

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200



TH56

June 26, 1996

**TO:** Commissioners and Interested Parties

**FROM:** Tami Grove, District Director  
Lee Otter, Chief Planner  
Steve Guiney, Planner

**SUBJECT:** SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-96. For public hearing and Commission action at its meeting of July 11, 1996, to be held at the Waterfront Hilton Beach Resort, 21100 Pacific Coast Highway, Huntington Beach, 92648.

#### SYNOPSIS

On May 9, 1996, the Commission extended the time limit for processing this LCP amendment which consists of amendments to both the certified Land Use Plan and the certified Coastal Zone Land Use Ordinance, as follows:

- 1) amend the certified Land Use Plan to broaden the Resource Management System level III action requirement to allow response measures other than moratoria; modify Table O by adding an alpha code by each use group and a numeric code by each use to be used as part of the computerized land use tracking system; correct use titles, alphabetization and page number of references; add Homestays as a new use and modify and clarify a number of other definitions; and amend the Combining Designation chapter to bring it into conformance with the adopted Noise Element of the general plan and;
- 2) amend the certified Coastal Zone Land Use Ordinance to modify the Minor Use Permit hearing process; clarify the "deemed withdrawn" section; add wall mural, composting, and homestay sections; change the seismic hazard section to reflect the new nomenclature; modify the access requirements for kennels; update the excluded areas for secondary dwellings; add standards for accessory restaurants in the Agriculture (non-prime soils) category and for Bed and Breakfast facilities in the Agriculture (non-prime soils), Rural Lands, and Residential Rural categories; correct definitions for urban and village reserve lines.

#### SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed changes to the certified Land Use Plan and the certified Coastal Zone Land Use Ordinance as submitted.

v. Define Ag Research Greenhouses as Ag Accessory Structures.....	9
vi. Define Commercial Composting as an Ag Processing Use.....	10
vii. Add a Definition of Homestays.....	11
2. Coastal Zone Land Use Ordinance (IP).....	11
a. Minor amendments.....	11
b. Major amendments.....	12
i. Commercial Composting Standards.....	12
ii. Update Secondary Dwelling Unit Excluded Areas.....	12
iii. Eating and Drinking Establishments Standards on Non-prime Ag land.....	14
iv. Bed and Breakfast Standards on Non-prime Ag land.....	14
v. "Homestays" Standards in Residential Land Use Categories.....	14
B. Conclusion.....	15
C. California Environmental Quality Act (CEQA).....	15

---

**I. STAFF RECOMMENDATION**

**MOTIONS AND RESOLUTIONS**

**A. APPROVAL OF LAND USE PLAN AMENDMENT AS SUBMITTED**

**MOTION:**

"I move that the Commission certify amendment # 1-96 to the County of San Luis Obispo Land Use Plan of the San Luis Obispo County Local Coastal Program as submitted by the County."

Staff recommends a **YES** vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

**RESOLUTION:**

The Commission hereby certifies the amendment to the Land Use Plan (LUP) of the County of San Luis Obispo as submitted for the specific reasons discussed in the recommended findings on the grounds that, as submitted, the amendment and the LUP as thereby amended meet the requirements of the California Coastal Act. The amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

substantive change; they are merely for clarification. The Combining Designation chapter lists and defines designations that are applied to the basic land use designations where identified special circumstances exist, such as a flood plain or historic site, and lists development guidelines for public facilities. The amendment simply makes minor modifications and clarifications to phrasing and clarifies noise standards for libraries and school sites and adds building area square-footage-per-pupil requirements for school sites. Neither amendment will change the kind, location, intensity, or density of use or modify resource protection measures and so are consistent with the Coastal Act.

**b. Major amendments.** Seven of the proposed amendments to the Framework for Planning are major amendments, that is, they do not meet the definitions of minor amendments in Commission Regulations Section 13544(d)(2) which defines as a minor amendment one which consists of "correction, reorganization, revisions, or deletion of certified language which when taken together does not change the kind, location, intensity or density of use or modify the resource protection measures for any area or property." These seven amendments would i) broaden the Resource Management System level III action requirement to include more than moratoria, which would modify resource protection measures, ii) add "Eating and Drinking" to Table O as a non-principal permitted use in the Agriculture (Non-Prime Soils) land use category, iii) add "Bed and Breakfast Facilities" to Table O as a non-principal permitted use in the Agriculture (Non-Prime Soils) land use category, iv) add "Homestays" to Table O as a non-principal permitted use in the Residential Single Family and Residential Suburban land use categories, v) modify the "Agricultural Accessory Structure" definition to include greenhouses engaged in agricultural research, vi) modify the "Ag Processing" definition to include receiving and processing of green material (i.e., composting), vii) add a definition of "Homestays" as a new use. All of these would either change the kind, location, intensity or density of use or modify resource protection measures and so are considered major amendments..

**i) Broaden the Resource Management System.** The County's Resource Management System is a kind of early warning system which estimates capacity levels for five essential resources: water supply, sewage disposal, schools, roads, and air quality. According to the Framework for Planning, *"The Resource Management System uses three levels of alert (called levels of severity) to identify potential and progressively more immediate resource deficiencies. The alerts are intended to occur while sufficient time is available for avoiding or correcting a shortage before a crisis develops. . . Level of Severity III occurs when resource use exceeds the capacity of the resource. For instance, when a groundwater basin is overdrafted or a road segment is operating beyond its design capacity, those particular resources operate at Level III.*

Levels I and II represent, respectively, "resource capacity problem" and "diminishing resource capacity." The County employs monitoring and summaries of resources to determine if thresholds for the levels of severity have been reached. The Board of Supervisors is then notified and determines what action is warranted. According to the Framework for Planning, *"If Level III is found to exist, the Board shall make formal findings to that effect, citing the basis for the findings, and shall : a. Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary. . . . b. Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion. . . . c. A moratorium on land development shall be enacted in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development. . . . d. Identify appropriate measures to reserve water supply, sewage*

secondary and incidental to the existing visitor-serving use. It would also limit the sites where such a use may be allowed to within five miles of an urban or village reserve line, and on or within one mile of an arterial or collector street, and would limit the size of such places to no more than 1,000 square feet of dining area.

Applicable Coastal Act Sections:

**Section 30241:** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy. . . .*

**Section 30242:** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Development under this proposed use change would be discretionary; the County would not have to approve such a use but, if it did, the approval could be conditioned to fit the particular situation. Additionally, since such a use would not be a principal permitted use, any County approval would be appealable to the Commission. No prime agricultural land would be converted because the proposed change would apply only to non-prime agricultural land (the County's definition of prime agricultural soils is identical to the Coastal Act definition of prime agricultural land). Although it might tend to convert other agriculturally-suitable lands to uses that are technically nonagricultural (i.e., a restaurant), such a use could only be approved as an incidental use in conjunction with an existing, conforming visitor-serving use such as a winery or riding stables, which are currently permitted in the non-prime agricultural land use category as being uses that are compatible with agriculture. Locating incidental eating and drinking establishments where there exist conforming visitor-serving uses would also tend to concentrate the development in the rural areas in those areas that are already developed and it would also limit such uses to within five miles of an urban or village reserve line, thus precluding a proliferation of such uses throughout the rural areas farthest from urban services. The relatively small size allowed for such uses (1,000 square feet of dining area) also would limit their impacts. Based on this, the proposed amendment is consistent with Coastal Act sections 30241 and 30242.

iii) Add "**Bed and Breakfast Facilities**" to Table O as a **Non-principal Permitted Use in the Agriculture (Non-Prime Soils) Land Use Category**. Currently, bed and breakfast facilities are not allowed in the non-prime agricultural land use category. Similarly to the previous proposed amendment to allow eating and drinking establishments in the non-prime ag land use category, this amendment would allow discretionary approval of bed and breakfast facilities on non-prime agricultural land in a building other than an existing single family dwelling if there is an existing, conforming visitor-serving use (e.g., wineries, riding stables, health resorts). A maximum of eight rooms would be allowed.

Applicable Coastal Act Sections:

**Section 30241:** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy. . . .*

This amendment, while adding a new use, simply would allow for the rental of up to two bedrooms in an existing single family dwelling for overnight use, not for long-term use. No cooking facilities would be allowed, nor could the owner provide meals. While these standards can be difficult to enforce, the use could only occur in already developed areas with adequate public services. The applicant for such a use would have to provide one parking space for each room rented in addition to the spaces normally required for an single family dwelling. Therefore, the proposed amendment is consistent with Coastal Act Section 30205(a).

**v) Modify the "Agricultural Accessory Structure" Definition to Include Greenhouses Engaged in Agricultural Research.** Currently, an Agricultural Accessory Structure is defined as "An uninhabited structure or building designed and built to store farm animals, implements, supplies or products (not including commercial greenhouses which are included under 'Nursery Specialties,' or buildings for agricultural processing activities) that contains no residential use and is not open to the public. . . ." The County's proposed amendment would add Also includes greenhouses engaged in agricultural research as the primary use.

Applicable Coastal Act Sections:

**Section 30241:** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy. . . .*

**Section 30242:** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

County Coastal Zone Land Use Ordinance (CZLUO) section 23.08.041b. limits the location of any agricultural accessory structure when proposed on prime soils as follows "Any agricultural accessory structure shall also satisfy the requirements or Section 23.08.167 for the location of dwellings on prime soils, in addition to all other applicable provisions of this section and this title." CZLUO section 23.08.167a. states "Primary family housing and farm support quarters shall not be located on prime agricultural soils unless there is no other building site on the ownership that is all of the following: (1) On other than prime soils; (2) Less than 20 percent slope; (3) Not within a designated Flood Hazard Combining Designation." These existing CZLUO sections contain prohibitions on development of agricultural accessory structures on prime land, unless there is no other building site. Although it is unknown how much prime agricultural land may be removed from direct agricultural production by development resulting from this proposed amendment, such development would be for direct support of agriculture through research. Presumably, the research activities would ultimately contribute to the agricultural economy through application of new technology and knowledge to crop production. Additionally, the existing certified regulations generally direct new development to other than prime soils. Allowing research greenhouses simply adds another similar type of structure to those already allowed under the definition of agricultural accessory structures. Therefore, the amendment is consistent with Coastal Act sections 30241 and 30242.

and that both could involve ornamental, landscaping products, and not necessarily food or fiber products. One use, nursery, is at the beginning of a continuum and the other use, commercial composting, is at the other end of the continuum. It might be an ideal match to have a nursery and a commercial composting use on the same site. Additionally, nurseries, in the County's definition, includes wholesale and retail sale of nursery products, not just the growing of plants. Although it is unknown how much agricultural land may be removed from direct agricultural production by development resulting from this proposed amendment, such development would be supportive of agriculture by providing places where excess agricultural waste plant material could be disposed of for reuse. The composting activities would ultimately contribute to the agricultural economy, for the same reason. According to the County, there are at least two existing commercial composting operations and the County has received inquiries from other potential operators including at least one where the expressed intent would be to utilize the compost on the same site for commercial agricultural purposes. Allowing commercial composting allows another similar type of use to those already allowed under the definition of agricultural processing. Therefore, the amendment is consistent with Coastal Act sections 30241 and 30242.

vii) Add a Definition of "Homestays" as a New Use. Please see the discussion above at iv.

## 2. Coastal Zone Land Use Ordinance (CZLUO)

a. **Minor amendments.** Ten of the proposed amendments to the CZLUO are considered minor, that is, they meet the requirements of Commission Regulations sections 13554(a) and (c). Commission Regulations section 13554(a) defines as a minor amendment one which consists of *"changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission."* Section 13554(c) defines as a minor amendment one which includes a *"change in the notification and hearing procedures that is consistent with the requirements of the Coastal Act."* These ten amendments would i) retain the noticing and appeal procedures for minor use permits (County's basic coastal development permit) but would allow for the processing of minor use permits without a public hearing if no one requested a public hearing, ii) clarify the procedure for the County to deem an application withdrawn, iii) add exterior wall murals to the list of exempt signs if they do not contain any commercial context, iv) clarify for an applicant for construction within a Flood Hazard Area that procedures for variances to federal regulations may be obtained from the Engineering Department, v) make changes to the seismic hazard section to reflect new state nomenclature about fault zones, vi) make a change to the Residential Accessory Uses section to clarify that the definition of dish antennas unquestionably describes home satellite dish antennas, vii) differentiate between the type of access requirements for kennels where there is on-site boarding and sales and access requirements for kennels where there is no on-site boarding or sales, viii) correct incorrect numbering within a section, ix) correct and clarify a poorly worded sentence about the minimum site area required for the establishment of a bed and breakfast in urban areas and, x) correct inaccurate references in the definitions of Urban Reserve Line and Urban Services Line.

*traffic capacities, and soils with limited suitability for septic system sewage disposal or subject to erosion:*

*(i) Avila. The Avila urban area as defined by the Land Use Element, San Luis Bay area plan.*

*(ii) South Bay. The South Bay urban area as defined by the Land Use Element, Estero area plan, except that where the site and a secondary dwelling unit satisfy the provisions of subsection g(1)(ii)(a) or (b), a detached unit may be allowed.*

*(iii) Specific subdivisions. Secondary dwellings are not allowed within the following tracts: 3, 4, 7, 14, 16, 17, 18, 19, 20, 21, 22, 23, 159, and 502."*

The County is proposing to delete Section 23.08.169c(1)(i), the prohibition on secondary dwellings in the Avila urban area; renumber (ii), South Bay, to (i) and modify the South Bay standards by adding references to additional design standards for secondary dwellings which were certified by the Commission in 1995; renumber (iii), Specific subdivisions to (ii) and delete reference to tracts 3, 4, 7, 16 - 23, and 502, which are all outside of the coastal zone, and to tract 14, which doesn't exist and; add a new section (iii) Regional Water Quality Control Board (RWQCB) Exclusion. All areas of the county where the RWQCB has issued a notice of resource constraint through moratoria or other means."

The reason for deleting the exclusion in the Avila urban area, and thereby allowing secondary dwellings there, is that the community now has enough water to serve any proposed units. The secondary dwelling exclusion areas are based partly on the adverse cumulative effects that increased density from the secondary dwellings would have on such things as limited water supplies. Secondary dwellings are generally allowed in the residential land use categories. This proposed amendment would not change that or allow secondary dwellings in other land use categories: it would simply allow them in an area where there is no longer any resource based constraint on their development. The proposed amendment is therefore consistent with the certified LUP.

The proposed additional references to the South Bay urban area exclusion further clarify the minimum site area required for secondary dwellings based on whether the parcel is served by community or individual water and sewage disposal. The updated references are to standards that were certified by the Commission in 1995 as being consistent with the certified LUP. Therefore, this reference update is consistent with the certified LUP.

The proposed deletions of references to Specific subdivisions delete references to subdivisions that are outside of the coastal zone and accidentally were carried over from the land use ordinance for the non-coastal areas of the County or, in the case of tract 14, do not exist. Since none of these subdivisions are in the coastal zone, this proposed change is consistent with the LUP, which governs land use only in the coastal zone.

The proposed addition of prohibiting secondary dwellings where the Regional Water Quality Control Board has issued a notice of resource constraint is consistent with the LUP because it would restrict secondary dwellings in areas where resources would be adversely impacted by further development. This is consistent with LUP policies regarding environmentally sensitive habitats and location of development.

This proposed amendment would add a new section 23.08.265 to the CZLUO, containing standards for the establishment of a homestay. The proposed standards would limit establishment of the homestay to existing single family dwellings where the use is clearly incidental and accessory to the primary use as a single family dwelling, would restrict the number of guest rooms to two, would not allow expansion of an existing dwelling specifically to accommodate homestay facilities, and would require one additional off-street parking space per guest room. As proposed, these standards are consistent with the LUP as amended to allow homestays as a new use.

### **B. Conclusion**

This submittal contains amendments to the Framework for Planning (part of the Land Use Plan) and to the Coastal Zone Land Use Ordinance (the Implementation Plan), some of which are minor, that is, they meet the requirements of Commission regulations sections 13554(a), (c), or (d). Some of the amendments are major, that is, they do not meet the requirements of sections 13554(a), (c), or (d). In all cases, the proposed amendments to the Framework for Planning are consistent with the Coastal Act, the standard of review for amendments to the Land Use Plan. Similarly, the proposed amendments to the Coastal Zone Land Use Ordinance (CZLUO) are consistent with the Land Use Plan, the standard of review for amendments to the CZLUO, either as certified or as proposed to be amended.

### **C. California Environmental Quality Act (CEQA)**

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. The County Board of Supervisors approved a negative declaration for this amendment submittal on December 5, 1995, finding that the changes would not result in harm to the environment. The findings in this report are consistent with the County's environmental analysis. Approval of the proposed amendments as submitted will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.



2. Amend the San Luis Obispo County General Plan, Coastal Zone Land Use Element/Local Coastal Plan, Framework for Planning, Chapter 3 "Resource Management System," Page 3-14, Level III Action Requirement #3; Chapter 6 "Land Use Categories," Pages 6-31 through 6-37, Table O; Pages 6-39 through 6-57, Definitions; Chapter 7 "Combining Designations," Pages 7-4, 7-19, 7-20, Noise, as appears on Exhibit G940013N:B (Revised December 5, 1995) which is attached hereto and incorporated herein as though fully set forth; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

3. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign an ordinance entitled "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, relating to MUP processing, emergency permits, exterior wall murals, curb, gutter & sidewalk requirements, composting, APCD referrals, access for kennels, secondary dwelling exclusion areas, accessory restaurants in the AG category, B & B in the AG category, and addition of homestays in the RS and RSF categories" as shown in Exhibit A (Revised December 5, 1995) which is attached hereto and incorporated herein as though fully set forth.

4. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign an ordinance entitled "An ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, relating to MUP processing, exterior wall murals, composting, access for kennels, secondary dwelling exclusion areas, accessory restaurants in the AG category, B & B in the AG category, addition of homestays in the RS and RSF categories" as shown in Exhibit B (Revised December 5, 1995) which is attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

5. Amend the San Luis Obispo County General Plan, Land Use Element, Salinas River Area Plan, official maps, as such amendment appears on Exhibit G940010M:A, attached hereto and incorporated herein as though fully set forth.

6. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibit G940013N:B and "Exhibit B" shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgement by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that the environmental documents for the above enacted amendments be approved and certified as follows:

1. Regarding the amendments which were processed on the basis of proposed negative declarations, the Board of Supervisors considered those proposed negative declarations together with any comments received during the public review process prior to approving the project. Further, on the basis of the initial study and comments received for each negative declaration, there is no substantial evidence that any of the projects will have a significant effect on the environment, therefore the Board of Supervisors hereby approves those negative declarations.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances 2740, 2741 and 2742, said date being 1/4/96, 1995. 6

EXHIBIT G940013N:B  
(Revised December 5, 1995)

**A. AMEND CZ FRAMEWORK FOR PLANNING, PART I OF THE LUE, CHAPTER 3, RESOURCE MANAGEMENT SYSTEM**

1. Page 3-14, modify Level III Action Requirements #3c as follows:
  - c. A moratorium on land development or other appropriate measures shall be enacted in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development.

**B. AMEND CZ FRAMEWORK FOR PLANNING, PART I OF THE LUE, CHAPTER 6, LAND USE CATEGORIES**

1. Page 6-31 through 6-37, add to Table O, "Allowable Uses", an alpha code by each use group and a numeric code by each use to be used as part of the computerized land use tracking system and correct use titles and correct alphabetization as follows (in addition each resulting alpha-numeric designation is to be placed next to the definition ie: Ag Accessory Structures [A1]):

A) AGRICULTURE	
Ag Accessory Structures	1
Ag Processing	2
Animal Raising & Keeping	3
Aquaculture	4
Crop Production & Grazing	5
Farm Equipment & Supplies	6
Nursery Specialties - Soil Dependent	8
Nursery Specialties - Non-Soil Dependent	9
Specialized Animal Facilities	10

<b>D) MANUFACTURING &amp; PROCESSING</b>	
Apparel Products	<b>1</b>
Chemical Products	<b>2</b>
<del>Recycling Collection Stations</del>	
Concrete, Gypsum & Plaster Products	<b>3</b>
<del>Electric Generating Plants</del>	<b>4</b>
Electrical Equipment, Electronic & Scientific Instruments	<b>5</b>
Food and Kindred Products	<b>6</b>
Furniture & Fixture Products	<b>7</b>
Glass Products	<b>8</b>
Lumber & Wood Products	<b>9</b>
Machinery Manufacturing	<b>10</b>
Metal Industries, Fabricated	<b>11</b>
Metal Industries; Primary	<b>12</b>
Motor Vehicles & Transportation Equipment	<b>13</b>
Paper Products	<b>14</b>
Paving Materials	<b>15</b>
Petroleum Refining & Related Industries	<b>16</b>
Plastics & Rubber Products	<b>17</b>
<del>Electric Generating Plants</del>	
Printing & Publishing	<b>18</b>
<del>Recycling Collection Stations</del>	<b>19</b>
Recycling & Scrap	<b>20</b>
Small Scale Manufacturing	<b>21</b>

G) RETAIL TRADE	
Auto, Mobilehome & Vehicle Dealers & Supplies	1
Building Materials & Hardware	2
Eating & Drinking Places	3
Food & Beverage Retail Sales	4
Fuel & Ice Dealers	5
Furniture, Home Furnishings & Equipment	6
General Merchandise Stores	7
Mail Order & Vending	8
Outdoor Retail Sales	9
Roadside Stands	10
Service Stations	11

H) SERVICES	
Auto & Vehicle Repair & Service	1
Business Support Services	2
Construction Contractors	3
Consumer Repair Services	4
Correctional Institutions	5
Financial Services	6
Health Care Services	7
Laundries & Dry Cleaning Plants	8
Offices	9
Offices, Temporary	10
Personal Services	11
Public Safety Facilities	12

<b>K) WHOLESALE TRADE</b>	
Warehousing	<b>1</b>
Wholesaling & Distribution	<b>2</b>

2. Page 6-35, add "Eating & Drinking" to Table O as an S-10 use in the Agriculture- Non-Prime Soils land use category.
3. Page 6-37, add "Bed & Breakfast Facilities" to Table O as an S-12 use in the Agriculture - Non-Prime Soils land use category.
4. Page 6-37, add "Homestays" to Table O as an S-12 use in the Residential Single Family and Residential Suburban land use categories.
5. Page 6-39, modify the "Agricultural Accessory Structure" definition as follows:

**Agricultural Accessory Structure [A1]**

An uninhabited structure or building designed and built to store farm animals, implements, supplies or products (not including commercial greenhouses which are included under "Nursery Specialties," or buildings for agricultural processing activities) that contains no residential use and is not open to the public. Also includes greenhouses engaged in agricultural research as the primary use. Agricultural Accessory Structures can also include but is not be limited to powered wind and solar powered devices machines used for direct climate control, and water pumping or other conversion of wind or solar energy to mechanical or thermal power used on-site. Wind energy conversion machines for electric power generation are included under "Electric Generating Plants." Includes barns, grain elevators, silos, and other similar buildings and structures.

6. Page 6-39, modify the "Ag Processing" definition as follows:

**Ag Processing [A2]**

Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm dried fruits and

10. Page 6-51, modify the "Offices" definition as follows:

**Offices [H9]**

Professional or governmental offices including:...and local post offices when located in facilities developed by private parties for occupancy by the postal service or other operator...

11. Page 6-55, modify the "Public Utility Facility" definition as follows:

**Public Utility Facilities [J5]**

Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities ~~which are not exempt from land use permit requirements by Government Code Section 53091~~: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields. ~~Nothing in this definition is intended to require a land use permit where Government Code Section 53091 would exempt local agencies from permit requirements, except in the Coastal Zone where permitting requirements are as set forth in the Local Coastal Plan.~~ These uses do not include those uses that are not directly and immediately used for the production, generation, storage, or transmission of water, wastewater or electrical power such as office or customer service centers (classified in "Offices"), or equipment and material storage yards (classified in "Storage Yards and Sales Lots).

12. Page 6-57, correct land use title as follows:

**Secondary Dwellings Units [E11]**

**C. AMEND CZ FRAMEWORK FOR PLANNING, PART I OF THE LUE, CHAPTER 7, COMBINING DESIGNATIONS**

1. Page 7-4, modify the Description of Designations paragraph as follows:

**Descriptions of Designations**

The following are descriptions and purposes of the combining designations, and general objectives to guide development in each ~~of the combining designations~~ (implemented through Chapter 23.07 of the Coastal Zone Land Use Ordinance). These objectives are ~~the~~ policy basis for the detailed combining designation standards in Chapter 23.07 of the Coastal Zone Land Use Ordinance. Additional requirements may be applied to a project located ~~on a site within~~ a combining designation by ~~localized~~ standards in Chapter 8 of

EXHIBIT A

ORDINANCE NO. 2742

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, RELATING TO MUP PROCESSING, EXTERIOR WALL MURALS, COMPOSTING, ACCESS FOR KENNELS, SECONDARY DWELLING EXCLUSION AREAS, ACCESSORY RESTAURANTS IN THE AG CATEGORY, B&B IN THE AG CATEGORY, AND ADDITION OF HOMESTAYS IN THE RS AND RSF CATEGORIES

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.02.033 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.02.033 - Minor Use Permit: The purpose of the Minor Use Permit is to: satisfy the notice and public hearing requirements established by the California Coastal Act for Plot Plans and other appealable land use permits; enable public review of significant land use proposals which are not of sufficient magnitude to warrant Planning Commission review; and to insure the proper integration into the community of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner. The Minor Use Permit process shall include the opportunity for a public hearing before the Planning Director. Plot Plans that are required to be processed as Minor Use Permits pursuant to Section 23.02.030f of this title, and are subject to a public hearing pursuant to subsection b(4)(ii), may be scheduled as consent agenda or regular agenda items at the sole discretion determined by of the Planning Director in his sole discretion. Action on a Minor Use Permit is discretionary, and may include: approval based on the standards of this title; approval with conditions; or disapproval, based on conflict with the provisions of this code, or information in the Tentative Notice of Action or public hearing testimony. When Minor Use Permit approval is required by this title, preparation and processing of the application shall be as follows:

SECTION 2: Section 23.02.033b(2) up to and including subsection (i) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (2) Public hearing procedure: Where an application is subject to a public hearing pursuant to subsection b(4)(ii), the following shall apply:
  - (i) Regular agenda. Except as provided by subsection 23.02.022(b)(2)(ii) below, all Minor Use Permit shall be heard as regular agenda items.

- (iv) In the event final action is taken ~~at the hearing~~, ~~inform these present~~ notify interested persons of the procedures by which the decision of the Planning Director may be appealed.

**SECTION 5:** The first sentence of section 23.02.033d of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- d. **Notice of Final Action.** Within 10 days of the administrative hearing, ~~or no sooner than 10 days after the date of the public notice provided pursuant to subsections b(4)(i)(a) and (b)~~, the Director shall prepare a written Notice of Final Action.

**SECTION 6:** Section 23.02.033d of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended BY ADDING NEW SUBSECTION (3) to read as follows:

- (3) **Other items.** The notice shall state that the Minor Use Permit was approved by the Director no sooner than 10 days after the date of the public notice provided pursuant to subsection b(4)(i)(a) and (b).

*Sections 1 through 6 deal with changing the process on a Minor Use Permit approval. Currently a Minor Use Permit is required to go through an identical process to a Development Plan with the only difference being that a Development Plan is heard by the Planning Commission and a Minor Use Permit is heard by a Hearing Officer. These amendments would modify the Minor Use Permit process such that a hearing would not occur unless requested by either the applicant or a party who was given notice (or other interested party). If a hearing is requested, the project would be heard on the date referenced in the notice before the Hearing Officer. If a hearing is not requested, the project is approved subject to the findings and conditions in the staff report. The same rights of appeal exist in either situation. We have this "permit wobble" currently in the large family day care section of the ordinance. Staff is now requesting that the same idea that exists for large family day care permits, be expanded to include all Minor Use Permit applications.*

**SECTION 7:** Section 23.02.036c of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- c. **Finality of county action.** A county decision on an application for a development shall not be deemed final until:
- (1) The county decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act (these can be found in Section 23.04.420 of this title); and

*This proposed amendment is to help clarify and locate the Coastal Act coastal access policies in our local ordinance.*



*This proposed amendment notifies an applicant where the procedures for this type of variance can be located.*

**SECTION 11:** Section 23.07.080a of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- a. **Seismic hazard.** Areas of seismic (earthquake) hazard are identified through application of an ~~special studies zone~~ **Earthquake Fault Zone**. ~~Special studies zone~~ **Earthquake Fault Zones** are established by the state geologist as required by Sections 2621 et seq. of the Public Resources Code (the Alquist-Priolo **Earthquake Fault Zones** Act), and are identified in the Land Use Element (Part II);

**SECTION 12:** Section 23.07.086b of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- b. **Seismic hazard areas:** As required by California Public Resources Code Section 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within an ~~special studies~~ **Earthquake Fault Zone**.

*The amendments proposed in Sections 11 and 12 change the name of the seismic hazard areas to the new title that the state now uses.*

**SECTION 13:** Section 23.08.032b of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- b. **Antennas.** Antennas (including dish antennas) for non-commercial TV and radio transmitting and/or receiving are subject to the following standards:

*This proposed amendment simply clarifies a definition of dish antennas so that the definition unquestionably describes home satellite dish antennas.*

**SECTION 14:** Section 23.08.042d of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by deleting subsection (2), changing subsection (3) to (2) and by **ADDING NEW SUBSECTION (3)** to read as follows:

(3) **Commercial Composting.** These standards apply to the establishment of a commercial composting operation in addition to any applicable standards or permits that may be required from the California Integrated Waste Management Board or the County Environmental Health Department.

(i) **Permit Requirement.** Minor Use Permit, unless Table 3-A would set a higher permit level.

(ii) **Minimum site area.** Five acres.

**SECTION 17:** Section 23.08.169c(1) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

c. Limitations of location.

(1) Excluded areas. A secondary dwelling shall not be allowed within the following areas. In such areas, secondary units are deemed to be incompatible with existing development, or the density increase resulting from secondary units pursuant to this section would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal or subject to erosion:

~~(i) Avila. The Avila urban area as defined by the Land Use Element, San Luis Bay area plan.~~

(i) South Bay. The South Bay urban area as defined by the Land Use Element, Estero area plan, except where the site and secondary dwelling satisfy the provisions of subsection g(1)(ii)(a), (b) or (c), or g(2)(ii)(a) or (b) for the applicable land use category, a detached unit may be allowed.

(ii) Specific subdivisions. Secondary dwellings are not allowed within the following tracts: ~~3, 4, 7, 14, 16, 17, 18, 19, 20, 21, 22, 23, 159 and 502.~~

(iii) Regional Water Quality Control Board (RWQCB) Exclusion. All areas of the county where the RWQCB has issued a notice of resource constraint through moratoria or other means.

**SECTION 18:** Section 23.08.169d of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

d. Permit requirement. Minor Use Permit approval is required in all areas where secondary dwellings are allowed.

*These proposed amendments will bring these sections of the ordinance up-to-date. When the original secondary unit language was added to the ordinance, it was necessary to prohibit secondary dwellings in various areas of the county due to resource constraints. Since that time, there have been changes such that a number of areas in the county where secondary dwellings previously had not been allowed could now support the additional density. Staff is recommending that the Avila area be deleted as an excluded area. Avila has lifted the moratorium that was previously in place. An exclusion is being added to reflect when the RWQCB restricts secondary dwellings because of resource limitations. As with all secondary dwellings in the Coastal Zone, a Minor Use Permit is required. This will allow staff to address any concerns through a discretionary permit.*

**SECTION 20:** Section 23.08.261a of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

a. Limitation on use:

- (1) A bed and breakfast shall be established only in an ~~existing~~ single family dwelling that has been determined by the Review Authority to be of historical or architectural interest ~~except:~~

(i) Where the bed and breakfast is located on a site in the Agriculture, Rural Lands and Residential Rural categories with an existing conforming visitor-serving facility (eg: wineries, riding stables, health resorts), it may be established in one structure, with an exterior design style that is residential or agricultural in appearance, built expressly for a bed and breakfast facility where such facility is approved with a Minor Use Permit.

(a) A bed and breakfast facility authorized pursuant to subsection (i) of this section may be allowed in addition to the number of residences allowed by Section 23.04.080 et seq.

(b) A bed and breakfast authorized pursuant to subsection (i) of this section shall only be subject to the provisions of subsections b, e, f and g of this section. Additional operational standards shall be set through Minor Use Permit approval.

**SECTION 21:** Section 23.08.261b(1) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (1) A bed and breakfast in the ~~Agriculture (non-prime soils)~~, Rural Lands, Residential Rural and Residential Multi-Family categories may be approved with a maximum of eight guest rooms.

*This proposed amendment is similar to the previous amendment in that it would expand the allowable visitor-serving uses in the Agriculture land use category. This amendment would allow the establishment of a Bed and Breakfast in the Agriculture land use category in a building that was not necessarily the primary residence where the site already contains a visitor-serving use such as a winery. These standards would apply in the Agriculture, Rural Lands, and Residential Rural land use categories.*

**SECTION 22:** Section 23.08.261f(2) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (2) Equal to the minimum parcel size required by Sections 23.04.020 et seq. ~~In other land-use categories urban and village areas.~~

*This proposed amendment corrects and clarifies a poorly-worded sentence.*

*This proposed amendment adds standards for a new use that would be allowed in the Single Family Residential and Residential Suburban land use categories. This use is defined in the Framework for Planning (definition added as an amendment included with this package) as a residential structure in single family and agricultural areas with a family in permanent residence where no more than two bedrooms without cooking facilities are rented for overnight lodging. This definition is something less than a Bed and Breakfast and something more than a single family residence. It has been proposed as a way for people to rent out one or two bedrooms in their homes, in single family residential areas (where bed and breakfasts are not allowed). It does not allow for the preparation of meals like a B and B because the idea was to create a use that would have minimal public agency regulation, but that could be advertised and generate transient occupancy tax for the county. If food is provided, the residence's kitchen would have to meet Health Department regulations for a commercial kitchen. In addition, there would be very little or no difference between this use and a B and B. In single family neighborhoods it was determined that, in order to maintain the character of the area, the use should be less than a B and B.*

**SECTION 24:** Chapter 23.11 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, definitions of Urban Reserve Line and Urban Services Line are hereby amended to read as follows:

Urban Reserve Line. As defined in ~~Framework for Planning~~ ~~Chapter 5~~, Part 1 of the Land Use Element and ~~Local Coastal Plan~~.

Urban Services Line. As defined in ~~Framework for Planning~~ ~~Chapter 5~~, Part 1 of the Land Use Element and ~~Local Coastal Plan~~.

*The amendments to the definitions are to correct inaccurate references.*

**SECTION 25.** That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

**SECTION 26.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.


ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California  
BY: VICKI M. SHELBY Deputy Clerk  
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: 11-21-95