

Tuesday, February 28,
2006

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, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.

SUM AGN

1 A-1-A **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-63, resolution commending Ed Goshorn for his service as Chair on the Bicycle Advisory Committee in San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Mr. Goshorn.

Mr. Goshorn: thanks the Board for the recognition; states that when the Board recognized him they are recognizing the entire Board.

Mr. John Olejczak: Vice Chair of the Bicycle Advisory Committee, thanks Mr. Goshorn for all his work on the Committee and highlights the various funding/programs he has been instrumental in getting.

2 A-1-B **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-64, resolution proclaiming February 20, 2006 through April 15, 2006, as San Luis Obispo County Spay Day Promotion - 2006 and February 28, 2006, as "Spay Day USA 2006," adopted.

Supervisor Lenthall: reads the resolution and presents the same to Dr. Eric Anderson, Director for Animal Services.

Dr. Anderson: thanks the Board for the recognition; highlights the number of non-profit groups they work with; encourages pet owners to have their animals spayed or neutered.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-65, resolution recognizing the central Coast Ag Network on the initiation of its “Central Coast Grown” campaign, adopted.

Supervisor Patterson: reads the resolution and presents the same to representatives of the Central Coast Ag Network.

Ms. Mary Ann Vasconcellos: thanks the Board for the recognition; speaks to the their recently launched local brand and displays the same; this campaign is modeled after others around the State; this is to help local farms and ranches to get an infusion of economic dollars, some viability, to keep them in business of farming and ranching.

Ms. Kathleen DeChadenedes: addresses their goals for public outreach and to help increase agricultural jobs in the County.

4 C-7 This is the time set for hearing to consider the Planning Commission recommendation of a draft detailing amendments to the Cambria and San Simeon Acres community plans portions of the North Coast Area Plan, Cambria Design Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code; 2nd District.

Chairperson Achadjian: opens the floor to public comment to a Ms. Pamela Thompson, who can't be present this afternoon for the hearing.

Ms. Thompson: speaks in opposition to the Cambria Design Plan and explains her concerns regarding water and lot consolidation. **No action taken.**

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

Mr. Bob Blair: addresses his concern to the Board not authorizing the processing of a General Plan Amendment for Cypress Ridge project; addresses the judges ruling on water in the Nipomo Basin.

Mr. Jesse Arnold: addresses the issue of Genetically Engineered crops and the laws relating to the growing of crops.

Mr. Michael Kovacs: addresses his views regarding President Bush and the polls that are done on how he's doing as President; questions why there are no polls done on County government and the City councils.

Mr. Richard Margetson: addresses the Resource Management Study that was done on Los Osos and setting a Level of Severity III; states this will help with information with the Regional Water Quality Control Board and the mandates they are setting forth on local property owners; asks when this information will be available to the public.

Mr. David Duggan: speaks to the work of “outside sources” to try and bankrupt the Los Osos Community Services District (LOCSD); addresses the petition that is going to LAFCO regarding dissolving the LOCSD. **No action taken.**

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

Ms. Maria Lorca: speaks to Item B-26 and requests that it be pulled and brought back for discussion at a future meeting; suggests the staff report doesn't match Board direction back in November 2005.

Ms. Kathryn Sweet: speaks to Item B-26 and creating a Transfer of Development Credits (TDC) Committee; believes this should be a separate hearing item and not on the Consent Agenda.

Ms. Susan Harvey: Paso Watch, addresses Item B-26 and asks that a public hearing be held to address the makeup of this TDC Committee; speaks to additional representation they would like to see on this Committee.

Mr. Eric Greening: addresses Item B-16 and his concerns to sending troubled children out of state versus keeping them somewhere closer; feels this has a negative impact on these troubled children; Item B-19 questions extending this study to the mouth of the creek rather than cutting it off three miles inland; Item B-26 wants to see this handled as a separate item at a future hearing.

Ms. Christine Mulholland: comments on Item B-6 and is asking to be nominated to the Coastal Commission and cites the State Code relative to nominations; states the City Selection Committee met and only nominated a Supervisor and this was wrong; suggests the County should be nominating as many folks as possible.

Ms. Della Barrett: addresses Item B-26 and outlines what she believes the primary charge of this Committee should be and wants additional groups included in the membership.

Ms. Dolores Simons: addresses Item B-26 and her concerns to the membership of this committee.

Mr. Michael Kovacs: speaks to Item B-6 and questions Chairperson Achadjian as to his nomination to the Coastal Commission; Item B-13, questions the cost to the County and the amount to be secured from the sale; Item B-27, questions the \$1.5 million for employees and computers for Social Services. **No action taken.**

- 7 B-1 Consent Agenda Item B-2 is amended to correct the staff report and coversheet to thru reflect one resolution not two. Item B-23 is amended to correct the transmittal page B-27 and coversheet to reflect that this is in District 5 not Districts 2 and 4. Item B-26 is amended to correct the coversheet and staff report to change all references to the "TDC Advisory Committee" to the "TDC Blue Ribbon Committee"; further, the staff report is amended to establish the membership as follows: 2 members from Agriculture (possibly one from the Farm Bureau and one an active Agriculturalist), 2 members from Environment (possibly ECOSLO, Sierra Club & other similar organizations), 2 from Development (one representing a receiver site and one from a development firm in the County), 1 member from the Land Conservancy (representing the Land Conservancy of San Luis Obispo), 3 members from Board and Commissions (one from the Ag Liaison Board and two from the Subdivision Review Board (possibly specify the APCD and Public Works members), 2 members from the General Public, 2 members representing the Advisory Groups, one member from a City Planning Department and the Agricultural Commissioner is to participate in the discussions as part of County staff and that all these meetings will be open to the public.

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

AYES: Supervisors Patterson, Bianchi, Ovitt, Lenthall, Chairperson Achadjian
NOES: Supervisor Ovitt - No on Item B-26
ABSENT: None

Consent Agenda Items B-1 through B-27 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-27, 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 resolution amending the County Traffic Regulation Code for the establishment of "No Motorized Vehicles Allowed" zones on El Moro Avenue between 12th Street and South Bay Boulevard; and Las Pilatas Road at the Salinas

River; 2nd and 5th District, **Approved and the Clerk is instructed to give notice of hearing date set for March 7, 2006 at 9:00 a.m..**

B-2 Introduction of a resolutions amending the Traffic Regulation Code for the enforcement of the California Vehicle Code on private roads within Tract 6D and Tract 17 east of Paso Robles, **Approved as amended and the Clerk is instructed to give notice of hearing date set for March 7, 2006 at 9:00 a.m.; RESOLUTION NO. 2006-66**, establishing commercial vehicle weight restriction of 7 tons on Buckhorn Ridge Place; 1st District, **Adopted.**

B-3 Introduction of a Gas Pipeline Ordinance Extension which extends County Ordinance No. 301, Southern California Gas Company's pipeline franchise for one year through February 7, 2007; All Districts, **Approved and the Clerk instructed to give notice of hearing date set for April 11, 2006 at 9:00 a.m..**

Administrative Office Items:

B-4 Amendment to the Joint Powers Agreement with the California State Association of Counties – Excess Insurance Authority, **Approved.**

B-5 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 14 to the City of Pismo Beach (Los Robles del Mar), **Approved.**

B-6 Letter to the Governor's Office recommending Supervisor Khatchik "Katcho" Achadjian for consideration as representative from the South Central Coast Region of California to the Coastal Commission, **Approved.**

B-7 Status and progress report to the Final 2004-2005 Grand Jury report regarding Child Welfare Services, **Approved.**

Auditor-Controller Items:

B-8 **RESOLUTION NO. 2006-67**, adopting the Countywide Cost Allocation Plan for Fiscal Year 2006-2007, **Adopted.**

B-9 Audit report on Mustang Water Slides concession for the period of January 1, 2004 through October 31, 2005, **Received and the Board instructs the Department of General Services to respond back to the Board within four months on the status of implementing the audit recommendations.**

Board of Supervisors Items:

B-10 **RESOLUTION NO. 2006-68**, recognizing Dennis Collins as the 2005 Wine Industry Person of the Year, **Adopted.**

B-11 Request by Board Members to allocate \$2,150 from Community Project Funds (District One - \$1,500, District Two - \$150, District Five - \$500) to the Shandon Unified School District for the purchase of books, videos and research materials for the Shandon High School Library; 1st, 2nd and 5th Districts, **Approved.**

General Services Items:

B-12 Lease agreement with the Friends of the San Luis Obispo Botanical Garden to lease approximately 150 acres of County-owned property at El Chorro Regional Park to be further developed in accordance with the Botanical Garden Master Plan for a term of 99 years, **Approved.**

B-13 **RESOLUTION NO. 2006-69**, of intention to surplus and sell County-owned real property (APN 015-143-014) in the unincorporated area of Paso Robles, **Adopted.**

B-14 **RESOLUTION NO. 2006-70**, authorizing execution of a notice of completion and

acceptance for the construction of the Main Street left turn lane for the new North County Regional Center in the community of Templeton, **Adopted.**

Health Agency Items:

- B-15 Renewal agreement (Clerk's File) with the State Department of Corrections to provide services to parolees in Parole Region II, which is all of San Luis Obispo County and Northern Santa Barbara County, **Approved.**
- B-16 Renewal contract with Intermountain Children's Home and Services, Inc. to provide mental health services to youth for Fiscal Year 2005-2006, **Approved.**

Probation Department Items:

- B-17 **RESOLUTION NO. 2006-71**, authorizing the Chief Probation Officer to sign a renewal contract for Fiscal Year 2005-2006 with the California Youth Authority for emergency housing services for juveniles, **Adopted.**
- B-18 **RESOLUTION NO. 2006-72**, authorizing the Chief Probation Officer to sign a renewal Memorandum of Understanding with the Franchise Tax Board for the continued participation in the Court Ordered Department Collection (CODC) program, **Adopted.**

Public Works Items:

- B-19 Amended agreement for technical support services with Hanson Environmental, Inc. for the public distribution and regulatory negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment extending the term of the agreement until January 31, 2008; 3rd and 4th Districts, **Approved.**
- B-20 **RESOLUTION NO. 2006-73**, amending the Traffic Regulation Code establishing Yield Right of Way Intersections on Carmel Road at Morningside Drive, Santa Margarita; Wild Oats Way at Herdsman Way, Templeton; and El Moro Avenue at Twelfth Street through Eighteenth Street, Los Osos; 1st, 2nd and 5th Districts, **Adopted.**
- B-21 **RESOLUTION NO. 2006-74**, authorizing execution of notice of completion for earthquake damage repairs to various on-system roads in the County (Contract Nos: P12Q441, P12Q403, P12Q404, P12Q405, P12Q306, P12Q207, P12Q111 and P12Q214); 1st, 2nd, 3rd and 4th Districts, **Adopted.**
- B-22 **RESOLUTION NOS. 2006-75 and 2006-76**, of intention to vacate a portion of Smith Avenue, a purported public road in the community of Oceano; and a portion of First Street, County Road No. 3157, in the community of Los Osos; 2nd and 4th Districts, **Adopted.**
- B-23 1) Financial assistance of \$5,000 to the Bureau of Land Management for cleanup of illegal dumping sites east of Cuyama; and 2) find that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15330 of the State CEQA guidelines because it is the partial funding of a minor cleanup action taken to prevent the release of hazardous substances and has no potential significant effect on the environment; 2nd & 4th District, **Approve as amended.**
- B-24 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 02-0164, a proposed subdivision resulting in 2 lots, by Paul and Tamara Mann, Country Hill Road, Nipomo, **Approved**; and **RESOLUTION NO. 2006-77**, to approve an open space easement agreement; 4th District, **Adopted.**
 - B. CO 03-0408, a proposed subdivision resulting in 21 lots, by Michael and Barbara Radovich, Pasadena Road, south of Atascadero, **Approved**; and, **RESOLUTION NO. 2006-78**, to accept the Offer of Dedication for widening

of Pasadena Road; 5th District, **Adopted.**

- C. CO 03-0189, a proposed subdivision resulting in 2 lots, by Johnny Apodaca, El Campo Road, Nipomo Mesa, reject the offer of dedication for trails without prejudice to future acceptance; 4th District, **Approved.**
- D. CO 00-0182, a proposed subdivision resulting in 4 lots, by Robert and Cynde Christie, Stagecoach Road, east of Arroyo Grande, reject the offer of dedication for roads and drainage without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

- B-25 Annual agreement for Fiscal Year 2005-2006 with the California Department of Forestry and Fire Protection for cooperative fire protection services, **Approved.**
- B-26 Membership make-up for the Transfer of Development Credit Program Advisory Committee; 1st, 3rd, 4th and 5th Districts, **Approved as amended.**
- B-27 Budget adjustment in the amount of \$1,450,000 from unanticipated revenues to Fund Center 180 – Social Services Administrative Budget to fill staff vacancies, replace the heating ventilating air conditioning system at the Higuera building and acquire a “Locknetics” FOB (key/entry lock) system for the Arroyo Grande office, replace various computer equipment and software and increase client services contracts, **Approved.**

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

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

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, §54956.9(a).) (Formally initiated) *ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)* (4) *Building a Better Environment v. County of San Luis Obispo* and (5) *County of San Luis Obispo v. Equilon Enterprises LLC, et al.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (1) *Significant exposure to litigation (Gov. Code, §54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (2) *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: (3) Negotiator’s Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *SLOGAU*.

Chairperson Achadjian: opens the floor to public comment without response.

Thereafter, the Board goes into Open Public Session.

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

9 D-1 This is the time set for submittal of resolutions of intention of the San Luis Obispo County Flood Control and Water Conservation District to initiate annexation proceedings for Zone 1, adopt an amendment to the 1959 agreement governing the maintenance of the Arroyo Grande and Los Berros Creek Levees, and other related actions; 3rd and 4th Districts.

Mr. Paavo Ogren: Public Works, presents the staff report; **(SUPERVISOR**

HARRY L. OVITT IS NOW PRESENT); highlights those that assisted with this process; outlines the staff recommendations and the Proposition 218 election.

Ms. Joy Fitzhugh: Farm Bureau, speaks in support of the staff recommendations.

Mayor Tony Ferrara: City of Arroyo Grande, states he represented the City on the Task Force; addresses their concern to the language of the second resolution relating to an amendment to the 1959 agreement with The Natural Resources Conservation Service and the Coastal San Luis Resource Conservation District; suggests this resolution doesn't hold to the "spirit of cooperation and asks that it not be adopted "in stone."

Mr. Norman Getty: Zone1/1A Task Force member, states there was great cooperation by all to move this process forward; addresses his concerns to the second resolution in the packet that amends the 1959 agreement.

Mr. Gary Kobara: thanks everyone who has helped move this process forward; addresses his support for the Proposition 218 election and asks for more time to review the second resolution relating to the 1959 agreement.

Chairperson Achadjian: thanks all who participated in the process.

Supervisor Bianchi: questions staff as to the concerns raised by the public on the 1959 agreement, with Mr. Ogren responding.

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

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

RESOLUTION NO. 2006-79, resolution of intention of the San Luis Obispo County Flood Control and Water Conservation District to annex certain parcels in the County of San Luis Obispo to Flood Control Zone 1, adopted. Further, the Clerk of the Board is directed to publish notice of said hearing to the property owners in the proposed annexation area in accordance with section 6066 of the California Government Code.

10 D-1 **Thereafter, on motion of Chairperson Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

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

RESOLUTION NO. 2006-80, resolution of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District (Board) - Approval of Findings, Policies and Staff Direction on the Subject of relinquishing the Arroyo Grande and Los Berros Creek Levees to the California Department of Water Resources including a Contract Amendment with The Natural Resources Conservation Services and the Coastal San Luis Resource Conservation District, adopted. Further, the Board directs that a discussion on this resolution come back to the Board on May 2, 2006.

11 E-1 This is the time set for presentation of the Fiscal Year 2005-2006 Second Quarter Financial Report.

Chairperson Achadjian: opens the floor to public comment to a Mr. Michael

Kovacs, who can't be present this afternoon for the hearing.

Mr. Kovacs: questions the delays in getting the quarterly report out to the public by two months; feels the public deserves an expeditious reply to these issues.
No action taken.

- 12 F-1 This is the time set for a presentation of a school performance report from the County Superintendent of Schools.

Dr. Julian Crocker: County Superintendent of Schools, speaks to the new requirement of law that this report be presented to the Board of Supervisors.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board receives and files the report dated February 28, 2006.

- 13 C-2 This is the time set for hearing to consider an appeal by Jim and Julie McDougall of a Planning Commission determination (pursuant to Land Use Ordinance Section 22.70.050) that potbellied pigs are similar to hogs and swine and are subject to the ordinance standards for keeping of these animals; the property is located within the Residential Single Family land use category and is approximately 11,860 square feet and is located at 1730 Peacock Place in the community of Oceano (APN 062-303-021); 4th District.

Ms. Nancy Orton: Planning/Environmental Specialist, presents the staff report; outlines the issue of whether potbelly pigs are considered household pets rather than the same as hogs and swine; the Planning Commission indicated they weren't household pets and this matter has now been appealed to the Board; presents photographs of the existing residence in Oceano and aerial photographs of the area; outlines the three issues raised in the appeal and staff's response to the same; addresses the regulations as they apply in Title 9 (Animal Services) versus Title 22 (Land Use Ordinance) of the County Code and the differences in requirements for keeping animals in each; they have now linked their website on this to Title 9; summarizes the denial by the Planning Commission.

Board Members: question the issue of the conflict in the two ordinances Title 9 and 22.

Mr. James Lindholm: County Counsel, indicates there isn't a conflict just different requirements; possibility of a disconnect as one deals with land use issues and the other is for the protection of animals.

Dr. Eric Anderson: Animal Services, comments on Title 9; addresses the history of potbelly pigs coming from Asia as pets; not sure if there is a clear difference as to whether they are a pet or not.

Mr. Jim McDougall: Appellant, presents a packet of material to the Board; indicates that a couple of cities in the County have designated potbelly pigs as household pets; comments on a letter from Dr. Anderson and the number of animals allowed through Animal Services; provides a history of what has occurred and the complaints by neighbors; presents a petition with 127 signatures in support of them keeping their pigs; asks the Board to uphold their appeal as they received incorrect information from County staff.

Ms. Julie Ann McDougall: Appellant, speaks to her health issues and her family's love for all their animals.

Mr. Dale Clegg: neighbor, believes that 10 pets is too many; indicates it is a "mess" with the number of pigs residing on the property; states he is the McDougall's closest neighbor and explains the problems he has due to his proximity to them; asks the Board to deny the appeal.

Ms. Jessie Wade: states this is an issue of too many animals on Residential property that got turned into a potbelly pig issue; the McDougall's need more land if they want to keep all these animals.

Mr. Charlie Sottile: addresses his concern to potbelly pigs being allowed as household pets; comments on having to remove horses he had on his property.

Mr. Barry Dorfman: presents a packet of information on Human Health Considerations and Pet Potbelly Pigs; indicates dogs and cats are a greater risk than potbelly pigs as it relates to health issues; states he owns these pigs and shows what he feeds and uses to care for them.

Ms. Mary Green: addresses the discrepancies between Title 22 and Title 9; suggests there are no proven violations associated with the application.

Ms. Sue Parkinson: owns a business relating to potbelly pigs; comments on the McDougall's getting their pigs from her and supports their appeal.

Ms. Chelsea Brunell: daughter of the McDougall's, states they are looking for a place so they can have all their animals; shows a posterboard with photographs of their family of dogs, cats and the potbelly pigs.

Ms. Diana Duncan: speaks to Code Enforcement's involvement and doesn't want this appeal denied.

Ms. Cheryl Mack: states she lives in Paso Robles with a potbellied pig and supports the appeal.

Mr. Jim Sievers: states he is friends with the McDougall's and supports their appeal; questions who decides that three animals should be the limit.

Ms. Ruth Sievers: feels the neighbors are unhappy and supports the McDougall's appeal.

Mr. McDougall: thanks the Board for hearing this today; feels they were provided bad information and asks that their appeal fees be waived for both the Planning Commission and Board of Supervisor's hearings; responds to issues raised at the Planning Commission; comments on the age of the pigs.

Ms. McDougall: speaks to the Planning Commission hearing and was embarrassed and humiliated during that hearing.

Ms. Orton: presents a letter from Caryn Hardt in support of the Appeal.

Supervisor Ovitt: addresses his views on this issue and to the requirements on the number of animals that can be kept; feels in this case there are too many animals in a Residential area.

Supervisor Patterson: expresses his views and feels that potbelly pigs are pets.

Supervisor Bianchi: agrees with comments by both Supervisors Ovitt and Patterson; feels the issue is the number of pets not the type of pet.

Supervisor Lenthall: questions the total of the fees for the two appeals, with Ms. Orton responding.

A motion by Supervisor Lenthall to uphold the Planning Commission recommendation, adopt the resolution and waive/refund the appeal fees for both the Planning Commission (\$564) and Board of Supervisors (\$604), is discussed.

Mr. Lindholm: indicates the Board should make a determination as to whether potbelly pigs are or are not a pet.

Board Members: address various issues, comments and concerns regarding: the “companionship value” to determine if these pigs are domestic or not; concerns to making the determination as to whether these pigs are pets or not, with staff responding.

Motion dies for lack of a second.

A motion by Supervisor Bianchi to deny the appeal and directs that the McDougall’s can keep three animals, dies for lack of a second.

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

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

the Board determines that in this instance potbelly pigs are considered pets.

Matter is further discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Patterson and on the following roll call vote:

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

the Board denies the appeal and amends the Findings as follows: “A. In this instance a potbellied pig is considered a household pet and is, therefore, not subject to the hog and swine standards of Section 22.30.090H.8, of the Land Use Ordinance.”; and “B. Only three or fewer household pets may be kept on the property.”; and RESOLUTION NO. 2006-81, resolution upholding the decision of the Planning Commission and disapproving the request by Jim and Julie McDougall for an appeal of a Planning Director determination, adopted as amended. Further, the Board waives/refunds the appeal fees for both the Planning Commission (\$564) and Board of Supervisors (\$604) hearings.

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

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

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, §54956.9(a).) (Formally initiated) *ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)* (4) *Building a Better Environment v. County of San Luis Obispo and* (5) *County of San Luis Obispo v. Equilon Enterprises LLC, et al.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (1) *Significant exposure to litigation (Gov. Code, §54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (2) *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: (3) Negotiator's Name: Santos Arrona, Gail Wilcox, Dori Duke, Name of employee organization: SLOGAU.

Chairperson Achadjian: 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.

- 14 E-1 This is the time set for presentation of the Fiscal Year 2005-2006 Second Quarter Financial Report.

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

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

NOES: None

ABSENT: None

the Board receives, reviews and files the Fiscal Year 2005-2006 First Quarter Financial Report; and, accepts gift funds and donations on behalf of Behavioral Health Services-Mental Health, in the amount of \$6,000; and, approves a request for discharge from bad debt totaling \$5,512 on behalf of Behavioral Health Services; approves the following Budget Adjustments: 451,051 from the California Health Care for Indigents Program (CHIP) to Other Indigents Health Care Program (Fund Center 352) and the Medical Assistance Program (Fund Center 183); and, \$987 from the Social Services Gift Trust Fund to the Department of Social Services (Fund Center 180).

- 15 G-1 This is the time set for presentation of the County's audited Comprehensive Annual Financial Report and Single Audit Report for June 30, 2005.

Mr. David Edge: County Administrative Officer, gives a brief overview of the report.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board receives, reviews and files the County of San Luis Obispo 's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for the fiscal year ended June 30, 2005.

- 16 C-1 This is the time set for hearing to consider approval of: 1) a contract with Aircon Energy Inc., for the design and installation of HVAC energy improvements; 2) a new maintenance project to upgrade heating, ventilating and air-conditioning (HVAC) systems and controls at the Department of Social Services; and 3) a corresponding budget adjustment in the amount of \$603,600 from Federal and State revenues and unanticipated revenues. (This item was amended at the beginning of the meeting to clarify that this was a Capital Project not a Maintenance Project and a new staff letter was presented.)

Mr. Duane Leib: General Services Director, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board creates the Capital Project, SLO-DSS, Install Energy Improvements, 320007 and approve a Budget Adjustment in the amount of \$603,600 from the Federal and State revenues and unanticipated revenue from DSS budget; and the Board approves the Energy Services Design and Installation Agreement with Aircon Energy, Inc.

and directs the Chairperson to sign the agreement in the amount of \$550,780.00; and, approves preliminary energy audit findings indicating the projected energy savings and the capital off-set improvements of this project.

- 17 H-1 This is the time set for presentation of a report on obesity in the County; the possibility of forming a Countywide Obesity Prevention Task Force and evaluate the viability and cost of a County Employee Wellness Program.

Dr. Greg Thomas: Public Health Director, introduces the item.

Ms. Amy Gillman: addresses the issue of childhood obesity; the intent is to prevent chronic disease through healthy eating and active living; presents graphs showing the percentage of overweight adults, by State, in 1991, 1995 and 2001; and, presents statistics of overweight adults in the County versus the State in 2001 and 2003; and additional charts showing the percent of students with body composition below healthy fitness zone by sex and ethnicity in 2004-05.

Ms. Lisa Nicholson: Cal Poly, continues with the report outlining what they are telling families about eating right and exercising and the need for parents to be the role model; highlights what families are telling them.

Ms. Dana Rablin: Public Health Nutritionist, outlines the Maternal Child and Adolescent Health (MCAH) Program and the goal to reduce overweight children 5% by June 30, 2009; addresses features of the Program that includes one on one counseling that is in place at Public Health for the significantly overweight.

Ms. Judy Steven: Lucia Mar School District, continues regarding the Wellness Policies they have in place in their school district and the challenges to fulfill their wellness goals; addresses the need for parent education and student buy-in, which are their two biggest obstacles.

Dr. Thomas: concludes the report and outlines the recommendations before the Board.

Mr. Eric Greening: states he appreciates seeing this report; suggests additional groups like SLOCOG and the Bicycle Advisory Group should be added to the task force being recommended; presents additional ideas as to what should be reviewed.

Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and unanimously carried, the Board receives and files the report given on obesity in San Luis Obispo County; directs staff from appropriate County departments to participate in the Countywide ‘Obesity’ Task Force (when formed); directs staff to evaluate the viability and cost effectiveness of a County Employee Wellness Program, including a focus on improving nutrition and increasing physical activity; and, staff is directed to bring back a proposal in July 2006.

- 18 C-3 This is the time set for hearing (Introduced February 7, 2006) to consider amending Ordinance 3023: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids from March 2, 2006 to February 28, 2010 and find the ordinance consistent with the previously adopted Negative Declaration/Environmental Determination No. ED03-149.

Mr. Curt Batson: Environmental Health Director, presents the staff report outlining the request to extend this ordinance to February 28, 2010; outlines the need for more time to work on a permanent ordinance; recommends adoption of the ordinance.

Mr. Jesse Arnold: speaks in support of extending this interim ordinance; there is a higher sludge quality in this County versus other counties and wants to assure that is stays that way.

Mr. Peter Risley: reads a letter from the Mayor of the City of Morro Bay outlining the unanimous support of the City Council to extend the ordinance.

Mr. David Duggan: speaks to the need to stop sludge factories and start using ponds.

Mr. Eric Greening: addresses the need to find waterless ways to handle this; supports the ordinance; addresses the issue of a ballot measure in Kern County to totally ban land application.

Ms. Henrietta Groot: speaks in support of extending the ordinance.

Mr. Bruce Keogh: City of Morro Bay Water Manager, speaks in support of the staff recommendation; outlines what they are doing at the City with respect to composting.

Mr. Tim Bolander: states he is working on a program with Cal Trans on Highway 46; presents photographs of what they are doing with composting.

Mr. John Wallace: South County Sanitation District, urges support of extending the ordinance; highlights what they are doing at their sewer plant.

Mr. Bob Wolf: Interim Director for ECOSLO, gives their reasons for wanting to see this ordinance moratorium extended.

Ms. Gewynn Taylor: supports the comments by Mr. Greening; addresses the damage that sludge creates; speaks to the need to protect our food by keeping the groundwater safe.

Ms. Joy Fitzhugh: Farm Bureau, presents a letter from the Bureau in support of extending this ordinance.

Mr. David Broadwater: presents a handout and highlights the charts that show sewage sludge generated & land applied annually in the County by the South County Sanitation District; urges the Board to adopt the ordinance.

Mr. Andrew Christie: representing the Sierra Club, presents a letter for the record in opposition of sludge and in support of extending the ordinance.

Mr. Batson: presents a letter from the County Health Commission in support of extending the ordinance.

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

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

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3080, an ordinance to establish an interim moratorium on the land application of treated sewage sludge/biosolids, adopted.

19 C-4 This is the time set for hearing to consider a resolution amending the Urban County of San Luis Obispo Program Year 2001, 2002, 2003, 2004 and 2005 Action Plans in order to reallocate Community Development Block Grant (CDBG) funds for the benefit of a new activity called the Mentone Storm Drain Project; 3rd District.

Mr. Tony Navarro: Planning, presents the staff report regarding the request

from Grover Beach and recommendation.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-82, resolution approving the amendment of the Urban County of San Luis Obispo Program Year 2001, 2002, 2003, 2004, and 2005 Action Plans, adopted.

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

20 C-5 This is the time set for hearing to consider amendments to the Growth Management Ordinance (GMO), Title 26 of the County Code; All Districts.

Ms. Kim Murry: Planning, presents the staff report and the topics of review today; 1) revise Category 1 and Category 2 definitions in the ordinance; 2) revise percentages reserved for categories; 3) increase the percent allowed to any one person under certain conditions; 4) for the Nipomo Mesa Area - allow added units for projects that meet certain criteria; 5) for areas with waiting lists, allow application for allotment at the point of discretionary approval; 6) clarify the GMO to require discretionary approval in addition to construction permit submittal prior to allotment request; and, 7) Cambria Growth Rate- area plan revisions; highlights each of the suggested areas of review.

Chairperson Achadjian: supports the efforts of these proposals and wants workforce and senior housing spelled out and handled the same as Smart Growth protocol; questions whether staff can get back earlier than May, with Ms. Murry responding.

Supervisor Patterson: supports comments by Chairperson Achadjian and the need to look at programs that get workforce and senior housing going.

Supervisor Bianchi: supports a 0% growth for Cambria.

Mr. Greg Berge: presents a packet of information regarding his concern to obtaining a sewer permit for new construction as required by various County Codes and the Code of Regulations by the State; addresses his water and sewer permits from the Cambria Community Services District (CCSD).

Mr. Jerry Bunin: Government Affairs Director for the Home Builders Association, states the staff report is good and they support the theory; believes the GMO is dysfunctional in Nipomo and not working; addresses the complexity of multi-family housing; recommends three issues be looked at: 1) redefine multi-family housing, excluding anything that is clustered, single family or specific planning; 2) increase the number of units that are available on an annual basis for multi-family housing and suggests ways this could occur; 3) clearly defined rules are needed.

Ms. Klara Bergman: representing 13 Chestnut Villas Investors, presents a pamphlet entitled "The Planning Network" regarding Smart Growth Guiding Principles; addresses their proposal for mixed uses in Olde Towne Nipomo which as been approved by the Olde Towne Association, the Nipomo Community Advisory Committee (NCAC); the Nipomo Community Services District (NCSD) has issued a Intent to serve and the Planning Commission has approved this; these types of projects should be deemed "in the pipeline."

Mr. Jim Tefft: speaks to the vision, eleven years ago, for Old Towne Nipomo; addresses his concern with the years of delays in getting project through.

Mr. Kevin Beauchamp: presents a letter from the NCAC regarding their support of looking at the redistribution of allotments; his concern to projects not getting through especially in Old Towne.

Ms. Lynn DellaCroce: presents a letter for the record and addresses her concern to the detrimental impacts the GMO has on growth in the Old Towne area.

Mr. Ned Rogoway: speaks in support of the Chestnut Ridge project and need to get this moving as it has been through all the approval/hearing processes.

Mr. David Blaemire: reads a letter into the record, from Kathy Kubiak President of the Olde Towne Nipomo Association, in support of the Chestnut Villa project and exempt this project from the GMO.

Mr. Dan Thompson: presents a letter for the record and highlights the same in support of the Chestnut Villas project; concerns they can't move forward because of the constraints of the GMO.

Mr. David Watson: representing King Ventures, supports the staff recommendations; there is a need to prioritize allocations under the GMO; suggests: 1) that the 30+ allocations for the Nipomo area, under Multi-Family, be issued now; 2) developers that bring 35% or more affordable housing to the table receive upwards of 30% of the allocation rather than 20% that everyone else would get; and, 3) support the recommendation to capture a percentage of the previous year's unused allotments for projects that meet smart growth, etc.

Mr. John Knight: RRM Design Group, speaks in support of the recommendations; speaks about a 47 unit senior housing project behind the Chevron in Nipomo; indicates this project has been in the works for two years and under the current rules, if they follow all the processes they could have 12 units started by 2013.

Mr. Phil Gray: speaks to an approved project his family has and his concern that under the current rules will take four years to get enough allocations to build; supports the staff recommendations.

Mr. Greg Nester: addresses the projects he has in Nipomo; addresses financial concerns waiting to get the allocations to build; concerns to cost increases to things such as road paving while waiting; supports the staff recommendations.

Mr. Pat Flatley: agrees with comments by Chairperson Achadjian and supports the staff recommendations; addresses a mixed use project he has on West Tefft.

Mr. Ed Eby: NCSD, speaks in support of reallocation of permits but not for lifting the requirements of the GMO and explains.

Mr. Jesse Hill: speaks to the allocation process under the GMO; supports the staff recommendations; outlines what the NCAC looked at last night when they met

Mr. Leonard Grant: President of the American City of Architects Central Coast Chapter, speaks in support of the staff recommendations.

Supervisor Patterson: addresses the need to get mixed use moving forward.

Supervisor Bianchi: questions the difference between an Intent to Serve and a Will-Serve letter with Mr. Hill and Mr. Eby responding.

Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and unanimously carried, the Board directs staff to return with proposed ordinance amendments and associated environmental review, on May 9, 2006, for the following items: 1) revise Category 1 and Category 2 definitions in the ordinance; 2) revise percentages reserved for categories; 3) increase the percent allowed to any one person under certain conditions; 4) for the Nipomo Mesa Area - allow added units for projects that meet certain criteria; 5) for areas with waiting lists, allow application for allotment at the point of discretionary approval; 6) clarify the GMO to require discretionary approval in addition to construction permit submittal prior to allotment request; and, 7) Cambria Growth Rate- area plan revisions.

- 21 C-6 This is the time set for hearing to consider an ordinance to amend Title 22 of the County Code, Chapter 22.22 by amending Sections 22.22.150 and 152 relating to cluster divisions in the Agriculture Land Use Category; 1st, 3rd, 4th and 5th Districts.

Ms. Kami Griffin: Planning, presents the staff report outlining the settlement agreement and compromise in the matter of *Santa Margarita Area Residents Together v. County of San Luis Obispo* and the agreement to consider amending Title 22 relating to cluster divisions.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3081, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.22 by amending Sections 22.22.150 and Section 22.22.152 relating to Cluster Divisions in the Agriculture Land Use Category, adopted.

- 22 C-7 This is the time set for hearing to consider the Planning Commission recommendation of a draft detailing amendments to the Cambria and San Simeon Acres community plans portions of the North Coast Area Plan, Cambria Design Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code; 2nd District.

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

Ms. Martha Neder: Planning, presents the staff report; addresses the reasons for the Update of the Community Plans which are a portion of the North Coast Area Plan; **(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)** this applies to areas within the Cambria URL and San Simeon Areas VRL; it contains zoning, policies, programs and standards to guide future development; includes text and mapping changes.

Chairperson Achadjian: indicates that he will open this up for public comment and then this matter will come back on March 14th for the Board's deliberation on the Plans.

Supervisor Bianchi: commends Ms. Neder for all her work.

Mr. Martin Verhaegh: presents a letter for the record and highlights the same and outlines the North Coast Advisory Council (NCAC) "modest additions" to the Plans.

Mr. Michael Kreps: speaks to his attempts to rezone property, he owns, in Cambria.

Mr. Deryl Robinson: addresses his view on the Plans.

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

Mr. Greg Berge: presents a packet of information for the record; believes that Title 26 should be embedded in the Coastal Zone Land Use Ordinance; **(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)** addresses Board adopted Resolution No. 76-753 regarding Assessment Districts 1 and 2 for Cambria; states he is still waiting for water.

Mr. Jesse Arnold: speaks to the need for historic preservation of this area; presents a pamphlet he made up regarding Cambria.

Mr. Roland Soucie: comments on Tract 226 in Chapter 7 of the document and the options for Single Family (SF) or Residential Multi-Family (RMF) and his preference for the RMF; states 38 members of the homeowners association in the area agree with the RMF zoning.

Mr. Mike Dill: asks the Board to adopt the updates as presented.

Mr. Casey Kempenaur: speaks to family owned property and the voluntary merger they did; asks the Board to adopt the plan as presented; addresses his concern to the loss of property rights if the number of parcels is reduced in Cambria.

Mr. Wayne (William) Washburn: states he bought property 29 years ago in Cambria; states he's on the County's list but not the CCSD (Cambria Community Services District) list; questions if 1500 lots are removed from the Assessment Roll how that will impact the County through the loss of revenue.

Ms. Tammy Rudock: CCSD staff, addresses the issue of a reduction in the buildout totals; language they would like incorporated on page 7-15 of the document and want references to the East-West Ranch changed to the Fiscalini Ranch throughout the document.

Mr. John Wallace: representing the Kempenaur Family, asks that the Plans be approved as recommended by the Planning Commission and also adopt the Overriding Finding for this.

Mr. Tom Christian: thanks Ms. Neder for all her work; speak so the support by the NCAC and asks the Board to adopt the Plan.

Mr. Richard Hawley: Greenspace, presents a letter for the record and highlights the same; indicates his support for the recommendations regarding vacation rental.

Mr. Robert Rippe: addresses Tract 226 and doesn't want this to become small lots with folks living too close together.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board continues this hearing to March 14, 2006 at 9:00 a.m..

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, February 28, 2006, 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: April 1, 2006

vms