

Tuesday, April 25, 2006

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

PRESENT: Supervisors Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Harry L. Ovitt

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

SUM AGN

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

AYES: Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

RESOLUTION NO. 2006-135, resolution proclaiming the week of April 23-29, 2006 as "San Luis Obispo County Crime Victims' Rights Week," adopted.

Supervisor Lenthall: reads the resolution and presents the same to Ms. Cindy Marie Absey, Victims-Witness.

Ms. Absey: thanks the Board for the recognition and their ongoing support; addresses their role in assisting the victims during the Denney's shooting; presents ribbons for the Board members to wear during the week.

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

AYES: Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

RESOLUTION NO. 2006-136, resolution recognizing *RESCUE ME!* and Animal Shelter Adoption Partners in promoting adoptions and reducing euthanasia of animals in San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Mr. Randy Brachman.

Mr. Brachman: Rescue Me, thanks the Board for the recognition and highlights how they started this program; feels this program has changed the way the Animal Shelter is viewed.

Dr. Eric Anderson: Animal Services, thanks Mr. Brachman and his group for all they do.

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

AYES: Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

RESOLUTION NO. 2006-136, resolution recognizing the Cal Poly Community Center and proclaiming April 23-29, 2006 as Homeless Awareness Week in San Luis Obispo County, adopted.

Supervisor Patterson: reads the resolution and presents the same to Mr. Dan Pronsolino, Cal Poly.

Mr. Pronsolino: addresses the upcoming programs/events to help raise the level of awareness regarding the homeless.

Mr. Stephan Lamb: Cal Poly, thanks the Board for their contribution to the homeless shelter.

Mr. Eric Parkinson: introduces the film and urges the public to support homeless issues and help resolve this problem.

Ms. Lisa Maxsudian: photographer for the film, states all the pictures were taken in the County; highlights what she saw when taking these pictures.

Mr. Parkinson: highlights the interviews he conducted with the homeless in the County.

Ms. Ricki Baird-Church: addresses her views, as a pastor, on the homeless issues.

Mr. Scott Peterson: Pastor for Grace Church, addresses what they are doing to help the homeless in our community.

Local Pediatrician: speaks to the needs of the homeless.

Ms. Lillian Judd: EOC, thanks the Board for the recognition; the interfaith coalition for their work.

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

Mr. David Broadwater: addresses his concern that Supervisor Lenthall is heading up a “task force” on the Dalidio project; has concerns regarding the members on the Task Force; suggests seven additional people/groups that should be on this Task Force; urges the Board to put this matter on an agenda for further discussion.

Dr. Stephen Hansen: presents a packet of information regarding Tobacco Retail Licensing - Education Packet; addresses the issue of the sale of tobacco to teens and local control of the same; suggests everyone has a responsibility to stop the sales of tobacco to kids.

Ms. Berit Elam & Ms. Barbara Sances: present an informational flyer on the 24-hour Relay Challenge at San Luis Obispo Senior High School; states this is done to help with the drug and alcohol prevention among teens.

Mr. Jesse Arnold: speaks regarding Genetically Engineered (GE) crops and his concerns to the same.

Mr. Dennis Kish: speaks regarding Supervisor Lenthall’s Task Force relating to the Dalidio project and wants to see the group either expanded or disbanded.

Mr. Richard Sadowski: speaks to the Statewide infrastructure problems; concerns regarding water/wastewater issues.

Mr. Eric Greening: comments on Supervisor Lenthall’s Task Force and his concern that four elected officials are heading this up; addresses the Public Utilities Commission session on May 4th and PG&E’s request to spend money for a study regarding relicensing of Diablo Canyon.

Mr. Michael Kovacs: suggests if the public asks questions they are “entitled to good answers” and explains.

Ms. Betty Winholtz: states she is speaking for herself; comments on SB 840 and the letter of support that is going out from the City of Morro Bay; urges the Board to also do a letter.

Mr. Richard Kranzdorf: comments on the Dalidio project and the committee being established by Supervisor Lenthall; suggests this committee should include as many folks as possible.

Mr. Alan Martin: Los Osos resident, suggests this community can solve its problems but they need the Board’s moral support; there is a Regional Water Quality Control Board (RWQCB) meeting this Friday and asks the Board member’s to attend.

Mr. Bill Moylan: Los Osos resident, urges the Board to attend the RWQCB meeting and explains why he believes they need the County's help to get the sewer in.

Ms. Vita Miller: urges the Board to appear at the RWQCB hearing on Friday to support Los Osos; comments on the proposed dissolution of the Los Osos Community Services District (LOCSD); reads from literature in 1998 to form the District.

Ms. Gail McPherson: urges the Board to support the LOCSD at the RWQCB hearing on Friday suggesting the Board represents all the citizens in Los Osos.

Mr. Al Barrow: presents a DVD and information on the ABG Pirana which is a pre-treatment system that fits inside an existing septic tank with no alteration to the existing system.

Mr. Chuck Cesena: LOCSD Member, comments on an MOU between the County and the RWQCB and this document was not altered to include the LOCSD after its formation; states that septic systems fall under the jurisdiction of the County's Environmental Health division; urges the Board members to show up on Friday at the RWQCB meeting.

Ms. Lisa Schicker: LOCSD President, updates the Board on what's occurring in Los Osos and presents three handouts on 1) Facts about LOCSD, 2) Los Osos CDOs (Cease & Desist Orders) and 3) Viewpoint/Editorial by Lisa Schicker dated 4/23/06; urges the Board to attend the RWQCB hearing

Mr. Dave Duggan: comments on the Cease and Desist Orders in Los Osos for individual septic systems; comments on the various agencies involved and the role he believes the County has; feels that at the very least the District Supervisor should be at the RWQCB meeting. **No action taken.**

5 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. Jesse Arnold: comments on Item B-9 and what the need is for the security cameras in the Clerk-Recorder's office.

Ms. Kim Murry: Planning, comments on Item B-1 and makes a correction to page B-1-5 and asks that it be included in the motion adopting the Consent Agenda.

Mr. Eric Greening: comments on Item B-1 and his question on the area of the ordinance regarding exemptions from the normal growth ceiling, specifically relating F3(1); Item B-21 and addresses questions regarding expansion of Lopez.

Mr. Ed Eby: speaks to Item B-1 and addresses the six months worth of discussions that have occurred at the Nipomo Community Services District (NCSO) Board and will provide those comments for the record; addresses Section 3 of the proposed ordinance and the need for a clearer definitions of Smart Growth, Green Build and Mixed Uses; suggests the need for language to help promote the growth of Olde Towne Nipomo; comments to language they would like stricken in Section 9.

Mr. Michael Kovacs: comments on Item B-5 and the response by the Grand Jury being a critical element of how issues are looked at; urges the Board to implement all the recommendations by the Grand Jury.

Mr. Michael Winn: states he is speaking as a private citizen and addresses Item B-1; supports the exemptions from Smart Growth, Green Build and Mixed Uses and would like to see the definitions made clearer; comments on the LEED Standards; questions regarding mining.

Ms. Clara Bergman: comments on the Chestnut Villa Project in Olde Towne; addresses Item B-1 and the number of years their project has been in the pipeline already and this is what the area is looking for as it is a Mixed Use project.

Mr. Jerry Bunin: Government Affairs- Homebuilders, comments to Item B-1 and Mixed Use projects; addresses the number of years many projects (and not all Mixed Use) have been in the works. **No action taken.**

- 6 B-1 Consent Agenda Item B-1 is amended to correct page B-1-5 of the staff report, Section 4,
thru (a) Category 1, the second to the last line to read “. . . for dwelling units to use up the 35%
B-30 . . .”. Item B-3 is amended to correct the coversheet recommendation to read: “(RECOMMEND
APPROVAL AND INSTRUCT THE COUNTY ADMINISTRATIVE OFFICER TO SIGN.)”
Item B-30 is added to the Consent Agenda.

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

AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

Consent Agenda Items B-1 through B-30 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-30, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set For Hearing:

- B-1 Introduction of ordinance amendments to the Growth Management Ordinance, Title 26 of the County Code to maintain the Countywide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%; All Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for May 9, 2006 at 9:00 a.m..**
- B-2 **RESOLUTION NO. 2006-138**, of intention to vacate a portion of Quicksilver Way offer to dedicate and temporary easement, a purported public road in the community of Templeton; 1st District, **Adopted and the Clerk is instructed to give notice of hearing date set for May 23, 2006 at 9:00 a.m..**

Administrative Office Items:

- B-3 Contract with Jeff Hamm to serve as County Health Agency Director, **Approved as amended.**
- B-4 **RESOLUTION NO. 2006-139**, accepting the exchange of property tax revenue and annual tax increment of Annexation No. 27 to the Nipomo Community Services District (Holloway), **Adopted.**
- B-5 Recommended responses to findings and recommendation contained in the March 2006 Grand Jury report on County Harbors and to forward the responses to the Presiding Judge of the Superior Court, **Approved.**

Auditor-Controller Items:

- B-6 Submittal of a cash procedure review of the County Treasurer's Office conducted on March 16, 2006, **Received and Filed.**
- B-7 Submittal of an audit report on the Pro Shop concessionaire at Dairy Creek Golf Course for the period of January 1, 2004 through November 30, 2005, **Received and Filed.** (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-8 Submittal of an audit report on the Pro Shop concessionaire at Morro Bay Golf Course for the period of January 1, 2004 through November 30, 2005, **Approved.**

Clerk-Recorder Items:

- B-9 Budget adjustment in the amount of \$34,500 from restricted revenue and waive the County's formal "Request For Proposal (RFP)" process in order to purchase security cameras for the Clerk-Recorders office, **Approved.**
- B-10 Minutes of the Board of Supervisors meetings of February 7, 14, 28, 2006, **Approved.**

- B-11 Request to destroy Employee Oaths of Affirmation of Allegiance, from January 1, 1999 to December 31, 2000 that are now being maintained on microfilm, **Approved.**
- B-12 Request to approve the destruction of unacceptable bids from the time period covering September 28, 2000 through January 15, 2004, **Approved.**
- B-13 Request to approve the destruction of files regarding claims for damages against the County from January 1 - December 31, 1999 and Assessment Appeal Applications that are 3 years after the final action, **Approved.**
- B-14 Request to approve destruction of County Board of Supervisors Agricultural Preserves and Road files that are now maintained on microfilm, **Approved.**

Health Agency Items:

- B-15 **RESOLUTION NO. 2006-140**, amending the position allocation list for Fund Center 350 – CMSP, by eliminating one quarter time Accountant III position and replacing it with one half-time Accountant III position, **Adopted.**
- B-16 Budget adjustment in the amount of \$19,999 from unanticipated revenue to Fund Center 162 - Drug and Alcohol Services for the “Every 15 Minutes” program at San Luis Obispo and Nipomo High Schools, **Approved.**

Planning and Building Items:

- B-17 **RESOLUTION NO. 2006-141**, approving an avigation easement from Lester E. & Elizabeth A. Lackie, co-trustees under trust dated October 15, 1987, for property located near the Oceano County Airport; 4th District, **Adopted.**
- B-18 **RESOLUTION NO. 2006-142**, approving an agreement establishing restrictions and obligations for real property adjusted by Lot Line Adjustment COAL 03-0237, by Jan F. Davis, successor Trustee of the James B. Davis Trust dated June 25, 1984; the project is located on the north east side of the intersection of Highway 1 and Cayucos Creek Road in the community of Cayucos; 2nd District, **Adopted.**
- B-19 **RESOLUTION NO. 2006-143**, approving an open-space agreement for Robert Atkins and Sherill Atkins, Trustees of the Atkins Family Trust established October 28, 1999; the project is located at the crest of Prefumo Canyon Road, approximately 6 miles west of the City of San Luis Obispo; 2nd District, **Adopted.**

Public Works Items:

- B-20 Amended contract with Pall Corporation for the Lopez Water Treatment Plant’s filtration equipment, San Luis Obispo County Flood Control Zone 3, **Approved**; and **RESOLUTION NO. 2006-144**, granting authority to the Director of Public Works to approve and sign change orders up to a cumulative total of \$100,000; 3rd and 4th District, **Adopted.**
- B-21 Supplemental agreement (No. 10) for the operation and maintenance of the Salinas River Dam Facility for the period of July 1, 2006 to June 30, 2011; 5th District, **Approved.**
- B-22 **RESOLUTION NO. 2006-145**, accepting conveyance to the County from Lena & Bryan Friedman, for the San Luis Bay Drive Bridge Replacement Project; 3rd District, **Adopted.**
- B-23 **RESOLUTION NO. 2006-146**, authorizing a grant agreement for \$300,743 in Proposition 50 funding for installation of a granular activated carbon filter at the Cayucos Water Treatment Plant for County Service Area 10; and request to authorize the Director of Public Works to execute a funding agreement with the Department of Water Resources; 2nd District, **Adopted.**
- B-24 **RESOLUTION NO. 2006-147**, approving an agreement with Woodlands LLC for accelerated payment of South County Road Improvement Area 1 and 2 fees for the Woodlands Development Project in Nipomo; and approve a corresponding budget adjustment in the amount

of \$2,605,285, to recognize the first installment payment to the Nipomo Area 1 Road Improvement Fee Reserve Account from the Woodlands LLC; 4th District, **Adopted.**

B-25 Change order in the amount of \$5,132 for R. Burke Corporation to complete construction of a temporary structure to support utility lines serving County Operational Facilities: General Government – Operations Center – Relocate waterline over Creek (WBS 300077); All Districts, **Approved.**

B-26 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 05-0018, a proposed subdivision resulting in 3 lots, by Randall A. Dennis, Ocean Avenue, Cayucos; 2nd District, **Approved.**

B. CO 04-0274, a proposed subdivision resulting in 4 lots, by Donna Evenson, Corbett Canyon Road at Oak Hill Road, northeast of Arroyo Grande; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

B-27 **RESOLUTION NO. 2006-148**, commemorating the 125th Anniversary of the Agricultural Commissioner's System in California and the County, **Adopted.**

B-28 **RESOLUTION NO. 2006-149**, proclaiming April 2006 as "Month of the Child" and April 8, 2006 as "Day of The Child" in the County, **Adopted.**

B-29 **RESOLUTION NO. 2006-150**, correcting a legal description in a Quitclaim Deed transferring real property to the Cayucos Land Conservancy as authorized in a resolution dated May 3, 2005, **Adopted.**

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

B-30 Request by Board Members to allocate \$2,000 (District Two - \$100, District Three - \$500, District Four \$1,400) from Community Project Funds to the Nipomo Area Recreation Association, Inc. for the Annual Kids Day Celebration on April 29, 2006 at Nipomo Park, **Approved.**

7 C-1 This is the time set for hearing (introduced April 11, 2006) to consider adoption of Public Facility Financing Plan for the Unincorporated Area Facilities (Clerk's File) modification of Public Facility Fees to implement the plan and proposed amendments to Title 18 to incorporate recommended changes to the program; All Districts.

Ms. Pat Beck: Assistant Director of Planning and Building, presents the staff report; highlights two corrections to the staff report and proposed ordinance; outlines the purpose of the review; addresses where the fees have been spent and highlight the Cayucos, Cambria and Nipomo areas; outlines the major issues including where fees should be applicable, should the fees be based on a flat fee or a square footage fee and should the annual reporting occur with agencies for which the County collects fees; comments on the fire agency concerns whether their fee should be a flat rate or based on square footage for residential development; issues raised by Parks regarding the fees as they relate to them; issues regarding the relationship to the Quimby Park Fees; outlines the program administration changes; outlines the recommendations.

Mr. Richard Recht: consultant, addresses what they did to help prepare this document.

Mr. Jerry Bunin: Government Affairs - Home Builders, states they are "okay" with the staff report; provides thoughts on how fees should be applied in the future to pay for parks and doesn't really feel "this system works very well."

Mr. Pandora Nash-Karner: Parks and Recreation Commissioner representing District 2, highlights what the Public Facilities Fees have assisted in paying for with respect to parks; urges the Board to support the staff recommendations.

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

AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

RESOLUTION NO. 2006-151, resolution to amend the Public Facilities Financing Plan for Unincorporated area facilities, all residential and non-residential development and to adopt an ordinance entitled “an ordinance amending Title 18 of the San Luis Obispo County Code, the Public Facilities Fee Ordinance, relative to requirements for fire fees on remodels, additions and alterations that add additional Residential square footage and the payment of Park Fee when Parkland Dedication Fees (Quimby Ordinance) have been previously paid for a parcel,” adopted.

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

AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3085**, an ordinance amending Title 18 of the San Luis Obispo County Code, the Public Facilities Fee Ordinance, relative to requirements for fire fees on remodels, additions and alterations that add additional Residential square footage and the payment of Park Fee when Parkland Dedication Fees (Quimby Ordinance) have been previously paid for a parcel, adopted.

9 C-2 This is the time set for hearing (Introduced April 11, 2006) to consider amendments to Title 21 (Real Property Division Ordinance) relative to the Quimby Ordinance (Parkland Dedication Ordinance); All Districts. (This item was amended at the beginning of the meeting to replace the last page of the ordinance to reflect that it would into effect 60 not 30 days after the date of adoption.)

Mr. Pete Jenny: Parks Manager, presents the staff report and provides a brief background on the creation of the Quimby Ordinance; outlines what the fees can be used for and provides examples of where these fees have been applied; outlines the proposed changes to the ordinance and recommends adoption of the same.

Mr. Ed Eby: South County Advisory Council, speaks in support of the changes; addresses his concern to any reduction in fees.

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

AYES: Supervisors Patterson, Bianchi, Lenthall, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3086**, an ordinance amending Title 21 of the San Luis Obispo County Code, the Real Property Division Ordinance, Chapter 21.09 relative to the Quimby Ordinance (Parkland Dedication Ordinance), adopted.

10 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) Los Osos CSD v. Golden State Water Company and (2) Almond Heights, LLC v. County of SLO.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (3) *Significant exposure to litigation (Gov. Code, §54956.9(b).) No. of cases* 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (4) *Initiation of litigation (Gov. Code §54956.9(c).) No. of cases* 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code §54957.6.) It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (5) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*. (6) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*. (7) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*.

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

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

11 C-3 This is the time set for hearing to consider an appeal by Yvonne Reiter-Brown of the Anderson Minor Use Permit/Coastal Development Permit (DRC-2005-00002) to construct an approximately 4800 square foot residence at the end of Starr Court, near the intersection of Bayview Heights Drive and Valley View Lane in the community of Los Osos; 2nd District.

Mr. Matt Janssen: Environmental Specialist/Planning, indicates the Applicant is requesting a continuance.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall, with Supervisor Ovitt being absent, motion carries and the Board continues said hearing to June 27, 2006 at 9:00 a.m..

12 C-4 This is the time set for hearing to consider an appeal by Donald Halsey and Carol Anne Doty of the Planning Department Hearing Officer's decision to conditionally approve their Lot Line Adjustment request (COAL05-0283) to adjust the lines between two existing parcels of 5.3 acres and 1.5 acres each; the project is located at 2829-2875 Kip Lane and 942 Message View Drive in the village of Palo Mesa; 4th District.

Mr. Michael Conger: Planning, presents the staff report and recommends denial of the appeal.

Mr. John Belsher: attorney representing Appellant, presents information as to why the appeal should be upheld; outlines the changes in the conditions they are willing to do to get this approved and believes with these changes the Board can uphold their appeal.

Mr. Robert Lewin: CDF/County Fire responds to questions, by the Board, regarding the need for a 30 foot clear area for any development.

Ms. Kami Griffin: Planning, speaks to additional language to address the concerns by County Fire.

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

AYES: Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

t he Board upholds the appeal and amends the conditions as follows: Condition #6, the following sentence is added to the end of the paragraph to read: "Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance."; Condition #10 is amended to read: "Prior to the effectuation of the Lot Line Adjustment, the residential density on Parcel B shall be modified such that the number of residential units on Parcel B shall be reduced to four by the removal of the mobile home and shed adjacent to the primary residence."; Condition

Nos. 11 and 12 are deleted. Condition #16 is added to read: "The applicants shall record a permanent easement along the southerly property line of Parcel A, in a form acceptable to County Counsel, that would provide a 30-foot no build area (clear area for defensible space) meeting CDF requirements to the structures along the northern property line of Parcel 1 of COAL 05-0283."; and, RESOLUTION. NO. 2006-152, resolution affirming the decision of the Director of Planning and Building and conditionally approving the application of Donald Halsey and Carol Anne Doty for Lot Line Adjustment COAL05-0283, adopted as amended.

13 C-5

This is the time set for hearing to consider activities for funding under 2006 Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), Emergency Shelter Grant (ESG), and American Dream Downpayment Initiative (ADDI) Programs and approve the Urban County of San Luis Obispo Program Year 2006 Action Plan of the San Luis Obispo County Consolidated Plan; and approve proposed amendments to the 1996, 1997, 1998, 1999, 2003, 2004 and 2005 Action Plans; All Districts.

Mr. Tony Navarro: Planning, presents the staff report, outlines the available funding; comments on the allocations by jurisdiction; addresses the County projects recommended for funding; presents the recommendations.

Ms. Raye Fleming: EOC Health Services, thanks the County for their support for the remodel of their South County Clinic and outlines how this will help in providing services.

Mr. Ed Gallagher: City of Paso Robles, speaks in support of funding for their senior housing project.

Mr. Chris Cameron: Director of Camp Ocean Pines in Cambria, thanks all for the support for improvements for an ADA access trail to increase their ability to serve the public.

Ms. Rosemarie Arnold: Director of the South Bay Community Center in Los Osos, thanks all for the grant to upgrade their building to ADA standards.

Ms. Jody Smith: EOC - Homeless Services, addresses the use of the shelter on Prado Road last year and thanks the County for their support; addresses the minor home repair program they provide.

Mr. John Dunn: Acting City Manager for the City of Grover Beach, thanks the County for their support of low and affordable housing.

Mr. Mitch Cooney: representing the Oceano Community Services District, thanks the Board for their support of funds to repair sewer lines in Oceano caused by the San Simeon earthquake.

Ms. Pearl Munak: addresses the Motel Voucher Program and the shortfall in the same.

Ms. Peggy Fowler: EOC Homeless Services, appreciates the funding for the various programs they offer.

Mr. Jesse Arnold: thanks the Board for their support of all the homeless programs; addresses his concern to the cuts in funding for these types of programs.

Ms. Sheryl Flores: People's Self-Help Housing, thanks the County for their funding support.

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

AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

the Board approves the activities and CDBG, HOME, ESG and ADDI funding levels as shown in Exhibit A of the staff report dated April 25, 2006 and RESOLUTION NO. 2006-153, resolution approving and authorizing submittal of the Urban County of San Luis Obispo Program Year 2006 Action Plan of the County of San Luis Obispo 2005 Consolidated Plan for the Community Development Block Grant (CDBG), Home

Investment Partnership Act (HOME), Emergency Shelter Grants (ESG), and the American Dream Downpayment Initiative (ADDI) Programs and Proposed amendment to the 1996, 1997, 1998, 1999, 2003, 2004 and 2005 Action Plans, adopted. Further, the Board authorizes the Director of Planning and Building Department to execute any agreements necessary for implementation of the approved activities.

14 C-6

This is the time set for hearing to consider a resolution establishing Road Improvement Fees for all development within the easterly portion of San Miguel and receive the San Miguel Traffic Circulation Study; 1st District.

Mr. Frank Honeycutt: Public Works, presents the staff report; outlines the reasons for the study; highlights the active applications in this area; addresses how the road fees are established; comments on two proposed projects in San Miguel; highlights the staff recommendation.

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

AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

the Board received and adopts the report title “San Miguel Traffic Circulation Study” as presented in the staff report dated April 25, 2006 and RESOLUTION NO. 2006-154, resolution of the Board of Supervisors of the County of San Luis Obispo establishing the Road Improvement Fee for all developments within the easterly portion of San Miguel of the County of San Luis Obispo County, adopted.

15 D-1

This is the time set for discussion regarding the Grand Jury 2006 Report on the San Luis Obispo County Planning Commission.

Mr. David Edge: County Administrative Officer, presents the staff report; indicates there will not be anyone from the Grand Jury here today as they are precluded from discussing their investigation; summarizes what the report includes and the focus of staff’s response; comments on the various issues raised by the Grand Jury and the focus on conflict issues, while not specifically named, Planning Commissioner Sarah Christie.

Supervisor Bianchi: her concerns to language on page D-1-7, Finding #2; page D-1-4, #3 and believes applying is a privilege not a right, with Mr. Vic Holanda, Director of Planning and Building responding.

Supervisor Patterson: addresses the Grand Jury Report and comments regarding: the Commission rules being vague, insufficient and often irrelevant and being in need of updating; whether the Commission is Advisory or Legislative; the “editorial” by the Grand Jury foreman on how they function and how they go to the department to have them review their report before it’s released.

Mr. Holanda: responds indicating the Planning Commission held an all day retreat and outlines what that included; addresses what staff does to assist the Commission so they can make a decision on a project/issue; he disagrees that the rules are vague and outlines what those rules entail; indicates this is a “decision” making body; and he does see the report before it’s released and indicates his limited purview in that review.

Supervisor Patterson: questions County Counsel as to their review of the report prior to its release, with Mr. James Lindholm, County Counsel, responding as to their limited purview.

Mr. David Broadwater: indicates he feels this is a biased report by the Grand Jury against Sarah Christie and he supports the staff recommendations.

Ms. Henriette Groot: comments on “marathon” Planning Commission meetings she has attended and feels they do a good job; questions the “agenda” for the Grand Jury.

Mr. Brian Brown: suggests the “most corrupt agencies” are Planning Commissions and suggests if they added two more members there would be more fair decisions made.

Mr. Allan Brown: feels there are Planning Commissioner's that are trying to create "legacies" for themselves and that a seven member Board makes sense.

Mr. Brian Coder: presents written information and highlights the same specifically addressing his belief of personal bias by Commissioner Bruce Gibson; believes the Grand Jury report was right on the mark.

Mr. Michael Deveau: addresses the report and his problems with one of the Commissioner's when he needed extensions and they added conditions to that.

Mr. Eric Greening: speaks in support of the staff response; addresses the various comments made regarding Commissioner Christie.

Mr. Ed Eby: states he is speaking as a private individual and is "appalled" by the Grand Jury report; outlines inaccuracies in the report regarding the Nipomo item; urges the Board to adopt the staff recommendation.

Mr. Bruce Gibson: states he is the 2nd District Planning Commissioner, addresses his concern to the report and agrees with the staff recommendation; asks that the Board further direct the Grand Jury to go back and redo this report and provide a "fair and professional evaluation."

Ms. Sue Harvey: states she is upset by the report the Grand Jury did and believes there was a lack of thorough review by them before completing their report.

Ms. Jane Swanson: Mother's for Peace, questions why the Grand Jury didn't look at the 2004 Planning Commission decision on Diablo; supports staff recommendation.

Mr. Jesse Arnold: addresses the report by the Grand Jury.

Ms. June Rodriguez: states she was on the 1991/92 Grand Jury and comments on her experiences.

Ms. Sarah Christie: thanks the Board for allowing a hearing on this report; and thanks staff for their response; questions various aspects of the Grand Jury including: why a subcommittee is confidential but not the entire membership; whether people who are interviewed by the Grand Jury can talk after a report is completed; whether Grand Jury members can be recalled.

Chairperson Achadjian: states he had a request from Bill Denneen to speak but he had to leave.

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

AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Ovitt

the Board agrees to continue the meeting past 5:00 p.m..

Supervisor Bianchi: questions various aspects of the Grand Jury functions; indicates she served on the Grand Jury in 1984/85; supports the staff recommendations.

Supervisor Patterson: comments on the Grand Jury indicating he previously held them in high esteem; feels the report should be redone and he would like an additional report; presents letters for the record from Susan Hansch, California Coastal Commission, dated 1/10/05, letter from Charles Lester, California Coastal Commission, dated 4/20/06 and letter from Sarah Christie dated April 19, 2006.

Supervisor Lenthall: addresses the report and his interaction with his Planning Commissioner on issues.

Chairperson Achadjian: states that all the Planning Commissioner's do a good job.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall, with

Supervisor Ovitt being absent, motion carries and the Board accepts the staff's Draft Responses to the Grand Jury Report 2006.

Board Members: discuss the matter further and direct staff to request that the incoming Grand Jury re-review this matter and provide a fresh report on this matter; copies of the minutes, documentation submitted today and the staff report be sent to the Grand Jury, and Presiding Judge.

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

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 25, 2006, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

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

By: /s/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: May 19, 2006
vms