

Attachment 5

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Board of Supervisors		(2) MEETING DATE October 19, 1999		(3) CONTACT/PHONE Peg Pinard (805) 781-5450	
(4) SUBJECT Proposed Diablo Resources Advisory Measure (DREAM)					
(5) SUMMARY OF REQUEST Supervisor Pinard has been approached by the Central Coast Natural History Association (CCNHA), as well as many other members of the community, to request the Board to place an advisory ballot measure on the next available election. The CCNHA is a non-profit organization that supports environmental and conservation education programs. The advisory measure would ask the County voters to recognize the natural resource value of the Diablo Canyon Lands that extend from Avila Beach to Montana de Oro State Park. These lands include approximately 12,000 acres and 14 miles of coastline. The proposed measure would read as follows: <p align="center">ADVISORY VOTE ONLY</p> <i>Shall the County Board of Supervisors recognize the Diablo Canyon Lands as an exceptionally precious coastal resource by adopting policies that promote habitat preservation, sustainable agricultural activities, and public use and enjoyment consistent with public safety and property rights once the lands are no longer needed as an emergency planning buffer for the Diablo Canyon Nuclear Plant after its remaining operating life?</i>					
(6) RECOMMENDED ACTION That your Board authorize the Chair to sign the attached resolution directing the County Clerk-Recorder to place the Diablo Resources Advisory Measure (DREAM) on the March 7, 2000 general election ballot.					
(7) FUNDING SOURCE(S) General Fund		(8) CURRENT YEAR COST \$3,250-\$6500		(9) ANNUAL COST N/A	
(10) BUDGETED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Clerk-Recorder, Department of Planning and Building and County Counsel.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help _____					
(13) ADMINISTRATIVE OFFICE REVIEW					
(14) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All			(15) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. <u>30</u>) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

D/10/1999

BOARD OF SUPERVISORS

COUNTY GOVERNMENT CENTER, Room 370 • SAN LUIS OBISPO, CALIFORNIA 93408-2040 • 805.761.5450



SUPERVISOR PEG PINARD
DISTRICT THREE

TO: Board of Supervisors
FROM: Peg Pinard, 3rd District Supervisor *P.P.*
DATE: October 19, 1999
SUBJECT: Proposed Diablo Resources Advisory Measure (DREAM)

RECOMMENDATION

That your Board authorize the Chair to sign the attached resolution directing the County Clerk-Recorder to place the Diablo Resources Advisory Measure (DREAM) on the March 7, 2000 general election ballot.

DISCUSSION

I have been approached by the Central Coast Natural History Association (CCNHA), as well as many other members of the community, to request the Board to place an advisory ballot measure on the next available election. The CCNHA is a non-profit organization that supports environmental and conservation education programs. The advisory measure would ask the County voters to recognize the natural resource value of the Diablo Canyon Lands that extend from Avila Beach to Montana de Oro State Park. These lands include approximately 12,000 acres and 14 miles of coastline. The proposed measure would read as follows:

ADVISORY VOTE ONLY

Shall the County Board of Supervisors recognize the Diablo Canyon Lands as an exceptionally precious coastal resource by adopting policies that promote habitat preservation, sustainable agricultural activities, and public use and enjoyment consistent with public safety and property rights once the lands are no longer needed as an emergency planning buffer for the Diablo Canyon Nuclear Plant after its remaining operating life?

There appears to be community wide support for the concept of placing the advisory measure on the ballot. A public meeting to discuss the idea was conducted on October 4th by the CCNHA and attended by approximately 100 county residents. The measure was

Board of Supervisors
Diablo Resources Advisory Measure (DREAM)
October 19, 1999
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discussed in detail during the meeting and presentations were made by Dream Committee members, as well as PG&E and the Nature Conservancy.

The topic of protecting the Diablo Canyon Lands was also discussed at the September 8th meeting of the Regional Water Quality Control Board. Research has been ongoing for more than 20 years at the nuclear power plant, both before and after it began operating in 1985, to determine the extent of the impacts relating to its operation. However, there is no consensus or agreement reached on the conclusions of this research. After listening to supportive testimony by many local residents, the Water Board unanimously voted to follow the staff recommendation to direct their staff to continue working with the operator on developing a plan by June of 2000 to permanently protect the coastal resources in this area. This advisory ballot measure would be a useful gauge of public opinion for the Water Board as they continue to work with the operator on resolving environmental impacts from the nuclear power plant.

Pursuant to the Elections Code section 9603, the results of an advisory vote will in no manner be controlling on the sponsoring legislative body. However, if it is approved in March, county staff would be able to consider including revised policies for this area as part of the ongoing update of the San Luis Bay Area Plan and Local Coastal Plan. We have existing information regarding the resources in this area, developed as part of earlier studies for the Central Coast National Marine Sanctuary and in our Local Oil Spill Plan, that could be incorporated into the updated area plan.

OTHER AGENCY INVOLVEMENT

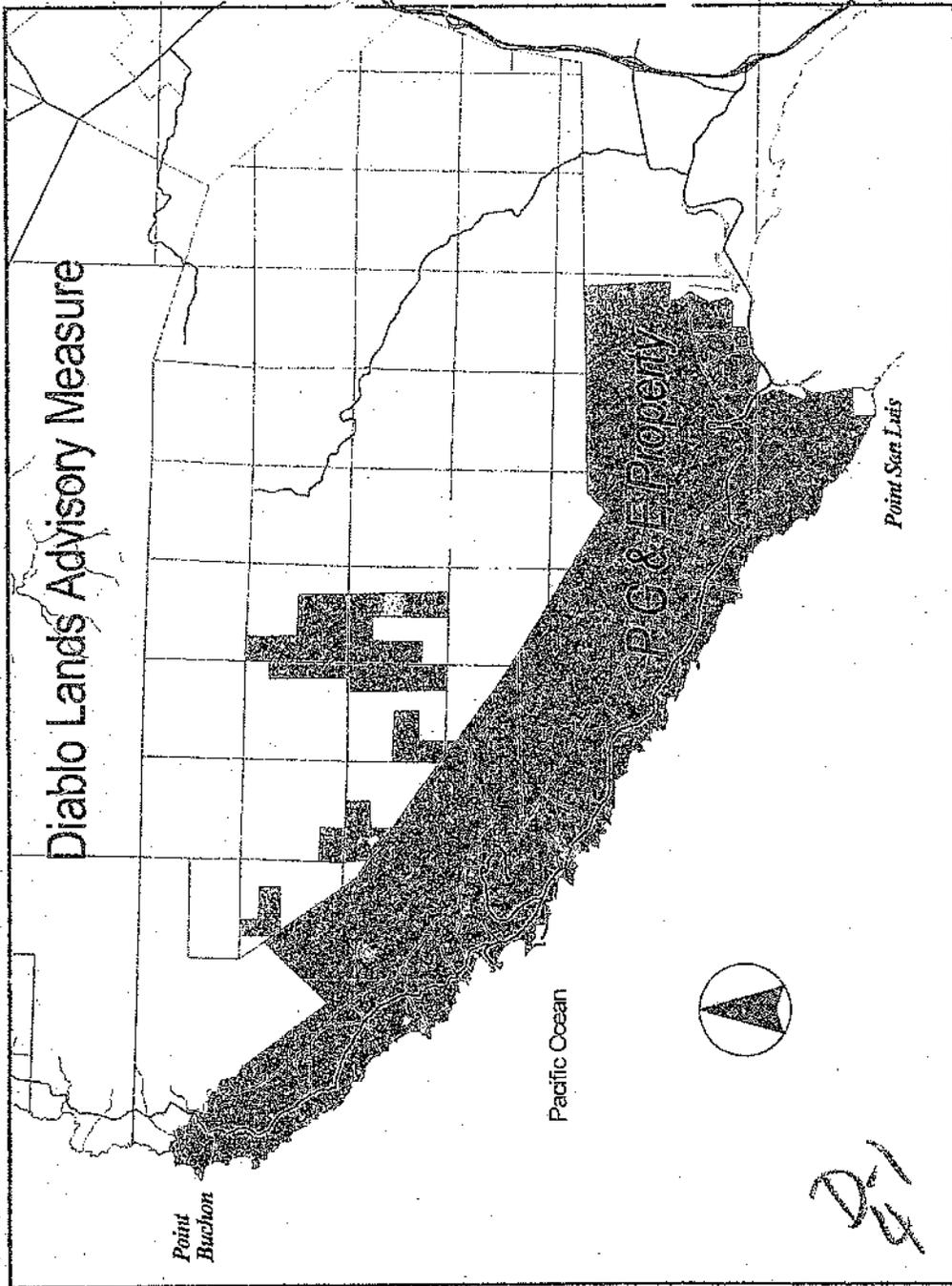
County Clerk-Recorder, Department of Planning and Building and County Counsel.

FINANCIAL CONSIDERATIONS

The additional sample ballot printing for the advisory measure will not exceed \$6,500. This is assuming arguments in support and opposition and rebuttals to those arguments are submitted. If there is only an impartial analysis and one argument, the information will be printed on one page and the cost will be \$3,250.

Attachment A: Resolution directing the County Clerk-Recorder to place the DREAM measure on the March 7, 2000 election

Attachment B: Area Map



1027.0110

1027.0110

51642

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day October 19, 1999

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian, Michael P. Ryan, and Chairperson Harry L. Ovitt

ABSENT: None

RESOLUTION NO. 99-424

A RESOLUTION DIRECTING THE COUNTY CLERK TO PLACE AN
ADVISORY VOTE ON THE MARCH 7, 2000 PRIMARY ELECTION
REGARDING THE DIABLO CANYON LANDS

WHEREAS, the State of California has a varied coastline of sandy beaches, rocky shores, productive estuaries, marshes, tidal flats, urban areas and harbors; and

WHEREAS, the marine and coastal environment of San Luis Obispo County is one of the most valuable economic and environmental resources for recreation, tourism, commercial fishing, and aqua-culture; and

WHEREAS, the County of San Luis Obispo is home to a 12,000 acre, 14 mile stretch of coastline located between Point San Luis and Point Buchon (also known as the Diablo Canyon Lands) which contains rocky headland and intertidal zones that provide habitat for brown pelicans, sea otters, sea lions, kelp forests, and a variety of seabirds; and

WHEREAS, the residents of San Luis Obispo County are strongly committed to the protection and management of the ecosystems that provide local communities with employment opportunities, recreational activities, and scenic beauty; and

WHEREAS, preserving coastal resources enables communities to appreciate and value the endowment of the coastal environment.

NOW, THEREFORE BE IT RESOLVED AND ORDERED, by the Board of Supervisors of the County of San Luis Obispo the following:

1. That an advisory election be conducted pursuant to section 9603 of the Elections Code,
2. That the County Clerk-Recorder is directed to place this measure on the March 7, 2000, Primary Election ballot and publish it in the election materials prepared for that ballot,
3. That the text of the ballot language for said measure shall read as follows:

ADVISORY VOTE ONLY

Shall the County Board of Supervisors recognize the Diablo Canyon Lands as an exceptionally precious coastal resource by adopting policies that promote habitat preservation, sustainable agricultural activities, and public use and enjoyment consistent with public safety and property rights once the lands are no longer needed as an emergency buffer for the Diablo Canyon Nuclear Plant after its remaining operating life?

Upon motion of Supervisor Pinard, seconded by Supervisor Ryan, and on the following roll call vote, to-wit:

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

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

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1027.0110

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, October 19, 1999

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian,
Michael P. Ryan and Chairperson Harry L. Oviatt

ABSENT: None

In the matter of Diablo resources Advisory Measure:

This is the time set for consideration of a proposed Diablo Resources Advisory Measure;
3rd District.

Supervisor Pinard: introduces Mr. Blakeslee who will speak about a project called the Diablo Resources Advisory Measure (DREAM).

Mr. Sam Blakeslee: Chairperson of DREAM, states this is an opportunity for the Board to make a decision that will affect the entire community for years to come; states this is a measure that seeks to preserve over 12,000 acres of coastal land that stretches between Point Buchon on up to Montanya De Oro; indicates the advisory group has met with a wide range of individuals and groups and PG &E regarding this measure; addresses some of the values that are in the measure; states this is an opportunity for the Board to create a legacy.

Ms. Missie Hobson: Representing PG&E, addresses PG&E's stewardship and management of Diablo Canyon land and explains why PG&E supports the measure.

Ms. Kathleen Ray: Executive Director for Central Coast Natural History Association, indicates they support the DREAM measure and its placement on the March 2000 ballot; states their organization of nearly 1,000 community members have supported environmental education, interpretation and conservation efforts in the five local State Parks for more than 20 years; feels the preservation of Diablo land is one of the most important decisions the community will face in coming years; urges the Board to place the measure on the ballot.

Mr. Jack Beigle: People for the Nipomo Dunes, states he agrees with what has been said this afternoon; states PG&E has a good land stewardship program and have protected the area; indicates the measure will ensure that continued level of protection after Diablo Canyon closes; requests this measure be placed on the March 2000 ballot.

Mr. Pat Veersart: ECOSLO, states he is here to indicate ECOSLO's support for placing this measure on the ballot; ECOSLO will continue to urge the Regional Board and other regulatory agencies to do whatever is necessary to stop any damage that is occurring at Diablo; feels this is a real opportunity to preserve the onshore environment.

Ms. Rochelle Becker: Mothers for Peace, states they are currently taking a neutral position on this measure; addresses several "red flags" regarding the measure; states her concern that the Board intends for this measure to be in place of any mitigation by the Regional Quality Board.

Supervisor Pinard: states this is an opportunity to do what we all say we want to do and that is to work at win - win solutions; indicates the goal is to preserve as much of the 13,000 acres as possible.

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

AYES: Supervisors Pinard, Ryan, Binuchi, Acladjian, Chairperson Ovitt
NOES: None
ABSENT: None

RESOLUTION NO. 99-24, a resolution directing the County Clerk to place an advisory vote on the March 7, 2000 Primary Election regarding the Diablo Canyon Lands, adopted.

cc: Administration 2
Elections
Auditor
10/25/99 cla

STATE OF CALIFORNIA)
)ss.
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 25th day of October, 1999.

(SEAL) JULIE L. RODEWALD
County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By Cheri Casper
Deputy Clerk

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE A-00**

The Board of Supervisors has directed the County Clerk-Recorder to conduct an advisory election concerning an area within the County consisting of approximately 12,000 acres located between Point San Luis and Point Buchon, known as the Diablo Canyon Lands. Specifically, the advisory measure seeks to determine whether the County Board of Supervisors should recognize the Diablo Canyon Lands as an exceptionally precious coastal resource by adopting policies that promote habitat preservation, sustainable agricultural activities, and public use and enjoyment, consistent with public safety and property rights, once the lands are no longer needed as an emergency buffer for the Diablo Canyon Nuclear Plant after its remaining operating life.

The results of the advisory vote will not be controlling on the County Board of Supervisors.

A "Yes" vote is a vote in support of the County Board of Supervisors recognizing the Diablo Canyon Lands as an exceptionally precious coastal resource by adopting policies that promote habitat preservation, sustainable agricultural activities and public use and enjoyment, consistent with public safety and property rights, once the lands are no longer needed as an emergency buffer for the Diablo Canyon Nuclear Power Plant after its remaining operating life.

A "No" vote is a vote against the Board of Supervisors recognizing the Diablo Canyon Lands as an exceptionally precious coastal resource by adopting policies that promote habitat preservation, sustainable agricultural activities, and public use and enjoyment, consistent with public safety and property rights, once the lands are no longer needed as an emergency buffer for the Diablo Canyon Nuclear Power Plant after its remaining operating life.

s/ James B. Lindholm, Jr.
County Counsel

ARGUMENT IN FAVOR OF MEASURE A-00

San Luis Obispo County voters can create a legacy for their children and future generations. Vote "yes" on Diablo Resources Advisory Measure (DREAM) if you want to preserve some 14 miles - 12,000 acres - of the most pristine coastal land in California.

This is an unprecedented opportunity to keep a piece of San Luis Obispo County coastline the way it was 100 years ago. By voting "yes," voters can say they want to preserve for public use and habitat protection, the undeveloped coves, bluffs, terraces, hills, and valleys that surround the Diablo Canyon nuclear plant after it's decommissioned. And it's a way to protect the historic agricultural uses of this property.

As stated in a Tribune editorial, preserving this land would be "one of the great environmental achievements in the county's history."

All five county supervisors - Peg Pinard, Mike Ryan, Shirley Bianchi, Harry Ovitt and Katcho Achadjian - voted to place this measure on the ballot. They wouldn't have done this if they didn't believe its passage could have a lasting impact on our community.

Measure A-00 carries no risk of tax increases or bonded indebtedness. It proposes no new rules or regulations. It does not take PG&E's property or impede their ability to operate. What it does do is quite powerful: it establishes, as the county's official goal, the preservation of this stretch of coastline after the plant shuts down. By doing so it helps our community attract existing funding that is designated for these sorts of purposes.

This must happen, because if it doesn't, pressure to develop this land will someday be enormous. It will be almost impossible to stop the condos, resorts, golf courses and strips malls once development plans are drawn up.

Let's not let that happen. Let's dare to DREAM. Let's create a legacy for our children.

s/ Sam Blakeslee, Businessman
Chairman DREAM Committee

s/ Peg Pinard, County Supervisor
DREAM Co-Sponsor

**NO ARGUMENT AGAINST THIS MEASURE
WAS SUBMITTED**



PROPOSITION 31
INS CLAIMS AMENDMENTS

MEASURE A
ADVISORY DIABLO CANYON LANDS

	Voters	Turnout	%	Blank Votes	Over Votes	Yes	No	Blank Votes	Over Votes	Yes	No
22nd Congressional Dist	130828	84425	64.53	6297	85	20586	57457	6321	62	58264	19778
18th Senatorial District	130828	84425	64.53	6297	85	20586	57457	6321	62	58264	19778
33rd Assembly District	130828	84425	64.53	6297	85	20586	57457	6321	62	58264	19778
Bd of Equal, 2nd Dist	130828	84425	64.53	6297	85	20586	57457	6321	62	58264	19778
Supervisorial District 1	28105	18260	64.97	1166	21	3672	13401	1220	13	11483	5544
Supervisorial District 2	24530	16828	68.60	1289	13	4682	10844	1429	13	12384	3002
Supervisorial District 3	26482	16283	61.49	1347	21	4460	10455	1166	9	11932	3176
Supervisorial District 4	29741	19138	64.35	1382	19	4458	13279	1640	11	12653	4834
Supervisorial District 5	21970	13916	63.34	1113	11	3314	9478	866	16	9812	3222
City of Arroyo Grande	9800	6525	66.58	507	11	1491	4516	476	7	4478	1564
City of Atascadero	14259	9455	66.31	637	6	2007	6805	576	15	6390	2474
City of Grover Beach	6295	3577	56.82	221	3	839	2514	271	3	2491	812
City of Morro Bay	6501	4225	64.99	308	4	1100	2813	357	3	3040	825
City of Paso Robles	10737	6746	62.83	428	10	1355	4953	501	2	4394	1849
City of Pismo Beach	5524	3541	64.10	265	3	902	2371	286	2	2512	741
City of San Luis Obispo	22864	14184	62.04	1404	15	4197	8568	1040	5	10748	2391
Unincorporated Area	54848	36172	65.95	2527	33	8695	24917	2814	25	24211	9122
Total Voters	130828	84425	64.53	6297	85	20586	57457	6321	62	58264	19778