

Tuesday, June 6,
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, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Shirley Bianchi

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

SUM **AGN**

1 Added This is the time set to consider adding an item to the Agenda.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Patterson, with Supervisor Bianchi being absent, motion carries and the Board determines that the need to add an item to the agenda arose subsequent to the 72-hour noticing requirement of the Brown Act and the Board adds Item C-7 "Hearing to consider the use of Justice Assistance Grant (JAG) Program Funds and amend the operational budget to include additional equipment for the Regional Firearms Simulator Trailer and other Sheriff Department supplies and approve a budget adjustment from Unanticipated Revenue in the amount of \$12,262." is added and is to be discussed after the Consent Agenda.

2 A-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Patterson, with Supervisor Bianchi being absent motion carries and the presentation of the 2005 Instructor of the Year plaque to Timothy Harness, Fire Captain, from the San Luis Obispo County Training Officer's Association, approved.**

Mr. Bill White: Atascadero City Fire and representing the Training Officer's Association, presents the award to Captain Timothy Harness and explains the importance of the program and his accomplishments.

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

Mr. Dave Duggan: congratulates Supervisor Achadjian on his appointment to the California Coastal Commission; comments on the upcoming hearing, at LAFCO, regarding the dissolution of the Los Osos Community Services District and that hearing being continued to July 6, 2006, and his concerns regarding the same.

Mr. John Wysong: believes he has unfinished business with the County and addresses the denial of his land use request by the Board; comments on the accident he had that has delayed him being able to work on this issue; wants his \$587 appeal fee refunded to him and suggests that three judges have said he should have it back.

Ms. Julie Rodewald: County Clerk-Recorder, reminds the public that it is Election day; there are 30,000 absentee ballots that have not been returned and that they can be turned into a polling place up until 8:00 p.m. today.

Mr. Michael Winn: comments on the advisory committees and suggests how training should occur, bylaws should be adopted and these groups should operate under the Brown Act requirements. **No action taken.**

4 B-1 This is the time set for members of the public wishing to address the Board on items thru set on the Consent Agenda.
B-30

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

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor

Lenthall and on the following roll call vote:

AYES: Supervisors Ovitt, Lenthall, Patterson,
Chairperson Achadjian

NOES: None

ABSENT: Supervisor Bianchi

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

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

Items Set for Hearing:

B-1 Introduction of a resolution to collect existing service charges on Property Tax Bills for the following County Service Areas: No. 1 (Old Galaxy and Tract 1690, Nipomo), No. 1-A (Galaxy Park and Tract 1898, Nipomo), No. 1-F (New Galaxy, Nipomo), No. 7-A (Oak Shores), No. 18 (San Luis Country Club Estates), and No. 21 (Cambria); All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for June 27, 2006 at 9:00 a.m..**

B-2 Introduction of a resolution to collect delinquent service charges on property tax bills for the following County Service Areas: No. 16 (Shandon – water Service), No. 23 (Santa Margarita Water Service), No. 10-A (Cayucos Water Service), No. 1 (Nipomo Sewer Service), No. 18 (San Luis Country Club Estates – Sewer/Waster Disposal) to the 2006-2007 County property tax bills; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 18, 2006 at 9:00 a.m..**

Administrative Office Items:

B-3 Request to approve a budget adjustment in the amount of \$11,890 from unanticipated revenues to Fund Center 331 – Fish and Game, professional and special services account, **Approved.**

B-4 1) An extension of the 2003 Federal Homeland Security Grant to September 30, 2006; 2) a corresponding budget adjustment in the amount of \$45,739 to the County Fire Budget, Fund Center 140, to purchase grant funded emergency equipment; and 3) a change order to add equipment to a purchase order for a mobile breathing support unit, **Approved.**

B-5 Request from the Office of Emergency Services to: 1) authorize applying for Federal Fiscal Year 2006 Homeland Security Grant Program funds on behalf of the San Luis Obispo Operational Area; and 2) approve a related governing body resolution certification form, **Approved.**

Auditor-Controller Items:

B-6 Submittal of a cash procedures review of the County Board of Supervisors Office conducted on May 4, 2006, **Received and Filed.**

B-7 Submittal of a cash procedures review of the County Administrative Office conducted on May 4, 2006, **Received and Filed.**

B-8 Submittal of a cash procedures review of the County Clerk-Recorder's Office conducted on May 10, 2006 at the San Luis Obispo and Atascadero locations, **Approved.**

Board of Supervisors Items:

B-9 Request by Board Members to allocate \$2,614 from Community Project Funds (District Two - \$50, District Three - \$500, District Four - \$2,063) to the City of Arroyo Grande Police Department Drug Abuse Resistance Education "DARE" Program for upgrades to the DARE vehicle, **Approved.**

B-10 Request from Supervisor Achadjian to appoint Jeanne Miller-Romero to the Workforce Investment Board, **Approved.**

B-11 Request by Supervisor Achadjian to reappoint Irina Starodubzew as the District Four representative to the Commission on the Status of Women, **Approved.**

Clerk-Recorder Items:

B-12 Minutes of the Board of Supervisors meetings of April 4, 11 and 25, 2006, **Approved.**

B-13 Submittal of the certified statement of the Pension Trust Election indicating that only one candidate had filed for a vacancy and per Section 9 of the Rules of Election that candidate. Matt Kraut, shall be automatically elected, **Received and Filed.**

County Fire Items:

B-14 Application for a Volunteer Fire Assistance Grant (VFA) to purchase new portable radios, **Approved.**

B-15 Application for a grant from the Homeland Security Department, Assistance to Firefighters Grant program to assist with the purchasing of self contained breathing apparatus used during emergencies, **Approved.**

Health Agency Items:

B-16 Agreement (Clerk's File) with the Economic Opportunity Commission of San Luis Obispo County Inc., to provide Public Health staff to provide adolescent pregnancy prevention services in the North County as outlined in the Community Challenge Grant in Fiscal Year 2005-2006, **Approved.**

B-17 Renewal contract (Clerk's File) for Fiscal year 2006-2007 with Benjamin Hartwick to provide transcription services for the Psychiatric Health Facility, **Approved.**

B-18 Fiscal Year 2006-2007 renewal contract (Clerk's File) with the County Community College District to provide psychiatric healthcare training for its nursing students, **Approved.**

B-19 1) The County Plan (Clerk's File) for implementation of Proposition 36 for Fiscal Year 2006-2007; and 2) two related service agreements (Clerk's File) with Mental Health Services, Inc. and Gatehelp, Inc., **Approved.**

B-20 Budget adjustment in the amount of \$22,500 from unanticipated revenue to Fund Center 162 – Behavioral Health Services/Drug Alcohol, for prevention activities, **Approved.**

B-21 Budget adjustment in the amount of \$35,000 from unanticipated revenue to Fund Center 162 – Behavioral Health/Drug and Alcohol Fund, for HIV prevention activities, **Approved.**

Planning and Building Items:

B-22 **RESOLUTION NO. 2006-198**, approving an amendment to the agreement for mitigations for Tract 1516 with George & Elena Regala located at 1262 Whispering Meadows Lane approximately 2.5 miles north of the community of Nipomo; 4th District, **Adopted.**

B-23 Agreement (Clerk's File) with MRS Environmental, Inc. for environmental monitoring services associated with remediation of the Guadalupe oilfield; 4th District, **Approved.**

Public Works Items:

B-24 **RESOLUTION NO. 2006-199**, and maps (Clerk's File) requesting changes in mileage of maintained County Roads as required by the State Department of Transportation, All Districts, **Adopted**.

B-25 **RESOLUTION NO. 2006-200**, authorizing the Director of Public Works to apply for a low interest water and waste disposal loan from the United States Department of Agriculture (USDA); 2nd District, **Adopted**.

B-26 **RESOLUTION NOS. 2006-201 and 2006-202**, to levy assessments for Flood Control Zones 1 and 1A (Arroyo Grande/Oceano Area); 4th District, **Adopted**.

B-27 **RESOLUTION NO. 2006-203**, accepting conveyance to the County from San Miguelito Partners for the San Luis Bay Drive Bridge Replacement Project (Contract No. 300181); 3rd District, **Adopted**.

B-28 1) An agreement with the County Office of Education for a Cable TV Access Grant; and 2) a corresponding budget adjustment in the amount of \$59,545; All Districts, **Approved**.

Other Items:

B-29 **RESOLUTION NO. 2006-204**, authorizing execution of a notice of completion and acceptance for the Lopez Lake and Santa Margarita Lake Upgrade Fuel Storage Systems project (#300010), **Adopted**.

B-30 Amended contract with General Networks Corporation to allow for an extended timeline to complete the implementation of the Integrated Document Management (IDM) project, **Approved**.

- 5 C-1 This is the time set for continued hearing (continued from March 21, 2006) to consider an appeal by Cathy MacGregor of a decision of the Planning Commission disapproving Minor Use Permit DRC2003-00043 for a winery building including wine processing, barrel storage, and tasting room; the project is located at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo; 3rd District.

Mr. Brian Pedrotti: Planning, states they are requesting a continuance to allow time to collect more information.

Mr. Warren Hoag: Planning, states they have concurrence from the Appellant to continue this.

No one appearing and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt, with Supervisor Bianchi being absent, motion carries and the Board continues said hearing to August 1, 2006 at 9:00 a.m..

- 6 C-7 This is the time set for hearing to consider the use of Justice Assistance Grant (JAG) Program Funds and amend the operational budget to include additional equipment for the Regional Firearms Simulator Trailer and other Sheriff Department supplies and approve a budget adjustment from Unanticipated Revenue in the amount of \$12,262.

No one appearing and thereafter, on motion of Supervisor Lenthall,

seconded by Supervisor Patterson, with Supervisor

Supervisor
Bianchi
being
absent,
motion
carries
and the
Board
continues
said
hearing
to
July
25,
2006
at
9:00
a.m.
..

7 C-2 This is the time set for continued hearing (continued from May 9, 2006) 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; 5th District.

Ms. Elizabeth Kavanaugh: Planning, presents the staff report and the recommendations by the Board at the last hearing on this matter; presents revised Conditions 2 through 6 based on recommendations by Public Works.

Mr. Richard Marshall: Public Works, responds to questions regarding the changes to the road conditions.

Ms. Pamela Jardini: Planning Solutions and representing the Barre Family Trust, questions Condition #3 and 40 foot right-of-way versus a 25 foot one; questions the easement condition for improvements, with Mr. Marshall responding.

Mr. Eric Greening: questions whether this will remain a 5-acre parcel if it's dedicated; addresses his concern to future road impacts.

Ms. Jardini: states they agree with the modified conditions by Mr. Marshall.

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

AYES: Supervisors Patterson, Lenthall, Ovitt,
Chairperson Achadjian

NOES: None
ABSENT: Supervisor Bianchi

the Board approves modified Conditions 2 through 6 as presented by staff today and RESOLUTION NO. 2006-205, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of Barre Family Trust for a tentative parcel map for Parcel Map CO 05-0016, adopted as amended.

THE BOARD OF SUPERVISORS IS NOW SITTING AS THE GOVERNING BOARD FOR THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT.

8

C-3 This is the time set for hearing and assessment election held by the Board of the San Luis Obispo County Flood Control and Water Conservation District regarding the proposed additional assessment for Flood Zone 1 and 1A; 3rd and 4th Districts.

Mr. Mark Sullivan: Public Works, presents the staff report and provides a brief history of the project; outlines the process today and that the Clerk will open the ballots on June 8th at 9 a.m..

Mr. Norman Getty: encourages the Board to move forward with this process.

Ms. Stephnie Wald: Salmon Enhancement, encourages the Board to vote their ballots in support of this and explains.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall, with Supervisor Bianchi being absent, motion carries and the Board considers the properties owned by the Flood Control District and directs the Director of Public Works or his designee to vote yes on the five ballots and sign the same and submit the completed ballots to the Clerk at this time.

THE GOVERNING BOARD OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT STEPS DOWN AND THE BOARD IS NOW SITTING AS THE BOARD OF SUPERVISORS FOR THE COUNTY OF SAN LUIS OBISPO.

Mr. Sullivan: indicates there are six ballots on properties owned by the County.

Mr. Eric Greening: urges the Board to vote yes on the ballots; discusses future sales of properties and questions any impact that this may have on this vote.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall, with Supervisor Bianchi being absent, motion carries and the Board considers the properties owned by the County of San Luis Obispo and directs the General Services Director or his designee to vote yes on the six ballots and sign the same and submit the completed ballots to the Clerk at this time.

THE BOARD OF SUPERVISORS DOES NOW STEP DOWN AND IS NOW SITTING AS THE GOVERNING BOARD FOR THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT.

Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt, with Supervisor Bianchi being absent, motion carries and the Board directs the Clerk of the Board to collect and tabulate the ballots at the close of the public hearing and report the results at the regularly scheduled Board of Supervisors meeting on June 27, 2006.

THE GOVERNING BOARD OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT STEPS DOWN AND THE BOARD IS NOW SITTING AS THE BOARD OF SUPERVISORS FOR THE COUNTY OF SAN LUIS OBISPO.

C-4 This is the time set for hearing to consider a resolution of necessity to allow the County to acquire necessary real property through eminent domain proceedings for the purpose of extending Runway 11-29 and approach protection at the San Luis Obispo County Regional Airport; 3rd District.

Ms. Caryn Maddalena: Property Manager, presents the staff report; introduces Mr. Andrew Rauch, special Counsel for the County; addresses the letter of opposition to this land purchase by Mr. Jim Filbin's attorney, Herman Fitzgerald; outlines the hearing and the need for the same; addresses the Resolution of Necessity (RON) which allows the power of eminent domain to be exercised in the acquisition of property for the improvements at the San Luis Obispo County Regional Airport and includes the extension of Runway 11/29 and related approach protection; addresses the requirements imposed by law that must be met before the Board can adopt a RON; highlights the size of the property they are looking at and that it has been identified as necessary for the Airport improvements to occur.

Ms. Klaasje Nairne: Airport Manager, addresses the need for this property for the expansion of the Airport; discusses property acquisitions that have occurred; comments on the expansion of Runway 11/25; discussed the property needed, including the Filbin property, for the extension of Runway 11-29.

Mr. Jim Filbin: comments on the letter from his attorney; addresses his objections to the process; states the property is owned by a limited family partnership and not as an individual; states he doesn't understand the treatment he's received; asks for a two week continuance to allow time for his attorney to review the amount of property to be taken, as he doesn't believe the full 13 acres is needed; states he is a supporter of the Airport; indicates he will have a proposal to the County this afternoon; suggests he has been denied information by the County; discusses a County employee who told the media inaccurate information regarding "time" he served; feels a right-of-way can be done on the northwest corner of his property; believes there are alternatives that can be done at a lesser cost to the County and loss to him.

Mr. Rauch: responds to questions by the Board and addresses the issue before the Board today; indicates that the issue of value will be determined later; they have received an offer, by Mr. Filbin, without benefit of an appraisal; he believes they are at an impasse with Mr. Filbin.

Clerk: reminds the Board they have received a revised resolution today that was handed out by County Counsel.

Ms. Rita Neal: Deputy County Counsel, indicates that a new #7, on page 3 of the resolution, was added regarding the FEA/EIR for the Airport Master Plan and a reference to the Resolution No. 2006-194 that adopted that Master Plan; reads the language into the record.

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

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

RESOLUTION NO. 2006-206, resolution of Necessity for the San Luis Obispo County Airport Runway 11-29 Extension Project Supervisorial District No. 3, adopted, as amended. Further, the Board approves the land purchase in the amount of \$1,150,000 and directs the Auditor-Controller to issue a check to the Superior Court of the State of California for said amount for said purchase.

Mr. Filbin: states for the record that he objects to the proceedings and that his Constitutional rights have been violated.

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*, (2) *Los Osos CSD v. Golden State Water Company*, (3) *Gardner v. County of San Luis Obispo*, (4) *United States of America v. ABB Vetco Gray, Inc., et al.* (*Casmalia Disposal litigation*) **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (13) *Gurican v. County of San Luis Obispo* and (14) *San Luis Obispo County Mothers for Peace, et al. v. U.S. Nuclear Regulatory Commission, et al.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (5) *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. (6) *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: (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*, (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*, (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*, (10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*.

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, §54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (11) Property Description: *4388 Santa Fe Road, San Luis Obispo*, Parties with whom negotiating: *Roy Coffman, CB&I Constructors, Inc.*, Instructions to Negotiator will concern: *Price, Terms and Conditions*; (12) Property Description: *4378 Santa Fe Road, San Luis Obispo*, Parties with whom negotiating: *James M. and Linda Z. Sims*, Instructions to Negotiator will concern: *Price, Terms and Conditions*, and **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (15) Property Description: *4398 Santa Fe Rd., San Luis Obispo, APN 076,371,012*; Parties with whom negotiating: *James P. and Carolyn J. Filbin*, Instructions to Negotiator will concern: *Terms and Conditions of Sale*.

Chairperson Achadjian: opens the floor to public comment.

Rev. C. Hite: comments on the Significant Exposure portion of the Closed Session; addresses housing and transportation issues in Arroyo Grande along with poor sidewalk conditions.

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

11 C-5 This is the time set for continued hearing (continued from March 14, 2006) to consider an appeal by Raymond Cordoza of the Subdivision Review Board's denial of his request for a vesting tentative parcel map using the Transfer of Development Credits (TDC) Program to subdivide an existing 10-acre parcel into two parcels of 5 acres each for the purpose of sale and/or development; proposed project is located at 7655 Feenstra Road approximately 3.4 miles north of the community of Creston; 1st District.

Mr. Josh LeBombard: Planning, presents the staff report and discusses the direction of the Board at the last meeting; highlights the recommendations.

Mr. Adam Daner: representing Raymond Cordoza, states they are in agreement with the staff recommendations.

Mr. Anthony Azzarito: neighboring property owner, addresses his concerns to the roads and doesn't believe there are conditions to address the maintenance/upgrade of the road.

Mr. Eric Greening: addresses his concerns to the cumulative impacts if the TDC Program is used.

Mr. Ray Cordoza: Applicant/Appellant, states he doesn't have a problem with grading the road to keep it evened up.

Chairperson Achadjian: questions whether Condition #2 addresses the concerns raised today.

Mr. LeBombard: responds that it does and further suggests the need to add a new condition #16 to address indemnification.

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

AYES: Supervisors Ovitt, Lenthall, Chairperson Achadjian

NOES: Supervisor Patterson

ABSENT: Supervisor Bianchi

the Board adds Condition #16 to read: "The subdivider shall as a condition of approval of this tentative or final map application, defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code Section 66474.9, which are incorporated by reference herein as though set forth in full."; and RESOLUTION NO. 2006-207, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352, adopted, as amended.

12 C-6 This is the time set for hearing to consider an appeal by SDS Family Trust of the Planning Department Hearing Officer's approval of their request for a Minor Use Permit/Coastal Development Permit (DRC2004-00125) to allow the construction of a new 4,576 square foot barn, the remodeling of an existing single family residence, and the installation of a new septic system for the existing residence; 2nd District.

Ms. Ryan Hostetter: Planning, presents the staff report; shows maps and site plan; photographs of the site and simulated photograph of what the site would look like with the new barn; addresses the issues raised in the appeal and staffs' response to the same; states this is a new barn not a replacement barn; addresses the suggested changes to the conditions to address the lighting issue and the condition regarding indemnification.

Board Members: address various issues, comments and concerns regarding: size requirements for the barn; lighting concerns; questions regarding beach access; what the mean high tide line is with respect to public access, with staff and Mr. Jim Lindholm, County Counsel, responding.

Mr. Pat Molnar: representing the Applicant/Appellant, presents a copy of a letter from the Ag Liaison Board in support of their appeal; gives a powerpoint presentation showing the beach area and the mean high tide line; discusses the people who show up on the beach from the ocean; their concern to folks climbing up the bluff and camping on their property; there isn't a concern about those who stay on the beach; the shoreline doesn't contain 25 feet of dry, sandy beach; concerns about rocks falling and sharp rocks for those who climb up the bluff; barn is increasing from 3,000 to 4,500 square feet; states the barn collapsed from people removing boards over the years; speaks to additional letters of support he previously submitted from the

Cattlemen’s Association, Farm Bureau and Ag Liaison; asks the Board to uphold their appeal.

Mr. Tony Schrick: representing the SDS Family Trust, speaks to the repairs and permits they have gotten for the same; outlines their history in working with the County on repairs, etc.; urges the Board to uphold their appeal.

Ms. Sharyn Subrick: SDS Family Trust member, states her father purchased this property through an auction; addresses the upgrades they have done to the house; indicates this issue occurred when they were asked, by the County, to combine permits for the barn and septic and then the request for coastal access came.

Ms. Denise McLaughlan: SDS Family Trust member, addresses delays in moving forward with repairs due to other circumstances; concerns to the permitting changes that created the coastal access requirement.

Mr. Ben Korman: states he designed the barn and how he did that to fit in with the character of the area.

Mr. Molnar: gives the closing comments for the Applicant/Appellant.

Board Members: address various issues, comments and concerns regarding: the barn and suggesting it’s a replacement not a new one and if so then the lateral access is not needed; wanting to see the offer of dedication required; concerns this additional burden was placed on the family because they were trying to do the right thing.

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

AYES:	Supervisors	Ovitt, Lenthall, Chairperson
		Achadjian
NOES:	Supervisor	Patterson
ABSENT:	Supervisor	Bianchi

the Board upholds the appeal and modifies the Findings and Conditions as follows: Finding H is amended to read: “The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act and Section 23.04.420 of the Coastal Zone Land Use Ordinance regarding lateral access. Lateral access is not required because there will be no additional structures constructed, there will be no change in the historic use of the property, lateral access will interfere with agricultural use of the property, the proposed barn will be a replacement structure, and the value of the proposed improvements will be far less than the value of required lateral access such that there will be no nexus between the proposed improvements and the requirement for coastal access.”; Condition #3 is amended to read: “The applicant shall provide details on any proposed lighting within the barn. All exterior lighting shall be shielded with full cut-off shields so that no exposed bulbs (or portions of bulbs) are visible from Highway 1.”; Condition #8 is deleted and the remaining conditions are renumbered; Condition #14 is added to read: “The applicant shall as a condition of approval of this minor use permit at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.”; and RESOLUTION NO. 2006-208, resolution modifying the decision of the Hearing Officer and conditionally approving the application of SDS Family Trust for Minor Use Permit/Coastal Development Permit DRC2004-00125, adopted, as amended.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo,

and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, June 6, 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: June 21, 2006

vms