

Tuesday, June 13, 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 **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

RESOLUTION NO. 2006-209, resolution commending Kim Murry for 21 years of service to the County of San Luis Obispo, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Ms. Kim Murry.

Ms. Murry: thanks the Board for the recognition; states she has never been bored with this job; introduces and thanks her family, co-workers, Mr. Holanda and Ms. Pat Beck for their support over the years; states County Planning has E-Permits on line for the public.

Mr. Victor Holanda: Planning and Building Director, states this is a bitter sweet moment; speaks to the unit she created that serves the public with integrity and honor; highlights the work Ms. Murry has done for the County; states he will miss her and expresses his best wishes.

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

Mr. Eric Greening: states he will miss Ms. Murry; discusses Assemblyman Blakeslee's proposal regarding the Los Osos Sewer Project; expresses his concerns with the proposal; urges the Board to agendize the matter for a public hearing prior to taking any action; addresses concerns regarding the impacts of the proposal on other County projects.

Mr. Mark Wampler: discusses the hardship created for him, by the permit requirement to add 190 feet of sidewalk to his property in Oceano; highlights the history of the matter; states the permit has now expired; speaks to the action by Code Enforcement and the District Attorney regarding violations; urges the Board to issue a waiver for this sidewalk requirement.

Mr. Steve Mathieu: AGP Video, highlights their website and the services they have provided to the Board for years.

Dr. Anneka Scranton: urges the Board to endorse Senate Bill 40; invites the Board and the public to attend the One Care Now Festival on August 12, 2006; discusses her son's health issue and his inability to get medical insurance; urges the Board to support universal single-payer health insurance for all Californians.

Ms. Eleanor Truocchio: San Luis Obispo Cattlewomen's Association, comments on the Beef Barbeque Contest held last weekend; presents Supervisors Lenthall and Ovitt with the First Place check for \$500 payable to the Food Bank for their team; presents a check to Vicki Janssen, for the Sheriff's Department Team, for second place, in the amount of \$375, to the North County Women's Shelter.

Mr. Bob Blair: congratulates Chairperson Achadjian on his re-election for Supervisor and his appointment to the Coastal Commission; discusses the commercial buildings, with living quarters on the upper floors, on Tefft Street in Nipomo; states there is not a water shortage and would like to see any evidence showing saltwater intrusion in Nipomo.

Ms. Elizabeth Johnson: presents a letter from Ms. Nancy Reinstein, PhD, regarding concerns with the Genetically Modified Organisms (GMO) Task Force; presents an article regarding Santa Cruz's Board of Supervisors restrictions of Genetically Engineered food crops; expresses her concerns with the Health Commission's GMO Task Force and their Report; urges the Board to not issue the report as a public document today.

Ms. Gewynn Taylor: discusses the "power" the Board of Supervisors has; reminds the Board that their decisions set a precedent.

Mr. Dave Duggan: speaks to Assemblyman Blakeslee's proposal regarding the Los Osos Sewer Project; suggests a Blue Ribbon Committee be created to review the proposal; states the Los Osos Community Services District (LOCSD) should be the lead agency for the project; discusses efforts to bankrupt the LOCSD; urges the Board to keep an open mind throughout this process.

Mr. David Edge: County Administrative Officer, states the Board will address Assemblyman Blakeslee's proposal regarding the Los Osos Sewer Project at 2 p.m. on Monday, June 19, 2006. **No action taken.**

3 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. Bob Blair: speaks to Item B-1, addresses traffic safety concerns on Stanton Street and Dale Avenue in Arroyo Grande.

Mr. Robb Eidemiller: Protect Our Property Rights (POPR) representative, speaks to Item B-3, discusses various meetings with property rights groups that POPR has been involved in with; comments on Senate Bill 18 and its potential impacts on the ordinance; states POPR would like to table the approval of this ordinance until after January 15, 2007 to allow time for discussion between the County and the Chumash Indian Tribe.

Mr. Fred Collins: Chumash Indian Tribe representative, highlights discussions with POPR regarding Senate Bill 18; asks the Board to calendar on June 27th, a discussion regarding Senate Bill 18 and considerations for development of a State Law.

Ms. Patricia Wilmore: City of San Luis Obispo Chamber of Commerce, speaks to Item B-3, urges the Board to remove the item from the Consent Agenda; expresses the concerns the Chamber has regarding the proposed ordinance.

Mr. Eric Greening: urges the continuance of Item B-3, expresses his concern regarding a Negative Declaration, not in evidence, on this matter; agrees with Mr. Collins' request for a discussion regarding Senate Bill 18; states he agrees with Ms. Wilmore's comments asking the Board to reconsider this matter.

Ms. Barb Lucich: urges the Board to continue Item B-3 and include the Chumash Indian Tribe in their decision regarding the proposed ordinance.

Mr. John Carsel: Cayucos Citizens Advisory Council member, asks the Board to have a comparison of the proposed ordinance and other viewshed ordinances; states the POPR ordinance doesn't accomplish anything; urges the Board to reconsider their decision after comparing the ordinances.

Ms. Sue Luft: urges the Board to remove Item B-3 from the Consent Agenda; suggests the Board return the item to Planning staff and direct staff to prepare a viewshed ordinance to protect the scenic, rural character of the Cayucos Fringe.

Mr. Rodger Anderson: states he agrees with POPR and other groups who want to slow down to allow all groups to have their say.

Mr. Steve Soto: expresses his support for the POPR group and their request. **No action taken.**

- 4 B-3/B-11 Consent Item B-3, introduction of an ordinance amendment to the Land Use Ordinance Section 22.92.020 – Areawide Standards, Adelaida Planning Area of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes a “Cayucos Fringe Viewshed” for Highway 1, Old Creek Road and Santa Rita Road, together with development standards to reduce the visual effects of certain new development as seen from those roads; 1st and 2nd Districts; and Item B-11, request to authorize the use of alternative publication procedures for an amendment to the Land Use Ordinance Section 22.92.020 - Areawide Standards, Adelaida Planning Area of the County Land Use Ordinance, Title 22 of the County Code; 1st and 2nd Districts, are presented.

Matter is fully 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 removes Consent Agenda Items B-3 and B-11 from the Agenda and directs staff to prepare a complete analysis and environmental review, including consideration of the Senate Bill 18, of all the proposed ordinances and return with the analysis an an ordinance next year.

- 5 B-1 Consent Agenda Items B-3 and B-11 were withdrawn from the Consent Agenda and acted on thru previously. Consent Agenda Item B-8 is amended to add the Conditional Assignment of B-24 Lease to the staff report. Item B-23 is amended by correcting the Fiscal Year referenced from 06-07 to 05-06. Item B-24 is withdrawn.

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

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

Consent Agenda Items B-1 through B-24 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-24, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

- B-1 Plans and specifications for the construction of left turn lanes on Los Berros Road at Stanton Street and Pomeroy Road near Arroyo Grande; 4th District, **Approved and the Clerk is instructed to give notice of the bid opening set for July 13, 2006 at 3:00 p.m..**
- B-2 Letter transmitting plans and specifications for the construction of Burton Drive, Cambria Slope Stabilization System, County Contract No. 245R12B560; 2nd District. **Approved and the Clerk is instructed to give notice of the bid opening set for July 13, 2006 at 3:00 p.m..**
- B-3 Introduction of an ordinance amendment to the Land Use Ordinance Section 22.92.020 – Areawide Standards, Adelaida Planning Area of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes a “Cayucos Fringe Viewshed” for Highway 1, Old Creek Road and Santa Rita Road, together with development standards to reduce the visual effects of certain new development as seen from those roads; 1st and 2nd Districts, **was withdrawn and acted on previously.**
- B-4 Introduction of an ordinance amending Title 13 of the County Code relating to sidewalks within the County; All Districts, **Approved and the Clerk is instructed to give notice of the hearing set for June 27, 2006 at 9:00 a.m..**

District Attorney Items:

- B-5 An agreement with the State of California, Office of Emergency Services to fund the continuing administration of a Victim/Witness Elder Abuse and Outreach Project, **Approved**.
- B-6 An agreement with the State Office of Emergency Services to fund the continuing administration of a Statutory Rape Vertical Prosecution grant for the period of July 1, 2006 through June 30, 2007, **Approved**.
- B-7 **RESOLUTION NO. 2006-210**, approving a grant application for Workers' Compensation Fraud Investigation and Prosecution Program, **Adopted**.

General Services Items:

- B-8 Amendment No. 2 and conditional assignment of lease for the food and beverage concession contract at the Higuera Street Cafe located on the ground floor of the New County Government Center, assigning the contract from Cornerstone Market, Inc., to Gourmet Sugarplum Fairy, L.L.C. effective June 15, 2006; 5th District, **Approved as amended**.
- B-9 An employee contract with Philip M. D'Acri for continued full-time real property services at the San Luis Obispo County Regional Airport; 3rd District, **Approved**.
- B-10 Department response to Lopez Lake Water Slide Concessionaire Audit conducted January 2006, by the Auditor-Controller's Office and submitted to the Board of February 28, 2006, **Received and Filed**.

Planning and Building Items:

- B-11 Request to authorize the use of alternative publication procedures for an amendment to the Land Use Ordinance Section 22.92.020 - Areawide Standards, Adelaida Planning Area of the County Land Use Ordinance, Title 22 of the County Code; 1st and 2nd Districts, **was withdrawn and acted on previously**.
- B-12 A budget adjustment to transfer funds from various funding sources totaling \$483,712 to the Roads budget to cover the construction costs for the Mission Street enhancement project in the community of San Miguel, **Approved**.
- B-13 An agreement with Rincon Consultants, Inc. to prepare an Environmental Impact Report for the Proposed San Luis Obispo County affordable housing ordinance; All Districts, **Approved**.
- B-14 **RESOLUTION NO. 2006-211**, approving an Avigation Easement from Willard E. and Peggy L. Simpson for property located near the Oceano County Airport; 4th District, **Adopted**.

Public Works Items:

- B-15 A budget adjustment in the amount of \$340,500 from unanticipated revenue for an emergency access easement on the north shore of Nacimiento Lake; 1st District, **Approved**.
- B-16 An amended agreement with Reeder, Gilman, & Borquist for appraisal services associated with the Nacimiento Water Project reducing insurance coverage from \$2 million to \$1 million and the contract value from \$93,200 to \$90,125; All Districts, **Approved**.
- B-17 **RESOLUTION NO. 2006-212**, approving committee appointments to the Flood Control and Water Conservation District – Water Resources Advisory Committee, **Adopted**.
- B-18 **RESOLUTION NO. 2006-213**, amending the San Luis Obispo County Traffic Regulation Code establishing stop intersections in the communities of Los Osos, Templeton, and Cayucos; 1st and 2nd Districts, **Adopted**.
- B-19 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:
 1. CO 04-0530, a proposed subdivision resulting in 4 lots by Sill Investments LLC, South El Pomar Road, east of Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.

2. CO 03-0450, a proposed subdivision resulting in 4 lots by Ocean Street Investments LLC, Ocean Street, Oceano, **Approved; RESOLUTION NO. 2006-214**, accepting an avigation easement; 4th District, **Adopted**.

Other Items:

- B-20 Two settlement agreements with the airline industry, the California Assessors' Association and various counties regarding the assessment of certified aircraft, **Approved**.
- B-21 Appoint Brent Willey as a District Two Representative to the Cayucos-Morro Bay Public Cemetery District, **Approved**.
- B-22 An extension to the 2003 State Homeland Security Part II grant to October 31, 2006; 2) a budget adjustment in the amount of \$8,917 from grant funds for the purchase of related equipment; 3) related adjustments to Information Technology Department projects and Office of Emergency Services budget Fund Center 138; 4) amend the fixed asset list of the Information Technology Department by adding two radio repeaters and two simulcast controller cards, **Approved**.
- B-23 The Public Health Officer to sign an amendment to the Public Health Preparedness and response to Bioterrorism and other Public Health Emergencies agreement with the State Department of Health Services accepting \$47,847 for Pandemic Influenza planning; and 2) a budget adjustment in the amount of \$22,852 to the Public Health Department's fiscal year 06-07 budget from unanticipated revenue, **Approved**.
- B-24 Contract with Dr. Gary Walter, M.D. to provide forensic pathology services, **Withdrawn**.

(SUPERVISOR JERRY LENTHALL IS NOW ABSENT.)

- 6 C-1 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Donald Lumsden, Nipomo Community Presbyterian Church, located on North Thompson Avenue; 4th District.

(SUPERVISOR JERRY LENTHALL IS NOW PRESENT.)

Mr. Richard Marshall: Public Works, presents the staff report and recommendation; highlights the appeal issues.

Mr. Donald Lumsden: discusses the appeal issues; states the church is a tax exempt organization; addresses the use of the new construction being done; states there will be no change in the use of the road; expresses his belief that an adjustment of the waiver is justified; speaks to his concerns with the Institute of Transportation Engineers (ITE) Study's use to calculate the fees; suggests if the Board won't waive the fee, the fee should be based on the additional 504 square feet being created; urges the Board to waive the fees.

Mr. Marshall: addresses the concerns regarding the ITE Study; states the Study is used as an industry standard; if the Board wants to compromise suggests removing the highest outlying numbers in the graph on Exhibit B to recalculate the average and then recalculate the fees.

A motion by Chairperson Achadjian to change the Road Improvement Fee to \$2,500, dies for the lack of a second.

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

NOES: Chairperson Achadjian

ABSENT: None

the Board refers this item back to staff to re-evaluate the statistics in Exhibit B, by removing the higher outlining numbers in the graph, and that the Road Improvement Fee be recalculated with the new figures.

- 7 C-2 This is the time set for hearing to consider an appeal by Frank and Cathy Andrews of the Subdivision Review Board's conditional approval of a reconsideration of Parcel Map CO 89-

001 to amend the map and allow secondary dwellings on each existing parcel that were prohibited by condition of tentative map approval for CO 89-001; 4th District.

Mr. Brian Pedrotti: Planning, presents the staff report; describes the property; highlights the appeal issues and presents the staff recommendations.

Ms. Kami Griffin: Planning, speaks to the allowance of purchasing a TDC credit from the South County area for this project.

Mr. Frank Andrews: Appellant, discusses the history of the property; asks the Board to remove the current restrictions and to apply a reasonable fee; urges the Board to reconsider their request.

Board members: address various issues, comments and concerns regarding the lot sizes.

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 Board waives the requirement to retire one credit from the TDC Program; deletes Condition #8, on Page C-2-15 of the staff report, that reads as follows: "8. Prior to the final map recordation, the Applicant shall retire one credit from the South County Area as defined by the County of San Luis Obispo TDC Program."; allows a secondary unit to be built on Lots 1, 2 and 3; and RESOLUTION NO. 2006-215, resolution affirming the decision of the Subdivision Review Board, and conditionally approving the application of Frank and Cathy Andrews for a reconsideration of Tentative Parcel Map CO 89-001, adopted as amended.

- 8 C-3 This is the time set for a continued hearing (continued from March 28, 2006) to consider an appeal by Jean-Noel and Maketta Fourmeaux Du Sartel of the Subdivision Review Board's decision to deny a request to divide an existing 198.85 acre parcel into two parcels of 80.2 acres and 118.83 acres each, located on the north side of Almond Drive, approximately 8 miles east of the community of Templeton; 1st District.

Mr. James Caruso: Planning, presents the staff report and recommendations.

Ms. June McIvor: Attorney representing the Appellant, speaks to the history of the property; discusses neighboring parcel sizes, the wells on the property, and the Appellant's plan to plant grapes; states the request is consistent with the Agricultural Preserve Contract, applicable zoning ordinance and the General Plan; urges the Board to approve the parcel split.

Supervisor Patterson: discusses previous Board decisions relating to splitting parcels.

Mr. Caruso: states there are no properties in the area being used for agricultural purposes; the request does not meet the minimum requirement for the soil types.

Mr. Warren Hoag: Planning, speaks to the Rules and Procedures for the Williamson Act states the agricultural use of the property has to be in the ground currently to qualify; discusses the subject Agricultural Preserve Contract that was approved in the 1970's and in 1991 the Agricultural Preserve Contract Rules were amended to require higher acre minimums.

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

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

the Board tentatively upholds the appeal and continues the matter to August 15, 2006 at 9 a.m. for final action.

D-1 This is the time set for consideration of the Certificate of Sufficiency – an Initiative Petition to amend the County General Plan and Land Use Ordinance to allow for development of the Dalidio Ranch Project.

Ms. Julie Rodewald: County Clerk-Recorder, presents the staff report; states the entire text of the measure will not be published only the impartial analysis in the Sample Ballot; highlights the Board's options and deadlines under the Elections Code.

Board Members: address various issues, comments and concerns regarding the inability to delay this matter or change the language of the Initiative.

Supervisor Patterson: questions if there is any flexibility with the 30-day deadline for the report.

Ms. Rodewald: states that under the Elections Code, there is no flexibility with the 30-day deadline; the last day to present the report would be July 13 and the Board would have to hold a special hearing as there isn't a meeting scheduled that week.

Mr. David Edge: County Administrative Officer, discusses the Board's ability to have staff prepare an informational report on the Initiative.

Supervisor Patterson: addresses his desire to have the informational report be prepared prior to the impartial analysis from County Counsel.

Mr. Lindholm: County Counsel, states the impartial analysis will be on legal aspects of the initiative only.

Mr. Eric Greening: urges the Board to require the Elections Code Section 9111 report, to know the effects of the Initiative; expresses his concern regarding the land use change.

Mr. Dennis Kish: urges the Board to require the "9111" report; discusses the potential effects of the project; expresses his concern that the developer is working around the law.

Ms. Jan Howell Marx: presents the Election Code 9111 language; urges the Board to prepare the report and set this on the November Ballot; expresses her concern regarding the traffic impacts with this project; speaks to the need for additional information for voters regarding the impacts of the project; questions what the potential impacts of the project will have on the nearby Cities sales tax revenue.

Mr. Ed Eby: expresses his support of Option #3 in the staff report; suggests the Board have staff prepare an Initial Study for the project within 30 days.

Mr. Eugene Jud: thanks Supervisor Lenthall for allowing his participation in meetings regarding this matter; states he agrees with Chairperson Achadjian's comment to allow the citizens to decide; urges a "9111" report be completed.

Mr. David Broadwater: asks the Board to reject Staff Option #1; expresses his concern that this is precedent setting; expresses his concern that a Countywide Initiative is not fair to those who will be impacted the most; states he would like to see the impacts on neighboring cities.

Mr. Richard Kranzendorf: speaks to the *Tribune* Editorial regarding the unanswered questions on the project; discusses potential impacts on other areas of the County; expresses his concerns regarding traffic currently in the area and the property in the 100 year flood plain; urges the Board to request a "9111" report.

Mayor Dave Romero: City of San Luis Obispo, urges the Board to create the "9111" report before putting the Initiative on the ballot; discusses Supervisor Lenthall's Dalidio Ranch Fact Finding Committee where his City Council identified several areas of concern; urges the Board to direct staff to review the Initiative, identify its impacts and bring the report back within 30 days.

Mr. Lee Ferrero: expresses his support for the project; discusses the petition drive; urges the Board to put the Initiative on the ballot; speaks to the 90 conditions of approval for this project; highlights the revenue to be generated by the project.

Ms. Lee Andrea Caulfield: expresses her concern regarding this project setting a dangerous precedent; urges the Board to complete a “9111” report.

Ms. Paula Lowe: discusses the volunteers who circulated the petitions; speaks to her family’s donation of land for a regional park in another state; states the public needs a “9111” report to make an informed decision.

Mr. Kent Taylor: speaks to his employment history with County government; expresses his belief that the Board works to make every project right for the County; states his support for a “9111” report.

Mr. Andrew Christie: representing the Sierra Club, states the Board has poor choices before them; urges the Board to request the “9111” report; expresses his opposition to the Initiative.

Ms. Monica Ohlhausen: highlights the positive items of the project; states this Initiative does not set a precedent.

Ms. Susan Harvey: PasoWatch, presents information from the original Dalidio Market Place website showing tax dollars coming from Paso Robles and Santa Maria residents; asks the Board to request an independent analysis of the economic impacts the project will have on other communities within the County.

Ms. Johanna Rubba: discusses shopping options available to residents in the County; discusses Atascadero residents opposition to opening a Wal-Mart Store in their City; urges the Board to request a “9111” report and seek legal advise to extend the period of study for more than 30 days.

Ms. Dee Lacey: expresses her support for the project; states the project has been well studied; urges the Board to put the Initiative on the ballot.

Ms. Christine Mulholland: speaks to the complexity of the project; expresses her support for the “9111” report; states this is a misuse of the Initiative process.

Mr. Victor Montgomery: representing the Dalidio Family, discusses the history of the project; speaks to the three Administrative Records and Environmental Impact Reports (EIR) done on this project; urges the Board to place the Initiative on the ballot.

Mr. Dennis Law: Attorney with Andre, Morris and Buttery and representing the Dalidio Family, speaks to the preparation of the Initiative; highlights the function of the Board today; states the family just wants the Initiative on the ballot; addresses the option of a “9111” report.

Ms. Phyllis Davies: expresses her desire to preserve the Dalidio land; discusses the traffic impact concerns regarding the project; speaks to the need for additional time to have all the information; urges the Board to require the “9111” report.

Chairperson Achadjian: reads Mr. Ron Rusconi statement of support for the project into the record.

Supervisor Bianchi: questions the format of the “9111” report; states she won’t support adopting the Initiative today but does support putting the Initiative on the ballot; discusses the inability to have a special meeting within 30 days to receive the “9111” report; comments she would like to see a brief summary of the major issues of the project, that were identified by the EIR’s and make available to the public; addresses her concern regarding the fiscal impacts of the project and would like to see a fiscal analysis done; discusses the services that will need to be provided for the project.

Supervisor Patterson: discusses the project requirements; expresses his concern with the traffic impacts; suggests the project proposed by the Initiative has not been scrutinized by staff; states there needs to be a thorough analysis of the project and its impacts on the entire County.

Ms. Rodewald: states the Auditor’s fiscal impact analysis could be printed in the Sample Ballot.

Mr. David Edge: County Administrative Officer, states the timeframe is not possible to do a complete fiscal analysis.

Ms. Rodewald: states the fiscal impact analysis may have a different deadline and she would need to research the matter.

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

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

the Board submits the ordinance, without alteration, to the voters at the next Statewide Election occurring not less than 88 days after the date of the order of election and RESOLUTION NO. 2006-216, a resolution calling for placement of an Initiative Measure to amend the County General Plan and Land Use Ordinances to allow for development of the Dalidio Ranchi Project, adopted.

Board members: direct staff to come back with a summary, by the end of Summer, of the major environmental impacts including any statement of Overriding Consideration and that a detailed fiscal analysis be prepared.

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

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

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *County of San Luis Obispo v. Level 3 Communications, LLC*, (2) *Almond Heights, LLC v. County of San Luis Obispo*; **ADDED (All requirements of the Brown Act were satisfied as this notice was posted prior to the 72-hour noticing requirement)** (10) *Los Osos CSD v. Golden State Water Company*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (4) *Initiation of litigation (Gov. Code § 54956.9(c).)* No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6.) It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (5) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*; **ADDED (All requirements of the Brown Act were satisfied as this notice was posted prior to the 72-hour noticing requirement)** (11) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *United Domestic Workers of America* .

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

(SUPERVISORS HARRY L. OVITT AND SHIRLEY BIANCHI ARE NOW ABSENT.)

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.

(SUPERVISORS HARRY L. OVITT AND SHIRLEY BIANCHI ARE NOW PRESENT.)

11 C-4 This is the time set for hearing to consider an appeal by Peter D. Keith of the Planning Director's determination concerning application for certificates of compliance for three parcels of approximately 4.58 acres, 8.06 acres and 35.82 acres in the Agriculture Land Use Category, located at 10798 Bobcat Lane, located in the Huasna area; 4th District.

Ms. Jo Manson: Planning, presents the staff report; highlights the appeal issues; states Planning has recognized one legal parcel; discusses the history of the parcel; speaks to what

needed to occur to create the three separate lots; presents the staff recommendation and recently received correspondence.

Mr. James Lindholm: County Counsel, speaks to Mr. Belsher's letter regarding miscommunication between the County and the Appellant; states the Board has to take into consideration the law as it read in 1969 regarding creating parcels; and that parcels could not be created without recording a map.

Mr. John Belsher: highlights the history of the property; discusses the various recorded deeds; speaks to the requested certificates; addresses the underlying lot lines; explains the need to identify the separate lots for estate purposes; presents photographs of the area; states they would accept conditional certificates to make all the lots 10 acres each.

Ms. Diane Moody: expresses her concern to maintaining the rural character of the area; presents a petition supporting the Planning Director's decision; urges the Board to deny the appeal.

Ms. Elizabeth Tolson: states she likes the rural character of the area; addresses her opposition to the Appellant's request.

Ms. Anna Gabriel: expresses her concern regarding losing her view and the potential precedent this item sets.

Mr. Stanley Sharpe: expresses his concern regarding sewer, fire service and flooding; states Huasna is not ready for this project; urges the Board to deny the appeal.

Mr. Trevor Floth: addresses his reasons for opposing this appeal.

Mr. Stan Short: states he agrees with his neighbors in opposing this appeal.

Mr. Howard Mankins: discusses the area; expresses his concern regarding the subject property split; urges the Board to deny the appeal.

Ms. Carol Keith: Appellant, addresses the goal, for splitting the property, is for her children to each have land.

Mr. Belsher: states this request is not for a subdivision; the property will not be used for agriculture; speaks to the June 15th meeting regarding the Byron Grant appeal and presents a copy of the minutes on this appeal.

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

AYES: Supervisors Bianchi, Patterson, Lenthall, Achadjian

NOES: Supervisor Ovitt

ABSENT: None

the Board denies the appeal and RESOLUTION NO. 2006-217, resolution denying the appeal by Peter D. Keith and upholding the decision of the Planning Director to recognize one legal parcel through the issuance of one Unconditional Certificate of Compliance for Application SUB2004-00254/C05-0037, adopted.

Mr. Belsher: suggests the Board could recognize the three legal parcels; then direct the Appellant to process a lot line adjustment with a minimum of 10 acre parcels.

Mr. Lindholm: states lot line adjustments can only be done on legal parcels; the appropriate process would be for Conditional Certificates of Compliance to be issued with the County placing conditions on the parcels under the Rules in effect in 1969.

12 E-1 This is the time set for consideration of the revised National Pollutant Discharge Elimination System Phase II Stormwater Mangement Program.

Mr. Mark Hutchinson: Public Works, presents the staff report; speaks to the background of the program; addresses the key elements with minimum measures; discusses the coverage area; highlights the summary of the revisions to the program; comments on efforts with the Partners

for Water Quality, a local inter-agency coalition; presents the Program Highlights; discusses the reanimation of “Sammy the Steelhead” and the creation of “Samantha and Sammy, Jr. Steelhead”; addresses the upcoming challenges of the program; indicates the program is an unfunded mandate by the State; speaks to the County’s next steps; states this program will result in improved water quality in urbanized areas and a more livable community and will bring the County into compliance with the Federal Clean Water Act and CA Porter-Cologne Water Quality Act.

Mr. Eric Greening: expresses his concern with “first flush” impacts; questions how we are measuring the County’s results.

Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt, and unanimously carried, the Board approves the revised National Pollutant Discharge Elimination System Phase II Storm Water Management Program and directs staff to submit the Storm Water Management Program to the Regional Water Quality Control Board for approval.

- 13 F-1 This is the time set for consideration of the Draft Analysis of Public Financing Alternative for San Luis Obispo County Willow Road Extension Project.

Mr. Dana Lilley: Planning, provides a brief history of this item.

Mr. Davis Taussig: Taussig and Associates, discusses his work experience; addresses the goals of the financing program; speaks to the construction costs of the project; highlights the various types of public financing available, outlining the pros and cons of each; recommends using land secured public debt for financing the project; addresses forming an Assessment District or Community Facilities District (CFD); discusses the establishment of a reimbursement program so later development will pay their fair share of outstanding CFD bonds, which will lower CFD taxes for original homeowners; highlights how maintenance will occur.

Chairperson Achadjian: questions why charging is only occurring for residential building; addresses the need to charge commercial development as well; questions why the recommendation for two bond measures indicating he would prefer only doing the bond issue once.

Mr. Taussig: states 85% of the bond money must be used within 36 months.

Mr. Eric Greening: discusses the City of Atascadero’s use of Taussig’s study regarding on-going services; expresses his concern regarding relying on the use of State funds; comments on the doubling of interchange costs; questions how the County will handle the bids if they come in higher than anticipated.

Chairperson Achadjian: directs staff to combine the two bond measures into one and that commercial development be charged and receives and files the report. **No action taken.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, June 13, 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/Catrina Christensen,
Deputy Clerk-Recorder

DATED: June 26, 2006