

Tuesday, January 27, 2004

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.**

**SUM**

**AGN**

1 Add **Mr. David Edge:** County Administrative Officer, addresses the need to add an item to the agenda regarding a request from Senator Barbara Boxer asking for a letter of support for S 1306 which is cosponsored by Senator Feinstein and most members of the House of Representatives from California and is entitled "The California Mission's Preservation Act" which is coming up for hearing; this Act would provide \$10 million in matching grant money from the Federal government to the California Mission's Foundation, which is a charitable corporation, to fund the restoration and repair of the various missions; this is particularly germane to the County following the San Simeon Earthquake and the extensive damage to the San Miguel Mission.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and unanimously carried, 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 adds the following to the Consent Agenda "B-32, Request the Board authorize the Chairperson to sign a letter of support for S 1306."**

2 A-1 This is the time set for presentation of a Self Generation Incentive Award in the amount of \$502,492 from Southern California Gas Company to offset the cost of the co-generation project at the County Government Center.

**Chairperson Ovitt:** introduces the item.

**Mr. Bob Botta:** General Services, states that the co-generation project has been completed at the Government Center and is reducing energy costs for both heating and air conditioning; introduces Mr. Tim Mahoney from the Southern California Gas Company.

**Mr. Mahoney:** presents a check for \$502,492 to the County; expresses their excitement at being able to present a check for this amount; recognizes various members of General Services for their efforts and work on this project.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board approves the presentation of a Self Generation Incentive Award in the amount of \$502,492 from Southern California Gas Company to offset the cost of the co-generation project at the County Government Center.**

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

**Mr. David Broadwater:** Center for Sludge Information, comments on the draft sludge ordinance; indicates that the Board directed that there be language in this ordinance regarding notifying the public and it has not been included; asks the Board to direct staff to include this language.

**Mr. Ken Carpenter:** comments on Veteran Exemptions and his work on this; states he thought this was all handled in 1998 as it relates to exempting Vets from fees and taxes; states County Counsel issued an opinion that it only relates to mobile food carts and he believes this is incorrect; asks that this matter be placed on an agenda for discussion.

**Mr. Eric Greening:** shares the concerns raised by Mr. Broadwater; addresses the permanent ordinance for sludge that is being developed; public comments on this ordinance are due this week and asks that the Board support the Task Force being involved in this process.

**Mr. Dan Del Campo:** addresses the Nacimiento Water Project and questions whether all the cities will be participating in this; comments on statements by Supervisor Ovitt at a recent Oak Shores Association meeting.

**Mr. Bob Blair:** addresses the draft EIR for the Summit Station Land Use Ordinance and after reading the report believes it is an excellent document; believe it explains all the issues very well; addresses water rights for the area and the Nipomo Community Services District. **No action taken.**

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

**Mr. Eric Greening:** states that Item B-13 involves attempting to mitigate the consequences of overzealous vegetation removal from the stream in Corbett Canyon; is glad this is being replanted and wants to know what steps are being taken to ensure this doesn't happen again; also wants to know if there is anyway to get the Department of Corrections to fund this restoration; Item B-14 is a bank stabilization project on Los Berros Creek and while this is being done carefully he has concerns regarding juvenile Steelhead that have been spotted in this creek and protecting the same. **No action taken.**

5 B-1 Consent Agenda Item B-1 is amended to withdraw #2 of this item regarding the budget  
thru adjustment from Budget Unit 2560 - District Attorney to the Community Foundation of  
B-32 San Luis Obispo as this item was acted on by the Board at the December 2, 2003 meeting; the recommendation remains the same. Item B-23 is withdrawn for separate action. Item B-32 is added to the Consent Agenda by prior action.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES:** Supervisors Achadjian, Ryan, Bianchi, Pinard, Chairperson Ovitt  
**NOES:** None  
**ABSENT:** None

**Consent Agenda Items B-1 through B-32 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-32, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

B-1 Request to approve: 1) an agreement with the Community Foundation of San Luis Obispo to create an endowment for the Food Bank Coalition in the amount of \$500,000 from the Albertson's Company settlement; and 2) a corresponding budget adjustment from Budget Unit 2560 - District Attorney to the Community Foundation of San Luis Obispo, **Approved as amended.**

B-2 Request to continue the proclamation of local emergency relating to the San Simeon Earthquake, **Approved.**

Behavioral Health Items:

- B-3 Eight agreements (Clerk's File) with Coast Unified School District, Lucia Mar School Unified School District and San Luis Coast Unified School District to continue funding Drug and Alcohol Services School Site Counseling programs, **Approved.**
- B-4 Agreement (Clerk's File) with the State Department of Mental Health for services provided through the Conditional Release Program, **Approved.**

General Services Items:

- B-5 1) Three contracts (Clerk's File) with Environmental Science Associates, Mead & Hunt and Tartaglia Associates to provide preliminary engineering studies and design for the proposed runway extension project at the San Luis Obispo County Regional Airport; and 2) a budget adjustment in the amount of \$450,000 from Federal Aviation Administration grant revenue and a future Passenger Facility Charge, **Approved.**
- B-6 Budget adjustment in the amount of \$117,667 (\$26,167 from the San Miguel-Pave Pool Driveway Maintenance Project and \$91,500 from Replace Pool Air Separation Units Maintenance Project) to Countywide Parks renovate facilities, **Approved.**
- B-7 Bid opening report for Job Order Contract construction services; All Districts, **Approved and the Chairperson is instructed to sign contract documents with R. Simons Company, Inc.**
- B-8 **RESOLUTION NO. 2004-26**, authorizing execution of a notice of completion for the co-generation project at the County Government Center and a \$502,492 Self Generation Incentive Award from Southern California Gas Company, **Adopted.**

Library Items:

- B-9 Request to accept a grant from the Library Services and Technology in the amount of \$39,056 for the Library Awareness Campaign and approve a corresponding budget adjustment, **Approved.**
- B-10 Request to accept an increase from the California Library Literacy Services funds in the amount of \$13,558 for fiscal year 2003-2004 and approve a corresponding budget adjustment, **Approved.**

Medical Services Items:

- B-11 Contract (Clerk's File) with the State Department of Corrections to provide Suspected Abuse Response Team (SART) services, **Approved.**
- B-12 Two retroactive step increases due to late performance evaluations, **Approved.**

Planning Items:

- B-13 Proposed mitigated negative declaration for the Corbett Canyon Stream Restoration Project; 4th District, **Approved.**
- B-14 Proposed mitigated negative declaration for the Los Berros Creek Bank Stabilization Project; 4th District, **Approved.**
- B-15 Proposed mitigated negative declaration for the Morro Bay - Shandon State Water Transfer; 2nd District, **Approved.**
- B-16 **RESOLUTION NO. 2004-27**, to waive fees for building permits to repair damage caused by the San Simeon Earthquake; All Districts, **Adopted.**
- B-17 **RESOLUTION NO. 2004-28**, approving an open space agreement with Glenn and Katherine Wensloff, for property located adjacent to Deer Canyon Road, north of the City of Arroyo Grande; 4th District, **Adopted.**

Public Health Items:

- B-18 1) Agreement with the State Department of Health (Clerk's File) for the Women, Infant and Children (WIC) Supplemental Nutrition Program; 2) approve a budget adjustment in the amount of \$80,000 from unanticipated revenue; and 3) authorize the Director of Public Health to execute subsequent amendments with the State Department of Health Services, **Approved.**
- B-19 **RESOLUTION NO. 2004-29**, authorizing the Director of Public Health to sign Health Insurance Portability and Accountability Act (HIPAA) Business Associate Agreements with Public Health contractors, **Adopted.**

Public Works Items:

- B-20 Mid-year budget adjustment in the amount of \$49,500 primarily related to emergency earthquake repairs, for the San Luis Obispo County Flood Control Zone 1, Arroyo Grande Creek Levee System, Oceano; 4th District, **Approved.**
- B-21 Contract (Clerk's File) with Brown and Caldwell to provide value engineering services for the Lopez Water Treatment Plant Upgrade; 3rd and 4th District, **Approved.**
- B-22 Agreement with the Cambria Community Services District for reimbursement of costs related to the Main Street Enhancement Project; 2nd District, **Approved.**
- B-23 Submittal of a resolution amending the traffic regulation code by restricting turning movements at Tank Farm Road and Santa Fe Road, and Santa Fe Road, with private driveway, and Tank Farm Road; 3rd District, **Withdrawn for separate action.**
- B-24 **RESOLUTION NO. 2004-30**, confirming County Policy regarding issuance of encroachment permits for installation of telecommunication facilities; All Districts, **Adopted.**
- B-25 The following parcel maps have been received and have satisfied all the conditions of approval that were established in the public hearing on their tentative maps:
- A. COAL 02-0276, a proposed lot line adjustment of 4 lots, by Woody Woodruff Construction, Santa Ysabel Road, south of Paso Robles; 1st District, **Approved.**
  - B. CO 00-0345, a proposed subdivision resulting in 4 lots, by Patrick and Mary Wheeler, Live Oak Ridge Road, Nipomo Mesa, reject the offer of dedication without prejudice to future acceptance, order the abandonment of 25-foot wide offer of dedication along the west boundary; 4th District, **Approved.**
  - C. COAL 00-0140, a proposed lot line adjustment of 3 lots by Michael Knight et al., Kiler Canyon Rd., west of Paso Robles, **Approved** and **RESOLUTION NO. 2004-31**, to accept the offer of dedication for road widening along Kiler Canyon Road, order the abandonment of part of Kiler Canyon Road at Old Settler Road; 1st District, **Adopted.**
  - D. Tract 2161, a proposed subdivision resulting in 8 lots, by TTS/MCD Joint Venture, Highland Drive, Los Osos, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2004-32**, to approve a scenic preservation agreement; 2nd District, **Adopted.**

Sheriff-Coroner Items:

- B-26 1) Budget adjustment in the amount of \$26,500 from the Cal-ID Trust Fund; and 2) an amendment to the fixed asset list to include an upgrade to the Cal-ID Automated Fingerprint Identification System (AFIS) Computer, **Approved.**
- B-27 **RESOLUTION NO. 2004-33**, commending Jacqueline Nungaray upon her retirement from the Sheriff-Coroner after 35 years of service, **Adopted.**

Other Items:

- B-28 Appointments of Board members to various committees and commissions, **Approved.**  
B-29 Request by the Clerk-Recorder to approve resolutions (Clerk's File) to consolidate the local elections with the March 2, 2004 Primary Election, **Approved.**
- B-30 **RESOLUTION NO. 2004-34**, by the Probation Department approving a contract renewal with the California Youth Authority for emergency housing services, **Adopted.**
- B-31 **RESOLUTION NO. 2004-35**, by the Auditor-Controller adopting the Countywide Cost Allocation Plan for 2004-2005, **Adopted.**
- B-32 Request by Senator Boxer to have the Board authorize the Chairperson to sign a letter of support for S 1306, **Approved.**
- 6 B-23 Submittal of a resolution amending the traffic regulation code by restricting turning movements at Tank Farm Road and Santa Fe Road, and Santa Fe Road, with private driveway, and Tank Farm Road; 3rd District, is presented.

**Mr. Dave Flynn:** Public Works, presents the staff report; shows an aerial photograph of the area; highlights staff's review of the intersection at Tank Farm Road and Santa Fe Road and Santa Fe Road, with a private driveway, at Tank Farm Road in the Airport area; the action before the Board today would specifically prohibit left turns from Santa Fe Road onto Tank Farm Road; this is to increase safety and reduce the impacts of increased traffic in this area; the ultimate planned operational and safety improvements for this area involve the installation of a dedicated left turn lane on Tank Farm Road at Santa Fe Road, but this will not occur until 2006-07 when the State Transportation Improvement Program (STIP) funds become available for the project; comments on the increased number of vehicle accidents occurring in this area; outlines other options they have looked at.

**Mr. David Edge:** County Administrative Officer, addresses the County's liability in the event of an accident; outlines the 1% rule indicating that if the County is found 1% liable by a Court of law then the County is responsible for primary costs involved in the accident, even if the incident involved two private vehicles; states this is why the issue is being addressed now instead of waiting for the funding that will become available in 2006.

**Mr. John Wallace:** speaks to the business he owns on Clarion Court and the route he will have to take to get to his business if this change is imposed; comments on the hardship it will create for him and the other ten businesses located at this site; asks that this matter be continued for a couple of weeks to allow the businesses to work with staff on alternatives to this proposal; feels this recommendation is just transferring a problem from one area to another.

**Mr. John Hough:** part owner of SLO City Storage located on Santa Fe Road; addresses the impact this will create for his business; concerns to how he will redirect customers through advertising and the cost associated with this; indicates he didn't receive a notice for this item.

**Mr. John Wilson:** part owner of SLO City Storage, asks that this item be postponed to allow the business owners in the area to work with staff on alternatives to this proposal; speaks to the impacts this will have on their business; indicates the business owners at Clarion Court did not receive notice of this.

**Mr. Rudy Bachmann:** states he is representing the business owners at Clarion Court and supports the comments by Mr. Wallace; wants an opportunity to meet with staff on this; indicates he did not receive a notice.

**Mr. Jim Filbin:** states he did receive a notice as he owns property on Santa Fe Rd.; asks that this matter be delayed so there can be more discussion between property owners and staff.

**Ms. Kathy Longacre:** speaks to her daily use of Buckley Road and based on her observations, this change will move the problem from one area to another.

**Supervisor Ryan:** indicates he would like to see this continued to allow for more discussion.

**Supervisor Pinard:** indicates she wants assurance that all affected owners have been notified.

**A motion by Supervisor Pinard, seconded by Supervisor Ryan to continue this matter for two weeks, is discussed.**

**Mr. Flynn:** responds regarding the notices that were sent.

**Mr. Robert Lewin:** County Fire/CDF, asks that they be included in the discussions on this issue.

**Mr. Noel King:** Director of Public Works, asks that this matter be continued three weeks.

**The motion maker and second amend their motion and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Ryan and unanimously carried, the Board continues this matter off calendar.**

7 C-1 This is the time set for hearing to consider a resolution amending the Non-Disposal Facility Element of the County Integrated Waste Management Plan.

**Ms. Mary Whittlesey:** Public Works, presents the staff report commenting on the additional facilities that have opened in the North County to recycle waste from construction and demolition activities which requires a change to the Element to add these facilities.

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

**AYES: Supervisors Ryan, Bianchi, Pinard, Achadjian, Chairperson Ovitt**

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2004-36, amendment to the Solid Waste Non-Disposal Facility Element, adopted.**

8 C-2 This is the time set for continued hearing (Continued from October 28, 2003) to consider findings of the Nipomo Traffic Impact Fee Task Force; 4th District.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded Supervisor Pinard and unanimously carried, said hearing is continued to February 3, 2004 at 9:00 a.m..**

9 C-3 This is the time set for continued hearing (Continued from December 16, 2003) to consider an appeal by Jim Marrocco of the Planning Department Hearing Officer's decision to approve a minor use/coastal development permit (D020261P) for the County of San Luis Obispo, Department of General Services, to allow a view deck on abandoned Bay Street, Los Osos; 2nd District.

**Ms. Kerry O'Neill:** Planning, presents the staff report and outlines the recommendation based on the redesign of the deck.

**Ms. Jan DiLeo:** General Services - Parks Division, comments on several emails addressing this issue that she forwarded to the Board members; recaps how the County obtained this property; discusses meeting with the Appellant to try and resolve their concerns and they have agreed to a change in the railings.

**Mr. Jim Herman:** Architect for General Services, addresses the design of the deck and how he developed the plans before the Board today; addresses the compromise in these plans to try and address the concerns raised by the Appellant.

**Mr. Jim Marrocco:** Appellant, presents a video explaining their concerns with the deck and showing other areas a deck could be placed; addresses their alternate proposal for the deck location; urges the Board to uphold their appeal or, at the least, approve their design for the deck.

**Mr. Eric Greening:** addresses the agreement through the Quiet Title action and his concern to the loss of public rights here.

**Ms. Gwynn Taylor:** speaks to the need to keep all areas possible available for parks, etc.; the Quiet Title action “gave” this property to the adjacent property owners and they need to keep to the agreement of that action; urges the Board to deny the appeal.

**Ms. Kathy Longacre:** urges the Board to deny the appeal and uphold the Quiet Title action agreement; states that the Los Osos Citizens Advisory Committee (LOCAC) has approved this twice already.

**Mr. Gary Dove:** LOCAC member, states they have approved this twice, once with the original design and again with the redesign; personally he supports the project.

**Mr. Bob Semonsen:** states he is a LOCAC member and also lives at the Audubon site shown by the Appellant; they have lived by this site for 20 years with agreement for use with the Audubon group and have never had any problems; urges the Board to deny the appeal.

**Ms. Pandora Nash-Karner:** Chair for the Parks & Recreation Commission, comments on the rights of the public to access public land; urges support of the project.

**Mr. Cayetano Moreno:** addresses the Quiet Title action and does not believe the public should be excluded from this process.

**Ms. Pam Heatherington:** speaks to the Quiet Title action and it being a gift of property; addresses her concern to the loss of public access and urges denial of the appeal.

**Mr. Mark Tariz:** states he is a designer and was asked, by Mr. Marrocco, to look at the deck design; states he was the principle designer for the Elfin Forest Boardwalk; comments on the various issues of concern that have been raised and doesn't see where moving this 9 feet will significantly change anything; feels this is a reasonable size without being too small.

**Ms. Julie Tacker:** supports the efforts by both sides to work this out.

**Mr. Marrocco:** gives his closing comments and asks that the deck be set up to look more like the Audubon area near Mr. Semonsen home.

**Ms. O'Neill:** amends Condition #1 to change the square footage from 290 to 226.

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

**AYES:** Supervisors **Bianchi, Chairperson Ovitt, Pinard, Achadjian, Ryan**

**NOES:** None

**ABSENT:** None

**the Board partially upholds the appeal; amends Condition #1 to change the square footage from 290 to 226 and RESOLUTION NO. 2004-37, resolution affirming the decision of the Planning Department Hearing Officer and conditionally approving the application of the County of San Luis Obispo, Department of General Services for Minor Use Permit/Coastal Development Permit D020261P, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.**

10 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) *In re PG&E Bankruptcy*, (2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (3) *NRC Proceedings Concerning Spent Fuel*, (4) *Naimark v. County of San Luis Obispo*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (9) *Lum v. County of San Luis Obispo*, (10) *AT&T v. County of San Luis Obispo*, (11) *Schrantz v. County of San Luis Obispo* and (12) *University of California Students Association v. Schwarzenegger, 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: *Deputy Sheriff's Association.*(8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Sheriff's Management*.

**Chairperson Ovitt:** opens the floor to public comment without response.

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-4 This is the time set for hearing to consider an appeal by Darrin Carlson of the Planning Commission's action to uphold an appeal and to deny two plot plans regarding approval of two single family dwellings, on two adjacent 25-foot lots, in the community of Cayucos; 2nd District.

**Mr. John Euphrat:** Planning, introduces the item, outlining the review and decision by the Planning Commission.

**Mr. John Hofschroer:** Planning, presents the staff report commenting on the Planning Commission's decision to uphold the appeal and deny the two plot plans for two single family dwellings; presents photographs of the site; outlines the history of the purchase of this site; the demolition and building permit that was issued on Lot 7 with half the home remaining on Lot 8; the appeal filed by the Dales that stopped work on this site; outlines the issues of the appeal and staff's response to the same; highlights the options before the Board today.

**Supervisor Bianchi:** questions whether the portion of the house that remains was recently weatherproofed, with Mr. Euphrat responding.

**Mr. Darrin Carlson:** Appellant/Applicant, agrees with the staff report to uphold his appeal; believes that his request and an interpretation of the ordinance

are two separate issues and his project shouldn't be caught in the middle; presents information showing an aerial of his property and photographs of the two lots located at 172 and 178 H St.; states he followed the established rules; states he tried to work with the Dales and neighbors and the Dales declined to meet with him; comments on other properties in Cayucos that were allowed to change from 1 to 2 residents on two lots.

**Ms. Kathy Dale:** addresses why she believes the Board should uphold the decision of the Planning Commission to deny this; presents a binder of information for the Board; shows photographs of the property before and after the house was partially destroyed; addresses neighboring properties that have built on 25 foot lots; summarizes their major concerns with this; addresses comments in the staff report.

**Mr. Bruce Gibson:** urges the Board to deny the appeal; believes the Planning Commission action is the appropriate one; believes staff is applying the rules incorrectly; the Board could determine whether Mr. Carlson intends to demolish the remaining half of the house by conditioning this to not allow that to occur for 10-15 years.

**Mr. Greg Sanders:** Vice President of the Cambria Community Services District (CCSD) Board, addresses their position and concern to this type of development being allowed; concerns as to the precedent this will set for the Cambria area if approved; comments on a letter from Mr. Vic Holanda, Director of Planning and Building, and his reference to the *Morehart v. County of Santa Barbara* case and believes he misstated the results of that case.

**Mr. Bill Allen:** realizes the issue is in Cayucos but will discuss Cambria first; the Coastal Commission has supported Cambria efforts to achieve a reliable water source and also to preserve and enhance its cultural, ecological, environmental and historical resources; the CCSD recently passed a resolution setting a cap of 4,650 connections which allows Cambria to live within those resources; the decision the Board makes today on this issue can set a precedent which could negatively and very harmfully affect the efforts of the Cambrian community.

**Mr. Wayne Parrack:** resident of Cambria and Vice President of the United Lot Owners of Cambria Group; asks that whatever direction the Board takes that an action be taken to direct staff to review the specific plan for the area; supports the CCSD position.

**Mr. Bill Warren:** urges denial of the appeal.

**Ms. Elaine Carlson:** reads a letter from Mike Hargett in support of the appeal; personally believes this will continue to occur on these types of properties unless the rules are changes; feels it is unfair to change the rules on the Carlson's.

**Ms. Mary Ann Carnegie:** member of the Cayucos Area Advisory Council and on the Land Use Committee for the Council, speaks in support of the Dale's position of opposition to this development.

**Mr. Ed Carnegie:** Vice Chair for the Cayucos Area Advisory Council, speaks in support of Kathy Dale's position of opposition; feels the Applicant has circumvented the rules.

**Ms. Debra Carlson:** Appellant, outlines what they looked at with respect to being able to have two buildings on these lots prior to their purchase; doesn't believe this will set a precedent as it isn't the first of its kind; urges the Board to support their appeal.

**Mr. Matt Brancart:** addresses the importance of this issue on Cayucos and other areas; feel this is an "obvious" intent to circumvent the rules; supports the Planning Commission recommendation.

**Mr. Jack Dale:** believes the Board has the discretion to make the right decision here; believes this type of development is wrong and should be stopped here to keep from setting a precedent.

**Mr. Eric Greening:** addresses the recommendation of the Planning Commission; states the is not about the people but rather is about the issue; urges denial of the appeal.

**Ms. Dale:** summarizes the position she presented to the Planning Commission; addresses buildout figures for the area and these figures did not take into consideration this type of development; urges the Board to deny the appeal.

**Mr. Carlson:** believes there are two issues before the Board, his building permit and the issue of the Lot Consolidation Ordinance language; feels it is unfair to put him in the middle of these two issues.

**Mr. Bill Walter:** Attorney representing the Applicant, states the Board sits as a quasi-judicial body and not a legislative body; responds to issues raised during public comment and urges the Board to uphold the appeal.

**Supervisor Bianchi:** questions the remaining portion of the house and whether it was remodeled.

**Mr. Carlson:** responds that what is in the remaining portion has always been there and has not been added to.

**A motion by Supervisor Bianchi to tentatively deny the appeal and direct staff to return with findings to support the denial, dies for lack of a second.**

**Supervisor Ryan:** questions the requirements of the Lot Consolidation Ordinance.

**Mr. James Lindholm:** County Counsel, states it's not an issue as to whether or not these can be built rather the issue is whether the lot is "vacant" or not.

**Board Members:** address various issues, comments and concerns regarding: whether the word "vacant" can be addressed today; how staff should handle future requests such as this one; the Applicant did follow the rules (with some circumvention) and they should be allowed to move forward; the Applicant did receive guidance on how to proceed from County staff; wanting to see the issue of defining the word "vacant" back on an agenda.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:**

**AYES:** Supervisors Ryan, Pinard, Achadjian, Chairperson Ovitt  
**NOES:** Supervisor Bianchi  
**ABSENT:** None

**the Board upholds the appeal and approves the two Plot Plans based on the findings set forth in Exhibit A of the staff report dated January 27, 2004.**

**A motion by Supervisor Bianchi, seconded by Supervisor Achadjian to use the strictest interpretation of the Lot Consolidation Ordinance until the Area Plan Updates for Estero Bay and the North Coast have been completed, is discussed.**

**Supervisor Achadjian:** questions how staff will handle any requests that come in during this time, with Mr. Euphrat responding that they understand the intent of the Board's motion as to how these should be handled.

**Chairperson Ovitt:** questions how it will affect applications that come in after today if this motion passes.

**Mr. Lindholm:** responds that the issue will be the same as it currently exists if applications come in prior to the completion of these Updates.

**Supervisor Ryan:** states he will not support the motion as he feels the motion should be to bring back the Lot Consolidation Ordinance to tighten up the language.

**Mr. Lindholm:** suggests that the motion could direct staff to bring back the issue of defining the word “vacant.”

**Mr. David Edge:** indicates that the Board has time on their afternoon agenda next week.

**The motion maker and second amend their motion and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:** Supervisors Bianchi, Achadjian, Pinard, Chairperson Ovitt  
**NOES:** Supervisor Ryan  
**ABSENT:** None

**the Board directs staff to bring back an interpretation of the word “vacant” on February 3, 2004.**

**(SUPERVISORS PEG PINARD AND MICHAEL P. RYAN ARE NOW ABSENT.)**

12 C-5 This is the time set for hearing to consider options for the designation of the Solid Waste Local Enforcement Agency (LEA); All Districts.

**Mr. Curt Batson:** Environmental Health Director, presents the staff report; **(SUPERVISORS PEG PINARD AND MICHAEL P. RYAN ARE NOW PRESENT.)** outlines the options before the Board to either keep local control of the LEA or transfer the enforcement authority to the State.

**Supervisor Ryan:** questions whether the State has authority over any area of the County.

**Mr. Batson:** responds that they do in the City of Paso Robles.

**Mr. Mike Hoover:** Chicago Grade Landfill, addresses his concern to keeping a “level playing field” for all landfills; indicates there seems to be a difference between how they are treated versus how the landfill in Paso Robles is treated; states it is costing them more to do the same job as the Paso Robles Landfill.

**Mr. Ken Sellover:** Director for the National Guard landfill at Camp Roberts, speaks in support of maintaining local control of the LEA and supports Option 1.

**A motion by Supervisor Ryan to approve Option 2 and transfer this function to the State, is discussed.**

**Supervisor Bianchi:** does not support the motion as she sees only one landfill with a problem here today and no one else seems to have a problem.

**Board Members:** address various issues, comments and concerns regarding: why there are two agencies involved in this process; what staff handles with respect to this; what the State will and will not do, with staff responding.

**Supervisor Pinard seconds the motion and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Pinard and on the following roll call vote:**

**AYES:** Supervisors Ryan, Pinard, Achadjian, Chairperson Ovitt  
**NOES:** Supervisor Bianchi  
**ABSENT:** None

**the Board transfers the enforcement authority to the State by withdrawing the designation of the County Public Health Department, Division of Environmental Health as the Local Enforcement Agency and returns the enforcement agency responsibilities to the California Integrated Waste Management Board.**

- 13 D-1 This is the time set to consider a request to authorize the processing of a General Plan amendment application (G030009F - Sejera) to amend: 1) the South County Area Plan of the Land Use Element by changing the land use category on an approximately 1.5 acre site from Agriculture to Residential Rural, and 2) the Agriculture and Open Space Element land use map from Agriculture to Small Lot Rural, the site is located on the east side of Highway 101, north of the Los Berros/Thompson Road interchange; 4th District.

**Mr. Brian Pedrotti:** Planning, presents the staff report, outlines the request; presents an aerial photograph of the site; outlines the major issues associated with the request; addresses the Agricultural Commissioner's response to not oppose this change; outlines the alternatives before the Board today.

**Mr. Shane Hernandez:** Applicant, comments on the lot configuration; they are trying to conform to County policies; the surrounding land uses are Residential Rural; asks the Board to authorize processing of this request.

**Ms. Kia Moran:** questions the change and if it includes dividing the land up into one acre lots, with Mr. Warren Hoag, Planning, responding.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board authorizes processing of G030009F.**

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, January 27, 2004, 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: January 30, 2004  
vms