

Tuesday, September 13, 2016

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, Debbie Arnold and Chairperson Lynn Compton

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.**

**Consent Agenda – Review and Approval:**

**1-26.** This is the time set for consideration of the consent agenda.

**Chairperson Compton:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 26 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**Consent Agenda - Administrative Office Items:**

**1.** Request for approval to apply for the Federal Fiscal Year 2016 Homeland Security Grant in the amount of \$354,806. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**2.** Request to approve the FY 2016-17 community based organizations/preventative health grant agreements with various non-profit organizations in the total amount of \$476,350 from Fund Center 106 – Contributions to Other Agencies. All Districts.

**This item is amended, per the addendum to the agenda, by replacing Attachment 11 with the correct SLO Noor Foundation FY 16-17 Scope of Work. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**3.** Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

**Mr. Eric Greening and Ms. Linde Owen:** speak.

**The Board approves as recommended by the County Administrative Officer.**

**4.** Request for approval to accept the Federal Fiscal Year 2016 Emergency Management Performance Grant in the amount of \$181,902 and approve a related budget adjustment of \$37,179. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

5. Submittal of a resolution setting the FY 2016-17 tax rates for the Secured Property Tax Roll. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-219, adopted.**

6. Submittal of a resolution approving FY 2016-17 Final Budget Actions. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-220, adopted.**

7. Submittal of the Brown Armstrong CPAs Independent Auditor's Report on the County Treasury's cash balance and accountability for the 4th quarter of FY 2015-16 conducted on June 30, 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

8. Request to approve an agreement with the Arroyo Grande Valley Harvest Festival Committee allocating \$2,000 from District Four Community Project Funds – Fund Center #106 to be used for expenses associated with the Arroyo Grande Valley Harvest Festival being held the weekend of September 23rd and 24th, 2016. District 4.

**The Board approves as recommended by the County Administrative Officer.**

9. Request to reappoint William (Bill) Dodd to the Adelaida Public Cemetery District. District 1.

**The Board approves as recommended by the County Administrative Officer.**

10. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d). District 2.

**The Board approves as recommended by the County Administrative Officer.**

11. Request to approve the appointment of Gregg Bone as a District 1 representative to the Bicycle Advisory Committee. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

12. Submittal of a resolution proclaiming September 2016 as "Childhood Cancer Awareness Month" in San Luis Obispo County. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-221, adopted.**

**Consent Agenda - Clerk-Recorder Items:**

13. Request to approve the minutes of the Board of Supervisors meetings held during the month of July 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

14. Submittal of resolutions from school districts, special districts and cities (Clerk's File) requesting consolidation of district elections with the November 8, 2016, Consolidation General Election. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

15. Request to approve a Standard Agreement Amendment to the FY 2014-15 through FY 2016-17 Multi-Year State Agreement with the Department of Health Care Services for substance abuse disorder services, for an overall decrease of \$31,880. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

16. Request to approve a resolution authorizing; (1) submittal of a grant application in the amount of \$997,714 to the 2016 Federal Continuum of Care Program for Fiscal Year 2017-18, and (2) the Director of the Planning and Building Department to sign the standard agreement and all other documents required for participation. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-222, adopted.**

17. Submittal of Resolution approving a Notice of Cancellation of Covenant and Agreement Restricting Use of Property, and Agreement with Michael Ralph Oien and Julianna Christine Schmidt, Trustees of the Oien-Schmidt Family Trust. District 4.

**Supervisor Gibson:** questions the intent in Section 22.34.70 that speaks to requiring owner occupancy to one of the units; and asks if a condition can be added to restrict the units from being short term rentals, with Mr. James Bergman - Department of Planning and Building Director, Ms. Rita Neal – County Counsel, Ms. James McMillan – Wells Fargo Home Mortgage Loan Officer, and Mr. Steve Franklin – Wells Fargo Branch Manager responding. Furthermore, Supervisor Gibson states he will reluctantly support this item and would like a discussion brought back with the housing policy and consideration of how to craft the specific implementation of this part of the land use ordinance upon conversations with appropriate federal housing agencies.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-223, adopted.**

18. Submittal of resolution approving and accepting a revised Inclusionary Housing Agreement for Vesting Tentative Tract 2994 and Conditional Use Permit SUB2008-00041 with MI Creekside, LLC, a Delaware Limited Liability Company. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-224, adopted.**

19. Request to approve the FY 2016-17 agreement with the Cal Poly Corporation to support the SLO HotHouse in the amount of \$200,000 for provision of Economic Development Services from FC -290 Community Development. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

20. Request to approve the FY 2016-17 agreement with Economic Vitality Corporation in the amount of \$148,775 to implement the San Luis Obispo County Clusters of Opportunity Economic Strategy from FC -290 Community Development. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

21. Submittal of a letter protesting a proposed moratorium on underground utility allocations (Tariff Rule 20A) under the pending Pacific Gas and Electric 2017 General Rate Case and forward to the California Public Utilities Commission. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

22. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2015-16 Asphalt Overlay, Various North County Roads, San Luis Obispo County. Districts 1 and 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-225, adopted.**

23. Request to approve an agreement for environmental services with SWCA Environmental Consultants (SWCA) in an amount not to exceed \$82,158 for the Bridge Preventative Maintenance Program - Miscellaneous Locations Project. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

24. Request approval of Parcel Map CO 13-0101, a proposed subdivision resulting in 2 lots, by Phillip Kissel and Janice Kissel, Trustee of the Kissel Family Trust, which has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map and act on the attached resolution to approve an avigation easement, south of the City of San Luis Obispo. District 3.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-226, adopted**

**Consent Agenda - Sheriff - Coroner Items:**

25. Request to authorize a budget adjustment in Fund Center (FC) 136 – Sheriff Coroner in the amount of \$55,000 from the Trial Court Security Growth Special Account to purchase a transportation van and a corresponding amendment to the Fixed Asset List to include a transportation van in FC 136 – Sheriff Coroner. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Veterans Services Items:**

26. Request to approve annual Medi-Cal Cost Avoidance and County Subvention agreements with the California Department of Veterans Affairs (CDVA). All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

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

**Mr. Eric Greening:** announces an event on September 15th by Community First at the San Luis Obispo Library; and addresses concerns relating to the Phillips 66 hearing going before the Planning Commission on September 22<sup>nd</sup>.

**Mr. Ben DiFatta:** speaks to Community Services Districts General Managers and cost increases in Los Osos.

**Ms. Linde Owen:** urges the remaining Los Osos Wastewater Project funds to be utilized for outdoor conservation; and requests a project update be provided to the public.

**Dr. C. Hite:** comments on the effects of relocating from Los Osos to San Luis Obispo; and matters relating to Julie Tacker.

**San Luis Obispo Botanical Gardens Founder and Board of Directors Member, Eva Vigil; Operation Director, Deborah Hoover; Board of Directors Member, Dr. Ping Tsao; and President, Madeline Moore:** request the Board adopt a resolution, as the Botanical Garden's landlord, to approve a sublease to move forward with their active recreation project.

**Supervisor Gibson:** states he has had numerous conversations with the Parks Director and Botanical Gardens; that the Parks Director has been in extensive negotiations with them on existing incomplete work in which the county designated \$300,000 to facilitate; and suggests the Board not take any action without receiving an update from the Parks Director, with Supervisor Mecham responding.

**On motion by Supervisor Frank R. Mecham, seconded by Chairperson Lynn Compton, to direct staff to bring back a discussion regarding the request by the San Luis Obispo Botanical Gardens, is discussed.**

**Mr. Guy Savage – Assistant County Administrative Officer:** states an update on Dairy Creek will be coming before the Board on October 4<sup>th</sup> and at that time can expand on the entire park and include a discussion regarding the uses with Botanical Gardens, with Board Members and Ms. Rita Neal – County Counsel responding.

**The motion maker clarifies his motion is to bring back a discussion with Dairy Creek and the overall area, the potential for a resolution to proceed with Botanical Garden’s concept, with the second concurring.**

**Supervisor Arnold:** recommends this matter be agendized separately from the discussion relating to Dairy Creek, with Supervisor Mecham responding they can be set together but addressed separately.

**Supervisor Gibson:** states he assumes when this matter returns that it includes a wider discussion detailing all the issues, particularly unfinished improvements that have been scheduled and funded by the county; and a clear understanding of Botanical Gardens current and future financial conditions, with Supervisor Mecham responding.

**Chairperson Compton:** asks if Botanical Gardens are accepting of this matter being brought back for a discussion with Dairy Creek on October 4, 2016, with Ms. Moore responding.

**The Board directs staff to bring back a discussion with Dairy Creek and the overall area, the potential for a resolution to proceed with the San Luis Obispo Botanical Garden’s concept.**

**Motion by:** Frank R. Mecham

**Second by:** Lynn Compton

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

**Board Business:**

**28.** Request to review the need for continuing the Proclamation of Local Emergency related to the Chimney Fire pursuant to Government Code section 8630 and submittal of a resolution authorizing fee waivers for Chimney Fire reconstruction efforts. All Districts.

**Mr. Ron Alsop – Office of Emergency Services Manager:** presents the item.

**CalFire Chief Scott Jalbert and Sheriff-Coroner Ian Parkinson:** speak.

**Supervisor Mecham:** speaks about the coordinated efforts during the Chimney Fire; and announces his Legislative Assistant and himself have been deputized by the County Clerk-Recorder to provide assistance to those impacted from the fire that need to obtain a vital record.

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

**The Board: 1) reviews the need for continuing the proclamation of local emergency dated August 20, 2016 and ratified by the Board on August 23, 2016 establishing the need to continue the**

**Proclamation of Local Emergency; and 2) RESOLUTION NO. 2016-227, a resolution of the San Luis Obispo County Board of Supervisors authorizing fee waivers for Chimney Fire reconstruction efforts, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**29.** Submittal of the Fiscal Year 2015-16 Year-End Financial Status Report. All Districts.

**Mr. David Grim – Administrative Office:** provides the staff presentation (powerpoint).

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

**The Board:** 1) receives and files the Fiscal Year 2015-16 Year-End Financial Status Report; 2) approves the request for Relief from Accountability in the amount of \$388.53 on behalf of County Service Areas 23 (Fund 2503501000) and 10A (Fund 2501500000) for accounts that have been determined non-collectible; 3) approves the request for Relief from Accountability in the amount of \$25,256.95 on behalf of Fund Center 180 – Social Services for non-collectible debt for CalWORKs, CalFresh and General Assistance programs; 4) approves the request for Relief from Accountability in the amount of \$7,637 on behalf of Fund Center 160 – Public Health for Public Health’s Environmental Health Services accounts that have been determined non-collectible; 5) approves the request for Relief from Accountability in the amount of \$7,269 on behalf of Fund Center 160 – Public Health for Public Health Laboratory accounts that have been determined to be non-collectible; 6) approves the request to accept cash donations made to Parks in the amount of \$20,326.92; 7) approves a request to accept cash donations made to Animal Services in the amount of \$11,420; 8) approves a request to declare forty-three (43) vehicles as surplus, authorize removal from the County’s fleet, and authorize their sale to recover value in accordance with County Code Section 2.36.030(5); and 9) RESOLUTION NO. 2016-228, a resolution amending the Position Allocation List resolution for Fiscal Year 2016-17, adopted.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

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

**30.** Presentation of a project update on the new terminal building at the San Luis Obispo County Regional Airport. All Districts

**Mr. Kevin Bumen – Airports Director and Mr. Robert Ruiz – Department of Public Works:** provide the staff presentation (powerpoint).

**Board Members:** address tracking change orders; the reimbursement process; consultant amendments; travel increases; and various questions relating to the old terminal, with Mr. Bumen and Ruiz responding.

**Chairperson Compton:** opens the floor to public comment without response and receives and files the project update for the New Terminal Building at the San Luis Obispo County Regional Airport.

**Hearing:**

- 31. Hearing to consider adoption of an ordinance amending Chapter 1.01 of the San Luis Obispo County Code to reformat and recompile the San Luis Obispo County Code and repeal the previous county code. Hearing continued from August 16, 2016. All Districts.

**Mr. Tommy Gong – County Clerk-Recorder:** presents the item.

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

**The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3329, an ordinance amending Title 1 of the San Luis Obispo County Code and repealing, reformatting, and recompiling the San Luis Obispo County Code, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

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

- 32. Hearing to consider an ordinance amending Chapter 8.12 of the San Luis Obispo County Code, the Solid Waste Management Ordinance, by amending Section 8.12.735 relating to the maximum term of Solid Waste Collection Franchise Agreements; and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.

**Ms. Wendy Hall - Department of Public Works:** provides the staff presentation.

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

**The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3330, an ordinance amending Chapter 8.12 of the San Luis Obispo County Code, the Solid Waste Management Ordinance, by amending Section 8.12.735 relating to the maximum term of solid waste collection franchise agreements, adopted. Furthermore, the Board authorizes the Director of Public Works to prepare and the County Clerk to post and publish a summary of the ordinance in a newspaper of general circulation before the expiration of fifteen (15) days after passage of the ordinance with the names of the members of the Board of Supervisors voting for and against the ordinance pursuant to Government Code Section 25124(b)(1).**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

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

**Closed Session Items:**

- 33. The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A: 15-09-001; (4) Application Filed by PG&E for Retirement of Diablo Canyon Power Plant A: 16-08-006; (5) Edmond Paul Price v. County of San Luis Obispo, et al.; (6) Bay Area/Diablo Petroleum Co. dba Golden Gate Petroleum v. San Luis Obispo County, et al.;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (7) San Luis Obispo Government Attorney's Union (SLOGAU); (8) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (9) Deputy County Counsel's Association (DCCA); (10) Sheriffs' Management; (11) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (12) Deputy Sheriff's Association (DSA); (13) District Attorney Investigators' Association (DAIA); (14) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (15) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (16) Unrepresented Management and Confidential Employees; and (17) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

**Chairperson Compton:** 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.

**Presentations:**

- 34. Submittal of a resolution proclaiming September as “Suicide Prevention Awareness Month” in San Luis Obispo County. All Districts.

**Ms. Shannon McQuat – Transitions Mental Health Association Community Outreach Manager and Suicide Prevention Council Chairperson, Recipient:** speaks.

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

**RESOLUTION NO. 2016-229, a resolution to proclaim the month of September 2016 as Suicide Prevention Awareness Month in San Luis Obispo County, adopted.**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

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

- 35. Submittal of a resolution recognizing the Celebration of Mexican Independence from Spain, "El Grito de la Independencia", in San Luis Obispo County. All Districts.

**Ms. Jacqueline Frederick- Latino Outreach Council President, Recipient:** speaks.

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

**RESOLUTION NO. 2016-230, a resolution recognizing the celebration of Mexican Independence from Spain, "El Grito de la Independencia", in San Luis Obispo County, adopted.**

**Motion by:** Debbie Arnold

**Second by:** Bruce S. Gibson

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

**Hearings:**

**36.** Hearing to consider proposed amendments to the San Luis Obispo County General Plan - Land Use and Circulation Element, the Conservation and Open Space Element, the Shandon-Carrizo subarea of the North County Area Plan, Title 18 of the County Code – the Public Facilities Fee Ordinance, Title 22 of the County Code – the Land Use Ordinance for the Summer 2016 General Plan Amendment Cycle; includes approval of environmental documents. All Districts.

**Ms. Stephanie Fuhs – Planning and Building:** provides the staff presentation (powerpoint) for Item No. 1 - A request by JIM JEFFERS for an amendment to the Shandon-Carrizo sub area of the North County Planning Area of the Land Use and Circulation Element to change the land use category of approximately eight acres from Agriculture to Commercial Service. Also to be considered is inclusion of planning area standards contained in Title 22 (Land Use Ordinance, North County Area Plan, Shandon-Carrizo subarea) in order to accommodate an existing steel fabrication yard at the site. The site is located on the north side of Highway 46 East, approximately 1.5 miles west of Bitterwater Road, east of the community of Shandon. Additionally, replaces Exhibit LRP2014-00022:C.

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

**The Board replaces Exhibit LRP2014-00022:C and tentatively approves the amendments as shown in Exhibits LRP2014-00022:B and LRP2014-00022:C as amended.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**Ms. Stephanie Fuhs – Planning and Building:** provides the staff presentation (powerpoint) for Item No. 2 - A request by the County of San Luis Obispo to amend the Land Use and Circulation Element land use categories from Rural Lands to Agriculture and Open Space and amend the Conservation and Open Space Element land use designations from Large Lot Rural to Agriculture (Land Under Conservation Contract) for properties recently put into agricultural preserves.

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

**The Board tentatively approves the amendments as shown in Exhibits LRP2015-00011:1 through LRP2015-00011:5.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

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

**Ms. Stephanie Fuhs – Planning and Building:** provides the staff presentation (powerpoint) for Item No. 3 - A request by the County of San Luis Obispo for an amendment to Title 18 – The Public Facilities Fee Ordinance. The amendment would remove an exemption listed within Section 18.03.020 (10) of the Muni Code regarding collection of certain public facility fees for specific community services districts and fire protection districts.

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

**The Board tentatively approves the amendments as shown in Exhibits LRP2016-00001:A.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

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

**RESOLUTION NO. 2016-231, a resolution to amend the san Luis Obispo County General Plan - Land Use and Circulation Element, the Conservation and Open Space Element, the Shandon-Carrizo Subarea of the North County Area Plan, Title 18 of the County Code – the Public Facilities Fee Ordinance, Title 22 of the County Code – the Land Use Ordinance, and approval of environmental documents, adopted. Furthermore, the readings of the proposed ordinance are waived and said proposed ordinances are read by title only and ORDINANCE NO. 3331, an ordinance amending the San Luis Obispo Land Use Ordinance, Title 22 of the San Luis Obispo County Code, Section 22.94.090(c), relating to standards in the commercial service land use category of the Shandon-Carrizo Subarea of the North County Area Plan; ORDINANCE NO. 3332, an ordinance amending Title 18 of the San Luis Obispo County Code, the Public Facility Fee Ordinance, Section 18.03.020; and ORDINANCE NO.3333, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

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

- 37. Hearing to consider an appeal by Roland Soucie of the Planning Commission’s approval of a request by Pacific Cambria Inc. for a Development Plan / Coastal Development Permit (DRC2015-00096) to allow temporary events, the Cambria Christmas Market, at the Cambria Pines Lodge and Cambria Nursery on Burton Drive in Cambria, and to waive the requirement for temporary events to be setback at least 1,000 feet from a residential area. The project is exempt from CEQA. District 2.

**Board Members:** disclose their ex-parte communications relating to this hearing pursuant to the Board’s adopted Rules of Procedure.

**Mr. Airlin Singewald – Department of Planning and Building:** provides the staff presentation (powerpoint) and amends the CEQA Notice of Exemption form to reflect the new drive way on Yorkshire Drive (document).

**Mr. Roland Soucie – Appellant (documents):** speaks.

**Mr. Dave Watson - Pacific Cambria Inc. and Cambria Pine Lodge, Applicant’s Representative:** speak.

**Chairperson Compton:** opens the floor to public comment.

**Ms. Mary Webb; Ms. Laurel Stewart; Mr. Gayle Jenkins; Ms. Mary Ann Carson - Cambria Chambers of Commerce Executive Director; Mr. John Linn; and Ms. Claudia Harmon-Worthen (documents):** speak.

**Mr. Watson and Mr. Soucie:** provide closing rebuttal remarks.

**On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Frank R. Mecham, to deny the appeal with the following changes: 1) add a condition that music for this event be non-amplified; 2) that established no parking zones to protect the residential neighborhood should be for the event and be enforceable by California Highway Patrol (CHP); 3) adds that there shall be no shuttle bus idling; 4) revise the permit term from 5 to 3 years; and 5) add the standard indemnity clause to the conditions of approval, is discussed.**

**Board Members:** address the added amplified music restriction; and the change to the permit term.

**The motion maker amends the motion to remove the change to the permit term, with the second concurring.**

**Mr. Singewald:** amends Finding A to add a California Environmental Quality Act (CEQA) categorical exemption for the future driveway on Yorkshire Drive subject to Coastal Commission’s approval. Furthermore, reviews the language changes to the Conditions of Approval based on the motion, adding a new Condition No. 1 i. restricting amplified music; adding a new Condition No. 15 j. restricting shuttle bus idling; adding the standard indemnification clause as Condition No. 22; and amending Condition No 15 a. regarding parking restrictions, explaining that after discussions with County Counsel and the Department of Public Works, there is no way to ensure that no parking can be enforced by CHP, with Supervisor Gibson and Mr. Glenn Marshall – Department of Public Works responding.

**The motion maker adds direction to staff to make a formal inquiry with CHP for a response regarding the enforceability of no parking for the event, with the second agreeing.**

**The Board amends Finding A to read “The project qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303, 15304, and 15311 because it is for a temporary event, will be subject to conditions of approval to reduce traffic and night lighting impacts on the surrounding neighborhood, and will avoid environmentally sensitive habitat areas. The new driveway on Yorkshire Drive involves minimal site disturbance and does not require the removal of any native vegetation.; adds a new Condition No. 1 i. to read “No amplified music is authorized.”; amends Condition No. 15 a. to read “Restricts event parking via signs, barricades, and similar devices and means on the following County roads: i. Burton Drive, ii. Eton Road, iii. Martindale Street, iv. Patterson Place, v. Rogers Street, vi. Yorkshire Street, and vii. Wood Drive.”; adds a new Condition No. 15 j. to read “No idling of shuttle buses while parked and/or loading passengers.”; and adds a new Indemnification Condition as No. 22 to read” The applicant shall as a condition of approval of this development plan/coastal development permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this development plan/coastal development or the manner in which the County is interpreting or enforcing the conditions of this development plan/coastal development permit, or any other action by a third party relating to approval or implementation of this development plan/coastal development permit. The applicant shall reimburse the County for any court costs and attorney’s fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition”. Further, RESOLUTION NO. 2016-232, a resolution to deny the Appeal of Roland Soucie and affirm the decision of the Planning Commission and to conditionally approve the application of Pacific Cambria Inc. for Development Plan/Coastal Development Permit DRC2015-00096, adopted as amended. Furthermore, the Board directs to staff to make a formal inquiry with CHP for a response regarding the enforceability of no parking for the event .**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

[Clerks Note: upon executing the amended resolution after the meeting, staff found there was already a condition No. 22. Therefore, after the added Indemnification Condition No. 22, subsequent conditions are renumbered as 23-26.]

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, September 13, 2016, 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/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** September 14, 2016