

Tuesday, November 8, 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. 2005-338, resolution declaring November 8th, 2005 to be APOW/MIA Day in San Luis Obispo County, adopted.

Supervisor Lenthall: reads the resolution and presents the same to Mr. Don Anderson, Mr. Michael Pipenberg and Command Chief Master Sergeant Gordon.

Chief Master Sergeant Norm Morris: presents a ceremony in honor of Prisoners of War and those Missing in Action.

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. 2005-339, resolution in celebration of KCBX's 30th Anniversary, adopted.

Supervisor Patterson: reads the resolution and presents the same to Mr. Carl Dudley and Mr. Paul Severteon.

Mr. Dudley: thanks the Board for the recognition; discusses the history of KCBX; announces today is the first day KCBX is also providing live stream to allow people to hear the meetings on the worldwide web.

Mr. Severteon: thanks the Board, volunteers and local businesses for all their support over the years.

3 A-1-C Resolution honoring the Economic Opportunity Commission on its 40th Anniversary on December 9, 2005, withdrawn.

4 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 folks that it is Election Day; her office has issued approximately 65,000 absentee ballots, over 500 of them to military voters from the County who are elsewhere in the United States and overseas; hope everyone takes advantage of our right to vote.

Mr. Eric Greening: echoes the comments of Ms. Rodewald; commends John Nall,

Planning and Building Department, for his work at the Rural Plan Development Ordinance (RPD) workshop last week; discusses the 38 Class I impacts identified by the Initial Study from the RPD; expresses his concerns to the difficulties reconciling the Williamson Act and the RPD=s Rules and Procedures; suggests the County Agricultural Prereserve Committee weigh in on the RPD; urges the Board to abandon the RPD.

Mr. David Duggan: discusses Los Osos Community Services District (LOCSA) Board meetings; his concerns to the changes to the terms of the agreement drawn up between the State Water Resources Control Board and the LOCSA regarding the revolving fund loan for the sewer project; believes the State=s rejection of the agreement is politically motivated; states the agreement approved by the LOCSA has changes that were not agreed to at prior meetings; states the Board is not reacting to Measure B and is holding it in limbo; feels the election must be declared; discusses his Army service. **No action taken.**

5 B-1 This is the time set for members of the public wishing to address the Board on items set on
Thru the Consent Agenda.
B-9

Chairperson Bianchi: opens the floor to public comment without response.

Consent Agenda Item B-7 is amended to correct the coversheet to reflect a budget adjustment in the amount of \$295,000 is from the Health Agency - Mental Health Managed Care Trust Fund and State Managed Care Revenue.

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

Consent Agenda Items B-1 through B-9 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-9, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

B-1 Letter transmitting contract documents (Clerk=s File) for public bidding and construction services under Job Order Contract, **Approved and the Clerk is instructed to give notice of the bid opening set for December 8, 2005 at 3:00 p.m..**

Board of Supervisors Items:

B-2 **RESOLUTION NO. 2005-340** , proclaiming November 21-28, 2005 as AChildhood Cancer Awareness Month@, **Adopted.**

B-3 Appoint Barry J. Lewis to the Bicycle Advisory Committee, **Approved.**

Public Works Items:

B-4 **RESOLUTION NO. 2005-341**, authorizing execution of notice of completion for the construction of a bridge over the Salinas River on River Road, San Miguel, Contract No. WBS 300183); 1st District, **Adopted.**

B-5 **RESOLUTION NO. 2005-342**, County Service Area No. 16 (Shandon) and **RESOLUTION NO. 2005-343**, San Luis Obispo County Flood Control and Water Conservation District approving the Groundwater Monitoring Agreement for the Paso Robles Groundwater Basin; 1st and 5th Districts, **Adopted.**

Other Items:

B-6 Acceptance of a Hazardous Material Emergency Preparedness grant in the amount of \$22,400, **Approved.**

B-7 2005-2006 renewal contract (Clerk=s File) with Davis Guest Home, Inc. in the amount of \$345,000 to provide enhanced residential support services for individuals placed by Mental Health at this board and care facility; and a budget adjustment in the amount of \$295,000 from the Health Agency B Mental Health Managed Care Trust Fund, **Approved as amended.**

B-8 **RESOLUTION NO. 2005-344**, authorizing execution of a notice of completion and acceptance for the construction of the Sheriff Sub-Station and Agricultural Facility at the new North County Regional Center in Templeton, **Adopted.**

B-9 Budget adjustment in the amount of \$69,065 from unanticipated revenue and amend the fixed asset list for Fund Center 136 B Sheriff B Coroner to include a bullet recovery tank, a reflector-less surveyors system, alternative light source for fingerprint detection, large evidence drying cabinet, imaging system for indented writing and a super-glue fuming cabinet, **Approved.**

7 C-1 This is the time set for continued hearing (continued from October 18, 2005) to consider finalization action to uphold 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 located on the southeast corner of Thompson and Rancho Roads, approximately 3 mile south of the Nipomo Urban Reserve line; 4th District.

Ms. Kim Murry: Planning, presents the staff report based on the tentative action taken by the Board of Supervisors and recommendation.

Mr. Michael Winn: speaks in support of this item.

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

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson

NOES: Supervisor Chairperson Bianchi

ABSENT: None

RESOLUTION NO. 2005-345, resolution upholding the appeal by Tri-W Enterprises, Inc. and reversing the decision of the Director of Planning and Building and approving the issuance of seventeen (17) regular (Unconditional) Certificates of Compliance pursuant to the application of Tri-W Enterprises, Inc. for Certificate of Compliance C04-0473 (SUB2004-00056), adopted.

8 C-2 This is the time set for hearing to consider an appeal by Mid-State Properties, LLC (Gray Trust) of the Planning Commission=s disapproval of their request for Conditional Use Permit (S010354) and vesting Tentative Tract Map 2441, a proposed residential subdivision and planned development of a 3.8 acre site into 39 lots; the proposed project is located at the northeast corner of Grande Avenue and Blume Street within the community of Nipomo; 4th District.

Mr. Jim Lopes: Planning, presents the staff report; amends his powerpoint presentation to reflect 4,600 square feet lots instead of 5,000 on the Project Information page; discusses the Planning Commission (PC) hearing and their findings for denial; addresses the appeal issues; states staff recommendation is to deny the appeal.

Mr. Chuck Stevenson: Planning, discusses his work with the Appellant from the first draft of this Tract to the plan presented today.

Supervisor Achadjian: questions the zoning available in this area, questions the reason the Planning Commission denied this Tract when they comply with the required standards.

Board members: discuss their concerns with the park being located next to a main street and the possibility of moving the park to a more central location inside the Tract.

Supervisor Patterson: expresses his concern with the traffic impacts as addressed by the PC and the Nipomo Community Advisory Committee (NCAC).

Mr. Lopes: states the South County Circulation Fees are required to address traffic impacts and cumulative impacts are addressed by the fees.

Mr. Terry Orton: Westland Engineering representing the Appellant, states the location of the Park was based on discussions at the NCAC meeting; indicates the staff report presented to the PC recommended approval of the Tract; addresses the three findings established by the PC that need to be changed.

Mr. Phil Gray: Appellant, states he has been working on the project for three years; the park is where it was requested by the NCAC and Planning Department; expresses his opinion of the mistakes made by the PC in denying this project; states the fees generated for the project will help fix the traffic problems; urges the Board to approve the project.

Ms. Susie Hermreck: expresses her desire to keep Nipomo=s rural look; discusses Aproperty responsibility@; states she supports the staff recommendation to move the location of the park; expresses her belief that the quality of life would be better with another design plan; would prefer a mixture of attached and single family dwellings for a more cohesive neighborhood design.

Ms. Bonnie Eisner: Vice-President of the NCAC, discusses the history of the project with the NCAC and the concerns regarding the traffic impacts; states the NCAC opposes this project as presented and urges the Board to deny the appeal.

Mr. Ed Eby: states he opposes this project and urges the Board to deny the appeal; states the project is zoned as Multi-Family and the project is creating Single Family Residents; addresses his concern with the lot sizes being under 6,000 square feet; states this project has been rejected three times by the NCAC; urges the Board to deny the appeal.

Ms. Marianne Buckmeyer: Chair of the Traffic Circulation Committee (TCC) for the NCAC, expresses her concerns with the small size of the park; states she would like to see a more open design plan used; addresses her concern with a Traffic Service Level E on Frontage Road and Tefft Street; TCC has rejected the 5 year study presented by Public Works; addresses problems they see with working with Caltrans.

Mr. Michael Winn: urges the Board to deny the appeal; expresses his concern with a potential 87 children who could be playing at the small park site; feels the layout and design could be changed for better use of the space.

Mr. Orton: states the park location can be changed to address concerns; the lot sizes under 6,000 square feet are addressed on Page C-2-47 of the staff report.

Supervisor Achadjian: states there are insurance problems for duplexes; urges the Appellant to make the park area larger and in a more central location; discusses the need to have meetings with the developers to provide direction to them for an future development.

Supervisor Patterson: states there are conflicts in the landscape plan regarding water conserving plants versus the plants being used; expresses his concern regarding the traffic impacts from this project; states he would like to see a common area that is larger and more open for the residents.

Supervisor Lenthall: states he would support moving the park to the center of the project and making it larger.

Chairperson Bianchi: states she supports changing the location and enlarging the park; expresses her concern with drought tolerant plants near the park, urges the Appellant to make sure they are child friendly.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Mr. Lenthall and unanimously carried, the Board continues this item to 2 p.m. today, and directs staff to work with the Appellant to enlarge and move the park to a location further inside the project and make the necessary housing design plan changes to avoid the Appellant losing a dwelling site.

the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo; 3rd District.

Mr. Brian Pedrotti: Planning, presents the staff report and recommendations; discusses the appeal issues and the Planning Commission=s alternative responses.

Ms. Cathy MacGregor: Appellant, discusses her family=s history in the area and the wine industry; states she has neighbors support; urges the Board to uphold her appeal.

Ms. Jamie Kirk: representing the MacGregor Winery, discusses appeal issues regarding the Highway Corridor Design Area, visual impacts and the landscaping plan for the project; presents new conditions proposed by the Appellant to address concerns.

Ms. Rachel Dumas: discusses the proposed alternative site by Planning for the wine building and the problems with using this site; addresses wastewater concerns and outlines alternative solutions that are being considered.

Ms. Kirk: discusses Ag Policy 6, 8, and 30; addresses the findings for denial and presents the Appellant=s response to each.

Ms. Dumas: discusses the agreement reached with Caltrans to meet traffic issues relating to the winery.

Supervisor Lenthall: asks Ms. Dumas to further clarify the location, design of the septic, and the alternative plan outlined in Mr. Miller=s email that is included in the Appellant=s package.

Supervisor Patterson: expresses his concern regarding the photos that showed the simulated landscaping for the project.

Ms. MacGregor: states the property is up for sale, she can=t afford to keep the vineyard and winery separate, if the project is approved she will pull the property off the market.

Ms. Kirk: states the MacGregor=s would prefer to keep the wine processing and tasting on the same site; discusses the possible complications for the wine tasting and processing if they used alternative sites off the property; states the MacGregor=s would prefer everything to be at one location.

Mr. Chuck Stevenson: Planning, states the proposed alternate site is approximately 10,000 square feet; states Ms. Torrance, owner of the Old Edna Store, is willing to work with the Appellant and has offered to allow the wine tasting in her store; expresses his concern that placement of the winery on top of the knoll would be precedent setting; addresses their concern regarding the visual simulation provided by the Appellant; addresses the visual impacts of the winery.

Ms. Dumas: states the owner will lose the ability to label the wine as Aestate bottle wine@, which is a valuable designation in the industry; the vineyard is the oldest Pinot Noir vineyard in the County.

Supervisor Ovitt: discusses the economic impacts of offsite processing and storage.

Supervisor Patterson: states he doesn=t support the location of the project on top of the knoll; addresses his concerns regarding parking issues.

Chairperson Bianchi: questions the difference in the amount of grading involved between the proposed project site and the alternate site.

Ms. Patia Torrance: owner of the Olde Edna Store, states she supports a winery on Ms. MacGregor site and has offered her store as an alternate site for wine tasting, if necessary.

Supervisor Ovitt: states there is an existing road and questions the amount of grading necessary to meet CDF Standards.

Mr. Stevenson: states the road is only 10 to 12 feet wide in some areas; discusses the grading needed to bring it into compliance.

Supervisor Lenthall: questions if larger or different trees could be used to shield for the view shed.

Mr. Stevenson: states the smaller trees the higher the success rate for establishing the trees. **A motion by Supervisor Lenthall, seconded by Supervisor Achadjian to tentatively continue this matter and directs staff to come back to the Board at a later date with a remodified landscape plan, is discussed.**

Chairperson Bianchi: wants the amount of grading necessary for this site and the alternate site to come back with a remodified landscape plan, with Supervisor Patterson concurring. **Mr Lindholm:** suggest the Board=s motion should continue this to a date certain to return with a remodified landscape plan, then if the Board upholds the appeal at that time send the approved remodified landscape plan back to the Planning Commission for the environmental process, with the motion maker and second amending their motion.

Thereafter, on motion on Supervisor Lenthall, seconded by Supervisor Achadjian and on the following roll call vote:

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

the Board tentatively upholds the appeal and directs staff to bring back a remodified landscape plan, with the amount of grading necessary for the proposed and alternate plan sites and continues this hearing to January 10, 2006 at 9:00 a.m. for final action.

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 B Existing Litigation (Gov. Code, ' 54956.9(a).) (Formally initiated) (1) *County of San Luis Obispo v. Andre, James, et al.*, (2) *Citizens for a Safe and Affordable Environment v. Superior Court of San Luis Obispo*, (3) *County of San Luis Obispo v. Level 3 Communications, LLC*, and (4) *Gulf v. County of San Luis Obispo*.

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 3. 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: *SLOGAU*.

Chairperson Bianchi: opens the floor to public comment without response.

Thereafter, the Board goes into Open Public Session.

11 C-2

Appeal by Mid-State Properties, LLC (Gray Trust) of the Planning Commission=s disapproval of their request for Conditional Use Permit (S010354) and vesting Tentative Tract Map 2441, a proposed residential subdivision and planned development of a 3.8 acre site into 39 lots; the proposed project is located at the northeast corner of Grande Avenue an Blume Street within the community of Nipomo; 4th District, is brought back for hearing.

Mr. Lopes: presents the revised resolution, findings and Tract Map for the Board=s approval.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisors Lenthall and on the following roll call vote:

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

the Board upholds the Appeal and RESOLUTION NO. 2005-346, resolution reversing the decision of the Planning Commission and conditionally approving the application of Mid-State Properties, LLC (Gray Trust) for Conditional Use Permit S010354U and for a vesting tentative map for Tract 2441, adopted.

12 D-1 This is the time set for a continued hearing (continued from September 27, 2005) to review the existing language of the Residential Vacation Rental Ordinance.

Ms. Nancy Orton: Planning, discusses the Board=s action at the hearing on September 27, 2005.

Ms. Barbara Crowley: presents transcripts from the Coastal Commission meeting regarding Vacation Rentals and the 200 foot radius; urges the Board to adopt Option 2 of the staff report, process the 200 foot radius amendment and not allow licenses to be passed to a new property owner without applying under the current rules.

Ms. Barbara Schneider: discusses the impacts that vacation rentals have on property values.

Ms. Margol Roberts: discusses the negative impacts of vacation rentals; states she has never been provided a property manager=s phone number to address problems with a rental in her neighborhood; there are properties that are being used as vacation rentals without permits; asks the Board to create a list of all vacation rentals; states she supports the language change proposed by staff.

Ms. Lois Denicola: states her neighborhood has become a commercial area for vacation rentals; states the number of vacancies at local hotels are due to large number of vacation rentals.

Mr. Richard Carroll: discusses his experience as a vacation rental owner; states he never had any complaints from his or neighbors rentals; discusses the positive economic impacts of vacation rentals; urges the Board not to make any changes to the current ordinance.

Mr. Don W. Lewis: urges the Board to approve the language changes recommended by staff.

Mr. Richard Watkins: suggests changing the 200 foot radius to 75 feet; urges the Board to keep the interpretation of Awithin 200 linear feet of a parcel on the same block.@

Ms. Elizabeth Bettenhausen: discusses her letter to Mr. Lindholm of October 7, 2005 with questions regarding vacation rentals and the ordinance language interpretation; states she is still awaiting notification from Property Managers of vacation rentals in her area; urges the Board to adopt Staff Option 2.

Mr. Martin Verhaegh: discusses the percentage of vacation rentals in some Cambria neighborhoods; urges the Board to adopt Staff Option 2, and direct staff to apply radial spacing to the block across the street; asks the Board to comply with the State statutes requiring the maintenance of the residential character of neighborhoods.

Mr. Bill Hughes: urges the Board to approve the amendment to modify the ordinance language to 200 radial feet between vacation rentals; modify the interpretation of Ablock@ to include the entire block; amend the land use/zoning to mandate the business license expires with the sale of the property.

Mr. Ken Renshaw: agrees with the previous speaker.

Ms. Joyce Renshaw: urges the Board to adopt Staff Option 2.

Mr. Norman Fleming: agrees with comments made by Mr. Verhaegh.

Mr. John McGavry: discusses the problems he has experienced with vacation rentals; urges

the Board to amend the ordinance to the 200 foot radius.

Ms. Catherine Lekich: discusses the potential employment impacts to her if the language is changed; states she has represented a property management company at local meetings where she has given emergency numbers to residents; urges the Board to keep the ordinance=s current language.

Ms. Cindy Prange: states she supports the current ordinance language.

Mr. Tom Christian: supports the ordinance language change to the 200 foot radius; does not want the permit to be automatically transferred to a new vacation rental owner; urges the Board to adopt Staff Option 2 and direct staff to look into nonlicensed vacation rentals.

Ms. Diana Crudell: addresses problems and damage to her vacation rental property by renters; highlights the problems she=s experienced with Property Managers; states she supports limiting the number of vacation rentals and Staff Option 2; urges the Board to remove the language to allow the vacation rental permit to be transferred.

Mr. Warren Gay: discusses the impacts of vacation rentals on neighborhoods; urges the Board to adopt the staff=s language changes and eliminate the Minor Use Permit process for vacation rentals.

Ms. Joyce Lamb: urges the Board to amend the ordinance language to the 200 foot radius; discusses the problems emergency vehicles encounter when there are numerous vehicles parking on streets.

Ms. Debbie Richards: representing Sea Lion Beach Rentals, states she believes the current owners are trying to block out new residents; discusses the benefits vacation rentals provide to the community; the Central Coast Management Association works to formulate a plan to create conformity in the management business; states if someone is having a problem with a vacation rental to contact any property management office for help; urges the Board to not change the current language.

Mr. Craig Johnson: profiles of average vacation rental owners and the renters; addresses the economic impacts of reducing the number of vacation rentals.

Mr. Joseph Crowley: states changes to the ordinance shouldn=t have a negative economic impact; discusses his own experience with vacation rentals; expresses his concern regarding problem renters who present a negative environment for visitors in Cambria.

Ms. Stephanie Rowles: Property Manager for Scenic Coast Properties, discusses the attention vacation rentals receive; the way their business responds to problems; opposes the language change to a 200 foot radius.

Ms. Lou Smith: questions whether vacation rentals are appropriate in single family residential neighborhoods; discusses the drop in school enrollment; supports the proposed staff language change.

Ms. Claudia Done: states she is surrounded by vacation rentals and has had no problems with renters or the condition of the property; presents letters of support for the current language; urges the Board to make no changes to the current language.

Ms. Malou Hall: states she has had no problems with vacation rentals; urges the Board to keep the current language.

Ms. Barbara Austins Holt: addresses the betterments that have occurred thanks to vacation rentals; urges the Board to honor the current Ordinance language.

Ms. Midge Gentieu: owner of Main Street Realty, urges the Board to keep the current language.

Mr. Lee Chamberlain: discusses the importance of renters on local businesses; states this is the first he has heard of problems with vacation rentals; urges the Board to not make any language changes.

Ms. Nancy Lacey: expresses her support of the 200 foot radius language; doesn't believe vacation rentals are being properly maintained.

Mr. Wayne Ryburn: discusses problems he has had with vacation rentals and his inability to find the property manager to address problems; urges the Board to strengthen monitoring of vacation rentals, freeze the current number of rentals, look at radius to control density and remove the requirement for a Minor Use Permit.

Mr. Roger Pond: reads Mr. W. Allen's letter into the record that urges the Board to address problems with the vacation rentals already in existence.

Mr. Matt McGurrin: states he agrees with Mr. Verhaegh's comments; supports the 200 foot radius.

Ms. Lisa McGurrin: states she agrees with Mr. Verhaegh's comments; supports the new language with a 200 foot radius.

Mr. John Lamb: urges the Board to support Staff Option 2; asks the Board to look into ADA requirements for vacation rentals.

Mr. Bob Kasper: Property Manager, states he sends out a letter listing the ADA's and Don'ts@ for renters; discusses his response to complaints he has received; urges the Board to keep the current language.

Chairperson Bianchi: suggests staff create penalties that could be imposed on the property owner with a problem vacation rental; questions whether the business license could be revoked on repeat problem rentals.

Supervisor Achadjian: suggests a fine for property owners like the City of San Luis Obispo has on rentals.

Supervisor Patterson: questions ADA requirements for vacation rentals and the right to transfer the business license with the property.

Mr. James Lindholm: County Counsel, states ownership is not a requirement for the business license and because of this a property management business could hold one business license for several vacation rentals.

Supervisor Lenthall: expresses his concern that the language won't impact renter behavior; highlights the City of San Luis Obispo's procedure for problem rentals and that everyone is trying to insure Aquality@ of the life of a neighborhood; wants the language to address the bad behavior of renters.

Supervisor Ovitt: asks for a definition of Aentire block@, with Ms. Orton responding.

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

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

NOES: None

ABSENT: None

the Board authorizes Staff Option 2, modifying the way the ordinance is being implemented to include the entire block.

Matter is further discussed and thereafter, on motion by Supervisor Lenthall, seconded by Supervisor Ovitt and unanimously carried, the Board directs staff to explore proposed changes to the ordinance language to tighten provisions and provide for added enforcement.

Mr. Dana Lilley: Planning, presents the staff report; discusses the recommended long and short term approaches and financing options; identifies critical projects that need to be addressed; outlines the financing principles to be used; suggests the Willow Road project be used as the pilot project; highlights the recommended direction to staff.

Supervisor Ovitt: expresses his concern with only one infrastructure project being worked on at a time; feels the projects should be prioritized based on the ability to deliver; addresses the impacts on local funds if the project is not an Interim Infrastructure Financing and Implementation Plan; questions whether this will adversely affect communities who don't qualify for CDBG funding.

Supervisor Achadjian: states the Willow Road Project is a priority because of the infrastructure that is badly needed due to the growth that has occurred in the community.

Mr. Dale Ramey: Public Works, the Willow Road Project will cost approximately \$40 million.

Chairperson Bianchi: expresses her support for the Willow Road Project as an appropriate pilot project.

Mr. Eric Greening: questions the level of development that will need to take place to reimburse the fees described on Page D-2-7 and the ability of the area to support that level of development; questions the expenditures listed on page D-2-17; questions the mitigation of the removal of Live Oaks on the Nipomo Mesa for the Willow Road Project until 2013.

Mr. Victor Montgomery: member of Economic Advisory Council (EAC), thanks the Board for addressing this issue; urges the Board to support the staff recommendations and agrees with using the Willow Road Project as the pilot project.

Mr. Richard Snodey: Chair of EAC, states they support this item and agree with Willow Road being used as the pilot project.

Mr. Jerry Bunin: suggests the Board create a Technical Advisory Committee.

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

Mr. Greg Nester: thanks staff for their hard work; states he supports the Willow Road Project as the pilot project and offers his assistance in any way.

Mr. John Belsher: states Nipomo residents support the Willow Road as the pilot project; echoes the comments made by Mr. Montgomery and supports this program.

Mr. Ron DeCarli: SLOCOG Executive Director, expresses his support of the item; discusses funding sources, the excellent work done by staff, and sales tax override transportation fund shortfalls.

14 CS 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.

15 D-2 Consideration of recommendations for infrastructure planning and financing options is brought back on for further discussion.

Supervisor Achadjian: discusses the future traffic impacts and benefits of having Willow Road as the pilot project.

Supervisor Ovitt: expresses his concern that the plan be flexible enough to cover the fair share for the balance of the County and more than one project at a time; the ability to deliver a project needs to be part of the prioritizing process; supports the regional concept; wants staff to continue looking at different ways to finance projects; projects need to be a community effort when a project moves forward; suggests the plan coordinate with the Regional Management System.

Chairperson Bianchi: states the fees need to be paid up front so the governmental agency

isn=t left holding the bill.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and unanimously carried, the Board authorizes the Directors of Planning and Building and Public Works to initiate: 1) prepare a recommendation and cost proposal to contract for specialized assistance in preparing an Interim Infrastructure Financing and Implementation Plan as soon as possible; 2) prepare a detailed implementation plan for the Willow Road extension and highway interchange improvements and submit that implementation plan to the Board of Supervisors on or about February 7, 2006; 3) prepare an Interim Infrastructure Financing Plan (IIFP) for the eleven likely critical infrastructure projects as outlined in the staff report dated November 8, 2005 and submit the IIFP to the Board of Supervisors on or about March 31, 2006; and 4) prepare budget proposals addressing the necessary staffing required for maintaining, updating and implementing infrastructure financing plans for Fiscal Year 2006-2007.

16 E-1 This is the time set for presentation of the status report on Flood Control Zones 1 and 1A.

Mr. Paavo Ogren: Deputy Director of Public Works, presents the staff report.

Mr. Gary Kobara: Chairman of the Zone 1 and 1A Advisory Committee, updates the Board on the vegetative thinning of the Arroyo Grande Channel; thanks the Board and other agencies for their support.

Ms. Linda Chipping: discusses the Arroyo Grande Erosion Study and the Alternative 3C Project.

Mr. Tony Ferrera: Mayor of the City of Arroyo Grande, discusses the proposed Inter-Agency Oversight Coordinating Group and the agencies that are actively working with Zone 1 and 1A; the upper watershed issues are being addressed.

Chairperson Bianchi: indicates the item is received and filed.

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, November 8, 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/C.M. Christensen,
Deputy Clerk-Recorder

DATED: November 15, 2005

cmc