

Tuesday, September 27,  
2005

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 Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.**

**SUM      AGN**

1      A-1-A **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES:**                      Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:**                  None

**ABSENT:**              None

**RESOLUTION NO. 2005-279, resolution commending Larry Kelly for 29 years of service to the County of San Luis Obispo, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Mr. Kelly.

**Mr. Kelly:** thanks the Board and County for this recognition; states it has been a joy to work for the County and he's enjoyed his role as the "jack of all trades" for the Department.

**Mr. Vic Holanda:** Director of Planning and Building, thanks Mr. Kelly for his years of service; congratulates him on his retirement; addresses all his attributes and the excellent reputation he has for himself and the department; states that Pat Beck, Assistant Director of Planning and Building, also extends her best wishes.

**Chairperson Bianchi:** speaks to working with Mr. Kelly over the years and the trust she had for what he did.

2      A-1-B **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES:**                      Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:**                  None

**ABSENT:**              None

**RESOLUTION NO. 2005-280, resolution recognizing the 50<sup>th</sup> Anniversary of the accident leading to the death of James Dean, adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to retired California Highway Patrol Captain Ernie Tripke and Lieutenant Ronald Nelson as the last surviving witnesses who documented the accident scene of the untimely death of James Dean.

**Retired Captain Tripke:** thanks the Board for the recognition; states at the time of the accident he didn't even know who James Dean was and they were just doing their job.

**Retired Lieutenant Nelson:** thanks the Board for the recognition.

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A-1-C **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES:** Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2005-281, resolution proclaiming the month of October 2005 as “Salmon and Steelhead Awareness Month” in San Luis Obispo County, adopted.**

**Supervisor Patterson:** reads the resolution and presents the same to Mr. Tim Duff, California Coastal Conservancy.

**Mr. Duff:** thanks the Board for the recognition and for their ongoing support.

**Ms. Marla Morrissey:** Salmon Enhancement, presents a map for the Board members showing the creeks in the County.

**Mr. Chris Raymer:** representing Senator Maldonado, presents a Certificate of Recognition to the County.

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

**Ms. Julie Rodewald:** County Clerk-Recorder, reminds everyone that it is Election Day in Los Osos; results will be on the Clerk’s website after 8:00 p.m. and gives out the address.

**Mr. Lee Ferrero:** Private Industry Council, thanks the Board for all their years of support; speaks to the 25<sup>th</sup> Anniversary Open House and Job Fair and invites everyone to come to this event.

**Mr. Eric Greening:** thanks the Board for recognizing Salmon Enhancement Month; comments on one of the Supervisor’s Aides criticizing one of the local advisory boards; asks that if the rumors are true and there is a discussion about disbanding this board, that a full hearing be scheduled first to discuss that.

**Mr. David Duggan:** states he is going to write a book called “Dark Territory” and it will be about dirty politics and the death of democracy in small towns.

**Mr. Michael Kovacs:** speaks to a recent article in the paper regarding growth and provides corrections to the same.

**Mr. Bob Lloyd:** states that this weekend is the Harbor Festival in Morro Bay and invites everyone to come out and enjoy this event. **No action taken.**

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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:** speaks to Item B-15 and language in the EIR for the Santa Margarita Ranch project and addresses language in the staff report.

**Ms. Jamie Kirk:** representing Santa Margarita Ranch, speaks to Item B-15 and clarifies that the application description should show that this is a “vesting” tentative tract map.

**Mr. Michael Kovacs:** speaks to Items B-3, 8 and 15 and his concern that these are all contracts being done by outside groups and he feels they could be done in-house; comments on Item B-14 and his concern to another tax increase. **No action taken.**

6

B-1 Consent Agenda Item B-7 is amended by replacing the transmittal page and staff

thru letter to reflect that the agreement is between Woods Humane Society, Inc. and the B-16 County and not the Flood Control & Water Conservation District. Item B-15 is amended to reflect that it is a “Vesting” tentative Tract Map for the Santa Margarita Ranch LLC project.

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

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

**Consent Agenda Items B-1 through B-16 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-16, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Board of Supervisors Items:

B-1 **RESOLUTION NO. 2005-282**, recognizing the 100th Anniversary of the Carnegie Free Library, **Adopted.**

B-2 Request from Supervisor Ovitt to reappoint Sue Minshull, Daryl Stinchfield, John Bertoni, Louise Jennings and Norma J. Moye as District One representatives to the Paso Robles Public Cemetery District, **Approved.**

General Services Items:

B-3 Contracts (Clerk’s File) with: 1) the Morro Group Inc. to complete National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) studies relative to the Bob Jones Pathway; and 2) with Questa Engineering Corporation to complete preliminary engineering and design studies for the Bob Jones Pathway between the San Luis Obispo Octagon Barn and Ontario Road staging area, **Approved.**

B-4 Letter acknowledging an agreement with the Nature Conservancy regarding the receipt of San Joaquin Kit Fox Mitigation Fees for public construction work being performed in connection with the Capital Project entitled “County Fire/CDF Carrizo Plain – Facility Improvements (#300040) in California Valley, **Approved.**

Probation Items:

B-5 Renewal contract for Fiscal year 2005-2006 with Lucia Mar Unified School District in the amount of \$90,653 to provide two Deputy Probation Officers, **Approved.**

B-6 Budget adjustment in the amount of \$20,805 from the Office of Criminal Justice Planning for the Juvenile Accountability Incentive Block Grant for Fiscal Year 2005-2006, **Approved.**

Public Works Items:

B-7 Agreement (Clerk’s File) between the San Luis Obispo Flood Control and Water Conservation District and the Woods Humane Society, Inc. for water and wastewater services at the County Operations Center, located on Kansas Avenue in the City of San Luis Obispo; 2nd District, **Approved as amended.**

B-8 Agreement with Overland Security Service, LLC for professional security services for the Lopez Water Treatment Plant Upgrade project; 3rd and 4th District, **Approved.**

B-9 **RESOLUTION NO. 2005-283**, amending the Position Allocation List for Fund Center 405 – Public Works by deleting one half-time Administrative Services Manager position and adding one ¾ time Administrative Services Manager position, All Districts, **Adopted**.

B-10 **RESOLUTION NO. 2005-284**, for the acceptance of road improvements on South Tejas Place, Cyclone Street, Ida Place, Vista Verde Lane, Irish Rose Court, Martha Lane, and Sundale Road, Nipomo; (County Road Nos. 1222, 1328, 1436, 1470, 1471, 1472, 1473) and Mar Vista Drive, Highland Drive and Sea Horse Lane, Los Osos, (County Road Nos. 3055, 3056 and 3188); 2nd and 4th Districts, **Adopted**.

B-11 **RESOLUTION NO. 2005-285**, for the acceptance of road improvements on Sandydale Drive in Nipomo (County Road No. 1183); 4th District, **Adopted**.

B-12 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:

A. CO 03-0148, a proposed subdivision resulting in 4 lots, by George & Diane Glaser, Beach Street, Oceano, **Approved**; **RESOLUTION NO. 2005-286**, to accept the Avigation Easement; 4th District, **Adopted**.

B. Tract 2671, a proposed condominium subdivision resulting in 15 air space units, by City Ministries, Inc, Orchard Avenue, Nipomo; 4th District, **Approved**.

Other Items:

B-13 **RESOLUTION NOS. 2005-287 and 2005-288**, amending the Fiscal year 2004-2007 Memorandum of Understanding for the Probation and Supervisory Probation Units establishing Fiscal Year 2005-2006 salaries and benefits, **Adopted**.

B-14 Agreement authorizing the County to charge the sum of \$2.00 per parcel for those parcels being billed a special assessment for the Ground Squirrel Hollow Community Services District, **Approved**.

B-15 Amended agreement (Clerk's File) with Rincon Consultants, Inc. to prepare an environmental impact report for the Santa Margarita Ranch Agricultural Cluster Subdivision Project (Tentative Tract 2586); 5th District, **Approved**.

B-16 Renewal agreement (Clerks' File) with the State Department of Health Services for the Fiscal Year 2005-2006 Emergency Medical Services Appropriation funds reauthorized through AB 131, **Approved**.

7 C-1 Hearing to consider an appeal by Cary Geihs of a decision of the Planning Commission approving Conditional Use Permit DRC2004-00195 to allow a new 8.924 square-foot commercial building and remodel of an existing structure to include a tower, decorative entryway and outdoor dining area; located at 671 W. Tefft Street in the community of Nipomo; 4th District, **was withdrawn at the September 20, 2005 meeting by the Appellant**.

8 C-2 This is the time set for hearing to consider an appeal by Tri-W Enterprises, Inc. of the Planning Director's determination concerning application (SUB2004-00056/C04-0473) from Tri-W Enterprises, Inc. requesting 17 Certificates of Compliance on an 84.92 acre property in the Agriculture Land Use Category; the project is located on the southeast corner of Thompson and Rancho Roads, south of the Nipomo Urban Reserve line in the rural portion of the South County Planning Area; 4th District.

**Supervisor Achadjian:** states he's had a request by the Applicant to continue this matter.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board continues said hearing to October 18, 2005 at 9:00 a.m..**

9 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 B Existing Litigation (Gov. Code, §54956.9(a).) (Formally initiated)** (1) *Varin v. County of SLO, et al.*, (2) *Gulf Underwriters Insurance Co. v. County of SLO*, (3) *San Luis Obispo Coastkeeper v. County of SLO, et al.* and (4) *Nipomo Community Services District v. County of SLO, et al.*

**B. Conference with Legal Counsel B 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 County Counsel Association*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management/Confidential*; (10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA, Trades*; (11) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCPPOA*; (12) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

**III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, §54956.8.)** It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (13) Property Description: *APN 053,412,010 and 053,412,011*, Parties with whom negotiating: *OMKAR Investments*, Instructions to Negotiator will concern: *Price, Terms and Conditions*; (14) Property Description: *Book 075, Pages 111-116 & Book 061, Page 09 (LaGrande Beach, Oceano)*, Parties with whom negotiating: *State of California/Andy Zilk*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

**Chairperson Bianchi:** opens the floor to public comment.

**Mr. Larry Vierheilig:** President for the Nipomo Community Services District (NCSD), addresses their lawsuit regarding the Summit Station EIR and indicates they are looking for a quick resolution to this.

**Mr. Michael Winn:** speaks to the NCSD lawsuit and wanting to see secondary dwellings allowed immediately and urges the County to continue working with the NCSD to resolve this issue.

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 because no final action was taken and the Board goes into Open Public Session.

10                    C-3    This is the time set for hearing to consider an appeal by Craig & Terisue Harvey of the Planning Commission's approval of Tentative Tract Map 2574 (S030062T/Godfrey); the project is located at the northeast corner of Badger Canyon Lane and Fox Canyon Lane, west of Corbett Canyon Road, approximately 1 mile north of the City of Arroyo Grande; 3rd District.

**Mr. Brian Pedrotti:** Planning, presents the staff report, site maps, photographs of the site and describes the project; outlines the issues raised in the appeal; presents various maps showing the sensitive species and wetland areas; presents two letters for the record from Chris Darway and Gene Heiney; highlights the staff recommendation.

**Supervisor Achadjian:** questions a neighboring property (Stickler) and their bonding requirements for road improvements, with Ms. Kami Griffin, Planning and Mr. Tim Tomlinson, Public Works, responding.

**Supervisor Achadjian:** further questions complaints regarding illegal grading that the neighbors said occurred.

**Mr. John Nall:** Environmental Specialist, comments on this issue being referred back to staff by the Planning Commission for the wetland issues.

**Supervisor Achadjian:** comments on the need for ditch improvements on the roadside.

**Mr. Robert Lewin:** County Fire Marshall, addresses the fire road and sprinklering requirements.

**Mr. Craig Harvey:** Appellant, is requesting a full EIR; presents photographs of the site, highlighting the information from the packet they presented to each Supervisor; addresses their concerns regarding: drainage and erosion/sedimentation control; traffic and circulation; wastewater; wetlands; sensitive species; wildlife and aesthetics; asks the Board to uphold their appeal and require an EIR to address the concerns they have raised.

**Mr. David Marshall:** representing the Applicant, highlights the project proposal; outlines the additional studies they have had done to address the various issues of concern on the property; asks that the Board deny the appeal.

**Mr. John Belsher:** representing the Applicant, speaks to the improvements on Badger Canyon Road and the letter from the neighbors with concerns to this road.

**Mr. Mark Godfrey:** Applicant, states they are willing to do the road improvements first; there has never been any illegal grading done on this property, as was suggested by others.

**Ms. Susan Patton:** states her property touches the back of the Godfrey property; she is concerned that a Negative Declaration is not adequate and wants to see the full EIR completed.

**Ms. Louise Woolworth:** addresses her concern to the project and wanting it to be built safely.

**Mr. Tom Patton:** agrees with prior speakers and addresses his concern to this project.

**Mr. Steve Davis:** states he and his family live in this area and expresses his concern regarding the road.

**Mr. Eric Greening:** addresses his concern to the Planning Commission meeting minutes not being included in the staff report; addresses his concern to the project and urges the Board to uphold the appeal.

**Mr. Chris Darway:** supports the road improvements and the improvements to the roadside ditch; supports the application.

**Mr. Brad Stahl:** lives adjacent to the Applicant's site, feels a lot of work has been done to satisfy the County; feels the road is and erosion are an issue; plant habitat is an issue; wants to make sure that all issues of concern are followed up on and would like to see more formality on monitoring the issues of concern.

**Mr. Belsher:** gives closing comments on behalf of the Applicant, responds to concerns that have been raised; addresses a "pit" on the property that will not be further disturbed.

**Ms. Terisue Harvey:** Appellant, gives their closing comments.

**Mr. Harvey:** continues giving their closing comments and urging the Board to uphold their appeal.

**Board Members:** discuss various aspects of the project; discuss ongoing erosion and runoff onto the property; feeling that all involved have made this a better project.

**Ms. Griffin:** suggests changes to conditions to address the concerns raised today as follows: **Condition 2a** - add to the condition the following “(minimum of 20 feet wide including undergrounding the existing drainage ditch.)”; **Condition #32** is added to read: “Prior to recordation of final map and/or approval of subdivision improvement plans whichever occurs first, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval / Mitigated Negative Declaration measures. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; (6) action to be taken in the event of non-compliance and (7) that the length of the monitoring period shall be five years from the commencement of monitoring. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.”; **Condition #33ee** is added to read: “Prior to issuance of construction permits on any of the lots of the Tract, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval / Mitigated Negative Declaration measures for the individual lot that is the subject of the construction permit. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; (6) action to be taken in the event of non-compliance and (7) that the length of the monitoring period shall be five years from the commencement of monitoring. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.”; and, **Condition #34dd** is added to read: “Prior to issuance of construction permits on any of the lots of the Tract, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval / Mitigated Negative Declaration measures for the individual lot that is the subject of the construction permit. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; (6) action to be taken in the event of non-compliance and (7) that the length of the monitoring period shall be five years from the commencement of monitoring. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.”

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

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

**the Board denies the Appeal, with Condition 2a, Condition #32, #33ee and #34dd being amended/added, as read into the record by staff and RESOLUTION NO. 2005-289, resolution affirming the decision of the Planning Commission and conditionally approving the application of Mark Godfrey for a vesting tentative tract map for Tract 2574, adopted as amended.**

11 D-1 This is the time set for consideration of Ordinance No. 2933, the Residential Vacation Rental two year review.

**Ms. Kami Griffin:** Planning, provides a brief background on this ordinance; provides maps showing whether there are existing rentals in the Cayucos and Cambria areas; addresses the issues that have been raised by the neighbors; additional issues raised by the Board and the public relating to the Location Standard and how the 200 linear feet is determined; presents some options on how that measurement might be changed.

**Ms. Carol Thomas:** states she lives in Cambria and has a lot of vacation homes around her; addresses her concern to “transient” neighbors living near her; wants to see a limit on the number of vacation residences allowed in a specific area and changes to how this is measured.

**Mr. Martin Verhaegh:** wants to see a change in how vacation rentals are measured from residential homes; would like to see other types of rentals also redefined.

**Mr. Matt McGurrin:** speaks in support of the measurement being defined as 200 feet in all directions with respect to the locale of vacation rentals from residential homes.

**Ms. Joyce Renshaw:** speaks to a recent fire at her home and her concern to the safety of the road when there are a lot of cars parked on the roadways.

**Ms. Ken Renshaw:** addresses his concern to the number of vacation homes that could surround him under the current ordinance language; presents several overheads addressing his concern and also these rentals not being ADA compliant.

**Ms. Joyce Lamb:** addresses her concerns to vacation rentals; cites from a court case entitled *Ewing v. City of Carmel-by-the-Sea* and the case finding the Carmel ordinance that limited vacation rentals is constitutional.

**Mr. John Lamb:** presents his letter for the record and cites from the same outlining his concern as to how the 200-foot measurement is applied.

**Mr. Joseph Crowley:** presents maps showing current and proposed distances for rentals.

**Ms. Barbara Crowley:** addresses her concern to additional vacation rental increases.

**Ms. Barbara Snyder:** realtor and resident of Cambria, discusses sales disclosure requirements; speaks to noise levels from vacation rentals.

**Mr. Jess Bathke:** speaks to the rentals that are around his home; indicates several of these have spas and they get quite noisy at night.

**Mr. Jerry Shea:** speaks to a 1970 article from the *Fresno Bee* regarding Highway 46 going through to Cambria; addresses his concern to the loss of too many vacation rentals; speaks the importance of tourism in Cambria.

**Mr. Jim Silvers:** feels that vacation rentals are transient homes for future homeowners; feels the ordinance is working as currently written.

**Mr. Richard Watkins:** believes the ordinance is working and is being applied as the Coastal Commission intended.

**Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Achadjian and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..**

**Mr. Lance Morales:** feels the current ordinance is working.

**Ms. Toni LeGras:** believes the current ordinance is working the way it was intended and that there have been very few problems under this ordinance.

**Ms. Shirley Lyon:** feels the ordinance is working as written; feels that a lot of the owners in Cambria started out as renters.

**Mr. Bob Kasper:** states he has more than 50 signed letters from businesses and others in support of vacation rentals; reads from the original ordinance language and makes suggested changes to the same.

**Mr. Tom Christian:** states he is the Land Use Chair for the North Coast Advisory Council (NCAC), addresses the 200-foot being defined as radius; suggests exploring handling this through the business license/ordinance process; states there is a list of all the rentals on their website and gives that address.

**Ms. Claudia Vanecky Done:** states that a large percentage of businesses rely on transient trade; states she has a petition with more than 150 signatures in support of vacation rentals and the language as written (petition was not turned into the Board).

**Ms. Elizabeth Bettenhausen:** feels that permanent residents should have the loudest voice; suggests the current ordinance could be written better and presents modified language for consideration.

**Mr. Warren Gay:** feels “businesses” shouldn’t be allowed in residential areas R-1 zoned areas; or at the very least the number of vacation rentals needs to be limited; also there should be limits put on the use of spas, amplified music at these rentals.

**Ms. Sandra Parker:** wants to see this become a Countywide ordinance and not just limited to Cayucos and Cambria.

**Mr. David Lackman:** speaks in support of the recommendations from NCAC and the need to protect kids from transient renters.

**Ms. Elizabeth Fadelay:** speaks in support of making this ordinance Countywide and reads comments from Eric Greening.

**Ms. Jan Lewis:** wants to see changes to how the distance measurement is determined.

**Mr. Craig Johnson:** addresses his concern to changing the rules for a problem.

**Mr. Ed Sullivan:** states he hasn’t heard any complaints about vacation rentals.

**Ms. Louisa Smith:** presents her comments and photographs of a rental across the street from her showing the number of vehicles that are typically there.

**Chairperson Bianchi:** presents a number of letters, emails and petitions the Board has received for the record.

**Ms. Griffin:** responds to questions and indicates that approximately 3% of the parcels in Cambria are vacation rentals.

**Ms. Nancy Orton:** Environmental Specialist/Planning, addresses the map showing how they interpreted the ordinance that is in place.

**Supervisor Achadjian:** questions liability issues, with Mr. James Lindholm, County Counsel, responding and indicating that the County has no requirement to place Federal law requirements in the local ordinance.

**Supervisor Patterson:** speaks to how vacation homes affect the quality of the neighborhoods they are in; likes the idea of spreading these homes out more.

**Supervisor Lenthall:** wants to see some “teeth” in enforcement issues and also fines and penalties for not complying with the ordinance.

**Supervisor Achadjian:** indicates he does not support a Countywide ordinance and explains.

**Chairperson Bianchi:** questions how a license is tracked when there has been a change in ownership with Ms. Orton responding.

**Chairperson Bianchi:** wants to see a change in the measurement to reflect 200 feet in any direction for any future vacation rental licenses.

**Mr. Lindholm:** suggests referring this back to staff and explore the original intent of the Coastal Commission of the 200-foot radius and defining the definition of a “block.”

**Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and unanimously carried, the Board directs staff to begin processing an amendment to the Coastal Zone Land Use Ordinance to change the language to provide for the radius test for the 200 feet and also directs staff to come back on November 8, 2005 with a report concerning the flexibility the County has in interpreting the existing language.**

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, September 27, 2005, 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: October 13, 2005  
vms

