

Supervisor Achadjian: reads the resolution and presents the same to Superior Court Judge Mike Duffy.

Judge Duffy: thanks the Board on behalf of everyone involved in this process including the public who serve as jurors.

4 A-1-D **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2004-135, resolution of the Board of Supervisors proclaiming the week of May 2, through May 7, 2004 to be designated “International Compost Awareness Week,” adopted.

Chairperson Ovitt: reads the resolution and presents the same to Mr. Bob Engel.

Mr. Engel: presents each Supervisor with a flowering plant in compost material and thanks them for the proclamation; addresses the need to bring awareness to the public on the benefits of composting.

5 B-13 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2004-136, resolution proclaiming May 9-15, 2004 as “Wildfire Awareness Week,” adopted.

Supervisor Ryan: reads the resolution and presents the same to Chief Dan Turner, CDF.

Chief Turner: thanks the Board; addresses his concern to how serious this fire season could be; urges folks to clear the areas around their homes of brush; presents each Supervisor with a Smokey the Bear pin.

Supervisor Pinard: addresses her concern regarding the fire potentials and suggests there is a need to start looking at more fire prevention measures, such as types of roofing materials.

Supervisor Ryan: comments on the Fire Safe Council and what they are doing with respect to educating the public, through brochures, etc., safer building materials.

Chief Turner: states that the building construction standards are very important; presents a Certificate of Appreciation from the Fire Safe Council, to Supervisor Ryan for his service as Chair since 1998.

Supervisor Ryan: thanks the Council for the recognition and introduces his son Jesse who is an engineer with CDF.

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

Mr. Ed Garner: National Alliance for the Mentally Ill, addresses the need to have the Board support funding for mentally ill programs; urges the Board not to cut funding to any of these programs; addresses the Growing Grounds Farm and the need to keep it running.

Ms. Yvonne Ross: In-Home Supportive Services (IHSS) employee, addresses her concern to the wages and lack of benefits IHSS employees receive; her salary is currently \$6.95 per hour without any medical benefits; states she works weekends and holidays without overtime pay; indicates she puts in 50 hour weeks and is barely making ends meet.

Ms. Lori Heizer: IHSS caregiver, states she has to keep a part-time job to maintain her Social Security benefits; she loses one-third of her pay to HUD so she has a place to live and she makes less than \$3,000 per year; she keeps her Medi-Cal benefits by working part time; urges consideration of parking pay to help offset expenses as her client lives at the Anderson Hotel in San Luis Obispo and she has to pay a meter to visit her client.

Ms. Christa Indriolo: representing United Domestic Workers, addresses the lack of benefits and pay for IHSS workers; suggests this program pays for itself and urges the Board's support for a pay increase.

Rev. C. Hite: comments on children that are of draft age and her concerns for these children; addresses the "slaughter" in Taiwan in the 1950's; the lack of care in the County for the disabled and Veterans; wants her case transferred from the County.

Ms. Jane von Koehe: IHSS worker, comments on the low pay and states that no one would do this job if they didn't love what they do; she has no medical benefits, gasoline reimbursement or holiday pay; she is working for two people in this program; urges the Board to support a pay increase, help with medical benefits and a contract for IHSS workers.

Mr. Al Barrow: states he is representing the community of Los Osos; they are losing their CDBG funding because of the sewer lawsuit; would like to see this funding moved to the Habitat Conservation Plan and suggests it is possible to do this; asks the Board to look at alternative sewer plans that are more affordable.

Mr. Tom Hutchings: states he is an advocate for the "more vulnerable" and supports an increase to \$9.50 per hour for IHSS workers.

Ms. Susan Hughes: Executive Director for the First 5 Commission, states this is "Insure the Uninsured Week" and addresses the number of children under the age of 18 that are not insured in this County; addresses submittal of incorporation papers to the State for the "Children's Health Insurance Program of San Luis Obispo County" with Drs. Rene Bravo and Kathy Long and Mr. Joel Dinger as the initial executive board; they are hopeful they will launch this new program by this fall.

Mr. Michael Kovacs: addresses the responsibility of the Board to be fiscally responsible; questions low level staffing cutbacks that are being proposed and why this staff is targeted instead of the upper management positions; questions when the Board is going to start looking at their priorities again; questions the delay in the quarterly report coming before the Board.

Mr. David Edge: County Administrative Officer, responds to public comment indicating that the budget being proposed for Mental Health has a 36% increase in County funds over this year's budget; the funding cuts members of the public have been raising need to be addressed to the folks in Sacramento who are the ones proposing the cuts in Mental Health financing that is primarily through State and Federal monies; with respect to IHSS staff, the Board is not the negotiating party with this group for wage and benefits, the employer of record is the Public Authority that this Board established; with respect to the CDBG funding in Los Osos, there was a letter from County staff with respect to the Coastal Commission action and having to pull that money back and make it available for re-allocation however, staff did encourage the Los Osos Community Services District to reapply for that money once the Coastal Commission issues have been sorted out; Mr. Barrow's comments

regarding using it for the completion of the Habitat Conservation Plan is something that could be reviewed by staff. **No action taken.**

- 7 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: comments on Item B-7 and questions aspects of the environmental monitoring program requirements; concerns regarding cultural resource information limits.

Mr. Michael Kovacs: speaks against Items B-8 and B-18 as he feels these items were “pre-approved”; questions the impacts to the Public Facilities Fees if B-8 is approved. **No action taken.**

- 8 B-1 Consent Agenda Item B-5 is amended to read “. . . (District Three - \$4,000, District
thru Four - \$100) . . .” Item B-13 is moved from the Consent Agenda to the Presentation
B-19 Calendar and was previously acted on. Presentation Item A-1-E is moved to the
Consent Agenda and is now Item B-19.

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

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

Consent Agenda Items B-1 through B-19 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-19, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

- B-1 Plans and specifications (Clerk’s File) for the construction of a new restroom and shower facility at the Lopez Lake Marina; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for June 10, 2004 at 3:00 p.m..**

Board of Supervisors Items:

- B-2 Request by Supervisor Ryan to allocate \$2,000 from District Five Community Project Funds to the Land Conservancy of San Luis Obispo to be used towards the pest management of the elm leaf beetle in the Santa Margarita area, **Approved.**
- B-3 Request by Supervisor Bianchi to allocate \$1,599 from District Two Community Project Funds to the Cayucos Senior Citizens Club to be used to pay the cost of auto insurance for two vans that are used to transport senior citizens, **Approved.**
- B-4 Request by Supervisor Pinard to allocate \$2,000 from District Three Community Project Funds to the Friends of Price House, Inc. to be used towards the completion of the interior walls and ceiling of the Price House, **Approved**
- B-5 Request by Board Members to allocate \$4,100 from Community Project Funds (District Three - \$4,000, District Four - \$1000) to Judkins Middle School to be used for scholarships for students to attend the Destination Imagination competition, **Approved as amended.**
- B-6 Request by Chairperson Ovitt to allocate \$4,000 from District One Community Project Funds to the San Luis Obispo County YMCA acting as fiscal agent for San Miguel Youth Foundation to be used to expand the recreational programs and activities in the community of San Miguel, **Approved.**

Planning and Building Items:

- B-7 Mitigation monitoring contract (Clerk's File) with Morro Group, Inc. to provide environmental monitoring services for development associated with Phase 1A of the Woodlands project, **Approved.**
- B-8 Agreement (Clerk's File) with Town Hall Services to review and update the County's Public Facilities Fee Program and approve a corresponding budget adjustment in the amount of \$18,170 from Public Facility Fees, **Approved.**

Public Health Items:

- B-9 Emergency Medical Services Agency Trauma System Plan (Clerk's File), **Approved.**
- B-10 Three-year contract (Clerk's File) with State Department of Health Services for Medical Targeted Case Management Provider Participation, **Approved**

Public Works Items:

- B-11 Submittal of a bid opening report for road improvements on Old Country Road, Templeton, and approve a corresponding budget adjustment in the amount of \$45,000 from the Urban State Highway account; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt in the amount of \$213,877.75.**
- B-12 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps:
- A. CO 02-0241, a proposed subdivision resulting in 2 lots; by William and Janice Harrison, Lupine Lane, east of Templeton, **Approved; RESOLUTION NO. 2004-137**, to accept the relinquishment of access rights along Lupine Lane; 1st District, **Adopted.**
 - B. CO 02-0167, a proposed subdivision resulting in 2 lots, by Monica and Allen Wilhite, Santa Rita Road, Templeton; reject the offer of dedication for trail easement without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2004-138**, to accept the offer of dedication for widening Santa Rita Road; 1st District, **Adopted.**
 - C. COAL 02-0425, a proposed lot line adjustment of 3 lots which will not result in any new lots, by Hamid Keshtgar and Shahin Aminilari, South Frontage Road/Division Street, Nipomo; 4th District, **Approved.**
 - D. CO 02-0335, a proposed subdivision resulting in 4 lots, by Everett and Dolores Setser, La Serena Way, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

- B-13 Submittal of a resolution from County Fire proclaiming May 9-15, 2004 as "Wildfire Awareness Week," **moved to the Presentation Calendar and acted on previously.**
- B-14 **RESOLUTION NO. 2004-139**, authorizing execution of a notice of completion for the construction of a new playground at Heilmann Regional Park in Atascadero, **Adopted.**
- B-15 Minutes of the Board of Supervisors meetings of March 2, 9, 16, and 23, 2004, **Approved.**
- B-16 Request from the Library to accept a Morro Bay National Estuary Program Mini-Grant create the Los Osos Library Estuary Awareness and Education Collection and to approve a corresponding budget adjustment in the amount of \$2, 984 from grant funds, **Approved.**

- B-17 Request from Behavioral Health to appoint Eleanor J. Smith to the Mental Health Board, **Approved.**
- B-18 Software maintenance contract with the Legacy Support Group to provide support services for the human resources/payroll system, **Approved**
- B-19 **RESOLUTION NO. 2004-140**, resolution of commendation to Templeton resident and philanthropist Tom (Tommy) Jermin, Sr., **Adopted.**

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

- 9 C-1 This is the time set for hearing to consider appeals of the Templeton and North Coast Road Improvement Fees by Habitat for Humanity; 1st and 2nd Districts.

Ms. Kim Murry, Planning and Mr. Richard Marshall, Public Works: present a joint staff report on this item and Agenda Items C-2 and C-3 as they all relate to projects by the Habitat for Humanity.

Mr. Marshall: addresses the appeal on the road fees for Templeton and staff recommendation for denial of the appeal. **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)**

Ms. Murry: addresses the appeal on ReStore facility in Templeton and the staff recommendation to uphold the appeal waiving the applicable Public Facilities Fees, construction permit fees and all the miscellaneous fees.

Mr. Marshall: addresses the appeal on the road fees in Cambria and staff recommendation for denial of the appeal.

Ms. Murry: addresses the appeal on the building permit application for an affordable house in Cambria and staff recommendation to partially uphold the appeal, waiving the applicable construction permit fees, Minor Use Permit and miscellaneous fees; staff is not recommending that the Public Facilities Fees be waived and explains.

The Applicant is not present.

Mr. Bill Worrell: Integrated Waste Management Authority General Manager, speaks in support of waiving the road fees and upholding the appeal regarding the ReStore facility in Templeton.

Supervisor Ryan: suggests not waiving the fees but rather having the fees paid out of the Waste Management Franchise Fees.

Mr. Noel King: Public Works Director, states if the Board feels there is a significant benefit from this project then staff supports paying for it out of the Franchise Fees fund.

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

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

NOES: **None**

ABSENT: **None**

the Board does not waive the Road Improvement Fees (Templeton Area) for Habitat for Humanity but rather directs that the fees be transferred and paid from the Waste Management Franchise Fees that are handled by the Public Works Department, in the amount of \$2,200.

Board Members: discuss the second request to waive fees in Cambria and suggest attaching the fees as a lien on the property.

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

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

NOES: None

ABSENT: None

the Board denies the appeal for the Road Improvement Fee (Cambria Area) for Habitat for Humanity and directs that the fee either be paid or the Habitat for Humanity can enter into an agreement with a Promissory Note and a Deed of Trust which would be recorded against the property that would require that the \$406 be paid at the time the house is sold.

- 10 C-2 This is the time set for hearing to consider an appeal by Habitat for Humanity of public facility fees, construction permit and other related fees for the proposed ReStore facility for new and used construction-related materials, located at 3250 La Cruz Way in the community of Templeton; 1st District. (Staff report was given on this during Item C-1)

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

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

NOES: None

ABSENT: None

the Board upholds the appeal and RESOLUTION NO. 2004-141, resolution of the Board of Supervisors of the County of San Luis Obispo approving the appeal of Habitat for Humanity on the application of Public Facilities Fees and Permit Fees and all fees to their application for a building permit for an office building associated with the recycling of construction materials facility located on La Cruz Way in the Community of Templeton, San Luis Obispo County, adopted. Further, the Board waives the payment of the applicable Public Facilities Fees, construction permit fees, and all miscellaneous fees in the amount of \$6, 941.57.

- 11 C-3 This is the time set for hearing to consider an appeal by Habitat for Humanity of the application of Public Facility Fees, construction permit, minor use permit and other related fees for a home built for low-income family households, located at 2295 Alban Place in the community of Cambria; 2nd District. (Staff report was given on during Item C-1)

A motion by Supervisor Bianchi, seconded by Supervisor Achadjian to uphold the appeal and waive the fees for the Public Facilities Fees in the amount of \$3,629, is discussed.

Board Members: address various issues and concerns regarding: the need to be consistent in handling these types of appeals; having the fees be required as a lien on the property.

Chairperson Ovitt: suggests partially upholding and deferring the fees through a lien to be paid at the time home is sold.

Mr. Tim McNulty: Deputy County Counsel, suggests that instead of paying the fees up-front when the building permit is issued the fees would become part of an agreement with the County; the fees would become a lien against the property that would be paid at the time the house is sold to a non-qualified owner, if that ever happens; indicates there would be a Promissory Note secured by a Deed of Trust that doesn't ever have to be paid unless the terms of the agreement are violated, such as selling the property to a non-qualified family.

Supervisor Bianchi amends her motion to partially uphold the appeal, offer Habitat for Humanity the option of deferring the Public Facilities Fee, in the amount of \$3,629, by allowing them to enter into an agreement with the County with Promissory Note and a Deed of Trust which would be recorded against the property that would require that the \$3,629 be paid at the time the house is sold, with the second agreeing to the change.

Mr. McNulty: states this would be a partial upholding of the appeal; with respect to the Public Facilities Fees, the Applicant has the option to either pay those at the time the building permit is issued or have the fees deferred and enter into an agreement with the County secured by a Promissory Note and a Deed of Trust that would allow the fees to be paid either during the term, if the property is sold to a non-qualifying family, or at the end of the 30-year term; suggests amending the resolution to add the following to the end of the paragraph that starts **“NOW, THEREFORE, BE IT RESOLVED AND ORDERED”** to read “. . . unless an agreement to defer those fees is entered into with the County and recorded against the property.”

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

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

the Board partially upholds the appeal; waives the payments of the applicable construction permit fees, Minor Use Permit and miscellaneous fees in the amount of \$4,020.11; with respect to the Public Facilities Fees in the amount of \$3,629, offers the Applicant the option to either pay those at the time the building permit is issued or to have the fees deferred and enter into an agreement with the County secured by a Promissory Note and a Deed of Trust that would allow the fees to be paid either during the term, if the property is sold to a non-qualifying family, or at the end of the 30-year term; the resolution is amended to add the following to the end of the paragraph that starts **“NOW, THEREFORE, BE IT RESOLVED AND ORDERED” to read “. . . unless an agreement to defer those fees is entered into with the County and recorded against the property.”;and **RESOLUTION NO. 2004-142, resolution of the Board of Supervisors of the County of San Luis Obispo partially approving the appeal of Habitat for Humanity of application of the Land Use and Building Permit Fees and other fees for their application for a building permit; and denying the appeal of the application of Public Facilities Fees for an affordable house located on Alban Place in the community of Cambria, San Luis Obispo County, adopted as amended.****

12 C-4 This is the time set for hearing to consider an appeal by William and Shase Hockey of the Planning Department Hearing Officer's decision to deny a request for a lot line adjustment to adjust the lot lines between two parcels of 1.5 and 64.5 acres, located at 7005 Airport Road, off of Highway 46 East, near the City of Paso Robles; 1st District.

Mr. Chuck Stevenson: Planning, introduces the item.

Ms. Erika Bumgardner; Planning, presents the staff report, site map and description of the property; addresses the issues of the appeal; comments on the position of the Agricultural Commissioner’s Office that the proposed adjustment would reduce the agricultural viability of the site and that the proposed adjustment is not consistent with the agricultural policies in the Ag & Open Space Element; staff recommendation is to deny the appeal and uphold the decision of the Hearing Officer.

Ms. Lynda Auchinachie: Agricultural Commissioner’s Office, addresses the soil types on this site; their determination that a larger sized parcel is more sustainable for continuing agricultural uses; addresses the options they discussed with the Applicant.

Ms. Jamie Kirk: Kirk Consulting and representing the Hockey's, respond to the staff report; comments on Ag Policy #4 in the Ag & Open Space Element which encourages the establishment of small-scale agricultural uses; the Applicant is not creating new parcels just requesting moving an existing line; addresses the current parcel configuration and compatibility with existing adjacent agricultural uses; outlines their proposed change to the parcel configuration.

Mr. Bill Hockey: Applicant/Appellant, addresses the process they have followed and their discussions with staff to determine where the line should/could be moved to; comments on their discussions with the Agricultural Commissioner's staff.

Chairperson Ovitt: addresses his prior meeting with the Applicant; his frustration to the time that has been spent on this and prior discussions to allow for this then to have it recommended for denial.

A motion by Supervisor Ryan, seconded by Chairperson Ovitt to uphold the appeal and approve the lot line adjustment, is discussed and the motion maker and second amend their motion and thereafter, on motion of Supervisor Ryan, seconded by Chairperson Ovitt and on the following roll call vote:

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

the Board tentatively upholds the appeal, approves the lot line adjustment and the Negative Declaration and directs staff to bring back the resolution at this afternoon's session for final action.

13 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) *AT&T v. County of San Luis Obispo*, (2) *MCI WorldCom v. County of San Luis Obispo*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (6) *Capuano v. California Coastal Commission, County of San Luis Obispo, et al.*, (7) *County of San Luis Obispo (McKeown) v. Berge*, (8) *County of San Luis Obispo (Euphrat) v. Berge*, (9) *County of San Luis Obispo (Thomson) v. Berge* and (10) *County of San Luis Obispo (Kelly) v. Berge*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 4. 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: *Deputy Sheriff's Association*.

Chairperson Ovitt: opens the floor to public comment.

Mr. Michael Kovacs: questions the items that were added today and why he never saw them listed previously under Anticipated Litigation.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

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.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

- 14 C-4 Appeal by William and Shase Hockey of the Planning Department Hearing Officer's decision to deny a request for a lot line adjustment is brought back on for hearing.

Mr. Chuck Stevenson: Planning, presents the proposed resolution based on the Board's action this morning to approve the lot line adjustment; corrects page two of the resolution to read "#4" not "#5"; states the Findings were inadvertently left off the resolution.

Ms. Erika Bumgardner: Planning, reads Findings A through D into the record as follows: "A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the County's zoning and building ordinances.; B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.; C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.; and, D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the lot line adjustment is a minor adjustment on slopes of less than 20 percent."

Mr. Stevenson: addresses Condition #10-a and suggests adding the following language to the condition: "and farm support quarters in accordance with the provisions of Title 22."

Ms. Jamie Kirk: suggests language for Condition #10-a to limit it to one primary residence.

Board Members: discuss and change 10-a to read: "Development of Parcel 1 (26 acres) is limited to one primary single family residence."

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

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

the Board upholds the appeal; approves Findings A through D as read into the record by staff; amends Condition #10-a to read: "Development of Parcel 1 (26 acres) is limited to one primary single family residence."; amends the resolution to renumber #5 to #4 on page 2 and RESOLUTION NO. 2004-143, resolution reversing the decision of the Director of Planning and Building and conditionally approving the application of William and Shase Hockey for Lot Line Adjustment COAL 03-0225, adopted amended.

- 15 C-5 This is the time set for hearing to consider an appeal by Steve & Diane Paver Rhea of the Planning Commission's decision to deny a request to locate a 1,200 square foot secondary dwelling 425 feet from the primary residence, located at 1470 Eureka Lane, in the community of Templeton; 1st District.

Ms. Erika Bumgardner: Planning, presents the staff report, site and aerial maps and gives a description of the property; addresses the appeal regarding the Agricultural buffer requirement; staff recommendation is to deny the appeal.

Ms. Lynda Auchinachie: Agricultural Commissioner's Office, states she is available for questions.

Ms. Diane Rhea: Applicant/Appellant, asks that a waiver of the 200-foot agricultural buffer to 100 feet be given; presents a letter from her mother, (property owner) Janet Paver, in support of this request; disputes comments by the Agricultural Commissioner's Office regarding wind direction.

Ms. Auchinachie: addresses their reasoning for the agricultural buffer requirements; states this buffer does not preclude development.

Ms. Donna Lenhoff: states she is going to be the owner of property adjacent to this site and her property has been farmed for over one hundred years by her family; addresses the types of crops they have grown over the years.

Mr. Chuck Stevenson: Planning, addresses the common driveway and the potential is still there to use this.

Supervisor Bianchi: questions soil types and where the location the applicant wants to put the home, with staff responding.

Supervisor Ryan: addresses the Right-to-Farm Ordinance and suggests the buffer be reduced to 100 feet with trees.

Mr. James Lindholm: County Counsel, addresses concern regarding any change to the Right-to-Farm Ordinance through conditions versus changing the actual ordinance.

Mr. Stevenson: suggests language that could be added to the conditions regarding disclosure to prospective buyers.

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

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

the Board tentatively upholds the appeal allowing for a 100-foot setback with a vegetation buffer between the home and adjacent property, the additional language as suggested by staff and directs staff to prepare and return at the end of the meeting today with a resolution for final action on this action.

(SUPERVISOR SHIRLEY BIANCHI IS NOW ABSENT.)

16 C-6 This is the time set for continued hearing (continued from March 23, 2004) to consider an appeal by Richard Nordin, Frank and Barbara Sances, Michael and Nicole Ledonna, and John Schug of the Subdivision Review Board's decision to approve Parcel Map CO 02-0189 (S020078P) for Amanda and Chris Lane, for property located at 6445 Squire Knoll Drive, in the Squire Canyon area; 3rd District.

Ms. Kerry O'Neill: Planning, presents the staff report, describes the property; presents a packet of information dated May 11, 2004; revises Condition #2-b to read: "Squire Knoll Drive will extend from the parcel to the existing PG&E road to CDF standards and be consistent with Exhibit C and D."; **(SUPERVISOR SHIRLEY BIANCHI IS NOW PRESENT.);** discussed revising conditions to address the location of the access road and visual issues related to the location of the road; building site proposal for Parcel #1; discusses the 40' offer to dedicate requirement; secondary emergency access; PG&E has indicated they won't grant access through their property; recommends partially upholding the appeal with the revised conditions as discussed.

Battalion Chief Robert Lewin: CDF, presents three maps of the area; shows photographs of recent fires which show the reasons for their concerns to the proposed road; addresses the dead end road and secondary access; addresses their original review which missed this dead-end road; describes the area, the narrow roads and heavy brush; concerns to poor water supply in the area; presents photographs of roads that meet CDF standards.

Board Members: question the PG&E road and not allowing access.

Ms. Pat Beck: Assistant Director of Planning and Building, refers to the letter in the Board's packet from PG&E dated May 10th where they state they won't interfere with emergency needs.

Mr. Rick Nordin: Appellant, addresses his concerns relating to the 40' right-of-way with an offer to dedicate; the work on his property and the road agreement he has; emergency access on the dead end road; the need to treat everyone equally; and, CDF's road standards.

Mr. John Schug: Appellant, addresses the contour map of the Applicant's property and concerns about the location of the road.

Mr. Frank Sances: Appellant, addresses his concern to the development of this property.

Ms. Amanda Lane: Applicant, addresses their history in purchasing this site and the work they have done to try and resolve issues of concern by the neighbors.

Mr. Chris Lane: Applicant, speaks to the meetings he has had with the neighbors and feels they are at a point where no matter what they do there will be opposition; speaks to trying to find a public access road; they have agreed to put the road where the County has recommended it go; speaks to his discussions with PG&E; comments on the language of Condition #3; asks the Board to support his project and allow them to move forward.

Mr. Ralph Gorton: Chairperson for the Squire Canyon Community Services District (SCCSD), states they never received any information on this project until February of this year; states they don't support the project; addresses fees to the SCCSD that need to be reviewed/calculated.

Mr. Heulan Brown: states he has lived in this area for 37 years and he supports the appeal; states this application needs to go back to the SCCSD for the road issues in order to resolve the concerns associated with this.

Mr. Glenn Rider: EDA and representing the Appellant Mr. Nordin, addresses the development plan that is in progress for Mr. Nordin; comments on the letter from PG&E.

Mr. Michael Ledonna: Appellant, addresses his concerns to the project; states a 40' easement was never discussed with him; addresses his concerns to the width of the road; suggests all splits should be banned until the secondary access easement issues are resolved.

Mr. George Gibson: states that this site has an underlying parcel, CO 93-079, with restrictions on Parcel 2 that shows only one dwelling can be built on the property and questions how that affects this application; addresses his concern to changing an existing, recorded map.

Mr. Mark Anderson: speaks in support of CDF's access across the Applicant's property; commends the Applicant for all their work on this.

Mr. Lane: gives his closing comments.

Mr. Nordin: gives his closing comments.

Supervisor Bianchi: questions Mr. Gorton regarding requirements of the SCCSD for road improvements with Mr. Gorton responding; questions staff, with response, as to the 1993 parcel map versus this application.

Mr. James Lindholm: County Counsel, responds regarding the 1993 map versus what is before the Board today.

Supervisor Pinard: questions whether the fees for the road would still be required, with Mr. Gorton responding that there would still be fees to the CSD for road improvements.

Supervisor Pinard: addresses noticing concerns that were raised; people along Squire Knoll not opposing the lot split; the road involved is a private not public road; original information was that it shall have an easement or something equivalent and the reality is that the Applicant can't get this from PG&E; believes the question then is what is the "something equivalent" for this easement; discusses the existing road and where it will go from the existing base; addresses the map that shows the road and her concern to the location of the proposed road and retaining wall that would be required; suggests working off the jeep trail (for the easement) as one of the conditions and then it wouldn't require a retaining wall and will save the Lane's money and reduce the visibility impacts; the condition would have to be that this is a road agreement that all the parties work out; believes this will be a benefit to all the property owners below; believes the exchange for the Lanes doing this is the other property owners are willing to give the necessary 40 foot dedication; states this is only an egress as it truly is an emergency road out of the area; suggests there needs to be a definition of PG&E's "Good Neighbor Policy" which needs to be run by County Counsel to see if the language is acceptable; if that condition can be provided for these four lots, feels the "meeting of minds will improve"; comments on the easement situation that Chief Battalion Lewin mentioned and the need for a defensible space between Baron Canyon and Squire Canyon.

Ms. Beck: suggests language on page C-6-15, the revised Condition #2-b as read by Ms. O'Neill earlier today; addresses and amends the language on "Project Brief" letter from the Lanes and specifically the language at the bottom of the page and changing it to read: "Prior to recordation of the parcel map, the applicant shall show evidence that secondary emergency access has been granted by PG&E to CDF and the property owners for purposes of emergency access, based upon the PG&E "Good Neighbor Policy" along the route shown in Exhibit B, and through both proposed parcels 1 and 2 along the access easement around the building envelope, and record title documentation disclosing secondary access requirements for the property."

Mr. Lindholm: addresses his concerns regarding the language and whether it would be legally binding and feels based on what has been presented today it would not be; second, the Board should look at what the conditions provide with respect to access; the project brief discusses an access by PG&E to CDF and the property owner; Condition #3 in the packet discusses the public use for purposes of emergency access; the Board needs to decide if they want to have the emergency access, in whatever form that condition takes, limited to CDF and to the property owner or whether it should be expanded to include the public; the third part that needs to be considered is exactly how the Board would want the condition to appear and the exact language of the same.

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

Chairperson Ovitt: questions the language for Condition #2-b.

Ms. O'Neill: states she changed the language to read: "Squire Knoll Drive will extend from the parcel to the existing PG&E road to CDF standards and be consistent with Exhibit C and D."

Supervisor Pinard: addresses her concern that the language needs to show it is not including the retaining wall.

Ms. Beck: repeats what she believes Supervisor Pinard stated was that the road would generally follow Exhibit C except at the most northerly end and suggests adding to Condition #-2b the following language: “at a location that meets Public Works and CDF standards and will generally follow the existing jeep trail for the upper extent and minimize grading and the use of retaining walls.”

Board Members: agree to that language and that the reference to Exhibit C & D in Condition 2-b are removed.

Chairperson Ovitt: questions the recordation and applicable emergency easement and what is still needed in Condition #3.

Ms. Beck: states that County Counsel suggested that the Board needs to provide staff with direction on this condition with respect to including the public in general or specific property owners.

Chairperson Ovitt: states that he understood that PG&E was giving personal access to the Lanes but not anyone else.

Supervisor Pinard: asks that as part of the condition the County get a letter from PG&E clarifying that they have a “Good Neighbor Policy” and that in the event of a fire or other emergency, people will be allowed out through that site; no formal easement but need something to acknowledge that the Board is basing its decision on this overall applicable, secondary access; indicates this needs to be a condition and directs staff to come back with the wording for this.

Supervisor Ryan: states this emergency access would be granted from the Lane’s property to the PG&E road because it goes with the property, it doesn’t go with the owner of the property; and then from that point on everyone else, because of the dedicated right, has the ability to get to the Lane’s property.

Supervisor Bianchi: questions the PG&E letter on access that is in the Board’s packet.

Chairperson Ovitt: states he is looking for language regarding the emergency access prior to recordation that says there is something to do with an emergency access to the PG&E road.

Mr. Lindholm: states the first issue is whether the Board wants something that is legally binding; indicates what he is hearing so far is that it’s not required and the Board would like PG&E to say that it will provide access; questions whether the Board wants that emergency access to simply go to CDF, to the Lanes or to go to the public.

Supervisor Bianchi: states in a more recent letter to the Lanes, from PG&E, they discuss emergency access on their road.

Ms. Beck: believes staff can develop language that would clarify this issue; believes staff understands the Board’s intent is to capture that PG&E has a “Good Neighbor Policy” and they don’t intend that it only means the Lane’s can use it but that anyone who may need to, in an emergency, can pass through that area.

Chairperson Ovitt: questions Condition #4 and whether that is to be a 40 foot easement.

Supervisor Pinard: indicates that requirement is the contribution of the other property owners only.

Ms. Beck: states she would like to work with Mr. Richard Marshall, Public Works, who she believes will recommend that there is an additional condition

that requires that prior to recordation they secure the 40 foot offer to dedicate; questions whether the Board envisions that an additional 40 foot offer to extend clear across the Lanes property up to the PG&E site or only to the point that the road currently reaches the property.

Supervisor Pinard: suggests working that out with Mr. Marshall and bringing it back

Supervisor Ryan: questions the PG&E road and how far they maintain it, with Battalion Chief Lewin responding.

Ms. Beck: addresses public comment and the need to revise the road agreement and references page C-6-18 regarding adding language to #14 and suggests the title be changed to **Covenants, Conditions and Restrictions/Road Agreement** - and add a condition that they need to participate in the development of a revised road agreement that will clarify what their proportional responsibilities are and that they have to provide the County with a signed agreement before the map can record; also, suggests adding a new Condition #21 that they want to work with Mr. Gorton on to possibly read "The application shall be reviewed by the Squire Canyon CSD to determine if an improvement benefit assessment needs to be established and this shall be paid prior to recordation of the map."; suggests another condition which is the one that Mr. Lane proposed, that they be required to record title documentation disclosing a secondary access requirement for the property and that could go under the CC&R's as something they are required to disclose.

Supervisor Pinard: states that as a followup request she believes there is a need to get the entities that have properties in Squire Canyon, Baron Canyon, PG&E and Cragg Canyon together and figure out what is the fire safe protocol that's going to occur in that area.

Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively, partially upholds the appeal and directs staff to bring back the conditions as discussed today on May 18, 2004 for final action.

17 C-5 Appeal by Steve & Diane Paver Rhea of the Planning Commission's decision to deny a request to locate a 1,200 square foot secondary dwelling is brought back for hearing.

Mr. Chuck Stevenson: Planning, presents the resolution and conditions and suggests revisions to Findings A and C, re-letters Finding "Y" to "G" and amending language on Conditions #2 and 12.

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

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

the Board upholds the appeal, amends Finding A to read: "The project qualified for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the average slope is less than 20 percent, the project will not result in any changes in land use, and the landscaped agricultural buffer will effectively reduce incompatibilities with adjacent agricultural operations."; Finding C is amended to read: "As conditioned, the proposed secondary dwelling satisfies all applicable provisions of Title 22 of the County Code."; Finding Y is re-lettered to "G"; Condition #2, the second sentence is amended to read: "The revised plan shall be prepared by a licensed landscape professional, and indicate the following and development shall be consistent with

this revised and approved plan:”; Condition #12 is amended to change the first sentence to read: “The applicant will be required to disclose to prospective buyers of all or part of the property subject to this approval the following:”; and RESOLUTION NO. 2004-144, resolution reversing the decision of the Planning Commission and conditionally approving the application of Steve and Diane Paver-Rhea for Minor Use Permit D020305P, adopted as amended.

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, May 11, 2004, 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: May 21, 2004

vms