

Tuesday, April 4, 2006

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, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. >Katcho= Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. >KATCHO= ACHADJIAN.

SUM AGN

1 A-1 **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-116, resolution proclaiming April 4, 2006 as ACASA Child Advocate Day@ in San Luis Obispo County, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Ms. Kathy Orton, Resource Development Director for CASA.

Ms. Orton: expresses Executive Director Theresa Tardiff=s appreciation for this recognition indicating she was unable to attend today; highlights the work of employees and the 120 CASA volunteers; invites the Board to the annual ALight of Hope@ at Farmer=s Market this Thursday.

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

Mr. Dave Flynn: Public Works, speaks to road closures, mud slides and localized flooding within the County and how the County staff is addressing these issues.

Mr. Eric Greening: expresses his thanks to the County Road crews and the CASA volunteers for their work; speaks to Supervisor Bianchi=s comments in the *Tribune* article regarding the Grand Jury Report on the investigation of the Planning Commission; expresses his concern regarding the members of the Planning Commission not being interviewed by the Grand Jury; urges the Board to agendize this matter prior to their response to the Grand Jury on the matter.

Mr. David Edge: County Administrative Officer, states the Board has set the matter for discussion at their April 25 meeting; the formal response will follow.

Mr. Chuck Cesena: Los Osos Community Services District (LOCSO) Director, highlights the recent accomplishments of the LOCSO; addresses his concern regarding the misconception that Los Osos doesn=t want a sewer; states they do want to move the location of the treatment plant.

Ms. Lisa Schicker: LOCSO President, discusses the comments by a Superior Court Judge that the current Board is Aanti-sewer@; states the goal is to move the sewer out of downtown; highlights the current efforts of their Board; highlights her work with citizens regarding the Cease and Desist Orders, and asks Board to be a Designated Party in this matter.

Mr. David Duggan: speaks to the court hearing, *Taxpayer Watch v. LOCSO* regarding Measure B-05; expresses his belief that money is being wasted on legal counsel in fighting the State and Regional Water Quality Control Board regarding this matter.

Mr. Edge: addresses Deputy County Administrator Gail Wilcox=s letter to the LOCSD Board requesting more specifics regarding the help they are requesting; addresses the inaccuracies in the *Tribune* article today regarding Los Osos sewer costs indicating neither reporter spoke with Ms. Wilcox and the quote by Ms. Wilcox is made up; states he will be addressing this matter with the Editor of the *Tribune*. **No action taken.**

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

Mr. Eric Greening: expresses his concern regarding Item B-11, states existing fees won=t cover the costs; suggests three alternatives to address traffic mitigations in Nipomo. **No action taken.**

- 4 B-1 Consent Agenda Item B-2 is pulled for separate action.
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B-12 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-12 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-12, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set For Bid Opening:

- B-1 Plans and specifications (Clerk=s File) for the construction of a left turn lane on Tank Farm Road at Santa Fe Road near San Luis Obispo (Contract No. 300151); 3rd District, **Approved and the Clerk is instructed to give notice of hearing set for May 4, 2006 at 3:00 P.M..**

Public Works Items:

- B-2 A grant deed from West Templeton Partners, LLC for drainage basin purposes at Mission Heights; 1st District, **is withdrawn for separate action.**

- B-3 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its Tentative Map:

A. COAL 04-0118, a proposed lot line adjustment resulting in 4 lots by Stan Weaber Construction, Inc. and Larry & Laura Ulam, John Douglas and Nettie Ulam Fort, Trustees, San Miguel Road, west of Atascadero; order the abandonment of San Miguel Road easement in accordance with Section 66445j of the Government Code; 5th District, **Approved.**

Other Items:

- B-4 Request from the Office of Emergency Services to: 1) accept the annual Federal Emergency Management Performance Grant; 2) approve authorizing County Administrator, Deputy County Administrators and Emergency Services Coordinator to sign certain Federal, State and related program grants; 3) approve grant related documents providing assurances the County will comply with certain laws and regulations; and 4) approve a project application for Federal Assistance related to January 2006 Storm Disaster Recovery efforts, **Approved.**

- B-5 Animal licensing procedures audit of the Animal Services Division of the Sheriff-Coroner conducted for the period of January 1, 2005 through December 31, 2005, **Approved and the Department is instructed to report back to the Board within 4 months on the status of implementing the audit recommendation.**

- B-6 Renewal agreement in the amount of \$36,694 with the San Diego State University Foundation for its part of the ACalifornia Enforcement Of Underage Drinking Laws (EUDL) B Community Trials Project@, **Approved.**
- B-7 Request to allocate \$1,500 from District One Community Project Funds to the Paso Robles High School 2006 Safe and Sober Grad Nite Committee for scholarships for students to attend safe and sober grad nite events, **Approved.**
- B-8 Budget adjustment in the amount of \$205,700 from General Fund Contingencies for reimbursement of costs associated with Board approved retention of expert witness consultants and the assistance of special counsel on various lawsuits, **Approved.**
- B-9 **RESOLUTION NO. 2006-117**, commending Brian P. Davis for 15 years of service to the County, **Adopted.**
- B-10 **RESOLUTION NO. 2006-118**, authorizing the County Personnel Department to access state, local and federal summary criminal history information for employment, licensing and certification purposes during the background check process, **Adopted.**
- B-11 Agreement with David Taussig and Associates for assistance in preparing the Willow Road Project Implementation Plan as a pilot project for future infrastructure financing plans; All Districts, **Approved.**
- B-12 Contract for Fiscal Year 2005-2006 with Benton & Associates, Ltd, in the amount of \$93,206 for integration of funding processes and strategies in order to increase the total federal dollars received by County departments, **Approved.**

(SUPERVISOR HARRY L. OVITT DISQUALIFIES HIMSELF ON THE NEXT ITEM DUE TO A CONFLICT OF INTEREST AND IS NOW ABSENT.)

- 5 B-2 A grant deed from West Templeton Partners, LLC for drainage basin purposes at Mission Heights; 1st District, is presented.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Patterson and on the following roll call vote:

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

RESOLUTION NO. 2006-119, resolution accepting a grant deed from West Templeton Partners, LLC, a California Limited Liability Company on behalf of San Luis Obispo County Flood Control and Water Conservation District, adopted.

(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)

- 6 D-1 This is the time set for a presentation of the Homeless Enumeration Project addressing homelessness throughout the County by conducting an annual homeless count and identifying a long term, equitable and sustainable program for funding homeless services.

Supervisor Patterson: introduces Ms. Lillian Judd, Director of Planning and Program Development for the Economic Opportunity Commission (EOC); Mr. Philip Alonso, Graduate Student from Cal Poly and Mr. Dan Pronsolino, Community Based Learning Coordinator for the Cal Poly Community Center.

Ms. Judd: thanks the Board for their financial support of this matter; highlights the services they manage; discusses the 2000 Census outcome reflecting 188 sheltered homeless and the unsheltered homeless were not counted; comments on the disappointing results of that Census and highlights the plans and process for this enumeration project.

Mr. Alonso: presents the key findings from the Enumeration Project and the geographic regions used; the primary results and observation sites used reflected 2,408 homeless; states 817 of the homeless counted were under the age of 21; outlines the survey completed by some of the

homeless individuals and indicates the additional data from this project will be available by April 20, 2006 on various websites.

Mr. Pronsolino: highlights the uses from this Project; addresses the upcoming Homelessness Awareness Week in April and the schedule of events.

Supervisor Patterson: thanks everyone who has worked on this project.

Mr. Eric Greening: speaks to the effects of the rain on the homeless; questions the large number of homeless in North County; questions the numbers of youth homeless and if they are with their families; the need for planning for the homeless during an emergency.

Supervisor Patterson: addresses Mr. Greening=s concern with the large number of homeless in North County; states with the various programs and services they are able to get a more accurate count of the homeless.

Ms. Biz Steinberg: Executive Director for EOC, thanks the Board for their support, especially Supervisor Patterson for this efforts regarding this matter; expresses her concern with the large number of homeless young adults; urges the Board to use the Housing Element to address housing needs in the County.

Mr. Paul Brown: thank the Board for their past, present and future support of the homeless and their efforts to help find a solution.

Thereafter, on motion of Supervisor Patterson, seconded by Chairperson Achadjian and unanimously carried, the Board receives and files the report presented on the Homeless Enumeration Project conducted throughout San Luis Obispo County in October 2005 and directs staff from appropriate County Departments to work in some appropriate capacity with cities, the Homeless Coordinating Council and other stakeholders to develop a long-term, equitable and sustainable program for funding homeless services.

7 C-1 This is the time set for continued hearing (continued from February 2, 2006) to consider final action to uphold an appeal by Deutsche Bank National Trust Company, as successor trustee under declaration of trust of Eugene Rene Leroy, and Borel Private Bank & Trust Company, as trustee of the Jean Leroy Family Trust/Harrell Fletcher, Fletcher-Cross & Associates of the Planning Director=s determination concerning application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139) for 9 lots ranging in size from approximately 80 acres to 127.65 acres in the Agriculture Land Use Category; the project is located at 2105 Guadalupe Road, 2351, 2426 and 1234 Division Street, south of the community of Nipomo; 4th District. (This item was amended at the beginning of the meeting to amend the resolution by removing Aexhibits@ documents which were inadvertently included in the resolution.)

Ms. Jo Manson: Planning, speaks to the Board=s prior action on this matter and presents the staff recommendation.

Mr. Eric Greening: speaks to a prior action of the Board relating to the Boston Tract and questions how this issue is different and what precedent it sets.

Mr. Bob Schiebelhut: representing Deutsche Bank National Trust Company and Borel Private Bank & Trust Company, urges Mr. Greening to review his prior letter to the Board as it specifies the differences.

Mr. James Lindholm: County Counsel, speaks to the differences and difficulties of the two cases; highlights the AGardner@ Case.

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

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

the Board upholds the appeal and RESOLUTION NO. 2006-120, resolution upholding the appeal and reversing the decision of the Director of Planning and Building and approving the issuance of ten (10) Unconditional Certificates of Compliance pursuant to the applications of Deutsche Bank National Trust Company, as Successor Trustee under declaration of trust of Eugene Rene Leroy, and Borel Private Bank & Trust Company, as Trustee of the Jean Leroy Family Trust for Certificates of Compliance C04-0164 and C04-0165, adopted.

(SUPERVISOR SHIRLEY BIANCHI IS NOW ABSENT.)

- 8 C-2 This is the time set for hearing to consider a resolution vacating a portion of First Street, County Road No. 3157, in the town of Los Osos; 2nd District.

Mr. Timothy Smith: Right-of-Way Agent, presents the staff report and recommendation regarding First Street.

(SUPERVISOR SHIRLEY BIANCHI IS NOW PRESENT.)

Mr. Leonard Ambruso: speaks to the Los Osos Community Advisory Committee (LOCAC) meeting regarding this matter; expresses his concern that this sets a precedent; urges the Board to oppose this matter.

Mr. Ron Stotz: urges the Board to support this vacation of First Street; states the request meets the County General Plan requirements; speaks to the LOCAC meeting regarding this matter.

Mr. Roger Carmody: urges the Board to adopt this resolution.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-121, resolution vacating a portion of First Street, County Road No. 3157 in the town of Los Osos, Supervisorial District No. 2, adopted.

- 9 C-2 This is the time set for hearing to consider a resolution vacating a portion of Smith Avenue, a purported public road in the town of Oceano, 4th Districts.

Mr. Smith: Right-of-Way Agent, presents the staff report and recommendation regarding Smith Avenue.

Supervisor Patterson: questions the details of the public access to the beach.

Mr. John Hofschroer: Planning, addresses the coastal access concerns.

Mr. Robert Mueller: expresses his support of the item.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2006-121, resolution vacating a portion of Smith Avenue a purported public road in the town of Oceano, Supervisorial District No. 4, adopted.

10 C-3 This is the time set for continued hearing (continued from January 24, 2006) to consider an appeal by Donald Carnine of the Subdivision Review Board=s disapproval of his request for Tentative Parcel Map CO 05-0090 using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each; proposed project is located at 4242 Las Tablas/Willow Creek Road approximately 3.5 miles west of the community of Templeton; 1st District.

Mr. Nick Forester: Planning, clarifies information in the staff report regarding the Request for Review of the Negative Declaration; presents copies of: the omitted cover page for the Notice of Determination; the response to the Request for Review of the Negative Declaration; the letter from the Law Offices of Parker & Hawley, LLP; and, a letter from PasoWatch, Creston Citizens for Ag Land Preservation, Citizens Concerned for Templeton=s Future and the Adelaida Area Association to the Board; addresses a concern raised regarding the adequacy of the noticing of the environmental document.

Ms. Ellen Carroll: Environmental Coordinator, states a courtesy notice is placed on the Board=s agenda but there wasn=t a notice for the Negative Declaration, which is where the concern is.

Mr. Tim McNulty: Deputy County Counsel, suggests the Board determine which environmental document is appropriate, a Negative Declaration or an Environmental Impact Report, for the project.

Ms. Toby Osgood: representing the Carnine Family, states they will agree to a continuance and there are no neighborhood objections.

Ms. Cynthia Hawley: from the Law Offices of Parker & Hawley, LLP and representing PasoWatch, Creston Citizens for Ag Land Preservation, Citizens Concerned for Templeton=s Future and Adelaida Area Association, states she agrees with the staff recommendation to continue the matter; outlines the concerns of her clients from her letter to the Board dated April 3, 2006; urges the Board to deny the appeal.

Ms. Sue Luft: expresses her concern regarding the response to the Request for Review not being available before today=s meeting, states the project does not comply with the goals of the TDC Program; speaks to her concern regarding the significant impacts of the project; urges the Board to continue the matter.

Ms. Maria Lorca: expresses her concern regarding the waste of taxpayers dollars by overturning a decision by Planning staff or the Planning Commission; questions the cost relating to lawsuits based on Board decisions.

Ms. Dorothy Jennings: expresses her support regarding continuing this matter; requests clarification on Condition #12.

Mr. Eric Greening: expresses his support regarding continuing this matter; echos the comments of Ms. Luft.

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

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

the Board continues this hearing to May 23, 2006 at 9 a.m.

11 C-4 This is the time set for hearing to consider certification of the Final Environmental Impact Report (EIR) for the Growth Management Ordinance Amendments; ED00-397.

Mr. John McKenzie: Environmental Specialist, presents the staff report; outlines the history of the Growth Management Ordinance; speaks to the EIR analysis; submits additional information which includes letters from Bornholdt & Associates and the Home Builders Association with the staff=s response; presents the staff recommendations.

Mr. Jerry Bunin: Government Affairs Director for the Home Builders Association, outlines their letter to the Board dated August 2, 2005 and urges the Board to not certify the EIR.

Mr. Ken Bornholdt: Attorney representing the Woodlands Project, speaks to the language relating to the Woodlands Project and agrees with the staff's recommendation.

Mr. Eric Greening: expresses his concern that the road fee structure is not keeping up with traffic impacts of approved projects.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board certifies the Growth Management Ordinance Amendment Final EIR and finds that the final EIR has been completed in compliance with the California Environmental Quality Act; the final EIR, Additional Information and information contained in it has been reviewed and considered by the Board; and the Final EIR and Additional Information reflect the County's independent judgment and analysis as the Lead Agency.

12 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) *Manufactured Homes Communities, Inc. v. County of San Luis Obispo* and (2) *County of San Luis Obispo v. Greenway Environmental Services*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, ' 54956.9.) (3) *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. (4) *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: (5) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, ' 54956.8.) It is the intention of the Board to meet in closed session to have a conference with its Real Property Negotiator concerning the following: (6) *Property Description: 4398 Santa Fe Rd., San Luis Obispo; APN 076,371,012*, Parties with whom negotiating: *James P. and Carolyn J. Filbin*; Instructions to Negotiator will concern: *Terms and Conditions of Sale*.

Chairperson Achadjian: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken and the Board goes into Open Public Session.

13 C-5 This is the time set for continued hearing (continued from February 7, 2006) to consider an appeal by Mission Gardens Estates of the Planning Commission's approval of its request for a Vesting Tentative Tract Map and Conditional Use Permit for Tract 2527 to subdivide three existing parcels totaling 50.55 acres into: 59 residential parcels, one buildable open space parcel, one non-buildable open space parcel and a remainder lot; the project is located approximately 480 feet south of 11th Street, east of and adjacent to the Union Pacific Railroad Track, in the community of San Miguel; 1st District.

Mr. Steven McMasters: Environmental Specialist, outlines the Board's prior action on this item; presents the staff report; addresses the cultural resources on the Diocese property; presents alternate mitigation options; discusses the proposed language for Condition 46(c) and states any changes to this condition should be reflected in Conditional Use Permit Condition 25(c); speaks to the letter from the Diocese of Monterey which outlines their terms on allowing access to the property; recommends deleting Condition 34 requiring the construction of a public trail; presents the staff recommendations.

Mr. Greg Connell: attorney for the Applicant/Appellant, states they agree with the staff recommendations.

Mr. James Larson: expresses his belief that it is the Board's duty to protect the Missions in our County.

Dr. John Parker: expresses his concern regarding the loss of history due to the illegal grading that occurred on the site; discusses his experience cataloging the artifacts from the Palm Street Parking Garage project; states the \$1.8 million mitigation fee is appropriate for the lost information; speaks to his concern if the penalty is reduced the message it will send to developers.

Dr. Robert Hoover: speaks to the rarity of the site; the Indian housing still being in place.

Mr. Jesse Arnold: echos the comments of previous speakers; supports the trail to being opened now.

Ms. Susan Harvey: PasoWatch, expresses her concern regarding the Board's action to reduce the fines; questions what fines are being imposed for the illegal grading that occurred; states she would like the money for the trail to be put into an account now.

Mr. Dan Krieger: states he has been studying missions for 56 years; discusses 250,000 visitors to the San Luis Mission; expresses the need to be sensitive to the historical value of our missions; urges the Board to make the Applicant meet the full mitigation fees.

Mr. Thomas Wheeler: expresses his concern regarding the loss of the area at the Mission; urges the Board to preserve the area in order to continue getting information from the site.

Mr. Eric Greening: urges the Board to read the Diocese of Monterey letter into the record; questions why the Diocese is conditioning access for geophysical testing of the site; speaks to the need to preserve the artifacts from the site; agrees with previous speakers who support the cost at 100% to mitigate the damage on the site.

Mr. Robert Vessely: urges the Board to support the Planning Commission's decision and deny the appeal.

Mr. John Fowler: representing the Diocese of Monterey, speaks to the letter from the Diocese dated March 29, 2006 regarding the geophysical methods to be used to examine the site.

Ms. Nancy Farrell: speaks to the importance of the resources at the San Miguel Mission and the inconsistent enforcement of County rules.

Ms. Paula Carr: speaks to the process in which things from the past are discovered and discusses the impacts of the site being disturbed.

Supervisor Bianchi: discusses why she seconded the motion continuing this appeal to today which was to allow Diocese time to review the geophysical testing process; states she agrees the Appellant should pay 100% of the mitigation fee for geophysical testing and the area that was illegally excavated.

John Foster: Archeological Consultant for the County with Greenwood & Associates, speaks to the geophysical testing process, the potential excavation that may need to be done and the timeframe to present the results of the testing.

Board Members: address various issues, comments and concerns regarding: a phased in approach to allow time for results from the testing, before final approval of the project; the irreparable damage done and the need to preserve the site; the Appellant paying 100% mitigation of the site and honoring the Diocese terms.

Mr. Connell: states they were looking for a resolution of this today.

Supervisor Ovitt: outlines the history of the area and damage to the site prior to the Appellant's grading.

A motion by Supervisor Ovitt to approve staff recommendations with the proposed changed language to Condition 46(c) as outlined in Attachment 2 with the exclusion of the trail in the conditions, dies for lack of a second.

Mr. McMaster: addresses Board member=s questions regarding the mitigation fees.

A motion by Supervisor Ovitt to adopt staff recommendations and the revised language for Condition 46(c) and Conditional Use Permit Condition 25(c) as outlined in Attachment 2, and delete Condition 34 regarding the trail, dies for lack of a second.

A motion by Supervisor Bianchi, seconded by Supervisor Patterson, to adopt staff recommendations, Condition 46(c) and Conditional Use Permit Condition 25(c) in Attachment 2 are amended as follows: Under Number 2, the last sentence is amended to read: AThe total cost of the mitigation package shall equal 100% of the cost of the archaeological excavation of 100% of the disturbed volume with credit for past testing as indicated in 46(c)(1).@, is discussed.

Mr. Tim McNulty: Deputy County Counsel, speaks to the collecting of funds prior to the recordation of the map.

The motion maker and second amend the motion to include amending Condition 46(c)(1), in the third sentence to read as follows: AA payment program shall be instituted, phased with the recordation of the tract, that provides for the equivalent of excavation of 100% of the disturbed volume.@

Thereafter on motion of Supervisor Bianchi, seconded by Supervisor Patterson to adopt staff recommendations, Condition 46(c) and Conditional Use Permit Condition 25(c) in Attachment 2 are amended as follows: Condition 46(c)(1), in the third sentence, to read as follows: AA payment program shall be instituted, phased with the recordation of the tract, that provides for the equivalent of excavation of 100% of the disturbed volume.@; Under Number 2, the last sentence is amended to read: AThe total cost of the mitigation package shall equal 100% of the cost of the archaeological excavation of 100% of the disturbed volume with credit for past testing as indicated in 46(c)(1).@ fails on the following roll call vote:

AYES: Supervisors Bianchi, Patterson

NOES: Supervisors Ovitt, Lenthall, Chairperson Achadjian

ABSENT: None

A motion by Supervisor Lenthall to develop a phased mitigation plan that first does comprehensive geophysical testing of the Diocese Parcels, as approved by the Diocese of Monterey, the cost of the test plan is supposed to be equal to \$100,000 with any funds not spent on the testing; a reported appropriation be allowed credit towards Phase Two of this mitigation package, Phase 2 should summarize the results, identify the integrity of the features located on site or anything else that comes up and come back to the Board so they can make a more educated decision and assess an accurate number based on the results of the tests, dies for lack of a second.

Board Members: address various issues, comments and concerns regarding a phased in approach; the amount of, a potential cap for and payment of mitigation fees; discussions regarding Condition 46(c).

Supervisor Lenthall: states he would support a \$900,000 cap on the mitigation fees with credit for fees paid with the results of the geophysical testing coming back to the Board as soon as possible.

A motion by Supervisor Ovitt to adopt staff recommendations and the revised language for Condition 46(c) and Conditional Use Permit Condition 25(c) as presented in Attachment 2 with language adding a cap not to exceed \$450,000 for geophysical costs, and delete Condition 34 regarding the trail, dies for lack of a second.

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

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

the Board partially upholds the appeal and deletes Condition 34; amends Condition 46(c) and Conditional Use Permit Condition 25(c) in Attachment 2, Under Number 1, the third sentence to read as follows: **AA payment program shall be instituted, phased with the development recordation ...@;** Under Number 2, the last sentence is amended to read: **AThe total cost of the mitigation package shall equal \$900,000 with credit for past testing as indicated in 46(c)(1) above.@;** certifies the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and RESOLUTION NO. 2006-123, resolution modifying the decision of the Planning Commission and conditionally approving the application of Mission Garden Estates, Inc. for Conditional Use Permit S030011U and for a vesting tentative Tract Map for Tract 2527, the Findings listed in Exhibits A and C and the Conditions listed in Exhibits B and D, adopted as amended.

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

14 C-6 This is the time set for continued hearing (continued from March 14, 2006) to consider amendments to the Cambria and San Simeon Acres community plan portions of the North Coast Area Plan, Cambria Design Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code.

Ms. Martha Neder: Planning, presents the staff report and recommendations.

Mr. Martin Verhaegh: urges the Board to approve these amendments.

Ms. Jeri Farrell: expresses her concern regarding the zoning for Tract 226 zoning and the traffic impacts on Burton Drive.

Mr. Wayne Ryburn: representing the North Coast Alliance, expresses zoning concerns regarding Tract 226.

Mr. Roland Soucie: expresses concern about the inability to build single family homes; speaks to efforts to cap planned growth in Cambria; urges the Board to revisit the zoning on Tract 226.

Ms. Joy Fitzhugh: Farm Bureau, presents a letter dated April 4, 2006 and highlights the same.

Ms. Tammy Rudock: Cambria Community Services District General Manager, states she is available for questions; questions the proposed timeline for moving the Cambria Design Plan forward.

Mr. Jesse Arnold: speaks to the correct pronunciation of Cambria; expresses his concern if there is enough land zoned multi-family or apartments; addresses his dislike of vacation rentals.

Mr. Bill Warren: urges the Board to keep Tract 226 zoned as single family.

Ms. Neder: addresses zoning concerns regarding Tract 226 and the Farm Bureau=s concern regarding trails on agriculture lands.

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

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

NOES: None

ABSENT: None

the Board amends the Cambria and San Simeon Acres Community Plan, Page 8-10, Number 6, the last sentence to read as follows: **A**On properties with conservation easements, with the consent of the easement holder, ~~Where possible,~~ trails should follow existing ranch roads or be located in areas that have already been disturbed. and **RESOLUTION NO. 2006-124**, resolution to amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Circulation Element, North Coast Area Plan and the Coastal Zone Land Use Ordinance, and to adopt ordinances entitled **A**an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands and **A**an ordinance amending specific sections of the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code and to approve the environmental document, adopted as amended.

15 C-6 Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:

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

NOES: None

ABSENT: None

ORDINANCE NO. 3082, an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands, adopted.

16 C-6 Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:

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

NOES: None

ABSENT: None

ORDINANCE NO. 3083, an ordinance amending specific sections of the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code, adopted.

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, April 4, 2006, 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: April 27, 2006
cmc