

County of Santa Barbara
BOARD OF SUPERVISORS

ACTION SUMMARY

November 09, 2004

**BETTERAVIA GOVERNMENT CENTER
BOARD HEARING ROOM
511 EAST LAKESIDE PARKWAY, SANTA MARIA**

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, Redevelopment Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at:
www.countyofsb.org

7:50 A.M. Convened and Recessed to Closed Session

9:00 A.M. Reconvened to Regular Session

Roll Call

Present: Supervisor Schwartz, Supervisor Rose, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Invocation: Paul Berry, Sheriff's Department

Report from Closed Session

County Counsel made the following announcement:

By a vote of 5-0, The Board of Supervisors reported consent decree in *Denneen v. County of Santa Barbara*, a citizens enforcement suit under the Endangered Species Act related to management of the Rancho Guadalupe Dunes Park and the alleged take of protected birds. The consent decree provides for fencing, predator management, monitoring and weekend staffing, and payment by the County of \$6,250 in costs and fees.

Details of this announcement may be obtained in the Office of County Counsel.

Approval of Minutes of the November 2, 2004 meeting

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, to Approve the Minutes. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Abstentions: 1 - Supervisor Rose

Administrative Agenda

Honorary Resolutions

A-1) SUPERVISOR MARSHALL [File Reference No. 04-01074](#)

Adopt a resolution honoring Jeff McKinnon upon receiving the Anti-Defamation League 2004 Education Award.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Adopted

RESOLUTION NO. 04-308

The motion carried unanimously.

A-2) SUPERVISOR ROSE [File Reference No. 04-01075](#)

Adopt a resolution honoring Father Virgil Cordano upon receiving the 2004 Anti-Defamation League Distinguished Community Service Award.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Adopted

RESOLUTION NO. 04-309

The motion carried unanimously.

A-3) SUPERVISOR SCHWARTZ [File Reference No. 04-01061](#)

Adopt a resolution honoring Rabbi Arthur Gross-Schaefer for the 2004 Anti-Defamation League Distinguished Community Service Award.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Adopted

RESOLUTION NO. 04-310

The motion carried unanimously.

A-4) SUPERVISOR SCHWARTZ [File Reference No. 04-01077](#)

Adopt a resolution honoring Paul Didier for 30 years of service to the Santa Barbara Community with United Way of Santa Barbara County.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Adopted

RESOLUTION NO. 04-311

The motion carried unanimously.

Administrative Items

A-5) COUNTY EXECUTIVE OFFICE [File Reference No. 04-01068](#)

Consider co-sponsoring the 2004 Toys for Tots Campaign and the Christmas Unity food drive for Santa Barbara County Employees.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved. The motion carried unanimously.

A-6) COUNTY EXECUTIVE OFFICE [File Reference No. 04-01076](#)

Approve Budget Revision requests. (SEE EXHIBIT A WITH POSTED AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved. The motion carried unanimously.

A-7) GENERAL SERVICES [File Reference No. 04-01067](#)

Approve and execute Amendment No. 2, in the amount of \$40,000, to the Professional Services Agreement with Cearnal Architects Incorporated (a local vendor) for the District Attorney Building (Site #F02001; Project #8615) to account for reimbursable expenses for a total lump sum fee of \$472,900, First District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried unanimously.

A-8) HOUSING AND COMMUNITY DEVELOPMENT [File Reference No. 04-01055](#)

Consider recommendations regarding the Housing and Community Development's Economic Vitality Committee Bylaws, and appointment of Committee members, as follows:

- a) Approve and adopt the Economic Vitality Committee (EVC) by-laws;
- b) Approve appointments of city and industry representatives recommended to the EVC.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Acted on as follows:

a) and b) Approved.

The motion carried unanimously.

A-9) PLANNING AND DEVELOPMENT [File Reference No. 04-01062](#)

Consider recommendations regarding the California Coastal Commission Certification of the Local Coastal Plan Amendment with suggested modifications for the Toro Canyon Plan, as follows:

- a) Receive notice of the California Coastal Commission's certification of the Toro Canyon Plan Local Coastal Program Amendment (MAJ-I-04) with suggested modifications;
- b) Adopt a Resolution to acknowledge receipt of the California Coastal Commission's certification and county action to adopt the LCP Amendment with the suggested modifications, and authorize Planning & Development to transmit the adopted Resolution to the Coastal Commission.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Acted on as follows:

a) Received and filed.

b) Adopted.

RESOLUTION NO. 04-312

The motion carried unanimously.

A-10) PLANNING AND DEVELOPMENT [File Reference No. 04-01071](#)

Set date to approve the Final Certificate of Cancellation of a .2 acre portion of an existing agricultural

preserve contract, located approximately one mile east of the intersection of Tepusquet and Foxen Canyon Roads, known as 6601 Foxen Canyon Road (APN 101-050-006), Santa Maria area, Fifth District. (SET DATE FOR NOVEMBER 23, 2004 ON ADMINISTRATIVE AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set on the Administrative Agenda, as follows: November 23, 2004. The motion carried unanimously.

A-11) PLANNING AND DEVELOPMENT

[File Reference No. 04-01072](#)

Set date to consider the Rancho Reata LLC Agricultural Preserve Nonrenewal (Case No. 71-AP-057A) located approximately one mile southwest of the intersection of Alisos Canyon and Foxen Canyon Roads (APN 133-110-047) Los Olivos area, Third District. (SET DATE FOR DECEMBER 7, 2004 ON ADMINISTRATIVE AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set on the Administrative Agenda, as follows: December 7, 2004. The motion carried unanimously.

A-12) SOCIAL SERVICES

[File Reference No. 04-01065](#)

Consider recommendations regarding Fiscal Year 2004-05 changes to the adopted County Budget, as follows:

a) Approve a budget revision request (#2005072) in the amount of \$1,590,401 adjusting the Department's budget to be in alignment with official funding allocations from the State as well as reflect costs shifts between programs based on these official funding levels, with no additional General Fund Contribution; (4/5 vote)

b) Adopt a personnel resolution effective November 15, 2004 adding the following positions:

22 Eligibility Worker I/II positions (Job Class 3090-3091, Range 4374/4574 (\$2149-2624/\$2375-2899 per month);

3 Eligibility Worker III positions (Job Class 3092, Range 4774 (\$2624-3203 per month);

1 Social Services Case Aide position (Job Class 7050, Range 4286 (\$2057-2511 per month);

1 Social Services Worker position (Job Class 7056, Range 5024 (\$2972-3629 per month).

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Acted on as follows:

a) **Approved.**

b) **Adopted.**

RESOLUTION NO. 04-313

The motion carried unanimously.

A-13) SOCIAL SERVICES

[File Reference No. 04-01066](#)

Approve and authorize the Chair to execute an agreement with Child Abuse Listening & Mediation (CALM) (a local non-profit organization) for the period of July 1, 2004 through June 30, 2005 for the purpose of passing through federal funding for administrative activities performed with respect to Title IV-E eligible children who are either in out-of-home care or reasonable candidates for out-of-home care.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried unanimously.

Board of Supervisors

A-14) SUPERVISOR MARSHALL [File Reference No. 04-01069](#)

Approve the reappointment of James Ballantine to the Assessment Appeals Board No. 1, Third District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved. The motion carried unanimously.

A-15) SUPERVISOR MARSHALL [File Reference No. 04-01070](#)

Approve the reappointment of Mary Ellen Brooks to the Commission for Women, Third District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved. The motion carried unanimously.

Hearing Requests

A-16) EMPLOYEES' RETIREMENT SYSTEM [File Reference No. 04-01060](#)

Set a hearing to receive a presentation of Santa Barbara County Employees' Retirement System actuarial valuation for the year ending June 30, 2004 and consider establishing Employer Contribution Rates for fiscal year 2005-06.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: December 14, 2004 in Santa Maria (EST. TIME: 45 MIN.) The motion carried unanimously.

A-17) PLANNING AND DEVELOPMENT [File Reference No. 04-01063](#)

Set a hearing to receive a briefing regarding the UCSB North Campus housing projects and the Comstock Homes project in the City of Goleta, Third District. (EST. TIME: 1 HR)

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: December 7, 2004 (EST. TIME: 60 MIN.) The motion carried unanimously.

A-18) PROBATION and PUBLIC HEALTH [File Reference No. 04-01073](#)

Set a hearing to approve an agreement with Prison Health Services in the amount of approximately \$1.2 million for the period from January 1, 2005 through June 30, 2006 to provide medical services to juveniles held in Probation Department's institutions.

A motion was made, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: November 23, 2004 (EST. TIME: 15 MIN.) The motion carried unanimously.

A-19) PUBLIC HEALTH [File Reference No. 04-01064](#)

Set a hearing to receive the Tobacco Settlement Advisory Committee Funding Recommendations for FY 2005-2006.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: December 14, 2004 in Santa Maria (EST.TIME: 30 MIN.) The motion carried unanimously.

A-20) PLANNING AND DEVELOPMENT [File Reference No. 04-01078](#)

Receive report regarding the Mills Emergency permit (04EMP-00000-00003) for the installation of temporary timber lagging at 6757 Del Playa Drive, Isla Vista, Third District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Received and filed.
The motion carried unanimously.

Approval of Administrative Agenda

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, to Approve the Administrative Agenda.
The motion carried unanimously.

[File Reference No. 04-00316](#)

PUBLIC COMMENT

Accepted Public Comment

People desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. **THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 92-398) (04-00,316)**

RE: Third District Commission Board Appointment - Dave Fortsom addressed the Board.

RE: Friends of Santa Maria Public Library Matching Grants Funds for Lap Tops for Children / "Parking Garage" for the New Library and Various Fund Raising Efforts - Hinda Beaman addressed the Board.

RE: Hunger / Health Care Issues - Sister Janet Corcoran Addressed the Board.

RE: Road Issues on Hummel Drive- Jeff Cardinal addressed the Board.

RE: SEIU Union 535 Negotiations - Gregory Cross addressed the Board.

RE: "Business Friendly Mind set" - Richard Robinson addressed the Board.

RE: Report on Election Procedures - Fourth District Supervisor Joni Gray addressed the Board.

RE: Parking Issues in Toro Canyon - John Thorndike IV addressed the Board.

RE: Child Welfare Services Issues - Paul Welander addressed the Board.

Departmental Agenda -- Public Hearings

Appellant requests withdrawal of Departmental Item No. 1.

1) PLANNING AND DEVELOPMENT [File Reference No. 04-00441](#)

HEARING - Consider the Clevenger/Pahler appeal of the Planning Commission's April 14, 2004 denial of 03TPM-00000-00001 involving an application to approve a Tentative Parcel Map dividing a 10.75 acre parcel into two parcels of 5.75 acres and 5 acres in the AG-I-5 Zone District under Art. III, located on Alamo Pintado Road (APN 137-110-053) Solvang Area, Third District, as follows:

- a) Adopt the required findings for the project (Attachment B to the Board letter dated June 22, 2004);
- b) Deny the appeal, upholding the Planning Commission's de facto denial (based on failure of motion to pass) of Tentative Parcel Map application 03TPM-00000-00001;
- c) Deny the Tentative Parcel Map 03TPM-00000-00001.

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Withdrawn from the agenda. The motion carried unanimously.

2) AGRICULTURAL COMMISSIONER [File Reference No. 04-00975](#)

HEARING - Consider the adoption of a revised fee schedule for the Agricultural Commissioner's Office. (EST. TIME: 15 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Adopted

Received and filed staff report and conducted public hearing.

RESOLUTION NO. 04-314

The motion carried unanimously.

3) PLANNING AND DEVELOPMENT [File Reference No. 04-00981](#)

HEARING - Consider appeals by Bruce Murdock and the Surfrider Foundation of the Zoning Administrator's Approval of the Public Works Managed Isla Vista Parking Program Coastal Development Permit (04CDH-00000-00001) [Appeal Case Nos. 04APL-00000-00025 & 04APL-00000-00027] involving public rights-of-way within the community of Isla Vista, Third District, as follows: (EST. TIME: 1 HR.)

- a) Adopt the required findings for the project (Attachment A - Zoning Administrator Action Letter with Findings and Conditions of Approval dated September 14, 2004);
- b) Deny the appeals (Attachments B and C), upholding the Zoning Administrator's decision to accept the Board of Supervisors approved Mitigated Negative Declaration (04NGD-00000-00002) as adequate environmental review for the project and accept the mitigation monitoring program contained in the conditions of approval pursuant to Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act;

c) Approve the project (Case No. 04CDH-00000-00001) subject to the conditions also included as Attachment A (Zoning Administrator Action Letter with Findings and Conditions of Approval dated September 14, 2004).

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Acted on as follows: Received and filed staff report and conducted public hearing.

a) Adopted with the CEQA findings as revised by the Board of Supervisors at the November 9, 2004 hearing.

b) Denied the appeals (Attachment B and C) finding that the Board of Supervisors prior adoption of the Mitigated Negative Declaration (04NGD-00000-00002) was adequate environmental review for the project and accept the mitigation monitoring program contained in the conditions of approval pursuant to Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act.

c) Approved and directed staff to return with in six month for an update on the approved parking project.

The motion carried unanimously.

4) PLANNING AND DEVELOPMENT

[File Reference No. 04-00932](#)

HEARING - Receive a report regarding the status of the ongoing Santa Maria Groundwater Basin litigation as it relates to implementation of Orcutt Community Plan Policy WAT-O-2. (EST. TIME: 45 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, that this matter be Received and filed Received and filed staff report and conducted public hearing.

Directed the Planning and Development staff to provide updates for the Board of Supervisors on the ongoing litigation proceedings and investigate the time limitation on the Cal Cities Water contracts.

The motion carried unanimously.

2:00 P.M. Presentation of Resolutions and Awards**Planning Items and Public Hearings**5) PLANNING AND DEVELOPMENT[File Reference No. 04-00897](#)

HEARING - Consider the appeal of Mr. Kenneth H. Plam, of the Zoning Administrator's August 16, 2004 decision to approve a minor conditional use permit for the Sullivan farm employee dwelling (04-CUP-00000-00042, APN 139-250-041) located approximately 650 feet southeast of the intersection of State Highway 246 and Alamo Pintado Road, known as 2020 E. Hwy 246, Solvang area, Third District, as follows: (EST. TIME: 30 MIN.)

- a) Adopt the required findings as specified in the Zoning Administrator's Action Letter dated August 16, 2004;
- b) Deny the above referenced appeal, thereby upholding the Zoning Administrator's approval of 04CUP-00000-00042;
- c) Grant de novo approval of 04CUP-00000-00042.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Acted on as follows: Received and filed staff report and conducted public hearing.

a) Adopted.

b) Denied.

c) Granted de novo approval of 04CUP-00000-00042. Directed staff to add Condition 17 of the Conditional Use Permit as follows: "The owner shall within 90 days of the Board of Supervisors approval paint the mobil home to a color acceptable to Planning and Development, additionally landscaping shall be added to the south side of the mobile home."

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Rose, Supervisor Marshall and Supervisor Centeno

Absent: 1 - Supervisor Gray

6) PLANNING AND DEVELOPMENT[File Reference No. 04-01009](#)

HEARING - Consider the Cargasacchi appeal of the Planning Commission's approval of the Marks/Rancho Santa Rita Access Association Land Use Permit (00LUP-00000-06435) for Grading and Access Road Construction, located at the terminus of Sweeney Road (APN 99-150-016), Fourth District, as follows: (EST. TIME: 2 HRS.)

- a) Adopt the required findings for the project (Attachment D);
- b) Consider approval of a Land Use Permit, as follows:
 - i. Approve the revised draft LUP (00LUP-00001-06435) (Attachment B) if prior to the scheduled Board hearing, the applicant and appellant reach agreement on the issues of appeal through facilitation;

OR

ii. Approve the Planning Commission approved LUP (00LUP-0000-06435) (Attachment C) if the applicant and appellant do not reach consensus;

c) Deny the Appeal.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Schwartz, that this matter be Acted on as follows:

Received and filed staff report and conducted public hearing.

a) Adopted the required findings for the project (attachment D) also to ratify the letter dated September 6, 1989 by Fire and the Public Works Department as presented by County Counsel at the November 9, 2004 hearing.

b) i. Approved. the revised draft LUP (00LUP-00001-06435) (Attachment B).

c) Denied.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Rose, Supervisor Marshall and Supervisor Centeno

Absent: 1 - Supervisor Gray

Adjourn to Monday November 22, 2004

1:00 PM

County Administration Building

Board Hearing Room

105 East Anapamu Street , Fourth Floor

Santa Barbara

Adjourn

Announcements

THE MEETING OF NOVEMBER 9, 2004 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, NOVEMBER 11, 2004 AT 5:00 P.M. ON GATV CHANNEL 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON TUESDAY, NOVEMBER 16, 2004; THE NEXT MEETING WILL BE MONDAY, NOVEMBER 22, 2004, IN SANTA BARBARA.

<http://www.countyofsb.org>