

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

Tuesday, December 23, 2008

PRESENT: Supervisors: Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall, K.H. 'Katcho' Achadjian,
and Chairperson James R. Patterson

ABSENT: None

In the matter of Appeal by Santa Margarita Ranch LLC and **RESOLUTION NO. 2008-455:**

This is the time set for continued hearing (continued from December 19, 2008) to consider an appeal by Santa Margarita Ranch, LLC of the Planning Commission's disapproval of a tentative tract map (Tract 2586) and Conditional Use Permit (S030115U); 5th District.

Chairperson Patterson: outlines the process today and indicates that public testimony will be opened only for the new staff report.

Mr. Victor Holanda: Director of Planning and Building, addresses questions last Friday regarding staff direction indicating staff was asked for final information on the EIR, CEQA findings and the conditions; comments on his concerns to the Applicant's representative contacting staff for changes to the conditions; states he was unhappy with comments by a past Supervisor as to staff's role; feels this is a very unusual proceeding and he objects to this approval and wants time to work with the Applicant; staff did do has they were directed in creating the conditions, etc.

Board Members: respond to comments by Mr. Holanda; outline their concerns to the process; and thank staff for all their work in getting the conditions here today.

Mr. Warren Hoag: Planning, overview of the staff report and what is available for the public.

Mr. Bill Robeson: Planning, presents a brief staff report indicating that the packet includes a resolution to certify the EIR and adopt the conditions; states the resolution has one correction on page 2 and another correction on page 62, condition 136 and reads the changes into the record.

Ms. Kami Griffin: Assistant Director of Planning and Building, addresses the changes to the conditions that were presented by the Applicant.

Supervisor Gibson: questions the condition changes by the Applicant and whether all the changes they requested were made, with Mr. Treavor Keith, Planning, and Ms. Griffin, responding.

Supervisor Gibson and Chairperson Patterson: express their concern to a number of the conditions and want to go through the conditions line by line.

Ms. Jamie Kirk: representing Santa Margarita Ranch, address comments to the condition changes they have presented; speaks to her conversation with staff, after the meeting on Friday; states Cal Fire contacted her yesterday on wording; states the clean up language on CEQA findings, etc. is what has been presented today; states the only major issue for them is the Ag buffer requirements.

Mr. Doug Filipponi: Applicant, thanks everyone for all the work on this and asks for time after public comment to speak again.

Mr. James Kilmer: Caltrans, indicates they want the original conditions of approval for roads included on Highway 101.

Ms. Ann McMahon, Ms. Marilyn Brown, Mr. Fred Frank, Mr. Allan Thomas, Mr. Bill Denneen, Ms. Jude Rock, Mr. Eric Greening, Ms. Barbara Ahern, Ms. Sue Luft, Mr. Michael Sullivan, Mr. David Broadwater, Mr. William Miller (member of SMART), Ms. Kathryn Sweet, Mr. David Blakely (past 5th District Supervisor), Ms. Sarah Christie (Planning Commissioner for the 5th District), Ms. Rosemary Wilvert, Mr. Cal Wilvert, Mr. Paul Rys, Ms. Naomi Blakely, Ms. Jan Surbey, Mr. Doug Tait, Mr. John Beccia (President of SMART), Ms. Dorothy Jennings, Ms. Susan Harvey (North County Watch): (several of the speakers presented documents, newspaper articles, letters for the record) address the following: their support of comments by Mr. Holanda; concerns to making a decision on such a short notice; concerns to the changes in the conditions; support for a "sane" project; the need for more public review before this moves forward; suggest that passing this prior to public review will hurt the Applicant more than help them; concerns to Supervisors voting to support this without explaining their vote; against approval of the project; approval with mitigations that are not reasonable; concerns to "rushed" last minute changes; concerns to adequate water for the project; suggest that the EIR should be recirculated with the new conditions; concerns to the costs associated with this if it goes to court; address the original appeal in 2004 by SMART; concerns there hasn't been a "working group" to find a good project for the Ranch; concerns to the difficulty in correlating the Applicant's and Staff's conditions; concerns to the cultural resources on this property; concern to the lack of ethics and integrity in this process; suggest this is a "fatally flawed" project; concerns to impacts that can't be mitigated; believe that approval will violate State and Federal CEQA law.

Mr. Ron Holland, Mr. Michael Ryan (past 5th District Supervisor), Mr. George Sullivan, Mr. Charlie (C.Z.) Whitney: (with some presenting documents for the record) address the following: support for the Ranch; the long process this has been through; suggests there are no major obstacles and this project should be approved.

Supervisor-Elect (District 3) Adam Hill: questions whether this process serves the public interest and public trust and feels this can be done as a better project.

Supervisor Gibson: reads several speakers who didn't speak and presented comments for the record from Mr. Bill Moylan, Dr. Mary Fullwood, Mr. Dennis Cassidy, Ms. Kathy Longacre and Mr. Greg Bettencourt.

Mr. Rob Rossi: Applicant, thanks the Board for the process; addresses the issue of the Ag Cluster and believes this was resolved and explains; responds to questions regarding the process being rushed; speaks to how long they have been working with staff.

Ms. Griffin: addresses staff's role with respect to interpretations and recommendations but the decision-makers have the final say.

Mr. Robeson: responds to public comment; indicates staff is not in support of the conditions and findings as presented today; responds to comments regarding real time billing by the Applicant and that stops at the time of the appeal.

Mr. Filippini: responds to questions, indicating they have consistently offered up to 5 acres for donation to the cemetery.

Mr. Glen Marshall: Public Works, addresses discussions with Caltrans about widening Highway 58 and the request to widen from the project back to town was basically from the Bicycle Advisory Committee for bike lanes.

Mr. Dave Flynn: Public Works, comments on the bike lanes along Highway 58 and working with Caltrans on improvements.

Supervisor Ovitt: questions the cumulative impacts on roads from this project, with Mr. Flynn responding.

Board Members: discuss various issues, comments and concerns regarding the impacts to the roads.

Chairperson Patterson: addresses the concerns raised by Mr. Holanda this morning and suggests continuing this hearing to allow him, staff, members of the public, and the Applicant to work on this further.

Thereafter, on motion of Supervisor Chairperson James R. Patterson, seconded by Supervisor Bruce S. Gibson, and on the following roll call vote:

AYES: Supervisors: Chairperson James R. Patterson, Bruce S. Gibson,

NOES: Supervisors: Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian

ABSENT: None

to continue this hearing to February 10, 2009, and direct the Chairperson Patterson and another Supervisor, members of the community, various agency representatives, and the Applicant to meet, fails.

A motion by Supervisor Ovitt to uphold the appeal, adopt the resolution and approve the conditions with changes to the Ag buffers and the conditions with the changes by staff and the Applicant, is discussed.

Ms. Griffin: goes through all the changes, for the record, to the CEQA Findings and conditions for the tract map and Conditional Use Permit.

Supervisor Lenthall seconds the motion with the changes as read by Ms. Griffin.

Mr. Holanda: questions the condition requiring more than one agency approval and who will determine the resolution, asking if it will be staff or have to come back to Board; questions the "emergency" intertie, with the Board and Mr. Tim McNulty, Chief Deputy County Counsel, responding.

Supervisor Gibson: gives his view on the changes to the conditions and feels it's like "putting lipstick on the Titanic"; addresses his concerns to the Findings, with Mr. McNulty responding.

Supervisor Gibson: addresses the project description and his concerns that the emergency intertie and adding land to the cemetery have not been addressed in the EIR.

Ms. Kirk: responds that these were brought forward as a community benefit and not a project component; further they don't oppose the CSA #23 annexation and explains.

Supervisor Gibson: comments on the EIR and indicates the superior project alternative is "no project"; asks if Alternative 14 should be the superior alternative; feels mitigations have to be "feasible" and wants the "where feasible" clause dropped; addresses the issue of prime soils; comments on the air quality findings; feels the Applicant's changes to the conditions have stripped out a lot of the issues addressed in the EIR; comments on the Statement of Overriding Considerations and the Supporting Evidence; addresses the

tract findings and believes there a number of findings that the Board can't make; addresses his objections to the conditions; his concern to the prime Ag soil and to water availability for this project; indicating this is why he can't support the project as presented today.

Chairperson Patterson: questions the water issue from Public Works perspective, with Mr. Frank Honeycutt, Public Works, responding from the perspective of CSA #23; further comments on the working being done to only have one water entity in any given area.

Chairperson Patterson: questions funding potential from USDA for CSA #23; discusses changes to the conditions regarding the same from the Ranch, with Mr. Honeycutt addressing the language of the condition regarding annexation to CSA #23.

Chairperson Patterson: questions if the development moves forward and there are water issues whether the annexation should be moved forward, with Mr. McNulty, responding.

Chairperson Patterson: addresses the indemnification agreement that is now included; questions the tree removal numbers and feels there needs to be better protection of the trees, with Mr. Treavor Keith, Planning, responding.

Supervisor Ovitt: suggests there are mitigations in the EIR on the trees.

Chairperson Patterson: suggests the water language be put back in from the original conditions that are located on page C8-56 , "g", of the December 16, 2008 staff report; comments on the historic and archeological sites on the property; further expresses his concerns to the removal of issues outlined by experts on various issues.

Mr. Keith: states the tract conditions, page 95, do include oak tree protection guidelines.

Supervisor Ovitt: questions the emergency tie-ins with the Ranch by CSA #23 and how they will receive water, with Mr. Honeycutt responding.

Supervisor Gibson: believes if this is approved is will instantly become an antiquated subdivision and explains; feels this is a substandard project; suggests the majority of the Board are ignoring professionals, County staff and other agencies; addresses his concern to the Applicant writing the conditions; and, his concerns to the other Board members not being willing to debate their support for the project.

Supervisor Ovitt: restates his motion and responds to comments by Supervisor Gibson; and, **the motion maker and second amend the motion to remove the added "h" and "i" on page 60 of the Over Riding Findings, Section C Supportive Evidence, that relate to the emergency water inter-tie and the dedication of 5 acres for the cemetery.**

Supervisor Lenthall: addresses the motion and outlines why he is supporting the project.

Thereafter, on motion of Supervisor Harry L. Ovitt, seconded by Supervisor Jerry Lenthall and on the following roll call vote:

AYES: Supervisors: Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian

NOES: Supervisors: Bruce S. Gibson, Chairperson James R. Patterson

ABSENT: None

the Board upholds the appeal and revised the following: CEQA Findings – Exhibit B - page 10, AQ-2(f) “f” is deleted as it is a duplicate of “e” above it and new “f” reads “Off-site geological evaluation of adjacent property.”; Page 31, G-2(b) “b” is changed to read “Grading associated with the residential

cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project [See B-4(a)]; page 32, G-2(b) “c. Supportive Evidence,” the fourth sentence that begins “The FEIR recommended a 200 foot setback from Trout Creek” and the remainder of the paragraph is deleted and replaced with “The application of the set-back mitigations recommended in the FEIR, unless qualified, would render the project infeasible of construction by denying improved access to the project site, preventing continuing existing agricultural access and activities or future agricultural activities, or the development of building on building envelopes shown in the Applicant’s Amended project. The conditions are applied to the ‘676.6 acre cluster field’ since that is the only area of development for which there is a rational nexus and rough proportionality between the project impacts and the mitigation condition.”; page 33, the second paragraph under 3 Impacts G-3 a “b)” that reads “The application of the set-back mitigations recommended in the FEIR . . .” is deleted; page 45, B. Air Quality, 1, sixth line down the wording “natural nexus” is changed to “rational nexus”; page 57, AQ-GCC(c) Alternative Transportation and the end of the first paragraph add “The mitigation requiring the funding needed by the RTA to implement SMART signage for the four bus stops in Santa Margarita is infeasible as the infrastructure is not in place to implement the mitigation. The implementation of this condition is beyond the control of the applicant because it cannot be accomplished within a reasonable timeframe, if at all.”; Conditions of Approval for Tract 2586 – Exhibit D, page 11, Approved Project, 1-d, is deleted and replaced with “For the life of the project the applicant shall maintain home sites buffered from the existing vineyards. The home sites shall be as identified on the building envelope plan set prepared for the Amended Project. The Ag Commissioner’s Office shall review the building envelopes on the final map to ensure the envelopes are in substantial conformance with the building envelopes identified in the Amended Project.”; page 11, 1-f, amend the sixth line to add the word “emergency” before the word “intertie”; page 12, 1-h, after the word “matrix” add the wording “and building envelope plan set”; page 13, 2 k is added to read “Prior to Phase 1 map recordation State Route 58 shall be widened along both sides of the cemetery frontage or a Class 1 bike path from the cemetery to J Street shall be installed as approved by Caltrans, Public Works and the Department of Planning and Building.”; page 14, 3-d, is deleted and replaced with “Prior to Phase 2 map recordation construct the following improvements along SR 58 corridor: i. The existing Park-and-Ride facility shall be sacrificed for abandonment and the existing PG&E Road (frontage road) shall be realigned easterly to safely intersect State Route 58 at a 90-degree angle and constructed in accordance with Figure 205.1 of the Highway Design Manual.; ii. A new Park-and-Ride facility on State Route 58 near its intersection with Wilhelmina Street or at a location to be jointly approved by the applicant, Caltrans, County Public Works Department and County Planning & Building Department. The new Park-and-Ride shall be designed for a minimum of 30 parking spaces allowing for future expansion up to 50 parking spaces, provide limited access control to State Route 58, provide standard commercial driveway(s) and accommodate bus turning movements and bus stop area. Work shall be inclusive of all necessary striping and signage. If work extends outside the existing right-of-way then additional right-of-way shall be granted in fee simple, at

no cost, to the State for public road purposes.”; page 15, add new 13 under new title Water (Phases II and III) (renumbering the conditions) that would read “Prior to recordation of the final map for Phase II, provide evidence to the satisfaction of the Public Works Department, the Planning and Building Department and Environmental Health, that there is adequate water from Nacimiento water at a 1:1 ratio to serve the remaining phases of the project. If evidence cannot be provided to the satisfaction of the referenced Departments, the remaining phases of the project cannot be recorded until such evidence is provided.”; page 17, 26f, the first sentence that reads “Agricultural buffers on all residential lots . . .” is deleted; page 19, r, second bullet, is deleted and replaced with “Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesite site or development of lots as provided in the plans for the Applicants Amended Project.”; page 20, s, the second bullet, is amended to read “Retention and/or detention . . .”; page 22, first bullet on the page is amended to read “Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project.”; page 37, add a bullet to read “Off-site geological evaluation of adjacent property.”; page 42, at the bottom of the page add a bullet to read “Off-site geological evaluation of adjacent property.”; page 43, f5, add to the end of the paragraph “and notify adjacent residents in advance of construction work.”; page 44, js, add to the end of the first sentence “and notify adjacent residents in advance of construction work.”; page 46, ws, is deleted and replaced with “Annexation to County Service Area 23 to accommodate the community water system that will be used for the proposed residences. Use of imported water (Nacimiento Water Project) at a 1:1 ratio for all residential development shall be provided through an annexation agreement secured through the Santa Margarita ranch Mutual Water Company allowing land application for agriculture to offset the use of groundwater for residential units and an emergency intertie with the existing CSA 23 system. If this option is not feasible (ie annexation to CSA 23), the land application of Nacimiento water will nevertheless be allowable and the requirement to construct an emergency intertie with the existing CSA 23 system must still be completed. Appropriate permits must be obtained.”; page 47, third bullet is changed to read “1,500 square feet) not 3,000 and “300 square feet” not 600; page 50, f6, add to the end of the first paragraph “where feasible so as not to prevent existing or future agricultural operations, improving or maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesite site or development of lots as provided in the plans for the applicants Amended Project.”; page 55, k6 and to the end of the first paragraph “where feasible so as not to prevent existing or future agricultural operations, improving or maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesite site or development of lots as provided in the plans for the applicants Amended Project.”; and the first bullet at the bottom of the page is amended to read “200 foot” not 100 and “100 foot” not 50; page 59, s6, add to the end of the first paragraph, “where feasible

so as not to prevent existing or future agricultural operations, improving or maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesite site or development of lots as provided in the plans for the applicants Amended Project.”; page 62, f the first sentence is deleted; page 63, r, second bullet is amended to read: “Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”, page 64, s, third bullet is corrected to read “Retention and/or detention of . . .”; page 66, x, second bullet is corrected to read “Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; page 81, nnnn, add a bullet to read “Off-site geological evaluation of adjacent property.”; page 86, cs add a bullet to read “Off-site geological evaluation of adjacent property.”; page 87, fs and to the end of the paragraph “and notify adjacent residents in advance of construction work.”; page 88, js, add to the end of the second bullet “and notify adjacent residents in advance of construction work.”; page 90, ws, is amended to read: “Annexation to County Service Area 23 to accommodate the community water system that will be used for the proposed residences. Use of imported water (Nacimiento Water Project) at a 1:1 ratio for all residential development shall be provided through an annexation agreement secured through the Santa Margarita ranch Mutual Water Company allowing land application for agriculture to offset the use of groundwater for residential units and an emergency intertie with the existing CSA 23 system. If this option is not feasible (ie annexation to CSA 23), the land application of Nacimiento water will nevertheless be allowable and the requirement to construct an emergency intertie with the existing CSA 23 system must still be completed. Appropriate permits must be obtained.”; page 91, third bullet at top of the page, is changed to reflect “1,500 square feet” not 3,000 and “300 square feet” not 600; page 94, f6 is amended to add to the end of the paragraph “where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; page 99, k6 is amended to add to the end of the paragraph “where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; and the first bullet is amended to change it to read “200 foot” not 100 foot and “100 foot” not 50 foot; page 103, s6 add to the end of the first paragraph “where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; page 105, add new 28 and renumber that will read “Prior to

recording of the final map the applicant shall offer to the cemetery district up to 5 acres of usable land for the purpose of expansion of the cemetery.”; page 106, 34 is amended to read: “At the time of tract improvement plan submittal, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to include Native monitor(s) to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental and cultural resource mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental and cultural resource mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental and cultural resource sensitivities; (5) authority to stop work; and (6) action to be taken in the vent of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.”; Conditional Use Permit S030115U Conditions – Exhibit F: page 9, 1e is changed to read “For the life of the project the applicant shall maintain home sites buffered from the existing vineyards. The home sites shall be as identified on the building envelope plan set prepared for the Amended Project. The Ag Commissioner’s Office shall review the building envelopes on the final map to ensure the envelopes are in substantial conformance with the building envelopes identified in the Amended Project.”; f, sixth line is amended to add the word “emergency” before the word “intertie”; page 10, h after the word “matrix” add “and building envelope plan set”; page 13, 7, and the following to the first paragraph “where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; page 19, 12 add to the end of the first paragraph “where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; and the first bullet under 12, change it to read “200 feet” not 100 and “100 foot” not 50; page 25, the third bullet on the page change to read "330 foot" not 100, page 26, 24 second bullet, is changed to read “Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; page 27, the last bullet on the page is changed to read “Retention and/or detention . . .”; page 29, 30, the second bullet is changed to read “Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow

access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project”; page 35, 47, the third line, the words “one story height” are deleted; page 44, add a new 73 and renumber and it will read “For the life of the project, no more than 100 trees shall be removed for the purposed of establishment of any components of the residential cluster subdivision, including all future development of the parcels.” and this language should also be included in the tract conditions as part of the additional map sheet and the CC&R’s; page 47, 88, add a bullet to read “Off-site geological evaluation of adjacent property.”; page 55, add a bullet to read “ Off-site geological evaluation of adjacent property.”; page 56, 106, second bullet, add to the end “and notify adjacent residents in advance of construction work.”; page 58, 115, delete the first sentence; page 59, 124, add to the sixth line the word “emergency” before the word “intertie”; page 60, 127, fourth bullet, change it to read “1,500 square feet” instead of “3,000” and “300 square feet” instead of “600”; page 62, 136, delete the words “any development” in the first line and replace them with “site disturbance” and is amended to read “Prior to any site disturbance on the site, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to include Native monitor(s) to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental and cultural resource mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental and cultural resource mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental and cultural resource sensitivities; (5) authority to stop work; and (6) action to be taken in the vent of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.”; the Standard Conditions of Approval for Subdivisions using Community Water and Septic Tanks is included; the resolution is amended to correct #3 to reference Exhibit B not Exhibit 1 and RESOLUTION NO. 2008-455, resolution upholding the appeal and reversing the decision of the Planning Commission and conditionally approving the application of Santa Margarita Ranch and the Findings and Conditions of Approval for Tentative Tract Map/Conditional Use Permit, Tract 2586, Conditional use Permit S030115U, adopted as amended. Further, the Board certifies the Final Environmental Impact Report (FEIR) as shown in Exhibit B of the staff report dated December 23, 2008.

Supervisor Achadjian: states he would still like to work with Chairperson Patterson, the Applicant and the public to come up with a better project, with Mr. Filipponi indicating he is willing to talk more on this matter. cc: Planning (2); Public Works; 12/26/08 vms

STATE OF CALIFORNIA)

) ss.

County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk 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 26th day of December, 2008

(SEAL)

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By:  Deputy Clerk