

**County of Santa Barbara**  
**BOARD OF SUPERVISORS**

**ACTION SUMMARY**

**October 12, 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](http://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: Janice Keller, Public Defender's Office**

**Report from Closed Session**

No reportable action taken.

**Approval of Minutes of the October 5, 2004 meeting**

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, to Approve the Minutes. The motion carried unanimously.

**Administrative Agenda**

**Honorary Resolutions**

A-1) BOARD OF SUPERVISORS

[File Reference No. 04-00982](#)

Approve award of a plaque honoring Sister Janet Corcoran from the Board of Supervisors.

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

A-2) SUPERVISOR CENTENO and SUPERVISOR GRAY [File Reference No. 04-00984](#)

Adopt a resolution honoring COLAB and J. Andrew Caldwell, Executive Director, for their contributions to agriculture.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Adopted**

**RESOLUTION NO. 04-285**

**The motion carried unanimously.**

### Administrative Items

A-3) AGRICULTURAL COMMISSIONER [File Reference No. 04-00976](#)

Authorize the Agricultural Commissioner to execute an agreement with the Regents of the University of California Division of Agriculture and Natural Resources for the purpose of mapping Vine Mealybug distribution in California vineyards and reducing its spread and economic damage from newly established populations for the period of April 1, 2004 through March 31, 2005 in the amount of \$7,000 and subsequent amendments which do not require additional staffing.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Authorized**

**The motion carried unanimously.**

A-4) AGRICULTURAL COMMISSIONER [File Reference No. 04-00977](#)

Authorize the Agricultural Commissioner to execute an agreement with the California Department of Food and Agriculture activities to support the Sudden Oak Death (SOD) Statewide Emergency Response for the period of March 1, 2004 through February 28, 2005 in the amount of \$69,954 and subsequent agreements for these purposes which do not require additional staffing.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Authorized. The motion carried unanimously.**

A-5) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT [File Reference No. 04-00974](#)

Approve and authorize the Chair to execute a Cooperative Agreement with the Natural Resources Conservation Service to contribute \$88,662 toward the construction associated with the Carpinteria Salt Marsh Enhancement Plan, First District.

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

A-6) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00985](#)

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

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Approved. The motion carried unanimously.**

A-7) GENERAL SERVICES [File Reference No. 04-00973](#)

Authorize the County Purchasing Agent to procure a competitively bid Communications Microwave System from a local vendor. Somera Communications, by applying the 1.5% local vendor preference.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Authorized. The motion carried unanimously.

A-8) HOUSING AND COMMUNITY DEVELOPMENT [File Reference No. 04-00979](#)

Authorize the Director of Housing and Community Development to execute the California Residential Purchase Agreement and Joint Escrow Instructions between the County of Santa Barbara and Luz and Miguel Martinez to sell an affordable unit located at 2105 Summerland Heights Lane (APN 005-680-019) for the amount of \$232,900 and any other documents required to complete the sale, Summerland area, First District.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Authorized. The motion carried unanimously.

A-9) PLANNING AND DEVELOPMENT [File Reference No. 04-00983](#)

Receive the Director's report regarding an Emergency Permit issued to Aera Energy, LLC (Aera) for excavation, grading and restoration work necessary to remediate hazardous wastes at the former Hercules Gas Plant site, located in Canada de la Huerta, in the canyon just west of the County's Tajiguas landfill, Third District.

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

A-10) PUBLIC WORKS [File Reference No. 04-00978](#)

Accept Notice of Completion of the Tajiguas Landfill west side 48-inch storm drain replacement performed by John Madonna Construction Inc., and authorize Clerk to record (County Project No. 828718), Third District.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Accepted. The motion carried unanimously.

A-11) SHERIFF [File Reference No. 04-00980](#)

Consider recommendations regarding the transition of Drug and Alcohol Resistance Education (DARE) to School Resource Deputies (SRD), as follows:

- a) Receive a report regarding the transition of deputies from DARE positions to School Resource Deputy positions;
- b) Receive letters of support for the School Resource Deputy program from area schools;
- c) Accept a Budget Revision Request in alignment with the Board action taken August 3, 2004 to appropriate \$300,000 of unanticipated property tax revenue for FY 2004-05 to fund four Sheriff Deputy positions.

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

a) and b) Received.

c) Accepted.

The motion carried unanimously.

## Hearing Requests

A-12) AGRICULTURAL COMMISSIONER [File Reference No. 04-00975](#)

Set a hearing to consider the adoption of a revised fee schedule for the Agricultural Commissioner's Office.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: November 9, 2004 in Santa Maria (EST. TIME: 15 MIN.) The motion carried unanimously.**

A-13) PLANNING AND DEVELOPMENT [File Reference No. 04-00981](#)

Set a hearing to consider the Surfrider Foundation appeal and Murdock appeal of the Zoning Administrator's approval of the Public Works Managed Isla Vista Parking Program Coastal Development Permit (04CDH-00000-00001) which would authorize the physical development associated with the Board of Supervisors approved Isla Vista Parking Program Initiation Plan and involves public rights-of-way, Isla Vista area, Third District.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: November 9, 2004 in Santa Maria (EST. TIME: 90 MIN.) The motion carried unanimously.**

A-14) PLANNING AND DEVELOPMENT [File Reference No. 04-00883](#)

Reschedule the Inclusionary Housing Program and In-Lieu Fee Policy item from the hearing date of November 2, 2004 to the hearing date of October 26, 2004 to consider the following:

- a) Receive recommendations from the County Planning Commission;
- b) Find that the Negative Declaration 04NGD-00000-00004 previously adopted by the Board of Supervisors for the Housing Element 2003-2008 update on March 29, 2004 adequately describes the potential environmental effects of revisions to the Inclusionary Housing Program and In-Lieu Fee Policy (04GPA-00000-00010);
- c) Adopt a resolution to adopt Housing Element Amendment 04GPA-00000-00010 amending the Inclusionary Housing Program and In-Lieu Fee Policy in the Housing Element 2003-2008;
- d) Adopt a resolution to adopt revised In-Lieu Fees under the Inclusionary Housing Program, land donation criteria, affordable unit and household adjustment factors, and affordable income, rental rate formulas, and revised maximum affordable sale price formula.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Continued, as follows: November 22, 2004 @ 5pm, Special Hearing (3 hours) The motion carried unanimously.**

A-15) SUPERVISOR CENTENO and SUPERVISOR GRAY [File Reference No. 04-00986](#)

Adopt a resolution proclaiming October 15 through October 23, 2004 as Peace Week.

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Adopted**

**RESOLUTION NO. 04-286**

**The motion carried unanimously.**

### Approval of Administrative Agenda

**A motion was made by Supervisor Marshall, seconded by Supervisor Rose, to Approve the Administrative Agenda as Amended. 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: Water Issues - Ernest Armenta addressed the Board.**

**RE: Old Town Orcutt Rezone - Olga Howard addressed the Board.**

**RE: Food Bank Warehouse Donation - Sister Janet Corcoran addressed the Board.**

**RE: Support Affordable Housing - Kelly Travers addressed the Board.**

**RE: Goleta Valley Coalition for Planning - Charles Kent addressed the Board.**

**RE: Third District Supervisor-Elect Brooks Firestone Fund Raiser for Prop. 1A - Fourth District Supervisor Joni Gray addressed the Board.**

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

## Departmental Agenda -- Public Hearings

### Department requests continuance of Departmental Item No. 1).

1) 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 Schwartz, that this matter be Continued, as follows: November 9, 2004 in Santa Maria The motion carried unanimously.**

### Department requests Departmental Item No. 2) be withdrawn from the agenda.

2) HOUSING AND COMMUNITY DEVELOPMENT

[File Reference No. 04-00873](#)

HEARING - Consider recommendations regarding County-wide Housing Needs Educational Program, as follows:

- a) Approve the Housing and Community Development Department's initiative to create and implement a County-wide Housing Needs Educational Program (Program) in direct collaboration with businesses, educational institutions, and community based organizations for the purpose of disseminating housing facts, i.e. who "attainable" housing is for, and the overall financial impacts of housing on the community;
- b) Authorize the Housing and Community Development Department to serve as the principal Fiduciary Agent for the Program, which includes accepting funds from outside sources, expending CDBG and HOME Funds for this Program and administering the funds solely for the purpose of the Program;
- c) Authorize the County Auditor-Controller to establish a designated account for all funds received for the Program;
- d) Approve the maximum amount of financial gifts that can be received from any one entity will not exceed \$15,000 per year and direct staff to follow all applicable Government Code and County Policy requirements regarding acceptance of funds.

**Withdrawn from the agenda**

3) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00728](#)

HEARING - Consider recommendations regarding State Budget impacts, as follows: (EST. TIME: 30 MIN)

- a) Receive and file an update regarding State Budget Impacts;
- b) Approve a transfer of \$37,000 from the General Fund contingency for affordable housing compliance monitoring by the Housing and Community Development Department.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

**A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Acted on as follows:  
Conducted public hearing.**

- a) **Received and filed staff report.**
- b) **Approved transfer of funds.**

**The motion carried unanimously.**

4) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00682](#)

HEARING - Consider recommendations regarding the Providence Landing Community Facilities District, Third District, as follows: (EST. TIME: 10 MIN.)

a) Adopt a resolution (Attachment A to the Board Letter dated October 12, 2004) finding that the complexity of the proposed Community Facilities District No. 2004-1 (Providence Landing) requires additional time to form the District and continuing the hearing on the formation of the District to January 11, 2005;

b) Continue the following actions to January 11, 2005:

i. Accept Community Facilities District No. 2004-1 (Providence Landing) Report which describes the public services by type which will be required to adequately meet the needs of the CFD and also includes an estimate of the fair and reasonable cost of providing the public services and an estimate of the incidental expenses related thereto;

ii. Adopt a Resolution of the Board of Supervisors of the County of Santa Barbara of Formation of the County of Santa Barbara Community Facilities District No. 2004-1 (Providence Landing), Authorizing the Levy of a Special Tax Within the District and Establishing an Appropriations Limit for the District;

iii. Adopt a Resolution of the Board of Supervisors of the County of Santa Barbara Calling Special Election for the County of Santa Barbara Community Facilities District No. 2004-1 (Providence Landing) and trail this matter so that the election may be held and the results tallied;

After the election results are tallied, if the vote of qualified electors authorizes the levy of a special tax to finance certain services and sets an annual appropriation limit, that the Board of Supervisors;

iv. Adopt a Resolution of the Board of Supervisors of the County of Santa Barbara Declaring

Results of Special Election and Directing Recording of Notice of Special Tax Lien;

- v. Consider the introduction (First Reading) of an Ordinance levying special taxes within the County of Santa Barbara Community Facilities District No. 2004-1 (Providence Landing);;
- c) Set a hearing for January 18, 2005 to consider the adoption (Second Reading) of an Ordinance to levy special tax for Providence Landing Community Facilities District.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

**A motion was made that this matter be Acted on as follows: Received and filed staff report and conducted public hearing.**

**A motion was made by Supervisor Marshall, seconded by Supervisor Gray as follows:**

- a) No action taken.
- b) Continued to January 11, 2005.
- c) No action taken.

**The motion carried unanimously.**

**A motion was made by Supervisor Marshall, seconded by Supervisor Schwartz to Reconsider and act on Departmental Item 4 as follows:**

a) Adopted.

**RESOLUTION NO. 04-287**

b) Acted on as follows:

i., ii., iii., and iv. Continued to January 11, 2005.

v. Read title; waived reading of ordinance in its entirety. Introduction approved. Adoption (Second Reading) set for January 18, 2004.

c) Second reading of Ordinance set for January 18, 2004.

**The motion carried unanimously.**

5) PUBLIC WORKS

[File Reference No. 04-00917](#)

HEARING - Consider recommendations regarding the Roads General Fund Designations for Fiscal Year 2004/05, as follows: (EST. TIME: 30 MIN.)

- a) Receive a report on the use of Roads General Fund Designations for Fiscal Year 2004/2005;
- b) Direct staff to utilize the existing Roads General Fund Designations for Fiscal Year 2004/2005 in the amount of \$268,000 to supplement the Road Maintenance Annual Plan (RdMap) approved surface treatment program (contracts/county forces);
- c) Approve the use of County Forces to complete the Construction of 2004/2005 Measure "D" Preventive Maintenance Application of Fog Seal Coat in the 1st, 2nd, 3rd and 4th Supervisorial Districts, County Project No. 820515 in accordance with Section 20395 (c) of the California Public Contract Code.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

- a) Received and filed staff report and conducted public hearing.
- b) Directed staff to release the existing Roads General Fund Designation for Fiscal Year 2004/2005 in the amount of \$500,000 with an estimated \$268,000 to supplement the Road Maintenance Annual Plan (Road Map) approved surface treatment program. The remaining balance to be distributed pursuant to the current Measure D Formula described as Option 1-A as reflected in Attachment 1 of Public Works staff report as presented at the October 12, 2004 hearing.
- c) Approved.

The motion carried unanimously.

**Applicant requests continuance of Departmental Item No. 6).**6) 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 Centeno, that this matter be Continued, as follows: November 9, 2004 in Santa Maria The motion carried unanimously.

**Adjourn to October 19, 2004**

**County Administration Building**  
**Board Hearing Room**  
**105 East Anapamu Street , Fourth Floor**  
**Santa Barbara**

**Adjourn****Announcements**

THE MEETING OF OCTOBER 12, 2004 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, OCTOBER 14, 2004 AT 5:00 P.M. ON GATV CHANNEL 20.

**<http://www.countyofsb.org>**