

Tuesday, December 6, 2005

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Harry L. Ovitt, Jerry Lenthall, K.H. >Katcho= Achadjian, James R. Patterson and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG IS LED BY CHAIRPERSON SHIRLEY BIANCHI.**

**SUM    AGN**

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

**Mr. Santos Arrona:** Chairman of the Economic Opportunity Commission (EOC), invites the Board and the public to EOC's Open House on December 9 and thanks the Board for their support.

**Mr. Lester Goldfisher:** discusses the *Meet the Press* television show where they discussed the Bird Flu vaccine and presents each Board member with a video tape copy of the show.

**Mr. Michael Winn:** expresses his opposition to the conversion of mobilehomes and condominiums as they are one of the few affordable housing left in the County.

**Ms. Gail McPherson:** spokesperson for the Los Osos Technical Task Force, states they support the current Los Osos Community Services District (LOCSO) Board and their plan to bring a sewer system to Los Osos; discusses a rumor that past LOCSO Board members are meeting with County staff urging them to take over the project; urges the Board to support the current LOCSO Board and not take over the project.

**Ms. Lisa Schicker:** LOCSO Board member, expresses her concerns regarding the rumor; urges the Board to work with the duly elected LOCSO Board; outlines the issues the current LOCSO Board is addressing.

**Mr. Fred Dellagatta:** agrees with previous two speakers regarding the Los Osos sewer project.

**Mr. David Duggan:** discusses the December 1 and 2, 2005, Regional Water Quality Control Board (RWQCB) Meeting regarding the LOCSO; problems with the State, Los Osos and RWQCB staff.

**Ms. Quinn Taylor:** urges the Board to support the LOCSO Board efforts to construct the sewer.

**Mr. Bo Cooper:** expresses his concern with the rumor regarding the LOCSO; states people are trying to encourage imposing fees to bankrupt the LOCSO; questions why the County is involved with the lawsuit under Closed Session relating to the LOCSO; addresses the problems the County would face if they take the project over.

**Ms. Maureen Cormier:** states she supports the current LOCSO Board; outlines the issues the current LOCSO Board is addressing.

**Mr. Richard Margetson:** expresses his concerns regarding the rumor and indicates Los Osos wants to be in control of their community.

**Mr. David Edge:** County Administrative Officer, addresses the rumor and indicates the County supports the past and present LOCSO Board; the County has received numerous calls from concerned citizens requesting the Board take over the sewer project; indicates they have explained they can't take over the sewer project and have explained the necessary steps to dissolve a District; further, the County is not looking to take over the sewer project.

**Supervisor Achadjian:** states Board members are always available to listen to any concerns with the public; states for the record he opposes the conversion of mobilehome parks.

**Chairperson Bianchi:** states she has written letters to the LOCSO offering to work with the present District Board but has not received a response. **No action taken.**

- 2 B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Ms. Julie Rodewald:** County Clerk, addresses the certification of the November 8, 2005 election; thanks her staff, poll workers and those who opened their facilities for polling places; states the turnout for the election was 55% and this is the first time the number of absentee voters has exceeded the number of voters at the polls.

**Mr. Gary Ray Rogers:** Chairman of the IHSS, urges the Board to support Item B-20. **No action taken.**

- 3 B-1 Consent Agenda Item B-14 the coversheet is amended to correct the recommendation thru B-20 to read as follows: (RECOMMEND APPROVAL). Item B-17 the transmittal and staff report are amended to reflect that the permanent appointment is replacing Jean Anderson. Item B-20, page 3, in the third paragraph under Results, the second sentence is removed that reads: AThe Public Authority did not meet this requirement.@

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

**AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**Consent Agenda Items B-1 through B-20 are approved as recommended by the County Administrative Officer and as amended by the Board.**

Consent Agenda Items B-1 through B-20, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

- B-1 **RESOLUTION NO. 2005-387**, increasing compensation for employees in designated job classes represented by the Deputy County Counsel=s Association and the San Luis Obispo Government Attorney=s Unit, **Adopted.**
- B-2 Acceptance of \$786,435 in Federal Grant funds from the State Office of Homeland Security; and the corresponding budget and fixed asset adjustments for various departments, **Approved.**
- B-3 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 70 to the City of San Luis Obispo (Bishop Knoll Estates), **Approved.**
- B-4 2005-2006 Fish & Game Fines Committee Project listing, **Approved.**

Auditor-Controller Items:

- B-5 Cash procedures review of the County Treasurer=s Office conducted on September 21, 2005, **Received and Filed.**
- B-6 Cash procedures review of the Probation Department conducted on November 7, 2005, **Received and Filed.**

County Clerk-Recorder Items:

- B-7 Minutes of the Board of Supervisors meetings of October 4, 18, and 25, 2005, **Approved.**
- B-8 Declare the results of the November 8, 2005 Special Statewide and Uniform District Election, **Approved.**
- B-9 Appointment in-lieu of election to the Garden Farms Community Water District for the November 8, 2005 Special Statewide Election, **Approved.**

- B-10 Appointments in-lieu of election to the Linne Community Services District, Squire Canyon Community Services District and the Santa Margarita Fire Protection District for the November 8, 2005 Special Statewide Election, **Approved.**

General Services Items:

- B-11 Amended lease agreement with RKMY Joint Ventures to continue leasing off-site parking at 1129 Monterey Street, San Luis Obispo for County operations, **Approved.**
- B-12 **RESOLUTION NO. 2005-388**, authorizing the execution of a notice of completion and acceptance for the new County Government Center Project (300031) located at 1055 Monterey Street, San Luis Obispo, **Adopted.**
- B-13 **RESOLUTION NO. 2005-389**, authorizing execution of a notice of completion and acceptance for the San Luis Obispo County Regional Airport B Eastside Ramp, FAA Taxiways & Access Road B Phase 2 (Project # 330001), **Adopted.**

Health Agency Items:

- B-14 Agreement (Clerk=s File) from July 1, 2005 through June 30, 2006 with the California Department of Forestry and Fire Protection (CDF) for bacteria testing of the drinking water at the CDF Fire Station # 40 B Parkhill, Fire Station # 30 B Paso Robles, Fire Station # 35 B Las Tablas, and Station # 41 B La Panza; and authorizing the Director of Environmental Health to sign this contract and future renewals, **Approved as amended.**
- B-15 Agreement (Clerk=s File) in the amount of \$456,370 with the State Department of Mental Health for Fiscal Year 2005-2006 Conditional Release Program (CONREP) services; and 2) an amended agreement (Clerk=s File) in the amount of \$15,000 with Transitions Mental Health Association to provide Conditional Release Program housing administration services, **Approved.**

Other Items:

- B-16 Re-appoint Steve Flood and Thomas A. Runels as District Four Representatives to the Arroyo Grande Public Cemetery District, **Approved.**
- B-17 Appointment of Patricia Williams as a San Luis Obispo County Library representative to the Black Gold Cooperative Library System Advisory Board, **Approved as amended.**
- B-18 Authorize service of the Carl Linn Notice of Partial Nonrenewal of land conservation contract (Clerk=s File) located approximately 2 mile south of the terminus of Exline Road (1405 Exline Road), approximately 2 mile west of Highway 101, and approximately 1 mile northwest of the City of Paso Robles; 1st District, **Approved.**
- B-19 Amended agreement (Clerk=s File) with TJ Cross Engineers for engineering consulting services associated with the Nacimiento Water Project; 1st and 5th Districts, **Approved.**
- B-20 Request from Social Services to approve a contract (Clerk=s File) with the San Luis Obispo In-Home Supportive Services (IHSS) Public Authority for Fiscal Year 2005-2006, **Approved as amended.**

**(SUPERVISOR JAMES R. PATTERSON IS NOW ABSENT.)**

- 4 C-1 This is the time set for a hearing to consider the formation of Tract 2494 Assessment District for drainage basin maintenance; 4th District.

**Mr. Richard Marshall:** Public Works, presents the staff report and recommendations.

**(SUPERVISOR JAMES R. PATTERSON IS NOW PRESENT.)**

**Mr. Terry Orton:** representing the Mr. Graves, presents the ballot for the record.

**Thereafter, on motion by Chairperson Bianchi, seconded by Supervisor Achadjian, and unanimously carried, the Board directs the Clerk to tabulate the ballots and prepare a Certificate of Election, and report back to the Board on December 20, 2005 at 9:00 a.m. for final action.**

- 5 C-2 This is the time set for a hearing (introduced on November 15, 2005) to consider the formation of Zone of Benefit and a request to call a Special Tax Election in the Madison Street Road Improvement Zone of County Service Area No. 21; 2nd District.

**Mr. George Gibson:** Public Works, presents the staff report, outlines the process for formation of a special tax zone and staff recommendations.

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

**AYES:** Supervisors Ovitt, Achadjian, Lenthall, Patterson, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2005-390, resolution creating the Madison Street Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

- 6 C-2 No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:

**AYES:** Supervisors Ovitt, Achadjian, Lenthall, Patterson, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2005-391, Mail-Ballot Election - County Service Area No. 21, Madison Street Road Improvement Zone, a resolution calling for a special election in the Madison Street Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

- 7 C-3 This is the time set for a hearing (introduced November 15, 2005) to consider the formation of Zone of Benefit and a request to call a Special Tax Election in the Leonard Place and Richard Avenue Road Improvement Zone of County Service Area No. 21; 2nd District.

**Mr. George Gibson:** Public Works, presents the staff report and recommendations.

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

**AYES:** Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2005-392, resolution creating the Leonard Place and Richard Avenue Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

- 8 C-3 No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:

**AYES:** Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2005-393, Mail-Ballot Election - County Service Area No. 21, Leonard Place and Richard Avenue Road Improvement Zone, a resolution calling for a special election in the Madison Street Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

- 9 C-4 This is the time set for a hearing (introduced November 15, 2005) to consider the formation of Zone of Benefit and a request to call a Special Tax Election in the Bradford Circle and Preston Street Road Improvement Zone of County Service Area No. 21; 2nd District.

**Mr. George Gibson:** Public Works, presents the staff report and recommendations.

**Mr. Michael Verlangieri:** expresses his opposition to the formation of a special tax zone and the changes to the rural look of the area if the zone is created.

**Ms. Lisa McGurrin:** expresses her concern regarding the paving of Bradford Circle and Preston Street; presents a photo showing the lower elevation of Bradford Circle; states the roads have only been paved and none of the drainage issues have been addressed; the assessment per parcel is unbalanced to the parcel size; discusses the benefits of the proposed improvements for the Frog Palace and their portion of the assessment; urges the Board to deny the formation of this special tax zone until a more balanced assessment is determined.

**Mr. Matt McGurrin:** expresses his opposition to the paving of Bradford Circle; his concern with erosion problems and run-off from higher elevation roads; discusses the commercial use of the road; states he requested an alternate assessment and was denied.

**Ms. Marvene Simonsen:** expresses her concern with the road conditions and states she supports the formation of a special tax zone.

**Mr. Ed Hughell:** expresses his concerns with erosion and water run-off; urges the Board to support the formation of a special tax zone.

**Mr. Harold Fitzwater:** discusses the by “parcel assessment”; the impacts to people who purchased the neighboring lot as a “pocket park” versus those who purchased as an investment; suggests the Board set a window of time for the owners who have a “pocket park” lot be allowed to do a lot merger or an open space easement to remove the parcel from the assessment; states he supports the formation of the special tax zone.

**Mr. Gibson:** states if an open space agreement was recorded the assessment would be zero; explains at the time of determining the assessment, if the lot appears to be a buildable lot and will gain from the improvement they are calculated into the formula; states if the Board wishes to allow property owners the time to merge lots or record open space agreements the election date would need to be changed and the amount of the assessment recalculated; discusses the larger lot and the bed and breakfast did not have the benefit potential to exceed the same basic use of the road as the other parcels so that is why they used the per parcel approach.

**Supervisor Achadjian:** questions the amount of time to complete a lot merger.

**Mr. Gibson:** states he would have to check with the Planning Department for an exact time frame.

**Supervisor Patterson:** questions why the front footage approach was not used; questions if the drainage problems mentioned by speakers will be eliminated with the paving of the roads.

**Mr. Gibson:** states, based on the disproportionate amount of frontage footage, staff felt the more appropriate method would be by parcel; states this project does have drainage issues that will need to be addressed.

**Chairperson Bianchi:** questions if the Board could postpone the election for 30 days, with the option to extend the election if necessary with Mr. Lindholm, County Counsel agreeing.

**Mr. Gibson:** discusses the impacts of continuing the election; state they are grouping these projects together to save money; clarifies the timeline on conducting the election; if there is a change in the number of parcels used in the formula, the resolution presented today including the ballot measure language would need to be changed to reflect the new assessment amount.

**Chairperson Bianchi:** questions if the McGurrins are merging any of their lots.

**Mr. McGurrin:** states he has merged his home lot and the lot next to it.

**Mr. Gibson:** states that the number of parcels were based on the records with the Assessor’s Office.

**Chairperson Bianchi:** requests this item be continued to the afternoon to allow time for Mr. Gibson to verify the merger of the McGurrin’s lot.

**Mr. Gibson:** states he will bring back to the Board a resolution with amended ballot language to address any change in the number of parcels.

**On motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried to continue this item to the afternoon calendar.**

- 10 C-5 This is the time set for a hearing (introduced November 15, 2005) to consider the formation of Zone of Benefit and a request to call a Special Tax Election in the Bradford Road and Pierce Avenue Road Improvement Zone of County Service Area No. 21; 2nd District

**Mr. George Gibson:** Public Works, presents the staff report, presents a revised boundary map (Exhibit A) and recommendations.

**Ms. Joann Adams:** expresses her support of the special tax zone; discusses the past road maintenance neighboring property owners have done; her concern with the traffic impact with the new construction occurring in the neighborhood; the winter rain run-off issues.

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

**AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2005-394, resolution creating the Bradford Road and Pierce Avenue Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

- 11 C-5 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2005-395, Mail-Ballot Election - County Service Area No. 21, Bradford Road and Pierce Avenue Road Improvement Zone, a resolution calling for a special election in the Bradford Road and Pierce Avenue Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

- 12 C-6 This is the time set for a hearing (introduced November 15, 2005) to consider the formation of Zone of Benefit and a request to call a Special Tax Election in the Castle Street and Windsor Boulevard Road Improvement Zone of County Service Area No. 21; 2nd District.

**Mr. George Gibson:** Public Works, presents the staff report and recommendations.

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

**AYES: Supervisors Lenthall, Achadjian, Ovitt, Patterson, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2005-396, resolution creating the Castle Street and Windsor Boulevard Road Improvement Zone within San Luis Obispo County Service Area No. 21, adopted.**

- 13 C-6 **No one appearing and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Lenthall, Achadjian, Ovitt, Patterson, Chairperson Bianchi**  
**NOES: None**

**ABSENT:** None

**RESOLUTION NO. 2005-397, Mail-Ballot Election - County Service Area No. 21, Castle Street and Windsor Boulevard Road Improvement Zone, a resolution calling for a special election in the Castle Street and Windsor Boulevard Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

14 C-7 This is the time set for continued hearing (continued from September 20, 2005) to consider an appeal by Jimmie & Kathy Howell of the hearing officer's denial of the Howell's request for a Minor Use Permit to allow a distance waiver for a secondary dwelling; 3rd District.

**Ms. Stephanie Fuhs:** Planning, presents the staff report and outlines staff recommendations.

**Supervisor Achadjian:** expresses his concern regarding Exhibit B – Conditions of Approval, under Site Development, Condition #3 c, d & e, adding additional cost to the structure; questions if this requirement is for height standards; questions if the placement of the solar panels are based on the best results.

**Ms. Kami Griffin:** Planning, the same requirements have been placed on other secondary dwelling to insure the attic space is not converted into living space; the placement of the solar panels is up to the owner but it does need to be reflected in their site plan.

**Supervisor Lenthall:** questions if the bonding fee from the landscape architect can be revised after the landscape architect submits a letter with his recommendations regarding the plants for the site.

**Ms. Griffin:** indicates that staff needs a plan from the consultant with the necessary items for monitoring of the plants and cost estimate; then Planning would inspect the property to verify the plants have been put in; then they would develop a bond based on that information.

**Supervisor Lenthall:** clarifies the pitch of the roof could be changed to enhance the solar panel results; states webbed trusses have been required in the past.

**Supervisor Patterson:** discusses previous issues at prior hearings; states the solar panels can be adjusted without changing the pitch of the roof; expresses his preference to an alternative site for the solar panels that would create less site disturbance; encourages the vegetative mitigations be installed and monitored.

**Mr. Jim Howell:** states he has already put the tree and drip system in and has done everything the Board has asked him to do.

**Supervisor Ovitt:** suggests changing the language on Condition #3d to read: "The roof pitch shall be lowered to 6/12 or unless otherwise approved by the Planning and Building Department."

**Supervisor Achadjian:** suggests removing the Condition #3d.

**Mr. Howell:** expresses his belief that the Planning and Building Department are putting on undue restrictions, which are raising his costs.

**Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:** Supervisors Lenthall, Achadjian, Ovitt, Patterson, Chairperson Bianchi

**NOES:** None

**ABSENT:** None

**the Board upholds the appeal and Condition #3c be removed that reads: "Construction drawings shall show webbed trusses (to attic trusses), to ensure no habitable area will be added as a second story to the residence"; Condition #3d be removed that reads: "The roof pitch shall be lowered to 6/12."; Condition #3e, is amended to clarify the approval of the placement of the solar panels shall be approved at the Planning and Building Department level, taking into consideration the most efficient location for the**

**panels; RESOLUTION NO. 2005-398, resolution reversing the decision of Hearing Officer and conditionally approving the application of Jimmie and Kathy Howell for Minor Use Permit DRC2004-000235, adopted as amended.**

15 C-8 This is the time set for hearing to consider an appeal by Richard Russ of the hearing officer=s approval of Minor Use Permit (DRC2005-00057) without making the changes requested by Richard Russ in his application to reconsider the conditions of approval, proposed project is located on the southwest corner of Halcyon Road and Highway 1 (Mesa View Drive); 4th District.

**Ms. Stephanie Fuhs:** Planning, presents the staff report and recommendations.

**Mr. Richard Russ:** thanks the staff for their work and urges the Board to uphold the appeal.

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

**AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi**

**NOES: None**

**AYES: None**

**RESOLUTION NO. 2005-399, resolution modifying the decision of Hearing Officer and conditionally approving the application of Richard Russ for Minor Use Permit DRC2005-00057, adopted.**

16 CS The Board announces it will be going into Closed Session regarding:

**I. PENDING LITIGATION (Gov. Code, § 54956.9.)** It is the intention of the Board to meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).)** (Formally initiated) (1) *Citizens for a Safe and Affordable Environment v. Superior Court of San Luis Obispo.*

**B. Conference with Legal Counsel B Anticipated Litigation (Gov. Code, ' 54956.9.)** (2) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (3) *Initiation of litigation (Gov. Code § 54956.9(c).)* No. of cases 2.

**II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6.)** It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator concerning the following: (4) Negotiator=s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Sheriffs Management*; (5) Negotiator=s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*; (6) Negotiator=s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

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

**Mr. David Duggan:** expresses his concern with the Board meeting in Closed Session on a matter that does not involve them; urges the Board to not take any action on the item.

**Mr. James Lindholm:** County Counsel, states the County Clerk was an original defendant in the litigation and that lawsuit has now been dismissed.

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.

17 C-4 Consideration of the formation of Zone of Benefit and a request to call a Special Tax Election in the Bradford Circle and Preston Street Road Improvement Zone of County Service Area No. 21; 2nd District, is brought back on for further hearing.

**Mr. George Gibson:** Public Works, states staff met with property owners and Assessor staff; was able to verify the McGurrin=s lot merger; presents a revised boundary map and a

revised resolution for the mail-ballot election reflecting the change in the assessment amount per parcel.

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

**AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2005-400, resolution creating the Bradford Circle and Preston Street Road Improvement Zone within San Luis Obispo County Service Area No. 21.**

18 C-4 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2005-401, Mail-Ballot Election - County Service Area No. 21, Bradford Circle and Preston Street Road Improvement Zone, a resolution calling for a special election in the Bradford Circle and Preston Street Road Improvement Zone of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

19 C-9 This is the time set for a hearing to consider an appeal by Servtec Investments, LLC of the Subdivision Review Board's denial of a request by Servtec Investments, LLC for a lot line adjustment (COAL 04-016); proposed project is located on the east side of Thompson Avenue, approximately one mile south of the Tefft Street/Thompson Road intersection, south of the community of Nipomo; 4th District.

**Ms. Stephanie Fuhs:** Planning, presents the staff report and recommendations.

**Supervisor Achadjian:** discusses the lot line adjustments being requested and questions if the changes wouldn't serve the property better for agriculture use.

**Mr. Michael Isensee:** Agriculture Commissioner Office, discusses the water resources for the three lots and his concern with one well for the three sites; states he would like to see the well stay on one of the proposed larger lots; discusses the typography of the lots; preserving the land for the Dana Adobe was not a consideration addressed by the Agricultural Commissioner's office.

**Chairperson Bianchi:** expresses her concern regarding the capacity of the well.

**Mr. Isensee:** indicates that information was provided regarding a 4 hour well test at the Subdivision Review Board hearing.

**Supervisor Patterson:** expresses his concerns regarding water availability.

**Mr. Byron Grant:** representing Servtec Investments, LLC, states this is a lot line adjustment not a subdivision; the test was a 12 hour test with excellent recovery and presented at the Subdivision Review Board meeting; the adjustment will help the Dana Adobe preserve their viewshed; the Nipomo Area Advisory Committee supports the lot line adjustment; urges the Board to support the appeal.

**Mr. Michael Winn:** discusses his experience with the well on the property; states the property will never meet dry land farming standards; expresses his concern that the well won't hold up over time; urges the Board to deny the appeal.

**Ms. Peg Miller:** states this is an opportunity for the Dana Adobe to purchase the neighboring property; urges the Board to uphold the appeal.

**Ms. Kathy Veder:** President of the Dana Adobe Nipomo Amigos, states they own the Dana Adobe and lease 40 acres surrounding the property; discusses their vision to have a 140 rancho for a re-enactment site open to the public; states the property can't be purchased if the lot line adjustment is not approved; discusses the historical significance of the site.

**Mr. Herb Kandel:** Chairman of the Acquisition Committee for the Dana Adobe and a Land Conservancy of San Luis Obispo Board member, discusses the steps taken over the years by both agencies to preserve this property; urges the Board to uphold the appeal.

**Mr. Bob Hill:** Director for the Land Conservancy of San Luis Obispo County, discusses the conservation agreement between the Dana Adobe and Land Conservancy; discusses the financing options available for the purchase of the property; outlines the Land Conservancy involvement with the purchase.

**Mr. Grant:** give his closing comments and states the well should not impact the lot line adjustment; thanks the Board for their time.

**Supervisor Achadjian:** states the lot line adjustment is needed to increase the value of the property for loan purposes; this is the only way to preserve this property is through this purchase.

**Supervisor Patterson:** states he supports preserving this property.

**Chairperson Bianchi:** expresses her reasons for going against the Agriculture Commissioner's recommendation to deny the appeal.

**A motion by Supervisor Achadjian, seconded by Supervisor Patterson to uphold the appeal is discussed.**

**Ms. Griffin:** states the motion will need to be tentative; there is an environmental determination that will need to be prepared and could come back to the Board on February 7, 2006 for further action.

**Mr. Grant:** agrees to the February 7, 2006 hearing date.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and on the following roll call vote:**

**AYES: Supervisors Achadjian, Patterson, Ovitt, Lenthall, Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**the Board tentatively upholds the appeal by Servtec Investments, LLC of the Subdivision Review Board's denial of a request for a lot line adjustment (COAL 04-016) and said hearing is continued to February 7, 2006 at 9 a.m. for final action.**

**Ms. Griffin:** asks the Board for direction as how this is equal to or better than the existing situation, since that is the finding that needs to be made.

**Chairperson Bianchi:** states the two smaller parcels are not big enough for agricultural use with the lot line adjustment the three new lots would be.

**Supervisor Ovitt:** states looking at the land use types the adjustment would allow for larger areas of production.

**Supervisor Patterson:** states his decision is based on the Agriculture Commissioner's letter stating the well could sustain 40 acres on the parcel it is on.

20 C-10 This is the time set for a hearing (continued from September 20, 2005) to consider an appeal by Oakglenn Estates, LLC of the Planning Commission's disapproval of a request by Oakglenn Estates, LLC for a vesting tentative tract map for Tract 2658; 4th District.

**Ms. Stephanie Fuhs:** Planning, presents the staff report and recommendation based on the Board's direction at the prior hearing.

**Mr. John Shoals:** Consultant for the Appellant, thanks County staff for their hard work; states he agrees with the Findings and accepts the Conditions and mitigation measures as proposed; asks for clarification on Exhibit B, Condition 3 and 12; states they support Option 1 regarding the funding of the Southland Road Project Study Report; asks for clarification regarding the \$10,000 per lot for new lots or proposed lots; states they would be open to preparing a Noise Study.

**Mr. Richard Marshall:** Public Works, states on Condition 3 it could be modified to a minimum of 40 feet; addresses Condition 12, underground utilities, the Real Property Division Ordinance establishes this requirement, but doesn't clarify if the requirement is to be applied to existing or new; states past practice has been to have the utilities installed underground unless the applicant can demonstrate that it is not feasible.

**Supervisor Patterson:** asks Mr. Marshall to outline the process and the information that would be contained in the Project Study Report, with Mr. Marshall responding.

**Chairperson Bianchi:** expresses her concern regarding the letter from CDF stating the secondary access road is required.

**Chief Dan Turner:** County Fire/CDF, states they have agreed, due to the complications of this project, to allow the secondary access to be addressed later.

**Supervisor Patterson:** expresses his concern with the funding being enough for the plan for secondary access but not enough to fund the solution; questions at what point are we taking too high a risk with no secondary access.

**Mr. Shoals:** states the Study will allow the Board to identify the best solution and funding mechanism; states the homes will not be ready to occupy for the next 2 to 2 ½ years.

**Supervisor Patterson:** expresses his concern that the County is putting the cart before the horse; questions the possibility of the County being liable if they approve this project without secondary access as in a current lawsuit.

**Mr. James Lindholm, County Counsel and Mr. Jim Orton, Deputy County Counsel:** clarifies the lawsuit against the County is relating to emergency access not secondary access.

**Supervisor Patterson:** states the developers are willing to pay their "fair share" of the costs; expresses his concern that the people who follow may have to pay a higher rate for the secondary access; questions if the current developer will have to help fund the installation of the secondary access.

**Mr. Marshall:** outlines how the funding of the secondary access could occur.

**A motion by Supervisor Achadjian, seconded by Supervisor Ovitt to reverse the Planning Commission's decision and conditionally approve the vesting tentative tract map for Tract 2658 based on the findings in Exhibit A and the conditions of approval in Exhibit B, C-10-10, #b being amended to read as follows: "A minimum of 40 foot road easement terminating in the County cul-de-sac as shown on the tentative map.", on Page C-10-11, #12, the language be maintained as is; the \$10,000 fee shall be applied only to 7 new lots.**

**Ms. Griffin:** discusses other developments that have applied for permits in this area; expresses her concern that if this project is only charged for 7 lots, the possibility of a shortfall to fund the study.

**Mr. Marshall:** discusses changing the fee from \$10,000 to \$12,500 if they are only going to apply the fee to the new lots.

**Supervisor Lenthall:** states the Board should either raise the fee or charge all the lots to avoid a shortfall of funding the \$300,000 study.

**Matter is fully discussed and thereafter, on motion by Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi**

NOES: None

ABSENT: None

**the Board uphold the appeal and Condition C-10-10, #b is amended to read as follows: “A minimum of 40 foot road easement terminating in the county cul-de-sac as shown on the tentative map.”, on Page C-10-11, #12 , the language be maintained as is; the \$10,000 fee shall be applied to all 9 lots; and RESOLUTION NO. 2005-402, resolution reversing the decision of the Planning Commission and conditionally approving the application of Oakglenn Estates, LLC for a vesting tentative tract map for Tract 2658, adopted.**

21 D-1 This is the time set for a presentation of a report on the County=s contract with the Community Health Centers (CHC) of the Central Coast.

**Mr. Jess Montoya:** Health Agency Director, introduces the staff who will be part of the presentation today; presents the staff report outlining the goals of the CHC/County Partnership; the expanded services they have been able to provide; the contracted services added to all the clinics; the improved access for low income patients; the number of visits per site and provider types; the steps being taken to ensure the quality of care; provides information supporting the ability to control cost and the savings to the County.

**Ms. Marsha Bollinger:** Contract Manager between the County and CHC, presents the staff report outlining the performance criteria for the Clinic Contract and the Pharmacy Contract and if the criteria was met.

**Mr. Mike Stevens:** Health Agency, presents the key financial and statistical indicators for fiscal year 2004-2005.

**Ms. Bollinger:** discusses the processes to increase communication between the County and CHC used; states the key accomplishments achieved this year; states the primary goals of the contract between CHC and the County have been met.

**Dr. Greg Thomas:** County Health Officer, acknowledges Rita Neal, County Counsel, for her work with contract issues; states he looks at complaints or issues that have come forward as learning experiences.

**Mr. Ron Castle:** CEO for CHC, acknowledges the accomplishments that have been achieved; thanks County staff for all their work; addresses services that will be available soon.

**Supervisor Achadjian:** thanks CHC efforts for going to Oceano; encourages him to hire bilingual staff for the Oceano office; addresses the need for pediatric dental surgery services countywide.

**Mr. Castle:** states he is working on hiring bilingual staff for the Oceano area, working on these dental needs and a full-time clinic in North County as soon as possible.

**Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carries, the Board reviews the report on the County’s contract with the Community Health Centers of the Central Coast (CHC) to provide primary care and pharmacy services, including a review of CHC’s contractual performance measures for the Fiscal Year 2004-2005, receives and files the staff report dated December 6, 2005.**

**(SUPERVISOR JAMES R. PATTERSON IS NOW ABSENT.)**

22 E-1 This is the time set for consideration of the resolution approving the Integrated Regional Water Management Plan.

**(SUPERVISOR JAMES R. PATTERSON IS NOW PRESENT.)**

**Mr. Mark Hutchinson:** Public Works, presents the staff report; addresses why a Integrated Regional Water Management (IRWM) Plan is needed; the plan is consistent with historical efforts of the Flood Control District; the plan is the next logical step for water management; promotes utilizing staff resources instead of hiring consultants; discusses the financial assistance opportunities from Proposition 50; outlines the involvement with the Water

Resources Advisory Committee (WRAC); the endorsements of local agencies of the Plan; the five key water management areas to sustain water resources; the IRWM contents, goals and objectives, water management strategies, and the intended results; discusses the status of the Proposition 50 efforts; outlines the four high priority projects and their grant request amounts, what the next steps are, and the five year work plan.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board agrees to continue the meeting past 5 p.m.**

**Supervisor Achadjian:** questions if the request for the amount of supplemental water for Nipomo can be changed.

**Mr. Hutchinson:** states the State will not allow any changes to the application that is currently before them.

**Mr. Eric Greening:** states the WRAC unanimously approved this plan; the comments he made to the plan were responded to well by Mr. Hutchinson; the environmental impacts should be addressed as soon as possible and urges the Board to adopt the plan.

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

**AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2005-403, resolution approving the Integrated Regional Water Management Plan, adopted. Further, staff is directed to submit the Plan to the California Department of Water Resources by December 31, 2005.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 6, 2005, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

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

DATED: December 15, 2005  
cmc