

Tuesday, January 9, 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. AKatcho@ Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM

AGN

1 SP **Supervisor Ryan:** announces the CSPAN Bus will be in front of the Courthouse from 10:00 a.m. to 2:00 p.m. for anyone who would like to take a tour. **No action taken.**

2 BPC 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-42; states it is more accurate to refer to this stretch as a channelized section of the creek rather than as a flood control channel; hopes machines will not be Aprowling@ in the creek bed to complete this project; addresses the stream system and nature-s design.

Ms. Penny Rappa: speaks to Item B-31; requests the Board allow more time for public input regarding this item; addresses Apublic benefit.@

Mr. W.R. Dildine: addresses Item B-29; speaks to Senate Bill 2088 as it relates to Job Order Contracting, indicating this bill is not law; refers to a packet he gave the Board including an Attorney General-s Opinion indicating a general law county may not enter into a job order contract in access of \$50,000; urges the Board to continue this item.

Ms. Leslie Halls: Executive Director of San Luis Obispo County Builder-s Exchange, speaks to Item B-29 indicating they would like to see this item continued until they can get an opinion from the Attorney General-s office as to whether this is a legal action for counties to take.

Mr. Michael Winn: Nipomo Community Services District Director, addresses Item B-31, indicating he would like to see this item continued until further review can be done on the proposed policy.

Mr. Steve Mathieu: AGP Video, speaks to the 2001 calendar; apologizes for not filming Monday-s session, indicating he was not notified; suggests the calendar be posted in December for the upcoming year.

Supervisor Ovitt: states the calendar was posted on the back of the agendas for the month of December.

Mr. Jim Lindholm: County Counsel, states they have reviewed the materials submitted by Mr. Dildine and Ms. Halls and have concluded that the Board does have the statute authority to proceed with Item B-29 under section 20128.5 of the Public Contract Code. **No action taken.**

3 B-3 Introduction of a proposed ordinance amending Title 22 the County Code (Land Use Ordinance) relating to the Transfer of Development Credit Review Committee membership; All Districts, is presented.

Chairperson Achadjian: asks the Board members if there is support to terminate the Transfer of Development Credit (TDC) program.

Supervisor Ryan: indicates he would like to abolish the TDC program and would like staff to come back with a sunseting system for the TDCs that are now in place.

Supervisor Bianchi: states the item before the Board today is specific; indicates she is not in support of abolishing this program.

Mr. James Lindholm: County Counsel, states the item before the Board is an amendment to Title 22 and if the Board has any suggestions at this time they should be referred to staff, reintroduced and then set for public hearing.

A motion by Supervisor Ryan, seconded by Chairperson Achadjian, to direct staff to bring back information on abolishing the TDC ordinance and on grandfathering the existing TDCs for a period of time, for a discussion so the Board can let people have the ability to utilize the TDCs that have come in and at that point put a moratorium on taking any other application for sending units, is discussed.

Mr. Lindholm: questions if the motion includes not introducing the amendments to the ordinance today, with Supervisor Ryan stating yes.

Board Members: discuss various issues, comments and concerns regarding: a proposal to do away with a tool to preserve agricultural land instead of trying to find a solution; the stock piling of sending sites and no receiving sites; allow Planning to come up with a solution.

Mr. Victor Holanda: Planning and Building Director, states he would like the opportunity to solve the problem.

Mr. David Edge: County Administrator, suggests bringing this item back for discussion in three months.

Supervisor Ryan amends his motion to bring the TDC ordinance back for an in depth discussion on operations in 90 days, with Chairperson Achadjian agreeing to the amendment.

Mr. Tingle: asks if the Board wants this to be taken to the advisory committees for review, with the Board indicating they do want that review.

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

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

the Board directs staff to bring the TDC ordinance back for an in depth discussion on operations in 90 days.

4 B-29 Bid opening report for job order contract procurement services; All Districts, is presented.

Supervisor Pinard: states she has a problem with the issues brought up by Mr. Deldine and Ms. Halls; feels the County has not saved money by using outside services.

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

AYES: Supervisor Ryan, Ovitt, Bianchi, Chairperson Achadjian

NOES: Supervisor Pinard
ABSENT: None

the Board accepts the bid results for Job Order Contract procurement services with THI Group, Inc. And directs the Chairperson to sign the contract documents.

- 5 B-31 Policy regarding private and quasi-public easements on public park and recreation lands, is presented.

Supervisor Ryan: states he can go along with setting a policy but feels this policy is far reaching; indicates he would like to see a Are-work@ of the policy.

Board Members: discuss various issues, comments and concerns regarding: further restricting the policy to only include emergency services; underground easements; public cost; active and passive recreation; needing guidelines to make decisions; continuing this item for 60 days and allowing this to be sent to the advisory committees for their input, with Mr. Pete Jenny, Parks Manager, responding.

Matter is fully discussed and thereafter, 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

the Board directs staff to get more input from the advisory councils and bring this item back on March 13, 2001.

- 6 B-42 Proposed mitigated Negative Declaration for the Arroyo Grande Creek Flood Control Channel Sediment Removal project, is presented.

Supervisor Pinard: states she would like to amend the title of the staff report by changing the language to read AThe project involves the removal of sediment from the flood control channel portion of the Arroyo Grande Creek.@

Mr. Glen Priddy: Acting County Engineer, indicates it wouldn't be a problem to make that change.

Chairperson Achadjian: states he would rather it read AArroyo Grande channel flood control@, with Supervisor Pinard agreeing to the change.

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

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

the Board amends the title of the staff report to read AThe project involves the removal of sediment from the Arroyo Grande channel flood control portion of the Arroyo Grande Creek.@and the Mitigated Negative Declaration for the project to remove accumulated sediment from a portion of the Arroyo Grande Creek flood control channel is approved and adopted as amended.

- 7 B-1 Consent Agenda Item B-16 is amended by changing the term of reappointment to expire thru on December 16, 2002. Item B-18 is amended by changing the term of reappointment to B-49 expire on July 7, 2003. Items B-3, B-29, B-31 and B-42 are withdrawn for separate action

and acted on previously. **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 thru B-49 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-49 as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

- B-1 Letter transmitting plans and specifications (Clerk's File) for baffle wall improvements at the Lopez Water Treatment Plant; 3rd and 4th Districts, **Approved and the Clerk is instructed to give notice of the Bid opening set for February 8, 2001, at 3:00 P.M..**
- B-2 Letter transmitting plans and specifications (Clerk's File) for pool resurfacing at various County pools and a request to approve appropriation transfer in the amount of \$26,000; All Districts, **Approved and the Clerk is instructed to give notice of the Bid opening set for January 22, 2001, at 3:00 P.M..**
- B-3 Introduction of a proposed ordinance amending Title 22 the County Code (Land Use Ordinance) relating to the Transfer of Development Credit Review Committee membership; All Districts, **Withdrawn for separate action and acted on previously.**
- B-4 Introduction of 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, **Approved and the Clerk is instructed to give notice of hearing date set for January 16, 2001, at 9:00 A.M..**

Administrative Office Items:

- B-5 Board of Supervisors Meeting Calendar for 2001, **Approved.**
- B-6 Agreement for staff support services between the County and the Local Agency Formation Commission, **Approved.**

Auditor-Controller Items:

- B-7 Unannounced cash count report of the San Luis Obispo County Sheriff's Animal Services Division conducted on November 29, 2000 **Received and Filed.**
- B-8 Unannounced cash count report of the San Luis Obispo County Library cash handling procedures at the Atascadero, Morro Bay, Nipomo, South Bay, South County, and San Luis Obispo branches conducted on November 20 and 21, 2000, **Received and Filed.**

Board of Supervisors Items:

- B-9 Allocation of \$700 from Community Projects Funds (District Two - \$400, District Three - \$100, District Four - \$100 and District Five - \$100) to the San Luis Obispo County Arts Council - "Art Ops for Schools" Program, **Approved.**
- B-10 Allocation of \$500 from Community Projects Funds (District Two - \$100, District Three - \$200, and District Four - \$200) to the Arroyo Grande Band Boosters to purchase meals for band members during various performances, **Approved.**

- B-11 Allocation of \$500 from District One Community Project Funds to the San Miguel Area Advisory Committee to pay for operating expenses, **Approved.**
- B-12 Allocation of \$1,500 from District Two Community Project Funds to the North Coast Advisory Council to be used for costs associated with holding monthly meetings, **Approved.**
- B-13 Allocate \$5,000 from District Five Community Project Funds to the Friends of the Creston Library to be used towards the replacement of the Creston Library facility, **Approved.**
- B-14 Appointment of Helen Dutra as a District One Representative to the Commission on Aging, **Approved.**
- B-15 Appointment of Quinn Plante as a District Four Representative to the Bicycle Advisory Committee, **Approved.**
- B-16 Re-appointment of Derrill Pilkington as a District Four Representative to the Arroyo Grande Public Cemetery District, **Approved as amended.**
- B-17 Re-appointment of Cheryl Villaran as a District Four Representative to the Commission on Children and Youth, **Approved.**
- B-18 Re-appointment of Nan Fowler as a District Four Representative to the Commission on the Status of Women, **Approved as amended.**
- B-19 Appointment of Stephanie Painter as a District Four Representative to the Commission on the Status of Women, **Approved.**
- B-20 Re-appointment of Richard Ogden as a District Five Representative to the Commission on Children and Youth, **Approved.**
- B-21 Re-appointment of Charlotte Byrne as a District Five Representative to the Commission on Children and Youth, **Approved.**
- B-22 Re-appointment of James Eells as a District Five Representative to the Santa Margarita Public Cemetery District, **Approved.**
- B-23 Re-appointment of Tim Mazzacano as a District Five Representative to the Santa Margarita Public Cemetery District, **Approved.**
- B-24 Re-appointment of Sue Molle as a District Five Representative to the Santa Margarita Public Cemetery District, **Approved.**

General Services Items:

- B-25 Contract (Clerk's File) with Black Hills Golf Corporation to operate the restaurant, bar and banquet facility at Morro Bay Golf Course, **Approved.**
- B-26 Contract (Clerk's File) with Comerford, Inc., dba Fairway Management to operate the Pro Shop located at the Morro Bay Golf Course, **Approved.**
- B-27 Amendment to an agreement with Shutt-Moen, Inc., increasing the scope of work including the design of a new taxiway and apron expansion at the San Luis Obispo County Regional Airport, **Approved.**
- B-28 Federal Aviation Administration Grant Application in the amount of \$4,418,000 for

further development of the San Luis Obispo County Regional Airport, **Approved and authorize the Director of General Services to sign.**

- B-29 Bid opening report for job order contract procurement services; All Districts, **Withdrawn for separate action and acted on previously.**
- B-30 Local newspaper advertising rates for legal and display ads, **Approved.**
- B-31 Policy regarding private and quasi-public easements on public park and recreation lands, **Withdrawn for separate action and acted on previously.**
- B-32 Parks and Recreation Commission annual report, **Received and Filed.**

Health Agency Items:

- B-33 Employee contract (Clerk's File) with Lloyd Hyndman, M.D., to provide psychiatric services for Mental Health clients, **Approved.**
- B-34 Contract (Clerk's File) with Seneca Residential and Day Treatment Center for Children, Inc., to provide group home services for Mental Health clients, **Approved.**
- B-35 Short term amendments to existing contracts with Sierra Vista Regional Medical Center and Twin Cities Community Hospital providing a 5% increase in rates for the continued provision of medical care services to medically indigent adults and jail inmates, **Approved.**
- B-36 Agreement (Clerk's File) with the University of California Cooperative Extension providing funding for a "Five-A-Day" Nutrition Education Program for 2000-01, **Approved.**
- B-37 Agreement (Clerk's File) with the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funding for 2000-01, **Approved.**

Personnel Items:

- B-38 **RESOLUTION NO. 2001-1**, establishing salaries and benefits for Management Peace Officer classes (Chief Deputy, Captain, and Lieutenant), **Adopted.**
- B-39 **RESOLUTION NO. 2001-2**, establishing salaries and benefits for the Sheriff/Coroner, **Adopted.**
- B-40 **RESOLUTION NOS. 2001-3 AND 2001-4**, implementing 2001 salaries for Law Enforcement and Supervisory Law Enforcement Units, **Adopted.**

Planning Items:

- B-41 Authorization of the use of alternative publication procedures for amendments to Title 22 of the County Code which will modify the Transfer of Development Credit Review Committee membership; All Districts, **Approved.**
- B-42 Proposed mitigated negative declaration for the Arroyo Grande Creek Flood Control Channel Sediment Removal project, **Withdrawn for separate action and acted on previously.**
- B-43 **RESOLUTION NO. 2001-5**, approving an open space agreement granting an open space easement by Christopher Peddicord for property located on the corner of Stanton Road and Chesapeake Place in the community of Nipomo; 4th District, **Adopted.**

Other Items:

- B-44 Annual agreement in the amount of \$5,988,854 for cooperative fire protection services with the California Department of Forestry and Fire Protection, **Approved.**
- B-45 Minutes of the November 7, 14, and 21, 2000 Board of Supervisors' meetings, **Approved.**
- B-46 The Disadvantaged Business Enterprise Program Plan, **Approved.**
- B-47 Contract with Supplemental Healthcare Services to provide operating room technician staffing at General Hospital, **Approved.**
- B-48 Amend the fixed asset list for Budget Unit 3200 - Social Services, by one van with a wheelchair lift (\$33,900) and one mini van (\$17,375) at a total cost of \$51,275; and 2) approve an appropriation transfer in the amount of \$7,917 from unanticipated revenue (sale of fixed assets; these dollars, along with \$43,358 in fixed asset savings will fund the new vans), **Approved.**
- B-49 **RESOLUTION NO. 2001-6**, amending the position allocation list for Budget Unit 2070 - Assessor by adding two Assessment Technician IV positions to the career series, **Adopted.**

8 C-1 This is the time set for hearing to consider a resolution to vacate a portion of 13th Street in the community of San Miguel; 1st District.

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

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

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

RESOLUTION NO. 2001-7, resolution vacating a portion of Thirteenth Street, a purported public road in the town of San Miguel, Supervisorial District No. 1, adopted.

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

9 C-2 This is the time set for hearing to consider an ordinance abolishing the Office and Department of County Engineer and replacing it with the Office of Director of Public Works and Transportation and Department of Public Works and Transportation, making necessary modifications to the other related ordinance provisions and placing the position of Director of Public Works and Transportation in the unclassified Civil Service

(SUPERVISOR PEG PINARD IS NOW PRESENT.)

Mr. David Edge: County Administrator, presents the staff report, and explains the modifications.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Mr. Aleji Davar: President ASCE (American Society of Civil Engineers), states the ASCE disagrees with the qualifications of the Director of the Public Works Department; indicates the Director should be knowledgeable in public administration, total quality management, political science, law, communications, public relations, negotiation and conflict resolution, public finance, and leadership, in addition to engineering.

Matter is fully discussed and thereafter, 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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2930, an ordinance abolishing the Office and Department of County Engineer and replacing it with the Office of Director of Public Works and Transportation, and Department of Public Works and Transportation making necessary modifications to other related Ordinance provisions, and placing the position of Director of Public Works and Transportation in the unclassified Civil Service, adopted.

10 C-3 This is the time set for hearing to consider a resolution adopting the Engineer's report, confirming the assessment and directing certain actions for the formation of the Gracia Avenue Assessment District; 2nd District.

Mr. Rob Livick: Engineering, states it was brought to his attention by the Clerk's Office there has been a change in the code and explains the ballot process; indicates due to this section staff would like to amend the recommendation to read "conduct the public hearing and at the conclusion close the public hearing, and direct the Clerk to open and tabulate the ballots received for the Gracia Assessment District and continue this item to January 23, 2001."

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

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

the Board closes the public hearing portion of this hearing, and directs the Clerk to open and tabulate the ballots received for the Gracia Assessment District and continue this item to January 23, 2001 at 9:00 a.m..

11 D-1 This is the time set for consideration of: 1) the County Treasury Oversight Committee Annual Investment Policy Compliance Investment Policy Compliance Audit report; 2) a revised County Treasury Investment Policy (Clerk's File) for 2001; and 3) appointments to the County Oversight Committee for 2001; All Districts.

Mr. Frank Freitas: Tax-Collector, introduces the item.

Mr. Rory Livingston: Chairperson of the County Treasury Oversight Committee, states one of the primary duties of the Committee is to cause an annual Investment Policy compliance audit; indicates the County Auditor reported that he found the Treasurer's Investment Policy to be complete and the Treasurer to be in compliance with that policy.

Mr. Freitas: states the Investment Policy was established in 1983; addresses the purpose and objectives of the Policy and the minor revisions to the Policy; introduces the nominees for the County Treasury Oversight Committee for 2001 as follows: Ms. Leslie Brown, Mr. Rory Livingston, Mr. Tom Runels, Mr. Gere Sibbach, and Mr. Eric Smith.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board receives and files the Investment Policy Compliance Audit Report for fiscal year ended June 30, 2000; approves the County Treasury Investment Policy for the calendar year 2001 and

confirms the nominees for membership to the County Treasury Oversight Committee for the term ending December 31, 2001.

12

CS The Board announces it will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. Code, ' 54956.9) It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, ' 54956.9(a) (Formally initiated) 1) *Bennett v. County of San Luis Obispo, et al.*, 2) *McKrill, et al. v. County of San Luis Obispo*, 3) *Atascadero Mutual Water Co. v. County of San Luis Obispo*, 4) *People v. Phillip Morris*, 5) *San Miguel Sanitary District v. County of San Luis Obispo*, **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** 8) *Kiessig v. County of San Luis Obispo and* 9) *DSA v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, ' 54956.9) 6) *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. 7) *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: 10) *Negotiator's Name: Frank L. Freitas, Santos Arrona, Gene Bell; Name of employee organization: DSA.*

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: 8) *Kiessig v. County of San Luis Obispo*, was discussed and a settlement agreement was unanimously approved and it will be on the Consent Agenda next week for final approval, No other report is required because no final action was taken and the Board goes into Open Public Session.

13

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

Mr. Terrie Graham: speaks to the problems he has had getting information on environmental documents relating to the Home Depot in Atascadero.

Mr. Richie Ray Walker: addresses the energy emergency in California; believes Governor Gray Davis sold the public out; urges the public to call their Congressman and Assemblyman and voice their opinion.

Mr. Lowell Davis: addresses the Transfer of Development Credit Program (TDC) indicating he believes it should be terminated.

Mr. Bill Denneen: states he is disappointed that the County does not have a Native Tree Ordinance; speaks to the big box stores killing retail in small towns; addresses the protection of Black Lake Canyon; appreciates the County's bikeways.

Mr. Robert Livick: thanks the Sheriff's Department, Public Works, California Department of Forestry (CDF), California Highway Patrol (CHP), Cambria Fire Department and the North Coast Communities for their assistance with the Hearst Castle Marathon.

Mr. Arthur Van Rhyn: states he is running for Honorary Mayor of Cambria, indicating this is a way to raise money for their Youth Center; asks the Board for their support.

Mr. Bob Blair: addresses the lack of affordable housing in the County.

Mr. John Olejczak: Chairperson for the Bicycle Advisory Committee, announces there will be a Committee meeting at 7:00 p.m. tonight at Central Park Live Oak Room, 600 Nickerson Dr., Paso Robles; addresses funding of over \$1 million dollars in State and Federal monies that has been received due to having a Bikeways Plan; another meeting is scheduled on March 13, 2001 at the South County Regional Center in Arroyo Grande.

Mr. Eric Greening: announces a meeting on 01/10/2001 at 9:00 a.m., at the San Luis Obispo City Hall on the unmet transit needs; addresses the TDC program; indicates the General Plan calls for the existence of a TDC program as part of the policies and mitigations; states the problem with the TDC program has been the up-zoning and increased density are regularly handed out for free; feels the program needs reform.

Ms. Linda Hall: addresses the problems she has had obtaining public information from the County; feels she has been ignored.

Mr. David Edge: County Administrator, states Ms. Hall has not been ignored and her requests have been addressed; indicates the information she is requesting is not available from the County and she has been referred to the appropriate agency. **No action taken.**

C-5 This is the time set for hearing to consider an appeal by Bruce Black, et al, of the Hearing Officer's approval of a Minor Use/Coastal Development Permit, to remodel an existing 5,546 square foot commercial building and demolish an existing building and construct a 4,697 square foot commercial building, located on Center Street in the community of Cambria; 2nd District.

Mr. Matt Janssen: Planning, introduces the item.

Ms. Martha Neder: Planning, presents the staff report and hands the Board proposed new conditions.

Mr. Don Swearingen: Planning, indicates he was asked to conduct a visual analysis of the proposed project; describes how he left the floor plan alone and changed only the mass of the building; refers to exhibits C-1 thru C-4 in the staff report dated January 9, 2001.

Supervisor Bianchi: states this is a difficult project because Cambria is very careful when it comes to their image; feels the design features by Mr. Swearingen make the project more acceptable.

Mr. Bruce Black: Appellant, responds to the staff report handed out today; addresses the historic impact of the project; speaks to the product manufacturing, the use of hydraulic hand trucks and the location of the local delivery doors.

Mr. Rick Low: Architect representing the Applicant (CBO, Inc.), states the applicant does not feel the building is out of scale with the neighborhood and changes have been made; indicates Mr. Swearingen's changes would decrease volume and be expensive; states the North Coast Advisory Committee has reviewed their project and approved it unanimously; presents slides demonstrating deliveries in the area; indicates the operation of C.B.O., Inc. will remain the same as it is today and they are not supportive of the suggested changes.

Ms. Jo Anne Milburn: states her concerns about an industrial warehouse in the neighborhood; indicates the importance of maintaining the charm of Cambria.

Mr. Ken Topping: General Manager of the Cambria Community Services District, states he is here to answer any questions the Board may have; states he appreciates the inclusion

of the new condition #15; addresses circulation.

Ms. Helen May: addresses the amount of retail business C.B.O., Inc. conducts; questions a trailer in the back that appears to be someone's residence; feels this business does not show good stewardship or management; addresses the historical aspect; urges the Board to consider the whole project and its impact on Cambria.

Mr. Richard Hawley: states the issue is volume; addresses a section of the California Coastal Act that protects special communities.

Ms. Susan Pendergast: indicates it is important to protect the historical dignity of the bike shop.

Mr. Bob Putney: Cambria Fire Chief, states a traffic study is needed for commercial delivery in this area; commends C.B.O., Inc. for working with him regarding fire access; indicates he is available for questions.

Mr. Clay Akey: President of C.B.O., Inc., states the look and volume of this building is the same as the building next to it; indicates they are only enclosing the existing square footage; feels their business should remain in downtown Cambria; states the project conforms and is in compliance with the area.

Board Members: discuss various issues, comments and concerns regarding: the unanimous vote of the advisory committee; the applicant having followed protocol and made changes to the project; the cooperation the applicant has had with the Fire Chief.

Supervisor Ovitt: asks the applicant if they agree to Conditions 13, 14, 15, and 17, with the applicant stating they do.

A motion by Supervisor Bianchi to adopt the resolution denying the appeal by Bruce Black, et. al., adopting the mitigated Negative Declaration and upholding the Hearing Officer's approval of Minor Use/Coastal Development Permit D990152P based on the revised Findings in Exhibit A and Conditions in Exhibit B and revised Conditions #15 and #18, dies for lack of a second.

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

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

the Board denies the appeal and adopts the mitigated Negative Declaration and upholds the Hearing Officer's approval of Minor Use/Coastal Development Permit D990152P based on the revised Findings in Exhibit A and Conditions in Exhibit B and revised Condition #15 that reads: APrior to issuance of a construction permit, the applicant shall provide verification the Cambria Fire Department has reviewed and approved the proposed project. The project shall include requirements detailed in the January 8, 2001 letter from the Cambria Fire Department; and RESOLUTION NO. 2001-8, resolution modifying the decision of Hearing Officer and conditionally approving the application of C.B.O., Inc. for Minor Use Permit/Coastal Development Permit D990152P, adopted, as amended.

14

C-4 This is the time set for hearing 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 Planning and Building Director, presents the staff report; hands the Board findings in support of the ordinance.

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

Supervisors Ryan and Ovitt: question why these findings were not given to the Board earlier; feels this is new information that needs to be considered before any action is taken and suggest this matter should be continued.

Mr. Tim McNulty: Deputy County Counsel, states last year at this time the Board adopted the initial amendments to the Growth Management Ordinance for Nipomo and Cambria and the ordinance itself included a long list of *Whereas* clauses which adopted findings which are almost identical to those presented today; indicates at his request staff drafted these findings based on information presented to the Board at the time the Resource Management Study was considered so the information would be in the record and support the Board's actions and if the Board disagrees with any of the findings they should not make them.

Mr. James Lindholm: County Counsel, states there is an additional factor; last night after 5:00 p.m. a letter was received from a local attorney who is involved in litigation concerning a project in Cambria and he indicated he had a number of problems with the potential action by the Board today and one of his problems was there were not appropriate findings; staff felt there would be a much stronger record in terms of defending any litigation by including these findings.

Mr. Tingle: goes through the document pointing out and explaining the new findings.

Supervisor Pinard: asks if the Board action taken in December relating to the 1% for Cambria and the 2.3% in Nipomo, would stand; questions if it would be possible to continue this hearing.

Mr. Tingle: indicates the Countywide 2.3% growth rate would prevail; states he would suggest if this item is continued that it come back as soon as possible.

Mr. Lindholm: states the findings are not required to act today; or the Board could continue this hearing for a week or two.

Mr. Lou Blanck: addresses water issues in Cambria.

Mr. Norm Fleming: states if the residents of Cambria could vote they would vote for a 1% growth rate and affordable water; urges the adoption of the ordinance.

Mr. Eric Greening: questions if permits for Cambria or Nipomo have been awarded and if so at what percentage; states he is in favor of a continuance with a moratorium; questions if the Board has received the Water Resource Advisory Committee's recommendation regarding the MTBE emergencies.

Mr. Wayne Ryburn: states he is disappointed that a document was presented to the Board at the last minute; hope the Board finalizes this issue.

Mr. Richard Youngman: addresses water resources and urges the Board to maintain the 1% growth rate in Cambria.

Mr. Bob Blair: urges the Board to deal with the communities of Cambria and Nipomo separately.

Ms. Pam Marshall Heatherington: addresses Cambria's water supply and indicates it would be premature to lift the 1% growth rate.

Mr. Bob McDonnell: addresses the water shortage in Cambria.

Mr. John Wallace: representing the Mesa Dunes Mobile Home Park, states this project was accepted for processing prior to the Growth Management Ordinance being adopted; indicates it's important to understand the request for allocations are only triggered by the purchase of a mobile home and they want to move the mobile home into the park, therefore Mesa Dunes is asking that they be treated individually; urges the Board to recognize the previous conditions of approval for this park.

Mr. Michael Wim: addresses boundaries for Nipomo.

Ms. Linda Hall: addresses zoning designations; feels Planning needs to look at what is really being built; believes the 1% growth rate is being exceeded.

Supervisor Bianchi: states a letter from Mr. Walters arrived at County Counsel's office after 5:00 p.m. on Monday and staff should not be held responsible; suggests continuing this item for a week, as long as there is no impact on the growth rate.

Mr. Tingle: indicates there would be no adverse affect on anyone by continuing this item for a week; addresses the request by Mr. Wallace.

Matter is fully discussed and 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

the Board continues said hearing to 1/16/2001 at 9:00 a.m. and directs staff to include a discussion on the Mesa Dunes.

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 9, 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/ Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 01/12/01
cla