

Tuesday, January 16, 2001

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

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

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

Ms. Julia Miller: Coordinator for The Children's Services Network, speaks to B-19; recognizes and introduces the coordinators for North and South County.

Ms. Biz Steinberg: Chair for The Children's Services Network, addresses Item B-19; indicates they are bringing services to families in a "one-stop" approach.

Ms. Laurie Morgan: speaks to Item B-19; states they are having a team building meeting on January 17th in South County and invites everyone to attend.

Mr. Eric Greening: addresses Item B-6 and questions the J-1 of the report and the lack of information on the distribution of potassium iodide and the independent monitoring system at Cal Poly; speaks in support of M-1 regarding libraries; states he opposes lengthening the school year for middle school; speaks to Item B-10 and suggests this clean up needs an environmental review.

Mr. Bill Hallum: Drug and Alcohol Services, addresses Item B-19 and indicates a lot of County departments have worked very hard on this program.

Ms. Maria Escalera: through an interpreter, thanks Chris Rodgers, Social Services, EOC, the Women's Shelter and others, for all the help they have given her; the interpreter indicates Ms. Escalera was a domestic violence victim for 10 years; Ms. Escalera's husband took her children to Mexico and Mr. Rodgers brought them back. **No action taken.**

2 B-1 Consent Agenda Item B-6 is withdrawn for separate action. Item B-22 is
thru added and withdrawn for separate action.
B-22

On motion of Supervisor Ryan, seconded by Supervisor Ovitt, and on the following roll call vote:

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

NOES: **None**

ABSENT: **None**

Consent Agenda Items B-1 through B-22 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-22, 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 **RESOLUTION NO. 2001-9**, setting a public hearing to consider establishing a zone within County Service Area No. 21 for road improvements and **RESOLUTION NO. 2001-10**, proposing the adoption of a special tax in the Castle Street Road Improvement Zone (Cambria); 2nd District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 6, 2001 at 9:00 a.m..**
- B-2 **RESOLUTION NO. 2001-11**, setting a public hearing to consider establishing a zone within County Service Area No. 21 for road improvements and **RESOLUTION NO. 2001-12**, proposing the adoption of a special tax in the Hillview Place Road Improvement Zone (Nipomo); 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 6, 2001 at 9:00 a.m..**
- B-3 **RESOLUTION NO. 2001-13**, setting a public hearing to consider establishing a zone within County Service Area No. 21 for road improvements and **RESOLUTION NO. 2001-14**, proposing the adoption of a special tax in the Shandon Area Road Improvement Zone; 1st District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 6, 2001 at 9:00 a.m..**
- B-4 **RESOLUTION NO. 2001-15**, setting a public hearing to consider establishing a zone within County Service Area No. 21 for road improvements and **RESOLUTION NO. 2001-16**, proposing the adoption of a special tax in the Ashley Lane Road Improvement Zone (Cambria); 2nd District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 6, 2001 at 9:00 a.m..**

Administrative Office Items:

- B-5 Submittal of a Memorandum of Understanding between the City of Morro Bay and the County of San Luis Obispo related to the development of a joint-use facility in Morro Bay, **Approved and the County Administrative Officer is instructed to sign.**
- B-6 Submittal of the proposed 2001 Legislative Platform for San Luis Obispo County, **Withdrawn for Separate Action.**
- B-7 **RESOLUTION NO. 2001-17**, approving the San Luis Obispo County Arts Council participation in the State Local Partnership Program, **Adopted.**

Board of Supervisors Items:

- B-8 Request by Chairperson Achadjian to reappoint James Miller as a District Four Representative to the Fish and Game Committee, **Approved.**
- B-9 Request by Chairperson Achadjian to reappoint Bill Struble as a District Four Representative to the Agricultural Liaison Advisory Committee, **Approved.**

County Counsel Items:

- B-10 Settlement agreement with Russell and Carol Kiessig, **Approved** and **RESOLUTION NO. 2001-18**, accepting an easement from Kiessig Family Trust and Sycamore Mineral Springs Resorts, Inc., **Adopted.**
- B-11 **RESOLUTION NO. 2001-19**, vacating, setting aside and rescinding the

approval of tentative Tract Map 2270 and the approval of the mitigated Negative Declaration for tentative Tract Map 2270, located south of Los Osos Valley Road, outside of the San Luis Obispo City limits, **Adopted.**

Engineering Items:

- B-12 **RESOLUTION NO. 2001-20**, accepting road improvements on Plancha Way, Acero Place, Echo Canyon Court, Big Canyon Court and Sand Canyon Court; and, **RESOLUTION NO. 2001-21**, a 10 foot widening of Huasna Road, east of Arroyo Grande, County Roads Nos. 2120, 2121, 2216, 2217, 2218 and 2019; 4th District, **Adopted.**
- B-13 **RESOLUTION NO. 2001-21**, resolution authorizing execution of a notice of completion for construction of Branch Street from Beachnut Street to Cedarwood Street and Avocado Street from Branch Street to Tefft Street Nipomo; 4th District, **Adopted.**
- B-14 The following final map:
- A. CO 99-0075, a proposed subdivision resulting in 3 lots by Robert Hall, located on Jardine Road at Estrella Road, northeast of Paso Robles, **Approved** and **RESOLUTION NO. 2001-23**, to accept the offer of dedication for Jardine Road and Estrella Raod already in the County Maintained Road System; 1st District, **Adopted.**

General Services Items:

- B-15 Contract (Clerk's File) with Comerford, Inc., dba Fairway Management to operate the pro shop located at Dairy Creek Golf Course, **Approved.**
- B-16 Contract (Clerk's File) with Ryan Comerford, dba Fairway Management to operate the restaurant, bar and banquet facility located at Dairy Creek Golf Course, **Approved.**

Social Services Items:

- B-17 Amendment to a contract for Independent Living Skills Program services for youth with Transitions-Mental Health Association increasing the contract amount by \$141,494 using state and federal funds, **Approved.**
- B-18 Access to the California Law Enforcement Telecommunication System, **Approved.**
- B-19 Progress report from the Children Services Network regarding the Services Affirming Family Empowerment (SAFE) System of Care, **Received and Filed.**

Other Items:

- B-20 Amendment to an agreement with the Morro Group, Inc., to perform mitigation monitoring for the Worldcom Fiber Optic Cable Project; 2nd District, **Approved.**
- B-21 Submittal by the Auditor-Controller of the County of San Luis Obispo's Audited Comprehensive Annual Financial Report (CAFR) (Clerk's File) for fiscal year ended June 30, 2000, **Received and Filed.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

B-22 Submittal of a resolution recognizing Baggett Stadium and Cal Poly Baseball, **Withdrawn for Separate Action.**

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B-6 Submittal of the proposed 2001 Legislative Platform for San Luis Obispo County, is presented.

During the discussion on the Consent Agenda the following Supervisors raised concerns: **Supervisor Pinard** regarding E-10, drive-up operations and local areas should have the decision on whether or not these occur, not the State and her concern that this is being addressed as for the “handicapped”; “R” regarding the Sheriff - wants to see better coordination between public agencies (State, local, Federal); addresses additional concerns about the State providing funding for a program it wants and creates a committee that should handle it, regardless of whether there is an existing committee that could handle the program; wants to see language that would encourage the State, when they authorize this type of funding, to use local groups to handle the program so that existing resources are utilized; also there should be a comment regarding voluntary and mandatory programs by the State - that when the State requires a program/plan, the State needs to honor that plan; **Supervisor Bianchi** questions the issues raised by Mr. Greening regarding J-1-Emergency Services and the distribution of potassium iodide and information on the independent monitoring at Cal Poly; **Supervisor Ovitt** asked that “Q” regarding Probation, that one of the criteria be “management oriented,” as he feels this may not be the case Statewide as some Chief Probation Officers are not the department heads.

Mr. David Edge: County Administrative Officer, addresses J-1 and indicates the distribution of potassium iodide is currently addressed in the Emergency Response Plan; and, they will look into the issue of the independent monitoring at Cal Poly.

Matter is discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and on the following roll call vote:

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

NOES: None

ABSENT: None

the Board directs staff to bring back language to address the following: (1) the potassium iodide distribution and the independent monitoring system at Cal Poly as it relates to Radiation Protection Act; (2) programs initiated by the State should use existing local committees where possible; (3) where there are State mandated activities (planning type activities in particular) that the State, at the local level, should honor those programs; (4) encourage all the State and local agencies to work cooperatively together in the areas of law enforcement, health and safety and any other agencies; and, the Board approves the Proposed 2001 Legislative Platform as presented in the staff report dated January 16, 2001.

A motion by Supervisor Pinard to remove Item E-10 regarding the States ability to override local abilities to have regulations regarding “drive-up” businesses, from the Legislative Platform, dies for lack of a second.

A motion by Supervisor Pinard, seconded by Supervisor Bianchi to send the issue of drive-up businesses to the local agencies, that have these rules, to get their feedback and bring it back when the four items sent to staff for language comes back, fails on the following roll call vote:

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

- 4 B-22 Submittal of a resolution recognizing Baggett Stadium and Cal Poly Baseball, is presented.

During discussion on the Consent Agenda **Supervisors Pinard and Bianchi** expressed concern about adopting this resolution when the neighbors still have an outstanding issue with respect to the lights from this stadium.

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

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

RESOLUTION NO. 2001-24, resolution recognizing Baggett Stadium and a new era for Cal Poly Baseball, adopted.

- 5 C-1 This is the time set for hearing to consider an ordinance amending three sections of Chapter 2.10 of the County Code to reflect a previous Board decision to add the Personnel Director to the list of positions in the unclassified service of employment.

Mr. Frank Freitas: Interim Personnel Director, presents the staff report and recommendation.

Ms. Linda Hall: indicates she previously had concerns regarding this but now is in support of the item.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2931, ordinance amending Chapter 2.10 of the San Luis Obispo County Code concerning the Personnel Director Position, adopted.

- 6 C-2 This is the time set for hearing to consider a resolution to establish Underground Utility District No. 24 Tefft Street and Thompson Avenue, located in the community of Nipomo; 4th District (pages C-2-6 and C-2-8 are replaced due to technical corrections).

Mr. Tim Smith: Right-of-Way Agent, presents the staff report and recommendation.

Supervisor Pinard: questions various aspects of creating this type of district and the cost to the customer, with Mr. Smith responding.

Chairperson Achadjian: indicates this item has the full support of the downtown merchants in Nipomo.

Mr. Michael Winn: representing the Old Towne Association, speaks in support of this item.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2001-24, resolution establishing Underground Utility District No. 24 at Tefft Street and Thompson Avenue the Town of Nipomo, Supervisorial District No. 4, adopted.

7 C-3 Hearing to consider an ordinance amending Title 22 the County Code (Land Use Ordinance) relating to the Transfer of Development Credit Review Committee membership; All Districts, **is withdrawn based on action taken by the Board of Supervisors on January 9, 2001.**

8 D-1 This is the time set for consideration of a request to authorize the processing of amendments to Title 21, regarding the membership of the Subdivision Review Board and amendments to lot line adjustment processing, the adjustment findings, time extensions, and correction of typographical errors and other non-substantial changes.

Mr. Victor Holanda: Director of Planning and Building, introduces the item.

Ms. Kami Griffin: Planning, presents the staff report; addresses the current make-up of the Subdivision Review Board (SRB) and the options to change that membership.

Supervisor Ryan: states he would like to change the membership on the SRB to have five appointed by the Board of Supervisors, one from each Supervisorial District, the Planning Director and the County Engineer, all to be voting members; feels there is a cost using staff as they are currently taken away from their desks to sit on the SRB.

Supervisor Bianchi: suggests the possibility of expanding the duties of the Planning Commission to include this Board.

Supervisor Ryan: feels it would overburden the Planning Commission; addresses how this came forward today; concerns about staff recommending approval on an item and then the SRB (made up of County staff) going against a staff recommendation.

Board Members: address various issues, comments and concerns regarding: the average length of SRB meetings; staff's opinion on changing the membership make-up; adding someone from the field (outside) such as a surveyor or engineer; with staff responding.

Supervisor Pinard: suggests referring this back to local advisory groups after staff has made a recommendation and letting these groups be the second level of approval versus changing the membership of the SRB.

Mr. Holanda: indicates items that go before the SRB are currently sent out to the advisory groups for their review.

Supervisor Bianchi: indicates if the advisory groups took on this role, they would be subject to the Brown Act which they are not currently subject to.

Mr. James Lindholm: County Counsel, states if the Board changes the role of the advisory committees, they will need to be make them an institution of government/part of the governmental agency.

Ms. Griffin: continues with her presentation outlining their proposals to change: (1) lot line adjustment process - for those that aren't within the Coastal Zone, by having them approved at staff level and appealable to the Board of Supervisors; (2) adjustment findings - to grant adjustments to the standards established in Chapter 3 of the Real Property Division Ordinance, currently four findings must be made by the Review Authority, and staff is recommending that Finding (2) deleted; (3) tentative map time extensions - amending the ordinance to reflect the Subdivision Map Act's allowing five years worth of time extensions after the initial approval, instead of the current three years; (4) typographical errors - there are a number of typographical errors, incorrect section references and corrections to reflect recent changes to the Subdivision Map Act.

Mr. Eric Greening: addresses the Negative Declaration requirements in the Ag & Open Space Element and the impacts of the same on lot line adjustments; further, if lot line adjustments are approved at the staff level he doesn't want them removed from public participation (notices to neighbors, the paper, etc.).

Ms. Linda Hall: addresses a situation with respect to a Certificate of Compliance on a parcel in Cambria; feels the SRB didn't understand what was being requested or the issues involved with this Certificate; likes the idea of adding the function of the SRB to the Planning Commission.

Mr. Jesse Hill: Nipomo Community Advisory Committee (NCAC), suggests the need to look at the entire lot line adjustment process; likes the idea of the SRB being made up of one representative from each Supervisorial District as he believes they can find qualified individuals to serve on this Board; feels the local advisory committees can get to their individual representative on this Board to give their input.

Mr. Lindholm: addresses the noticing requirements and asks that the Board be flexible with this if changes are to be made to lot line adjustments.

A motion by Supervisor Ryan, seconded by Supervisor Ovitt to authorize processing of amendments to Title 21 as outlined in the staff report dated January 16, 2001, regarding lot line adjustments, adjustment findings, time extensions and correction of typographical errors and other non-substantial changes, and to look at flexibility with respect to noticing requirements, is discussed.

Supervisor Pinard: addresses her concern to compromising noticing requirements and doesn't want them changed; states she doesn't want a "trigger point" on whether or not to do noticing.

Supervisor Bianchi: asks if the motion maker would agree to amend the motion to look at both options regarding noticing.

The motion maker and second agree to amend their motion to direct staff to look at maintaining the current noticing requirements and flexibility in noticing requirements for lot line adjustments.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board authorizes processing of amendments to Title 21 as outlined in the staff report dated January 16, 2001, regarding lot line adjustments, adjustment findings, time extensions and correction of typographical errors and other non-substantial changes; further, staff is directed to bring back options on noticing requirements that would (1) maintain the current noticing requirements and, (2) allow for flexibility in the noticing requirements for lot line adjustments.

Matter is further discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, with Supervisors Ovitt and Pinard casting dissenting votes, motion carries and the Board directs staff to process an amendment to Title 21 that will alter the membership of the Subdivision Review Board and require five members, one from each Supervisorial District, the Planning Director or designee and the County Engineer or designee, with all seven members being voting members.

Supervisor Pinard: indicates she doesn't support the motion as she believes existing committees could be used to perform the functions of this Board.

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

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C-5 This is the time set for continued hearing (continued from January 9, 2001) to consider an ordinance amending the Growth Management Ordinance, Title 26 of the County Code, setting a 2.3% growth rate for the Nipomo Mesa area and a 1.0% growth rate for the community of Cambria for 2001.

Mr. Bryce Tingle: Assistant Director of Planning and Building, introduces the item; presents a brief staff report; and addresses the continuance to this week to allow the Board time to review the Findings that were presented last week.

Chairperson Achadjian: asks staff to address the Cambria portion of the ordinance first.

Supervisor Ryan: questions the findings and what was used to development them, with Mr. Tingle responding.

Supervisor Ryan: further questions the findings and the lack of information that was previously provided by the Cambria Community Services District (CCSD) regarding water.

Ms. Lynda Cruise: states she own a parcel in Cambria, but doesn't live in the area; feels she is as informed as those who do live in the area; states the President has signed a \$10 million grant for desalination; asks the Board to approve a 2.3% growth rate for the area so they are treated the way the rest of the County will be treated; if the Board won't approve this, then finalize the 1% growth rate so people can move forward.

Ms. Helen May: states the Board is hearing from those both for and against growth; addresses the fights the CCSD has had trying to find a water source and being shot down by those who oppose growth; states they don't know if the desalination bill will be signed.

Mr. Eric Greening: addresses page C-5-19 regarding the Review for Exemption/Environmental Checklist and suggests that #2 and #4 should be marked "yes" not "no", as should #5 and #8; feels that any incremental change on the

water demand doesn't make sense until the water issue is resolved.

Ms. Linda Hall: addresses the issue and the need for fairness; addresses comments by Ms. Cruise.

Chairperson Achadjian: closes the public comment on the Cambria portion of this item.

Supervisor Bianchi: addresses the recent rain and the short term results of the same, as it relates to water.

A motion by Supervisor Bianchi to tentatively accept a 1% growth rate for Cambria and adopt the findings is discussed and said motion is withdrawn.

Mr. Tingle: addresses the 2.3% growth rate and Findings for the Nipomo Mesa; addresses the future preparation of the Resource Management Study (RMS); addresses the issues raised by Mr. Wallace with respect to how allocations for the Mesa Dune Mobile Home Park should be handled.

Supervisor Ovitt: addresses the Findings and the reference to "draft" with respect to the DWR report is only shown on the first page and should be listed as "draft" throughout the Findings.

Mr. Tingle: indicates they will correct the Findings to reflect the DWR Report as "draft" throughout the document; addresses the Mobile Home Park and how allocations are determined; states there are currently 46 that have been exempted from this process as they are in the "pipeline"; Mr. Wallace suggests the allocations should be done on an individual basis, meaning each coach owner should be able to apply; cites Section 26.01.070d that states in part that applications for allocation may be accepted from the owner of the property; speaks to pages C-5-32 & 33 of the staff report (Conditions of Approval for Mesa Dunes Mobile Home Park), and cites Condition #7 regarding the allocation/occupancy process and speaks to the applicant and the applicant's lessee; addresses the intent of this condition.

Board Members: address various issues, comments and concerns regarding: the Planning Commission action on the development plan for Mesa Dunes in 1993; mobile homes being permanent residences even if they rent the land; questions regarding Condition #7 that addresses individual lots outside a mobile home park; a lease is a rental and can't be anything other than that; the use of the word "placed" in Condition #7, with Mr. Tingle responding.

Mr. Tim McNulty: Deputy County Counsel, addresses how mobile homes are treated; and, a building permit is not required.

Mr. Eric Greening: addresses page C-5-12, item l, the fourth bullet, regarding the declining groundwater levels in parts of the Nipomo Mesa and questions what is being done regarding this.

Mr. Michael Winn: states he supports the 2.3% growth cap for the Nipomo Mesa for 2001; states they still have outstanding concerns/issues that need to be addressed; suggests there is a lot of uncertainty with respect to water.

Mr. Jesse Hill: member of the Nipomo Community Advisory Committee (NCAC), thanks Supervisor Achadjian for all his help; feels the 2.3% is kind of an anomaly as 1100 units/projects are already exempted from this ordinance; agrees with Mr. Greening that Items #2, #4 and #5 of the Environmental Checklist

should be a yes.

Mr. John Wallace: representing Mesa Dunes Mobile Home Park, addresses the Planning Commission hearings back in 1993 on this project; the discussions and intent of the conditions and recalls the intent was to ensure they would not escape paying Public Facilities Fees; states coach ownership is similar to condominium ownership; concerns that taking these conditions back for reconsideration would take months and would cost a lot and doesn't want that to occur.

A motion by Supervisor Ovitt, seconded by Chairperson Achadjian that with respect to Mesa Dunes Mobile Home Park, each unit is to be interpreted as an individual allocation, is discussed.

Supervisor Pinard: questioning the prior practice that the property owner asked for the allocation and now it would be the individual coach owner; questions whether both the property and coach owners will be able to ask for allocations.

Mr. Tingle: responds that if the motion passes, each coach would be considered a "unit" and the allocation request process could occur in a mixture of ways.

Supervisor Ovitt: states the intent of his motion is that each coach would be treated as an individual lot and it is not the intent of the motion that these would be placed before other allocation requests but rather they would apply and be on the list like any request for an allocation.

Mr. McNulty: states it is procedure when changing or interpreting conditions to notice the item and this didn't occur.

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

AYES: Supervisors Ovitt, Chairperson Achadjian, Pinard, Ryan

NOES: Supervisor Bianchi

ABSENT: None

the Board interprets the conditions with respect to Mesa Dunes Mobile Home Park, to mean that each unit is to be interpreted as an individual allocation.

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

AYES: Supervisors Bianchi, Chairperson Achadjian, Ovitt, Pinard

NOES: Supervisor Ryan

ABSENT: None

the Board adopts the Findings in support of the proposed ordinance and the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2932, an ordinance amending Title 26 of the County Code, the Growth Management Ordinance, establishing the allowable growth rates for the Nipomo Mesa Area and the Community of Cambria for the year 2001, adopted.

Supervisor Ryan: indicates the reason he is not supporting the motion is that he does not support the Findings.

- 10 CS The Board announces that the Closed Session is cancelled.
- 11 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Richie Ray Walker: speaks regarding accountability in law enforcement and for the judges.

Mr. Terril Graham: states there is a new level of crime - crimes against humanity; discusses Home Depot in Atascadero and presents a copy of the Atascadero Planning Commission minutes from September 5, 2000 and addresses the same.

Mr. Jesse Arnold: addresses the last election and the Green Party; gives information on the percentage of folks who voted for the Green Party candidate by Supervisorial District.

Ms. Kathy Darden: states she was outraged at the meeting this morning and the comments relating to the Mesa Dunes Mobile Home Park and comments that residents of the Park own their mobile homes; states she was a resident there approximately 10 years ago, was late on her rent for several months and was evicted; states they padlocked her mobile home and she couldn't get in; addresses the changes occurring in Nipomo and the increases in traffic; further, addresses the cost to her for the sewer.

Ms. Linda Hall: addresses an item she brought up last week regarding the Predator Control staff that is under contract with the Department of Environmental Health and her concerns regarding the same.

Mr. Michael Kovacs: addresses the surplus funds being left by President Clinton; President-Elect Bush has stated he will make further tax cuts as the money belongs to the taxpayer; Governor Davis has also indicated he will be cutting taxes; in contrast to this, all the County does, is raise taxes and fees.

Mr. Eric Greening: addresses oil companies; comments on a meeting to be held on January 22nd at Allen Hancock College in Santa Maria, by the Minerals Management Services, on offshore oil - test wells; suggests this County has already been impacted by oil companies.

Supervisor Bianchi: announces there will be a meeting held on MTBE's, January 29th at the Morro Bay Veterans Hall; states the County is holding this meeting along with the Los Osos Community Services District. **No action taken.**

- 12 C-4 This is the time set for hearing to consider amendments to the General Plan Land Use Element and Local Coastal Plan; 1) **G990005M** - a request by Martin Sanders to amend the San Luis Bay Area Plan; 2) **G990019T** - a request by San Luis Golf and Country Club to amend the San Luis Obispo Area Plan/Los Ranchos Edna Specific Plan; and 3) **G990004L** - a request by the County to amend the Land Use Element/Local Coastal Plan and Land Use Ordinance (Coastal) relative to vacation rentals; All Districts.

Mr. Bryce Tingle: Assistant Director of Planning and Building, introduces the item.

G990005M, is presented.

Ms. Kami Griffin: Planning, outlines the request and recommendation of the

Planning Commission.

Supervisor Pinard: questions whether the Avila Valley Advisory Committee was contacted on this, with Ms. Griffin responding.

No one appearing and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively approves G990005M as recommended by the Planning Commission.

G990019T, is presented.

Ms. Griffin: presents the staff report and recommendation of the Planning Commission.

Supervisor Pinard: questions whether there have been any complaints from the adjacent property owners, with Ms. Griffin responding.

Supervisor Ryan: questions a previous request by a neighboring property owner and that owner's request was denied (Polin), with Ms. Griffin and Mr. Tingle responding.

Mr. Gill Portillo: County Fire/CDF, addresses the access agreement they are working on with the Country Club for emergency and secondary access.

Ms. Patti Wheelen: Cannon Associates and representing the Country Club; addresses their proposal; indicates no attempt is being made to connect the road to Graystone; addresses their work with County Fire/CDF on emergency access.

Supervisor Pinard: indicates the record should be corrected to reflect this is in the 4th not 3rd District.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively approves G990019T as recommended by the Planning Commission.

G990004L, is presented.

Mr. Tingle: introduces the item; outlines the direction given by the Board with respect to authorizing processing of an amendment for vacation rentals; comments on the public meetings that were held on this issue; addresses the hearings by the Planning Commission and their recommendation is different than what the Board's previous direction was.

Supervisor Pinard: questions whether this amendment is Countywide or only for Cambria and Cayucos, with Mr. Tingle indicating it is only for Cambria and Cayucos.

Ms. Griffin: presents the staff report; gives the background on this issue and the 1997-98 Grand Jury issued a report on Home Vacation Rentals and made several recommendations; a petition was submitted to the Board in September 1998; two workshops were held in June of 1999; the public review Draft of the ordinance was released March 29, 2000; the Planning Commission heard this on July 27 and August 10, 2000; addresses the major issues identified by the Board of Supervisor at the time of authorization; outlines the Planning Commission recommendations; and this ordinance would only be for Cambria and Cayucos.

Supervisor Bianchi: states the original recommendation for vacation rental tenancy was a four day minimum and the Planning Commission changed that to three days.

Supervisor Ryan: questions various aspects of the ordinance; what a home stay is; why signs are being required outside of the rentals and feels this should be deleted from the ordinance; questions the definition of onsite parking; questions the noise requirements and not using equipment that require more than 110 or 220 volts; questions the section regarding a local contact person and what the definition of “prompt” is; questions what the penalties are under Violations - Vacation Rentals; questions whether the Negative Declaration included a review of camping and day trips, with Ms. Griffin responding.

Supervisor Pinard: questions the minimum rental days requirement and her concerns about families that can't stay a minimum of three days won't be able to use vacation rentals with this restriction.

(SUPERVISORS HARRY L. OVITT AND MICHAEL P. RYAN ARE NOW ABSENT.)

Mr. Richard Watkins: President of the Central Coast Management Association and lives in Cayucos; addresses the sign requirement and their opposition to this.
(SUPERVISORS HARRY L. OVITT AND MICHAEL P. RYAN ARE NOW PRESENT.)

Mr. Norman Fleming: presents a letter for the record and reads from the same; outlines his concerns about disturbances to the community and these rentals competing with local motels; feels the minimum rental stay guarantees the Transient Occupancy Tax (TOT) to the County.

Mr. Martin Verhaegh: addresses the complaint that was filed with the Grand Jury; feels the ordinance fails to address the issues raised by the Grand Jury; outlines the changes he wants to see: change time minimum rental days to four; limit the number of rentals per community to the total number on record with the Tax Collector on the date the ordinance is enacted, but not later than August 2001; include ordinance provisions for dedicated Code Enforcement and follow up.

Ms. Ann Picker: presents a packet of information/letters to the Board; presents photographs of activities that occurred during a recent rental, where there were a lot of young men and highlights the problems that occurred; feels this type of rental should not occur in single family residential areas.

Mr. Nick Marquart: states he has a rental in Cayucos; does not want the sign regulations imposed; feels he is a responsible owner and based on the language regarding Local Contact Person he will have to hire a manager; also has concerns about the mileage requirement (5 miles), indicating he lives 11 miles away.

Mr. Albert Whittlesey: states he has a rental in Cayucos and wants to see the minimum stay reduced to weekends; does not want the sign regulations imposed; states he does keep in touch with his neighbors on this rental.

Mr. Jesse Arnold: addresses his views on vacation rentals in residential areas and signs should be required; presents letters from The Cambria Forum and their views in support of four days versus the three-day minimum rental requirement.

Ms. Linda Hall: gives the definition of transient versus a permanent resident and that it is determined as residing 30 days or longer in one place.

Mr. Donald Archer: presents a letter for the record and reads from the same, indicating he is a Cambria resident and has a vacation rental next door; addresses the impacts this rental has had on him with respect to noise and privacy.

Mr. Jeff Edwards: representing the Central Coast Management Association, states this group manages the majority of rentals in Cambria and Cayucos; they feel this ordinance represents good legislation; highlights the discussions on the minimum rental stay and asks the Board to approve the 3 days recommended in the ordinance and move this ordinance forward for adoption.

Supervisor Bianchi: speaks to the rights of permanent residents; the rights of property owners to use their property as they wish but not at the expense of permanent residents; questions whether the ordinance has a sunset clause or review period built into it.

Ms. Griffin: indicates the resolution that is coming back on February 6th does include a review period of 18 months from the final action on the ordinance.

Supervisor Bianchi: comments on a petition that was signed by 552 people from the two communities (Cambria & Cayucos); discusses code enforcement; questions motels that have kitchens and these having a requirement for review by Environmental Health, but vacation rentals don't have this requirement and questions why.

Mr. Tingle: responds that vacation rentals are not a commercial use where a motel is.

Supervisor Bianchi: questions whether the Board can restrict vacation rentals by geographical area or the number allowed in a community.

Mr. McNulty: responds as to the difficulty in doing this; indicates it poses the problem as to who can have these and who can't; and, further raises questions about the existing number of these rentals.

Supervisor Bianchi: states she can agree to removing the sign requirements as long as there are multiple copies of the necessary information provided to the neighbors.

Supervisor Ovitt: agrees the sign requirement should be removed; addresses his concern to requiring a property owner to hire a manager and suggests adding language that would allow for a local resident as an option to hiring a manager; questions the response time mileage.

Mr. Tingle: responds and addresses the issues they heard during public meetings on this and the desire to have someone other than the Sheriff to contact.

Supervisor Ryan: wants to see the mileage requirement lifted and throw out the language regarding the contact, as the contact's number is available to the neighbors; addresses the minimum stay requirement; and, wants the language regarding signs removed.

Mr. Tingle: offers amended language for "i. Local contact person."

Supervisor Bianchi: states she can support the amended language for "i" and supports deleting the sign requirement; states the length of stay was extremely important to folks and doesn't want this removed.

Board Members: further address the length of stay requirements and the language in the section that states there can only be one stay in a seven-day period; concerns to losing families who can only afford to stay for a weekend.

A motion by Supervisor Bianchi, seconded by Supervisor Ovitt to amend the proposed ordinance by deleting “f” Signs; renumbering “g”, “h” and “i” and amend old “i” Local Contact Person, the first sentence to read: “All residential vacation rentals shall designate a local property manager.” and deleting the second sentence that reads “The property manager must reside or have a professional property management business within the same community as, or within five miles of, the residential vacation rental.” and, to tentatively approve G990004L as recommended by the Planning Commission and as amended by this Board, is discussed.

Mr. Tingle: suggests incorporating the stricken language in “f” instead of deleting it entirely.

The motion maker and second agree to amend their motion to include the stricken language of “f” and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board amends the proposed ordinance by amending “f” Signs to read: “Availability of the rental unit to the public shall not be advertised on site.”; amends “i” Local Contact Person, the first sentence to read: “All residential vacation rentals shall designate a local property manager.” and the second sentence that reads “The property manager must reside or have a professional property management business within the same community as, or within five miles of, the residential vacation rental.” is deleted; and, the Board tentatively approves G990004L as recommended by the Planning Commission and as amended by this Board.

A motion by Supervisor Bianchi to amend “c. Vacation rental tenancy” by changing the minimum rental days from three to four, is discussed.

Supervisor Ryan: addresses his concern to the motion as the language already requires one stay in seven days and he does not support either the three or four day minimum rental requirement.

Supervisor Pinard: addresses her concern to the minimum requirements but will honor the advisory committee’s recommendations **and seconds the motion.**

Matter is discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and on the following roll call vote:

AYES: Supervisors Bianchi, Pinard, Chairperson Achadjian

NOES: Supervisors Ovitt, Ryan

ABSENT: None

the Board tentatively amends the ordinance by changing “c. Vacation rental tenancy”, the second sentence to read: “A four day minimum rental is required, however, occupancy . . .”.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board continues said hearing to February 6, 2001 at 9:00 a.m..

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 16, 2001, 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 22, 2001
vms