

Tuesday, May 12, 2015

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 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton, and Chairperson Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Public Comment Period:

1. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening: urges the Board to write letters of endorsement for recent Emergency Services legislation; compliments to Courtney Howard on her response at a recent Water Resources Advisory Committee meeting regarding the Paso Robles Groundwater Basin (PRGWB).

Ms. Linde Owen: comments on the Los Osos Wastewater Project.

Dr. C. Hite: addresses her concern that the Regional Transit Authority has not published an Evacuation Plan; urges the Board to be aware of the funds being spent during budget hearings.

Mr. Ben DiFatta: comments on drought concerns, conflict of interest of a supervisor, the investigation of the City of San Luis Obispo Police Chief and the misuse of government funds by elected officials.

Ms. Julie Tacker: expresses her concerns regarding the Cambria Desalination Plant; asks for additional information to be provided regarding the problems with the project.

Mr. Charles Kleeman: discusses Margarita Proud's request for additional time to speak during the hearing, with Ms. Rita Neal, County Counsel responding.

Mr. Jerry Prayer and Ms. Bev Prayer – San Luis Obispo County Town Criers – state they will be representing San Luis Obispo in the World Town Crier Tournament in New Zealand on September 19th.

Mr. Michael Brown – COLAB: comments on Mr. Kleen's request.

Mr. Bill Pelfrey: addresses Supervisor's private meetings with County staff on the PRGWB and questions why these aren't public meetings.

Ms. Ann Feeser: speaks to the need to update the Avila Beach Area Land Use Plan. **No action taken.**

Board Business:

2. Introduction of the County of San Luis Obispo Fiscal Year 2015-16 Proposed Budget, including special districts. (Clerk's File). All Districts.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening and Mr. Michael Brown – COLAB: speak.

RESOLUTION NO. 2015-124, a resolution approving the proposed Budget for Fiscal Year 2015-16, adopted. Furthermore, the Board schedule public hearings on the FY 2015-16 Proposed County Budget to begin Monday, June 8, 2015 in the Board of Supervisors Chambers at 9:00 a.m.; and orders publication of the required legal notices scheduling the public hearings.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings

3. Hearing to consider an appeal by Las Pilitas Resources, LLC of the Planning Commission's decision to deny its application for a Conditional Use Permit and Reclamation Plan for the Las Pilitas Quarry (DRC2009-00025) located at 6660 Calf Canyon Highway near the community of Santa Margarita. District 5.

Supervisor Compton: presents and discusses Aggregate 101; Aggregate Sustainability in California 2012 by California Department of Conservation; Table 6; Notes regarding Truck Trips vs. Reasonable Expectations; and an email with Mr. Clinkenbeard's responses.

Ms. Rita Neal – County Counsel: states today's Closed Session has been cancelled.

Mr. Don Ritter – Appellent (powerpoint): speaks.

The Board continues the matter to the afternoon session.

Closed Session Items:

4. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION (Government Code, section 54956.9).
1. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 2. 2. Initiation of litigation pursuant to paragraphs (4) of subdivision (d) of Section 54956.9. No. of potential cases: 2

PENDING LITIGATION (Gov. Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Gov. Code, section 54956.9(a).) (Formally initiated) 3. Los Osos Community Services District v. Golden State Water Company, et al.

Ms. Rita Neal – County Counsel: states Closed Session has been cancelled.

5. Hearing to consider an appeal by Las Pilitas Resources, LLC of the Planning Commission's decision to deny its application for a Conditional Use Permit and Reclamation Plan for the Las Pilitas Quarry (DRC2009-00025) located at 6660 Calf Canyon Highway near the community of Santa Margarita. District 5, is brought back for hearing.

Chairperson Arnold: opens the floor to public comment.

Mr. Gary Curry, Mr. Joseph Furise, Ms. Bonnie Reeves, Mr. Richard Gayou, Mr. Eric Booker, Ms. Terri Stricklin, Mr. Kyle Peterson, Ms. Marti Seitzer, Mr. Patrick McGibney, Mr. Greg Morris, Ms. Karen Bright (Letter), Mr. Jim Joffee, Mr. Harry Harlow, Ms. Mary McMullen, Ms. Laura Mordaunt, Mr. Ted Gilbert, Mr. Richard Placak, Ms. Jeannette Watson, Mr. Roy Cinowalt, Ms. Natalie Wendhall, Mr. Eddie Cosko, Mr. Karl Peterson, Mr. Edward Veek, Mr. Fred Sager, Ms. Luise Pietrzyk-Jimenez, Ms. Elizabeth Hewitt, Ms. Julie Stuart, Ms. Carolyn Atkinson, Ms. Lindsey Mitchell, Mr. Steve Raney, Mr. Paul Viborg, Ms. Diann Thomas, Mr. Michael Blank, Ms. Mary Harlow, Mr. Jim Ahern, Ms. Christine Volbrecht, Ms. Heidi Petersen, Mr. Andrew Christie – Santa Lucia Sierra Club, Mr. Thomas Fagundes, Mr. Chad Pankey, Mr. C.Z. "Charlie" Whitney, Mr. Randall Tognazzini, Ms. Holly Naylor (Letter), Ms. Dale Magee, Mr. John Joyner, Ms. Angela West, Mr. Ron Viles, Ms. Zoe Duty, Mr. Josh Olejczak – Bicycle Advisory Committee Chairperson (Letter), Ms. Sally Speers: speak.

SUPERVISOR GIBSON IS NOW ABSENT.

Ms. Cheryl Cole: speaks.

SUPERVISOR GIBSON IS NOW PRESENT.

Ms. Lera Larson, Mr. David Ballantyne, Mr. Lalo Jimenez, Mr. Jim Sunderland, Mr. David Wilson, Mr. Len Colamarino, Ms. Tina Ballantyne, Ms. Della Barrett, Mr. Don Baxter, Mr. John Beccia – SMART representative (Letter), Ms. Cheri Roe (Brochure), Mr. Ron Ross, Ms. Jean Boenish, Mr. Lee A. Brazil, Jr., Ms. Lea Brooks - SLO County Bicycle Coalition, Mr. Andy Brown, Mr. Bill Borgsmiller, Ms. Marjorie Burkhardt, Mr. Eric Cleveland (Trip Calculation), Mr. Mike Brown – COLAB, Ms. Janice Carr, Mr. Chris Castillo, Ms. Samadhy Coots, Ms. Joe Patterson – Santa Margarita Area Advisory Committee, Mr. Chad Tantum, Mr. Mark Edwards (Powerpoint), Ms. Blaks Finnegan (Powerpoint), Mr. John Gillespie, Mr. Ed Goshorn – Bicycle Advisory Committee, Mr. Eric Greening, Mr. Jim Gunter, speak.

Motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, and unanimously carried, the Board agrees to continue past 5 p.m.

Ms. Susan Harvey – North County Watch: speaks.

SUPERVISOR GIBSON IS NOW ABSENT.

Ms. Barbara Ahern, Mr. David Abrecht – Bicycle Advisory Committee: speak.

SUPERVISOR GIBSON IS NOW PRESENT.

Mr. Paul Hilliard, Mr. Brian Hupp, Mr. Charlie Kleenman (Powerpoint , Letter from Margarita Proud dated April 27, 2015 and Letter dated May 11, 2015), Ms. Sue Lach, Mr. Garry LeGare, Ms. Sherri Martinez (Map), Mr. Joseph Mikkelsen, Mr. William Miller, Mr. Daryl Nelson (Letter), Mr. Bill Pelfrey, Mr. Butch Pope, Mr. Roy Reeves, Ms. Gwen Pelfrey, Ms. Simone Smith, Mr. Steve Souza (Binder – Letters of Support) , Mr. George Sullivan, Mr. Myron Amerine - Bicycle Advisory Committee (Video), Ms. Marie Tomasini (Maps), Ms. Rochelle Wagner, Mr. Steve Williams (Letter), Ms. Elsa Dawson, Ms. Sandra Jean Schlieman, Mr. Turko Semmes, and Mr. Babic Nafacy representing Margarita Proud: speak.

Ms. Sophie Treder – Attorney for the Appellant: provides closing statements.

Supervisor Compton: presents and discusses: an email she sent to Ron DeCarli, SLOCOG Executive Director, with additional responses by Caltrans regarding Scenic Highway Designation of State Route 58; the differences in the number of truck trips between Hanson vs. Las Pilitas EIRs; California Geological Survey Map; elephant picture representing how much aggregate each person uses; discloses her ex-parte meetings with the Applicant and Opponent; the mine buffer area; the letter from Caltrans dated November 18, 2011, regarding aggregate needs; outlines 6 non-mitigable issues in the EIR; with Mr. Rob Fitzroy - Planning, Mr. Steve McMasters - Planning, Mr. John Larson – URS Consultant and Ms. Whitney McDonald - Deputy County Counsel responding.

Motion by Supervisor Lynn Compton, seconded by Chairperson Debbie Arnold to uphold the appeal and certify the EIR is discussed.

Supervisor Mecham: questions regarding the staging area and water usage; with Ms. Treder responding.

Chairperson Arnold: presents and discusses photographs of Santa Margarita and her family reflecting the character of the area.

Supervisor Hill: comments that for this project to be approved findings for the seven Class One impacts must be made; expresses his concern regarding safety, truck trips and the impact to the viewshed.

Supervisor Gibson: echoes Supervisor Hill's comment and states he will not support the motion.

Supervisor Mecham: addresses his concerns with the truck routes; states he can't support the motion the way it is.

The motion maker amends the motion to read: "direct staff to bring back Findings and Conditions of Approval, upholding the appeal and certifying the Environmental Impact Report", with the second concurring.

The Board directs staff to bring back Findings and Conditions of Approval, upholding the appeal and certifying the Environmental Impact Report.

Motion by: Supervisor Compton

Second by: Chairperson Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	X			
Compton, Lynn (Vice Chairperson)	X			
Mecham, Frank R. (Board Member)		X		
Gibson, Bruce S. (Board Member)		X		
Hill, Adam (Board Member)		X		

Motion fails.

The Board denies the appeal and RESOLUTION NO. 2015-125, Resolution Denying the Appeal of Las Pilitas Resources, LLC., affirming the decision of the Planning Commission, and denying the application to Las Pilitas Resources, LLC, for Conditional Use Permit DRC2009-00025 and Reclamation Plan, adopted and based on the findings in Exhibit A.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)		X		
Compton, Lynn (Vice Chairperson)		X		
Mecham, Frank R. (Board Member)	X			
Gibson, Bruce S. (Board Member)	X			
Hill, Adam (Board Member)	X			

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, **TOMMY GONG**, 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, May 12, 2015, 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.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: June 17, 2015