approving a renewal contract with the California Youth Authority for juvenile diagnostic services and authorize the Chief Probation Officer to sign the contract, **Adopted**.

ADDED (All requirements of the Brown Act were met as this was posted prior to

the 72-hour noticing requirement.)

B-18 Agreement (Clerk's File) with the National Training Institute to develop a community plan on perinatal substance abuse issues, **Approved.**

- 6 C-1 This is the time set for hearing to consider a resolution imposing revised road impact fees for the Community of Avila Beach; 3rd District.

Ms. Rosemarie Gaglione: Public Works, presents the staff report; outlines the area impacted by the fees; gives the account balance for this fee area; indicates there were no appeals filed during this fiscal year; addresses the current projects that are funded with the Impact Fees; those projects that are underway that aren't funded by the Road Impact Fees; highlights how the annual updates are calculated and the results of the 2005 Update calculations; highlights the proposed increase they are recommending today.

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

RESOLUTION NO. 2005-367, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the South County and San Luis Bay Planning Area of the County of San Luis Obispo and adopting the required Annual Update, adopted.

- 7 C-2 This is the time set for hearing to consider the 2005 update of the County Bikeways Plan and submittal of a resolution to apply for grant funding from the Bicycle Transportation Account Program; All Districts.

Mr. Ryan Chapman: Public Works, presents the staff report; highlights the purpose and need for the Bikeways Plan; the Bicycle Advisory Committee that was created and their role in this process; addresses the legal requirements pursuant to the California Bicycle Transportation Act; highlights the changes since the last Update; outlines the future goals of the Plan; addresses candidate projects under this program; outlines the staff recommendations.

Supervisor Achadjian: questions whether there is a take-away for drainage areas if bikeways are put in, with Mr. David Flynn, Public Works, responding.

Chairperson Bianchi: states she wants a language change on C-2-41 (page 28 of the Update) and her concerns to bicyclists on Highway 1 and wants language added to read: "Using promotional campaigns to reach the "bicyclists" target audience. The campaign should be tailored to alerting cyclists to the presence of vehicles around them."

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 Ryan
NOES: None
ABSENT: None

the Board amends page 28 (C-2-41) of the Plan to add the following language under the section regarding safety education activities to read: "Using promotional campaigns to reach the "bicyclists" target audience. The campaign should be tailored to alerting cyclists to the presence of vehicles around them." and, adopts the 2005 Update of the County Bikeways Plan as amended and RESOLUTION NO. 2005-368, resolution authorizing the Director of Public

Works to apply for grant funding of proposed bike land construction and execute Local Agency-State Agreements Bicycle Transportation Account Projects for the financing of bike lanes, adopted.

8 C-3-A This is the time set for continued hearing (continued from October 18, 2005) to consider the request for Carrasco Properties LP (AGP2004-00027), to alter and expand the boundaries of an agricultural preserve and establish a Farmland Security Zone; 1st District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

Ms. Susan Harvey: Paso Watch, addresses her concern to the “set aside” for this proposal and does not feel its in keeping with the intentions of the Williamson Act or the Laird Bill and is a bad precedent to set.

Mr. Joe Carrasco: Applicant, addresses why they originally left this parcel out of their original Williamson Act request; indicates they want to build a winery on this parcel; asks the Board to approve their request.

Supervisor Patterson: addresses this proposal and his concerns to the same.

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

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

RESOLUTION NO. 2005-369, resolution altering the boundaries of El Pomar Agricultural Preserve No. 4 pursuant to the California Land Conservation Act of 1965, adopted.

9 C-3-A Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:

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

RESOLUTION NO. 2005-370, resolution establishing a Farmland Security Zone pursuant to the California Land Conservation Act of 1965, adopted.

10 C-3-B This is the time set for continued hearing (continued from October 18, 2005) to consider Fetzner Vineyard (AGP2004-00028) to establish an agricultural preserve to enable the applicant to enter into a land conservation contract; 1st District.

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

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. 2005-371, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

11 C-3-C This is the time set for continued hearing (continued from October 18, 2005) 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 lot line adjustment SUB2004-00321; 1st District.

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

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

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

RESOLUTION NO. 2005-372, resolution altering the boundaries of Estrella Agricultural Preserve No. 3 pursuant to the California Land Conservation Act of 1965, adopted.

- 12 C-3-D This is the time set for hearing to consider the request of Alvin Algee (AGP2004-00025) to alter the boundaries of an existing agricultural preserve and contract by adding an adjoining 0.5 acre parcel under the same ownership; 5th 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. 2005-373, resolution altering the boundaries of El Pomar Agricultural Preserve No. 10 pursuant to the California Land Conservation Act of 1965, adopted.

- 13 C-3-E This is the time set for hearing to consider the request of James Cushman (AGP2005-00008) to alter and expand the boundaries of an adjacent agricultural preserve to include this site to enable the landowner to enter into a land conservation contract; 1st District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

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

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

RESOLUTION NO. 2005-374, resolution altering the boundaries of Templeton Agricultural Preserve No. 6 Amendment No. 1 pursuant to the California Land Conservation Act of 1965, adopted.

- 14 C-3-F This is the time set for hearing to consider the request of Paso Robles Vineyard (AGP2004-00022) to establish an agricultural preserve to enable the applicant to enter into a land conservation contract; 1st District.

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

Mr. Neil Olsen: states he lives across the street from this and is concerned about the development that will occur and that it will create Open Space versus Agricultural Land.

Mr. Eric Greening: states the concerns by the prior speaker are not before the Board today.

Mr. Tom Vaughan: representing the Applicant, speaks to the buffer requirements to complete the map for this project.

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. 2005-375, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 15 C-3-G This is the time set for hearing to consider the request of Brave Oak Vineyards, LLC (AGP2005-00005) to alter the boundaries of an agricultural preserve by adding approximately 41.5 acres, rescinding an existing contract and entering into one of two new contracts; 1st District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

Mr. Tom Vaughan: representing the Applicant, states they are in agreement with the staff report.

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

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

RESOLUTION NO. 2005-376, resolution altering the boundaries of Estrella Agricultural Preserve No. 21 pursuant to the California Land Conservation Act of 1965, adopted.

- 16 C-3-H This is the time set for hearing to consider the request of Brave Oak Vineyards, LLC (AGP2005-00009) Request to alter the boundaries of an agricultural preserve by adding approximately 44.2 acres, rescinding an existing contract and entering into one of two new contracts; 1st District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

Mr. Tom Vaughan: representing the Applicant, speaks in agreement to the staff report.

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. 2005-377, resolution altering the boundaries of Estrella Agricultural Preserve No. 21 pursuant to the California Land Conservation Act of 1965, adopted.

- 17 C-3-I This is the time set for hearing to consider the request of Michael Grissom (AGP2003-00004) for a correction of the minimum parcel size provision for Michael Grissom preserve and contract amendment for a previously approved application to amend the

boundaries of an existing agricultural preserve; 5th District.

Mr. Terry Wahler: 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, Ovitt, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: None

RESOLUTION NO. 2005-378, resolution correcting Resolution No. 2004-410, altering the boundaries of El Pomar Agricultural Preserve No. 1 pursuant to the California Land Conservation Act of 1965, adopted.

18 C-4 This is the time set for hearing to consider an appeal by Almond Heights, LLC of the Planning Director's determination concerning application for Merger SUB2004-00362/M05-155 from Almond Heights, LLC for 13 merged parcels on a 10.6 acre portion of a 30-acre property in the Residential Suburban Land Use Category for property located off of 21st Street adjacent to the City of Paso Robles; 4th District (this item was corrected at the beginning of the meeting to reference that this project was in District 1).

Ms. Kim Murry: Planning, presents the staff report; presents a full copy of the map for this site; addresses the requested 13 merged parcels versus the Planning Director's decision to recognize 6; addresses the Boston Tract and the Appellants suggesting that this was a pre-1893 map and did not need Board approval to create the lots; outlines the staff recommendation.

Chairperson Bianchi: questions the connection with this Application versus the Munari and Gardner cases, with Mr. James Lindholm, County Counsel, responding.

Mr. Ty Green: attorney representing the Appellants, addresses the reference to these parcels on the 1893 Map; outlines what occurred as he previously presented in the letter he sent the County; presents sections from the Statutes of California; and the Ruling on Motions for Summary Judgment for the Munari Case; explains why this would not be precedent setting to approve all 13.

Ms. Susan Harvey: Paso Watch, expresses her concern to approving any more than the 6 lots the Planning Director is recommending; feels approval of more than 6 parcels will be precedent setting; presents a letter for the record.

Mr. Ron Stock: states he lives across the street from this site and addresses his concern to the traffic impacts from this project.

Mr. Eric Greening: speaks against this proposal and urges denial of the appeal.

Mr. Larry Lynch: lives near this proposal; questions why the City of Paso Robles is not here to speak on this issue; questions what the implications are if the 13 parcels are approved and what happens if they are denied.

Mr. Green: gives his closing comments.

Mr. Tom Vaughan: representing the Applicant/Appellant, speaks to the application for a grading plan for this site.

Discussion between County Counsel, the Board and Mr. Green on the connection between this and the Munari case and looking at maps that were approved back at that time.

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

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

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

the Board tentatively upholds the appeal to allow for 13 merged parcels for Almond Heights, LLC and continues this hearing to December 20, 2005 at 9:00 a.m. for final action.

19 SP **Supervisor Ovitt:** introduces the Russian delegates that are being hosted by the Rotary Club; states they are all educators and one is a student; presents each with a packet of information on the County.

Ms. Natasha Dalton: introduces Yuriy Vladimirovich Chereshnew, student; Olga Yevgenyevna Fayevtsova, Teacher; Margarita Borisovna Gagina, Teacher; Mariya Gennadyevna Leukhova, Teacher; and Yelena Pavlovna Sointseva, Director of the Children's Drama Center. **No action taken.**

20 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) *Citizens for a Safe and Affordable Environment v. Superior Court of San Luis Obispo*, (2) *County of San Luis Obispo v. Level 3 Communications, LLC*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (8) *Gulf Underwriters insurance Company v. County of San Luis Obispo*, and (9) *County of San Luis Obispo v. Equilon Enterprises LLC, et al.*

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 Sheriff's Association*; and, (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.

21 C-5 This is the time set for hearing to consider amendments to the Land Use Element and Title 22 of the County Code – the Land Use Ordinance (G030015M – a proposal by Midland Pacific Building Corporation and G990025M – a proposal by Ken Craig and the Lucia Mar Unified School District); 1st and 4th Districts. (This item was amended at the beginning of the meeting to change the recommendation to read: Recommend your Board take tentative action with final action occurring through the subsequent adoption of the resolution and ordinances approving all amendments in the Winter General Plan Amendment Cycle 2005.)

G030015M, proposal by Midland Pacific Building Corporation, is presented.

Mr. Jim Lopes: Planning, outlines the request to amend the Salinas River Area Plan by changing the land use category from Agriculture to Residential Single Family and incorporating the 20 acre parcel into the San Miguel Urban Reserve Line; amend the Land Use Ordinance (LUO) to add planning area standards addressing the development of the site; and amend the Ag and Open Space Element for the parcel from the Large-Lot Rural designation to Urban Lands; addresses the Planning Commission recommendation to approve.

Mr. Erik Justesen: representing Midland Pacific, presents a power point showing the constraints map; the project proposal & photographs of the site; asks the Board to approve their request.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board tentatively approves G030015M as recommended by the Planning Commission.

G990025M, proposal by Ken Craig and the Lucia Mar Unified School District, is presented.

Mr. John McKenzie: Planning, presents the staff report addressing the proposal to amend the LUO and the South County Inland Area Plan for a land use category change of a forty acre area in the Residential Rural land use category to 20.41 acres of Recreation (to accommodate up to sixteen residential lots) and 19.59 acres of Public Facilities (for use by the Lucia Mar Unified School District for a future Middle School or Recreation; highlights the recommendation for denial by the Planning Commission.

Ms. Linda Auchinachie: Agricultural Commissioner's Office, addresses her office's concern to the impacts on Agriculture in the area and the buffers that would be required to accommodate this proposal.

Supervisor Achadjian: questions why the concern now by the Agricultural Commissioner, when there was none in the beginning, with Ms. Auchinachie, responding.

Mr. Robert Stockel: Agricultural Commissioner's Office, addresses aerial spraying for the surrounding agricultural use of avocados.

Supervisor Achadjian: questions staff recommendation to the Planning Commission being for approval with Mr. McKenzie, responding and indicates that the staff report includes those findings to support approval.

Ms. Carol Florence: Oasis Landscaping and representing the Craig family and School District, addresses the proposal; states the property is a gift by the Craig Family to the School District; asks the Board to confirm their previous approval of this proposal; highlights a list of minor changes to the Proposed Planning Area Standards and presents a copy for the record.

Dr. Deborah Flores: Superintendent for Lucia Mar, presents a letter dated November 14, 2005 for the record and highlights the same outlining their concerns; indicates there is no school being proposed at this time.

Mr. Dale Ramey: Public Works, addresses Willow Road and the need to limit access from the school onto this road.

Mr. Jon Seitz: representing the Nipomo Community Services District (NCSD), refers to Page C-5-6 of the staff report and wants 3.i. regarding Water Service removed; presents a letter for the record and highlights the same outlining NCSD's concerns.

Mr. Joseph Balint: lives immediately north of the proposed site and has concerns regarding traffic; states he is also representing the Wong family who live next door to this proposal; states they want this project denied.

Ms. Marianne Buckmeyer: President of Save the Mesa, highlights their concerns regarding this proposal.

Ms. El-Jay Hansson: addresses her concern to a school on this site and water problems in this area.

Ms. Susie Hermreck: Nipomo Community Advisory Council, states the Council reviewed this and passed a motion to deny this proposal; they have concerns regarding the greenbelt and Village Reserve Line being moved.

Mr. Michael Winn: addresses his views on the proposal.

Mr. Michael LeBrun: NCS D General Manager, states this proposal is within their guidelines and would receive a recommendation for water.

Mr. Rick Koester: feels this project is a “winner” for the County.

Mr. Mike Maddy: states he is here in support of the Craig Family and this proposal.

Ms. Donna Mehlschau: states she was on the Site Committee for the School District and outlines the problems they had with various locations.

Mr. John Brantingham: speaks in support of Public Facilities zoning for school sites and urges the Board to approve this request.

Ms. Gee Gee Soto: Real Property Chairperson for the School District, speaks to what they looked at when they were looking for property and why this one was selected.

Mr. Dennis Law: representing the Craig Family, addresses the water issues; the standard to annex to the NCS D; addresses the need for “interim” water only if needed while waiting for certain events to occur.

Supervisor Achadjian: questions the School District’s ability to override a decision and put a school on the property, with Ms. Kami Griffin, Planning, responding.

Mr. Tim McNulty: Deputy County Counsel, speaks to the School District’s ability to override only if it is for class room facilities.

Supervisor Patterson: addresses the issue; states he supported the original application, but not with the restrictions on it.

Supervisor Achadjian: questions whether the restrictions really mean anything with the overriding of those that a school district can do, with Mr. McNulty responding.

Ms. Griffin: indicates where the findings and conditions for approval, should the Board choose to do this, are for this proposal.

Supervisor Achadjian: discusses wanting to approve this proposal and certify the EIR.

Supervisor Patterson: addresses the water issue in the Overriding Considerations.

Chairperson Bianchi: questions whether Exhibit B on page C-5-173 covers Areas A and B, with staff responding that it does.

Chairperson Bianchi: addresses 3-i and j on page C-5-174 and whether these conditions also apply to Area B.

Ms. Griffin: responds that they do not apply to Area B only Area A and if the Board wants them to be included with Area B the language will need to be added to Section II as f & g.

Matter is discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board tentatively approves G990025M as follows: certifies the EIR; and approves Exhibits A through D as outlined in the staff report on pages C-5-172 through C-5-192 with the following amendments: page C-5-174 e-Drainage is amended to add to the end “to the satisfaction of Public Works.”; and, to page C-5-176, under Section II of the proposed ordinance, the following is added: “f. Water Service. Prior to recordation of final map for residential development, the property shall annex to the Nipomo Community Service District for water service. An “intent-to-serve” letter from the NCSO shall be provided with application for land division.”; and, “g. Water Usage. All feasible water conservation measures shall be incorporated into future residential development. All landscaping shall be low water using and drought tolerant.”

Mr. McNulty and Ms. Griffin: read the appropriate changes to the resolution.

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

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

the Board amends the resolution as follows: the title is amended to add the following language “an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.112 by amending Section 22.112.040E and adding Section 22.112.040F relating to the property located on the corner of Willow and Via Concha Roads” and the following paragraphs under the NOW THEREFORE, BE IT RESOLVED AND ORDERED, “Amend the San Luis Obispo County General Plan, Land Use Element, South County Area Plan, official maps, as such amendment appears on Exhibit G990025M:C, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore, this amendment does not need to be submitted to the California Coastal Commission.]” and “Adopt, enact and instruct the Chairman of the Board of Supervisors to sign “An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.112 by Amending Section 22.2112.040e and Adding Section 22.112.040f Relating to the Property Located on the Corner of Willow and Via Concha Roads” as set forth in Exhibit G990025M:B which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore, this amendment does not need to be submitted to the California Coastal Commission.]” and under the BE IT FURTHER RESOLVED AND ORDERED the following paragraph is added “Regarding the Final Environmental Impact Report (FEIR) issued for amendments contained in Exhibits G980025M:C and B, the Board of Supervisors hereby certifies that the FEIR has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the

FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors hereby adopts the recommended findings of the County Environmental Coordinator which are attached hereto and incorporated herein as though fully set forth." and RESOLUTION NO. 2005-379, resolution to amend the San Luis Obispo County General Plan, Land Use Element and the Land Use Ordinance, Title 22 of the County Code and to adopt ordinances entitled "an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.104.070F relating to the use of 2004 Assessor Parcel Number 021-371-001", "an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.112 by amending Section 22.112.040E and adding Section 22.112.040F relating to the property located on the corner of Willow and Via Concha Roads" and "an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code" and to approve Environmental Document, adopted.

22. C-5 Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3073, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.104.070F relating to the use of 2004 Assessor Parcel Number 021-371-001, adopted.

23 C-5 Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3074, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.112 by amending Section 22.112.040E and adding Section 22.112.040F relating to the property located on the corner of Willow and Via Concha Roads, adopted.

24 C-5 Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3075, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

25 D-1 This is the time set for a presentation of the Housing Programs Status Report.

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..

Mr. Dana Lilley: Planning, presents the staff report; outlining the various Housing Element Programs; the problems include: the median price has increased in the County and State; the County is not meeting its affordable housing objectives; addresses strategies to meet the housing objectives; outlines the implementation approach; the schedule for updating the Housing Element; addresses recent activities and the concept papers and workshops; outlines the Inclusionary Housing proposal; addresses the Housing Linkage proposal; highlights the Affordable Housing Standards; outlines the relationship of this item to Item B-10 on the agenda today; addresses the Housing Trust Fund Contract Milestones; comments on the various units that were built through the assistance of the Housing Trust Fund; comments on the potential for new initiatives; the recommendation is to receive and file this item.

Supervisor Achadjian: questions restrictions on first time buyers, with Mr. Lilley responding.

Supervisor Ovitt: expresses his concern to imposing inclusionary housing without notice, with Mr. Tim McNulty, Deputy County Counsel, responding.

Ms. Marquerite Bader: Workforce Housing Coalition and representing a group that wants to see affordable housing occur; states they are impressed by the work staff has done; they have concerns about sprawl; and encourage lots of workshops for the public on this.

Mr. Jerry Rioux: Housing Trust Fund Director, urges the Board to support both this item and Item B-10 and addresses the need for affordable housing in the County.

Supervisor Patterson: speaks to the issue of inclusionary housing and the need to send a message that this should be a priority.

Supervisor Ovitt: suggests that every time government gets involved in housing the prices go up; does not support Item B-10 and the noticing of this.

Supervisor Lenthall: encourages staff to continue moving forward with all of this.

Chairperson Bianchi: addresses the issue and the need for decent land prices for affordable housing to go on.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board receives and files the staff report dated November 15, 2005.

26 B-10 Request to approve authorization of a publication of a Notice of Initiation of Proceedings to consider changes to the County General Plan, Land Use Ordinance, Coastal Zone Land Use Ordinance and Real Property Division Ordinance; All Districts, is presented.

Thereafter, on motion of Supervisor Patterson, seconded by Chairperson Bianchi and on the following roll call vote:

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

the Board directs the Planning and Building Department to publish the notice shown in Exhibit A of the staff report dated November 15, 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, November 15, 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 28, 2005
vms