

Tuesday, May 9,
2006

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

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

ABSENT: None

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

SUM **AGN**

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

Ms. Mary Kay Eltzroth: League of Women Voters, addresses the District 2 Candidates' forum that will be held, providing the location and time of the event.

Ms. Lisa Quinn: comments on May being Bike Month and highlights the various activities that will be going on during the month.

Mr. Jesse Arnold: comments on vegetable oil choices and that olive and saffron oils are locally grown; urges people to avoid industrial oils; speaks in support of local farmers.

Mr. Gary Fowler: presents written information and highlights the same requesting that the Veteran's Memorial Building in San Luis Obispo and would like to see the flags of all our States, territories and branches of the military; he believes this would be a tribute to all military personnel.

Mr. Eric Greening: speaks to a recent Public Utilities Commission hearing and Supervisor Patterson's appearance at this meeting; comments on the rising oil prices and feels this can change by changing transportation habits.

Mr. David Duggan: comments on the "bias" he believes is occurring by the Regional Water Quality Control Board (RWQCB) and specific members of the Board; speaks to the upcoming hearing before LAFCO regarding the dissolution of the Los Osos Community Services District (LOCSD) and hopes the Board members that are on LAFCO will be unbiased at that meeting.

Mr. Mark Wampler: addresses curb, gutter and sidewalk requirements that were imposed on him; suggests his Supervisor has not done anything to help fix the flooding problems in Oceano.

Ms. Trudy Jarratt: President for the League of Women Voters, reminds folks they need to register to vote, by May 22nd, in order to vote in the June Primary; addresses information that can be found at SMART Voter on the Internet.

Mr. Bryan DuVall: Red Cross Board member, introduces the new CEO, Grace McIntosh.

Ms. McIntosh: outlines where she sees the Red Cross going over the next few years; outlines their role as a "first responder" for emergencies.

Mr. Bob Lloyd: AGP Video, states they are testing "live-streaming" on the internet of this meeting.

Supervisor Lenthall: comments on the law enforcement torch run for the Special Olympics that occurs throughout the world; introduces members from Scotland Yard

present who have come 6,000 miles to welcome our local Special Olympic athletes - Tim Madewick - Chief Superintendent & Area Commander of York; Inspector Ken Reeves, Metropolitan Police; Sergeant Robert Chandler, Metropolitan Police; Constable Darren Gill, Metropolitan Police; Constable Sarah Grant, Metropolitan Police; and, Constable Gail Ansell, Metropolitan Police; presents each with a Certificate of Recognition.

Chief Superintendent Madewick: indicates they have been overwhelmed by the kindness and generosity of the people of California; they are here for the Special Olympics torch run and as a guest of the California Highway Patrol (CHP); states it has been a treat to meet the athletes; invites everyone to join them at the Tip-a-Cop event at the Quarterdeck Restaurant today.

Inspector Ken Reeves: thanks the Board, the CHP and the residents of California for all their hospitality; states they have learned a lot in the past week; presents two plaques to the Board representative of the two law enforcement agencies they are here representing.

Captain Bill Vale: San Luis Obispo CHP, comments on the Tip-a-Cop event at the Quarterdeck, in San Luis Obispo, today and that the tips made today will go to the Special Olympics. **No action taken.**

2 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. David Harrell: comments on Item B-14 and his concern to the proposal for “no parking areas” in Avila Beach; suggests this removes approximately half the parking in Avila and that all the residents should have been notified and were not.

Dr. Fred Vernacchia: comments on Item B-14 and the lack of notification to folks; states he spoke to his Supervisor’s assistant and was advised that there was a posting at the Post Office and email notification; addresses his concern to the impact that “no parking” areas will have in Avila. **No action taken.**

3 B-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on**
thru **the following roll call vote:**
B-22

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

Consent Agenda Items B-1 through B-22 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-22 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 a proposed ordinance amending the booking fee in the County Fee Schedule for Fiscal Year 2006-2007, **Approved and the Clerk is instructed to give notice of hearing date set for May 16, 2006 at 9:00 a.m..**

Clerk-Recorder Items:

B-2 Request to approve consolidation of District Measures with June 6, 2006 Consolidated Gubernatorial Primary Election, **Approved.**

B-3 Minutes of the Board of Supervisors meetings on March 7, 14, 21, and 28, 2006, **Approved.**

General Services Items:

B-4 1) An amended lease agreement with Dennis Ahearn which will extend the term for a five-year period and assign the lease agreement for office space located at 1120 Mill Street in San Luis Obispo to Superior Court of California; and 2) a Memorandum of Understanding with the San Luis Obispo County Superior Court of California to clarify the terms and conditions upon which the County will fulfill its obligation to support Family Court Services at offices located at 1120 Mill Street in San Luis Obispo, **Approved.**

B-5 Response to the Lopez Lake Concessionaire audit conducted by the Auditor-Controller's Office in December 2005 and submitted to the Board on January 24, 2006, **Received and Filed.**

Planning and Building Items:

B-6 **RESOLUTION NO. 2006-165**, approving an agreement for mitigations for Lot Line Adjustment COAL 04-0503 with Servtec Investments, LLC ; the project is located on the west side of Thompson Avenue, approximately one mile south of the Tefft Street/Thompson Road intersection, approximately ½ mile south of the community of Nipomo; 4th District, **Adopted.**

B-7 **RESOLUTION NO. 2006-166**, approving an agreement for mitigations for lot line adjustment COAL 05-0049 with Mary Anderson, Trustee of the Anderson Family Children's Trust/D. G. Chris Investment Company Trust; the project is located at 6460 Cressey Street, adjacent to the community of Creston; 5th District, **Adopted.**

Probation Department Items:

B-8 **RESOLUTION NO. 2006-167**, authorizing the Chief Probation Officer to submit to the State Board of Corrections an application for approval of San Luis Obispo County's Comprehensive Multi-Agency Juvenile Justice Plan Modification for Fiscal Year 2006-2007, **Adopted.**

B-9 **RESOLUTION No. 2006-168**, authorizing the Chief Probation Officer to apply for and accept an award in the amount of \$14,657 from the State Office of Criminal Justice Planning for the Juvenile Accountability Incentive Block Grant (JAIBG) Program, **Adopted.**

Public Works Items:

B-10 **RESOLUTION NO. 2006-169**, establishing the 2006-2007 Special Tax Rate and confirming the per parcel Special Tax Amount in County Service Area No. 21, Emerson Road Improvement Zone; 2nd District, **Adopted.**

B-11 **RESOLUTION NO. 2006-170**, establishing the 2006-2007 Special Tax Rate and confirming the per parcel Special Tax Amount in County Service Area No. 21, Roscoe Place Road Improvement Zone; 2nd District, **Adopted.**

B-12 **RESOLUTION NO. 2006-171**, amending the Traffic Regulation Code establishing through highways on Linne Road, east of Paso Robles and Via Concha Road, Nipomo; 1st and 4th Districts, **Adopted.**

B-13 **RESOLUTION NO. 2006-172**, establishing the 2006-2007 Special Tax Rate and confirming the per parcel Special Tax Amount in County Service Area No. 21, Marine Terrace and Alban Place Cooperative Road Projects, Cambria; 2nd District, **Adopted.**

B-14 **RESOLUTION NO. 2006-173**, amending the Traffic Regulation Code for the establishment of No Parking, Limited Parking, Angle Parking and Disabled Person's Parking Zones on Wilson Street and Tefft Street, Nipomo; Thirteenth Street, Oceano; Front Street, First Street, San Juan Street, San Francisco Street, San Miguel Street, and San Luis Street, Avila Beach; 3rd and 4th Districts, **Adopted.**

B-15 **RESOLUTION NO. 2006-174**, amending the Traffic Regulation Code establishing bike lanes on Orchard Avenue, Division Street, Thompson Avenue and South Frontage, Nipomo; El Moro Avenue, Los Osos; and Sixteenth Street, San Miguel; 1st, 2nd and 4th Districts, **Adopted**.

B-16 Budget adjustment in the amount of \$52,045 for the Lopez Water Treatment Plant Domestic Water Storage Tank Rehabilitation and Repair (Contract No 300188); 3rd & 4th Districts, **Approved**.

B-17 Two amendments to the agreement with Black and Veatch, Walnut Creek, California for specialized engineering services for an increase in the amount of \$77,000 to provide for a potential increase in the production capability of the upgrade and an increase in the amount of \$235,200 for completion of all design phase services at the Lopez Water Treatment Plant; 3rd & 4th Districts, **Approved**.

B-18 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 04-0348, a proposed subdivision resulting in 2 lots by T.J. Wonnell, Verde Canyon Road, north of Arroyo Grande, **Approved**; **RESOLUTION NO. 2006-175**, to accept the offer of dedication for road widening and **RESOLUTION NO. 2006-176**, to approve an Open Space Easement agreement; 3rd District, **Adopted**.

B. Tract 2605, a proposed subdivision resulting in 41 residential lots and one open space lot, by Mission Meadows Investments, Bonita Place north of 16th Street, San Miguel; reject the offer of dedication without prejudice to future acceptance, **Approved**; **RESOLUTION NO. 2006-177**, to approve an open space easement agreement; 1st District, **Adopted**.

Other Items:

B-19 Recommended responses to a single finding and a single recommendation contained in the March Grand Jury report on the Gang Task Force, and to forward the responses to the Presiding Judge of the Superior Court, **Approved**.

B-20 Two scheduled mandatory annual amendments to the Fiscal Year 2005-2006 Combined Negotiated Net Amount and Drug Medi-Cal contract (Clerk's File) with the State Department of Alcohol and Drug Programs, **Approved**.

B-21 Memorandum of Agreement with the SLO County Office of Education regarding the use of the Oceano Library Branch for the School Readiness programs, **Approved**

B-22 Agreement with Global Tel-Link Corporation (FTL) for inmate telephone services at the County Jail and Juvenile Service Center, **Approved**.

4 C-1 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by J. Papich for a building permit to construct a 6,000 square foot commercial storage/shop building on Sheridan Road in the South County Road Fee area; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report, outlines the issues of the appeal and the staff recommendation for denial of the appeal.

Mr. Jason Papich: Appellant, addresses their total construction cost and that it will have a low impact on the roads; questions if this is a one time fee.

Mr. Mike Cruz: MC Builders, states he ran the permits for this application in October of 2005 and they still don't have a permit; states there will be no change in the traffic with the completion of this building.

Board Member: address various comments, issues and concerns regarding: whether there could be any further assessment to the property if the use of the building were to change; concerns regarding what fee year was applied for this improvement

fee; comments regarding fees for services; comments regarding the development permit being filed before the construction permit, with Mr. Marshall, responding.

A motion by Supervisor Ovitt, seconded by Supervisor Lenthall that on proof of acceptance of the Land Use Permit application, prior to the increase in the Public Facilities fee, that the fee that would be charged would be fee that was in place as of the time of that application, is discussed.

Supervisor Lenthall: questions whether the Applicant can offer proof today showing when the process was started.

Mr. Papich: states he has a County File number for the Land Use Permit, DRC2004-00223 and Document Number 2005-203.

Ms. Kami Griffin: Planning, indicates that the DRC 2004 number would have meant that it came accepted sometime in Fiscal Year 2004-05, meaning it was received between July 1, 2004 and June 30, 2005.

Supervisor Ovitt: questions whether the fees were increased in December, with Mr. Marshall indicating that is correct.

Supervisor Ovitt amends his motion to reflect that this Applicant be assessed the fee that was current at the time of their Land Use Application, with the second concurring.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board upholds the appeal and directs that the fees to be assessed are those that were in place at the time the Land Use Permit Application was filed for this Applicant.

5

C-2 This is the time set for hearing to consider an appeal by the Barre Family Trust of the Subdivision Review Board denial of their request for a Tentative Parcel Map (CO 05-0016) to subdivide an existing 5.1 acre parcel into three parcels of approximately 1.7 acres each and designate the project site as a TDC receiver site; the project is located on the southwestern side of San Antonio Road approximately 1,500 feet southeast of San Margarita Road, south of the City of Atascadero; 5th District.

Ms. Elizabeth Kavanaugh: Planning, presents the staff report and site map for the project; outlines the issues of the appeal; presents an email from Environmental Health regarding this project; and the Subdivision Review Board's (SRB) denial of the request.

Supervisor Patterson: questions improvements to Pasadena Road.

Mr. Richard Marshall: Public Works, addresses the issue on an aerial map and outlines Pasadena Road.

Supervisor Ovitt: questions the response by Environmental Health and their concerns with Ms. Kavanaugh and Ms. Kami Griffin, Planning, responding.

Ms. Pam Jardini: representing the Appellant Mr. Barre, presents information and a powerpoint outlining their issues; states this application was accepted prior to the moratorium the Board placed on this issue; describes the property; comments on the services to this project; addresses other South Atascadero projects that used the TDC Program; addresses issues relating to the neighborhood character; presents photographs of the site; outlines the public benefit of this proposal; asks the Board to support approval of their proposal.

Supervisor Patterson: questions the tree replacement being proposed; and the number of residences that could be built currently versus if this is approved, with Mr. Jardini responding.

Mr. Eric Greening: speaks in support of the staff recommendation for denial; addresses his concern to the continual reduction of parcel sizes; and, to his concern

regarding the interchange at Santa Barbara and San Antonio Roads.

Mr. Sean Vahey: states he has property two lots from this project; speaks in support of the recommendation for denial based on his concern of the loss of the rural character of the area.

Mr. Chris Pintor: urges the Board to support the Barre project.

Ms. Shari Cleveland: speaks to the TDC split she did and urges the Board to support this request and uphold the appeal.

Mr. Ross Ternhoff: states he owns property a mile and a half from this site and speaks in support of the project.

Mr. Alan Volbrecht: speaks in support of the project.

Mr. John Iopinni: states his family has been in the area for the past four generations and he supports this proposal.

Ms. Jackie Lerno: speaks in support of the project; feels the proposal is consistent with the current character of the neighborhood; reads a letter from Cheryl Kelling in support of the project.

Ms. Gene Barre: Applicant/Appellant, presents a petition with forty signatures in support of his project.

Ms. Stephanie Laird: states she is here in support of her husband and herself and in support of the application.

Mr. Nick Lerno: neighbor, speaks in support of the project.

Mr. Chad Wittstrom: states he is a lifelong resident and has done three TDC projects; comments on the moratorium; supports the application.

Ms. Chris Volbrecht: urges support for this project; states they have met all the requirements for a TDC Receiver site.

Mr. Bill Nelson: lives two miles from this site and supports the request.

Mr. Chad Baier: speaks in support of the proposal.

Ms. Stacey Tevis: states she is speaking on behalf of her grandmother and herself and supports this proposal.

Ms. Tina Salter: presents a packet of letters against this proposal; states she lives near the site and urges the Board to support the denial.

Ms. Joyce Baird: speaks to the proposal and regarding the area when she lived there.

Ms. Kathryn Sweet: thirty year resident, addresses the proposal and indicates that no one, who was in the "pipeline" when the moratorium went into effect, was promised they would be approved.

Ms. Della Barrett: reads a letter from Gil and Cheryl Scott, who live down from this site, addressing their concerns regarding drainage and against the use of TDC's.

Ms. Dolores Simons: urges the Board to deny this project; addresses flooding problems in this area.

Ms. Jardini: presents her closing arguments in support of the proposal; reiterates where the TDC's will be moved from.

Board Members: address various issues, comments and concerns regarding: the size of the homes; whether a requirement could be that at least one home be built as an "affordable housing" versus no guest houses; concerns regarding the email from Environmental Health and their concerns; assurances that the issues raised by Environmental Health are addressed before any approval is given; questions regarding the additional Oak trees being planted; concerns regarding circulation in this area.

Mr. Marshall: shows an aerial photograph of the site and outlines where the roads are and where they are proposed to extend to; states that the road condition as they originally recommended would require obtaining right-of-way from offsite property owners and because this is a parcel map rather than a tract map it can't be done through eminent domain; they have recommended to Planning staff that this condition be modified to simply require that this applicant dedicate the right-of-way within their ownership that would enable the completion of Pasadena Road at a future date.

Supervisor Patterson: questions how the road would be paved at a future date if this condition is approved.

Mr. Marshall: states he is hoping that further subdivision applications come in, in a beneficial sequence, that results in the possibility, but that is marginal that will occur.

Supervisor Patterson: discusses the possibility of requiring it be paved to the end of their property which would leave a one property width between what is currently paved and the subject property, with Mr. Marshall responding.

Supervisor Patterson: addresses the issue and highlights areas of concern raised by the public; suggests roads are a serious problem in this area.

A motion by Supervisor Patterson, seconded by Supervisor Bianchi, to tentatively uphold the appeal, with revised conditions regarding drainage, road improvements, tree planting and response to concerns by Environmental Health regarding the septic system and continue the hearing to June 6, 2006, is discussed.

Ms. Jardini: states, on behalf of her client, they agree to the continuance to June 6, 2006.

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

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

the Board tentatively upholds the appeal, conditioned on the conditions as outlined on pages C-2-22 through 29 with the following modifications/additions: that the Health Department receives the information they are requesting and approves the siting of the septic systems and the residences with the 100 foot setback from the drainage swale; a condition to require the road to be continued up to Pasadena and be paved to the edge of the property and that the easement between San Antonio Road and Pasadena be paved to the County Road Standards and dedicated as a public road; a condition be added to plant 10 Oaks to replace the one that is being removed and of like species; and continues this hearing to June 6, 2006 at 9:00 a.m. for staff to prepare the final conditions for approval.

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) *Almond Heights, LLC 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.)* (8) *Los Osos CSD v. Golden State Water Company,* (9) *Maria Vista Estates v. County of San Luis Obispo, et al. (CV050242).*

B. Conference with Legal Counsel B Anticipated Litigation (Gov. Code, §54956.9.) (2) *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. (3) *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: (4) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*; (5) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*; (6) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*; (7) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*.

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.

C-3 This is the time set for hearing to consider an appeal by Erik Forbes of the Planning Commission’s denial of a project to allow a partially-constructed, un-permitted secondary residence within the Black Lake Canyon rim building setback area; project site is located at 2138 Callendar Road, approximately 800 feet east of Sheridan Road, within the Callendar-Garrett Village on the Nipomo Mesa; 4th District.

Mr. John McKenzie: Planning/Environmental Specialist, presents the staff report; addresses the denial by the Planning Commission; addresses the Sensitive Resource Area (SRA) in Black Lake Canyon and the building that occurred within this area; outlines the Planning Commission’s conclusions and recommendations.

Mr. Erik Forbes: Appellant, addresses the information he previously submitted to the Board and indicates he has nothing further to add.

Supervisor Lenthall: asks Mr. Forbes why he built before getting a permit.

Mr. Forbes: responds that he knew he'd have trouble getting it built so he did it then he'd get the permit.

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

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

NOES: None

ABSENT: None

the Board denies the appeal and RESOLUTION NO. 2006-178, resolution affirming the decision of the Planning Commission and disapproving the request by Erik Forbes for an appeal of a Planning Director interpretation, adopted.

8

C-4 This is the time set for hearing to consider certification of the Supplemental Environmental Impact Report and approval of the final alignment for the Willow Road Extension and US 101 interchange project; Willow Road extension location begins near the intersection of Pomeroy and Willow Roads, extends east of Thompson Road; Frontage Road extension location starts north of Sandydale Road, extends north to the new Willow Road extension; north of the community of Nipomo; ED02-400 (WBS300129); 4th District.

Mr. John Farhar: Public Works, presents the staff report and provides an overview of the project; presents a map showing the final project alignment; addresses intersection improvements to Pomeroy Road, Hetrick Road, Highway 101 interchange and Thompson Road; addresses the requirements for preparing the Supplemental EIR when there was a Final EIR certified in 1999; responds to questions as to why there is a need for the road extension; comments on the significant unavoidable impacts of the project; highlights the staff recommendations.

Board Members: address various comments, issues and concerns regarding: the planting of trees, their size and the guarantee that they will live; asks that Nipomo Native Gardens be added to the groups that staff is working with; funding to plant these trees, with Mr. Dale Ramey, Public Works, responding.

Mr. Eric Greening: states this is a "good and thoughtful" EIR; questions various information in this document; questions the number of new trees that will be planted.

Mr. Bob Blair: is sorry the trees have to be removed; suggests there is a need to provide better roadways for people.

Mr. Larry Vierheilig: President for Nipomo Native Gardens, speaks to other sensitive plants in this area and the need to replant/propagate these into new areas with the trees.

Chairperson Achadjian: presents emails, for the record, from Bill Denneen and Herb Kandel.

Ms. Jill O'Connor: consultant, speaks to the survey's in the area of Willow Road that have occurred and that they still have to survey 750 Willow Road and this will occur prior to any construction.

Matter is fully discussed and thereafter, on motion of Supervisor

Patterson, seconded by Supervisor Ovitt and on the following roll call vote:

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

the Board certifies the Final Supplemental Environmental Impact Report dated April 2006 for the Willow Road Extension and US 101 Interchange Project; adopts the CEQA Findings and Statement of Overriding Considerations pertaining to the project as attached to the staff report dated May 9, 2006: (a) the Supplemental EIR has been completed in compliance with the California Environmental Quality Act (CEQA); (b) the Board has reviewed and considered the information contained in the Supplemental EIR; and, (c) the Supplemental EIR reflects the lead agency's (County's) independent judgment and analysis and RESOLUTION NO. 2006-179, resolution certifying Supplemental Environmental Impact Report for Willow Road Extension and US 101 Interchange Project, and approving final alignment, adopted.

9 C-5 This is the time set for hearing to consider an appeal by Steven T. Shears/Fred Strong, F. Strong & Associates, of the Planning Director's determination concerning application for Certificates of Compliance C05-0110 (SUB2004-00334) for four parcels of 40 acres, 40.30 acres, 46.32 acres and 46.89 acres in the Agriculture Land Use Category; located at 425 Jensen Road, approximately one mile north of the intersection of Jensen Road and Vineyard Drive and approximately seven miles west of the community of Paso Robles in the Adelaida Planning Area; 1st District.

Ms. Jo Manson: Planning, presents the staff report; presents a site map and addresses the land use; states the Appellant has taken the position there are four parcels on this site; the Planning Director determined that there is no deed verification to validate four Certificates of Compliance and is recommending approval of one Unconditional Certificate of Compliance.

Mr. Fred Strong: representing the Appellant Steven Shears, presents information for the record; addresses the requirements of the Subdivision Map Act in 1972; addresses the *Lakewood and Gardner* Court cases; urges the Board to uphold their appeal.

Mr. Tom Nixon: neighboring property owner, states he is not concerned about the split but does have questions regarding access to this property.

Mr. Strong: provides his closing arguments and provides copies of the resolution, by the County, creating the official map for 1913; discusses patents; parcels such as these presents additional information regarding approval of "official" maps; presents information from Monterey County that approved; addresses the *Taft* court case decision.

Mr. James Lindholm: County Counsel, addresses their discussions with Monterey County on the actions/recording that Mr. Strong cited; and while official maps were approved they did not create separate parcels.

A motion by Supervisor Ovitt, seconded by Chairperson Achadjian to tentatively uphold the appeal and continue the hearing July 18, 2006 for final action, fails on the following roll call vote:

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

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

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

the Board denies the appeal and RESOLUTION NO. 2006-180, resolution denying the appeal by Steven T. Shears and upholding the decision of the Planning Director to recognize one legal parcel through the issuance of One Unconditional Certificate of Compliance for application SUB2004-00334/C05-0110, adopted.

10 C-6 This is the time st for hearing to consider amendments to Title 26, the County's Growth Management Ordinance, Title 19, the Building and Construction Ordinance and Title 22, the County Land Use Ordinance; All Districts.

Ms. Kim Murry: Planning, presents the staff report and outlines the topics for discussion today: revising Category 1 definition for Planning Development; revise percentages reserved for categories; increase percentage allowed to any one person under certain conditions; for Nipomo Mesa Area - allow added units for projects that meet certain criteria; for areas with waiting lists, allow application for allotment at the point of discretionary approval; clarify the Growth Management Ordinance (GMO) to require discretionary approval in addition to construction permit submittal prior to allotment request; for Cambria Growth Rate - Area Plan Revisions - set rate to 0%; address the issue of carryover of unused allotments; provides staff response/suggestions to each of these topics; outlines the staff recommendation to take tentative action today, provide direction, certify the EIR Addendum and the CEQA Findings; presents a letter from Leonard Grant, American Institute of Architects Central Coast Chapter.

Board Members: address various issues, comments and concerns regarding: two lists for Cambria and the need to eliminate one of the waiting lists; how Smart Growth, Green Build will be prioritized; will serve letters versus allocation lists concerns as to how they will occur, with Ms. Murry responding.

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

Mr. John Hand: Planning, addresses the General Plan Amendment request for **LRP2005-00006**; highlights the issues relating to water for the Nipomo Mesa area; highlights the action items, the Board's authorization and the Planning Commission recommendations; presents copies of the letter from the Nipomo Community Services District (NCSD) and outlines their position on supplemental water, and a letter from Ken Bornholdt, representing Woodlands Specific Plan.

Mr. Bob Blair: addresses his concern about the "need" for supplemental water.

Ms. Jennifer Thompson: presents a letter for the record and highlights the same; indicates her support for mixed use development in Olde Towne Nipomo; supports the staff recommendations.

Mr. Jerry Bunin: Government Affairs Director for the Home Builders Association, speaks in support of Smart Growth, Green Build and the staff recommendations; suggests there is a need to raise the growth cap for Nipomo to allow for these types of development.

Mr. Jon Seitz: Legal Counsel for the NCSD, questions their role in this process; questions language on page C-6-96 of the staff report and the language under #6.

Mr. Ed Eby: South County Advisory Council, addresses changes to Title 26

in Section 3 and their opposition to raising the growth rate; comments on needs in Old Towne Nipomo.

Chairperson Achadjian: presents a copy of the letter from the South County Advisory Council, for the record.

Mr. Larry Vierheilig: NCSB Board of Directors' President, states they want to be included in the process of establishing a fee in the language that now only involves Public Works and Planning staff.

Mr. Jim Tefft: comments regarding Old Towne Nipomo and the need to increase the growth cap and additional construction of mixed uses in this area.

Mr. John Patmore: partner in the Chestnut Villa project, appreciates the increase in the growth cap for Nipomo; states even with this increase it will be two years before they can build; supports the staff recommendation.

Ms. Deborah Cleere: Chestnut Villas, highlights the letter from Ned Rogoway; states their project is still 95th on the list.

Ms. Peg Miller: states she is one of the original members of the Olde Towne Nipomo Association; comments on the work they have done over the past 10 years; reads a letter from Kevin Beauchamp; highlights what they envisioned for Old Towne.

Mr. David Blaemire: Chestnut Villas, addresses his concern regarding having to wait another two years to build.

Mr. Bill Graves: suggests the County has heard from builders/developers but not from the residents of the area; he feels the current growth cap works and doesn't want to see it changed.

Mr. Phil Gray: representing his family speaks in support of the staff recommendations.

Mr. Maribel Wilkins: feels the current growth rate should stay and not be increased.

Mr. Terry Orton: speaks in support of the staff recommendation.

Mr. John Patmor: urges the Board to support the staff recommendation and explains.

Mr. Jerry Rioux: urges support of the staff recommendations.

Mr. Rick Dean: speaks to the need for improvements on Willow Road; feels that the growth over the past seven years, in Nipomo, has been a disaster; does not want to see any increase in the growth cap for this area until issues such as supplemental water and road improvements occur.

Ms. Diane Brandt: states they have been trying to build for the past five years; suggests the Summit Station area needs to be allowed to build.

Mr. Greg Nester: Chestnut Villas, speaks to the challenges in the Nipomo area and they want to be part of the solution.

Mr. Jesse Hill: addresses mixed use projects and the need to move forward with additional allocations for Nipomo.

Mr. Ken Bornholdt: comments on his letter of May 8th to the board and the changes he proposed relating to the Woodlands Specific Plan.

Mr. Raul Hernandez: addresses the proposals before the Board.

Board Members: address various issues, comments and concerns regarding: establishing fees; land owner issues; the issue of “wet water” versus supplemental water, with Mr. Hand, Ms. Kami Griffin, Planning and Mr. Tim McNulty, Deputy County Counsel, responding.

Board Members: discuss various aspects of the issues relating to the General Plan Amendment for Nipomo, with various responses from members of the NCSD and Woodlands Specific Plan.

A motion by Supervisor Ovitt, seconded by Supervisor Bianchi, to tentatively approve the amendment for LRP2005-00006 (Title 22) as presented with a review of the fees charged and the Woodlands language, is discussed.

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

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

the Board tentatively approves LRP2005-00006, amending Titles 19 & 22 as recommended by the Planning Commission, with the following proposed changes: (1) to the Woodlands Specific Plan, (2) the NCSD’s involvement in Fee Structure dealing with land division and the General Plan, (3) requiring every structure to pay toward supplemental water and (4) the minor corrections made by staff, and staff is directed to bring back language for this changes and said hearing is continued to May 23, 2006 at 9:00 a.m..

Board Members: discuss proposed modifications to Title 26, the Growth Management Ordinance with staff providing language for consideration.

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

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

the Board tentatively approves the language for LRP 2005-00011 as outlined in the staff report dated May 9, 2006, with the following changes: SECTION 3 Page C-6-43(1)Maximum number of new dwelling units allowed in the Nipomo Mesa area. The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2006 through June 30, 2007, shall not exceed a 1.8 percent annual increase in the number of existing dwelling units in 2005, resulting in the potential for a Maximum Annual Allocation of 127 new residences in the Nipomo Mesa area for the period from July 1, 2006 through June 30, 2007. In addition to the 1.8 percent annual allotment, a .5 percent supplement of allotments resulting in **the potential for an additional 35 new residences in the Nipomo Mesa area shall be made available for the period from July 1, 2006 to June 30, 2007 to projects on the waiting list located within urban or village reserve lines that have received intent-to-serve letters from the applicable water district and **are either located within, and meet the standards of, the Olde Towne Nipomo Design Plan** and meet identified criteria as Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) or other projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list; and, SECTION 9 - Page C-6-45 - (3) 20% of the total annual**

allotment in the Nipomo Mesa Area for multi-family/planned development projects that have received intent to serve letters from the applicable water district and meet any one of the following: (i) Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); ~~or~~ (ii) Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or (iii) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list; and said item is continued to May 16, 2006 for staff to bring back this corrected language for reintroduction of the ordinance at that time.

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 9, 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 31, 2006
vms