

Attachment D

Board Minutes from July 20, 1999 Appeal Hearing

IN THE BOARD OF SUPERVISORS COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 20, 1999

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan, Chairperson Harry L. Ovitt

ABSENT: None

In the matter of Appeal by K. Shadle of the South County Road Improvement Fee:

This is the time set for hearing to consider an appeal by K. Shadle of the South County Road Improvement Fee; 4th District.

Mr. Richard Marshall: Engineering, presents the staff report, indicating this is a request to establish a preschool in an existing building at the First Baptist Church of Nipomo, for up to 60 children and is authorized through the County's Land Use permitting process; addresses the fee that would be required if the Church applies for the maximum of 60 children; discusses the County Code section that is the basis for either an adjustment or waiver of the fee; outlines the issues raised in the appeal and staff's response to the same.

Dr. Kenneth Shadle: Pastor and Appellant, addresses their appeal, indicating they are a small church with a small parish; they are not building anything new but rather are asking for a change in the land use.

Mr. Hank Albert: ACLU, addresses his concern that this may be getting into the area of separation of church and State; requests copies of all the information on this issue so he can submit it for an opinion and asks the Board to delay their decision until he can do that or deny the appeal.

Mr. George Layman: Circulation Committee member for the Nipomo Area Advisory Group (NAAG), speaks in support of the request; feels there is a need for preschools in this area and NAAG supports the fees being waived.

Dr. Shadle: responds to public comment, indicating they are willing to pay their fair share but felt \$18,000 was excessive.

Supervisor Pinard: questions the possibility of finding a way to pay the fee without having to pay for it all up front, some type of payment plan, etc.

Mr. Marshall: states the Fee Ordinance does not provide for payments but there may be a way to address payment through the Minor Use Permit (MUP) process; states the usual method for payment for improvement is a bond.

Supervisor Achadjian: questions Dr. Shadle as to what their intent is and whether this preschool would be opened to the public or only be used by folks who attend the church.

Dr. Shadle: states there will not be any new buildings but they will be putting in a playground and some type of sheltering for the children; further, it is open to the community not just folks who attend the church.

