

Tuesday, July 20, 2004

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 Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian and Chairperson Harry L. Ovitt

ABSENT: Supervisor Michael P. Ryan

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.

SUM AGN

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

Ms. Pam Heatherington: ECOSLO, wants the comment period on the Hearst project extended and asks for the Board's support of this request.

Ms. Lori Heizer: In-Home Supportive Services (IHSS) Worker, wants the Board at the bargaining table with them for their salaries; comments on the promises by the Board to expand the clinics when General Hospital closed; her concern about getting hours to work for her client and addresses the needs of her client.

Mr. Eric Greening: thanks Supervisors Bianchi and Pinard for attending the Hearst meeting; doesn't believe there was enough room for all that wanted to attend; agrees with comments by Ms. Heatherington.

Mr. Bob Blair: addresses a water forum that was held in Nipomo last night; indicates there is no overdraft in this area; discusses the potential of supplemental water coming from the City of Santa Maria; addresses his concern to the growth rate changes in the Nipomo area and the impacts this will have.

Supervisor Bianchi: addresses the meeting, regarding Hearst, that was held by the Wildlife Board and that this meeting was done as a favor and is not a requirement; based on this, is not supportive of asking them to extend any time frames.

Mr. David Edge: County Administrative Officer, addresses the IHSS salary negotiations; indicates the Board added money for salaries but there is a Public Authority that is the bargaining agent with the group.

Supervisor Pinard: speaks to the improvements/changes to the clinics since the closure of General Hospital. **No action taken.**

2 A-1 This is the time set for presentation of employee service recognition awards.

Mr. Richard Greek: Personnel Director, introduces the item and the following employees who will receive their **20-year** pin: Ms. Linda Trahey - Assessor; Doug Peterson - General Services; Jim Gater - General Services (absent); and, Dori Duke - Risk Management (Leandro Villalon - Probation - continued to next meeting).

25-Year Employee Recognition Awards, are presented.

Mr. Duane Leib: General Services Director, introduces Mr. Charley Centeno (who is not present) and outlines his duties as a Park Ranger at Lopez Lake; states he has an outstanding reputation and congratulates him for his years of service; introduces Mr. Robert Yetter (who is not present) who is also a Park Ranger at Lopez Lake; speaks to his excellent people skills; gives a brief work history and congratulates him on his time with the County.

Mr. Victor Holanda: Director of Planning and Building, introduces Mr. James Lopes and provides a brief history of his work experience and promotions with the County;

comments on his long-range planning skills and highlights several projects he has been involved with; speaks to his work with local governmental agencies and with the Statewide planning group.

Mr. Lopes: thanks the Board and staff for this recognition; states it has been a privilege to work and live in this County.

Supervisor Pinard: thanks Mr. Lopes for all his work over the years.

Dr. Greg Thomas: Public Health Director, introduces Mr. Michael Cotter (who is not present) and highlights his work experience in the lab; addresses the changes in equipment over the years and Mr. Cotter's adaptability to these changes.

30-Year Employee Recognition Awards, are presented.

Chairperson Ovitt: introduces Ray Festa - General Services; provides his work history at the golf courses and promotions over the years to his current position of supervising and overseeing all work at Morro Bay, Dairy Creek and Chalk Mountain Golf Courses.

Mr. Leib: states Mr. Festa is one of the finest employees he has ever worked with; indicates that the reason these three golf courses are so successful is because of Mr. Festa.

Mr. Festa: thanks everyone for the recognition; states he has enjoyed his years working for the County.

Chairperson Ovitt: introduces Mr. Tony Romero - General Services; provides his work history starting at General Hospital and transferring to General Services; outlines what he has done over the years and commends him for his years of service.

Mr. Leib: states he appreciates all that Mr. Romero does and that he is a very dependable employee.

Mr. Romero: thanks everyone for the recognition and indicates it has been a good 30 years.

Chairperson Ovitt: introduces Ms. Sally Emerson - Public Health; outlines her work history with the County and with Public Health.

Dr. Thomas: thanks Ms. Emerson for all her work over the years. **No action taken.**

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

Mr. Eric Greening: comments on Item B-13 and is glad to see this is happening; questions whether this is a change to existing policy; questions the list of roads in this information; thanks Ms. Christina Ferrara for all her service to the County.

Mr. Michael Winn: speaks to Item B-13 and urges the Board to include standards for horse trails on roads. **No action taken.**

4 B-1 Consent Agenda Item B-11 is amended, due to a technical correction, to replace the
thru resolution in the packet. Item B-18 is withdrawn. Item B-24 is added and withdrawn
B-24 from the Consent Agenda.

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

AYES:Supervisors Achadjian, Bianchi, Pinard, Chairperson Ovitt

NOES: None

ABSENT: Supervisor Ryan

Consent Agenda Items B-1 through B-24 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-24, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Auditor-Controller Items:

- B-1 Submittal of an unannounced cash count of the Public Works Department conducted on June 9, 2004, **Received and Filed.**
- B-2 Submittal of an unannounced cash count of the Child Support Services Department conducted on June 10, 2004, **Received and Filed.**
- B-3 Submittal of a summary of audits of area hotels for compliance with requirements of the County Transient Occupancy Tax Ordinance for the period of January 1, 2003 through December 21, 2003, **Received and Filed.**

General Services Items:

- B-4 Request to extend the bid results reporting period for the new Sheriff's Station and Agricultural Commissioner Facility at the North County Regional Center in Templeton, **Approved.**
- B-5 Month-to-month rental agreement (Clerk's File) with Pigs Can Fly, LLC, for County-owned hangar # 15 on lease site "E" at the San Luis Obispo County Regional Airport, **Approved.**
- B-6 "Assignment of Sublease Agreement "(Clerk's File) allowing Aviation Consultants, Inc. to occupy lease site "G" at the San Luis Obispo County Regional Airport, replacing Mike Dacey, **Approved.**

Planning and Building Items:

- B-7 **RESOLUTION NO. 2004-231**, authorizing an application for grant funds to the Federal Supportive Housing Program administered by the United States Department of Housing and Urban Development (HUD), **Adopted.**
- B-8 **RESOLUTION NO. 2004-232**, accepting an avigation easement from Rafael and Patricia Avila, for property located near the Oceano County Airport; 4th District, **Adopted.**
- B-9 **RESOLUTION NO. 2004-233**, accepting an avigation easement from Craig and Micki Sue Leister, for property located near the Oceano County Airport; 4th, **Adopted.**

Public Works Items:

- B-10 Mitigation Agreement with the Air Pollution Control District for air quality impacts associated with the Lopez Dam Seismic Remediation Projects; 4th District, **Approved.**
- B-11 **RESOLUTION NO. 2004-234**, amending Resolution No. 2004-184 correcting the contract number to P12A278; 4th District, **Adopted as amended.**
- B-12 **RESOLUTION NO. 2004-235**, establishing the 2004-05 Special Tax Rate for County Service Area No. 9, Zone 1 (East of Los Osos Creek); and a request to approve an agreement (Clerk's File) with the Los Osos Community Services District for emergency medical and fire service; 2nd District, **Adopted.**
- B-13 **RESOLUTION NO. 2004-236**, updating roadway design standards, high traffic roadways with over 5000 Average Daily Traffic (ADT) and roads with bike lanes; All Districts, **Adopted.**
- B-14 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: CO 02-0371, a proposed subdivision resulting in 1 lot, by Union Pacific Railroad, railroad right-of-way, San Miguel; 1st District, **Approved.**

Sheriff-Coroner Items:

- B-15 Request to approve release of accountability and the destruction of surplus weapons, **Approved.**
- B-16 Request to authorize the Sheriff's Department to submit a grant application to the U.S. Department of Justice (DOJ) for a Community Oriented Policing Services (COPS) technology initiative grant, **Approved.**
- B-17 **RESOLUTION NO. 2004-237**, increasing the penalty assessed to recover the costs of the blood alcohol test program; and request to approve a corresponding budget adjustment in the amount of \$110,000 from General Fund Contingencies to the blood alcohol trust fund, **Adopted.**

Other Items:

- B-18 Request from Public Health to approve appointments and reappointments to the San Luis Obispo County Health Commission, **Withdrawn.**
- B-19 Request by Supervisor Bianchi to allocate \$1,500 from District Two Community Project Funds to the Los Osos Community Advisory Council for costs associated with holding monthly public meetings, **Approved.**
- B-20 **RESOLUTION NO. 2004-238**, by Risk Management to approve a contract (Clerk's File) for liability program administration services with Carl Warren & Co. and authorize the Auditor-Controller and Risk Manager to set up the necessary banking arrangements for the new contract, including the pre-funding of a bank account in the amount of \$100,000 from the Liability Fund, **Adopted.**
- B-21 **RESOLUTION NO. 2004-239**, by Victim-Witness authorizing the County to enter into a grant agreement with the State Office of Emergency Services for the administration of a victim witness assistance program for fiscal year 2004-05, **Adopted.**
- B-22 Service contracts (Clerk's File) with community organizations in support of Child Welfare Services and CalWorks Programs, **Approved.**
- B-23 **RESOLUTION NO. 2004-240**, commending Rosemary Duclou for her years of service to the County, **Adopted.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

- B-24 Request from Public Works to waive the formal RFP process and approve an engineering services contract (Clerk's File) with MNS Engineers, Inc. for inspection and plan checking of the Woodlands Project Tract 2341; and approve a corresponding budget adjustment in the amount of \$200,000, **Withdrawn.**

5

- C-1 This is the time set for hearing to consider a Housing Element Update of the County General Plan in response to comments from the State Department of Housing and Community Development, G030006Z; All Districts.

Mr. Dana Lilley: Planning, presents the staff report outlining the minor, non-substantive revisions to the Housing Element which address comments by the California Department of Housing and Community Development (HUD); recommends adoption of the resolution approving these changes; responds to questions by Supervisor Pinard regarding the figures from the Department of Finance.

Mr. Eric Greening: states he agrees with all the minor changes; indicates he believes there needs to be added language regarding new towns on pages C-1-28 and C-1-104;

addresses creating master planned communities and suggests changing the word “scheduled” to “prepared to evaluate.”

Mr. Bob Blair: states only 14% of the people living in the County can afford to buy a home here and feels something is wrong with this; there is a need for affordable housing for young folks/families; something has got to change to allow for more affordable housing.

Supervisor Pinard: addresses her concern to using CDBG money for administrative costs; suggests there is a need for more workforce housing and is concerned about the lack of information on how to get this affordable housing; her concerns about not correcting this document to reflect the changed figures from the Department of Finance.

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

AYES: Supervisors Achadjian, Bianchi, Chairperson Ovitt
NOES: Supervisor Pinard
ABSENT: Supervisor Ryan

RESOLUTION NO. 2004-241, resolution amending the Housing Element of the San Luis Obispo County General Plan, adopted.

6

C-2 This is the time set for hearing (Introduced on July 13, 2004) to approve an amendment to the County Code, Section 8.12.400 for a Construction and Demolition Debris Recycling Ordinance; All Districts.

Ms. Mary Whittlesey: Public Works, presents the staff report outlining prior Board direction; public discussions with various groups on this issue; State requirements for this program and outlines the key points of the program; addresses the expected results in the percentage reduction of solid waste disposed in regional landfills.

Mr. Mark Sullivan: Planning, outlines the estimated cost and staffing needs for the program; addresses the various funding options and possible fee options to be looked at in the near future.

Supervisor Pinard: questions what occurs now with construction debris, with Ms. Whittlesey responding as to the use of existing recycling facilities in the County; indicates the concern is there is no incentive to use these recycling facilities versus landfills.

Supervisor Pinard: expresses her concern to costs for new construction versus remodeling and projects being stopped because of this, with Mr. Sullivan responding.

Board Members: address various issues, comments and concerns regarding: creating another level of “bureaucracy” in the permitting arena; reviewing this to see how it’s working if the ordinance is adopted.

Mr. Bob Blair: Nipomo Community Services District (NCSD) member, states that garbage is one of their functions at the District and they feel fees are being recommended for something that is not necessary; and if fees are needed the NCSD should impose those fees not the County.

Mr. Michael Winn: NCSD, suggests this proposal raises the cost of government; if this ordinance is rejected it would eliminate one position and save the County money; suggests various alternatives to this proposal.

Ms. Leslie Halls: Executive Director of the San Luis Obispo County Builders Exchange, addresses their concern to “roll-off” fees versus doing it themselves; feels there should be a flat fee if it is to be charged; addresses concerns about any statistics that are done be skewed because of all the retrofit/earthquake work that will be done.

Mr. Brad Goodrow: North SLO County Recycling, urges adoption of the ordinance and

wants it to be in effect prior to January 1, 2005; addresses the services he currently provides.

Mr. Bill Worrell: Integrated Waste Management Authority (IWMA), addresses the current statistics from the same program in the City of San Luis Obispo; the City's program has been in place for three years and has been very successful; presents the Board with a chart showing the Construction and Debris Material Recycled from 2001 thru 2004.

Mr. Noel King: Public Works Director, outlines how, if this is adopted, it will be handled in his office; indicates the fee issue will come to the Board with the next fee cycle in December and the Board can decide at that time if they want to impose a fee or not.

Chairperson Ovitt: indicates he would like to see more information on the personnel issues and the costs to the department before the fees come to the Board in December.

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, Pinard, Chairperson Ovitt
NOES: None
ABSENT: Supervisor Ryan

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3033, an ordinance of the County Board of Supervisors of the County of San Luis Obispo, amending Chapter 8.12 of the County of San Luis Obispo County Code requiring a mandatory Construction and Demolition Debris Recycling Program, adopted.

7

C-3 This is the time set for hearing to consider an appeal by Paul Prather of the Planning Commission's approval authorizing the construction of a 33-unit affordable rental housing project, located at the North of Laurel Street in the community of Avila Beach (DRC2003-00010/People's Self Help Housing Corp.); 2nd District (this item was corrected earlier today to reflect the 3rd District).

Supervisor Pinard: addresses the letters from the Appellant and Applicant withdrawing the appeal based on changes to the conditions.

Mr. James Caruso: Planning, states there has been an agreement between the parties and recommends adoption of the revised resolution; highlights the conditions to be changed which address (1) reducing the building on the westerly property line from three to two stories, (2) changing the unit configuration from a 2 bedroom unit to a one bedroom unit, (3) reducing the building on the northeast side of the building from a three story to a two story building, (3) changing the unit configuration from a two bedroom to a one bedroom unit, (4) increases the parking space count from 36 to 39 and (4) constructing a standing seam roof of dark green color (if possible).

Supervisor Bianchi: addresses her concern to the language in Condition #13 that the County can't limit these folks to "owning" one vehicle and suggests changing the language.

Mr. Paul Prather: Appellant, states he is in agreement with the changes and is withdrawing his appeal.

Mr. Scott Smith: People's Self Help Housing, states they are in agreement with the changes and urges the Board to approve the same; provides a brief history on this project.

Ms. Kathy Park: speaks to a list of folks that were displaced during the Unocal clean up project; addresses their concern to the size of these homes being too small; questions whether there will be enough one bedroom homes versus studio apartments.

Ms. Shirley Goetz: speaks to a list of folks (currently 50 on the list) that want to move back to Avila after being displaced; asks that all these units be with bedrooms and no studios; supports housing for all the folks that were displaced.

Supervisor Pinard: states she has been waiting a very long time for this and it is one of her proudest moments as a Supervisor; states this was negotiated separately with Unocal, through the Settlement Agreement, to help the folks that were displaced by the clean up.

Mr. Caruso: reads the changes to the resolution into the record.

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

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

the Board amends the conditions as follows: #1b is changed from eighteen to twenty 1-bedroom apartments; #1e is changed from twenty-two to twenty-five open parking spaces; #13 is amended to change the second sentence to read “Residents shall agree to maintain no more than one vehicle during their tenancy on the site.”; #21a, the last sentence is amended to delete the wording “or whose rents increased to such a level as to cause displacement.”; and, the resolution is amended to change the title to read “Resolution affirming and modifying the decision . . .”; the fifth WHEREAS is amended to read “. . . decision of the Planning Commission should be affirmed and modified . . .”; and, #5 is amended to read “. . . decision of the Planning Commission is affirmed and modified and that . . .” and, RESOLUTION NO. 2004-242, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of People’s Self Help Housing Corp. for Development Plan DRC2003-00010, adopted as amended.

8 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* and (3) *Dudich v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (4) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (5) *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: (6) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff’s Association*. (7) Negotiator’s Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *SLO Co. Probation Peace Officers’ Association*. (8) Negotiator’s Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*. (9) Negotiator’s Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *SLOCEA*. **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (10) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management and Confidential Employees*.

Chairperson Ovitt: 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.

9 C-4 This is the time set for hearing to consider appeals by R.F. Mueller and San Luis Obispo

Pilots Association of the Planning Commission's approval of a Minor Use Permit for a 10-unit hotel located west of Strand Way, approximately 200 feet North of Pier Avenue, within the community of Oceano, in the San Luis Bay Planning Area; 4th District.

Ms. Pat Beck: Assistant Director of Planning and Building, introduces the item indicating this is unusual in that there are two resolutions for the Board's consideration: (1) resolution affirming the decision of the Planning Commission and denying the appeals of R.F. Mueller and the San Luis Obispo Pilots Association; or (2) resolution concurring with the Airport Land Use Commission (ALUC) determination of inconsistency and partially upholding the Planning Commission's approval of the Minor Use Permit (MUP) and would also deny the appeal by R. F. Mueller and uphold the appeal of the San Luis Obispo Pilots Association (SLOPA).

Ms. Lauren Lajoie: representing Planning, presents the staff report; provides a brief history of the application; shows a site map and floor plan for the hotel; discusses the density calculations (average number of people per gross acre) as outlined in the two tables located on page C-4-49 of the staff report; comments on the information from Cal Trans and the Maximum Residential Density Table on C-4-59 of the staff report; addresses the issues of the appeal by SLOPA and the ALUC determination that the originally proposed project was incompatible with the Airport Land Use Plan; staff had recommended to the ALUC that the project was compatible but one of the Commissioners prepared an analysis dissenting with the staff recommendation; comments on the road improvements (Condition #25) on Strand; the recommendation of the Planning Commission was for a 10 unit project and the ALUC recommendation is for a 4 unit project.

Mr. Bill Robeson: Planning, and staff to the ALUC, addresses the responsibility and mission of the ALUC; addresses the recommendation, on this project, by the ALUC; indicates it takes a 4/5th vote of the Supervisors to overturn the ALUC decision; outlines the views of the Commission members that this project needs to be reduced based on its location.

Board Members: address various issues, comments and concerns regarding: surrounding uses; uses on the beach; questions regarding the reduction of the height for the building and to the number of units, with staff responding.

Mr. Robert Mueller: Applicant/Appellant, presents a packet of information for the record; his concern to the ALUC decision, suggesting they had the wrong information on the project; asks the Board to approve the project based on the General Plan; speaks against the ALUC procedures.

Ms. Kimberly Castro: outlines what was included in the information presented by Mr. Mueller.

Mr. Oscar Bayer: SLOPA President & Appellant, addresses their concern to safety issues related to the location of this hotel and the runway for the airport and the potential of an aircraft crashing into the building; their desire to keep the airport there as a recreational airport; don't believe this hotel is in a good location right on the center line and would be a very short distance from the end of the runway; indicates pilots are instructed, on takeoff, not to turn before they get to the shoreline; these are the reasons they took their concerns to the ALUC and what the ALUC based their 4 unit determination on.

Mr. Napool Patel: Lamplighter Hotel, speaks in support of the Mueller project at the full 25 units; feels would be more problems if this was a residential project.

Mr. Jiten Patel: speaks in support of the project and indicates he is representing an association called CLAS (California Lodging Association of San Luis Obispo County) which has over 200 members; suggests the statistics provided by the ALUC are "pretty skewed" as there isn't an average of 2.6 (persons) in a room; this is a resort type of facility and it's mainly busy three months out of the year and might have that type of occupancy during that time but not for the remaining nine months.

Mr. Eric Greening: states that the two main issues seem to be safety and noise; questions the analysis of the safety issues; with respect to the noise questions the difference in decibels for aircraft versus vehicles on the beach.

Ms. Amye Osti: area resident, states she supports the project and feels it will help clean up the area.

Ms. Pragna Patel: one of the project owners, states that the noise issue can be mitigated and they are willing to work on this issue.

Supervisor Bianchi: states she can't support jeopardizing the safety zone at the airport and supports the recommendation by the ALUC.

A motion by Supervisor Achadjian to support the project at 25 units and to add a condition to indemnify the County, dies for lack of a second.

A motion by Supervisor Achadjian, seconded by Chairperson Ovitt to support the project at 16 units as outlined in the Negative Declaration, is discussed.

Supervisor Pinard: addresses her concern to the safety issues; addresses the dilemma of the commercial zoning for this area and what that allows for through the Oceano Specific Plan.

Mr. Robeson: addresses the issue and indicates that the Oceano Specific Plan did not go to the ALUC for review or their input.

Supervisor Achadjian withdraws his motion with the concurrence of the second.

Mr. Tim McNulty: Deputy County Counsel, addresses the requirement of submitting proposed findings, if the Board's direction is to be contrary to the ALUC recommendation, to the ALUC 45 days prior to any final action by the Board.

A motion by Chairperson Ovitt, seconded by Supervisor Achadjian to continue this matter to August 10, 2004 with direction to staff is discussed.

Mr. Richard Marshall: Public Works, addresses the road improvement conditions and feels these are very important to the overall road circulation in this area; addresses the mid block issue.

Supervisor Achadjian: indicates he wants input from County Fire regarding the mid block issue before he makes any decision on it.

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

AYES: Supervisors Chairperson Ovitt, Achadjian, Bianchi, Pinard

NOES: None

ABSENT: Supervisor Ryan

the Board directs staff to prepare findings for both a 10 and 16 unit project and continues said hearing to August 10, 2004 at 9:00 a.m..

10 C-5 This is the time set for continued hearing (continued from July 13, 2004) to consider an appeal by R. Burke Corporation of the Planning Commission's disapproval to allow expansion of an existing construction storage yard and the establishment of a concrete crushing and recycling use in the commercial service land use category on Farmhouse Lane in the San Luis Obispo Planning Area; 3rd District.

Mr. John Nall: Planning, introduces the item.

Mr. John McKenzie: Planning/Environmental Specialist, addresses the changes based on the Board's tentative action last week.

Mr. Richard Marshall: Public Works, indicates that after reviewing the language in Condition #2a and discussions regarding the hearing last week, staff came up with an additional idea on how to satisfy the Board's direction and suggests adding the following sentence to Condition #2a - In lieu of paving, the access road may be improved with a dust control/road stabilization polymer emulsion, to the manufacturer's specifications for this application.

Supervisor Bianchi: questions the monitoring on this project and who do neighbors contact if they see a violation, with staff responding.

Supervisor Achadjian: addresses the fencing/landscaping and using any alternatives such as wood fences versus chainlink.

Ms. Carol Florence: Oasis Associates and representing R. Burke, states they are in agreement with the changes that have been made and she is available to answer questions; responds to being agreeable to compromising with a wood fence.

Mr. Roy Ogden: representing Mike Kyle, addresses the noise study that indicated concrete walls should be used to reduce the noise; states a wood fence is more acceptable than what is currently being recommended; questions how Condition 2a can be imposed without a traffic study; concerns that there hasn't been a water study done.

Mr. Jim Grammar: thanks the Board members who had time to meet with them; believes there are conflicting intentions occurring here; believes the Applicant will crush with or without this approval; states he wants to be protected from this project; urges the Board to deny the appeal.

Ms. Jan Grammar: presents a photograph, looking from her property, of the project site as it exists today; states the entire neighborhood is opposed to this project; believes the mitigation measures are inadequate; feels the 7 year sunset clause is inappropriate.

Ms. Kim Poletti: states she is "seriously" opposed to this project and it impacts her way of life.

Mr. Mario Burton: states he is opposed to this project.

Ms. Sharon Hartley: agrees with her neighbors and wants this project denied.

Ms. Suzi Kyle: feels they have all been "bulldozed" by this project and wants it denied.

Supervisor Achadjian: questions various aspects of the conditions relating to traffic, air quality and enforcement with Mr. McKenzie and Mr. Nall responding.

Mr. McKenzie: further offers language for fencing as a new Condition #47 to read: "The proposed 6-foot high screening fence on top of the 9-foot berms shall be an attractive solid wood fence, and shall apply the design and material criteria as specified under LUO Section 22.10.080. Installation of such a fence shall be completed prior to the establishment of the concrete recycling use."

Supervisor Pinard: questions the 6 foot wide sidewalks, with Mr. Marshall responding as to pedestrian/equestrian path requirements for rural areas.

Matter is discussed and thereafter, a motion by Supervisor Achadjian, seconded by Chairperson Ovitt, to adopt the resolution reversing the decision of the Planning Commission and conditionally approving Conditional Use Permit D000256D, with the revised Condition 2a and added Condition #47, fails on the following roll call vote:

AYES: Supervisors Achadjian, Chairperson Ovitt
NOES: Supervisors Bianchi, Pinard
ABSENT: Supervisor Ryan

Matter is further discussed and thereafter, on motion of Supervisor Pinard, seconded

by Chairperson Ovitt, with Supervisor Ryan being absent, motion carries and said hearing is continued to August 3, 2004 at 9:00 a.m..

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, July 20, 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: July 29, 2004
vms