

Tuesday, February 13, 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 A-1-B **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Pinard and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2001-66, resolution proclaiming February 11 -17, 2001 to be Child Passenger Safety Week, adopted.

Ms. Barbara Baranek: addresses the activities for the week and where they will be set up to check car seats.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Baranek.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2001-67, resolution commending Judy Pemberton upon her retirement after twenty-six years of dedicated service with the Superior Court of California County of San Luis Obispo, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Pemberton and Chairperson Achadjian presents her with a plaque.

Ms. Pemberton: states she has enjoyed her years with the County and it has always been interesting; she will miss the people but is looking forward to what her future holds.

3 A-1-B **Presentation of Certificates of Appreciation relating to Child Passenger Safety Week.**

Supervisor Pinard: presents a Certificate recognizing San Luis Obispo County Traffic Referee Stephen Sefton for his efforts to promote child passenger safety; his determination helped bring the Buckle Up for Life program to the County; the Buckle up for Life class is taught by trained child passenger safety technicians from the Health Department and is designed for those persons receiving citations for not using seatbelts or restraining their child safely in passenger safety seats; states he is not present today to accept this due to a full court calendar.

Supervisor Ryan: presents a Certificate recognizing the Chrysler Corporation for the Fit for the Kid Child Safety Inspection Service; locally Stanley Motors owned by Jeff Cole, completed more than 100 safety seat inspections for the community; nationally the Chrysler Corporation now offers this service in every state and has been recognized by the National Transportation Safety Board

as the first automaker in the 33-year history of the Board to exceed expectation status for its response to safety recommendations; presents the Certificate to a representative of Stanley Motors.

Chairperson Achadjian: presents a Certificate recognizing KSBY-TV for providing the On Patrol Segment daily to alert drivers of increased police enforcement and child passenger safety events; these announcements provide a constant reminder to drivers to drive safely; presents the Certificate to Ms. Wendy Thies of KSBY.

Ms. Thies: on behalf of KSBY, thanks the Board for this honor; invites all local law enforcement agencies to participate in “On Patrol” which airs every morning during the morning show, Action News Daybreak, at around 6:30 a.m.; and invites everyone to watch the show. **No action taken.**

4 A-2 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Pinard and on the following roll call vote:**

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

NOES: None

ABSENT: None

presentation by Greenspace, the Cambria Land Trust of a report on the Sudden Oak Death Summit, approved.

Mr. Rick Hawley: Greenspace, the Cambria Land Trust, presents information that was provided at a recent summit held on Sudden Oak Death; presents several photographs of diseased trees in Marin County; addresses the study by Dr. Pavel Svilra, UC Horticulture Advisor; presents a map of California that outlines areas of “confirmed and unconfirmed” reports of the disease; addresses the implications of this disease to homeowners; fire and roadway hazards; this is still being investigated and gives the website address for more information.

Supervisor Bianchi: thanks him for his presentation and explains why she sent him to this conference.

Supervisor Ryan: addresses the Atascadero area as basically being an Oak forest; the need to see money put up to help combat this disease; addresses several bills that are currently going through the State Legislature; cautions folks to watch their trees for any changes.

Mr. Mary Bianchi: UC Extension/Farm Advisor, states they have not seen Sudden Oak Death in the County; announces that if anyone has questions or problems regarding their trees they should contact the Farm Advisor’s Office.

Supervisor Ryan: questions whether there are any enforcement measures in place to keep diseased trees in their county and not bring them to areas where the disease hasn’t occurred.

Mr. Hawley: indicates there isn’t any enforcement currently in the State; Oregon does have enforcement measures and you wouldn’t be able to take the trees there.

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

Dr. Greg Thomas: addresses the issue of seatbelts/child restraints and a recent study that was done that rated the states A, B, C, etc. and California was the only state to receive an “A”; states that 80% of the seats they check aren’t installed correctly. **No action taken.**

6 B-1 Consent Agenda Item B-6 is amended by withdrawing the resolution accepting
thru conveyance from Rose and Santiago Arguijo. Item B-10 is amended by correcting the
B-18 last paragraph on page B-10-3 to read “west of Highway 1” to “East of Highway 1.” Item B-18
is added to the Consent Agenda. **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

Consent Agenda Items B-1 through B-18 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-18, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

- B-1 Countywide Training Program Framework, **Approved** and **RESOLUTION NO. 2001-68**, amending the position allocation list for Budget Unit 3200 - Social Services adding one Social Services Program Specialist I or II position and one Senior Typist Clerk/Senior Clerk position, **Adopted**.
- B-2 Appointment of Noel King as the Director of Public Works and Transportation, **Approved**.

General Services Items:

- B-3 Work order with the Gas Company to reroute gas lines for the runway extension project at the San Luis Obispo County Regional Airport; 3rd District, **Approved**.
- B-4 Budget adjustment in the amount of \$22,500 from completed Capital Project - Jail Exterior Lighting to Capital Project - Replace Main Jail Lock Controls, **Approved**.

Public Works Items:

- B-5 1) Agreement with Quincy Engineers to provide professional engineering services and environmental consulting services for the widening of Price Canyon Road from State Highway 227 to Ormonde Road; and 2) an appropriation transfer in the amount of \$57,726 from the State Aid Construction Fund; 3rd and 4th Districts, **Approved**.
- B-6 **RESOLUTION NOS. 2001-69 and 2001-70**, accepting conveyances from Rose and Santiago Arguijo (**Withdrawn**), John and Ruth Poropat and Francisco Velazquez for widening of Orchard Avenue, in the community Nipomo; 4th District, **Adopted**.
- B-7 The following final map:
 - A. Tract 2386, a proposed subdivision resulting in 18 lots by Newdoll Construction, located on the corner of Hazel Lane and Tefft Street in the community of Nipomo, **Approved**.

Other Items:

- B-8 Request by Supervisor Bianchi to allocate \$1,500 from District Two Community Project Funds to the Cayucos Citizens Advisory Council to be used for costs associated with holding Cayucos Citizens Advisory Council public meetings, **Approved**.
- B-9 Contract with Deirdre Pride to provide nursing services at General Hospital, **Approved**.
- B-10 Agreement to purchase tax-defaulted land; All Districts, **Approved as amended**.
- B-11 Request by the Clerk-Recorder to declare results (Clerk's File) of the February 6, 2001 Special Tax Election held in the Alban Place Road Improvement Zone of County Service Area No. 21; 2nd District, **Approved**.
- B-12 Request to authorize the Sheriff-Coroner to sign an agreement with Pacific Bell to provide telephone services at the County Jail, **Approved**.

- B-13 Agreement with the State Office of Criminal Justice Planning to add \$28,936 to the Statutory Rape Vertical Prosecution Program grant, **Approved.**
- B-14 Request by the Probation Department to accept \$15,000 from the Judicial Council of California to fund rehabilitative treatment services for minors ordered to participate in the San Luis Obispo County Juvenile Drug Court, **Approved.**
- B-15 Unannounced cash count and limited review of the Health Department's cash handling procedures conducted on December 14, 2000, **Received and Filed.**
- B-16 **RESOLUTION NO. 2001-71**, accepting an avigation easement from Aeroloop, LLC, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**
- B-17 **RESOLUTION NO. 2001-72**, amending the position allocation list for Budget Unit 2900 - Department of Public Works and Transportation by deleting one County Engineer position, one Deputy County Engineer - Administration position, and one Deputy County Engineer - Engineering Services position and adding one Director of Public Works and Transportation position, one Deputy Director - Administration position and one Deputy Director - Engineering Services position, **Adopted.**

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

- B-18 Contract amendments with California Nurse Bureau and RN Network to provide nurse staffing as needed at General Hospital, **Approved.**

7

- C-1 This is the time set for hearing to consider a request by Caritas Corporation to approve an associate membership agreement with California Mobilehome Financing Authority, to enable Caritas to obtain tax-exempt bond financing for the purchase of Rancho Del Arroyo Mobilehome Park located in the community of Oceano; 4th District.

Mr. Dana Lilley: Planning, addresses the item indicating they are requesting a continuance to February 27, 2001.

No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board continues said hearing to February 27, 2001 at 9:00 a.m..

8

- C-2 This is the time set for hearing to consider an appeal by Randy Flamm of the Planning Commission's conditional approval of a Variance to: 1) allow a single family residence on less than one acre minimum with on-site water and septic system; and 2) waive the Nacimiento planning area standards requiring a 2.5 acre minimum parcel size for on site septic systems, located on the west side of Nacimiento Lake Road approximately 1/2 mile south of Interlake Road east of Nacimiento Lake, west of the City of Paso Robles; 1st District.

Ms. Ellen Carroll: Environmental Coordinator, introduces the item and presents revisions to Conditions #2-Wastewater and #5-Traffic, indicating these are minor wording changes.

Mr. John McKenzie: Environmental Specialist, presents the staff report and outlines the issues of the appeal and staffs' response to the same; presents several slides of the area and subject property.

Supervisor Pinard: questions the change to the General Plan that requires 2.5 acre minimum in this area, with Mr. McKenzie responding.

Supervisor Bianchi: questions the soil structure, with Mr. McKenzie responding.

Mr. Rob Schultz: representing the Flamms, addresses the letter they sent outlining their concerns regarding grading and access; refers to the staff report and their concerns regarding the terminology used; also, the staff report lacks information on whether or not this is a legal parcel.

Mr. Robert Flamm: Appellant, addresses his concern to inaccuracies in the staff report; shows the location of his property and well on the site map; concerns about the location of the leach lines for this project as they relate to the location of his well; concerns about one of the maps in the staff report showing a “RV Storage” and this is actually a trailer park and has been for a long time.

Supervisor Ryan: questions the depth of Mr. Flamm’s well, with Mr. Flamm responding it is 106+/- feet.

Mr. Dan Morrison: Applicant, states he understands the concerns that have been raised but feels they will be addressed through the conditions of approval; he and his wife will be living here so he doesn’t feel there will be any traffic impacts; states he has owned the property since 1987 and started this process in 1992.

Mr. Don Nelson: states his property is adjacent to the subject property and he owns approximately 100 acres and has four residences on it; addresses his concern about the location of the leach lines; states when they developed their property in 1979 they were required to cluster the residences and is concerned about surrounding properties being treated equally.

Mr. Schultz: gives the Appellants closing comments and presents a map of a Preliminary Drainage Study for CO 78-137 for the record.

Supervisor Bianchi: indicates until there has been an evaluation by a registered engineering geologist on this area she cannot support the project; questions the trailer park and how their effluent disposal works.

Supervisor Ovitt: addresses the road and the conditions for the same; addresses the septic issues; states the trailer park as been there since approximately the mid 1950's.

Mr. Rich Lichtenfels: Environmental Health, outlines what they looked at with respect to the septic and leaching for protection of the water in the area.

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

AYES: Supervisors Ovitt, Ryan, Pinard, Chairperson Achadjian

NOES: Supervisor Bianchi

ABSENT: None

the Board denies the appeal, approves revised Conditions #2-Wastewater and #5-Traffic as outlined in the staff memo dated February 13, 2001; and, based on the findings in Exhibit A and the conditions in Exhibit B, RESOLUTION NO. 2001-73, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Daniel Morrison for Variance D970062V, adopted as amended.

Supervisor Pinard: states she would like a condition added that would hold the County harmless.

Mr. James Lindholm: County Counsel, indicates that would be the standard indemnification language.

A motion by Supervisor Pinard, seconded by Supervisor Bianchi to add a condition that would provide for an indemnification agreement executed by the applicant in favor of the County, fails on the following roll call vote:

AYES: Supervisor Pinard

NOES: Supervisors Bianchi, Ovitt, Ryan, Chairperson Achadjian

ABSENT: None

Supervisor Pinard: states that since the motion failed to add the indemnification agreement and protect the rest of the taxpayers (leaving them too exposed), she is withdrawing her support for the

motion to deny the appeal and approve the variance and changes her vote to “no.”

THE BOARD OF SUPERVISORS DOES NOW ADJOURN AND RECONVENE AS THE SAN LUIS OBISPO PUBLIC FACILITIES CORPORATION BOARD OF DIRECTORS.

THE BOARD OF SUPERVISORS DOES NOW RECONVENE AND CONTINUE WITH THEIR REGULAR AGENDA.

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

9 E-1 This is the time set for discussion of the Avila Beach Growth Management Ordinance exemption.

Mr. Bryce Tingle: Assistant Director of Planning and Building, presents the staff report, outlining the concern that has been raised regarding residential units that were demolished and not being able to rebuild due to provisions of the Growth Management Ordinance; the ordinance requires that replacement dwellings be rebuilt on the same site and there are 46 dwelling units that will not be able to rebuild on the same site; Supervisor Pinard has requested that these types of replacement dwellings need to be recognized on a town-wide basis, consistent with the adopted Avila Beach Specific Plan; in order to accomplish this, a revision to the ordinance is necessary.

Supervisor Pinard: addresses the issue and her concern that this was just “picked up on” by Planning staff; states the site that originally housed the mobilehome park has been designated as an alternate site for these types of replacement dwellings; some of the businesses had their residences in them and these folks should be able to rebuild on the alternate site without any additional requirements or changes to ordinances.

Mr. Tingle: addresses the Avila Specific Plan and being able to rebuild on a site other than the original site; addresses the language in Title 26 regarding New Dwellings; further, believes the ordinance can be changed before it would impact anyone.

Supervisor Pinard: addresses the mobilehome park site, indicating there were no owners rather all were tenants so they have no entitlement to rebuild; expresses her concern to throwing one more “stumbling block” on these folks; this needs to be dealt with right away.

Board Members: address various issues, comments and concerns regarding: what a replacement unit is; cautioning staff about crafting language that won’t impact someone else in the future; uses allowed on the mobilehome property; conflicts between the language of the ordinance and Specific Plan.

Mr. James Caruso: Planning, responds regarding the mobilehome property and it has been given two uses for the future.

Mr. Tim McNulty: Deputy County Counsel, addresses the need to correct the conflicting language between the Specific Plan and ordinance.

Supervisor Pinard: indicates her concern about complicating this issue further; states the Specific Plan indicates where replacement dwellings will go; comments on meetings she had with staff and now different staff is present today; feels the Specific Plan already addresses the issue of replacement dwellings and where they can go; this needs to occur before another “ambush” occurs to these folks.

A motion by Supervisor Pinard, seconded by Supervisor Bianchi to direct that the distribution of the demolished units will be reallocated as per the Avila Specific Plan, is discussed.

Mr. Tingle: responds to comments by Supervisor Pinard, indicating he has no interest in ambushing anyone; addresses his discussions with Mr. Holanda and County Counsel on this issue; indicates what staff will need to do if this motion passes.

Supervisor Pinard: addresses her concern to an EIR being done when one was done for the Specific Plan.

Supervisor Ovitt: suggests the language that is added to the ordinance should be specific to Avila.

Mr. Tingle: indicates that is the intent and suggests language.

Supervisor Ryan: questions the status of the one applicant who has a building permit (Custom House) and whether there will be any problems with him building the residential portion of this permit.

Mr. Tingle: responds he does not believe there will be a problem other than for occupancy and the ordinance change should be completed prior to occupancy being an issue.

Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and unanimously carried, the Board directs that the distribution of the demolished units will be reallocated as per the Avila Beach Specific Plan.

A motion by Supervisor Bianchi, seconded by Supervisor Ryan to direct staff to prepare an amendment to Title 26, #4-Dwellings, by adding the wording “except that within the community of Avila Beach replacement structures will be allowed in accordance with the Avila Beach Specific Plan.”, is discussed.

Mr. McNulty: indicates he believes this motion will implement the first motion and is appropriate.

Supervisor Pinard: expresses her concern to any further delays for the folks in Avila.

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

AYES: Supervisors Bianchi, Ryan, Ovitt, Chairperson Achadjian

NOES: Supervisor Pinard

ABSENT: None

the Board directs staff to prepare an amendment to Title 26, under #4-Dwellings by adding the wording “except that within the community of Avila Beach replacement structures will be allowed in accordance with the Avila Beach Specific Plan.”

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

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

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *San Miguel Sanitary District v. County of San Luis Obispo*, (2) *Public Utilities Commission, In re Matter of PG&E (ADD E D (A l l requirements of the Brown*

*A c t
w e r e
m e t a s
t h i s
w a s
p o s t e d
p r i o r
t o t h e
7 2 -
h o u r
n o t i c i
n g
r e q u i r
e m e n t.)
(7)
S a k a m
o t o v.
C o u n t y
o f S a n
L u i s
O b i s p o.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *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. (4) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases* 2.

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.)

It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (5) Property Description: *LaGrande Beach subdivision, Oceano Dunes*, Parties with whom negotiating: *Gordon McDaniels, State Real Estate Division*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

III. PERSONNEL (Gov. Code § 54954.5.) It is the intention of the Board to meet in Closed Session to: (6) *Consider Public Employee Appointment for the Position Personnel Director*.

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: the only item discussed during Closed Session was the appointment for the position of Personnel Director and no report is required because no final action was taken and the Board goes into Open Public Session.

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

Dr. Campbell: plays a tape about the Statue of Liberty and presents a written copy of the same.

Mr. Bill Denneen: addresses the LaGrande Beach subdivision that was listed on Closed Session; would like to see the County tell the State to get all vehicles off the beach; suggests the County tell the State that we will give them the 500 acres they want in exchange for 500 acres of Oso Flaco Lake; presents photographs of the beach and an article he wrote.

Ms. Gwynn Taylor: asks that acronyms used during hearing items be identified at the beginning of the item to help folks that are listening to the meeting.

Mr. Eric Greening: agrees with comments by Ms. Taylor; addresses his concern to the Board holding their meeting at the same time the Coastal Commission is holding hearings in the County; suggests watching out for this so that cross-scheduling doesn't occur in the future.

Mr. David Harell: discusses balloon wheelchairs for kids at Avila Beach and hopes that any agreement for park maintenance at the beach will include these wheelchairs.

Ms. Linda Hall: addresses the contracts the County has with the cities for animal services and these contracts include limits on the number of cats and dogs a person can have; indicates the Atascadero City Council has a meeting tonight and will discuss a problem within the City involving animals owned by a man and his mother.

Ms. Estella Vasquez: representing Living in America Group, addresses the creation of this group; indicates she previously felt that no one cared about Latinos and has since changed that opinion; addresses a presentation they held on February 3rd and wants to thank Mr. David Edge, County Administrator, Sheriff Pat Hedges and one of Sheriff dispatchers, Mr. Dana Lilley, Planning, Mr. Art Trinidad, Code Enforcement, Mr. Lee Collins, Director of Social Services and Brian Reynolds, Library Director, for their participation and making them feel important and involved.

Ms. Kathy Ansite: Sunrise Productions, indicates she was here a while back addressing her concerns regarding Charter Communications; since that time Charter has met with her and they have reached an agreement to work together; states this meeting occurred because of her prior appearance before the Board. **No action taken.**

12

D-1 This is the time set for consideration of a report on methyl tertiary butyl ether (MTBE) in the county and actions to be considered; All Districts.

Mr. David Church: Administrative Office, presents the staff report; states that while MTBE is good for air quality, it causes serious problems for groundwater; addresses revising the County ordinance regarding underground storage tanks; the intent is that this ordinance would exceed State requirements; addresses the State working toward a total ban of MTBE by December 31, 2002.

Board Members: address various comments, issues and concerns regarding: the use of MTBE versus ethanol; what is being done about all the other leaks around the County.

Mr. Church: responds to questions; and indicates they don't feel a ban is appropriate at this time but certainly is an option for the future.

Mr. Curt Batson: Environmental Health Director, addresses the other leaks in the County, indicating this is being handled by the Regional Water Quality Control Board (RWQCB), not the County.

Mr. Ken Topping: General Manager for the Cambria Community Services District, feels this is a very big issue and should have more time given to it; suggests it should be put on the agenda and invite Mr. John Roher, who gave a presentation for RWQCB on this issue.

Mr. Barry Groveman: Counsel for the City of Morro Bay, addresses recent meetings with Shell Oil and the agreement they have reached which addresses all of the City's demands; highlights various aspects of the agreement; thanks Supervisor Bianchi, on behalf of Mayor Anderson, for all her help.

Mr. Eric Greening: feels there are two issues: local negligence and the MTBE itself; suggests all the tanks need to be strengthened; wants to see an end to gas station wash-downs; and, wants to see improved monitoring.

A motion by Supervisor Bianchi to direct staff to revise the underground tank ordinance as described in the staff report, is discussed and withdrawn.

Board Members: address various issues, comments and concerns regarding: whether a change in the ordinance would affect all underground tanks or just commercial tanks; what requirements would be imposed; the ban in the Tahoe Basin and how this was accomplished; concerns about everyone but the industry being involved in the modifications to the ordinance and the need to involve the industry at the beginning of this process; questions regarding the monitoring of the Statewide ban on MTBE; cost to the tank owners if the ordinance is modified and private owners

of tanks are the ones that will be the most impacted, with staff responding.

A motion by Supervisor Bianchi directing staff to revise the underground tank ordinance as described in the staff report dated February 13, 2001 and return in no more than six months and sooner if possible and to take the ordinance out for review to the advisory councils and the industry, is discussed.

Supervisors Ryan and Ovitt: state they want to see all the recommendations come back at the same time.

Supervisor Bianchi agrees to amend her motion to the staff recommendation and Supervisor Ryan seconds the motion.

Mr. Church: states he doesn't think they can get the ordinance back in 90 days, but they can get a status report back by that time, with the Board indicating that is what they want.

Chairperson Achadjian: indicates he will abstain from voting on this issue as he is a gas station owner.

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

AYES: Supervisors Bianchi, Ryan, Ovitt, Pinard

NOES: None

ABSENT: None

ABSTAIN: Supervisor Chairperson Achadjian

the Board directs staff to: (1) revise the underground tank ordinance as described in the staff report dated February 13, 2001; (2) continue to research whether to ban MTBE Countywide; (3) closely monitor the State's progress on banning MTBE; and, (4) report back to the Board in 90 days.

Supervisor Bianchi: asks staff to bring back an agenda item by John Roher, Hydro geologist for Komax, Inc.

13 C-3 This is the time set for hearing to consider an appeal by Nell Langford of the Planning Commission's approval of Minor Use Permit/Coastal Development Permit to maintain an existing sand ramp at the west end of Pier Avenue and installation of sand fencing, located in the community of Oceano; 3rd and 4th District.

Ms. Pat Beck: Planning, introduces the item.

Ms. Lauren Lajoie: project manager, presents the staff report, addressing the issues raised in the appeal; presents photographs of the site.

Supervisor Ryan: questions posting to limit traffic and the sand fence, with Ms. Lajoie responding.

Ms. Nell Langford: Appellant, addresses her appeal; presents photographs of the site; presents overheads of the site plan; addresses a letter from Ron McCall regarding a 100-foot buffer; photographs of the kiosk; violations she has recently observed; urges the Board to not approve this application.

Ms. Dennis Doberneck: State Parks and Beaches (Applicant), addresses the permits they have in place; the public review and comment time frames for these permits; addresses the project; addresses the issue of pedestrian safety at this sand ramp and from 1987 to present there have been no reported accidents.

Ms. Barbara Collins: presents a packet of information to the Board and photographs of the sand ramp; comments on an article that was in the paper last weekend; feels if State Parks did regular

beach maintenance a lot of the problems would go away and the sand berm would never have formed in front of the residences in the area.

Mr. Larry Bross: presents photographs of the site and his home; shows how the sand berm has built up in front of his home; feels the public has not been given a fair hearing on the issues at the beach.

Mr. Gordon Henley: Environmental Defense Center, speaks against the staff report; feels the Board is being asked to approve a possible Clean Water Act violation; recommends either upholding the appeal or deny the request completely.

Mr. Eric Greening: speaks in support of the appeal and all the comments received today; suggests the need to have a circulation document for this area.

Ms. Tarren Collins: Chair for the Santa Lucia Chapter of the Sierra Club, presents a video showing the impacts occurring at the dunes and three letters for the record; highlights the concerns raised in these letters.

Mr. Rob Strong: addresses the issues raised in the appeal; highlights his concerns and the need to have this issue looked at by the Coastal Commission.

Mr. Doberneck: gives his closing comments and indicates he believes some of the issues raised today will be discussed at the Coastal Commission hearing tomorrow.

Ms. Langford: gives her closing comments.

Ms. Beck: presents a brief history of this issue; addresses the historical use and the capacity study on the dunes; states prior to 1983 the County didn't have any jurisdiction on what occurred here; indicates the portion of the ramp in Coastal Commission's purview has been approved and only the County's portion is at issue.

A motion by Supervisor Ryan, seconded by Supervisor Ovitt, to deny the appeal, uphold the Planning Commission's approval of a Minor Use/Coastal Development Permit D960168P, fails on the following roll call vote:

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

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

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

the Board continues said hearing to May 15, 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, February 13, 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: February 16, 2001
vms