

Tuesday, December 2, 2003

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, Peg Pinard, K.H. 'Katcho' Achadjian and Chairperson Michael P. Ryan

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY MR. RICHARD GREEK, PERSONNEL DIRECTOR.**

**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. Lark Jursek:** speaks regarding a pet project of his to have a recreational resort and conference center complex built at the foot of Cuesta Grade in Reservoir Canyon; suggests that the Board do a feasibility study on this possibility.

**Mr. David Broadwater:** presents information and highlights the same regarding the permanent sewage sludge ordinance and requests that three things be included: (1) the next planned public comment period not be commenced until all agencies, from which comment has been solicited, have either submitted or explicitly declined to do so; (2) that the Environmental Health Department include information about which agencies have submitted comments in its notice regarding that public comment period; and, (3) the Environmental Health Department provide to members of the Land Application Task Force copies of all ordinance drafts written prior to September 23, 2003.

**Mr. Joe Kelly:** commends the group that is suing the County over the adoption of the El Pomar-Estrella Area Plan Update; addresses meetings of the Storm Water Pollution Prevention Plan Training Program and suggests the Board should attend one of these meetings; addresses increases in State fees.

**Mr. Eric Greening:** supports comments regarding the lawsuit relating to the El Pomar-Estrella Area Plan Update; addresses the sale of French Hospital and appreciates the Board members support in this matter; speaks to the need to address various services that could be approved to move into the General Hospital building and hopes this will move forward.

**Ms. Pam Heatherington:** addresses her concern to various rumors she has heard regarding health related issues since the closure of General Hospital; asks that the public be kept informed on what is happening to various health related services and the clinics.

**Supervisor Pinard:** speaks to the *Prairie Home Companion* program that was on last Saturday and one of our own County residents was one of the main stars on this show and her name is Inga Swearingen; states that both her parents work for the County; indicates that Ms. Swearingen won the International Jazz Festival Award in Switzerland this past summer.

**Mr. David Edge:** County Administrative Officer, states that staff will need a Board action if the Land Application Task Force is to be the creator of the ordinance instead of staff, with the Board members responding.

**Dr. Greg Thomas:** Public Health Director, addresses the two public comment periods that will occur with respect to the permanent ordinance. **No action taken.**

2            B-1      This is the time set for members of the public wishing to address the Board on matters set  
thru      on the Consent Agenda.

B-18

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

Consent Agenda Item B-3 is amended to correct the recommendation on the coversheet to read “Recommend Approval and instruct the County Administrative Officer to sign the contract with the Economic Opportunity Commission.”

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

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

**NOES:** None

**ABSENT:** None

**Consent Agenda Items B-1 through B-18 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-18, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 **RESOLUTION NO. 2003-414**, of intention to vacate a portion of Ontario Road, County Road No. 2066, between Avila Beach and San Luis Bay Drive; 3rd District, **Adopted and the Clerk is instructed to give notice of hearing date set for January 13, 2004 at 9:00 a.m..**

Administrative Office Items:

- B-2 Board of Supervisors’ Meeting Calendar for 2004, **Approved.**
- B-3 Reallocation of previously approved fiscal year 2003-04 community-based organization funding in the amount of \$16,092 for LifeSpan Services Network-Ad Care Adult Day Care Program to the Economic Opportunity Commission, **Approved as amended.**
- B-4 **RESOLUTION NO. 2003-415**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 85 to the City of Paso Robles (Hunter Ranch Golf Course); 1st District, **Adopted.**
- B-5 **RESOLUTION NO. 2003-416**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 21 to the Templeton Community Services District; 1st District (Shannon), **Adopted.**

Medical Services Items:

- B-6 Retroactive salary increase for a Medical Services Department employee, **Approved.**
- B-7 **RESOLUTION NO. 2003-417**, delegating authority to modify the department’s chagemaster, which is a computerized listing of all services and charges provided patients of Family Care Center Clinics and related services, **Adopted.**

Planning and Building Items:

- B-8 **RESOLUTION NO. 2003-418**, accepting an avigation easement from Paul and Christine Capuano for property located near the Oceano County Airport, **Adopted.**
- B-9 **RESOLUTION NO. 2003-419**, accepting an avigation easement from HMW Coastal Ventures, LLC, for property located near the Oceano County Airport, **Adopted.**

Public Health Items:

- B-10 Agreement (Clerk's File) with the State Department of Health Services/Immunization Branch to provide funds to continue implementing the Countywide immunization registry, **Approved.**
- B-11 1) Agreement with the State Department of Health Services to provide immunization services to children and adolescents; and 2) a corresponding budget adjustment in the amount of \$36,000 from unanticipated revenue, **Approved.**
- B-12 Agreement (Clerk's File) with the State Department of Health Services to continue the Medically Vulnerable Infant Program, **Approved.**
- B-13 Agreement (Clerk's File) with the State Department of Health Services for the Emergency Medical Services Appropriation (EMSA) funds for fiscal year 2003-04 through Assembly Bill 1762, **Approved.**
- B-14 1) The annual Child Health and Disability Prevention Program (CHDP) and California Children Services Plan (Clerk's File) for fiscal year 2003-04; 2) the certification statement (Clerk's File) of the Joint CHDP/CCS Plan, **Approved**; 3) **RESOLUTION NO. 2003-420**, amending the position allocation list for Budget Unit 3000 - Public Health by adding 1 full-time limited term Public Health Nurse, **Adopted**; and 4) a corresponding budget adjustment in the amount of \$162,676 from unanticipated revenue, **Approved.**

Public Works Items:

- B-15 Submittal of the Department of Water Resource (DWR) Groundwater study (Clerk's File) for the Arroyo Grande - Nipomo Mesa area and a request to authorize the Director of Public Works to cancel an agreement with the DWR for groundwater study of the Edna Valley area; 3rd and 4th Districts, **Received and Filed.**
- B-16 **RESOLUTION NO. 2003-421**, accepting San Luis Avenue as a public road on behalf of the public, in the community of Los Osos; 2nd District, **Adopted.**

Other Items:

- B-17 Request by Chairperson Ryan to re-appoint Judith Friend, Emery Johnston, Robert Sparling, and Carl Twisselman II to the Grazing Advisory Board, **Approved.**
- B-18 Minutes of the October 7, 21, and 28, 2003 Board of Supervisors' meetings, **Approved.**
- 3 C-1 This is the time set for hearing to consider a resolution vacating a portion of "J" Street, County Road No. 3106 and a portion of Pinal Avenue, a purported public road in the community of Santa Margarita; 5th District.

**Mr. Tim Smith:** Right-of-Way Agent, presents the staff report indicating the request to vacate is from adjacent private property owners and recommends approval of the vacation.

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

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

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2003-422, resolution vacating a portion of Pinal Avenue a purported public road and "J" Street, County Road No. 3106 in the Town of Santa Margarita, Supervisorial District No. 5, adopted.**

4

C-2 This is the time set for hearing to consider an ordinance amending the County fee schedule for fiscal year 2004-05 (and calendar year 2004 for Parks, Golf Course and Airport parking fees); All Districts. (Introduced November 4, 2003.)

**Mr. Dan Buckshi:** Administrative Office, presents the staff report; indicates that departments are asked, yearly, to conduct a thorough analysis and justification for each fee they charge and update their fee schedules; user charges help offset the cost of services provided by many departments; addresses the implementation of the fee changes and recommends adoption of the ordinance.

**Supervisor Bianchi:** questions the skateboard park fee and whether any provisions have been made to waive the fee for kids who can't afford it, with Mr. Pete Jenny, Park Manager, responding.

**Mr. Joe Kelly:** suggests these fees are "the gift that keeps on giving"; states he would like to see how much money the County really receives on homes when fees are received for building permits and then roll over onto the Tax Roll.

**Supervisor Pinard:** questions the fees for "potentially dangerous" and "vicious" dogs and what the difference is, with Mr. David Albrecht, Sheriff's Department, responding.

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

<b>AYES:</b>	<b>Supervisors Bianchi, Achadjian, Ovitt, Pinard, Chairperson Ryan</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3018, ordinance amending County Fee Schedule, adopted.**

5

C-3 This is the time set for hearing to consider an ordinance establishing an Interim Moratorium on the land application of treated sewage sludge/biosolids. (Introduced on November 25, 2003.)

**Dr. Greg Thomas:** Public Health Director, presents the staff report and recommendation.

**Mr. John Nall:** Environmental Specialist, addresses the Negative Declaration that was prepared for this ordinance and the review of this by the Planning Commission.

**Chairperson Ryan:** questions the level for the amount of cubic yards that can be applied in a twelve-month period and those historic levels used were from South County Sanitation District; questions why other providers weren't used, with staff responding.

**Mr. Paul Allen:** Air Pollution Control District, states he was a member of the Task Force and commends Mr. Batson and staff; supports adoption of the proposed ordinance.

**Mr. Ted Peterson:** representing a composting company, addresses his concern regarding what is being lumped into this ordinance; believes there are other uses for biosolids and asks the Board keep an open mind on these uses.

**Mr. Tim Bolander:** comments on composting and his concern to separating it from biosolids; concerns about where this (composting) will be in the permanent ordinance.

**Mr. David Hix:** City of San Luis Obispo and member of the Task Force, addresses the City's current process and treatment of biosolids; addresses

regulations regarding biosolids; supports the ordinance and 1,000 cubic yards being allowed.

**Mr. Bruce Keogh:** Morro Bay Wastewater Plant Manager, supports increasing the cubic yards being recommended; suggests there is a need to put money into this program for public awareness; comments on composting uses they have in place.

**Mr. John Wallace:** Administrator for the South County Sanitation District, addresses the concern they have on the cubic yards to be allowed in this ordinance; states they were originally told it would be 2,500, then it was reduced by Environmental Health to 1,600 and again to 1,000 by the Environmental Division of Planning with all of this occurring without public input; presents a chart showing the District's sludge removal levels from 1992 through 2001; presents a letter from Michael Sietz for the record; presents and highlights another letter from Tri-TAC regarding issues relating to biosolids in Kern County.

**Ms. Joy Fitzhugh:** Farm Bureau, states they support the ordinance as written but have concerns relating to the permanent ordinance.

**Ms. Gewynn Taylor:** addresses her concern to the application of sludge over the land and asks that the interim ordinance stay in effect until the permanent ordinance is adopted.

**Mr. George Taylor:** urges adoption of the ordinance and keeping it active until the final, permanent ordinance is adopted.

**Mr. Joe Kelly:** questions the Regional Water Quality Control Board's involvement in this process.

**Ms. Pam Heatherington:** states if the amount of cubic yards allowed is changed to something higher than 1,000 then the Negative Declaration should be changed to an EIR; supports notification to the public about produce that is grown in sludge.

**Mr. Eric Greening:** supports the 1,000 cubic yards and the addition of public notification; doesn't believe that time should be given to raise the 1,000 limit and do an EIR.

**Mr. Bill Senna:** invites the Board to look at what they have done at South County Sanitation; states they need the flexibility to have more than 1,000 cubic yards.

**Ms. Julie Tacker:** questions what is in biosolids versus what she calls sludge; questions whether the Los Osos Citizens Advisory Council has been invited to look at the permanent ordinance; urges the Board to err on the side of caution.

**Mr. David Broadwater:** addresses the letters he has sent to the Board; urges support of the interim ordinance as written; presents information as to where the 1,000 cubic yards came from, showing the statistics from South County Sanitation.

**Mr. Lark Jursek:** addresses this issue and supports composting.

**Board Members:** address various issues, comments and concerns regarding: the Tri-TAC letter; questions regarding the large increase in sludge removal for South County Sanitation; potential impacts if the cubic yards are set at 1,000; whether there is any ability to carry over cubic yards from one year to the next.

**Mr. Wallace:** responds to questions regarding the Tri-TAC letter.

**Dr. Thomas:** responds to questions indicating there is no carryover for the interim ordinance, on the cubic yards; states they will notify any and all interested parties regarding the permanent ordinance and indicates folks should call Environmental Health to be put on the notification list.

**Mr. Nall:** responds as to where the 1,000 cubic yard limit came from.

**Board Members:** address various issues, comments and concerns regarding: what other counties do with their biosolids; concerns about the limitations on the amount of cubic yards and not being able to take care of all the operators in the County; questions whether the Board has the ability to say to outside providers that they can't dump here, with staff responding.

**Chairperson Ryan:** indicates he would like to see the amount raised to 1,500 with a one year carryover and wants a notification from local providers that they will not use this before allowing outside providers in.

**A motion by Supervisor Bianchi, seconded by Supervisor Pinard, to waive the reading of the ordinance and adopt it by title only, an ordinance to establish an interim moratorium on the land application of treated sewage sludge/biosolids, fails on the following roll call vote:**

**AYES:** Supervisors Bianchi, Pinard  
**NOES:** Supervisors Ovitt, Achadjian, Chairperson Ryan  
**ABSENT:** None

**Matter is further discussed and thereafter, on motion of Chairperson Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES:** Supervisors Chairperson Ryan, Ovitt, Bianchi, Pinard, Achadjian  
**NOES:** None  
**ABSENT:** None

**the Board refers this matter back to staff and directs that the ordinance be amended to raise the amount to 1,500 a year (historic level) with a one-year carryover and a condition added to the ordinance that our local producers waive the need before an outside producer can use any of the capacity; and re-notice and reset this matter for hearing.**

6 CS This is the time set for Closed Session.

**Chairperson Ryan:** opens the floor to public comment without response; states this matter is continued to the end of the agenda today.

7 D-1 This is the time set for submittal of the second edition of the County's Communitywide Results Report.

**Ms. Leslie Brown:** presents the staff report, indicating this is the second edition of the Communitywide Results Report; addresses changes and deletions in the report including adding a section on Teen Binge Drinking to highlight the severity of this problem and to track trends on this issue; under a Well-Governed Community staff eliminated the indicator titled "Public Access and Information" and why; believes that overall these indicators are moving forward in a positive way and explains; there is a correction on page 15 indicating that the bars are reversed to what is shown for the State and County.

**Supervisor Bianchi:** supports the report; questions Binge Drinking and whether there is any way to correlate the role model effect of Cal Poly drinking on our local high school students.

**Mr. David Edge:** County Administrative Officer, believes that the Friday Night Live group, over at Substance Abuse, can provide detailed information on this even though this isn't the type of correlation they would look to do in this report.

**Supervisor Ovitt:** questions who was surveyed for this report; questions the open space inventory and "protected status" definitions as shown, with Ms. Brown responding.

**Mr. Eric Greening:** appreciates all the work that went into this report; agrees with the concerns raised by Supervisor Ovitt regarding open space and the protected status; comments on the issue of binge drinking and would like to know the time of the day this is occurring to see if there is any correlation with the lack of after-school programs.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board received and files the staff report dated December 2, 2003.**

- 8 D-2 This is the time set to consider the request to approve the 2004-05 budget goals and policies.

**Mr. Jim Grant:** Assistant County Administrative Officer, presents the staff report, indicating the policies which reflect the Board's interest in seeing actual results produced by existing services; addresses two minor changes to Policies #11 and #16; staff is recommending that the Board direct departments to prepare, as a starting point, a budget for next year that uses the same General Fund support as was adopted in the current year; this means that any increases in salaries, etc. would be absorbed by the department for the upcoming budget year.

**Supervisor Pinard:** addresses the budget preparation and those departments that have already cut back versus those that haven't.

**Supervisor Ovitt:** questions grants that require matching funds and where that money is coming from (i.e., the department or General Fund monies) and how these will be treated with the upcoming budget, with Mr. Grant responding.

**Mr. David Edge:** County Administrative Officer, addresses the budget and believes the departments do the best job they can; outlines what departments will need to do in future budgets.

**Supervisor Pinard:** states she would like to see a list of all the State mandated programs and then a list of all those that they are not funding.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board approves the Fiscal Year 2004-05 Budget Goals and Policies as outlined in the staff report dated December 2, 2003 and directs departments, as a starting point, to prepare a budget for next year that uses the same General Fund support as was adopted in the current year.**

- 9 D-3 This is the time set for consideration of a resolution establishing the San Luis Obispo County Consumer Protection Trust Account and discussion seeking direction for allocating the balance of the funds obtained from the settlement of a consumer protection case with the Albertsons Corporation.

**Mr. Vince Morici:** Administrative Office, presents the staff report and outlines the settlement and the amount paid to the County; addresses the cost to the County by the District Attorney's Office and the Agricultural Commissioner/Sealer of Weights, in the amount of \$104,469; states the District Attorney is proposing the use of \$100,000 to establish the San Luis Obispo County Consumer Protection Trust Account; proceeds from this account will be used to offset special costs associated with future consumer protection investigations and prosecutions; staff is requesting that the Board provide direction as to how the remaining balance of \$591,900 should be used; two options would be to make this funding available to community-based organizations or funding to encourage the development of affordable housing.

**Chairperson Ryan:** believes another option that should be considered is looking at this money going to the Food Bank.

**Supervisor Pinard:** suggests another option would be to have the money go back to Albertsons for them to give to those groups they currently donate to as a way

to give the money back to the community; suggests this is a way to give money back to the people who lost it through the overcharging that occurred.

**Mr. Dan Hilford:** Assistant District Attorney, states they set up a similar trust fund a couple of years ago for environmental protection; describes the purposes for the fund and how it would be used.

**Mr. Floyd Butterfield:** Board Member for the Food Bank, addresses the proposal they have submitted to the Board for use of these funds and how they feel this will help their program.

**Mr. Jim Kemper:** Food Bank Director, addresses the amount of food they purchased last year and are 60% ahead of where they were last year at this time; states hunger is a real problem in the County; comments on their work with Social Services to help increase the number of folks utilizing the food stamp program.

**Mr. David Edwards:** Community Foundation, states the purpose of the Foundation is to assist with endowments; believes having the money go to the Food Bank would serve a good use.

**Ms. Jackie Sebro:** Loaves and Fishes, addresses the hunger problem in the County; speaks to the help they provide folks in obtaining food stamps and food.

**Mr. Michael Passarelli:** speaks in support of this funding going to the Food Bank; speaks to a reduction in food that has been received due to the grocery strike.

**Ms. Janna Nichols:** United Way, suggests this is an interesting opportunity and addresses the needs of groups like the Food Bank and Loaves and Fishes; addresses her concern to putting this money in a longterm contract versus using the money now.

**Ms. Biz Steinberg:** EOC, highlights the various groups they are involved with Countywide that could use this money.

**Chairperson Ryan:** states he would like to give the money to the Food Bank/Community Foundation; addresses his concern to the options by staff based on this being “one time” money only; he also supports establishing the trust fund for the District Attorney and Agricultural Commissioner.

**Supervisor Bianchi:** cautions that whatever is approved does not have an administrative cost that is greater than the program chosen; states hunger is a big problem and believes the Food Bank is the way to go.

**Supervisor Achadjian:** agrees with establishing the trust fund; supports the endowment for the Food Bank but suggests that it is for \$500,000 and wants the balance of \$91,900 to be divided up among the five districts Community Project Funds and explains why he believes this should occur.

**Supervisor Ovitt:** questions the amount of funding for the endowment and giving this over a period of years, with Mr. David Edge, County Administrative Officer, responding.

**Supervisor Bianchi:** states she would like to see this endowment handled in the simplest of ways and the Board should receive annual reports on how it's being used.

**Supervisor Pinard:** states, for the record, that this money should be used for the closest nexus to the people who actually gave the money and since the Board can't give it back to those individuals, she wants to see the money go to those groups that Albertsons currently provides donations to; concerns about putting any of this money into the Supervisors' funds.



**Mr. Butterfield:** speaks in support of a longterm endowment and living off the interest.

**Mr. Edwards:** addresses what they are looking to do with the money, using the interest and keeping the principal intact.

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

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

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2003-423, resolution establishing the San Luis Obispo County Consumer Protection Trust Account within the Treasury of the County of San Luis Obispo, adopted. Further, the Board approves the placement of \$100,000 of the Albertsons settlement dollars into the trust fund.**

**A motion by Supervisor Bianchi, seconded by Supervisor Achadjian to direct staff to negotiate a contract with the Community Foundation to establish an endowment to provide for the services that are currently performed by Food Bank in the amount of \$500,000, for the distribution of food to those charitable organizations that provide food for the needy and to take the balance and supplement Community Project Funds by \$18,380 for each Supervisorial District, is discussed.**

**Supervisor Pinard:** state she supports the endowment but not the money going to the Community Project Funds.

**The motion maker and second amend their motion and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board directs staff to negotiate a contract with the Community Foundation to establish an endowment to provide for the services that are currently performed by Food Bank, in the amount of \$500,000, for the distribution of food to those charitable organizations that provide food for the needy.**

**Thereafter, a motion by Supervisor Bianchi, seconded by Supervisor Achadjian to take the balance of the settlement monies and supplement Community Project Funds by \$18,380 for each Supervisorial District, fails on the following roll call vote:**

**AYES:** Supervisors **Bianchi, Achadjian, Ovitt**

**NOES:** Supervisors **Pinard, Chairperson Ryan**

**ABSENT:** None

**Matter is further discussed and thereafter, a motion by Supervisor Bianchi, seconded by Supervisor Achadjian and on the following roll call vote:**

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

**NOES:** Supervisors **Pinard**

**ABSENT:** None

**the Board directs that the balance of settlement monies is to be used to supplement Community Project Funds by \$18,380 for each Supervisorial District.**

**Mr. Gere Sibbach:** Auditor-Controller, presents the staff report indicating this report is available on CD, paper or on their website; thanks all the departments for their assistance and highlights several departments specifically; recognizes and introduces his staff that worked on and prepared this report.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board receives and files the CAFR and associated reports as outlined in the staff report dated December 2, 2003.**

- 11 C-4 This is the time set for hearing to consider an appeal by Daryl Nelson of the decision by the Planning and Building Department and Public Works to partially deny a request for a waiver of the requirements for curb, gutter and sidewalk for a portion of property fronting G Street in the community of Santa Margarita; 5<sup>th</sup> District.

**Ms. Kami Griffin:** Planning, introduces the item.

**Ms. Andrea Miller:** Planning, presents the staff report and outlines the issues raised in the appeal; presents photographs of the site and recommends that the appeal be denied and uphold the decision of the Planning Department and Public Works.

**Mr. Mike Goodwin:** Public Works, responds to questions regarding Yerba Buena, indicating that while the road has been fenced it has not been legally vacated.

**Mrs. Betty Nelson:** Appellant/Applicant, presents photographs for the record and highlights the same, provides a history of their purchase and changes to the property over the years; indicates they believe this requirement is premature and asks that the Board uphold their appeal; further, states that the Santa Margarita Advisory Council supported their request for the waiver.

**Matter is discussed and thereafter, on motion of Chairperson Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**the Board tentatively upholds the appeal and directs staff to prepare the necessary resolution and findings to support this approval and return at the end of today's meeting with the resolution.**

- 12 C-5 This is the time set for hearing to consider an appeal by Scott Kimura of the Planning Commission's approval of a development plan/coastal development permit (D020105D), a request by the First Baptist Church to allow a 3,637 square foot addition to the existing 4,685 square foot sanctuary, 2,500 of new classroom space, and remodel of the existing 2,400 square foot modular classrooms into a Fellowship Hall, on a 2.1 acre site, located at 1900 Los Osos Valley Road, approximately ½ mile east of the community of Los Osos; 2nd District.

**Ms. Kerry O'Neill:** Planning, presents the staff report; provides the project description; highlights the issues raised in the appeal and staff's response; presents copies of additional correspondence they have received for the record; recommends denying the appeal and upholding the decision of the Planning Commission.

**Mr. Scott Kimura:** Appellant, states he is speaking for approximately 95% of his neighborhood; addresses their concern regarding the expansion of the church; states they have appealed this in order to respond to conditions that were approved the Planning Commission; asks that the Board uphold their appeal but if not then they want the following conditions added: (1) a well monitoring program; (2) overflow parking into the neighborhood is minimized; (3) outside noise to be changed from 9:00 p.m. to 7:00 p.m.; (4) parking access/egress is not to be allowed for hanging out (by teenagers, etc.) after events; (5) reduce the number of outside amplified events;

(6) the modular unit to be built at the back of the lot; and, (7) no two story additions to be allowed in the future.

**Mr. Bob Tubbs:** Pastor/Applicant, outlines the services they provide for the community; states they want to meet the needs of the future growth of the area; speaks to the wells they have onsite now and the monthly checking that is currently done on them.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..**

**Mr. Charles Moorman:** neighbor, states he has lived in this area since 1971 and objects to a church growing into more than a church; opposes a school on this site and agrees with the comments by Mr. Kimura.

**Ms. Sally Requa:** neighbor, addresses her concern to the future impacts of the septic system; addresses the noise level on Friday nights when kids get out of their meetings; addresses her concern to traffic.

**Mr. Louis Branch:** neighbor, states he knows this church will expand but doesn't want it to be so large; addresses his concern regarding the noise levels; and, regarding the impacts this has on his property value.

**Ms. Karen Williams:** speaks to her loss of sleep from the noise at the church.

**Mr. Tubbs:** gives his closing comments and responds to issues raised by the public; states they are asking to have 16 more kids at the school.

**Mr. Kimura:** gives his closing comments and feels that the neighborhood is too small to accommodate this expansion.

**Mr. Matt Janssen:** Environmental Division of Planning, states they have some language if the Board is interested in changing some of the conditions and suggests language for a new Condition #29 regarding water quality monitoring; presents suggested language changes for Conditions #16 and #19.

**Board Members:** address various issues, comments, and concerns regarding: not changing Condition #16; outdoor activities that create noise and eliminating amplified equipment outside; concerns regarding the outdoor movies and deleting Condition #17; changes to Condition #18 and amending Condition #19.

**Mr. Tubbs:** indicates that based on the well's location, the monitoring well would have to be on the neighbor's property.

**Ms. Rosemarie Gaglione:** Public Works, suggests that there should be concurrence from Environmental Health before any well conditions are imposed.

**Mr. Tubbs:** speaks in agreement to deleting Condition #17.

**Mr. Kimura:** addresses their concern to 12 events a year; speaks to groundwater monitoring.

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

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

**NOES:** None

**ABSENT:** None

**the Board partially upholds the appeal; deletes Condition #17 and renumbers the remaining conditions; Condition #17 (previously #18) is amended to read: "No outdoor sound amplification equipment shall be used."; and Condition #18**

(previously #19) is amended to delete the wording “outdoor movies”; and, **RESOLUTION NO. 2003-424, resolution affirming the decision of the Planning Commission and conditionally approving the application of the First Baptist Church for Development Plan/Coastal Development Permit D020105D, adopted as amended.**

- 13 C-4 Appeal by Daryl Nelson of the decision by the Planning and Building Department and Public Works to partially deny a request for a waiver of the requirements for curb, gutter and sidewalk for a portion of property fronting G Street in the community of Santa Margarita; 5<sup>th</sup> District, is brought back on for hearing.

**Mr. Jim Orton:** Deputy County Counsel, presents the revised resolution to uphold the appeal, based on the action taken earlier today by the Board.

**No one appearing and thereafter, on motion of Chairperson Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES: Supervisors Chairperson Ryan, Bianchi, Ovitt, Pinard, Achadjian**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2003-425, resolution reversing the decision of the Planning and Building Department and the Public Works Department and approving the request by Daryl Nelson for a curb, gutter and sidewalk waiver D030001W, adopted.**

- 14 CS Closed Session is cancelled.

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 2, 2003, 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/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: December 8, 2003  
vms