

**CALIFORNIA COASTAL COMMISSION**

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# W 9a

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## STAFF REPORT: APPEAL DENOVO

LOCAL GOVERNMENT: County of San Luis Obispo

LOCAL DECISION: Board of Supervisors: Approved with conditions, 01/27/98  
(Upon appeal of Planning Commission denial, 10/09/97)

APPEAL NUMBER: **A-3-SLO-98-025**

APPLICANT: **BRIAN AND MARILYN SCOGGINS**

APPELLANT: John J. Maino

PROJECT LOCATION: 1540 San Bernardo Creek Road, approximately two miles east of the City of Morro Bay in the unincorporated area, San Luis Obispo County, APN: 073-151-003

PROJECT DESCRIPTION: Establishment of a temporary event site for weddings and similar gatherings on lands zoned for agricultural land uses.

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County Certified Local Coastal Program; Administrative record for permit D950222P

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### SUMMARY OF STAFF RECOMMENDATION AND STAFF NOTE

This is an appeal of a proposal to hold 12 "temporary" events per year on a 14 acre parcel in the Agriculture land use category that is developed with a single-family dwelling, farm labor housing, farm support buildings, animal pens and corrals, and crops. On April 8, 1998, the Commission opened and continued this hearing because the complete file had not been received in time for staff to fully evaluate the appeal and complete a report for the Commission. On May 13, 1998, the Commission found that a substantial issue existed with respect to the grounds on which the appeal was filed. In particular, the Commission found that the proposed use as approved by the

County was inconsistent with LCP policies and ordinances which 1) are intended to maintain agricultural lands in or available for agricultural uses, 2) govern where, when, and how a non-agricultural use can be allowed on agriculturally zoned property, and 3) define and govern temporary events. The Commission then deferred the *de novo* hearing on the merits of the project so that the applicant could gather and supply additional information to show how the proposal meets the LCP requirements for a non-agricultural use on land designated for agriculture. The applicant subsequently supplied staff with additional information. Based on this information, staff now recommends that the Commission approve a permit for the proposal, subject to the conditions below, because as conditioned the proposal is consistent with the LCP. Specifically, while it is a non-agricultural use on agricultural land, such use is nonetheless economically necessary for continued agricultural use; all agricultural land on the site is in or available for agricultural use; the majority of the parcel is in agricultural use, thereby giving priority to agriculture over other land uses; water use of the proposed use does not take priority over water for agriculture; and the new driveway, while altering the site, could be easily removed and returned to its present state if the proposed use ceased.

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### Exhibits

1. SLO County Findings and Conditions
2. SLO County Policies and Ordinance sections
3. SLO County Allowable Land Use Table and Definition of Temporary Events
4. Memorandum from Applicant's Agent Addressing Nature of and Need for Non-Agricultural Use
5. Location Map
6. Vicinity Map
7. Site Plan
8. Soils Map

## I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

### APPROVAL WITH CONDITIONS

The Commission hereby approves, subject to the conditions below, a permit for the proposed development, on the grounds that the development, as conditioned, will be consistent with the certified San Luis Obispo County Local Coastal Program, and will not have any adverse effects on the environment within the meaning of the California Environmental Quality Act.

## II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

**1. Authorized Use.** This permit allows the use of the parking area, lawn, garden, and house as depicted on Exhibit 7 for weddings and other similar commercial events for a total of 12 times per year with no more than one event per weekend for no more than two consecutive weekends, with a break of at least one week after any two consecutive weekends with events. Each event shall include no more than 100 guests and no more than 25 motor vehicles shall be used to transport guests to and from the event.

**2. Uses Specifically Prohibited.** No event on the parcel for the benefit of a non-profit organization, whether organized and/or operated by a non-profit organization or not, shall be catered by the applicant or otherwise result in the applicant realizing a profit. No kitchen facilities in any of the structures on the site shall be used for food preparation in support of any of the 12 allowed commercial events; any such use which would in effect constitute a restaurant is specifically not authorized by this permit.

**3. Acknowledgment of Pre-existing Agriculture Uses on Surrounding Parcels.** By accepting this permit, permittee acknowledges that various agricultural activities have historically occurred on surrounding lands and that current agricultural activities may change due to economic, weather, or other factors, and that agricultural activities on surrounding lands may create noise, dust, smoke, odor, etc., that could be displeasing or annoying to guests at the events. Permittee further acknowledges and agrees that such agricultural uses and aftereffects are normal to the use of agricultural lands, that they may occur as necessary for agricultural operations including at the time of an event, that guests may have to tolerate those uses and aftereffects, and that no action will be taken to interfere with those normal agricultural uses and their aftereffects which can be expected to occur.

**4. County Conditions of Approval.** All conditions of County permit D950222P, except any specific portion that may conflict with the conditions of this Coastal Commission permit, are hereby incorporated into this permit. The permittee shall submit to the Executive Director for review and approval at the same time that they are submitted to the County all plans, other permits, and information required to be submitted to the County by County conditions 2, 3, 4, 11, and 13.

**5. Agricultural Easement. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT,** permittee shall submit to the Executive Director for review and approval a copy of an easement over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, and farm labor housing accessory to the agricultural use, provided that no residential use is allowed beyond that legally existing on the parcel as of October 1, 1998, or that which may be approved by San Luis Obispo County pursuant to an application on file with the County as of October 1, 1998.

**6. Revised Plans. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT,** permittee shall submit to the Executive Director for review and approval two copies of revised site plans approved by the County which clearly delineate all uses on the site and show the amount of land area each use occupies (including unusable areas).

**7. Polluted Runoff and Best Management Practices (BMPs).** No polluted runoff from the guest parking area shall be allowed to enter the waters of San Bernardo Creek. The permittee shall maintain a minimum 150-foot buffer between the guest parking area and the creek. Other Best Management Practices as identified in the California Storm Water Best Management Practice Handbooks (March 1993) shall be applied if necessary.

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#### **IV. RECOMMENDED FINDINGS AND DECLARATIONS**

##### **A. Project Location and Description.**

The site of the proposal is a 14 acre parcel along San Bernardo Creek, at 1540 San Bernardo Creek Road, approximately 1.75 miles northeast of Highway One, two miles east of the City of Morro Bay, in San Luis Obispo County (see Exhibit 6). Although the parcel was legally created in the late 1960s, it is now non-conforming as to parcel size. Minimum parcel sizes in the Agriculture category range from 20 to 360 acres based on existing agricultural use and soil type. Currently, the site is developed with a primary residence, detached garage, avocado orchard, blueberry fields, animal corrals for keeping emus and llamas, a double wide mobile home, equipment barn, shop building, miscellaneous smaller sheds and accessory buildings, and a water impoundment fed by creek surface water and wells. About half of the parcel contains prime agricultural soils as mapped by the Natural Resource Conservation Service (see Exhibit 8).

The applicant is proposing a permanent, "temporary events" site for gatherings such as weddings, family reunions, fund raising for non-profit organizations, and other types of celebrations and functions. The County approval was for a five-year period, ending on January 27, 2003. According to the County's approval there could be a total of 12 events per year limited to weekends from May through October. Events would be allowed for no more than four consecutive weekends, with at least one weekend off after each four consecutive weekends. Each event is also limited to 100 guests and 35 automobiles or vans, except that three events may be for non-profit groups with an increased guest limit of 300; the number of allowed automobiles or vans for the non-profit events would remain at 35 (from the information supplied by the County, it is unclear if the three non-profit events are included in the 12, or if they are in addition to the 12). No new buildings or other structures are proposed except for portable toilets. Improvements would be needed for guest parking and ingress and egress. Those improvements include the construction of an additional driveway, minor existing-driveway widening, addition of a dust control binder to the proposed gravel/crushed rock parking area, and directional signs. As approved by the County, "No temporary event related parking, ground disturbance or activities shall occur on prime agricultural soils."

## B. Standard of Review and Analysis

The standard of review for this application is the San Luis Obispo County LCP. Issues are raised regarding consistency with LCP policies and ordinances 1) intended to maintain agricultural lands in or available for agricultural uses, 2) governing where, when, and how a non-agricultural use can be allowed on agriculturally zoned property, and 3) defining and governing temporary events.

### 1. Nature of Proposed Use

The proposed use is for 12 "temporary" events to be held one per weekend for no more than four consecutive weekends from May through October. The events would include, but not be limited to weddings, reunions, and anniversaries. Each event would be limited to 100 guests and 35 vehicles, except that for public fundraising events for non-profit organizations up to 300 guests would be allowed.

Potential impacts identified in the County's negative declaration include increased traffic on a narrow road with sharp curves; conflicts with surrounding agricultural uses from guest automobile traffic encountering large agricultural equipment and/or livestock on the road, and guests trespassing on and/or vandalizing agricultural property; conversion of agricultural land to non-agricultural use, degradation of water quality if guest parking occurred close to San Bernardo Creek, degradation of air quality through increased automobile traffic and vehicle travel on unpaved parking surfaces, and increased noise. The County applied conditions intended to reduce or eliminate these potential impacts.

The County approved the proposed use as a "temporary" event, which is a use that can be permitted on non-prime agricultural land. The LCP limits temporary events to a single location with a duration of " . . . no longer than *12 consecutive days, or four consecutive weekends. . . .*" (emphasis added) unless other parts of the County Code establish a different time limit or if a different time limit is approved as part of a minor use permit (coastal development permit). The County approval was for use of the site for *12 weekend* temporary events occurring not more than four consecutive weekends at a time, with at least one weekend off between the four consecutive weekends, over a period of six months (May – October) each year. LCP temporary event site design standards include, among other things, that temporary events have two unobstructed access points each 18 feet wide from the site to a public road. " Since the site had only one driveway, the County required construction of a second driveway. The LCP definition of a temporary event is one that occurs on a site which " . . . is not to be permanently altered by grading or construction of accessory facilities." The County approval apparently required a permanent alteration of the site, which would conflict with the definition of a temporary event.

Rather than a temporary event or events, the proposed use is more like an intermittent non-agricultural use occurring on agricultural lands. Therefore, the use cannot be analyzed simply as a temporary event proposal but must be analyzed as a non-agricultural use on agricultural lands.

## 2. Non-Agricultural Uses on Agricultural Lands

San Luis Obispo County LCP Agriculture Policies 1 and 3 generally require the maintenance of agricultural lands in agricultural production (see Exhibit 2 for the complete text). They address both prime and non-prime agricultural land.

### a. Maintaining Prime Agricultural Land

According to Policy 1, "Prime agricultural land shall be maintained, in or available for, agricultural production," unless 1) there are conflicts with urban uses which already severely limit agricultural use; or 2) there are public services available and conversion of the prime agricultural lands would either preserve [other] prime agricultural land or would complete a logical neighborhood and would help to establish a stable boundary between urban and rural uses; and 3) development on converted land will not diminish the productivity of adjacent prime agricultural land. Prime agricultural land is defined in the LCP as any of the following:

- i. All land which qualifies for rating as class I or II in the Soil Conservation Service land use capability classifications.
- ii. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
- iii. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
- iv. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.

Three soil types are found on the parcel (see Exhibit 8). They are 1) Cropley Clay, 2) Diablo and Cibo Clays, and 3) Los Osos Loam. Of these three, only the Cropley Clay meets any of the definitions of prime agricultural soils or land. Specifically, Cropley Clay is rated as Class II when irrigated. Diablo and Cibo Clay are rated as class IV and Los Osos Loam is rated as Class III. None of the three soil types on the site qualify for a Storie Index Rating of 80 to 100; they range from 38 to 65.

The existing house, lawn, gardens, and reservoir total about 1.2 acres; the existing agriculture support structures total about 0.5 acre; streams and stream banks total about 1.5 acres; the rest of the parcel, about 11 acres, is in agricultural use (these figures are rough approximations; the applicant is required to submit revised plans which clearly show all uses on the parcel and their areas). The agricultural uses are livestock raising (emus and alpacas) and fruit crops (avocados, blueberries, and oranges).

Even though the Soil Conservation Service (now the Natural Resources Conservation Service, or NRCS) classified some of the site as having soil types other than prime, such agricultural lands could meet definitions iii and iv and therefore be considered prime agricultural land. In the opinion of County Agriculture Department staff, the land in crops does qualify as prime land under the LCP's definition iii, while the land used for animals does not qualify as prime land

under the LCP's definition iv (definition iv requires an intensive animal use such as would be found in an irrigated pasture).

Still, the proposed use, if located on prime agricultural land, would be a conversion from agricultural use and would clearly be inconsistent with the LCP because it would neither maintain the land in agricultural use nor make it available for such use. Some of the originally proposed parking area, which is now a fenced, unused area, extended onto the mapped prime land in the applicant's initial submittal to the County. The applicant subsequently proposed a revised parking area that did not encroach onto prime land. Since none of the proposed parking will encroach onto mapped prime agricultural soils, but instead will be located on land used for animal raising (not considered prime agricultural land) and because the only other area to be used for the events are the existing house, lawn, and garden areas (not considered to be prime agricultural land), no prime agricultural land is involved. Additionally, the County's condition 1, incorporated into this Coastal Commission permit, prohibits event-related parking, ground disturbance or activities on prime agricultural soils. Therefore, the proposed use is consistent with Agriculture Policy 1 regarding prime agricultural land.

#### **b. Maintaining Non-Prime Agricultural Land**

For non-prime agricultural lands, Agriculture policy 1 states that

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 land or concentrate urban development in or contiguous with existing urban areas having adequate existing public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

Agriculture policy 1 further states that uses on non-prime agricultural lands may be permitted

where it can be demonstrated that no alternative building site exists except on non-[prime] agricultural soils, that the least amount of non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

The non-agricultural uses that may be permitted on non-prime agricultural land are: Communication Facilities, Coastal Accessways, Passive Recreation, Rural Recreation & Camping, Temporary Events, Electric Generating Plants, Food & Kindred Products, Paving Materials, Recycling Collection Stations, Stone & Stone Cut Products, Caretaker Residence, Farm Support Quarters, Home Occupations, Mobilehomes, Residential Accessory Uses, Single-Family Dwellings, Temporary Dwelling, Fisheries & Game Preserves, Forestry, Mining, Petroleum Extraction, Water Wells & Impoundments, Eating & Drinking Places, Outdoor Retail Sales, Roadside Stands, Public Safety Facilities, Accessory Storage, Temporary Construction Yards, Waste Disposal Sites, Bed & Breakfast Facilities, Temporary Construction Trailer Park, Airfields & Landing Strips, Pipelines & Transmission Lines, Public Utility Facilities, Warehousing, and Wholesaling & Distribution.



Agricultural policy 3 states

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.

Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.050 implements Policy 3.

Together, Policies 1 and 3 and CZLUO Section 23.04.050 establish several tests which must be applied to any proposal for non-agricultural use on non-prime agricultural land. At the request of staff, the applicant's agent has submitted additional information responding to the requirements of the LCP which must be addressed before a non-agricultural use may be allowed on agricultural land (see Exhibit 4). These requirements are detailed in Table 2 on pages 11 – 14, and are summarized below. The ten tests include:

1. *The conversion of non-prime agricultural land would preserve prime agricultural lands or concentrate urban development in or adjacent to existing urban areas with adequate public services.*

The location of the proposed use would preserve prime land in that it would be located on non-prime land. It would also preserve prime land because of the requirement for an agricultural easement over the remainder of the property.

2. *Continued or renewed agricultural use is not feasible.*

The applicant has submitted information, which shows that income from the agricultural operations, plus the income from the events still will not cover the costs of the agricultural operations. Therefore, continued or renewed agricultural use is not feasible without a supplemental use.

3. *The conversion would not adversely affect adjacent agricultural uses.*

As conditioned to limit the number of vehicles, reduce the frequency of events as approved by the County, and to require the permittee to acknowledge and accept normal agricultural practices on adjacent ownerships, the proposal would not adversely affect adjacent agricultural uses.

4. *No alternate sites are available other than on non-prime land.*

The parcel is designated agricultural and has both prime and non-prime land. There is no non-agriculturally designated land on the parcel. This permit (via incorporation of the County's conditions) excludes the mapped prime land from consideration for the proposed development. The only new parts of the proposal are the proposed parking area and driveway. Those would be on land that is or can be used for livestock and that does not have mapped prime soils. As mentioned above, in the opinion of County Agriculture Department staff, the land used for livestock that does not have mapped prime soils does not, based on its use, qualify as prime land. The proposal is therefore limited to non-prime land.

5. *Conversion will be compatible with preserving a maximum amount of agricultural use.*

The non-agricultural use not already existing, the parking area and driveway, would be on non-prime land. The non-agricultural use would be limited to 12 days per year. The required agricultural easement over all other land except the existing non-agricultural uses and the non-agricultural use allowed by this permit would preserve a maximum amount of land for agricultural use.

6. *The proposed use will support continued agricultural use of the parcel.*

The information supplied by the applicant shows that agricultural production costs are significantly greater than agricultural income. Although it would not make up the difference between agricultural production costs and income, the proposed non-agricultural use would lessen the gap between costs and income. It would, therefore, support continued agricultural use of the parcel.

7. *Buffers are provided between agricultural and non-agricultural uses.*

Buffers are intended to separate the two types of uses so that one does not interfere with the other and especially so that agriculture will not be inhibited by non-agricultural uses. On the parcel, no specific buffers between agricultural and non-agricultural uses are required. The agricultural easement will delineate the agricultural and non-agricultural areas and will ensure that the non-agricultural use will not be adversely impacted by the proposed use. No specific buffers are required between the on-site non-agricultural use and agricultural uses on adjacent properties. However, Special Condition 3 requires the applicant to acknowledge and accept the historical, existing, and future agriculture uses and accompanying noise, dust, etc., from adjacent agricultural lands and not interfere with normal agricultural operations. Therefore, although no physical buffers are required, the agricultural easement and the acknowledgment of agricultural uses on adjacent properties will in effect act as "buffers."

8. *Adequate water is available to maintain habitat values and serve both the proposed use and existing and proposed agricultural operations.*

The only use of on-site water would be that used by a bridal party, for example, during changing and preparation for the ceremony. Drinking water for guests would be provided from bottled water brought to the site. Chemical, portable toilets would be provided. Those would come from off-site and water needed for hand washing would be brought to the site as part of the toilets, which would be self-contained. The applicant estimates that total on-site water demand for the 12 events would be about 0.0044-acre feet per year, or about 1434 gallons. That amount is about 0.024 percent of the estimated total water use on the parcel. That is an insignificant amount that would have no identifiable impact on habitat values or on agricultural operations.

9. *On-site water and sanitary facilities shall be provided; no urban sewer and water services are allowed.*

Refer to number 8, above.

10. *The remainder of the parcel shall be secured in agricultural use through an agricultural easement and no land division is involved.*

Special Condition 5 requires an agricultural easement. No land division is involved.

As conditioned, the Coastal Commission permit would allow an annual cumulative maximum total of 1200 guests; the County's permit would allow from 1800 (if three "non-profit" events are included in the 12) to 2100 (if "non-profit" events are in addition to the 12) guests. Fewer cars per event would be allowed under the Coastal Commission permit; a total of 12 events, whether "for-profit" or "non-profit" would be allowed with half the frequency of the County approval; and agricultural use of the property would be ensured through the agricultural easement.

Additionally, County conditions 1 and 3, incorporated into this Coastal Commission permit, prohibit parking along San Bernardo Creek Road, require staffing to prevent trespass onto neighboring property, and require preparation of a brochure for attendees which includes warnings about the physical nature of San Bernardo Creek Road (narrow, sharp curves), the fact that farm equipment may be on the public roadway, and prohibition of interference with agricultural operations.

Finally, by accepting this permit, the applicant acknowledges existing and historic agricultural uses and aftereffects (noise, smoke, dust, odor, etc.) that may be annoying to guests and that the applicant will not interfere with normal agricultural practices occurring on surrounding lands.

The differences between the County's approval and the Coastal Commission's approval are shown in the table below.

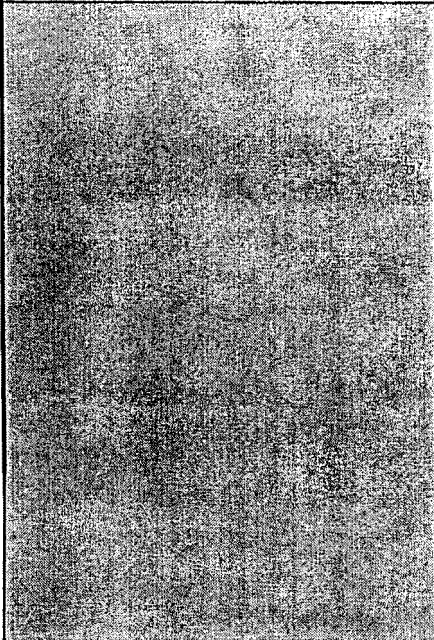
**TABLE 1**

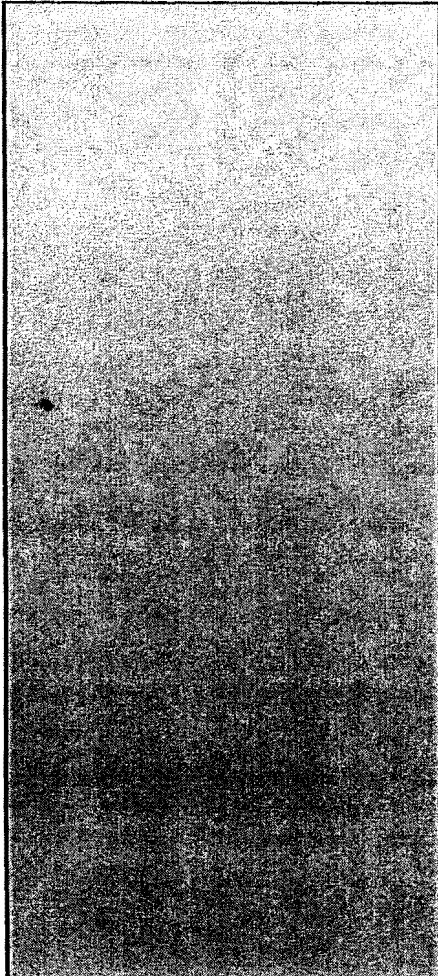
<b>Coastal Commission Permit</b>	<b>County Permit</b>
100 guests	100 guests; up to 300 for "non-profit" events
25 vehicles	35 vehicles
12 events, total, per year whether "for-profit" or "non-profit"	Unclear if 12 events annually includes 3 "non-profit" events or if those 3 are additional events
No more than two consecutive weekends	Up to four consecutive weekends
Agricultural easement required	No easement required

The table on the next four pages lists the various requirements of Agriculture Policies 1 and 3 and CZLUO Section 23.04.050, and addresses the LCP-consistency of the proposed use.

TABLE 2

Agriculture Policy 1, paragraph 2	Agriculture Policy 3	CZLUO Section 23.04.050	Is Proposal Consistent with the LCP?
Non-prime agricultural land suitable for agriculture shall be maintained in or available for agricultural production unless 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			Yes. Proposed development would not result in conversion of non-prime agricultural lands because use would occur on non-prime agricultural land no more than 12 days annually. The rest of the year, the non-prime land would be available and used for animal raising.
	a. No development permitted on prime agricultural land. Development on non-prime land is permitted if it is shown that all agriculturally unsuitable land is developed or is undevelopable.	23.04.050b.(6)(i). No development shall occur on prime soils except where demonstrated that all agriculturally unsuitable land has been developed or cannot be used because of terrain constraints	Yes. Development would be on non-prime agricultural land and there is no agriculturally unsuitable or undevelopable land on the parcel.
Non-prime agricultural land suitable for agriculture shall be maintained in or available for agricultural production unless continued or renewed agricultural use is not feasible	b. Agricultural use is not feasible as determined by economic studies of existing and potential agricultural use without the proposed supplemental use.	23.04.050b.(6)(iii). The proposed non-agricultural use shall support and be economically necessary for primary use of the site as a productive agricultural unit.	Yes. Information has been submitted which shows that the proposal is economically necessary for continued agricultural use (see Exhibit 4).
See above	c. The proposed use will allow for and support continued use of site as a productive agricultural unit.	23.04.050b.(6)(iii) above	Yes. See "b" above.

<p>Non-prime agricultural land suitable for agriculture shall be maintained in or available for agricultural production unless the permitted conversion will not adversely affect surrounding agricultural uses.</p>	<p>d. Proposed use will not adversely affect existing or new agricultural uses on the remainder of the site or on nearby properties.</p>	<p>23.04.050b.(6)(iv). Proposed use shall provide buffers between on- and off-site agricultural and non-agricultural uses.</p>	<p>Yes. Agriculture easement required which will protect on-site agricultural uses, and Condition 5 that requires permittee to acknowledge agricultural uses and agree to not interfere with those uses. Buffers on-site addressed by easement which will delineate agricultural areas and non-agricultural areas. Creek and road provide physical buffers between on-site non-agricultural use and off-site agricultural uses.</p>
	<p>e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.</p>	<p>23.04.050b.(6)(iv) above</p>	<p>Yes. See "d" above.</p>
	<p>f. Adequate water is available for habitat values and to serve the proposed use as well as existing and proposed agricultural uses.</p>	<p>23.04.050b.(6)(v). Adequate water resources are required on-site to maintain habitats and serve both the agricultural use and the proposed use.</p>	<p>Yes. Information has been provided which shows that the water used by the proposed use is minimal and constitutes less than 10 % of agricultural use. Further, portable chemical toilets are provided for guests and the toilet rental company brings water associated with them to the site.</p>
	<p>g. No extension of urban sewer and water services is permitted and the permitted development shall provide water and sanitary facilities on-site.</p>	<p>23.04.050b.(6)(vi). Urban water and sewer service shall not be extended to support on-site agricultural or other uses.</p>	<p>Yes. No utility extensions are required.</p>

	h. No land division is required and the remainder of the parcel is secured in agricultural use through an agricultural easement.	23.04.050b.(6)(vii). The project shall not require a land division.	Yes. No land division is proposed and, as conditioned, an agricultural easement is required.
	i. A site plan shall be submitted showing subsequent phases of development, undevelopable non-agricultural land, and all land to be used for agricultural purposes. Total non-agricultural development areas must not exceed 2 percent of the gross acreage of the parcel.	23.04.050b.(5). Application content. Application shall contain information required by section 23.02.033 et seq., as well as additional information required by this section.	Yes. Although site plan submitted to County did not clearly show agricultural and non-agricultural land, this permit is conditioned to require submittal of a revised site plan showing these areas and the agricultural easement required by this permit will delineate these areas. This permit does not allow any subsequent phases. The proposed new area of use, the parking area, will require about 8125 square ft., or about 1.3 percent of the gross parcel area. The other areas proposed for the use, the house, lawn, and garden total about 1.2 acres, or about 8.6 percent of the gross area. However, those areas already exist.
	j. A demonstration that revenues to local government would equal the public costs of providing necessary roads, water, sewers, fire and police protection.	23.04.050b.(5)(ii). Requires documentation demonstrating that revenues to local government from project will equal public expenses to provide or maintain public services to serve the project.	Yes. Documentation has been provided which shows that revenues to local governments will exceed public expenses associated with the project. No public expenses are anticipated.

	<p>k. A demonstration that the project siting and design would protect habitat values and be compatible with the scenic, rural character of the area.</p>	<p>23.04.050b.(5)(iii). Requires documentation that demonstrates that the proposal is designed and sited to protect habitat and be compatible with rural character of surrounding area.</p>	<p><b>Yes.</b> As conditioned to limit number of events and number of attendees, to maintain 150 foot buffer between parking and creek, and to require polluted runoff prevention, the proposed use will protect habitat values and, since the site is already developed, will be compatible with the rural character of the area.</p>
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The Coastal Zone Land Use Ordinance (CZLUO) limits non-agricultural use to no more than two percent of the gross site area. On this 14-acre parcel, that equals 12,197 square feet. The house, lawn, and garden occupy about 36,450 square feet or about 6 percent of the gross site area. As conditioned to limit guest vehicles to 25, the parking area would occupy about 8505 square feet. The new driveway would be about 1620 square feet in area. Combined, the parking area and driveway together will occupy about 10,125 square feet or 1.6 percent of the gross site area. The intent of the ordinance section limiting non-agricultural area to 2 percent of the gross site area is to limit conversion of agricultural land and maintain agriculture as the primary use on the site. In this case, the house, lawn, and garden are existing; no change in percentage of agricultural and non-agricultural uses will occur if those features are part of a non-agricultural use. Only the 10,125 square feet of the driveway and parking area can be considered to alter the land use percentages. Since the driveway and parking area will occupy only 1.6 percent of the gross site area, the proposal is consistent with the CZLUO requirement that non-agricultural use be limited to 2 percent of the gross site area.

Given the existing configuration of uses on the parcel, the less-than-maximum-allowed additional area devoted to the events, and as conditioned, the proposed use is subordinate to agricultural uses on the site.

The proposed use is neither commercial recreation nor strictly visitor-serving, the two kinds of uses that are to be given priority when a supplemental use is needed. Commercial recreation would probably need more than 2 percent of the gross site area and perhaps the entire site. The location of the site would not be conducive to commercial recreation, especially commercial recreation oriented to coastal themes. Some of the guests for some, if not most or all of events such as weddings will come from out of the area and would be visitors. The proposed use could be visitor-serving in that sense. Coastal Table "O" lists potential uses in each land use category. Commercial recreation and visitor-serving uses listed as potential uses on non-prime agricultural land are coastal accessways, passive recreation, rural recreation and camping, temporary events, and bed and breakfast facilities. Coastal accessways are clearly not applicable. According to the County's Land Use Definitions, passive recreation includes activities such as riding and hiking trails, and nature study needing only limited structural improvements such as steps, fences, and signs. There is no particular attraction on or nearby this site that would invite passive recreation. Rural recreation and camping, according to the County's definitions includes facilities for group activities such as archery and pistol ranges, dude ranches, health resorts, and camping. These more active uses would not be compatible with the site or agricultural uses on and off the site. However, the CZLUO does not require that a supplemental non-agricultural use be a commercial recreation or visitor-serving one, merely that those types of uses have priority over other types.

While this site is not well suited for commercial recreation or visitor-serving uses because of the small size of the parcel and the lack of a significant recreation potential or visitor attraction, it does constitute the general type of use contemplated by Table "O" and therefore, as conditioned, is allowable under the certified LCP.



### 3. Water Supply and Use

Agriculture Policy 3 requires that adequate water be available "...to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations." Agriculture Policy 7 states that "Water extractions consistent with habitat protection requirements shall give highest priority to preserving available supplies for existing or expanded agricultural uses." Coastal Watersheds Policy 6 states that "Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats." These policies are similar and protect the priority status of agricultural uses concerning water supply within the context of protecting habitat values.

According to the applicant, drinking water for the events would be bottled water brought to the site. Portable toilets with attached hand-washing sinks and water tanks, filled offsite, would be trucked to the site. The information the applicant has provided states that "The only onsite water consumption associated with the temporary events would be the wedding party's usage of the one-room guest house bathroom, where the bride prepares for the ceremony." Guests would not be allowed to use that bathroom.

Figures supplied by the applicant indicate that events water use would equal 0.0044-acre feet per year. Estimated total annual water use on the parcel is 18.44-acre feet. Thus the water use attributable to the events would be approximately 0.024 percent (0.00024) of the total water use on the parcel. The applicant's water sources include a domestic well, an agricultural well, and a reservoir/pond. No records exist for the amount of pumping for agricultural use and for domestic use since both wells are on the same electric meter. Further, the applicant has owned the parcel for only two rainy seasons, one of which had abnormally high rainfall, and additional crops have been planted in that time.

It is clear that whatever the actual agricultural water use, the water use associated with the events is extremely small and could not adversely affect agricultural production or habitats. Therefore, the project is consistent with the applicable LCP policies cited above.

### 4. Parcel Size

Although not a consideration under the LCP, the size of this parcel makes it an atypical agricultural parcel. It is below the minimum size currently required for agricultural parcels and so agricultural self-sufficiency is questionable. With different soils and/or intensive irrigated agriculture, a parcel of this size might be agriculturally viable without the need for income from a non-agricultural use. The Commission finds that the parcel is of a size that is atypical of most agricultural parcels similarly situated and with similar soils and that because of this some sort of non-agricultural use is necessary to ensure continued agricultural production on the parcel. The Commission also finds that the decision to approve the proposed non-agricultural use on this parcel should not be considered precedent setting for other agricultural parcels in the coastal zone, given the anomalous nature of this particular agricultural parcel.

### **C. California Environmental Quality Act**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Certain potential adverse effects were identified in the analysis of this appealed project, but are reduced to a less than significant level through the Special Conditions cited previously. Therefore, the Commission finds that the proposed project, as conditioned, will not have any adverse effects within the meaning of CEQA.

*Plan*

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_ Tues \_\_\_\_ day \_\_\_\_ January 27 \_\_\_\_\_, 19 \_\_\_\_ 98 \_\_\_\_

PRESENT: Supervisors Harry L. Ovitt, Laurence L. Laurent, Peg Pinard, Ruth E. Brackett  
and Chairperson Michael P. Ryan

ABSENT: None

RECEIVED

FEB 20 1998

RESOLUTION NO. 98-32

S.L.O. COUNTY  
PLANNING DEPT.

RESOLUTION REVERSING THE DECISION OF THE  
PLANNING COMMISSION AND CONDITIONALLY  
APPROVING THE APPLICATION OF MARILYN SCOGGINS FOR  
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT D950222P

The following resolution is now offered and read:

WHEREAS, on October 9, 1997, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application of Marilyn Scoggins for Minor Use Permit/Coastal Development Permit D950222P; and

WHEREAS, Marilyn Scoggins has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 27, 1998, and determination and decision was made on January 27, 1997; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld and the decision of the Planning Commission should be reversed and that the application should be approved subject to the findings and conditions set forth below.

EXHIBIT 1

A-3-SLO-98-025

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.
5. That the appeal filed by Marilyn Scoggins is hereby denied and the decision of the Planning Commission is reversed and that the application of Marilyn Scoggins for Minor Use Permit/Coastal Development Permit D950222P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Ovitt seconded by  
Supervisor Brackett, and on the following roll call vote, to wit:

AYES: Supervisors Ovitt, Brackett, Pinard

NOES: Supervisors Laurent, Ryan

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Michael P. Ryan

Chairman of the Board of Supervisors

ATTEST:

Julie L. Rodewald  
Clerk of the Board of Supervisors

BY: CHERIE ALSPRING Deputy Clerk

[SEAL]

**EXHIBIT** 6 p2

A-3-SLO-98-025

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: 

Deputy County Counsel

Dated: JANUARY 27, 1998

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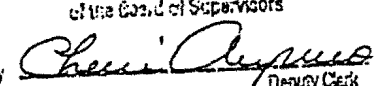
STATE OF CALIFORNIA ) COUNTY OF SAN DIEGO ) ss
I, JULIEL RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the fore- going to be a full, true and correct copy of an order entered in the minutes of said Board of Super- visors, and now remaining of record in my office.
Witness, my hand and seal of said Board of Supervisors this <u>11</u> day of <u>Feb</u> 19 <u>98</u> .
JULIEL RODEWALD County Clerk and Ex-Officio Clerk of the Board of Supervisors
By  Deputy Clerk

EXHIBIT 1, 3

A-3-SLO-98-025

EXHIBIT A  
D950222P - FINDINGS

FINDINGS

- A. The proposed project or use as amended by the applicant is consistent with the Local Coastal Program and the Land Use Element of the general plan because it is not located on prime agricultural soils and is a Temporary Event Special Use allowed use under Table "O" of the Land Use Element and Local Coastal Plan.
- B. The proposed project or use, as conditioned, satisfies all applicable provisions of this title.
- C. The establishment and subsequent operation or conduct of the use, if conducted in accordance with the conditions of approval and project description, will not because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the uses because the project has been modified through the conditions of approval to reduce the level of intensity of the use and mitigation measures have been required that will reduce potential impacts to acceptable levels (eg. left turn channelization at Highway 1, restriction on the number of events allowed and the number of attendees permitted, as well as the number of cars allowed, and mitigation monitor, etc.)
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project has been limited in its scope and operation to minimize potential land use compatibility conflicts with neighboring agricultural land uses.
- E. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project has been limited to reduce the number of vehicles accessing the site, and the conditions of approval require a left hand turn lane be constructed on Highway 1, and site distance be improved at the project entrance, prior to establishment of the use, and with these measures it has been determined that public roads currently serving the site (with improvement) are capable of handling the traffic generated by this use.
- F. On the basis of the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

G. That due to the unique characteristics of the site temporary events in this location will not be precedent setting.

#### PROTECTION OF AGRICULTURAL RESOURCES

H. The project will protect agricultural resources by limiting the site of all event related activities to areas of the site determined to be non prime agricultural lands. No project activities shall be allowed within the 100 foot buffer zone classified as Class I or Class II in the Soil Conservation Service's land capability classification, or in land which qualifies for listing as prime or 100 year flood plain. The project will also avoid areas which are used for the production of food and fiber which has an annual net primary production of 100 or more pounds per acre as defined by the U.S. Department of Agriculture, or land planted with trees or not be less than 10 years old, and which have a nonbearing period of less than five years. The project will not return during the commercial bearing period on any land used for the production of unprocessed agricultural plant production valued from \$200 per acre.

#### PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS

I. The project will not adversely affect any environmentally sensitive habitat area or the adjacent coastal stream because no ground disturbing activities, events or related activities are allowed within such area, by prohibiting any event related activities within 100 feet of the stream, by not disturbing any riparian vegetation, and by locating the parking lot in excess of 100 feet from the coastal stream.

#### COMPLIANCE WITH THE LOCAL COASTAL PROGRAM

J. The project will comply with the Local Coastal Program by protecting coastal resources, because the project meets the requirements of the Temporary events section of the Coastal Zone Land Use Ordinance, and protects agricultural resources and environmentally sensitive habitat areas.

EXHIBIT B - D950222P  
CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the establishment of temporary events including private gatherings such as weddings and anniversaries and similar celebrations, and public fund raising events for non-profit community groups oriented towards educational, cultural enhancement or other public benefit. The minor use permit shall expire January 27, 2003, with staff review of annual monitoring reports. The following conditions apply to all events including non-profit events:

Scope of use:

The events shall be limited to up to 100 guests and 35 automobiles or vans per year provided however, that up to 3 non-profit events shall be allowed per year limited to 300 guests per event and 35 automobiles or vans.

Time Frames:

-All events shall be limited to the dry months of the year, May through October, weekends only. An annual total of 12 events is allowed, 1 per weekend, either Saturday or Sunday, for no more than 4 consecutive weekends, with at least one weekend off. The applicant shall post the schedule, at least 2 weeks prior to the event date, with the Department of Planning and Building, which will be placed in the project file for public review upon request.

-The hours of operation shall be limited to 11:00 a.m. through 9:00 p.m. with one hour of cleanup to terminate at 10:00 p.m.

Operation:

-The applicant must ensure that all guests are provided maps and attendance brochures prior to each event.

-No parking is allowed along San Bernardo Creek Road under any circumstances.

-The events shall be appropriately staffed so that trespass onto neighboring properties is prevented.

-Amplified music is prohibited.

-A "designated driver program" or contract with a transportation company such as "Ride-On" is required.

No temporary event related parking, ground disturbance or activities shall occur on prime agricultural soils.

EXHIBIT 1, p 6

A-3-SLO-98-025



2. All permits shall be consistent with the revised Site Plan to be submitted and approved by development review staff to show:

- reduction of residential units consistent with density provisions for agriculture
- sign location
- site modification to increase site distance consistent with the project's traffic study

Additional Plans and Information to be Submitted

3. Prior to establishment of the use and the first event the applicant shall submit a proposed attendee brochure (mailer) to the development review staff for review and approval to include at minimum the following:

- a) clear map showing the location of the site
- b) distances from highway one
- c) location of directional signs
- d) warnings regarding San Bernardo Creek Road
- e) speed limits
- f) road conditions (sharp corners, narrow roads)
- g) trespassing on neighboring properties is prohibited.
- h) interference with agricultural operations is prohibited, including interference with movement of farm equipment on the public roadway.

4. Prior to establishment of the use the applicant shall submit to the development review staff, a sign plan in accordance with the provisions of Coastal Zone Land Use Ordinance for on-site identification and for directing on-site traffic.

Site and Related Improvements

5. Prior to the establishment of the use the applicant shall make the following improvements:
- a) Improve the driveway ingress and egress to 18 feet as shown on the approved site plan.

EXHIBIT 1, p 7

A-3-SLO-98-025

- b) Improve the parking area to serve 35 cars with a dust control binder such as lignite or other material acceptable to the Air Pollution Control Department.
- c) Install signs in accordance with sign plan
- d) Install no trespassing signs on surrounding properties fences if requested by the neighboring property owner.

#### Public Road Improvements

- 6. Prior to the establishment of the use the following improvements shall be completed:
  - a) The left hand turn lane at Highway 1 and San Bernardo Creek Road shall be completed and functional.
  - b) Complete all improvements recommended in the project's traffic study and obtain an encroachment permit and clearance letter from County Engineer:
    - 1) Improve sight distance at the main entrance driveway to conform to a minimum 45 MPH approach speed.
    - 2) Additional driveway south of the existing main entrance.

#### Residential Code Compliance

- 7. Prior to establishment of the temporary events use the applicant shall bring the property into conformance with the code requirements for residential density by:
  - a) removing the trailer located at the southwestern corner of the site
  - b) remove the mobile home located by the equipment barn or bring it into conformance with the Coastal Zone Land Use Ordinance.
- 8. Prior to establishment of the temporary events use the applicant shall enter into and record an agreement with the county to limit occupancy to farm workers employed on the site, as required by ordinance.

#### Fire Department Clearance

- 9. Prior to establishment of the use the applicant shall obtain a letter of clearance

from the County Fire Department after making the improvements required in their letter of May 20, 1996.

### Environmental Mitigation

#### Water Quality

10. During operation of the proposed project, the applicant agrees to maintain the existing 150-foot buffer between the proposed guest parking area and San Bernardo Creek.

#### Traffic

11. Prior to establishment of the temporary event use, the applicant shall submit evidence such as a letter from the California Department of Transportation stating that the southbound left-turn channel at the intersection of Highway 1 and San Bernardo Creek Road has been constructed and is in operable condition.

#### Air Quality

12. Prior to establishment of the temporary event use, the applicant shall apply a dust control product approved by APCD to all unpaved surfaces of the project site to be used for the circulation and parking.

#### Mitigation Monitoring

13. Prior to and during each temporary event season, the applicant shall either:
  - a) Retain a qualified environmental monitor, approved by the Environmental Coordinator; or,
  - b) Provide compensation for County Department of Planning and Building staff to observe temporary events for compliance with above conditions of approval.

The applicant shall ensure that an annual monitoring report be submitted to the Department of Planning and Building, Development Review Section.

EXHIBIT 1, pg

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**Indemnification**

14. The applicant shall as a condition of approval of the minor use permit defend, either solely or jointly, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party claiming that either its decision to approve the minor use permit or the manner in which the County is interpreting or enforcing the conditions of the minor use permit, or any other action by a third party claiming to approve or implement the minor use permit, is the applicant shall reimburse the County for any court costs and attorney's fees which the County may be required to pay as a result of such action, but such reimbursement shall not relieve the applicant of his obligation under the conditions.

**EXHIBIT 1, p10**

**A-3-SLO-98-025**

## C. ALLOWABLE LAND USES IN THE COASTAL ZONE

The following charts (Coastal Table O) list uses of land that may be established in the land use categories shown by the LUE area plans in the coastal zone. After determining what land use category and combining designation applies to a particular property, the chart can be used to find what uses are allowable. The chart will also show where to look in the Coastal Zone Land Use Ordinance to find the standards that apply to the planning and development of such land uses, as well as what permit is needed before a use can be established.

**IMPORTANT:** When determining the land use category and combining designation (if any) applicable to a particular property, also check the planning area standards and any policies from the Coastal Plan Policies Document that may apply to the property. (Planning area standards can be found in the LUE area plan that covers the part of the county containing the property in question. The LCP Policy Document may include additional requirements or standards affecting the type of development proposed.) Those standards may limit the uses allowed by the following charts, or set special permit requirements for a particular land use category, community or area of the county.

The column headings at the top of the charts are the land use categories, and the left column lists land uses, grouped under general headings. When the proposed land use is known, reading across the columns will show where the use is allowable. If a proposed use doesn't seem to fit the general land use headings, the definitions of uses in Section D of this chapter can help determine the proper group of uses to look for. A particular use of land need not be listed in the use definitions to be allowable. If a proposed use is not specifically mentioned, the planning director will, upon request, review a proposed use and identify the listed use it is equivalent to, as described in Chapter 2 of this document.

The letter "A" on the chart means that the corresponding use in the left column is "Allowed" in that land use category, if consistent with the LUE, LCP and other applicable regulations. Though some uses with an "A" in various categories (such as crop production) are identified in the Coastal Zone Land Use Ordinance as requiring no permit, in most cases the "A" means a use can be established with a plot plan approval as part of a building permit (or more intensive permit process if required by the CZLUO based on the size of the use), subject to the Coastal Zone Land Use Ordinance standards that must be considered in planning and developing a use.

→ The letter "S" means that a use is allowable in a particular land use category only when special standards or permit procedures are followed. The number after the "S" refers to the key following the charts, which explains where to look in the Coastal Zone Land Use Ordinance to find the special standards. A "P" means that the use is principally permitted and encouraged over non-principally permitted uses. A "PP" means the same as a "P" where found in the text.

→ A blank space in a land use category column means the corresponding use on the left side of the chart is not allowable in that land use category.

**EXHIBIT 2**

A-3-SLO-98-025

## KEY TO COASTAL TABLE O

### USE STATUS

### DEFINITION

- A** Allowed use, unless otherwise limited by a specific planning area standard. Coastal Zone Land Use Ordinance Chapter 23.03 ("Required Level of Processing") determines the permit necessary to establish an "A" use, and Chapters 23.04 through 23.06 determine the site design, site development, and operational standards that affect the use. See also the "Planning Area Standards" sections of the Land Use Element Area Plans and the LCP Policy Document to find any standards that may apply to a project in a particular community or area.



- S** Special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The following list shows where in the Coastal Zone Land Use Ordinance to find the special standards that apply to particular uses.

- P** Principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses.

### "S" NUMBER

### APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT

- |    |             |   |
|----|-------------|---|
| 1  | 23.08.120 b | MISCELLANEOUS USES  |
| 2  | 23.08.120 a | MISCELLANEOUS USES  |
| 3  | 23.08.040   | AGRICULTURAL USES   |
| 4  | 23.08.060   | CULTURAL, EDUCATIONAL & RECREATIONAL USES   |
| 5  | 23.08.080   | INDUSTRIAL USES are allowable subject to the special standards found in Section 23.08.080. For new or expanded uses within the Petroleum Refining and Related Industries and Marine Terminals and Piers use groups, a specific plan is required prior to acceptance of land use permit(s) subject to the standards as set forth in Section 23.08.094. |
| 6  | 23.08.100   | MEDICAL & SOCIAL CARE FACILITIES  |
| 7  | 23.08.140   | OUTDOOR COMMERCIAL USES   |
| 8  | 23.08.160   | RESIDENTIAL USES  |
| 9  | 23.08.170   | RESOURCE EXTRACTION   |
| 10 | 23.08.200   | RETAIL TRADE  |
| 11 | 23.08.220   | SERVICES  |
| 12 | 23.08.260   | TRANSIENT LODGINGS  |
| 13 | 23.08.280   | TRANSPORTATION, UTILITIES & COMMUNICATION   |

**EXHIBIT 2, 2**

A-3-SLO-98-025

- 14 Uses are allowable in the Open Space land use category on privately-owned land subject to Coastal Zone Land Use Ordinance Section 23.08.120a in addition to the special standards in Chapter 23.08, only when authorized by a recorded open space agreement executed between the property owner and the county. On public lands, uses designated are allowable subject to Coastal Zone Land Use Ordinance Section 23.08.120b, in addition to the special standards found in Chapter 23.08.
- 15 Listed processing activities are allowable in the Rural Lands and Agriculture land use categories only when they use materials extracted on-site pursuant to Coastal Zone Land Use Ordinance Section 23.08.120a, or when applicable, the Coastal Zone Land Use Ordinance Surface Mining Standards, Section 23.08.180 et. seq.

- 16 23.08.020 ACCESSORY USES
- 17 23.08.240 TEMPORARY USES ←
- 18 23.08.050 INTERIM AGRICULTURAL USES
- 19 23.08.400 WHOLESALE TRADE
- 20 23.08.300 ELECTRIC GENERATING PLANTS

EXHIBIT 2, 3

A-3-SLO-98-025

# LAND USE CATEGORY:

Residential Single-Family	Residential Medium-Density	Residential High-Density	Office	Industrial	Commercial	Public	Transportation	Utilities	Health	Education	Government	Open Space	Water	Other
---------------------------	----------------------------	--------------------------	--------	------------	------------	--------	----------------	-----------	--------	-----------	------------	------------	-------	-------

## USE GROUP

### C) CULTURAL, EDUCATION & RECREATION

Cemeteries & Columbariums	1
Churches	2
Coastal Accessways	3
Drive-In Theatres	4
Indoor Amusements & Recreation	5
Libraries & Museums	6
Marinas	7
Membership Organization Facilities	8
Outdoor Sports & Recreation	10
Passive Recreation	11
Public Assembly & Entertainment	12
Rural Recreation & Camping	13
Schools - Specialized Education & Training	14
Schools - College & University	15
Schools - Pre to Secondary	16
Social Service Organizations	17
Sports Assembly	18
Temporary Events	19

6-42				S-4	S-4							S-4	
6-42		S-4		S-4	S-4	S-4	S-4	P	P	P			
6-42	P	P	P	P	P	P	P	P	P	P	P	P	P
6-44										S-4	S-4		
6-48			S-4-P					S-4	S-4-P	S-4		S-4-P	
6-49			S-2-P	S-2				P	P			P	
6-50			S-1-P							S-1		S-1-P	
6-50			S-2				S-1	A	A	A	A	A	
6-53			S-4-P	S-4	S-4	S-4	S-4		S-4	S-4		S-4-P	
6-53		A	P	P	P	P	P	P	P	P	P	P	P
6-55			A					P	P	P		P	
6-56		S-4	S-4	S-4-P	S-4	S-4						S-4	S-14
6-57			S-4	S-4	S-4	S-4		P	P	P	S-4-P	S-4	
6-57								P				P	
6-57			S-4	S-4	S-4	S-4-P	S-4-P	S-4-P				S-4-P	
6-58								P	A	A	S-2	S-2-P	
6-58				S-1						S-1	S-1	S-1	
6-59		S-17	S-17	S-17	S-17			S-17	S-17	S-17	S-17	S-17	



### **Storage Yards and Sales Lots [H14]**

Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, farm machinery or industrial supplies on a lot or portion of a lot greater than 200 square feet in area. Sales lots consist of any outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobilehomes, construction equipment, farm machinery or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental, which is included under "Outdoor Sports and Recreation"); large scale temporary or permanent outdoor sales activities such as swap meets and flea markets; or livestock auctions and sales. Also includes retail ready-mix concrete operations which are incidental to an outdoor equipment rental yard.

### **Structural Clay and Pottery-Related Products [D23]**

Manufacturing establishments primarily producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain electrical supplies and parts. Artist/craftsman uses are included in "Small Scale Manufacturing" or "Home Occupations." (SIC: Groups 325, 326)

### **Temporary Construction Trailer Park [I4]**

A temporary recreational vehicle park provided by the developer of a major construction project to provide short-term construction employees the opportunity to use recreational vehicles for housing during project construction as authorized by Section 23.08.268 of the CZLUO.

### **Temporary Construction Yards [H15]**

A storage yard for construction supplies, materials or equipment, located on a site other than the construction site itself or immediately adjacent to it, for use only during the actual construction of a project.

### **Temporary Dwelling [E13]**

Includes the temporary use of a mobilehome or recreational vehicle as a dwelling unit, following the issuance of a building permit for a permanent residence while the permanent residence is under construction.

### **Temporary Events [C19]**

Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

### **Textile Products [D24]**

Manufacturing establishments engaged in performing any of the following operations: Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; manufacturing woven fabric and carpets and rugs from yarn; dying and finishing fiber, yarn, fabric, and knit apparel; coating, waterproofing, or otherwise treating fabric; the integrated manufacture of knit apparel and other finished products from yarn; and the manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles. (SIC: Group 22)

**EXHIBIT 2**, p 5

~~Excepting the Santa Maria River channel lands and minor drainage features within the valley, the entire valley lowland is prime agricultural land. Vegetation crop values range from \$1,500 to \$3,500 per harvested acre, and there are typically two or more harvests per year. Oso Flaco Valley contains the largest concentration of Class I and II soils in the county. Some soils are rated Class III because of sandy textures or high water table, but they are nevertheless used for high value vegetable production due to excellent climate, level terrain, available irrigation supplies and reasonably good soils.~~

~~There does not appear to be much pressure to convert these lands to urban uses. Direct displacement of some agricultural land, as well as secondary development pressure, is likely if the State Department of Parks and Recreation chooses the Oso Flaco Lake area as a proposed vehicle staging area for the Pismo Dune State Recreation Area. Methods for reducing the impact to the agricultural uses are provided in the policies for development of Pismo State Beach and Vehicular Recreation Area. (See Policies).~~

## **POLICIES FOR AGRICULTURE**

In light of the Coastal Act policies and present agricultural use within the coastal zone, the following policies will guide development in and adjacent to agricultural areas. San Luis Obispo County recognizes the importance of agriculture to the economy and welfare of the county. Over 65% of the coastal zone is identified for continued agricultural use with an additional proportion of the large state parks and recreation holdings retained in agricultural use.

### **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.

**EXHIBIT 3**

A-3-SLO-98-025

**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 lands 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 on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

## **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 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 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.]

A-3-560-98-025

**EXHIBIT 3**, #2

### **Policy 3: Non-Agricultural Uses**

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.

Non-agricultural developments shall meet the following requirements:

- a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.
- b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.
- c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.
- d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.
- e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.
- f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.
- g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.
- h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:

**Agricultural Easement.** The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.

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EXHIBIT 3, p 3

**Open Space Easement.** The applicant shall grant an open space easement to the county over all lands shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

Development proposals shall include the following:

- a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).
- b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.
- c. A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.
- d. Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050 OF THE CZLUO.]

#### **Policy 4: Siting of Structures**

A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050a. OF THE CZLUO.]

#### **Policy 5: Urban-Rural Boundary**

To minimize conflicts between agricultural and urban land uses, the urban service line shall be designated the urban-rural boundary. Land divisions or development requiring new service extensions beyond this boundary shall not be approved. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.432 AND 23.04.021 OF THE CZLUO.]

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EXHIBIT 3, p 4

#### **Policy 6: Lot Consolidation**

In some portions of the coastal zone where historical land divisions created lots that are now sub-standard, the Land Use Element shall identify areas where parcels under single contiguous ownership shall be aggregated to meet minimum parcel sizes as set forth in the Coastal Zone Land Use Ordinance. This is particularly important for protection of prime agricultural lands made up of holdings of small lots, that would not permit continued agricultural use if sold individually. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

#### **Policy 7: Water Supplies**

Water extractions consistent with habitat protection requirements shall give highest priority to pre-serving available supplies for existing or expanded agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

#### **Policy 8: - Agricultural Practices**

Proper soil conservation techniques and grazing methods should be encouraged in accordance with 208 Water Quality Standards adopted to meet the water quality requirements of the California Regional Water Quality Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

#### **Policy 9: Aquaculture**

Opportunities for development or expansion of aquaculture activities may be appropriate in non-prime agricultural areas. Development plan review is required to determine compatibility with agricultural and other surrounding uses. (See also Coastal-Dependent Policy 22 in the Industry/Energy Chapter.) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.045 OF THE CZLUO.]

#### **Policy 10: Definition of Nursery Specialty (Green-House) Uses**

Soil-dependent greenhouse shall be defined as: a) those greenhouse uses which require location on prime soils in order to obtain growing medium; b) do not require impervious surfaces to cover the prime soils (i.e., concrete, asphalt, wood) or otherwise render soils unusable after discontinuance of use.

Non-soil dependent greenhouses or nurseries shall be defined as: a) those greenhouses which can be established on flat or gently sloping land with less than 15% slope; b) do not require location on prime soils native to the site as a growing medium (i.e., do not use native soils to grow

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EXHIBIT 3, p 5

~~The Resource Management System of the Land Use Element provides a framework for implementing this policy and an interim alert process for timely identification of potential resource deficiencies, so that sufficient lead time is allowed for correcting or avoiding a problem. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]~~

### **Policy 6: Priority for Agriculture Expansion**

Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

### **Policy 7: Siting of New Development**

~~Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except:~~

~~Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;~~

~~When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;~~

~~The county may approved grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.~~

~~In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted~~

A-3-560-98-025 EXHIBIT B, p. 6

**23.04.048 - Lot Consolidation.**

In any residential or Rural Lands land use category, any single ownership of two or more adjoining vacant lots with continuous frontage, shall be considered a single parcel of real property and a single building site, except as otherwise provided by this section. No sale, transfer, division or development of less than all of such single parcel shall occur unless the portion or portions of the single parcel to be sold, transferred, divided or developed are in conformity with the provisions of this title as modified by this section.

**(1) Where sewage disposal is by community sewage system:**

- (i) Minimum lot size:** 5,500 square feet.
- (ii) Minimum lot width:** 40 feet, measured along the front setback line (Section 23.04.108).

**(2) Where sewage disposal is by individual sewage disposal system:**

- (i) Minimum lot size:** 6,000 square feet where served by community water; one acre where served by a domestic well.
- (ii) Minimum lot width:** 50 feet, measured along the front setback line (Section 23.04.108).

**23.04.050 - Non-Agricultural uses in the Agriculture Land Use Category:**

This section establishes permit requirements and standards for non-agricultural uses in the Agriculture category consistent with Local Coastal Plan Agricultural policies 3, 4, and 5.

- a. Sighting of structures.** A single-family dwelling and any agricultural accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses.

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**EXHIBIT 3**, p 7



**b. Supplemental non-agricultural uses.**

- (1) **Supplemental non-agricultural uses defined:** Uses allowed by Coastal Table "O" in the Agriculture category that are not directly related to the principal agricultural use on the site. (Example: where crop production or grazing are the principal agricultural use of a parcel, petroleum extraction, mining or rural sports and group facilities may be allowed as supplemental non-agricultural uses consistent with this section.)
- (2) **Priority supplemental non-agricultural uses.** When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed by Coastal Table "O", Part I of the Land Use Element.
- (3) **Permit requirement:** Minor use permit approval, unless Development Plan approval is otherwise required by another provision of this title or planning area standard of the Land Use Element.
- (4) **Required findings:** Supplemental non-agricultural uses may be established only if the following findings are made by the applicable approval body:
  - (i) For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and
  - (ii) The least amount of prime soils possible will be converted; and
  - (iii) The proposed use will not conflict with surrounding agricultural lands and uses.
- (5) **Application content.** In addition to the information required for a land use permit application by Sections 23.02.033 et seq. of this title, the application for a supplemental non-agricultural use shall also include the following:
  - (i) The site layout plan shall identify all portions of the site that are undevelopable, that are not suitable for agriculture, or that are intended to be used for agricultural purposes.
  - (ii) Documentation which demonstrates that revenues to affected local governments as a result of the project will equal the public costs of providing and/or maintaining roads, water, sewer, fire and police protection to serve the project.

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EXHIBIT 3, p. 8

(iii) Documentation which demonstrates that the proposed project is designed and sited to protect habitat values and to be compatible with the rural character of the surrounding area.

(iv) Proposed provisions for public coastal access consistent with Local Coastal Plan policies for lateral and vertical access in agricultural areas, if the site is located between the first public road and the ocean.

(6) **Site design and development standards.** A land use permit for a supplemental non-agricultural use shall not be approved unless the proposed project will satisfy all the following requirements:

(i) **Project location.** The project shall be designed so that no development occurs on prime agricultural soils, except where it is demonstrated that all agriculturally unsuitable land on the site has been developed or cannot be used because of terrain constraints.

(ii) **Limitation on project area.** The total area of the site allocated for supplemental non-agricultural uses shall not exceed two percent of the gross site area.

(iii) **Priority for agricultural use.** The primary use of the site shall be the continuing, renewed or expanded production of food and fiber. The proposed supplemental use shall support, not interfere with, and be economically necessary to the primary use of the site as a productive agricultural unit.

(iv) **Prevention of land use conflicts.** The proposed use shall be designed to provide buffer areas between on- and off-site agricultural and non-agricultural uses to minimize land use conflicts.

(v) **On-site water resources.** Adequate water resources shall be available to the site, to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.

(vi) **Urban services prohibited.** No extension of urban sewer and water services shall be permitted to support on-site agricultural operations or other uses, except for reclaimed wastewater that may be used for agricultural enhancement.

(vii) **Land division prohibited.** The project shall not require land division.

A-3-56-98-025

EXHIBIT 3, 19

- (7) **Guarantee of continuing agricultural or open space use.** As a condition of approval of a supplemental non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agriculture, and if appropriate, open space use by the following methods:

(i) **Agricultural Easement.** The applicant shall grant an easement to the county over all agricultural land shown on the site plan. Such easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing, and a single-family dwelling accessory to the agricultural use.

(ii) **Open space easement.** The applicant shall grant an open space easement to the county over all lands shown on the site plan as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

(iii) **Procedures for agricultural or open space easements.** Any easement required by this section shall be reviewed as set forth in Section 23.04.420g(4) of this title.

EXHIBIT 3, p 10

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~~23.08.246 - 248~~

~~d. **Temporary construction offices.** May be established on the site of any subdivision, construction project or temporary off-site construction yard (Section 23.08.244) pursuant to the provisions of this section. The temporary office may remain on the site until construction is completed.~~

~~e. **Emergency use of temporary dwellings or offices.** In the event of an emergency such as the destruction of a dwelling or the permanent quarters of a business, a temporary dwelling or office may be established in advance of the issuance of a building permit to reconstruct the destroyed structure, provided that a building permit is obtained for the temporary use and proper sanitation facilities are installed pursuant to Health Department approval.~~

~~[Amended 1992, Ord. 2591; 1995, Ord. 2715]~~

**23.08.248 - Temporary Events:** Where allowed as S-17 uses by the Land Use Element, temporary events are subject to the standards of this section. (Swap meets are subject to the standards of Section 23.08.144 - Sales Lots and Swap Meets.)

**a. Permit requirements:** Minor Use Permit approval, except as follows:

(1) **Public events.** No land use permit is required for:

- (i) Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or
- (ii) Admission free events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, provided that the event is conducted in accordance with all applicable provisions of this title; or
- (iii) Other free admission events which are eight hours or less in duration and are operated by non-profit organizations.

(2) **Commercial entertainment:** Commercial outdoor entertainment activities are subject to the permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

(3) **Parades:** Parades and other temporary events within the public right-of-way are not subject to land use permit requirements, provided that all requirements of the County Engineer and County Sheriff are met.

**EXHIBIT 3**, p 11

A-3-510-98-25

- (4) **Temporary camps.** Temporary camps as a principal use or accessory to another temporary event are subject to the permit requirements and other provisions of Chapter 8.64 of the County Code.
- b. **Time limit:** A temporary event is to be held in a single location for no longer than 12 consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval.
- c. **Location.** The site of any temporary event other than public events and parades shall be located no closer than 1000 feet to any Residential Single Family land use category.
- d. **Site design standards.** All temporary events are subject to the following standards, regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code:
- (1) **Access.** Outdoor temporary events are to be provided a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road.
  - (2) **Parking.** Off-street parking is to be provided private events as follows with such parking consisting at minimum, of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.
    - (i) **Seated spectator events.** One parking space for each 12 square feet of seating area.
    - (ii) **Exhibit event.** One parking space for each 75 square feet of exhibit area.
  - (3) **Fire protection.** Facilities to be provided as required by the County Fire Department.
  - (4) **Water supply and sanitation.** Facilities to be provided as required by the Health Department.
- e. **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use, and operation in accordance with the standards of this chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 23.02.060 (Guarantees of Performance).

[Amended 1995, Ord. 2715]

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EXHIBIT 3, p 12

MEMORANDUM

**RECEIVED**

ENGINEERS

PLANNERS

SURVEYORS

TO: Steve Guiney  
California Coastal Commission

SEP 03 1998

FROM: Patti Whelen *PW*

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

DATE: August 31, 1998

RE: Scoggins Appeal, A-3-SLO-98-025

SUBJECT: Response to informational request of July 16, 1998

The following responds to the informational request you made in the above-referenced letter. As you will see, the portions in bold lettering are the questions you posed.

1. What is the feasibility of intensifying agricultural use on the parcel? Could the portions of the parcel not now in crops be planted with agricultural crops? If not, why not?

All available land space of the parcel has been converted into agricultural production in the past several years.

Further agricultural development on this parcel is infeasible because all available land space has already been converted into active agricultural use (avocado and orange orchards, blueberries, livestock corrals, and farm support structures). The primary residence, guest house, and surrounding landscaping occupy approximately one acre.

No portion of the parcel would be dedicated solely to temporary events usage; guest parking and gathering areas would use the primary residence and lawn area, and the livestock corral.

Land space dedicated to structures was determined by previous owners.

No structures have been added by Applicant, and no additional structures are proposed by Applicant. The existing structures (primary residence and agricultural support structures) were developed by previous owners<sup>1</sup>. These structures will stay in place whether or not this Use Permit is approved.

<sup>1</sup> The pre-existing mobile home located at the southwestern corner of the parcel has been removed, with that area being converted into livestock grow-out pens. Applicant is in the process of permitting the pre-existing mobile home located on the southern end of the equipment barn as farm support quarters.

**EXHIBIT 4**

**A-3-SLO-98-025**

2. Are the temporary events economically necessary for the primary use of the site as a productive agricultural unit? If so, please explain. How much income does the current agricultural use generate? How much does it cost to produce that amount of income? How much income would the temporary events generate? How much income could new, feasible, agricultural uses generate?

Size and soil quality constraints currently limit the economic viability of this parcel as an agricultural unit, requiring supplemental income.

Income from the proposed temporary events are economically necessary to support the primary use of the site as a productive agricultural unit. Size constraints and soil quality limitations impair the Applicant's ability to achieve economic viability through commercial agricultural production on this parcel. In order to achieve this goal, Applicant must provide a substantial capital investment, and must survive an extended period of time before receiving a return on investment.

Marginal soil quality renders portions of this parcel economically infeasible for commercial production agriculture. Applicant is maximizing agricultural activity under land size and soil quality constraints which are the legacy of previous owners and a planning decision by the County. While not possible at present, Applicant hopes that agricultural production on this parcel will one day be economically self-sustaining.

The acreage of this parcel is smaller than recommended for a commercial production agriculture unit.

This parcel is below the 20-acre minimum size requirement of the County Land Use Ordinance for an agricultural parcel. The Agricultural Commissioner's office does not recommend parcels this small for commercial production agriculture facilities, even when located in an agricultural land use zone, due to the difficulty of achieving an economy of scale. Clearly, when a parcel such as this has been subdivided to such a small size, the landowner must provide a significant amount of capital in order to develop it as an economically-viable agricultural production unit. In this situation, the additional source of revenue from temporary events is an important component to the development of an agricultural operation.

Existing soil quality on this parcel, which varies from low quality prime to low quality non-prime soil, requires additional financial inputs.

As characterized by the Natural Resource Conservation Service ("NRCS") land use capability classifications,<sup>2</sup> no portion of this parcel is classified as Class I "prime" agricultural soil.

<sup>2</sup> Please refer to C-2 page 28 of the Board of Supervisors packet.

Approximately half of this parcel is classified as Class II prime with irrigation, Class III non-prime without irrigation<sup>3</sup>. Except for a variety of farm support structures installed by previous owners, this portion of the parcel has been efficiently developed into agricultural production.

Of note, the portion of the property which has the lowest soil quality rating on the NRCS capability classifications is planted in avocados. Therefore, an area of Class IV non-prime soil, which is roughly equal in size to the area dedicated to the above-mentioned structures, is now in full agricultural production.

The above soil classifications do not take into account the effects of soil usage that occur during various ownerships. The soil on this parcel has experienced extremely damaging utilization in the past. This parcel was originally created and sold to become a dairy milking facility and cattle holding area. This dairy facility wrought significant damage on the soil quality. For example, large amounts of red rock were added as road base, and heavy truck traffic and the concentrated containment of cows significantly compacted the soil. Additionally, as no vegetative cover was able to grow, rain and wind eroded the topsoil. Therefore, while the NRCS soil classifications rank portions of this parcel as "prime" agricultural land, the current landowners must invest in additional soil amendments in order to reestablish the necessary soil fertility.

Costs currently exceed income for this agricultural unit.

Since functioning as a dairy milking facility, this parcel has yet to support a profitable commercial agricultural unit. Applicant is dedicated to achieving agricultural profitability. However, due to high land costs, and agricultural start-up costs, it will be many years before Applicant sees any return on her investment. Income from the temporary events would help offset the considerable land and agriculture costs.

As answered in Question 1, there is no further room on this parcel for additional agricultural development.

Agricultural Costs, Annualized:

Holding cost of the land <sup>4</sup>	\$ 2,100
Property tax	\$ 4,600
Startup costs annualized over 15 years <sup>5</sup>	\$10,333
Insurance (farm and livestock)	\$ 5,000
Labor (average)	\$13,300
Livestock insurance, annually	\$ 5,000

<sup>3</sup> Memo from Robert Hopkins, Deputy Agricultural Commissioner, C-2 pages 26-27, Board of Supervisors packet.

<sup>4</sup> The land has been appraised at \$400,000. A more realistic agricultural value is \$30,000 (12 acres at \$2,500 per acre). This holding cost is based on 7% interest on the land cost only, not including structures.

<sup>5</sup> Startup costs include blueberries, tractor, manure spreader, incubator, hatcher, 14 breeder emus, 15 alpacas (12 breeders), "fertigation" system, one-half mile of deer fencing, and additional fencing for emu pens and more alpaca corrals.

**EXHIBIT 4**

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Electricity (average)	\$ 2,100
General monthly expenses <sup>6</sup>	\$ 4,500
	=====
<b>TOTAL</b>	<b>\$46,933</b>

Projected Agricultural Income Annualized, For Next Five Years:

Avocados	\$35,000
Emus, annually (\$50-\$75 per bird)	\$10,000
Alpacas, annually (wool and baby alpacas)	\$35,000
Blueberries	\$12,500
Oranges	\$ 700
	=====
<b>TOTAL</b>	<b>\$93,200 divided by five<sup>7</sup> = \$ 18,640<sup>8</sup></b>

Projected Income from Temporary Events:

Site rental, gross (\$1,000 per event)	\$12,000
	=====
<b>TOTAL</b>	<b>\$12,000</b>

In conclusion, the annual loss is projected to average \$28,300 for the next five years. Even with an estimated \$12,000 annual income from the temporary events, the agricultural operation does not break even. From an economic point of view, it would be more realistic to terminate the agricultural operation on this parcel. However, Applicant at this time is committed to developing a viable agricultural unit.

**3. CZLUO §23.04.050(5)(ii) requires documentation which demonstrates that revenues from the non-agricultural use to the local government will equal the costs of providing public services. In this case, it appears that the only public costs associated with the proposed use would be road maintenance and police service. Please provide documentation of the revenues to the County from the proposed project and the costs of road maintenance and police service attributable to the proposed use.**

No road maintenance costs associated with the proposed temporary events.

Dave Flynn of the County Engineering Department, states that there are no road maintenance costs associated with this project. Mr. Flynn additionally stated

<sup>6</sup> General monthly expenses: maintenance, fertilizer, compost, feed, soil tests, mulch, veterinary bills, shearing, etc.

<sup>7</sup> This provides a simple division by five, when in actuality annual income will increase each year such that the first two years will provide less income than the last two years.

<sup>8</sup> It's the Applicant's hope that, after five years, with mature orchards, vines, and a stable herd, income will increase by a factor of 2 to 2 ½ times.

**EXHIBIT 4**

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that the Board of Supervisors' approval of this project, without road fees, is testament that the County perceives no road maintenance costs, nor any other externalized public costs emanating from this project.

Road surface design is such that it is damaged primarily by heavy trucks. Pavement structural design for asphalt concrete is based upon certain expected conditions. "The primary goal of the design of the pavement structural section is to provide a structurally-stable and durable pavement and base system which, with a minimum of maintenance, will carry the projected traffic loading for the designated design period. Pavement structural sections are designed to carry the projected truck traffic considering the expanded truck traffic volume, mix, and the axle loads converted to 80 kN equivalent single axle loads (ESALs) expected to occur during the design period."<sup>9</sup> The effects on pavement life of passenger cars, pickups, and two-axle trucks are considered to be negligible.<sup>10</sup>

No police service costs associated with this project.

Randy Johnson of the Crime Prevention Unit (SLO County Sheriff's Department) states that there are no additional costs associated with the type of gatherings proposed for this project. Such gatherings would not require the addition of Sheriff's personnel; a permanent increase in population is the typical factor requiring an increase in security personnel. Permanent population increase is not a component of this proposal. Mr. Johnson also stated that, as it is the vehicles already on patrol which are dispatched to incidents, increased patrol vehicle-related costs are not associated with temporary events.

Annual tax revenues to SLO County from the proposed non-agricultural use.

The following figures are based upon an average of 100 guests per event, at 12 events per year (1,200 guests per year). Of these guests, at least 70% are expected to come from out-of-town<sup>11</sup>. Sales tax in unincorporated SLO County is 7.25%. Typical per capita leisure visitor expenditures in Cambria and Cayucos for 1995-96 were \$76.18<sup>12</sup>. Transient Occupancy Tax is 9% in unincorporated SLO County. Hotel/motel single occupancy room rates in Cambria range between \$45 and \$145<sup>13</sup>. Unincorporated Cambria, Cayucos, and the San Simeon area have 42% more hotel/motel rooms than incorporated Morro Bay<sup>14</sup>. There will be no increase in property taxation<sup>15</sup>, nor will there be sales tax on real property rentals resulting from the proposed temporary events

<sup>9</sup> Highway Design Manual, California Department of Transportation, Fifth Edition, §603.1.

<sup>10</sup> Highway Design Manual, California Department of Transportation, Fifth Edition, §603.1.

<sup>11</sup> Susan Price of "I Do Weddings" service states that, at least 70% of her wedding clients come from out-of-town.

<sup>12</sup> San Luis Obispo County Visitors & Convention Bureau (June, 1998), citing its most recent study.

<sup>13</sup> Chamber of Commerce (June, 1998).

<sup>14</sup> Chamber of Commerce (June, 1998).

<sup>15</sup> However, the applicant's home and buildings, landscaping, and agricultural installations have all contributed to an increase in property tax revenue to the County.

**Sales Tax**

Estimated annual sales tax revenue to County for 12 events:  
 \$204,000<sup>16</sup> minus 35% which might be spent in the local  
 incorporated cities, taxed at 7.25% ..... \$ 9,613.50

10% of the out-of-town guests estimated to eat  
 and shop in the Morro Bay/Cambria area, at \$16 per guest..... \$ 70.00

Transient Occupancy Tax: 30 rooms<sup>17</sup>, double occupancy  
 at \$60 average room rate, taxed at 9%. .... \$ 162.00

=====

Total Projected Annual Revenue to S.L.O. County ..... \$ 9,845.50

Local businesses and professionals associated with weddings: bridal shops (wedding dress, bride's maid gowns, tuxedos), jewelers (rings), florists, hair and make-up salons, wedding musicians, disc jockeys, photographers, videographers, caterers, purveyors of alcoholic beverages, officiants (ministers, etc.), rentals (tents, chairs, tables, etc.), decorators (wedding site), bakers (wedding cake), printers (invitations), transportation (limousines, carriages, etc.), gifts to members of the wedding party, bridal registries, travel arrangements for honeymoon, vehicle gas tank fill-ups, etc.

**4. How much water is available on the parcel? How much is needed for the existing agricultural uses? What is the current domestic consumption? How much would be used by the temporary events? How much is needed for habitat maintenance?**

Amount of water needed for proposed temporary events is negligible.

The proposed temporary events would use almost no water from onsite water sources. Water for consumption and for the restroom facilities will come from offsite. Catering preparation and cleanup will also occur offsite. The only onsite water consumption associated with the temporary events would be the wedding party's<sup>18</sup> usage of the one-room guest house bathroom, where the bride prepares for the ceremony.

<sup>16</sup> An average wedding costs \$17,000, according to a study performed by Modern Bride magazine in 1994.

<sup>17</sup> Based on an estimate of 10% of the out-of-town guests to lodge overnight in the Cambria area.

<sup>18</sup> A typical wedding party consists of no more than 12 persons, 8 on average.

Applicant has riparian water rights on this parcel.

Applicant's private use of water on her parcel, for agricultural and domestic usage, derives from riparian water rights which are not at issue. As water usage for the proposed temporary events are, understandably, of concern, the project has been specifically designed to restrict the associated water usage. Of additional relevance is the fact that the minimal amount of water used during the temporary events will be recycled into the groundwater via the septic system.

The onsite water sources include a domestic well, an agricultural well, and a reservoir/pond. Because both pumps are on the same electric meter, no records exist by which to chart the difference between domestic and agricultural water usage. Additionally, Applicant cannot accurately estimate the parcel's average agricultural water usage, for two reasons: 1) Applicant has owned the parcel through only 2 rainy seasons, one of those seasons being affected by "El Nino" which generated uncharacteristically high rainfall amounts; and 2) Applicant has been steadily increasing her agricultural activities, thereby increasing her agricultural water requirements. For example, in the past year Applicant has increased her emu and alpaca operation by sixty animals, and has established a commercial blueberry planting of over 1900 bushes.

The following figures are estimates of water usage, based on averages provided by the County Agriculture Commissioner's office, customized to Applicant's specific crops/livestock and acreage distribution:

Use	Units	Water Use	Annual Water Use
Avocados	425 Trees (3.61 Acres)	3.0 Acre-Feet/Year	10.83 Acre ft.
Oranges	50 Trees (0.30 Acres)	2.5 Acre-Feet/Year	0.75 Acre ft.
Blueberries	1900 Bushes (1.64 Acres)	2.71 Acre-Feet/Year	4.44 Acre ft.
Alpacas	32	3 Gal./Animal/Day	.11 Acre ft.
Emus	42	2.25 Gal./Animal/Day	.11 Acre ft.
Landscaping & Cut Flowers	0.44 Acres	3.5 Acre-Feet/Year/ Acre	1.5 Acre ft.
Domestic	10 Residents	62.5 Gal./Day/Person	0.7 Acre ft.
Events <sup>19</sup>	144 Guests / Year <sup>20</sup>	10 Gal./ Person	0.0044 Acre ft.
TOTAL			18.44 Acre ft.

In summary, the temporary events in this scenario will use less than .024% of the total water usage (2.4 tenths of one percent).

<sup>19</sup> Minimal use of guest house toilet and sink connected to water supply.

<sup>20</sup> This number is based upon a generous estimate of a 12-member wedding party for each of the twelve temporary events.

5. Please provide details of the County-required new driveway. How long would it be? What kind of surface would it have? How would it be constructed (e.g., would the surface material simply be spread over the driveway area, or would a base have to be graded, etc.)?

The new driveway is to be approximately 90 feet long (from San Bernardo Creek Road to the proposed parking area) and 18 feet wide. The driveway will conform to the existing natural terrain, with the only site modification being to compact the sub-grade and to surface the driveway with gravel.

6. Mr. Belsher, in his letter of May 8, 1998, mentions temporary events that "...are regularly recurring at numerous sites in SLO County." Please provide some sample copies of permits for other temporary events held in the County's coastal zone.

County Coastal and Inland Land Use Ordinances provide the same definition for "temporary event."

The example referenced by Mr. Belsher, Hope Winery, is located in the inland portion of the County. To date, there are no similar examples of permitted temporary events in the *coastal* portion of the County. However, there are several examples in the County of agricultural operations that are permitted for periodic temporary events. Of relevance is the fact that the definitions for "temporary events" are identical between the Coastal and Inland Land Use Ordinances. What is unclear at this time is whether these identical definitions will be interpreted differently between the coastal and inland zones. According to the County Planning Department, the inland zone is simply the first area where formal application has been made to permit ongoing temporary events. The recently approved "temporary events" permit for Hope Winery (for periodic events such as weddings) is for a parcel in the agricultural category. Additionally, the Hope Winery permit was approved for more intensive temporary activities than what was approved for the current application: Hope Winery has been permitted for 20 events per year with 150-175 guests allowed for each event.

Enclosed are examples\* of permits for temporary events which have been issued in San Luis Obispo County: Hope Winery and Arciero Winery.

\*Omitted  
from this  
Exhibit--  
copies in  
file.

7. Why was no agricultural easement required over the part of the parcel not proposed to be used for the temporary events?

No agricultural easement was required as this parcel is below the minimum acreage required to be considered commercial production agriculture.

Such an easement was never required by the County during the permitting process. This parcel is below the minimum zoning acreage for commercial production agriculture operation. Nevertheless, Applicant is willing to provide an agricultural easement should this permit application be approved.

**8. Why were no buffers established between on- and off-site agricultural and non-agricultural uses?**

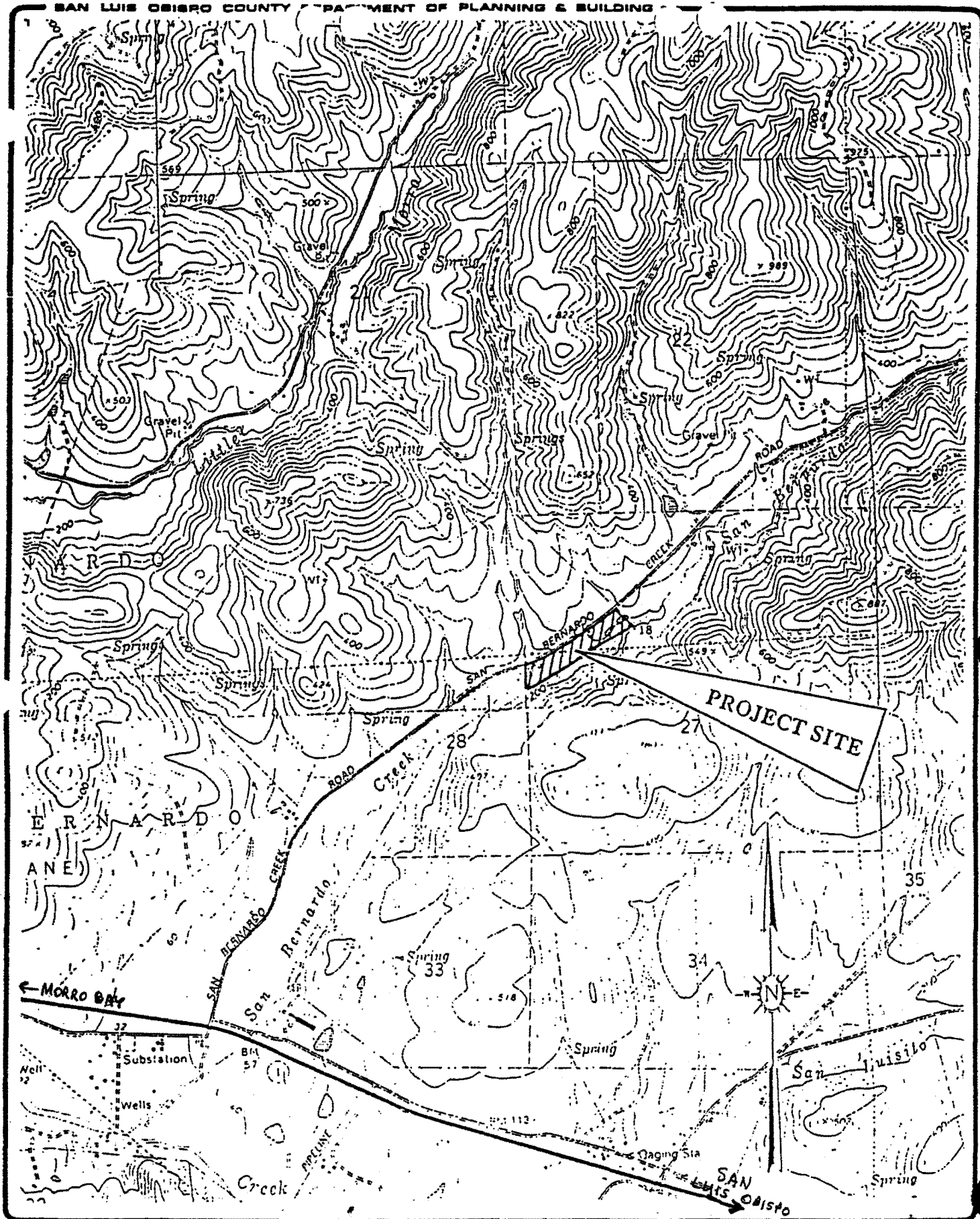
A physical buffer already exists, including distance, trees, and berry plantings. Applicant will comply with specific buffer requirements that the Commission may add.

The Applicant is willing to comply with a requirement for buffers between on- and off-site agricultural and non-agricultural uses, though such a requirement was not an explicit provision of the County's Conditions of Approval. As to Applicant's site, the distance between the event area and the neighboring agricultural use varies from 100 feet to 150 feet, which should constitute sufficient distance to provide an effective buffer between the different uses. The Coastal Zone Land Use Ordinance does not provide a specific minimum distance requirement for buffers. Such distance requirements vary with conditions. The Agricultural Commissioner's office is concerned with buffers between *permanent* uses such as residences and active crop-raising areas. Buffers for uses between agricultural uses and temporary events (which, in this case, would amount to 120 hours per year in aggregate) were never considered.

.....

We hope this provides you with the information you need for your analysis. If you have any questions, or need further information, please feel free to contact us.





**PROJECT**

DA50222P  
SCOGGINS



**EXHIBIT**

### VICINITY MAP

**EXHIBIT**

И 2.013-98-025



EXHIBIT

SITE DETAIL

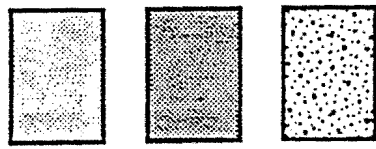
EVENT AREA



JAN 28 1995

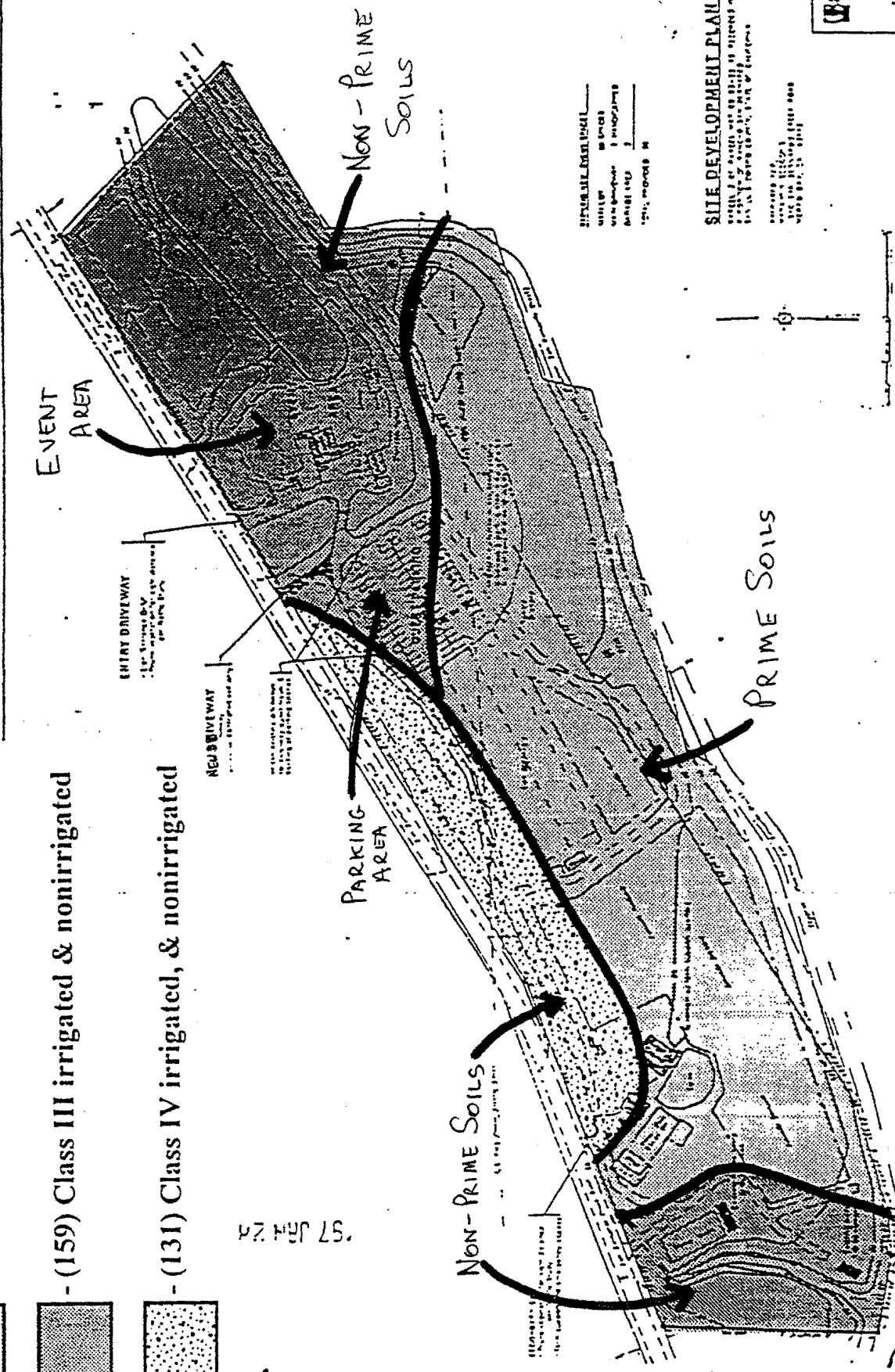
Soils Map

- (128) Class II irrigated, III nonirrigated
- (159) Class III irrigated & nonirrigated
- (131) Class IV irrigated, & nonirrigated



D950222P  
SCOGGINS

57 JAN 24



REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/94	INITIAL PLAN
2	10/1/94	REVISION
3	10/1/94	REVISION
4	10/1/94	REVISION
5	10/1/94	REVISION

**SITE DEVELOPMENT PLAN**  
This plan shows the proposed development of the site. It is subject to the approval of the Planning Commission and the Board of Supervisors. The plan is based on the information provided by the applicant and is not a guarantee of the accuracy of the information.

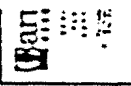


EXHIBIT  
**SITE PLAN  
(OVERALL)**

