

Attachment E

Board Minutes from June 13, 2006 Appeal Hearing

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

Tuesday, June 13, 2006

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

ABSENT: Supervisor Jerry Lenthall

In the matter of an appeal by D. Lumsden of South County Road Improvement Fee:

This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Donald Lumsden, Nipomo Community Presbyterian Church, located on North Thompson Avenue; 4th District.

(SUPERVISOR JERRY LENTHALL IS NOW PRESENT.)

Mr. Richard Marshall: Public Works, presents the staff report and recommendation; highlights the appeal issues.

Mr. Donald Lumsden: discusses the appeal issues; states the church is a tax exempt organization; addresses the use of the new construction being done; states there will be no change in the use of the road; expresses his belief that an adjustment of the waiver is justified; speaks to his concerns with the Institute of Transportation Engineers (ITE) Study's use to calculate the fees; suggests if the Board won't waive the fee, the fee should be based on the additional 504 square feet being created; urges the Board to waive the fees.

Mr. Marshall: addresses the concerns regarding the ITE Study; states the Study is used as an industry standard; if the Board wants to compromise suggests removing the highest outlying numbers in the graph on Exhibit B to recalculate the average and then recalculate the fees.

A motion by Chairperson Achadjian to change the Road Improvement Fee to \$2,500, dies for the lack of a second.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and on the following roll call vote:

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

the Board refers this item back to staff to re-evaluate the statistics in Exhibit B, by removing the higher outlining numbers in the graph, and that the Road Improvement Fee be recalculated with the new figures.

STATE OF CALIFORNIA)
) ss. cc: Public Works (2)
) 7/7/2006 cmc
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 7th day of July, 2006.

(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By *C. Christensen*
Deputy Clerk

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