

CALIFORNIA COASTAL COMMISSION

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IMPORTANT NOTE: The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

Appeal filed: 6/4/2010
 49th day: 7/23/2010
 Staff report prepared: 6/23/2010
 Staff report prepared by: J. Bishop
 Staff report approved by: D. Carl
 Hearing date: 7/7/2010

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal numberA-3-SLO-10-028, Warren LLA

ApplicantsWillis C. Warren Trust

Appellant.....Coastal Commissioners Mary Shallenberger and Sara Wan

Local governmentSan Luis Obispo County

Local decisionCoastal Development Permit (CDP) Application Number SUB2008-00104/COAL 09-0018 approved by the San Luis Obispo County Subdivision Review Board on May 3, 2010.

Project locationSan Simeon Creek Road (1.5 miles north of the community of Cambria and roughly ½ mile east from the intersection at Highway One), San Luis Obispo County (APNs 013-062-03 and 031-062-05).

Project description.....Lot line adjustment between two parcels of approximately 318 and 1.1 acres each, resulting in 2 parcels of approximately 316.5 and 2.6 acres each.

File documents.....Final Local Action Notice for San Luis Obispo County CDP Number SUB2008-00104/COAL 09-0018; San Luis Obispo County certified Local Coastal Program (LCP).

Staff recommendation ...**Substantial Issue Exists**

A. Staff Recommendation

1. Staff Note

Staff strongly prefers to bring appeals to a single hearing when a recommendation can be developed for both the substantial issue and de novo phases of an appeal. This approach best focuses use of limited Commission resources, and provides the best service to applicants, appellants, and other interested parties because all appeal issues can be resolved in a single hearing. The alternative is to have two separate hearings: one for substantial issue and one for de novo, and such an approach by definition takes longer and requires expenditure of more resources by all parties, including the Commission.



In attempting to streamline the process and schedule appeals for a single hearing, staff must also work within the Coastal Act framework that requires that appeals be initially heard within 49 days of the date they are filed unless the Applicant waives that right to allow for different scheduling after 49 days. In this case, the appeal was filed on June 4, 2010 and the 49th day is July 23, 2010. Due to the very short turnaround between the June Commission meeting in Marina del Rey and production deadlines for the July Commission meeting in Santa Rosa, and due to significant competing demands on limited staff and staff time, it is not possible in this case to provide recommendations for both phases of the appeal. The Applicant was provided this information and was asked if he would waive the 49-day hearing requirement, and he declined. As a result, and as much as staff would prefer a more streamlined approach, this matter is being brought forward for a substantial issue only hearing at this point in time.

Staff believes that it is important that the Commission understand why matters like this are brought forward in pieces as opposed to a coherent whole, and to also understand that this short turnaround phenomenon in these appeal situations is the norm rather than the exception. In addition, to meet the 49-day requirement, staff must expedite review of the project in question, and such expedited review leads to a domino effect on other pending matters that will necessarily be affected by this project jumping ahead in the queue. Absent waivers (or legislative change) that would allow for a more even application of limited staff time when many projects are competing for limited Commission hearing slots in the pending queue, staff's hands are tied in this respect. Thus, this appeal is before the Commission for only the substantial issue determination. Any future de novo hearing (should the Commission find substantial issue) would be at a later date.

2. Summary of Staff Recommendation

The certified San Luis Obispo County LCP requires the protection of coastal agriculture, including requiring that land suitable for agriculture to be maintained in or available for agricultural production. The Appellants contend that the County's decision is inconsistent with the LCP's agricultural protection requirements. The County's CDP decision allows for the adjustment of lot lines between two parcels and the designation of a new 6,000 square foot residential building envelope on the 2.6 acre parcel, facilitating conversion of suitable agricultural land to non-agricultural residential use that could adversely impact agriculture both individually and cumulatively, inconsistent with the LCP. **The appeal raises a substantial LCP conformance issue related to core LCP coastal agricultural resource protection requirements, and staff recommends that the Commission take jurisdiction over the CDP application for this project.** Motions and resolutions to effect this recommendation are found on directly below on page 3 of the staff report.

3. Staff Recommendation on Substantial Issue

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. I move that the Commission determine that Appeal Number A-3-SLO-10-028 raises no



substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a no vote.

Staff Recommendation of Substantial Issue. Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-SLO-10-028 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

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B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Location

The proposed project is located on the north side of San Simeon Creek Road in the North Coast Area of San Luis Obispo County.



Regional Setting

San Simeon Creek is located in northern San Luis Obispo County between the unincorporated coastal communities of Cambria and San Simeon (see Exhibit 1). This stretch of coastline is known worldwide as the home of the famous Hearst Castle, but those who live there or have visited probably appreciate it more for its rugged coastal vistas, sprawling agricultural lands, and pleasant bucolic atmosphere. The coastal scenery is stunning, and wildlife is abundant. The area supports a vibrant tourist industry sustained by its abundance of recreational activities (most notably camping, hiking and biking) as well as the beautiful San Simeon State Park, one of the oldest units of the California State Park system.

San Simeon Creek Road/Project Area

San Simeon Creek Road generally parallels San Simeon Creek as it flows down through the San Simeon Creek Valley towards the Pacific Ocean. San Simeon Creek Road is a rural road that extends a distance of approximately 5.5 miles from Highway One (and the entrance to San Simeon Beach State Park) along the valley floor before it begins to climb, and the public portion of the road ends at a locked gate approximately 8.2 miles inland. The road area up to the locked gate is mostly paved and narrow, ranging in width from 15 to 30 feet, with the narrowest portions at cattle gates. San Simeon Creek Road is a rural road that is traveled primarily by residents who live in the vicinity and by farm workers. The creek and valley also attract recreationalists who enjoy a variety of interests in the area, including bicycling, hiking, and dog walking along the road up to the locked gate, nature and landscape painting, bird watching, fishing, sight seeing, and in a few rare high water instances, kayaking.¹ There are about a dozen residences and a few agricultural operations that depend on San Simeon Creek Road for access.

Proposed Development Site

The proposed lot line adjustment is located on the north side of San Simeon Creek Road roughly ½ mile inland from its intersection at Highway One and involves two parcels of approximately 1.1 (Parcel 1) and 318 (Parcel 2) acres respectively. Both parcels, and most surrounding parcels are in the LCP's Agriculture (AG) land use category, although San Simeon State Park, which is zoned for Recreation (REC), is in close proximity and to the south of the proposed development site. Several adjoining properties are utilized for various agricultural activities. Properties to the west are grazed, a large avocado operation exists to the north, and properties to the east and southeast are also grazed and have fields that are utilized for the production of hay as well as irrigated row crops. The property immediately to the south is owned by the Cambria Community Services District (CCSD) and is the site of various municipal water wells.

Parcel 1 was enlarged from 4,300 square feet to 1.1 acres in 2007 through a prior lot line adjustment (SUB 2004-00218/COAL 04-0587). At that time, as is the case now, Parcel 1 is developed with a historic single-family residence.² As part of the previous lot line adjustment, agricultural buffers and development restrictions were required to be applied to Lot 1 to minimize the potential for

¹ Because of the limited road width and the lack of off-road area to park, pursuit of such public access opportunities along the road itself is made difficult.

² The single-family residence is a historic schoolhouse that has been converted to residential use..



incompatibilities between residential development on the parcel and adjoining agricultural lands.

Parcel 2 (roughly 318 acres) is primarily zoned AG under the LCP, although an approximately 30-acre portion is zoned REC. Parcel 2 currently hosts a variety of uses including three single-family residences, equestrian facilities, agricultural accessory structures (e.g., barns and heavy equipment storage), mining operations, and substantial stockpiling of construction related/graded materials.

See Exhibit A for a location maps and photos of the project area.

2. Project Description

The County approved project allows the reconfiguration of the two parcels as follows:

Existing Parcel Sizes (Acres)	Adjusted Parcel Sizes (Acres)
Parcel 1: 1.1 +/-	Parcel 1: 2.6 +/-
Parcel 2: 318 +/-	Parcel 2: 316 +/-

As shown in the table above, the project removes over an acre of land from the larger agricultural parcel (Parcel 2) and provides additional acreage to the smaller parcel (Parcel 1). The lot line adjustment also identifies a 6,000 square foot residential building envelope on the new 2.6-acre parcel (Parcel 1). The stated intent of the lot line adjustment is to facilitate development of a second residence on Parcel 1. Apparently, the Applicant pursued such residential development on Parcel 1 after the 2007 lot line adjustment, and the required buffers, restrictions, and related constraints precluded such development. See Exhibit B for project site maps.

3. San Luis Obispo County CDP Approval

On May 3, 2010, the San Luis Obispo County Subdivision Review Board approved coastal development permit (CDP) application number SUB2008-00104/COAL 09-0018. Notice of the County action on the CDP was received in the Coastal Commission's Central Coast District Office on May 20, 2010. The Coastal Commission's ten-working day appeal period for this action began on May 21, 2010 and concluded at 5 p.m. on June 4, 2010. One valid appeal (see below) was received during the appeal period.

4. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties,



approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development that is not designated as the principal permitted use under the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding would not need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

5. Summary of Appeal Contentions

The Appellants contend that the County’s CDP decision is inconsistent with certified LCP policies requiring protection of coastal agriculture, including LCP requirements that land suitable for agriculture be maintained in or available for agricultural production (including LCP Agriculture Policies 1 and 2). In addition, the Appellants contend that the resulting parcels do not appear to result in a position that is equal to or better for agriculture than the existing configuration, as required by the LCP (Section 21.02.030(c) of the Real Property Division Ordinance).

Please see Exhibit C for the complete appeal document.

6. Substantial Issue Determination

A. Applicable LCP Policies

LCP agricultural land use policies applicable to the project include:

***Agriculture Policy 1: Maintaining Agricultural Lands.** Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to*



serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.

Permitted uses on Prime Agricultural Lands. *Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural land and uses.*

Permitted Uses on Non-Prime Agricultural Lands. *Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non- agricultural soils, that the least amount of non-prime land possible is converted and that the use will not conflict with surrounding agricultural land and uses.[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

LCP Agriculture Policy 2: Divisions of Land. *Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:*

- a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.*
- b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.*
- c. Adequate water supplies are available to maintain habitat values and to serve the proposed development and support existing agricultural viability.*



Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that any existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

(This may lead to a substantially larger minimum parcel size for non-prime lands than identified in the Coastal Zone Land Use Ordinance. Before the division of land, a development plan shall identify the parcels used for agricultural and non-agriculture use if such uses are proposed. Prior to approval, the applicable approval body shall make a finding that the division will maintain or enhance agriculture viability.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

In addition to LCP policies identified by the appeal and cited above, Title 21 Real Property Division Ordinance also applies to the proposed lot line adjustment. This ordinance states that lot line adjustments must maintain a position which is better for agriculture or at least equal to the existing situation for the purposes of protecting agriculture relative to the County's zoning and building ordinances. Section 21.02.030(c) states:

Criteria to be considered. A lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot line adjustment will conform with the county's zoning and building ordinances. The criteria to be considered includes, but is not limited to, standards relating to parcel design and minimum lot area. These criteria may be considered satisfied if the resulting parcels maintain a position with respect to said criteria which is equal to or better than such position prior to approval or conditional approval of the lot line adjustment.

B. Analysis

The Appellants contend that the County approved project is inconsistent with the LCP's agricultural protection policies, including with respect to the criteria of Section 21.08.020(a) of Title 21 Real Property Division Ordinance of the County LCP dealing specifically lot line adjustments.

LCP Policy 1 for Agriculture requires that prime agricultural land be maintained in or available for agricultural production. Other land (non-prime) suitable for agriculture must be maintained in or available for agricultural production unless, among other reasons, its conversion will not adversely affect surrounding agricultural uses. Allowable non-agricultural uses on agricultural lands may only be permitted where the least amount of agricultural land is converted. Agriculture Policy 2 and Section 21.08.020(a) of Title 21 Real Property Division Ordinance of the County LCP are the primary LCP standards that regulate land divisions, including lot-line adjustments. Together these LCP development standards require that lot-line adjustments must not compromise the long-term viability of agricultural lands.

While lot line adjustments alone do not necessarily remove lands from agricultural production, they can



affect the long-term use of the land to the detriment of agriculture. For example, lot line adjustments can alter land use patterns, emphasizing residential development over other uses, and can create parcels too small to be economically viable for long-term agricultural use. When lot line adjustments lead to an increase in residential or urban development (such as the case here), conflicts between urban and agricultural uses increase, and the pressure to convert remaining agricultural lands also increases.

Concern regarding the incompatibility of residential development and agricultural land uses is reflected by the fact that the proposed project is a conditional, discretionary use at this site. Typical incompatibility issues raised at residential-agricultural land use interface include: noise, dust, and odors from agricultural operations and animals; road-access conflicts between agriculturally related machinery and/or animals and private automobiles; and limitations of pesticide application, residential garden pest/exotic plant species transfer to name a few. Such incompatibilities can threaten continued or renewed agricultural operations when standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as animal wastes, dust and noise from machine operations – cultivating spraying, harvesting, et al) are a threat to residential use and enjoyment of the property.

The LCP also distinguishes between prime and non-prime agricultural lands. While both are protected, the development constraints and requirements differ depending on whether land is “prime” or “non-prime”. Under the LCP, prime soils are defined as: 1) land rated as class I of II in the Soil Conservation Service classifications; 2) land rated 80-100 in the Storie Index rating; 3) land which supports livestock for food/fiber and has annual carrying capacity of at least one animal/unit per acre (defined by USDA) ; or 4) land planted with fruit or nut bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which yields at least \$200/acre. Non-prime soils are other soils classified in the Agricultural land use category of the Land Use Element.

In this case, soils on the subject parcels are diverse and include over 50 acres of prime soil, 60 acres of soils of statewide importance, and a substantial mix of other soil types that are not considered prime. Parcel 1 currently consists of roughly equal portions of non-prime *164 Los Osos Diablo Complex* and non-prime *194 Riverwash* soils. The proposal to increase the size of Parcel 1 will create roughly the same mix of non-prime soils. Although the County found that the new building envelope would not be located directly on prime agricultural soils, if this property is viewed in conjunction with neighboring parcels (some of which are under the same ownership) or as part of a larger grazing leasing operation, there may be large enough acreages for the site to be considered prime grazing land overall. In any event, the direct loss of 6,000 square feet of agricultural soils to residential use on Parcel 1 for the development envelope,³ and the overall loss of 1.5 acres (from Parcel 2 to Parcel 1) is inconsistent with the LCP because it is land suitable for agriculture that would not be maintained or available for agricultural production.

According to the County Agriculture Department the transfer of land from the larger Parcel 2 to the

³ There would be additional direct loss of agricultural acreage to residential use and development for access from the road to the development envelope, but that area has not yet been identified.



smaller Parcel 1 should not have a significant impact on the future agricultural capability of Parcel 2, “but does represent continued incremental loss of a highly productive rangeland soil.” At this time, grazing is the primary agricultural use on Parcel 2. However, the property has a water agreement with the CCSD that entitles it to receive substantial wastewater for beneficial reuse as an irrigation supply for agricultural crops. According to additional findings made by the County Agriculture Department: “It can be reasonably expected that the agricultural use of the property will intensify in the future.” This finding suggests that agricultural capability could be diminished as a result of the project because the lost agricultural acreage could be needed for agriculture as such uses intensify. This loss of needed agricultural land is in conflict with the LCP requirement to maximize the existing or potential agricultural productivity of any resulting parcel.

Substantial LCP conformance issues are also raised with respect to minimum parcel sizes. The LCP requires that agricultural parcels be at least 20 acres in size or larger depending on the type of agricultural use on the parcel.⁴ In this case, the new 2.6 acre parcel (Parcel 1) fails to meet any of the LCP minimum parcel size criteria (ranging from 20 to 320 acres) in the Agriculture land use category.

In addition, and on a cumulative basis, if the lot line adjustment and residential building envelope is approved in this case, it is reasonable to presume that other projects like it could also be approved, leading to a potential proliferation of non-agricultural residential use in this rural agricultural area (and others in the County) and could lead to cumulative adverse rural and agricultural impacts of the type identified for this specific case. In short, it is not appropriate to reconfigure agricultural property lot lines for the sole purpose of facilitating residential use, due to the potential for cumulative impacts of this type of conversion if it takes place on a broader scale. The intent of the LCP is to protect rural agricultural lands and facilitating new residential development, particularly on parcels that already provide for such use, runs counter to that LCP objective.

C. Substantial Issue Determination Conclusion

The County-approved project raises substantial LCP conformance issues because the new parcel configuration and building envelope designation will facilitate conversion of suitable agricultural land to non-agricultural use and has the potential to impact area agriculture, both individually and cumulatively. In particular, the project is inconsistent with the LCP’s agriculture protection policies because land suitable for agriculture is not maintained or kept available for agriculture. The project would fragment an already small agricultural parcel by establishing a building envelope at its center and on available rangeland. Moreover, in order for a lot line adjustment to be approved the “better or equal” test must be met. In this case, the project does not create a “better or equal” position in terms of protecting agriculture. Rather, the lot line adjustment results in greater agricultural resource impacts than under the current parcel configuration, thereby “worsening” the overall position with respect to the LCP’s agriculture protection policies and ordinances.

Thus, a substantial issue is raised with respect to the County-approved project’s conformance

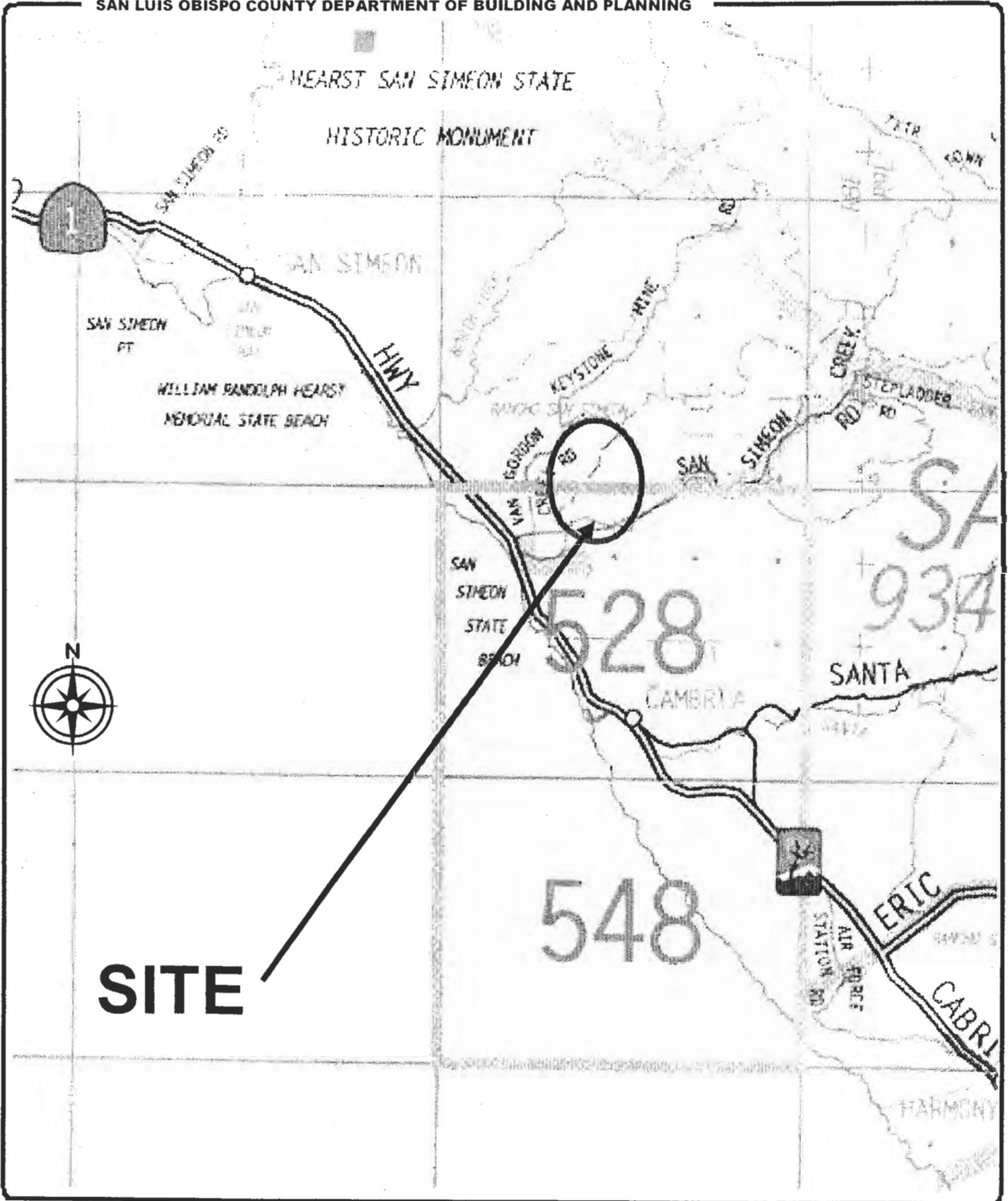
⁴ The minimum parcel size for irrigated pasture land under Section 23.04.024 of the LCP is 30 acres. Grazing land under the same LCP section requires a minimum parcel size of 320 acres.



with LCP Agriculture Policies 1 and 2, including with respect to the “better or equal” test specific to lot line adjustments under Section 21.08.020(a) of Title 21 Real Property Division Ordinance, and takes jurisdiction over the CDP application for the proposed project.



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Warren Lot Line Adjustment
COAL 09-0018 / SUB2008-00104



EXHIBIT

Vicinity Map



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-5LO-10-09B

APPEAL PERIOD 5/21 - 6/4/2010

May 12, 2010

Triad/Holmes
Attn: Cristi Fry
555 Chorro Street Suite A
San Luis Obispo, CA 93405

Warren Willis Trust
Attn: Clyde Warren
1795 San Simeon Creek Rd
Cambia, CA 93428

RECEIVED

MAY 20 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: May 3, 2010

SUBJECT: WILLIS C. WARREN TRUST
County File Number: SUB2008-00104 / COAL 09-0018
Document Number: 2010-010_SRB

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved lot line adjustment shall expire unless completed and finalized within two years after its approval or conditional approval. The expiration of an approved or conditionally approved lot line adjustment shall terminate all proceedings and no certificate of compliance recognizing the lot lines described in said lot line adjustment shall be recorded without first processing a new lot line adjustment application. Upon application by the applicant, filed prior to the expiration of the approved or conditionally approved lot line adjustment, the time at which the lot line adjustment expires may be extended by the Subdivision Review Board for a period or periods not exceeding a total of one year. (Sec 21.02.040 (f))

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues, there is a fee of \$616.00. This action may also be appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your **Project Manager, Paul Sittig**, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

Nicole Retana

NICOLE RETANA, SECRETARY
COUNTY SUBDIVISION REVIEW BOARD

FINDINGS - EXHIBIT A

Lot Line Adjustment

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed adjustment conforms to the County's General Plan, the Estero Area Plan, and the zoning and building ordinances, and the proposed configuration results in a situation that is equal to or better than the existing configuration.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.

Coastal Access

- C. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

CEQA Exemption

- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because the project is a minor lot line adjustment that will not create any adverse impacts to the environment.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance.
2. If a parcel map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
 - c. A tax certificate.
3. Any private easements described in the title report must be shown on the parcel map, with recording data.
4. When the parcel map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
5. All conditions of approval herein specified are to be complied with prior to the recordation of the parcel map or certificates of compliance which effectuate the adjustment. Recordation of a parcel map is at the option of the applicant. However, if a parcel map is not filed, recordation of a certificate of compliance is mandatory.
6. The parcel map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
7. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
8. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
9. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the parcel map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
10. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - a. An agricultural buffer prohibiting new residential structures, consisting of 200 feet along the entire length of the eastern property line, a 75 foot buffer on the western property line, a 100 foot buffer on the northern property line and a 50 foot buffer on the southern property line of Parcel 1 shall be shown on future construction permit application plans. This buffer shall be for residential structures only. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.

- b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
12. **At the time of application for construction permits for Parcel 1**, the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be completely located inside the boundaries of the building envelope on Parcel 1, as seen in the attached graphics.
13. **Prior to occupancy or final inspection of a new residence on parcel 1**, the historic school house shall be vacated as a residence (not habitable space) and shall remain vacant or be used as a residential accessory structure, such as a workshop or storage area.
14. **Ongoing preservation of the Old School House is required.** The property owner is responsible for preservation and maintenance of this historic structure, or may move the structure to a more suitable location. Maintenance is limited to preservation practices, such as replacement of the roof, siding, and paint. A letter from a qualified architectural historian shall be submitted showing compliance with the historic evaluation, dated July 2005, prepared by Bertrando & Bertrando Research Consultants.

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**



SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 3, 2010		CONTACT/PHONE Paul Sittig, Project Planner (805) 781-4374 psittig@co.slo.ca.us		APPLICANT Willis C. Warren Trust		FILE NO. COAL 09-0018 SUB2008-00104	
SUBJECT Hearing to consider a request by Willis C. Warren Trust for a Lot Line Adjustment (COAL 09-0018) to adjust the lot lines between two (2) parcels of 317 ± and 1.1 ± acres each. The adjustment will result in two (2) parcels of 316 ± and 2.6 ± acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agricultural land use category and is located approximately 2,600 feet east from the intersection of San Simeon Creek Road and Highway 1, approximately 1.5 miles north of the community of Cambria. The site is in the North Coast planning area.							
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 09-0018 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption was issued on March 18, 2010 (ED09-182).							
LAND USE CATEGORY Agriculture, Recreation		COMBINING DESIGNATION Coastal Stream, Flood Hazard, Local Coastal Plan		ASSESSOR PARCEL NUMBERS 013-062-003 and 013-062-005		SUPERVISOR DISTRICT 2	
PLANNING AREA STANDARDS: None applicable							
LAND USE ORDINANCE STANDARDS: None applicable							
EXISTING USES: Four single family residences, storage, and grazing.							
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/grazing South: Ag, Rec/water wells, San Simeon State Park East: Agriculture/grazing, orchards West: Agriculture/grazing							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Community Advisory Council, Public Works, Environmental Health, Ag Commissioner, Air Pollution Control Board (APCD), Cambria Community Services District (Water/Sewer), Cambria CSD (Fire), Cal Trans, Regional Water Quality Control Board, and the California Coastal Commission							
TOPOGRAPHY: Gently to moderately sloping				VEGETATION: Grasses, forbs, riparian, disturbed			
PROPOSED SERVICES: Water supply: On-site and off-site wells Sewage Disposal: Individual septic system Fire Protection: CalFire				ACCEPTANCE DATE: February 25, 2010			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two (2) legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
Parcel 1: 1.1 ±	Parcel 1: 2.6 ±
Parcel 2: 317 ±	Parcel 2: 316 ±

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

Parcel 1 was a 4,300 square foot antiquated schoolhouse parcel that was enlarged to 1.1 acres in 2007 through a prior lot line adjustment (SUB2004-00218, COAL 04-0587). As part of the prior lot line adjustment, agricultural buffers were required to minimize the potential for incompatibilities between future residential development on the parcel and adjoining agricultural lands. After approval of COAL 04-0587, additional analysis was completed regarding an on-site wastewater system and setbacks from adjoining public well. The analysis concluded that the resulting agricultural buffers and wastewater system setback created constraints to future residential development, requiring this currently proposed lot line adjustment.

Representatives from the County Department of Agriculture and the Planning Department met with the applicant and the neighboring property owner on the site in February, 2010. At this meeting, the setbacks as shown in the attached graphics were agreed on by all parties.

This adjustment will result in the reconfiguration of the two (2) parcels to conform to the minimum site area (1 acre) required for a residential single family residence where a well and septic system are to be located on a single lot. This lot line adjustment will also allow for sufficient space for agricultural buffers from the adjacent uses, while allowing for a more feasible residential building envelope. The proposed lot line adjustment will not increase development potential because one single family residence exists on the smaller parcel, and the proposed lot line adjustment includes a new building envelope that meets the required setbacks, which restricts development potential. Three single family residences located on the larger parcel were established prior to permit requirements and are considered legal-nonconforming uses.

The old school house, which is currently used as a single family residence, is located on parcel 1. A historic resource evaluation of the school house was performed for COAL 04-0587, and that evaluation found the school house to be potentially significant resource. The proposed adjustment will not interfere with the building as future development will be outside of the original boundaries of the 0.1 acre parcel or the school will be relocated. The development of a new single family residence inside the building envelope proposed on the adjusted parcel 1 will require that the old school house be vacated and maintained as a historic structure. These conditions are included in Exhibit B.

Subdivision Review Board
 COAL 09-0018 / SUB2008-00104 / Warren
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SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

COASTAL ZONE LAND USE ORDINANCE

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: Policy No(s): 4, 20, and 28

Agriculture: Policy No(s): 1 and 2

Public Works: Policy No(s): 1

Coastal Watersheds: Policy No(s): 1

Visual and Scenic Resources: Policy No(s): 4

Hazards: N/A

Archeology: N/A

Air Quality: N/A

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats

Policy 4: No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). *The proposed project complies with this standard, as the area subject to the adjustment is located more than 300 feet from any sensitive habitat and the adjustment will not increase development potential on the site.*

Policy 20: Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. *The proposed project complies with this standard, as the area subject to the adjustment is not in proximity is located more than 300 feet from any sensitive habitat and the adjustment will not increase development potential on the site.*

Policy 28: In rural areas (outside the Urban Services Line) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. *The proposed project complies with this standard, as the closest riparian habitat is in excess*

Subdivision Review Board
 COAL 09-0018 / SUB2008-00104 / Warren
 Page 4

of 2,000 feet from the area subject to the proposed adjustment. Riparian habitat is closer than this, but those sections are located on adjacent parcels to the east and south, but are still in excess of 300 feet from the area subject to the adjustment.

Agriculture

Policy 1: Prime agricultural land shall be maintained, in or available for, agricultural production, with some exceptions. Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses. The proposed project complies with this standard, as the underlying soils are Los Osos Diablo Complex and Riverwash, neither of which are prime soils or of statewide importance. The stated intent of the lot line adjustment is to meet both the agricultural buffer requirements and facilitate siting an on-site wastewater system between the residence and San Simeon Creek Road. To accomplish this, the proposed lot line adjustment would remove approximately 1.5 acres from the approximately 317 acre agricultural parcel. The configuration also accounts for an existing small equestrian pasture along San Simeon Road.

Policy 2: Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. The proposed project complies with this standard, because though the large parcel loses an area of viable farmland, the resulting configuration provides better agricultural buffering for future intensification on both adjoining agricultural properties. The proposed lot line adjustment is deemed equal to the current configuration in this respect.

Public Works

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the Urban Service Line shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and
- b. The proposed development reflects that it is an environmentally preferable alternative.

The proposed project complies with this standard, as the lot line adjustment will not facilitate development beyond what exists currently. The proposed lot adjustment shall provide sufficient space for an on-site septic system to support a single residence, and water is provided through an agreement with Cambria CSD for water.

Coastal Watersheds

Policy 1: Preservation of Groundwater Basins. The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. The proposed project complies with this standard, as the lot line adjustment will not facilitate increased development, and the proposed lot line adjustment does not permit any physical

Subdivision Review Board
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development. Any future development will be reviewed to address any potential impacts to coastal watersheds.

Visual and Scenic Resources

Policy 4: New Development in Rural Areas. New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. The proposed project complies with this standard, as the area subject to the adjustment will not be visible from Highway 1, nor is that area near the ridgetop or on a highly visible slope.

AGENCY REVIEW:

County Department of Agriculture – the proposed adjustment was reviewed and found it to be equal to the existing configuration (see the attached memo, dated March 25, 2010).

Public Works – recommend approval, per referral dated July 15, 2009.

Environmental Health – *No comments received prior to April 6, 2010.*

Air Pollution Control Board (APCD) – *No comment received prior to April 6, 2010.*

Cambria Community Services District (Fire) – *No comment received prior to April 6, 2010.*

Cambria CSD (Water/Sewer) – *No comment received prior to April 6, 2010.*

California Department of Transportation – *No comment received prior to April 6, 2010.*

Regional Water Quality Control Board – *No comment received prior to April 6, 2010.*

California Coastal Commission – *No comment received prior to April 6, 2010.*

LEGAL LOT STATUS:

The existing parcel 1 was legalized through a recordation of a certificate of compliance, and the existing parcel 2 was legalized through recordation of a lot merger, at a time when these were legal methods of creating lots.

Staff report prepared by Paul Sittig and reviewed by Bill Robeson.

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FINDINGS - EXHIBIT A

Lot Line Adjustment

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed adjustment conforms to the County's General Plan, the Estero Area Plan, and the zoning and building ordinances, and the proposed configuration results in a situation that is equal to or better than the existing configuration.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.

Coastal Access

- C. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

CEQA Exemption

- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because the project is a minor lot line adjustment that will not create any adverse impacts to the environment.

CONDITIONS - EXHIBIT B

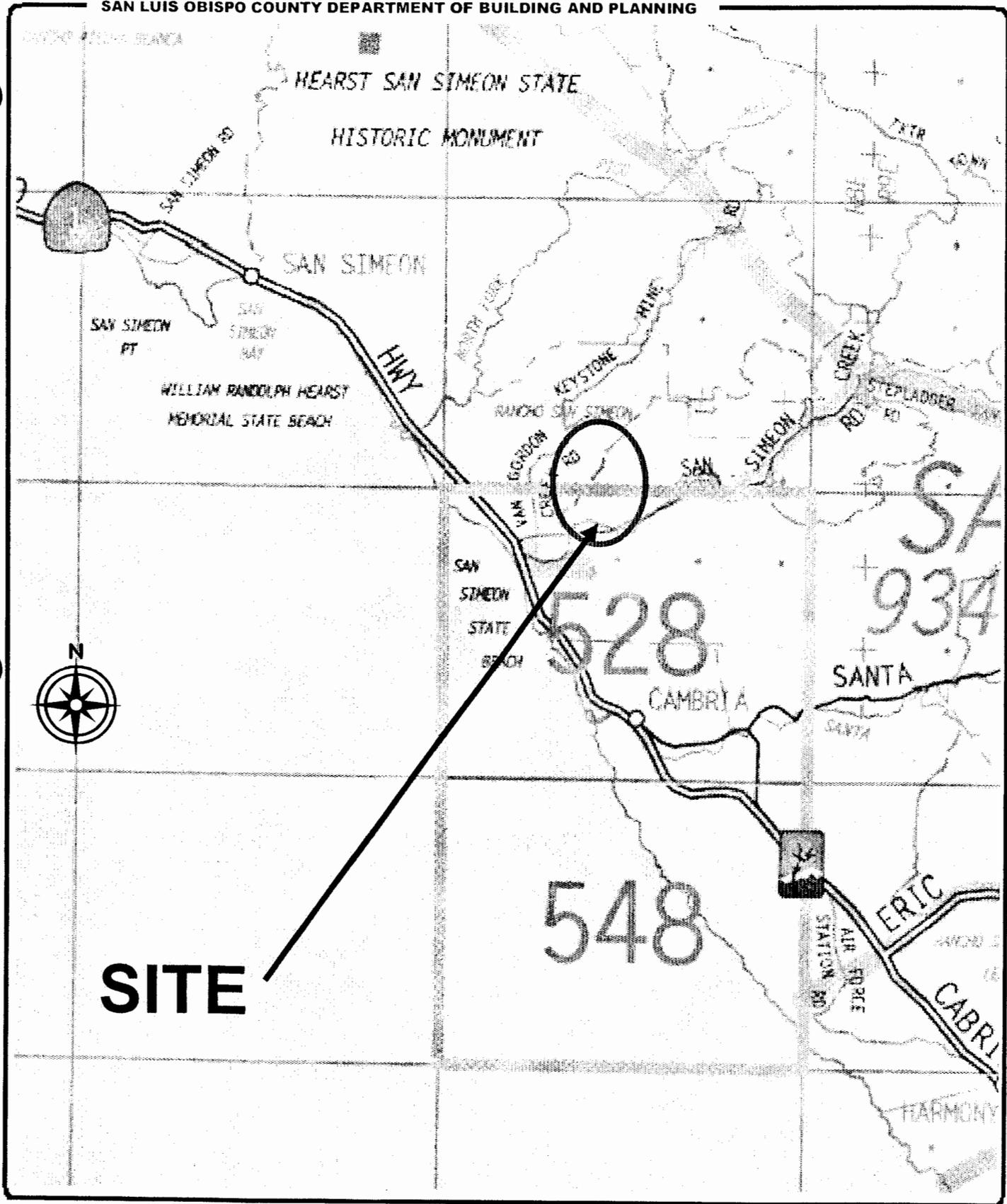
1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance.
2. If a parcel map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
 - c. A tax certificate.
3. Any private easements described in the title report must be shown on the parcel map, with recording data.
4. When the parcel map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
5. All conditions of approval herein specified are to be complied with prior to the recordation of the parcel map or certificates of compliance which effectuate the adjustment. Recordation of a parcel map is at the option of the applicant. However, if a parcel map is not filed, recordation of a certificate of compliance is mandatory.
6. The parcel map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
7. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
8. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
9. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the parcel map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
10. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - a. An agricultural buffer prohibiting new residential structures, consisting of 200 feet along the entire length of the eastern property line, a 75 foot buffer on the western property line, a 100 foot buffer on the northern property line and a 50

Subdivision Review Board
COAL 09-0018 / SUB2008-00104 / Warren
Page 8

foot buffer on the southern property line of Parcel 1 shall be shown on future construction permit application plans. This buffer shall be for residential structures only. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.

- b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
12. **At the time of application for construction permits for Parcel 1**, the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be completely located inside the boundaries of the building envelope on Parcel 1, as seen in the attached graphics.
13. **Prior to occupancy or final inspection of a new residence on parcel 1**, the historic school house shall be vacated as a residence (not habitable space) and shall remain vacant or be used as a residential accessory structure, such as a workshop or storage area.
14. **Ongoing preservation of the Old School House is required.** The property owner is responsible for preservation and maintenance of this historic structure, or may move the structure to a more suitable location. Maintenance is limited to preservation practices, such as replacement of the roof, siding, and paint. A letter from a qualified architectural historian shall be submitted showing compliance with the historic evaluation, dated July 2005, prepared by Bertrando & Bertrando Research Consultants.

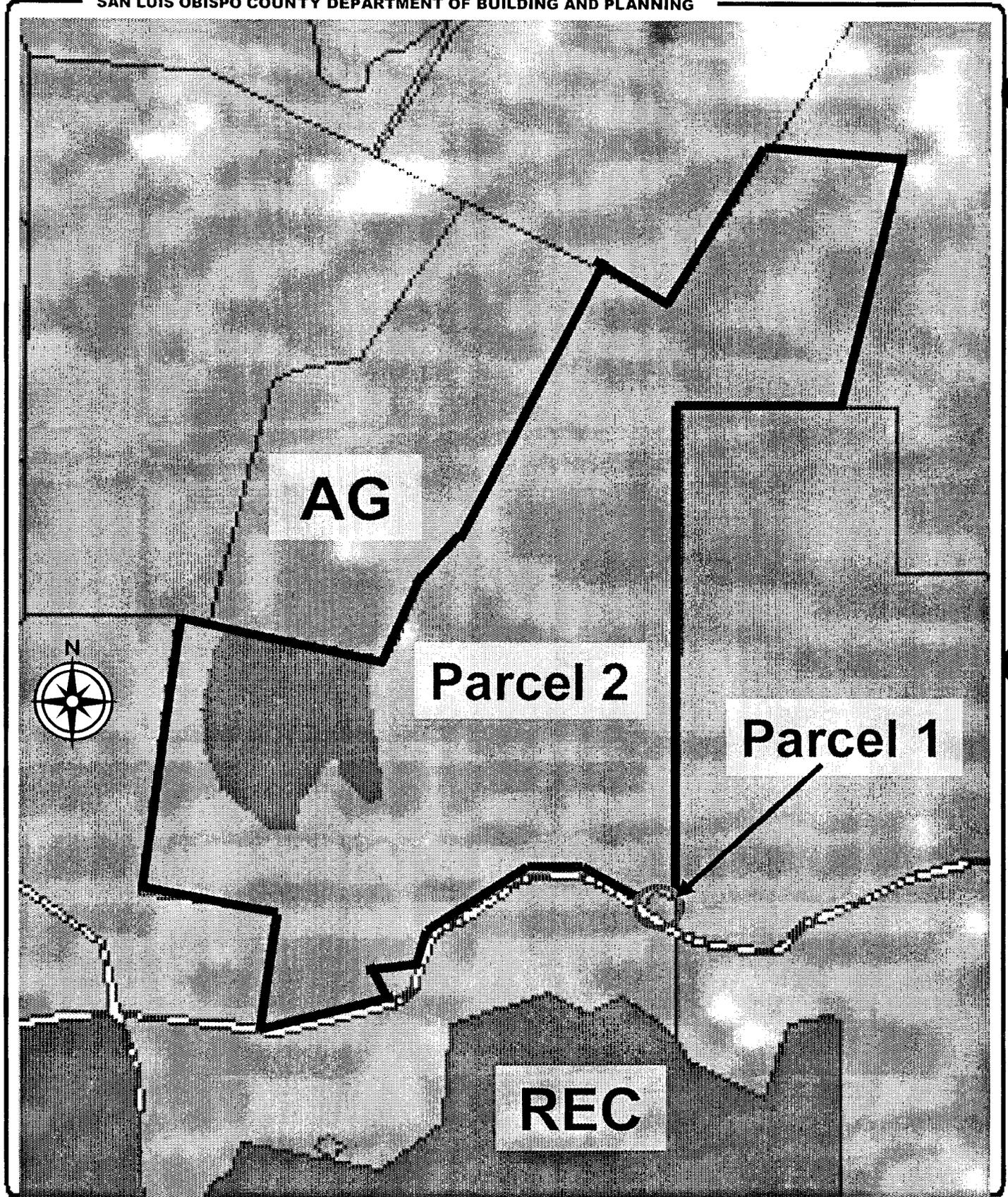
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
 Warren Lot Line Adjustment
 COAL 09-0018 / SUB2008-00104



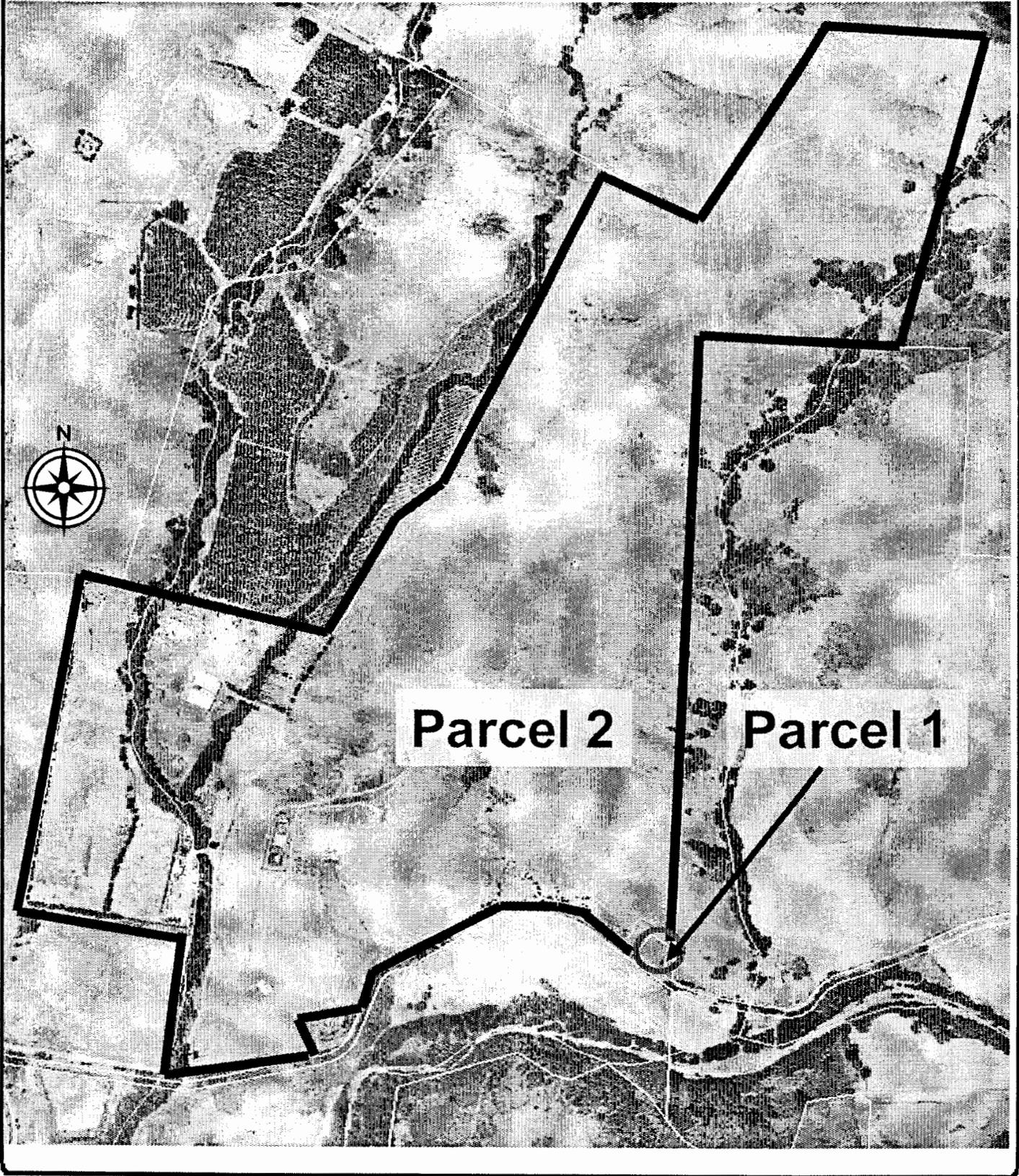
EXHIBIT
 Vicinity Map



PROJECT
Warren Lot Line Adjustment
COAL 09-0018 / SUB2008-00104



EXHIBIT
Land Use Category Map



Parcel 2

Parcel 1

PROJECT

Warren Lot Line Adjustment
COAL 09-0018 / SUB2008-00104

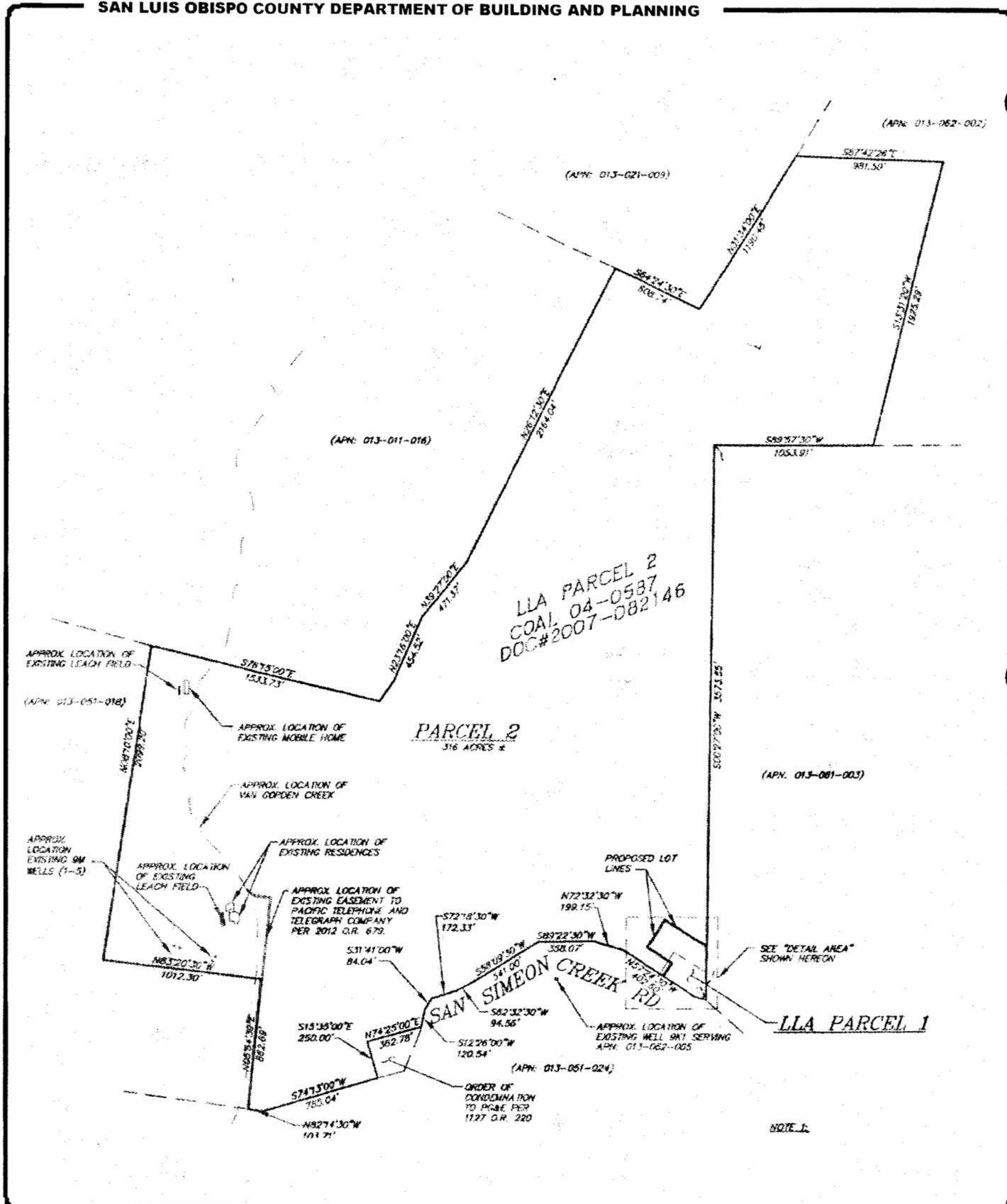


EXHIBIT

Aerial Photograph

Label San SIMONE CRK Rd.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
 Warren Lot Line Adjustment
 COAL 09-0018 / SUB2008-00104



EXHIBIT
 Site Map (Full Site)

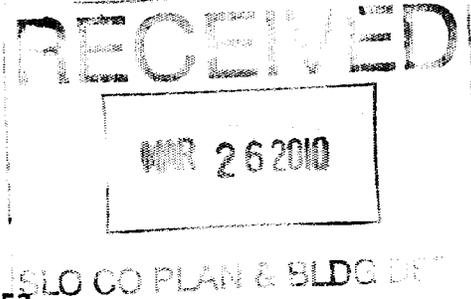
2-14



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us



DATE: March 25, 2010
TO: Paul Sittig, Planning Department
FROM: Michael Isensee, Agriculture Department *MI*
SUBJECT: Warren LLA Sub2008-00104 (COAL 09-0018) AG#1453

The County Department of Agriculture finds that the proposed lot line adjustment (LLA) as presented on the February 22, 2010 exhibit for COAL 09-0018 is *equal to* the existing configuration of the lot lines. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

The Department makes this finding due to the fact that the enlarged parcel will increase the future likelihood of compatibility between residential use of the small parcel and agricultural uses on the adjoining agricultural lands.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

Please contact me at 781-5753 if I can be of further assistance.

PROJECT DESCRIPTION AND SETTING

The applicant proposes to reconfigure two existing parcels of approximately 318 and 1.1 acres to create parcels of approximately 316 and 2.6 acres. The proposed LLA is located on the north side of San Simeon Creek Road and involves APNs 013-062-005 (parcel 1) and 013-062-003 (parcel 2).

Parcel 1 is a former 4,300 square foot antiquated schoolhouse parcel. In 2007 it was enlarged to 1.1 acres through a LLA. Agricultural buffers were required to minimize the potential for incompatibilities between future residential development on the parcel and adjoining agricultural lands. The resulting buffers created constraints to future residential development once additional analysis was completed regarding an on-site wastewater system and setbacks from adjoining public wells.

All surrounding parcels are designated *Agriculture*, although San Simeon State Park, designated *Recreation*, is in close proximity to the south of the property. The subject properties are designated *Agriculture*, although an approximately 30-acre portion of parcel 2 is designated *Recreation*. The property immediately to the south is owned by the Cambria Community Services District and is the site of various municipal water wells.

AGRICULTURAL INFORMATION

Grazing is dominant agricultural use on parcel 2. However, the property has a water agreement with the CCSD which entitles the property to substantial wastewater for beneficial re-use as an irrigation supply for agricultural crops. It can reasonably be expected that the agricultural use of the property will intensify in the future. A number of parcels surrounding the project site are under Williamson act contract, including the parcel immediately to the east of the proposed LLA.

The project site's soils are diverse and include over 50 acres of prime soil, 60 acres of farmland of statewide importance soil, and substantial quantities of other soils.

WARREN SITE SOILS		FARMLAND CAPABILITY		FARMLAND CLASSIFICATION	ACRES
CODE	SOIL NAME and SLOPE	IRR	NON-IRR		
120	CONCEPCION LOAM, 2-5%	3	3	Farmland of Statewide Imp.	30
133	DIABLO-LODO COMPLEX, 15-50%	6	6		64
142	GAVIOTA FINE SANDY LOAM, 15-50%	7	7		7
158	LOS OSOS LOAM, 5-9%	3	3	Farmland of Statewide Imp.	34
161	LOS OSOS LOAM, 30-50%	7	7		23
164	LOS OSOS-DIABLO COMPLEX, 15-30%	6	6		84
165	LOS OSOS-DIABLO COMPLEX, 30-50%	6	6		25
194	RIVERWASH	8	8		2
197	SALINAS SILTY CLAY LOAM, 0-2%	1	3	Prime Farmland	36
198	SALINAS SILTY CLAY LOAM, 2-9%	2	3	Prime Farmland	15
TOTAL (acreages approximate)					321

PROJECT ANALYSIS

The Agriculture Department considers several factors when evaluating LLAs. For a LLA to be considered "equal to or better than," all factors should either be equal to or better than the existing parcel configuration.

Configuration of the property lines

The stated intent of the LLA is to meet both the agricultural buffer requirements and siting an on-site wastewater system between the residence and San Simeon Creek Road. To accomplish this, the project removes over one additional acre from the larger agricultural parcel. The result would remove 1.5 acres from the large agricultural parcel to provide for appropriate agricultural buffers and a small residential development envelope. The configuration also accounts for an existing small equestrian pasture along San Simeon Road which the property is entitled to irrigated with potable water since it is near the CCSD public wells. Although the large parcel loses a area of capable farmland, the resulting configuration provides better agricultural buffering for future intensification on both adjoining agricultural properties. The proposed LLA is *equal to* the current configuration in this respect.

Presence of agriculturally productive soils

The current parcel 1 consists of approximately equal portions of 164 *Los Osos Diablo Complex* and 194 *Riverwash*. The proposal to expand this parcel will create a parcel of approximately 1.95 acres of the 164 soil type and 0.65 acres of the 194 soil type. The transfer should not have a significant impact on the future agricultural capability of parcel 2, but does represent continued incremental loss of a highly productive rangeland soil. The proposed LLA is *marginally equal to* the current configuration in this respect.

Eligibility of the resulting parcels for agricultural preserve contracts

Proposed parcel 2 could qualify for a Land Conservation Act contract in either its current or proposed configuration if the various uses on the parcel were found to be in compliance with the County Rules of Procedure. Proposed parcel 1 does not and would not qualify. The proposed LLA is *equal to* the existing configuration in this respect.

Other issues creating incompatibility with agriculture

The proposal does not increase the number of residences allowed on either property. The proposed LLA is *equal to* the existing configuration.

Therefore, the Agriculture Department finds the proposed LLA equal to or better than the existing parcel configuration as the adjustment provides for better agricultural-residential compatibility and does not increase development potential on either parcel.



2-17

1132 4 May 3, 2010

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

RECEIVED

DATE: 7/9/09

FR TO: PW

JUL 15 2009

TO FROM: Bill Robeson, Coastal Team

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

PROJECT DESCRIPTION: SUB2008-00104 COAL 09-0018 WARREN- LLA between 2 parcels to allow for on site sewage disposal, expansion area, and to conform with AG buffer setback requirement. APN: 013-062-003 and 005.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. By 7/24/09 please.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or, state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

recommend approval

5 7-21-09
Date

Bill Robeson
Name

5271
Phone

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Mary Shallenberger and Commissioner Sara J. Wan

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Lot line adjustment between two (2) parcels of approximately 318 and 1.1 acres each resulting in two (2) parcels of approximately 316.5 and 2.6 acres each.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Roughly 1.5 miles north of the community of Cambria, on the north side of San Simeon Creek Road roughly 1/2 mile east from the intersection at Highway One

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

RECEIVED

JUN 03 2010

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-10-028

DATE FILED: June 3, 2010

DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other - *Subdivision Review Board*

6. Date of local government's decision: May 3, 2010

7. Local government's file number (if any): SUB2008-00104/COAL 09-0018

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Willis C. Warren Trust, Attention: Clyde Warren
1795 San Simeon Creek Road
Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Triad/Holms, Attention: Cristi Fry
555 Chorro Street, Suite A
San Luis Obispo, CA 93405

(2) Nancy Orton
Permit Cheif
San Luis Obispo County Planning Dept.
976 Osos St., Room 300
San Luis Obispo, CA 93408

(3)

(4)

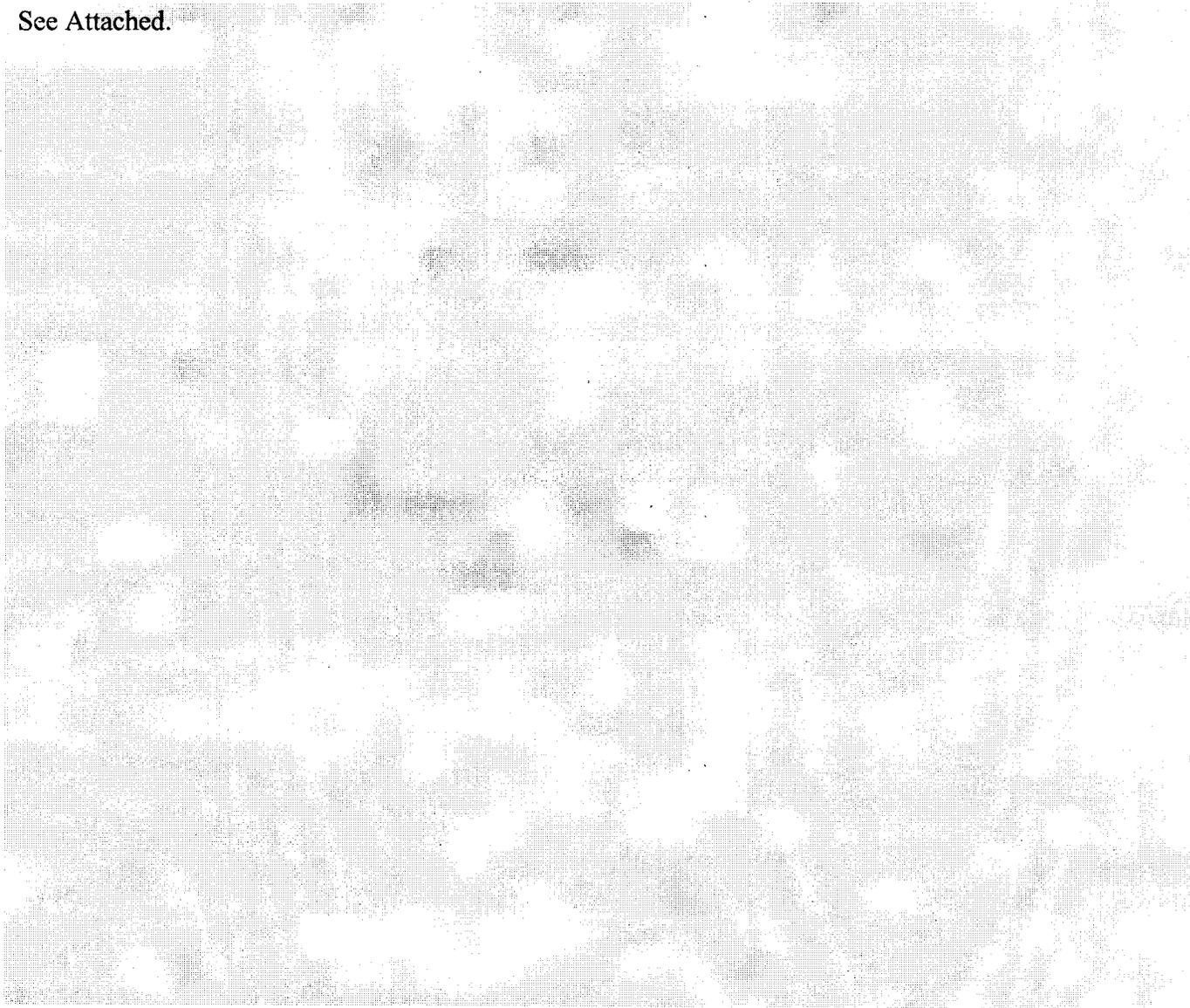
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attached.



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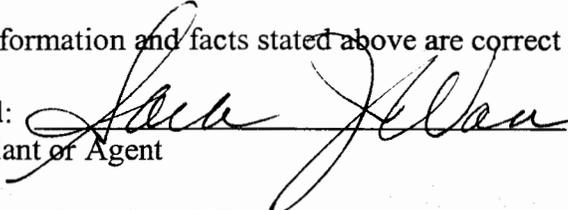
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Dated: June 3, 2010

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Dated: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary K. Challenburger
Appellant or Agent

Date: June 3, 2010

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Reasons for Appeal: San Luis Obispo County Coastal Development Permit SUB2008-00104/COAL 09-0018 – (Warren LLA)

San Luis Obispo County approved a coastal development permit authorizing a lot line adjustment between two parcels of approximately 318 and 1.1 acres each. The adjustment would result in two parcels of approximately 316.5 and 2.6 acres respectively, and the designation of a 6,000 square foot residential building envelope on the new 2.6 acre parcel. The project is located roughly 1.5 miles north of the community of Cambria, on the north side of San Simeon Creek Road roughly ½ mile east from the intersection at Highway One. The site is in the North Coast planning area and is within the Local Coastal Program's (LCP's) Agricultural (AG) land use category. The County approved project raises LCP conformance issues as follows:

The LCP requires the protection of coastal agriculture, including requiring land suitable for agriculture to be maintained in or available for agricultural production (including LCP Agriculture Policies 1 and 2). The lot line adjustment and building envelope designation will facilitate conversion of suitable agricultural land to non-agricultural residential use and may adversely impact agriculture, both individually and cumulatively, inconsistent with the LCP. In addition, the resulting parcels do not appear to result in a position that is equal to or better than the existing configuration, as required by the LCP (Section 21.02.030(c) of the Real Property Division Ordinance). The protection of coastal agriculture is a fundamental premise of the LCP, and these issues warrant a further review and analysis by the Coastal Commission.