

Tuesday, November 13, 2001

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, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.**

**SUM            AGN**

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

**AYES:**            Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian  
**NOES:**            None  
**ABSENT:**        None

**RESOLUTION NO. 2001-449, resolution proclaiming Sunday, November 18, 2001 as "Day of Understanding" in San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Dr. Steve Brody.

**Dr. Brody:** thanks the Board for the recognition, introduces several other folks who are present and will be involved in the activities scheduled this Sunday; indicates that Congresswoman Capps will be reading a similar resolution into the record at the Legislature.

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

**AYES:**            Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian  
**NOES:**            None  
**ABSENT:**        None

**RESOLUTION NO. 2001-450, resolution declaring November 2001 as Adoption Awareness Month, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Ms. Anita Monyok, Social Services.

**Ms. Monyok:** introduces Professor Mary LaPort, Graphic Design Department at Cal Poly, states Professor LaPort challenged her students to come up with designs for an ad campaign to recognize Adoption Awareness Month; the students - Renee Rupcich, Photographer, Christopher Daniels and Tracy White worked up the photo ads they have been using; presents Tracy White with a Certificate for all her work.

**Ms. White:** thanks everyone for the certificate and states it was a very rewarding experience for all of them.

**Ms. Monyok:** states that Ms. Marina Matthews, owner of Karla Cool Realty, has underwritten the cost and provided the advertising which promotes adoptions through the local real estate publications for the past nine month and presents her with a Certificate.

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. Eric Greening:** comments on Item B-1, indicating the information in this document is difficult to understand; questions the changes in the Planning fees; there is no mechanism for a refund if an application is found to have serious problems and there is also no cap on the fees; urges the Board to give this item more discussion before approving it.

**Ms. Pam Heatherington:** speaks to Item B-1 and questions the increase in the appeal

fee for a Negative Declaration and feels it is excessive and should be further reviewed.

**Mr. Jesse Hill:** speaks to Item B-1 and addresses his concern to the increase in the appeal filing fee for Negative Declarations. **No action taken.**

- 4 B-1 Consent Agenda Items B-11 and B-12 are amended to include additional information in  
thru the staff reports under the Results Category. Items B-18, B-19, B-20 and B-21 are added  
B-21 to the Agenda.

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

**AYES: Supervisors Ryan, Bianchi, Ovitt, Pinard, Chairperson Achadjian**  
**NOES: None**  
**ABSENT: None**

**Consent Agenda Items B-1 through B-21 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Items set for hearing:

- B-1 Introduction of a proposed ordinance amending the County fee schedule for fiscal year 2002-03 (and calendar year 2002 for Parks and Golf Course fees and long-term parking fee at the Airport); All Districts, **Approved and the Clerk is instructed to give notice of hearing the date set for hearing on December 4, 2001 at 9:00 a.m..**
- B-2 Introduction of a proposed ordinance amending the County Code relating to Section 2.40.060, placing the position of Chief Probation Officer in the Unclassified Civil Service; All Districts, **Approved and the Clerk is instructed to give notice of hearing the date set for November 20, 2001 at 9:00 a.m..**

General Services Items:

- B-3 Budget adjustment in the amount of \$178,500 from Courthouse Construction Funds to augment an existing remodel project of Superior Court's Room 385, at the County Government Center, **Approved.**
- B-4 Budget adjustment in the amount of \$50,000 (\$30,000 from unanticipated revenue and \$20,000 from Countywide ADA Compliance) to provide funding to complete the Morro Bay Health Clinic remodel project, **Approved.**
- B-5 Request to authorize the Director of General Services to execute a permit for use of the Board of Supervisors Chambers for First Night New Year's Eve Celebration, **Approved.**
- B-6 **RESOLUTION NO. 2001-451**, authorizing execution of a notice of completion for the consolidation of the District Attorney's office, **Adopted.**

Public Works Items:

- B-7 Bid opening report for the construction of guard railing on various County roads; 2nd, 3rd and 4th Districts, **Approved and the Chairperson is instructed to sign contract documents with Acorn Fence Company in the amount of \$107,879.**
- B-8 **RESOLUTION NO. 2001-452**, authorizing execution of a notice of completion for bridge deck sealing at various County locations; 1st, 2nd, 3rd and 4th Districts, **Adopted.**
- B-9 **RESOLUTION NO. 2001-453**, vacating a portion of a purported public road, commonly known as Trifone Way, by summary vacation, in the community of Nipomo; 4th District, **Adopted.**

Social Services Items:

- B-10 Contract (Clerk's File) with the Economic Vitality Corporation to identify employment opportunities for CalWORKs participants, **Approved.**

- B-11 Contract (Clerk's File) with the Economic Opportunity Commission to provide intervention education to parents whose children are identified with developmental or behavioral problems, **Approved as amended.**
- B-12 Seven contracts (Clerk's File) with various agencies that were awarded Children's Trust Fund grants in the amount of \$46,514, **Approved as amended.**

Other Items:

- B-13 Contract amendment with Allied Credit Companies recognizing the change of company name to AllianceOne, Incorporated, **Approved.**
- B-14 Contract with Intelistaf Health Services (Staffing, Inc.) to provide skilled nursing services for Mental Health clients, **Approved.**
- B-15 Agreement with Integrated Health Systems - Dairyland to provide billing software modifications required to meet Federal Hospital Insurance Private Portability Act guidelines, **Approved.**
- B-16 Submittal by the Auditor-Controller of an unannounced cash count report of the San Luis Obispo County Sheriff's Animal Services Division conducted on September 19, 2001, **Received and Filed.**
- B-17 **RESOLUTION NO. 2001-454**, recognizing November 11 - 17, 2001 as "Geography Awareness Week" and November 14, 2001 as "National Geographic Information System (GIS) Day," **Adopted.**

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

- B-18 Contract (Clerk's File) with the Conflict Resolution Program of the central Coast to provide family group conference coordinator (neutral third-party family mediation) services, **Approved.**
- B-19 Contract (Clerk's File) with Transitions Mental Health Association to provide Independent Living Program services for at-risk youth, **Approved.**
- B-20 Two Contracts (Clerk's File) with the City of Atascadero and Paso Robles Public Schools to provide after-school activities and programs for junior high school students, **Approved.**
- B-21 Request to correct a bid opening date for the widening of a portion of 13<sup>th</sup> Street for bike lanes in Oceano, to November 15, 2001; 4<sup>th</sup> District, **Approved.**

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- C-1 This is the time set for consideration of a status report on the Nacimiento Water Project and approval of various professional services amendments and an agreement pertaining to engineering project management and right-of-way services; All Districts.

**Ms. Christine Ferrara:** Public Works, introduces the item and Messrs. Curtis Weeks, Joe Badruga and Bob Meyers, from Monterey County Water Resources Agency (MCWRA).

**Mr. Weeks:** General Manager for the MCWRA, presents an overview of the Salinas Valley Water Project (SVWP); outlines the Draft EIR/EIS that has been prepared and completed by the MCWRA and the Army Corps of Engineers; the project objectives include: (1) stop seawater intrusion; (2) provide adequate water supplies for current and future needs; and (3) improve the hydrologic balance of the Salinas Valley groundwater basin; outlines the five alternatives/actions that were evaluated with Alternative A - Surface diversion being the preferred alternative; this alternative includes (1) modifications to the Nacimiento spillway, (2) Nacimiento and San Antonio reoperation, (3) a surface diversion facility adjacent to the Castroville Seawater Intrusion Project (CSIP), (4) Phase I - delivery to the CSIP distribution system with enhanced groundwater monitoring and (5) Phase II - regional urban system or expanded irrigation systems; presents photographs of the proposed spillway modifications and the proposed location of the diversion facility; shows a schematic of a rubber dam and outlines the key features

of this; highlights the key features of the project which will include an annual positive outflow of groundwater to the ocean, halting seawater intrusion; highlights the key questions they have received regarding the project which includes (1) addressing lake water surface elevation impacts, (2) how the releases are determined and, (3) the economical impacts to properties located at the Lake; outlines what the next steps for the project will include.

**Supervisor Pinard:** questions how much of the Lake is in San Luis Obispo County.

**Ms. Ferrara:** responds that the entire Lake is in the County as are the majority of the watersheds.

**Supervisor Pinard:** questions why this isn't a San Luis Obispo County project if they are looking at 30,000 more acre feet; the report does not show any increase in agricultural use, so the increase must be from urban uses; questions what the minimum acre feet for the Lake is as required by the Department of Fish and Game; addresses her concern regarding releases and doesn't think the water levels during drought years should impact San Luis Obispo County; questions the percentage of recycled versus actual use; questions the County's (San Luis Obispo) involvement in this process, with staff and Mr. Weeks responding.

**Supervisor Ovitt:** states his understanding is that this project will not be capturing more or new water, with Mr. Weeks indicating that is correct.

**Board Members:** address various issues, comments and concerns regarding: whether the original contract allows for future modifications; the scope of the economic report; ensuring that San Luis Obispo County can benefit from any changes to the dam; the 17,500 acre feet for San Luis Obispo County is coming from both Nacimiento and San Antonio Lakes; Monterey County is a downstream user for this water and very little of San Luis Obispo County is downstream.

**Ms. Ferrara:** presents the staff report; gives an overview of the project which includes a new intake structure, 60+ miles of pipeline, 17 MGD (Million Gallons per Day) treatment plant, storage tanks and pump stations; addresses the proposed alignment for the pipeline versus the prior alignment; assembling information for the public; water supply concerns that have been raised; Countywide water needs and the approach they used to define these needs.

**Ms. Nancy Rollman:** Environmental Specialist, outlines the EIR process and the County's involvement to date; addresses the issues they had with the original project alignment; meetings that have been held with various cities and agencies regarding the development of the alternative alignment; the revised draft EIR for the new project alignment is set to begin and there will be a contract for the EIR preparation on the November 20<sup>th</sup> agenda.

**Mr. Paavo Ogren:** Public Works, addresses the issue of cost and the financial planning for the same; comments on how the costs will be determined to purveyors, etc.; outlines the economic impacts.

**Ms. Ferrara:** concludes the staff report by addressing the question of whether there are other options; remaining individual water projects that include drilling more wells, reusing water for new golf courses, desalination plants and conservation/retrofit programs; outlines the recommended Board actions.

**Mr. Eric Greening:** hopes the EIR process will be used to get the best plan for this project; comments on raw water alternatives and wanting these to get a fair shake through the process.

**Mr. Dan Gilmore:** City of San Luis Obispo, thanks the Board for their continuing support and urges approval of the recommendations before the Board today.

**Mr. Bob Roos:** addresses the use of the 17,500 acre feet; does not want the contract reopened on this issue; and suggests all these issues should be looked at separately.

**Mr. George Sullivan:** questions whether this project has been copied to the Parks and Recreation Commission for their review; feels the County (San Luis Obispo) should get more involved with this project.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board (1) approves the amendment to the professional services agreement with Carollo Engineers to extend the term of their agreement; (2) approves an amendment to the professional services agreement with Boyle Engineering Corp. for continued engineering and project management services, including an update of the supply reliability evaluation, for an additional fee of \$236,000; (3) approves an agreement for professional services with Hamner Jewell & Assoc. for continued right-of-way services at a fee of \$25,000, plus an additional \$7,000 contingencies; (4) approves the updated membership in the Nacimiento Participants Advisory Committee as outlined in Exhibit A of the staff report dated November 13, 2001; and, (5) directs staff to prepare a request for proposals for project financial services, including preparation of an economic impact evaluation of the Nacimiento Water Project.**

6 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) *In re Lum*, (2) *In re PG&E (ADDED - All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (5) *State of California v. Unocal*.

**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.

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

Thereafter, the Board goes into Open Public Session.

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

**Mr. Richie Ray Walker:** presents a copy of a page from a city council meeting on November 6, 2001 regarding the Federal Transit Grant for 2000-01; states last Friday he took a six-hour trip on the bus from San Luis Obispo to Cayucos and this is unacceptable to him; presents copies of the City of San Luis Obispo's Transit Map and the Central Coast Area Transit Weekday Route 12 schedule.

**Mr. Lowell Davis:** presents each Board member with a booklet entitled *Citizen's Guide to the California Environmental Quality Act*; indicates this booklet is designed to help folks understand this process; states the Board's actions have not always been in compliance with CEQA and asks the Board to abide by the process.

**Mr. Michael Kovacs:** states the primary reason he keeps coming to the meetings is to hold the Board members accountable for their campaign promises; comments on the refund he received from the IRS and wants the County to refund the County taxpayers from the \$20 million surplus.

**Ms. Pam Heatherington:** presents the Board members with two documents, one from the Nuclear Regulatory Commission regarding *Current Issues related to Nuclear Power Plant Structures, Equipment and Piping* and one from the Department of Environmental Protection regarding *Report to the Radiological Emergency Preparedness Advisory Committee (REPAC) from the Potassium Iodide (KI) Working Group*.

**Mr. Eric Greening:** responds to comments by Mr. Walker relating to transit services; addresses the Board of Supervisors' role in transit issues as members of SLOCOG; states

the issue of layovers in Morro Bay will be addressed shortly; suggests State grant funding that is received for transit services should be rewritten to give money to counties that keep their air clean versus not receiving funding because a county's air isn't dirty enough.

**Supervisor Bianchi:** addresses changes that are coming up relating to the coastal bus routes; addresses the issue of potassium iodide and looking at Federal funding so that people can keep this in their homes.

**Mr. George Layman:** states the buses in South County run around empty and the County should look into using vans until buses are better utilized; questions how plants get on the endangered species list; speaks to the need for affordable housing for the youth of our County.

**Mr. Jesse Hill:** Chairperson for the Nipomo Community Advisory Council, presents information regarding the Brown Act and their concern that advisory councils should be abiding by this; asks the Board to get an opinion from County Counsel on this issue.

**Mr. James Lindholm:** County Counsel, states they have reviewed this concern in the past and again recently and their opinion is that they are private councils, not appointed by the Board of Supervisors and therefore are not subject to the Brown Act; further, indicates this does not mean that they couldn't make an independent decision to follow the Brown Act requirements. **No action taken.**

8 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report is required because no final action was taken.

9 D-1 This is the time set for discussion regarding the impacts of the proposed Tobacco Settlement Fund Initiative.

**Mr. David Edge:** County Administrative Officer, outlines the staff report which includes the responses from affected departments as to the impacts of this Initiative should it pass and an opinion from County Counsel; presents a brief background on the tobacco funds, outlining the Master Settlement Agreement from the lawsuit filed by a number of States, including California, against the tobacco companies; addresses the current year's distribution of funds from this Settlement and outlines the cuts in that funding should this Initiative be passed by the voters; highlights the views by the affected departments as to what they would have cut in programs, etc.; additionally, there could be more money lost because of State grant money that is received because of specific programs that are currently operating and would be cut; there are three onerous requirements in the Initiative which include: (1) fixed percentages - this Initiative offers no mechanism to adjust the designated percentage distribution to reflect changed circumstances in the future; (2) no emergency circumstances provision - no provisions to allow this money to be used for other purposes if extraordinary circumstances occur and explains further; (3) maintenance of effort provision - explains the impacts of this; suggests the immediate impact of the Initiative on certain health programs could be devastating; it's severe limitations could significantly affect the Board's ability to respond quickly to changing financial needs in the future; indicates the actions today needs to include placing this matter on the March 5, 2002 ballot and further, staff is requesting direction to begin developing an ordinance to address some of the shortcomings of this Initiative should it be passed by the voters.

**Mr. James Lindholm:** County Counsel, explains the requirements of the Elections Code which require the Board to place the Initiative on the ballot and believes if the Board does not do this it would become a court matter.

**Ms. Pam Heatherington:** addresses the issue of funding and who should have control; urges the Board to give the public a full review of this issue.

**Mr. Eric Greening:** states this should be put on the ballot as required by law and the Board should put on a ballot argument against the Initiative.

**Mr. Michael Kovacs:** addresses the issue and gives his views on how the County handles these types of funds.

**Chairperson Achadjian:** addresses the funding levels indicating there is no guarantee as to how much the County would receive from year to year; explains as the public is educated about smoking the amount received yearly will be less and less.

**Mr. Bob Rossi:** states when he signed the Initiative petition he was told there would be funding for General Hospital and now he is hearing that will not happen.

**Mr. Edge:** addresses the funding from this settlement and that it cannot supplant State/Federal funding and explains the same.

**Mr. Gary Fowler:** believes the County has been using the money appropriately; addresses his concerns to the language in the Initiative.

**Mr. George Layman:** states he believes smokers should have the say as to where the money is used as they have paid the taxes; feels the money should go where it is most needed.

**Board Members:** address various issues, comments and concerns regarding: the Initiative not mentioning the endowment; whether the Board has the ability to set up a formula for the definitions, with both Mr. Edge and Mr. Lindholm responding.

**A motion by Supervisor Ovitt, seconded by Supervisor Bianchi, to adopt the resolution that would place the Initiative Measure on the March 5, 2002 ballot and directing staff to develop an ordinance to reflect the current policies of the Board of Supervisors on administering this funding, is discussed.**

**Supervisor Pinard:** expresses her concern to placing this on the ballot when the Board does not agree with it.

**Mr. Edge:** discusses the possibility of drafting ballot argument language against this Initiative.

**Supervisor Ryan:** suggests the motion could include language that the Board is placing it on the ballot because of its legal obligation.

**Mr. Lindholm:** states the Board could add language to the motion that would say the Board opposes this measure in substance and believes that it's invalid; however, to save the taxpayers the cost of litigation at this point in time, the Board is going to place it on the ballot pursuant to the provisions of the Elections Code.

**The motion maker and second agree to add the language as recommended by Mr. Lindholm to the beginning of their motion and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES: Supervisors Ovitt, Bianchi, Pinard, Ryan, Chairperson Achadjian**  
**NOES: None**  
**ABSENT: None**

**the Board opposes this measure in substance and believes that it's invalid; however, to save the taxpayers the cost of litigation at this point in time, the Board is going to place it on the ballot pursuant to the provisions of the Elections Code and RESOLUTION NO. 2001-455, a resolution calling for placement of an Initiative Measure pertaining to establishing a San Luis Obispo County Tobacco Settlement Fund on the March 5, 2002 Primary Election Ballot, adopted. Further, the Board directs staff to develop an ordinance to reflect the current policies of the Board of Supervisors on administering this funding.**

**A motion by Supervisor Ovitt, seconded by Supervisor Ryan to direct staff to prepare draft ballot argument language in opposition to this Initiative and to return to the Board on December 4, 2001 for the Board's consideration of the language and signature, is discussed.**

**Ms. Julie Rodewald:** County Clerk-Recorder, states the final date they can receive ballot arguments is December 10<sup>th</sup>; responds to questions regarding having the argument

language in both English and Spanish and will bring back that information on December 4<sup>th</sup>.

**Supervisor Pinard:** expresses her desire to have it in both English and Spanish.

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

**AYES:** Supervisors Ovitt, Ryan, Bianchi, Pinard, Chairperson Achadjian

**NOES:** None

**ABSENT:** None

**the Board directs staff to prepare draft ballot argument language in opposition to the Initiative and to return to the Board on December 4, 2001 for the Board's consideration of the language and signature.**

**(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)**

10 E-1 This is the time set for hearing to consider an appeal by River Bluff LLC/C. Kent Stephens, of the Planning Commission's decision to deny a request for the fifth and final one-year time extension for an approved 38-lot cluster subdivision, located on the southeastern portion of the Nipomo Mesa; 4th District.

**Mr. Jay Johnson:** Planning, presents the staff report; **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)** outlines the request for a fifth time extension request for Tract 1808; addresses a bluff failure that occurred and resulted in the applicant redesigning the project to contain 21 buildable units (changed from 38 residential lots); outlines the Planning Commission's review of the request and their concern to approving this redesign without having geological evidence that the revised drainage and wastewater disposal systems would not put the property at risk.

**Board Members:** address various issues, comments and concerns regarding: where the water came from that caused the erosion problem; what the changes to the application include; Planning Commission concern that the changes made to the application were substantial and that being their basis for denial; questions when applications are substantially changed from the original application whether they have to go back through the approval process; questions what happens to the "vesting" status of the map if it goes back through the process; whether there are restrictions on the number of dwellings allowed per parcel; questions the lack of the "hold harmless" language in the conditions.

**Mr. Johnson:** responds to questions indicating the new design will have individual leach lines and drainage ponds; the hold harmless language would be added if it goes back for reconsideration.

**Mr. James Lindholm:** County Counsel, responds to questions indicating that past practice has been to allow the "vesting" status to carry over onto a changed map.

**Mr. Johnson:** indicates on page E-1-10 of the staff report, the map shows lot 22 as the open space lot and it should be lot 21.

**Mr. Kent Stephens:** representing River Bluff, states there is a new strawberry field to the west of their property and the entire field is under a plastic covering; this covering has created the water that has runoff onto their property; they are in current litigation with the owner of the strawberry field.

**Mr. Clay Bradfield:** Civil Engineer for the River Bluff project; addresses the redesign for the project and his work with staff on the same.

**Mr. Herb Kandel:** presents an overhead of the erosion that has occurred in this area; presents photographs of the bluff; photographs of the "rare" Small Faced Owl and "unique plants" such as the Dudlia and believes the bluffs are both scenic and sensitive resources; feels what has occurred on the bluffs is a Health and Safety issue.

**Mr. Jesse Hill:** Nipomo Community Advisory Council (NCAC), indicates the majority



of the NCAC felt this was not a good map extension; presents an article from the newspaper *Nipomo's Adobe Press* titled "Bluff Blowout" for the record; states they don't support this request.

**Mr. Erik Benham:** owner of Maria Vista Estates; states he is an adjacent property owner and owns Tracts 1802 and 1856; believes he has an interest in Tract 1808 he has a Memorandum of Agreement for the development of Tracts 1808 and 1802 which includes water and access issues/improvements; believes the applicant can still move forward with their request for 38 lots and is asking for a 30-day extension to allow them time to submit the information he has to support maintaining the current application to Planning; indicates their design has all the drainage going through his property.

**Mr. George Layman:** addresses the water and drainage problems in this area.

**Mr. Johnson:** responds to Chairperson Achadjian's question indicating the time extension, if approved, would give the applicant until May 12, 2002 to complete the project.

**Mr. Stephen:** believes Mr. Benham's request to keep the project at 38 lots is unreasonable and they would not be able to meet the setback requirements; believes their request to reduce the project to 21 lots will meet all the requirements.

**Mr. James Lindholm:** County Counsel, states the time extension approval could be conditioned on to sending it back to the Planning Commission for approval of the 21-lot reconsideration.

**A motion by Supervisor Ovitt to grant the time extension conditioned on the 21-lot reconsideration go back to Planning Commission, dies for lack of a second.**

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

**AYES:** Supervisors Bianchi, Pinard, Chairperson Achadjian  
**NOES:** Supervisors Ovitt, Ryan  
**ABSENT:** None

**the Board denies the appeal and RESOLUTION NO. 2001-456, resolution affirming the decision of the Planning Commission and denying the application of River Bluffs, LLC for a fifth time extension for the vesting tentative tract map for Tract 1808 and Development Plan D890218D, adopted.**

11 E-2 This is the time set for hearing to consider adoption of the 2001 Avila Circulation Study Update Report (Clerk's File) and a resolution imposing modified road improvement fees for the Avila area; 3rd District.

**Mr. Dave Flynn:** Public Works, presents the staff report, outlining the Update to the Circulation Study and the recommended changes to the fees; highlights the improvements that are listed and those that will and will not be funded through the Road Impact Fees; states the Avila Valley Advisory Council (AVAC) has reviewed and approved these recommendations.

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

**Supervisor Pinard:** addresses the bikeways listed in the report and wants them left in the document and remove the "not funded" language; feels this will allow for future discussions on these bikeways.

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

**AYES:** Supervisors Pinard, Ovitt, Bianchi, Ryan, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**the Board receives and adopts the 2001 Update of the Avila Circulation Study as outlined in the staff report dated November 13, 2001 and amends the same to keep listed but not funded (as shown on pages 44 and 45 of the document) the Cave Landing Bike Trail and also to include other potential bikeways such as the City to Sea Bikeway, Montana de Oro Bikeway, etc.; and, RESOLUTION NO. 2001-457, 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 and fifth year updates, adopted as amended.**

- 12 F-1 Request by Supervisor Ovitt to authorize a General Plan amendment to change the land use category to allow for the construction of the Templeton Library, is presented.

**Supervisor Ovitt:** states the community of Templeton is working with the Templeton Unified School District to construct a new library on District land near the High School; the land is currently designated Residential Suburban which does not allow for libraries; the request is to authorize processing to change the zoning to Public Facilities or another category that would allow for construction of a library facility.

**Mr. Michael Kovacs:** questions the need for this library when there are libraries five miles north and south of Templeton.

**Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and unanimously carried, the Board authorizes processing of the General Plan amendment request to change the land use category to allow for the construction of a library as a County initiated amendment.**

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 13, 2001, 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 20, 2001  
vms