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June 29, 2001 RECORD PACKET COPY Th 4a

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Tami Grove, Deputy Director
Periodic Review Project Staff

SUBJECT: **Staff Recommendation: Periodic Review of the Implementation of San Luis Obispo County's Local Coastal Program.**

INTRODUCTION

This Report presents the Staff Recommendation on the Periodic Review of the County of San Luis Obispo's certified Local Coastal Program (LCP), pursuant to Section 30519.5 of the Coastal Act. The Coastal Act provisions require review every certified LCP to determine whether the LCP is being effectively implemented in conformity with the policies of the Coastal Act. If the Commission determines that a certified LCP is not being carried out in conformity with any policy of the Act, it is to submit to the local government recommendations of corrective actions that should be taken, including possible suggested amendments to the LCP. Under the law the County has one year to respond to the recommendations that the Commission adopts and if actions are not taken, forward to the commission a report setting forth its reasons for not taking the recommended action.

A *Preliminary Periodic Review Report* was submitted to the County and the Commission in February 2001 (Exhibits A and B). Based on that *Preliminary Report,* the Commission continued the public hearing for additional public comment and instructed the staff to conduct additional outreach to the County and the community on the Preliminary Recommendations.

Since February, the Commission and the County and have undertaken substantial outreach and further investigation. Community workshops were held throughout the county from March 26 through March 30 which were attended by hundreds of citizens. The workshops, which were held in Cambria (for North County) Los Osos (for the Estero Area) and Arroyo Grande (for South County), were also televised by a local cable television station. A fourth workshop was held with the Agricultural Liaison Committee and the agriculture community specific to the issues raised by the preliminary recommendation on Agriculture. An additional informal meeting with organized by the SLO Farm Bureau for staff to meet with agriculturists in a more informal setting to continue the dialogue concerning the effects of the Preliminary Recommendation on agricultural operations. Additional meetings were held with the staff of the Cambria Community Services District and the Los Osos Community Services District and members of the various Citizen Advisory Councils.

The County staff also provided significant feedback, meeting often with Commission staff. In addition, two meetings were held by the County Board of Supervisors to review the *Preliminary Report* and provide detailed comments to the Commission. These comments are discussed in more detail under specific sections of this report and are provided in full in Exhibit C. In addition to the workshops, over 500 pages of written comments have been received by the Commission staff on the *Preliminary Report* and recommendations (Exhibit D).

This staff recommendation reflects modifications in response to this outreach effort. Although staff have reviewed and considered all of the public comments received, in this report, staff summarizes the public comment, and does not address every comment specifically. In many cases, the report addresses the major comments raised on the specific recommendations, and presents additional information and analysis conducted, errata or specific text corrections needed for the final document, and any suggested revisions to the preliminary recommendations and findings as presented in the February 2, 2001 report.

The extent of the public participation illustrates how strongly the citizens care about the protection and management of the county's coastal resources. The County has shown an equally strong commitment to sound coastal management and the goals of the California Coastal Act through its efforts to comprehensively update the LCP Area Plans in order to assure that the LCP will continue to provide effective guidance for coastal regulation and management. In addition, as indicated in this report, the County has in many cases agreed with the recommendations suggested in the *Preliminary Report* provided financial assistance is available to offset the costs of the planning and implementation called for in the recommendations. It is likely that through the next steps of implementation, including completion of the pending and future Area Plan updates, many of the proposed recommendations will be addressed.

The staff therefore recommends that the Commission find that the certified LCP of the County of San Luis Obispo is not being effectively implemented in conformity with the policies and of the Coastal Act and adopt corrective actions as recommended in this report for transmittal to the County for consideration.

In addition to this report, the following Exhibits were distributed to Commission and the County along with this report and are available from the Commission staff upon request:

Exhibit A: Preliminary Report February 2, 2001
Exhibit B: Maps in Preliminary Report, February 2, 2001
Exhibit C: SLO County Response
Exhibit D: Public Comment on Preliminary Report
Exhibit E: Sample of Funding Opportunities

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A. STAFF RECOMMENDATION

MOTIONS AND RESOLUTIONS

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution and accompanying Preliminary Report to the County of San Luis Obispo on the Implementation of Its Local Coastal Program, as modified by the supplemental report dated June 29, 2001. A majority of those present is needed to adopt the resolution.

MOTION

I move that the Commission 1) determine that San Luis Obispo County (County) is not effectively implementing its certified Local Program (LCP) in conformity with the policies of the Coastal Act, and, to ensure that the LCP is implemented in conformity with Coastal Act policies, 2) recommend that the County take the corrective actions set forth in the Preliminary Report dated February 2, 2001, as modified by the supplemental report dated June 29, 2001.

RESOLUTION

The Commission hereby 1) determines that San Luis Obispo County (County) is not effectively implementing its certified Local Program (LCP) in conformity with the policies of the Coastal Act, and, to ensure that the LCP is implemented in conformity with Coastal Act policies, 2) recommends that the County take the corrective actions set forth in the Preliminary Report dated February 2, 2001, as modified by the supplemental report dated June 29, 2001.

B. RECOMMENDATIONS FOR CORRECTIVE ACTION

<u>New Development and Public Services</u>

Recommendation 2.1: Improve Required Coastal Development Permit Findings for Service Extensions Beyond USL. Development proposals that require the extension of urban services across the USL should not be approved unless the required findings of Public Works Policy 1 and corresponding ordinances can be made. Amend Policy 1 by adding reference to CZLUO 23.04.430-432 as appropriate implementing ordinances. Add new implementing ordinance(s) to clarify required information and findings to support Public Works Policy 1.

Recommendation 2.2: Improve County/Commission Coordination. The County and the Commission should take full advantage of coordinated reviews of development proposals outside of the USL, particularly those that may create new urban development potential.

Recommendation 2.3: Clarify LCP Authority with respect to New Urban Development proposed outside USL. Amend LCP (Framework, Policies, Ordinances, Area Plans) as necessary to clarify where and under what circumstances the provision of urban services to new development outside of the USL is appropriate.

Recommendation 2.4: Reduce Development Potential on Urban Edges. Evaluate potential for reduction of development intensities on the perimeter of urban areas, including adjusting land use designations, allowable densities, relocating the USL/URL where appropriate, and evaluating consistency of such with Coastal Act section 30250.

Recommendation 2.5: Consider Policies and Programs to Support Greenbelt Formation and Maintenance. Consider incorporation of programs and policies to establish or support greenbelt and open space areas on the urban fringe of developed areas (e.g. Los Osos). Build on and integrate with open space and habitat protection proposals already put forth by the County in the Estero Update. Mitigation banking should be further evaluated as a potential implementation mechanism.

Recommendation 2.6:. Encourage Concentration of Development in Urban Areas. Amend the LCP to provide incentives for development, including broad redevelopment strategies, within the USL. For example, the County should consider developing planning and regulatory mechanisms to transfer development potential from outside the USL to inside the USL.

Recommendation 2.7 Strengthen Standards to address development potential on Non-conforming Lots. Amendment of current lot-line adjustments review criteria should be considered that would require adjustments to reasonably comply with all LCP Coastal Plan Policies and Ordinances within the constraints of Constitutional takings jurisprudence. See Agriculture Final Recommendation 5.4.

Recommendation 2.8 Evaluate Options for Processing Non-conforming lots in Single Ownership. The County and Commission should evaluate options available for processing non-conforming parcels in a common ownership, including identification of non-conforming parcels

and options for lot merger, to maximize protection of agricultural lands. As part of this effort, the County and Commission should consider policy, ordinance, and program options, including those that would provide incentives to encourage voluntary merger of non-conforming parcels.

Recommendation 2.9. -Update North Coast Area Plan to Protect Coastal Resources of the Hearst Ranch. Rezone Recreational lands on the Hearst Ranch to Agriculture, update combining designations, and establish LCP standards that require a Land Use Capacity Analysis prior to consideration of any development proposals and LCP amendments for non-agricultural development on the Hearst Ranch. The County should limit the location of such development to concentration in or immediately adjacent to San Simeon Acres if feasible or, if not feasible, to small-scale infill development within the commercial zoning of San Simeon Village. Other than these two locations, no new visitor-serving or other non-agricultural development should be allowed in the public viewshed except for underground utility placement, restoration, public access improvements and intensification, demolitions, resubdivisions, and temporary events.

A Land Use Capacity Analysis should include at least the following: a comprehensive agricultural viability analysis for any areas proposed for non-agricultural development; a visitor-serving development supply and demand analysis; a comprehensive environmental constraints analysis, including evaluation of sensitive habitats, in-stream flow habitat values, water availability, groundwater basins, highway capacity, cultural resources, scenic resources, community character and hazardous areas. Specific performance standards that address the concerns raised by the Coastal Commission's 1998 NCAP Findings, such as required water monitoring and highway capacity limits, should be incorporated into the NCAP. Standards for protection of agricultural lands and mitigation of development impacts should be developed, including provision for agricultural conservation easements.

Recommendation 2.10. Require Resource Capacity Studies prior to Major Development Proposals. See Recommendation 2.9
Recommendation 2.11. Update LCP to address Large Residential Development. See Agriculture Recommendation 5.8.

Recommendation 2.12. Strengthen Implementation of the RMS System and ISCA. Implement Phase 2 of RMS contemplated in the Framework for Planning: establish an expanded RMS task force that includes Coastal Commission staff and other resource agencies; include CCC staff in review process for Resource Capacity Studies. The ISCA program currently in the LCP needs to be followed in evaluating new development proposals for Los Osos until such time as the Estero Area Plan is updated to address groundwater management issues and the protection of water supply for Agriculture in the Los Osos groundwater basin.

Recommendation 2.13. Address Cambria Short-term Development Constraints. Continue implementation of the 1% growth rate in Cambria until 1/1/02, after which time coastal development permits for new development that would require a new water connection or that would otherwise create additional water withdrawals from Santa Rosa or San Simeon Creeks should not be approved unless the Board of Supervisors can make findings that (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and

habitats; (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development; (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation, reuse of wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use); (4) substantial progress has been made by the County and the CCSD on achieving implementation of buildout reduction plan for Cambria; and (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.

Recommendation 2.14. Establish Watershed/Basin Management Programs. Establish Coordinated Resource Management Programs (CRMP) to promote watershed management, including resource identification and water quality monitoring, and to address competing rural and urban uses in North Coast and Estero Area groundwater basins. See also, Recommendation 3.7b.

Recommendation 2.15. Consider Additional Options for Water Conservation. Additional LCP policies and standards should be considered that would strengthen requirements for minimizing water use, such as xeriscaping and native drought-tolerant landscaping requirements.

Recommendation 2.16. Cambria Long-term development (Buildout Reduction). The LCP needs to be amended to address long-term development potential in Cambria. The County should work to expand the TDC program by identifying other sensitive areas that would benefit from transfer of potential development to more suitable locations. Expansion should include Special Project Area #2, as well as watershed areas, other scenic corridors and other small lot tracts in undeveloped areas that support significant coastal resources, particularly contiguous blocks of sensitive pine forest habitat. More aggressive policy options should be considered as well, including development of an Assessment District to retire lots/create open space and promote forest protection. Other mechanisms should be evaluated such as the ability to use mitigation fees or erosion control fees to address long-term buildout. Further attention could be focused on alternatives for reducing development potential on single and double lots and creating incentives for the minimum lot size of 7000 square feet. As part of this process, the County should establish a task force charged with identifying management options and strategies for reducing buildout in Cambria by a specific deadline.

Recommendation 2.17. Prohibit Creation of New Development Potential in Cambria and Los Osos. The County should consider prohibiting subdivisions that create new development potential in the communities of Cambria and Los Osos. Subdivisions that include no net gain in development potential (e.g. includes lot retirement) might be considered

Recommendation 2.18. Address Cumulative Impacts to Urban Design in Cambria. Through community planning and LCP amendments, cumulative impacts to urban design should be addressed, particularly concerning the potential role of TDC use. Consider standards to better address the amount of TDCs any one site can use based on the capability of the lot (size, slope,

etc.) to handle the increase in square footage. Address minimum area of landscape that must be preserved, regardless of lot size; as well as a maximum footprint area.

Recommendation 2.19. Los Osos Short-term Development. Similar to Cambria, focused attention is needed on pending studies concerning the safe yield of the Los Osos groundwater basin and the role that a future wastewater treatment facility might play in determining this yield. The County should consider policies and standards to assure that new development that relies on the groundwater basin is not allowed until a safe-yield or alternative water source is determined. Policies and mechanisms to ensure basin-wide management of groundwater supplies should be considered.

Recommendation 2.20. Los Osos Long-term development. Amend Estero Area Plan, including changes to support a reduction in buildout, to reflect an updated Buildout analysis, preservation of groundwater basins, and sensitive habitat protection needs identified through the HCP. Options that build on the currently proposed TDC approach for habitat protection should be evaluated and incorporated into the LCP (see Chapter 4 ESHA).

Water Quality and Marine Resources

Recommendation 3-1: Modify and adopt the following polices and standards in the LCP.

Agriculture Policy 8: Proper soil conservation techniques and grazing methods should be encouraged in accordance with Basin Plan receiving water objectives adopted to meet the water quality requirements of the California Regional Water Quality Control Board.

Coastal Watershed Policy 14: Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance with Basin Plan receiving water objectives adopted by the California Water Quality Control Board.

Ordinance 23.08.046 c(2): Application content. Where this section requires land use permit approval for a specific animal raising activity, the permit application shall include the following in addition to all information required by Sections 23.02.030 ...

> (i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.
> (ii) The applicant's plans for animal waste disposal, including plans showing measures to confine runoff, adequate capacity to allow for proper wastewater disposal, and measures to prevent seepage to groundwater.
> (iii)...

> e(2): Erosion and Sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel. ...

Similar requirements should be incorporated into CZLUO 23.08.052.

Recommendation 3-2: Deleted and replaced with 3-2 a-d.

Recommendation 3-2a: Add program to the LCP encouraging the County to continue supporting educational efforts to address resource impacts from agricultural activities. Efforts should include: a) reducing nonpoint source pollution, including sedimentation, from grazing and other agricultural practices; b) using BMPs and other management strategies to protect habitat areas; c) reducing the contamination of surface waters and groundwater from pesticides; d) reducing water quality degradation from nutrients; and e) reducing nonpoint source pollution caused by irrigation, by encouraging irrigation techniques that conserve water and retain water on-site. The County should use monitoring data and information from watershed planning efforts to target priority locations for educational efforts. In addition, the County should assess and document the effectiveness of educational efforts in preventing and/or minimizing nonpoint source pollution.

Recommendation 3-2b: Amend Ordinance 23.05.026 (d) to modify the exemptions granted from grading permit requirements for agricultural grading. The following grading activities could be exempt from requiring a grading permit, except when associated with grading for roadwork or pads for structures:

- grading of less than 50 cubic yards if Planning Director determines there are no potential impacts to coastal resources;
- tillage of existing agricultural fields;
- maintenance of existing agricultural roads, provided maintenance activities do not widen the road;
- grading further than 100 ft. from ESHA;
- grading which removes no significant trees;
- grading which removes ¼ acre or less of native vegetation,;
- grading on slopes under 30%, if designed per NRCS standards;
- grading performed under a program developed by NRCS or another appropriate agency, that has been reviewed and permitted as outlined in Recommendation 3-2d.

Recommendation 3-2c: Amend Ordinance 23.05.034(c) to allow grading for agricultural cultivation within 100 feet of an ESHA, consistent with the above exemption, if grading is designed to avoid adverse impacts to the ESHA, including preventing polluted runoff into coastal waters and preventing loss of habitat.

Recommendation 3-2d: Add program to Chapter 7 of the LCP (Agriculture) encouraging NRCS or other appropriate agencies to develop program(s) to implement BMPs for agricultural grading activities on agricultural lands. The programs must be certified as consistent with all LCP policies through one of the following mechanisms: a) County review and issuance of a master permit, b) through an LCP amendment, or c) through the Commission's federal consistency review process. Once the program is certified, implementation of specific projects under the program will be exempt from individual grading permits.

Recommendation 3-3: ***Area Plan Updates***. The proposed update of the North Coast Area Plan (January 2000) includes a variety of policies to improve the protection of water quality. These management strategies should be incorporated into the Area Plans. Proposed policies and strategies include: Policies to prohibit point-source discharges into the marine environment; Rural Area Program to designate Areas of Special Biological Significance (ASBS) for protection from development of impacts of any future wastewater outfall structure(s); Improved controls on land divisions and lot line adjustments to minimize the impact of water extraction from riparian creek areas for non-agricultural uses and policies and programs specific to Lodge Hill. The proposed revisions to the North Coast Area Plan Standards offer the opportunity to strengthen the water quality protection provisions of the LCP if expanded to address the issues raised through this review.

Recommendation 3-4: **Expanding *Erosion Control Studies***. The County has targeted the Lodge Hill area to reduce erosion in the area and proposes to implement recommendations of a 1999 erosion control study. These recommendations generally focus on 1) paving roads, and 2) developing a comprehensive master plan for the community. The master plan should design for buildout of the community and incorporate the street drainage network into the plan. In general, implementing the study's recommendations could reduce erosion and sedimentation, and improve water quality in Lodge Hill. The comprehensive plan, though, should also address drainage issues from road paving, and should encourage infiltration of water and maintenance of the natural flow regime, to the extent feasible, by encouraging dispersal of sheet flow from roads into natural vegetated areas. The County should also incorporate measures to site development to retain forest cover.

Recommendation 3-5: Address *Post-Construction Runoff*. Incorporate into the planning process the following checklist of three questions, developed through the Model Urban Runoff Program, to help coastal planners identify and mitigate water quality impacts of proposed development (see Table 3-2, below).

Table 3-2: Water Quality Checklist

a) 1. Would the proposal result in changes in soil infiltration rates, drainage patterns, or the rate and amount of surface runoff?
b) 2. Would the proposal result in discharge into surface waters or wetlands or other alteration of surface water/wetland quality (e.g., temperature, dissolved oxygen, or turbidity)?
c) 3. Would the proposal result in impacts to groundwater quality?

If the proposed project raises water quality issues based on the above questions, or other review, best management practices (BMPs) should be incorporated into the project design to address post-construction runoff.

Recommendation 3-6: Deleted and Replaced

Recommendation 3-6a and Recommendation 3-11:
Add policy or ordinance to prohibit subdivisions on slopes over 30%, where the subdivision would result in building pads, access roads, or driveways to be located on slopes over 30%, or where grading would result on slopes over 30%. For subdivision requests on slopes over 20%,

the applicant should include the location of building pads and access roads, located to minimize erosion and sedimentation, and should require that development maintain pre-development flows by detaining stormwater flows on site.

Recommendation 3-6b and Recommendation 3-9: Modify criteria citing watercourses on USGS maps*:* One requirement for sedimentation and erosion control plans is land disturbance activities that are "within 100 feet of a watercourse shown on current 7 ½ minute USGS quad map. Modify Section 23.05.036 of the CZLUO to include the following criteria for requiring a sedimentation and erosion control plan: where a) a watercourse supports fish, or b) has significant flow 30 days after last significant storm. References to watercourses throughout the LCP should include these criteria and meet the criteria under ESHA Recommendation 4.1.

Recommendation 3-6c and Recommendation 3-12: Deleted and replaced with the following: Modify the LCP grading and/or drainage ordinance (Sections 23.05.020 through 23.05.038 and/or 23.05.040 through 23.05.050) to require, as requirement for filing a plot plan, minor use permit, or development plan, a water quality control plan for all projects and activities which require land use permits or grading permits. Single family residences on slopes under 20% shall be exempt from this requirement if BMPs to assure the goals and objectives of the Modified Chapter 9 are included in the development plan and sized appropriately to ensure the protection of water quality and to meet the design goal criteria. The water quality plan shall:

- identify the type and size of BMPs necessary to maintain peak runoff rates and volumes similar to pre-development rates, and accommodate runoff from the 85th percentile storm runoffs;
- protect or restore natural drainage courses and where feasible use vegetated drainage systems to decrease erosion and filter nonpoint source pollution;
- minimize pollutant loads;
- limit impervious surfaces;
- require the long-term maintenance of BMPs to assure that standards are met.

Recommendation 3-6d and Recommendation 3-8*: Deleted.*

Recommendation 3-6e*:* To improve protection of water quality from residential septic systems, update Title 19 to include the following standards and requirements:

- Add as one of the criteria for siting that septic tank and leach field systems shall avoid poorly drained soils (Ordinance 19.20.222)
- Require inspection and maintenance reports to be submitted by the property owner and/or septic operator at least every three years. The first report should be submitted three years from the date of issuance of the building permit. The property owners and/or septic operators shall be responsible for proposing and undertaking all measures necessary to ensure the continuing proper operation and adequate capacity of the septic tank and leach line systems.
- Add the following setbacks to Ordinance 10.20.222 (c) (2):
  Storm drainage pipes: 25 ft.
  Escarpments: 25-50 ft.
  Property Line: 5-10 ft.
  Building foundations: 10-20 ft, or 30 ft when located upslope from a building in slowly permeable soils.

- Require that septic systems shall not adversely impact surface waters or cause the groundwater nitrate concentration to exceed 10.0 mg/l N or any such drinking water quality objectives established by the California Department of Health Services or Regional Water Quality Control Board, at any source of drinking water on the property nor on any off-site potential drinking water source. Where groundwater nitrate concentration may exceed the applicable water quality objective or where surface waters may be adversely affected from the septic systems, install denitrification system(s) to reduce total nitrogen loadings by 50%.

Recommendation 3-7a: Update Chapter 9 (Coastal Watersheds) of LCP to provide the framework for a comprehensive Watershed and Water Quality Protection component of the LCP. The chapter should include the following elements:

- a revised introduction to reflect the new knowledge and concern of nonpoint source pollution since 1988, including the recently adopted statewide nonpoint source pollution plan, which forms the basis for protection of water quality from nonpoint source pollution;
- a discussion of the need for watershed based policies and programs, including non-regulatory programs, to fully address water quality issues;
- updated goals and objectives for water quality protection (see following list of goals for guidance);
- modifications to existing policies and ordinances, as discussed in modified Recommendations 3-1 through 3-13;
- a program to encourage watershed planning (see discussion below);
- a program that requires the County to participate in water quality sampling and/or monitoring to measure water quality conditions and the effectiveness of management measures taken to reduce nonpoint source pollution.

As guidance for developing the LCP Watershed and Water Quality Component, the Commission suggests the following:

The chapter should include development of findings of fact, for the basis for specific policies, ordinances, and programs. These findings could be developed to include such provisions as the following:

The County finds that uncontrolled drainage and development of land has a significant adverse impact upon the health, safety and welfare of the community. More specifically,

a) Nonpoint source runoff can carry pollutants into receiving water bodies, degrading water quality;
b) The increase in nutrients such as phosphorus and nitrogen accelerates eutrophication of receiving waters, adversely affecting flora and fauna;
c) Improperly channeling water may increase erosion or lead to excess sedimentation;
d) Construction requiring the alteration of natural topography and removal of vegetation may increase erosion or lead to excess sedimentation;
e) Excess sedimentation (siltation) of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna;
f) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge;
g) Improperly managed stormwater runoff can increase the incidence and extent of flooding, damaging habitat, as well as endangering property and human life;
h) Improperly managed stormwater runoff can interfere with the maintenance of optimum salinity in estuarine areas, thereby disrupting biological productivity;
i) Substantial economic losses result from these adverse impacts on community waters;

j) Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

The chapter should include suggested goals and objectives. These goals and objectives could include such provisions as the following:

a) To protect, restore, and maintain the chemical, physical and biological integrity of coastal waters;
b) To prevent individuals, business organizations and governments from causing harm to the community by activities that adversely affect water resources;
c) To encourage the construction of drainage systems which aesthetically and functionally approximate natural systems;
d) To encourage the protection of natural systems and the use of them in ways that do not impair their beneficial functioning;
e) To encourage the use of drainage systems that minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the systems;
f) To minimize the transport of pollutants to coastal waters;
g) To maintain or restore groundwater levels;
h) To protect, maintain or restore natural salinity levels in estuarine areas;
i) To minimize excess erosion and sedimentation;
j) To prevent damage to wetlands;
k) To prevent damage from flooding, while recognizing that natural fluctuations in water levels are beneficial; and
l) To protect, restore, and maintain the habitat of fish and wildlife;

Included in the chapter should be policies such as the following:

a) New development shall be designed to maintain predevelopment hydrological conditions to the maximum extent practicable.
b) New development shall protect the absorptive, purifying, and retentive functions of natural systems that exist on a site, and shall, where possible, restore natural drainage systems.
c) New development shall minimize pollutant loads.
d) New development shall minimize impervious surfaces.

The chapter should also include standards and ordinance provisions to implement the policies. These standards could include such provisions as follows:

a) New development shall implement Best Management Practices (BMPs) necessary to accommodate runoff from the 85th percentile storm runoffs as defined by the BMP Design Goal, and assure that development maintains peak runoff rates and volumes similar to pre-development rates.[1]
b) Development shall minimize site disturbance by clustering building site locations and placing roads along contours.
c) To reduce impervious surfaces, permeable materials shall be used where possible for driveways and walkways. Walkways and driveways shall be limited to the smallest functional size.
d) A water quality control plan shall be required for projects and activities that require land use permits or a grading permit. (See Recommendation 3-6c, Urban and Rural Development section.)

Recommendation 3-7b:

[1] The BMP Design Goals is the size of a storm event that is used (along with other information) to determine the size of a structural BMP. Considering the long-run records of local storm events, the 85th percentile event would be larger than or equal to 85% of the storms. The 85th percentile storm can be determined by reviewing local precipitation data or relying on estimates by regulatory agencies. For example, the Los Angeles Regional Water Quality Control Board has determined that 0.75 inch is an adequate estimate of the 85th percentile, 24-hour storm event for typical municipal land uses within its jurisdiction.

The LCP should be updated to include a program to encourage watershed planning, including a finding that watershed planning is necessary to fully address water quality impacts inside the coastal zone. Watershed planning may require the participation and coordination of various agencies. Through this program, the County should facilitate watershed-planning efforts by:

- identifying priority watersheds or subwatersheds for watershed planning, consistent with criteria established for determining critical coastal areas. Priority areas should focus initially on watersheds with known water quality problems, or where development pressures are such that nonpoint source pollution can be anticipated to be a major concern;
- ensuring full public participation in the development of the plan;
- assessing land uses in the priority areas that degrade coastal water quality;
- pursuing funds to support the development of watershed plans; and
- participating in intergovernmental efforts for watershed planning.

General Components of a watershed plan (to guide implementation by many agencies) should include:

- Purpose and Objectives of the Plan;
- Description of approval process, including identification of participating stakeholders, and any required agreements or MOUs;
- Description of the Watershed, including description and data on such items as physical, hydrologic, climatic and natural resource features, land uses, types of land cover, water body use and classification, water body standards, natural and cultural resources, economic base, population demographics, farm demographics, governmental units;
- Resources Inventory
- Problem Identification, describing the specific water resource management problems including the sources and causes of impairment of point sources, nonpoint sources, physical and chemical pollutants, and problem or impediments;
- Problem Analysis, including an assessment of the cumulative impacts of development on water quality and hydrology in order to designate areas to further emphasize on site management of runoff;
- Alternative Management Strategies, including identifying specific measures to minimize the cumulative impact of new development on the watershed and avoiding the alteration of natural drainage patterns; using BMPs, proposed land use changes, structural solutions, and financial incentives; identifying which areas of the watershed which, if restored, could improve water quality; integrating agriculture management measures including developing watershed specific nutrient and pesticide management programs;
- Preparation of Draft Water Resources Management Plan;
- Monitoring and Evaluation Component to evaluate the effectiveness of BMPs used to control polluted runoff;
- Implementation Funding Strategy and Budget;
- Public Participation and Educational Strategy.

Recommendations 3-8 through 3-12: Deleted and/or incorporated into above modified recommendations.

Recommendation 3-13 deleted

Recommendation 3-13a*:*
For updated Harbor Plans, require an operation and maintenance component that addresses water quality protection. Update the LCP by adding policies and standards to implement effective

runoff control strategies and pollution prevention activities, by requiring, where appropriate, the following best management measures:

- providing buildings and/or enclosed areas where possible for maintenance activities;
- constructing new or restore former wetlands where feasible and practical;
- requiring use of porous pavement where feasible;
- requiring installation of oil/grit separators to capture petroleum spills and coarse settlement;
- requiring use of catch basins where storm water flows to the marina basin in large pulses;
- requiring filters to storm drains that are located near work areas and placement of absorbents into drain inlets.

Where fuel stations are added or redesigned, require them to reduce pollution from discharges through measures:

- writing and implementing a fuel spill recovery plan;
- using automatic shutoffs on fuel lines and at hose nozzles to reduce fuel loss;
- installing personal watercraft floats at fuel docks to help drivers refuel without spilling;

To reduce contamination of surface waters, require, as appropriate:

- sewage pumpout, dump station, and restroom facilities, and require maintenance of facilities;
- establish no discharge zones to prevent sewage from entering waters.
- filter additions to storm drains that are located near work areas;
- removal of old style fuel nozzle triggers that are used to hold the nozzle open without being held;
- install fish-cleaning stations with appropriate sewer hookups at marinas and boat launch sites;
- require a management plan and appropriate facilities to store, transfer, and dispose of liquid materials;
- build curbs, berms, or other barriers around areas used for liquid material storage to contain spills;
- prepare a hazardous materials spill recovery plan and update it as needed.

Recommendation 3-13b: Add the following program to Chapter 5 of the LCP (Commercial and Recreational Boating): In partnership with Harbor Districts and other agencies, the County shall participate in, and encourage, efforts to educate boaters and boating facility operators to implement management measures to reduce water pollution from boating activities. To support public education programs, the County should encourage the development of programs that support the installation of infrastructure that will enable the public to implement appropriate BMPs.

Educational information could include the following:

- Management practices for maintenance activities which minimize in-water work, and encourage maintenance activities in enclosed buildings, within spray booths, or under tarp enclosures.
- The use of vacuum sanders to remove paint from boats and collect paint dust.
- The benefits of absorbents in drain inlets.
- The need to use chemical and filtration treatment systems only where necessary.
- The importance of using low-toxicity or non-toxic hull paints, antifreeze, and coolants, and recycling products when possible.

Infrastructure and facility modifications could include:

- Install easy-to-read signs on the fuel dock that explain proper fueling, spill prevention, and spill reporting procedures. Locate and design boat fueling stations so that spills can be contained, such as with a floating boom, and cleaned up easily.
- Place trash receptacles and recycling containers in convenient locations for marina patrons.
- Provide boaters with trash bags.
- Provide facilities that extract used oil from absorption pads if possible, or for the disposal of it in accordance with petroleum disposal guidelines.

Fueling Facilities and Operations could include:

- Have spill containment equipment storage, such as a locker attached to the fuel dock, easily accessible and clearly marked.
- Promote the installation and use of fuel/air separators on air vents or tank stems of inboard fuel tanks to reduce the amount of fuel spilled into surface waters during fueling.
- Prohibit the use of detergents and emulsifiers on fuel spills.

Sewage Management modification could include:

- Provide sewage pumpout service at convenient times and at a reasonable cost.
- Provide portable toilet dump stations near small slips and launch ramps.
- Provide restrooms at all marinas and boat ramps.
- Establish practices and post signs to control pet waste problems.
- Establish no discharge zones to prevent sewage from entering waters.

Environmentally Sensitive Habitat Areas

Recommendation 4.1: Revise the LCP's Definition of ESHA

- Revise definitions of SRA and ESHA contained in Section 23.11.030 so that they conform to the Coastal Act definition. Clarify that ESHA, and the application of ESHA protection standards, is not limited to the areas mapped as Combining Designations. As proposed on page 7-10 of the Estero Update, use the definition of "habitat for rare and endangered species" provided by the CEQA guidelines as an additional tool to define ESHA.

- Determine the presence of ESHA based on the best available information, including current field observation, biological reports, the National Diversity Database, and US Fish and Wildlife Critical Habitat Designations and Recovery Programs. Where the available information indicates that an area may contain ESHA, but that area is not mapped as ESHA by the LCP, a Field Review Team comprised of County staff, project biologist(s), and representatives from involved wildlife agencies and organizations, shall conduct a Site Specific Constraints Analysis.

- As proposed by both the North Coast and Estero Updates, recognize all riparian habitats as ESHA regardless of whether they are mapped by USGS quadrangles.

- Replace the LCP's definition of streams, currently limited to streams shown by USGS maps, with an alternative definition, such as used by the Department of Fish and Game:

  A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

Recommendation 4.2: Revise and Update ESHA Combining Designations

- Recognize maps as a tool for identifying potential locations of ESHA, but that the actual presence and extent of ESHA must be determined in the field. Establish Field Review Teams, comprised of County staff, the project biologist(s) and representatives from involved wildlife agencies and organizations, to evaluate sites where the Combing Designation Maps do not effectively address the potential presence of ESHA.

- Incorporate other rare and valuable habitat types into the ESHA Combining Designation Programs. These should include, but not be limited to, the additional sensitive habitats identified by the North Coast and Estero Updates.

- Maintain the Combining Designation maps as a dynamic geographic database that can be routinely updated as new information becomes available. To facilitate such efforts, the County should establish-standard formatting requirements for field surveys and biological reports that could be directly incorporated into such a system. Coordination with other resource management entities involved with mapping sensitive habitats (e.g., the Morro Bay National Estuary Project) should also be pursued along with other grant programs and cooperative mapping efforts.

Recommendation 4.3: Update Requirements for Biological Investigations and Reports

- Revise CZLUO Section 23.07.170 so that biological reports are prepared for all development within or adjacent to ESHA, not just those sites that have been mapped as ESHA. Use the Field Review process recommended above to determine the need for biological reports when development is located on a site that has the potential to support ESHA, but is not mapped as ESHA by LCP Combining Designations. Where the Site Specific Constraints Analysis identifies the presence, or potential presence, of any sensitive habitat type, natural community, and/or particular plant or animal species that meets the revised definition of ESHA, a biological report should be required.

- Evaluate particular areas, particularly urban areas, where it may be appropriate to exclude new development from Site Specific Constraints Analyses. Incorporate such exclusions into the LCP based on scientific evidence demonstrating the absence of ESHA in such areas.

- Develop comprehensive habitat conservation and management programs for areas with particular habitat protection needs (e.g., Los Osos dune scrub and maritime chaparral habitats, Cambria Pine Forest, coastal watersheds that support Steelhead trout, and Cayucos Creeks; please see recommendation 4.6). Upon incorporation of such programs into the LCP, development within particular habitat areas may be excluded from the need

to provide site-specific biological investigations and reports. Instead, the biological information required at the application stage would be related to implementation of the area wide habitat protection program (e.g., contribution to area wide program that retires development potential in ESHA).

- Update the minimum requirements for biological reports specified by CZLUO Section 23.07.170 in coordination with state and federal resource management agencies.

- The location and extent of ESHA on and adjacent to a development site should be described and mapped by the Biology Report, in a format that allows it to be incorporated into a GIS based Combining Designation map system (see Preliminary Recommendation 1b above). The delineation should not be limited to the particular locations where rare plants or animals are observed at one point in time. Rather, it should consider the full range of the sites physical characteristics (e.g., soil type, vegetation, topographical features) represent potential habitat for such rare plant and animal species. In addition, where previously disturbed but restorable habitat for rare and sensitive plant and animal species exist on a site that is surrounded by other valuable habitat areas, these areas should be delineated and protected as ESHA as well. Implementation of this recommendation will also require the incorporation of additional standards for Biological Reports within CZLUO Section 23.07.170.

- Biological reports and their accompanying ESHA delineations should be submitted for the review and comment of the California Department of Fish and Game, the US Fish and Wildlife Service, and to the National Marine Fisheries Service (as applicable), as well as to the California Coastal Commission, before applications for development in or adjacent to ESHA are filed as complete. The incorporation of such a requirement into the LCP (e.g., within Section 23.07.170 of the CZLUO) should be accompanied by a specific time frame for such reviews (e.g., 14 days) to ensure that they would not result in undue delays in the development review process.

Recommendation 4.4: Identify, and Implement Where Feasible, the Resource Dependent Criteria for Development in ESHA

- Revise "Table O", such as through the addition of a new preamble, to clarify that Resource Dependent Uses are the only principally permitted use within an ESHA or their required setbacks. All other uses that may be permitted to accommodate an economic use should be considered a conditionally permitted use.

- Where non-resource dependent uses are proposed in or adjacent to ESHA, and may be necessary to accommodate to avoid a "taking" (i.e., there are no feasible alternatives that avoid impacts to ESHA), analyze whether there is a reasonable economic backed expectation for the non-resource dependent use (see Recommendation 4.10, below).

- Provide exceptions to the above standards in areas that are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see Recommendation 4.6, below).

Recommendation 4.5: Prohibit Subdivisions that Create new Lots in ESHA

- Implement the provisions of 23.07.170c.

- Revise Cluster Division Ordinance to require much smaller ~~lots~~ building sites, that they be located entirely outside ESHA and its setback, and that all of the ESHA area be retained and protected as Open Space. Make clustered division mandatory, rather than optional, for all divisions on parcels containing ESHA.

- Clarify that the parcel sizes established by CZLUO Sections 23.04.020 – 033 do not apply to sites that support ESHA, within which land divisions are prohibited.

Recommendation 4.6: Develop Comprehensive Habitat Conservation, Protection and Management Programs for Areas with Particular Habitat Protection Needs and Challenges

- In urban areas that contain numerous existing lots within ESHA that has been fragmented or degraded by surrounding development, develop programs allowing for non-resource dependent uses that contribute to the protection of surrounding viable habitat areas threatened by development. The current effort to develop a Habitat Conservation Plan as part of the Los Osos Wastewater Treatment project and Estero Area Update should continue to be pursued, with ongoing coordination between the Los Osos CSD, involved regulatory agencies, and interested parties. As proposed by Preliminary Recommendation 4.36 later in this Chapter, a similar approach, involving a comprehensive forest management plan for Cambria would go a long way towards managing cumulative buildout in a manner that will protect the long-term health and survival of sensitive Monterey Pine Forest habitats.

- The constraints and opportunities associated with the protection of the coastal creeks and lagoons within the Cayucos urban area also warrants the incorporation of comprehensive creek protection plans (i.e., within the Estero Area Plan). Such plans could be used to perfect setback standards, and prescribe specific mitigation measures, that enhance the riparian environment and clarify development requirements.

- Comprehensive habitat protection plans may prove to be equally useful for the protection of sensitive habitats in rural areas. The North Coast creeks and arroyos are examples of sensitive rural habitat areas that could benefit from such plans. HCP Planning efforts being initiated by State Parks, Community Services Districts, and others, should be closely coordinated with the County and Commission staff to ensure that they will effectively carry our Coastal Act and LCP requirements.

Recommendation 4.7: Revise Biological Report Requirements

- In addition to the information that is currently required to be included in biology reports pursuant to CZLUO Section 23.07.170, the reports should identify the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. Biological Reports should identify where revisions to the project are available to avoid and minimize impacts on ESHA, which should be considered by the County in the evaluation of project alternatives.

- County analysis of development in or adjacent to ESHA should include an assessment of the impacts posed by fire safety requirements, such as vegetation clearance and roadway improvements. Where fire safety measures required to accommodate new development

may impact ESHA beyond what was anticipated by the project's Biological Report, a supplemental report may be required. In any instances where fire clearance requirements would impact ESHA, project alternatives that avoid these impacts should be identified and pursued. Where impacts to ESHA associated with fire safety precautions can not be avoided, these impacts should be minimized and mitigated in accordance with Recommendations 4.11 – 4.16.

Recommendation 4.8a: Expand Application of Rural Area SRA Standards regarding "Site Planning – Development Plan Projects" Contained in Area Plans

- As proposed in both the North Coast and Estero Area Plan Updates, require *all* development (not just those located in rural areas that trigger Development Plan review) to concentrate proposed uses in the least sensitive portions of properties and retain native vegetation as much as possible. Apply this standard throughout the coastal zone.

- Provide flexibility in non-habitat related setback requirements where necessary to avoid and minimize ESHA impacts.

Recommendation 4.8b: Evaluate all Available Alternative Locations that Avoid and Minimize Impacts to ESHA

Require all applications for development within an ESHA or its setback to include an overall development plan for all properties that are geographically contiguous and in common ownership[2] at the time of the application.

Recommendation 4.9: Thoroughly Review and Aggressively Pursue Project Alternatives that Avoid Impacts to ESHA

- The full range of project alternatives that would avoid impacts to ESHA, from alternative sites to different designs (including reductions in project sizes) should be pursued and required. This should include a critical analysis of the habitat constraints identified in the biological report and the options available to respond to these constraints (see Recommendation 4.7).

- In accordance with Policy 1 for ESHA, the requirements of CZLUO Section 23.07.170 should apply to development that is further than 100 feet from the ESHA where such development poses adverse impacts to the habitat.

Recommendation 4.10: Incorporate New Standards and Review Procedures to Implement ESHA and Viewshed Protection Consistent with Coastal Act Section 30010.

To effectively resolve takings concerns where it is not feasible to avoid impacts to ESHA or development in scenic coastal areas (see Recommendations 8.1 and 8.6), incorporate additional standards and review procedures within the LCP that will protect coastal resources to the maximum extent possible consistent with Coastal Act Section 30010.

For example, the County should consider developing of a process for evaluating the following when a non resource dependent use is proposed in or adjacent to ESHA, or when structural development is proposed in significant coastal viewsheds, and no alternatives to avoid such development is available:

a) whether limiting uses within ESHA to those that are resource dependent consistent with Coastal Plan Policy 1 for ESHA would deprive the landowner of all economically beneficial use of the property; and,

b) whether there is a reasonable investment-backed expectation of approval of such a non-resource dependent use.

Some of the information that should be evaluated as part of such an analysis includes:

1. Date the applicant purchased or otherwise acquired the property, and from whom.

2. The purchase price paid by the applicant for the property.

3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.

4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in 4 above, that applied to the property at the time the applicant acquired it, or which may have been imposed after acquisition.

6. Any changes to the size or use of the property since the time the applicant purchased it, including a discussion of the nature of the changes, the circumstances and the relevant dates.

7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.

8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.

9. Any offers to buy all or a portion of the property which the applicant solicited or received since the time of purchase, including the approximate date of the offer and the offered price.

10. The applicant's cost associated with ownership of the property, annualized for each of the last five calendar years, including property taxes, property

assessments, debt services costs (such as mortgage and interest costs), and operation and management costs.

11. Apart from any rent received from leasing all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

In order to approve a non-resource dependent development within ESHA or its setbacks, or any development that conflicts with the scenic resource protection provisions proposed in Recommendations 8.1 and 8.6, the following findings should be made and accompanied by supporting evidence:

1. Based on the economic information provided by the applicant, as well as other relevant evidence, a resource dependent use would not provide an economically viable use of the applicant's property.

2. Restricting development on the applicant's property to a resource dependent use would interfere with the applicant's reasonable investment-backed expectations.

3. The amount of development represents the minimum necessary to provide the applicant with an economically viable use of his or her property.

Provide exceptions to the above requirements for development on lots where ESHA issues are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see Recommendation 4.6, above).

Recommendation 4.11: Minimize the Intensity of Non-Resource Dependent Development to the Maximum Degree Feasible

- In instances where the County concludes that, in order to avoid a taking of private property, a non-resource dependent use must be accommodated in ESHA, or that development must be accommodated within a scenic coastal area contrary to Recommendations 8.1 and 8.6, the County should require that such development be limited to the minimum required to avoid a taking.

- Prohibit access roads that disturb ESHA or encroach within scenic coastal areas unless the road is necessary to provide an economically viable use of the overall development plan area.

Recommendation 4.12: Establish Maximum Disturbance Limitations

Incorporate new standards into the Area Plans that establish maximum disturbance envelopes for unavoidable non-resource dependent development in ESHA. Such standards should be customized to the particular circumstances of the area, considering factors such as the size and configuration of lots, biological sensitivity and resource management principles, agricultural viability, and other coastal resources constraints (e.g., visual).

Recommendation 4.13: Require Conservation Easements/Deed Restrictions Over All ESHA Outside Development Envelope

- Where non-resource development must be accommodated within or adjacent to ESHA, minimize the long-term impacts of such development by requiring all ESHA on the project site outside of the development envelope to be restricted to natural resource management, restoration and enhancement.
- Submit such easements and deed restrictions for the review and approval of the California Coastal Commission Executive Director pursuant to Section 13574 of the California Code of Regulations.

Recommendation 4.14: Coordinate Review of Projects that Pose Impacts on Listed Species with DFG, USFWS, and NMFS

Information that should be provided to justify the Findings required by Section 23.07.170b (i.e., that significant adverse impacts to the habitat will be avoided), when not otherwise provided though the CEQA process, includes: concurrence of the Department of Fish and Game and/or U.S Fish and Wildlife Service if species listed under state or federal Endangered Species Act are involved; and, concurrence from the National Marine Fisheries Service if marine habitats are involved. The timing of this review should be coordinated between the County and wildlife agencies to ensure compliance with the Permit Streamlining Act.

Recommendation 4.15: Specify Mitigation Requirements[3]

- Require on-site mitigation for development *adjacent* to ESHA. Where the impacts to ESHA posed by adjacent development have been avoided and minimized, but still pose adverse affects, mitigate by requiring implementation of an on-site habitat management, restoration, and enhancement program proportional to the potential impacts of the development.

- Require on-site and off-site mitigation for development *within* ESHA. Where development directly in an ESHA can not be avoided, and has been minimized to the greatest degree feasible, protect all ESHA outside the development envelope by implementing an on-site habitat management, restoration, and enhancement program that will reduce the adverse impacts of the development to the greatest extent feasible. In addition, require off-site mitigation to offset the reductions in habitat quantity and quality attributable to the development. In most cases, this should be in the form of acquiring and permanently protecting the same type of habitat, in an area otherwise threatened by development. The size and habitat quality of the off-site mitigation area should be proportional to the biological productivity of the area of impact. Incorporation of in-lieu fee programs into the LCP to implement such off-site mitigation is an option.

Recommendation 4.16: Specify Mitigation Monitoring and Evaluation Requirements

- To ensure mitigation effectiveness, established minimum requirements for monitoring and implementation. In general, this should include: preparation of a 5 year implementation and monitoring plan, for the review and approval of the Planning Director, that identifies the specific mitigation objectives and the performance standards that will be used to evaluate success; and, the submission of a report at the conclusion of

[3] E.g, CZLUO Sections 23.07.170a(1) and 23.07.174d(2)(ii)

the 5 year period, again for the review and approval of the Planning Director, that either documents the successful implementation of the mitigation or proposes corrective actions and additional monitoring and reporting that will be implemented until the mitigation objectives have been achieved to the satisfaction of the Planning Director.

Recommendation 4.17: Pursue changes to Section 23.07.174b of the CZLUO to achieve conformance with Coastal Act Section 30236, as well as with ESHA Policy 23.

- This ordinance should specifically require that all permitted streambed alterations employ the best mitigation measures feasible, including but not limited to:

  1) avoiding the construction of hard bottoms
  2) using box culverts with closed beds rather than closed culverts
  3) providing for wildlife movement
  4) pursuing directional drilling for pipes and cables to avoid stream bed disturbance

  A reference to the updated section of the LCP addressing mitigation requirements, as proposed by Recommendations 4.15 and 4.16, should also be provided.

- Part (1) should state that streambed alterations are limited to necessary water supply projects. The incorporation of specific criteria to define what constitutes a "necessary" water supply project should be considered. A preliminary suggestion is to define such projects as those essential to protecting and maintaining public drinking water supplies, or accommodating a principally permitted use where there are no feasible alternatives.

- Part (4), allowing streambed alterations for the maintenance of flood control channels, should be considered for deletion. Necessary maintenance activities can be accommodated under part (2) of this ordinance, which includes the Coastal Act criteria for such activities (part (4) does not include these important criteria).

Recommendation 4.18: Delete the exemption for stream diversion structures associated with agricultural stock ponds of under 10 acre feet that may impact stream habitat.

Recommendation 4.19: Analyze streambed alterations for conformance with CZLUO Section 23.07.174b.

Recommendation 4.20: Improve coordination with the Department of Fish and Game's Streambed Alteration process. Where possible, streambed alteration agreements should be obtained prior to or concurrent with the County's review of the permit application, rather than as a condition of approval. This will provide greater opportunity to make adjustments to the project that would better protect the stream habitat.

Recommendation 4.21: Pursue Alternatives to Streambed Alterations.

Evaluate alternative access routes to avoid development in a stream. Where alternative routes outside of riparian habitats are not available, pursue designs that avoid fill, culverts, and minimize in-stream bridge supports and disruption of natural creek flows and vegetation.

Recommendation 4.22: Encourage Additional Research Regarding the Effectiveness of Setback Distances.

- Such studies appears to be warranted given the apparent decline in the health of riparian resources such as the Steelhead trout, southwestern pond turtle, red-legged frog, and other rare and endangered species. Incorporation of a program that would encourage such studies, potentially in coordination with local universities and/or resource management agencies and organizations, should therefore be considered.
- Pursue individual watershed management programs for coastal streams. Such program could address appropriate setback distances as well as other important riparian and water quality issues.

Recommendation 4.23:Apply a Minimum Standard Setback of 100 feet in Urban Areas Where Feasible.

Consider applying a 100' standard setback, rather than 50' or less, in urban area where a 100' setback is feasible and would achieve better protection of stream resources. In all cases, development should be setback the maximum feasible distance from riparian vegetation, as determined through a site specific constraints analysis.

Recommendation 4.24: Improve Implementation of Setback Standards and Adjustments.

- Explore and require, unless more environmentally damaging, alternative alignments for new or improved roads and other uses allowed in setback areas that conform to standard setback requirements. For example, consider new alignments to existing non-conforming roads where there may be impacts associated with intensified use or fire safety improvements. If realignment is appropriate, abandonment and revegetation of the pre-existing road should also be required.
- In instances where alternative alignments are not feasible or more environmentally damaging, provide more specific guidance on what is required to mitigate adverse effects to the greatest degree feasible (CZLUO Section 23.07.172d(1)(ii), as referenced by 23.07.174d(1)). Please see Recommendations 4.15, 4.16, 4.17, and 4.27a.
- Critically evaluate "after-the-fact" permit applications where development has illegally encroached into setback areas. Before off-site mitigation is considered, evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation should be an additional requirement where necessary to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

Recommendation 4.25: Consider Limiting Pedestrian and Equestrian Trails within Riparian Setback Areas to Passive Recreation.

- Where intensive recreational activities may adversely impact ESHA, they should be directed to areas outside of riparian setbacks.
- Where trails are allowed within or adjacent to riparian areas or other ESHA, require the provision of interpretive signing.

Recommendation 4.26: Incorporate Additional Standards for Stream Diversions and Water Wells

- Prohibit diversion or extraction of surface and subsurface streamflows where adverse impacts to steelhead or other important riparian resources would result.
- Prohibit in-stream barriers to fish migration unless such structure comply with streambed alteration standards and provide effective fish ladders or by-pass systems.

- Where water supply projects have the potential to impact fish habitat or other stream resources, limit diversions to peak winter flows that exceed the amount the needed to sustain the resources, and require off-stream storage where year-round water supplies are needed.
- To the degree feasible, water diverted from coastal streams should be treated after use and returned to the watershed of origin in like quality and quantity.

4.27: Incorporate Additional Standards for Development In and Adjacent to Streams and other Aquatic Habitats

All permitted development in or adjacent to streams wetlands, and other aquatic habitats should be designed and conditioned to prevent loss or disruption of the habitat (e.g., smothering of Steelhead spawning gravel and rearing habitats); protect water quality; and maintain and enhance biological productivity. To achieve this objective, CZLUO Section 23.07.174 should be updated in conjunction with updates to Coastal Watersheds Policies and the grading ordinance. These updates should incorporate standards that:

- necessitate flood control and other necessary instream work be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation (e.g., limit the number of access routes to and from the construction area, locate stockpile and staging areas away from drainage courses and sensitive vegetation);

- require that all allowable instream development be designed to mimic natural habitat conditions wherever feasible (e.g., consider bridges that minimize disruption of natural drainage courses as an alternative to culverts, incorporate natural materials such as root wads, gravel, and native vegetation);

- prescribe methods to control drainage in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction (e.g., identify and evaluate location and capacity of silt fences/hay bails, drainage inlets, detention basins; encourage vegetated drainage features, such vegetated drainage swales created wetland detention areas to facilitate filtration and habitat enhancement; and

- establish standards for the breaching of beach berms that support coastal lagoons (see Recommendation 4.33)

4.27(b) Develop and Implement Water Quality and Habitat Protection Standards for New Agricultural Development and Habitat Enhancement Projects in Coordination with Voluntary Assistance and Education Programs.

Improve water quality and habitat protection standards applicable to habitat enhancement projects and new agricultural development within 100 feet of ESHA by updating CZLUO Section 23.07.174e(6) in accordance with the agriculture and water quality recommendations of this report. New water quality and habitat protection standards applicable to such development should be developed and implemented in coordination with voluntary assistance and education programs. To minimize the need for permit review and ensure that habitat restoration activities

and agricultural development in and near ESHA complies with Coastal Act Sections 30230, 30231, 30236, and 30240, the new LCP Water Quality Component should encourage:

- The certification of volunteer, education, and assistance programs that ensure habitat enhancement projects and agricultural development within setback areas effectively protect sensitive habitats, water quality, and other coastal resources. Such certification could be accomplished through the issuance of a "master" coastal development permit for program implementation; incorporating a categorical exclusion into the LCP for the implementation of such programs; or through Coastal Commission concurrence with a Federal Consistency Determination submitted by the federal agency responsible for program funding and/or implementation.

- Coastal development permit exemptions for individual projects that are implemented pursuant to certified programs.

4.28: Complete the Follow-Up Review on D870182 for the Aquaculture Facility North of Cayucos

4.29: Miscellaneous Policy Clarifications

- Identify the correct reference for CZLUO Section 23.07.174e(7)

- Delete CZLUO Section 23.07.174e(2)

Recommendation 4.30: Incorporate Standards for Wetland Delineations

In addition to pursuing an alternative to the LCP's current map based system for protecting wetlands and other environmentally sensitive habitats, new standards that facilitate a complete and accurate delineation of all wetlands during the local review process should be incorporated into the LCP. The provisions of Section 13577(b)(1) of the California Code of Regulations, Title 14, should be used as guidance in formulating these delineation standards. A potential location for these standards would be within the updated biological report requirements (see Recommendation 4.7).

Recommendation 4.31: Evaluate Biological Significance of Manmade Wetlands

Where necessary to address competing resource protection interests, consider the biological significance of man made wetlands. Allow adjustments to standard wetland setbacks from biologically insignificant manmade wetlands where the lesser setback will not disrupt sensitive habitats and is needed to achieve a more important resource protection objective.

Recommendation 4.32: Prohibit Variances to Wetland and Other ESHA Protection Standards Variances Can be Avoided

Consider changes to the variance provisions that would prohibit exceptions to wetlands and other ESHA setback and protection standards where those impacts could otherwise be avoided, unless the variance is needed to achieve consistency with Coastal Act Section 30010.

Recommendation 4.33: Develop Standards for the Breaching of Coastal Lagoons

- Require a CDP for lagoon breaching activities, and limit such development to situations where it represents the least environmentally damaging feasible alternative for relieving a flood hazard, public health hazard, or water pollution problem. Lagoon breaching should also be allowed and encouraged where man made alterations have interrupted the natural breaching cycle. The decision to breach should be based on a comprehensive assessment of environmental conditions and alternatives available to address the hazard or resource concern.

- The LCP should_incorporate standards to ensure that where allowed, lagoon breaching mimics natural breaching to the extent feasible, and is carried out in a manner that is the most protective of wetland resources and other environmental resources particular to each site. Such standards should include:

- Coordination with all applicable regulatory agencies, including the California Coastal Commission, California Department of Fish and Game, the US Army Corps of Engineers, the Monterey Bay National Marine Sanctuary, and the Regional Water Quality Control Board.

- Development of a breaching plan based on a scientific assessment of the lagoon environment_that addresses the need for breaching and available alternatives; impacts on endangered species and habitats; public health and safety; and public access and recreation.

- Requiring the breaching activity to be conducted in a controlled manner that reduces lagoon water levels the minimum necessary to abate the hazard.

- Breaching plans and permits should also include short term and long term monitoring provisions that evaluate the health of the lagoon and the impacts of breaching.

Recommendation 4.34: Provide Standards for Wetland Monitoring and Restoration Activities

Incorporate specific requirements (e.g., within Sections 23.07.172 and 23.05.034 of the CZLUO) for the monitoring and restoration of wetland resources to enhance effectiveness and ensure that such activities are carried out in a manner that will not harm wetland resources.

For example, the LCP should be updated to require clear performance criteria that relate logically to restoration goals. Where there is sufficient information to provide a strong scientific rationale, the performance criteria shall be absolute (e.g., specified abundance of particular species). Where absolute performance criteria cannot reasonably be formulated, relative performance criteria should be specified. Relative criteria are those that require a comparison of the restoration site with reference sites. The rationale for the selection of reference sites, the comparison procedure, and the basis for judging differences to be significant should also be specified. If any comparison requires a statistical test, the test should be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted. The design of the sampling program should relate logically to the performance criteria and chosen methods of comparison. The sampling program should be described in sufficient detail to enable an independent scientist to duplicate it. Frequency of

monitoring and sampling shall be specified for each variable to be monitored. Sample sizes shall be specified and their rationale explained.

The use of independent consultants to evaluate the success of restoration projects and report their findings to the County should also be considered.

Recommendation 4.35: Review Mosquito Abatement Activities

Investigate whether mosquito abatement practices are being reviewed and permitted in conformance with ESHA Policy 12 and San Luis Bay SRA Program 8.

Recommendation 4.36: Coordinate the Management and Protection of Open Space Easements Obtained to Protect Wetlands and other ESHA

Evaluate ways to better obtain and protect open space easements over sensitive portions of bayfront property per Morro Bay SRA Program 23. This could include partnering with the Morro Bay National Estuary Program, and other qualified agencies and organizations. Similar efforts should be made to ensure that other open space easements obtained to protect ESHA are being effectively managed.

Recommendation 4.37: Develop a Comprehensive Forest Habitat Management and Protection Program

As part of the North Coast Update, consider incorporating the Cambria Monterey Pine Forest Management Plan currently being developed by the Cambria Forest Committee to guide and regulate buildout and forest management so that the long-term conservation of the Cambria pine forest ecosystem can be ensured and enhanced. In coordination with this effort, the North Coast Area Plan should be updated to include standards regarding the location and extent of off-site and on-site mitigation (e.g., tree replacement, contributions towards the acquisition of significant forest habitats); identification of additional TDC sending sites and appropriate receiver sites; and, provisions for the on-going management and preservation of protected forest areas.

Recommendation 4.38: Aggressively Pursue Project Alternatives That Avoid Tree Removal

- Require development to be sited and designed in a manner that that first avoids, then minimizes, removal of Monterey Pine. Make full use of flexible setbacks, and allow such flexibility in all areas of the pine forest, not just Lodge Hill.
- Apply an updated version of Pine Forest Preservation Standard 6c for the Cambria Urban Area to all areas with pine forest habitat.

Recommendation 4.39: Increase Tree Replacement Requirements Where Avoidance is not Possible

- Protect all native Monterey Pines, not just mature trees, by requiring replacement of all trees required to be removed, including saplings. Where feasible, replant saplings.
- Analyze the location and biological viability of locations and densities of replacement trees during development review.
- For situations where on-site replacement is not possible, develop and implement a framework for off-site replacement that maximizes long-term habitat protection and enhancement.
- Require that all replacement trees be from disease-free local Cambria stock only, and that invasive exotic species be avoided in landscaping.

Recommendation 4.40: Incorporate Programs and Standards Necessary to Respond to the Threats Posed by Pitch Canker and Sudden Oak Death

- Prohibit the removal of pine trees that clearly display a resistance to pitch canker (e.g., a healthy tree surrounded by diseased trees).
- Establish standard protocols for handling dead and diseased wood. These should include standard conditions that require: cleaning of cutting and pruning tools with a disinfectant prior to use on each individual tree; covering of all wood material being transported offsite to avoid dispersal of contaminated bark beetles; identification of the location to which the material will transported (prohibit transfer to areas free of the disease). These conditions should also specify that in situations where wood material cannot be properly disposed of directly after cutting, it shall be cut into small logs and stored on-site under a clear plastic tarp until necessary preparations have been made for their removal. Other tree parts (i.e., branches, small limbs) should be chipped and left as a thin layer on-site.
- Designate location for green waste management and recycling facility.
- Coordinate with CDF and the US Forest Service regarding methods for preserving genetic resources (e.g., seeds and saplings). Potentially combine with green waste facility recommended above.
- Develop and require Forest Management Plan(s), backed by Forest Management District(s), to provide for long term management of the forest.

Recommendation 4.41: Provide Greater Incentives for Participation in the Cambria TDC Program and other Updates to the Program

- Reduce maximum size of development in urban areas to provide greater incentive to participate in TDC program and reduce the impact that density bonuses may be having on the forest. Eliminate footprint and GSA bonus available for Lodge Hill. To the degree feasible, implement this recommendation as a component of the Cambria Design Plan currently being developed.
- As part of the Cambria Design Plan or North Coast Update, formulate a more specific structure for allocating density bonuses to ensure that such bonuses provide an adequate contribution towards the protection of forest habitats otherwise threatened by development.
- Identify new "Special Project Areas" (i.e., sender sites) that contain the most biologically significant areas of pine forest habitat in conjunction with the CCSD's Cambria Forest Management Plan and other forest protection efforts.

Recommendation 4.42: Develop Additional Methods for Lot Retirement

- Recognizing that new development within the forest has both direct and cumulative impacts on forest resources, and that the Monterey Pine Forest is increasingly threatened, a mitigation fee could be required for all new development within forested areas and applied to the acquisition and protection of the most sensitive forest areas.
- Creating an Open Space District could raise funds for the additional acquisitions. Efforts to establish an Open Space District should be coordinated with the Cambria Community Services District.

Recommendation 4.43: Reduce Buildout Potential

- Prohibit subdivisions that create new building sites in or within 100 feet of pine forest habitat.

- Establish very large minimum lot sizes within rural areas comprised of pine forest habitat (e.g., 160 acres).
- Expand clustering standards and revise Cluster Division Ordinance to achieve much more consolidated development envelopes. This should include, but not be limited to: applying Monterey Pine Forest SRA Standard 4 to all development (not just subdivisions and large scale projects); and, reducing the maximum clustered parcel size of 10 acres in the Rural Lands Category.
- Prohibit any lot line adjustment that would result in greater development intensity within forest habitat as compared to the development that would be possible under the existing configuration.

Recommendation 4.44: Identify all habitat areas within the urban area that represent Ecologically Significant Units and vigorously apply ESHA protection standards to such areas.

Recommendation 4.45: For those urban areas that do not represent long-term viable habitat due to fragmentation, small size, surrounding uses, etc., but still maintain sensitive species habitat, allow development to occur in exchange for participation in a comprehensive area wide off-site mitigation program to be incorporated in the LCP.

Recommendation 4.46: To the degree feasible, coordinate the above with the Los Osos Sewer Project and an area wide HCP.

Recommendation 4.47: Continue to pursue incorporation of a TDC program as part of the Estero Area Plan Update, with the changes recently proposed in response to comments of Commission staff and further coordination.

Recommendation 4.48: Continue to work with beachfront homeowners and State Parks towards the development of a stand stabilization program that will address concerns regarding blowing sand and provide habitat restoration/enhancement.

Recommendation 4.49: Refer to the findings recently adopted by the Commission on Oceano Dunes OHVRA regarding vehicles in dunes.

Recommendation 4.50: Update LCP provisions related to new and on-going development activities within the Oceano Dunes State Off-Highway Vehicle Recreation Area in conjunction with Coastal Commission actions related to Coastal Development Permit 4-82-300 as well as with the Habitat Conservation Plan currently being developed. Consider prohibiting special off-road events in the Open Space area designated by the area plan intended to be maintained in its natural state and provide a buffer from the OHV area.

Recommendation 4.51: Re-evaluate exiting and proposed land use designations and development standards in South County dune habitats to ensure protection, and where feasible, enhancement of all ESHA (e.g., RS and Industrial designations over the undeveloped land of the Callendar-Garret Village area south and west of Hwy 1; proposed redesignation of RL land use category to Recreation after termination of oil extraction activities). The evaluation of existing designations, as well as any updates intended to address habitat protection needs, should be coordinated with the community and other involved wildlife management entities.

Recommendation 4.52: Resolve lot history and any potentially illegal subdivisions in the Callendar-Garret area that may facilitate non-resource dependent development in areas known to support rare and endangered plant species. Designate and protect such areas as ESHA in coordination with an area wide program that implements ESHA protection consistent with Coastal Act Section 30010 (protecting constitutional private property rights).

Recommendation 4.53: Work with the US Fish and Wildlife Service, the California Department of Fish and Game, the California Department of Parks and Recreation, the Point Reyes Bird Observatory and other interested parties to identify all shoreline areas that provide habitat, or potential habitat, for the Western snowy plover and Least tern. Designate and protect these areas as ESHA. Re-evaluate land use designations in and around these habitats, and craft standards for future development to ensure effective protection. Work with land owners/managers to make certain that current and future use of these habitat areas are designed and managed in accordance with habitat continuance and enhancement. Particular emphasis should be placed on the protection of important nesting areas, including but not limited to the Morro Bay Sandspit.

Recommendation 4.54: Identify beaches used by Northern Elephant Seals and classify as ESHA.

Recommendation 4.55: Establish standards and programs to manage human visitation and observation of beaches used by elephant seals, such as by updating the marine resource provisions of the Coastal Plan Policies and Section 23.07.178d of the Coastal Zone Land Use Ordinance.

Recommendation 4.56: Prohibit the installation of new revetments and outfalls on beaches used by Elephant Seals wherever it can be avoided.

Agricultural Resources

Recommendation 5-1: *Amend* Agriculture Policy 1 by adding the following language: For any proposed rezoning of agricultural lands to another designation, an agricultural viability report shall be prepared.

Recommendation 5-2: Modify the CZLUO to expand the factors that should considered as part of the required viability studies for proposed rezoning of agriculturally designated lands to include the following:

Incorporate an Agricultural Viability Report **definition,** for example:

A report that assesses the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size, economic factors and any other factors relevant to the particular parcel. The report shall describe the role that each factor plays as a variable influencing the site and surrounding area's viability for agricultural production. The feasibility analysis should analyze both the site and the larger area's current and past productivity as an agricultural unit for at least the preceding five years, but including sufficient time to include cycles of weather.

Recommendation 5-3: *Modify* the CZLUO to expand and specify the contents of the Agriculture Viability Reports for proposed rezoning of agriculturally designated lands. Expand and specify the contents of the Agriculture Viability Report. For example, CZLUO

23.04.024(a)(1), Existing land uses and (3) Site characteristics...including topography, soils, climate water availability and adjacent land uses, could be expanded to include more specific information, where appropriate, such as:

1. *Soils*
   a. *The identification of all soil types that are found in the area (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
   b. *Storie index and Capability Classification ratings of all identified soil types (As stated in the most recent Soil Survey published by the United States Department of Agriculture.*
   c. *The expected animal unit month (AUM) yield for each identified soil type (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
   d. *The expected net dollar return per acre for crops that are currently cultivated on each soil type.*
   e. *An identification of crop types that could be potentially grown on each identified soil type, and also the expected net dollar return for such crops.*
   f. *An identification of soil types used exclusively for grazing.*
   g. *An identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouses), and where identified, a description of their location and nature of operation(s).*
2. *Geographic*
   a. *The description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, storie index rating, texture, development, unique qualities) affecting agricultural operations in the area.*
   b. *The description of management techniques that are currently used, or could be used, in order to improve soil quality for agricultural operations.*
   c. *An identification of agricultural operations that use more than one parcel for production in the area, and where identified, a description of their current practice and average acreage for each individual operation.*
   d. *A description of the relationship or proximity of agricultural and urban land uses.*
3. *Water*
   a. *The availability of water in the area (condition of basin e.g.).*
   b. *An identification of the water source (riparian, appropriative, etc.).*
   c. *An identification of any water quality problems affecting agricultural operations in the area.*
   d. *The current cost of water.*
4. *Access*
   a. *Description of whether adequate access to agricultural support facilities (cold storage, equipment repair/sales, markets) in the area currently exist.*
   b. *Where access is problematic, an identification of the nature of the conflict; and how the conflict impacts agricultural operation(s).*

CZLUO 23.04.024(a)(2) Present annual income derived from agricultural operations.... and (4) the potential of the site to support future food-producing agricultural uses...could be expanded to include consideration of such factors as, where appropriate:

1. *History*
   a. *An identification of the types of agricultural operations that have taken place in the area in the past and where have they occurred.*
   b. *An identification of how long agricultural operations have been conducted in the area.*
   c. *An identification of those parcels that have been used for agricultural operations in the area consistently in past, and where applicable an identification of such time periods.*
   d. *An identification of significant past management practices that have been used in the area in order to increase agricultural yields.*
2. *Risk Factors*
   a. *A discussion of the effect of drought years on agricultural operations in the area and, if so, what the cost of water is during these periods.*

b. *An analysis of whether the costs of production and labor are predictable for agricultural operations in the area.*
c. *A discussion of whether commodity prices are consistent or inconsistent from year to year for crops grown in the area.*
d. *A discussion of whether salt-water intrusion into well water supply is an issue, and if so, how it affects agricultural operations in the are.*
e. *An identification of whether there is a problem with crop quality in the area.*
f. *An identification of whether the agricultural market is volatile for crops grown in the area.*

3. *Economics*
   a. *An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development; and,*
   b. *An analysis of the operational expenses excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development.*
   c. *Cost shall be determined by, and consist of, the following variables:*
      1. *Fixed Costs for any given crop are assumed to be constant, regardless of the annual yield. Fixed costs shall include only current costs and shall not speculate on potential future circumstances.*
         a. *Land cost (i.e. rent, lease, property tax, etc.) shall NOT be included into the cost analysis (See Coastal Act Section 30241.5)*
         b. *Capital costs including: 1) land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.); 2) equipment (i.e., trucks, tractors, buildings, special equipment (e.g. irrigation), etc.); 3) herd expenses (i.e., payment for bulls and heifers); and 4) miscellaneous expenses. Cost determination must also include depreciation and interest expenses.*
         c. *Cultivating cost including operating costs for: 1) labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits); 2) materials (i.e., water, seed, feed supplements, salt, fertilizer, and pesticides); 3) machinery; 4) fuel and repair; and 5) outside consultants (i.e., veterinary and management).*
      2. *Variable Costs are the harvest costs and are based on the amount of yield only. Depending on the crop yield, variable costs fluctuate for any given year. In most cases, this is expressed as the cost per unit of yield (tons, 100 weight, or pounds).*
   d. *Gross Revenue shall be determined by and consists of the following variables:*
      1. *Gross returns for each crop type.*
      2. *Past return figures should factor in the appropriate Producer Price Index (PPI) figure in order to account to inflation over time.*
   e. *Evaluative methods to incorporate the above cost and revenue figures shall include, where relevant:*
      1. *Determination of the net economic impact on private and public sectors and, second, a test for agricultural viability. Net economic impact refers to change in dollar flow within the community brought about by a given change in land use. "Net economic impact" equals total public revenues minus total public costs, plus private sector income. This should be computed according to the existing land use, the proposed development, and any viable project alternatives. This may be accomplished through the following process:*
         a. *Cost/Revenue analysis that determines public costs associated with conversion of agricultural land and also revenues generated by increases in property tax within the project site. Public service marginal costs should compute the new and/or incremental costs of adding development to the public service system, which includes the cost of capital improvements necessary to accommodate such development. This should also state, and if possible quantify, those costs or externalities not easily accounted for in cost computations. One externality could include the probable change in assessed value of parcels adjacent to the development. Public service revenues are generated by increases in property tax within the project site.*
         b. *Input/Output analysis that looks at the private sector of the areas economy in terms of its purchases and sales to other sector both locally and from outside the area. From this information, multipliers for each sector should be developed. Determination of the input figures will reveal the affect of removing the subject number of acres, for the subject crop, from agricultural production. This will reveal the effect to the private sector economy.*

2. *Determination of the minimum acreage for a viable agricultural operation (farm family approach). In order to determine net income, production costs by crop should be computed on a per acre basis and subtracted from gross market receipts expected from that crop. The resulting figure represents the farmer's income per acre of productive land. The per acre income figure should then be divided into the County's Median Income figure to compute the number of acres required to support a farm family.*
3. *Determination of net return per acre, per crop type, for the area only. By crop type, determine gross revenue per acre for subject crop types then subtract from gross revenue figures the cost per acre associated with each crop type.*

The report shall include maps and photos (aerial and site photos) of the area being evaluated that, at a minimum, identify the following on all such figures: parcel lines, parcel numbers, farm boundaries, owners and/or leassees of each parcel and/or farm, wells and/or any other water supply lines, storie ratings, capability classifications, slopes, and roads.

For purposes of this determination, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the County's certified local coastal program.

Recommendation 5-4: Modify CZLUO to add the following criteria for lotline adjustments on agriculturally zoned lands:

- lotline adjustments shall not create new subdivision potential and shall not increase the number of developable parcels over those existing prior to the lotline adjustment proposal;
- lotline adjustments shall not create new parcels where the only building site would be on prime agricultural soils; within ESHA, critical viewsheds, or in a defined hazardous area; or would require significant landform alteration to accommodate future development;
- applications for lotline adjustments shall identify the purpose of the adjustment and the proposed uses for each adjusted parcel;
- lotline adjustments shall not be approved unless the adjustment will maintain or enhance the agricultural viability of the site. To assure the protection of long-term viability, applications for lotline adjustments which support, in part, non-agricultural development must include an economic analysis of agricultural potential, consistent with that required under Ordinance 23.04.024 for land divisions.
- lotline adjustments or subdivisions which support, in part, non-agricultural development, the lotline adjustment or subdivision shall maximize the protection of agricultural lands by clustering and minimizing the area of lots intended for non-agricultural uses, including reducing the parcel size to be less than the 20 acre minimum parcel size required for agricultural lands. Lots for non-agricultural uses shall be clustered where there is less agricultural potential due to the soil types, topography or other site constraints and shall maximize the extent of *undivided* agricultural lands.
- lotline adjustments or subdivisions which support, in part, non-agricultural development, shall identify the location of all access roads and building envelopes, assuring adequate buffers between future residences and associated access uses so as to minimize conflicts

with the adjacent agricultural operations, and minimize roadway lengths and site disturbance. Where possible, non-agricultural development shall be sited close to existing roads, while minimizing impacts from access roads or driveways on agricultural operations;

- lotline adjustments or subdivisions which support, in part, non-agricultural development, shall require an agricultural easement over the agricultural parcel(s) which prohibits future subdivision of the parcel(s). In addition, for parcels intended to support non-agricultural uses, a deed restriction should be required prohibiting future subdivision of the parcel(s);
- ensure that all geographically contiguous parcels in common ownership are addressed through a comprehensive evaluation.

Recommendation 5-5: deleted

Recommendation 5-6*:* Undertake a study to identify: 1) existing non-conforming lots on agriculturally zoned lands adjacent to conforming lots, and 2) non-conforming lots which meet the standards under the Subdivision Map Act for potential lot mergers.

Recommendation 5-7: Processing of Certificates of Compliance.
In the interest of good public policy and avoidance of unnecessary judicial review, amend the LCP with standards such as the following:

- Amend CZLUO 21.02.020(a) to require that within three calendar days of receipt, the County provide to the Coastal Commission [notice/a copy] of all certificate of compliance applications submitted to the County for any property lying wholly or in part outside of an urban area (as defined by the USL for each area).

- Amend CZLUO 21.02.020(c) to

  1. require that upon request, the complete application content for a certificate of compliance be provided to the Coastal Commission. Such requests shall be made by the Commission within 7 calendar days of receipt of the [notice/application] submitted pursuant to CZLUO 21.02.020(a).

  2. provide an administrative consultation process, through which the Executive Director of the Coastal Commission may consult with the County Planning Director about individual applications for certificates of compliance for which the application content has been requested. The Executive Director shall request consultation within 7 calendar days of receiving a complete certificate of compliance application. No certificates of compliance shall be issued by the Planning Director until such time as a requested consultation has taken place. Any staff reports prepared pursuant to CZLUO 21.02.020(c)(1) shall be provided to the Executive Director.

3. provide an administrative conflict resolution process for cases in which the Executive Director and County Planning Director do not agree on the issuance of a certificate of compliance. For example, provide for review by the Board of Supervisors as currently provided for subdividers pursuant to CZLUO 21.04.020.

Recommendation 5-8*:* Develop LCP standards for residential developments on Agricultural Land. Update the CZLUO to establish performance standards for residential development on agriculturally zoned lands which protect the maximum amount of agricultural lands. Such standards could include the following:

- non-agricultural uses on agricultural lands should be subordinate and accessory to agricultural operations;
- single family residences and associated accessory development should minimize site disturbance;
- roads and driveways shall be the minimum width and length necessary , and shall be designed to avoid unnecessary cut and fill, particularly by conforming to natural landforms;
- residential structures and residential accessory structures shall be sited to retain the maximum amount of agriculturally designated lands available for agricultural production, consistent with all other LCP policies;
- residential structures and residential accessory structures shall be sited and designed to protect ESHA, avoid impacts to critical viewsheds to the maximum extent feasible, and maintain the rural character of the area.

Recommendation 5-9 Deleted and replaced.

Recommendation 5-9a*: Amend* Table O to define the following land uses as supplemental uses for agriculturally zoned land:

Bed and Breakfast facilities;
Eating and Drinking places;
Outdoor Retail sales;
Paving Materials;
Petroleum Extraction;
Rural Recreation and Camping;
Stone and Cut Stone Products;
Warehousing;
Waste Disposal sites;
Wholesaling and Distribution;
Temporary Events which are for profit and non-agriculturally related.

Recommendation 5-9b: Modify Agriculture Policy 3 (b) to specify that an economic analysis is required for supplemental uses only. To implement Agriculture Policy 3 (b), modify Ordinance 23.04.050(5) to require the following information as a condition of filing for all supplemental uses:

- existing land uses on the site;
- present annual income derived from agricultural operations
- income generated from other, non-agricultural operations on the site;
- site characteristics affecting agricultural land use and production, including topography, soils, climate, water availability, and adjacent land uses;
- the potential of the site to support future food-producing agricultural uses and estimated annual income from such uses;
- estimated income from proposed supplemental development;
- potential effects of the proposed development on agricultural food production, both short-term and long-term;
- recommendations and conclusions of the development's effects on agricultural production.

Recommendation 5-9c: Deleted

Recommendation 5-9d: *Modify* Agriculture Policy 3 and Ordinance 23.04.050(b) (3) through (6) to clarify that *all* uses identified as special uses under Table O ("S" or "S-P" uses) in agriculturally designated areas, whether also defined as supplemental uses or not, must comply with the existing criteria to: a) obtain permits for development, b) meet the required findings to locate development off prime soils and avoid conflicts with surrounding agricultural lands, c) provide the information currently specified for a permit application, d) comply with the siting and design standards for development, with the following exceptions:

- non-supplemental uses are exempt from economic analysis, as required under Recommendation 5-9b;
- residential and residential accessory structures are exempt from Ordinance 23.04.050 (6) (ii), requiring that non-agricultural uses be limited to a maximum of 2% of the gross site area.

Recommendation 5-9e: Modify Table O to exclude as electric generating plants and mining as allowable uses on agriculturally zoned lands.

Recommendations 5-10 – 5-12: Deleted; addressed through Recommendation 3-2 a—d.

Public Access

Recommendation 6.1: Incorporate Comprehensive Access Components into Each Area Plan

- All of the Area Plans in the LCP should be amended to include a specific access component, consistent with Section 30500 of the Coastal Act. This component should include at a

minimum, the following information: (1) Statements of the public access goals, objectives, policies, ordinances, standards, programs, and other management objectives relevant to each planning area; (2) a comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.

- The Access Component should include a Public Trails Plan to ensure future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the Periodic Review for development of:
  - Planning objectives
  - Siting and Design policies and standards
  - Acquisition and management policies and standards

- The Comprehensive Public Access Component should consider realignment alternatives as recommended by Recommendation 7.14 and should include a policy that will ensure that any impacts to access from highway realignment are mitigated such that no public access is lost and new access opportunities are maximized.

Recommendation 6.2: Amend LCP Lateral Access Requirements to Provide for Blufftop Accessways, where superior access would be provided.

Where the area between the MHTL and the toe of the bluff is constrained by rocky shoreline, evaluate whether alternative siting of accessways along the blufftop would maximize public access consistent with the Coastal Act.

Recommendation 6.3: Continue Efforts to Accept and Open Outstanding Access OTDs

The County should continue efforts to ensure all outstanding OTDs are accepted and opened.

Recommendation 6.4: Amend LCP to Provide for Direct Dedications of Accessways and Evaluate Performance Standards for these Accessways

As discussed in the Commission's Public Access Action Plan, the County should amend the LCP to allow for direct dedication of public access to the County where appropriate. Performance standards for these dedications and other access OTDs should be evaluated to address such issues as coastal erosion and long-term trail maintenance.

Recommendation 6.5: Develop an LCP Program to Document and Pursue Prescriptive Rights as part of the Access Component

As part of protecting historic use areas, the County shall develop a program to document informal use and potential prescriptive rights as part of the Access Component. Information developed under this documentation effort shall be used to protect prescriptive rights in future County planning and development reviews. Such a program could be coordinated with the efforts of the Commission's Public Access Program to document prescriptive rights, and could include the participation of other agencies and interested groups.

Recommendation 6.6: Develop LCP Program to Assure Protection of Existing and Potential Public Rights

The County should develop a program to assure comprehensive review of quiet title actions and other changes in intensity of land use, including potential abandonments of public rights-of-way,

that may adversely impact public access. A more expanded review of potential loss of historic offers to the public should be pursued. The County has recognized this concern in the proposed Estero Area Plan Update Circulation Chapter regarding Los Osos: "Preservation of all rights-of-way and offers of dedication for roads, ways, vertical and other accessways." The County could further protect public access opportunities by accepting all dedicated street ends within Los Osos. The County and Commission should discuss options for coordinating and pooling resources to evaluate quiet title actions, to maximize protection of public access opportunities.

Recommendation 6.7: Comprehensive Public Recreation Planning

Through a comprehensive Public Access planning process, long-term supply and demand and opportunities for low-cost visitor-serving coastal recreation should be analyzed. The LCP should be evaluated for potential amendments to provide for such uses. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including that which may be needed in the future.

Recommendation 6.8 (deleted)

Recommendation 6.9: Habitat Conservation Plan Access Review

Ensure that public access management and enhancement consistent with LCP policies is considered as a component of all habitat management and natural community conservation plans within the coastal zone.

Coastal Hazards

Recommendation 7.1: Modify CZLUO 23.05.090(a) to define more specifically what existing structures are for purpose of allowing future armoring. For example, as follows: *"existing coastal development" for purposes of this section shall consist only of the principle structure and shall not include accessory or ancillary structures such as garages, decks, steps, eaves, landscaping, etc. No shoreline protection device shall* be *allowed for the sole purpose of protecting the accessory structure(s).*

Recommendation 7.2: Revise Coastal Policy 6 to change setbacks to require that they be based on a projected 100-year economic life.

Recommendation 7.3: Revise CZLUO 23.04.118: Eliminate the stringline method for determining setbacks, section (a). Modify section (b) to base setback on a projected 100 year economic life of structure. Add requirement to incorporate a safety factor either as a multiplier or as a set distance, as developed through an Areawide Shoreline Management Plan.

Recommendation 7.4: Modify CZLUO 23.04.118 "Exceptions to Bluff Setbacks Requirements" section (c) to eliminate subpart (3) roof and wall projections.

Recommendation 7.5: Deleted and incorporated into 7. 8.

Recommendation 7.6: Modify Hazard Policy 1 to ensure that in shoreline areas subject to erosion, subdivisions and lot splits shall not be permitted unless they are within (1) an urban infill area and (2) a region covered by an Areawide Shoreline Management Plan that has been certified into the LCP.

Recommendation 7.7: Strengthen Measures to ensure no future armoring.
Modify standards in shorefront areas subject to beach or cliff erosion, inundation, wave uprush, etc., to avoid future shoreline protective devices as a result of new development. For new development on vacant shorefront lots, or for demolition and rebuilding of structures, where geologic evaluations conclude that the development can be sited and designed to avoid the need for a future shoreline protective device, require recordation of a deed restriction that ensures that no shoreline protective device(s) shall be constructed to protect the development approved and ensures waiver of any rights to construct such devices that may exist under Public Resources Code Section 30235.

Recommendation 7.8: Adopt Areawide Shoreline Management Plans as a program in the LCP: Pursue funding to develop and implement Area-Wide Shoreline Erosion and Bluff Retreat Management Plans for Cayucos and Cambria, and, if appropriate, for other shoreline hazard areas. The Area-wide Plans should assess specific sections of these coastline areas based on factors including, but not be limited to, geology, wave conditions, and sand budget. The management plans should include:

- A re-examination of regional average annual erosion rates in order to reflect current shoreline changes.

- Standard engineering plans defining the specific types of armoring that would be acceptable for specific areas, and where appropriate, identification of the types of armoring that should never be considered for certain areas in order to minimize risks and minimize impacts from armoring to public access and scenic resources from the shoreline and water recreation areas.

- Standard alternatives feasibility analysis worksheet that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only created as a last resort. The analysis may require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, etc.), an examination of all other options (removal, relocation, "do nothing", sand replenishment, etc.), and a conclusion that a shoreline protective device would be the "best option" (most protective of the public trust, best long term solution, etc.) for the subject site.

- Standard conditions and monitoring requirements that may include discussion of mechanisms to ensure shoreline protection effectiveness and public safety with

provisions for the removal of ineffective or hazardous protective structures as well as programs to address beach replenishment and sand supply.

- Procedures to address emergency armoring, such as: coordination with property owners and for field inspections before and after storm seasons; guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.

Preliminary Recommendation 7.9: Modify CZLUO 23.04.420 (g) to ensure that the easements are protected against further encroachment by requiring that the easements be mapped in detail in conjunction with recordation.

Preliminary Recommendation 7.10: Modify CZLUO 23.02.033 ((a)(8) Public Access Locations. Applications for projects between the ocean and the nearest public road shall include the locations of nearest public access points to the project and the mapped locations of any existing public access easements or recorded offers to dedicate public access easements.

Recommendation 7.11: Revise condition language for requiring access easements to provide that access is required unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

Recommendation 7.12: Deleted and Incorporated into 7.8

Recommendation 7.13: Policy 6 should clarify that Highway 1 must comply with setback standards similar to other existing structures. Establish setbacks based on assuring that the highway will be safe from erosion without need for armoring for 100 years. Policy 4 should be expanded to clarify that consideration of alternatives should include possible relocation of the structure to be protected, including Highway 1.

Recommendation 7.14: Amend the NCAP to consider alternatives for the Realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of Highway 1.

Recommendation 7.15: Modify CZLUO section 23.04.118 to update required contents of geologic evaluation reports within the GSA combining designation.

Recommendation 7.16: Delete and incorporate into 7.8

Recommendation 7.17: Modify LCP to update seismic mapping and identification and extend GSA CD to new faults identified and traces of faults in order to require complete geologic investigation pending new development. New development should be restricted in the Special Studies Zones resulting from updated mapping.

Recommendation 7.18: Expand FH Designation to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek and Ellysly Creek.

Recommendation 7.19: For areas subject to FH combining designation in Cambria, no new development except public services shall be approved until the County has approved the recommendations of the flood analysis and management plan for the West Village that is currently being developed.

Recommendation 7.20: Modify the Coastal Policies or the CZLUO to provide standards that require:

1) that any fire clearance area is shown on the site plan for new development proposals as part of the application content;
2) that any proposed new development of structures adjacent to public parklands or lands designated as Open Space be sited and designed such that any required fuel modification for the proposed development is confined to the private property in order to avoid impacts to habitat and recreational resources on public lands;
3) where structures cannot feasibly be sited to avoid fuel modification on adjacent public lands, that alternative mitigation is provided which can include measures such as off-site restoration or provision of in-lieu fees for restoration;
4) that where feasible, proposed structures are sited so that a natural vegetation buffer of sufficient size is maintained between the necessary fuel modification areas and the public parkland. Development, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation should not be permitted in the buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.
5) These standards should not apply to ongoing fire suppression and management activities conducted on public parklands necessary to minimize fire hazards to adjacent property.

Scenic and Visual Resources

Recommendation 8.1: Enact a Critical Viewshed Protection Policy for the North Coast Area that applies to any new development within "critical viewsheds" to be designated north of Cayucos (except any location within the Urban Reserve Lines at Cambria or San Simeon Acres, or in San Simeon Village, or the existing community of Harmony) and for the Estero Area that applies to portions of the Morro corridor. The following actions should taken to develop this policy:

Designate "critical viewsheds" in these areas by taking into account all public vantage points from:

- State Highway Route One,
- public beaches, shoreline recreation areas and offshore state coastal waters,
- bluff overlooks, turnouts, and designated future public use areas (particularly, between the first public road and the sea outside of the designated Urban Services Lines).

Develop standards for new development within designated Critical Viewsheds that provide:

- no new development will be allowed that can be seen or that could potentially degrade public views (e.g., construction and grading that can been seen by normal, unaided vision from any public vantage points)
- mechanisms to resolve private property takings concerns where it is not feasible to comply with the critical viewshed protection policy and standards (alternatives include incorporating review procedures within the LCP as outlined in Recommendation 4.10 of this report as well as development of a Transfer of Development Rights program.
- all new parcels must contain building sites outside the critical viewshed (i.e., at least one location per parcel that will accommodate a reasonable residential development that will be entirely hidden from public view). Residential development includes any grading needed to provide a driveway or other improvement.

- underground utility placement, restoration, public access improvements and intensification, demolitions, resubdivisions, and temporary events can be allowed within the Critical Viewshed;

- Provide strict design, density and mitigation standards that allow improvements and enhancements of recreational support facilities within existing, isolated commercial visitor serving nodes (Harmony, San Simeon, Piedras Blancas, Ragged Point).

Additional standards should be considered to guide review of development in Critical Viewsheds. For example:

- Provide for project specific visual analysis with story poles or comparable demonstration techniques, including consideration of views from state waters.
- Avoid viewshed impacts through application of sensitive design measures and siting that uses existing topography. Allow landscape screening with planting, earthen berms or other measures only where no building site can be concealed from view and where such measures would be in keeping with the character of the surrounding area and also be consistent with all other resource and protection policies.
- Provide guidelines for preferential use of non-reflective, earth tone building materials for mitigating public view impacts;
- Provide that all exterior lighting (except traffic signals, navigational aids and similar safety devices with no reasonable alternative) shall be concealed or shielded so that no light source is directly visible from public viewing areas, and that no artificial lighting of the shoreline or sea results.
- Require utility extensions to be installed underground or otherwise concealed from public view (e.g., suspended under bridges); pursue all opportunities to remediate existing visually intrusive utility lines (e.g., undergrounding, conversion to shared poles, etc.).
- Where fencing is required, standard range fencing that does not impair public views, nor the passage of light, air, or common native wildlife is preferred. Fencing that interferes with public views should be avoided.
- Address maintenance of landscaping where landscaping could either block important public views or is specifically required to mitigate impacts to public views by screening development.

- Provide exceptions for development that requires a location in the viewshed in order to properly function and no other location is feasible for such things as necessary public facilities (including public access improvements), agricultural improvements needed to support grazing operations and crop production, and necessary resource protection and restoration projects.

In developing the Critical Viewshed Policy and standards, approaches of the Coast Highway Management Plan being developed for the Big Sur Coast in Monterey County under the National Scenic Byways program may provide possible guidance.

Recommendation 8.2: Create a Scenic SRA Combining Designation

All highly scenic areas in the Coastal Zone should be mapped and designated as Sensitive Coastal Resource Areas. Creation of a coastal visual SRA could incorporate and expand upon inland standards that require assessing visibility of the project, requiring a site visit as part of the application process and other standards on ridgetop development, slopes, rock outcroppings, building feature and landscaping.

Preliminary Recommendation 8.3: Strengthen Enforcement Program and Condition Compliance Monitoring

Develop a project tracking system to facilitate monitoring and enforcement of mitigation measures, and coordination with other affected departments, as funding allows.

Preliminary Recommendation 8.4: Create a Funding Mechanism For An Open Space District

The County should consider creating a permanent source of funding for open space acquisitions. A 1/2 cent sales tax, bond initiative or creation of a countywide or coastal zone open space district could provide millions of dollars annually for the purchase of property and retirement of development rights. The County should also strategically pursue grants and other outside funding supplies to augment such a funding mechanism.

Recommendation 8.5: Pursue National Scenic Byway Designation for Highway One in the Estero and North Coast Planning Areas. Consider including Highway One north of Cayucos and the scenic Morro corridor (already designated by the County as a State Scenic Highway) for inclusion in the National Scenic Byways program. This will allow implementation funding to be sought under the Federal Highway Administration's scenic byway program.

Preliminary Recommendation 8.6: Strengthen Public Viewshed Protection Policy Language

The LCP should be amended to clarify that scenic viewsheds need to be protected from all public viewing areas, including state coastal waters. This could be accomplished through additional language in existing LCP visual policies and ordinances. For example, Policy 2 could be amended as follows:

> Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to

emphasize locations not visible from all major public-viewing areas, including state waters. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

To effectively resolve takings concerns where it is not feasible to comply with the scenic resource protection policies and standards, incorporate additional standards and review procedures within the LCP (as outlined in Recommendation 4.10 of this report) that will maximize protection of coastal resources and conform to Coastal Act Section 30010. Alternatives such as Transfer of Development Rights should also be considered.

Ordinance 23.04.021 (c)(6) could be modified as follows:

New land divisions where the only feasible building site would be on a slope or ridgetop where a building would be silhouetted against the skyline as viewed from any public viewing area, including state lands shall be prohibited.

Recommendation 8.7: Deleted.

Recommendation 8.8: Complete Specific Plans, Rather Than Design Plans to further define and describe area plan standards.

Recommendation 8.9: Monitor and Evaluate Current TDC Program to assess the effect of the current TDC program implementation on community character and its overall performance in reducing buildout and preserving forest resources.

Recommendation 8.10: Support Continued Undergrounding of Overhead Utilities
The County Undergrounding Committee should continue to receive strong support for their work, and the Coastal Commission should work with the PUC to ensure that this important program is retained. The committee should consider including the overhead utilities across and along Highway One through the Hearst Ranch on the next priority list submitted to the Board of Supervisors.

Recommendation 8.11: Evaluate implementation techniques to protect the community character of Harmony including designation as a Special Community of Historic Importance or by applying the Historic Combining Designation.

Archaeological Resources

Recommendation 9.1: Update Archeological Resources Overlay Maps
Updating the LUE maps to reflect a more accurate location of archaeologically sensitive areas will assist with site identification. The proposed Estero Area Plan Update from February, 1999 offers a possible option to update maps:

> ***Protection of Resources Not Within the AS Combining Designation.*** *All land use permit applications that propose development within 100 feet of the bank of a coastal stream (as defined in the Coastal Zone Land Use Ordinance), or within 300 feet of such stream where the slope of the site is less than 10 percent, shall*

be subject to the standards for the Archaeologically Sensitive (AS) combining designation in the Coastal Zone Land Use Ordinance and in this plan.

Recommendation 9.2: Evaluate Requirement for Geoarchaeology Surveys.
Through Area Plan Updates, conduct an assessment of potentially buried archaeological resources and identify requirements for undertaking more specific Geoarchaeology Surveys.

Recommendation 9.3: Evaluate Use of Conservation Easements.
Disturbance to archaeological data could also be avoided on larger sites by requiring a conservation easement over the area containing archaeological resources. Avoiding impacts through such easements where feasible may be more protective of the resources than reliance on data recovery. The LCP should be modified to consider such conservation easements instead of data recovery on larger sites, where possible.

Recommendation 9.4: Evaluate Permit Exemptions.
The County should consider including standards in permit requirements (CZLUO23.03.040) that development that requires a coastal development permit should not be exempt from permit requirements if archaeological resources may be impacted. Rural lands may contain archaeological resources and exempt development may be destructive to these resources.

Energy and Industrial Development

Recommendation 10.1 Update LCP to Address Onshore Fiber Optic Cable Projects
In updating its LCP Area Plans, Land Use designations and/or siting criteria standards should be revised to encourage consolidated cable corridors. Evaluate potential reuse of abandoned oil/gas facilities pipelines for possible alternative use for communication cables. Additional mitigation measures should be developed to address potential impacts from drilling such as requirements for Drilling Fluid Monitoring Plans. Monitoring requirements should be included that provide for qualified monitors onsite with ability to stop drilling should fractures occur which could releases bentonite. The CZLUO should be revised to include more specific mitigation for access/recreation impacts, avoidance or minimization of sensitive resources during construction, as well as mitigation measures such as erosion control, revegetation, and other measures necessary to protect scenic resources and habitat values.

Recommendation 10.2. Update Energy Policies of LCP Area Plans. As part of the-update of LCP Area Plans, the County should update information on current energy demand and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with other LCP and Coastal Act policies.

Recommendation 10.3 Update LCP to Address Abandonment of Energy Facilities
As part of the Area Plan Updates the County should update and revise standards and requirements governing abandonment and clean up of sites in the EX Combining Designation. Updating of standards could include revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or

other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

Commercial Fishing and Recreational Boating

Recommendation 11.1: Develop a Program to Educate Boaters on the Sensitive Habitat Values of Morro Bay and Other Aquatic Habitats.

Recommendation 11.2: Coordinate the Review of the Proposed Boat Launch Ramp in Baywood Park with Commission Staff, the Department of Fish and Game, and other involved regulatory Agencies and Interested Individuals

As the design and environmental analysis of the proposed boat launch ramp progresses, continued coordination with Commission staff, as well as with biological experts and other regulatory agencies and interested parties, should be pursued.

Recommendation 11.3: Update the Port San Luis Master Plan and Associated Sections of the San Luis Bay Area Plan

Recognizing that circumstances regarding the operation, maintenance, and financing of Port San Luis Harbor facilities have changed since the relevant sections of the LCP were certified, a comprehensive update of the Port San Luis Master Plan and associated LCP provisions is in order. Given the wide range of coastal resource issues raised by future development of uplands owned by the Port San Luis Harbor District, this update should be closely coordinated with Commission and County staff.

The San Luis Bay Area Plan and the Port San Luis Master Plan shall be updated to include a standard to ensure adequate capacity on Avila Beach Road for priority uses under the Coastal Act and LCP. As well, a program should be developed to encourage analysis of the effects of development in Avila Valley on capacity of Avila Beach Road inside the coastal zone. The program should encourage revisions as needed to the General Plan standards for the amount and intensity of development to ensure that adequate road capacity to serve priority uses within the coastal zone will be provided.

Procedures

Recommendation 12.1: Update LCP and Post-Certification Maps

- The County and the Commission staff should coordinate a review of LCP Maps for accurate delineations of coastal zone boundary and sensitive resource areas and update as necessary.
- The Coastal Commission staff, in coordination with the County, should update the Post-Certification maps to accurately reflect permit and appeal jurisdictions. Once updated, the Commission should provide electronic versions of these maps for use in updating LCP maps.
- Recognize that the appealability of development based on geographic criteria (e.g., the presence of an SRA, a location between the first public road and the sea) should be determined according to what is on the ground as opposed to what is shown on the LCP and Post-Certification Maps.

An exception to this is that roads constructed without the proper permits should not be considered as the first public road.

Recommendation 12.2: Increase Coordination for Projects that Cross Jurisdictional Boundaries

- Coordinate permit jurisdiction determinations when projects may involve development within the Commission's original jurisdiction.
- Develop a coordinated permit review procedure for development that straddles permit jurisdictions to avoid, where feasible, the need for separate coastal development permits from the County and the Commission.

Recommendation 12.3: Resolve Areas of Deferred Certification

Update the LCP to eliminate Areas of Deferred Certification (e.g., Sweet Springs Marsh and the Otto property) and establish local permit jurisdiction over future development in such areas.

Recommendation 12.4: Revise LCP Permit Exemptions

LCP permit exemptions (Section 23.03.040 of the CZLUO) should be revised so they conform to Coastal Act Section 30610 and associated sections of the California Code of Regulations.

Recommendation 12.5: Update LCP Provisions Regarding Temporary Events

LCP provisions regarding temporary events, should be updated consistent with the Commission's guidelines, and as recently incorporated into the San Luis Bay Area Plan, so they apply countywide.

Recommendation 12.6: Identify and Review Categorical Exclusions

Clarify where Categorical Exclusions may have been previously approved and how they are being implemented. The Commission staff, in coordination with the County, should evaluate whether these exclusions may be impacting coastal resources and therefore may warrant recision.

Recommendation 12.7: Improve Noticing and Processing Procedures

The Commission staff should coordinate with the County to resolve noticing and processing issues related to CDPs, CDP amendments and extensions, grading permits, emergency permits, and appeals. In some cases, changes to the LCP may be needed to bring LCP noticing and processing requirements in conformance with the Coastal Act and the California Code of Regulations. The Commission too should improve its noticing procedures. In particular, Commission staff should provide the following notice to the County:

- The date on which Notices of Final Action are received. This will inform the County of the Coastal Commission appeal period for those projects that are appealable, and the effective date of the local permit for unappealable development;
- Whether any appeals have been received at the conclusion of the Coastal Commission appeal period. If no appeals have been filed, this notice will confirm the County's ability to release local building permits. If an appeal has been filed, this notice will allow the County to send the Commission a copy of the local file in a more timely manner.

Recommendation 12.8: Clarify Allowable and Principally Permitted Uses

- Revise Table O to identify that allowable uses are further limited by Combining Designations (e.g., resource dependent development is the only principally permitted use in ESHA).
- Update Table O to differentiate the principally permitted land use within each land use designation from conditionally permitted uses. All uses currently subject to special standards and criteria should be identified as a conditional use (i.e., all uses currently listed as "S-#-P").
- Table O should also list Land Divisions, Certificates of Compliance, and Lot Line Adjustments as conditionally permitted development within the particular land use designation ~~that~~ where they may be allowed.

Recommendation 12.9: Update Permit Application Requirements

Review permit application requirements and current methods for implementing these requirements to ensure that all information necessary to evaluate project consistency with LCP standards is being obtained at the application stage rather than as a condition of approval.

Recommendation 12.10: Provide Legal Documents for Executive Director Review and Approval

Enhance coordination regarding the format and content of legal documents related to open space and public access easements and consider changes to permit procedures that would facilitate such coordination.

Recommendation 12.11: Clarify Appealability of Projects Involving Conditional Uses

Section 23.01.043c4 should identify that if any component of a proposed development constitutes a conditional use, the entire project shall be appealable to the Coastal Commission.

Recommendation 12.12: Improve Methods for Ensuring Compliance with Permit Conditions

Among other means available to achieve effective compliance with permit conditions, the County could_develop a tracking system that would be available to all relevant County departments and Commission staff.

Recommendation 12.13: Increase Coordination of Enforcement Actions

Coordinate responses to violations with Commission staff and other involved regulatory agencies.

Recommendation 12.14: Improve Coordination Regarding Emergency Actions

When time allows, consult with the Commission regarding alleged emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the Coastal Commission.

To facilitate improved coordination and emergency permit processing, the County should prepare an Emergency Permit Procedure Manual. In addition, the County should initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies.

Recommendation 12.15: Expand Standards for Approval of Variances

Incorporate additional standards regarding the use of variances into the LCP. For instance, where a variance is needed to prevent the strict application of ESHA protection standards from resulting in a taking, approval of the variance should be accompanied by information and analyses needed to establish that the variance is warranted under Coastal Act Section 30010.

Recommendation 12.16: Clarify LCP Provisions Regarding Nonconforming Uses

Clarify LCP provisions regarding nonconforming uses and structures, and consider incorporating new standards for the development/adjustment/certification of non-conforming parcels as addressed in Chapter 5 of this report. With respect to the adjustment of non-conforming parcels, Section 21.02.030(c) of the County's Real Property Division Ordinance should be revised to require lot line adjustments to conform to all elements of the LCP (not just the zoning and building ordinances). These new standards should be crafted in a way that conforms to all applicable local, state, and federal laws.

Recommendation 12.17: Provide Additional Opportunities to Efficiently Resolve Appeals

- Incorporate new procedures into the LCP that would provide additional opportunities to resolve appeals at the local level and use existing LCP provisions that allows the County to modify its approval of a project in order to resolve an appeal filed by two Commissioners.
- Improve procedures for providing Commission staff with all information relevant to appealed projects. The information transmitted must include all documents and materials used by the local government in its consideration of the coastal development permit application. Where the County has a question regarding the need or relevance of particular documents or materials, such questions shall be referred to the Commission staff.
- Provide Commission staff with copies of County staff reports prior to the local hearing.

Recommendation 12.18: Institute Appeal Provisions for Variances

Amend the LCP to identify that any development approved by variance is a conditionally permitted use appealable to the Coastal Commission. An appropriate location for this change would be within Section 23.01.045 of the CZLUO.

Recommendation 12.19: Improve Coordination with Grant Programs

Commission and County staff should work with local state and federal grant sources, as well as the recipient of grants, in a way that will facilitate the coastal resource protection and planning improvements called for by this report.

Recommendation 12.20: Seek Additional Funding and Staffing Resources

Both the Coastal Commission and the County should attempt to secure the funding necessary to further develop and implement the recommendations of the Periodic Review. In particular, the Commission should continue to offer LCP Grants that will facilitate the County's ability to commit staff resources to this effort, and the County should take full advantage of these and other grant opportunities. In addition, the Commission should seek funding to staff the Central Coast District Office at a level that will enhance its ability to assist and coordinate with San Luis Obispo County.

Recommendation 12.21: Develop an LCP "Quick Reference Guide"

Compile the portions of the LCP that contain the policies, ordinances and standards applicable to new coastal development in a single document that would provide applicants and administrators with a quick reference guide to applicable regulatory standards.

C. RECOMMENDED FINDINGS

1. MAPS. The Preliminary Report included several maps illustrating findings of the report (Exhibit B). Public comments from the Cambria Community Services District noted that there were inaccuracies on Map 2-B showing the boundaries of East-West Ranch and depicting the proposed school site on East-West Ranch as a subdivision. In fact, Map 2-B did not depict any boundaries for East-West Ranch; however, on the revised version included in Exhibit B of this report a boundary has been added. Also, the proposed school site is no longer depicted as an approved subdivision.

2. NEW DEVELOPMENT AND PUBLIC SERVICES

New Development

Coastal Act section 30250(a) requires that new development be concentrated in and around existing developed areas that have sufficient public services to support such development. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Preliminary Report evaluated three major LCP implementation issues related to this policy: (1) maintaining stable urban-rural boundaries; (2) preventing cumulative impacts to rural lands; and (3) assuring environmentally-sustainable urban development.

A. Concentration of Urban Development: Stable Urban-Rural Boundaries
(Recommendations 2.1 – 2.6)

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp.17-28)

In terms of the physical location of new development, the *Preliminary Report* concluded that San Luis Obispo County LCP has, in a general sense, met the Coastal Act objective of concentrating development. Over 90% of new single family homes approved in the San Luis Obispo coastal zone between 1988 and 1998 have been located in or around the urban core areas of Cambria, Los Osos, Cayucos, and Oceano. Likewise, 88% of the reported CDPs for commercial development were located in these communities and the town of Avila Beach. To the extent that a significant amount of new development has been located within urbanized areas, the distinction between urban and rural areas of the coastal zone has been maintained, consistent with Coastal Act section 30250.

The *Preliminary Report*, though, also evaluated development patterns on the urban edges of Cambria and Los Osos that did not strictly meet the Coastal Act and LCP requirements to concentrate development. In particular, numerous subdivisions and other residential projects <u>outside</u> of the USL were either approved or considered by the County. In some cases these approvals did not observe the existing LCP requirement to not allow development beyond the USL absent findings of sufficient infrastructure for development within the USL. In other

cases, urban services were provided beyond the USL, contrary to the LCP requirement to concentrate development and prioritize urban infill.

Despite these implementation problems, the *Preliminary Report* also acknowledges that the potential for urban sprawl in the Cambria area is now much diminished, due to surrounding public lands, the public purchase of the East/West Ranch, and a recently acquired conservation easement north of Cambria. Still, pressures for urban edge residential development will continue, particularly in Los Osos, and other types of development, such as the proposed new school facility outside of the USL of Cambria, will continue to raise challenges with respect to the Coastal Act and LCP requirements to concentrate urban development. Overall, the report concludes that the LCP has not been carried out in full conformance with Coastal Act section 30250 (Findings incorporated herein by reference; see Exhibit A).

To address the identified implementation issues, the *Preliminary Report* discussed six recommendations addressing the need for: (1) improved analysis and findings of urban service line issues; (2) better coordination between the Commission and the County on projects outside of the urban services line; (3) clarification of LCP legal authority with respect to development outside of the USL and the role of Service Districts; (4) reduction of development potential on the urban edges of Cambria and Los Osos; (5) policies and programs to support Greenbelt formation and maintenance; and (6) encouraging redevelopment options inside the USL (see Preliminary Recommendations 2.1 – 2.6 on pp. 27-28 of Exhibit A).

2. Comments Raised

SLO County Response (Exhibit C)
The County is in general agreement with Preliminary Recommendations 2.1-2.6, with the understanding that (1) additional analysis will be needed to appropriately specify LCP amendments concerning the implementation of the Urban Service Line requirements of the LCP; and (2) the area plan updates provide an appropriate process to evaluate possible LCP amendments that would reduce development potential on the urban edges of Cambria and Los Osos.

Public Comments (see Exhibit D)
Public comments on the issue of concentrating urban development were generally supportive of the preliminary recommendations, but included such concerns as: that Cambria growth and private property should not be further restricted; that the recommendations were overly broad and vague; that the development potential of land should be determined on a parcel-by-parcel basis; that changes in the USLs of both Cambria and Cayucos should be allowed to support needed school facilities; that the USL should be expanded to include certain parcels on the southwest edge of Los Osos; and alternatively that the USL in Los Osos should be further constricted and that development should be clustered, to support habitat protection, buildout reduction, and preservation of limited groundwater.

Specific Clarifications/Errata (to be incorporated into Final Report)

Comments from the Walter H. Leimert Co. raise questions about the discussion of the Leimert Tract 1804 subdivision (3-SLO-97-130) on pages 22-24 of the Preliminary Recommendations (see Exhibit D pp. D-424). These comments correctly observe that Commission staff commented on the proposed project density in a June 17, 1992 letter stating that "[t]he proposed density [minimum 1 unit per 20 acres] appears to be consistent with the County's LCP and CZLUO." The Leimert comments also correctly observe that Cambria Pines Road was approved as part of a previous subdivision – Tract 543 – approved without conditions by the Coastal Commission in CDP 4-85-297. In response to the Leimert comments concerning the provision of urban water services to Tract 1804, the *Preliminary Report* observed that while the approval of this subdivision "appear[ed]" to conflict with the LCP policies prohibiting extension of urban services, it raised more complicated issues concerning the appropriate interpretation of existing LCP policies in situations where prior agreements for water service between property owners and a CSD might exist, leading to recommendations to clarify the LCP standards for such situations. Finally, concerning the clustering of new development, it may be the case that the County and others considered the design of Tract 1804 to be a "cluster" subdivision. The *Preliminary Report* intended to observe that the design of Tract 1804 was not clustered in such a way as to minimize coastal resource impacts (e.g. by reducing the minimum lot size to 1 acre, pursuant to CZLUO 23.04.36, and clustering building sites immediately adjacent to existing development in the Cambria urban area).

3. Analysis

Based on further review, discussions with County staff, and analysis of the public comments received on the *Preliminary Report*, minor changes to preliminary recommendations 2.1-2.6 are proposed as follows:

Recommendation 2.1.
The prospect for required coastal development permit findings for service extensions beyond the USL will be improved by adding, to Public Works Policy 1, a reference to existing LCP ordinances 23.04.430-432 as the appropriate implementing ordinances for Policy 1. These certified ordinances prohibit development that would require the extension of urban services across the USL and, in communities with limited water and service capacities, do not allow development with urban services outside the USL unless there are sufficient services for all existing development and vacant lots eligible for development within the USL. As suggested by the County, additional LCP ordinance amendments should be developed to clarify the necessary studies and permit findings to support the extension of urban services across the USL. Changes to Preliminary Recommendation 2.1 are as follows:

> ~~**Preliminary**~~ **Recommendation 2.1: Improve Required Coastal Development Permit Findings for Service Extensions Beyond USL.** Development proposals that require the extension of urban services across the USL should not be approved unless the required findings of ~~established by~~ Public Works Policy 1 and corresponding ordinances can be made. Amend Policy 1 by adding reference to CZLUO 23.04.430-432 as appropriate implementing

ordinances. Add new implementing ordinance(s) to clarify required information and findings to support Public Works Policy 1. ~~While the existing certified LCP provides a strong framework for evaluating new development proposals, County implementation over the last decade suggests that greater emphasis on the requirements of these policies and ordinances is needed in the staff analysis and legal findings of individual coastal development permits.~~

Recommendation 2.2

The County agrees with the recommendation to improve County/Commission coordination on development proposals outside of the USL. County and Commission staff will need to work together to identify opportunities for new coordination mechanisms or improved coordination in existing processes. Increased staff resources for the County and the Commission certainly would be an important component of providing for improved coordination. The only change to Preliminary Recommendation 2.2 is to delete unnecessary text:

> ~~**Preliminary**~~ **Recommendation 2.2: Improve County/Commission Coordination.** The County and the Commission should take full advantage of coordinated reviews of development proposals outside of the USL, particularly those that may create new urban development potential. ~~Although Commission and County staff resources are limited, experience has shown that enhanced coordination increases the likelihood that the LCP requirements will be reinforced and applied in difficult cases~~.

Recommendation 2.3

This recommendation is intended to address situations like the Leimert subdivision development, and other cases in Los Osos, where the location of the certified USL did not coincide with the boundaries of various service providers, which then led to conflicts between approved developments and the LCP's prohibition against providing urban services outside the USL. Based on discussion with the County and the public concerning the preliminary recommendation, it is clear that amendments to the LCP, including amendments to the various Area Plans, clarifying where and under what circumstances the provision of urban services might be appropriate, would improve implementation consistency with Coastal Act 30250. The content of these amendments, though, should be based on more specific assessment of existing service district boundaries, the location of existing services (e.g. mapping of trunk-lines), evaluation of other development location and intensity issues (e.g. habitat protection), etc. In addition, both the North Coast Area Plan Project Description and the draft Estero Area Update include proposed standards that would allow the extension of services to new development beyond the USL in special circumstances.[1] The proposed standards may not be appropriate in light the 30250 requirement to concentrate urban development and they will need further evaluation through the Area Plan updates. Also, the County has commented that amendments to the LCP's *Framework for Planning*, which provides general discussion of how the LCP works, may be needed to clarify the function of the USL. In addition to deleting unnecessary text, Preliminary Recommendation 2.3 is therefore amended as follows:

[1] Currently, the LCP only allows such extension between the USL and the URL, and then only to existing parcels adjacent to the USL, for development of a single family home that would not require a trunk line extension (i.e. lateral connections only). See CZLUO 23.04.430(b).

~~Preliminary~~ **Recommendation 2.3: Clarify LCP Authority with respect to New Urban Development proposed outside USL.** ~~Conflicting development incentives may be created by non-coterminous certified USLs of the LCP and the boundaries of service providers. LCP amendments should be considered that clarify the controlling authority of the LCP with respect to whether new urban development is appropriate outside of the USL in urban areas. The current NCAP project description includes a standard that would allow provision of urban services beyond the USL in certain limited circumstances, similar to a proposed standard recommended by the Commission in its 1998 review of the NCAP. The implications of this standard in relation to USL/URL should be evaluated.~~ Amend LCP (Framework, Policies, Ordinances, Area Plans) as necessary to clarify where and under what circumstances the provision of urban services to new development outside of the USL is appropriate.

Recommendation 2.4

This recommendation complements Recommendation 2.3 and focuses more specifically on the need to reduce development on the urban edges of Cambria and Los Osos. The County does not disagree with this recommendation and has commented that potential amendments to reduce development potential should be evaluated through the Area Plan update process. As noted above, public comment has focused on including specific parcels in Los Osos within the USL; on further limiting general development potential in Los Osos, and on the need to provide for needed school sites through the planning process. The Area Plan Update process is an appropriate mechanism for evaluating and implementing specific changes in the USL. In addition, the County likely will be submitting an LCP amendment to the Commission to adjust the USL in Cambria to accommodate a proposed school, which will require further review, particularly a thorough alternative site analysis, for consistency with the Coastal Act policies to maintain urban-rural boundaries and protect agricultural lands. As suggested in the Public Comments, the Area Plan updates should specifically evaluate the need for future schools or other public facilities and provide for these in the Area Plan. Thus, additional school site planning may be needed for both Cambria and Cayucos. The Estero Update also proposes numerous changes to the USL which will need specific evaluation, particularly in light of on-going evaluation and development of the Habitat Conservation Plan for Los Osos (see below). Finally, as discussed in the *Preliminary Report*, land use designations outside of the USL should be reevaluated for consistency with the Section 30250 requirement that subdivisions not be allowed if 50% of the usable parcels in the area have not been developed. At one time this policy was directly incorporated in Public Works Policy 1 and perhaps should be revisited as an appropriate policy to maintain urban-rural boundaries and concentrate development. Preliminary Recommendation 2.4 is amended slightly, including deletion of unnecessary text:

~~Preliminary~~ **Recommendation 2.4: Reduce Development Potential on Urban Edges.** Evaluate potential for reduction of development intensities on the perimeter of urban areas, including adjusting land use designations, allowable densities, ~~and~~ relocating the USL/URL where appropriate, and evaluating consistency of such with Coastal Act section 30250. ~~The County has already proposed some adjustments that would be beneficial in this regard, such as the tightening of the USL on southern edge of Cambria. Other proposals would be logical in light of current events. (For example, removing from the USL the recently acquired Morro Palisades property in Los Osos being set aside for conservation purposes and other areas on~~

~~the urban fringe designated for residential development but highly constrained by significant habitat values; also, adjusting the USL to reflect the community's greenbelt goals.~~

Recommendation 2.5

The County agrees with this recommendation, and has suggested that mitigation banking be considered as an implementation mechanism to protect habitat. Commission staff are currently working with the Los Osos CSD, the County, U.S. Fish and Wildlife, the Department of Fish and Game, the Greenbelt Alliance, and others to develop a multi-species HCP that includes planning and implementation mechanisms for incorporation into the LCP. Preliminary Recommendation 2.5 is amended to incorporate the County's suggestions.

> ~~**Preliminary**~~ **Recommendation 2.5: Consider Policies and Programs to Support Greenbelt Formation and Maintenance.** Consider incorporation of programs and policies to establish or support greenbelt and open space areas on the urban fringe of developed areas (e.g. Los Osos). Build on and integrate with open space and habitat protection proposals already put forth by the County in the Estero Update. Mitigation banking should be further evaluated as a potential implementation mechanism .

Recommendation 2.6

The County agrees with this recommendation with the understanding that the Commission was not recommending that a Redevelopment Agency be established but rather, that policies, programs, changes in land use designation and zonings, and implementing mechanisms be considered that would encourage redevelopment in the urban core rather than development outside the USL. Other strategies to promote concentration of development in urban areas might include transportation management, evaluating the jobs-housing balance, etc. More detailed evaluation of possible mechanisms will be necessary, particularly in light of on-going HCP planning in Los Osos. Changes to Preliminary Recommendation 2.6 clarify the intent of the recommendation.

> ~~**Preliminary**~~ **Recommendation 2.6:** ~~**Encourage Redevelopment Options in Urban Areas.** Greater attention should be placed on redevelopment options inside the USL prior to concentrating any proposals for urban levels of development outside the USL.~~ **Encourage Concentration of Development in Urban Areas.** Amend the LCP to provide incentives for development, including broad redevelopment strategies, within the USL. For example, the County should consider developing planning and regulatory mechanisms to transfer development potential from outside the USL to inside the USL,

4. Conclusion

The *Preliminary Report* presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act section 30250 requirement to concentrate urban development by maintaining stable urban-rural boundaries (see Exhibit A, Findings incorporated herein by reference). After further evaluation and consideration of public comments, pursuant to Coastal Act section 30519.5, the Commission adopts Final Recommendations 2.1- 2.6 as appropriate corrective actions for submission to the County.

B. Concentration of Development: Preventing Cumulative Impacts to Rural Lands *(Recommendations 2.7 – 2.11)*

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 29-39)

In addition to evaluating urban-rural boundary issues, the *Preliminary Report* evaluated cumulative development patterns in the non-urban areas of the County, LCP implementation since 1988, and the existing policies, ordinances, and land use designations of the LCP, in order to assess conformance with the Coastal Act 30250 policies that require concentration of development in existing developed areas and that assure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources. The report observed that while coastal development in rural areas accounted for only about 10% of the total development approved since LCP certification, that this development was nonetheless significant in raising concerns about protection of coastal resources in rural areas, such as scenic landscapes, sensitive habitats, and agricultural lands. In particular, approximately 260 permits for coastal development in rural areas were approved since certification, including 54 residential projects, a variety of commercial developments, visitor-serving development, and lot-line adjustments or subdivisions.

More detailed analysis in the *Preliminary Report* focused on the issue of concentration of development in the North Coast Planning Area, and cumulative impacts in rural areas generally. The report discussed the increasing significance of the relatively undeveloped North Coast coastal environment, particularly the need to continue to focus on planning for and concentrating new development only in appropriate existing development nodes. Acknowledging newly identified sensitive species, improved knowledge about limited resources such as riparian habitat and groundwater supplies, and growing public appreciation of the relatively undeveloped scenic landscapes of the North Coast, the report highlighted the County's current Project Description alternative for the North Coast Area Plan update that would rezone Hearst Ranch lands currently zoned for recreation, back to Agriculture, and establish a specific plan and environmental review process to better evaluate appropriate types, locations, and intensities on non-agricultural development on the Hearst Ranch. The report also touched on continuing pressures on coastal resources exerted by visitor-serving activities associated with Hearst Castle, other State parks, and coastal recreation generally. This included concern for the traffic capacity of Highway One which, under Coastal Act section 30254, must remain a two-lane rural highway.

The *Preliminary Report* also analyzed cumulative development patterns along the Harmony Coast of the North Coast planning area. The report discussed an emerging trend of development of non-agricultural estates that, over the long run, may drive out agricultural and farm activities in rural coastal areas, contrary to the Coastal Act policy to protect agriculture. Because of their generally larger scale and character, these developments also present distinct challenges with respect to potential impacts to scenic views, sensitive habitats, and other coastal resources. This trend was also analyzed in the Agriculture chapter of the *Preliminary Report*, particularly the role that Certificates of Compliance and subsequent lot-line adjustments can play in facilitating the incremental conversion of

agricultural lands to rural residential areas that may no longer be conducive to on-going agricultural activities.

Overall, the *Preliminary Report* concludes that the LCP does not contain sufficient programs, policies, and standards to address the requirements of Coastal Act section 30250 and 30254, particularly in light of continuing development trends approved under the certified LCP (Findings incorporated herein by reference). In response, the *Preliminary Report* discussed five recommendations addressing the need for: (1) strengthened standards to address development potential on non-conforming lots; (2) evaluation of options for processing non-conforming lots in single ownerships; (3) further concentrating development at limited existing nodes; (4) requiring resource capacity studies prior to considering major development proposals; and (5) updating the LCP to address large residential developments. (see Preliminary Recommendations 2.7 – 2.11 on pp. 38-39 of Exhibit A).

2. Comments Raised

SLO County Response (Exhibit C)
Overall, the County does not disagree with Preliminary Recommendations 2.7-2.11, but has suggested various modifications to language and implementation approaches, discussed in more detail below. Particular comments include modifying Preliminary Recommendation 2.9 to consider potential visitor-serving uses at the Hearst Castle Visitor Center, and to address house size limitations to protect coastal resources through performance standards rather than specific size limits on disturbance or square footage.

Summary of Public Comment (Exhibit D)
As in 1998, when the Commission considered amendments to the North Coast Area Plan of the SLO LCP, general comments have been received from the public concerning potential visitor-serving development on the Hearst Ranch. Concerns include potential impacts to sensitive habitats and viewsheds, and whether there are sufficient resources, particularly water supply, to support new visitor-serving development. Comments also raised the issue of the agricultural easement requirement that was included in the originally certified North Coast Area Plan and subsequently removed through an LCP amendment (see below for detail). The Hearst Corporation has provided a comprehensive response to the Preliminary Report which, among things, includes a general request that the Periodic Review not recommend any changes to the zoning on the Hearst Ranch at this time, as opposed to evaluating such changes through the North Coast Area Plan update process (see Exhibit D, D-357). More specific comments from the Corporation are addressed below.

3. Analysis

Based on further review, discussions with County staff, and analysis of the public comments received on the *Preliminary Report*, changes to preliminary recommendations 2.7-2.11 are proposed as follows:

Recommendation 2.7

This recommendation overlaps with Agricultural recommendation 5.4 which provides more comprehensive and specific discussion of recommended changes to address cumulative impacts in rural and agricultural areas. The County does not disagree with this recommendation but does propose modifications that would limit the recommendation to consideration of amendments to lot-line adjustment criteria to assure conformance of lot-line adjustments with the coastal resource protection standards of the LCP. The Preliminary Recommendation is modified to delete unnecessary text and to refer to Agricultural Recommendation 5-4.

> ~~Preliminary~~ **Recommendation 2.7 Strengthen Standards to address development potential on Non-conforming Lots.** ~~Lot-line adjustments can increase development potential if not strictly evaluated under the standards of the LCP. Currently unbuildable lots should not be adjusted so as to become buildable. In addition, resource protection policies should be the controlling principle when adjusting nonconforming lots on agricultural lands to provide maximum disincentives for nonconforming development. As discussed, in Morro Bay Limited, parcel sizes were set at 20 acres because of the agricultural zoning, when the reality of the development proposal was to promote nonconforming residential development. A small lot residential cluster might have better maximized the agricultural values of the land as well as protected other resources such as ESHA and scenic views.~~ Amendment of current lot-line adjustments review criteria should be considered that would require adjustments to reasonably comply with all LCP Coastal Plan Policies and Ordinances within the constraints of Constitutional takings jurisprudence~~.~~ See Agriculture Final Recommendation 5.4. ~~More detailed discussion of policy options is discussed in the Agriculture chapter.~~

> **Recommendation 2.8**
>
> The County has agreed to consider this recommendation, including exploring legal options for maximizing the protection of Agricultural land. Some members of the public have commented that the question of lot merger is the province of the Subdivision Map Act. Further discussion with County staff also has focused on providing incentives for voluntary merger of non-conforming parcels rather than developing an ordinance pursuant to the California Subdivision Map Act that would require merger of substandard parcels in a common ownership.[2] In light of the Map Act's primary role in circumscribing local merger processes, the problem of non-conforming lots in rural areas of the coastal zone may be effectively addressed through amendments to the Subdivision Map Act, similar to the exemption provided for Napa County.[3] With respect to the LCP, though, the County could begin a process of

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[2] PR 2.8 is amended to replace single ownership with "common ownership," which is a more precise term for purposes of this issue. It should be noted that there are several cases that have held that two or more contiguous, commonly owned parcels can, under certain circumstances (i.e. when the owner has treated them as a single unit for purposes of purchase, development, or financing) be treated by regulatory bodies as comprising a single parcel. See *District Intown Properties LP v. Dist. of Columbia* (D.C. Cir. 1999) 198 F.3d 874, cert. den. 121 S.Ct. 34; *Forest Properties, Inc. v. U.S.* (Fed. Cir. 1999) 177 F.3d 1360, cert. den. 120 S.Ct. 373; *K&K Construction Co. v. Dept. of Natural* Resources (Mich. 1998) 575 N.W.2d 531, cert. den. 525 U.S. 819, 1034; and *Ciampitti v. U.S.* (1991) 23 Cl.Ct. 310.

[3] The Subdivision Map Act currently provides, in part:

> 66451.22. (a) The Legislature hereby finds and declares that: (1) The agricultural area of Napa County has become extremely important over the last 25 years as a premier wine grape growing region of worldwide importance and should thereby be protected from parcelization.
>
> . . . .

assessment, to at least identify those non-conforming parcels that might qualify for merger under the SMA (see Agriculture discussion for more detail). Finally, the last part of PR 2.8 is struck, as the issue of lot-line adjustments is addressed through Agricultural Recommendation 5.4.

~~Preliminary~~ **Recommendation 2.8 Evaluate Options for Processing Non-conforming lots in Single Ownership.** The County and Commission should evaluate options available for processing non-conforming parcels in a ~~single~~ common ownership, including identification of non-conforming parcels and ~~legal~~ options for lot merger, to maximize protection of agricultural lands. As part of this effort, the County and Commission should consider policy, ordinance, and program options, including those that would provide incentives to encourage voluntary merger of non-conforming parcels. ~~Proposals to adjust or development single parcels of larger agricultural holdings should not be allowed without comprehensive evaluation of the entire agricultural holding~~.

Recommendations 2.9/2.10

These recommendations address appropriate land use designations and resource planning for the North Coast rural areas, primarily the Hearst Ranch. The County has indicated that recommendation 2.9 should be modified to consider potential visitor-serving uses at the Hearst Castle Visitor Center, and to state that zoning changes will be addressed through the North Coast Area Plan Update process. For recommendation 2.10, the County suggested requiring a detailed resource assessment not a capacity study (which is a term associated with the RMS program), prior to major developments, as well as clarifying what constitutes a "major development."

As mentioned in the overview above, the Hearst Corporation has requested that no recommendations concerning land use zoning on the Hearst Ranch be made through the Periodic Review. In addition, the Corporation has commented that "[n]o showing has been made in the Staff Report that reducing zoning for visitor-serving uses on Hearst Ranch is necessary to make the existing certified LCP consistent with the Coastal Act." Other comments include observations that the existing NCAP zoning is located consistent with Coastal Act section 30250. Overall, the Hearst Corporation recommends that this recommendation be removed and concludes:

> Locating visitor-serving uses on the Hearst Ranch is best accomplished with community and property owner participation in the NCAP update process. This is a local government decision that requires community input. *(Exhibit D, pp.* D-357*)*

The Commission has also received general public comment raising concerns about future visitor-serving development and potential impacts to coastal resources on the Hearst Ranch. This includes concern for inadequate water supply and impacts to habitats and viewsheds. In addition, some comments have raised the issue of the originally certified LCP standard that would have required an agricultural easement on the Ranch in conjunction with any approved

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(b) Notwithstanding any other provision of law, the County of Napa may adopt ordinances to require, as a condition of the issuance of any permit or the grant of any approval necessary to develop any real property which includes in whole or in part an undeveloped substandard parcel, that the undeveloped substandard parcel be merged into any other parcel or parcels that are contiguous to it and were held in common ownership on or after the effective date of this act, whether or not the contiguous parcels are a part of the development application, except as otherwise provided in subdivisions (d) and (e).

visitor-serving development (amended out of the LCP in 1988). The Cambria CSD has specifically requested that the scale and local service and housing impacts of potential Hearst Resort development be addressed in the Periodic Review.

In addition to the public comments received on this issue, the Hearst Corporation has been involved in discussions with different organizations about various conservation options for the Ranch that would also maintain the potential for compatible visitor-serving facilities. The Corporation has also submitted an application to the County of San Luis Obispo for 274 certificates of compliance on the Ranch, and has also provided the Commission with copies of these applications. Commission staff have been in close communication with the County to facilitate a coordinated review of the materials. As of this writing, the County has not completed its review, and has expressed an interest in working with Commission staff to more closely coordinate on development applications in the coastal zone.[4] To this end, Commission staff will continue to pursue full consultation with the County on the Hearst COC application prior to any final decisions concerning issuance of any certificates of compliance. As discussed in the Preliminary Report, Certificates of Compliance are often the precursor to development proposals, or to lot-line adjustment proposals to facilitate development, that may ultimately conflict with existing land uses, particularly in agriculturally-zoned areas.

As with other recommendations in the Preliminary Report, Preliminary Recommendations 2.9 and 2.10 were developed to address the Coastal Act 30519.5 Periodic Review task of proposing corrective actions to the County that will assure that its LCP is adequate to implement the Coastal Act in light of current circumstances and knowledge about coastal resources on the Hearst Ranch. The recommendations also are consistent with, and build on the LCP modifications and policy direction adopted by the Coastal Commission in its 1998 approval with modifications of the North Coast Area Plan Update, which included a lengthy discussion of the question of agricultural resource protection on the Ranch. Finally, the recommendation reflects more recent comments of Commission staff on land use on the Hearst Ranch that refine 1998 policy direction, and that highlight the importance of scenic resource protection along the North Coast (see Exhibit A, Appendix E).

To better understand the context of Preliminary Recommendations 2.9 and 2.10, it is important to understand the history of coastal land use zoning and agricultural issues on the Hearst Ranch. In particular, as discussed in the Commission's 1998 Adopted Findings for the North Coast Update, it is important to understand the policy gap that currently exists concerning the question of an agricultural easement. This discussion is quoted in full on the following pages.

[4] Letter from Vic Holanda, County Planning Director, to Tami Grove, Central Coast Deputy Director, June 15, 2001.

1998 Adopted Commission Findings on North Coast Area Plan Update:

1. Hearst Ranch Non-Agricultural Development

Non-agricultural development on the Hearst Ranch has been a controversial issue since the early 1960s. Prior to the Coastal Act, a proposal was made to develop 20,000 homes on the Hearst Ranch that would have housed approximately 60,000 people. This proposal remained a real possibility until 1975, when the County of San Luis Obispo voted to rescind the so-called "Piedras Blancas plan".[1] After the passage of the Coastal Act in 1976, attention turned to the designation of recreational lands in and around San Simeon Point.

The next significant action occurred after the passage of the Coastal Act. The Land Use Plan portion of the San Luis Obispo County LCP was initially submitted for Commission review in 1982. At that time the Plan provided for the designation of five Commercial/Visitor Serving sites on the Hearst Ranch (900 hotel units, two golf courses, and a variety of commercial uses). During the Plan hearings at both the County and Coastal Commission levels, there was substantial local opposition to the level of non-agricultural development proposed on the Hearst Ranch. The Commission determined that a reduced amount of Commercial/Visitor Serving Uses could be accommodated on the ranch, but only if such non-agricultural development was adequately mitigated by an agricultural/open space easement over the remainder of the ranch lands in the coastal zone. The easement, which was included in the original certified NCAP in 1983 as a development standard for the Hearst Ranch, required the following:

> Hearst Ranch - Agricultural/Open Space Easement. Concurrent with the development of the Staging Area, the applicant shall grant an easement to the county over all land designated Agricultural on the Land Use Element maps. This easement shall remain in effect for the life of the visitor-serving developments approved on the ranch unless modified by an amendment to the LUP and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily considered accessory to agriculture, farm labor housing and a single family home accessory to agricultural use. All lands unsuitable for agriculture because of habitat and resource protection or soils characteristic reasons shall be limited to non-structural, non-agricultural, open spaces uses. The county shall consult with the Department of Fish and Game and the Hearst Corporation to establish standards which shall be incorporated into the easement to protect environmentally sensitive habitats of the Arroyo de la Cruz and San Carpoforo Creek watersheds.

This easement standard provided for the dedication of Agricultural and Open Space Easements over all ranch land designated for agricultural use at the time of development of the visitor serving facilities at the "Staging Area" located on the east side of Highway 1 near the State Park entrance facilities. The purpose of the easement was to protect agriculture and habitat values on the Hearst Ranch outside of the four areas designated for visitor serving uses in the LCP. The easement requirement would have applied to the roughly 50,000 acres of the Hearst Ranch within the coastal zone. More important, the standard was developed and adopted by the Commission as an essential adjunct to the designation of more than 300 acres of viable ranch land for visitor serving uses (650 hotel units, commercial uses, employee units, golf course and equestrian center).

However, both the County and representatives for the Hearst Corporation opposed the easement requirement and the 1983 Commission approval of the LUP with modifications was not accepted.

The San Luis Obispo County LUP was resubmitted in 1984. Again controversy surrounded the issue of development on the Hearst Ranch and the easement requirement. Once again the Commission approved the LUP with a reduced level of Commercial/Visitor Serving development if modified to

include the easement requirement. This time, the County accepted the Commission's approval as modified but indicated that an amendment to delete the Agricultural/Open Space Easement would be sought at a later date.

An amendment requesting deletion of the Easement requirement was submitted by the County in late 1984. In February of 1985, the Commission again found that the easement requirement was necessary to mitigate the impacts of the Commercial/Visitor Serving uses on identified Coastal Resources. The Amendment request was denied. The Commission directed staff to continue discussions with the County in order to determine whether a mutually acceptable alternative method of protecting coastal resources on the ranch could be found.

Another request to delete the easement provision was submitted later in 1985. In November of 1985, the Commission found that the easement was required, but that it could be phased as the individual nodes of non-agricultural development were built-out. The easement language was thus modified to reflect the Commission's decision. The Hearst Corporation Representatives indicated the suggested modification was unacceptable. The County declined to accept the modifying language with the effect that the original policy language providing for the entire easement at the time of development of the first project at the Staging Area remained.

Finally, in 1987, the Planning staff at San Luis Obispo County offered alternatives to the Board of Supervisors including the use of Agriculture Preserve contracts and a combination of agriculture/open space easements adjacent to proposed development nodes plus Agriculture Preserve contracts. County staff recommended the combination easement/ag contract alternative. A single hearing was held on this item at the Board of Supervisors meeting of December 15, 1987. A review of the complete transcript of the hearing, indicates that the controversy continued. Several members of the public spoke both in favor and against deletion of the easement requirement. Representatives of the Hearst Corporation argued against both the existing easement requirement and the alternative proposed by staff. Hearst contended that the easement was excessive, not required and would likely expose the County to lawsuits as a result of the recent Nollan decision concerning the question of appropriate land use exactions and nexus. The Board voted 4-1 to delete the easement.

The deleted easement came before the Commission in LCP major amendment #2-88. Commission staff again recommended that the easement requirement be retained, but also that it be reduced in size to make it more consistent with County standards in the certified LCP. These standards require that when any non-agricultural uses are proposed for agricultural lands, that agricultural and open space easements be granted for all remaining agricultural lands shown on site plans and that non-agricultural development be limited to 2% of the entire site (see Policy 3; CZLUO 23.04.050). Using a similar logic, staff recommended that the easement cover only 15,000 acres of the ranch, which was proportional to the 300 acres of non-agricultural development being allowed. The Commission ultimately went against the staff recommendation and voted 7-5 to delete the easement, on the grounds that the remainder of agricultural lands on the Hearst Ranch would be adequately protected by existing LCP policies concerning the conversion of agricultural lands.[ii] This finding, though, did not address or make a finding concerning the initial conversion agricultural lands to non-agricultural use but merely considered the protection of agriculture beyond the Hearst resort conversion (see below for more detail)

With the deletion of the agricultural easement standard, potential non-agricultural development on the remainder of the Hearst Ranch is governed by two standards in the NCAP and the more general agricultural conversion policies and ordinances of the LCP. The existing NCAP requires that any land divisions of the Hearst Ranch agricultural lands must result in parcels that constitute individually viable agricultural units. In the alternative, agricultural land divisions may be acceptable if they improve the viability of adjacent holdings (see 7-12 of NCAP update).

The general agricultural policies and ordinances of the LCP also govern proposed land divisions and non-agricultural uses. Policy 1, for example, requires the maintenance of prime agricultural lands,

similar to section 30241 of the Coastal Act. It also requires that other agricultural lands be maintained as such unless this is not feasible; or unless conversions would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas that have adequate public services.

Coastal Plan Policy 2 governs the division of agricultural land. In effect, land divisions for prime soils are prohibited unless certain findings of continued agricultural viability are made. Divisions of non-prime lands are 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." This policy is implemented as a standard, not through a specific ordinance. As such, the Coastal Plan Policy document notes that Policy 2 may lead to "substantially larger minimum parcel size for non-prime lands than identified in the Coastal Zone Land Use Ordinance."

Policy 3 sets forth specific standards for allowable supplemental non-agricultural uses. The most important part of this policy, is the requirement that non-agricultural development may not exceed 2% of the gross area of the parcel(s) at issue; and that an agricultural/open space easement must be placed over the remaining 98% lands. Other Agricultural policies govern the siting of structures, the urban-rural boundary, lot consolidation, water supplies, agricultural practices, and other miscellaneous agricultural requirements (Policies 4 through 12).

Finally, certain Coastal Zone Land Use Ordinances regulate agricultural lands as well. Minimum parcel sizes for land divisions are regulated by ordinance 23.04.024, which defines two separate methods for determining parcel size. One method is based on the existing use of a parcel. For example, land used for grazing has a minimum parcel size 320 acres, as opposed to 20 acres for irrigated row crops, nurseries, orchards, and vineyards. The other method for determining minimum parcel size uses land capability based on the Soil Conservation Service classification system. For example, Class I lands have an allowable minimum of 20 acres, whereas Class VII-VIII have a minimum of 320 acres. Proposed minimum parcel sizes must meet both tests to be approved. Ordinance 23.04.050 governs supplemental non-agricultural uses to implement Policy 3. Finally, ordinance 23.04.432 prohibits the extension of services beyond the urban services line, to minimize conflicts between agricultural and urban land uses.

The County has made several limited changes to NCAP agricultural policies that affect the Hearst Ranch agricultural lands. The County has added a provision that requires an "Ag-viability report" to be submitted with any applications for land divisions and lot line adjustments to the Agriculture and Rural Lands categories (7-8). In addition, standards have been added that (1) require parcel configuration to maintain and enhance agricultural viability; and (2) require findings to be made that resulting parcels will maintain and enhance agriculture and that potential non-agricultural uses will not have an adverse impact on surrounding agricultural uses (7-9).

The County has also updated the specific Agriculture category standards (7-12). First, the standards are revised to apply to all agricultural lands, not simply the Hearst Ranch. Second, the County has exempted land divisions necessary for public works or services from the agricultural criteria. Finally, the County has repeated the requirement for an Agriculture viability report that evaluates the effects of proposed land divisions.

Conformance with Coastal Act

The Coastal Act establishes a clear mandate for the preservation of agricultural lands, including non-prime soil lands suitable for grazing and other non-crop agricultural activities. Except for lands where agricultural viability is already "severely limited" by conflicts with existing urban uses (e.g. "in-holdings" and on the urban periphery), the standard for conversion of agricultural lands under Sections 30241 and 30242 is extremely high. The conversion of prime agricultural lands is effectively

prohibited; the conversion of all other agricultural lands is prohibited unless it is shown that: "continued or renewed agricultural use is not feasible, or . . . [that] such conversion would preserve prime agricultural land or concentrate development consistent with section 30250."

As discussed in the Development findings, a limited amount of visitor-serving development (100 units) is allowable within the existing development node at Old San Simeon under the visitor-serving exception of Section 30250(c). However, any development beyond this limited envelope would require the conversion of agricultural lands currently used or available for grazing. Each of the other proposed areas for visitor-serving development -- the Staging Area, the lands around Old San Simeon, the proposed golf course lands, as well as the site for the proposed Pine Forest facility -- either are or have been used for cattle grazing recently. A recent evaluation of agricultural viability on the Hearst Ranch, as well as recent staff visits to the vicinity, have documented cattle grazing uses on Phase One, Three, and Four lands.[iii] A 1988 review of Agricultural uses on the Ranch documented the following uses in the areas proposed for non-agricultural visitor-serving development:[iv]

The Staging Area:	*Seasonal Holding Field for Cattle Being Shipped*
Between Old San Simeon and Highway One:	*Small Pasture for 6 cows and calves*
San Simeon Point and Proposed Golf Course:	*Used for 120 cows and calves*
Pine Forest Resort Envelope:	*Part of larger cow and calf pasture*

In this comprehensive planning update of the NCAP, the Commission is obliged to consider anew whether the non-agricultural development proposed by the Hearst Corporation and incorporated into the updated NCAP is consistent with Coastal Act Section 30242. Indeed, such an analysis is particularly warranted considering the history of proposed non-agricultural uses on the Ranch and the agricultural easement standard originally adopted by the Commission. Technically speaking, a finding that agriculture (namely grazing) was not feasible on the Hearst Ranch has never been made. As discussed briefly above, the original conversion of 300 acres or more of the Hearst Ranch to non-agricultural lands was allowed only because the Commission consolidated and limited the scale of non-agricultural development, and, because of the guarantee provided by the agricultural easement that no further non-agricultural development would occur on the ranch. The easement requirement effectively retired the remaining non-agricultural development potential on the Ranch. The Commission, therefore, was able to find that on balance, the Hearst resort proposal was consistent with sections 30241 and 30242.v

However, because the agricultural easement standard is no longer part of the NCAP, the question of the conversion of agricultural lands on the Ranch must be revisited. In particular, when the Commission approved the deletion of the easement requirement in 1988, the question of the initial conversion of the agricultural lands required for the Hearst Corporation's non-agricultural visitor-serving uses was not reevaluated. Rather, the adopted findings focused on the remaining agricultural grazing lands and whether existing County policies were sufficient to protect these lands from future non-agricultural development.[vi] This oversight in the 1988 amendment to the NCAP effectively leaves a policy gap that must be considered in this comprehensive update of the NCAP. As discussed in more detail below, the lack of a finding on the initial conversion of agricultural land on the Hearst Ranch leaves a significant inconsistency with Coastal Act section 30242, and effectively gives the Hearst Ranch agricultural lands special treatment relative to other agricultural lands in the North Coast. Overall, sound public policy requires a comprehensive reevaluation of the proposed conversion of agricultural lands on the Hearst Ranch.

After these findings, the Commission went on to find in its 1998 action that the Hearst Ranch was a viable agricultural operation, based in part on an agricultural feasibility study

submitted by the Corporation.[5] This included findings that areas targeted for visitor-serving development were viable grazing lands. The Commission concluded:

> Overall, it is clear that the conversion of grazing lands by the proposed visitor-serving development is not allowable under the first test of Section 30242. The Ranch is a viable, in fact, increasingly viable agricultural operation[6].

Based in part of these findings of viability, and the policy inconsistency with the Agricultural conversion policies of the Coastal Act, the Commission adopted, in 1998, modifications to the North Coast Area Plan that would limit non-agricultural development on the Hearst Ranch to a 100 acre development envelope in and around San Simeon Village, buffered with a more limited 1000 foot agricultural easement; all other land on the Ranch would be zoned back to Agriculture with the exception of San Simeon Point, which would be placed in Open Space zoning. The Commission also specified that 375 visitor-serving units, as opposed to the contemplated 650, was the absolute maximum number of visitor-serving rooms that could be accommodated. This development location and intensity was derived by concentrating the estimated development potential of the Ranch within the identified development node. In addition, the Commission found that no golf course could be allowed. These modifications were necessary to achieve consistency with the 30250 and 30242 requirement to concentrate development in order to convert agricultural lands to non-agricultural land uses.[7] Finally, future land uses on the remainder agriculturally-zoned lands would be strictly limited to agricultural uses only, to protect against future non-agriculture development outside of the one visitor-serving node at San Simeon Village.

Because San Luis Obispo County did not accept the Commission's modifications to the LCP, the policy gap concerning consistency with the Agricultural protection policies of Coastal Act section 30242 remains in the North Coast Area Plan. In addition, since 1998 and the County's preparation of a new Project Description for the North Coast Update, debate has continued about the appropriate zoning and planning processes to put into place in order to address both potential coastal resource constraints (such as lack of water), and future intensive visitor-serving development on the Ranch. The Hearst Corporation has indicated in its comments that studies will be necessary to ensure that any development would be self-sustaining, but has also stated that there are numerous water sources on the Hearst property.[8] In the 1998 NCAP findings, the Commission adopted modifications to the LCP that emphasized the need for adequate resource studies <u>prior</u> to considering development proposals, including improved water monitoring and application of in-stream study methods to protect steelhead. These modifications were found to be necessary in part because of the lack of good monitoring data, and significant uncertainty about the safe-yield of the Arroyo de la Cruz and San Carpoforo groundwater basins.

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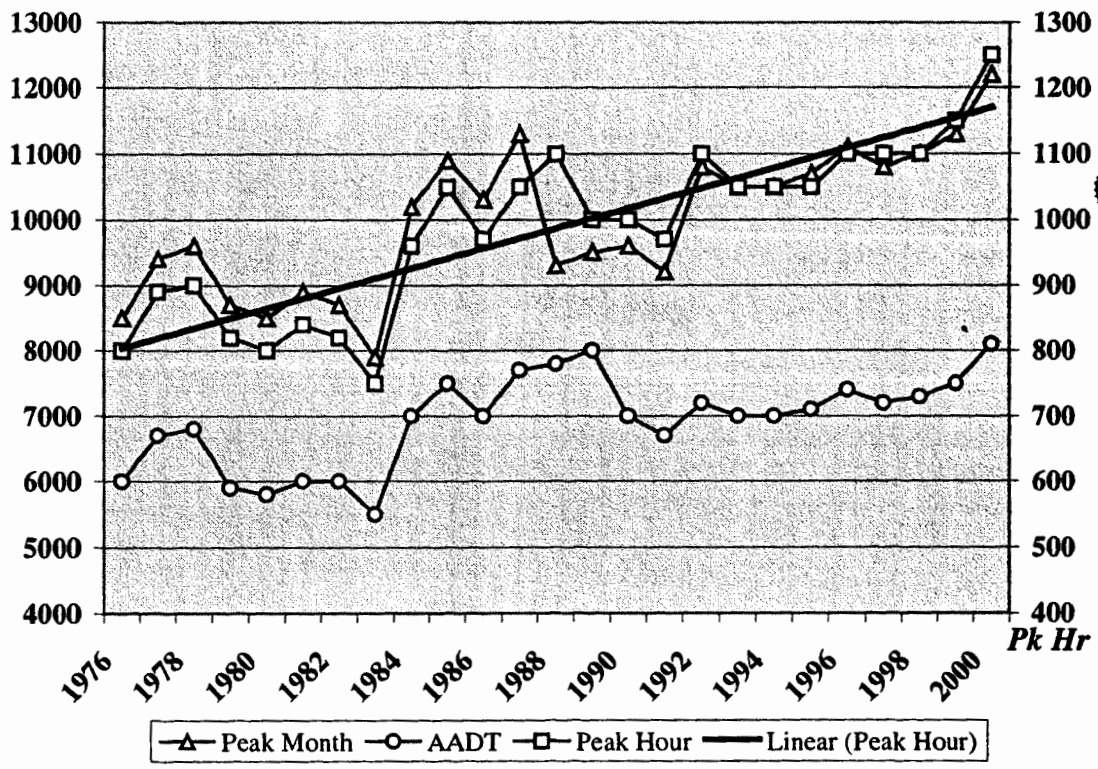
[5] Sage Associates, *The Hearst Ranch Agricultural Compatibility Study Visitor Serving Facilities*, July 1988.
[6] *North Coast Area Plan Update Adopted Findings*, California Coastal Commission (1998).
[7] The total maximum number of units under the Commission's modifications would have been 535, including 375 visitor rooms, a 60 bed hostel or 50 unit campground, and 100 units of employee housing.
[8] The Corporation cites the County's Water Master Plan but it is not clear what water sources are being referenced.

As discussed in the *Preliminary Report*, the capacity of Highway One also is a serious continuing concern related to the environmental constraints on future development on the Hearst Ranch. The currently certified NCAP contains a planning standard that states that inadequate road capacity shall be grounds for denial of future development projects on the Hearst Ranch, unless mitigation measures are incorporated to provide adequate capacity without increasing traffic lanes or using traffic signals.[9] As discussed, Highway One in the vicinity of the Hearst Castle Visitor Center is currently at Level of Service (LOS) D. Figure 2.1 illustrates the steady increase in traffic counts at the Visitor Center since 1976 when the Coastal Act was adopted (56% peak hour; 35% Average Annual Daily Traffic). Since certification of the current LCP road capacity policy, peak hour traffic counts at the Visitor Center have increased more than 40%. In 1998, the Commission found that LOS D, while "marginally acceptable," should be the very worst service that Highway One should be allowed to reach here, in order to protect and provide maximum public access and recreation along the North Coast. North of the Visitor Center, on the way to Big Sur, the Commission adopted a proposed standard of LOS C. Maintaining Highway One capacity for visitors to Big Sur has been an on-going concern since adoption of the Coastal Act.

Figure 2.1 Highway 1 Traffic Counts at Hearst Castle



Also, in August of 2000, Commission staff provided comments to the County on the Project Description for the new NCAP (See Exhibit A, Appendix E). These comments highlighted

[9] North Coast Area Plan, 8-11, Std. 10.

the significant changed circumstances even since 1998, including the designation of Highway One between San Luis Obispo and the County line as a State Scenic Highway, and increased visitors to the rural North Coast. The comments also observe:

> There is growing recognition in California that highly scenic, unbuilt, natural landscapes are vanishing at an alarming rate and there is no geographic region of the State where this threat is more acute than on the coast. Further,. . . there is perhaps no other reach of coast in California that is more deserving of the strongest possible protections than the southern gateway to Big Sur, . . . The North Coast is at once a powerful landscape of incomparable and stunning beauty and yet is extremely vulnerable to degradation by development. This precarious situation demands bold and timely action by the county for the benefit of current and future generations.

The comments go on to recommend that the County amend the North Coast Area Plan to include:

> . . . progressive measures to prevent new development outside of existing urban areas that would be visible from public areas, including public roads, parks, trails, and state ocean waters. The two minor exceptions to this standard that might be considered are small-scale infill development within Old San Simeon Village that will enhance coastal recreation opportunities and be consistent with the scale, character and tradition of existing structures; and minor structures ancillary to, and necessary for, the continuation of a viable agricultural use [emphasis added].

Preliminary Recommendations 2.9 and 2.10 also partly reflect the County's current Project Description for the North Coast Area Plan Update that would rezone Recreational lands on the Ranch to Agriculture, and then establish a specific planning process for consideration of future visitor-serving development in a particular area (see Exhibit A, pp. 33-34). This area includes the 100-acre development envelope identified by the Commission in 1998, as well as additional surrounding lands. This type of amendment to the North Coast Area Plan would at once acknowledge the possibility of some future visitor-serving development in a general area, while bracketing the specific questions of the appropriate locations and intensity of development depending on future environmental resource studies.

Finally, comments have been received from the both the SLO Visitor's Conference Bureau and the Hearst Corporation questioning the *Preliminary Report's* discussion of visitor-serving demand for overnight accommodations such as those contemplated in the certified NCAP. In 1998, the Commission's NCAP findings for the Hearst Ranch included an analysis of the need for such accommodations and, based on evidence of a 55% occupancy rate in the North Coast Area, concluded that it was "by no means clear that certain types of middle range visitor-serving development [were] needed along the North Coast."[10] The Commission ultimately concluded that limiting visitor-serving development to the San Simeon Village area, eliminating any golf course development, and requiring a low-cost component was "more in keeping with the preferences of the Coastal Act for public visitor-serving experiences."[11]

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[10] North Coast Area Plan Adopted Findings, p. 93.
[11] *Id.*, p. 94.

3. Analysis

Under the Coastal Act, new development must be concentrated in existing developed areas or selected points of visitor attraction that are able to accommodate it, and where it will not have adverse individual or cumulative impacts to coastal resources (30250). In addition, the maximum amount of prime agricultural lands (in this case mostly grazing lands) must be maintained, and non-prime lands must not be converted unless such lands are no longer feasibly used for agriculture, or such conversion would preserve prime land or concentrate development (30241; 30242). Also, Highway One must remain a two-lane scenic road in rural areas such as the North Coast (30254); the scenic and visual qualities of coastal areas shall be protected and new development must be compatible with the scenic character of an area (30251); and environmentally sensitive habitats and coastal water quality must be protected (30240; 30230; 30231). Other Coastal Act policies include the need to maximize public access, avoid coastal hazards, protect cultural resources, and enhance public coastal recreation (30210; 30253; 30244; 30222). Finally, oceanfront land should be reserved for recreational uses unless the demand for such activities is already being met (30221).

In light of the various issues, public comment, current environmental circumstances, and the Corporation's recent activities concerning potential non-agricultural development on the Hearst Ranch, Preliminary Recommendations 2.9 and 2.10 should be revised to be more specific about the appropriate LCP land use designations and planning processes that are necessary corrective actions for the San Luis Obispo County LCP to conform with the above Coastal Act requirements. Lacking such changes, the County's LCP is not being carried out in conformance with the Act.

First, overall the recommendations are reframed to be clear that the current LCP zoning and standards for potential large-scale visitor-serving development (up to 650 units) on the Hearst Ranch are not appropriate. More specifically, any recreational zoning on the Hearst Ranch should be changed to agricultural zoning, except for San Simeon Point, where open space/resource conservation zoning is more appropriate in order to protect scenic resources and the other sensitive resources currently identified in the LCP's SRA combining designation for the Point.[12] This zone change is required in part to maximize protection of lands that are currently used for, and part of, a viable agricultural operation. This zone change will also address the Coastal Act requirement to not convert agricultural land to other land uses absent the required findings of sections 30241 and 30242 to assure that only non-viable agricultural lands or lands threatened or surrounded by urban development are converted, that development is concentrated, that the conversion would preserve prime lands, and that surrounding agricultural lands are protected. The LCP has failed to meet these tests, and lacked the supporting findings for the recreational zoning at least since 1988, when the agricultural easement standard was removed from the LCP by the County and the Commission.

[12] As discussed in the ESHA chapter, combining designation overlays for other areas of the Ranch should be identified and updated where necessary, including areas such as the Pine Forest, which currently has a terrestrial habitat ESHA overlay. Other sensitive resource overlays may be needed as well, such as the scenic resource protection discussed in the Scenic Resources chapter, and hazardous areas.

Rezoning recreational lands would reestablish the requirement to assure that conversions of agricultural land to facilitate non-agricultural development are in fact consistent with the Coastal Act, rather than presuppose, through recreational zoning, that such development is appropriate. Future planning analyses will then need to be focused first on protection of the agricultural capacity and of the Hearst Ranch, by carefully examining the feasibility of continued agricultural use -- a fundamental Coastal Act policy. In light of previous Commission actions and staff analysis, the County also should not identify a study area for future non-agricultural development but rather, limit such development to the existing developed node of San Simeon Acres and the commercial zoning of San Simeon Village. Such locations are likely consistent with Coastal Act policy 30250, as well as 30242 (protection of agriculture). They would also better address the Coastal Act 30251, which requires that new development be sited and designed to protect views to and along the ocean and scenic coastal areas. In particular, large-scale visitor-serving development in public view outside of these areas would not be visually compatible with the character of the area. Consistent with the Commission's 1998 NCAP findings, a golf course in the public view, anywhere along the North Coast, would not be consistent with 30251.

In terms of planning process, the Coastal Act, and a comprehensive approach to coastal resource protection, require that resource constraints be fully analyzed before identifying options for potential development. The County has acknowledged this in the Project Description for the North Coast Area Plan (January, 2000) by presenting an approach that would require that a Specific Plan be prepared, subject to full environmental analysis under CEQA prior to considering LCP amendments to allow visitor-serving development on the Hearst Ranch. Given the considerable uncertainty about the capability of the rural North Coast lands to sustain future non-agricultural development, this planning approach should be strengthened to be clear that what is necessary for the North Coast of San Luis Obispo is a full analysis of resource constraints, not only a CEQA analysis of environmental impacts. Thus, prior to defining any project alternatives for non-agricultural development, including proposed locations, types, and intensity, a land use capacity analysis should be completed. This analysis should include at least the following:

- a comprehensive agricultural viability analysis for any agricultural areas proposed for non-agricultural development;
- a visitor-serving development supply and demand analysis to identify what types and intensities of visitor-serving development, might be appropriate and might best meet the Coastal Act's preferences for public, low-cost coastal recreation;
- a comprehensive environmental constraints analysis, including evaluation of sensitive habitats, in-stream flow habitat values, water availability, groundwater basins, highway capacity, cultural resources, scenic resources, hazardous areas, community character, and so forth.

In addition, specific performance standards that address the concerns raised by the Coastal Commission's 1998 NCAP Findings, such as required water monitoring, and highway capacity limits, should be incorporated into the NCAP, consistent with current knowledge and circumstances about coastal resources on the Ranch.[13] Following a comprehensive evaluation of coastal resource constraints, and an assessment of whether the Coastal Act agricultural conversion tests can be met, it then may be appropriate to identify potentially compatible non-agricultural development scenarios for environmental review under CEQA, and to identify possible LCP amendments to facilitate such development. This would include required mitigations such as agricultural easements (see following), provision of public access and low-cost visitor-serving amenities, habitat protection, preservation of community character, etc.

In terms of future agricultural conservation easements, both the currently certified LCP for San Luis Obispo County and the Coastal Act would support the placement of protective easements over remaining agricultural lands in the unlikely event that a significant conversion of agricultural lands was found to be consistent with the LCP or Coastal Act. As disused in the Commission's 1998 NCAP Update findings, and in the Agriculture section of this report, the certified LCP currently allows non-agricultural visitor-serving uses in Agriculturally-zoned areas only if needed as a supplemental use to support an on-going operation (Ag Policy 3, CZLUO 23.04.050). If found to be necessary, the use must be limited to a maximum of 2% of the property in question, and the remainder must be placed under an agricultural or open space conservation easement. Of course, Table O of the certified LCP does not currently allow for hotels, motels, or golf courses in agricultural zoning (which would require an LCP amendment), but does allow Bed and Breakfasts and "Rural Recreation and Camping – a category that includes "dude and guest ranches" incidental to a working ranch and "health resorts" dependent on an on-site natural resource such as a lake or hot springs. As discussed in the Agriculture Chapter, the Commission is recommending that Table O be updated both to further limit appropriate land uses in the Agriculture category and to clarify that certain uses are only allowed as supplemental when proposed on Agricultural land, subject to the agricultural easement standard. The Commission also notes that in the event that easements over the Hearst Ranch were not found to be appropriate, Table O limitations, if amended by the County, could provide some protections against future non-agricultural development on the remainder of the Ranch.

Under the proposed approach of Recommendation 2.9/10, an LCP amendment (as opposed to a proposed supplemental use) would be the most likely avenue for pursuing non-agricultural development on the Hearst Ranch. Under the Coastal Act, if a conversion of agricultural land was somehow found to be consistent with the sections 30241 and 30242, the conversion would need to maintain the maximum amount of agricultural land in production to assure the protection of the area's agricultural economy, not impair agricultural viability or diminish the productivity of adjacent prime lands, concentrate development, and be compatible with continued agricultural use on surrounding lands. Thus, the logic of the previous Hearst Ranch easement standard of the County's LCP is clear inasmuch as an agricultural conservation easement over the remaining lands not converted would help to assure that these statewide policies are met. It may also be the appropriate mitigation for the impacts to

[13] *North Coast Area Plan Update*, California Coastal Commission, Modifications 77-98 (1998).

surrounding agricultural uses, depending on the scale and intensity of any approved visitor-serving development.

Finally, in response to comments about whether to address the questions discussed above in this Periodic Review, it should be emphasized that revised Recommendations 2.9 and 2.10 explicitly acknowledge that the North Coast Area Plan is the relevant planning document for implementing changes to the land use designations and planning for the Hearst Ranch. Thus, any changes to the NCAP will need to be evaluated through the local LCP amendment process, including public hearings, community input, and more specific Coastal Commission review and approval. Moreover, the purpose of a Periodic Review, in part, is to provide Coastal Commission feedback to local governments about how an LCP should be improved and updated to meet the Coastal Act. Such feedback also contributes to the Coastal Act's goal of assuring maximum public participation and understanding of the complex coastal resource issues of the North Coast.[14] Overall, although there are many factors to consider in evaluating potential land uses on the Hearst Ranch, any future development in the coastal zone must ultimately be consistent with the Local Coastal Program, which itself must conform to the policies of the California Coastal Act, which is the controlling state law for protection of resources in California's coastal zone. To address the preceding analysis, Preliminary Recommendations 2.9 and 2.10 are revised as follows:

> **~~Preliminary~~ Recommendation 2.9. ~~Concentrate Development at Limited Existing Nodes.~~** ~~Opportunities for expanding nodes of development on the rural North Coast can be minimized through rezoning of recreational lands to Agriculture. Such land use changes would recognize the agricultural value of these lands as well as the severe resource constraints, particularly water supply. Current Update efforts should consider limiting new visitor-serving development to the existing commercial node at San Simeon Village and in or adjacent to San Simeon Acres.~~ **Update North Coast Area Plan to Protect Coastal Resources of the Hearst Ranch.** Rezone Recreational lands on the Hearst Ranch to Agriculture, update combining designations, and establish LCP standards that require a Land Use Capacity Analysis prior to consideration of any development proposals and LCP amendments for non-agricultural development on the Hearst Ranch. The County should limit the location of such development to concentration in or immediately adjacent to San Simeon Acres if feasible or, if not feasible, to small-scale infill development within the commercial zoning of San Simeon Village. Other than these two locations, no new visitor-serving or other non-agricultural development should be allowed in the public viewshed except for underground utility placement, restoration, public access improvements and intensification, demolitions, resubdivisions, and temporary events.
>
> A Land Use Capacity Analysis should include at least the following: a comprehensive agricultural viability analysis for any areas proposed for non-agricultural development; a visitor-serving development supply and demand analysis; a comprehensive environmental constraints analysis, including evaluation of sensitive habitats, in-stream

[14] Coastal Act Section 30006 states: The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

flow habitat values, water availability, groundwater basins, highway capacity, cultural resources, scenic resources, community character and hazardous areas. Specific performance standards that address the concerns raised by the Coastal Commission's 1998 NCAP Findings, such as required water monitoring and highway capacity limits, should be incorporated into the NCAP. Standards for protection of agricultural lands and mitigation of development impacts should be developed, including provision for agricultural conservation easements.

~~Preliminary~~ **Recommendation 2.10. Require Resource Capacity Studies prior to Major Development Proposals.** See Recommendation 2.9. ~~Resource impacts to rural lands can be avoided by requiring resource capacity studies, consistent the RMS system, prior to pursuing development proposals or plan changes (see NCAP project description e.g.) It should be acknowledged that lacking further resource assessments, the rural North Coast is effectively at or beyond LOS III for increased development.~~

Recommendation 2.11

This recommendation overlaps with recommendations in the Agriculture Chapter and is thus deleted and integrated with Agricultural Recommendation 5-8.

~~Preliminary~~ **Recommendation 2.11. Update LCP to address Large Residential Development.** See Ag Recommendation 5-8. ~~Add policies and ordinances to provide better define residential uses in support of agriculture; establish standards that provide rural viewshed protection, limit site disturbance, minimize water resource impacts, protect sensitive habitats and otherwise address the increased impacts from "non-agricultural" residential development.~~

4. Conclusion

The *Preliminary Report* presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act policies concerning prevention of cumulative impacts to rural lands (see Exhibit A, Findings incorporated herein by reference). In addition, further evaluation and consideration of public comments, including analysis of existing LCP policies and land use designations, changed circumstances and current resource conditions, has identified further necessary corrective actions for the San Luis Obispo County LCP to conform with the Coastal Act requirements of sections 30250, 30254, 30241, 30242, 30251, 30240, 30230, 30231, 30253, 30244, and 30221. Lacking such changes, the County's LCP is not being carried out in conformance with the Act. Pursuant to Coastal Act section 30519.5, the Commission adopts Final Recommendations 2.7- 2.11 as appropriate corrective actions for submission to the County.

C. Environmentally-sustainable urban development *(Recommendations 2.12 – 2.20)*

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 39-71)

The third major issue evaluated in the Development chapter of the *Preliminary Report* was the Coastal Act requirement for environmentally-sustainable urban development.

The report presented an overview of water supply and wastewater treatment for the urban areas in the San Luis Obispo County coastal zone, and discussed the LCP policies and procedures designed to assure that new urban development had adequate public infrastructure to support it, including water, wastewater treatment, roads, schools, etc. The report evaluated the Resource Management System (RMS) of the LCP, which is designed to be an early warning system and provide the framework for proactive response by the County to situations where resources may not be adequate to support new development. The report also presented a more detailed review of each urban area in the SLO coastal zone, including an overview of LCP implementation in these communities.

Perhaps the most important general finding of the *Preliminary Report* was the conclusion that the RMS system is not providing the proactive management originally envisioned, in large part due to lack of County management responses to identified resource deficiencies. Cambria, for example, has been at Level of Service (LOS) II or III with respect to water supply and distribution since 1990. Once identified, these LOS findings are supposed to be the precursor to further resource study and management action. In Cambria, although a 1990 RMS report recommended that a development moratorium be considered by the Board of Supervisors, no specific action to curb new development in Cambria has been taken until this last year, when a 1% growth rate was adopted by the Board.

Another important general finding of the *Preliminary Report* is that the County has not followed the existing LCP requirements to allow development only in areas able to accommodate it. The County has approved some significant new subdivisions in Los Osos without proper attention to the LCP requirements concerning sustainability, particularly the Interim Service Capacity Allocation (ISCA) policy certified by the Commission that is designed to protect water supplies for agriculture and urban infill development. One major subdivision was approved as a matter of law, not only without proper consideration of the LOS III for water distribution, but without any explicit Board of Supervisor's decision making concerning consistency with the LCP or the specific requirements of the ISCA.

In terms of specific findings, the *Preliminary Report* discussed the problems of short and long-term growth in Cambria and Los Osos. Both of these communities have serious concerns related to groundwater supply; and Los Osos is still grappling with the need to provide a community wastewater treatment system to protect public health and the resources of the Morro Bay estuary. Sensitive habitat is also a concern in both communities, since new endangered and threatened species have been listed since certification of the LCP. In Cambria, the need to protect the sensitive Monterey Pine forest habitat continues to be a concern in relation to the potential development of existing legal lots. Although the County has been successful in implementing a lot consolidation policy and a Transfer of Development Credit program in Cambria, both of these efforts have been too limited to deal meaningfully with the need for long-term buildout reduction in Cambria.

Overall, the report concludes that the LCP has not been carried out in full conformance with Coastal Act section 30250 concerning the sustainability of new development, or section 30231 concerning the protection of groundwater supplies. (Findings incorporated herein by reference). To address the identified implementation issues, the *Preliminary Report* discussed nine recommendations addressing the need for: (1) strengthening the RMS and the ISCA programs; (2) responding to short-term growth in Cambria; (3) establishing watershed/groundwater basin management; (4) water conservation; (5) reducing buildout in Cambria; (6) prohibiting new development potential in Cambria and Los Osos; (7) cumulative impacts to urban design in Cambria; (8) responding to short-term growth in Los Osos; and (9) management of long-term growth patterns in Los Osos (see Preliminary Recommendations 2.12 – 2.19 on pp. 69-71 of Exhibit A).

2. Comments Raised

SLO County Response (Exhibit C)
The County is in general agreement with the recommendations of this section, and has proposed modifying only two of the recommendations. The County has raised concerns with the difficulty of implementing the current ISCA program but agrees that the RMS task force should be expanded to include Commission staff. With respect to growth management in Cambria and Los Osos, the County has agreed to consider the preliminary recommendations but has also identified factors that need to be developed further, such as the safe-yield study for Los Osos, and a resource capacity study for Cambria.

Public Comments (see Exhibit D)
Considerable public comment has been received concerning new development issues in both Cambria and Los Osos. The Cambria CSD has provided detailed comments, including specific concerns about the need to more fully incorporate existing information and discussion of recent CCSD actions into the water supply discussion (see below for detailed discussion). Although the Los Osos CSD did not provide written comments, Commission staff met with the representatives of the CSD and the Los Osos Community Advisory Council (LOCAC) to discuss Periodic Review issues. The LOCSD did submit a draft water supply analysis for the Los Osos Valley groundwater basin and has recently completed the final study, although Commission staff have not yet had an opportunity to review it. The LOCAC submitted comments addressing various aspects of the Review, including the need for improved comprehensive planning and importance of bringing the Estero Update to fruition. Other comments were received on the question of buildout and water supply in Cambria, including a submittal by the United Lot Owners of Cambria (UNLOC) and a specific County response to these UNLOC comments. A detailed memorandum on North Coast Water Supply issues from the Supervisor for this area (Shirley Bianchi) was included in the County's response materials (see Exhibit C).

Specific Clarifications/Errata (to be incorporated into Final Report)

The Cambria CSD has provided a number of helpful comments and corrections that are acknowledged and will be addressed in the Final Periodic Review document where necessary (see Exhibit D, pp. D-542).

3. Analysis

Based on further review, discussions with County staff, and analysis of the public comments received on the *Preliminary Report*, changes to preliminary recommendations 2.12-20 are proposed as follows:

Recommendation 2.12

As mentioned, the County agrees with the recommendation to include the Coastal Commission in the RMS process and has proposed including Commission staff in the review process for Resource Capacity Studies as well. With respect to the Interim Service Capacity Allocation (ISCA) policy currently in the LCP, the County has raised questions about the legalities of implementing the identified priorities through development reviews. The current draft of the Estero Area Plan Update proposes to delete the ISCA policy and replace it with new interim standards (reliance on LCP Public Works Policy 1 and the RMS system e.g.) until a definitive study is completed to assure that the Los Osos groundwater basin can safely support the buildout population of Los Osos and agricultural uses; and to allow extension of urban services to areas beyond the USL in certain circumstances, including new land divisions where the parent parcel is adjacent to the USL. In response to Commission staff comments on this issue, the Los Osos Community Advisory Council has suggested new planning standards for the Estero Area Plan that may provide the basis for resolution of this issue through the next phase of the Estero Area Plan Update process (see Correspondence from LOCAC, Exhibit x, Appendix E). More detail on Los Osos short and long-term development issues is presented below. Preliminary Recommendation 2.12 is amended to reflect the general agreements with the County, clarify the need to implement ISCA until the amended EAP is adopted by the Commission and the County, and to remove unnecessary language.

> ~~**Preliminary**~~ **Recommendation 2.12. Strengthen Implementation of the RMS System and ISCA.** Implement Phase 2 of RMS contemplated in the Framework for Planning: establish an expanded RMS task force that includes Coastal Commission staff and other resource agencies; include CCC staff in review process for Resource Capacity Studies. The ISCA program currently in the LCP needs to be followed in evaluating new development proposals for Los Osos until such time as the Estero Area Plan is updated to address groundwater management issues and the protection of water supply for Agriculture in the Los Osos groundwater basin. ~~The RMS monitoring reports have not always been translated into decisions about managing development that meet the requirements of the Coastal Act. The theory of the RMS is to base new development levels on scientific assessment of resource capacities to support such development. Alternative approaches are needed to better ensure that this will happen. One possible~~

~~approach is to move into the second phase of RMS implementation anticipated in the Framework of the current LCP. This phase would establish an expanded RMS task force, including participation by Coastal Commission staff and other resource agencies, to facilitate technical assessment, coordination, and consideration of resource management options. For example, there is a need for coordinated assessment and action on the part of the County, the Commission, and the Cambria CSD with respect to water supply in Cambria. Without such coordination and responsibility, it is more likely that difficult resource management decisions will not be made, or that they will continue to be debated on an incremental, case-by-case basis, instead of through comprehensive planning and regulatory responses. Enhanced joint decisionmaking and interagency stakeholder problem-solving could advance efforts to address this problem~~.

Recommendation 2.13

The County agrees with portions of this recommendation, including the proposed 1% growth rate in Cambria until January 1, 2002; and the need to coordinate with the Commission and the Cambria CSD to complete necessary studies and to pursue more proactive management of the water supply problem in Cambria. The County, though, proposes to defer RMS action to enact a development moratorium until a resource capacity study is completed. As mentioned, the Cambria CSD has also submitted comments, and with respect to the water supply issue, has emphasized the on-going and prior efforts of the CSD to address this problem (see Exhibit D, pp. D-542). The CSD has also met with Commission staff twice since the February hearing on the *Preliminary Report*, and has provided additional information for Commission consideration. The United Lot Owners of Cambria (UNLOC) have also provided extensive comments, including submitting an independent review of existing water supply information for Cambria. Others have expressed concern about the property rights of lot owners on the CSD water waiting list.

Preliminary Recommendation 2.13 framed out a number of alternative approaches to the Cambria water supply problem to help move the discussion of potential resource management responses forward. As mentioned, Commission staff have met with the County and the CCSD, and considered the current state of information, management actions taken by the County and the CSD, and other matters related to this problem. Although progress is being made, there still remains considerable uncertainty as to when more aggressive action will be taken to curb new development approvals in light of the limited water supply for Cambria. Over three years have past since the Commission's finding in the 1998 NCAP Update that aggressive action was needed to address the inadequate water supply for urban development in Cambria. In that action, the Commission recommended that the County's LCP be modified to include a requirement that if certain performance standards to address habitat protection, development of a water management strategy, and buildout reduction in Cambria weren't met by January 1, 2001, that no further development that would draw on Santa Rosa and San Simeon Creeks be allowed. These standards have yet to be met.

It should be acknowledged, though, that since 1998 the CCSD has made progress on a number of fronts to address both short and long-term water supply issues in Cambria. First and foremost, a Baseline Water Supply Analysis has been completed that provides

a report on the capacities of Santa Rosa and San Simeon Creeks (see below). The CSD is also moving forward with the development of a Water Master Plan, including a build-out reduction analysis, to identify long run strategies for providing a reliable water supply to Cambria. Last year the CSD also adopted two updated ordinances (3-2000; 4-2000) establishing an emergency water conservation program and strengthening prohibitions against water waste. The CSD has also been pursuing a revised desalination plant proposal (the Commission's previous coastal development permit approval for a plant has expired), and the Congress has authorized (but not yet appropriated) $10 million to begin the initial studies and environmental review. In terms of denying new water connections, though, the CCSD has stated that it is constrained under California Water Code sections 350-59 to first declare a water shortage emergency (based on "insufficient water for human consumption, sanitation, and fire protection") before adopting restrictions on water use. Under Water Code 356, such restrictions may include denial of new service connections.[15]

Even a brief review of the current water situation and recent information makes it apparent that serious action must be taken immediately to assure that new development in Cambria is sustainable. As described in the *Preliminary Report*, a recent Baseline Water Supply Analysis conducted for the CCSD has concluded that the District's current water supplies are "marginal to inadequate to provide a 90 percent level of reliability" (in one of ten years there may not be enough water for current customers).[16] When all of the foreseeable water commitments of the CSD are considered, including pending construction permits, intent to serve letters previously issued, and the CSD's water waiting list, the report concludes that the water supply is "inadequate to provide either a 90 or 95 percent level of reliability." This is consistent with the Commission's 1998 NCAP Update findings that the North Coast Area Plan, as proposed for amendment by the County, was inconsistent with the Coastal Act because it provided for continued urban development that could not be supported by existing water supplies.[17] Of particular note in that action was the emphasis on the potential for another drought similar to the 1975-77 period when the Santa Rosa Creek groundwater basin was damaged through subsidence.

In terms of this Periodic Review, the new water supply study also supports a finding that the standards of the certified LCP to assure sustainable new development are not being met. Specifically, Public Works Policy 1 requires that:

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[15] Water Code 350 states:

> The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

[16] *Baseline Water Supply Analysis*, Cambria Community Services District, December 8, 2000, p. ES-1.
[17] *North Coast Area Plan Update, Adopted Findings*, California Coastal Commission (1998) p. 51.

> prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed . . . .

At face value, the conclusion that the existing water supply for Cambria is inadequate to provide either a 90 or 95 percent level of reliability for foreseeable water commitments does not meet this LCP requirement for sufficiency. Moreover, there is considerable uncertainty, and a variety of assumptions underlying the Baseline Supply study, that cast even more doubt on the sustainability of Cambria's current water supply.

First, the Baseline Water Supply analysis was based on 3,796 existing connections in December of 1999 (3,586 residential and 210 commercial). As of April, 2001, there are now 3891 connections (3,678 residential, 213 commercial), an increase of 2.5%. In addition, according to the CSD, there are an additional 150 outstanding will-serve commitment letters, including 45 with connection permits. Assuming these all result in new water connections, the total number of water connections in Cambria will have increased by 6.5% since the Baseline Water Supply Analysis. This also does not account for the 650 remaining CSD customers on the waiting list for a water connection.

Second, and critical to the County's and Commission's responsibilities to protect sensitive coastal habitats, the Baseline Water Supply Analysis does not address the question of whether there are sufficient in-stream flows to maintain and protect sensitive species and their habitats. The study states:

> The District intends to evaluate the appropriate minimum groundwater levels to avoid adverse environmental impacts to downgradient habitats. Accordingly, it is recommended that the assumed minimum groundwater levels be reviewed when these evaluations have been completed.[18]

In addition, the California Department of Fish and Game has asserted that prior dry season pumping of the Santa Rosa creek wells has had negative impacts on habitats for sensitive species, including tidewater goby, red-legged frog, and steelhead trout.[19] In more recent months, the U.S. Fish and Wildlife has initiated discussions with the CCSD about preparing a multi-species Habitat Conservation Plan for sensitive habitats of the North Coast, including steelhead and red-legged frog.

One of the NCAP performance standards adopted by the Commission in 1998, but not accepted by the County, was a requirement to conduct in-stream flow studies of both San Simeon and Santa Rosa creeks to assure that continued and future water withdrawals would not adversely impact sensitive riparian habitats. This modification adopted by the Commission mirrors an existing condition of the CCSD permit for water withdrawals from Santa Rosa Creek that required that instream flow study be initiated to determine necessary water levels to protect steelhead.[20] As mentioned above, instream flow studies have not been completed for either Santa Rosa or San Simeon creek.

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[18] *Id.*, 2-5.
[19] *Id.*, A-6.
[20] CSD Water Diversion and Use Permit 20387, Condition 18.

The CCSD has funded a study that examined steelhead and habitat trends in San Simeon Creek. Nonetheless, this study does not directly address the relationship between the pumping of San Simeon Creek underflows and steelhead and other sensitive species habitats.[21] The study, though, does show correlations between reduced base stream flows and sedimentation on one hand, and reduced relative abundances of juvenile steelhead on the other. The study is also a limited time series (six years), making it difficult to draw firm conclusions about the impact of CSD municipal withdrawals on instream habitats. Even so, the study concludes:

> The persistence of the San Simeon Creek steelhead population has become more tenuous, with the further deterioration of non-streamflow related aspects of habitat from sedimentation . . . , combined with reduced summer baseflow and likely increased streamflow diversion from well pumping by new streamside development in the heretofore perennial reaches.[22]

Again, this conclusion does not speak directly to the question of how Cambria's urban water withdrawals may be impacting in-stream habitats. It also indicates that the habitat values of the coastal creeks in San Luis Obispo are impacted by multiple uses up and downstream. Nonetheless, until more systematic habitat and in-stream flow study is completed, it is difficult to conclude that the County's approval of new development that relies on water withdrawals from San Simon and Santa Rosa creeks are consistent either with Coastal Act (sections 30250, 30240, 30231) or the certified LCP.

Third, the sustainability of the current Cambria water situation with respect to Coastal Act concerns is also drawn into question when one considers that the certified LCP requires that 20% of Cambria's water and sewer capacity be reserved for visitor-serving and commercial uses. In terms of actual water consumption, the CSD appears to be meeting this goal, due to the high level of water consumption per commercial connection compared to residential connections. Thus, of the approximate 800 acre-feet of water produced in 2000, less losses to the system, nearly 25% was delivered to non-residential (primarily visitor-serving) with 75% going to residential uses. However, in order to meet the 20% visitor-serving reservation standard in new development approvals, a finding would need to be made that the actual water available at the time of a residential permit approval is 25% higher than that normally required for a residential use. In other words, the conclusion of the Baseline Water Supply Analysis underestimates the actual water needed for urban sustainability in Cambria if one takes into account Coastal Act priority uses in the approval of new developments.

Fourth, to implement the Coastal Act priority for agriculture, the LCP also requires that water extractions, consistent with habitat protection, give highest priority to preserving available supplies for existing or expanded agricultural uses (Agriculture Policy 7). No systematic monitoring or data is available concerning agricultural production water

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[21] Alley, D. W. and Associates, *Comparison of Juvenile Steelhead Production in 1994-99 for San Simeon Creek, San Luis Obispo County, California, With Habitat Analysis and an Index of Adult Returns* (August, 2000).
[22] *Id.*, p. 36.

needs or pumping in the Santa Rosa and San Simeon Creek Basins. Although State Water Resources Control Board water permits require the CSD to deliver water to upstream riparian users if their wells become unusable, it is unclear whether Agriculture will be protected if withdrawals for urban uses continue, particularly during severe drought years. Moreover, the findings of the Baseline Water Supply study are based on an assumption that agricultural water use remains similar to historical volumes and patterns. As discussed in the Agricultural chapter of *the Preliminary Report*, water use for agricultural land uses can vary and change quickly, depending on agricultural markets, weather, etc. When current and potential urban and agricultural water needs are combined, it is by no means clear that groundwater basins are being protected. In fact, as discussed by the Commission in 1998, there is some data that shows that past combined withdrawals have exceeded the supposed safe annual yield of San Simeon Creek.[23]

Fifth, as discussed in the Preliminary Report, the CCSD has also been responding to an MTBE emergency contamination situation near its Santa Rosa Creek wells, which has placed severe stress on its ability to meet Cambria's water needs. The District is currently unable to pump from its Santa Rosa wells due to the proximity of the MTBE plume. Although the CSD has drilled an emergency supply well further upstream, this well is not yet ready for use, and in any event will only provide an emergency water supply. The unavailability of the Santa Rosa Creek wells puts additional stress on San Simeon Creek. The Baseline Water Supply study concludes that without Santa Rosa Creek, the CSD's current water supplies are inadequate to meet current demands.[24]

Sixth, although visitor-serving uses are a priority use under the Coastal Act, the potential for increases in visitor-serving water use through existing connections adds still more uncertainty to the conclusions about available supply. Current water demand in Cambria peaks in the summer months, due to both increased visitors in the commercial sector (restaurants and overnight accommodations), and increased residential landscape irrigation. It is unclear as to how future increases in visitors to Cambria may lead to actual increases in water pumpage from San Simeon and Santa Rosa Creeks, notwithstanding that no new connections may be added. This point has been made by many concerned about the State Park's effort to increase off-season visitation to Hearst Castle, which would no doubt place added demands on Cambria's infrastructure. In addition, many of Cambria's existing residences are not occupied by full-time residents but rather, serve as vacation rentals to weekend or summer visitors. There is some indication, though, that there is a trend away from vacation rentals, as more Cambria homeowners take up full-time residence. This, too, will mean an increase in actual water withdrawals without any real increase in water connections.[25]

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[23] *North Coast Area Plan Update Findings*, p. 47.

[24] *Baseline Water Supply Analysis*, p. 3-4.

[25] The County's recent LCP amendment submittal states that there is no reliable survey data as to the exact number of vacation rentals in Cambria, although some data has been presented from the industry suggest at least 150 rentals producing 5000 days per year or approximately 33 days a year per unit.

Finally, it should be noted that the United Lot Owners of Cambria have submitted an independent analysis of existing water information from Navigant that concludes that water supply in Cambria "can be managed to support an approximate 10 percent increase in use."[26] Although every detailed comment of the Navigant review cannot be analyzed here, a few observations are needed. First, even if the Navigant study is correct its 10 percent estimated buffer, there are currently 3891 connections and 800 outstanding commitments (150 will-serve letters and 650 on the waiting list). Thus, an increase of over 20% in supply would be needed to serve outstanding commitments.

Second, the overall conclusion of this independent analysis relies heavily on a recently published U.S. Geological Survey analysis of Santa Rosa and San Simeon Creek groundwater basins.[27] The USGS report presents a simulated water budget for the two creeks for the period April 1988 through March 1989. This budget shows that the net water flow into each basin is negative (-50 acre feet for Santa Rosa and –10 for San Simeon), meaning that more water is flowing out of the basin through withdrawals and creek seepage than is flowing back into the basin through rainfall, seepage, irrigation return-flows, etc. The USGS. study is careful to point out that the water budget is simulated for a "dry year", and has a certain margin of error, and thus should not be interpreted as necessarily showing a long-term deficit or imbalance in the groundwater basins.

The Navigant review analyzes the USGS water budget analysis, but it does so by aggregating the data for the two creeks, and by substituting a 760 acre-foot municipal pumpage number for the 800 acre-foot number of actual pumpage in 1988. In aggregate, this analysis shows a total deficit of only 10 acre-feet. Factoring in error, the Navigant study asserts that "from a groundwater management standpoint, an increase in municipal pumpage of approximately ten percent is considered reasonable, and should have a minimal impact on the local hydrologic system." The USGS model, though, actually shows a deficit of 50 acre-feet for Santa Rosa Creek and 10 acre-feet for San Simeon Creek (60 acre-feet if aggregated). Moreover, the USGS model was simulated for a year when the CSD was withdrawing water from both creeks (250 afy from Santa Rosa and 550 afy from San Simeon). In more recent years, the CSD has been pumping mostly from San Simeon Creek, with recent production exceeding 700 afy from San Simeon Creek alone. Although this could be better for Santa Rosa Creek, it raises significant uncertainty for San Simeon Creek, particularly concerning the protection of in-stream habitats. In addition, the CSD again reached 800 afy of pumping in 2000. As discussed in the Preliminary Report, although significant gains in efficiency of use have been made since 1988, aggregate water use has continued to rise with the steady increase in new connections.

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[26] See Correspondence from Navigant, 11/28/00, Exhibit x, p. x.

[27] *Hydrogeology, Water Quality, Water Budgets, and Simulated Responses to Hydrologic Changes in Santa Rosa and San Simeon Creek Ground-Water Basins, San Luis Obispo County, California*, U.S.G.S., Report 98-4061 (1998).

The Navigant review cites other findings of the USGS report to support a more optimistic view of Cambria's water supply, including analyses that show the likelihood of consecutive "extremely dry years" to be very low (e.g. one every 430 years in San Simeon Creek basin). These citations, though, are selective and indeed, do not address the various factors discussed above that create additional uncertainty about the available supply. In particular, groundwater basin damage from excessive withdrawals can occur, as they did in 1976, in dry years that do not meet the USGS study definition of an extremely dry year (2 or more consecutive years with incomplete basing recharge).[28] Nor do they directly address the Coastal Act policy requirements of protecting groundwater basins and sensitive habitats. Moreover, the USGS report itself draws overall conclusions that at best are neutral with respect to available supply and at worst, support the finding that there is inadequate water to support new development. These conclusions include the following:

- The most significant long-term trend in water levels has been a gradual increase in the amount of dry-season water-level decline in the San Simeon Basin. This change is the result of increases in municipal and agricultural pumping during the dry season (p. 98). [As shown in the Baseline Water Supply Analysis, since 1988 (the last data year of the USGS study), dry-season water levels in San Simeon Creek have continued to be drawn down to near sea-level. At these levels, damage to the groundwater basin and seawater intrusion become an issue, to say nothing of threats to instream habitats.]

- Municipal pumpage affects water levels throughout the San Simeon Basin (100).

- Simulations indicated that at 1988 agricultural and municipal pumping rates, water levels decline almost to the threshold at which some subsidence could occur in the Santa Rosa Basin even during dry seasons with a recurrence interval of only 5 years (101).

- Incomplete basin recharge was estimated at every 18 years for Santa Rosa and every 25 years for San Simeon. In light of the "considerable uncertainty" with these estimates, though, these recurrence levels are short enough to warrant consideration during water-supply planning (101).

- Simulated effects of a winter without streamflows showed wells in both basins going dry, subsidence in Santa Rosa, and seawater intrusion in San Simeon Creek basin (101).

Overall, the weight of the evidence, including analysis of water use trends and available information about safe-yields of the two creeks, still supports a finding that there is

[28] *Id.*, p. 86: "Land subsidence and ground deformation occurred in Cambria in the summer of 1976 and could occur again if the minimum dry-season water is close to or less than the record low level reached that year."

currently insufficient water supply to support new development served by the Cambria CSD, particularly given the uncertainty in weather patterns and critical shortages that may occur in dry years. Indeed, based on interpretation of the 127 year rainfall record for San Luis Obispo County, one local water expert has concluded that the current demand for water would have exceeded the carrying capacity of San Simeon Creek four times (see Exhibit C Attachment from Shirley Bianchi). Although the Navigant review finds that from a "groundwater management standpoint" there is a 10% buffer in available supply, this finding appears to be based not only on aggregate data (as opposed to individual groundwater basin analysis), but also on assumptions about the error inherent in the available data.[29] The Navigant review does not explain what is meant by a "groundwater management standpoint," although presumably it means that additional water to support new development could be squeezed out of the system through better management and conservation. Again, the Navigant study does not address sensitive habitat concerns.

But the uncertainty inherent in the water supply questions for Cambria, coupled with a focus on improving management, underscores the importance of curbing new water extractions until the many questions can be answered, and until meaningful management decisions are made. As previously mentioned, in December of 2000, the Board of Supervisors adopted a 1% growth rate for 2001, and directed that a Resource Capacity Study be completed for review by the Board in the Spring of 2001. The County has suggested that further restrictions on new water connections await the completion of this RMS study. Although the County has initiated the scoping for the study, is unclear when such a study would be completed. More important, the burden of the uncertainty in the water supply must not be placed on coastal resources. Rather, a precautionary approach should be taken until such time as better knowledge is gained about both the capacity of San Simeon and Santa Rosa Creeks, including the needs of instream habitats, and about additional water supplies (e.g. a desalination plant) that might support new development. For example, without completion of instream flow studies and the newly-launched HCP to address sensitive species, the capacity of San Simeon Creek to support new development cannot be known. Fundamentally, this approach is necessary to meet the Coastal Act requirement that new development be environmentally-sustainable. It cannot reasonably be concluded at this time that new development in Cambria is currently sustainable.

Nonetheless, in order to provide reasonable notice to property owners in Cambria contemplating beginning the development review process, or that may not yet have received basic land use approvals, it is reasonable to allow the completion of the 1% percent growth rate for the remainder of 2001 (approximately 37 connections for the year). In the meantime, new applications for development should not be accepted for filing until certain water management objectives are met. Developments approved in Cambria after January 1, 2002, that rely on new water withdrawals from the CSD

[29] Moreover, if the intent is to simply identify a margin of error in the analyses of available supply, it is just as likely that the error is in the other direction also – i.e. 10% less water than identified.

system, may be subject to appeal to the Coastal Commission on the basis of inconsistency with LCP Public Works Policy 1.

In summary, Preliminary Recommendation 2.13 is amended to confirm the application of a 1% growth rate in Cambria until 1/1/02, but to also make clear that no new development that relies on a Cambria CSD water connection should be approved after that date, unless findings can be made that (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and habitats; (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development; (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation (see discussion of Recommendation 2.15 below also), reuse of wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use); (4) substantial progress has been made by the County and the CCSD on achieving implementation of buildout reduction plan for Cambria; and (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.[30]

> ~~**Preliminary**~~ **Recommendation 2.13. Address Cambria Short-term Development Constraints**. ~~The short-term problem of water supply in Cambria could be addressed in a number of ways, including limiting short-term growth rates. At a minimum it would seem that the current 1.0% growth should be kept in place, rather than increasing potential new development back to the 2.3% growth rate anticipated by the County's growth management ordinance. However, this would not address the Commission's 1998 findings that would have required a development moratorium by January 2001 unless certain performance standards had been met (which have not). As discussed, the CSD has conducted additional studies, and the County has recently evaluated water supply and demand in Cambria in the NCAP project description. There is a need for the County and CSD to work collaboratively to complete critical information needs. To the extent that this recent study may raise uncertainties about how much water is available, coordination discussion with Commission staff over the next several months would be useful. The habitat and in-stream flow studies that the Commission identified as being necessary in 1998 should be conducted as well. One option, therefore, would be to allow 1.0% until 1/1/02, subject to finishing the resource capacity study. Another option that would be the most precautionary in terms of protecting coastal resources, would be to enact a development moratorium through the RMS system, until such time as the water problems for future development is more definitively resolved.~~ Continue implementation of the 1% growth rate in Cambria until 1/1/02, after which time coastal development permits for new development that would require a new water connection or that would otherwise create additional water withdrawals from Santa Rosa or San Simeon Creeks should not be approved unless the Board of Supervisors can make findings that (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and habitats; (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development; (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation, reuse of

[30] Although emergency response capacity is more a function of water distribution capacity, it is an additional uncertainty in the Cambria system. Currently the CSD has approximately 980,000 gallons of storage for fire – fighting – enough water to fight 8-9 houses burning simultaneously for two hours.

wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use); (4) substantial progress has been made by the County and the CCSD on achieving implementation of buildout reduction plan for Cambria; and (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.

Recommendation 2.14

The County agrees with this recommendation and has suggested that a CRMP could be established as part of the CSD's Master Water Plan update. As discussed in the Watershed chapter, the County should support and pursue watershed management throughout the coastal zone. For watershed management to be successful, though, additional funding will be necessary to support research, monitoring, and staff for implementation. Preliminary Recommendation 2.14 is amended slightly to be more specific and to identify the Estero Area groundwater basins as appropriate locations for such efforts as well.

~~**Preliminary**~~ **Recommendation 2.14. Establish Watershed/Basin Management Programs.** ~~The current NCAP project description discusses establishing~~ Establish ~~a~~ Coordinated Resource Management Programs (CRMP) to promote watershed management, including resource identification and water quality monitoring, and to address competing rural and urban uses in North Coast and Estero Area groundwater basins. See also, Recommendation 3.7b. ~~Such an approach would help to establish consensus as well as promote watershed inventorying and monitoring (NCAP, 3-12).~~

Recommendation 2.15

The County agrees with this recommendation and has suggested that additional policies and standards could be considered in the Area Plan update processes. For Cambria, development of these policies should be coordinated with the Water Master Plan of the CCSD, but also pursued by the County expeditiously. Currently, the LCP includes standards to address landscaping, but they do not directly address the need to reduce summer landscape irrigation demands, do not require water conservation for all new development (residential is mostly excluded), and only "encourage" planting of native species and drought tolerant species (see 23.04.186). There is considerable detail, though, on what should be included in a landscape plan, including an irrigation plan that must meet water flow efficiency standards. In light of the severity of the water supply situation in Cambria, and perhaps in other communities, the County should consider a comprehensive amendment to this ordinance that would require, in communities subject to water supply constraints, xeriscaping and limiting landscape irrigation to that necessary to establish native plantings and drought tolerant plants. Such an amendment should also evaluate other water conservation requirements, such as the use of recycled water for landscaping. No changes are proposed to the recommendation except to delete unnecessary language.

~~Preliminary~~ Recommendation 2.15. Consider Additional Options for Water Conservation. ~~As discussed, the CSD has implemented a variety water conservation programs.~~ Additional LCP policies and standards should be considered that would strengthen requirements for minimizing water use, such as xeriscaping and native drought-tolerant landscaping requirements.

Recommendation 2.16

The County has agreed to consider the various pieces of this recommendation. Considerable public comment has been received on the question of build-out in Cambria, including an extensive set of comments from the United Lot Owners of Cambria (UNLOC), and a subsequent response these comments by the County. As discussed under Recommendation 2.13, buildout reduction in Cambria is one component of a comprehensive strategy to assure that future urban development in Cambria is environmentally-sustainable, particularly with respect to available water supplies. But buildout reduction would also address existing constraints in traffic capacity, schools, forest protection, etc. The debate between the County and UNLOC essentially revolves around what is a realistic estimate of, and/or proper methodology for identifying, the buildout potential in Cambria. The Commission has relied on the County projections in previous discussions. The County projects potential future development through an analysis of existing legal lots that could conceivably be developed to the level allowed under current zoning (the "absorption capacity"). UNLOC has suggested that if more realistic assessment of lot characteristics and ownership patterns is completed, that the actual buildout potential for Cambria is much less (See correspondence in Exhibit D, pp. D-119).

Although there are many details to be considered in understanding the buildout analysis for Cambria, the critical issue is not so much what the projected buildout is, precisely, but rather, the coastal management measures that will be put in place to assure that the buildout of Cambria is reduced sufficiently to be environmentally-sustainable. Most people concerned with growth in Cambria agree that a reduction in the theoretical capacity for Cambria to grow is necessary if Cambria is to be a sustainable, livable community that protects its coastal environment. Many have cited the population target of 8000-8500 – far less than the population theoretically attained under full buildout of existing legal lots under current zoning (26,327). As discussed in the *Preliminary Report*, economic studies conducted for the NCAP Update have concluded that a 37% reduction in buildout capacity would be the most effective strategy for the community in terms of minimizing infrastructure costs.

Another critical point is that the North Coast Area Plan should contain policies and programs that support an environmentally-sustainable buildout objective for Cambria, regardless of what the theoretical maximum buildout for the community may be. This was the point behind the Commission's 1998 NCAP modification to encourage that a ballot measure to promote buildout reduction through an open space district be supported by the County and the CSD. There are many other possible strategies to reduce the potential development in Cambria as well, some discussed in the *Preliminary Report*. Ultimately, the NCAP and LCP must work in such a way as to assure that the

buildout of Cambria is environmentally-sustainable, which includes having adequate infrastructure to support the identified buildout goal. For example, in any future discussions of a new desalination plant for Cambria, it will be important to match up the sizing of the capacity of this potential new water source to the buildout objective for Cambria, assuming other coastal resource policies can be addressed.

As discussed under Recommendation 2.13, the Cambria CSD is developing a GIS system to facilitate more precise buildout analysis. In its comments on the Periodic Review, the CSD has recommended that the Commission encourage a cooperative build-out/service demand reduction strategy with the County. The debate between the County and UNLOC highlights the need to promote more proactive dialogue and identification of management actions for the community. It may be useful for the County to establish a task force, under the auspices of its RMS program, to begin more serious discussion of this question. With this additional suggestion, Preliminary Recommendation 2.16 is amended as follows:

> ~~**Preliminary**~~ **Recommendation 2.16. Cambria Long-term development (Buildout Reduction).** The LCP needs to be amended to address long-term development potential in Cambria. The County should work to expand the TDC program by identifying other sensitive areas that would benefit from transfer of potential development to more suitable locations. Expansion should include Special Project Area #2, as well as watershed areas, other scenic corridors and other small lot tracts in undeveloped areas that support significant coastal resources, particularly contiguous blocks of sensitive pine forest habitat. More aggressive policy options should be considered as well, including development of an Assessment District to retire lots/create open space and promote forest protection. Other mechanisms should be evaluated such as the ability to use mitigation fees or erosion control fees to address long-term buildout. Further attention could be focused on alternatives for reducing development potential on single and double lots and creating incentives for the minimum lot size of 7000 square feet. <u>As part of this process, the County should establish a task force charged with identifying management options and strategies for reducing buildout in Cambria by a specific deadline.</u>

Recommendation 2.17 (misnumbered 2.15 in the *Preliminary Report*)

The County agrees with this recommendation and has suggested handling this change through the NCAP and EAP updates. The County also notes that a Habitat Conservation Plan is underway for Los Osos. As discussed below, determination of the buildout potential of Los Osos, as reflected through land use designations, zoning, the location of the USL, etc. will need to be integrated with the on-going evaluation of groundwater supply, wastewater treatment, and habitat protection. No changes are recommended except to correct the numbering and remove unnecessary text.

> ~~**Preliminary**~~ **Recommendation 2.~~15~~17. Prohibit Creation of New Development Potential in Cambria and Los Osos.** The County should consider prohibiting subdivisions that create new development potential in the communities of Cambria and Los Osos. Subdivisions that include no net gain in development potential (e.g. includes lot retirement) might be considered. ~~In 1998, the Commission recommended a modification that would have required lot reduction in order to subdivide in Cambria.~~

Recommendation 2.18 (misnumbered 2.17 in the *Preliminary Report*)

The County agrees with this recommendation and is addressing this issue in the proposed Cambria Residential Design Guidelines. These should be submitted to the Commission as an LCP amendment later this year. Public comments have been received that underscore the need to address this problem. No changes are proposed to the recommendation except to change the number from 2.17 to 2.18.

> **~~Preliminary~~ Recommendation 2.~~17~~18. Address Cumulative Impacts to Urban Design in Cambria.** Through community planning and LCP amendments, cumulative impacts to urban design should be addressed, particularly concerning the potential role of TDC use. Consider standards to better address the amount of TDCs any one site can use based on the capability of the lot (size, slope, etc.) to handle the increase in square footage. Address minimum area of landscape that must be preserved, regardless of lot size; as well as a maximum footprint area.

Recommendation 2.19 and 2.20 (misnumbered 2.18 and 2.19 in the *Preliminary Report*)

The County agrees with these recommendations but would modify them to take into account the recently completed safe yield study for Los Osos Valley groundwater basin, and to integrate future planning with respect to the pending wastewater treatment plant and the Habitat Conservation Plan being developed for Los Osos. The new study of the Los Osos Valley groundwater basin (Water Master Plan, June 2001) concludes that the overall safe yield of the basin is 3500 afy, as opposed to the 1800 afy figure acknowledged currently in the LCP or the 2200 afy figure from the 1989 DWR study. The study also concludes, however, that notwithstanding this higher safe-yield estimate, that the basin has been in overdraft in 8 of the last 15 years. The study also addresses the fact that the groundwater basin appears to be made of different shallow and deep aquifers, and that depending on the withdrawals from particular wells, these distinct aquifers may be vulnerable to overdraft and, in locations closer to the ocean, susceptible to seawater intrusion. The study concludes that the safe yield of the basin may be increased through proper disposal from the anticipated community wastewater treatment plant. The study also projects supply and demand for the basin with a projected buildout population of 19,692, and estimates a 100 afy basin deficit.

Although the Commission has not have an opportunity to fully review the new supply study, preliminary indications are that the study suggests that improved basin-wide water management is needed to assure that new development is environmentally-sustainable and that water capacity will be reserved for agriculture and other priority uses. This is particularly true in the urban area, where there are three separate purveyors (LOCSD, California Cities, and S&T Mutual) that have been self-managing, except for County oversight of development approvals. There is a 1994 water basin agreement that provides a framework for joint management such as the recent supply study, and the

CSD is currently negotiating with the other two purveyors to update this agreement to provide more coordinated basin management.[31]

In light of on-going efforts to complete the community wastewater treatment plant, as well the development of the HCP that will necessarily shape buildout scenarios for Los Osos, it remains incumbent on the County, water providers, and the Commission to identify the proper level of future development and water supply alternatives so that groundwater resources are not depleted and so that priority uses are protected. The Commission will continue to participate in the on-going efforts to define the parameters of a community-wide HCP, and to help identify enforceable policies and mechanisms for incorporation into the Estero Area Plan Update. Preliminary Recommendations 2.18 and 2.19 are amended as follows:

> **Preliminary Recommendation 2.~~18~~19. Los Osos Short-term Development.** Similar to Cambria, focused attention is needed on pending studies concerning the safe yield of the Los Osos groundwater basin and the role that a future wastewater treatment facility might play in determining this yield. The County should consider policies and standards to assure that new development that relies on the groundwater basin is not allowed until a safe-yield or alternative water source is determined. Policies and mechanisms to ensure basin-wide management of groundwater supplies should be considered.
>
> ~~**Preliminary**~~ **Recommendation 2.~~19~~20. Los Osos Long-term development.** Amend Estero Area Plan, including changes to support a reduction in buildout, to reflect an updated Buildout analysis, preservation of groundwater basins, and sensitive habitat protection needs identified through the HCP. ~~As discussed in the ESHA chapter, buildout reduction or management strategies are needed for future development that may be facilitated by the construction of a new wastewater treatment plant.~~ Options that build on the currently proposed TDC approach for habitat protection should be evaluated and incorporated into the LCP (see Chapter 4 ESHA).

Other Recommendations

The Commission received comments from the San Luis Harbor District raising concerns about the reservation of capacity on Avila Valley Road for coastal dependent and related development that might occur in the vicinity of the Harbor. Avila Valley Road can be constrained at peak periods, and the LCP should be updated to reserve capacity for priority Coastal Act uses. Therefore, recommendation 11.3 is amended to address this concern.

4. Conclusion

The *Preliminary Report* presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act policies concerning environmentally-sustainable urban development,

[31] In the FEIR for the wastewater treatment plant, the CSD has committed to participate in the management agreement in order to provide for optimization of groundwater basin yield.

including section 30250 (see Exhibit A, Findings incorporated herein by reference). In addition, further evaluation, and consideration of public comments, has identified further necessary corrective actions for the San Luis Obispo County LCP to conform with the above Coastal Act requirements. Lacking such changes, the County's LCP is not being carried out in conformance with the Act. Pursuant to Coastal Act section 30519.5, the Commission adopts Final Recommendations 2.12-2.20 as appropriate corrective actions for submission to the County.

3. WATER QUALITY

The Coastal Act requires the protection of water quality through several policies. Section 30230 of the Act requires that marine resources be protected, maintained, and, where feasible, restored. The biological productivity of coastal waters, including streams, estuaries, and wetlands, must be maintained. Requirements include controlling runoff and waste discharges to protect water quality, maintaining groundwater supplies and stream flows in order to sustain the biological productivity of coastal waters, and minimizing the alteration of riparian habitats and streams (Sections 30231 and 30240). The San Luis Obispo County LCP incorporates these objectives primarily through controlling erosion and sedimentation, protecting the integrity of groundwater basins, and protecting the hydrological systems and ecosystems of coastal streams.

Since certification of the LCP, the state has adopted a new plan for dealing with nonpoint source pollution (the *Plan for California's Nonpoint Source Pollution Control Program)*. This new plan resulted from amendments to both the Clean Water Act and the federal Coastal Zone Management Act, requiring that states better address nonpoint source pollution. This plan is discussed in more detail below. For the protection of water quality, the *Preliminary Report* of the San Luis Obispo LCP evaluated the LCP in light of the new nonpoint source plan, and recommended updating the LCP as necessary to bring it into conformance with the adopted State plan. The *Preliminary Report* assessed the management of nonpoint source pollution in three main issue areas: agricultural development and operations, urban and rural development, and marinas and boating areas.[32] Comments on the *Preliminary Report* indicate a need to clarify the objectives of the new nonpoint source plan, and the roles and responsibilities of the various agencies, particularly the County, in implementing the plan. The County also expressed concern with the cost of implementing many of the recommendations in the *Preliminary Report*. The following discussion provides a general overview of the state's nonpoint source plan, the roles of the various agencies involved, and funding issues. A more specific discussion of the comments raised for the three issue areas follows.

[32] Managing nonpoint source pollution from hydromodification and to wetland areas are addressed through the ESHA and New Development Chapters of the *Preliminary Report*. There are no areas in the San Luis Obispo County's coastal zone where nonpoint source pollution from forestry activities is expected to be a significant issue.

California's Nonpoint Source Pollution Control Program:

As noted above, development of this statewide nonpoint source plan resulted from amendments to the Clean Water Act and the Coastal Zone Management Act. Specifically, 1987 amendments to the Clean Water Act require states to develop assessment reports that describe the states' nonpoint source problems and establish management measures to address those problems. Through the 1990 amendments to the Coastal Zone Management Act, Congress identified nonpoint source pollution as a significant factor contributing to coastal water degradation; the amendments require that the state, through a partnership between the coastal and water quality programs, address nonpoint source pollution that affects coastal waters. While there are numerous agencies and regulations in California that play a role in the protection of water quality, the federal Clean Water Act, the state Porter-Cologne Act, the federal Coastal Zone Management Act, and the state Coastal Act are the primary laws guiding California's water quality protection program.

The State Water Resources Control Board (SWRCB), the Regional Water Quality Control Boards (RWQCB), and the California Coastal Commission (CCC) are the lead agencies for implementation of the nonpoint source plan. Accordingly, the CCC and the SWRCB worked jointly with a variety of stakeholder groups to develop the state's nonpoint source pollution plan, which was formally adopted in 2000. The primary underlying goal of the nonpoint source plan is to ensure protection of the State's water quality. The plan details 61 management measures aimed at addressing nonpoint source pollution from a variety of land use activities under six major categories (agriculture, forestry, urban areas, marinas and recreational boating, hydromodification, and wetlands/riparian areas/vegetated treatment systems). The management measures serve as general goals for the control and prevention of polluted runoff. Site-specific best management practices are then used to achieve the goals of each management measure. The plan recognizes that full realization of all 61 management measure goals throughout California will require the participation of all state, local, and federal agencies, as well as other public and private interests, and will include a mix of regulatory and non-regulatory mechanisms.

A Memorandum of Understanding (MOU) between the SWRCB and the CCC was executed as part of the plan. Although the two agencies have worked side-by-side to complete the nonpoint source pollution plan, they do have different mandates and priorities, so an important benefit of the MOU is that it commits the agencies to continue working together to implement the plan. For example, the SWRCB and CCC have agreed to cooperatively review, update or execute new Management Agency Agreements and MOUs with other agencies as needed to ensure that the plan is followed. This is important because the success of the nonpoint source pollution plan is ultimately dependent on the active participation of a wide spectrum of government agencies with nonpoint source pollution responsibilities and land use authorities. The involvement of private parties whose activities and decisions affect water quality everyday, of course, is also critical.

As discussed further in the nonpoint source plan, implementation will occur through a variety of mechanisms, including:

- a regulatory component to implement many of the management measures;
- a landuse planning and redevelopment component;
- a specific water quality/land use program component;
- a monitoring and evaluation component to track and assess implementation of the management measures and their effectiveness;
- coordination with public and private partners, including local, state, and federal agencies, to implement the nonpoint source plan, including integration of existing water quality protection efforts;
- an education and public participation component; and
- a funding component.

The plan is based upon the use of existing authorities and regulatory processes to achieve implementation. In part, it relies on the implementation of Coastal Act policies and programs within the coastal zone. A primary land use planning authority for implementing these policies is a local coastal program (LCP), which must be certified by the CCC. A corollary regulatory authority for implementing the policies is through the issuance of development permits in the coastal zone, either by the Commission where there is no LCP or by local jurisdictions with certified LCPs. At five-year intervals, the State's plan is to be evaluated to determine if adequate progress is being made in nonpoint source pollution control. If there is no demonstrable progress, additional regulatory actions and authorities for improving implementation of management measures may be considered.

Thus, the State plan anticipates that the CCC will work with its local partners to ensure that appropriate management measures and best management practices (BMPs) are fully considered and incorporated into planning and development proposals in the coastal zone. Local jurisdictions therefore are being asked to employ the various tools that they have available to them to advance this overall effort aimed at protecting and restoring coastal water quality. In part, this includes revising LCP policies and ordinances to reflect the State plan's management measures and to incorporate new scientific information and improved technologies for better control of polluted runoff. The Commission notes that consideration of management measures and implementation of appropriate BMPs may not add significantly to the cost of development, depending on the specific circumstances. Moreover, various sources of supplemental funding to help underwrite the costs of implementing nonpoint source pollution control measures are available, including federal and state grants and low interest loans. While full implementation of the State's plan will take years to complete, it is essential that state, local and federal government agencies begin taking action now toward that end.

Accordingly, the recommendations as modified and outlined below should be incorporated into the San Luis Obispo LCP to provide a framework for building a

comprehensive water quality program at the local level, consistent with the State's nonpoint source plan.

LCP Review and Incorporation of Nonpoint Source Plan:

Since the LCP provides the regulatory and planning standards for development in the County's coastal zone, the water quality section of the Periodic Review evaluated the LCP to determine whether it was sufficient to protect coastal water quality consistent with Coastal Act Sections 30230 and 30231 in light of the new nonpoint source plan. The Preliminary Report summarized this review for the issue areas of agriculture, urban, and boating areas in Appendix D (NPS Management Measures – Preliminary Assessment). This appendix detailed the management measures from the nonpoint source plan, preliminarily identified existing language from the LCP which addressed each management measure, and where necessary, suggested modifications to implement the management measures.

Although the *Preliminary Report* did not intend to suggest that all modifications would lead to new regulations, comments received indicate that this was the general perception. The *Preliminary Report* intended to begin the process of establishing the roles that San Luis Obispo can play in support of a broader, regional water quality program. As noted above, implementation of a comprehensive water quality program at the local level will also require a variety of non-regulatory components. To clarify the recommendations in Appendix D, the language of the preliminary recommendations is revised and replaces Appendix D with specific recommendations incorporated into each issue area. The detailed recommendations are discussed for agriculture, urban, and boating areas in the sections below.

A second concern raised by the County in its review of the *Preliminary Report* was the need to clarify the County's roles and responsibilities in implementing the nonpoint source plan. The roles of the major players are discussed below. A significant aspect to implementing the plan at the local level will be ongoing coordination with the state and regional water boards and with the Coastal Commission.

Major Roles in Water Quality Protection:

Generally, the state's nonpoint source plan identifies four main categories of implementing agencies: 1) federal and state land management and regulatory agencies, which have authority to implement management practices statewide; 2) federal and state assistance agencies, which provide technical or financial assistance to support implementation of management practices; 3) local land use agencies with authority to enforce implementation of management practices locally; and 4) local assistance agencies which provide technical or financial assistance to implement management practices.

Under the adopted nonpoint source plan, the State commits to providing assistance though funding when available as well as management practice manuals, training, assistance in developing ordinances and regulations, assessment monitoring, and modeling to predict the effectiveness of source pollution management measures. The nonpoint source pollution program will depend largely on funding received through Section 319 of the Clean Water Act, State appropriations, and the contributions of local governments, non-governmental organizations, private individuals and other entities.

State and Regional Water Boards: The State Water Resource Control Board (SWRCB) and its Regional Board counterparts are responsible for carrying out the mandates of the Clean Water Act, including the adoption of water quality standards for approval by the U.S. EPA. Requirements under the Clean Water Act also include assessing nonpoint source pollution problems and their causes, and adopting management programs to control nonpoint source pollution. Under the Act, states additionally must identify surface waters that do not attain water quality standards (303d impaired list), and establish total maximum daily loads (TMDLs) for these impaired water bodies. The TMDL process establishes allowable levels of pollution for waterbodies, which will achieve water quality standards, and implements methods for achieving those pollution levels.

The state's Porter-Cologne Act, which established the State and Regional Water Boards, also charges these agencies with key responsibilities for protecting water quality in California. Under the Act, the Water Boards implement many of the provisions of the Clean Water Act, regulate discharges, and implement the National Pollution Discharge Elimination System (NPDES) program, which regulates significant point discharges to California's waters. The Water Boards also develop water quality control plans, also known as basin plans, which establish beneficial uses for specific water bodies and identify water quality objectives to protect beneficial uses. The Water Boards have adopted a "three-tiered" approach to ensure that water quality objectives are achieved, starting with voluntary efforts and culminating with enforcement under the Porter-Cologne Act, if necessary. Tier 1 focuses on self-determined implementation of best management practices (BMPs) to address nonpoint source pollution. The self-determined tier supports landowner choice in the type of BMP integrated into land management and development. Tier 2 focuses on regulatory-based encouragement of BMP implementation, and Tier 3 establishes effluent limitations and enforcement mechanisms. In practice, the Water Boards will determine which, or what combination, of the three options will be used to address any given nonpoint source pollution problem. Sequential movement through the tiers (e.g., Tier 1 to Tier 2 to Tier 3) is not required. Depending on the water quality impacts and severity of the nonpoint source pollution problem, the Water Boards may move directly to the enforcement actions specified in Tier 3.

The SWRCB also implements the Watershed Management Initiative, a non-regulatory program to implement unique solutions to water quality problems for each watershed, and supports community-based watershed plans through financial and technical assistance.

California Coastal Commission: The Coastal Commission is responsible for carrying out mandates of both the federal Coastal Zone Management Act and the California Coastal Act. In 1990 amendments to the Coastal Zone Management Act, Congress identified nonpoint source pollution as a significant factor contributing to coastal water degradation. The resulting amendments require all coastal states, through partnerships between their water quality and coastal programs, to develop comprehensive plans for addressing nonpoint source pollution that affects coastal waters. California's coastal program includes not only the Commission's direct application of Coastal Act policies but also local jurisdictions' implementation of Local Coastal Programs (LCPs) that the Commission has certified as being consistent with the Coastal Act. The Commission's primary roles in protecting water quality are to: a) ensure that Local Coastal Programs adequately protect water quality; b) regulate development in areas without a certified LCP and act on appeals of local decisions to assure, in part, the protection of water quality; and c) provide technical and educational assistance to local governments.

As one of the lead agencies for implementing the nonpoint source plan within the coastal zone, the Coastal Commission also has responsibility to assure nonpoint source pollution protection at the local level. The Coastal Commission has identified numerous actions within the nonpoint source plan that they will complete to assist local governments to develop and implement nonpoint source control programs. For example, under the nonpoint source plan, the Commission has committed to:

- support and expand the Model Urban Runoff Program;
- provide funding for LCP updates through the Local Assistance Program;
- provide guidance to local agencies on methods to incorporate the goals of the nonpoint source plan into LCP updates;
- develop and promote new information regarding BMP effectiveness and selection;
- support watershed planning in priority Critical Coastal Areas
- expand water quality public education programs;
- participate in regional multi-agency program development;
- participate in streamline permitting efforts where appropriate;
- support the Boating Clean and Green Campaign; and
- take a lead role in coordinating the efforts of State agencies to implement the nonpoint source plan.

Many of these efforts have begun but will be expanded and improved as the State proceeds towards full implementation of the nonpoint source plan.

Local Governments: The local land use planning and regulatory functions of each county and city also play an important role in addressing nonpoint source pollution. Each local government's General Plan and zoning ordinances, in addition to its LCP, guide development within its jurisdiction; these plans can help assure that development

is located and carried out in a manner that protects water resources. In addition, the permitting processes of each jurisdiction play a key role in preventing or mitigating impacts to resources, and thus are critical mechanisms for implementation of nonpoint source pollution management measures. This is particularly true after a local jurisdiction has had coastal development permit authority delegated to it upon certification of an LCP. In addition, in order to comprehensively avoid or minimize impacts to water quality in the coastal zone, local governments also usually need to explore options for addressing nonpoint source pollution issues within entire watersheds.

Again, as previously noted, some aspects of addressing nonpoint source pollution may include non-regulatory components, may depend on coordination among various agencies and/or private parties, and may extend beyond the coastal zone boundary. Where the local government relies on non-regulatory programs to ensure compliance with the State nonpoint source plan in the coastal zone, the County's role may be to initiate and/or coordinate planning, educational, and assessment efforts. However, the County retains a responsibility under the Coastal Act for assuring the protection of coastal waters.

The County is encouraged in Recommendation 3-7 to begin developing watershed plans for priority watersheds. Priority watersheds should be portions of the County with known water quality problems, or where development pressures are such that nonpoint source pollution can be anticipated to be a major concern. Protecting water quality throughout a watershed, particularly through enforceable plans and zoning ordinances coupled with robust educational programs, can have significant economic and environmental value for the coast in general and local communities in particular. The Commission is presently working to update the Critical Coastal Areas prioritization process within the State's plan to reflect the importance of multi-agency/ stakeholder watershed planning for protecting water quality and coastal resources.

Many of the management measures adopted in the State's nonpoint source pollution plan rely on public education and participation programs rather than through regulations for implementation. The Commission agrees that such programs play a crucial role in protecting water quality for many land uses and that many of the programs being implemented within San Luis Obispo County reflect the best of these efforts. The Commission supports the inclusion of such programs in the LCP where appropriate to help fulfill the County's role in addressing nonpoint source pollution. The County should, however, demonstrate how such programs will be supported and how success will be documented to ensure that coastal water quality goals and objectives are met. Such targeting and assessment measures should be outlined within the revised Watershed and Water Quality chapter of the LCP as recommended in 3-7 and include guidance on how the County will assure they meet needs throughout the County. Certainly the Coastal Commission and Water Boards should be consulted for assistance in such an effort.

Community-Based Programs: Community-based programs to develop watershed plans can also play an important role in addressing water quality issues. These programs will generally involve the coordination and participation of multiple agencies and private groups. A primary example of a community-based program in San Luis Obispo County

is the Morro Bay National Estuary Program's Management Plan for Morro Bay. This plan was developed with the input of numerous parties, and identifies nonpoint source pollution issues and recommended corrective actions for the Morro Bay watershed.

Recommendations for the LCP:

To achieve the goals outlined in the State's nonpoint source plan, and to assure that the LCP is implemented consistent with Sections 30230 and 30231 of the Coastal Act, the Commission recommends a number of changes to the County's LCP. Most of the recommendations in the *Preliminary Report* as modified in this report are designed to update existing policies or ordinances with current standards, and/or to include policies and ordinances to implement many of the management measures identified in the nonpoint source plan. However, the Commission also recommends that the LCP be updated to provide an overall framework for implementing a comprehensive water quality protection program through Recommendation 3-7. This recommendation emphasizes the development of watershed plans for water basins and/or planning areas, but also states "[t]o better facilitate the protection of marine resources and water quality, the existing LCP watershed chapter could be expanded to develop a comprehensive water quality component of the LCP. ... The watershed chapter should incorporate the management measures, and mechanisms to implement those management measures, in the *Plan for California's Nonpoint Source Pollution Control Program*".

As with the statewide nonpoint source plan, a comprehensive plan to address water quality at the local level will necessitate a planning component, a regulatory component, and a funding options component, as well as coordination among existing efforts and various agencies, public participation and education, and ongoing evaluation of the effectiveness of the local program. To provide greater detail for developing a comprehensive water quality component, the Commission deletes Recommendation 3-7 from the *Preliminary Report*, and replaces it with the following recommendation:

Recommendation 3-7a: Update Chapter 9 (Coastal Watersheds) of LCP to provide the framework for a comprehensive Watershed and Water Quality Protection component of the LCP. The chapter should include the following elements:

- a revised introduction to reflect the new knowledge and concern of nonpoint source pollution since 1988, including the recently adopted statewide nonpoint source pollution plan, which forms the basis for protection of water quality from nonpoint source pollution;
- a discussion of the need for watershed based policies and programs, including non-regulatory programs, to fully address water quality issues;
- updated goals and objectives for water quality protection (see following list of goals for guidance);
- modifications to existing policies and ordinances, as discussed in modified Recommendations 3-1 through 3-13;
- a program to encourage watershed planning (see discussion below);
- a program that requires the County to participate in water quality sampling and/or monitoring to measure water quality conditions and the effectiveness of management measures taken to reduce nonpoint source pollution.

As guidance for developing the LCP Watershed and Water Quality Component, the Commission suggests the following:

The chapter should include development of findings of fact, for the basis for specific policies, ordinances, and programs. These findings could be developed to include such provisions as the following:

The County finds that uncontrolled drainage and development of land has a significant adverse impact upon the health, safety and welfare of the community. More specifically,

a) Nonpoint source runoff can carry pollutants into receiving water bodies, degrading water quality;
b) The increase in nutrients such as phosphorus and nitrogen accelerates eutrophication of receiving waters, adversely affecting flora and fauna;
c) Improperly channeling water may increase erosion or lead to excess sedimentation;
d) Construction requiring the alteration of natural topography and removal of vegetation may increase erosion or lead to excess sedimentation;
e) Excess sedimentation (siltation) of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna;
f) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge;
g) Improperly managed stormwater runoff can increase the incidence and extent of flooding, damaging habitat, as well as endangering property and human life;
h) Improperly managed stormwater runoff can interfere with the maintenance of optimum salinity in estuarine areas, thereby disrupting biological productivity;
i) Substantial economic losses result from these adverse impacts on community waters;
j) Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

The chapter should include suggested goals and objectives. These goals and objectives could include such provisions as the following:

a) To protect, restore and maintain the chemical, physical and biological integrity of coastal waters;
b) To minimize harm to the community by activities that adversely affect water resources;
c) To encourage the construction of drainage systems which aesthetically and functionally approximate natural systems;
d) To encourage the protection of natural systems and the use of them in ways that do not impair their beneficial functioning;
e) To encourage the use of drainage systems that minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the systems;
f) To minimize the transport of pollutants to coastal waters;
g) To maintain or restore groundwater levels;
h) To protect, maintain or restore natural salinity levels in estuarine areas;
i) To minimize excess erosion and sedimentation;
j) To prevent damage to wetlands;
k) To prevent damage from flooding, while recognizing that natural fluctuations in water levels are beneficial; and
l) To protect, restore and maintain the habitat of fish and wildlife.

Included in the chapter should be policies such as the following:

a) New development shall be designed to maintain predevelopment hydrological conditions to the maximum extent practicable.
b) New development shall protect the absorption, purifying and retentive functions of natural systems that exist on a site and shall, where possible, restore natural drainage systems.
c) New development shall minimize pollutant loads.
d) New development shall minimize impervious surfaces.

The chapter should also include standards and ordinance provisions to implement the policies. These standards could include such provisions as follows:

a) New development shall implement Best management Practices (BMPs) necessary to accommodate runoff from the 85th percentile storm runoffs as defined by the BMP Design Goal and assure that development maintains peak runoff rates and volumes similar to pre-development rates.[33]
b) Development shall minimize site disturbance by clustering building site locations and placing roads along contours.
c) To reduce impervious surfaces, permeable materials shall be used where possible for driveways and walkways. Walkways and driveways shall be limited to the smallest functional size.
d) A water quality control plan shall be required for projects and activities that require land sue permits or a grading permit. (See Recommendations 3-6c, Urban and Rural Development section).

Watershed Planning

As noted above, watershed planning is a critical element of managing nonpoint source pollution and protecting water quality. Recommendation 3-7 and suggested modifications in Appendix D of the *Preliminary Report* as modified in this report recommend that watershed planning be incorporated into the LCP. The County expressed concerns over the costs associated with such a planning effort and the implications that the County would be solely responsible for developing and implementing watershed plans. In addition, the County and public comments raised a concern that the Commission would extend its jurisdiction beyond the coastal zone boundary through this recommendation.

County role in Watershed Planning and Funding:
The Commission agrees that the development and implementation of successful watershed plans necessarily involves a number of players. The current Morro Bay National Estuary Program Comprehensive Conservation and Management Plan provides one example of a comprehensive watershed management plan, and the coordinated effort necessary to accomplish such a plan. This plan has been a major effort in the County,

[33] The BMP Design Goals is the size of a storm event that is used (along with other information) to determine the size of a structural BMP. Considering the long-run records of local storm events, the 85th percentile event would be larger than or equal to 85% of the storms. The 85th percentile storm can be determined by reviewing local precipitation data or relying on estimates by regulatory agencies. For example, the Los Angeles Regional Water Quality Control Board has determined that .075 inch is an adequate estimate of the 85th percentile, 24-hour storm event for typical municipal land uses within its jurisdiction.

addressing a variety of land use activities, including urban uses, to address nonpoint source pollution and improve water quality. Clearly, a substantial infusion of federal funding from the U.S. EPA was essential to its completion.

Granted, the County should not be looked to as the sole player in such efforts. Nonetheless, the County must be involved and can play an important role in initiating and coordinating the development of such plans. As found in the Avila Beach Specific Plan, the Commission recommended that the County "coordinate the development and implementation of a comprehensive watershed management program designed to protect the water quality of the entire watershed ...". As detailed below, the Commission modifies the language of the *Preliminary Report* recommendation to clarify the County's role in watershed planning.

Again, implementation of many elements of a nonpoint source plan will depend on adequate support and funding. As noted previously, the Commission intends to work with its Water Board partners to support the development and implementation of watershed plans within "Critical Coastal Areas" that will be designated as part of the State's nonpoint source plan. Such support will include the coordination of numerous state agencies and identification of available resources, both technical and financial. Exhibit E identifies a variety of grant programs available to local governments for coastal zone management, including these types of watershed plans.

Jurisdiction:
The Commission recognizes that the LCP governs only those lands within the coastal zone. The State nonpoint source plan does not extend the coastal zone boundary or change the Commission's authority under the California Coastal Management Program. However, the coastal zone boundary does not follow watershed boundaries, and, as a result, activities inland of the coastal zone can lead to polluted runoff and degradation of water quality within the coastal zone. Several public comments also spoke to this concern. Under the Coastal Act, the County has responsibility to protect waters in the coastal zone. To achieve this, sources of degradation both within and outside of the coastal zone boundary must be identified and addressed. Although the Commission cannot require the County to undertake watershed planning outside the coastal zone boundaries, the Commission finds it is appropriate to include a program in the LCP to undertake such planning efforts in order to address *all* sources of water quality degradation to coastal waters.

To address the concerns raised, the Commission deletes Recommendation 3-7 from the *Preliminary Report*, and replaces it with the following Recommendation:

Recommendation 3-7b:

> The LCP should be updated to include a program to encourage watershed planning, including a finding that watershed planning is necessary to fully address water quality impacts inside the coastal zone. Watershed planning may require the participation and coordination of various agencies. Through this program, the County should facilitate watershed planning efforts by:

- identifying priority watersheds or subwatersheds for watershed planning, consistent with criteria established for determining critical coastal areas. Priority areas should focus initially on watersheds with known water quality problems, or where development pressures are such that nonpoint source pollution can be anticipated to be a major concern;
- ensuring full public participation in the development of the plan;
- assessing land uses in the priority areas that degrade coastal water quality;
- pursuing funds to support the development of watershed plans; and
- participating in intergovernmental efforts for watershed planning.

General Components of a watershed plan (to guide implementation by many agencies) should include:

- Purpose and Objectives of the Plan;
- Description of approval process, including identification of participating stakeholders, and any required agreements or MOUs;
- Description of the Watershed, including description and data on such items as physical, hydrologic, climatic and natural resource features, land uses, types of land cover, water body use and classification, water body standards, natural and cultural resources, economic base, population demographics, farm demographics, governmental units;
- Resources Inventory
- Problem Identification, describing the specific water resource management problems including the sources and causes of impairment of point sources, nonpoint sources, physical and chemical pollutants, and problems or impediments;
- Problem Analysis, including an assessment of the cumulative impacts of development on water quality and hydrology in order to designate areas to further emphasize on site management of runoff;
- Alternative Management Strategies, including identifying specific measures to minimize the cumulative impact of new development on the watershed and avoiding the alteration of natural drainage patterns; using BMPs, proposed land use changes, structural solutions, and financial incentives; identifying which areas of the watershed which, if restored, could improve water quality; integrating agriculture management measures including developing watershed specific nutrient and pesticide management programs
- Preparation of Draft Water Resources Management Plan;
- Monitoring and Evaluation Component to evaluate the effectiveness of BMPs used to control polluted runoff;
- Implementation Funding Strategy and Budget;
- Public Participation and Educational Strategy

A. Water Quality Impacts from Agriculture

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 77-83)

As discussed in more detail in the *Preliminary Report*, agriculture is a major land use throughout the County. Historically, agriculture has also been one of the major sources of nonpoint source pollution and water quality degradation throughout the country, although the impact from agricultural operations can vary significantly, depending on such variables as climate, geography, and on specific agricultural practices. In general, the primary water quality concerns raised with agriculture are erosion and sedimentation, runoff polluted with pesticides, and nutrient loadings.

The San Luis Obispo County LCP currently has several policies regarding water quality and agriculture: generally, the policies encourage proper soil conservation and grazing techniques, and require that erosion be minimized through accepted management practices. However, many of the agricultural activities that occur in the County's coastal zone are not regulated under the LCP. Grading permits are not required for "agricultural cultivation activities including preparation of land for cultivation, other than grading for roadwork or pads for structures" (Ordinance 23.05.026). In addition, permits are not required for crop production and grazing, where defined as an allowable use under the LCP, "except where more than one-half acre of native vegetation is proposed to be mechanically removed" (Ordinance 23.03.040(d)(9)).

As discussed in the section above, the State's *Plan for California's Nonpoint Source Pollution Control Program* details numerous management measures to address nonpoint source pollution concerns, including those raised from agricultural activities. The *Preliminary Report* found that under continued implementation of the LCP, nonpoint source pollution would likely continue to degrade coastal water quality. The *Preliminary Report* found that: 1) the LCP needed to be updated in light of current information and best management practices, and 2) it lacked specific mechanisms to address some of the sources of nonpoint source pollution identified in the State's nonpoint source pollution plan. The preliminary recommendations focused on incorporating mechanisms to implement the State's plan, and included:

- minor language changes to existing policies, reflecting more current review criteria (e.g. change references from 208 standards to more current basin plan standards);
- ordinance language modifications to better address polluted runoff from animal raising facilities;
- modification to the exemption from grading permit requirements;
- programmatic development of mechanisms to address nonpoint source pollution from grazing practices, nutrients, pesticides, and irrigation practices.

2. Comments Raised

San Luis Obispo County Response (Exhibit C):
Comments focused on the need to include a discussion of existing programs throughout the County which address aspects of water quality protection, and the need to target educational efforts to address nonpoint source pollution from agricultural activities. The County also requested clarification on the recommended modifications to address nonpoint source pollution from agricultural activities, referred to through Appendix D. In addition, the County also disagreed with the accuracy of the discussion of pesticide use in the *Preliminary Report*.

Public Comments (Exhibit D):
Most comments raised with regard to this issue focused on 1) statements that agriculture is not a major source of erosion or sedimentation, and 2) that numerous voluntary

programs are being implemented throughout the County to address nonpoint source pollution from agricultural activities, negating the need for additional regulatory measures under the LCP. However, comments from South Bay residents indicated a concern with degraded water quality from runoff into Dune Lakes, Oso Flaco Lake, and Black Lake, due, in part, to nearby agricultural activities.

Other comments included: 1) concern over the definition of feedlots and if/when the proposed changes to the ordinance would affect agricultural operations; 2) inappropriate data regarding pesticide use and inadequate discussion of existing regulatory requirements; 3) concern over inadequate monitoring of water quality, particularly for pesticide contamination; and 4) concern over changes to the exemption from grading permits which would result in setbacks from streams and wetland areas, causing a loss of agricultural land. The comments also indicated that many of the suggested recommendations detailed in Appendix D were not sufficiently clear, and were misunderstood to be requirements for new regulations, raising significant concerns about the economic impact of new regulations and the impact to ongoing agricultural operations. These comments are discussed in more detail below.

Specific Clarifications/Errata:
Delete sentence on page 77 "Finally the water in San Bernardo Creek is known to be contaminated with coliform from cattle." Data source is 1986. More current data does not indicate water quality degradation in San Bernardo Creek.

Page 77 of the *Preliminary Report* will be modified to indicate that while agriculture and grazing are suspected sources of siltation in San Carpoforo Creek according to data from the California Rivers Assessment Program, through the University of California, Davis, the agricultural community has stated that the cause of siltation is from landslides on Forest Service property.

3. Analysis

Sources of Nonpoint Source Pollution and Existing Efforts to address Nonpoint Source Pollution

The statewide nonpoint source pollution plan cites that according to the US EPA, "agriculture contributes more than half of the pollution entering the Nation's water bodies".[34] While this figure is not quantified specifically for San Luis Obispo County, existing data and planning efforts also cite that agriculture is *one source* of nonpoint source pollution in the County. These examples include the current watershed planning efforts in the Morro Bay watershed through the National Estuary Program, the U.C. Davis California River's Assessment Project, and EPA's 1998 303(d) list of impaired water bodies.

[34] State Water Resources Control Board and California Coastal Commission. *Plan for California's Nonpoint Source Pollution Control Program.* January 2000. pg. 88.

While not the sole source of nonpoint source pollution, agriculture is an important factor to consider in protecting water quality, particularly since it is one of the primary land uses within the County. The Commission agrees that to adequately address water quality impacts, better information is necessary to document the specific causes of water quality degradation in each watershed or subwatershed. For example, comments were raised that monitoring of coastal waters does not indicate any water quality concerns regarding pesticide runoff. However, other comments raised the concern of inadequate monitoring of coastal waters, both in general, and for pesticides in particular. As discussed in the Preliminary Report, ongoing and complete monitoring has not been undertaken to evaluate the presence of pesticides in the County's streams and estuaries, although the RWQCB has recently begun conducting more ambient water quality monitoring, including some monitoring for pesticides. The watershed planning process discussed under Recommendation 3-7 in the Preliminary Report, and in the previous section, provides an opportunity to update existing information and improve documentation of the critical sources of nonpoint source pollution for each watershed.

Since publication of the Preliminary Report, the Commission has received additional information on a number of voluntary programs and existing regulations that are being implemented throughout the County to address nonpoint source pollution concerns. The comments received by Commission staff from the agricultural community stated that these programs were already addressing concerns over nonpoint source pollution from agricultural activities, and should continue to be implemented without additional requirements. The following examples illustrate some of the voluntary ongoing efforts to address water quality issues in the County.

Short Courses on Water Quality Protection: Several "short courses" focusing on grazing and farmland management are offered through U.C. Cooperative Extension Services; these courses focus on voluntarily implementing management measures and practices to control nonpoint source pollution from agricultural operations. Classes on rangeland management began in 1995; classes to address issues on farmlands are in the final stages of being developed through a pilot program. The goal of both courses is to complete a management plan with low-cost mechanisms to address nonpoint source pollution. Both courses have five main components: identifying resources on the site (physical and natural); documenting current agricultural practices; a self assessment procedure of nonpoint source pollution issues and goal-setting; identifying future practices and implementing measures to address nonpoint source pollution; and assessing future practices. The evaluation of nonpoint source pollution includes numerous factors, including sedimentation and erosion; impacts to riparian and wetland areas; nutrient loading/location of grazing/feeding/watering areas; reduction of pesticide use/integrated pest management (IPM) practices; and salinity concerns.[35]

U.C. Extension estimates that approximately 20-25% of the ranchers in the County have taken a rangeland management short course, and approximately half of those have completed a draft management plan for their property. The Regional Water Quality Control Board, San

[35] Royce Larson and Mary Bianchi, U.C. Extension. Pers. comm. April, 2001.

Luis Obispo County Farm Bureau, and the Department of Fish and Game also participate in these short courses.

Vineyards: In addition to the above short courses, the Central Coast Vineyard Team encourages sustainable agriculture in Santa Cruz, San Luis Obispo, Santa Barbara Counties. This nonprofit has developed a self-assessment questionnaire for vintners addressing a variety of environmental and water-quality concerns. Evaluation elements include pest management, protection of surface and ground water quality, minimizing soil erosion, and habitat conservation.[36]

The Positive Points System addresses several environmental issues commonly associated with agriculture: protecting surface and ground water quality, minimizing soil erosion, reducing risks associated with pesticides and agricultural chemicals, protecting worker safety, eliminating drift, and conserving habitat within the vineyard. Through the questionnaire, the team has evaluated an estimated 15,000 acres of vineyards for sustainability throughout the Central Coast. Through use of the questionnaires and additional educational efforts, the growers have implemented many changes and improvements to their practices, improving protection of resources and water quality. In addition, the Vineyard Team will start implementing demonstration projects this year to further educational efforts.[37]

Morro Bay National Estuary Program: Through a joint project involving the Morro Bay National Estuary Program, the Bay Foundation of Morro Bay, the Regional Water Quality Control Board, the U.S. EPA, and local communities, the Comprehensive Conservation and Management Plan for Morro Bay was recently completed; the primary objective of the plan is to develop actions to address water quality degradation. The Morro Bay plan resulted from an extensive, long-term planning process, and includes an action plan to address the priority issues of sedimentation, bacteria, nutrients, loss of freshwater flows, heavy metals and toxic pollutants, habitat, and loss of steelhead. Implementation of the plan will involve a variety of measures, including ongoing educational efforts and collaboration with resource management and regulatory agencies.[38] Although implementation of the action items detailed in the plan will occur over a long timeframe, numerous best management practices to reduce sedimentation levels have already been implemented throughout the watershed through the Morro Bay Watershed Enhancement Project.[39]

NRCS/RCD: The Natural Resource Conservation Service and Resource Conservation Districts both provide a variety of technical and financial assistance to landowners, operators, or tenants to address resource protection and implement BMPs. Measures include cost-sharing programs and/or grants to landowners to undertake conservation practices. Examples of projects in the Morro Bay watershed include the Chorro Flats restoration project and the

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[36] Central Coast Vineyard Team. *Positive Points System*. Fall, 2000.
[37] Kris O'Connor, Executive Director. Central Coast Vineyard Team. Pers. comm. April, 2001.
[38] Morro Bay National Estuary Program, et al. *Turning the Tide for Morro Bay*. Working Draft Comprehensive Conservation and Management Plan for Morro Bay. April, 2000. pg. 1-16.
[39] Ibid. Pg. 2-35.

Maino Ranch grazing management project. Agriculturists may work with NRCS/RCD to get financial assistance to implement management measures identified through a management plan developed during the short courses discussed above. Funding assistance has also been provided to begin implementation of some management practices detailed in the Morro Bay National Estuary Program. Numerous other organizations throughout the County also have programs and projects that relate to the protection of water quality.

The Commission believes that these efforts are an important component of protecting water quality, and should continue to be used and expanded to address nonpoint source pollution from existing agricultural operations. Many of the recommendations suggested in the *Preliminary Report* to implement the management measures in the state's nonpoint source plan were envisioned to focus on non-regulatory, educational programs similar to those discussed above. One important exception is the Commission's recommendation to modify the grading exemptions in the LCP; this recommendation and proposed modifications to the recommendation are discussed below (see *Changes to grading exemption*).

To assure that voluntary efforts are adequate to implement the State's nonpoint source pollution plan, and protect coastal water quality as required under the Coastal Act (and other applicable laws), the Commission finds that the County, in consultation with NRCS/RCDs, should document and track the success of these programs. The Commission modifies Recommendation 3-2 to add a program to the LCP which continues the use of educational efforts to address nonpoint source pollution, and to require the County to assess the effectiveness of those efforts in reducing and preventing nonpoint source prevention. (See Recommendation 3-2a.)

Pesticide Use and Regulation

A number of the voluntary efforts discussed above address impacts to water quality from pesticides. In addition, the California Department of Pesticide Regulation (DPR) regulates pesticide use in California. Prior to a pesticide being sold or used in California, it must be evaluated and registered by DPR. The evaluation process includes an assessment of environmental effects for the proposed chemical. The County Agriculture Commissioner implements the pesticide regulations for San Luis Obispo County.

All pesticide use must be reported to the County Agricultural Commissioner who forwards monthly reports to DPR. Pesticides are classified either as "restricted" or "non-restricted". To use a "restricted" pesticide, a user must obtain a permit from the County Agricultural Commissioner. Through the review and permit process, the Commissioner can encourage the use of alternative products, use of integrated pest management techniques, can condition the use of the product to mitigate potential environmental impacts (e.g., to assure adequate buffers between application areas and streams), or can deny use of the chemical. Such conditions depend on the specific chemical and specifics of the site. Chemicals also have restrictions on labels that must be followed to mitigate environmental impacts.[40] "Non-restricted" chemicals do not require a permit for use, but the application must still be reported

[40] Department of Pesticide Regulation, Pesticide Use Reporting Overview. From www.cdpr.ca.gov. Ouwerkerk, Brenda. Manager, Pesticide Enforcement Program for San Luis Obispo County. Pers comm. March, 2001.

to the county agricultural commissioner. The County, however, cannot condition the use of non-restricted chemicals.

DPR is also proposing to modify its regulations to improve protection of groundwater resources. The proposed changes include: declaring additional pesticides to be restricted materials and requiring specific management practices for their use; identifying "groundwater protection areas"[41] and requiring permits for use of pesticides in those areas, whether for agricultural, outdoor industrial, or outdoor institutional uses; requiring training in groundwater protection before a permit for use can be issued; and adopting a wellhead protection program.[42]

A number of comments were raised regarding the accuracy of pesticide data in the *Preliminary Report*. Comments state that the discussion on page 78 of the *Preliminary Report* is speculative and fails to acknowledge that sampling data does not indicate any water degradation through pesticides in coastal waters of the County. This comment was raised in part from the statement in the *Preliminary Report* that "pesticides will be carried into coastal waters through storm water runoff regardless of whether the initial application of the pesticide is within the coastal zone or inland of the coastal zone boundary". The comments requested modifying the paragraph to focus on actual pesticide use in the coastal zone. Comments also question the estimates of pesticide use cited from Californians for Pesticide Reform and data in Table 3-1 (Change in Pesticide Use and Farm Acreage for Selected Crops, San Luis Obispo County, 1993-1998).

As noted previously, and in the *Preliminary Report*, comprehensive water quality monitoring, particularly for pesticide contamination in the coastal zone, has not been done. Therefore, while there is minimal information documenting water quality degradation from pesticides in the coastal zone, information is equally lacking regarding the actual status of water quality. The watershed planning discussed in the previous section could address this information gap. To address comments raised, the text will be modified to clarify the limitations of the data used and the lack of specific data for the coastal zone.

> Regarding Table 3-1, this information was compiled using data from the Department of Pesticide Regulation's pesticide use reporting requirements. Under the Department of Pesticide Regulation's requirements, all substances used as pesticides are reported, regardless of the potential for, and degree of, environmental impacts. Comments from agriculturists in the County note that the dramatic increase of pesticide use for avocados was due to the presence of two new pests in 1997 and 1998. In addition, a significant percentage of the total amount of pesticide use may be from substances such as petroleum oil and sugar, and may be substances certified as organic. Table 3-1 will be clarified.

[41] Groundwater protection areas are defined as areas sensitive to the movement of pesticides to groundwater (from DPR's website, Groundwater Protection Program).
[42] Proposed changes to Title 3, Division 6, Chapter 1. From DPR's website, Groundwater Protection Program (www.cdpr.ca.gov/docs/empm/gwp_prog/gwreg.pdf).

Changes to grading exemption for agricultural operations

One of the management measures under the State's nonpoint source pollution plan is the protection of sensitive areas (such as streambanks, wetlands, and estuaries) on rangelands. To implement this measure, the Preliminary Report recommended, in part, modifying the existing agricultural exemptions for grading permits in the LCP to exclude areas immediately adjacent to coastal steams and wetlands (Management Measure 3, Table D-1, Appendix D). Although the preliminary recommendation does not specify the measure to implement this change, preliminary recommendation 5-10 in the agricultural chapter of the Preliminary Report proposed, in part, review of agricultural grading within 100 feet of coastal streams or waters.

The agricultural community indicated that this change would, in effect, prohibit agricultural activities within 100 feet of streams or other waterbodies, due to LCP policies and ordinances addressing ESHA, and would result in a significant loss of agricultural lands. Agriculturists also stated that a uniform setback is inappropriate and dependent on the specific nature of the site and agricultural operation, that water quality concerns could be addressed through various management measures, and that a number of voluntary programs already address water quality concerns (see above discussion). The proposed modification was also interpreted by the community to require fencing of riparian areas in some cases. The Commission estimates that a 100 foot buffer around all blue-line streams on agriculturally zoned land would encompass approximately 10,700 acres, or approximately 9% of land zoned as agriculture under the LCP.

The preliminary recommendation was not designed to preclude all agricultural use within 100 feet of a coastal stream or other waterbody, but sought to assure that erosion, sedimentation, and loss of riparian habitat were addressed. While the Commission recognizes the voluntary efforts being undertaken by many agriculturists in the County, the Commission finds that for water quality to be adequately protected, review of new agricultural grading which poses a risk to water quality – or other environmental resources – should occur under the LCP. While the LCP – and the Coastal Act – define grading as "development", requiring a permit, the LCP exempts most grading associated with agricultural operations.

The Commission proposes to modify the LCP to require grading permits for new agricultural grading where grading: a) occurs within 100 ft of ESHA, b) removes significant trees or more than ¼ acre of native vegetation, or c) occurs on slopes over 30%. This modification does not, however, necessarily prohibit grading in these cases; it simply requires that a permit be obtained. Tillage of existing agricultural fields is not considered to be development that triggers a grading permit and maintenance of existing agricultural roads will be exempt from requiring a grading permit. Grading on slopes under 30%, if designed per NRCS standards, will also be exempt from permit requirements. These requirements will not be applied retroactively to existing agricultural operations.

To streamline the regulatory process, the Commission recommends adoption in the LCP of a program that encourage NRCS, or other agencies, to prepare general program(s) to address erosion and sedimentation in various regions of the County's coastal zone. The program should consist of the construction and/or installation of BMPs to implement the management measures for agricultural activities in the State's nonpoint source pollution plan. To track implementation of the nonpoint source program, the agency should provide annual reports to the County that

identify the measures taken to reduce and/or prevent nonpoint source pollution. Once certified that the program complies with *all* resource protection policies under the Coastal Act and LCP, implementation of specific projects under the certified program would be exempt from permit requirements. Certification of the program could occur through County review and issuance of a master permit; through an LCP amendment, incorporating the program into the LCP; or through the Commission's federal consistency review.

LCP Ordinance 23.05.034 (c), which requires that no development occur within 100 ft. of an ESHA must also be amended to allow future agricultural grading within 100 ft. of an ESHA. The Commission therefore proposes modifying this ordinance to allow grading for agricultural cultivation within 100 feet of an ESHA, where grading is designed to avoid adverse impacts to coastal resources.

These recommendations are similar to actions taken by other local jurisdictions to address environmental impacts and nonpoint source pollution from agricultural grading. For example, as discussed in Chapter 5 of the *Preliminary Report*, both Napa County and Sonoma County have a regulatory review program, and establish certain criteria and limitations, for the development of vineyards. San Diego County has also recently begun requiring grading permits for agricultural grading. Similarly, the Commission anticipates that these recommendations will improve the County's protection of water quality and other coastal resources, and allow flexibility in the specific design criteria for agricultural grading operations. The specific recommendation language (modified Recommendations 3-2b – 3-2d) is detailed below.

Definition of Feedlots and Effect on Grazing Operations

PR 3-1 includes proposed changes to LCP Ordinance 23.08.046(c)(2) to improve water quality protection from animal raising activities. Management Measure 3 in Table D-1, Appendix D, also recommends modifying ordinance 23.08.046 to address contaminated runoff from "confined animal facilities". Since the LCP does not use the term "confined animal facilities", concerns were raised by agriculturists about the meaning of this term. Agriculturists were concerned that this would result in additional permit requirements that would affect general grazing practices or other livestock operations, particularly where calves are kept in confined areas for a limited period of time as a standard part of grazing operations.

The reference to confined animal facilities in the *Preliminary Report* comes from the management measures in the State's nonpoint source plan, and in that context is intended to address water quality concerns related to situations where animals are kept at a density which could lead to significant degradation to water quality or other coastal resources. However, the LCP does define animal raising and keeping activities (Framework for Planning pg. 6-40 and Ordinance 23.08.046) and specialized animal facilities (Framework for Planning pg. 6-58 and Ordinance 23.08.052). Ordinance 23.08.046 currently requires a permit for animal keeping, including measures to "avoid soil erosion and sedimentation caused by keeping of animals and plans for animal waste disposal. These requirements also apply to activities defined as specialized animal facilities, along with additional standards. The intent of the recommendations

in the *Preliminary Report* is to update existing requirements in the LCP and CZLUO to control runoff from animal raising and keeping and specialized animal activities with more current language adequate to implement the nonpoint source plan. The Commission recommends updating the ordinance as proposed under PR 3-1, referencing animal raising and keeping activities as currently defined in the LCP.

The Commission does not propose to add confined animal facilities to the ordinance, and the modification under Appendix D will not be included. The recommendation would modify Ordinance 23.08.046 and, as applicable, Ordinance 23.08.052 to require that *where a permit is already required* for "animal raising and keeping" and "specialized animal facilities", the applicant a) must assure that contaminated runoff be contained at all times and that b) storage facilities are constructed to prevent seepage of runoff into groundwater and are sized for adequate capacity.

To address the concerns raised in the Preliminary Report, the Commission proposes the following recommendations which incorporate changes to the preliminary recommendations, as discussed above:

Recommendation 3-1: Modify and adopt the following polices and standards in the LCP. (***Bold italics*** indicate new language; strikeouts indicate language proposed to be removed.)

Agriculture Policy 8: Proper soil conservation techniques and grazing methods should be encouraged in accordance with ~~208 Water Quality Standards~~ ***Basin Plan receiving water objectives*** adopted to meet the water quality requirements of the California Regional Water Quality Control Board.

Coastal Watershed Policy 14: Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance with ~~208 water quality standards~~ ***Basin Plan receiving water objectives*** adopted by the California Water Quality Control Board.

Ordinance 23.08.046 c(2): Application content. Where this section requires land use permit approval for a specific animal raising activity, the permit application shall include the following in addition to all information required by Sections 23.02.030 ...

(i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.

(ii) The applicant's plans for animal waste disposal, ***including plans showing measures to confine runoff, adequate capacity to allow for proper wastewater disposal, and measures to prevent seepage to groundwater.***

(iii) ...

e(2): Erosion and Sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation ***or polluted runoff*** on any public road, adjoining property, or in any drainage channel. ...

Similar requirements should be incorporated into CZLUO 23.08.052.

Preliminary Recommendation 3-2 will be deleted and replaced with the following:

Recommendation 3-2~~: Modify LCP to incorporate mechanisms to fully implement the management measures identified in Appendix D. Appendix D identifies preliminary policy alternatives to achieve this goal.~~

Recommendation 3-2a: Add program to the LCP encouraging the County to continue supporting educational efforts to address resource impacts from agricultural activities. Efforts should include: a) reducing nonpoint source pollution, including sedimentation, from grazing and other agricultural practices; b) using BMPs and other management strategies to protect habitat areas; c) reducing the contamination of surface waters and groundwater from pesticides; d) reducing water quality degradation from nutrients; and e) reducing nonpoint source pollution caused by irrigation, by encouraging irrigation techniques that conserve water and retain water on-site. The County should use monitoring data and information from watershed planning efforts to target priority locations for educational efforts. In addition, the County should assess and document the effectiveness of educational efforts in preventing and/or minimizing nonpoint source pollution.

Recommendation 3-2b: Amend Ordinance 23.05.026 (d) to modify the exemptions granted from grading permit requirements for agricultural grading. The following grading activities could be exempt from requiring a grading permit, except when associated with grading for roadwork or pads for structures:

- grading of less than 50 cubic yards if Planning Director determines there are no potential impacts to coastal resources;
- tillage of existing agricultural fields;
- maintenance of existing agricultural roads, provided maintenance activities do not widen the road;
- grading further than 100 ft. from ESHA;
- grading which removes no significant trees;
- grading which removes ¼ acre or less of native vegetation,;
- grading on slopes under 30%, if designed per NRCS standards;
- grading performed under a program developed by NRCS or another appropriate agency, that has been reviewed and permitted as outlined in Recommendation 3-2d.

Recommendation 3-2c: Amend Ordinance 23.05.034(c) to allow grading for agricultural cultivation within 100 feet of an ESHA, consistent with the above exemption, if grading is designed to avoid adverse impacts to the ESHA, including preventing polluted runoff into coastal waters and preventing loss of habitat.

Recommendation 3-2d: Add program to Chapter 7 of the LCP (Agriculture) encouraging NRCS or other appropriate agencies to develop program(s) to implement BMPs for agricultural grading activities on agricultural lands. The programs must be certified as consistent with all LCP policies through one of the following mechanisms: a) County review and issuance of a master permit, b) through an LCP amendment, or c) through the Commission's federal consistency review process. Once the program is certified, implementation of specific projects under the program will be exempt from individual grading permits.

4. Conclusion

As discussed in the *Preliminary Report*, the protection of coastal water quality is required under the Coastal Act. Given new information since certification of the LCP in 1988, and a better understanding of the sources of polluted runoff, and impacts to water quality, revisions to the LCP are necessary to find that implementation of the LCP can adequately protect water quality in conformance with Coastal Act Sections 30230 and

30231. After further evaluation and consideration of public comments, pursuant to Coastal Act Section 30519.5, the Commission adopts Recommendations 3-1 – 3-2 as appropriate corrective actions for submission to the County.

B. Water Quality Impacts from Urban Development

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 83-95)

The *Preliminary Report* found that urban development could affect water quality through a number of factors, including the location and siting of new development, construction activities, and ongoing water runoff after construction of a development. This ongoing, post-construction runoff is a major new concern in water quality protection since certification of the LCP.

The current LCP addresses nonpoint source pollution primarily through the use of erosion and sedimentation plans and/or drainage plans. The LCP details the situations where such plans are required. A second strategy used by the County is to restrict development on steep slopes. For industrial development, the LCP focuses on ensuring adequate oil spill prevention and cleanup plans.

The *Preliminary Report* found that generally water quality concerns were addressed during the construction phase of project development, although the *Preliminary Report* also noted concerns arising from lack of specific standards to ensure the use of most current best management practices (BMPs). The *Preliminary Report* also found that the LCP policies and standards addressing ongoing runoff after construction of a project were most in need of update. All development, regardless of whether it requires an erosion or grading plan under the LCP, has the potential to affect water quality through post-construction runoff. Most of the preliminary recommendations for urban water quality issues focus on this concern and suggest implementation of the various management measures identified in the state's nonpoint source plan.

The major preliminary recommendations include:

- incorporating measures to address post-construction runoff, including integrating best management practices into project designs;
- adding policies and ordinances to prevent nonpoint source pollution from residential septic systems; and
- incorporating performance standards and monitoring requirements as part of erosion control and sedimentation plans.

The development of watershed plans, also a recommendation under this section, has been discussed previously.

2. Comments Raised

San Luis Obispo County Response (Exhibit C):
The major comments raised regarding this section come from the County, and focus on the need for more information and clarification of the suggested modifications in Appendix D. The County has requested information regarding the proposed modifications to the definition of the wet season and the criteria used for identifying watercourses, as well as clarification of the intent of Preliminary Recommendation 3-11 which prohibits subdivision on slopes over 30%. Additional concerns regarding the roles of the County and various other agencies in water quality protection efforts are discussed in the section above. Finally, although the County does not necessarily disagree with some of the proposed recommendations, they have expressed concerns with the cost of implementation of a number of the proposals. Funding issues and opportunities to implement the State's nonpoint source plan are also discussed in the section above.

Public Comments (Exhibit D):
Public comments raised disagreed with the proposed modifications to the definition of the wet season. Comments stated that the criteria proposed for defining watercourses were undefined and were too expansive. Comments also disagreed that there is a water quality issue from residential septic systems in the Los Osos area.

3. Analysis

Definition of wet season

Preliminary Recommendation 3-8 and proposed modifications under Appendix D suggested modifying the start of the wet season from October 15, to begin October 1. This modification originated from work done through the Model Urban Runoff Program. The County has questioned the need for this change, and the agricultural community strongly opposes the recommended change. Based on subsequent conversations with the Regional Water Quality Control Board, the Commission proposes to keep the current LCP definition of the wet season (October 15 through April 15). Given weather patterns in San Luis Obispo County, staff at the Regional Water Quality Control Board believes the existing criteria are sufficient. Preliminary Recommendation 3-8 therefore is deleted.

Definition of Streams

The LCP requires sedimentation and erosion control plans when land activities are "within 100 feet of a watercourse shown on current 7 ½ minute USGS quad map". Preliminary Recommendation 3-9 proposed adding additional criteria to define a watercourse, including a natural watercourse or drainage system that supports fish, has significant flow 30 days after the last significant storm, or has a channel, free of soil and debris. Several comments noted that the language "has a channel, free of soil and debris" is problematic, as natural streams generally have soil and natural debris. The Commission agrees, and revises the recommendation to exclude this criterion.

In addition, comments noted that the criterion of supporting fish is already covered through blue line streams. As discussed in the ESHA section, the Commission proposed adding criteria to ensure that streams *not* mapped as blue-line streams, but which provide important habitat, are adequately protected. At the same time, comments stated that the proposed revisions sought to "include all stock ponds", raising a concern over the impact to agricultural operations. Commission staff's intent was not to include stock ponds in this recommendation, but to address only streams. Therefore, Commission proposes keeping the criteria of "supporting fish" to identify natural watercourses or drainage systems.

Finally, comments requested a definition of "significant flows" and "significant storms". To assure consistency in implementation, the County could adopt a definition of "significant flows" and "significant storms", similar to the above definitions.

Subdivisions on 30% slope

Preliminary Recommendation 3-11 and one of the suggested modifications in Appendix D states: "Prohibit subdivisions on slopes over 30%". The County has requested clarification whether this recommended change prohibits all subdivisions on slopes over 30%, or allows subdivisions on slopes over 30%, but prohibits future development from occurring on slopes over 30%.

As discussed in the *Preliminary Report*, Coastal Watershed Policy 8 and Ordinance 23.05.034 establish limits for grading to slopes of less than 20%, but allow exemptions for grading on slopes between 20-30%. As also discussed in the *Preliminary Report*, while subdivisions themselves do not necessarily include grading, the locations approved for new development can have important consequences for future development and for water quality issues. Erosion from steep slopes is a major concern for water quality. Although grading is not permitted on slopes over 30% under the LCP, the County has issued a number of variances, including two subdivision permits which included grading on slopes over 30%.

The Commission finds that to protect water quality, the LCP should prohibit subdivisions which would result in building pads, access roads, or driveways to be located on slopes over 30%, or result in grading on slopes over 30%. In addition, the LCP should require that on slopes over 20%, subdivision applications should include plans locating building pads and access roads so that erosion and sedimentation will be minimized, and should require that future construction maintain pre-development flows by detaining stormwater flows on site or by ensuring that they are no greater than predevelopment flows. Recommendation 3-6a, below, has been modified to reflect these changes.

Residential Septic Systems

The potential water quality impacts from residential septic systems are recognized as an area of concern in the State's plan, and a number of management measures to address polluted runoff from residential septic systems are identified under the plan. The Preliminary Report also identified a number of preliminary recommendations in Appendix D to address those concerns. Problems with water quality degradation from septic systems in the Los Osos area led the RWQCB to impose a septic tank discharge moratorium in January 1988. The RWQCB established a prohibition zone, encompassing most of the urban area of Los Osos, within which most new residential construction or major expansions of existing buildings has been effectively halted until the County provides a solution to the water degradation problem.

Since publication of the Preliminary Report, the Commission staff has undertaken additional research on existing regulations and requirements in San Luis Obispo County which govern residential septic systems. Title 19 of the County code regulates septic systems, and is incorporated into the certified LCP by reference. Many aspects of the management measures identified in the state's nonpoint source plan, and Appendix D of the preliminary report, are addressed through the existing requirements in Title 19. However, a number of standards identified in Appendix D are not addressed in Title 19, and if added, could better protect water quality. These standards are outlined under modified preliminary recommendation 3-6e.

Clarifications to Modifications in Appendix D

The majority of modifications to the preliminary recommendations for this section result from the need to provide more specific detail to the suggested modifications in Appendix D. To avoid confusion between the preliminary recommendations and Appendix D, the Commission deletes the column of "suggested modifications" in Appendix D and replaces it with specific recommendations. The specific language for each recommendation is identified below. In addition, several of the preliminary recommendations have been consolidated. The Commission deletes Preliminary Recommendation 3-10, requiring performance standards and monitoring as part of erosion and sedimentation control plans. The Commission's concerns are addressed through the recommended policy and ordinance language in the proposed modifications to the water quality chapter of the LCP, discussed above, and through the recommended program for the County to participate in ongoing assessment of implementation of the State's plan (Recommendation 3-7). Preliminary Recommendation 3-12 requires development of drainage and pollution control plans that identify BMPs and management measures to mitigate nonpoint source pollution. The Commission modifies this recommendation to include specific requirements and standards, which would also address concerns in preliminary recommendation 3-10.

To address the comments and modifications discussed above, the Commission modifies the preliminary recommendations as follows. Recommendations 3-3 – 3-5 remain substantively unchanged from the preliminary report; the recommendations have been edited to clarify the recommendations and remove unnecessary language. These changes are shown below.

Recommendation 3-3: *Area Plan Updates*. The proposed update of the North Coast Area Plan (January 2000) includes a variety of policies to improve the protection of water quality. These management strategies should be incorporated into the Area Plans. Proposed policies and strategies include~~ing~~: Policies to prohibit point-source discharges into the marine environment; Rural Area Program to designate Areas of Special Biological Significance (ASBS) for protection from development of impacts of any future wastewater outfall structure(s); Improved controls on land divisions and lot line adjustments to minimize the impact of water extraction from riparian creek areas for non-agricultural uses and policies and programs specific to Lodge Hill. The proposed revisions to the North Coast Area Plan Standards offer the opportunity to strengthen the water quality protection provisions of the LCP if expanded to address the issues raised through this review.

Recommendation 3-4: *Expanding Erosion Control Studies*. The County has targeted the Lodge Hill area to reduce erosion in the area ~~problems in the Lodge Hill area~~ and proposes to implement recommendations of ~~the~~ a 1999 erosion control study. These recommendations generally focus on 1) paving roads, and 2) developing a comprehensive master plan for the community. The master plan should design for buildout of the community and incorporate the street drainage network into the plan. ~~The report notes that until such a plan is developed, "critical lots should be identified that could provide storm water infrastructure, or are at extreme risk due to their location in a drainage path. The County could target these lots for purchase in order to development a system for storm water management ....".~~ In general, implementing the study's recommendations could reduce erosion and sedimentation, and improve water quality in Lodge Hill. The comprehensive plan, though, should also address drainage issues from road paving, and should encourage infiltration of water and maintenance of the natural flow regime, to the extent feasible, by encouraging dispersal of sheet flow from roads into natural vegetated areas. The County should also incorporate measures to site development to retain forest cover.

Recommendation 3-5: ***Address Post-Construction Runoff.*** ~~While the County's pending grading ordinance revision proposes some new and revised measures to improve the management of erosion, sedimentation, and runoff, it does not fully address all the potential sources of nonpoint source pollution from new development as identified through the management measures in Appendix D, including measures to address post-construction runoff. The Model Urban Runoff Program (MURP), a joint program among the Commission, Monterey Bay Sanctuary, the Regional Water Board, and the Cities of Monterey and Santa Cruz, has developed a~~ Incorporate into the planning process the following checklist of three questions, developed through the Model Urban Runoff Program, to help coastal planners identify and mitigate water quality impacts of proposed development (see Table 3-2, below). ~~One alternative for improving management of polluted runoff is to incorporate this tool into the planning process to identify when additional measures must be taken to fully address water quality impacts and to trigger additional measures if review of the checklists identifies potential water degradation from the proposed development. The MURP has also developed cost-effective mechanisms to address many of the management measures identified in Appendix D.~~

Table 3-2: Water Quality Checklist

1. Would the proposal result in changes in soil infiltration rates, drainage patterns, or the rate and amount of surface runoff?
2. Would the proposal result in discharge into surface waters or wetlands or other alteration of surface water/wetland quality (e.g., temperature, dissolved oxygen, or turbidity)?
3. Would the proposal result in impacts to groundwater quality?

If the proposed project raises water quality issues based on the above questions, or other review, best management practices (BMPs) should ~~could~~ be incorporated into the project design to address post-construction runoff. ~~Assuring the appropriate design goals is critical for the~~

~~successful function of BMPs in removing pollutants in stormwater. The majority of runoff is generated from small storms. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.~~

~~The Commission has previously found that sizing post-construction BMPs to accommodate the runoff from the 85th percentile storm runoff is often appropriate to address runoff concerns. Sizing BMP capacity beyond this standard leads to insignificant increases in pollutants removal, and hence water quality protection, relative to the additional costs. Therefore, one alternative in addressing post-construction runoff is to design post-construction structural BMPs, with case-by-case considerations, to treat, infiltrate or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.~~

~~The "85th percentile, 24-hr" design goal is applicable to volume-based BMPs such as detention and infiltration basins, wet ponds, and constructed wetlands. The "85th percentile, 1-hr" design goal (with an appropriate safety factor is applicable to flow-based BMPs that remove pollutants primarily through filtering and limited settling. These include media filters such as filter inserts in catch basins, oil/water separators, and biofilters such as vegetated filter strips and grassy swales. However, if swales are constructed primarily to contain and then induce infiltration, they should be subject to the "85th percentile, 24-hr" design goal.~~

Preliminary Recommendation 3-6 referred to suggested modifications in Appendix D. The following recommendations incorporate those suggested modifications, and provide more detail and clarification of the suggested modifications.

Recommendation 3-6: ~~Adopt *Policies and Ordinances to fully implement Management Measures from the State NPS Plan*: While the existing LCP, and above alternatives, address primarily issues of erosion, sedimentation, and water runoff from new development, the state has recognized additional sources of nonpoint source pollution through the management measures detailed in the State's nonpoint source pollution control plan. For example, mechanisms to address runoff from existing development and water degradation from residential septic systems are detailed in Appendix D. Implementation of these measures, and other preliminary measures identified in Appendix D would further improve the County's protection of water and marine resources.~~

Recommendation 3-6a and Recommendation 3-11:
Add policy or ordinance to prohibit subdivisions on slopes over 30%, where the subdivision would result in building pads, access roads, or driveways to be located on slopes over 30%, or where grading would result on slopes over 30%. For subdivision requests on slopes over 20%, the applicant should include the location of building pads and access roads, located to minimize erosion and sedimentation, and should require that development maintain pre-development flows by detaining stormwater flows on site.

Recommendation 3-6b and Recommendation 3-9: Modify criteria citing watercourses on USGS maps: One requirement for sedimentation and erosion control plans is land disturbance activities that are "within 100 feet of a watercourse shown on current 7 ½ minute USGS quad map. Modify Section 23.05.036 of the CZLUO to include the following criteria for requiring a sedimentation and erosion control plan: where a) a watercourse supports fish, or b) has significant flow 30 days after last significant storm~~, or c) has a channel, free of soil and debris~~. References to watercourses throughout the LCP should include this criteria and meet the criteria under ESHA Recommendation 4.1.

Recommendation 3-6c and Recommendation 3-12: Deleted and replaced with the following:

Modify the LCP grading and/or drainage ordinance (Sections 23.05.020 through 23.05.038 and/or 23.05.040 through 23.05.050) to require, as requirement for filing a plot plan, minor use permit, or development plan, a water quality control plan for all projects and activities which require land use permits or grading permits. Single family residences on slopes under 20% shall be exempt from this requirement if BMPs to assure the goals and objectives of the Modified Chapter 9 are included in the development plan and sized appropriately to ensure the protection of water quality and to meet the design goal criteria. The water quality plan shall:

- identify the type and size of BMPs necessary to maintain peak runoff rates and volumes similar to pre-development rates, and accommodate runoff from the 85th percentile storm runoffs;
- protect or restore natural drainage courses and where feasible use vegetated drainage systems to decrease erosion and filter nonpoint source pollution;
- minimize pollutant loads;
- limit impervious surfaces;
- require the long-term maintenance of BMPs to assure that standards are met.

Recommendation 3-6d and Recommendation 3-8: ~~*Modify criteria defining "wet season" in LCP to reflect new information:* The current LCP requires an erosion and sedimentation plan when grading occurs between October 15 and April 15. Based on information from the Commission's Model Urban Runoff Program, the rainy season should begin on October 1. References in the LCP, and proposed new grading ordinance, should be updated to reflect this change.~~

Recommendation 3-6e: To improve protection of water quality from residential septic systems, update Title 19 to include the following standards and requirements:

- Add as one of the criteria for siting that septic tank and leach field systems shall avoid poorly drained soils (Ordinance 19.20.222)
- Require inspection and maintenance reports to be submitted by the property owner and/or septic operator at least every three years. The first report should be submitted three years from the date of issuance of the building permit. The property owners and/or septic operators shall be responsible for proposing and undertaking all measures necessary to ensure the continuing proper operation and adequate capacity of the septic tank and leach line systems.
- Add the following setbacks to Ordinance 10.20.222 (c) (2):
  Storm drainage pipes: 25 ft.
  Escarpments: 25-50 ft.
  Property Line: 5-10 ft.
  Building foundations: 10-20 ft, or 30 ft when located upslope from a building in slowly permeable soils.
- Require that septic systems shall not adversely impact surface waters or cause the groundwater nitrate concentration to exceed 10.0 mg/l N or any such drinking water quality objectives established by the California Department of Health Services or Regional Water Quality Control Board, at any source of drinking water on the property nor on any off-site potential drinking water source. Where groundwater nitrate concentration may exceed the applicable water quality objective or where surface waters may be adversely affected from the septic systems, install denitrification system(s) to reduce total nitrogen loadings by 50%.

Recommendation 3-7: Discussed and modified in previous section.

Recommendations 3-8 through 3-12: Deleted and/or incorporated into above modified recommendations.

4) Conclusion

As discussed in the preliminary report, the existing LCP policies and standards, certified in the late 1980s, do not reflect the most up-to-date management measures to protect water quality from urban and rural development. The Commission finds that revisions to the LCP are necessary to ensure that the LCP is effectively implemented to protect water quality in conformance with Coastal Act Sections 30230 and 30231. After further evaluation and consideration of public comments, pursuant to Coastal Act Section 30519.5, the Commission adopts Recommendation 3-13 as appropriate corrective actions for submission to the County.

C. Water Quality and Marinas/Boating Areas

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 95-99)

There are three boating areas under the jurisdiction of San Luis Obispo County: Port San Luis, San Simeon Harbor, and Leffingwell Landing. The LCP limits San Simeon Harbor to a small-scale recreational boating area, boat-launching ramp, and parking area. Leffingwell Landing provides a boat ramp. Port San Luis supports commercial and recreational boating.

The *Preliminary Report* notes that few permits have been issued related to marinas or boating areas. The LCP requires that all development be sited and designed to mitigate impacts on the marine habitat (LCP Ordinance 23.07.178). The San Luis Bay Area Plan also requires that any development at Port San Luis control erosion and sedimentation. However, as with the LCP standards for agriculture and urban development, the existing LCP standards do not reflect the current knowledge to adequately address nonpoint source pollution from marinas and boating areas.

Addressing nonpoint source pollution from boating areas, and bringing the LCP into conformance with the adopted statewide nonpoint source plan, will require a mix of updated LCP policies and ordinances, as well as non-regulatory programs and educational efforts. Preliminary recommendation 3-13 emphasizes implementation of the management measures adopted in the state's nonpoint source plan, and identified through Appendix D. The recommendation states that new standards could be implemented when facilities are modified or expanded, and programs could be developed to address ongoing operations of harbors and boating areas.

2. Comments Raised

San Luis Obispo County Response (Exhibit C):
The County indicated a need for more information regarding implementation of the management measures for marinas and boating areas, and suggests that the practices and education programs detailed in Appendix D "should be developed through the update of the Port San Luis Master Plan which will be reviewed by [the] county and Coastal Commission".

Public Comments (Exhibit D):
The Port of San Luis Harbor District has stated that many of the management measures are outside the jurisdiction of the County and are enforced by other state agencies. Public comments raised a concern that engines on many small boats are highly polluting.

3. Analysis

Jurisdiction over development in the Port of San Luis Harbor lies with both the state and the County, depending on the location of the development. Generally, the Coastal Commission has authority to review development below the mean high tide line and on areas subject to the public trust. The Commission modifies preliminary recommendation 3-13 to delete those management measures that address the location and siting of marinas, which would remain under the Commission's retained jurisdiction.

However, other development associated with marinas or harbors is governed by the LCP policies. In these cases, the County has an important role in assuring that development adequately protects water quality. A number of management measures identified in Appendix D in the *Preliminary Report*, designed to reduce polluted runoff from boating areas, can be implemented, at least in part, through regulatory standards for new development. These management measures include assuring, where appropriate, that: 1) fuel and oil discharges are minimized, 2) sewage and other waste does not contaminate surface waters, and that 3) polluted runoff from maintenance activities is minimized. In addition, any harbor or marina plan should include an operation and maintenance component that addresses water quality protection.

However, the Commission finds that the language suggested by the County does not provide sufficient detail or direction to assure that these management measures will be incorporated into the LCP. The Commission understands that the Port District intends to incorporate new policies and standards into the Port Master Plan that will be submitted as amendments to the LCP. Therefore, as outlined in detail below through Recommendation 3-13a, the Commission proposes to modify preliminary recommendation 3-13 to identify those management measures that should be incorporated into the LCP (via the Port Master Plan), as well as standards that new development activities in boating areas should comply with.

In addition, the Commission recognizes that implementation of many of the management measures identified in Appendix D of the *Preliminary Report* will involve educational

efforts. Much of the nonpoint source pollution will continue to occur through ongoing activities, not just when a development is proposed. The Commission recommends including a program in the Port Master Plan and LCP, encouraging the County to participate in efforts to education and encourage boaters and boating facility operators to use best management practices. The Commission anticipates working with the County to implement this recommendation through assistance from its water quality program. Many of the components that could be incorporated into an education program are outlined in revised recommendation 3-13b, below. The public's concern with engine types on boats could be addressed through such educational efforts.

The Commission deletes preliminary recommendation 3-13, and replaces it with the following recommendations:

Recommendation 3-13: ~~If overall runoff policies are revised, then new standards could be implemented when facilities are modified or expanded. Relevant management measures from Appendix D to update the LCP could be incorporated as tools to manage sources of pollution.~~

~~Also, programs could be developed to address ongoing operations of harbors and boating facilities. Many of the sources of water quality degradation occur from ongoing activities. Education programs incorporating best management practices for waste disposal and maintenance activities can help protect water quality.~~

Recommendation 3-13a:

For updated Harbor Plans, require an operation and maintenance component that addresses water quality protection. Update the LCP by adding policies and standards to implement effective runoff control strategies and pollution prevention activities, by requiring, where appropriate, the following best management measures:

- providing buildings and/or enclosed areas where possible for maintenance activities;
- constructing new or restore former wetlands where feasible and practical;
- requiring use of porous pavement where feasible;
- requiring installation of oil/grit separators to capture petroleum spills and coarse settlement;
- requiring use of catch basins where storm water flows to the marina basin in large pulses;
- requiring filters to storm drains that are located near work areas and placement of absorbents into drain inlets.

Where fuel stations are added or redesigned, require them to reduce pollution from discharges through measures such as:

- writing and implementing a fuel spill recovery plan;
- using automatic shutoffs on fuel lines and at hose nozzles to reduce fuel loss;
- installing personal watercraft floats at fuel docks to help drivers refuel without spilling;

To reduce contamination of surface waters, require, as appropriate:

- sewage pumpout, dump station, and restroom facilities, and require maintenance of facilities;

- establish no discharge zones to prevent sewage from entering waters.
- filter additions to storm drains that are located near work areas;
- removal of old style fuel nozzle triggers that are used to hold the nozzle open without being held;
- install fish-cleaning stations with appropriate sewer hookups at marinas and boat launch sites;
- require a management plan and appropriate facilities to store, transfer, and dispose of liquid materials;
- build curbs, berms, or other barriers around areas used for liquid material storage to contain spills;
- prepare a hazardous materials spill recovery plan and update it as needed.

Recommendation 3-13b: Add the following program to Chapter 5 of the LCP (Commercial and Recreational Boating): In partnership with Harbor Districts and other agencies, the County shall participate in, and encourage, efforts to educate boaters and boating facility operators to implement management measures to reduce water pollution from boating activities. To support public education programs, the County should encourage the development of programs that support the installation of infrastructure that will enable the public to implement appropriate BMPs.

Educational information could include the following:

- Management practices for maintenance activities which minimize in-water work, and encourage maintenance activities in enclosed buildings, within spray booths, or under tarp enclosures.
- The use of vacuum sanders to remove paint from boats and collect paint dust.
- The benefits of absorbents in drain inlets.
- The need to use chemical and filtration treatment systems only where necessary.
- The importance of using low-toxicity or non-toxic hull paints, antifreeze, and coolants, and recycling products when possible.

Infrastructure and facility modifications could include:

- Install easy-to-read signs on the fuel dock that explain proper fueling, spill prevention, and spill reporting procedures. Locate and design boat fueling stations so that spills can be contained, such as with a floating boom, and cleaned up easily.
- Place trash receptacles and recycling containers in convenient locations for marina patrons.
- Provide boaters with trash bags.
- Provide facilities that extract used oil from absorption pads if possible, or for the disposal of it in accordance with petroleum disposal guidelines.

Fueling Facilities and Operations could include:

- Have spill containment equipment storage, such as a locker attached to the fuel dock, easily accessible and clearly marked.
- Promote the installation and use of fuel/air separators on air vents or tank stems of inboard fuel tanks to reduce the amount of fuel spilled into surface waters during fueling.
- Prohibit the use of detergents and emulsifiers on fuel spills.

Sewage Management modification could include:

- Provide sewage pumpout service at convenient times and at a reasonable cost.
- Provide portable toilet dump stations near small slips and launch ramps.
- Provide restrooms at all marinas and boat ramps.
- Establish practices and post signs to control pet waste problems.
- Establish no discharge zones to prevent sewage from entering waters.

4) Conclusion

As discussed in the preliminary report, the existing LCP policies and standards, certified in the late 1980s, do not reflect the most up-to-date management measures to protect water quality from marinas and boating areas. The Commission finds that revisions to the LCP are necessary to ensure that the LCP is effectively implemented to adequately protect water quality in conformance with Coastal Act Sections 30230 and 30231. After further evaluation and consideration of public comments, pursuant to Coastal Act Section 30519.5, the Commission adopts Recommendations 3-13a and 3-13b as appropriate corrective actions for submission to the County.

4. ENVIRONMENTALLY SENSITIVE HABITATS AND WETLANDS

A. Overview

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 101-185)

The Preliminary Report analyzed the effectiveness of the certified LCP, as implemented by the County, at protecting Environmentally Sensitive Habitat Areas (ESHA) consistent with Coastal Act policies. The Report evaluated the process by which an ESHA is identified during the development review, and whether this process successfully avoided, minimized and mitigated adverse impacts. The major implementation issues identified include:

- A reliance on outdated maps to delineate and protect ESHA;
- Lack of sufficient biological reviews, alternative analyses, and mitigation standards;
- Reluctance to stringently implement ESHA protection requirements as a result of takings concerns; and,
- The need for comprehensive regional and sub regional habitat protection plans.

With respect to the protection of streams and riparian vegetation, the Preliminary Report found that implementation of the LCP:

- May be resulting in excessive alterations of riparian habitats;
- Is not always effectively coordinated with the Department of Fish and Game or other involved wildlife agencies; and,
- Does not always provided adequate habitat buffers.

A review of the way in which the County has carried out LCP wetland protection observed the following:

- Wetland habitats are not always identified;
- Wetland setbacks requirements have not been adequately enforced;
- New programs and standards are needed to effectively coordinate wetland monitoring and restoration activities, as well as to regulate the breaching of coastal lagoons; and,
- Mosquito abatement practices should be reviewed and permitted in accordance with LCP requirements

The Preliminary Report found that the County's implementation of the Terrestrial Habitat protection provisions could be improved through the following actions:

- Developing comprehensive habitat protection plans to effectively protect the Monterey Pine Forest in Cambria and the coastal dunes in Los Osos;
- Incorporating additional standards to avoid the removal of Monterey Pine, guide tree replacement, and respond to the threats of pitch canker;
- Reducing buildout potential in sensitive forest areas, among other means by updating the Cambria TDC program, providing greater incentives for participation, prohibiting subdivisions, better clustering development, and developing additional methods for the retirement of lots.
- Establishing a sand stabilization program for the Oceano area;
- Updating land use designations on South County dune habitat areas;
- Identifying Western snowy plover and Elephant seal habitats, and updating the LCP to better designate and protection these areas as ESHA in cooperation with other agencies and organizations.

3. San Luis Obispo County Response

Preliminary Recommendations that the County response indicates general agreement with include:

- Preliminary Recommendation 4.1, recommending that the LCP definition of ESHA be revised to conform to the Coastal Act, among other means by recognizing areas mapped as Combining Designations.

- Preliminary Recommendation 4.2, calling for continuous updates to LCP ESHA maps.

Preliminary Recommendation 4.3, suggesting the expansion of biological investigation and report requirements, provided that the recommended interagency review of the biological reports is completed in a timely fashion.

- Preliminary Recommendation 4.6; encouraging the development of comprehensive habitat protection programs for Cambria and Los Osos.
- Preliminary Recommendation 4.13, recommending the use of easements to protect ESHA and providing such easements for Executive Director review and approval.
- Preliminary Recommendation 4.16, calling for the establishment of specific standards for mitigation monitoring and evaluation.
- Preliminary Recommendations 4,17 - 4.21 regarding streambed alterations.
- Preliminary Recommendations 4.22, 4.4, 4.25, 4.27, and 4.28 regarding the protection of riparian habitats and their setbacks;
- Preliminary Recommendations 4.30, 4.31. 4.33. 4.34, and 4.36 regarding the protection of wetland habitats.
- Preliminary Recommendations 4.37 – 4.43, and 4.45 – 4.49, 4.53, 4.54, and 4.56 regarding the protection of Terrestrial habitats.

Components of the Preliminary Report that the County and other commenters identified disagreement with, or proposed alternatives to, are discussed below.

A. Identifying ESHA

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pages 106 – 114)

As noted above, the Preliminary Report identified problems with the LCP's reliance on outdated maps to identify and protect ESHA. To ensure that ESHA is effectively identified during development review the Preliminary Report recommended:

- Revising the LCP's definition of ESHA to conform with the Coastal Act definition;
- Updating LCP habitat (Combining Designation) maps;
- Supplementing the use of LCP maps with field observations, and additional information including the National Diversity Database and U.S. Fish and Wildlife Service Critical Habitat Designations; and
- Obtaining site specific biological information.

The Preliminary Report recognized that a blanket requirement for all development to provide site specific biological evaluations and reports could place unnecessary burdens on the permit application and review process. As a result, it recommended that site specific biological information be obtained in various ways:

- Through environmental reviews conducted pursuant to the California Environmental Quality Act (CEQA).
- Where projects are exempt from CEQA, by requiring a site specific flora and fauna inventory that could be used to determined the need for a full biological report. (Urban areas where no biological resource concerns exist could be exempted from this requirement.)
- By addressing the type and extent of habitat within a region through a comprehensive conservation planning effort.

Finally, to ensure that the full extent of sensitive habitat found present on a development site is accurately delineated, the Preliminary Report recommended that in addition to the current location of sensitive plants and animals, areas of potential and restorable habitat also be considered.

2. Comments Raised

San Luis Obispo County Response (Exhibit C)

With respect to Preliminary Recommendation 4.1, the County has requested citation of the Department of Fish and Game's definition of streams recommended to be incorporated into the LCP.

The County response acknowledges that substantial revisions to the processing of discretionary and ministerial permits are needed to effectively protect ESHA, and underscores the importance of identifying ESHA issues early in the review process. However, the County has also recognized the significant implications this can have on applicants. County staff has therefore outlined a procedural approach that is slightly different than the approach recommended by the Preliminary Report, which would replace the requirement for biological investigations (2nd bullet of Preliminary Recommendation 4.3) with a site inspection by a Field Review Team.

The alternative process recommended by County staff begins with an evaluation of whether a project may be in or adjacent to ESHA using updated LCP ESHA maps. If it is unclear if a project is located in or near ESHA based on the initial map review, a Site Specific Constraints Analysis (SSCA) would be completed by the County and/or qualified professionals in the field. A Field Review Team (FT), consisting of County staff and the project biologist(s), would conduct a site specific review for all ground disturbing development to determine if a full biological report is required. All

information and habitat delineations developed by these efforts would be used to update LCP habitat maps on a regular basis.

Public Comments (Exhibit D)

In terms of the approach to identifying ESHA recommended by the Preliminary Report, most commenters agreed that updates to LCP ESHA maps were needed. However, there are differing opinions about who should be responsible for completing such updates, and how the updated maps should be used.

Members of the public have expressed concern over Preliminary Recommendation 4.1's proposal to use U.S. Fish and Wildlife Critical Habitat Designations to determine the presence of ESHA. This concern appears in large part to be based on the large extent of area designated by the U.S. Fish and Wildlife Service as Critical Habitat for the red-legged frog. Other commenters, such as the Environmental have expressed support for this proposition, noting that designated critical habitat, by definition, must be considered as ESHA.

Comments from the Los Osos Community Advisory Council asserts that the update of habitat maps and protection plans should happen under he direction of the regulatory and planning agencies. Other commenters argue that habitat delineations and biological reviews should occur on a site specific basis.
Comments from the San Luis Obispo County Farm Bureau and agriculturists identify concern with the idea that if agricultural operations, if viewed as development, would need to complete site specific biological inventories.

Various comment letters submitted by the Rogoway Planning Group question the appropriateness of designating particular sites within the Los Osos areas as ESHA.

Comments from the California Native Plant Society (CNPS) express support of the Combining Designation program, provided that the overlays are updated to reflect current scientific knowledge and protective status for species; for example, by expanding the maps to include habitat for plants identified on CNPS List 1B. While CNPS notes that it may be viable to supplemental the use of Combining Designation maps with information developed during CEQA reviews, they would prefer ESHA to be accurately mapped by the LCP to avoid "technical calls" by staff in the field. The CNPS comments also express concern that requiring all development to provide site specific biological information may be costly and inefficient, and notes that the specific criteria for such biological reviews is not identified by the Preliminary Report.

In terms of using the HCP process for habitat delineation, CNPS expressed concern regarding the adequacy of that process species that are not listed by the U.S. Fish and Wildlife Service, and indicated preference for the Department of Fish and Game's Natural Community Conservation Program (NCCP).

Both the County and the CNPS comments identify the potential funding limitations for periodically updating of the Combining Designation Maps, and agree that the environmental information generated through project specific reviews could be used to update the maps on a more continuous basis.

While the necessary updates to ESHA maps and LCP procedures are being developed, the Environmental Defense Center recommends treating the entire coastal zone as ESHA.

3. Analysis

In response to concerns expressed regarding the use of Critical Habitat Designation to determine the presence of ESHA, it is important to note that this is only one of many tools that will be used as part of project specific evaluations and the update of LCP ESHA Maps. Pursuant to Preliminary Recommendation 4.1, a Critical Habitat Designation would not, in and of itself, qualify a particular area as ESHA. Rather, the designation would inform applicants, planners, and decision makers of the need to consider the potential for red-legged frog habitat to be present on the site. Final conclusions regarding the presence and extent of ESHA on a site would be based on actual site conditions. These site specific assessment could then be used to update LCP ESHA maps on a routine basis, a process endorsed by the County response and other commenters including the Port San Luis Harbor District. Changes to Preliminary Recommendation 4.2 shown below support the use of site specific assessments to update LCP ESHA maps.

The methodology used to determine the presence of ESHA in the field is an issue that has been raised by numerous commenters. While many support the use of updated Combining Designation to make such determinations (Preliminary Recommendation 4.2), there is differing opinion on what to do when the updated Combining Designation Maps do not effectively resolve this issue.

The Field Review Team and Site Constraints Analysis approach recommended by the County will help ensure accurate identification of ESHA, consistent with the Recommendation of the Preliminary Report. This process will also reduce the need for applicants to provide biological inventories as part of development applications, which as noted by various commenters, could add significant time and cost to the development review process. Finally, the County proposed process will provide an effective format to resolve whether or not particular sites, such as the ones identified in the comment letters submitted by the Rogoway Planning Group, meet the Coastal Act and LCP definition of ESHA.

An additional benefit of the Field Review approach proposed by the County and incorporated into Recommendations 4.2 and 4.3 is that it can be implemented through changes in administrative procedures and is therefore not dependent upon an LCP amendment. Immediate implementation of this approach is preferable to treating the entire coastal zone as ESHA until the LCP maps are updated (as recommended by the Environmental Defense Center) because it will facilitate accurate delineation of ESHA,

and application of LCP habitat protection standards to all ESHA, without adding unnecessary regulatory requirements for development that will not impact ESHA.

However, as noted by the CNPS comments and the Preliminary Report, there is a risk that technical calls made by the Field Review Team may not effectively resolve whether a more detailed analysis of habitat areas is warranted. This risk could be reduced be including representatives form involved wildlife agencies and organizations as part of the Field Review Team.

Submitting subsequent biological reports for the review and comment of the California Department of Fish and Game, the US Fish and Wildlife Service, The California Coastal Commission, and, where applicable, the National Marine Fisheries Service, will also help ensure that ESHA is accurately identified during development review (Preliminary Recommendation 4.3). The County response has appropriately observed that if such reviews are to be used as an application filing requirement, these reviews must be completed in a timely fashion.

In light of the comments received and analyzed above, Preliminary Recommendations 4.1 – 4.3 have been revised as follows:

4.1: Revise the LCP's Definition of ESHA

- Revise definitions of SRA and ESHA contained in Section 23.11.030 so that they conform to the Coastal Act definition. Clarify that ESHA, and the application of ESHA protection standards, is not limited to the areas mapped as Combining Designations. As proposed on page 7-10 of the Estero Update, use the definition of "habitat for rare and endangered species" provided by the CEQA guidelines as an additional tool to define ESHA.

- Determine the presence of ESHA based on the best available information, including current field observation, biological reports, the National Diversity Database, and US Fish and Wildlife Critical Habitat Designations and Recovery Programs. Where the available information indicates that an area may contain ESHA, but that area is not mapped as ESHA by the LCP, a Field Review Team comprised of County staff, project biologist(s), and representatives from involved wildlife agencies and organizations, shall conduct a Site Specific Constraints Analysis.

- As proposed by both the North Coast and Estero Updates, recognize all riparian habitats as ESHA regardless of whether they are mapped by USGS quadrangles.

- Replace the LCP's definition of streams, currently limited to streams shown by USGS maps, with an alternative definition, such as ~~that~~ the following definition used by the Department of Fish and Game:

> *A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.*

4.2: Revise and Update ESHA Combining Designations

• Recognize maps as a tool for identifying potential locations of ESHA, but that the actual presence and extent of ESHA must be determined in the field. Establish Field Review Teams, comprised of County staff, the project biologist(s) and representatives from involved wildlife agencies and organizations, to evaluate sites where the Combing Designation Maps do not effectively address the potential presence of ESHA.

• Incorporate other rare and valuable habitat types into the ESHA Combining Designation Programs. These should include, but not be limited to, the additional sensitive habitats identified by the North Coast and Estero Updates.

~~• Periodically update the Combining Designation Maps to identify habitats of rare and endangered species that have become listed since LCP certification, to correct mistakes contained in existing maps, and to incorporate other habitat types determined to be ESHA by the County. Consider implementing annual updates to the Combining Designation Maps as part of the LCP's Resource Management System.~~

• Maintain the Combining Designation maps as a dynamic geographic database that can be routinely updated as new information becomes available. To facilitate such efforts, the County should ~~consider~~ establish~~ing~~ standard formatting requirements for field surveys and biological reports that could be directly incorporated into such a system ~~facilitate such updates~~. Coordination with other resource management entities involved with mapping sensitive habitats (e.g., the Morro Bay National Estuary Project) should also be pursued along with other grant programs and cooperative mapping efforts.

4.3: Update Requirements for Biological Investigations and Reports

• Revise CZLUO Section 23.07.170 so that biological reports are prepared for all development within or adjacent to ESHA, not just those sites that have been mapped as ESHA. Use the Field Review process recommended above to determine the need for biological reports when development is located on a site that has the potential to support ESHA, but is not mapped as ESHA by LCP Combining Designations. Where the Site Specific Constraints Analysis identifies the presence, or potential presence, of any sensitive habitat type, natural community, and/or particular plant or animal species that meets the revised definition of ESHA, a biological report should be required.

• ~~To determine when a biological report may be required for a development site that has not been previously mapped as, or determined to be ESHA, require a habitat and biological inventory prepared by a qualified biologist as part of development permit applications. Where it is clearly evident that a development site has the potential to support sensitive habitats based on the initial inspection of County planning staff, a biological report may be required without a biological inventory.~~

• Evaluate particular areas, particularly urban areas, where it may be appropriate to exclude new development from Site Specific Constraints Analyses ~~the need to provide a biological inventory as part of the application process~~. Incorporate such exclusions into the LCP based on scientific evidence demonstrating the absence of ESHA in such areas.

• Develop comprehensive habitat conservation and management programs for areas with particular habitat protection needs (e.g., Los Osos dune scrub and maritime chaparral habitats, Cambria Pine Forest, coastal watersheds that support Steelhead trout, and Cayucos Creeks; please see recommendation ~~2e~~ 4.6). Upon incorporation of such programs into the LCP, development within particular habitat areas may be excluded from the need to provide site-specific biological investigations and reports. Instead, the

biological information required at the application stage would be related to implementation of the area wide habitat protection program (e.g., contribution to area wide program that retires development potential in ESHA).

• ~~Where the required biological inventory identifies the presence or potential presence of any sensitive habitat type, natural community, and/or particular plant or animal species that meets the revised definition of ESHA, a biological report should be required. Minimum requirements for biological inventories and reports should be coordinated with state and federal resource management agencies and specified in CZLUO Section 23.07.170 a.~~

• Update the minimum requirements for biological reports specified by CZLUO Section 23.07.170 in coordination with state and federal resource management agencies.

• The location and extent of ESHA on and adjacent to a development site should be described and mapped by the Biology Report, in a format that allows it to be incorporated into a GIS based Combining Designation map system (see Preliminary Recommendation 1b above). The delineation should not be limited to the particular locations where rare plants or animals are observed at one point in time. Rather, it should consider the full range of the sites physical characteristics (e.g., soil type, vegetation, topographical features) represent potential habitat for such rare plant and animal species. In addition, where previously disturbed but restorable habitat for rare and sensitive plant and animal species exist on a site that is surrounded by other valuable habitat areas, these areas should be delineated and protected as ESHA as well. Implementation of this recommendation will also require the incorporation of additional standards for Biological Reports within CZLUO Section 23.07.170.

• Biological reports and their accompanying ESHA delineations should be submitted for the review and comment of the California Department of Fish and Game, the US Fish and Wildlife Service, and to the National Marine Fisheries Service (as applicable), ~~and~~ as well as to the California Coastal Commission, before applications for development in or adjacent to ESHA are filed as complete. The incorporation of such a requirement into the LCP (e.g., within Section 23.07.170 of the CZLUO) eshould be accompanied by a specific time frame for such reviews (e.g., 14 days) to ensure that they would not result in undue delays in the development review process.

CNPS preference for the NCCP process, and concern about the HCP process are addressed in a subsequent section of this chapter, as is the Los Osos Community Advisory Council's request for a "top down" approach.
With respect to the Environmental Defense Center's suggestion that the entire San Luis Obispo coastal zone be treated as ESHA until the LCP ESHA maps are updated, it should be noted that the Field Review approach supported by the County and reflected in the above recommendations can be implemented immediately.

4. Conclusion

Recommendations 4.1 – 4.3 call for updates to LCP ESHA definitions and maps, and propose supplementing the use of LCP maps with site specific evaluations to determine the presence of ESHA, in order to ensure that the LCP is implemented consistent with Coastal Act Sections 30107.5, 30230, 30231, and 30240. They incorporate the revised methodology proposed by the County to improve administration of these

recommendations, which also responds to concerns regarding the previously recommended requirement for biological inventories.

B. Avoiding and Minimizing Impacts to ESHA

Limiting Development in ESHA to Resource Dependent Uses

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pages 125 – 128)

The Preliminary Report identified the need to improve implementation of the resource dependent criteria for development in ESHA established by the Coastal Act and LCP. The report therefore proposed changes to Table O that would make all uses other than resource dependent as conditional, and stressed the importance of better implementing existing standards that prohibit additional subdivisions in ESHA.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
To limit non-resource dependent development in ESHA, the County response proposes to add a preamble to Table O stating that anything other than a "P" use in ESHA as conditional. With respect to subdivisions in ESHA, the County response proposes to revise the current LCP prohibition "to include concepts of ESHA protection".

3. Analysis

The proposed preamble to Table O would not appear to be any different than the current provisions of Table O; as detailed in Chapter 12, anything that is not identified as a P use is already considered to be conditional. More importantly, it would not resolve the fact that the wide range of principally permitted uses established by Table O, irrespective of habitat considerations, is inconsistent with Coastal Act Section 30240(a) and conflicts with LCP ESHA policies and ordinances limiting development in ESHA to resource dependent uses. However, the suggestion that the clarification to Table O proposed by Preliminary Recommendation 4.4 take the form as a preamble to this Table, appears to be an effective way of implementing the recommended changes and has been incorporated into the final recommendation. (See below)

An apparent source of the County's and other commenters' concerns about Preliminary Recommendation 4.4 is the additional processing requirements associated with a conditional use. Indeed, the additional review required for development in and around urban areas determined to be ESHA since the LCP certification would place significant additional demands on applicants and the County planning division.

As detailed in the Preliminary Report, the incorporation of area specific Habitat Conservation Plans into the LCP provides an excellent way to resolve this problem. Where such plans are certified as being consistent with the Coastal Act, it may be

appropriate to process the non-resource dependent development sanctioned by the plan as the principally permitted use. Such an approach could be found to be consistent with Coastal Act Section 30240(a) if effective protection of the resource is dependent upon implementation of the plan. The 3rd bullet of Preliminary Recommendation 4.4 therefore included a provision that would allow a non-resource dependent use to be the principally permitted use in ESHA where designated as such by an HCP. However, until such plans are incorporated into the LCP, the processing of non-resource dependent development in ESHA as a conditional use is the precautionary approach necessary to carry out Coastal Act Section 30240. As a result, Preliminary Recommendation 4.4 has been carried over into the final report without change.

Another source of the concerns expressed about the change to Table O proposed by Preliminary Recommendation 4.4 is that it has been interpreted as limiting development to resource dependent uses, and would therefore result in the taking of private property. This is not the case; Preliminary Recommendation 4.4 states that other uses permitted in the land use designation could be allowed in an ESHA as a conditional use where necessary to accommodate an economic use. This is further clarified by the change shown below. Issues and concerns regarding the procedures for determining the type and extent of the economic use that must be accommodated in ESHA to prevent a takings is addressed later in this chapter.

In light of the above analysis, this report includes the following modifications to Recommendation 4.4:

4.4: Identify, and implement where feasible, the Resource Dependent Criteria for Development in ESHA

- Revise "Table O", such as through the addition of a new preamble, to clarify that Resource Dependent Uses are the only ~~allowed~~ principally permitted use within an ESHA or their required setbacks. All other uses that may be permitted to accommodate an economic use should be considered a conditionally permitted use.

- Where non-resource dependent uses are proposed in or adjacent to ESHA, and may be necessary to accommodate to avoid a "taking" (i.e., there are no feasible alternatives that avoid impacts to ESHA), ~~require applicants to submit specific information to establish that~~ analyze whether there is a reasonable economic backed expectation for the non-resource dependent use (see ~~Preliminary~~ Recommendation 4.10, below).

- Provide exceptions to the above standards in areas that are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see ~~Preliminary~~ Recommendation 4.6, below).

  With respect to subdivisions in ESHA, it appears that the modification to Preliminary Recommendation 4.5 contained in the County response would weaken the LCP's current prohibition against subdivisions that would create building sites in ESHA. This would, in turn, conflict with Coastal Act Section 30240. Thus, only the following minor clarification to Recommendation 4.5 is proposed by the final report:

4.5: Prohibit Subdivisions that Create new Lots in ESHA

- Implement the provisions of 23.07.170c.

- Revise Cluster Division Ordinance to require much smaller ~~lots~~ building sites, that they be located entirely outside ESHA and its setback, and that all of the ESHA area be retained and protected as Open Space. Make clustered division mandatory, rather than optional, for all divisions on parcels containing ESHA.

- Clarify that the parcel sizes established by CZLUO Sections 23.04.020 – 033 do not apply to sites that support ESHA, within which land divisions are prohibited.

4. Conclusion

Recommendations 4.4 through 4.6 will enhance the ability of the County, through its implementation of the LCP, to avoid non-resource dependent development in ESHA as required by Coastal Act Section 30240(a).

C. Pursuing Alternatives That Avoid Impacts to ESHA

1. Summary of Preliminary Findings and Recommendations (Exhibit A, pages 128 – 131)

The Preliminary Report provided examples of various situations in which the County's implementation of the LCP did not effectively avoid significant disruptions to ESHA. Many of these instances were related to the fact that the existing LCP does not effectively protect habitats that have been identified as being rare or especially valuable since the LCP was originally certified.

To avoid adverse impacts to ESHA, the Preliminary Report encourages the County to update site development standards to better concentrate development outside of ESHA (Preliminary Recommendation 4.8). Continuation and expansion of current efforts to incorporate area wide habitat plans into the LCP is identified as a comprehensive method for achieving this objective (Preliminary Recommendation 4.6). Where such plans are not in place, the Preliminary Report recommends that development proposed in ESHA be accompanied by, among other things:

- biological reports that include an analysis of projects alternatives that first avoid, then minimize impacts to ESHA, including fire clearance impacts (Preliminary Recommendation 4.7); and

- an overall development plan for all properties that are geographically contiguous and in common ownership to ensure that the full range of alternatives available to avoid adverse impacts are considered (Preliminary Recommendation 4.8).

2. Comments Received

San Luis Obispo County Response (Exhibit C):
While the County response supports the incorporation of HCPs into the LCP, it identifies that the high cost of such efforts necessitates additional funding and interagency cooperation. Comments of the Los Osos Community Advisory Council stress the importance of such a interagency approach towards resolving habitat protection issues in the South Bay Urban Area.

In response to Preliminary Recommendation 4.7, the County suggests that rather than requiring biological reports to include alternative analyses, biological reports should be required to include constraints analyses. This approach is preferred because the determination of the environmentally preferable alternative requires analysis of a range of issues, including but not limited to biological concerns.

Similarly, the County response indicates that the impacts associated with vegetation clearance for fire protection is more appropriately conducted as part of the development review, rather than as part of the biological review. This is due to the fact that understanding vegetation clearance needs requires coordination with fire protection agencies and is beyond the scope of a biological report. So long as the Biology Report provides a complete assessment of the habitat constraints, the Planning Division believes it will be able to conduct an adequate analysis of the impacts of vegetation clearance on ESHA during development review. Other comments regarding Preliminary Recommendation 4.7 expressed concern that limits to fire hazard modification measures would put habitat protection before the health and welfare of people.

Finally, the County response indicates disagreement with the portion of Preliminary Recommendation 4.8 that suggests where development is proposed in ESHA, an overall development plan for all properties that are geographically contiguous and in common ownership be required.

Public Comments (Exhibit D):
As previously noted, the comments from the California Native Plant Society raises concerns that the HCP process does not adequately protect the habitats of species that are not listed by the U.S. Fish and Wildlife Service, but qualify as ESHA under the LCP and Coastal Act. In addition, CNPS identifies that the No Surprises clause of the HCP and NCCP processes may prevent such plans from being updated to respond to new information.

Also in relation to Preliminary Recommendation 4.6, concerns expressed by the County and Cayucos Advisory Council regarding riparian habitat protection/stream setback recommendations suggest that a comprehensive planning effort may provide the most effective means of protecting and enhancing the coastal streams and lagoons in the Cayucos urban area. (Preliminary Recommendation 4.6 identified only Los Osos and Cambria as examples where area wide habitat protection and management programs are

warranted.) Other comments suggest a Habitat Conservation Plan be prepared to protect the unique resources of the North Coast, such as the rare flora of Arroyo de la Cruz.

3. Analysis

HCP's and NCCP's

As observed by the CNPS comments, the US Fish and Wildlife Service, the Department of Fish and Game, and the California Coastal Commission have different mandates, standards, and processing procedures related to the protection of sensitive habitats. Thus, Habitat Conservation Plans and Natural Communities Conservation Plans that may satisfy the requirements of state and federal endangered species acts may not always completely satisfy LCP and Coastal Act requirements.

These differences underscore the importance of coordinating such habitat planning efforts with LCP updates. This will enhance the ability of habitat conservation plans to satisfy the requirements of all regulatory agencies, and in turn, streamline the permit process. Moreover, it will allow the efforts of the various agencies and organizations involved to compliment and support one another, in a way that will create the most informed and comprehensive plan for habitat protection possible. As noted by the comments received from the Los Osos Community Advisory Council, such an interagency coordinated approach is, in areas such as Los Osos, a logical way to resolve habitat protection issues.

The recommendations of this report are not intended to imply that Fish and Wildlife HCP's or Department of Fish and Game NCCP's should be used to satisfy Coastal Act and LCP habitat protection standards in and of themselves. Integrating such plans with LCP updates are essential to ensure that the objectives of these recommendations are achieved. Such a process is expected to avoid the potential problems identified by the CNPS comments, and is prescribed in greater detail by the revisions to Preliminary recommendation 4.6, below.
In recognition of the significant staffing and financial resources required to develop and implement habitat conservation plans that can be incorporated into the LCP, Chapter 12 of this report encourages both the County and the Commission to seek additional funding, grants, and opportunities for collaborating with other agencies and organizations (see Exhibit E for a listing of some sample Grant opportunities). Notwithstanding the high cost of the initial investment, the long-term benefits will make such commitments cost-efficient for both the County and applicants.

Finally, as suggested by various commenters, Preliminary Recommendation 4.6 has been revised to maximize opportunities to coordinate the development of Habitat Conservation Plans and LCP Updates beyond the urban areas of Los Osos and Cambria.

4.6: Develop Comprehensive Habitat Conservation, Protection and Management Programs for Areas with Particular Habitat Protection Needs and Challenges

In urban areas that contain numerous existing lots within ESHA that has been fragmented or degraded by surrounding development, develop programs allowing for non-resource dependent uses that contribute to the protection of surrounding viable habitat areas threatened by development. The current effort to develop a Habitat Conservation Plan as part of the Los Osos Wastewater Treatment project and Estero Area Update should continue to be pursued, with ongoing coordination between the Los Osos CSD, involved regulatory agencies, and interested parties. As proposed by Preliminary Recommendation 4.36 later in this Chapter, a similar approach, involving a comprehensive forest management plan for Cambria would go a long way towards managing cumulative buildout in a manner that will protect the long-term health and survival of sensitive Monterey Pine Forest habitats.

The constraints and opportunities associated with the protection of the coastal creeks and lagoons within the Cayucos urban area also warrants the incorporation of comprehensive creek protection plans (i.e., within the Estero Area Plan). Such plans could be used to perfect setback standards, and prescribe specific mitigation measures, that enhance the riparian environment and clarify development requirements.

Comprehensive habitat protection plans may prove to be equally useful for the protection of sensitive habitats in rural areas. The North Coast creeks and arroyos are examples of sensitive rural habitat areas that could benefit from such plans. HCP Planning efforts being initiated by State Parks, Community Services Districts, and others, should be closely coordinated with the County and Commission staff to ensure that they will effectively carry our Coastal Act and LCP requirements.

Biology Reports

As noted by the County, the protection of ESHA is just one of many coastal resource issues that must be evaluated when determining which project alternative best conforms to LCP and Coastal Act requirements. Nevertheless, because the protection of ESHA is such a significant Coastal Act concern, it is essential for the full range of alternatives available to avoid and minimize the impacts on ESHA be developed and considered early in the review process. This not only necessitates an understanding of the biological constraints, but also requires consideration of all options available to accommodate development within these constraints. An assessment of these alternatives by a professional biologist, as a component of the required Biology Report, will provide information that can be used by applicants, planners, and decision makers to design development in a manner that is most protective of ESHA.

The final recommendations therefore retain the suggestion that biological reports include an assessment of project revisions that would avoid and minimize the impacts of new development on ESHA. As suggested by the County, Preliminary Recommendations 4.7 and 4.9 have been revised to emphasize the identification of habitat constraints as the critical first step in evaluating these options, and to acknowledge that this is one of many issues that will be considered by the County in its evaluation of alternatives. (See below.)

With respect to assessing the biological impacts associated with vegetation clearance, the preferred approach, reflected by Preliminary Recommendation 4.7, is to identify fire clearance requirements prior to completing the biological analysis, thereby allowing these impacts to be fully analyzed by the Biology Report. Recognizing, however, that the full extent of necessary fire protection measures may not be known at the time the initial biology report is prepared, revisions to the second bullet of Preliminary Recommendation 4.7 allow the impact of such measures to be addressed through supplemental biological reviews. The intent of such review is not to put habitat before human safety. Rather, it is intended to ensure that the removal of habitat for fire protection be avoided where feasible. In instances where the removal of habitat is essential for public health and safety, it should be accompanied by measures to minimize and mitigate the impacts of such activities on ESHA.

4.7: Revise Biological Report Requirements

- In addition to the information that is currently required to be included in biology reports pursuant to CZLUO Section 23.07.170, the reports should identify ~~project alternatives~~ the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. Biological Reports should identify where revisions to the project are available to avoid and minimize impacts on ESHA, which should be considered by the County in the evaluation of project alternatives.

- ~~Require Biological Reports to~~ County analysis of development in or adjacent to ESHA should include an assessment of the impacts posed by fire safety requirements, such as vegetation clearance and roadway improvements. Where ~~such~~ fire safety measures required to accommodate new development may impact ESHA beyond what was anticipated by the project's Biological Report, a supplemental report may be required. In any instances where fire clearance requirements would impact ESHA, project alternatives that avoid these impacts should be identified and pursued. Where impacts to ESHA associated with fire safety precautions can not be avoided, these impacts should be minimized and mitigated in accordance with Recommendations 4.11 – 4.16.

4.9: Thoroughly Review and Aggressively Pursue Project Alternatives that Avoid Impacts to ESHA

- The full range of project alternatives that would avoid impacts to ESHA, from alternative sites to different designs (including reductions in project sizes) should be pursued and required. This should include a critical analysis of the ~~alternatives suggested~~ habitat constraints identified in the biological report and the options available to respond to these constraints (see ~~Preliminary~~ Recommendation 4.7).

- In accordance with Policy 1 for ESHA, the requirements of CZLUO Section 23.07.170 should apply to development that is further than 100 feet from the ESHA where such development poses adverse impacts to the habitat.

Comprehensive Site Assessments

In response to the County's objection to the second bullet of 4.8, implementation of this recommendation is essential to ensure that all alternatives available to avoid non-resource dependent development is ESHA. The following changes separate this component of the recommendation from the 1st and 3rd bullets, which the County has

indicated agreement with, and clarifies that the intent of the recommendation is to avoid adverse impacts to ESHA:

4.8a: Expand Application of Rural Area SRA Standards regarding "Site Planning – Development Plan Projects" Contained in Area Plans

- As proposed in both the North Coast and Estero Area Plan Updates, require *all* development (not just those located in rural areas that trigger Development Plan review) to concentrate proposed uses in the least sensitive portions of properties and retain native vegetation as much as possible. Apply this standard throughout the coastal zone.

- ~~Require all applications for development within an SRA or its setback include an overall development plan for all properties that are geographically contiguous and in common ownership at the time of the application.~~

- Provide flexibility in non-habitat related setback requirements where necessary to avoid and minimize ESHA impacts.

4.8b: Evaluate all Available Alternative Locations that Avoid and Minimize Impacts to ESHA

Require all applications for development within an ~~SRA~~ ESHA or its setback to include an overall development plan for all properties that are geographically contiguous and in common ownership[43] at the time of the application.

4. Conclusion

ESHA Recommendations 4.6 - 4.9 are intended to ensure that all options available to maximize the protection of ESHA are duly considered through the County's implementation of the LCP. A thorough analysis of such alternatives is essential to carry out Coastal Act ESHA protection objectives (e.g., Sections 30230, 30231, 30240).

E. Analyzing the Takings Issue

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pages 130 – 131)

To achieve the appropriate balance between development and habitat protection where avoidance is not possible, the Preliminary Report recommends an analysis of 1) investment-backed expectations and 2) the economic effect of habitat-protective use restrictions, and restricting development accordingly. The development of LCP Habitat Conservation Plans in specific areas with particular habitat needs is identified by the Preliminary Report as a potentially viable alternative to case specific takings reviews.

[43] Parcels that are owned in fee as well as parcels subject to existing purchase options, even if separated by roads, streets, utility easements or railroad rights of way.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response indicates disagreement with the detailed economic analysis required under Preliminary Recommendations 4.10 and 4.11, and suggests requiring a more detailed alternatives analysis that evaluates, among other things, a reduced footprint as alternative. County staff has indicated a preference for providing a wider range of procedures to balance the protection of ESHA with the constitutional rights of property owners rather than adopting the specific approach taken by the Commission.

While the County response supports the incorporation of Habitat Conservation Plans into the LCP as a means to avoid case specific takings reviews, they have indicated concern regarding the high costs associated with bringing such plans to fruition.

Public Comments (Exhibit D)
Various commenters expressed concern regarding the takings analysis proposed by the Preliminary Report based on the nature of the information that would be required to be provided, additional regulatory complexities, and perceived conflicts with the rights of private property owners.

3. Analysis

As implied by the County response, thorough consideration of alternatives is a crucial step in resolving takings issues. However, when alternative analyses do not yield a viable option for development that avoids ESHA, an established procedure is needed to implement ESHA protection requirements, in a way that does not infringe upon private property rights, on a reasoned and consistent basis.

The methodology used by the Commission to such situations has evolved over many years of experience and legal review. It provides a model that local jurisdictions can employ to customize their approach to resolving these complex issues. In no way should the recommendation to establish policies and procedures to resolve takings issues be construed as an attempt to violate property rights; it is intended to ensure that the LCP is implemented consistent with the Coastal Act's protection of both ESHA <u>and</u> property rights. Established procedures will enable fair and consistent treatment as well as informed decisions, and may help to resolve controversial issues in a more efficient manner.

In recognition that the procedures used by the Commission may not be the only way to effectively resolve takings issues, Preliminary Recommendations 4.10 and 4.11 have been revised to be more advisory in nature. Instead of requesting the County to implement the same exact approach, they encourage the County to develop their own tailored procedures.

While various methods of resolving this issue may be available, they all must lead to the same result to effectively implement the ESHA protection policies of the LCP and of the

Coastal Act; ESHA must be protected to the maximum extent feasible consistent with the constitutional rights of private property owners. Thus, the recommended findings for approval contained in Preliminary Recommendation 4.10 have been carried over into the final report without change.

The same approach can be used to resolve situations where the stringent implementation of other coastal resource protection provisions (e.g., viewshed preservation) would preclude a reasonable economic use of land because alternatives that would comply with resource protection standards are not feasible. Preliminary Recommendation 4.10 and 4.11 have therefore been expanded to address the wider range of circumstances where an established methodology of balancing coastal resource protection with the constitutional rights of private property owners is anticipated to be needed.

In sum, the revisions to Recommendations 4.10 – 4.11 are as follows:

4.10: ~~Evaluate Economic Backed Expectations before Concluding that Avoidance is not Possible due to "Takings" Concerns~~ Incorporate New Standards and Review Procedures to Implement ESHA and Viewshed Protection Consistent with Coastal Act Section 30010.

To effectively resolve takings concerns where it is not feasible to avoid impacts to ESHA or development in scenic coastal areas (see Recommendations 8.1 and 8.6), incorporate additional standards and review procedures within the LCP that will protect coastal resources to the maximum extent possible consistent with Coastal Act Section 30010. For example, the County should consider developing of a process for evaluating the following when a non resource dependent use is proposed in or adjacent to ESHA, or when structural development is proposed in significant coastal viewsheds, and no alternatives to avoid such development is available:

a) whether limiting uses within ESHA to those that are resource dependent consistent with Coastal Plan Policy 1 for ESHA would deprive the landowner of all economically beneficial use of the property; and,

b) whether there is a reasonable investment-backed expectation of approval of such a non-resource dependent use.

~~Where a non-resource dependent use is proposed in or adjacent to ESHA, and no alternative to avoid ESHA impacts is available, require applicant to provide the following information for all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application:~~ Some of the information that should be evaluated as part of such an analysis includes:

1. Date the applicant purchased or otherwise acquired the property, and from whom.

2. The purchase price paid by the applicant for the property.

3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.

4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in 4 above, that applied to the property at the time the applicant acquired it, or which may have been imposed after acquisition.

6. Any changes to the size or use of the property since the time the applicant purchased it, including a discussion of the nature of the changes, the circumstances and the relevant dates.

7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.

8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.

9. Any offers to buy all or a portion of the property which the applicant solicited or received since the time of purchase, including the approximate date of the offer and the offered price.

10. The applicant's cost associated with ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt services costs (such as mortgage and interest costs), and operation and management costs.

11. Apart from any rent received from leasing all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

- In order to approve a non-resource dependent development within ESHA or its setbacks, or any development that conflicts with the scenic resource protection provisions proposed in Recommendations 8.1 and 8.6, the following findings should be made and accompanied by supporting evidence:

1. Based on the economic information provided by the applicant, as well as other relevant evidence, a resource dependent use would not provide an economically viable use of the applicant's property.

2. Restricting development on the applicant's property to a resource dependent use would interfere with the applicant's reasonable investment-backed expectations.

3. The amount of development represents the minimum necessary to provide the applicant with an economically viable use of his or her property.

- Provide exceptions to the above requirements for development on lots where ESHA issues are addressed by a comprehensive habitat conservation program

that has been incorporated into the LCP (see ~~Preliminary~~ Recommendation ~~2c~~ 4.6, above).

4.11: Minimize the Intensity of Non-Resource Dependent Development to the Maximum Degree Feasible

- ~~Where an analysis of the information required under Preliminary Recommendation 4.10 yields a conclusion~~ In instances where the County concludes that, in order to avoid a taking of private property, a non-resource dependent use must be accommodated in ESHA, or that development must be accommodated within a scenic coastal area contrary to Recommendations 8.1 and 8.6, the County should require that such development be limited to the minimum required to avoid a taking. ~~In most cases, this will be one modestly sized residential dwelling per existing lot, even if the maximum intensity of development otherwise allowed by the underlying land use designation is greater.~~

- Prohibit access roads that disturb ESHA or encroach within scenic coastal areas unless the road is necessary to provide an economically viable use of the overall development plan area.

  In light of the costs associated with developing and administering Habitat Conservation Plans as part of the LCP (another way to resolve takings concerns), Chapter 12 of this report recommends the commitment of additional funding, as well as the pursuit of grants and interagency collaboration towards developing these plans.

4. Conclusion

Development and implementation of standards that can be used to effectively balance the ESHA protection with private property rights, as proposed by Recommendations 4.10 and 4.11, is needed ensure that the LCP is carried out consistent with Coastal Act Section 30240 and 30010.

F. Minimizing Unavoidable Impacts

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pages 125 – 137)

Where impacts to ESHA can not be avoided, the Report observed the need to restrict the amount of disturbance and effectively mitigate project impacts through more specific mitigation and monitoring requirements. The Preliminary Report recommended that the methods for minimizing and mitigating unavoidable impacts be developed and reviewed in coordination with other habitat protection agencies and organizations.

2. Comments Received

San Luis Obispo County Response (Exhibit C)

The County response suggests deleting Preliminary Recommendation 4.12, calling for new standards that establish maximum disturbance area limitations in ESHA. Instead, the County favors addressing disturbance limitations through a more detailed alternatives review procedure, and perhaps through the use of "Ag Rules of Procedure".

With respect to interagency coordination (Preliminary Recommendation 4.14), the County response contends that this is already taking place pursuant to the California Environmental Quality Act. The County response also notes that such reviews must be completed in a timely manner to avoid conflicts with the Permit Streamlining Act Regarding Preliminary Recommendation 4.15, the County response identifies that the specific mitigation requirements must be proportional to the impact of the development.

Summary of Public Comments (Exhibit D)

In response to Preliminary Recommendation 4.13, the Hearst Corporation objects to the requirement that a conservation easement or deed restriction be placed over all remaining ESHA when non-resource dependent development must be accommodated within ESHA or its setbacks to avoid a taking. This opposition is based on their opinion that such a requirement would force an exaction of private property without showing the required nexus between the dedication and the proposed development.

3. Analysis

The use of alternatives analyses to minimize impacts of development on ESHA is certainly an important tool recognized by this report. Such analyses do not, however, obviate the need for specific performance standards; without such standards decision makers lack a basis for determining which project alternative is most consistent with habitat protection requirements.

The establishment of maximum disturbance limitations is an extremely useful way in which unavoidable impacts to ESHA can be minimized in a fair and consistent manner; they provide objective standards that inform applicants and decision makers of the minimum requirements.

Perhaps part of the County's disagreement with Preliminary Recommendation 4.12 is the example provided. Although just an example, it may have caused concern that the Commission's expectations were too high in terms of what a reasonable disturbance limitation would be. In fact, as recognized by the Preliminary Report, such standards should be customized to the particular circumstances of the area. Nevertheless, to eliminate any such concern, the example has been deleted from the recommendation as follows:

> **4.12: Establish Maximum Disturbance Limitations**
>
> Incorporate new standards into the Area Plans that establish maximum disturbance envelopes for unavoidable non-resource dependent development in ESHA. ~~For example, in rural areas, a maximum disturbance envelope of 0.25 acres or ¼ the lot area, whichever is less, should be considered.~~ Such standards should be customized to the

> particular circumstances of the area, considering factors such as the size and configuration of lots, biological sensitivity and resource management principles, agricultural viability, and other coastal resources constraints (e.g., visual).

The potential application of the "Ag Rules on Procedures" to establish acceptable areas of disturbance, as suggested by the County's comments, will be evaluated through further coordination between County and Commission staffs.

Regarding the Hearst Corporation's opposition to Preliminary Recommendation 4.13, it is important that this Recommendation be read in conjunction with Recommendation 4.10 and 4.11. Pursuant to those recommendations, the approval of new development within an ESHA must be accompanied by an analysis that accommodates the constitutional rights of property owners in accordance with Coastal Act Section 30010, while at the same time maximizing the protection of ESHA consistent with Coastal Act Section 30240. Once an economic use has been accommodated in accordance with the constitution, the permanent protection of the remaining ESHA is warranted under Coastal Act Section 30240. Thus, no changes to Preliminary recommendation 4.13 have been included in this final report.

With respect to the County response suggesting that Preliminary Recommendation 4.14 be modified to recognize that interagency coordination is occurring through the CEQA process, and that timely reviews are essential, the following clarification is offered:

4.14: Coordinate Review of Projects that Pose Impacts on Listed Species with DFG, USFWS, and NMFS

- Information that should be provided to justify the Findings required by Section 23.07.170b (i.e., that significant adverse impacts to the habitat will be avoided), when not otherwise provided through the CEQA process, includes: concurrence of the Department of Fish and Game and/or U.S Fish and Wildlife Service if species listed under state or federal Endangered Species Act are involved; and, concurrence from the National Marine Fisheries Service if marine habitats are involved. The timing of this review should be coordinated between the County and wildlife agencies to ensure compliance with the Permit Streamlining Act.

As suggested by the County, Preliminary Recommendation 4.15 has been revised to reflect that mitigation required of new development must be proportion to the impacts attributable to the development:

4.15: Specify Mitigation Requirements[44]

- Require on-site mitigation for development *adjacent* to ESHA. Where the impacts to ESHA posed by adjacent development have been avoided and minimized, but still pose adverse affects, mitigate by requiring implementation of an on-site habitat management, restoration, and enhancement program proportional to the potential impacts of the development.

[44] E.g, CZLUO Sections 23.07.170a(1) and 23.07.174d(2)(ii)

- Require on-site and off-site mitigation for development *within* ESHA. Where development directly in an ESHA can not be avoided, and has been minimized to the greatest degree feasible, protect all ESHA outside the development envelope by implementing an on-site habitat management, restoration, and enhancement program that will reduce the adverse impacts of the development to the greatest extent feasible. In addition, require off-site mitigation to offset the reductions in habitat quantity and quality attributable to the development. In most cases, this should be in the form of acquiring and permanently protecting the same type of habitat, in an area otherwise threatened by development. The size and habitat quality of the off-site mitigation area should be ~~of equal or greater~~ proportional to the biological productivity ~~as~~ of the area of impact. Incorporation of in-lieu fee programs into the LCP to implement such off-site mitigation is an option.

4. Conclusion

Providing more explicit standards for minimizing and mitigating unavoidable impacts on ESHA, as called for by Recommendations 4.12 through 4.16, will enable LCP implementation to better achieve the objectives of Coastal Act Section 30231, 30236, and 30240.

G. Streams and Riparian Habitats

Streambed Alteration

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pages 147 – 150)

The Preliminary Report identified various issues related to the County's implementation of LCP standards regulating the alteration of coastal streams. For example, the Preliminary Report identified that the types of locally approved projects involving stream alterations have not always been within the limitations established by Section 30236 of the Coastal Act and LCP ESHA Policy 23. To achieve conformance with the Coastal Act and the LCP's Coastal Plan Policies, the Preliminary Report recommended, among other things, updating Section 23.07.174 of the CZLUO (Preliminary Recommendation 4.17 and 4.18).

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response to the Preliminary Report indicates general agreement with respect to the Preliminary Recommendations related to stream alterations (Preliminary Recommendation 4.17 – 4.21).

Summary of Public Comments (Exhibit D)
Comments submitted by Clyde Warren of Rancho San Simeon raise issue with the discussion on page 148 of the Preliminary Report regarding the potential adverse impacts of stream alterations on habitat values. Mr. Warren asserts that there is no habitat values along eroded streambanks where streambank protection devices (e.g. rip rap) are needed. Mr. Warren also objects to the Preliminary Report's finding that the

alteration of natural processes of erosion and deposition associated with streambank protection can adversely affect habitat values. Rather, Mr. Warren believes that maintenance activities that minimize natural erosion and sedimentation can enhance habitat values and should be encouraged, among other means, by limiting the review of such activities to one agency – the Department of Fish and Game. Mr. Warren also emphasizes the importance of preventing obstructions from being established within creekbeds to protect stream habitats.

Comments submitted by the Hearst Corporation oppose Preliminary Recommendation 4.18. The Hearst Corporation contends that this recommendation, which requires *all* stream diversion structures (i.e., including agricultural stock ponds of 10 acre feet or less) to be designed and located to avoid impacts to in-stream habitats, may harm agricultural operations and intrude upon the jurisdiction of the Department of Agriculture.

3. Analysis

As noted in the comments submitted by Mr. Warren, streambank areas experiencing erosion may have limited habitat value. However, this is only a temporary situation; riparian vegetation and habitat values will be quickly reestablished in such areas once natural processes of erosion and deposition have reached equilibrium. The installation of rip rap or other man made structures in these areas can are detrimental to long term habitat values because they preclude and/or reduce the extent to which natural riparian vegetation can re-establish itself along the streambank. Moreover, as discussed in the Preliminary Report, the establishment of hard edges precludes the natural migration of dynamic stream channels, which in turn can limit the width and biological productivity of the riparian habitat within the vicinity of the revetment. Thus, it is appropriate to update the LCP, and the County's method of implementation, to limit stream alterations in accordance with Coastal Act Section 30236 and LCP ESHA Policy 23. Preliminary Recommendation 4.17, intended to achieve this objective, has been clarified and expanded as follows:

4.17: Pursue changes to Section 23.07.174b of the CZLUO to achieve conformance with Coastal Act Section 30236, as well as with ESHA Policy 23.

- ~~The introduction of~~ ~~t~~ This ordinance should specifically require that all permitted streambed alterations employ the best mitigation measures feasible, including but not limited to:

  1) avoiding the construction of hard bottoms
  2) using box culverts with closed beds rather than closed culverts
  3) providing for wildlife movement
  4) pursuing directional drilling for pipes and cables to avoid stream bed disturbance

  A reference to the updated section of the LCP addressing mitigation requirements, as proposed by ~~Preliminary~~ Recommendations ~~2l and 2m~~ 4.15 and 4.16, should also be provided.

- Part (1) should state that streambed alterations are limited to necessary water supply projects. The incorporation of specific criteria to define what constitutes a "necessary" water supply project should be considered. A preliminary suggestion is to define such projects as those essential to protecting and maintaining public drinking water supplies, or accommodating a principally permitted use where there are no feasible alternatives.

- Part (4), allowing streambed alterations for the maintenance of flood control channels, should be considered for deletion. Necessary maintenance activities can be accommodated under part (2) of this ordinance, which includes the Coastal Act criteria for such activities (part (4) does not include these important criteria).

Mr. Warren correctly notes that preventing obstructions within creek channels is an important way in which stream habitats can be protected. His experience in responding to the impacts created by the San Simeon Road culvert exemplifies the fact that stream alterations associated with roadway development can adversely affect riparian habitats and lead to ongoing maintenance problems. Modified Recommendation 4.27 (below) responds to this issue among other ways by requiring instream development to mimic natural habitat conditions wherever feasible. For example, bridges are recommended as an alternative to culverts in order to minimize disruption of natural drainage courses. Recommendation 4.21 also requires a full evaluation of alternative means of providing access to a development site on order to avoid obstruction of stream channels.

Mr. Warren is also correct in observing that streambank protection and stream management can benefit riparian habitats. To facilitate such environmentally beneficial projects, modified recommendation 4.27b (below) encourages coordination with volunteer, education, and assistance programs intended to protect and restore riparian habitats (including streambank protection). Certification of such programs through the coastal development permit and/or LCP amendment process could encourage beneficial projects by allowing those that are implemented pursuant to approved programs to proceed without individual coastal development permits.

In response to Mr. Warren's suggestion that the Department of Fish and Game should be the only agency that regulates development within coastal streams, the County and the Commission have the distinct responsibility of ensuring that development within coastal streams complies with all applicable LCP and Coastal Act requirements. Although this responsibility can not be delegated to the Department of Fish and Game, the interrelationship of these regulatory programs should be coordinated to complement and support each other. This is the focus of Preliminary Recommendation 4.20, which has been carried over into the final report without change.

As described above, the Hearst Corporation's opposition to Preliminary Recommendation 4.18 is based on a concern that requiring agricultural stock ponds to be designed and constructed to protect aquatic habitats will harm agricultural operations. First, it should be acknowledged that this recommendation does not apply retroactively to existing stock ponds; existing stock ponds that support agricultural operations will not be affected by this recommendation. Thus, no impact to existing agricultural operations is expected to result from implementation of this recommendation. Second, this recommendation is needed to ensure that the development of new agricultural stock

ponds that divert stream flow comply with Section 30231 of the Coastal Act. As detailed in the Preliminary Report, changed circumstances related to the listing of the Steelhead trout and other riparian species within the San Luis Obispo County coastal zone necessitate this and other updates to the LCP. Ensuring that stream diversions, including those related to agricultural development, conform to LCP and Coastal Act standards is the responsibility of the County and the Coastal Commission. The alleged but unspecified conflict between these requirements and the jurisdiction of the Department of Agriculture noted in comments submitted by the Hearst Corporation does not warrant revision to Preliminary Recommendation 4.18. Thus, it has been carried over into the final report without change.

4. Conclusion

Updates to LCP standards and County implementation procedures regarding the regulation of stream alterations, as proposed by Recommendation 4.17 – 4.21, are necessary to carry out Coastal Act Sections 30231, 30236, and 30240.

H. Riparian Setbacks

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pages 150 – 155)

Setting new development back from riparian habitats to protect their biological productivity is an important LCP requirement, the implementation of which was noted by the Preliminary Report as lacking consistency and effectiveness. Considering a 100 foot setback from the edge of riparian in urban areas as well as rural areas (current requirements are 100 feet in rural areas, 50 feet or less in urban areas) was one of many recommendation intended to respond to this problem.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response suggests requiring "maximum reasonable setbacks based on site constraints" rather than specifying 100 feet.

Public Comments (Exhibit D)
Various commenters observed that increased setback distances would raise significant problems for the infill and redevelopment of private property along urban creeks, such as along the coastal streams that run through the town of Cayucos.

The Preliminary Report's analysis of riparian setback issues also garnered significant comments from agriculturists who were concerned that such setbacks, combined with new permit requirements, would significantly impact their ability to maintain a viable operation. Similar concerns were raised regarding setbacks from wetlands (e.g., County response to Preliminary Recommendation 4.31). Large portions of existing agricultural

operations are within 100 feet of a coastal stream or wetland, and eliminating such areas form production could have drastic effects of the viability of such operations. Moreover, agriculturists expressed concern that limiting new or expanded production within setback areas would diminish their ability to survive the highly competitive market. Finally, they questioned whether agricultural activities within 100 feet of a creek had adverse impacts, particularly when implemented with care and in coordination with local, state and national education and volunteer programs.

3. Analysis

Achieving 100 foot setbacks from the edge of riparian vegetation in many urban areas will be difficult to achieve. As recommended by Preliminary Recommendation 4.23, such setbacks would only be required where it was feasible and would achieve better protection of coastal resources. The alternative suggested by the County, requiring maximum feasible setbacks based on site constraints, has been incorporated into Recommendation 4.23 as follows:

> **Recommendation 4.23**: Apply a Minimum Standard Setback of 100 feet in Urban Areas Where Feasible
> Consider applying a 100' standard setback, rather than 50' or less, in urban area where a 100' setback is feasible and would achieve better protection of stream resources. In all cases, development should be setback the maximum feasible distance from riparian vegetation, as determined through a site specific constraints analysis.
> As previously noted, the Preliminary Recommendations have also been revised to better respond to this issue as it relates to the town of Cayucos. Recommendation 4.6 encourages the use of watershed plans to perfect setback standards and prescribe specific mitigation measures that will both enhance the riparian environment and clarify development requirements.

With respect to the concerns expressed about the application of setback standards to agricultural activities, it should be noted that these standards do not apply retroactively to existing development, and is not intended to place new requirements on existing agricultural activities.

Preliminary Recommendation 4.27 has also been revised (below) to clarify that agricultural activities are not prohibited within ESHA setbacks, but are encouraged to incorporate provisions that will avoid disruption of sensitive habitats and protect coastal water quality. As detailed in Chapter 5, it is anticipated that most new agricultural activities will be exempt from permit requirements under the pending amendments to the grading ordinance. The use of existing education and assistance programs are recognized as the optimum way in which the LCP could integrate water quality, sensitive habitat, and agricultural resource protection. For example, coastal development permits could be issued for programs that effectively carry out LCP and Coastal Act standards, and the individual project implemented pursuant to these programs would be exempt from permit review.

4. Conclusion

The Preliminary Report documented that, since LCP certification, San Luis Obispo County has occasionally approved development within and adjacent to riparian habitat inconsistent with LCP ESHA protection standards. In addition, the Report's review of existing LCP policies, ordinances and standards identified the need to update riparian habitat provisions to better respond to new information and changed circumstances. The LCP implementation improvements proposed by Recommendation 4.22 – 4.25 will enable better protection riparian habitats, consistent with Coastal Act Sections 30231, 30236, and 30240.

I. Protection of Creek Flows and Instream Habitat

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pages 147 – 150)

Among the potential sources of adverse impacts to creek habitats, the Preliminary Report identifies water supply projects such as wells and stream diversions as ones that are not adequately addressed by the LCP. Preliminary Recommendation 4.26 therefore calls for new standards that would prohibit such projects where adverse impacts could not be avoided. Preliminary Recommendation 4.27 was proposed to ensure that LCP implementation effectively protects stream habitats that support the Steelhead trout.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response recommends deleting the portion of Preliminary Recommendation 4.26 encouraging water extracted from coastal streams to be treated after use and returned to the stream in similar quantity and quality. The County response suggests that the focus of Preliminary Recommendation 4.26 should be on evaluating impacts to fisheries, as opposed to prohibiting projects that may have an adverse impact. The County response also requests clarification to the 3rd bullet of this Preliminary Recommendation, which recommends that water diversions be limited to peak winter flows where necessary to protect stream resources.

With respect to Preliminary Recommendation 4.27, the County response suggests deleting the second bullet that calls for the development of standards for the breaching of beach berms that create coastal lagoons.

Requests by the County for clarification of how the recommended water quality protection standards should be implemented by the County, through the LCP, particularly with respect to agricultural development are also applicable to Preliminary Recommendation 4.27, intended to protect the instream habitat of Steelhead trout.

Summary of Public Comments (Exhibit D)
The advisory board to the Cambria Community Services District also noted concern with the portion of the fourth bullet in Preliminary Recommendation 4.26, which calls for stream flows to be supplemented with imported water where it is not feasible to otherwise recharge the stream with water used on-site.

Comments from the Hearst Corporation regarding Preliminary Recommendation 4.26 raises concern that the recommended standards for stream diversions and water wells may intrude upon the jurisdiction of the State Water Resources Control Board (SWRCB), and potentially harm users that are currently operating under existing SWRCB permits.

3. Analysis

In response to concerns expressed regarding the portion of Preliminary Recommendation 4.26 that calls for the supplementing in-stream flows with imported water, this was intended to be used as mitigation for development that could not return water taken from the stream in like quantity and quality. Commenters correctly observe that the preferred approach is to prohibit development that can not provide a safe and environmentally sustainable on-site water system. Thus, in response to the concern that the option of importing water would lead to development that exceeds local water supplies, this language has been deleted from Preliminary Recommendation 4.26. However, the important principal that water diverted from coastal streams should be returned to the watershed of origin in like quantity and quality is retained in Recommendation 4.26:

> **4.26: Incorporate Additional Standards for Stream Diversions and Water Wells**
>
> - Prohibit diversion or extraction of surface and subsurface streamflows where adverse impacts to steelhead or other important riparian resources would result.
> - Prohibit in-stream barriers to fish migration unless such structure comply with streambed alteration standards and provide effective fish ladders or by-pass systems.
> - Where water supply projects have the potential to impact fish habitat or other stream resources, limit diversions to peak winter flows that exceed ~~to~~ the amount needed to sustain the resources, and require off-stream storage where year-round water supplies are needed.
>
> To the degree feasible, water diverted from coastal streams should be treated after use and returned to the watershed of origin in like quality and quantity. Where this is not feasible, supplementation of stream flows with water imported from sources that do not impacts sensitive habitats should be pursued.

As noted by the County response, an appropriate place for the new standards proposed by Recommendation 4.26 may be Section 23.08.178. This and other options will be further evaluated as the specific amendment necessary to implement this recommendation is developed.

The County's suggestion that Preliminary Recommendation 4.26 focus on impacts to fisheries is already implied by the recommendation. By prohibiting stream diversion and

water well projects that adversely affect fish habitats, these standards would necessitate a full evaluation of the potential impacts. It is essential that the LCP not just require environmental evaluations, but include specific performance standards that identify minimum requirements which ensure LCP and Coastal Act compliance. In this case, a prohibition of development that would adversely impact rare and sensitive riparian habitats is needed to achieve such consistency. As a result, no change to Preliminary Recommendation 4.26 has been made in this regard.

In response to the County's request for clarification of the 3rd bullet of Preliminary Recommendation 4.26, this recommended is intended to ensure that water extractions and/or diversions do not reduce stream flows below the levels necessary to support fish and other riparian resources. Thus, the recommendation requires new development dependent upon such water to provide determination of the water flows necessary to sustain riparian resources, and to limit extractions and diversions to times when water flows exceed this amount (i.e., during the rainy season). In recognition of the fact that most development will require a year-round supply of water, the recommendation requires that seasonal limitations to water withdrawals be accompanied by off-stream storage facilities. Such storage facilities will obviate the need to withdraw water beyond the safe yield of the creek.

With final regard to Preliminary Recommendation 4.26, the County and the Coastal Commission's regulation of stream diversions and water wells to protect coastal resources is mandated by the Coastal Act (e.g., Sections 30231, 30236, and 30240). Thus, the Hearst Corporation's assertion that this recommendation should be deleted based on a perceived but unspecified contradiction with the SWRCB does not warrant any additional modifications to Preliminary Recommendation 4.26.

Contrary to the suggested deletion of the 2nd bullet of Preliminary Recommendation 4.27, the County response indicates agreement with Preliminary Recommendation 4.33, providing the details of what such standards should include. Because the development and implementation of such standards is critical to the protection of instream habitats, it has been maintained in modified Recommendation 4.27.

Finally, in complement to updates in the Water Quality and Agriculture Chapters, the changes to Preliminary Recommendation 4.27 shown below are intended to:

- Provide specific suggestions on how the LCP could be improved to better protect aquatic habitats, including but not limited to those that support the Steelhead trout;
- Clarify that agricultural cultivation and production activities within habitat setback areas are not all prohibited, but are encouraged to incorporate design and management measures that avoid adverse impacts; and
- Suggest implementation of agricultural management measures in conjunction with voluntary education and assistance programs.

4.27: Incorporate Additional Standards for Development In and Adjacent to Streams and other Aquatic Habitats ~~that Provide Habitat for Steelhead Trout~~

All permitted development in or adjacent to streams wetlands, and other aquatic habitats ~~that support steelhead~~ should be designed and conditioned to prevent loss or disruption of the habitat (e.g., smothering of Steelhead spawning gravel and rearing habitats) ~~through, among other means, controlling erosion, avoiding alteration of natural drainage patterns, eliminating sources of pollution, and maintaining streamside vegetation and stream water temperatures.~~; protect water quality; and maintain and enhance biological productivity. To achieve this objective, CZLUO Section 23.07.174 should be updated in conjunction with updates to Coastal Watersheds Policies and the grading ordinance. These updates should incorporate standards that:

- necessitate flood control and other necessary instream work be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation (e.g., limit the number of access routes to and from the construction area, locate stockpile and staging areas away from drainage courses and sensitive vegetation);

- require that all allowable instream development be designed to mimic natural habitat conditions wherever feasible (e.g., consider bridges that minimize disruption of natural drainage courses as an alternative to culverts, incorporate natural materials such as root wads, gravel, and native vegetation); .

- prescribe methods to control drainage in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction (e.g., identify and evaluate location and capacity of silt fences/hay bails, drainage inlets, detention basins; encourage vegetated drainage features, such vegetated drainage swales created wetland detention areas to facilitate filtration and habitat enhancement.

- ~~Develop~~ establish standards for the breaching of beach berms that ~~create~~ support coastal lagoons (see ~~Preliminary~~ Recommendation ~~4d~~ 4.33)

4.27(b) Develop and Implement Water Quality and Habitat Protection Standards for New Agricultural Development and Habitat Enhancement Projects in Coordination with Voluntary Assistance and Education Programs.

Improve water quality and habitat protection standards applicable to habitat enhancement projects and new agricultural development within 100 feet of ESHA by updating CZLUO Section 23.07.174e(6) in accordance with the agriculture and water quality recommendations of this report. New water quality and habitat protection standards applicable to such development should be developed and implemented in coordination with voluntary assistance and education programs. To minimize the need for permit review and ensure that habitat restoration activities and agricultural development in and near ESHA complies with Coastal Act Sections 30230, 30231, 30236, and 30240, the new LCP Water Quality Component should encourage:

- The certification of volunteer, education, and assistance programs that ensure habitat enhancement projects and agricultural development within setback areas effectively protect sensitive habitats, water quality, and other coastal resources. Such certification could be accomplished through the issuance of a "master" coastal development permit for program implementation; incorporating a categorical exclusion into the LCP for the implementation of such programs; or through Coastal Commission concurrence with a Federal Consistency Determination submitted by the federal agency responsible for program funding and/or implementation.

- Coastal development permit exemptions for individual projects that are implemented pursuant to certified programs.

4. Conclusions

Recommendations 4.26 – 4.27 calling for updates to and expansion of LCP requirements for development in and along streams and other aquatic habitats are needed to ensure that its implementation will effectively protect environmentally sensitive habitat areas and coastal water quality consistent with Coastal Act Sections 30231, 30236 and 30240.

J. Other Recommendations and Miscellaneous Policy Clarifications

No objections were received regarding Preliminary Recommendation 4.28, calling for completion of the permit review for the Cayucos Abalone facility required by the original County approval, or with respect to the first bullet of Preliminary Recommendation 4.29, clarifying the reference contained in CZLUO Section 23.07.174e(7).

The County response does, however, suggest deleting the second bullet of Preliminary Recommendation 23.07.174e(2), requesting that the intent of CZLUO Section 23.07.174e(2) be clarified. This section currently prohibits the cutting or alteration of natural vegetation except "where no feasible alternative exists". Clarification was requested in recognition of the fact that only specific types of development could qualify for this exemption. Upon further review, it appears that the other sections of this ordinance provide adequate flexibility to accommodate essential development activities that may necessitate the alteration or removal of riparian vegetation. Thus, Preliminary Recommendation 4.29 has been revised as follows:

4.29: Miscellaneous Policy Clarifications

- Identify the correct reference for CZLUO Section 23.07.174e(7)
- ~~Clarify the intent of~~ Delete CZLUO Section 23.07.174e(2)

K. Wetlands

Among the various components of the Preliminary Report analyzing the County's implementation of wetland protection standards and recommending improvements, two issues raised significant comments and concerns: the use of variances; and assessing the biological value of manmade wetlands. In addition, additional review of the findings and recommendations regarding wetland delineation, lagoon breaching, and wetland monitoring and restoration activities identified the need to revise Preliminary Recommendations 4.30, 4.33, and 4.34.

Manmade Wetlands

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pages 164 – 165)

The Preliminary Report observed that it may be appropriate for the LCP to differentiate between different types of wetlands based on their habitat values, and establish protection standards accordingly. Currently. the LCP provides a single set of standards for all wetlands, without respect to their biological significance. Greater flexibility in applying wetland setback and protection standards to man-made wetlands that do not provide significant habitat value could allow a wider range of project alternatives to be considered when competing resource issues may be at stake.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response recommends that Preliminary Recommendation 4.31 be modified, but does not identify the way in which it should be changed.

Summary of Public Comments (Exhibit D)
The San Luis Obispo County Farm Bureau and the Hearst Corporation have interpreted Preliminary Recommendation 4.31 as giving the County and the Coastal Commission new regulatory authority over manmade wetlands. The Farm Bureau comments that this creates a disincentive for agriculturists to create and enhance habitat values. The Hearst Corporation states that this could have an adverse effect on cattle operations that are dependent upon stock ponds for ranching, and does not recognize existing conditions that have evolved from long term on-going agricultural practices.

3. Analysis

The LCP currently provides a single set of standards for the protection of wetlands, which apply regardless of how and for what purpose the wetland became established. As documented on pages 161 – 165 of the Preliminary Report, these standards have been applied by the County to natural wetlands as well as wetlands that were originally created to serve an agricultural purpose (e.g., stock ponds).

Implementation of Preliminary Recommendation 4.31 would not provide new regulatory oversight regarding man-made wetlands. Rather, it would provide an opportunity to perfect the way in which current LCP wetland protection provisions are administered. In particular, it is intended to provide greater flexibility in applying setback requirements to man made wetlands, when exceptions to such standards would not impact significant biological resources and would achieve other coastal resource protection objectives (e.g., viewshed protection).

4. Conclusion

Preliminary Recommendation 4.31, which has been carried over into the final report without change, encourages the County to update LCP wetland standards to ensure that their implementation with respect to manmade wetlands that do not support significant biological resources does not result in impacts to other coastal resources, particularly scenic resources.

L. Use of Variances

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, page 165)

Partly in response to the County's approval of a variance that permitted residential development to take place within a wetland area, Preliminary Recommendation 4.32 proposed to prohibit the approval of exceptions to wetlands and other ESHA setbacks where impacts to these areas could be avoided.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response suggests modifying the title of Preliminary Recommendation 4.32 ("Prohibit Variances to Wetland and Other ESHA Protection Standards") to include the statement "where it could be avoided". The County response also identifies an alternative approach for addressing this issue: requiring that the approval of the variance be accompanied by a finding that there are no available alternatives to avoid development from encroaching into ESHA or its setback.

3. Analysis

As discussed in Chapter 12 of this report, the County is concerned that the proposed restrictions on the use of variances will result in conflicts with property rights protected under the constitution. As explained in that Chapter's analysis of this concern, the intent is not to preclude the County from granting variances where necessary to prevent a taking, but to avoid their misuse. The proposed limits on variances must be read in conjunction with Preliminary Recommendations 4.10 and 4.11, which provide specific suggestions for balancing the rights of private property owners with the need to protect ESHA.

Taken together, these recommendations call for a more detailed analysis of the particular facts necessary to balance the application of Coastal Act and LCP ESHA protection requirements with private property rights. To clarify this intent, Preliminary Recommendation 12.15 has been revised to state that where approval of a variance may

impact ESHA, it should be accompanied by information and analyses needed to establish that the variance is warranted under Coastal Act Section 30010.

As suggested by the County response, another appropriate requirement for the approval of a variance that would impact wetlands or other ESHA is that no alternative is available to avoid such impacts.

Preliminary Recommendation 4.32 has been revised to address these concerns and suggestions as follows:

> **4.32: Prohibit Variances to Wetland and Other ESHA Protection Standards Where Variances Can be Avoided**
>
> Consider changes to the variance provisions that would prohibit ~~the approval of~~ exceptions to wetlands and other ESHA setback and protection standards where those impacts could otherwise be avoided, unless the variance is needed to achieve consistency with Coastal Act Section 30010.

4. Conclusion

Recommendations 4.30 - 4.36 will enhance LCP implementation to better protect wetlands and other sensitive habitats consistent with the requirements of Coastal Act Sections 30231and 30240. Revisions to Preliminary Recommendation 4.32 ensure that these improvements will be carried out consistent with Coastal Act Section 30010.

M. Wetland Delineation

Other than the discussion of manmade wetlands presented above, none of the comments specifically discussed the discussion of wetland delineation contained on pages 162 and 163 of the Preliminary Report (Exhibit A), or the provisions of Preliminary Recommendation 4.30 regarding this issue. Nevertheless, subsequent review of this recommendation has resulted in the following revisions, intended to ensure that LCP implementation conforms to Coastal Act Sections 30231 and 30240:

> **Recommendation 4.30: Incorporate Standards for Wetland Delineations**
>
> In addition to pursuing an alternative to the LCP's current map based system for protecting wetlands and other environmentally sensitive habitats ~~(see section C1 of this Chapter)~~, new standards that facilitate a complete and accurate delineation of all wetlands during the local review process should be incorporated into the LCP. The provisions of Section 13577(b)(1) of the California Code of Regulations, Title 14, should be used as guidance in formulating these delineation standards. A potential location for these standards would be within the updated biological report requirements (see ~~Preliminary~~ Recommendation ~~1c~~ 4.7).

N. Lagoon Breaching

While no substantive comments were received in relation to the Preliminary Reports analysis of lagoon breaching issues (Exhibit A, pages 166 – 168), subsequent review of Preliminary Recommendation 4.33 identified the need to clarify that, in some instances,

lagoon breaching can be used to maintain ecological functioning. Thus, Recommendation 4.33 has been revised to better carry out Coastal Act Sections 30231 and 30240 as follows:

4.33: Develop Standards for the Breaching of Coastal Lagoons

Require a CDP for lagoon breaching activities, and limit such development to situations where it represents the least environmentally damaging feasible alternative for relieving a flood hazard, public health hazard, or water pollution problem. Lagoon breaching should also be allowed and encouraged where man made alterations have interrupted the natural breaching cycle. The decision to breach should be based on a comprehensive assessment of environmental conditions and alternatives available to address the hazard or resource concern.

The LCP should incorporate standards to ensure that where allowed, lagoon breaching mimics natural breaching to the extent feasible, and is carried out in a manner that is the most protective of wetland resources and other environmental resources particular to each site. Such standards should include:

Coordination with all applicable regulatory agencies, including the California Coastal Commission, California Department of Fish and Game, the US Army Corps of Engineers, the Monterey Bay National Marine Sanctuary, and the Regional Water Quality Control Board.

Development of a breaching plan based on a scientific assessment of the lagoon environment that addresses the need for breaching and available alternatives; impacts on endangered species and habitats; public health and safety; and public access and recreation.

Requiring the breaching activity to be conducted in a controlled manner that reduces lagoon water levels the minimum necessary to abate the hazard.

Breaching plans and permits should also include short term and long term monitoring provisions that evaluate the health of the lagoon and the impacts of breaching.

O. Wetland Monitoring and Restoration

Similarly, although no substantive comments were received regarding the Preliminary Findings regarding wetland monitoring and restoration (Exhibit A, pages 166 – 167), the following changes to Preliminary Recommendation 4.34 have been developed to better carry out Coastal Act Sections 30231 and 30240:

4.34: Provide Standards for Wetland Monitoring and Restoration Activities

Incorporate specific requirements (e.g., within Sections 23.07.172 and 23.05.034 of the CZLUO) for the monitoring and restoration of wetland resources to enhance effectiveness and ensure that such activities are carried out in a manner that will not harm wetland resources.

For example, the LCP should be updated to require clear performance criteria that relate logically to restoration goals. Where there is sufficient information to provide a strong scientific rationale, the performance criteria shall be absolute (e.g., specified abundance

of particular species). Where absolute performance criteria cannot reasonably be formulated, relative performance criteria should be specified. Relative criteria are those that require a comparison of the restoration site with reference sites. The rationale for the selection of reference sites, the comparison procedure, and the basis for judging differences to be significant should also be specified. If any comparison requires a statistical test, the test should be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted. The design of the sampling program should relate logically to the performance criteria and chosen methods of comparison. The sampling program should be described in sufficient detail to enable an independent scientist to duplicate it. Frequency of monitoring and sampling shall be specified for each variable to be monitored. Sample sizes shall be specified and their rationale explained.

The use of independent consultants to evaluate the success of restoration projects and report their findings to the County should also be considered.

P. Terrestrial Habitats

1. Summary of Preliminary Periodic Review Findings (Exhibit A, pages 169 – 185)

The preliminary Report addressed the County implementation of LCP terrestrial habitat protection standards, particularly with respect to the Monterey Pine Forest, Coastal Dunes, Coastal Scrub, and Maritime Chaparral Habitats.

With respect to the protection of pine forest habitat, the report noted opportunities to better avoid tree removal and better mitigate impacts associated with unavoidable tree removal, particularly through the development of a comprehensive Forest Habitat Management and Protection Program. The Preliminary Report also provided recommendations to better respond to the threats of pine pitch canker, and to preserve important forest habitats through updates to the TDC program, new methods of lot retirement, and reductions in buildout potential.

With regard to dunes, coastal scrub, and maritime chaparral habitats, the Preliminary Report included various recommendation intended to enhance protection of such habitats within Los Osos, Oceano, and South County. Specific recommendations were also provided for western plover and least tern habitat, as well as for beaches used by the Northern Elephant Seal.

2. Comments Received

San Luis Obispo County Response (Exhibit C)
The County response indicates agreement with all of the Preliminary Recommendations intended to protect the Monterey Pine Forest, but notes that additional information is needed regarding Preliminary Recommendations 4.41 and 4.43.

With respect to the Preliminary Recommendations regarding other terrestrial habitat, the County response indicates disagreement with Preliminary Recommendation 4.44;

requests more information regarding Preliminary Recommendations 4.50, 4.51, 4.52; and suggests modifications to 4.55.

Summary of Public Comments (Exhibit D)
The California Native Plant Society suggests expanding Preliminary Recommendation 4.40 to anticipate the arrival of Sudden Oak Death, another type of disease that has decimated various species of oak trees elsewhere in the state.
More generally, public testimony received at the Commission's February 2001 hearing on the Preliminary Report advocated for a more in-depth review of opportunities to maximize the protection of South County habitat areas.

3. Analysis

Monterey Pine Forest

To better link Preliminary Recommendation 4.37 with the Forest Management Plant currently being developed by the Cambria Forest Committee/Community Services District, it has been modified as follows:

> **4.37: Develop a Comprehensive Forest Habitat Management and Protection Program**
>
> As part of the North Coast Update, consider the development and incorporation of a comprehensive forest habitat management and protection program that will better incorporating the Cambria Monterey Pine Forest Management Plan currently being developed by the Cambria Forest Committee to guide and regulate buildout and forest management so that the long-term conservation of the Cambria pine forest ecosystem can be ensured and enhanced. Elements of this program should In coordination with this effort, the North Coast Area Plan should be updated to include standards regarding the location and extent of off-site and on-site mitigation (e.g., tree replacement, contributions towards the acquisition of significant forest habitats); identification of additional TDC sending sites and appropriate receiver sites; and, provisions for the on-going management and preservation of protected forest areas.

As suggested by CNPS, Preliminary Recommendation 4.40 has been expanded to identify Sudden Oak Death as a significant threat to terrestrial habitats, which necessitates the incorporation of new programs and standards in the LCP:

> **4.40: Incorporate Programs and Standards Necessary to Respond to the Threats Posed by Pitch Canker and Sudden Oak Death**
>
> Prohibit the removal of pine trees that clearly display a resistance to pitch canker (e.g., a healthy tree surrounded by diseased trees).
> Establish standard protocols for handling dead and diseased wood. These should include standard conditions that require: cleaning of cutting and pruning tools with a disinfectant prior to use on each individual tree; covering of all wood material being transported offsite to avoid dispersal of contaminated bark beetles; identification of the location to which the material will transported (prohibit transfer to areas free of the disease). These conditions should also specify that in situations where wood material cannot be properly disposed of directly after cutting, it shall be cut into small logs and stored on-site under a clear plastic tarp until necessary preparations have been made for

their removal. Other tree parts (i.e., branches, small limbs) should be chipped and left as a thin layer on-site.
Designate location for green waste management and recycling facility.
Coordinate with CDF and the US Forest Service regarding methods for preserving genetic resources (e.g., seeds and saplings). Potentially combine with green waste facility recommended above.
Develop and require Forest Management Plan(s), backed by Forest Management District(s), to provide for long term management of the forest.

Preliminary Recommendation 4.41 suggests that the County update the LCP's TDC program for Cambria to improve its effectiveness at forest protection and provide greater incentive for participation. While in general agreement with this recommendation, the County response suggests that the Cambria Design Plan currently under development address the feasibility of two components of Preliminary Recommendation 4.41: the recommended reduction in size limitations for development in the forest; and, the proposal to formulate a specific system for allocating density bonuses. In addition, the County response suggests that the development of the Cambria Forest Management Plan being developed by the Cambria Community Services District could be used to satisfy the third component of Preliminary recommendation 4.41: the identification of new special project areas best suited as TDC sender sites. These recommendations have been incorporated into modified recommendation 4.41 as follows:

4.41: Provide Greater Incentives for Participation in the Cambria TDC Program and other Updates to the Program

Reduce maximum size of development in urban areas to provide greater incentive to participate in TDC program and reduce the impact that density bonuses may be having on the forest. Eliminate footprint and GSA bonus available for Lodge Hill. To the degree feasible, implement this recommendation as a component of the Cambria Design Plan currently being developed.
As part of the Cambria Design Plan or North Coast Update, Fformulate a more specific structure for allocating density bonuses to ensure that such bonuses provide an adequate contribution towards the protection of forest habitats otherwise threatened by development.
Identify new "Special Project Areas" (i.e., sender sites) that contain the most biologically significant areas of pine forest habitat in conjunction with the CCSD's Cambria Forest Management Plan and other forest protection efforts.

Preliminary Recommendation 4.42, proposes the creation of an Open Space District as one method retire development potential from lots containing important pine forest habitat. The County response indicates that the feasibility of such a district should be evaluated in coordination with the CCSD (see also, Development Chapter discussion). Modified recommendation 4.42 addresses this comment as follows:

4.42: Develop Additional Methods for Lot Retirement

Recognizing that new development within the forest has both direct and cumulative impacts on forest resources, and that the Monterey Pine Forest is increasingly threatened, a mitigation fee could be required for all new development within forested areas and applied to the acquisition and protection of the most sensitive forest areas.
• Creating an Open Space District could raise funds for the additional acquisitions. Efforts to establish an Open Space District should be coordinated with the Cambria Community Services District.

Preliminary Recommendation 4.43 suggests reducing buildout potential within forest habitats among other means by considering lot consolidation requirements when reviewing lot line adjustments and prohibiting adjustments that would increase development potential. The County's conceptual agreement with this recommendation is conditioned on an evaluation of the feasibility of implementing this recommendation. Preliminary Recommendation 4.43 has been clarified as follows:

4.43: Reduce Buildout Potential

Prohibit subdivisions that create new building sites in or within 100 feet of pine forest habitat.
Establish very large minimum lot sizes within rural areas comprised of pine forest habitat (e.g., 160 acres).
Expand clustering standards and revise Cluster Division Ordinance to achieve much more consolidated development envelopes. This should include, but not be limited to: applying Monterey Pine Forest SRA Standard 4 to all development (not just subdivisions and large scale projects); and, reducing the maximum clustered parcel size of 10 acres in the Rural Lands Category.

- ~~Consider lot consolidation requirements when reviewing lot line adjustments, and~~ ~~p~~Prohibit any lot line adjustments that would result in greater development intensity within forest habitat as compared to the development that would be possible under the existing configuration.

Los Osos Habitats

Preliminary Recommendations 4.44 – 4.46 were intended to establish a process for resolving the challenges of protecting ESHA in the South Bay Urban Area, and to coordinate this effort with the on-going development of an area wide HCP. An important first step in the process, reflected by Preliminary Recommendation 4.44, is to identify the ecologically significant units of sensitive habitats within the urban area (i.e., those habitat areas that may play a significant long-term role in the protection of rare biological resources). This information would be used to delineate habitat areas that would be afforded greater protection by the comprehensive habitat management plan, as compared to the fragmented and degraded habitat scattered elsewhere in the planning area.

In response to Preliminary Recommendation 4.44, the County response indicates disagreement, stating that the cost of undertaking this research would be better applied towards the establishment of a "bank" or district. It is assumed that the purpose of the bank or district encouraged by this comment would be to provide a centralized fund and administrative organization to implement the various functions of the habitat plan. While the need to establish such funds and administrative protocols are acknowledged as a critical component to the area wide habitat protection plan, their creation will not eliminate the need to evaluate, from a biological resource standpoint, the way in which the plan can most effectively protect ESHA. Such information will be essential to determine the plans conformance with Coastal Act requirements, and is currently being developed as part of the Los Osos HCP effort. Due to the importance of such biological

analyses, no change to Preliminary Recommendation 4.44 is proposed by this report. The need to establish the financing and administrative functions necessary to implement the area wide habitat plan, will be a key component of the off-site mitigation program and HCP coordination effort proposed by Recommendation 4.45 and 4.46.

South County Habitats

The County response to Preliminary Recommendation 4.50 indicates that the Coastal Commission, as opposed to the County, is in a better position to consider prohibiting off-road events in the Open Space area designated by the South County Area Plan, through its on-going condition compliance review of Coastal Development Permit 4-82-300. Notwithstanding that the Commission will play a lead role in addressing issues related to recreational vehicle use of the Oceano dunes, the County's LCP has significant influence on the Commission's deliberations. The certified LCP is advisory to the Commission in the areas that are in the Commission's permit jurisdiction, and is the standards of review for projects located in the Commission's appeal jurisdiction. In addition to the fact that the LCP can impact the Commission's review of 4-82-300, a new development project that is distinct from this permit will be subject to County review and application of LCP standards.

In recognition that the Commission's review of 4-82-300 will provide a framework for any LCP updates that relate to the Oceano Dunes Off-Highway Vehicle Recreation Area, and in light of current Habitat Conservation Planning efforts for this area, Preliminary Recommendation 4.50 has been revised as follows:

> Recommendation 4.50: Update LCP provisions related to new and on-going development activities within the Oceano Dunes State Off-Highway Vehicle Recreation Area in conjunction with Coastal Commission actions related to Coastal Development Permit 4-82-300 as well as with the Habitat Conservation Plan currently being developed. Consider prohibiting special off-road events in the Open Space area designated by the area plan intended to be maintained in its natural state and provide a buffer from the OHV area.

With regard to Preliminary Recommendation 4.51, the County response states that the recommended review and update of land use designations in South County habitat areas should be proceeded by an evaluation of site and community concerns. Similarly, the County response to Preliminary Recommendation 4.52 indicates the need to research the biological values and lot history of the Calendar-Garrett area in order to address the legal issues that would be raised by designating and protecting portions of this area as ESHA.

As previously noted, testimony received at the Commission's February 2001 hearing on the Preliminary Report requested that more attention be given to South County habitats. These comments appear to indicate that there is community support not only for the review proposed by Preliminary Recommendation 4.51 and 4.52, but for larger efforts to better protect the sensitive habitats such as the dune lakes.

In response to County and public comments, Preliminary Recommendations 4.51 and 4.52 have been updated as follows:

Recommendation 4.51: Re-evaluate exiting and proposed land use designations and development standards in South County dune habitats to ensure protection, and where feasible, enhancement of all ESHA (~~i.e~~.e.g., RS and Industrial designations over the undeveloped land of the Callendar-Garrett Village area south and west of Hwy 1; proposed redesignation of RL land use category to Recreation after termination of oil extraction activities). The evaluation of existing designations, as well as any updates intended to address habitat protection needs, should be coordinated with the community and other involved wildlife management entities.

Recommendation 4.52: Resolve lot history and any potentially illegal subdivisions in the Callendar-Garret area ~~if threatened by~~ that may facilitate non-resource dependent development~~, particularly~~ in areas known to support rare and endangered plant species. Designate and protect such areas as ESHA in coordination with an area wide program that implements ESHA protection consistent with Coastal Act Section 30010 (protecting constitutional private property rights).

Western Snowy Plover and Least Tern Habitat

The Morro Coast Audubon Society has pointed out that the Morro Bay Sandspit is one of the most important nesting areas for the threatened Western snowy plover. Accordingly, Preliminary Recommendation 4.53 has been revised as follows:

Recommendation 4.53: Work with the US Fish and Wildlife Service, the California Department of Fish and Game, the California Department of Parks and Recreation, the Point Reyes Bird Observatory and other interested parties to identify all shoreline areas that provide habitat, or potential habitat, for the Western snowy plover and Least tern. Designate and protect these areas as ESHA. Re-evaluate land use designations in and around these habitats, and craft standards for future development to ensure effective protection. Work with land owners/managers to make certain that current and future use of these habitat areas are designed and managed in accordance with habitat continuance and enhancement. Particular emphasis should be placed on the protection of important nesting areas, including but not limited to the Morro Bay Sandspit.

Elephant Seal Habitats

Preliminary Recommendations 4.54 – 4.56 are intended to protect beach habitats used by the Northern elephant seal. The County response suggests incorporating the proposed standards and programs to manage human observation and visitation of these habitats within the Coastal Plan Policies and Section 23.07.178d of the Coastal Zone Land Use Ordinance. This has been included in the final recommendations as follows:

Recommendation 4.55: Establish standards and programs to manage human visitation and observation of ~~such areas~~ beaches used by elephant seals, such as by updating the marine resource provisions of the Coastal Plan Policies and Section 23.07.178d of the Coastal Zone Land Use Ordinance.

4. Conclusions

Recommendations 4.37 – 4.56 will enable San Luis Obispo County, through its implementation of the LCP, to better protect environmentally sensitive terrestrial and marine habitats consistent with Coastal Act Sections 30210, 30230, 30231, and 30240.

Errata

The incomplete sentence found at the end of the second paragraph on page 121 is corrected as follows:

These standards should be reviewed by, and incorporate the recommendations of, other resource management agencies, including the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

5. AGRICULTURAL RESOURCES

Agriculture is a vital resource in San Luis Obispo County. Coastal Act Sections 30240 through 30242 recognize the importance of agricultural lands and require that the maximum amount of land be maintained in agricultural production. Land use planning can play a significant role in protecting agricultural lands, or in encouraging the conversion of lands to other, non-agricultural uses. The *Preliminary Report* focused on four aspects of land use planning: direct conversion of agricultural lands; effects from subdivisions, lot-line adjustments, and development on non-conforming lots; effects of non-agricultural uses on agricultural lands; and addressing impacts from agricultural development. The preliminary findings discussed LCP implementation and the protections of the long-term viability of agriculture.

Since publication of the *Preliminary Report*, Commission staff has met with County staff and the agricultural community to discuss the preliminary recommendations for agriculture. These comments and responses are discussed below.

A. Direct Conversion of Agricultural Lands

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 191-203)

The LCP policies generally require that the maximum amount of agricultural land be maintained. LCP policies establish limited criteria for when land can be converted to other uses, including, in part, when there are severe conflicts with urban uses which limit agricultural use and when agricultural use of the land is no longer feasible. The conversion must not adversely affect surrounding agricultural uses.

Since certification of the LCP, the County has proposed redesignation of approximately 1,430 acres of land from other uses to agricultural zoning; much of this land has not yet

been rezoned. In addition, since Commission certification of the LUP in 1983, the County submitted three amendments, proposing the redesignation of approximately 305 acres of agricultural lands to other uses. The Commission concurred with the redesignation of approximately 50 acres. As discussed in the *Preliminary Report*, Commission review of the County's proposals generally found an inadequate assessment of whether continued agricultural uses were feasible.

As a tool to assess the feasibility of agricultural use of land, Recommendation 5-1 proposed requiring viability reports for proposed rezoning of agricultural lands, and for non-agricultural uses on agriculturally-zoned lands. Recommendation 5-3 also provided an example of the information to be included in a viability report, based on more Commission experience with the issue.

2. Comments Raised

San Luis Obispo County Response (Exhibit C):
The County comments focus on when a viability report should be required and the scope of information necessary in such a report. Although the County generally supports requiring an agricultural viability report for proposed rezoning of agricultural lands, the County states that the criteria proposed is too extensive and suggests that not all the information proposed is relevant for all projects, and is too burdensome for many types of projects. The County suggests that Recommendation 5-3 be revised to reflect different requirements for projects involving the redesignation of agricultural lands to other zoning and for site specific projects (supplemental uses). In addition, the County opposes requiring a viability report for some supplemental uses. (Supplemental uses are discussed later in this section.). Finally, the County proposes some modifications to the definition of an agriculture viability report (PR 5-2).

Public Comments (Exhibit D):
Public comments echo the County concern that requirements for agricultural viability reports as proposed are too burdensome for agriculturists.

3. Analysis

The *Preliminary Report* identifies a need to evaluate the long-term viability of agricultural lands in several contexts: in proposed amendments to the LCP to rezone agriculturally designated lands, in assuring long-term viability for agriculture through lotline adjustments and subdivisions, and in allowing non-agricultural uses on agricultural lands only when those supplemental uses are necessary to help support agriculture. The Commission agrees that a different level of information and detail is appropriate to evaluate the long-term viability of agriculture for different situations. The Commission finds that the criteria detailed in Recommendation 5-2 is appropriate for LCP amendments proposing to rezone land to non-agricultural designations. For these proposals, the Commission believes that the criteria outlined in Recommendation 5-3 is

appropriate, although the Commission supports adding language "where relevant" for each issue topic.

Ordinance 23.04.024 of the LCP currently requires an agricultural viability report for land divisions on agriculturally zoned lands; the existing criteria for these viability reports differ significantly from that proposed under Recommendation 5-3. Through its action on Recommendations 5-1 through 5-3, the Commission does not change any of the current requirements under Ordinance 23.04.024 for land divisions. Additional recommendations to protect the long-term viability of agricultural lands through lot line adjustments are discussed in Section B of this Chapter. Proposed criteria to evaluate non-agricultural, supplemental uses on agricultural lands are discussed in Section C of this Chapter.

Therefore, the Commission modifies Recommendation 5-1 to clarify that viability reports, as detailed through Recommendations 5-2 and 5-3, should be required for proposals to rezone agriculturally designated lands, but are not necessarily needed for analyzing proposed non-agricultural uses on agricultural lands. The Commission modifies Recommendations 5-1 and 5-3, as follows:

Recommendation 5-1: Amend Agriculture Policy 1 by adding the following language: For any proposed rezoning of agricultural lands to another designation, ~~or for any other proposed development that would commit agricultural lands to other non-agricultural use~~, an agricultural viability report shall be prepared~~, as specified under Ordinance 23.04.024(a)~~.

Recommendation 5-3: Modify the CZLUO to expand and specify the contents of the Agriculture Viability Reports for proposed rezoning of agriculturally designated lands.

Expand and specify the contents of the Agriculture Viability Report. For example, CZLUO 23.04.024(a)(1), Existing land uses and (3) Site characteristics...including topography, soils, climate, water availability and adjacent land uses, could be expanded to include more specific information, where appropriate, such as:

1. *Soils*
   a. The identification of all soil types that are found in the area (As stated in the most recent Soil Survey published by the United States Department of Agriculture).
   b. Storie index and Capability Classification ratings of all identified soil types (As stated in the most recent Soil Survey published by the United States Department of Agriculture.
   c. The expected animal unit month (AUM) yield for each identified soil type (As stated in the most recent Soil Survey published by the United States Department of Agriculture).
   d. The expected net dollar return per acre for crops that are currently cultivated on each soil type.
   e. An identification of crop types that could be potentially grown on each identified soil type, and also the expected net dollar return for such crops.
   f. An identification of soil types used exclusively for grazing.
   g. An identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouses), and where identified, a description of their location and nature of operation(s).
2. *Geographic*
   a. The description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, storie index rating, texture, development, unique qualities) affecting agricultural

operations in the area.
b. The description of management techniques that are currently used, or could be used, in order to improve soil quality for agricultural operations.
c. An identification of agricultural operations that use more than one parcel for production in the area, and where identified, a description of their current practice and average acreage for each individual operation.
d. A description of the relationship or proximity of agricultural and urban land uses.

3. *Water*
   a. The availability of water in the area (condition of basin e.g.).
   b. An identification of the water source (riparian, appropriative, etc.).
   c. An identification of any water quality problems affecting agricultural operations in the area.
   d. The current cost of water.
4. *Access*
   a. Description of whether adequate access to agricultural support facilities (cold storage, equipment repair/sales, markets) in the area currently exist.
   b. Where access is problematic, an identification of the nature of the conflict; and how the conflict impacts agricultural operation(s).

CZLUO 23.04.024(a)(2) Present annual income derived from agricultural operations....and (4) the potential of the site to support future food-producing agricultural uses...could be expanded to include consideration of such factors as, where appropriate:

1. *History*
   a. An identification of the types of agricultural operations that have taken place in the area in the past and where have they occurred.
   b. An identification of how long agricultural operations have been conducted in the area.
   c. An identification of those parcels that have been used for agricultural operations in the area consistently in past, and where applicable an identification of such time periods.
   d. An identification of significant past management practices that have been used in the area in order to increase agricultural yields.
2. *Risk Factors*
   a. A discussion of the effect of drought years on agricultural operations in the area and, if so, what the cost of water is during these periods.
   b. An analysis of whether the costs of production and labor are predictable for agricultural operations in the area.
   c. A discussion of whether commodity prices are consistent or inconsistent from year to year for crops grown in the area.
   d. A discussion of whether saltwater intrusion into well water supply is an issue, and if so, how it affects agricultural operations in the area.
   e. An identification of whether there is a problem with crop quality in the area.
   f. An identification of whether the agricultural market is volatile for crops grown in the area.
3. *Economics*
   a. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development; and,
   b. An analysis of the operational expenses excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development.
   c. Cost shall be determined by, and consist of, the following variables:
      1. Fixed Costs for any given crop are assumed to be constant, regardless of the annual yield. Fixed costs shall include only current costs and shall not speculate

on potential future circumstances.

a. Land cost (i.e. rent, lease, property tax, etc.) shall NOT be included into the cost analysis (See Coastal Act Section 30241.5)

b. Capital costs including: 1) land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.); 2) equipment (i.e., trucks, tractors, buildings, special equipment (e.g. irrigation), etc.); 3) herd expenses (i.e., payment for bulls and heifers); and 4) miscellaneous expenses. Cost determination must also include depreciation and interest expenses.

c. Cultivating cost including operating costs for: 1) labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits); 2) materials (i.e., water, seed, feed supplements, salt, fertilizer, and pesticides); 3) machinery; 4) fuel and repair; and 5) outside consultants (i.e., veterinary and management).

2. Variable Costs are the harvest costs and are based on the amount of yield only. Depending on the crop yield, variable costs fluctuate for any given year. In most cases, this is expressed as the cost per unit of yield (tons, 100 weight, or pounds).

d. Gross Revenue shall be determined by and consists of the following variables:

1. Gross returns for each crop type.

2. Past return figures should factor in the appropriate Producer Price Index (PPI) figure in order to account to inflation over time.

e. Evaluative methods to incorporate the above cost and revenue figures shall include, where relevant:

1. Determination of the net economic impact on private and public sectors and, second, a test for agricultural viability. Net economic impact refers to change in dollar flow within the community brought about by a given change in land use. "Net economic impact" equals total public revenues minus total public costs, plus private sector income. This should be computed according to the existing land use, the proposed development, and any viable project alternatives. This may be accomplished through the following process:

a. Cost/Revenue analysis that determines public costs associated with conversion of agricultural land and also revenues generated by increases in property tax within the project site. Public service marginal costs should compute the new and/or incremental costs of adding development to the public service system, which includes the cost of capital improvements necessary to accommodate such development. This should also state, and if possible quantify, those costs or externalities not easily accounted for in cost computations. One externality could include the probable change in assessed value of parcels adjacent to the development. Public service revenues are generated by increases in property tax within the project site.

b. Input/Output analysis that looks at the private sector of the areas economy in terms of its purchases and sales to other sector both locally and from outside the area. From this information, multipliers for each sector should be developed. Determination of the input figures will reveal the affect of removing the subject number of acres, for the subject crop, from agricultural production. This will reveal the effect to the private sector economy.

2. Determination of the minimum acreage for a viable agricultural operation (farm family approach). In order to determine net income, production costs by crop should be computed on a per acre basis and subtracted from gross market receipts expected from that crop. The resulting figure represents the farmer's income per acre of productive land. The per acre income figure should then be divided into the County's Median Income figure to compute the number of acres required to support a farm family.

3. Determination of net return per acre, per crop type, for the area only. By crop type, determine gross revenue per acre for subject crop types then subtract from gross revenue figures the cost per acre associated with each crop type.

> *The report shall include maps and photos (aerial and site photos) of the area being evaluated that, at a minimum, identify the following on all such figures: parcel lines, parcel numbers, farm boundaries, owners and/or lessees of each parcel and/or farm, wells and/or any other water supply lines, storie ratings, capability classifications, slopes, and roads.*
>
> *For purposes of this determination, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the County's certified local coastal program.*

Recommendation 5-2 suggests a definition of an agriculture viability report. The County proposes to modify the definition by deleting the proposed reference to grazing units, by limiting the analysis to the individual site, rather than including the "surrounding" area, and by deleting specific phrases such as "In terms of scope" and "establish a baseline". In addition, the County proposes to add economic factors to the proposed definition as one variable in assessing viability. Finally, the County disagrees with assessing the productivity of a site for a specific timeframe, and proposes to analyze viability related to weather and the production/growing patterns of a crop.

The Commission finds that specifically including grazing units in the definition is important, as much of the agricultural land in the County's coastal zone is grazing land. While the Commission recognizes that agricultural viability depends on the specifics of a given site, knowing the agricultural production and history of an adjacent parcel can provide important insight into the viability of the subject parcel. The Coastal Act requires that a viability analysis include an analysis of revenue from agricultural products "grown *in the area* for the *five years* immediately preceding the date of the filing of a proposed ... amendment to any local coastal program and an analysis of operations expenses associated with agricultural production "*in the area* for the *five years* immediately preceding the date of the filing of a proposed ... amendment ..." (Section 30241.5, emphasis added). Section 30241.5 of the Coastal Act defines "area", for the purpose of viability reports, to be "a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program". Therefore, the Commission retains the reference to "in the area" in Recommendation 5-3.

However, the Commission agrees that this level of information is not necessary for supplemental uses on a particular parcel; while supplemental uses raise concerns about the protection of agricultural lands, they do not necessarily remove an entire parcel from agricultural production. In addition, the LCP has existing standards and criteria to minimize impacts on agricultural resources from supplemental uses. Recommendations to strengthen these standards are discussed through Recommendations 5-8 and 5-9. As modified, Recommendation 5-1 through 5-3 pertain only to proposed rezoning of land.

Further, to adequately assess agricultural viability, the Commission finds that an assessment should not be limited to growing or production patterns of a specific crop, as proposed by the County. While an assessment may indicate one crop is not viable on a

specific parcel, other crops may be well suited to the site. The Commission agrees, however, that assessing viability based, *in part*, on cycles of weather, is appropriate. Therefore, the Commission proposes to retain the definition as proposed in the *Preliminary Report,* with the minor non-substantive changes to the text proposed by the County, as follows:

> **Recommendation 5-2:** Modify ~~Ordinance 23.04.024(a)~~ the CZLUO to expand the factors that should be considered as part of the required viability studies for proposed rezoning of agriculturally designated lands to include the following:
>
> Incorporate an Agricultural Viability Report **definition,** for example:
>
> *A report that assesses the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size, economic factors, and any other factors relevant to the particular parcel. The report shall ~~establish a baseline of information to be used to~~ describe the role that each factor plays as a variable influencing the site and surrounding area's viability for agricultural production. ~~In terms of scope, t~~The feasibility analysis should analyze both the site and the larger area's current and past productivity as an agricultural unit for at least the preceding five years, but including sufficient time to include cycles of weather.*

4. Conclusion

The *Preliminary Report* presented evidence and analysis showing that the San Luis Obispo County LCP has not always been effectively implemented to adequately protect agricultural lands, in conformance with Coastal Act Sections 30241 and 30242 (see Exhibit A, findings incorporated by reference). After further evaluation and consideration of public comments, pursuant to Coastal Act Section 30519.5, the Commission adopts Recommendations 5-1 – 5-3 as appropriate corrective actions for submission to the County.

B. Incremental Impacts to Agricultural Lands through Land Divisions, Lot-line Adjustments, and Development on Nonconforming Parcels

1) Summary of Preliminary Findings (Exhibit A, page 203-226)

The County has approved a number of subdivision and lot-line adjustment requests on agriculturally zoned land, and has granted numerous certificates of compliance under the LCP. As discussed in the preliminary findings, subdivisions, lot-line adjustments, and legalization of lots through certificates of compliance can also affect the long-term viability of agriculture. While these actions do not rezone land, they can significantly affect the ongoing preservation and viability of agricultural uses by affecting parcel sizes and configurations, and thereby allowing for incremental changes of the primary land use from agriculture to other uses.

Although the LCP requires that land divisions in agricultural areas "shall not limit existing or potential agricultural capability" (Agriculture Policy 2), the County generally

has not addressed the long-term viability of agriculture as a result of approved subdivisions, lot-line adjustments, or certificates of compliance. (Under Title 21, incorporated into the LCP by reference, subdivision development is defined as including lot-line adjustments (Ordinance 21.08.020).) As discussed in the *Preliminary Report*, the approved changes in lot configuration in several cases supported residential development, rather than the protection of agricultural lands. The size and configuration of parcels in agriculture areas can affect the continued viability of agriculture. If parcels do not meet minimum parcel size they can more easily be developed with other uses because they are not large enough to support a viable agriculture use. How parcels are configured also matters to long term viability. Parcels can be configured such that resulting parcels will not conform to minimum size or will result in the location of development that will impact resources. Lot-line adjustments are one mechanism that alters the size and configuration of legal parcels. In implementing the LCP the county has not adequately addressed the impact of lot-line adjustments on agriculture viability.

In implementing the LCP the County has also not addressed the impacts of the issuance of certificates of compliance on the size and configuration of parcels and therefore the long-term protection of agricultural resources. The issuance of certificates of compliance records the existence of a legal lot that may or may not be of a size and configuration that supports the long-term viability of continued agricultural use. Because the number and location of future C of Cs is not known, there may be cumulative effects from the development of these parcels that contribute to undermining long-term agriculture viability.

The *Preliminary Report* concluded that the County's implementation of the LCP did not comply with Agriculture Policies 1 and 2 in protecting agriculturally designated lands. The report recommended improvements to address the impacts from lot-line adjustments and maximize the amount of agricultural land protected (PR 5-4). It recommended adding standards to govern existing non-conforming lots, and to address problems associated with issuance of certificates of compliance, including exploring a merger ordinance (PR 5-5 – 5-7). Recommendation 5-4 would also clarify that lot-line adjustments must meet the same standards as subdivisions.

2) Comments Raised

San Luis Obispo County Response (Exhibit C)*:*
The County has raised a number of concerns regarding Recommendations 5-4 – 5-7. While the County has indicated general agreement with the objectives of recommendations to improve standards to address lotline adjustments, they oppose defining limits for building envelopes and single family residences (PR 5-4, 5-5; also 5-8). In addition, the County proposes limiting the criteria identified under Recommendation 5-4 to "major" lotline adjustments, and has also indicated a disagreement over the language in Recommendation 5-4 to "clarify[] that land division requirements apply to lotline adjustments". The County has identified "minor" lotline

adjustments as those involving minor adjustments between property lines to correct past survey errors, or to align properties with fence lines, drainage areas, and access roads, and believe that many of the additional requirements proposed under Recommendation 5-4 are not necessary for these minor adjustments. The County also disagrees with the language in Recommendation 5-4 prohibiting lotline adjustments from "increasing the number of developable parcels".

The County is also concerned that recommendations for a lot merger ordinance and proposals to identify all existing non-conforming lots (PR 5-6 and PR 5-5) may lead to unintended, negative consequences for long-term agricultural protection.

Finally, the County disagrees with the direction of recommendations regarding certificates of compliance (Recommendation 5-7). Due to constraints on staff resources, the County does not support the recommendation to undertake written staff reports for certificates of compliance and does not support providing notice to the Commission when certificates of compliance are requested. Overall, the County comments indicate that they believe the discussion of lotline adjustments and certificates of compliance is biased and implies that the County has made errors or acted illegally. The County has stated that the proposed recommendations extend beyond what the County can legally do, and many of the Commission concerns are more appropriately addressed through revisions to the Subdivision Map Act.

Public Comments (Exhibit D)*:*
Public comments also strongly oppose restrictions on sizes for building envelopes and single family residences. However, comments indicate that it is critical to address the issues raised with lotline adjustments and protecting viable parcel sizes. Comments indicated that issues over certificates of compliance were governed by other state laws, and are beyond the jurisdiction of the Coastal Commission.

3) Analysis

Lot-Line Adjustment Policies (Recommendation 5-4)

As discussed in the preliminary findings, the LCP currently establishes criteria for "land divisions" that occur on agriculturally zoned lands. Title 21 of the LCP includes "lot line adjustments" in the definition of subdivision development. The recommendation to include lotline adjustments under the criteria for land divisions was intended only to further clarify that the existing requirements under Agriculture Policy 2 and Ordinance 23.04.024 applied to lotline adjustments. Although County staff have indicated that they find that Ordinance 23.04.024 does not apply to lotline adjustments, the Commission disagrees with this interpretation and, under the terms of the certified LCP itself, lotline adjustments are development that must comply with the policies and ordinances of the LCP. The *Preliminary Report* also recommended strengthened standards for lotline adjustments in the Agriculture category, because Agriculture Policy 1 requires that agricultural lands be maintained in, or available for, agricultural production, with limited exceptions. To assure that this goal is achieved for lotline adjustments,

Recommendation 5-4 in the *Preliminary Report* proposed a new LCP policy/ordinance to address lotline adjustments on agriculturally zoned lands.

Although the County agrees with the general concept of Recommendation 5-4, the County proposed alternative language, stating that the criteria are applicable only for "major" lotline adjustments, which significantly change parcel sizes and/or lot configurations. This proposed language was previously considered, but not adopted, for the Agriculture and Open Space Element of the General Plan:

- *cluster the adjusted lots to protect the long-term agricultural capability of the site;*
- *minimize locating development on the most productive soils wherever possible;*
- *designate building site that will provide adequate buffers between future residences and associated accessory uses so as to minimize conflicts with the adjacent agricultural operations;*
- *position the resulting parcels to minimize impact from access roads or driveways on the agricultural operations;*
- *define parcel size standards that will allow clustering of the adjusted parcels in areas of the site where there is less agricultural potential due to the soil types, topography or other site constraints, even if the resulting parcels are smaller than the minimum parcel size that would otherwise be allowed by the land use category;*
- *the parcels resulting from the adjustment that are intended to increase the long term agricultural viability should qualify for an agricultural preserve contract, as well as be covered by a conservation easement, where feasible.*

Ordinance 23.04.050 (a) and (b) already requires that single family residences and agricultural accessory buildings "shall, where feasible, be located on other than prime soils", and requires that supplemental, non-agricultural uses be permitted on prime soils only if "it has been demonstrated that no alternative project site exists exempt on prime soils" and "the least amount of prime soils possible will be converted". The Commission finds the revision as proposed by the County to "minimize locating development on them most productive soils" is not necessary, given the existing requirements in the CZLUO.

The Commission finds that to adequately protect the maximum amount of agricultural lands, as required under Coastal Act Section 30241, specific standards and criteria are necessary to guide the clustering of lots, and the placement of access roads, driveways, and residential development on agriculturally zoned lands, resulting from proposed lotline adjustments. These standards, as outlined in Recommendation 5-4, below, include the need to prevent new subdivision potential from lotline adjustments, requiring the maximum amount of agriculturally zoned land remain for agricultural production, and minimizing roadway lengths and site disturbance.

The Commission finds that an increase in non-agricultural uses, including residential development, can change land use patterns and increase development in a manner which negatively affects the long-term viability of agriculture. As discussed in the *Preliminary Report*, lotline adjustments can be used to increase the potential for non-agricultural development, particularly residential development, on agricultural lands. However, the

LCP allows for a single primary residence on each legal lot (Ordinance 23.08.167 in the Agriculture land use category. (Additional dwellings for farm support are allowed under Ordinance 23.08.167). The CZLUO defines a legal lot or parcel as:

a. A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act (or local ordinance adopted pursuant thereto) to be recorded before sale of parcels shown on the map or plat, at the time the map was recorded;
b. A parcel of real property that has been issued a certificate of compliance ...
c. A parcel of real property not described in a or b above, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was recorded before the requirement of the filing of the subdivision map by the Subdivision Map Act or local ordinance adopted pursuant thereto (pg. 11-28 CZLUO).

Recommendation 5-4 proposes modifications to the current LCP standards for lotline adjustments to encourage clustering of non-agricultural, including residential, development on agriculturally designated lands. The objective of this modification is to maximize agricultural land and minimize the potential of conversion of agricultural lands to non-agricultural uses.

However, the Commission finds that in evaluating lotline adjustments, it is necessary to determine whether existing lots are in fact appropriate for development. In a number of cases, lots may have been created for purposes other than residential (or commercial) development. For example, lots may have been developed solely for purposes of a water well or for road or utility rights-of-ways. In these cases, where the original intent and expectation for the lot being created was not for future development, the lots should not be considered "developable" when evaluating the potential allowable residential development for the lot. In addition, as discussed in the *Preliminary Report*, the LCP should further circumscribe what is considered to be a developable lot, so that lot-line adjustments, particularly of non-conforming parcels, do not inappropriately increase the development potential that would undermine agricultural uses and operations. Criteria could include such things as whether a parcel has legal access to a public road or right-of-way; can support on-site septic, etc. (see Exhibit A, pp. 223-224 for discussion of Sonoma County ordinance). Therefore, the Commission finds that when evaluating lotline adjustment proposals on agricultural lands, the County should evaluate the original purpose for each lot, and the potential for residential development on each lot. The County should assure that lotline adjustments do not increase the potential for development that would conflict with the protection of agricultural resources.

Recommendation 5-4 also proposed limits on building envelopes. Through modifications to Recommendation 5-4, the Commission has deleted this aspect of the recommendation and addresses this issue through Recommendation 5-8.

The Commission also finds that many of the criteria proposed under Recommendation 5-4, and in the County's proposed language, are appropriate for all lotline adjustments.

The modifications under Recommendation 5-4 detail the requirements for lotline adjustments.

The Commission proposes to delete preliminary recommendation 5-4, and replace it with the following modified recommendation:

Recommendation 5-4: Modify CZLUO to add the following criteria for lotline adjustments on agriculturally zoned lands:

- applications for lotline adjustments shall identify the purpose of the adjustment and the proposed uses for each adjusted parcel;
- lotline adjustments shall not create new subdivision potential and shall not increase the number of lots which can support non-agricultural development. To assess the total potential for non-agricultural development, including residential development, the County should consider the original intent of each lot, whether the lot was created to support future development, and whether the lot would otherwise be developable pursuant to identified criteria to protect the public welfare. Lotline adjustments should not allow future development for those lots which were not originally created to support development.
- lotline adjustments shall not create new parcels where the only building site would be on prime agricultural soils; within ESHA, critical viewsheds, or in a defined hazardous area; or would require significant landform alteration to accommodate future development;
- lotline adjustments shall not be approved unless the adjustment will maintain or enhance the agricultural viability of the site. To assure the protection of long-term viability, applications for lotline adjustments which support, in part, non-agricultural development must include an economic analysis of agricultural potential, consistent with that required under Ordinance 23.04.024 for land divisions.
- lotline adjustments or subdivisions which support, in part, non-agricultural development, the lotline adjustment or subdivision shall maximize the protection of agricultural lands by clustering and minimizing the area of lots intended for non-agricultural uses, including reducing the parcel size to be less than the 20 acre minimum parcel size required for agricultural lands. Lots for non-agricultural uses shall be clustered where there is less agricultural potential due to the soil types, topography or other site constraints and shall maximize the extent of *undivided* agricultural lands.
- lotline adjustments or subdivisions which support, in part, non-agricultural development, shall identify the location of all access roads and building envelopes, assuring adequate buffers between future residences and associated access uses so as to minimize conflicts with the adjacent agricultural operations, and minimize roadway lengths and site disturbance. Where possible, non-agricultural development shall be sited close to existing roads, while minimizing impacts from access roads or driveways on agricultural operations;
- lotline adjustments or subdivisions which support, in part, non-agricultural development, shall require an agricultural easement over the agricultural parcel(s) which prohibits future subdivision of the parcel(s). In addition, for parcels intended to support non-agricultural uses, a deed restriction should be required prohibiting future subdivision of the parcel(s);
- ensure that all geographically contiguous parcels in common ownership are addressed through a comprehensive evaluation.

Development and Building Size Limitations (Recommendations 5-4, 5-5)

The *Preliminary Report* concludes that many of the residences on agriculturally zoned lands may be used principally as rural ranchettes, some of which are larger, "statement" homes. Cumulatively, residences not in direct support of agriculture can contribute to changing the character of rural agricultural lands to more rural residential development, and contribute to the loss of long-term agriculture. To ensure protection of agricultural lands, Recommendations 5-4 and 5-5 recommend defining maximum building and landscaping envelopes for residences on agriculturally zoned lands. After discussions with the County staff and agricultural community, the Commission concurs that other alternatives, such as establishing performance standards for residential development on agricultural parcels, are more appropriate than a defined maximum building envelope. The use of performance standards will allow flexibility to address specific characteristics of a site while improving the protection of agricultural lands. The Commission therefore deletes references to house and building envelope sizes in Recommendations 5-4 and 5-5, and establishes performance standards for residential uses on agriculturally designated lands under Recommendation 5-8.

Lot Mergers and Non-conforming Lots (Recommendation 5-5 and 5-6)

The *Preliminary Report* also recommended obtaining a count of non-conforming parcels in rural areas (Recommendation 5-5) and exploring a lot merger ordinance to improve the protection of long-term agricultural viability by increasing the parcel sizes (Recommendation 5-6). The County has expressed concerns that these recommendations would contribute to accelerating development. The Commission understands the concerns raised by the County and suggests modifications to the recommendations. A merger ordinance may not be the appropriate vehicle to pursue. In order to identify additional ways to further the protection of agriculture lands, a cumulative assessment to understand the number and location of non-conforming lots, and the alternatives for locating development on those lots, could be useful to protect agricultural resources. With this information, the County could explore a variety of ways to minimize the cumulative effects from future lot line adjustments and certificates of compliance. The Commission consolidates Recommendation 5-5 and Recommendation 5-6 as follows (see also Recommendation 2.8):

> **Recommendation 5-5:** ~~Consider standards to govern existing non-conforming lots in agriculture. Pursue policies and programs to provide for more comprehensive treatment of nonconforming agricultural parcels, including: obtaining a count of the number of non-conforming parcels in the rural area by Planning Area; revising the agricultural standards to require maximizing the agricultural potential of non-conforming parcels by clustering non-agricultural uses; defining maximum building/landscaping envelopes such as 5000 square feet; minimizing road construction; and so forth.~~
>
> **Recommendation 5-6:** ~~Explore adopting a merger ordinance for non-conforming Agricultural parcels, as provided in the Subdivision Map Act.~~ Undertake a study to identify: 1) existing non-conforming lots on agriculturally zoned lands adjacent to

conforming lots, and 2) non-conforming lots which meet the standards under the Subdivision Map Act for potential lot mergers.

Certificates of Compliance

Recommendation 5-7 sought to enhance coordination between the County and the Commission to assure that issuance of certificates of compliance adequately protect agricultural lands. Since publication of the *Preliminary Report*, County staff have provided additional information to the Commission staff, including a manual used to process certificates of compliance, with criteria for what constitutes legal lots. As mentioned, the County has also expressed general concern about the *Preliminary Report* discussion and Recommendation 5.7.

Under the certified LCP, certificates of compliance are not included in the CZLUO 21.08.020(a) definition of "subdivision development," and thus are not treated as development that requires a coastal development permit. In addition, under CZLUO 21.02.020(c), notice to the Commission of the issuance of certificates of compliance by the County is not currently required; nor are they subject to any sort of administrative appeal. As stated in CZLUO 21.02.020(c)(2), "notice of hearing is not required to be given for certificates of compliance under Government Code 66499.35(a) because the issuance of such certificates of compliance is ministerial." Conditional certificates of compliance, which are defined as subdivision development for purposes of the LCP, do require a coastal development permit and are subject to the Commission's appeal jurisdiction.[45]

As discussed in the *Preliminary Report*, the issuance of certificates of compliance is often the first step in a process whereby nonconforming parcels are identified, adjusted, and developed with non-agricultural, often residential, land uses. Ultimately, this development process threatens the long-run viability and character of rural agricultural lands (as well other coastal resources such as scenic landscapes and sensitive habitats), as previously unfragmented ranches and other large agricultural holdings are chopped up into smaller holdings with cumulative development patterns that may conflict with or in fact lead to the cessation of existing agricultural land uses.

With conditional certificates of compliance, the LCP provides a mechanism for addressing these potential impacts to agricultural lands because coastal development permits must be duly noticed and issued through a public hearing process. By definition, a conditional certificate of compliance is issued when a parcel was not legally created

[45] As with all subdivisions in San Luis Obispo County, conditional certificates of compliance are appealable to the Coastal Commission because they are not identified in the LCP as a principally permitted use in any land use category.

and thus, the recognition of such a parcel constitutes a land division for purposes of review under the Coastal Act and the LCP.

With unconditional certificates of compliance, though, there is no notice or coastal development permit requirement because, in theory, certificates of compliance are merely recognizing and describing the existence of a parcel that has already been legally created. This is why the issuance of a certificate of compliance is often described as a ministerial action. Under the Subdivision Map Act, a certificate of compliance must be issued for a parcel if the circumstances of its creation were consistent with the relevant law for the creation of parcels in effect at the time of its creation. That is, if the facts of a parcel's creation analyzed against the relevant subdivision law show that the parcel was legally created, there is no discretion and a certificate of compliance must be issued.

As discussed in the *Preliminary Report*, though, the fact patterns of purported parcel creations are often complex, and may involve detailed analysis of historic parcel maps, deeds, and other legal documents. The application of the relevant subdivision law, which has evolved through many variations over a hundred years, and any relevant local ordinances, can be equally complex. Because of this complexity, it is conceivable that errors in processing could be made, either through incorrect factual analysis, or through incorrect application of the law. It is also possible that reasonable people will disagree about the correct interpretation of the facts and law of a given case, because of the complexity of such decisions.

The Schoenfield case, scheduled for hearing in August, provides a good example of the inherent complexity and potential impacts on coastal resources that are often associated with these proposals to legitimize parcels. The Commission and the County are currently involved in a dispute over the Board of Supervisor's action to approve two unconditional Certificates of Compliance for Mr. Schoenfield's property in Los Osos. The gently rolling 4.2-acre site is located on the seaward side of Pecho Valley Road between the first public road and the sea on the edge of the developed portion of Los Osos. It is outside the defined "Urban Services Area" and just within the "Urban Reserve" line. Most of the nearby lots are developed with single family homes and range in size from over four acres to less than one half an acre. The LCP designation for the site is suburban residential with a minimum parcel size of 2 and one half acres. The site is identified as a "Sensitive Resource Area" for terrestrial habitat.

The current applicant purchased the site in 1987 and in 1989, the County approved a Coastal Development Permit for the construction of a 3500 square foot home on the westerly portion of the parcel. The Staff Report prepared for the project identified existing and potential habitat on the site (coastal scrub, Morro Bay Kangaroo Rat and Morro Manzanita). Various conditions were attached to the approval including requirements for an open space easement on a portion of the property and deed restrictions to protect habitat values and native vegetation. The project was not appealed to the Coastal Commission and has been constructed.

In 1995, Mr. Schoenfield applied for a land division to divide his parcel into two parcels of 1+ and 3+ acres configured exactly as the parcels recently authorized by the Board's

action on the Certificates of Compliance. The land division was denied by the County because the resulting lots did not meet the minimum parcel size for the area of two and one half acres. The Staff Report for this project included a letter from the United States Fish and Wildlife Service (USFWS) that stated there would be adverse impacts on habitat values if the land division was approved and an additional house built on the site. If the Board's action to approve two unconditional certificates holds, the result will be an additional building site in an area containing environmentally sensitive habitat. In order to avoid a "takings" it can be anticipated that the site will be developed with an additional residential use that can be expected to displace habitat.

In 2000, Mr. Schoenfield applied for two unconditional Certificates of Compliance (C00-0166). In October of 2000, County staff prepared a report on the proposal and recommended that only one certificate for the entire site be approved because the applicant was not entitled to two unconditional Certificates of Compliance as the lots had been created illegally in 1949 and were thus not eligible to receive *unconditional* Certificates pursuant to Map Act and County requirements. On November 14, 2000, the Planning Director approved the issuance of **one,** unconditional Certificate of Compliance.

The Planning Director's decision was challenged by the applicant and a hearing before the Board of Supervisors was set for March of 2001. A staff report recommending that the Planning Director's decision be upheld was prepared. In February, a copy of this report was sent to Commission staff with a cover memo indicating that if the Director's decision was overruled "*Staff fully expects that if the Board overturns the Director's decision and approves two certificates then both would be conditional certificates of compliance.*" The memo also notes that the "*project is in a coastal appeal zone*".

The Board continued the hearing on the item from the March 6 meeting to April 10. On April 10, the Board ruled that the Applicant's parcels had not been created illegally in 1949 and were therefore entitled to two, unconditional Certificates of Compliance. Commission staff reviewed the application and after tracing the chain of title and analyzing the relevant subdivision law[46], came to the same conclusion as County Staff,

[46]In 1949, the Subdivision Map Act provided in Business and Professions Code Section *11535 (a) " Subdivision" refers to any land or portion thereof, shown on the last preceding tax roll as a unit* <u>*or as contiguous units*</u> *emphasis added), which is divided for the purposes of sale, whether immediate or future, by any subdivider into five or more parcels within any one year period.* In 1949, Martin owned two contiguous parcels, Parcel One and Parcel Two. Parcel One, approximately six acres in size was bounded by Costa Azul Road on the north, Parcel Two on the west with Pecho Road providing the easterly and southerly boundary. Parcel Two was approximately three acres in size and bounded by Costa Azul on the north, Parcel One on the east and Pecho Road on the south. Martin divided off a six acre parcel in the center of these parcels for conveyance to Wilcoxn by drawing new property lines through both Parcel One and Two from east to west. In order to be consistent with the Board of Supervisors Finding that Mr. Schoenfield was entitled to two lots from this conveyance, the effect of this conveyance must have also created two parcels north of the Wilcoxn site and two parcels south of the two parcels conveyed to Wilcoxn for a total of six parcels. The 1949 version of the Map Act required that, if the division of these two contiguous parcels, for immediate **or** future sale, resulted in five or more parcels, then compliance with the provisions of the Map Act, including a Final Map was required. It can be presumed that Martin created the parcels for sale because within the next few years, he in fact sold the parcels. He sold two to Wilcoxn shortly after he acquired the original two parcels

which was that the parcels had been created illegally in 1949 and thus should not be awarded unconditional Certificates of Compliance. The Executive Director of the Commission has thus taken the position that the County should have issued conditional certificates of compliance and thus appealable coastal developments permits for the parcels in question, and that the Board of Supervisors erred in applying the law to this case.

More to the point, the fact remains that there may be a significant amount of factual and legal judgment and thus discretion involved in the process of deciding whether a certificate of compliance should be conditional or not. Although the actual issuance of a certificate of compliance may be considered to be ministerial under the SMA, the process of deciding whether a requested parcel certificate qualifies as unconditional or not involves discretion, as recently illustrated by the differing opinions of the San Luis Obispo County Planning Director and the County Board of Supervisors in Schoenfield case. In a recent correspondence to the Commission, the County has also pointed out that certain filing requirements for certificates of compliance may be waived at the discretion of the Planning Director.

In light of the foregoing, the certified LCP is not adequate to carry out the resource protection policies of the Coastal Act. Specifically, CZLUO 21.02.020(c) delegates the authority to approve and issue a certificate of compliance to the Planning Director. Except for appeals, available only to the applicant, to the Board of Supervisors, there is no other mechanism, and in fact no required notice, that allows for review of the Planning Director's judgement to classify a certificate of compliance as conditional or unconditional. Indeed, certificates of compliance may be issued by the Planning Director and the Commission may never learn of such actions, until such time as development proposals are being considered on parcels long since certified as legally created.

This is significant because, notwithstanding the requirements of the SMA, for purposes of review under the state Coastal Act and the LCP, the decision about the status of a certificate of compliance (conditional or not) will determine whether a coastal development permit review is necessary at all. Although the Commission is generally confident in the professional review processes of San Luis Obispo County, differences in legal interpretation and judgment can occur (such as the Schoenfield case) which may place coastal resources at risk because of the lack of a publically-noticed coastal permit review. Of course, local governments, and the Commission for that matter, make judgements all the time about whether certain activities do not require a coastal development permit. Many of these decisions, such as the informal phone inquiry, are made without any type of notice or formal decisionmaking. It would be difficult if not impracticable

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from Vermazen, sold two more to Andersen six years later and the last two sometime after that. Note also, that the language of the 1949 Map Act does not count only the *additional* parcels created by the division, it simply provides that if, after the division is done, there are more than five parcels, then the provisions for Tract Maps must be complied with. There is no record that Mr. Martin complied with the requirements of the Subdivision Map Act in subdividing these parcels and no Final Map was ever approved or filed, the lots were thus created illegally in 1949.

to have a noticing process for all such decisions. However, unlike a potential decision by a local government to exempt some type of physical development from coastal development permit requirements, the Commission and the public have much less chance of being aware of the issuance of a certificate of compliance, without some type of notice. Thus, in the case where a physical development may be inappropriately exempted from permit requirements, whether through error or differing judgement about the permit requirements, it is much more difficult to conduct the development without it being brought to the attention of the Commission, which may then lead to more formal action to address what may be erroneously exempted development.[47]

Fortunately, in recent correspondence concerning the pending certificate of compliance applications for the Hearst Ranch, the County of San Luis Obispo has agreed to provide courtesy notice to the Commission of certificate of compliance applications that it receives. This will go a long ways towards building support between the Commission and the County concerning coordinated review of certificates of compliance. Nonetheless, in light of the significant risks to coastal resources posed by the potential issuance of conditional certificates of compliance as unconditional certificates, and in light of the inherent discretion involved in the classification of a certificate of compliance for purposes of the state Coastal Act, the Commission finds that the LCP should be amended to provide a more formal process of notice and consultation concerning certificates of compliance. Ultimately, the provision and implementation of such a process is in the interest of good public policy, will avoid unnecessary judicial review and legal conflict, and is necessary for the San Luis Obispo County LCP to adequately implement the resource protection policies of the Coastal Act. Further, although the Subdivision Map Act establishes the mechanism for the issuance of certificates of compliance, it does not preclude the implementation of a formal noticing and consultation process to assure consistency with the Coastal Act.[48] Providing such a

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[47] In addition, whether the process of classifying certificates of compliance should be subject to more formal review on the basis of the California Environmental Quality Act should be further evaluated. For example, CEQA applies to "discretionary projects". According to the CEQA guidelines (15357), a discretionary project is one that:

> requires the exercise of judgment or deliberation when the public agency or body decides approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

Ministerial projects, on the other hand, "involve little or no personal judgment by the public official as to the wisdom or manner of carrying out the project." In theory, the public official uses no special discretion in such cases, and the decision only involves the use of "fixed standard or objective measurements" (15369). In cases, like Schoenfield, clearly there is some judgment involved, which raises a question as to whether the issuance of certificates of compliance can be considered ministerial for purposes of CEQA.

[48] 66499.35(a) of the Subdivision Map Act states:

Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and a local agency shall determine, whether the real property complies with the provisions of this division and of local ordinances enacted pursuant thereto. Upon making the determination, the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located.

process harmonizes the goals and policies of each respective state law. Accordingly, amended Recommendation 5-7 suggests establishing a pre-decision process for certificates of compliance, pursuant to the Commission's and County's obligations to decide whether an activity qualifies as development under Coastal Act, through which the Commission has an opportunity to consult with the County about applications for certificates of compliance. In the interest of not requiring unnecessary administrative process, and because the threat to coastal resources is greatest in rural areas, the required process would be limited to applications for certificates in rural areas.

> **Recommendation 5-7: Processing of Certificates of Compliance**. In the interest of good public policy and avoidance of unnecessary judicial review, amend the LCP with standards such as the following:
>
> - Amend CZLUO 21.02.020(a) to require that within three calendar days of receipt, the County provide to the Coastal Commission [notice/a copy] of all certificate of compliance applications submitted to the County for any property lying wholly or in part outside of an urban area (as defined by the USL for each area).
>
> - Amend CZLUO 21.02.020(c) to
>
> 1. require that upon request, the complete application content for a certificate of compliance be provided to the Coastal Commission. Such requests shall be made by the Commission within 7 calendar days of receipt of the [notice/application] submitted pursuant to CZLUO 21.02.020(a).
>
> 2. provide an administrative consultation process, through which the Executive Director of the Coastal Commission may consult with the County Planning Director about individual applications for certificates of compliance for which the application content has been requested. The Executive Director shall request consultation within 7 calendar days of receiving a complete certificate of compliance application. No certificates of compliance shall be issued by the Planning Director until such time as a requested consultation has taken place. Any staff reports prepared pursuant to CZLUO 21.02.020(c)(1) shall be provided to the Executive Director.
>
> 3. provide an administrative conflict resolution process for cases in which the Executive Director and County Planning Director do not agree on the issuance of a certificate of compliance. For example, provide for review by the Board of Supervisors as currently provided for subdividers pursuant to CZLUO 21.04.020.

4) Conclusion

The *Preliminary Report* presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented to adequately protect agricultural lands, in conformance with Coastal Act sections 30241 and 30242 (see Exhibit A, findings incorporated by reference). As stated in the *Preliminary Report*, the "cumulative effect of future subdivisions, lot-line adjustments, and certificates of

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The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this division and of local ordinances enacted pursuant thereto. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

compliance could significantly change land use patterns, decrease overall parcel sizes, and may decrease the overall long-term viability of agricultural lands, inconsistent with the Coastal Act" (pg. 220). As modified above, Recommendations 5-4 and 5-7 will assure that the LCP is implemented to reduce impacts from subdivisions, lotline adjustments, and certificates of compliance, to protect the long-term viability of agriculturally designated lands. After further evaluation and consideration of public comments, pursuant to Coastal Act Section 30519.5, the Commission adopts Recommendations 5-4 and 5-7 as appropriate corrective actions to be undertaken by the County.

C. Effect of Non-Agricultural Uses on Agricultural Land

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 227-236)

Non-agricultural uses in agricultural areas are an increasing trend in the County; these uses can affect the long-term viability of agriculture by affecting land use patterns, increasing conflicts between agriculture and other uses, and potentially changing the primary land uses. Table O of the LCP and area plan standards define the land uses allowed on agricultural lands; these uses are defined either as principally permitted, allowed, or special uses. The LCP also establishes criteria that must be met for a supplemental use to be allowed on agriculturally zoned land, including economic studies of existing and potential agriculture which show that continued or renewed agricultural use is not feasible without the proposed supplemental use (Agriculture Policy 3 and Ordinance 23.05.040). However, Table O does not clearly identify which uses are considered supplemental uses for the purposes of applying Agriculture Policy 3 and Ordinance 23.04.05.

Other than residential development, the County's approval of non-agricultural uses on agricultural lands has been limited. However, in most cases, it is unclear whether the County has considered whether the proposed development complies with the specific requirements identified in Agriculture Policy 3 and Ordinance 23.04.050. The County findings generally do not discuss the need for the supplemental use, nor how that use will support the long-term agricultural use of the property. Without adequate analysis of whether, and how, the proposed project will affect the long-term viability of agriculture, the County is not implementing the LCP to adequately protect agricultural lands consistent with Coastal Act policies.

In the *Preliminary Report*, the Commission recommended developing standards for residential development on agricultural lands (Recommendation 5-8) and re-evaluating the supplemental uses allowed on agricultural lands (Recommendation 5-9). Recommendation 5-9 also recommended defining residential uses not in direct support of an agricultural operation to be a conditional use and recommended requiring easements on the parcels in conjunction with residential development. As discussed

previously, Recommendation 5-1 also proposed requiring a viability report for all supplemental uses.

2. Comments Raised

San Luis Obispo County Response (Exhibit C)*:*
In general, the County objects to the level of detail required for viability reports for supplemental uses as proposed through Recommendations 5-1 and 5-3, and opposes requiring viability reports for non-agricultural uses related to agricultural operations, including for residential development. The County also opposes requiring easements for residential uses, and questions how to determine a "bonafide" agricultural use. The County believes that the existing requirements for residential development are sufficient to protect agricultural lands.

Summary of Public Comments (Exhibit D)*:*
While some comments indicate that existing review of projects through the Agricultural Commissioner is sufficient, other comments indicate that existing requirements for review of projects is insufficient and not enforceable. Comments oppose the level of information required under Recommendation 5-3. In addition, concern was raised that because most agriculturists supplement their income with outside work, viability reports would indicate that agricultural operations were *not* viable, and lead to additional inappropriate development.

Specific Clarifications/Errata
Table 5-5 in the *Preliminary Report* was intended only to illustrate what the current LCP allows on agricultural lands. The Commission's concerns with implementation of Table O are reflected in Recommendation 5-9, below. Based on the County's request, Table 5-5 on page 228 of the *Preliminary Report* will be modified to reflect the County's views as to which special uses are also considered principal permitted uses.

3. Analysis

Viability Reports

As modified, Recommendation 5-1 proposes to require viability reports only for proposed rezonings, and to exclude supplemental uses; therefore, the criteria identified in Recommendation 5-3 will not apply to supplemental uses from that requirement. Criteria for assessing the need for supplemental uses is discussed in *Defining Supplemental and Other Uses* and in Recommendation 5-9c, below.

Residential Development

As discussed on throuugh Recommendations 5-4 and 5-5, the Commission finds that establishing performance standards for the siting and design of residential structures on agriculturally designated lands is more appropriate than establishing specific building

size limits. Use of performance standards will allow flexibility in the siting and design of structures while establishing criteria to minimize impacts to agricultural lands and other coastal resources. Therefore, Recommendation 5-8 is modified to reflect the following performance standards:

> **Recommendation 5-8: Develop~~ing~~ LCP standards for residential developments on Agricultural Land.** ~~For example, consider limiting the size of single family homes in agricultural districts to a maximum of 3,500 sq. ft. total; and limiting development envelopes to 5,000 square feet~~. Update the CZLUO to establish performance standards for residential development on agriculturally zoned lands which protect the maximum amount of agricultural lands. Such standards could include the following:
>
> - non-agricultural uses on agricultural lands should be subordinate and accessory to agricultural operations;
> - single family residences and associated accessory development should minimize site disturbance;
> - roads and driveways shall be the minimum width and length necessary , and shall be designed to avoid unnecessary cut and fill, particularly by conforming to natural landforms;
> - residential structures and residential accessory structures shall be sited to retain the maximum amount of agriculturally designated lands available for agricultural production, consistent with all other LCP policies;
> - residential structures and residential accessory structures shall be sited and designed to protect ESHA, avoid impacts to critical viewsheds to the maximum extent feasible, and maintain the rural character of the area.

Defining Supplemental and Other Uses

LCP Agriculture Policy 3 establishes criteria for "non-agricultural uses" on agriculturally zoned land. Ordinance 23.05.050 establishes similar criteria for "supplemental, non-agricultural" uses on agriculturally zoned land. Ordinance 23.04.050 defines supplemental uses as uses "that are not directly related to the principal agricultural use on the site". For a supplemental use to be authorized on agriculturally zoned lands, Agriculture Policy 3 requires, in part, a determination that continued or renewed agricultural use is not feasible without the proposed supplemental use. Other requirements include siting non-agricultural development on non-prime soils, with limited exceptions, and assuring that non-agricultural uses do not conflict with ongoing agricultural uses of the land. Supplemental uses must still meet all other requirements of the LCP, including policies regarding ESHA protection and visual resource protection.

Table O defines land uses as "allowed" (identified by "A"), "special"[49] (identified by "S"), and principally permitted (identified by "P"). Table O also identifies uses as "S-P". However, these categories do not clearly define which land uses potentially allowable on agriculturally-zoned lands are considered *supplemental* uses. The County agrees that re-evaluating Table O is appropriate to clarify this issue, and suggests that the

[49] Chapter 8 of the CZLUO identifies specific criteria for each of the special uses identified in Table O, including, for example, permit requirements, siting requirements, limitations on size of structures, and restrictions on use.

following land uses be considered a supplemental use for the purposes of applying Agriculture Policy 3 and Ordinance 23.04.050:

Bed and Breakfast facilities;
Eating and Drinking places[50];
Electric Generating plants;
Mining;
Outdoor Retail sales[51];
Paving Materials;
Petroleum Extraction;
Rural Recreation and Camping;
Stone and Cut Stone Products;
Warehousing[52];
Waste Disposal sites[53]; and
Wholesaling and Distribution[54].

While the Commission agrees that these many of these activities should be defined as supplemental uses, some of the uses proposed may not be consistent with the protection of agricultural uses. The Commission finds that electric generating plants and mining should not be allowable uses on agricultural lands, and are more appropriate to industrial designations. The Commission also finds that some temporary events, such as events which are for-profit and non agriculturally related, should also be considered supplemental uses. Recommendation 5-9a, below, is modified to reflect those land uses under Table O that the Commission finds should be classified as supplemental uses. Recommendation 5-9e modifies Table O to remove electric generating plants and mining as land uses allowable on agriculturally zoned lands.

As required under Agriculture Policy 3, to authorize a supplemental use, the County must find that agriculture is not economically viable without the supplemental use and must evaluate the use for consistency with all other LCP resource protection policies. To assure that the LCP will be implemented to adequately assess this need, the Commission proposes to modify Ordinance 23.04.050 (5) to require additional information as part of a permit application for a supplemental use. The level of information proposed through Recommendation 5-9b below, is significantly less than the information recommended for proposed rezoning of agricultural lands, but includes identification of existing land uses on the site, annual income derived from agricultural operations, site characteristics affecting agricultural use, the potential of the site to

[50] On agricultural lands, CZLUO Section 23.08.208 limits restaurants to accessory uses, where there is an existing conforming visitor serving use, and where the restaurant is secondary and incidental to the visitor serving use. Drinking places must also be accessory to a restaurant.
[51] Table O and the CZLUO define outdoor retail sales as "temporary retail trade establishments", including farmer's markets, sidewalk sales, seasonal sales, and semiannual sales of items in connection with community festivals or art shows. Table O excludes flea markets and swap meets from outdoor retail sales. CZLUO Section 23.08.142 defines time limits for many of the activities under outdoor retail sales.
[52] CZLUO Section 23.08.402 limits warehousing in the Agricultural land use category to "storage facilities that support approved agricultural production or processing operations conducted on the same site".
[53] Defined under Table O as County-approved or operated refuse dumps, sanitary landfills or other solid waste disposal facilities. Excludes disposal sites for hazardous materials.
[54] CZLUO Section 23.08.408 limits warehousing in the Agricultural land use category to "facilities that support approved agricultural production or processing operations conducted on the same site".

support future agricultural uses, and the potential effects of the proposed development on agricultural uses.

The Commission finds that due to the nature of temporary events, the agricultural easement required for supplemental uses is not a necessary requirement for approval of temporary events. Recommendation 5-9c modifies Ordinance 23.04.050 (7) and Agriculture Policy 3 to exclude temporary events from the requirement.

Table O also identifies other land uses as special uses. As discussed in the *Preliminary Report* it is unclear to what extent the County applies the criteria under Agricultural Policy 3 and Ordinance 23.04.050 to these uses. While many of these uses directly support agriculture, including agricultural processing, farm equipment supplies, agriculture accessory uses, and roadside stands, other land uses do not. These uses include recycling centers, pipelines, and temporary construction yards, and public safety facilities. While the Commission agrees that these land uses should not require an economic analysis to determine their need, the land uses can still potentially impact agricultural lands. However, the Commission finds that if the existing criteria in the LCP is complied with (e.g., locating uses on non-prime soils, assuring adequate buffers, and assuring that uses will not conflict with ongoing agricultural operations), and all other resource protection policies are complied with, that impacts to agricultural lands will be minimized. Further, the Commission finds that the land uses should not significantly affect the long-term viability of agricultural resources because they are either sufficiently limited in scale, and/or will be sufficiently limited in scope to prevent a trend towards non-agricultural development if the criteria in the LCP is met. The table below summarizes the requirements for supplemental and non-supplemental uses on agriculturally zoned lands, as proposed through Recommendation 5-9 below. As discussed above, and detailed through Recommendation 5-9, supplemental uses must meet more stringent criteria to assess the need for the use and to assure the long-term protection of agriculture.

	Supplemental Uses	**Residential and Residential Accessory Uses**	**Other Special Uses (S or S-P designation in Table O)**
Land Uses	Bed and Breakfast Facilities; Eating and Drinking Places; Outdoor Retail Sales; Paving Materials; Petroleum Extraction; Rural Recreation and Camping; Stone and Cut Stone Products; Warehousing; Waste Disposal Sites; Wholesaling and Distribution; Temporary events which are for profit and non-agriculturally related.	Caretaker Residence; Farm Support Quarters; Mobilehomes; Residential Accessory Uses; Single Family Dwellings; Temporary Dwelling	Ag Accessory Structures; Ag processing; Animal Raising and Keeping; Aquaculture; Farm Equipment and Supplies; Nursery Specialties (soil dependent and non-soil dependent); Specialized Animal Facilities; Communication Facilities; Food and Kindred Products; Recycling Collection Centers; Home Occupations; Water Wells and Impoundments; Roadside

	Supplemental Uses	Residential and Residential Accessory Uses	Other Special Uses (S or S-P designation in Table O)
			Stands; Temporary Construction Yards; Temporary Construction Trailer Park; Airfields and Landing Strips; Pipelines and Transmission Lines; Public Safety Facilities; Public Utility Facilities; Temporary events which are not classified as supplemental uses.
Requirements per Recommendation 5-9 and Modifications to LCP	• Must meet all requirements under Agriculture Policy 3 and Ordinance 23.04.050. • Modify Table O to clearly identify supplemental uses. • Modify Agriculture Policy 3 (b) to clarify economic analysis required only for supplemental uses. • Modify Ordinance 23.04.050 (6) to add information required for economic analysis. • Modify Ordinance 23.04.050 (7) and Agriculture Policy 3 (h) to exclude temporary events from requirement for agriculture and open space easement.	• Does not require economic analysis. • Is not required to comply Ordinance 23.04.050 (6) (ii), requiring that supplemental, non-agricultural uses be limited to a maximum of 2% of the gross site area. However, single family residences and residential accessory structures must comply with standards established through Recommendation 5-8. • Does not require agricultural or open space easement. • Must comply with other existing criteria under Agriculture Policy 3 and Ordinance 23.04.050.	• Does not require economic analysis. • Does not require agricultural or open space easement, unless is it determined that an easement is necessary to assure the protection of agricultural lands. • Must comply with other existing criteria under Agriculture Policy 3 and Ordinance 23.04.050, including Ordinance 23.04.050 (6) (ii), requiring that supplemental, non-agricultural uses be limited to a maximum of 2% of the gross site area.

To clarify the LCP policy and ordinance language regarding supplemental uses, the Commission modifies Recommendation 5-9 to require that: a) Table O clearly identify which land uses are supplemental to agricultural land uses, b) an economic analysis is required for all supplemental uses; and c) all uses identified as "special" uses under Table O comply with all other criteria of Agricultural Policy 3 and Ordinance 23.05.050. The Commission deletes preliminary recommendation 5-9, and replaces it with the following recommendations:

~~**Recommendation 5-9**: Evaluate Table O for revisions to address non-agricultural uses. Table O should be reevaluated to clarify conditional uses on agricultural land. For example, consider defining residences that are not developed in direct support of bonafide agricultural operation to be a conditional use. Require agricultural protection easements on the parcel in conjunction with residential development.~~

Recommendation 5-9a: Amend Table O to define the following land uses as supplemental uses for agriculturally zoned land:

Bed and Breakfast facilities;
Eating and Drinking places;
Outdoor Retail sales;
Paving Materials;
Petroleum Extraction;
Rural Recreation and Camping;
Stone and Cut Stone Products;
Warehousing;
Waste Disposal sites;
Wholesaling and Distribution;
Temporary Events which are for profit and non-agriculturally related.

Recommendation 5-9b: Modify Agriculture Policy 3 (b) to specify that an economic analysis is required for supplemental uses only. To implement Agriculture Policy 3 (b), modify Ordinance 23.04.050(5) to require the following information as a condition of filing for all supplemental uses:

- existing land uses on the site;
- present annual income derived from agricultural operations
- income generated from other, non-agricultural operations on the site;
- site characteristics affecting agricultural land use and production, including topography, soils, climate, water availability, and adjacent land uses;
- the potential of the site to support future food-producing agricultural uses and estimated annual income from such uses;
- estimated income from proposed supplemental development;
- potential effects of the proposed development on agricultural food production, both short-term and long-term;
- recommendations and conclusions of the development's effects on agricultural production.

Recommendation 5-9c: Modify Ordinance 23.04.050 (7) and Agriculture Policy 3 (h) to require agriculture easements and, where appropriate, open space easements for all supplemental uses except temporary events, and for non-supplemental uses where it is determined that an easement is necessary to assure the protection of agricultural lands.

Recommendation 5-9d: Modify Agriculture Policy 3 and Ordinance 23.04.050(b) (3) through (6) to clarify that *all* uses identified as special uses under Table O ("S" or "S-P" uses) in agriculturally designated areas, whether also defined as supplemental uses or not, must comply with the existing criteria to: a) obtain permits for development, b) meet the required findings to locate development off prime soils and avoid conflicts with surrounding agricultural lands, c) provide the information currently specified for a permit application, d) comply with the siting and design standards for development, with the following exceptions:

- non-supplemental uses are exempt from economic analysis, as required under Recommendation 5-9b;

- residential and residential accessory structures are exempt from Ordinance 23.04.050 (6) (ii), requiring that non-agricultural uses be limited to a maximum of 2% of the gross site area.

Recommendation 5-9e: Modify Table O to exclude as electric generating plants and mining as allowable uses on agriculturally zoned lands.

4. Conclusion

As discussed above and further in the *Preliminary Report*, implementing the LCP to limit non-agricultural uses on agricultural lands is necessary to protect long-term agricultural viability, consistent with Coastal Act Section 30242. The *Preliminary Report* presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented to adequately protect agricultural lands, in conformance with Coastal Act Sections 30241 and 30242 (see Exhibit A, findings incorporated by reference). After further evaluation and consideration of public comments, pursuant to Coastal Act Section 30519.5, the Commission adopts Recommendations 5-8 – 5-9 as appropriate corrective actions for submission to the County.

D. Addressing Impacts from Intensification of Agriculture

1. Summary of *Preliminary Periodic Review* Findings (Exhibit A, pg. 236-243)

As discussed in the *Preliminary Report*, a number of environmental concerns can result from intensive agricultural land uses, including the removal of native habitat and open space; erosion and water quality impacts from extensive grading activities (see also *Preliminary Report* Chapter 3, pg. 77-83); and impacts to stream and riparian ecosystems from an increase in water withdrawals. At the same time, protection of agriculture is a priority under the Coastal Act and LCP. Policies of the Coastal Act and LCP also require the protection of other coastal resources. As discussed in the *Preliminary Report*, most agricultural activities do not require a grading or land use permit, and are not reviewed under the County's LCP.

In order to address the potential impacts from agricultural activities on coastal resources, the *Preliminary Report* proposed establishing criteria and performance standards to identify when agricultural development would require review under the LCP (PR 5-10, 5-11, 5-13). Criteria proposed for requiring permit review include when agricultural activities resulted in: a) substantial grading, removal of native vegetation, or significant landform alteration that impacts sensitive resources; b) development within 100 ft. of a coastal stream or other waters; c) an increase in water extractions; or d) alteration of sensitive habitat. Impact to scenic vistas was also included as a standard for reviewing development that converted grazing lands to crop production. Standards included a)

limiting new or expanded crop production to slopes of less than 30%; b) incorporating erosion control measures; c) maintaining sensitive resources; d) minimizing nonpoint runoff of pesticides and fertilizers; and e) maintaining wildlife corridors.

In addition, PR 5-12 sought to address the concern over potential impacts from increases in water use, including the need to protect groundwater basins. The LCP currently requires that all water extractions, impoundments, and other water resource developments obtain all necessary permits and that information about these developments be incorporated into the County's Resource Management System (Watershed Policy 2). Watershed Policy 3 requires applicants for water extraction developments to install monitoring devices and participate in a water monitoring management program in basins where extractions are overdrafting groundwater basins.

2. Comments Raised

San Luis Obispo County Response (Exhibit C):
The County disagrees with Recommendations 5-10, 5-11, and 5-13 in the Preliminary Report, and has requested additional information for Recommendation 5-12. The County suggests continuing educational and voluntary programs to assure that resource protection policies are met, and the use of an alternative review process for grading activities, which is incorporated into the County's proposed updated grading ordinance.[55]

Public Comments (Exhibit D):
The agricultural community also disagrees with the need for any new regulatory review of agricultural development (Recommendations 5-10 through 5-13), stating that the proposed recommendations are excessive, would unduly burden agriculturists, and would threaten the ongoing viability of agriculture, in part by introducing a cumbersome and lengthy process that would hinder flexibility for agriculturists. The agricultural community also believes that many of the concerns raised in the report are addressed through other agencies and voluntary efforts. They are also concerned that the proposed standards would remove significant amounts of viable agricultural land from production (i.e., the proposed setbacks from streams and prohibition on steep slopes and restrictions on cultivation on steep slopes). Some agriculturists are concerned that the proposed regulations provided no means to undertake work in emergencies. Finally, the agricultural community feels that the preliminary findings portrayed the agriculturists as "bad actors".

Specific Clarifications/Errata:
The County and public raised a number of additional comments and questions regarding the text of the Preliminary Report. The following discussion addresses those comments and clarifies the text in the Preliminary Report.

[55] The County's proposed updated grading ordinance will be brought to the Commission for review as a separate LCP amendment in the near future.

1. Delete statement on page 237 of the *Preliminary Report* which discusses a loss of large mammals from grazing areas.
2. Comments state that the discussion on pgs. 189 and 236 mischaracterizes the intensification of agriculture in the County's coastal zone. The discussion notes an increase in the production of water-intensive crops and the growth in vineyards. The discussion will be corrected to clarify that the majority of the increase in these uses occurred outside of the coastal zone.
3. Comments indicated that data citing a loss of oak trees in Santa Barbara County (pg. 237 of the *Preliminary Report*) was inaccurate. This information was originally obtained from Santa Barbara County staff and the draft EIR for the County's proposed Oak Protection Program; the reference to this statement was inadvertently omitted from the *Preliminary Report*. Since publication of the report, Commission staff verified this data with staff at Santa Barbara County.[56] Although projections are not discussed in the *Preliminary Report,* the County staff has modified its assumption this rate of loss would continue in the future. The text will be changed to reflect that the data cited may not be representative of future oak tree losses.

3. Analysis

As discussed under the Water Quality section of this staff report, the Commission proposes to address environmental impacts emanating from agricultural development through revisions to the County's grading ordinance. These revisions are based on the County's proposed grading ordinance, which emphasizes the use of RCD/NRCS standards and an alternative review process by NRCS for some grading projects. In response to concerns raised regarding proposed requirements for permits for agricultural development in the *Preliminary Report*, the Commission acknowledges that certain agricultural grading should be exempt from permits. The Commission reiterates that the protection of agricultural resources is a priority under the Coastal Act. Based on discussions with the agricultural community, the Commission understands the need for flexibility to respond to market forces and changing conditions in order to ensure that agricultural operations remain viable. The proposed exemptions from grading permit requirements include such things as the maintenance of existing agricultural roads, grading further than 100 ft. from and ESHA, and grading on slopes if measures are incorporated to address erosion and other environmental concerns. Tillage of existing agricultural fields does not constitute development, and would *not* require a grading permit. As modified through this staff report, Recommendations 3-2b – 3-2d propose a grading permit for new agricultural grading, but establish broad criteria to exempt certain agricultural grading.

The criteria proposed in the *Preliminary Report* have been modified so that agricultural grading that constitutes development is *not* necessarily prohibited on slopes over 30% or within 100 ft. of an ESHA, but are reviewed to ensure that impacts to coastal resources

[56] Merrick, Jennifer. Planning Staff at Santa Barbara County. Pers. comm. June 11, 2001.

are avoided or mitigated. Other factors originally proposed through Recommendations 5-10, 5-11, and 5-13 (e.g., increase in water use, protection of wildlife corridors, and impacts to visual resources) are not included as criteria to require a permit. The Commission proposes to delete Recommendations 5-10, 5-11, and 5-13. To assure that implementation of the LCP will be consistent with resource protection policies, modified Recommendations 3-2b through 3-2d, detail the criteria proposed and the proposed modifications to the LCP.

Regarding Recommendation 5-12, the County and the agricultural community note that there is already a trend toward water conservation, and state that policies in the agriculture and open space element of the County's General Plan adequately address water use issues. Policy 10 encourages water conservation through best management practices, and encourages the U.C. Cooperative Extension to continue its public information program. The incorporation of a similar program is addressed through modified Recommendation 3-2a. However, to fully assure the protection of groundwater resources, the County should improve its monitoring of water withdrawals, as already required under the LCP.

Emergencies: Ordinance 23.03.045 addresses emergency permits, and defines emergencies as "a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services". Under the ordinance, the Planning Director may issue an emergency permit for development, by telephone if necessary. This provision allows grading to occur if necessary to address an emergency situation without the time delays of obtaining a permit.

4. Conclusion

The Commission has modified the regulatory oversight of agricultural development proposed in the *Preliminary Report* primarily to focus on addressing impacts from grading that constitutes development under the Coastal Act. Recommendations 3-2a – 3-2d incorporate the criteria to review agricultural grading that constitutes development, consistent with Coastal Act Sections 30230 and 32021. Therefore, the Commission deletes Recommendations 5-10, 5-11, and 5-13.

In addition, Recommendation 3-2a advocates adding a program to the LCP, encouraging the County to continue supporting education efforts, in part to encourage irrigation techniques which conserve water and retain water on-site. Recommendation 3-2a, combined with more stringent monitoring of water withdrawals, addresses the intent of Recommendation 5-12, and will improve the protection of groundwater resources, consistent with Coastal Act Section 30231. Therefore, the Commission deletes Recommendation 5-12.

Additional Comments and Clarifications to the *Preliminary Report*

1. Comments indicated a need to define many of the terms in the preliminary findings. Concerns were that without precise definitions, the LCP would not be interpreted consistently. Commission staff relies on definitions incorporated into the Coastal Act, California Coastal Regulations, and the LCP. Where necessary, additional definitions will be developed with County staff as part of LCP amendments.
2. The County has requested modification of the following sentence (pg. 189, preliminary findings) to include the italicized language: "The flexibility to change practices *and crops* to respond to changing economic situations is one element that is critical in maintaining agricultural uses." Commission staff will incorporate the requested changes.
3. The County questioned the use of American Farmland Trust findings on page 190 of the *Preliminary Report*, stating the need to link the general findings to the specific issues applicable to the San Luis Obispo County coastal zone. Commission included the discussion of AFT findings to illustrate the numerous factors that can affect agricultural viability, and believe the discussion is appropriate.
4. The County requested that footnote 24 on page 192 be incorporated into the body of the text. Commission staff will incorporate the requested change.
5. The County has stated that references to "agricultural viability reports" reviewed by the County for development on agricultural lands should be called "agricultural capability reports". Where findings reference County reports not required under Ordinance 23.04.024, which specifically requires an agricultural viability report for land divisions, Commission staff will incorporate the requested change.
6. In the discussion of acres of agricultural land (page 188), Commission staff will add a statement that part of the decline of land used for agriculture resulted from the federal Conservation Reserve Program, which removes lands with highly erodible soil from production.
7. Commission staff will clarify that under the FMMP classification, irrigated land may be classified not only as prime, but also as Unique Farmland or Farmland of Statewide Importance.
8. A public comment suggested the need to increase the minimum parcel size for some agriculturally zoned lands. Maintaining a viable minimum parcel size is a critical tool for the long-term protection of agricultural land. The Commission makes no specific recommendation at this time to increase the minimum acreage for agriculturally designated lands. However, re-evaluating and adjusting the minimum parcel size for agriculturally designated lands should be considered through the Area Plan updates.
9. During its public hearing, the Commission requested that staff investigate impacts of genetically modified crops. The County Agricultural Commission staff does not have documentation on the extent of genetically engineered crops in the coastal zone. However, biotechnology is regulated under the Department of Agriculture, the U.S. EPA, and the Food and Drug Administration. The USDA's Animal and Plant Health

inspection Service (APHIS) regulates the safe testing of biotechnology-derived, new plant varieties, and evaluates the possible environmental impacts before field tests are undertaken, including possible impacts on endangered or threatened species. Before a genetically engineered crop can be produced and sold commercially, APHIS must determine that the plant poses no significant risk to other plants in the environment and is as safe to use as more traditional varieties. The EPA also issues permits for large scale testing of herbicides and biotechnology-derived plants containing new pesticidal substances.

6. PUBLIC ACCESS AND RECREATION

The Coastal Act requires that maximum public access opportunities be provided, consistent with public safety and the need to protect private property owners' rights and natural resource areas from overuse. Moreover, Section 30211 provides that development shall not interfere with the public's right of access to the sea where acquired through use or legislation. The provision of public access, however, is to take into account whether or not adequate public access exists nearby, or if agriculture would be adversely affected. With regard to Local Coastal Program requirements, the Coastal Act provides that each LCP shall contain a specific public access component. Coastal Act Section 30213 requires the protection and provision of lower-cost visitor-serving and recreational development. It also states that developments providing public recreational opportunities are preferred.

A. Maximizing Public Access Through New Development

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 247-257)

Public access and recreational resources are key to the County residents' quality of life, as well as to the county tourism industry. Currently, public parks, improved street ends leading to the shoreline, and access easements resulting from Offers to Dedicate Public Access (OTDs) provide the majority of these opportunities within the County.

The LCP requires the protection of existing access and requires that new development provide maximum public access to and along the shoreline, consistent with public safety needs and the rights of private property owners. To carry out this policy, the LCP requires that accessways be established at the time of development where prescriptive rights may exist, and specifies how to acquire, measure, and establish accessways. It requires that support facilities and improvements shall be provided and states that a uniform signing system program should be developed. The LCP also addresses impacts of public access on agriculture and sensitive habitats and states that, in some cases, access may be limited and controlled.

The *Preliminary Report* concluded that the County has made major gains in providing new public access since certification, particularly through acceptance of offers to dedicate public access and new acquisitions. However, there are still areas where access is not available or adequate to meet demand, where existing access may be threatened, and where easements are sited in a way that may not maximize access. The County has accepted numerous outstanding Offers to Dedicate Public Access (OTDs), mostly for lateral access along the shoreline. Since certification, the County has required additional access mitigation — sixty lateral shoreline easements, five vertical shoreline easements and five trail easements — primarily in Cambria, Cayucos, and Los Osos. However, as the *Preliminary Report* noted, these required easements represent only about 37% of the cases where the County has authorized development along the shoreline. In some cases the County actions requiring access OTDs appear to conflict with the intent of the LCP policies by including limitations in the condition language that do not assure that the access will be provided. In other cases, permit requirements site easements in a way that will not assure maximum public access.

A related concern is assuring adequate distribution of pedestrian access throughout the County. The *Preliminary Report* also found that there are many stretches of coastline in the County lacking adequate vertical access; the two longest areas are each approximately 15 miles long. An important component of assuring this distribution of access is completing the segments of the California Coastal Trail.

Recommendations to address these concerns included:

- Incorporating a Comprehensive Access Component into Each of the Area Plans
- Amending LCP Lateral Access Requirements to Provide for Blufftop Accessways
- Continuing Efforts to Accept and Open Outstanding Access OTDs
- Amending the LCP to Allow Direct Dedications; Evaluating Accessway Performance Standards

2) Comments Raised

San Luis Obispo County Response (Exhibit C):
The County agrees with many of the recommendations, including pursuing comprehensive access planning in Area Plans and continuing to accept and open OTDs. However, the County disagrees with Recommendation 6.2, noting that the provision for blufftop accessways should be made on a case-by-case basis. The County also disagrees with Recommendation 6.4. They note that amending the LCP to include direct access dedications is unnecessary since the LCP does not preclude direct dedications currently. The County suggests that more clarification is needed on the recommendation to evaluate accessway performance standards. Additionally, County staff questions the number of vertical OTDs cited in the report.

Public Comments (Exhibit D):
The Cayucos Advisory Council, along with other members of the public, commented that Recommendation 6.2 requiring blufftop accessways should not be considered for Cayucos because the small lot sizes in this area could not accommodate blufftop accessways. Other comments noted that blufftop accessways may contribute to erosion, may not provide safe access, and could interfere with grazing operations.

Another public comment suggested highlighting the value of the California Coastal Trail in addressing distribution of public access opportunities. Other comments noted concern that public access on the North Coast be addressed in conjunction with any future realignment of Highway One. A question about whether the OTDs that have been accepted are actually open and accessible to the public was also raised.

Specific Clarifications/Errata:
The County suggested clarification of the number of vertical access OTDs cited in the report on page 246. To clarify, the report noted 12 verticals; this number includes only those vertical OTDs required as conditions of coastal development permits, either issued by the Coastal Commission or San Luis Obispo County. It is true that a significant number of vertical accessways are provided by improved street ends, most notably in Cayucos; however, these were not included in the count cited above, because the discussion in which the count appeared was focused primarily on OTDs required as mitigation for coastal development permits. The report will clarify this and also note that existing vertical access is provided at other points.

The County also suggested that the discussion on page 253 of the *Preliminary Report* did not accurately depict the situation and recommends that it be deleted. In this discussion, it was observed that the County's siting of OTDs had, in many cases, not adequately mitigated for impacts to public access. For example, many lateral OTDs had been sited on rocky shores where access is difficult, or on publicly owned land where the public may already have had access. The County states that they are simply following the Coastal Act and the certified LCP in requiring lateral access. The Commission agrees that this discussion should reflect that the County has implemented the access requirements of the LCP and also that many of the laterals in Cambria and other locations where they may not be entirely usable were required by the Coastal Commission prior to LCP certification. However, the discussion will also be modified to note that one benefit of the LCP's periodic review is that it allows for the effectiveness of policies to be evaluated. Should the policy not have the desired effect of maximizing public access, it should be revised to better achieve consistency with the Coastal Act. Additionally, alternative means of mitigation can be suggested.

3) Analysis

Comprehensive Public Access Component

The Preliminary Report found that in order to address many of the concerns raised regarding the provision of public access, a Comprehensive Public Access Component should be incorporated into each of the Area Plans. As noted in the Preliminary Report, the County has positively responded to the Commission's 1998 North Coast Area Plan findings by drafting a Comprehensive Access Component for the current North Coast Area Plan Update Project Description. The County has also begun work on a similar effort for the Estero Area Plan. In addition, the County has prepared a Request for Proposal, funded by the Resources Agency, for a project whose purpose is to complete a coastal accessway plan for the County's coastal areas, including incorporated coastal cities. This plan will provide extensive information for the Comprehensive Access Components of the LCP's Area Plans.

The Commission finds that in order to maximize public access, the County should continue its efforts to incorporate a Comprehensive Access Component into all of the Area Plans of the LCP. The suggestions here are intended to further guide the development of such access components.

The Access Component should include the following:

- Strategies for public acquisition of key areas;
- Strategies for identifying funding sources for the opening and ongoing management of easements resulting from OTDs, including signage and upland support;
- Methods to ensure that existing public areas are protected for long-term access and recreation;
- Improved condition compliance procedures to be applied prior to the issuance of building permits;
- A map or set of maps inventorying existing formal and informal accessways, potential accessways, public parklands, and trails; and
- Planning and implementation for the California Coastal Trail (see below for detailed discussion).

The Access Component should identify the following areas, either by mapping or descriptive text:

- Areas lacking sufficient access;
- Upland areas that should be reserved for the support of public access and recreation uses;
- Areas where the requirements for lateral access should be expanded to include provision of blufftop access in locations where blufftop access is superior and/or should be provided through a blufftop trail system;
- Areas where concentration of more intense access and recreation uses is appropriate, such as urban areas; and

- Areas where provision and management of passive recreation is appropriate in order to protect sensitive resources.

In addition, the Access Component should include Recommendations 6.1a, 6.1b, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7 and 6.9 as recommended in this report. Recommendation 6.1 remains:

> **Recommendation 6.1: Incorporate Comprehensive Access Components into Each Area Plan.** All of the Area Plans in the LCP should be amended to include a specific access component, consistent with Section 30500 of the Coastal Act. This component should include at a minimum, the following information: (1) Statements of the public access goals, objectives, policies, ordinances, standards, programs, and other management objectives relevant to each planning area; (2) a comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.

Other elements of this recommendation also include Recommendations 6.1a and 6.1b discussed below.

Planning for the California Coastal Trail:

The *Preliminary Report* concluded that in order to continue ensuring that the implementation of the LCP was consistent with Coastal Act policies, a Comprehensive Public Access Component should be incorporated into the LCP. The *Preliminary Report* also noted the importance of the California Coastal Trail (CCT) as part of the Access Component. Recommendation 6.1 should be expanded to include direction for planning for the California Coastal Trail.

The CCT gained national significance with its designation as a Millennium Legacy Trail by the White House Millennium Council in 2000. State legislators are also increasingly recognizing its value. Recent legislation introduced (Senate Bill 908 and Assembly Concurrent Resolution 20) would declare the California Coastal Trail an official state trail, and would require the State Coastal Conservancy, in consultation with other state agencies and local governments, to coordinate the planning and implementation of the California Coastal Trail. Additionally, SB 908 would require each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, and consistent with their individual mandate, to cooperate with the Conservancy with respect to planning and making lands available for completion of the trail. This pending legislation would, if enacted, provide the overall framework for planning and implementing the CCT.

In addition to government efforts, nonprofit organizations will play a role in the implementation and establishment of the California Coastal Trail. Recently, Coastwalk received a grant from the State Coastal Conservancy for up to $600,000 for development of a statewide Implementation Study for the CCT, scheduled for completion by the end of 2002. As of this writing Coastwalk, the Coastal Commission, the Department of Parks and Recreation, and the State Coastal Conservancy are in the process of selecting a

suitable consultant to initiate and complete the study. Certainly the Implementation Study will provide an important blueprint for the county's CCT planning. Moreover, state funding assistance to local governments will be important to completing and operating the CCT.

Although the level of awareness of the CCT has been raised significantly in the last couple years, the idea of the trail has existed for over 25 years. Despite its recent attention, however, the CCT does not yet have a distinct definition. Generally it is a concept of a trail or system of trails along the entire length of the California coastline. The closest to a definition for the CCT was a reference to a "coastal trails system" in the 1975 California Coastal Plan in which Policy 145 stated, "a hiking, bicycle, and equestrian trails system shall be established along or near the coast, consistent with the protection of agriculture, fragile natural resources, coastal-dependent developments, and land-owners' property rights… ."

In order to bring the concept of the trail to fruition, planning for and implementation of the CCT will require the involvement of many parties, including local, state and national park agencies and the community. These initial planning efforts will help provide guidance to local governments for implementing key aspects of the CCT. However, while implementation of the CCT will require the joint efforts of many participants, the LCPs can play a critical role in the overall effort. The inclusion of a Comprehensive Access Component in all of the Area Plans of the LCP should help provide a framework for implementing the trail at the local level and for setting out and implementing trail development standards that can be expected to arise from the statewide CCT planning effort.

Recommendation 6.1 in the *Preliminary Report* suggested incorporating a Comprehensive Public Access Component into the LCP. The Commission also recommends that planning for the California Coastal Trail should be incorporated into the Public Access Component, including mechanisms to guide future implementation of the CCT. The Access Component should identify the CCT as a continuous trail the length of the state's coastline. While planning for the implementation of the CCT is a statewide effort, local governments can and should participate in the process through their LCPs, an appropriate vehicle for such a planning endeavor.

In the North Coast Update Project Description[57] the Access Component specifically notes that general goal 15 "envisions creation of a coastal trail and regional bike path system enabling residents and visitors to enjoy this segment of the California coastline." Certainly county planning staff also recognizes the importance and value of planning for the California Coastal Trail; by further expanding this section to include the goals, policies, and standards recommended below, the LCP would be more able to provide for the implementation of the CCT.

[57] San Luis Obispo County Department of Planning and Building, North Coast Area Plan Project Description, January 2000, page 8-1.

It was noted in the *Preliminary Report* that as part of the County's Comprehensive Public Access Component, mechanisms for completing the CCT should be identified. As discussed previously, the California Coastal Trail has not been specifically defined; however, the following guidelines have been developed by Coastal Commission staff to assist County staff in providing for the implementation of the CCT. While statewide planning for the CCT will develop specific goals, objectives and standards, in general, the Commission finds that the following objectives should be considered in planning for the CCT:

- Providing a continuous trail as close to the ocean as possible;
- Providing maximum access for a variety of non-motorized uses;
- Maximizing connections to existing and proposed local trail systems;
- Ensuring that all segments of the trail have vertical access connections at appropriate intervals and sufficient parking and trailhead access to maximize use of the trail;
- Maximizing ocean views and scenic coastal vistas in the siting of the trail; and,
- Providing an educational experience where feasible through interpretive facilities.

A variety of siting and design policies and standards could be considered including, but not be limited to:

- The trail should be sited and designed to be located along the shoreline. It should be designed to allow for shoreline retreat and relocation of the trail if necessary. If it is not feasible to locate the trail on the shoreline due to landforms or legally authorized development that blocks safe passage at all times of the year, the trail may be located at a slightly inland location, or at different seasonal alignments.
- Where gaps are identified in the trail, interim segments should be identified to ensure passage along a continuous coastal trail. These interim segments should be noted as such, with the provision that as opportunities arise, the trail shall be realigned for ideal siting. Interim trail segments should meet as many of the CCT standards as possible.
- In order to minimize impacts to sensitive areas, appropriate uses, location and design of the trail should be determined. In certain areas, pedestrian pass and repass may be all that is appropriate.
- The CCT should be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible.
- So as to provide a continuously identifiable trail along the Central Coast, the trail should be integrated with the coastal trail in Monterey and Santa Barbara Counties and the coastal cities in San Luis Obispo County.
- The trail should avoid being located on roads with motorized vehicle traffic to the maximum extent feasible. In locations where it is not possible to avoid siting

along a roadway, the trail shall be separated from traffic by an appropriate distance if at all feasible. In locations where the trail must cross a roadway, provide trail crossing protection signing.

- In order to maximize access to the trail, the trail should have adequate parking and trailhead access.
- The trail should have adequate locational signage incorporating the CCT logo (yet to be developed), as well as adequate safety signage, including but not limited to, road crossing signs and yield signs on multi-use trail segments.

New development should avoid impacts to public use of existing public trails comprising the CCT or mitigate impacts through dedication of trail easements, as required by CZLUO 23.04.420.

Acquisition and Management policies and standards could be considered including, but not limited to:

Trail easements should be obtained by encouraging private donation of land, by public purchase, or by the dedication of trail easements, as required by CZLUO 23.04.420.

The trail plan should identify an appropriate management agency to take responsibility for operation, maintenance and liability for the trail.

- Additionally, mapping could be incorporated into the trail planning including a general trail map(s) generally showing a planned location of the CCT. Such a map should include existing trail segments, access connections and planned staging areas, public and private lands, existing easements, deed restrictions and Offers to Dedicate public access.

- Recognizing that the CCT is an important tool for distribution of low-cost public access opportunities throughout the coastal zone as required by Sections 30212.5 and 30213 of the Coastal Act, the Commission finds that planning for the California Coastal Trail should be incorporated into the Public Access Component.

Recommendation 6.1a (to be incorporated into 6.1): The Access Component should include a Public Trails Plan to ensure future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the Periodic Review for development of:

Planning objectives;
Siting and Design policies and standards; and
Acquisition and management policies and standards.

Future Realignment of Highway One in the North Coast

The Preliminary Report concluded on page 292 that alternatives to relocate Highway One inland should be planned for as a means to avoid shoreline armoring. Comments noted that in such planning protection of public access should be addressed. The Commission finds that to ensure protection of public access consistent with the Coastal Act, any impacts to public access due to highway realignment should be fully analyzed and mitigated for.

Recommendation 6.1b: The Comprehensive Public Access Component should consider realignment alternatives as recommended by Recommendation 7.14 and should include a policy that will ensure that any impacts to access from highway realignment are mitigated such that no public access is lost and new access opportunities are maximized.

Status of Public Access Acquired Through OTDs

The *Preliminary Report* concluded on page 248 that the County had been successful in accepting OTDs; however, it was noted in public comments that accepting an OTD is just the first step in providing additional access— many times accepted OTDs require improvements before they are accessible to the public. In response to the query about whether accepted Offers to Dedicate translated to open and accessible OTDs, staff investigated most of the OTD sites in the county, both those required as conditions of Commission permits and those required by the County. Of the OTDs that have been *accepted*, 88% of the laterals and 25% of the verticals are open and available to the public. (Note, of course that the majority of these are lateral access on a sandy beach, where there is no action needed to open the accessway.) However, in other locations, such as parts of the Morro Bay shoreline, the lateral accessways are located through brush and will provide no public access until an actual trail is delineated through the brush. And, as stated in the *Preliminary Report*, some of the laterals traverse over rocky shorelines that are less accessible to the public. In the case of the accepted vertical OTDs, most require path delineation and signage before they will be accessible to the public.

Commission staff documentation of the status of the accessways (in the form of digital photographs and map notes) will be shared with the County for use in development of the Comprehensive Access Components for the North Coast and Estero Planning Areas.

Staff also investigated the 33 OTDs where the *Preliminary Report* noted that recordation may not have occurred. Most appeared to have new structures built which indicate issuance of building permits. The County's Department of General Services was consulted and could not confirm whether the OTDs had in fact been recorded. Further research is being done by staff of that department. While discussion of this issue did not result in a preliminary recommendation, it is recommended that a strategy for improving condition compliance prior to the issuance of building permits be included in the Comprehensive Access Component (as noted in the discussion detailing the elements of the Access Component previously in this section). Moreover, Recommendation 12.12, as discussed in the Implementation Procedures chapter of this report, would improve condition compliance and monitoring to address LCP implementation in a number of areas, including improved tracking of OTDs. No further changes to recommendations are proposed with regard to condition compliance.

Amending Lateral Access Requirements to Provide for Blufftop Accessways

Recommendation 6.2 of the *Preliminary Report* suggested that the access requirements of the LCP allow for siting of OTDs along the blufftop. As the *Preliminary Report* found, the blufftop may provide superior access. The County's response noted that this access requirement should be made on a case-by-case basis. Also supporting site-specific access requirements, the Cayucos Advisory Council commented that blufftop accessways would not be appropriate in most parts of Cayucos. Most of the Cayucos shoreline, except for lots in the northwestern area of the community, is wide sandy beach, where blufftop accessways are not necessary. Therefore, the Commission finds that blufftop access may not be appropriate in areas such as Cayucos. However, in other parts of the County, where there is no sandy beach available, the current LCP requirement that lateral accessways be delineated from MHTL to the toe of the bluff may preclude the ability of the County to locate access in a way that maximizes the ability of the public to use the shoreline.

Concerns were also raised with the fact that blufftop accessways could interfere with a property owner's private use of property, such as maintaining grazing operations. As noted in the *Preliminary Report*, Agriculture Policy 12 states that improvement and management practices shall include developing access trails with fences or other buffers to protect agricultural lands. Other options to aid in the prevention of conflicts between grazing and other agricultural operations and public access include seasonal use, self-closing gates or gates that allow passage of hikers while preventing cattle from passing through, and education of the public in appropriate behavior. Several park managers were consulted and noted that conflicts between hikers and cattle-grazing operations were minimal at their sites. Each utilizes one or more of the above measures to minimize conflicts.

It was also noted in a public comment that blufftop accessways may have safety and erosion concerns. This is certainly true of beach accessways where high tide may completely cover the lateral accessway, or the accessway may consist of a rocky shoreline. One method to avoid unusable or unsafe beach accessways is to resite them onto the blufftop. Certainly erosion issues must be evaluated; "rolling" easements, whereby as the bluff edge erodes landward, the access easement also moves landward, are a viable option for many situations.

Where superior access will be provided by blufftop accessways, they should be utilized. Therefore the Commission recommends modifying Recommendation 6.2:

> **Recommendation 6.2:** Amend LCP lateral access requirements to provide for blufftop accessways, where superior access will be provided. Where the area between the MHTL and the toe of the bluff is constrained by rocky shoreline, evaluate whether alternative siting of accessways along the blufftop would maximize public access consistent with the Coastal Act.

Amending the LCP to Allow Direct Dedications and Evaluating Accessway Performance Standards

The County states that the LCP does not currently preclude direct dedications. However, the Commission finds that the LCP should be more specific in recognizing the benefits of implementation through direct dedications. In order to minimize the amount of paperwork required for an Offer to Dedicate to be recorded and then some time later accepted, it is

preferable in most cases to acquire a direct dedication. Also, it reduces the risk of the OTD expiring or being overlooked as the number of years between recordation and acceptance increases. A key benefit of direct dedications is that the mitigation that the OTD is intended to provide can occur immediately after the impact to public access occurs.

The County requested clarification of the recommendation to evaluate performance standards. The recommendation was intended to convey that at the time of direct dedication of access easements, attention should be paid to accessway performance standards such as siting and design. The joint access program of the Commission and the State Coastal Conservancy has published two reports, subsequently adopted by the Commission, in order to provide guidance to local governments and others about standards of coastal accessway design. They are titled *Coastal Access: Standards and Recommendations*; and *Designing Accessways – Coastal Access Standards Element of the California Recreation Plan*; both are available from either agency. The first report focuses on the physical aspects of coastal access, such as accessways, trails, support facilities, and hostels. It also defines standards for accessway widths, as well as the minimum distance allowed between them. The second report discusses the critical factors in accessway design, such as shoreline erosion and facilities for the disabled, as well as design guidelines, such as trails, stairways, and boardwalks. At the time of dedication of public access easements, these reports should aid in evaluating accessway performance standards.

Recommendation 6.4 will be modified to clarify the intent of "evaluating accessway performance standards":

> **Preliminary Recommendation 6.4: Amend LCP to Allow Provide for Direct Dedications of Accessways and Evaluate Accessway Performance Standards for these Accessways.**
> As discussed in the Commission's Public Access Action Plan, the County should amend the LCP to allow for direct dedication of public access to the County where appropriate. Performance standards for access OTDs and these dedications and other access OTDs should be evaluated to address such needs issues as coastal erosion and long-term trail maintenance.

4) Conclusion

The Preliminary Report noted that in order to effectively implement the LCP in conformance with the requirements of Coastal Act Sections 30210, and 30212 to provide public access, the LCP should be updated to include new policies (Exhibit A, findings incorporated herein by reference). After further evaluation and consideration of public comments, the Commission adopts Recommendations 6.1, 6.1a, 6.1b, 6.2, 6.3, and 6.4 as modified as appropriate corrective actions for submission to the County pursuant to Coastal Act Section 30519.5.

B. Protecting Existing Public Access

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 259-262)

The Preliminary Report noted that street ends leading to the shoreline provide a number of public access opportunities in San Luis Obispo County, some of which may be threatened by quiet title actions on behalf of private property owners. The Preliminary Report also noted that areas of historic public use, where prescriptive rights may exist, also provide informal access opportunities, especially in the North Coast area of the county.

The San Luis Obispo County LCP includes a policy which states that development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. The County's Area Plans specify locations where prescriptive rights may exist; the Estero Area Plan notes that Cuesta Inlet is one of these areas and that new development in this location shall be required to provide public access consistent with existing prescriptive rights. Staff observed in the *Preliminary Report* that there was one permitted development in Cuesta Inlet in which the County's access findings did not support the protection of prescriptive rights. However, it was also noted that such prescriptive rights studies require significant resources, which both the County and the Coastal Commission frequently lack.

The findings in the *Preliminary Report* stated that while the County's LCP policies strive to protect access and recreational opportunities, the implementation of these policies may not have fully protected some access opportunities. As a result of these findings, staff identified two preliminary recommendations to address the issues of public access opportunities being lost to quiet title actions and protecting potential prescriptive rights areas:

- Developing an LCP Program to Document and Pursue Prescriptive Rights; and
- Developing an LCP Program to Assure Protection of Existing and Potential Public Rights

2) Comments Raised and New Information

San Luis Obispo County Response (Exhibit C)
The County staff disagrees with Recommendation 6.5 regarding the documentation of prescriptive rights, citing a previous decision by the Board of Supervisors. In response to one of the Commission's suggested modifications for the County's draft North Coast Update, the County had previously developed language whose intent was to expand the responsibility for documenting prescriptive rights to other groups in addition to the County. Additionally, County staff inquired as to the status of past prescriptive rights studies completed for areas in the San Luis Obispo County coastal zone.

Public Comments (Exhibit D)
Public comment noted dissatisfaction with the loss of public access due to quiet title actions, and commended the Commission for addressing this issue in the Preliminary Report. Regarding prescriptive rights, some property owners objected to Recommendation 6.5,

contending that either prescriptive rights do not exist on their property or constitute trespassing.

Specific Clarifications/Errata:
With regard to County staff's query concerning past prescriptive rights studies within the county, review of Commission's public access files revealed that Sweet Springs Marsh was the subject of an Attorney General's Implied Dedication Report in July and August of 1978. The report documented extensive and continuous use since 1950. The property in now part of Sweet Springs Marsh Natural Preserve, owned by the Audubon Society. For Cuesta Inlet a study was initiated; however it has not yet been completed.

3) Analysis

The County notes that it is pursuing alternative policies to address prescriptive rights in response to the Commission's suggested modifications for the draft North Coast Update. The modification suggested by the Commission and the County's adaptation are as follows:[58]

Coastal Commission alternative:

> "Add the following program.... :
> The County shall systematically document all areas of historic public use in the North Coast Area for incorporation into the NCAP access component. Such documentation shall be used to protect evidence of prescriptive rights in future County planning and development reviews."

County/committee alternative:

> "Add the following program.... :
> The County, agencies, and interested groups should ~~shall systematically~~ document ~~all~~ areas of historic public use in the North Coast Area for incorporation into the NCAP access component. Such documentation should ~~shall~~ be used to protect evidence of prescriptive rights in future County planning and development reviews."

While the County's version suggests sharing the responsibility for documenting prescriptive rights with other agencies and interested groups, the Commission finds that it is the primary responsibility of the County and the Commission to document and protect such rights, as noted in Recommendation 6.5. Certainly, however, other agencies and interested individuals may participate in the process. Additionally, the Commission finds that the County's suggested language changes serve to weaken the requirement to document and utilize evidence for the protection of prescriptive rights. Thus, the Commission finds that the original modification language suggested by the Commission for the draft North Coast Update more appropriately meets the intent of Coastal Act Section 30211, which requires that the public's right of access to the sea, where acquired through historic use or legislative

[58] While the Commission's proposed modification and the County's adaptation presented here for discussion purposes pertain only to the North Coast Planning Area, Recommendation 6.5 and relevant discussion pertain to all of the Planning Areas in the LCP.

authorization be protected. Accordingly, a program incorporated into the LCP requiring the County to document and protect prescriptive rights is necessary to meet this intent.

Also with regard to prescriptive rights, some property owners commented that these rights constitute trespassing. This, however, is a misunderstanding of authentic prescriptive rights. The Coastal Act (under Section 30211) and the LCP (in Access Policy 1), as well as the California Constitution, provide that when prescriptive rights exist, they should be protected. Thus, the Coastal Commission and the County are required by law to protect these rights.

Regarding potential prescriptive rights on the Hearst property in the North Coast, the Hearst Corporation submitted a letter denying the existence of such rights on their property and objecting to public funding of prescriptive rights studies. In response, it is noted that the intent of prescriptive rights studies is to determine whether or not prescriptive rights actually exist in a certain location; if prescriptive rights in fact do not exist on the Hearst property, the study would bear this out. Additionally, since the ultimate beneficiary of prescriptive rights dedications is the public, it makes sense to finance such studies with public funds.

Thus, in order for the LCP to meet the intent of Coastal Act Section 30211, Recommendation 6.5 remains unchanged except for reflecting the County's obligation to protect prescriptive rights and noting the other partners that might be involved, as requested by the County:

Recommendation 6.5: Develop an LCP Program to Document and Pursue Prescriptive Rights. As part of protecting historic use areas, the County should shall develop a program to document informal use and potential prescriptive rights as part of the Access Component. Information developed under this documentation effort shall be used to protect prescriptive rights in future County planning and development reviews. Such a program could be coordinated with the efforts of the Commission's Public Access Program to document prescriptive rights, and could include the participation of other agencies and interested groups.

4) Conclusion

The Preliminary Report noted that in order to effectively implement the LCP in conformance with the requirements of Coastal Act Section 30211 to protect existing public access, the LCP should be updated to include new policies (Exhibit A, findings incorporated herein by reference). After further evaluation and consideration of public comments, the Commission adopts Recommendations 6.5 and 6.6 as appropriate corrective actions for submission to the County pursuant to Coastal Act Section 30519.5.

C. Providing Low-Cost Visitor-Serving Access and Recreation

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 263-265)

The Preliminary Report noted that public demand for lower-cost visitor uses has increased since certification, and more attention is needed on protection and provision of such uses in

San Luis Obispo County. The report also observed the continuing unmet demand for campgrounds, both tent and RV, since prior to LCP certification. At the same time, it was also reported that since LCP certification, the County had approved the construction of over 700 overnight accommodation rooms (in hotels, motels, and bed and breakfast establishments), a notable increase in visitor-serving development. Also included in the discussion was the current status of overnight accommodations in the County, including occupancy rates and recent trends in the number of overnight rooms available in the coastal zone. The Preliminary Report concluded that current occupancy rates did not support additional hotel development at this time.

The Preliminary Report suggested that comprehensive recreation planning be incorporated as part of the Comprehensive Public Access Component, in order to evaluate long-term supply and demand and opportunities, particularly for low-cost visitor-serving recreation.

2) Comments Raised

San Luis Obispo County Response (Exhibit C):
The County agrees with Recommendation 6.7 to undertake comprehensive recreation planning through the Area Plan updates.

Public Comments (Exhibit D):
Commenters raised concerns regarding Hearst Castle State Park's goals for increased numbers of visitors and the impact that might have on water supply and road capacity. Comments included concerns with overnight accommodation occupancy rates quoted in the report, the numbers of rooms cited for the North Coast, and the tourism industry in general. Additional concerns were raised about a topic not mentioned in the report, the issue of the proliferation of short-term vacation rentals in Cambria and Cayucos.

3) Analysis

Increased Visitation at Hearst Castle

The San Simeon District of the California Department of Parks and Recreation (DPR) is attempting to increase visitation to Hearst Castle and this has raised concerns in the North Coast community regarding water supply and traffic capacity on Highway One. According to staff at DPR, levels of park visitation have dropped since the late 1980's. DPR's goal is to increase visitation during the slower off-season months, in order to return to 1980's levels. Figure 6-1 depicts the trends in ticket sales since 1978-79. Figure 6-2 shows the monthly ticket sales breakdown for the highest and lowest years on record.

Figure 6-1: Hearst Castle Ticket Sales, 1979-1999

Source: Department of Parks and Recreation, San Simeon District, 2001.

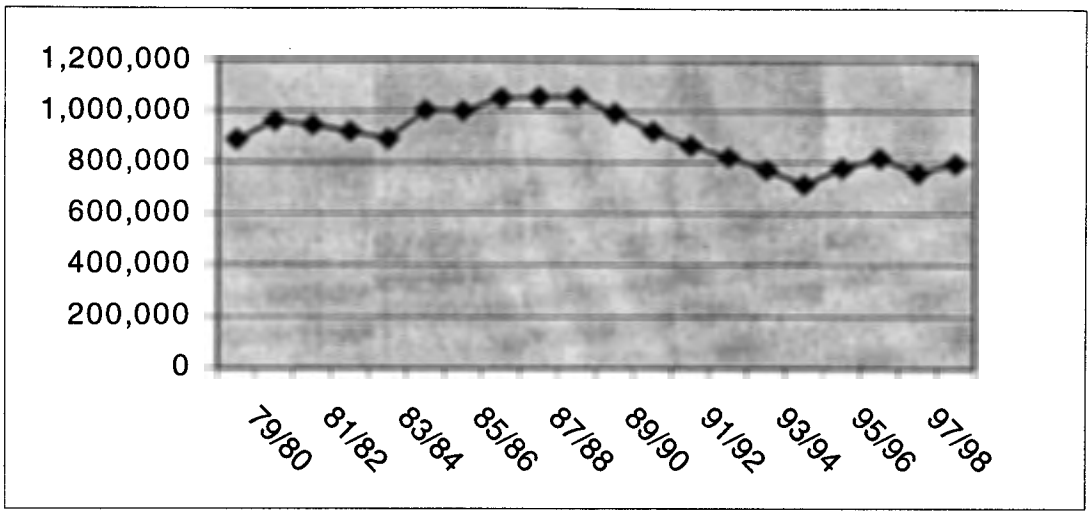
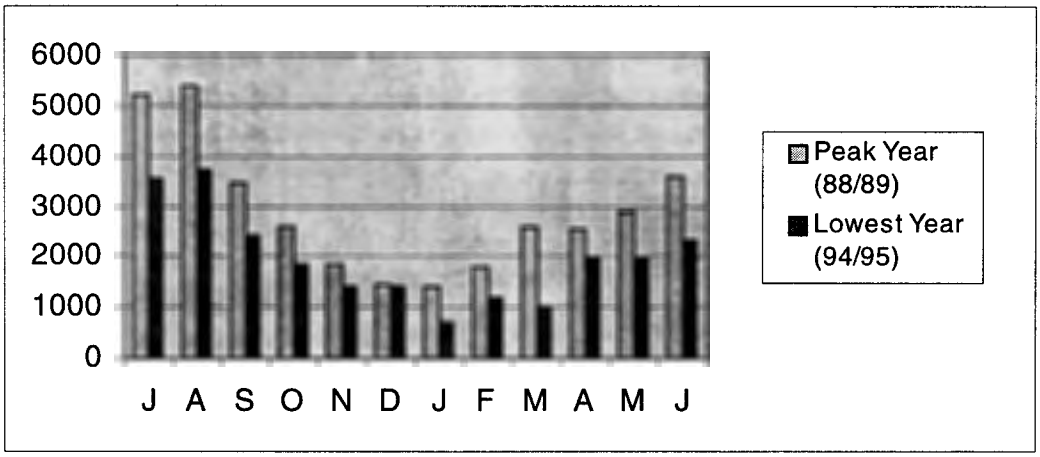


Figure 6-2: Comparison of Highest and Lowest Years for Hearst Castle Visitation
Source: Department of Parks and Recreation, San Simeon District, 2001.



Number of Visitors: According to State Park staff, the maximum number of tour tickets that can be sold in one day is 5300, due to the physical limitations of the visitor center, number of buses on the road between the visitor center and the castle, and other factors. This maximum is already being achieved during the summer months, when water supply is at its lowest and Highway One is at Level of Service (LOS) D. It should be noted that DPR does not track numbers of actual people coming to Hearst Castle; rather they count number of tour tickets sold. Because many visitors to the Castle participate in multiple tours (between 1 and 4), the actual number of people visiting the Castle during a peak summer day may be less than 5300 (however, some visitors merely go to the visitor's center and do not tour the castle at all; thus, they would not be accounted for in ticket sales).

Water Supply: The current goal of the Park District is to increase visitation during the slower off-season months. According to Park District staff at Hearst Castle, the District has several permits from the State Water Resources Control Board (SWRCB), either as the primary applicant or as a co-applicant with Hearst Corporation. The permits allow for a total allocation of 60 acre feet/year (afy) from three springs on Pine Mountain for the park district. In recent years, the district's actual usage rate has been only about half of the allotment; therefore they maintain they have more than sufficient capacity to serve the expected increase in visitors. Park District staff also notes that in the years of peak visitation, in the mid- to late-80's, before they had implemented any type of water-saving programs, the District did not exceed their water allocation.

Nonetheless, it should be noted that although the Park District may be permitted 60 afy, 60 afy may not always be available. More research concerning available water supplies along the North Coast is needed, particularly concerning the need to assure that new development is environmentally sustainable, and does not harm environmentally sensitive habitats (see Development and ESHA chapters). Also, many of the increasing numbers of visitors to the Castle would require overnight accommodations in the North Coast area, most likely in Cambria or San Simeon Acres. As noted in the New Development chapter, Cambria, whose water is provided by Santa Rosa and San Simeon creeks, faces severe constraints in terms of water supply. Water for San Simeon Acres is withdrawn from Pico Creek, which is already at or over capacity.

Traffic: While summertime LOS on Highway One south of the Hearst Castle entrance is LOS D, the wintertime LOS has not been determined, though staff at Caltrans estimates it typically is at LOS B or C.[59] As discussed in the Development chapter, traffic counts for peak periods at the Castle have shown a steady increase since 1976. Since the average number of off-season ticket sales for Hearst Castle is 1650, it is likely the Castle could accommodate a threefold increase in the number of visitors in the off-season. It is unlikely that this will occur, due to the nature of the tourist industry in general. Typically summer is high tourist season because children are out of school and families are able to travel together; additionally the weather is more conducive to travel. Nonetheless, more research will be needed to ascertain more precise trends in traffic during off-peak times. It may be that future increases in off-peak visitation at Hearst Castle will raise concerns both with highway capacity, and other limited resources such as water supply.

Comments Raised by the San Luis Obispo Visitors and Conference Bureau Regarding the Feasibility of Tourism Development

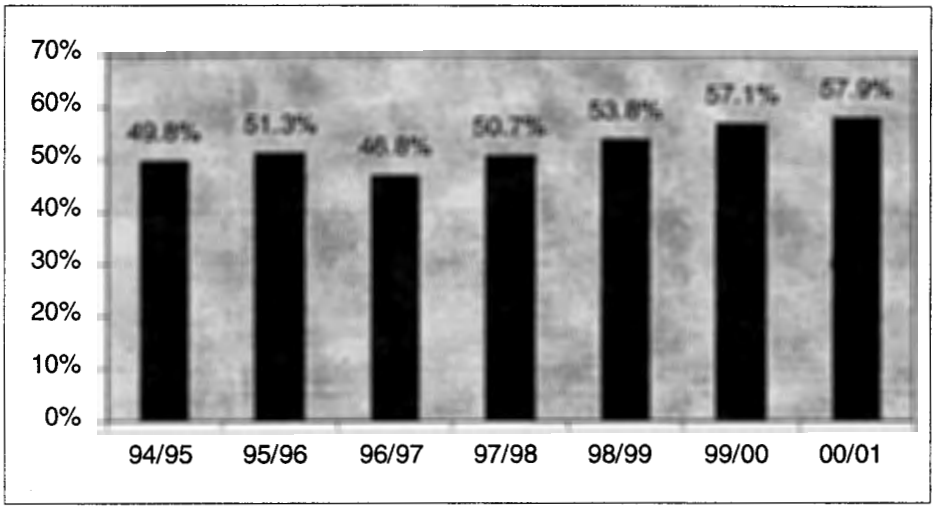
Occupancy Rates: It was suggested by the San Luis Obispo Visitors and Conference Bureau that the occupancy rates for the City of Morro Bay were actually higher than what was

[59] Ron West, Caltrans, District 5.

quoted in the Preliminary Report, which noted an occupancy rate of 54% in 1998. However, further research indicates that occupancy rates cited in the report are accurate. The chart below illustrates occupancy rate data for a 7-year period.

Figure 6-3: Occupancy Rates, City of Morro Bay

Source: City of Morro Bay Finance Department, 2001



The San Luis Obispo County Visitors and Conference Bureau provided occupancy data from a private firm[60], which shows county-wide occupancy rates to be in the 60-70% range. It is unclear why occupancy rates for the county as a whole would be so much higher than a typical coastal community, which would have more of a tourist draw. Occupancy rates with separate coastal zone breakdowns were unavailable. This lack of clarity in data supports the need for more comprehensive recreational and visitor-serving planning as called for in Recommendation 6.7.

An additional comment raised by the San Luis Obispo County Visitors and Conference Bureau was that the *Preliminary Report* failed to recognize that "this county needs a balance of all types of accommodations to successfully weather any storm… ." The Conference Bureau also states that "occupancy statistics are often used when determining the feasibility of tourism development, but it is by no means the only factor." They state that other considerations include average daily rates, and whether or not there is a void in the local market of the type of product offered. While the *Preliminary Report* observed that "a hotel market is considered ready for new development when overall occupancy rates reach 65 to 70%,"[61] and concluded that there is an apparent lack of need for additional hotel development, it was also noted that in the years since LCP certification, over 700 additional hotel, motel and bed and breakfast units had been approved for development in the coastal zone (page 264). Nonetheless, it is also important to note that analysis of economic need is

[60] Smith Travel Research, 1994-2000.

[61] *Evaluation of Development Potential for Visitor-Serving Uses, Caratan/Colmer Site, Morro Bay*, prepared for City of Morro Bay by Bay Area Economics, December 1999.

not the only relevant component of planning for additional hotel development, but also scrutiny of the suitability of the proposed site, including capacity of existing infrastructure and impacts to community character and sensitive resources.

Count of Overnight Rooms in the North Coast: The San Luis Obispo County Visitors and Conference Bureau also voiced concern about the number of rooms specified in the Preliminary Report. The original report cited "a 110% increase in the number of visitor serving accommodations between 1982 and 1997" in the North Coast, a value quoted directly from the County's proposed North Coast Area Plan update, which noted 676 rooms in 1982 and 1418 in 1997. These numbers include rooms in Cambria and San Simeon, as well as the rural area of the North Coast Planning Area. Currently the Cambria Chamber of Commerce counts 1378 overnight units in just Cambria and San Simeon, as of April 2001. However, the San Luis Obispo County Visitors and Conference Bureau notes that according the UCSB Economic Forecast Project, the count of rooms in the North Coast area was 1710 in 1992. As shown, the data varies, but it does support the fact that between 1982 and 2001 the number of overnight rooms in the North Coast increased significantly.

While it appears that the county is meeting the intent of Section 30213 of the Coastal Act through the implementation of the LCP, it is not apparent whether there is sufficient water or road capacity to support this existing permitted visitor-serving development, much less provide for future developments. In particular, as discussed in the New Development chapter, Cambria has severe water limitations and while a significant portion of existing water use goes toward visitor-serving development, it is not clear that enough water is reserved for approvals of other new development. Thus, comprehensive recreation and visitor-serving planning is necessary to ensure that existing needs are met prior to planning for new recreation and visitor-serving development (see also, discussion of planning constraints for the Hearst Ranch in the Development chapter).

Short-term Vacation Rentals: Comments were also voiced regarding use of single-family homes as short-term vacation rentals in Cambria and Cayucos. Residents in these communities are concerned about the number of single family residences in residentially-zoned areas that are being rented out as vacation rentals, potentially leading to the deterioration of the neighborhood. Concerns involve noise, trash and community character. County staff has been aware of the issue for some time and in the past year has developed an ordinance for vacation rentals within the Coastal Zone.[62] It will come before the Coastal Commission for final review as an LCP amendment in the near future. Thus the Coastal Commission will soon review this issue as a separate LCP amendment proposal.

Clearly the above-mentioned discrepancies in occupancy data and overnight room counts, as well as concerns with the types of accommodations being provided, point to the need for comprehensive visitor-serving and recreation planning, which should provide consistent and up-to-date supply and demand information. As this is the major thrust of Recommendation 6.7, it remains unchanged.

[62] Available at http://www.slonet.org/vv/ipcoplng/newvacnotice.pdf

Recommendation 6.7: Comprehensive Public Recreation Planning
Through a comprehensive Public Access planning process, long-term supply and demand and opportunities for low-cost visitor-serving recreation should be analyzed. The LCP should be evaluated for potential amendments to provide for such uses. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including that which may be needed in the future.

4) Conclusion

The *Preliminary Report* noted that in order to effectively implement the LCP in conformance with the requirements of Coastal Act Sections 30210, 30213, 30250, 30252, and 30254 to protect low-cost visitor-serving and recreational uses within the Coastal Zone, the LCP should be updated to provide for comprehensive recreation planning (Exhibit A, findings incorporated herein by reference). After further evaluation and consideration of public comments, the Commission adopts Recommendation 6.7 as an appropriate corrective action for submission to the County pursuant to Coastal Act Section 30519.5.

D. Balancing Access and Recreation with Protection of Sensitive Habitats

1) Summary of Preliminary Periodic Report Findings (Exhibit A, pp. 265-267)

As noted in the Preliminary Report, San Luis Obispo County encompasses a great deal of environmentally sensitive area. New conditions and changed circumstances with regard to sensitive habitats were also noted, including the establishment of the elephant seal colony at Piedras Blancas and the listing of the snowy plover as a threatened species. The Preliminary Report concluded that to date, the County had generally been successful in balancing the provision of public access with the protection of sensitive resources in their regulatory program. On the other hand, it was also found that continuing development pressures within the County and the emergence of new information and changed circumstances (particularly the increasing number of threatened and endangered species) suggested a need to strengthen LCP policies regarding the balance between sensitive resource protection and the provision of public access. The Preliminary Report identified the following recommendations:

- Review New Access Developments for Appropriate Management Measures; and
- Incorporate Public Access Management and Enhancement as a Component of All Habitat Conservation Plans and Natural Community Conservation Plans.

2) Comments Raised

San Luis Obispo County Response (Exhibit C):

The County concurs with Recommendation 6.8, noting that new access developments require discretionary review and that appropriate habitat management measures are already assessed through CEQA review. The County disagrees with Recommendation 6.9. The County contends that since Habitat Conservation Plans are not within County control, they cannot implement this recommendation.

Public Comments (Exhibit D):
Additional comments from the public expressed ongoing concern with the status of protecting snowy plovers at Oceano Dunes State Vehicular Recreation Area.

Specific Clarifications/Errata
The report will be modified to include Natural Community Conservation Plans (NCCPs) in the discussion of public access protection in the development of Habitat Conservation Plans (HCPs).

3) Analysis

Reviewing new access developments for appropriate habitat management measures

The County has stated that they do not object to the recommendation regarding reviewing new access developments for appropriate habitat management measures, because they already do so. The Commission concurs, noting the findings in the Preliminary Report which observed that "the County has been successful in balancing the provision of public access with the protection of sensitive resources in their regulatory program." (page 265). It was also observed that the LCP contains policies and ordinances which do provide for the protection of sensitive habitats with regard to the provision of public access. These include Access Policy 2, ESHA Policies 29 and 38, and Ordinance 23.04.420 c1 which states that "access is required except where inconsistent with the protection of fragile coastal resources." Thus, this recommendation provides no additional protection to sensitive resources with regard to the provision of public access, and is therefore deleted.

Preliminary Recommendation 6-8: ~~Review New Access Developments for Appropriate Habitat Management Measures~~

Public Access Considerations in Federal and State Conservation Plan Reviews

In their assertion that they have no jurisdiction over federal Habitat Conservation Plans and State Natural Community Conservation Plans, the County is correct, *only if it is not designated with a primary responsibility for implementing the plan.* However, the County could participate or take the lead, in developing and implementing any such conservation plans (for example, in the proposed Los Osos HCP). Regardless, the County has a responsibility to pursue conformance with all LCP policies, including those concerning the provision of appropriate public access, in conservation planning processes being considered in the San Luis Obispo coastal zone. In order to ensure that conservation plans in the County do indeed comply with the LCP's public access policies, it is important that this recommendation, as modified, remain:

Recommendation 6-9: Habitat Conservation Plan Access Review

~~Include~~ Ensure that public access management and enhancement consistent with LCP policies is considered as a component of all habitat management planning and natural community conservation plans within the coastal zone.

Oceano Dunes State Vehicular Recreation Area

As stated in the *Preliminary Report*, issues concerning visitor use and the protection of sensitive resources at the ODSVRA were addressed in a separate staff recommendation regarding an amendment (4-82-30-A5) to the Recreation Area's original 1982 permit. With the Commission's approval, the ODSVRA is now instituting interim vehicle use limits at the ODSVRA and establishing an interagency Technical Review Team to act as an advisory body to the Superintendent of the ODSVRA. A scientific subcommittee is also established to advise the Technical Review Team on such issues as habitat protection and access management. The Commission will be reviewing the permit annually in order to evaluate the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. Since public comments concerning the ODSVRA were not directed at a specific recommendation put forth in the *Preliminary Report*, none of the recommendations are affected.

4) Conclusion

The Preliminary Report noted that in order to effectively implement the LCP in conformance with the requirements of Coastal Act Sections 30210, 30212, 30214, and 30230 to balance the conflicts between providing public access and protecting sensitive habitat, the LCP should be updated to include a new policy (Exhibit A, findings incorporated herein by reference). After further evaluation and consideration of public comments, the Commission adopts Recommendation 6.9 as modified as an appropriate corrective action for submission to the County pursuant to Coastal Act Section 30519.5.

7. COASTAL HAZARDS

Shoreline Hazards

The Coastal Act Section 30253 requires in part that new development minimize risks and neither create nor contribute to erosion or require construction of protective devices. Section 30235 allows construction of shoreline protective devices when existing development is threatened by erosion and when designed to mitigate impacts.

A. Implementing Setback Standards

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 269-299)

The *Preliminary Report* found that while the County was generally requiring setbacks for new development, implementation of its LCP setback policies was not avoiding or minimizing the construction of shoreline protective devices. Ancillary structures were authorized in setback areas that can increase the exposure of structures to hazards and result in additional demand for shoreline armoring. Variances were granted which resulted in development within setback areas and development of shoreline protective devices. The *Preliminary Report* (page 279) determined that the setback standard itself, the method for determining the setback, and the restrictions on what is allowed in the setback all need to be strengthened to assure that new development will not result in future armoring of the shoreline. The *Preliminary Report* recommended measures to increase the setback based on an increase of the expected life of the structure from 75 years to 100 years, and recommended incorporation of a safety factor in determining the adequacy of the setback. It recommended further limitations on exemptions to the setbacks to minimize encroachment of primary and permanent structures in the setback.

In implementing the LCP through its issuance of permits, the County has authorized shoreline protective devices to protect new development. The *Preliminary Report* recommended that new development authorizations on vacant parcels require a deed restriction that ensures waiver of any potential rights for shoreline protective devices in the future.

2) Comments Raised

SLO County Response (Exhibit C)
For many of the proposed suggested revisions to setback standards in the LCP, the County suggested modifications or identified a need for more information. The County agreed to further define what constitutes existing development (7.1). While agreeing to eliminate the stringline method of determining setbacks, the County identified a need for more information on determining an expanded setback and proposed safety factor (PR 7.2 and 7.3). The County disagreed with PR 7.4 that would specify that structures within setbacks be designed to be relocated or removed if threatened. The County suggests that the same objective can be achieved by clarifying what is allowed within the setback and how the setback is measured. The County disagreed with prohibiting new subdivisions and lots splits in high wave hazard areas without more clarification, and questioned the legality for restricting lot legalization in high wave hazard areas (PR 7.6).

Specific Clarifications/Errata (to be incorporated into the report)
There were comments concerning typographical errors on page 287 and suggestions to refer to concrete instead of cement on page 295 of the *Preliminary Report*. These changes will be corrected.

3) Analysis

As found in the *Preliminary Report*, the implementation of the existing LCP setback policies is resulting in the construction of shoreline protective devices. In addition, development on coastal bluffs can contribute to instability of the bluff, particularly if the development includes landscape watering, which also leads to the development of protective devices. The Commission finds that in order to assure that implementation of the LCP will avoid or minimize future armoring of the shoreline consistent with Sections 30253 and 30235 of the Coastal Act, modifications to the method in which setbacks are determined and the extent of setbacks are recommended. Increasing the estimated life-of-structure standard upon which setbacks are calculated, from 75 years to 100 years as indicated in Recommendation 7.3 can increase setbacks. As discussed in the *Preliminary Report* pages 279-281, the 75-year economic life of structure may not be an accurate estimate and, when such setbacks are determined using that standard, armoring can be expected to occur.

However, the Commission notes that determination of a specific setback safety factor may be most effective when based on an evaluation of specific geologic conditions. Therefore, the Commission modifies Recommendation 7.3 to incorporate development of safety factors as part of an Area-Wide Shoreline Management Plan, as further discussed in Section B of this Chapter.

> **Recommendation 7.3: Revise CZLUO 23.04.118**: Eliminate the stringline method for determining setbacks, section (a). Modify section (b) to base setback on a projected 100 year economic life of structure. Add requirement to incorporate a safety factor either as a multiplier or as a set distance, as developed through an Areawide Shoreline Management Plan.

As found in the *Preliminary Report*, the County implementation of the LCP resulted in exceptions to the bluff setbacks that allowed encroachment of portions of permanent structures (architectural features as chimneys, bay windows, balconies) in the setbacks. Such encroachments can increase the demand for future armoring. Recommendation 7.4 would eliminate the exception for encroachment of architectural features of a permanent structure and assure that any development permitted within the setback would be designed to be removed or relocated. The County suggests that the alternative to clarify what is allowed in the setback and how the setback is measured would accomplish the same objective. The Commission notes that the recommendation would eliminate encroachments of portions of primary structures on the site. Subpart 2 already prohibits encroachment of decks or other solid structures or similar design elements. With these modification to the exceptions, the Commission agrees with the County that it is not necessary to specify that landscaping, minor earthworks or steps placed directly on natural grade need to be designed to be removed or relocated. As modified, recommendation 7.4 would assure that LCP implementation would minimize encroachment of structures that would contribute to future armoring of the shoreline.

> **Recommendation 7.4**: Modify CZLUO 23.04.118 "Exceptions to Bluff Setbacks Requirements" section (c) to eliminate subpart (3) roof and wall projections. ~~and to modify subpart (2) to provide that provide:" The minimum setback requirements of this section do not apply to the following at grade earthworks, steps, and similar design elements should be designed to provided the structures are designed to be removed or relocated in the event of threat from erosion.~~

The Commission also finds that recommendations concerning subdivisions and lots splits require more specific clarification. Rather than relying on identification of what is considered to be "high wave hazard areas", the Commission modifies Recommendation 7.6 to limit proposed subdivision or lot splits to urban infill areas or in areas addressed through area-wide management plans. As modified this recommendation would assure that strategies would be implemented to assure that new development sites created minimize future shoreline armoring. This recommendation, in combination with Recommendation 7.7 to require that such new development assume the risk that future armoring may not be permitted will ensure that the implementation of the LCP will minimize shoreline armoring consistent with policies of the Coastal Act.

> **Recommendation 7.5: Reexamine regional average annual erosion rates.** Recent studies of the area for individual shoreline protection have shown that the estimate that the shoreline will retreat only 25 feet during the next 75 years is often low. The minimum setback distances use this value for siting new development and the minimum distance should be revised to better reflect current shoreline changes. Recommendation incorporated into 7. 8.
>
> **Recommendation 7.6: Add new Policy standards.** Prohibit new subdivisions or lot splits or lot legalization that create new lots in high wave hazard areas. Modify Hazard Policy 1 to ensure that in shoreline areas subject to erosion, subdivisions and lot splits shall not be permitted unless they are within (1) an urban infill area and (2) a region covered by an Areawide Shoreline Management Plan that has been certified into the LCP.

4) Conclusion

The Commission finds that the *Preliminary Report* pages 269-299 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act Section 30235 and 30253. After further evaluation and consideration of public comments, pursuant to section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.1-7.6 as appropriate corrective actions for submission to the County.

B. Seawall Development in Existing Developed Areas

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 283-286)

The *Preliminary Report* noted the challenge in minimizing armoring in already developed areas such as Cayucos where few vacant lots remain. Many of the coastal developments authorized by the County in this area were for remodels and reconstruction of existing structures. The *Preliminary Report* recommended minimizing armoring in these areas in part through a comprehensive approach to area wide shoreline management. The *Preliminary Report* also addressed impacts from emergency authorizations of shoreline protective devices

and impacts to the scenic and visual resources of shoreline areas from development of shoreline protective devices.

2) Comments Raised

SLO County Response (Exhibit C)
In general the County comments noted agreement to include a program in the LCP to undertake Areawide Shoreline Management Plans for the Cayucos and Cambria areas, provided funding was available to support such studies. The County agreed that such Areawide Plans would be an appropriate mechanism to address such issues as pursuing additional setback of development through reconstruction of older structures, reevaluating the annual erosion rate, establishing emergency armoring procedures and development guidelines for design of shoreline protective devices to minimize visual resource impacts. (PR 7.8, 7.5, 7.12, 7.16). The County agreed to improve requirements to identify existing access easements on shoreline parcels where seawall projects may be considered.

The County disagrees with the Preliminary Recommendation to require applicants for new development on vacant shorefront lots to assume risk that a future seawall may not be permitted.

Public Comments (Exhibit D)
Other comments focused on the effect of the preliminary recommendations on properties in Cayucos. The Cayucos Advisory Council supports authorization of shoreline protective devices on vacant parcels in infill situations where adjacent properties have seawalls because of the existing pattern of development in Cayucos. The Council also supports use of the stringline to determine setbacks if neighboring properties agree. The Council also recommends that as older properties recycle, rather than remove seawalls, older walls should be replaced with walls properly sited and designed and that such walls should not encroach on public property.

3) Analysis

The Commission agrees that minimizing the cumulative impacts of shoreline armoring may require closer evaluation of site specific shoreline conditions, annual erosion rates, and patterns of development, especially in areas such as Cayucos where lots are smaller and where there are few vacant lots. Developing a long-term comprehensive approach to avoid the permanent armoring of the shoreline or to minimize impacts to shoreline resources is preferable to the continued site-by-site armoring of the shoreline in existing developed areas and offers a means to address some of specific constraints in Cayucos. However, until such Area-Wide Plans are completed, the implementation of the LCP should assure that new development will minimize risks to life and property and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs as required by Section 30253 of the Coastal Act. As

discussed in the *Preliminary Report*, the Commission finds that where new development is proposed on vacant lots, the LCP implementation should be strengthened to avoid the need for shoreline armoring. Recommendation 7.7 as modified more clearly describes mechanisms that the Commission has identified to assure that new development will be implemented in conformity with Section 30253 of the Coastal Act. Recommendation 7.8 suggests the framework for conducting an Area Wide Management Plan.

> **Recommendation 7.7: Strengthen Measures to ensure no future armoring.** Modify standards for new development on vacant lots or for demolition and rebuilding of structures subject to beach or cliff erosion, inundation, wave uprush, etc. in areas subject to hazards. The modified standards should require as a condition of new development that the applicant assumes the risk of building in the hazardous areas without assurances that future armoring will be allowed. This could be implemented by modifying and expanding the GSA combining designation to identify specific areas where no future shoreline armoring will be permitted. Modify standards in shorefront areas subject to beach or cliff erosion, inundation, wave uprush, etc., to avoid future shoreline protective devices as a result of new development. For new development on vacant shorefront lots, or for demolition and rebuilding of structures, where geologic evaluations conclude that the development can be sited and designed to avoid the need for a future shoreline protective device, require recordation of a deed restriction that ensures that no shoreline protective device(s) shall be constructed to protect the development approved and ensures waiver of any rights to construct such devices that may exist under Public Resources Code Section 30235.

As modified, Recommendations 7.5, 7.12 and 7.16 are modified and incorporated into recommendation 7.8. This will clarify that measures to reevaluate annual erosion rates, determine appropriate safety factors in setbacks, as well as procedures to address emergency permitting and designs to minimize visual impacts of armoring can be developed through Areawide Shoreline Management Plans. In addition, Recommendation 7.15 will update LCP policies to ensure that setbacks and other measures are based on improved geologic evaluation reports. However, the Commission agrees that such plans are complex and that local government requires funding assistance to undertake such programs.

> **Recommendation 7.8: Adopt Areawide Shoreline Management Plans as a program in the LCP:** Pursue funding to develop and implement ~~an~~ Area-Wide Shoreline Erosion and Bluff Retreat Management Plans for Cayucos and Cambria, and, if appropriate, for other shoreline hazard areas. The Area-wide Plans should:
> ~~as part of this plan~~ assess specific sections of these coastline areas ~~should be assessed~~ based on factors including, but not be limited to, geology, wave conditions, and sand budget. The management plans should include:
>
> - A re-examination of regional average annual erosion rates in order to reflect current shoreline changes.
>
> - Standard engineering plans defining the specific types of armoring that would be acceptable for specific areas, and where appropriate, identification of the types of armoring that should never be considered for certain areas in order to minimize risks and minimize impacts from armoring to public access and scenic resources from the shoreline and water recreation areas.
>
> - Standard alternatives feasibility analysis worksheet that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only created as a last resort. The analysis may require, but not be

limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, etc.), an examination of all other options (removal, relocation, "do nothing", sand replenishment, etc.), and a conclusion that a shoreline protective device would be the "best option" (most protective of the public trust, best long term solution, etc.) for the subject site.

- Standard conditions and monitoring requirements that may include discussion of mechanisms to ensure shoreline protection effectiveness and public safety with provisions for the removal of ineffective or hazardous protective structures as well as programs to address beach replenishment and sand supply.

- Procedures to address emergency armoring, such as: coordination with property owners and for field inspections before and after storm seasons; guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.

Recommendation 7.16: Delete and incorporate into 7.8 ~~The area wide shoreline retreat and management plan suggested for Cayucos and Cambria in Preliminary Recommendation 7.7 could also incorporate guidelines for identifying specific types of armoring that would be acceptable for specific areas to minimize visual impacts from armoring along the shoreline and water recreation areas.~~

4) Conclusion

The Commission finds that the *Preliminary Report* pages 269-299 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act Section 30235 and 30253. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.7-7.8 as appropriate corrective actions for submission to the County.

C. Mitigation of Access Impacts from Shoreline Armoring

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp.287-288)

The *Preliminary Report* noted that County approvals of shoreline protective devices mitigated public access impacts through implementation of requirements to dedicate lateral access easements. However, as the report noted on pages 287-288, some access mitigation may be negated by County authorizations which located the OTDs in areas which are already public lands, in areas which do not provide maximum public access or by encroachment of seawall development within easement areas. Preliminary Recommendations 7.9, 7.10 and 7.11 included measures to ensure that information on the location of existing access easements is more readily available in the review of coastal permits and that access mitigation is assured.

2) Comments Raised

<u>*SLO County Response*</u> (Exhibit C)
The County agrees with recommending improvements to require better identification of easement areas. However, they disagree with Recommendation 7.11 suggesting the

alternative to clarify in the standard that applicability of access mitigation is dependent on a determination that an access easement already exists on the site.

Public Comments (Exhibit D)
No comments were received on the proposed recommendations concerning access mitigation.

3) Analysis

Recommendations 7.11 is proposed based on findings in the *Preliminary Report* page 287-288 that LCP implementation of access mitigation was required only "if applicable" and that this did not assure adequate mitigation of impacts from the development of shoreline protective devices. As suggested by the County, this assurance could be provided with modification to the recommendation that would also clarify that an access easement would not be required if one already existed on the property. The Commission agrees and modifies Recommendation 7-11.

> **Recommendation 7.11:** Revise condition language for requiring access easements ~~to clarify that phrases such as "if applicable" should not be part of access requirements.~~ to provide that access is required unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

3) Conclusion

The Commission finds that the *Preliminary Report* pages 287-288 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act Section 30211 and 30212. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.9, 7.10 and 7.11 as appropriate corrective actions for submission to the County to assure that the LCP is implemented consistent with public access policies of the Coastal Act.

D. Emergency Armoring of the Shoreline

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 288-290)

The *Preliminary Report* found that significant shoreline armoring resulted from emergency authorizations. Review of these actions also shows that the armoring placed in an emergency usually remains, although in most cases mitigation is required. As more of the shoreline is armored, the demand will increase for maintaining or expanding existing armoring. While developing guidance for emergency permitting to reinforce the temporary nature of the development is possible, in most cases even placement of riprap and rock intended to be temporary is rarely removed.

2) Comments Raised

SLO County Response (Exhibit C)
The county responded that more information is needed on ways to address emergency armoring procedures; for example, more information is requested on the need for field inspection. The County agrees to consider developing such procedures if funding is available.

Public Comments (Exhibit D)
No public comments were received on this recommendation.

3) Analysis

The *Preliminary Report* concluded that steps could be taken to minimize the likelihood of future enforcement cases. For example, procedures can be established for coordination with property owners to clarify the types of emergency shoreline protection preferred and to assure measures taken are temporary. Field inspections of shoreline areas where development is subject to wave hazards before and after storm seasons can provide more specific information on shoreline conditions to inform decisions on allowable emergency authorizations. Through preparation of shoreline management plans, the County can provide advance information on the location of easement areas to assure emergency structures are not occupying public easements; provide for inspections to identify shoreline protective structures built without permits; and assure emergency structures are removed or regular permit follow-up is completed within the 30 day period. The Commission finds, however, that development of these improvements to LCP implementation can best be addressed as part of development of the Area Wide Management Plans recommended in Recommendation 7.8. Therefore, Recommendation 7.12 is deleted as a separate recommendation and development of emergency procedures is added to Recommendation 7.8.

> **Recommendation 7.12:** ~~As part of shoreline management plans noted in Preliminary Recommendation 7.7, include procedures to address emergency armoring. Include procedures for coordination with property owners and for field inspections before and after storm seasons. Include guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.~~ Incorporated into 7.8

E. Mitigating the Impacts of Armoring Pacific Coast Highway

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 290-292)

The impact to shoreline resources from maintaining Highway 1 was also noted in the *Preliminary Report.* Recommendations were made to expand LCP policies to ensure that new development related to Highway One conform to LCP setback standards, and relocation alternatives considered as part of updating the North Coast Area Plan in order to avoid or minimize future shoreline armoring.

2) Comments Raised

SLO County Response (Exhibit C)
The County disagrees with recommendations for avoiding armoring of Highway One (7.13 and 7.14) requesting further evaluation or modification.

Public Comments (Exhibit D)
Additional comments proposed deleting the recommendations on avoiding armoring related to Highway One, suggesting that the County and Caltrans should be responsible for evaluating alternatives and determining the preferable mix of armoring and realignment of Highway 1. Comments noted that in other areas of the County, shoreline armoring is needed to protect public access roads where relocation due to other sensitive resources is not a feasible alternative.

3) Analysis

As found in the *Preliminary Report* pages 290-291, in prior actions on permits to Caltrans for projects on Highway One and on the LCP Amendment 1-97, the Commission required that alternative alignments to avoid or minimize future shoreline armoring be considered. Recommendations 7.13 and 7.14 reinforce those previous Commission actions and suggest that the LCP modify policies to clarify that Highway 1 projects should conform to other LCP setback standards to avoid or minimize shoreline armoring. Recommendation 7.14 as modified would not mandate relocation of Highway 1. Rather it suggests that as the North Coast Area Plan is updated and revised, the planning process should consider the possible relocation of Highway 1 as a less damaging alternative to placement of additional shoreline armoring in order to implement the LCP consistent with Section 30235 and 30253 of the Coastal Act while also protecting the scenic and recreation values of Highway 1. Modifications to Recommendation 7.14 would further clarify that alternatives should be considered as part of the Area Plan updates.

> **Recommendation 7.13:** Policy 6 should clarify that Highway 1 must comply with setback standards similar to other existing structures. Establish~~ing~~ setbacks based on assuring that the highway will be safe from erosion without need for armoring for 100 years. Policy 4 should be expanded to clarify that consideration of alternatives should include possible relocation of the structure to be protected, including Highway 1.

> **Recommendation 7.14**: Amend the NCAP to ~~Provide~~ consider alternatives for the Realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of Highway 1.

4) Conclusion

The Commission finds that the *Preliminary Report* pages 290-292 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively

implemented in conformance with Coastal Act Sections 30211 and 30212. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.13 and 7.14 as appropriate corrective actions for submission to the County.

F. Flooding Hazards

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 297-298)

The *Preliminary Report* page 297-298 noted flooding hazards in the County and, in particular, flooding hazards in the West Village of Cambria. The Report noted that the LCP incorporates the FEMA coastal high hazards area maps and subsequent updates, but found that the LCP should be updated to identify additional areas where flood hazards exist and revise policies and hazard designations to minimize risks from flooding hazards consistent with the Coastal Act. The *Preliminary Report* recommended expanding the Flood Hazard Combining Designation standards to more creeks in the North Coast Area and recommended that no new development should be authorized until a flood analysis and management plan for the West Village of Cambria is completed in order to assure that LCP will be implemented consistent with Section 30253(1) of the Coastal Act.

2) Comments Raised

SLO County Response (Exhibit C)
The County comments requested further information on whether the additional creeks identified appear on updated FEMA maps and agreed to expand the designation to be consistent with existing information in the County's Safety Element. The County noted that a moratorium on new development pending completion of a flood management plan for the West Village is a major policy question and noted that County Public Works Department is currently working on a flood analysis and management plan.

Summary of Public Comments (Exhibit D)
Other comments suggested the 100-year flood plain standard for West Village is not sufficient as it floods every 4 or 5 years, especially with climate change and sea level rise. The Cambria Community Services District commented that the *Preliminary Report* should recognize that a Flood Control Benefit Assessment Zone is planned by the County and financed by the property owners. The County is making progress on developing a project to minimize flood hazards. The Draft EIR for the Flood Plan is now under public review.

3) Analysis

No changes are recommended to 7.18. As discussed in the *Preliminary Report*, the policies of the LCP need to be revised to reflect more comprehensive measures to minimize risks from flooding in order to be implemented consistent with Section 30253(1) of the Coastal Act. Recommendation 7.18 addresses potential flood hazards identified in the North Coast

Area. While the Commission found in its action on LCP Amendment 1-97 that there is little development threatened along many of the rural streams in the North Coast Area, the North Coast Project Update identified additional potential flood hazards along several creeks. Recommendation 7.18 would result in an implementation mechanism to assure that existing development standards to minimize risks from flooding are applied to any future development in areas subject to flood hazards. Recommendation 7.19 will assure that ongoing efforts to develop a management strategy to address flood hazards risk in the West Village of Cambria are incorporated into future development by prohibiting new development in the West Village pending implementation of the comprehensive flood management plan. There has been substantial progress in developing this flood management plan. With these modifications the LCP implementation will minimize risks to life and property in flood hazards areas of the West Village area of Cambria.

> **Recommendation 7.19**: For areas subject to FH combining designation in Cambria, no new development except public services shall be approved until the County has ~~certified and implemented a~~ approved the recommendations of the flood analysis and management plan for the West Village that is currently being developed.

4) Conclusion

The Commission finds that the *Preliminary Report* pages 297-298 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with Coastal Act Section 30253. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.18 and 7.19 as appropriate corrective actions for submission to the County.

G. Fire Hazards

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 298-299)

As noted in the *Preliminary Report* page 298, while the County's implementation of LCP policies does not appear to raise significant concerns regarding conformance with Coastal Act Section 30253, the LCP still needs to be strengthened to reflect stronger protections for habitat and recreation when implementing required fuel modification standards. The Commission has seen an increase in impacts to habitat and recreation areas as a result of the siting of new development in a manner that then requires fuel modification to take place on public recreation lands in order to comply with fire code requirements. The *Preliminary Report* recommended policy modifications (PR 7.20) to ensure that fuel modification necessary to protect private structures would avoid encroaching into public habitat and recreation lands.

2) Comments Raised

SLO County Response (Exhibit C)
The County agreed with the intent of the recommended policy revisions but suggested alternatives to make the policy standards more clear and to consider possible mitigation programs such as in-lieu fee programs (if funding is available to support development of the program).

Public Comments (Exhibit D)
Other comments on the *Preliminary Report* suggested that the recommendation placed a higher value on habitat and recreation protection than on protection of life and property, and would prevent any fire management measures on public or private lands to avoid risk of major fires at the urban/wildland interface. Comments suggested that the recommendation superceded the Uniform Fire Code and that current Fire Management Plans developed by the California Dept. of Forestry and Fire Protection, San Luis Obispo County Fire Dept. and a variety of local community groups offered a preferred plan for managing fire hazards. Comments suggested clearance methods which conserve rare plant species by pruning rather than removal are to be preferred over wholesale clearance. Comments note in-lieu fees are not effective. Other comments suggested that water storage for fire safety and response is limited and therefore new development should be set back from wildlands and provide adequate fire protection measures.

3) Analysis

The discussion and recommendation in the *Preliminary Report* did not clearly indicate the intent of the proposed suggested revisions to the LCP development standards and the Commission agrees that the recommendation should be revised and clarified. Under current LCP implementation, fuel modification required by applicable fire codes and necessary for minimizing risks to life and property takes place both on private lands and on public lands. On private lands in developed areas such fuel modification can be required to protect developed structures. In rural areas, fuel modification and fire management on private and public lands is necessary to minimize wildland fire risks at the urban interface, in addition to protecting existing structures.

The Commission recognizes the need to implement comprehensive fire management to avoid serious wildland fire risks. Creating defensible space around structures and employing other fire protection measures is important to minimize risks consistent with the Coastal Act. In some cases there may be habitat benefits from fire management techniques. However, fuel modifications necessary to create defensible space around authorized development can impact habitat and recreation resources of public parklands. Creating this defensible space required by fire codes requires some clearance of vegetation. According to the Fire Chiefs Association, the standard for such clearance in most areas is 30 feet from the building and clearance rarely extends more than 100 feet, but does not require removal of all vegetation.[63]

[63] Letter from Greg O'Sullivan, President, Fire Chiefs Association of San Luis Obispo County, May 2, 2001.

For properties adjacent to parklands, if the building envelopes for new structures are designed immediately adjacent to the public lands, fuel modification to protect the resulting private structures would be required to take place primarily on public lands and could result in added fuel management responsibilities on public agencies.

The recommended LCP policy update would not preclude ongoing wildland fire management on public or private lands. Rather, it recommends development standards to mitigate the impacts of fuel modification when considering the siting and design of new development adjacent to public recreation lands. Recommendation 7.20 as modified would ensure that when the County considers a coastal development permit application for new development, that any development authorized is sited and designed so that necessary fuel modification takes place on private lands. It is not intended to affect ongoing fire management measures on public lands or maintenance of required fuel modification zones to protect existing development as part of implementing ongoing fire management plans. It addresses siting and development of new private structures.

> **Recommendation 7.20:** Modify the Coastal Policies or the CZLUO to provide standards that require: 1) that any fire clearance area is shown on the site plan for new development proposals as part of the application content; 2) that any proposed new development of structures adjacent to public parklands or lands designated as Open Space be sited and designed such that any required fuel modification for the proposed development is confined to the private property in order to avoid impacts to habitat and recreational resources on public lands; 3) where structures cannot feasibly be sited to avoid fuel modification on adjacent public lands, that alternative mitigation is provided which can include measures such as off-site restoration or provision of in-lieu fees for restoration; 4) that where feasible, proposed structures are sited so that a natural vegetation buffer of sufficient size is maintained between the necessary fuel modification areas and the public parkland. Development, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation should not be permitted in the buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values. These standards should not apply to ongoing fire suppression and management activities conducted on public parklands necessary to minimize fire hazards to adjacent property. ~~siting new development to ensure that any required vegetation clearance will be done fully on the private property and will not encroach on any sensitive public lands or habitat areas. And, if development cannot be sited to avoid encroachments, to require mitigation in lieu fee to support habitat restoration programs.~~

3) Conclusion

The Commission finds that the *Preliminary Report* pages 298 presented evidence and analysis showing that the San Luis Obispo County LCP should be strengthened in order to ensure conformance with the Coastal Act 30253. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendation 7.20 as modified as an appropriate corrective action for submission to the County.

8. SCENIC AND VISUAL RESOURCES

The Coastal Act requires protection of scenic and visual qualities of coastal areas as a resource of public importance. New development must be sited and designed to protect views to and along the ocean and scenic coastal areas. Development must also minimize landform alteration, be compatible with the character of its surroundings and, where feasible, restore and enhance visual quality in visually degraded areas. In highly scenic areas, new development is required to be subordinate to its setting. The Coastal Act also requires that Highway One remain a scenic, two-lane road through the rural areas of the state. The Coastal Act also specifically protects the character of special coastal communities that may have unique characteristics or are popular visitor destination points (Sections 30251, 30253).

A. Protection of Scenic Viewsheds and Rural Landscapes

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A pp. 326)

The *Preliminary Report* pages 301-318 found that the LCP implementation has resulted in protection of some highly scenic areas within the coastal zone through acquisition of public lands. However, cumulative development patterns in rural areas have resulted in some incremental erosion of scenic rural landscapes within public viewsheds as a result of implementation of LCP policies. The *Preliminary Report* noted that LCP policies should be updated to allow for more comprehensive evaluation and policy approaches for addressing proposed development, particularly in rural areas.

From the Commission's evaluation it appears most LCP implementation to date has addressed protection of viewsheds through screening conditions on permit approvals. However, monitoring and reporting designed to assure the effectiveness of mitigation is not always carried out. The *Preliminary Report* found that, in order to assure that LCP implementation is consistent with protection of scenic and visual resources, avoidance of impacts through site selection and design alternatives is the preferred method for preserving scenic views over mitigation through vegetation screening.

The recommendations of the *Preliminary Report* suggested that the LCP policies be revised and expanded to enact a Critical Viewshed Policy similar to that in place along the Big Sur coastline in order to adequately protect scenic resources (PR 8.1.). Viewshed protection policies of the LCP should also be implemented to protect public views from offshore boating and recreation areas in state waters (PR 8.6). Development of a Scenic Sensitive Resource Area (SRA) overlay in the LCP (PR 8.2) could strengthen protection of sensitive resource areas as required by other sections of the CZLUO (23.01.043). It noted that the County is proposing revised Critical Viewshed policies as part of its Area plan Updates. The *Preliminary Report* suggested guidance for development of the revised Area Plan policies. In addition, the *Preliminary Report* (page 317) also recognized the need to strengthen condition compliance and monitoring. It suggested enhanced coordination with Coastal Commission staff on condition compliance and enforcement issues may improve implementation of the LCP (PR 8.3). It identified additional options that could be incorporated into the LCP in order to assure that the LCP will be implemented in conformity

with the Coastal Act Sections 30251 and 30253, including pursuing formulation of an Open Space District to acquire scenic lands (PR 8.4) and pursuing National Scenic Byway Designation for Highway One in the North Coast and Estero Planning Areas (PR 8.5).

2) Comments Raised

San Luis Obispo County Response (Exhibit C)
The County agrees to consider adding/clarifying a scenic SRA classification and standards as suggested by Recommendation 8.2 and to consider clarifying the extent of viewsheds and permit requirements as suggested by Recommendation 8.6. The County comments note that Recommendation 8.1 should be modified to define "critical" viewsheds and policies. It suggested implementing the policy through the Area Plan updates and performance standards for a project-level visibility analysis and siting prohibition in visible areas. Coastal policies and ordinances could be amended with prioritized limitations, criteria and findings. Policies and standards could be reviewed for more explicit and consistent interpretation of standards. The County agreed to pursue recommendations 8.3, 8.4 and 8.5 provided staffing and funding is available.

Public Comments (Exhibit D)
Public comments were received in support of the recommendation for development of a Critical Viewshed Policy that would extend the Big Sur critical viewshed policy to the North Coast Area of San Luis Obispo County.

Other comments generally supported protection of critical viewsheds but suggested that viewshed should be carefully defined based on detailed visual resource analysis and mitigation measures available. Concern was noted that viewshed protection measures could be so strict as to unreasonably restrict any uses or priority uses such as agriculture buildings. Comments noted that the recommendations would extend viewshed protections to cover any public viewing area—including views from Hearst Castle and the water and were overly broad and beyond the scope of the Coastal Act. Some comments suggested that Coastal Act policies require that impacts be minimized to the extent possible but not completely eliminated. Other comments also note that the recommendations may conflict with the limited scope of existing view easements gifted by the Hearst Company to the state. Comments note that recommendations 8.1, 8.2 and 8.6 when taken together would effectively prohibit development in almost all locations between the water and Highway One or would require development to be located in artificial berm pits.

Comments from agriculturists noted that scenic viewshed protection recommendations appeared to restrict agricultural production activities and development of principal agricultural residences and agricultural buildings. The Port San Luis Harbor District also noted that the district is generally supportive of viewshed protection but also supports mitigation to visual effects of a development when other Coastal priority uses are jeopardized and recommended that the Commission specifically address the Harbor Terrace property by

developing recommendations which allow for visitor-serving improvements if proper mitigation measures are implemented.

3) Analysis

Critical Viewshed Policy

The *Preliminary Report* found that the scenic and visual resources of San Luis Obispo County are a significant resource that is threatened by the incremental erosion of scenic rural landscapes through new development. Between 1988 and 1998 more than 40 projects were approved in the North Coast and Estero Planning Areas that raised issues of protecting scenic and visual resources.

The County has implemented the LCP to mitigate impacts to scenic resources, primarily through vegetation screening. However, the Commission has found in assessing development in San Luis Obispo County, and in other areas such as the Big Sur coastline, that adequate protection of scenic and visual resources in conformity with the Coastal Act may require standards that first seek to avoid where feasible any new development within view of Highway One and other areas designated as critical viewsheds, including views from state waters. Recommendations 8.1, 8.2 and 8.6 suggest the need for a more comprehensive approach to evaluating impacts to public views in highly scenic areas and outline policy approaches to help maintain the significant rural landscapes of the County.

However, the Commission finds that some modifications to the recommendations are necessary in order to provide more clear objectives for a Critical Viewshed policy and other policies to protect scenic resources throughout the coastal zone. As modified, the recommendations suggest standards for development of a Critical Viewshed policy that would, in effect, extend the Critical Viewshed policy from the Big Sur area of Monterey County. As the northern part of San Luis Obispo County is an extension of the Big Sur coastline and contains scenic resources equal in significance, development of a compatible policy would assure protection of these scenic and visual resources of statewide, national and even international importance.

To address lands adjacent to Highway One and other scenic public viewing areas that are zoned Agriculture, the policy could provide for exemptions of certain agricultural structures from the viewshed standards in order to support continued protection of coastal agricultural operations consistent with Sections 30222 and 30241-30242 of the Coastal Act. The Commission notes that the County is developing significant new Critical Viewshed policies as proposed in the North Coast Area Plan Update Project Description, January 2000. However, the Commission comments have noted that the Update standards may not go far enough to adequately protect these landscapes by ensuring that no development is visible from public areas. Recommendations 8.1 and 8.6 suggest further guidance and criteria for developing and implementing a Critical Viewshed policy that would improve protection of scenic and visual resources. Also, a Critical Viewshed designation should be reserved for those areas that are generally accepted as "highly scenic" (in the meaning of Coastal Act Section 30251). And to address Coastal Act Section 30250c, Recommendation 8.1, as

modified, identifies exceptions to accommodate visitor-serving development within existing recreational nodes.

Recommendation 8.2 suggests implementation through a Scenic SRA would also help protect scenic and visual resources. In addition, Recommendation 8.6 provides overall protection of visual resources throughout the coastal zone. Only minor text changes are proposed to Recommendation 8.2.

The policy could include an approach to resolve situations where the stringent implementation of coastal resource protection provisions would preclude a reasonable economic use of land because alternatives that would comply with resource protection standards are not feasible. In addition, as noted in the ESHA chapter of this report, Recommendation 4.10 is proposed to address the wider range of circumstances where an established methodology of balancing coastal resource protection with the constitutional rights of private property owners is anticipated to be needed.

Recommendation 8.1: Enact a Critical Viewshed Protection Policy ~~that precludes any~~ for the North Coast Area that applies to any new development within "critical viewsheds" to be designated north of Cayucos (except any location within the Urban Reserve Lines at Cambria or San Simeon Acres, or in San Simeon Village, or the existing community of Harmony) and for the Estero Area that applies to portions of the Morro corridor. The following actions should be taken to develop this policy: ~~areas in those areas designated as critical viewsheds.~~

Designate "critical viewsheds" in these areas by taking into account all public vantage points from:

- State Highway Route One,
- public beaches, shoreline recreation areas and offshore state coastal waters,
- bluff overlooks, turnouts, and designated future public use areas (particularly, between the first public road and the sea outside of the designated Urban Services Lines).

Develop standards for new development within designated Critical Viewsheds that provide:

- no new development will be allowed that can be seen or that could potentially degrade public views (e.g., construction and grading that can been seen by normal, unaided vision from any public vantage points)
- mechanisms to resolve private property takings concerns where it is not feasible to comply with the critical viewshed protection policy and standards (alternatives include incorporating review procedures within the LCP as outlined in Recommendation 4.10 of this report as well as development of ~~as~~ a Transfer of Development Rights program.
- all new parcels must contain building sites outside the critical viewshed (i.e., at least one location per parcel that will accommodate a reasonable residential development that will be entirely hidden from public view). Residential development includes any grading needed to provide a driveway or other improvement.
- underground utility placement, restoration, public access improvements and intensification, demolitions, resubdivisions, and temporary events can be allowed within the Critical Viewshed;
- Provide strict design, density and mitigation standards that allow improvements and enhancements of recreational support facilities within existing, isolated commercial visitor serving nodes (Harmony, San Simeon, Piedras Blancas, Ragged Point).

Additional standards should be considered to guide review of development in Critical Viewsheds. For example:

- Provide for project specific visual analysis with story poles or comparable demonstration techniques, including consideration of views from state waters.
- Avoid viewshed impacts through application of sensitive design measures and siting that uses existing topography. Allow landscape screening with planting, earthen berms or other measures only where no building site can be concealed from view and where such measures would be in keeping with the character of the surrounding areas and also be consistent with all other resource and protection policies.
- Provide guidelines for preferential use of non-reflective, earth tone building materials for mitigating public view impacts;
- Provide that all exterior lighting (except traffic signals, navigational aids and similar safety devices with no reasonable alternative) shall be concealed or shielded so that no light source is directly visible from public viewing areas, and that no artificial lighting of the shoreline or sea results.
- Require utility extensions to be installed underground or otherwise concealed from public view (e.g., suspended under bridges); pursue all opportunities to remediate existing visually intrusive utility lines (e.g., undergrounding, conversion to shared poles, etc.).
- Where fencing is required, standard range fencing that does not impair public views, nor the passage of light, air, or common native wildlife is preferred. Fencing that interferes with public views should be avoided.
- Address maintenance of landscaping where landscaping could either block important public views or is specifically required to mitigate impacts to public views by screening development.
- Provide exceptions for development that requires a location in the viewshed in order to properly function and no other location is feasible for such things as necessary public facilities (including public access improvements), agricultural improvements needed to support grazing operations and crop production, and necessary resource protection and restoration projects.

~~These areas should include all of the North Coast rural areas with exceptions for the urban nodes of San Simeon Acres and Cambria.~~

In developing the Critical Viewshed Policy and standards, approaches of the Coast Highway Management Plan being developed for the Big Sur Coast in Monterey County under the National Scenic Byways program may provide possible guidance.

Recommendation 8.6: Strengthen Public Viewshed Protection Policy Language
The LCP should be amended to clarify that scenic viewsheds need to be protected from all public viewing areas, including state coastal waters. This could be accomplished through additional language in existing LCP visual policies and ordinances. For example, ~~amend~~ Policy 2 could be amended as follows:

Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from all major public viewing areas, **including state waters** ~~corridors~~. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

To effectively resolve takings concerns where it is not feasible to comply with the scenic resource protection policies and standards, incorporate additional standards and review procedures within the LCP (as outlined in Recommendation 4.10 of this report) that will maximize protection of coastal resources and conform to Coastal Act Section 30010. Alternatives such as Transfer of Development Rights should also be considered.

~~Amend~~ Ordinance 23.04.021 (c)(6) could be modified as follows:

New land divisions where the only feasible building site would be on a slope or ridgetop where a building would be silhouetted against the skyline as viewed from any public viewing area, including state lands ~~a public road~~ shall be prohibited.

Recommendation 8.2: Create a Scenic SRA Combining Designation
All highly scenic areas in the Coastal Zone should be mapped and designated as Sensitive Coastal Resource Areas. Creation of a coastal visual SRA could incorporate and expand upon ~~these elements. At the same time, it also should be noted that the County has made improvements to~~ inland standards that require ~~SRA designations to address scenic and visual resources inland of the Coastal Zone. Permit requirements include~~ assessing visibility of the project, requiring a site visit as part of the application process and other standards on ridgetop development, slopes, rock outcroppings, building feature and landscaping.

Minor changes are recommended to Recommendation 8.3 to encourage improved condition compliance of visual impact mitigation.

Preliminary Recommendation 8.3: Strengthen Enforcement Program and Condition Compliance Monitoring
~~In order to ensure that conditions that are required to achieve LCP consistency with visual resource protection policies are implemented, the County should increase monitoring and condition compliance efforts. The Planning Department should~~ Develop a project tracking system to facilitate ~~assure that all approvals that include specific mitigation measures get assigned to a staff person responsible for their~~ monitoring and enforcement of mitigation measures, and coordination~~ing~~ with other affected departments, as funding allows. ~~Enhanced coordination between the Commission and the County on condition compliance and enforcement issues would also improve implementation of the LCP and the Commission's on-going permitting responsibilities.~~

Scenic Byway Designation

Recommendation 8.5 in the *Preliminary Report* suggested pursuing National Scenic Byway Designation for Highway One in the North Coast and Estero Planning Areas. The Commission encourages this because such designation would afford access to substantial federal financial and planning assistance for protecting the scenic resources of Highway One.

The National Scenic Byways Program, enacted in 1991 as a provision of the Intermodal Surface Transportation Enhancement Act (ISTEA), provides dedicated funding for preserving, protecting and enhancing scenic and related resources along qualifying scenic highways. Designation requires that the highway's virtues must be of regional or national significance. The segment of Highway One along the County's North Coast and through the Morros corridor, already designated as a State Scenic Highway, clearly qualifies.

Every designated highway accepted into the National Scenic Byway System is required to have a management plan. In Monterey County such a plan, known as the Coast Highway Management Plan (CHMP), is already being developed for the Big Sur Coast. A Management Plan can supplement the existing Local Coastal Program and provides for implementation of various desirable measures that could not otherwise be achieved in the land use regulatory process. Implementation of a Management Plan would require an extensive collaborative effort, but would provide many recommendations and development standards especially applicable to Caltrans.

San Luis Obispo County would need to develop its own distinct management plan under a Scenic Byway Designation with management strategies specific to the County. The program therefore presents an opportunity for ensuring many kinds of protections. These could include such things as:

- Recognition of Highway One's primary role as a recreational access corridor, not only for reaching campgrounds, trailheads, restaurants and inns from other parts of the State, but also for the recreational experience of motoring, bicycling or hiking along this scenic highlight of California's coast. In some constrained places, the margins of the highway right-of-way may be needed to span the "missing links" in the California Coastal Trail. And, where no reasonable off-highway alternative can be found, new bridges and other structures will need to provide for safe pedestrian and bicycle passage
- Protecting the coast's world-class scenic resources through measures such as identifying threats to scenic qualities, purchase of scenic easements, undergrounding of overhead utility lines, insuring that the principles of Context Sensitive Design are applied in all new highway projects, developing new types of bridge rails with better see-through characteristics, eliminating unnecessary signage, and modification of Caltrans' customary maintenance practices.
- Preserving environmentally sensitive habitats by improving highway stability in the vicinity of particularly sensitive portions of the marine environment, avoiding reliance on shoreline armoring, removing barriers to steelhead migration, replacing riparian fills with bridges, curbing the spread of invasive exotic plant species, directing maintenance activities away from sensitive terrestrial habitats, and applying water quality Best Management Practices.
- Creating a public information system that integrates Caltrans highway and wildlife (especially elephant seal) advisories, State Park recreation opportunities, the BLM Piedras Blancas lighthouse restoration and reuse project, and National Forest and National Marine Sanctuary interpretive programs to significantly enhance the visitor's appreciation for these coastal resources.
- Creating improved vista points and interpretive displays at key locations with wildlife, scenic, historic or cultural attractions.
- Minimizing closures, and improving safety and reliability through measures such as appropriate landslide management, realignment away from shoreline erosion hazards, implementing more efficient interagency communication, and minimizing "down time" after a closure event by pre-planning for the recovery process.
- Identifying appropriate sites, techniques and priorities for disposal of landslide debris, including beach replenishment, reuse of suitable materials, and terrestrial disposal.

The Commission finds that this program designation for Highway One in San Luis Obispo County, as suggested by modified recommendation 8.5, could help to ensure ongoing protection of scenic resources throughout the entire Central Coast region consistent with Section 30251 of the Coastal Act. No changes are suggested to Recommendations 8.3 and 8.4. These recommended actions would incorporate a variety of other implementing actions into the LCP as part of an updated comprehensive scenic resource protection policy.

Recommendation 8.5: Pursue National Scenic Byway Designation for Highway One in the Estero and North Coast Planning Areas. Consider including Highway One north of Cayucos and the scenic Morro corridor (already designated by the County as a State Scenic Highway) ~~should also be evaluated~~ for ~~enhanced viewshed protection for~~ inclusion in the National Scenic Byways program. ~~Appropriate portions of the corridor, particularly north of Cayucos, should be designated as a critical viewshed~~. This will allow implementation funding to be sought under the ~~and implementation funding sought under the~~ Federal Highway Administration's scenic byway ~~grants~~ program.

The Commission notes that twenty-five million dollars per year in competitive grants are available nationwide each year through this program in addition to seed money for start-up. Additional funding is also available through ISTEA. Local or State (or non-profit or corporate) match may be required for the specifically earmarked Byway competitive grant funds. Byway grants may be used to purchase land or development rights (e.g., a critical viewshed parcel at historic Notley's Landing in Big Sur is currently being purchased with such funds, with the Coastal Conservancy providing the match).

B. Preserving Community Character

In addition to Section 30251 to protect scenic and visual resources of the coastal zone, the Coastal Act Sections 30253 and 30116 protect the community character of unique coastal towns. Permitted development is to be sited and designed to be visually compatible with the character of surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas.

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 319-326)

The *Preliminary Report* noted that, in the urban areas of the county's coastal zone, the County has made considerable progress in protecting community character. The LCP contains a number of programs that are intended to support community objectives in implementing the LCP. These are non-regulatory, voluntary actions undertaken by the community, the County and other public agencies to address local concerns about maintaining community character. Some also address implementing LCP and Coastal Act policies to restore visually degraded areas where feasible, and/or to add to the overall attractiveness of special communities as required by LCP Policy 6. The County has made significant progress in implementing many of these programs, including the Oceano Urban Area Program, the Avila Specific Plan, the Cambria Forest Management Plan and the Overhead Utility Undergrounding Project. The *Preliminary Report* recommended continued support for these projects, specifically noting the importance to pursue continued implementation of the Utility Undergrounding Project (PR 8.10).

The *Preliminary Report* also notes the efforts of the County to implement Design Plans as a means of carrying out policies to protect community character. The *Preliminary Report* concluded that while design plans provide greater specificity in planning and building

standards, the design plans do not address specific enforceable issues and are often more open to interpretation than are specific plans.

Designations of small-scale neighborhoods or special communities are implementation actions used by the County to protect community character. The County, with a community-wide effort adopted Small Scale Neighborhood Design Standards in 1995 and modified the Small-Scale Neighborhood designations in two areas of Cayucos (Pacific Avenue and Studio Drive Neighborhoods). The LCP Amendment resulting from this effort was certified by the Commission and removed the Sensitive Resource Area (SRA) Combining Designation from this area, replacing it with Small Scale Design Neighborhood Standards.

The *Preliminary Report* concluded that the effort to further define and describe area plan standards through the pursuit of design plans is commendable, but that the implementation resulted in less permit and appeal review of new development proposals. The *Preliminary Report* recommended in PR 8.7 that the SRA Combining Designation be restored. The *Preliminary Report* also noted that Specific Plans that address zoning changes and specific uses may result in fewer appeals and streamlined development approvals and recommended in PR 8.8 that Specific Plans rather than Design Plans be pursued to ensure protection of community character. The *Preliminary Report* concluded that further evaluation of the effects of the Small-Scale Neighborhood Design designation for its ability to protect community character consistent with the Coastal Act should be undertaken.

The *Preliminary Report* also noted that another LCP implementation effort, the TDC Program in the Lodge Hill area of Cambria, was effective in preserving environmentally sensitive habitat area and reducing the number of buildable parcels in Lodge Hill. However, implementation of the program may be having adverse affects on community character within the receiver areas. The *Preliminary Report* recommended that the County should monitor the results of the program's implementation and pursue an evaluation of the effect on the neighborhood community character (PR 8.9).

And, as an important implementation tool to ensure protection of community character consistent with the Coastal Act, the *Preliminary Report* recommended that the County consider designating the community of Harmony as a Special Community of Historic Importance. Such a designation could trigger a heightened review of the type, intensity, and character of new development, to preserve the unique character of the town.

2) Comments Raised

San Luis Obispo County Response (Exhibit C)
The County disagrees with Recommendation 8.7 to restore an Small Scale Neighborhood SRA designation for Cayucos, noting that the Community Advisory Council prefers the tiered standards and measures to streamline the permitting process which were developed as part of the process. Broad community support is critical to the successful implementation of design and community character controls.

The County disagreed with Recommendation 8.8 to complete Specific Plans rather than Design Plans because the Design Plans are intended to address the appearance of the community as an essential part of community character. The County notes that design plans implement the Small-Scale Neighborhood designations because they are adopted as LCP amendments with standards that have the status of planning area standards and should include implementation programs and schedules. In response to Recommendations 8.9 and 8.10 the County agreed to review the effects of the current TDC program on community character and to support other scenic programs such as the utility undergrounding. The County proposed modification to Recommendation 8.11 to consider Harmony's location as a commercial development rather than a community and to consider, as part of the Area Plan update, proposals to increase the size of Harmony and possible designation with an Historic Combining Designation through the zoning ordinance.

Public Comments (Exhibit D)

The Cayucos Citizens Advisory Council indicated opposition to Recommendation 8.7, commenting that the Small Scale Neighborhood SRA should not be restored to Cayucos. It noted that the benefits of allowing plot plan permits for small projects outweigh those of allowing appeals beyond the Board of Supervisors. It recommended that any projects requesting variances within the Small Scale Neighborhood should be appealable to the Commission.

3) Analysis

Upon further review, the Commission agrees with the County that Recommendation 8.7 is not needed to assure enforceability of implementation of the LCP in conformity with the Coastal Act and recommends deletion. The Commission finds that, because Small-Scale Design Neighborhood classifications are adopted through LCP amendments with standards that have the status of planning area standards and include implementation programs and schedules, that protection of community character is assured even though the developments are not appealable to the Commission. And, absent broad community support for a Small Scale Neighborhood SRA rezoning, the Design Plans offer an effective means to implement measures to protect community character consistent with the policies of the Coastal Act. However, granting of variances to design standards can undermine the implementation of standards. As further discussed in the Implementation Procedures section of this report, procedures for granting variances should be strengthened, in part to minimize actions which would adversely impact community character.

The Commission finds that, as noted in the *Preliminary Report* page 324, Specific Plans can be preferable to Design Plans. While Design Plans address primarily the appearance of communities, and not the kinds of uses, Specific Plans can be more comprehensive. They can address not only land uses and infrastructure planning but can also incorporate detailed and enforceable design guidelines. Recommendation 8.8 would encourage Specific Plans as a preferable implementation mechanism to protect community character. Recommendations 8.9 and 8.10 would provide additional implementation mechanisms to ensure protection of

community character in the implementation of the LCP. No changes are proposed to Recommendation 8.10.

As discussed in the *Preliminary Report*, Preliminary Recommendation 8.11 suggested that, because of its unique value and special character, the County should evaluate designating the town of Harmony as a "special community" and thus, by definition, a Sensitive Resource Area. The County suggests adequate protection of community character would be afforded by placing a Historic Combining Designation zoning on the area. This designation in the CZLUO 23.07.100 is applied to "recognize the importance of archaeological and historic sites, structures and areas important to local, state, or national history." The Combining Designation may provide a mechanism to protect the community character of Harmony but it also may not afford the same level of scrutiny of new development projects as special community designation. The *Preliminary Report* Recommendation 8.11 suggested evaluating possible special community designation. Such evaluation is appropriate and could compare implementation techniques to determine which method offers the strongest protection of the character of the town consistent with Coastal Act Section 30253.

The Commission finds that Recommendations 8.7 through 8.11 as modified in this report will ensure that the LCP is implemented consistent with the scenic and visual resource policies 30253 and 30251 of the Coastal Act.

a) **Recommendation 8.7**: ~~Restore Small Scale Neighborhood SRA Designation to Cayucos~~.

b) **Recommendation 8.11**: Evaluate ~~Designation~~ of implementation techniques to protect the community character of Harmony including designation as a Special Community of Historic Importance or by applying the Historic Combining Designation.

Other minor text changes are made to clarify other recommendations:

Recommendation 8.4: Create a Funding Mechanism For An Open Space District
~~Because the most effective way to preserve visual resources is to purchase open space for public use,~~ The County should consider creating a permanent source of funding for open space acquisitions. A 1/2 cent sales tax, bond initiative or creation of a county-wide or coastal zone open space district could provide millions of dollars annually for the purchase of property and retirement of development rights. The County should also strategically pursue grants and other outside funding supplies to augment such a funding mechanism.

Recommendation 8.8: Complete Specific Plans, Rather Than Design Plans
~~The effort~~ to further define and describe area plan standards~~. through the pursuit of design plans is commendable. However, design plans may not go far enough to address the problematic issues in coastal communities. Although specific plans, because they deal with zoning changes and specific uses, may be more controversial and time consuming to develop, ultimately they may result in fewer appeals and streamlined development approvals.~~

Preliminary Recommendation 8.9: Monitor and Evaluate Current TDC Program
~~Although the TDC program was originally intended to reduce build-out and preserve forest resources,~~ to assess the effect of the current TDC program implementation on its ~~effect on~~ community character and its overall performance in reducing buildout and preserving forest resources. ~~should be thoroughly assessed through enhanced evaluation and monitoring of the program's impact on neighborhoods.~~

Recommendation 8.10: Support Continued Undergrounding of Overhead Utilities

The County Undergrounding Committee should continue to receive strong support for their work, and the Coastal Commission should work with the PUC to ensure that this important program is retained. The committee should consider including the overhead utilities across and along Highway One through the Hearst Ranch on the next priority list submitted to the Board of Supervisors.

4) Conclusion

The *Preliminary Report* found that the San Luis Obispo County LCP has not been effectively implemented in conformance with Coastal Act Sections 30251 and 30253 requirements to protect scenic and visual resources of the coastal zone. (Exhibit A, findings incorporated herein by reference). After further evaluation and consideration of public comments, the Commission adopts Recommendations 8.1- 8.11 as modified as appropriate corrective actions for submission to the County pursuant to Coastal Act section 30519.5.

9. ARCHAEOLOGICAL RESOURCES

The Coastal Act Section 30244 requires that where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 327-337)

The *Preliminary Report* concluded that the County has been reasonably successful in identifying archaeological sites but that maps used to help trigger more specific archaeological site evaluation are not all-inclusive of archaeological resources within urban areas. Preliminary Recommendation 9.1 recommended updating the Archaeological Resources Overlay Maps to assist in site identification based on new and updated information.

The *Preliminary Report* also noted that the County has been successful overall in incorporating mitigation measures to protect archaeological resources as required by the Coastal Act. However, it noted that monitoring during construction where appropriate might need to be increased. Recommendations 9.2, 9.3 and 9.4 recommend that the County evaluate some additional implementation techniques that might offer additional protection of archaeological resources. These include requiring geoarchaoelogy surveys, use of conservation easements instead of data recovery and modifications to permit exemptions to increase permit review of new development to trigger archaeological survey work.

2) Comments Raised

<u>*SLO County Response*</u> (Exhibit C)
The County agrees with recommendation 9.1 regarding the need to update maps and include criteria for the rural areas, as also recommended in the Estero Area Plan. The County disagrees with the remainder of the recommendations. They comment that geoarchaeology

surveys should not be required for all projects within the Archaeological Sensitive Area Combining Designation (ASA) but agree that such surveys could be used as a tool for limited situations under CEQA review. The County suggests as an alternative that during Area Plan Updates, review of areas of potentially buried archaeological resources could be undertaken and through this process they could identify a need for geoarchaeological surveys in these areas. The County notes that Recommendation 9.3 suggesting use of conservation easements instead of data recovery is ineffective as proposed. In reviewing proposed projects on small, urban lots, for example, conservation easements are often not an option because resiting alternatives may not be feasible. Conservation easements may be more appropriate on larger undeveloped areas. The County suggests that an alternative may be to amend the ASA (CZLUO 23.07.104(c)) to require avoidance wherever possible and work with land trusts to develop an offsite mitigation program. The County also disagreed with Recommendation 9.4 for the same reasons given for their position on Agricultural Recommendation 5.10.

Public Comments

Public comments noted that archaeological reports are often incomplete and inaccurate and onsite monitoring inadequate. The standards for archaeologists should be addressed and the lists of qualified individuals should be updated. Qualifications of monitors should be checked with the Native American Heritage Commission to ensure monitors are registered with the Commission and qualifications included with reports.

Comments also noted that the County has a flawed process for dealing with archaeological sites and treasures. Public comments suggested that the County should have a comprehensive cultural resource policy and that data recovery is not the best mitigation. If impacts to a cultural site cannot be avoided, then mitigation could consider such mechanisms as: conservation easements over portions of sites that are undisturbed and comparable sites in the vicinity; creation of mitigation funds to purchase easements over cultural sites; and transfer of development credits programs that protect cultural sites.

Specific Clarifications/Errata (to be incorporated into the report)

The County has commented that the discussion of CEQA should be revised to reflect further elaboration through the CEQA guidelines. The report will include this CEQA Guideline discussion. The County noted that Cambria, Cayucos and Los Osos should be referred to as communities rather than cities.

The County also notes that the *Preliminary Report* should not limit the discussion of cultural resources to references to the Chumash. They note that the coastal zone from approximately Morro Bay north is recognized by the Native American Heritage Commission as "disputed territory" between the Chumash and Salinan tribes and at this point the state recognizes that this portion of the coast may have been inhabited by either group (or both) over the 8000+ year span of documented human habitation in this region. The report will be modified to reflect this designation. However, the Commission notes that the LCP Policy 5 and the CZLUO refer only to the Chumash tribe.

The report will clarify that it is the County's policy to involve Native American representatives any time there are "ground disturbing activities" involved with a project, not

just in the case of subsurface testing. The County also noted corrections in the description of separate permit actions by the County on the "Todd project", noting that the County did require conditions for monitoring of grading activities by an archaeologist for the Todd Minor Use Permit at Piedras Blancas.

Comments were made that the California Archaeological Site Survey Office referenced in the document does not exist. This is a reference cited from the County's Land Use Ordinance. Since the LCP was certified in the 1980s, this is merely an out of date reference in the County's zoning ordinance and should be updated. The Central Coastal Information Center under contract to the State Office of Historic Preservation helps implement the California Historical Resources Information System (CHRIS). It integrates information on new resources and known resources into the CHRIS, supplies information on resources and surveys to government and supplies lists of consultants qualified to do historic preservation fieldwork within the area. The California Archaeological Site Inventory is the collection of Site Records, which has been acquired and managed by the Information Centers and the OHP since 1975.[64]

Lastly, Tables and Figure references on pages 330-331 will be corrected.

3) Analysis

As the *Preliminary Report* concluded, the County has been effective in implementing its LCP to protect archaeological resources consistent with Section 30244 of the Coastal Act. However, some updating of maps and procedures would provide greater assurances that resources will continue to be protected. In addition, County staff indicates that within the past year, efforts have begun to update direction to applicants and consultants in order to provide more specific directions on the contents and procedures for conducting archaeological reviews and reports. They have also begun to update the requirements for monitoring which are placed as conditions on applicable new development. These conditions require submittal of a monitoring plan that will allow the County to more closely review methods and procedures for onsite monitoring during construction. The County staff is consulting guidelines for monitoring that have been developed by the Native American Heritage Commission.

To encourage more detailed site surveys, Recommendation 9.2 suggests evaluating the use of Geoarchaeology Surveys. The Commission agrees with the County that these surveys may not be required for *all* new development. Through the Area Plan Updates, the LCP should be updated to review of areas of potentially buried archaeological resources and develop criteria for when such surveys may be required. Only minor text changes are proposed to Recommendation 9.1.

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[64] State Dept. of Parks and Recreation Office of Historic Preservation, California Historical Resources Information System Information Center Procedural manual, November 20, 1995, pg.6.

Recommendation 9.1: Update Archeological Resources Overlay Maps
~~It appears that the official maps of the LUE delineating urban ASAs have been valuable in triggering archaeological site review for the majority of planned urban development. They are not, however, all inclusive of archaeological resources within the urban areas.~~ Updating the LUE maps to reflect a more accurate location of archaeologically sensitive areas will assist with site identification. The proposed Estero Area Plan Update from February, 1999 offers a possible option to update maps:

> ***Protection of Resources Not Within the AS Combining Designation.*** *All land use permit applications that propose development within 100 feet of the bank of a coastal stream (as defined in the Coastal Zone Land Use Ordinance), or within 300 feet of such stream where the slope of the site is less than 10 percent, shall be subject to the standards for the Archaeologically Sensitive (AS) combining designation in the Coastal Zone Land Use Ordinance and in this plan.*

Recommendation 9.2: Evaluate Requirement for Geoarchaeology Surveys.
Through Area Plan Updates, conduct an assessment of potentially buried archaeological resources and identify requirements for undertaking more specific Geoarchaeology Surveys.

The County comments that conservation easements are not a practical mitigation tool in all instances. Easements are more effective on larger landholdings where development can more easily be resited to avoid impacts resources. Such resiting is more problematic on very small urban lots, where resources extend over a large portion of the lot. In these cases, avoidance may not be feasible and mitigation may be required. Therefore Recommendation 9.3 clarifies consideration of this implementation technique as more appropriate to larger sites.

Preliminary Recommendation 9.3: Evaluate Use of Conservation Easements.
Disturbance to archaeological data could also be avoided on larger sites by requiring a conservation easement over the area containing archaeological resources.[65] Avoiding impacts through such easements where feasible may be more protective of the resources than reliance on data recovery. The LCP should be modified to consider such conservation easements instead of data recovery on larger sites where possible.

As discussed in section 5 of this report, staff is recommending modification to the recommendations addressing permit exemptions. These modifications will also affect Recommendation 9.4. In order to minimize confusion, Recommendation 9.4 should be modified to delete references to specific types of exemptions. The intent of Recommendation 9.4 is to indicate that the County should consider regulatory mechanisms that might provide additional scrutiny of proposed development projects outside of urban areas that may impact archaeological resources.

Preliminary Recommendation 9.4: Evaluate Permit Exemptions.
The County should consider including standards in permit requirements (CZLUO23.03.040) that development which requires a coastal development permit should not be exempt from permit requirements if archaeological resources may be impacted. ~~Protection of archaeological resources can be increased through modifications to permit exemptions. If the project is considered to be development according to the Coastal Act, it will generate a permit and a preliminary survey will be conducted (e.g. building a house and a driveway on agricultural land or erecting a water tank). If the activity on the land does not require a permit, then the site survey will not be conducted (e.g. converting grazing lands to vineyards).~~[66] ~~These agricultural~~ Rural lands may contain archaeological

[65] Personal communication, Tarren Collins, Attorney, San Luis Obispo County Chumash Council, (11/7/00)
[66] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (11/15/00).

resources and exempt development ~~some of these activities~~ may be destructive to these resources. ~~For example, in the creation of vineyards, the land can be disturbed up to a depth of four feet. As discussed in more detail in Chapter 5 (Agriculture), permits should be required for modification of agricultural uses that would result in impacts such as grading or increased sedimentation. This would assure maximum protection of archaeological resources.~~

4) Conclusion

The *Preliminary Report* found that the San Luis Obispo County LCP has been effectively implemented in conformance with Coastal Act requirements to protect archaeological resources of the coastal zone. (Exhibit A, findings incorporated herein by reference). Recommendations to improve the implementation of the LCP with more up to date information may provide further protection of cultural resources consistent with Section 30244 of the Coastal Act. After further evaluation and consideration of public comments, the Commission adopts Recommendations 9.1-9.4 as modified by this report as appropriate corrective actions for submission to the County pursuant to Coastal Act Section 30519.5.

10. ENERGY AND INDUSTRIAL DEVELOPMENT

A. Fiber Optic Cable Projects

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 339-348)

The Preliminary Report analyzed the policies related to the siting and mitigation of new energy and industrial facilities based on technologies that have emerged since certification, including fiber optic cables. The report found that the LCP should update policies to locate future consolidated landing sites or consolidate corridors for land-based cables in order to carry out Coastal Act Sections 30255, 30260, 30262 and 30263. The *Preliminary Report* recommendations also suggested the need to update LCP policies to expand mitigation requirements to address impacts of the new technologies including mitigation measures for drilling fluid monitoring plans, for access and recreation impacts, and for construction impacts, including erosion control and revegetation requirements. The *Preliminary Report* also discussed the need to update the LCP Area Plans to anticipate increased demand for future energy facilities and to ensure that the LCP includes adequate guidance for locating future facilities and mitigating impacts. These measures were suggested in order to ensure that the LCP would be implemented consistent with the policies of the Coastal Act.

The *Preliminary Report* also found that the County should revise and update the LCP's guidance for the phase-out of obsolete energy and oil and gas facilities based on more recent experience in overseeing abandonment projects since certification of the LCP. The County and the Commission have gained experience in identifying new management measures to improve mitigation of impacts from abandonment of facilities. For example, requirements for deadlines for abandonment and site restoration will establish financial incentives for rapid

site cleanup and restoration. The *Preliminary Report* found the County adequately implemented current LCP policies. However, the LCP policies and standards need to be updated to reflect new information on best available mitigation measures in order to carry out Coastal Act policies. The County should apply the new information and techniques learned through experience to strengthen the LCP policies and standards for abandonment procedures, site remediation, and rezoning for all types of energy, communications and oil and gas facilities.

2) Comments Raised

SLO County Response (Exhibit C):
The County is in general agreement with most of the recommended corrective actions except for part of Recommendation 10.1 to update land use designations to identify consolidated cable corridors and landing sites. Related to Recommendation 10.1, the County comments suggest modifications to the findings to acknowledge and clarify the role of the Coastal Commission and adjacent cities in permitting the offshore portions of cable alignments and the Commission's role in designating landing sites. Implementing such a recommendation would be a highly complex, expensive study to identify offshore corridors which need to correlate to onshore landing sites located in several jurisdictions. The County also commented that the discussion of Ordinance 2899 concerning telecommunication projects should be modified to clarify that development standards for projects are found in the LCP and not in this ordinance. The ordinance provides a framework for allowing telecommunications uses within County road rights of way.

Public Comments (Exhibit D)
Public comments generally supported the *Preliminary Report* Recommendation 10.1.

Specific Clarifications/Errata (to be incorporated into the report)
County comments note some typographical corrections on pages 341 and 344 and minor clarifications in the *Preliminary Report*. These include clarification on page 340 that the former Guadalupe oilfield is the site of major underground contamination and will require years of remediation and monitoring, that the storage tanks at Avila have been removed from the site and it is in the early stages of clean-up, and that the major pipeline corridors extends from the Santa Maria Refinery through Tosco's pipeline system to its refinery in San Francisco. The County also noted that they require the preparation of a Specific Plan for any onshore component of an offshore energy project and a Development Plan or Minor Use Permit is required for the installation of most fiber optic cables in the Coastal Zone. The County correctly noted that five of the listed Commission actions in Table 10-1 were encompassed in two County permits (at one consolidated landing site) and that other local jurisdictions are involved. On page 343 the County noted that an offshore bentonite release was suspected but never confirmed, and resulted in the shutdown of the project, but the parking lot was already closed for the construction. The Commission finds that these changes correct some factual information in the report, do not result in any significant change to the recommendations and will be incorporated into the report.

3) Analysis

As correctly noted by the County, two of the three permitted cable-landing sites are within city jurisdiction and thus the County is not the only agency involved in ensuring consolidation of facilities. The Commission agrees with the County that many agencies, including the Commission and State Lands Commission play a significant role in regulating energy facilities that cross jurisdictional boundaries and that planning to ensure consolidation of landing sites for offshore cables needs to be a joint effort. As provided by Coastal Act Section 30519, the Commission retains permit authority over the onshore portion of projects that are located in tidelands, submerged lands or public trust lands. This applies to the immediate shoreline where offshore facilities may come onshore. The designation of cable landing sites is driven, in large part, by offshore conditions that are in the primary jurisdiction of the Coastal Commission and the State Lands Commission. The County is correct that the identification and designation of consolidate landing sites in the region is a complex endeavor. Such efforts would necessitate funding and cooperative involvement of numerous state agencies and the industry.

However, this should not minimize the important role of the LCP in identifying onshore sites for location of onshore facilities and in mitigating onshore impacts related to construction. The LCP contains consolidation policies for both pipelines and electrical transmission lines but not specifically for communication facilities such as fiber optic cables. Recommendation 10.1 would encourage evaluation and possible establishment of onshore corridors as part of the Area Plan Updates. Development standards could consider the potential reuse of existing gas/oil pipelines for communication facilities or development of stronger performance standards for locating such facilities to ensure consolidation. Standards should be updated to minimize the impacts from development within cable and pipeline corridors, especially impacts related to new technology. Therefore, the Commission agrees with the County comments and finds that recommendation 10.1 should be modified to reflect limitations on the County's role in evaluating offshore sites and to update and strengthen siting and development standards for onshore corridors.

> **Recommendation 10.1 UPDATE LCP to Address Onshore Fiber Optic Cable Projects**
> ~~The County could take several steps~~ In updating its LCP Area Plans, ~~to plan for such projects.~~ Land Use designations and/or siting criteria standards should ~~could~~ be revised to ~~identify~~ encourage consolidated cable corridors. Evaluate potential reuse of abandoned oil/gas facilities pipelines for possible alternative use for communication cables. ~~and consolidated landing sites. via overlays~~. Additional mitigation measures ~~could~~ should be developed to address potential impacts from drilling such as requirements for Drilling Fluid Monitoring Plans. Monitoring requirements should ~~could~~ be included that provide for qualified monitors onsite with ability to stop drilling should fractures occur which could releases bentonite. The CZLUO should ~~could~~ be revised to include more specific mitigation for access/recreation impacts, avoidance or minimization of sensitive resources during construction, as well as mitigation measures such as erosion control, revegetation, and other measures necessary to protect scenic resources and habitat values.

As modified Recommendation 10.1 will ensure that LCP implementation will carry out the energy siting and resource protection policies of the Coastal Act.

B. New or Expanded Power Plants

1) Summary of *Preliminary Periodic Review* Findings (Exhibit D, pp. 345-346)

The Coastal Act provides measures to protect coastal resources from power plant siting while balancing the need to allow reasonable expansion of such facilities. The *Preliminary Report* noted the limited jurisdiction of the Coastal Commission and local governments in regulating development of new or expanded power plants. The California Energy Commission (CEC) has exclusive jurisdiction over thermal power plants of 50 megawatts or greater. In these cases, the CEC preempts the jurisdiction of all other state and local agencies (including the Coastal Commission and local government) when it certifies a new, modified or expanded power plant. However, Coastal Act Section 30413 requires the Coastal Commission to submit a report to the CEC analyzing the proposed power plant project's conformity with the Coastal Act's Chapter 3 policies and the policies of the certified LCP.

2) Comments Raised

SLO County Response (Exhibit C)
The County is in general agreement with Recommendation 10.2.

Public Comments (Exhibit D)
Public comments requested clarification as to whether the Commission finds power plants to be coastal dependent uses. The determination of whether a project is coastal dependent is made on a case by case basis. Many older existing power plants were designed to use ocean water for cooling and in past Commission actions have been considered to be coastal dependent. But newer dry cooling technologies have been developed which are not dependent on using ocean water. Therefore the siting and design of new power plants may not be considered coastal dependent, given the specific project proposed.

Specific Clarifications/Errata (to be incorporated into the report)
Clarification of whether facilities are coastal dependent as discussed above will be incorporated into the report.

3) Analysis

As found in the *Preliminary Report* it appears that many new or expanded power plants are planned for California in the near future. Recent statewide energy problems related to deregulation also make it possible that pressure will continue to increase for new and expanded power facilities. This, in turn, may lead to greater numbers of transmission lines and ancillary facilities. The *Preliminary Report* concluded that more up to date policies and standards may be needed to ensure that the LCP is implemented in conformity with the Coastal Act. The update of the Area Plans offer an opportunity to ensure that the LCP contains adequate guidance for mitigating the impacts of future energy facility development consistent with resource protection policies of the LCP and Coastal Act. Only minor text changes are proposed to Recommendation 10.2:

Recommendation 10.2. Update Energy Policies of LCP Area Plans ~~to Address Future Energy Facility Demand.~~ As part of the update of LCP Area Plans, the County should update information on current energy demand and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with other LCP and Coastal Act policies.

C. Managing the Phase-out of Energy and Oil Facilities

1) Summary of *Preliminary Periodic Review* Findings (Exhibit A, pp. 346-348)

The *Preliminary Report* concluded that the Commission as well as the County has gained experience in identifying new information and management measures to improve mitigation of impacts from abandonment of facilities. The County should apply the new information and techniques learned through experience to strengthen the LCP policies and standards for abandonment procedures, site remediation, and rezoning for all types of energy, communications and oil and gas facilities as part of the EX Combining Designation.

2) Comments Raised

SLO County Response (Exhibit C)
The County is in general agreement with Recommendation 10.3.

Public Comments (Exhibit D)
Public Comments were in general agreement with Recommendation 10.3.

3) Analysis

The LCP Update process offers the opportunity to incorporate more recent information and knowledge of effective mitigation techniques into LCP policies and standards. No modifications to Recommendation 10.3 are proposed.

4) Conclusion

The Commission finds that the San Luis Obispo County LCP needs to be updated to improve policies and standards to plan for new and expanded energy facilities, including new and emerging technologies such as fiber optic cables. Policies and standards for mitigation of impacts should be updated as well based on new information and technologies. (Exhibit A, findings incorporated herein by reference). Recommendations to improve the implementation of the LCP with more up to date information will ensure that new and expanded energy facilities will be consistent with Sections 30001.2; 30263-30264, 30413, 30232, 30250, 30222, 30233 (a) (1), 30235, and 30254 30255, 30260, 30262, and 30263 and the resource protection policies of the Coastal Act. After further evaluation and consideration of public comments, the Commission adopts Recommendations 10.1 through 10.3 as

Public Comments were in general agreement with Recommendation 10.3.

3) Analysis

The LCP Update process offers the opportunity to incorporate more recent information and knowledge of effective mitigation techniques into LCP policies and standards. No modifications to Recommendation 10.3 are proposed.

4) Conclusion

The Commission finds that the San Luis Obispo County LCP needs to be updated to improve policies and standards to plan for new and expanded energy facilities, including new and emerging technologies such as fiber optic cables. Policies and standards for mitigation of impacts should be updated as well based on new information and technologies. (Exhibit A, findings incorporated herein by reference). Recommendations to improve the implementation of the LCP with more up to date information will ensure that new and expanded energy facilities will be consistent with Sections 30001.2; 30263-30264, 30413, 30232, 30250, 30222, 30233 (a) (1), 30235, and 30254 30255, 30260, 30262, and 30263 and the resource protection policies of the Coastal Act. After further evaluation and consideration of public comments, the Commission adopts Recommendations 10.1 through 10.3 as modified by this report as appropriate corrective actions for submission to the County pursuant to Coastal Act section 30519.5.

11. COMMERCIAL FISHING AND RECREATIONAL BOATING

The Coastal Act states that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected, and that facilities serving the commercial fishing and recreational boating industries shall be protected, and where feasible, upgraded. The Coastal Act requires that coastal-dependent developments shall have priority over other developments on or near the shoreline. Recreational boating use is encouraged by providing for the development of berthing space, increasing facilities and limiting non-water-dependent uses. Existing space shall not be reduced unless demand no longer exists or substitute space has been provided. The needs of the commercial fishing industry have priority over recreational boating. Recreational boating facilities should be designed and sited so as not to interfere with the needs of the commercial fishing industry. Additionally, uses of the marine environment shall be carried out in a manner that will maintain healthy populations of all species of marine organisms.

1) Summary of Preliminary Periodic Review Findings (Exhibit A, p. 351)

San Luis Obispo County has three harbors: San Luis Bay, Morro Bay and San Simeon Bay. Each of the three affords support to the commercial fishing industry; Port San Luis and Morro Bay harbors provide docking, mooring, and processing facilities, while San Simeon

functions as a marginal shelter during adverse weather conditions. Commercial fishing is an important source of income for the county; it was noted that the commercial fishery landings at the three harbors in 1998 were valued at over $6.4 million.[67] However, the Preliminary Report also observed the decline in demand for commercial fishing facilities, due to a decrease in fish landings. At the same time demand for recreational boating facilities has increased.

The *Preliminary Report* noted that since LCP certification, some issues had been raised, including:

- the loss of the small boat ramp in Baywood Park and the impact that a proposed replacement ramp may have on wetland resources;
- the potential impacts that increased recreational boating may be having on wetland and sand dune habitats around Morro Bay;
- the impacts that proposed visitor-serving and commercial development on upland areas owned by the Port San Luis Harbor District might have on the provision of adequate boating and fishing facilities and other coastal resources; and
- Reducing polluted runoff generated by boating activities and facilities.

The *Preliminary Report* suggested the following recommendations:

- Developing a program to educate boaters on the sensitive habitat values of Morro Bay and other aquatic habitats
- Coordinating the review of the proposed boat launch ramp in Baywood Park with Commission staff, the Department of Fish and Game, and other involved regulatory agencies and interested individuals
- Updating the Port San Luis Master Plan and associated sections of the San Luis Bay Area Plan.

2) Comments Raised

San Luis Obispo County Response:
The County agrees with the recommendations.

Public Comments:
The Port San Luis Harbor District strongly supports recommendation 11-3, regarding updating the Port's Master Plan and associated sections of the San Luis Bay Area Plan. In addition, the Harbor District raised the issue of assuring that road capacity on Avila Beach Drive is reserved to serve coastal-dependent and other priority uses under the Coastal Act. Additional public comments indicated both support for and opposition to a replacement boat launch ramp in Baywood Park.

Specific Clarifications/Errata:

[67] San Luis Obispo Council of Governments, *1999 Regional Profile*, October 1999.

Minor typographical corrections on pages 349 and 351 will be corrected as suggested by the County.

3) Analysis

Road Capacity on Avila Beach Drive

Regarding Port San Luis Harbor District's comment about reserving road capacity of Avila Beach Drive, the Commission finds that Recommendation 11.3 is the first step in addressing this issue. Nonetheless, in order to clarify the importance of this evaluation, the Commission suggests modifying the recommendation to incorporate specific statements regarding Avila Beach Drive. Much of the impact to capacity on Avila Beach Drive is likely caused by development activities in Avila Valley, which is outside of the coastal zone. However, under the Coastal Act, the County has a responsibility to reserve road capacity and other public services for priority uses such as recreation *within* the coastal zone. To achieve this, sources of impacts to capacity both within and outside of the coastal zone must be identified and addressed. In order to ensure that adequate capacity will be available inside the coastal zone on Avila Beach Drive, the County could evaluate and update the General Plan for the Avila Valley area and ensure the amount and intensity of development will result in preserving road capacity for priority uses. While the Commission cannot require General Plan revisions outside the coastal zone, the Commission finds it is appropriate to include a program in the LCP to encourage that planning efforts to address *all* sources of impacts to capacity on Avila Beach Drive take place, as funding allows.

> **Recommendation 11.3: Update the Port San Luis Master Plan and Associated Sections of the San Luis Bay Area Plan**
> Recognizing that circumstances regarding the operation, maintenance, and financing of Port San Luis Harbor facilities have changed since the relevant sections of the LCP were certified, a comprehensive update of the Port San Luis Master Plan and associated LCP provisions is in order. Given the wide range of coastal resource issues raised by future development of uplands owned by the Port San Luis Harbor District, this update should be closely coordinated with Commission and County staff.
>
> The San Luis Bay Area Plan and the Port San Luis Master Plan shall be updated to include a standard to ensure adequate capacity on Avila Beach Road for priority uses under the Coastal Act and LCP. As well, a program should be developed to encourage analysis of the effects of development in Avila Valley on capacity of Avila Beach Road inside the coastal zone. The program should encourage revisions as needed to the General Plan standards for the amount and intensity of development to ensure that adequate road capacity to serve priority uses within the coastal zone will be provided.

Additionally, Recommendation 6.7 of the Public Access section of this report calls for comprehensive recreation planning, which will also speak to this concern. Portions of the New Development section also include more discussion.

Baywood Park Boat Ramp

The Commission reiterates that the preliminary recommendation states that review of the ramp should be coordinated with staffs of the Coastal Commission, County, Department of

Fish and Game, as well as *other interested individuals*. Preliminary Recommendation 6-8 also directs that proposed public access developments be reviewed for appropriate habitat management measures. The Commission believes these recommendations are adequate to assure that the LCP will be implemented to protect recreational boating consistent with Sections 30224 and 30230. No modifications are proposed to 11.1 or 11.2.

4) Conclusion

The *Preliminary Report* noted that in order to effectively implement the LCP in conformance with the requirements of Coastal Act Sections 30224, 30230, 30234, 30234.5, and 30255 to protect commercial fishing and recreational boating uses within the coastal zone, the LCP should be updated to address new and emerging issues (Exhibit A, findings incorporated herein by reference). After further evaluation and consideration of public comments, the Commission adopts Recommendations 11.1- 11.3 as modified as appropriate corrective actions for submission to the County pursuant to Coastal Act section 30519.5.

12. IMPLEMENTATION PROCEDURES

The preliminary report identified numerous areas where LCP procedures should be revised to ensure that the LCP is being implemented consistent with the Coastal Act and the California Code of Administrative Regulations. In addition, the preliminary report suggests changes to the LCP, as well as changes to current methods of administration, intended to improve the quality of environmental analysis and to maximize public participation and regulatory efficiency. It is envisioned that many of these procedural changes and improvements would be achieved through one or more amendments to the Coastal Zone Land Use Ordinance that would address application requirements, noticing, appeals, variances, non-conforming uses, exemptions, exclusions, emergencies, easements, and enforcement. (Please see Recommendations 12.1 – 12.17.)

For the most part, specific comments regarding the procedural recommendations contained in the preliminary report were limited to those contained in the County staff report prepared for the May 1, 2001 Board of Supervisors meeting. The preliminary procedural recommendations that the County has indicated their general agreement with, and have been carried over without change into the final report, include:

- Preliminary Recommendation 12.1, 3rd bullet, calling for the appealability of development to be determined according to what exists on the ground as opposed to what is shown on LCP and Post-Certification maps.

- Preliminary Recommendation 12.2, suggesting better coordination between County and Commission staff on projects that cross jurisdictional boundaries, and the pursuit of a coordinated permit review procedures for such cases.[68]

[68] If a revision to the Coastal Act is needed to implement a coordinated permit review process (i.e., a single coastal development permit from the Coastal Commission rather than requiring two separate permits for each portion of the

- Preliminary Recommendation 12.3, to update the Area Plan in a way that will resolve areas of deferred certification (e.g., Sweet Springs Marsh and Otto Property)

- Preliminary Recommendation 12.6, recommending the review of previously approved Categorical Exclusions[69].

- Preliminary Recommendation 12.10, calling for Executive Director review and approval of locally required easements and dedications.

- Preliminary Recommendation 12.11, clarifying that if any component of a project is a conditional use the entire project is appealable.

- Preliminary Recommendations 12.13 and 12.14, advocating better interagency coordination on enforcement activities and emergency permits. In agreeing with Preliminary Recommendation 12.14, the County has suggested the preparation of an Emergency Permit Procedure Manual. In addition, the County has proposed developing a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek). This process would include preparation of and Emergency Prevention Implementation Plan focusing on methods and agency contacts for avoiding emergencies. These suggestions have been incorporated into final Recommendation 12.14 as follows:

  Recommendation 12.14: Improve Coordination Regarding Emergency Actions
  When time allows, consult with the Commission regarding alleged emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the Coastal Commission.

  To facilitate improved coordination and emergency permit processing, the County should prepare an Emergency Permit Procedure Manual. In addition, the County should initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies.

The issues and preliminary recommendations contained in the Preliminary Report that the County staff and other commenters disagree with, or have proposed alternatives to, are addressed below.

A. Defining Development

1. Summary of Findings

Page 353 of the Preliminary Report reiterated the issues associated with Certificates of Compliance addressed in detail by Chapter 5 of the Preliminary Report at pages 210 - 227. A

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project lying in separate jurisdictions), it is recognized that the responsibility for initiating such legislation lies with the Coastal Commission.

[69] The County's conceptual agreement with this recommendation is based on an understanding that the Commission staff would take the lead in this review.

procedural change suggested to respond to these issues was to identify all Certificates of Compliance, not just Conditional Certificates of Compliance, as development that requires a coastal development permit.

2. Comments Received

County staff has expressed significant concerns regarding this suggestion. An explanation of these concerns, and the final recommendation proposed by Commission staff to address this important issue in light of the comments received, are detailed in Chapter 5 of this final report.

3. Analysis and Conclusion

Because Chapter 5 addresses this issue in detail, Commission staff recommends that the last 2 paragraphs on page 353 of the Preliminary Report be deleted. Please refer to Chapter 5 of this report for a conclusion on how the County's implementation of the LCP, in regard to Certificates of Compliance, should be revised to ensure consistency with Coastal Act requirements.

B. Coastal Zone Boundary and Permit Jurisdiction

1. Summary of Findings

The preliminary report identified the need for accurate determinations of the coastal zone boundary and permit jurisdictions as a critical procedural step in the development review process. Preliminary Recommendation 12.1 therefore proposed updates to the LCP and post-certification maps used to delineate permit jurisdictions.
Notwithstanding the improvements that could be realized through updates to the maps, accurate determinations of permit jurisdictions would continue to be difficult along shoreline areas (e.g., seawall proposals), where permit jurisdictions may change over time due to the ambulatory nature of the mean high tide line. To address this challenge, Preliminary Recommendation 12.2 recommended better coordination between the County and Commission staff in situations such as these. In addition, this recommendation suggested that where development proposals cross jurisdictional boundaries, a coordinated permit process should be pursued, recognizing that such a process may necessitate a change to the Coastal Act.

2. Comments Received

County staff has indicated their disagreement with the portions of recommendations 12.1 and 12.2 calling for updates the LCP and Post-certification maps and increased coordination on where the coastal zone and appeal boundaries may lie. As an alternative, County staff has suggested that the Commission provide coastal zone boundary and appeal maps in electronic form that the County could use to identify any discrepancies with the LCP maps.

3. Analysis

It appears that the County's objection to these recommendations is based on an impression that the Coastal Commission rather than local government has the primary responsibility of providing coastal jurisdictions with accurate maps of coastal zone and appeal boundaries.

The preliminary recommendations were not intended to place this responsibility solely on the local governments. Rather, they were created with the intent of establishing a cooperative process under which the locally adopted LCP maps, as well as the post-certification maps approved by the Commission, could be improved in terms of accuracy and consistency. The recommendations were also intended to facilitate early discussion between the County and the Commission where the maps may not resolve jurisdictional questions.

The Commission recognizes its responsibility for providing the local government with post-certification maps that accurately depict, to the greatest degree feasible, the coastal zone boundary and the geographic areas where locally approved development is appealable to the Commission pursuant to Section 30603 of the Coastal Act.

However, the County also plays an important role in resolving jurisdictional issues. The County has the primary responsibility of updating the LCP maps in a way that conforms to the post certification maps and incorporates the appeal criteria established by the LCP (e.g., the presence of an SRA). In addition, as the first point of contact for local development proposals, the County is in the best position to coordinate with other agencies, particularly the Commission, to resolve questions regarding permit and appeal jurisdiction.

The County's suggestion that the Commission provide electronic versions of updated post certification maps has been incorporated into Preliminary Recommendation 12.1 as follows:

Recommendation 12.1: Update LCP and Post-Certification Maps

- The County and the Commission staff should coordinate a review of LCP Maps for accurate delineations of coastal zone boundary and sensitive resource areas and update as necessary.

- The Coastal Commission staff, in coordination with the County, should update the Post-Certification maps to accurately reflect permit and appeal jurisdictions. <u>Once updated, the Commission should provide electronic versions of these maps for use in updating LCP maps.</u>

- Recognize that the appealability of development based on geographic criteria (e.g., the presence of an SRA, a location between the first public road and the sea) should be determined according to what is on the ground as opposed to what is shown on the LCP and Post-Certification Maps. An exception to this is that roads constructed without the proper permits should not be considered as the first public road.

4. Conclusions

Preliminary Recommendations 12.1 and 12.2 ensure that questions regarding permit and appeal jurisdictions are resolved in a coordinated manner that ensures the LCP us implemented consistent with Coastal Act policies.

C. Permit Exemptions and Temporary Events

1. Summary of *Preliminary Review Periodic* Findings

The preliminary report identified that the permit exemptions contained in the County's Coastal Zone Land Use Ordinance were not consistent with the exemptions provided by Section 30610 of the Coastal Act and further specified by Sections 13250 – 13253 of the Commission's Regulations (Title 14, Division 5.5). Two examples of such inconsistencies cited by the preliminary report were the LCP's exemptions for repair and maintenance activities and exemptions for temporary events. Preliminary Recommendations 12.4 and 12.5 responded to these issue by calling for revisions to Section 23.04.040 of the Coastal Zone Land Use Ordinance, and for incorporating the updated provisions regarding temporary events adopted as part of the Avila Beach Specific Plan into the CZLUO.

2. Comments Received

County staff has agreed to a full evaluation of the LCP's permit exemptions, but has reserved judgement on whether they agree with the changes that will come out of this review. With regard to temporary events, they have agreed to incorporate the general concepts developed through the Commission's review of the Avila Beach Specific Plan, but have indicated that they would prefer not to incorporate these provisions in their entirety.

3. Analysis

The implementation of Preliminary Recommendations 12.4 and 12.5, as well as many of the other procedural recommendations, is anticipated to be achieved through a comprehensive update of the implementation provisions contained in the Coastal Zone Land Use Ordinance. This process will necessitate further discussion with the County, and close coordination on the specific contents of the amendment. It is during this process that the additional information requested by the County will be developed.
Regarding temporary events, the Commission is familiar with the complexities and controversies that can be generated in determining whether a temporary event may pose significant impacts on coastal resources and therefore triggers the need for a permit pursuant to Section 30610(i) of the Coastal Act. As directed by the Coastal Act, the Commission has adopted guidelines to assist local governments in complying with Coastal Act requirements.

The temporary event guidelines adopted by the Commission provided a framework for developing the temporary event provisions that were incorporated into the San Luis Bay Area Plan via the Avila Beach Specific Plan. The updated San Luis Bay Area Plan standards provide the details necessary to ensure that the full range of potential impacts to coastal resources associated with temporary events. Incorporations of these standards into the

CZLUO will allow for these issues to be effectively addressed throughout the San Luis Obispo County coastal zone, and will maintain consistency with the San Luis Bay Area Plan.

4. Conclusion

Additional information regarding the specific changes necessary to ensure that the implementation of LCP permit exemptions conformance to the Coastal Act will be developed in coordination with the County as part of a comprehensive amendment to the CZLUO. The recommended permit requirements for temporary events will ensure that LCP implementation will not exempt temporary events that may have a significant impact on coastal resources, consistent with the provisions of Coastal Act Section 30610(i). As a result, Preliminary Recommendations 12.5 and 12.6 have been carried over into the final report without change.

1. Summary of *Preliminary Review Periodic* Findings

The Preliminary Report documented noticing problems associated with the various types of County Coastal Development Permits. Emergency permits, permit amendments, permit extensions, grading permits, and land use permits (Plot Plans, Minor Use Permits, and Development Plans) involve different noticing procedures, and equate to a coastal development in differing circumstances. A grading permit, for instance, constitutes a coastal development permit when not associated with a land use permit[70]. These should, but not always are, noticed as a coastal development permit. In contrast, a grading permit required as a condition of a land use permit is not considered a separate coastal development permit.[71] Noticing standards also differ when development is appealable to the Coastal Commission, which is based on the type and geographic location of the development.[72] Ensuring that LCP noticing standards are implemented consistent with the Coastal Act and Administrative Regulations was the focus of Preliminary Recommendation 12.7.

2. Comments Received

The County has observed that the Commission's noticing procedures should be improved as well. Specifically, the County has suggested that Commission accept Notices of Final County Action electronically, and inform the County of the dates and completion of the Commission appeal period. With respect to noticing grading permits, the County has suggested that such notice be limited to grading activities within 100 feet of an ESHA by requiring a Minor Use Permit for such activities. County staff has indicated their agreement with the recommendation to coordinate emergency permits with the Commission staff.

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[70] CZLUO Section 23.05.025

[71] Ensuring that the impacts of grading on coastal resources are effectively addressed at the Land Use Permit stage is an issue that will be addressed when the Commission considers the pending amendment to the Grading Standards contained in the CZLUO.

[72] Section 23.01.043 of the CZLUO specifies when development approvals are appealable to the Coastal Commission .

3. Analysis

The Commission should improve its noticing regarding appeal periods as recommended by the County. This will assist the County in knowing when local building permits can be released, and has been incorporated into Recommendation 12.7 as follows:

> **Recommendation 12.7: Improve Noticing and Processing Procedures**
> The Commission staff should coordinate with the County to resolve noticing and processing issues related to CDPs, CDP amendments and extensions, grading permits, emergency permits, and appeals. In some cases, changes to the LCP may be needed to bring LCP noticing and processing requirements in conformance with the Coastal Act and the California Code of Regulations. The Commission too should improve its noticing procedures. In particular, Commission staff should provide the following notice to the County:
>
> - The date on which Notices of Final Action are received. This will inform the County of the Coastal Commission appeal period for those projects that are appealable, and the effective date of the local permit for unappealable development;
> - Whether any appeals have been received at the conclusion of the Coastal Commission appeal period. If no appeals have been filed, this notice will confirm the County's ability to release local building permits. If an appeal has been filed, this notice will allow the County to send the Commission a copy of the local file in a more timely manner.

The suggested electronic acceptance of Final Local Action Notices raises a more challenging question. Section 13571 of the Commission's Administrative Regulations specifies that such notice should be provided by first class mail. This ensures that all interested parties receive such notice within the same timeframe. Otherwise, the Commission's appeal period may commence prior to the time that someone interested in appealing the project would receive notice of the County's action. Although the Commission is supportive of changes in noticing practices that will improve the efficiency of the coastal development permit process, maximum public participation in the oversight process must also be assured. Further research is warranted concerning this question. For the time being, though, this suggestion has not been incorporated into the recommendations for procedural improvements.

The County's suggestion to limit the noticing of grading permits to those that involve grading within 100 feet of an ESHA is also problematic. One of the most important changes needed to ensure that the LCP noticing procedures are implemented in conformity with the Coastal Act and Section 13571 of the Administrative Regulations is to ensure that the Commission receives notice of the County's final action on all coastal development approvals, whether or not the project is appealable to the Coastal Commission. Currently, the County interprets the CZLUO as requiring the County to provide notice to the Commission of its final actions on appealable projects only. The problem with this interpretation is that it does not provide the Commission with the opportunity to evaluate whether the County determination regarding appealability has been made correctly. Thus, the Commission should be noticed of all grading permits that function as coastal development permits (i.e., when they are not associated with a land use permit) regardless of geographic location.

4. Conclusion

The noticing improvements called for by Recommendation 12.7 are needed to ensure that the LCP is implemented in conformity with the Coastal Act and Title 14, Division 5.5 of the California Code of Regulations. Additional coordination between Commission and County staffs will be needed to develop the specific changes to the CZLUO required to implement this recommendation. The need for the Commission to also improve its noticing procedures are reflected in the changes to Recommendation 12.7 proposed by this report.

D. Allowable and Principally Permitted Uses

1. Summary of *Preliminary Review Periodic* Findings

The preliminary report identified procedural problems associated with Table O, the primary LCP component used to determine if different types of development are allowable, and whether they constitute a principally permitted use. These include:

- Table O does not identify that only resource dependent uses are principally permitted within ESHA;
- Table O does not identify that land divisions are a conditional rather than principally permitted use; and
- Table O does not clearly differentiate between conditional uses and the principally permitted use.

2. Comments Received

Rather than clarifying Table O to identify all uses other than resources dependent uses in ESHA as conditional, the County has suggested that the non-resource dependent development could still be designated as principally permitted, but listed as appealable to the Coastal Commission.

The County also disagrees with the provisions of preliminary recommendation 12.8 calling for all uses listed as "S" (special) uses by Table O, as well as all subdivisions, certificates of compliance (COC's), and lot line adjustments (LLA's), to be considered conditional uses. The application of special standards to S uses, in the opinion of County staff, should not require that these uses be considered conditional. With respect to subdivisions, COC's and LLA's the County asserts that these are not land uses, and therefore do not qualify as conditional uses. Again, the County suggests that the concerns expressed over these types of development be addressed by making them appealable based on geographic (e.g., within an ESHA) rather than use criteria.

3. Analysis and Response

Coastal Act Section 30603a(4) specifies that "any development approved by coastal county that is not designated as <u>the</u> principally permitted use" shall be appealable to the Coastal Commission (emphasis added). This implies that only one type of use should be considered as principally permitted, and that all others are conditional. Within this context, the kinds of development that necessitate the application of special standards, and are not directly

associated with the identified principally permitted use[73], should be processed as conditional uses. This includes subdivisions which, under CZLUO 21.08.020(a) includes lot line adjustments and conditional certificates of compliance. Land divisions are defined as development for purposes of the Act and the LCP. However, inasmuch as a land division is not a land *use*, they could not be designated as principally permitted use, let alone the principally permitted use. At the same time, as coastal development, land divisions typically lead to fundamental changes in future locations, densities, and intensities of land uses that can significantly impact coastal resources. The appealability of land divisions assures adequate oversight of these potentially fundamental land use impacts.

The alternative of maintaining a number of uses as principally permitted uses, but listing them as appealable based on geographic criteria (i.e., within an ESHA) is not as preferable as clarifying what constitutes the principal permitted use within each land use designation. It is not just an issue of appealability, but relates to the clear articulation of land use regulations. It is inappropriate for Table O to imply that the all uses listed as "P" use are principally permitted, irrespective of environmental constraints such as ESHA, because it can create false expectations regarding the type and extent of development that can be allowed on the site.

4. Conclusion

Preliminary Recommendation 12.8 has not been modified because the clarification of what is allowable and principally permitted is necessary to ensure that the LCP is implemented in conformity with various policies of the Coastal Act, including Section 30240(a) and 30603 (a)(4).

F. Application Requirements

1. Summary of *Preliminary Review Periodic* Findings

The application requirements for coastal development projects have been found, in some cases, to be deficient in obtaining the information necessary to evaluate coastal resource issues. This is problem is related to both the content of the LCP ordinances, and the way in which the County implements them.

2. Comments Received

The County agrees that detailed plans (grading, landscape, drainage, etc.) should be obtained at the application stage *when resource protection is at stake*. For example, a landscape plan is noted as being appropriate to require at the application stage where scenic resources are at stake. In other circumstances, County staff asserts that specific construction plans should be

[73] The designation of a single principally permitted use does not exclude subsets of that use from also being considered principally permitted. For example, in residential districts where single family residences are designated as the principally permitted use, it may be appropriate to consider certain residential accessory uses as part of the principally permitted residential use.

required as condition of the discretionary coastal development/land use permit, so that the applicant can be sure that the project is approved before final plans are prepared.
The County has also requested the Commission staff to review the existing application requirements in more detail, and provide a more specific description of the changes that are needed.

3. Analysis

It is agreed that a balance must be struck between obtaining all the information needed for an up-front analysis of resource issues, and requiring such detailed plans at the application stage that any change to the plans determined to be necessary becomes an excessive burden upon the applicant. In general, the "resource test" (i.e., whether or coastal resource issues are at stake) is a good indicator of when more detailed plans may be required as part of a development application.

While this often necessitates discretion upon the part of County planning staff, there are certain pieces of information that should *always* be required at the application stage. For instance, providing evidence of adequate water supply and wastewater treatment should be a prerequisite to development that should be addressed prior to the investment of significant resources into project development and review.

As suggested by the County, additional review of the existing application requirements is needed to determine the specific changes necessary. The preliminary report has identified the coastal resource issues (e.g., water quality, ESHA) where a rigorous review application requirements are warranted. Additional particulars will be forthcoming in the recommended modifications to the submitted grading ordinance amendment and other pending LCP updates.
The preliminary report also identifies that obtaining the necessary environmental information at the application stage is not, in all cases, dependent upon updates to existing LCP application standards, but can be achieved through refined administration of existing ordinances. The demonstration of adequate water and sewer prior to the acceptance of an application is one such administrative improvement crucial to implementing the LCP consistent with the Coastal Act.

4. Conclusion

Recommendation 12.8 will improve LCP implementation procedures in a way that will ensure that standards for development established by Chapter 3 of the Coastal Act issues are effectively addressed during development review. In addition to benefiting coastal resources, it should increase the efficiency of the permit review process by minimizing the number of appeals filed over unresolved issues. The County's suggestion to complete a more thorough review of existing application requirements, and their request for more specificity, will be undertaken as part of the detailed update to LCP procedures needed to respond to the full range of recommendations presented by this report.

G. Condition Compliance

1. Summary of *Preliminary Review Periodic* Findings

To make certain that permit conditions are effectively carried out, the Preliminary report suggests the development of a tracking system that would be available to all County Departments and Commission staff.

2. Comments Received

The County is currently developing a tracking system that may be used to implement this recommendation, but will involve additional staffing costs. More information is needed for the County to understand what is expected and what is legally required.

3. Analysis and Response

There is no legal requirement for the County to develop the tracking system proposed by Recommendation 12.12. It is a suggested tool for enhancing condition compliance, which has been identified in public testimony as a weakness in LCP implementation. If accessible to the Commission staff, the Central Coast District office would be in a better able to assist the County in condition follow-through and respond to inquiries received about alleged violations.

Preliminary Recommendation has been revised to clarify that it is only a suggestion as follows:

> **Recommendation 12.12: Improve Methods for Ensuring Compliance with Permit Conditions**
> Among other means available to achieve effective compliance with permit conditions, the County could develop a tracking system that would be available to all relevant County departments and Commission staff.

4. Conclusion

Although not legally required, implementation of Recommendation 12.12 is strongly encouraged as a means to better achieve resource protection objectives of the Coastal Act and LCP.

H. Variances

1. Summary of *Preliminary Review Periodic* Findings

Chapter 4 of the Preliminary Report identified instances where variances to LCP habitat protection requirements may have been inappropriately approved. The Commission has also overturned variances to setback standards granted by the County. To address the concern that the approval of variances may be undermining the resource protection provisions of the Coastal Act, Preliminary Recommendation 12.15 calls for greater limitations on the use of

variances. For example, the Preliminary Report suggests prohibiting variances when they would result in adverse impacts to Environmentally Sensitive Habitats.

2. Comments Received

The County response expresses concern that limiting the use of variances would create legal liabilities and could equate to a "takings" and states that the County will not take action to preclude the use of variances where a taking may occur and result in costly lawsuits for the County. The response requests acknowledgement that limiting the use of variances may result in significant reductions in project size and impacts to the economic backed expectations of applicants.

3. Analysis

The need to grant variances in situations where the strict application of a development standard would result in a taking is well understood by the Commission. The "constitutional variance" provided by Section 30010 of the Coastal Act has been invoked by the Commission where development that is inconsistent with the Coastal Act because of its impact on ESHA must be accommodated to avoid a taking. These procedures are very similar to those a local government uses in granting a variance.

The intent of Preliminary Recommendation 12.15 is not to preclude the County from granting variances in situations where the variance is needed to prevent a taking. Rather, the purpose of this recommendation is to respond to the potential for variances to be misused. An example of such potential misuse is presented on pages 163-165 of the Preliminary Report.

One potential limit on the use of variances suggested by Preliminary Recommendation 12.15 is prohibiting their approval where the variance would adversely affect ESHA. Again, this is not intended to result in a taking. The recommendation must be read in concert with Preliminary Recommendations 4.10 and 4.11, which provide specific suggestions for balancing the rights of private property owners with the need to protect ESHA.

Taken together, these recommendations would not prevent the County from granting the exceptions to LCP standards where necessary to prevent a taking. Instead, they call for a more detailed analysis of the particular facts necessary to strike the appropriate balance between the protection of private property rights and sensitive coastal resources. Existing variance procedures could still be used to resolve less complex issues, such as where an adjustment is needed to accommodate an economic use on steep slopes where no alternative is available. However, where significant habitats are at stake, a higher level of analysis, such as that suggested by Recommendation 4.10, would be required before an exception to ESHA protection standards could be granted. To clarify this, Preliminary Recommendation 12.15 has been revised as follows:

Recommendation 12.15: **~~Further Restrict the Use of Variances~~** **Expand Standards for Approval of Variances**

Incorporate additional ~~limitations~~ standards regarding the use of variances into the LCP ~~(e.g., prohibit the use of variances where the project will adversely impact Environmentally Sensitive Habitats)~~. For instance, where a variance is needed to prevent the strict application of ESHA protection standards from resulting in a taking, approval of the variance should be accompanied by information and analyses needed to establish that the variance is warranted under Coastal Act Section 30010.

An additional way to ensure that variances are not inappropriately granted is to make their approval appealable to the Coastal Commission. Coastal Act Section 30603(a)(4) states that any development not designated as the principal permitted use under the zoning ordinance or zoning district map is appealable to the Coastal Commission. A *principally permitted* use is limited to the specific type of developed envisioned for a particular area of land. Conversely, the approval of a variance is a discretionary action that allows for a development/land use that is not consistent with development standards, subject to the conditional approval of the decisionmaking body (see CZLUO 23.01.045(d)). It would therefore be appropriate to amend the LCP in a manner that would establish that any development that requires a variance is, by definition, a conditionally permitted use, appealable to the Coastal Commission. Such a provision is contained in Chapter 20.78 of the Monterey County certified Implementation Plan, and is recommended to be incorporated into the San Luis Obispo County LCP by the following new recommendation:

Recommendation 12.18: Institute Appeal Provisions for Variances

Amend the LCP to identify that any development approved by variance is a conditionally permitted use appealable to the Coastal Commission. An appropriate location for this change would be within Section 23.01.045 of the CZLUO.

4. Conclusion

Recommendations 12.15 and 12.18 will ensure that the implementation of LCP variance provisions will not unnecessarily undermine the coastal resource protection objectives of the Coastal Act.

I. Non-Conforming Uses, Structures, and Parcels

1. Summary of *Preliminary Review Periodic* Findings

Various issues regarding the interpretation of exiting LCP standards for non-conforming uses, structures, and parcels have been raised in recent appeals. For example, the preliminary report identified implementation problems associated with the development of parcels that do not conform to minimum lot size requirements.

Preliminary Recommendation 12.16 proposed two actions to address these problems. First, it recommends that LCP standards for non-conforming situations be clarified. This would most likely take the form of an update to Chapter 9 of the CZLUO. Second, it recommends that the County consider incorporating new standards for the development, adjustment, and certification of non-conforming lots into Chapter 9 of the CZLUO.

2. Comments Received

The County response indicates agreement with the recommendation to clarify and update Chapter 9 of the CZLUO. However, based on legal concerns, they disagree with the portion of the recommendation calling for new standards to address the development, adjustment, and certification of non-conforming lots.

3. Analysis

It is recognized that the County's ability to require the restructuring of non-conforming parcels may be limited by the Subdivision Map Act and other applicable laws. That does not mean, however, that the County is prohibited from taking action to minimize the impacts associated with the certification, adjustment, and development of sub-standards lots. The intent of Preliminary Recommendation 12.16 was to encourage the County to pursue new standards, within its legal authority, that would limit the impacts of such development on coastal resources to the greatest degree feasible. One means of accomplishing this objective with respect to lot line adjustments would be to revise Section 21.02.030(c) of the County's Real Property Division Ordinance so that adjustments must conform to all elements of the LCP (not just the zoning and building ordinances). Other suggestions for addressing this issue are contained in Chapter 5 of this report.

Accordingly, Preliminary Recommendation 12.16 has been revised as follows:

> **Recommendation 12.16: Clarify LCP Provisions Regarding Nonconforming Uses**
> Clarify LCP provisions regarding nonconforming uses and structures, and consider incorporating new standards for the development/adjustment/certification of non-conforming parcels as addressed ~~earlier~~ in Chapter 5 of this report. With respect to the adjustment of non-conforming parcels, Section 21.02.030(c) of the County's Real Property Division Ordinance should be revised to require lot line adjustments to conform to all elements of the LCP (not just the zoning and building ordinances). These new standards should be crafted in a way that conforms to all applicable local, state, and federal laws.

4. Conclusion

Improvements to LCP standards that regulate nonconforming uses and structures, and the incorporation of new standards to address development on nonconforming parcels, is needed to ensure that LCP implementation prevents nonconforming development from having adverse impacts on coastal resources in conflict with Chapter 3 of the Coastal Act.

J. Efficient Resolution of Appeals

1. Summary of *Preliminary Review Periodic* Findings

The Preliminary report identified a number of ways in which the process for appeals to the Coastal Commission can be improved, as well as ways in which the number of projects being appealed to the Commission could be minimized. These include:

- updating maps and methodologies for determining appealability;
- providing Commission staff with copies of County staff reports prior to the local hearing;
- forwarding the local file of appealed projects to the Commission staff in a complete and timely manner[74];
- utilizing LCP provisions that allows the County to modify its approval of a project in order to resolve an appeal filed by two Commissioners; and,
- incorporating other provisions into the LCP that would allow the County to expeditiously incorporate additional conditions or project revisions to resolve an appeal.

2. Comments Received

The County response states that they disagree/need more information regarding these recommendations. Specifically, the response requests a timeframe for the Commission staff's review of the County's draft staff report (e.g., 10 days), and requests clarification regarding the type of items from the local file the Commission needs when a project is appealed.

3. Analysis and Response

The recommendations of the *Preliminary Report* did not request the County to provide *draft* staff reports for Commission staff review. (While this would be welcomed and encouraged as a means of improving coordination, it is recognized that the timeframe for staff report completion often does not allow as much coordination prior to the reports release as may be desirable.) Rather, the *Preliminary Report* encouraged the County to send the Commission staff a copy of the *final* County staff report prior to the local hearing. It is assumed that County staff currently provides the reports for each hearing to the interested parties and decision-makers in advance of the hearing. The Preliminary report simply requests that these reports be provided to the Commission staff at the same time. The County's current practice is to provide the staff reports <u>after</u> an action has been taken on the project. This unfortunately does not provide the Commission staff with the opportunity to inform the County staff and decision makers about any coastal resource concerns they may have regarding the project or recommended action prior to the local decision.

With regard to the particular type information form the local file that should be transmitted to the Commission staff when an appeal is filed, Sections 13112 of the Coastal Commission's Administrative Regulations state:
Upon receipt of a Notice of Appeal the local government shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the executive director <u>all relevant documents and materials used by the local</u>

[74] Where the local file may be excessively large and/or difficult to reproduce, the Preliminary Report suggests that the County provide a list of all information contained in the file, and include this list with an initial submittal of all relevant plans, documents, and correspondence. Commission staff could request additional information from this list as may be necessary.

government in its consideration of the coastal development permit application. (Emphasis added.)

The Notice of Appeal used by the Commission further specifies that this should include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony. Preferably, all of this information would be forwarded to the Commission staff within the 5 day time period established by the administrative regulations. When the size and/or content of the local file may prevent the County from meeting this timeframe, the list of the file contents suggested by the Preliminary Report should include each and every item contained in the file that has relevance to the project that has been appealed. This will help prevent delays in the processing of the appeal and ensure that the Commission has been provided all the information needed to evaluate the appeal.

The following changes to Preliminary Recommendation 12.17 clarify what is being requested of the County, and expand on the various options available to improve the appeal process:

Recommendation 12.17: Provide Additional Opportunities to Efficiently Resolve Appeals

- Incorporate new procedures into the LCP that would provide additional opportunities to resolve appeals at the local level and use existing LCP provisions that allows the County to modify its approval of a project in order to resolve an appeal filed by two Commissioners.

- Improve procedures for providing Commission staff with all information relevant to appealed projects. The information transmitted must include all documents and materials used by the local government in its consideration of the coastal development permit application. Where the County has a question regarding the need or relevance of particular documents or materials, such questions shall be referred to the Commission staff.

- Provide Commission staff with copies of County staff reports prior to the local hearing.

4. Conclusion

The procedural improvements recommended by the Preliminary Report are intended to help minimize the number of local approvals being appealed to the Commission, and facilitate the efficient resolution of appeals that are filed. Most importantly, the recommended actions would ensure that the LCP is implemented in conformity with policies of the Coastal Act regarding appeals and public participation.

The following additional comments generated in response to the Preliminary Report are of a procedural nature, but are not specific to the findings or recommendations contained in Chapter 12.

K. Funding

One concern expressed regarding the preliminary recommendations is the cost and staff time associated with their implementation. Many of the recommendations call for the County to develop new administrative procedures, LCP Amendments, and to expand current update efforts.

Carrying out these recommendations will require a commitment of financial resources, as well as additional staff and staff training.

Similarly, the Periodic Review calls on other local agencies and organizations to take certain actions to respond to particular coastal resource concerns. For example, the Cambria Community Services District plays a crucial role in responding to the water supply/riparian habitat issues in the North Coast Area, as well as participating in the protection of forest resources through development and implementation of the Cambria Monterey Pine Forest Management Plan. The Los Osos Community Services District is a critical player in carrying out the recommendations regarding the protection of dune habitat in southern Morro Bay, as well as being the primary entity responsible to addressing wastewater treatment needs.

The LCP grants awarded to San Luis Obispo County, and the dedication of additional Commission staff to the Periodic Review effort, has provided a unique opportunity for enhanced coordination. It has allowed more frequent dialogue regarding pending development applications and planning efforts, periodic visits to the County by the Commission staff, and numerous public workshops, all of which have proven to be valuable tools for resolving issues and improving coordination. The continued commitment of County and Commission funding and staff resources is crucial to the ongoing coordination needed to bring the recommendations of the Periodic Review to fruition.

Other grant and funding opportunities are also needed to facilitate the essential participation of the community services districts and the other local agencies and organizations. Some grant projects already underway will help implement the recommendations of the Periodic Review. For instance, Commission staff, the Morro Bay National Estuary Project, and the California Conservation Corps have secured funding to complete more detailed and accurate delineations of Morro Bay Wetlands, which will have direct application towards updating the LCP's Combing Designation Maps. Taking advantage of existing and new grants, in a collaborative and coordinated fashion, is a key way in which the Periodic Review can be implemented.

In recognition of these important needs, Exhibit E attached to this report identifies potential grant and funding sources that could be used towards fulfilling the recommendations. In addition, the following new Recommendation 12.19 encourages the Commission and County staff to outreach to grantors and grantees in a way that will promote projects that will achieve the coastal resource protection and planning improvements called for by this report:

Recommendation 12.19: Improve Coordination with Grant Programs

Commission and County staff should work with local state and federal grant sources, as well as the recipient of grants, in a way that will facilitate the coastal resource protection and planning improvements called for by this report.

As another means to effectuate the recommendations of the Periodic Review and improve the coastal planning process at both the local and state level, the following new recommendation has been incorporated into this review:

Recommendation 12.20: Seek Additional Funding and Staffing Resources

Both the Coastal Commission and the County should attempt to secure the funding necessary to further develop and implement the recommendations of the Periodic Review. In particular, the Commission should continue to offer LCP Grants that will facilitate the County's ability to commit staff resources to this effort, and the County should take full advantage of these and other grant opportunities. In addition, the Commission should seek funding to staff the Central Coast District Office at a level that will enhance its ability to assist and coordinate with San Luis Obispo County.

L. Interagency Coordination

Land use and development in the San Luis Obispo coastal zone often triggers numerous regulatory requirements and the approval of various governmental agencies. Prior to incorporating the additional regulatory requirements recommended by the preliminary report, commenters have requested that the Commission staff identify the other government agencies and organizations working towards similar objectives.

This final report has attempted to better articulate the important role that the LCP plays in the coastal resource protection, and how the LCP can be better integrated with other regulatory programs so they can work together in a coordinated and complimentary manner. Recommendations intended to facilitate improved regulatory coordination include:

- Recommendations within the new development chapter that will enhance coordination between local service providers and the County's development review process;
- Recommendations within the Water Quality Chapter that help define the role of the County in implementing state and nationwide pollution control objectives;
- Recommendations within the agriculture chapter that encourage cooperation with voluntary programs such as those implemented by the National Resource Conservation Service; and,
- Recommendations within the Environmentally Sensitive Habitat Areas Chapter that maximize opportunities for the development of habitat conservation plans that will address the requirements of state and federal endangered species acts as well as the Coastal Act.

Commission staff will continue to work with the County and other involved agencies to refine the implementation of these recommendations and better integrate existing regulatory programs and requirements.

M. LCP Simplification

The San Luis Obispo County certified LCP is comprised of over 10 documents and two sets of official maps. Commenters have indicated that the size of the LCP makes is difficult to obtain and understand the various standards and requirements that apply to new development.
One option for responding to this issue would be to compile the portions of the LCP that contain the policies, ordinances and standards applicable to new coastal development in a single document. This document could be used as a supplemental tool to the complete LCP that would provide applicants and administrators with a quick reference guide to applicable regulatory standards.

This concept has been incorporated into the final report as new Recommendation 12.21:

> Recommendation 12.21: Develop an LCP "Quick Reference Guide"
> Compile the portions of the LCP that contain the policies, ordinances and standards applicable to new coastal development in a single document that would provide applicants and administrators with a quick reference guide to applicable regulatory standards.

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[i] The Cambrian, December 3, 1987, 5.

[ii] San Luis Obispo County Major LCP Amendment 2-88, Adopted Findings, August 25, 1988.

[iii] Comments of the Hearst Corporation, Tab G.

[iv] Sage Associates, *The Hearst Ranch Agricultural Compatibility Study Visitor Serving Facilities*, July 1988, 4.

[v] The Commission found that "an easement . . . over the remaining property [was] necessary in order to find that the development proposed on the Ranch [could] be balanced with the maintenance of the existing agricultural uses . . . protected by Sections . . . 30241 and 30242 of the Coastal Act." CCC, Revised Findings for Suggested Modifications for Resubmittal, Oct. 10, 1983.

[vi] See California Coastal Commission, Adopted Findings, San Luis Obispo County Major LCP Amendment, 2-88, August 25, 1988.

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Exhibit A Th4a

PRELIMINARY REPORT

PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM

CALIFORNIA COASTAL COMMISSION
FEBRUARY 2, 2001

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

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DRAFT Attachment 3

PRELIMINARY REPORT
PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM
FEBRUARY 2, 2001

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CHAPTER 1: INTRODUCTION

STAFF RECOMMENDATION: The Staff recommends that the Commission **open and continue** the public hearing for the Periodic Review of the San Luis Obispo Local Coastal Program for a minimum 30 day comment period.

INTRODUCTION TO THE REVIEW

Purpose and Authority

This is the preliminary report for the first Periodic Review of Local Coastal Program (LCP) implementation by San Luis Obispo County. Section 30519.5 of the Coastal Act requires the Commission to conduct a periodic review of a government's local coastal program at least once every five years. The basic purpose of the review is to determine whether the LCP is being effectively implemented in conformity with policies of the Coastal Act. Section 30519.5 states:

> *(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.*
>
> *(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of this division.*

In addition, under provisions of Section 30501 of the Coastal Act, the Commission may recommend specific uses of more than local importance for consideration by any local government for inclusion in its local coastal program. Thus, the Coastal Act requires that the Commission assure that the ongoing implementation of a certified Local Coastal Program is effectively meeting the statewide policy goals of the Coastal Act.

Benefits of Conducting a Periodic Review

Although there is an explicit statutory basis for a periodic review, such a review is also a natural step in the ongoing partnership between the Coastal Commission and local governments in coastal resource management. This partnership does not end with the certification of an LCP.

Rather, the challenging task of implementing, monitoring, enforcing and updating a coastal program only begins at that point. A periodic review of an LCP provides a valuable opportunity to enhance the coastal management program at the local level in a number of ways. It enables the Commission, in cooperation with the local government, local residents and others, to assess the community's progress in carrying out its coastal plan. It also provides a chance to update relevant coastal resource information, especially concerning cumulative effects and emerging issues that perhaps were not fully known or appreciated when the LCP was originally prepared. Finally, it provides a means to work with the local government to identify changes that may make the LCP work better, consistent with the requirements of the Coastal Act.

A periodic review reflects experience gained in the implementation of the LCP through planning and regulation at the local level. But it also can reflect the outcome of other implementation actions such as acquisition and operation of beach accessways, restoration of wetlands, execution of habitat conservation or resource management plans, and conduct of educational programs, all of which bring to reality the programs and recommendations of the LCP. Program enhancements recommended through a periodic review can include suggested amendments to plan designations, policies or zoning standards or procedures, but may also include intergovernmental coordination measures or actions by other state or local agencies to improve implementation of the certified LCP.

Monitoring, reviewing and updating a certified LCP is a critical component of effective coastal management. When the Commission reviews the implementation or zoning component of an LCP the standard of review is consistency with the certified land use plan. When the Commission reviews a project on appeal, the standard of review is consistency with the certified LCP and Coastal Act access policies. It is therefore very important that certified LCPs are continually reviewed and updated in order for the LCP to continue to function as an effective standard for sound coastal resource management decision-making.

Local Coastal Program History

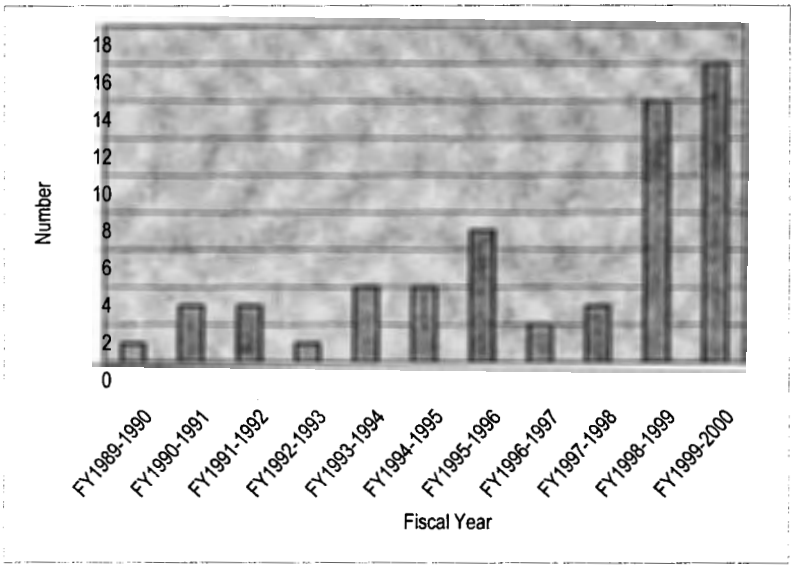
San Luis Obispo County received an initial LCP grant to begin the background studies for LCP planning in February 1978. The County's Land Use Plan (LUP) was submitted to the Commission in early 1982 and approved with suggested modifications. After additional planning, the LUP portion of the LCP was certified on April 12, 1984. A categorical exclusion for single-family homes was approved on January 9, 1985. The Local Implementation Program (Land Use Ordinance) was certified as submitted on October 7, 1986 and the total LCP was certified on July 8, 1987. The County did not immediately assume permit-issuing authority and submitted an amendment package (LCP No. 1-87 (Major)) to "clean up" the Land Use Ordinance. The Commission on February 25, 1988 certified this amendment. The County assumed permit-issuing authority on March 31, 1988. Since certification, the Commission has approved 26 major and minor amendments to the County's LCP. Five other amendments were reviewed by the Commission but did not result in additional certifications. At least one amendment proposed a comprehensive update of the North Coast Area Plan, which the Commission approved with the modifications in January 1998. The County did not fully agree with the Commission's modifications but instead is currently in the process of producing a new North Coast Area Plan Update. The County is also in the midst of an update of the Estero Area Plan. In December 1998, the Commission identified the County as one of the 5

highest priorities for periodic LCP review and a year later the Commission voted to undertake a periodic review.

Post-Certification Appeals

The number of appeals to the Commission of coastal permits approved by the County has steadily increased since certification, as shown in Figure 1-1.

Figure 1-1: SLO Appeals Filed through November 2000



San Luis Obispo County leads all coastal jurisdictions in the number of post-certification appeals. However, of the eight jurisdictions with the most appeals as shown in Figure 1-2 and Table 1-1, the Commission determined that the appeals raised a Substantial Issue (SI) with regard to conformance with policies of the certified LCP and the access policies of the Coastal Act in only 35% of the appeals in SLO. This is a lower percentage of Substantial Issue determinations than in the other jurisdictions with the highest overall appeals.[1]

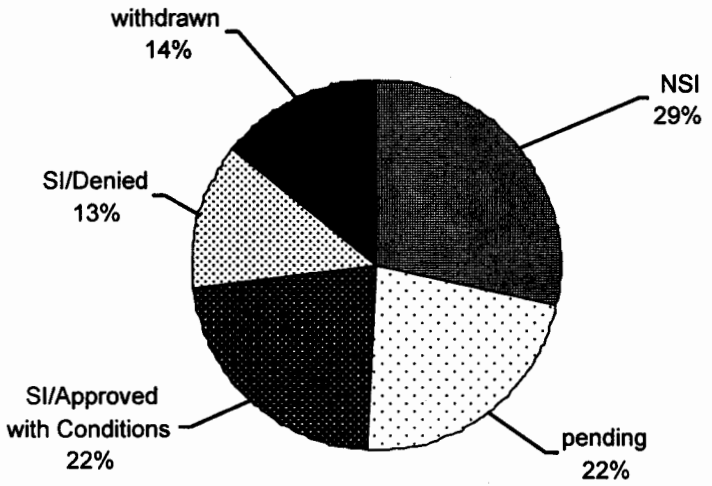
Table 1.1: Appeals Filed and SI Determinations in top 8 jurisdictions through November 2000

Jurisdiction	Number of Appeals	Number found SI	Percentage found SI
San Luis Obispo County	63	22	35%
San Mateo County	43	16	37%
Monterey County	43	9	21%
Santa Barbara County	41	10	24%
Santa Cruz County	36	17	47%
City of San Diego	35	14	40%

[1] About 24 % of these SLO appeals filed are currently pending. The CCC has found substantial issue on 2 of these and final action is pending. The others are pending SI determination.

Jurisdiction	Number of Appeals	Number found SI	Percentage found SI
Mendocino County	29	15	52%
Pismo Beach	26	14	54%

Figure 1-2: CCC Actions on SLO Appeals through November 2000



In reviewing the appeals where Substantial Issue was found, some issues were raised more often than others. Of the appeals determined to raise a substantial issue, public access and availability of services to support development were the issues raised most often.

Table 1-2: Frequency of Issues Raised in SLO Appeals where SI Found

Issues Raised in SI Appeals	Number of Appeals	% of 22 SI Appeals
Access	9	41%
Sewage / Water Capacity	9	41%
Scenic and Visual / Landform Alteration	7	32%
ESHA - Other	7	32%
Agriculture	6	27%
Concentration / Location / Intensity of Development	6	27%
Recreation / Visitor Serving	5	23%
ESHA - Wetlands	5	23%
Water Quality/ Polluted Runoff	4	18%
Hazards	3	14%
Shoreline and Streambank Structures / Alteration / Processes	3	14%
Archaeological / Paleontological	2	9%
Other	2	9%
Special Communities	1	5%
Traffic / Transit / Road Capacity	1	5%
Parking	1	5%

Public Participation

Following the Commission's December 1999 decision to review the SLO LCP, the Commission staff held initial start-up meetings with County staff. On February 1, 2000 initial public workshops were held in cooperation with County staff. The purpose of the workshops was to discuss the LCP review process with the public and to solicit comments on any planning, development, access, or resource protection issues that may have arisen since certification of the City's Local Coastal Program. Results of these initial workshops were summarized for the Commission in March, 2000. In addition, Commission staff met with County staff and members of the community on various issues of concern related to key development projects or LCP Area Plan Updates during the review process. Commission staff workload and time constraints precluded more extensive coordination with the county staff as initially envisioned. Therefore, this Preliminary Staff Report and Recommendation is intended to initiate a more extensive public comment period. A final report and recommendations will be submitted to the Commission for action following the completion of the public comment period and staff's final analysis.

Organization of the LCP

In reviewing this report it is helpful to understand how the San Luis Obispo County LCP is structured. The programs, policies, ordinances, and standards of the San Luis Obispo County LCP intended to carry out Coastal Act policies can be found in the Framework Document, the Coastal Plan Policies document, LCP Ordinances (including the Coastal Zone Land Use Ordinance (CZLUO) and other related ordinances), and four Area Plans. These Area Plans are: North County, Estero, San Luis Bay and South County. (See Map 1-A).

In general, the Framework Document contains goals and Table "O", which defines allowable land uses in each Land Use category. The Coastal Plan Policies Document provides general coastal protection policies that are implemented by more specific zoning ordinances. The Planning Area Standards, contained in each of the four Area Plans, contain the most specific standards, as they have been designed to address the particular characteristics of distinct geographic areas of the county.

The LCP also includes "Official Maps", reduced versions of which can be found in each of the area plans. These include Zoning designations, including "Combining Designation" maps that delineate where special combining designation standards, such ESHA protection policies, apply.

The various LCP provisions are divided into 2 different categories:

- **Programs** are non-mandatory actions that may be initiated by the county or other identified public agency to achieve specific community or areawide objectives. County implementation of programs is based on consideration of community needs and support for the program and its related cost. Notwithstanding their advisory nature, the LCP Programs provide important recommendations regarding coastal management.

- **Standards** are mandatory requirements for development planning and construction. They are found in the Coastal Plan Policies Document, the various ordinances that are a part of the LCP (particularly the Coastal Zone Land Use Ordinance), and the four Area Plans.

The LCP establishes the following hierarchy for the application of LCP standards:

- **Policies Implemented by Ordinance.** Most LCP policies are implemented by a corresponding ordinance referenced at the conclusion of the policy. Because the ordinances are typically more specific that the policies they are intended to implement, the LCP provides that ordinances supersede policies in the event of a conflict.

- **Ordinances.** Ordinances apply Land Use Element policies to land development. In addition to implementing policies, the LCP ordinances also establish important procedures for the review of projects as well as procedures for adjusting, waiving, and granting variances to these ordinances. In addition, ordinances are superseded by LCP "Standards" (see below) if there is a conflict between an ordinance and standard.

- **Policies that are Standards**. Where a Coastal Plan Policy or portion thereof, is not implemented by a specified ordinance and is not a Program, it is considered to be a standard. Policies that are standards represent mandatory requirements for new development that can only be superseded by standards contained in the four Area Plans (see below).

- **Planning Area Standards.** The Planning Area Standards contained in each of the four Area Plans were developed to address the particular circumstances and unique resources of the specific urban and rural planning areas. Therefore, they are at the top of the LCP's regulatory hierarchy, and represent mandatory requirements for new development that supersede all other policies and ordinances in the event of conflict.

A Note on Some of the Data Used in the Report

The primary data for reviewing the implementation of a Local Coastal Program are the permits acted on since certification. This includes both permits authorized by the local government and by the Commission on appeal from a local decision. A variety of new and revised environmental studies and other information regarding protection and management of coastal resources are also considered.

In this SLO LCP review, the Commission staff relied on two main sources of data for reviewing permit actions: the county's records of permit actions and the database developed by the Commission staff of all post-certification Final Local Action Notices (FLANs) which the county is required to file with the Commission pursuant to the LCP implementation regulations. The Commission staff collected data for actions from the 1988 date of certification through 1998, and also a few key cases from 1999 and 2000.[2] But both of these sources had limitations that made it difficult to compare the permit information and to compile a complete and consistent dataset of post-certification actions. In general, unless the county data is specifically noted, the Commission's database is the primary information relied on in the evaluation.

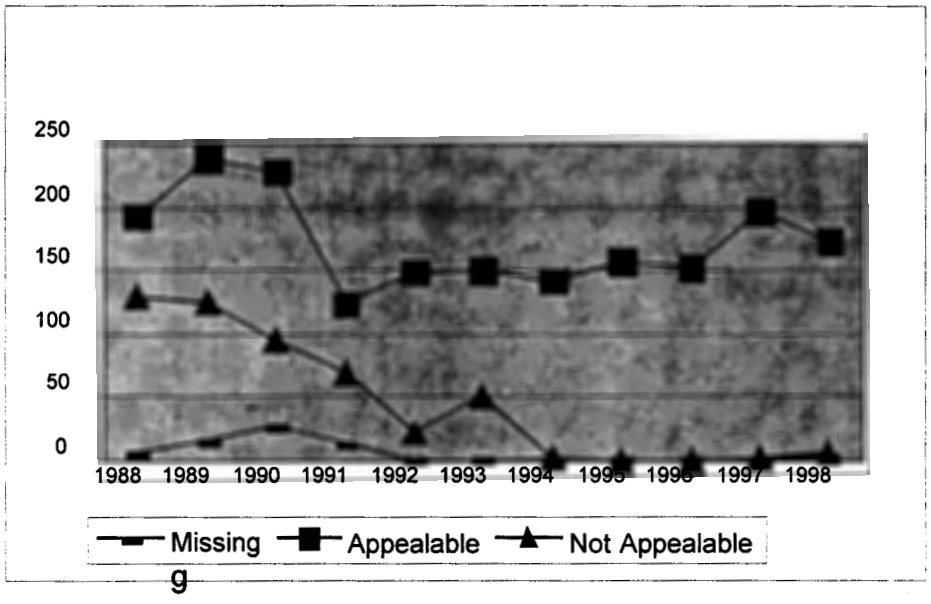
[2] As FLANs were continually submitted, development of a database was a moving target. Entering data into the database is also an extensive time commitment, for which the Commission has no permanent, dedicated staffing resources. In order to begin project analysis, it was necessary to define limits to data entry. Since database development started in 1999, it was decided to have a complete data set through the end of 1998 and supplement it with identified cases from 1999 and 2000.

The limitations of each database vary. Both sources tracked data somewhat differently. For example, both contain a field for project description but the county data "Description" field is very general. It identifies projects using only terms such as "development project", "subdivisions project', "ag exempt building", "fast track ag" or "front counter projects". Therefore the county data was not as useful in understanding the number or location of different *types* of development authorized. The Commission database contained both a full project description as well as a field categorizing "development type". Also, neither database tracks whether the development actually was built, although the county database does track that a permit was issued. And, the county's database contains duplicate entries for the same project and makes entries for actions that may not necessarily be a coastal development permit. For example, there are entries for "Hazard tree determination"; "land use violations", "zone clearances", and "Area Plan Updates.

However, while the Commission database contained more specificity, it contains only the actions for which Final Local Actions Notices were submitted by the County and therefore does not represent a total picture of development authorized. For example, it does not includes exemptions or development excluded from permits. In addition, in the time following certification, the County initially noticed the Commission on *all* permit actions – both appealable and non-appealable, but early in the 1990s, the county began to submit FLANs for only *appealable* development.[3] As noted in Figure 1-3, there is some error inherent in the numbers presented in the review. It appears that from 1988 through 1993 the ratio of non-appealable protects to total projects varies from about 40% to around 13%. After 1993 there are, on average, 27% fewer reported items. Thus it appears that in this LCP review the coastal permit data evaluated using the Commission's database is an estimate only and likely represents an *underreporting* of actual permits issued. The number is likely to be closer to 2700 instead of the 2480 reported.

[3] The LCP Implementation regulations section 13568 requires notice of nonappealable projects only when the project requires a public hearing under the local ordinances and the project is not categorically exempt.

Figure 1.3: Appeal Status of Reported CDPs, 1998-1998



As the Commission staff found in previous projects, an LCP evaluation is more difficult because of the lack of good, consistent monitoring data[4]. Because of these limitations, in reporting actions where both databases were consulted, the staff may, in some cases, present the data as a range. And, the Commission staff did not rely solely on either database, but focused evaluation in most cases on general assessments of trends, major case examples and other information gathered in order to document the overall effects of LCP implementation. This review reinforces the need to improve coordinated and consistent monitoring; the Commission will continue to work with the county to address these issues.

REGIONAL OVERVIEW

San Luis Obispo County is a rural county along California's scenic Central Coast, with roughly 100 miles of shoreline and a wealth of significant natural resources and agricultural lands. Urban development is concentrated in the communities of San Simeon Acres, Cambria, Cayucos, South Bay-Los Osos, Avila Beach and Oceano. The unincorporated county area abuts the incorporated cities of Morro Bay, Pismo Beach and Grover Beach, all of which have certified LCPs. (Map 1-A: General Regional Location Map). Coastal transportation access is provided by the north-south routes of Highway 1 and 101 and the east-west routes of Highways 46 and 41. The County is divided into four areas for LCP purposes: The North Coast, Estero Bay, San Luis Bay and South County. Each of four planning areas in the county is distinguishable by their own unique character and resources.

[4] CCC, *Regional Cumulative Assessment Project Pilot Project, Findings and Recommendations, Monterey Bay Region*, September 1995, pgs.147-157.

The North Coast Area extends from the Monterey/San Luis Obispo County line on the north to Point Estero on the south. It is a rural, pristine landscape, and forms a natural extension of the Big Sur coastline. The forested Santa Lucia Mountains form the backdrop and numerous perennial streams flow across narrow, grassy marine terraces. The shoreline is predominately rocky with prominent headlands at Ragged Point, Point Sierra Nevada, and Piedras Blancas. Highway 1 parallels the shoreline and runs through the large rural grazing landholdings of the Hearst Ranch, south to the gradually broadening coastal terrace and small communities at San Simeon Acres and Cambria. Small-scale tourist facilities are located along Highway 1, along with the Hearst Castle, a State Park and a major visitor destination.

In the Estero Bay Area, Morro Bay is at the midpoint of the County coast, and its watershed and estuary is a significant natural resource. South of Morro Bay, Montana De Oro State Park provides access to a largely undisturbed landscape, rare geologic formations, and remote canyons. The coast south of the headland of Point Buchon is virtually inaccessible as far as the northern rim of San Luis Bay, except for limited trail access at the Pecho Coast trail near the Diablo Canyon Nuclear Power Plant. At Morro Bay Highway 1 turns inland, skirting the northern flanks of the seven volcanic peaks, referred to as the "Seven Sisters," that forms a chain southeast to the city of San Luis Obispo. From the city of San Luis Obispo, Highway 101 joins Highway 1, which turns west again and reaches the coast at San Luis Bay. The San Luis Bay Area extends from Montana de Oro on the north to the Nipomo Mesa on the south and includes the "Five Cities" urban areas of Pismo Beach, Grover Beach, Arroyo Grande, Oceano and Halcyon, the urban area of Avila Beach, Port San Luis and rural agricultural lands.

The South County Area extends from the edge of the incorporated cities of Pismo Beach and Grover Beach on the north to the Santa Maria River on the south. In this area the coast broadens into a wide plain edged with sandy beaches, extensive dune systems and rural agricultural lands. This area contains the Nipomo/Guadalupe Dunes and the Ocean Dunes State Vehicular Recreation Area.

CHAPTER 2: NEW DEVELOPMENT AND PUBLIC SERVICES

A. Policy Framework

The California Coastal Act includes several policies that address the location, type, and intensity of new development to ensure the protection of coastal resources. To protect rural lands, agriculture and open space, as well as limit urban sprawl, the Coastal Act requires the establishment of stable urban-rural boundaries. New development also must be located within, contiguous to or in close proximity to existing developed areas with adequate public works facilities such as water supply and wastewater treatment. Where such areas are not available, any approved development must be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. This includes protection of groundwater basins and sensitive habitats that may be affected by water withdrawals, wastewater disposal, and polluted runoff.

The Coastal Act also includes a specific policy that limits rural land divisions. Another policy provides that and new or expanded public works facilities must be sized to serve planned development and not induce additional, unplanned development. Highway 1, however, must remain a two lane scenic road in rural areas. Where resources or services are limited, coastal dependent land uses, essential public services, basic industries, public and commercial recreation and visitor-serving land uses shall not be precluded by other development. Collectively, these requirements reflect a fundamental goal of the Coastal Act: protection of coastal resources by concentrating new development in existing developed areas able to accommodate it.

The San Luis Obispo LCP contains various policies to implement this Coastal Act goal. Most fundamental, the Land Use Element (LUE) establishes urban-rural boundaries to prevent sprawl and leapfrog development, and to allow for orderly development within urban areas. In general, land within delineated urban areas is zoned for urban densities while land outside these areas is zoned for rural densities or agricultural uses. New development beyond established urban services lines should not be served by public water or sewer services, and must have adequate on-site water and waste disposal systems. Applications for new development within urban areas, including land subdivisions, must demonstrate that adequate service capacities (water, sewage, roads) are available to serve the proposed development, taking into account the already outstanding commitment to existing lots within the designated urban services areas for which services will be needed.

The SLO County LCP also includes a Resource Management System (RMS) to implement these policies. The RMS provides a mechanism for the County to consider whether necessary resources and services exist for new development, particularly the creation of new development potential through the subdivision of urban areas. The RMS also provides a framework for evaluating the need for new or expanded public works facilities which, under the LCP, must be designed to accommodate, but not exceed, the needs generated by projected development within designated urban areas.

B. Background

Population and Development Trends

By U.S.Census standards, the County of San Luis Obispo is primarily rural with one urbanized area -- the City of San Luis Obispo.[1] The County, though, has seven incorporated cities, three of which fall within or partially within the coastal zone: Grover Beach, Morro Bay and Pismo Beach. The County also has several well-established unincorporated communities. Those located within or partly within the coastal zone are San Simeon Acres, Cambria, Cayucos, Los Osos, Avila Beach, and Oceano. Together with the incorporated cities, these communities constitute urban nodes along the San Luis Obispo coastline.

San Luis Obispo County has experienced significant growth since final certification of the LCP in 1988. According to figures developed by the Department of Finance (DOF), the county had a population of 204,448 at the time of LCP certification. By 2000 the population had grown to 245,025, an increase of almost 20 percent. The DOF expects the County's population to increase 49.3% over the 1988 baseline population by 2015 and 57.8% by 2020. According the San Luis Obispo Council of Governments (SLOCOG), several emerging population centers are projected within the County over the next twenty years. Population growth is shifting from the central County to the north and south of the County. The fastest growing region comprises the north county communities of Paso Robles, Atascadero, and Templeton (not in the Coastal Zone). This region will likely not meet the urbanized area definition within the next twenty years. In the south County, though, the area comprising the communities of Arroyo Grande, Grover Beach, Oceano, and Pismo Beach, known as the "Five Cities" area, is projected to meet the "urbanized area" classification by the 2000 census.[2] In contrast to the expected growth in the North, this growing area is in or immediately adjacent to the coastal zone.

In and around the coastal zone, most of the population is located in the more urban nodes of Cambria, Cayucos, Morro Bay-Los Osos, and Pismo Beach-Oceano (see Map 1-A). There are smaller development nodes at San Simeon Acres and Avila Beach. As shown in Table 2-1, with few exceptions, each of these areas has experienced significant population increases since LCP certification in 1988. The urban area around Morro Bay – the City of Morro Bay and unincorporated Los Osos -- have grown at slower paces, due to serious water supply and wastewater treatment capacity constraints respectively. Avila Beach also has not grown and may have even reduced its population over the last decade. In recent years Avila has been disrupted by the cleanup of the Unocal spill and subsequent redevelopment of the community.

Although smaller in magnitudes than the urban nodes, the population in the rural areas of the SLO coastal zone also has grown considerably, particularly along the rural North Coast where, according to County Planning Department estimates, population has nearly doubled in the last

[1] According to the Census Bureau, "...An Urbanized Area comprises one or more places—central place—and the adjacent densely settled surrounding territory—urban fringe that together have a minimum of 50,000 persons. The urban fringe generally consists of contiguous territory having a density of at least 1,000 persons per square mile ..."
[2] The "five cities" are Pismo Beach, Grover Beach, Oceano, Arroyo Grande, and the former unincorporated community of Shell Beach, which was annexed into the City of Pismo Beach.

decade. The rural portions of the South County and San Luis Bay Planning areas have also seen significant population growth. While much of this growth has been located outside of the coastal zone, particularly on the Nipomo Mesa, this growth nonetheless exerts pressures on coastal resources, including groundwater supplies, recreational resources, and water quality. This projected population increase, both in and outside of the coastal zone, will continue to place significant pressures on coastal resources along the San Luis coast, particularly on the relatively undeveloped rural and agricultural lands, as well as limited remaining native habitats.

Table 2-1. Population Change in Coastal Urban Areas*

Urban Area/Node	1990	Current	% Increase
San Simeon Acres[a]	206	248	20%
Cambria[a]	5382	6242	16%
Cayucos[b]	2,960	3,350	13%
Morro Bay-Los Osos[b]	24,041	24,621	2%
Avila Beach[c]	442	395	-11%
Pismo Beach-Oceano-Arroyo Grande	38,197	43,942	15%
Rural Areas Total	12,695	15,470	20%
North Coast[a]	348	669	92%
Estero[b]	872	970	11%
SLB/South[d]	11,187	13,206	18%
TOTALS	**83,635**	**93,643**	**12%**

*Figures for incorporated cities as reported by the state Department of Finance.
[a] North Coast Area Plan Update Project Description, San Luis Obispo County, January 2000.
[b] Estero Area Plan Update, Public Review Draft, February, 1999
[c] San Luis Bay Plan, Avila Beach Specific Plan.
[d] Includes population outside of coastal zone in Rural San Luis Bay and South County Planning Areas.

Mirroring this population growth, the U.S. Census Bureau reports that 13,859 building permits for new private residential units were authorized for all of San Luis Obispo County from 1988 through 1998. In the vicinity of the coastal zone, the County Planning Department reports that 3932 residential units were constructed between 1988 and 1998 in the unincorporated County and the Cities of Morro Bay, Pismo Beach, and Grover Beach.[3] As shown in Table 2-2, over half of these units (2186) were constructed in the unincorporated areas of San Luis Obispo County and therefore under the jurisdiction of the SLO LCP. Of the total number of new residential buildings authorized, approximately 85% were in the urbanized areas or isolated urban nodes along the San Luis Obispo coast. More detail on coastal zone development trends is presented in the next section.

To address the County's growth rate, the County Board of Supervisors adopted a Growth Management Ordinance in 1990 (Title 26, 26.01.010). Although not certified as part of the County's LCP, this Ordinance established a maximum annual growth rate for new dwelling units (2.3%) and a system for allocating the number of residential construction permits consistent with the ability of community resources to support the growth. As discussed in more detail below, the

[3] Completed permits are for all communities that fall within or partly within the coastal zone. The number of completed permits only within the coastal zone, although unavailable, would be less since the most of Oceano, half of South County fall outside the coastal zone.

allocation of new units must be based on the availability of resources such as water and wastewater disposal needed to support the new development. New development in some communities, such as San Simeon Acres and Los Osos, has been under severe constraints due to the lack of essential public services such as sewer and water (see below for detail).

Table 2-2. Residential Building Permits, 1988-1998

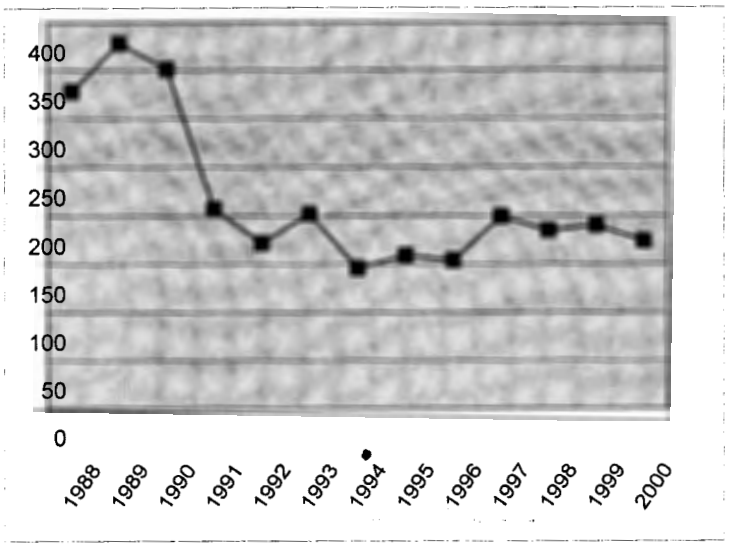
	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
North Coast (Rural)	6	2	0	7	2	0	2	2	5	3	3	**32**
San Simeon	20	0	0	0	0	0	0	0	0	0	0	**20**
Cambria	117	83	40	19	28	26	62	53	57	83	64	**632**
Cayucos	15	4	7	-1	1	3	16	14	27	28	13	**127**
Los Osos	101	34	26	18	12	8	9	9	7	5	19	**248**
Estero (Rural)	12	5	2	-5	7	7	4	3	0	4	4	**43**
Avila Beach/Valley*	67	25	5	0	2	4	23	15	3	13	0	**157**
Oceano*	55	34	11	55	11	9	27	25	5	12	20	**264**
San Luis Bay (Rural)*	15	18	11	9	9	8	4	5	12	14	17	**122**
South County (Rural)*	75	34	52	72	25	33	40	49	46	52	63	**541**
Unincorporated Total	**483**	**239**	**154**	**174**	**97**	**98**	**187**	**175**	**162**	**214**	**203**	**2186**
Morro Bay	28	28	66	66	19	32	11	34	47	36	32	399
Pismo Beach	128	29	83	60	39	15	43	71	69	20	78	635
Grover Beach	144	139	66	65	35	13	27	12	62	65	84	712
Coastal Zone Total	**783**	**435**	**369**	**365**	**190**	**158**	**268**	**292**	**340**	**335**	**397**	**3932**

*Includes permits for areas outside of the coastal zone.

Coastal Development Permitting Overview, 1988-1998

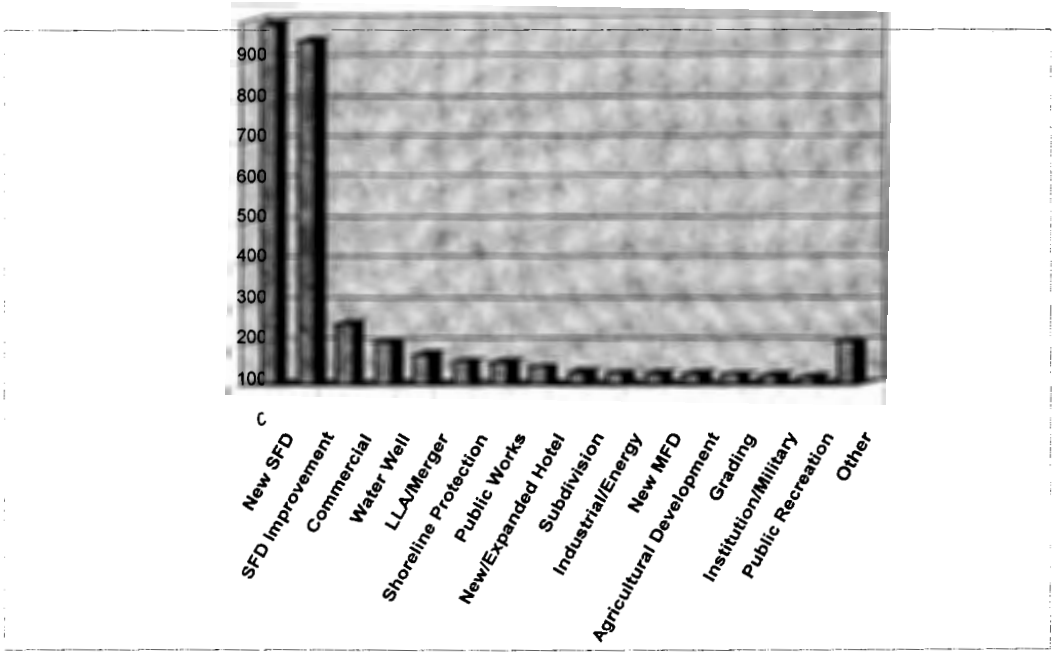
Since certification of the San Luis Obispo County LCP in 1988, approximately 2481 coastal development permits were reported to the Commission through 1998. Through the year 2000, 2845 local coastal permit actions have been reported. As shown in Figure 2-1, total reported CDPs per year generally declined from 1988 to the mid-1990s, and have been gradually increasing since then. This trend may generally reflect the strength of the economy and overall development activity during this time period. However, as discussed in Chapter 1, it appears that not all coastal development permits issued by the County, particularly more minor development projects, have been reported to the Commission.

Figure 2-1. Reported CDPs, 1988-2000



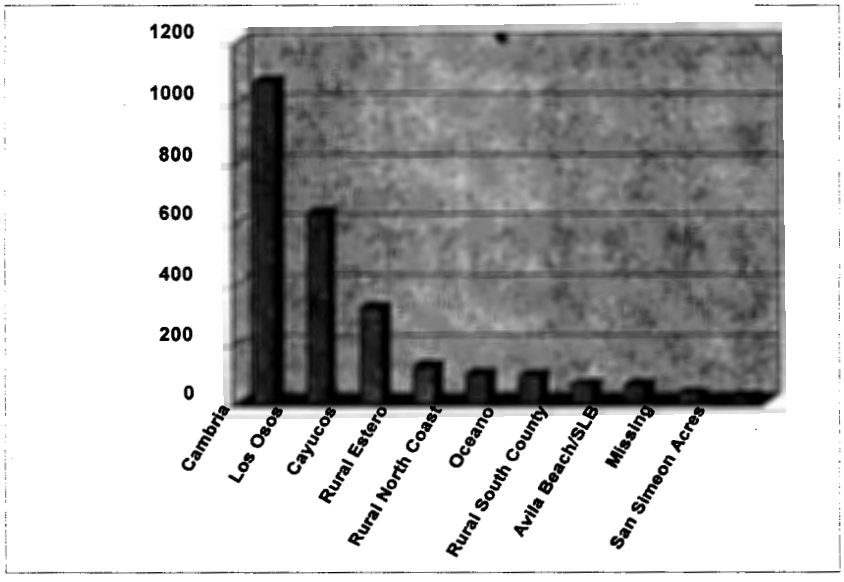
Most of the reported coastal development permits approved by the County (70%) have been for some type of residential construction. As shown in Figure 2-2, about 36% of the CDPs were for new single family home development, and another 34% were for improvements to existing single family homes, such as a room addition, remodel, or accessory structure construction. Although not a substantial percentage of the total reported CDPs, significant numbers of coastal permits were issued for other types of development that typically raise important coastal resource issues. This includes 56 permits for new shoreline structure development, 32 residential subdivisions, and 42 permits for new or expanded visitor-serving hotels or motels.

Figure 2-2. Primary CDP Development Types, 1988-98



The distribution of reported permit activity by geographic area shows that most of the residential permit activity has occurred in Cambria, with the urban areas of Cayucos and Los Osos accounting for most of the remainder. Commercial development also follows this general pattern although relatively more commercial activity is seen in Los Osos than in Cambria. Permit data also shows significant water well development in the rural agricultural areas of the North Coast and Estero. Other types of reported development follow predictable patterns. For example, of the 56 reported CDPs for shoreline structures, nearly 9 out of 10 were located in Cambria or Cayucos, where urbanization in SLO County is most at risk from shoreline erosion. Most of the reported energy or industrial-related permit activity took place in the South County. More detailed discussion of these permits and the issues raised is presented in other chapters of this report. Overall, since LCP certification most new development in SLO County has been urban infill, with more limited development in the rural areas.

Figure 2-3. Reported CDPs Geographic Distribution, 1988-1998



C. Preliminary LCP Implementation Issues

This chapter focuses on three primary issues related to new development and the Coastal Act: (1) concentrating urban development and maintaining stable urban-rural boundaries; (2) preventing the cumulative impacts of development to rural and agricultural lands; and (3) assuring availability of public services for new development, particularly coastal dependent and related uses. While the three issues have much in common, they also raise distinct challenges for the County of San Luis Obispo and the Coastal Commission.

C.1. Concentration of Urban Development: Stable Urban-Rural Boundaries

Overview: Coastal Act §30250(a) requires that new development be concentrated in and around existing developed areas that have sufficient public services to support such development. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources.[4] As discussed below, SLO County has been generally successful in maintaining the certified urban-rural boundaries of the existing urban nodes in the coastal zone. In addition, there is diminished potential for future expansion of urban development and services into adjacent rural areas, due to recent conservation acquisitions and easements on the rural perimeter of urban areas.

At the same time, though, some development has been approved that has led to the extension of urban services across the Urban-Rural boundaries of Cambria and Los Osos. In order to prevent further erosion of existing urban-rural boundaries into the future, the LCP policies addressing concentration of development must be the primary and controlling authority for new development approvals. In certain areas it also may be advisable to decrease allowable densities or relocate the urban services line, through the Area Plan Update process, to better match available resources and clarify appropriate location and intensities of future development. The County should also consider amending the LCP to reincorporate the section 30250 requirement to limit subdivision potential outside of urban-rural boundaries.

LCP Implementation: As summarized earlier, the San Luis Obispo County LCP has a variety of policies and mechanisms designed to achieve conformance with Coastal Act §30250. To establish a framework for locating new development, the County's LCP designates urban service, urban reserve, and village reserve lines. The urban service line (USL) is most important for meeting the Coastal Act goal of concentrating development in existing urban areas. In general, this line encompasses those areas where public urban services such as water and sewer may be provided in the nearterm, and thus where new urban development is appropriately located. The urban reserve line (URL) represents the ultimate projected limits for urban community growth, and is based on such factors as population projections, planned service capacities, and the need for additional growth within individual communities.[5]
LCP Public Works Policy 1 is central to the implementation of the USL/URL system. This policy requires that priority be given to new development that would infill existing subdivided

[4] There are only limited exceptions to this general requirement: hazardous industrial development may be located away from developed areas (Section 30250(b)); coastal-dependent industry may be permitted outside developed areas if other locations are infeasible or environmentally damaging, and the effects of such development are mitigated (Section 30260); and visitor-serving facilities may be located outside of urbanized areas, but only if urban locations are infeasible for such development and the facilities are located in existing isolated development nodes or at select points of attraction for visitors (30250(c)).

[5] In order to distinguish rural communities that are not "urban" per se from the surrounding rural countryside, the LCP also establishes village reserve lines (VRL) around such communities as San Simeon Acres. The LCP contains a land use plan for each village, with particular attention given to their unique problems, opportunities and development potentials.

areas, and that development outside of the USL only be allowed where private water and waste disposal can be provided:

> *New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.*

In conjunction with the land use and zoning designations of the LCP, this policy establishes a framework whereby proposals for new development at higher densities are directed to existing urban areas. Thus, land use designations outside of the various URLs in the coastal zone are mostly limited to the Rural Lands or Agricultural category, neither of which allow development at densities greater than 1 unit per 20 acres generally. Properties lying between the URL and the USL are generally zoned for a lower density than lands within the USL.

LCP Policy 1 also works in conjunction with Agriculture Policy 5, which defines the urban service line as the "urban-rural boundary" for Coastal Act purposes. Most important, this policy prohibits land divisions or development that would require the extension of public services beyond the USL, providing further incentive to concentrate development. In so doing, the policy also seeks to minimize conflicts between urban and agricultural land uses.[6] Finally, the SLO LCP has a variety of corresponding zoning ordinances that provide more specificity for the implementation of these policies. These ordinances are discussed in more detail later in this chapter.[7]

Development Trends

When the Commission certified the San Luis Obispo County Land Use Plan in April of 1984, it established USL and Urban Reserve Lines for the coastal zone meant to identify appropriate locations for new urban development and environmentally-sustainable limits for future growth. The Commission set USL/URLs in locations already committed to existing urban levels of development, plus a logical expansion area for future urban development in areas capable of accommodating additional growth for approximately 20 years. Since this certification, essential services such as water and sewer have become more limited in much of the planning area. Thus, the question of whether the original urban limit lines remain appropriate in light of existing resource constraints is addressed later in this Chapter. This section, though, addresses the question of whether LCP implementation has achieved the goal of concentrating new development within these certified limit lines.

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[6] Public Works Policy 4 reaffirms that any changes to the USL must be approved by the Coastal Commission through an amendment to the LCP.
[7] See Ordinances 23.04.021, 23.04.430, and 23.04.430.

As summarized earlier, the County has issued at least 2482 coastal development permits for the years 1988-1998. Of these, most were for new development in Cambria, Los Osos and Cayucos.

New Residential Development. About 70% of the San Luis Obispo County CDPs were for new residential development or residential-related improvements. Based on reported CDPs, the County approved approximately 945 CDPs for 1213 new residential units in the coastal zone between 1988 and 1998 (975 SFDs; 238 multi-family units). Although there may be some error associated with this number due to underreporting, the single family dwelling count is generally consistent with County permit data showing that approximately 1053 building permits for single family homes were issued for this same time period (see Table 2-3).

Table 2-3. Reported Residential CDPs, 1988-98

	SFD CDP	%	SFD Units	% Units	*County Building Permits*
Cambria	581	66%	602	62%	*604*
Los Osos	93	11%	155	16%	*150*
Cayucos	92	10%	97	10%	*211*
Rural Estero	34	4%	34	3%	*16*
Oceano	30	3%	32	3%	*37*
Rural North Coast	24	3%	27	3%	*21*
Avila	15	2%	16	2%	*4*
South County	6	1%	6	1%	*6*
Missing/other	6	1%	6	1%	*4*
TOTALS	**881**	100%	**975**	100%	***1053***

Residential Lot Creation. The creation of new developable lots is also important for evaluating the goal of concentrating development. Reported final local actions on CDPs indicate that the County approved 32 permits for residential subdivisions, excluding condominium conversions, between 1988 and 1998. These permits created 446 additional lots out of 23 existing lots.[8] Similar to the new residential development approved, these lots were mostly distributed in and around the communities of Cambria and Los Osos. However, as discussed later in more detail, many of these lots were created outside of the Urban Service Lines of Cambria and Los Osos, even while being provided with urban services, contrary to the LCP policies to concentrate new development.

[8] Three permits were subsequently denied by the Coastal Commission on appeal, two of which are still in litigation or pending as of this writing (see A-3-SLO-96-113, A-3-SLO-98-087).

Table 2-4. Residential Lots Added to the Coastal Zone, 1988-1998

	Approved
Los Osos	319
Cambria	63
Avila Beach	48
Oceano	12
SLB/South County	2
Estero	1
Cayucos	1
TOTALS	**446**

Lot Mergers. From 1988-1998, reported CDP data shows that the County also approved 43 permits that included lot mergers within the coastal zone. These permits removed a total of 111 lots from the coastal zone. Most of this lot reduction occurred in Cambria, which has many small lots not suitable for development (see findings below for more detail).

Table 2-5. Lot Mergers in the SLO Coastal Zone, 1988-1998

	Permits	Existing Lots	Remaining Lots	
Cambria	30	138	55	**83**
Cayucos	7	25	16	**9**
Estero	1	6	5	**1**
Los Osos	3	26	12	**14**
North Coast	1	4	3	**1**
Oceano	1	5	2	**3**
Total	**43**	**204**	**93**	**111**

Lot-line adjustments and Certificates of Compliance. Lot-line adjustments and the certification of previously unrecognized lots can also create new development potential, both within and outside urban areas. Between 1988 and 1998, the County reported 60 coastal development permits with lot-line adjustments. Nearly a third of these were in Cambria and more than half were in urban areas overall. As shown in the Table 2-6, approximately one quarter of the adjustments approved were in rural areas.

Table 2-6. Lot-Line Adjustments, 1988-98

Place	
Cambria	18
Los Osos	9
North Coast	9
Cayucos	8
Avila Beach	7
Estero	3
San Simeon	2
Calendar Garrett Village Area	1
San Luis Bay	1
Oceano	1
Harmony	1
TOTAL	**60**

The County has also processed a number of certificates of compliance for previously unrecognized lots. A Certificate of Compliance (COC) is a certificate from the County Planning Department stating that a particular piece of real property complies with the County Subdivision Code and the State Subdivision Map Act and is a lawfully created parcel. The Certificate is recorded with the County Recorder and serves as an official record on the legal status of the property. A COC is needed for circumstances where the legality of a parcel must be determined, such as for financing or securing various types of development permits.[9] Because of the significance of certificates of compliance in facilitating new development on rural lands, this issue is discussed in more detail in the Agriculture chapter.

Analysis: The Coastal Act requires that new development be concentrated in existing developed areas and that it be environmentally-sustainable, both in terms of available infrastructure such as water supply, and in terms of potential impacts to environmental resources. The third section of this chapter discusses concerns that have been identified related to whether new development in the SLO coastal zone has been environmentally-sustainable, particularly for the communities of Cambria and Los Osos.

In terms of the *location* of new development, though, San Luis Obispo County's implementation of its LCP has generally met the Coastal Act objective of concentrating development, inasmuch as most development approved between 1988 and 1998 has been located within or adjacent to existing developed areas. Over 90% of new single family homes approved in the coastal zone have been located in or around the urban core areas of Cambria, Los Osos, Cayucos, and Oceano. Likewise, 88% of the reported CDPs for commercial development were located in these communities and the town of Avila Beach. Thus, broadly speaking, the existing LCP Public Works Policy 1 requirement to give priority to urban infill, and the USL/URL boundary system, appears to have successfully guided most new development to already developed areas. To the

[9] The term "legal parcel" relates to how the parcel was created and not to title or ownership status. In addition, all parcels deemed legal by the County are not necessarily developable and permits may not be approved for reasons other than parcel legality.

extent that this significant amount of development has been concentrated within urbanized areas, the distinction between urban and rural areas of the coastal zone has been maintained, consistent with Coastal Act section 30250.

Maintaining a stable urban-rural boundary, though, requires careful attention to those development pressures and trends that so often drive the incremental spread of development into the rural and agricultural lands that surround urban areas. It is important, therefore, to examine development pressures on the edges of the signficant urban nodes in San Luis Obispo, as well as the development patterns of the 10-12% of development that has not occurred within the urban areas. The pattern of development in the rural areas is examined separately under Issue 2 of this chapter and in the Agriculture chapter. The remainder of this section summarizes development pressures and LCP implementation on the urban edges of Cambria and Los Osos.

North Cambria Rural Lands

Since at least the early 1970s development pressures have been driving residential growth beyond the urban-rural boundary at the northern edge of Cambria. There are approximately 1800 acres of land currently designated as "Rural Lands" in this area. These lands encompass a number of separate ownerships, including the Cambria Coast Ranch, part of which is zoned Agricultural Lands (see MAP 2-B).

Although the general SLO LCP density requirements for Rural Lands range from 320 to 20 acre minimums, depending on various land use planning criteria, the North Coast Area Plan has a specific overriding standard for the Rural Lands north of Cambria that establishes a minimum density of one dwelling unit per 80 acres of land. This standard also requires clustering and the provision of onsite sewer and water, unless the site is specifically brought within the USL through an LCP amendment (see NCAP p. 8-18). In 1998, the Coastal Commission adopted findings suggesting that this standard be modified to a minimum zoning of 160 acres per unit for these rural lands, primarily because of the sensitive Monterey Pine habitat in this area (see Chapter 4-ESHA for detail).

Despite the existing standards in the LCP, including the requirement of 80 acres/residential lot, clustering of building sites, and the Rural Lands designation, new residential development has crept northward on the rural Cambria lands outside of the urban services line. The most significant inroad into this area was the 1997 final approval of a subdivision of a 380 acre parcel into 18 large residential lots in 1997 (Leimert, Tract 1804, 3-SLO-97-130). The Leimert subdivision, which is not built out yet, raised a variety of coastal resource protection issues, including impacts to sensitive Monterey Pine forest and Monarch Butterfly habitat and visual impacts from new home and road development. The most significant aspect of this project, though, perhaps was its role in weakening the urban/rural boundary on the northern edge of Cambria. As the following discussion shows, it also illustrates the difficulties of implementing the LCP in a complex legal and administrative environment, where policies may conflict or be less than clear in actual application to a case.

On the surface the Leimert subdivision appears to be in direct conflict with the LCP density requirements and policies to not extend urban services across the USL. A brief review of the administrative record for this project, though, illustrates that even apparently clear LCP policies and standards can be difficult to implement. This particular case has a long history, including legal challenges, Commission review and comment, and conflicting interpretations of the LCP by the County and the Commission.

For example, early in the process in 1990 the developer of the project challenged the County's determination that the appropriate density standard for this areas was the 80 acre minimum (4-SLO-90-104). The administrative record for this action is incomplete, and it is not clear to what extent the Coastal Commission was involved in review of this decision. There was no appeal to the Commission. In addition to this challenge, though, the developer also engaged the County in litigation that eventually settled with the filing of the proposed subdivision by the County with a density of 20 acre minimums.

The Leimert case was further complicated by a pre-existing agreement between the developer and the Cambria CSD to serve the property with urban services. Indeed, in 1995 Commission staff agreed that an LCP amendment was not necessary to move the USL out beyond the project because this pre-existing CSD agreement to serve the property "predated the LCP." Perhaps because the early determination of the density standard by the County went unchallenged by the Commission, the developer was able to propose 18 total lots rather than the four that would have been available under the specific Area Plan standard of 80 acre minimums. Such decisions, of course, have implications beyond the specific case, inasmuch as they may be looked to by other property owners as precedents for appropriate residential density on adjacent lands.

Urban-rural boundaries are perhaps best maintained through clear distinctions between urban and rural development densities, although the pattern of rural development that is allowed outside such boundaries is also important to mediating negative effects. This is the purpose of the LCP's clustering requirements for development north of Cambria. The Leimert subdivision, though, also cannot fairly be determined to be a "cluster subdivision" as required by the LCP. Although the project does not result in a significant number of houses relative to the overall residential development trends in Cambria, this subdivision is significant in terms of the Coastal Act requirement to concentrate development. By allowing a large lot residential subdivision (essentially unclustered, spreading northward, and with urban services), development incentives were potentially generated for adjacent lands. For example, a new access road from Highway One north of Cambria to serve the project may not have been required – a road which now provides enhanced access to other properties north of Cambria.[10] The EIR for the project did determine that a clustered subdivision of one-acre lots adjacent to the urban-rural boundary was feasible but that this alternative would "differ considerably from the stated intent of the project." The EIR also concluded that the no project alternative was environmentally superior and that the small lot cluster alternative reduced biological impacts more than any other alternative.

[10] The access road was approved as part of a previous adjacent subdivision, although it is not clear whether the road would have been necessary if the Tract 1804 project had not been approved in its configuration.

In addition to the Leimert subdivision, other projects have gone forward in varying degrees on the Rural lands north of Cambria. In recent years a large residential compound has been approved just north of Leimert, followed by a proposal to adjust existing lots in this ownership that would result in a non-conforming parcel. This proposal has recently been denied by the Commission on appeal from the County's approval (Brown, A-3-SLO-00-045). Although this project is now in litigation, a primary basis for the Commission's denial was the inconsistency of the proposed lot densities with the 80 acre density standard in the North Coast Area Plan. This project also involves provision of urban services by the Cambria CSD, as part of an independent agreement between the property owner and the CSD, even though it is outside of the USL/URL.

Other projects that have unfolded on the North Cambria rural lands include additional residential development adjacent to the Brown property (A-3-SLO-00-118, currently pending on Commission appeal), as well as various proposals on the CT Ranch. These projects have included a proposal for a temporary sports camp that was a potential prototype for future expanded development, as well as a potential LCP amendment to allow development of 300 residential units and golf course.[11] Although it is always difficult to know exactly how prior development decisions influence the decisionmaking process for future potential developments, land values and economic incentives are usually driven in part by existing legal requirements and decisions. Thus, while the Commission and the County were clear in the administrative record that the Leimert land division should not be seen as precedential, especially in light of its particular circumstances, such decisions no doubt have some influence on those interested in developing adjacent properties.

The development pressures north of Cambria and on the CT Ranch have created strong incentives among the environmental community to pursue more permanent protections of these rural lands. Most significantly, the Nature Conservancy acquired an 800 acre conservation easement on the CT (now Cambria Coast) Ranch in December of 2000. This conservation agreement has been reported as reducing the development potential of the ranch from 23 to 5 residential sites, and has been designed to protect the most significant forest resources on the ranch. Most important, this easement attenuates a significant development pressure for residential sprawl, and may mark the more permanent maintenance of the urban boundary of north Cambria. The lands adjacent to the rural lands are owned by State Parks. Coupled with the buildout of a few remaining lots west of Highway One, there now may be a much less concern for sprawling urban development in this area of the County's coastal zone.

Los Osos Urban Edge Development

The community of Los Osos has also seen significant development pressures on its urban edge. In recognition of this, and in an effort to protect significant ecological resources surrounding Los Osos, a Greenbelt Alliance has formed. This alliance has been working in the community with the County, the newly formed CSD, and other agencies to establish an open space greenbelt around Los Osos. Most recently, a significant property on the southern boundary of Los Osos was acquired by the Department of Fish and Game (Morro Palisades). Additional significant purchases for open space/habitat protection have occurred since LCP certification, including at

[11] See 3-SLO-97-041/A-3-SLO-97-023 (Wesnousky); and DEIR for CT Ranch General Plan Amendment (SCH 89051021).

the former Powell property. Acquisition has also been proposed for the "Broderson" property in association with the current wastewater facility proposal. These acquisitions will play an important role in better anchoring the urban-rural boundary.

On the other side of the ledger, though, reported CDP activity shows at least two areas of concern in the Los Osos urban area. First, the County has approved at least four subdivisions outside of the Urban Services Line since 1988. Two of these approved major residential land divisions. In 1993 the County approved the Monarch Grove subdivision of 48 acres on the southwestern edge of Los Osos into 77 residential units. In addition to raising other issues, particularly concerning sensitive Monarch butterfly habitat protection (see Chapter 4), this subdivision approval appears to conflict with both Public Works Policy 1 and Agriculture Policy 5. These policies set priority for urban infill development and prohibit the extension of urban services such as water and sewer across the USL. It should also be noted, though, that this subdivision was within the Urban Reserve Line, which is the area set aside for long-term growth, assuming adequate infrastructure, no adverse impacts to other coastal resources, and an LCP amendment incorporating the area within the USL.

Similarly, in 1997 the County approved the Cabrillo Associates Tract 1873 subdivision on the steep hillsides of the southern edge of Los Osos (D890423D). This project would subdivide roughly 124 acres into 41 residential lots and several open space lots. Again, this project raises a variety of issues, including visual resources and sensitive habitat protection. Most fundamental, though, as the Commission found in reviewing the appeal of this project, that while the project was within the URL, the subdivision requires the provision of urban services across the USL, again by a private provider, contrary to the LCP requirement to concentrate development and prioritize infill development (see A-3-SLO-98-087). The Commission denied this proposal in the appeal in June, 2000. The applicant has filed a request for Commission reconsideration of this decision and it is also currently in litigation. As discussed later in this chapter, the Commission also found that such service extensions and additional urban development outside of the USL of Los Osos were particularly inappropriate given the current uncertainty about water and wastewater treatment capacity for the community.

Incremental erosion of the urban-rural boundary has also been occurring through the approval of smaller subdivisions and residential projects in Los Osos. One area of concern is the southwestern edge of the community along Pecho Road. This road is a relatively undeveloped scenic corridor leading to Montana De Oro State Park. Since certification of the LCP, though, development has gradually been undermining the urban boundary in this area. The County has recognized the LCP requirements to limit densities in this area in at least one case. The Subdivision Review Board denied a lot split along Pecho road because the applicant's parcel was less than five acres and the minimum parcel size required by the LCP was 2.5 acres (3-SLO-96-059).

In another instance in the same vicinity, a lot split was approved outside of the USL with water supplied by the Cal Cities Water Company (3-SLO-93-028). Although the project was conditioned with open space easements and other mitigations to address Morro Bay Kangaroo Rat habitat impacts, the project did not clearly address the requirements of the LCP with respect to subdivisions outside the USL. Rather, part of the justification for the subdivision appears to

be reliance on a prior approval of a "second primary residence" – itself treated as a principally permitted use -- and an observation that the subsequent subdivision of the parcel would not therefore increase density in such a way as to be contrary to the LCP. Part of the problem again in this area has been the apparent pre-existence of urban services, or the willingness of private water purveyors to extend services across the USL contrary to the LCP.

Finally, more recently the County again approved a minor land division in the Pecho Road area. The project would have added two more lots on a 1.4 acre parcel. The Commission appealed this permit and denied the land division as inconsistent with Public Works policies and the required densities in this area on January 12, 2000 (Linsley, 3-SLO-99-142).

It should be noted that incremental erosion of concentrated urban development in Los Osos has perhaps also been driven by the inability to develop in the urban core where there is currently no urban sewer services, and a septic prohibition has been in place (see below for detail). Reported CDP activity bears this out: at least 33 single family homes have been approved between the USL and URL of Los Osos. These approvals outside of the USL would appear to be contrary to the LCP goal to prioritize urban infill development, particularly given their reliance on urban water supply. Thus, as discussed in more detail in Issue 3 below, the LCP requires that land use permits for development between an urban services line and urban reserve line not be approved unless the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban service line.[12] With the large number of undeveloped residential parcels in Los Osos, and the significant uncertainty about water and sewer capacity in the community, it is not clear how the finding could reasonably be made.

Consistency Analysis: The broad trends in LCP implementation by the County show that the LCP is has led to the concentration of most urban development in existing developed areas. However, there also has been significant pressure to develop beyond the Urban Services Line on lands that are not suitable for urban levels of development, particularly in light of existing deficiencies in sewer and water capacities (see Issue 3 discussion). Such development is not consistent with the Coastal Act objectives of section 30250 to concentrate development in existing urban areas. Some of these projects were problematic for other reasons as well, such as ESHA and visual resource impacts. Most urban edge development pressure has occurred north of Cambria and around Los Osos. And while the potential for expansion of urban development to the north of Cambria may be decreasing, other pressures may emerge in other areas, including southern Cambria.

For example, the County is currently evaluating a potential school site outside the USL on the southeastern edge of Cambria that could break and further destabilize the urban-rural boundary. The Coast Unified School District is requesting a plan amendment to redesignate a 14.7 acres agricultural property to Public Facilities. The project would also require annexation to the CCSD and changes to the USL/URL. This proposal raises significant concerns, including issues

[12] The LCP allows an exception to this policy for a single family home on an existing lot immediately adjacent to the USL, where service could be provided by a lateral connection without extension of a trunk line. Ordinance 23.04.430.

related to the protection of Agricultural lands, visual impacts, and the concentration of development. If amendments are considered that would change the urban-rural boundary, and if they are otherwise approvable under the Coastal Act, they should include maximum provisions to assure that urban services are not further extended, similar to the non-access easements recently required by the Commission in its approval of the City of Watsonville LCP amendment to provide for a new High School. Other development issues in the rural area to the south of Cambria include residential and commercial use of agricultural lands, as well as reuse of the former Air Force Base.

Pressures may continue in other areas of the coastal zone as well, including around Los Osos, Cayucos, the City of Morro Bay and on the rural County lands above the City of Pismo Beach. It will remain important for the County to rigorously apply the existing LCP policies, as well as consider policy alternatives that will clarify the development limitations of lands outside of the urban areas of the coastal zone. It is also important to firmly establish that the LCP policies to protect the urban-rural boundary are the controlling factor in development decisions, rather than allowing independent private service providers to drive the process of development. Development pressures are driven in large part by land development costs, the economic incentives generated through zoning and land use policies and the availability of public services such as water and sewer. In combination with an evaluation of available urban services, the County should continue to consider options for rezoning and relocating the USL to better direct future development potential consistent with available services. For example, in the most recent project description for the North Coast Area Plan Update, the County has proposed redesignating 75 acres currently zoned for residential development to rural and agricultural zoning, as well as relocating the URL/USL to exclude these lands from the urban core. Such changes would help to reinforce the policy goal of concentrating urban development, consistent with Coastal Act 30250.

Preliminary Policy Alternatives

Maintaining urban-rural boundaries and concentrating urban development in the SLO coastal zone could be enhanced through a variety of strategies. The County has already made efforts to address this issue through the pending Estero Area and North Coast Updates. The Advisory Councils for Los Osos and Cayucos also have provided relevant comments back to the Commission in response to the Commission's earlier comments on the EAP Update (see Appendix E). The next step in the County's process for these updates will be to reissue the EAP and Final EIR, and to complete the DEIR and initiate public hearings on the NCAP. In the next several months, the Commission, County, and public will have an opportunity to assess the best strategies and options for addressing the maintenance of urban-rural boundaries, including the following:

Preliminary Recommendation 2.1: Improve Required Findings for Service Extensions Beyond USL.

Development proposals that require the extension of urban services across the USL should not be approved unless the required findings established by Public Works Policy 1 and corresponding ordinances can be made. While the existing certified LCP provides a strong

framework for evaluating new development proposals, County implementation over the last decade suggests that greater emphasis on the requirements of these policies and ordinances is needed in the staff analysis and legal findings of individual coastal development permits.

Preliminary Recommendation 2.2: Improve County/Commission Coordination.
The County and the Commission should take full advantage of coordinated reviews of development proposals outside of the USL, particularly those that may create new urban development potential. Although Commission and County staff resources are limited, experience has shown that enhanced coordination increases the likelihood that the LCP requirements will be reinforced and applied in difficult cases.

Preliminary Recommendation 2.3: Clarify LCP Authority with respect to New Urban Development proposed outside USL.
Conflicting development incentives may be created by non-coterminous certified USLs of the LCP and the boundaries of service providers. LCP amendments should be considered that clarify the controlling authority of the LCP with respect to whether new urban development is appropriate outside of the USL in urban areas. The current NCAP project description includes a standard that would allow provision of urban services beyond the USL in certain limited circumstances, similar to a proposed standard recommended by the Commission in its 1998 review of the NCAP. The implications of this standard in relation to USL/URL should be evaluated.

Preliminary Recommendation 2.4: Reduce Development Potential on Urban Edges.
Evaluate potential for reduction of development intensities on the perimeter of urban areas, including adjusting land use designations, allowable densities, and relocating the USL/URL where appropriate. The County has already proposed some adjustments that would be beneficial in this regard, such as the tightening of the USL on southern edge of Cambria. Other proposals would be logical in light of current events. (For example, removing from the USL the recently acquired Morro Palisades property in Los Osos being set aside for conservation purposes and other areas on the urban fringe designated for residential development but highly constrained by significant habitat values; also, adjusting the USL to reflect the community's greenbelt goals.

Preliminary Recommendation 2.5: Consider Policies and Programs to Support Greenbelt Formation and Maintenance.
Consider incorporation of programs and policies to establish or support greenbelt and open space areas on the urban fringe of developed areas (e.g. Los Osos). Build on and integrate with open space and habitat protection proposals already put forth by the County in the Estero Update.

Preliminary Recommendation 2.6: Encourage Redevelopment Options in Urban Areas.
Greater attention should be placed on redevelopment options inside the USL prior to concentrating any proposals for urban levels of development outside the USL.

C.2. Concentration of Development: Preventing Cumulative Impacts to Rural Lands

Overview: Coastal Act section 30250 requires the concentration of development in urban areas in part to maintain the essential rural and agricultural character of the coast in places like San Luis Obispo County. This policy also does not allow development that would have adverse cumulative impacts to these undeveloped areas. As summarized in Issue 1, the urban-rural boundaries of Cambria and Los Osos have been somewhat eroded by development pressures within these communities to press outwards. Rural areas of the County have also been incrementally impacted, though, by individual developments on agricultural lands that cumulatively have the potential to change the rural character of these areas. Some of these development trends, such as non-agricultural residential development, are discussed in detail in the Agriculture chapter. Other concerns with rural development are addressed in the Scenic and Visual Resources chapter.

Continued focus on potential visitor-serving developments on the rural north coast of San Luis Obispo, as well as incremental expansion of smaller development nodes in rural areas, has also created increased pressure to develop these rural lands. When considered in light of our increasing knowledge about coastal resources in the rural areas, such as limited coastal water supplies and newly identified sensitive habitats, these incremental trends become more problematic. Also, since certification of the SLO LCP, public appreciation of the vast rural coastal areas of the County has increased, highlighting the significance of these lands for the statewide objectives of coastal protection. This is true not only for the vast holdings of the Hearst Ranch, but also for the Harmony coast and the scenic corridors of the Morro Bay watershed. The County has rightly acknowledged many of these changes in recent LCP updates for the North Coast and Estero Area Plans. These proposed changes, as well as other enhancements to the LCP are needed to prevent incremental development from significantly degrading the rural and agricultural character of the SLO coastal zone.

LCP Implementation: Although the reported coastal development activity for the rural areas of San Luis Obispo County accounts only for approximately 10% of the total CDP activity, this development is nonetheless significant within in the context of protecting rural and agricultural lands. For example, while the population of the rural north coast in 2000 was projected to be only 669, this figure represents nearly a doubling of the population in this area of the coast since LCP certification. Overall, the population in the rural areas of the County coastal zone has grown approximately 20% since certification. Such population change can bring significant changes to a rural area, particularly as the demographics and economies of local communities change.

Visitor serving activities associated with the Hearst Castle, San Simeon State Park, and other coastal recreational resources have also continued to expand, bringing more people and traffic to the rural areas of the County's coastal zone. Coupled with continued strong growth in the urban centers such as Cambria, this growth has placed cumulative pressures on Highway One, particularly on the rural North Coast.

Highway One

Highway One runs the entire length of the planning area and, outside of Cambria is generally a two lane road. The current Level of Service (LOS) between the southern boundary of the planning area and the entrance to Hearst Castle is LOS D. This level of service is considered "marginally acceptable and maneuverability and speed selection is restricted for most drivers." Projections in the current NCAP project description indicate that levels of service between Cayucos and Hearst Castle will deteriorate to LOS D and F at buildout. These figures assume a 140% increase in traffic volumes at buildout between Cayucos and Cambria. As discussed later in this chapter, though, Cambria is only about one-third built-out, and can be expected to continue to grow unless an alternative to the large number of existing vacant lots is found. The projected traffic volumes may, therefore, be rather low. Similarly, the traffic volumes between Cambria and Hearst Castle may also be understated. In the Commission's review of the NCAP in 1998, it was found that the plan projects a doubling of traffic (1000 more trips) but a review of the traffic estimates for the Hearst Resorts alone suggested a rather low estimate of 370 to 1102 trips. Thus, development of rural land between Cambria and Hearst Castle could add trips to this section of Highway One. Finally, San Simeon Acres is only about half built-out and would generate additional traffic volumes if other resource deficiencies for new development are addressed.

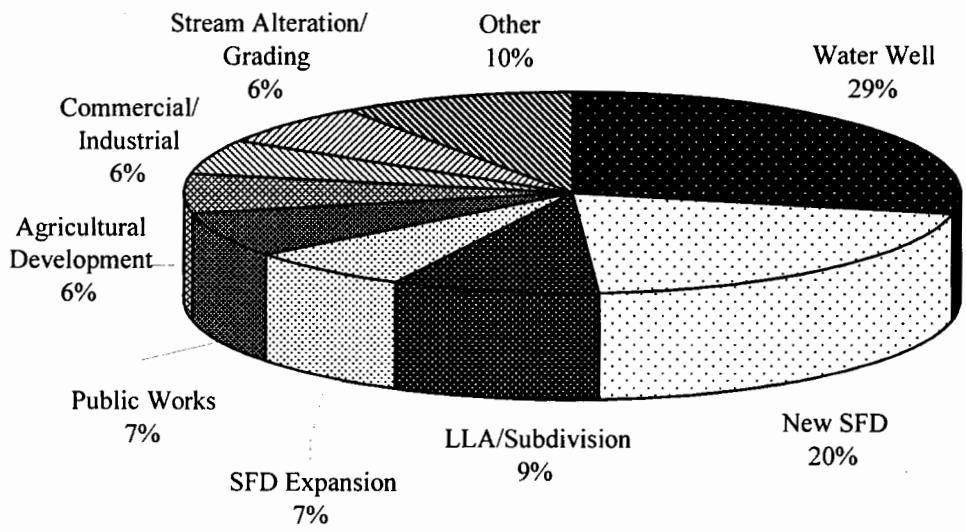
Development Trends

Coastal development trends in the rural areas of the SLO coastal zone suggest an increase of non-agricultural development in rural areas that may not only bring pressure to agricultural lands to other uses, but that may also bring adverse impacts to the relatively undeveloped rural landscapes of the County. As shown in Figure 2-4, reported coastal development permits (approximately 260) show that a variety of developments have been approved in the rural areas of the County, including 54 residential projects (single family homes/mobile homes) in areas of Agricultural or Rural Lands zoning[13], a variety of commercial developments (including a shooting range and winery tasting room), visitor-serving development, and other infrastructure projects such as new road or residential driveway work. At least 20 lot-line adjustments and three subdivisions have occurred on Agricultural and Rural Lands. As discussed in the Agriculture chapter, such lot-line adjustments are often precursors to non-agricultural development that can undermine long-term agricultural and rural lands protection goals. In recent years the Commission has reviewed on appeal proposals for an experimental visitor-serving development on rural lands, a wedding events site on Agricultural lands, and large-lot residential development on non-conforming agricultural parcels.[14]

[13] Some of these are mobile homes to support agricultural activities.

[14] A review of County building permit data also shows similar development patterns, including 34 single family homes in the rural areas of the North Coast and Estero.

Figure 2-4. Development Approved in Rural & Agricultural Areas, 1988-1998



Analysis: As suggested, maintaining the rural and agricultural character of the nonurban areas of the coastal zone requires close attention to the incremental activities that create negative cumulative impacts. Because of their incremental character, their role in this cumulative change is difficult to assess in the individual planning or regulatory decision. Some of these activities are analyzed in more detail in the Agriculture and Scenic and Visual Resource chapters. This section focuses more on the overall cumulative impacts from development that may not be concentrated in urban areas. Two major concerns are highlighted: the need to further concentrate and only allow environmentally-sustainable development on agricultural landscapes north of Cambria, particularly on the Hearst Ranch; and the need to prevent incremental erosion of rural agricultural landscapes through development not directly associated with agricultural activities.

Concentration of Development on the North Coast

Since certification of the LCP, and even since the Commission's 1998 action on the North Coast Area Plan Update, the importance of concentrating development in existing developed areas of the North Coast has become increasingly clear. To be sure, one of the fundamental purposes of the Coastal Act requirement to concentrate development is to avoid or minimize the many types of coastal resource impacts that typically follow from unconcentrated, sprawling patterns of development.

As the County has generally recognized in its North Coast Area Plan, the North Coast is a highly constrained coastal environment of incomparable beauty and significance. There are only a few nodes of development outside of Cambria that are larger than a typical rural residential site: the

small artist colony of Harmony; the motel/hotel node of San Simeon Acres; and the San Simeon Village/Hearst Castle Visitor Center node.[15] Surrounding these small development nodes are miles and miles of relatively undeveloped grazing and agricultural lands. Not only are these important agricultural lands, they are also a stunning visual resource, ultimately transitioning to the more rugged and dramatic topography of the southern Big Sur Coast. A multitude of coastal streams flow out of the hillsides to the ocean, some of them providing important habitat for sensitive species such as Steelhead, red-legged frog, and the western pond turtle. Along this stretch of coast, there are a variety of beach and recreational resources, including automobile turnouts and vistas, trails to rocky shorelines, popular wind-surfing beaches, and the elephant seal haul outs near Piedras Blancas.

Beginning with the earliest days of the Coastal Act and throughout the recent public debate and decisionmaking about the North Coast, the Hearst Corporation and the County LCP has contemplated a variety of visitor-serving developments north of Cambria. Originally, as many as four resort/recreational areas were mapped out, including at the northern edge of the County and in the sensitive Monterey Pine Forest north of Cambria. At least two golf courses have been planned for the North Coast in times past.

Since certification of the San Luis Obispo LCP, though, the natural resource values of this section of California's coast have become both better understood and more deeply appreciated by the public. The statewide significance of this relatively undeveloped stretch of California's coast has become increasingly apparent, particular as development has continued to drastically change other areas of the California coast.

Part of this change in appreciation of the North Coast rural character is perhaps driven by the increasing growth along the SLO coast that has occurred through implementation of the LCP. The vistas of the North Coast have been incrementally impacted by development and expansion of the Hearst Castle Visitor serving facility, which can be seen for miles as one makes their way north from Cambria. Residential development on the northern edge of Cambria and potential development further up the coastline also threaten to permanently alter rural agricultural viewsheds.

As mentioned earlier, increasing visitors to the North Coast, as well as residential growth in Cambria, has brought increased traffic to Highway One. When the Commission certified the LCP in 1988, Highway One was already operating at limited capacities. As of 2000, its capacity is at LOS D or more between Cambria and the Hearst Castle Visitor Center, which means that no more significant traffic-generating growth could be accommodated while still meeting the requirement of the Coastal Act to keep Highway One a two-lane scenic road areas. The current NCAP projects Highway One to go to LOS F in the vicinity of Highway 46 at buildout (NCAP, 5-6). In addition to pressure to expand Highway One, the Highway itself runs the risk of being armored with unnatural looking rip-rap or other shoreline structures, as it has in other urbanizing areas of California.

[15] Isolated individual commercial visitor-serving developments also exist at Piedras Blancas and just north of Ragged Point.

The current project description for the North Coast update contains several goals, programs and policies related to Highway One, including programs and standards that reflect the Commission's 1998 suggested modifications for Highway One. In particular, the NCAP states that "Highway One should be improved to ensure the safe flow of traffic, yet not distract from the scenic nature of the highway." It also observes State law that Highway One must remain a two-lane scenic road in rural areas, while allowing for some exceptions such as passing lanes.

The NCAP Update also modifies the mandatory planning standards for Highway One. A new areawide standard addresses traffic mitigation and requires that development plan and subdivision proposals be reviewed to determine the adequacy of services, including the impacts on the carrying capacity of Highway One. It further states that inadequate road capacity may be grounds for denial of a project unless adequate mitigation measures are incorporated. Increasing traffic levels to an extent that is found to detract from the rural, scenic nature of Highway One shall not be permitted (7-4, #5). This standard also adds language from a Commission recommended modification that would set acceptable levels or service at LOS D and C on Highway segments south and north of the Hearst Castle Visitor center.

In 1998 the Commission also adopted suggested modifications to the North Coast Area Plan Update submitted by the County that, among other things, would limit future visitor-serving developments to a specific envelope at San Simeon Village (see Map 2-A). Other policy modifications would put in place more comprehensive viewshed protections and require evaluation of resource capacities such as water from local coastal streams, prior to considering any intensification of visitor-serving uses along the North Coast.

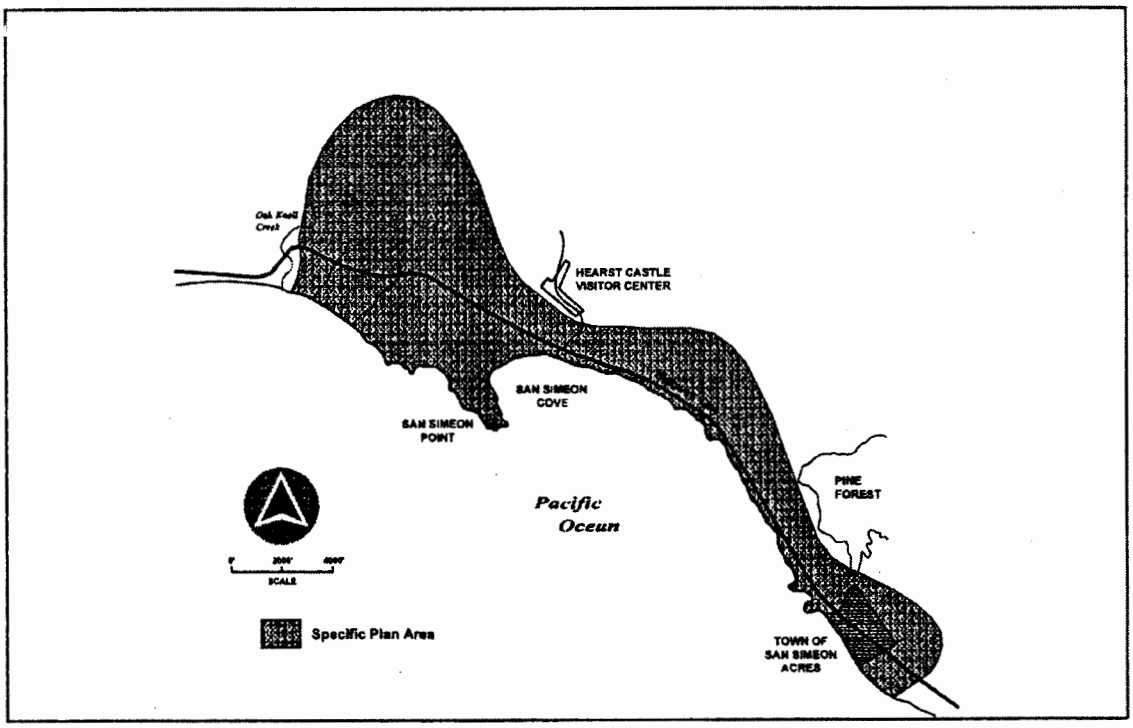
In the most recent County Project Description for the North Coast Update, the County has presented an alternative that would limit visitor-serving development to a specific area, subject to a future specific planning and LCP amendment process (see Figure 2-5). The process described by the County follows:

> *The recommended process to be followed should include the following steps:*
>
> ***A.*** ***Hearst Resorts – Concept.*** *Within the study area, a mixture of visitor serving overnight and commercial and recreational uses may be found appropriate. The sustainable number of units, density, size, and location should be determined after the following studies and processes are completed.*
>
> ***B.*** ***Recommended Process.*** *The following should be the minimum processes for review and approval of a resort development plan:*
>
> ***1.*** ***Specific Plan.*** *Apply for a specific plan to show the location, type and density of proposed uses, including plans for necessary services and infrastructure according to the applicable sections of the California Government Code.*
>
> ***2.*** ***Local Coastal Program Amendment.*** *Apply for an LCP amendment to show appropriately sized areas that may be changed to land use designations allowing resort recreational and commercial uses. The amendment should consider consistency with the California Coastal Act*

regarding visitor serving uses, environmental protection, public access, and preservation of coastal resources.

3. ***Environmental Impact Report.*** *Both the Specific Plan and LCP Amendment should be based on consideration of environmental constraints, alternatives, and use of appropriate mitigation and monitoring. A full environmental impact report should address all potential impacts from the land use changes and subsequent development.*
4. ***Economic and Fiscal Report.*** *As part of the environmental review process, prepare an analysis that describes the economic impacts on the region, such as effects on jobs and income and the need for employee housing, and a fiscal analysis to disclose the effects on availability of governmental services and costs.*
5. ***Phasing and Monitoring Plan.*** *The Specific Plan should include a phasing plan to insure that adequate time between phases is provided so that possible negative effects can be identified and mitigated.*

Figure 2-5. Hearst Resorts Concept from NCAP Project Description, 1/00



Source: **Figure 4-1: Hearst Resorts concept - Specific Plan Study Area**

This alternative is significant inasmuch as it puts resource assessment requirements in place that must be addressed prior to pursuing visitor-serving developments, although more emphasis is

perhaps needed on the special Coastal Act requirements that new development have adequate water and other infrastructure, as well as not result in adverse impacts to sensitive coastal resources. The alternative would also update the zoning of most of the agricultural areas currently zoned for visitor-serving recreational development back to an agricultural designation that reflects the current viable grazing use. This possible change to the NCAP is worthy of further consideration in recognition of our current understanding of resource constraints and values along the North Coast. The rezoning of lands back to agriculture, which would be consistent with their status as viable agricultural lands, is also consistent with recent Commission comments on the North Coast Area Plan Update (see Appendix E).

As discussed in the Public Access and Recreation chapter, there is a need to provide for increased public access and recreation along the North Coast. However, such future development should be of a type and intensity that is appropriate for the extremely limited resource capacities of the North Coast (such as water supply and Highway One), as well as located so as to provide maximum protection to the undeveloped rural character of the North Coast. This suggests continuing focus on limiting new development to the existing nodes of San Simeon Acres and San Simeon Village, or to other discrete locations that may be appropriate.[16]

Cumulative Impacts in Rural Areas

Distinct from the problems of future North Coast development, Coastal Act policies to concentrate development and protect rural lands may be undermined by the incremental development of non-agricultural or residential uses not directly tied to agricultural activities. As discussed in the Agriculture chapter, some of this development is occurring on previously unrecognized, non-conforming parcels on rural and agricultural lands. If not monitored carefully, certificates of compliance, lot-line adjustments, and subdivisions can quietly facilitate development that could undermine agriculture over the longrun.

In particular, a changing and booming economy, coupled with a new demographic has brought new challenges to coastal resource management in California. With increasing capital and technological capabilities, there is expanding interest in developing increasingly large residential home sites in more remote areas. In contrast to the typical agricultural homestead, these houses may be large estates not directly related to or supporting the agricultural use of the surrounding land. Because of their character, they also may bring increased impacts to visual resources and sensitive habitats. The Commission has recently been struggling with a number of such homes in rural areas of northern Santa Cruz County and southern San Mateo County. As discussed in the Agriculture chapter, the desire to move into the rural areas has contributed to pressures to convert grazing lands to residential land uses. The development of non-agricultural estates may, over the long run, drive out legitimate agricultural and farm uses. Along the more remote Harmony coast, a number of proposals have been approved or are pending for residential development on grazing lands that also present incredible rural vistas to the public, as well as unique opportunities to provide limited public access and habitat preservation.

[16] For example, the BLM has recently acquired the lighthouse at Piedras Blancas, a location that the Commission has previously identified as appropriate for limited visitor-serving development such as a youth hostel.

In the small artist colony of Harmony itself, there is continuing interest in expanding the commercial activities through conversion of small acreages of agricultural land. Coupled with residential pressures in the rural areas, such non-agricultural developments combine to create even greater incentives for converting agricultural rural areas to residential and commercial enclaves. Agricultural lands themselves are changing in ways that bring more commercial activity into areas. For example, since LCP certification, at least three different winery proposals have been considered in Harmony (3-SLO-92-072; 3-SLO-97-165; and D0000027b).

The Harmony Coast presents a good example of how incremental changes over the longrun can slowly change the character of rural lands. As summarized in Table 2-7, this amazing stretch of coastline has seen subdivision and lot-line adjustment activity, as well as residential development that is slowly converting this area from an undeveloped rural landscape, characterized by cattle grazing operations, to an area of large lot homes or ranchettes, that dramatically changes the rural agricultural character of the area, and ultimately threatens the viability of these historic grazing lands.

The Morro Bay Limited residential project discussed in detail in Chapter 5-Agriculture is a good example of this trend. The project was approved by the Commission on appeal in 1999. The case involved a proposal to develop 9 large-lot residential parcels on an agricultural grazing parcel along the Harmony coast. The Middle Ranch, which had functioned as a single 742-acre ranch, was auctioned in the early 1990s along with the South and North Ranches. The property was explicitly marketed for future potential residential development. In the case of Morro Bay Limited, the Ranch was effectively parcelized through the legal recognition of developable albeit non-conforming parcels in the County's certificate of compliance process (see Agriculture chapter for detail). Written evidence was presented to the County that established the presence of multiple parcels on the ranch that did not conform to the required minimum lot size of 320 acres that would typically apply on such grazing lands. This evidence consisted primarily of deeds of sale describing individual pieces of property that together made up the larger Middle Ranch. As discussed elsewhere in the report, although these parcels had been in single ownership for some time, it is difficult to not provide them with legal recognition under the State Subdivision Map Act. More important, once certified, it is difficult to limit development potential on such parcels without raising questions about Constitutional property rights.

Preservation of agricultural values and rural character is not the only issue raised by developments such as the Middle Ranch residential project. These developments also bring new concerns about visual impacts from access road development and new structures, and questions about habitat and wetland preservation on parcels that may have seen only grazing for a hundred or more years. Other projects have been approved since LCP certification that highlight the same concerns as the Middle Ranch case, including a controversial road development that would serve residential development on 14 large parcels on the Cambria Ranch a few miles inland from the coast.[17]

[17] See 4-SLO-90-103; also 3-SLO-99-132 (Prian), a project progressing from legal recognition of lots to road building on steep slopes to serve anticipated residential development.

Table 2-7. Cumulative Change on the Harmony Coast, west of Highway 1 (Major Projects)

Year	Projects	Description/Status
1974-1997	CO74-0301 3-SLO-95-056 3-SLO-97-165	• 1974 Subdivision of a 120 Acre Parcel into Four 30 acre parcels/road dedication. • Construct 1517 sq. ft. mobile home, garage, barn • Convert 230 sq. ft of existing SFD to winery
1974	CO74-0301	• Lot-Line Adjustment
1983	CO83-0097	• Divide 705 acre lot into 355 and 350 acres for Ag Purposes
1989	5-SLO-89-099	• Construction of Aquaculture Facility
1989	4-SLO-89-315 (COAL89-0040) 5-SLO-89-180	• Adjust two parcels on Gooden cattle ranch from 440 and 40 acres to 420 and 60 acres. Enlarges 40 acre blufftop lot and locates it adjacent to existing access easement. • Construct 4,365 sq. ft. residence on blufftop lot
1992	3-SLO-92-114	• Construct Cellular Tower in Highway One viewshed.
1993	Dalidio/Zapata Farms, 3-SLO-93-066; 3-SLO-93-124 (COAL89-0397)	• Lot-line Adjustment of 8 non-conforming parcels on 570 acres of North Ranch, ranging from 38 to 166 acres to 8 parcels ranging from 39 to 226 acres. Creates 5 shorefront residential sites and 3 agricultural parcels.
1994	3-SLO-94-143	• Construct 4400 sq. ft. residence
1995-1999	Morro Bay Limited A-3-SLO-99-014/032(COAL94-0130)	• Lot-line Adjustment of 9 Parcels on 746 acres of Middle Ranch; creation of 8 residential home sites and parcels ranging from 20 to 39 acres and 1 agricultural remainder of 542 acres. • Access Road Construction
1996	3-SLO-96-044 COAL95-0066	• Adjust two parcels on 734 acre Ranch from 218 (non-conforming) and 516 acres, to 321 and 413 acres to facilitate sale and development. Creates two conforming shorefront parcels.
1993-1994	McBride 3-SLO-93-075 3-SLO-94-122	• Construct access road, drill test wells; • Construction of 3000 sq. ft. single family dwelling, Barn with attached guest house, six wind generators, 2 solar panel arrays, windmill, future barn.
2000	Schneider A-3-SLO-00-040	• Proposed 10,000 sq. ft. Single Family Home and 1.25 mile access road, Pending on Appeal to Commission
2001	Townsend	• Proposed 90 ft. wireless communication tower; pending at County
2001	County Permit D000027	• Construct 5,800 sq. ft winery and tasting room; pending at County
2001	Williams	• Proposed Lot-line Adjustment of two parcels, pending at County

Consistency Analysis: Coastal Act Section 30250 requires that new development be concentrated in existing developed areas able to accommodate it. The current LCP does not contain sufficient programs, policies and standards to address this requirement, particularly in light of continuing cumulative development trends and increased knowledge about the lack of water to support new development without adverse impacts to sensitive resources. This problem was extensively discussed by the Commission in its 1998 Findings for the NCAP. In addition, Coastal Act Section 30254 requires that Highway One be maintained as a scenic, two lane road in rural areas. With the exception of Cambria and San Simeon Acres, all of the North Coast planning area is rural. As the Commission found in 1998, this section of Highway One must remain two lanes to be consistent the Coastal Act. The LCP will need to be updated to reflect this concern. Finally, as discussed in the Agriculture and Scenic and Visual Resource chapters, the LCP should be updated to respond to the potential for incremental loss of agricultural and rural lands due to encroaching residential and other non-agricultural development. As currently certified, the LCP is not adequate for achieving conformance with Coastal Act policies to prevent cumulative impacts to agricultural lands and scenic rural landscapes. Further concentration and limitation of development intensities will be needed to assure consistency with Section 30250.

Preliminary Policy Alternatives

The following policy options should be read in conjunction with options presented in the Agriculture and Scenic and Visual Resource chapters. In addition, many specific recommendations concerning the North Coast will need to be reevaluated over the next several months in light of the County's current Project Description for the North Coast and the Commission's recent comment letter on the Plan (see Appendix E). Preventing the cumulative erosion of rural and agricultural character in SLO will require a variety of strategies ranging from increased coordination between the County and the Commission to LCP amendments recognizing the highly constrained development potential of these lands.

Preliminary Recommendation 2.7 Strengthen Standards to address development potential on Non-conforming Lots.
Lot-line adjustments can increase development potential if not strictly evaluated under the standards of the LCP. Currently unbuildable lots should not be adjusted so as to become buildable. In addition, resource protection policies should be the controlling principle when adjusting nonconforming lots on agricultural lands to provide maximum disincentives for nonconforming development. As discussed, in Morro Bay Limited, parcel sizes were set at 20 acres because of the agricultural zoning, when the reality of the development proposal was to promote nonconforming residential development. A small lot residential cluster might have better maximized the agricultural values of the land as well as protected other resources such as ESHA and scenic views. Amendment of current lot-line adjustments review criteria should be considered that would require adjustments to reasonably comply with all LCP Coastal Plan Policies and Ordinances within the constraints of Constitutional takings jurisprudence. More detailed discussion of policy options is discussed in the Agriculture chapter.

Preliminary Recommendation 2.8 Evaluate Options for Processing Non-conforming lots in Single Ownership

The County and Commission should evaluate options available for processing non-conforming parcels in a single ownership, including legal options for lot merger, to maximize protection of agricultural lands. Proposals to adjust or development single parcels of larger agricultural holdings should not be allowed without comprehensive evaluation of the entire agricultural holding.

Preliminary Recommendation 2.9. Concentrate Development at Limited Existing Nodes. Opportunities for expanding nodes of development on the rural North Coast can be minimized through rezoning of recreational lands to Agriculture. Such land use changes would recognize the agricultural value of these lands as well as the severe resource constraints, particularly water supply. Current Update efforts should consider limiting new visitor-serving development to the existing commercial node at San Simeon Village and in or adjacent to San Simeon Acres.

Preliminary Recommendation 2.10. Require Resource Capacity Studies prior to Major Development Proposals.
Resource impacts to rural lands can be avoided by requiring resource capacity studies, consistent the RMS system, prior to pursuing development proposals or plan changes (see NCAP project description e.g.) It should be acknowledged that lacking further resource assessments, the rural North Coast is effectively at or beyond LOS III for increased development.

Preliminary Recommendation 2.11. Update LCP to address Large Residential Development
Add policies and ordinances to provide better define residential uses in support of agriculture; establish standards that provide rural viewshed protection, limit site disturbance, minimize water resource impacts, protect sensitive habitats and otherwise address the increased impacts from "non-agricultural" residential development.

C.3. Availability of Services: Environmentally-Sustainable New Development

Overview: Coastal Act section 30250(a) requires that new development be concentrated in and around existing developed areas that have sufficient public services to support such development. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources. New development should not be approved if there is inadequate water supply, wastewater treatment, or public road capacity. Coastal Act section 30231 requires the prevention of groundwater depletion

San Luis Obispo County has a number of communities under severe resource constraints. In the short-term, more aggressive LCP implementation and amendments are needed to address lack of water, sewer, and road service capacity. In the longer term, LCP programs and policies will be needed to reduce buildout potential, particularly in communities where there are antiquated small-lot subdivisions.

Policy Framework: Public Works Policy 1 cited earlier embodies the Coastal Act policy to approve only environmentally-sustainable development by requiring a finding to be made that "there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line" prior to permitting all new development. This required finding is also mandated by section 23.04.430 of the Coastal Zone Land Use Ordinance. More important, section 23.04.430 and Ordinance 23.04.021 establish rigorous findings for approving new development in areas that are facing critical resource shortages. Thus, section 23.04.021(c) contains overriding land division requirements for development review in urban areas with limited water or sewage disposal service:

> *(i) Within an urban services line, new land divisions shall not be approved unless the approval body first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels*
>
> *(ii) A proposed land division between an urban services line and urban reserve line shall not be approved unless the approval body first finds that sufficient water and sewage disposal service capacities are available to accommodate both existing development within the urban services line and development that would be allowed on presently vacant parcels within the urban services line.*

Ordinance 23.04.430 sets up essentially the same requirements for all development, with particular attention again on mandatory findings that services are available in communities where water and sewer capacities are limited:

a. *A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban service line.*

b. *Development outside the urban services line shall be approved only if it can be served by adequate on-site water and sewage disposal systems, except that development of a single-family dwelling on an existing parcel may connect to a community water system if such service exists adjacent to the subject parcel and lateral connection can be accomplished without trunk line extension.*

The Resource Management System

To facilitate implementation of Public Works Policy 1 and its corresponding ordinances the SLO County LCP requires the use of a Resource Management System (RMS)[19]. The RMS is an

[19] Policy 6 states: The county will implement the Resource Management System to consider where the necessary resources exist or can be readily developed to support new land uses. Permitted public service expansions shall

annual evaluation of available essential resources throughout the county including water supply, sewage disposal, roads, schools, and air quality. The RMS identifies where resources exist or are deficient to support growth. The RMS is designed to be a growth management tool to assess information and identify management measures or necessary capitol improvements to support existing and new development. In theory, it is also an important mechanism for assuring that coastal resources, particularly groundwater basins and creeks, are not overly impacted by development.

The RMS uses three levels of alert (called levels of severity, or LOS) to identify potential and progressively more immediate resource deficiencies. The alert levels are meant to provide sufficient time for avoiding or correcting a shortage before a crisis develops. Level I is defined as the state when sufficient lead time exists either to expand the capacity of the resource or to decrease the rate at which the resource is being depleted. Level II identifies the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity. Level III occurs when the demand for the resource equals or exceeds its supply.

As described in the LCP's Framework for Planning, the Planning Department notifies the Board of Supervisors when RMS monitoring indicates that a particular resource level of severity in a community appears to have been reached. If the Board concurs in the recommended LOS, a more detailed resource capacity study is completed, followed by public hearings and review by the Planning Commission. Based on this review, the Planning Commission recommends an LOS to the Board. The RMS outlines specific measures that must be implemented for each LOS if the Board formerly certifies the recommended level. These measures includes such things as identifying and funding new capital improvements, imposing conservation measures, or even enacting development moratoriums.

Services Overview

Water Supplies in San Luis Obispo County Coastal Zone. Water availability and quality are key factors affecting growth in the San Luis Obispo coastal zone. The RMS reports that the communities of San Luis Obispo County obtain almost 60 percent of their water from groundwater supplies and roughly 40 percent from reservoirs. As summarized in Table 2-8, development in the North Coast Planning Area draws all of its water from groundwater sources underlying coastal creeks. In the Estero Planning Area, water is drawn from both groundwater basins and delivered from two reservoirs: Whale Rock above Cayucos, and Lopez Reservoir, located outside the Five-Cities urban area. Finally, the State Water Project, which imports water by pipeline from sources in northern California, also brings water into the SLO coastal zone in the City of Morro Bay, and the communities of Avila Beach, and Oceano.

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ensure the protection of coastal natural resources including the biological productivity of coastal waters. In the interim, where they [sic] are identified public service limitations, uses having priority under the Coastal Act shall not be precluded by the provision of those limited services to non-priority uses.

Table 2-8. SLO Coastal Zone Water Sources and Uses

SOURCES	CURRENT USES
North Coast Planning Area	
San Carpoforo Creek	Agriculture; Rural
Arroyo de la Cruz	Agriculture; Rural
Pico Creek	Municipal (San Simeon Acres); Agriculture (Hearst Ranch Grazing)
San Simeon Creek	Municipal (Cambria); Agriculture
Santa Rosa Creek	Municipal (Cambria); Agriculture
Estero Planning Area	
Villa Creek	Agriculture; Domestic Use
Cayucos Creek	Agriculture; Domestic Use
Old Creek	Municipal (Cayucos); Agriculture
Toro Creek	Agriculture; Domestic Use
Morro Creek	Municipal (Morro Bay); Agriculture
Chorro Creek	Municipal (Morro Bay); Agriculture
Los Osos Creek	Municipal (Los Osos); Agriculture; domestic
State Water Project	City of Morro Bay
Morro Bay Desalination Plant	City of Morro Bay
Whale Rock Reservoir	Cayucos; City of San Luis Obispo
San Luis Bay Planning Area	
Lopez Reservoir	Municipal (Pismo Beach, Grover Beach, Avila Beach, Avila Valley, Arroyo Grande)
Arroyo Grande Creek/Groundwater Basin	Municipal (Pismo Beach, Grover Beach, Oceano, Arroyo Grande); Agriculture
State Water Project	Avila Beach; Oceano
South Coast Planning Area	
Arroyo Grande Creek Groundwater Basin	Agriculture; Domestic (Nipomo Mesa)

In the urban areas of the coastal zone, water delivery is generally governed by County Service Areas (CSA's) and Community Services Districts (CSDs), and delivered either by these Districts or private water companies operating in addition to a CSD. In locations relying on groundwater withdrawals, the CSDs are themselves subject to regulation by the State Water Resources Control Board, Division of Water Rights (DWR). Thus, any services district (or individual) wishing to appropriate water from surface streams, other surface bodies of water, or from subterranean streams flowing through known and definite channels, must apply for a permit from the DWR. An "appropriative right" to water is required for lands that do not contain or abut the water source. The DWR will permit a specified allocation for water extraction and storage, as well as any specific conditions limiting withdrawal at certain times of year.

As discussed in more detail below, some communities such as San Simeon Acres and Cambria have allocations from the State Department of Water Resources to extract water from coastal groundwater basins. Other communities have agreements with developed reservoirs or the State Water Project to gain their supply. In some cases, such as Avila Beach and the City of Morro Bay, the importation of State Water has relieved very serious concerns about water shortages and impacts on water resources in the area.

In rural areas, water supply tends to be governed by both appropriative rights and riparian rights. In contrast to appropriations from groundwater or surface waters to lands located elsewhere, lands within the watershed of a natural watercourse, which are traversed thereby or border thereon, have riparian rights to withdraw water. Entities wishing to exercise their riparian rights, must submit a statement to the DWR reporting the amount of water to be diverted and stored. Currently the DWR has a record of 31 appropriative rights and 62 riparian rights within the coastal zone of San Luis Obispo.[20]

Although the water allocation and use from all private entities combined may not seem significant, it must be noted that senior, riparian users have priority over appropriators such as the services districts. They may also divert additional water if fallow, riparian fields are brought into production. For example, according to Table 3-2 of the North Coast Update, agricultural uses that rely on water from Santa Rosa, San Simeon and Pico Creeks withdraw a total of 1356 afy for irrigation and stockwatering.

Community services districts or other entities wishing to withdraw groundwater *not* flowing through known and definite channels, must record the location and number of wells they construct with the Environmental Health Division of the County Health Agency. The Health Agency neither requires a requested allocation amount from the users, nor has the authority to set allocations. Water extractors are also not required to report actual extraction amounts. From 1988 through 1998, the Health Agency has a record of 260 well drill reports within the coastal zone. However, because no recordation of water extraction exists, there is no way to ascertain the overall effect these wells have on the groundwater basins. Los Osos is the only urban community within the coastal zone which receives its water in this manner.[21]

As discussed in more detail later in this chapter, water supplies are under severe stress in the communities of San Simeon Acres, Cambria, and Los Osos. Cayucos also has limited supply. There is considerable uncertainty about the safe yield of many coastal groundwater basins, particularly in light of the lack of developed information about the habitat and other natural resource values of the creeks that supply these basins. This uncertainty leaves the resources highly vulnerable to over-use, and raises questions about the ultimate ability to support new development. Finally, in recent years urban areas have been coming to terms with groundwater contamination from MTBE, which places even great stress on the reliability of coastal creeks as water supplies. In recent months, Morro Bay, Cambria, and Los Osos have been responding to MTBE contamination on an emergency basis.

Wastewater Disposal Capacity. Six sewage treatment facilities serve communities within the coastal zone. Los Osos is the only urban area not currently served by a treatment facility. As shown in Table 2-9, all facilities are operating well under full capacity. The Regional Water Quality Control Board (RWQCB) regulates the operation of Sewage Treatment Plants and usually requires a moratoria on new hook-ups when a plant reaches 80-85% of its rated capacity.

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[20] State Water Resources Control Board, Division of Water Rights, 8/8/2000. These figures do not include stockpond permits or statements due to their size limitation (i.e. less than 10 afy).

[21] In their capacity as services districts, the water purveyors in Los Osos are required to report annual water production to the County Department of Building and Planning.

The 2000 RMS projects that wastewater capacity for Cambria, Avila Beach and Oceano should be sufficient for the foreseeable future. Although no community serviced by a treatment plant has a recommended LOS, factors exist in Cayucos and San Simeon that may affect service for the projected buildout population.

Table 2-9. Wastewater Treatment Facilities

Facility	Capacity(1)	ADWF(1,2)	Percent Capacity	1999 Population	Est. Population at 100% Capacity(3)	LOS(4)
San Simeon CSD	0.20	0.070	35.0	250	714	OK
Cambria CSD	1.00	0.546	54.6	6,549	9,936(5)	OK
Morro Bay Treatment Plant (Cayucos)	0.944	0.328	34.7	3,225	9,293	OK
Avila Beach CSD	0.20	0.033	16.7	N/A	N/A	OK
So. SLO County Sanitary Dist. (Oceano)	7.50	2.810	37.5	25,100	93,600	OK

(1) In Millions of gallons per day
(2) Average Dry-Weather Flow
(3) 100% Capacity of Treatment Facility only.
(4) RMS Level of Severity
(5) The North Coast Update estimates that the treatment plant could accommodate about 8,000 persons for the permanent population, leaving 27% of plant capacity for the tourist population using local commercial facilities. This computation is based on the seasonal increases of approximately 30% that result during the summer peak period of recreation use. 100 gpcd is used as a conservative estimate for planning purposes.

Road Capacity. Road capacity for new development is important to maintain, particularly in areas where public shoreline access is especially valuable. The availability of streets and roads to carry vehicular traffic depends upon several factors: number of traffic lanes, surrounding terrain, existence of roadway shoulders, and number of other vehicles. The 1985 Highway Capacity Manual, published by the Transportation Research Board, sets standards for these and other factors which determine traffic "levels of service" ranging from level "A" to "F.

Table 2-10. Road Capacity, Levels of Service

Level of Service	Corresponding Traffic Flow Conditions
A	Free flow. Unlimited freedom to maneuver and select desired speed.
B	Stable flow. Slight decline in freedom to maneuver.
C	Stable flow. Speed and maneuverability somewhat restricted.
D	Stable flow. Speed and maneuverability restricted. Small increases in volume cause operational problems.
E	Unstable flow. Speeds are low; freedom to maneuver is extremely difficult. Frustration is high.
F	Forced flow. Stoppages for long periods.

The RMS uses the Highway Capacity level of service ratings to base its level of severity alerts. LOS I is defined when traffic projections indicate that roadway level of service "D" will occur within five years. LOS II is for indications that roadway level of service "D" will occur within two years, and LOS III is given when calculation of existing traffic flows indicated a level of service "D". The Resource Management System only considers roads under county jurisdiction.

Information on state highways is provided by the Regional CalTrans office. Private roads are not evaluated in this report.

Since the time of certification there have been only four communities that have had recommended levels of severity placed on them by the RMS: Avila, Los Osos, Cambria and Cayucos. Avila and Cayucos no longer have LOS designations; both Cambria and Los Osos have retained a LOS III recommendation since the 1990 RMS report.

For the San Luis Obispo coastline, road capacity is important to maintain for both general public access and for supporting visitor-serving activity. However, as discussed in Issue 2, Highway One must also remain a two-lane road under Coastal Act 30354. Ultimately, this road capacity may be a key limiting factor in determining future growth potential along the SLO coast.

LCP Implementation: Each community in SLO County has distinct issues concerning availability of public services for new development. In some cases, the RMS system has worked to support the development of new resources for coastal development. The County has also produced regular RMS reports and the Board of Supervisors has directed that some Resource Capacity studies be done based on the results of the RMS. More often than not, though, the RMS system has not been used to its full advantage in communities where there are inadequate water and sewer supplies. Each community is discussed in the following section.

San Simeon Acres

Originally part of the old Rancho San Simeon, the community of San Simeon Acres lies along the Pacific Ocean overlooking San Simeon Bay. The Village Reserve Line (equivalent to the USL) of San Simeon Acres contains about 80 acres. San Simeon is a small commercial village developed to provide tourist/recreation services along the central coast. There are 706 visitor-serving hotels and motel rooms currently in San Simeon Acres. Because of the large number of second homes and resulting high vacancy rates, the actual permanent population of San Simeon Acres is difficult to estimate. According to the 1990 U.S. census, San Simeon Acres had a permanent population of 128. Recent County estimates place the current population at approximately 248 and list a total of 330 dwellings.

TABLE 2-11. RMS REPORTED LEVELS OF SERVICE FOR SAN SIMEON ACRES

	90	91	92	93	94	95	96	97	98	99	00
Water Supply	3	3	3	3	3	3	3	3	3	3	3
Water Distribution	0	0	0	0	0	0	0	3	3	3	3
Sewer Capacity	3	3	0	0	0	0	0	0	0	0	0
Roads	0	0	0	0	0	0	0	0	0	0	0

As summarized earlier, San Simeon Acres currently has adequate wastewater disposal capacity, provided by a treatment facility in the town itself. In addition, there no significant road capacity issues, other than the question of available capacity on Highway One in light of projected growth and visitor-serving activities in the planning area. Like the rest of the North Coast Planning Area, however, water supply is tenuous in San Simeon. The San Simeon Community Services District (SSCSD) provides the community with water from two wells along Pico Creek. Although its existing permit from the State Water Resources Control Board (SWRCB) allows

total production of 140 acre-feet per year (afy), the North Coast Area Plan Update estimates dependable yield from this groundwater source to be only in the vicinity of 120-130 afy. In the production year ending in 1999, the SSCSD reported production of 107 af from Pico Creek. The County reports that another 16 af was withdrawn from the creek for livestock watering.

Due to water consumption approaching and exceeding the basins' identified safe yield, San Simeon has been under a SSCSD building moratorium since January 1986. The RMS has recommended a LOS III for San Simeon's water supply in recent years and the most recent County North Coast Update submittal indicates that the community has passed beyond LOS III. Although there is compelling evidence of this resource incapacity, including a self-imposed moratorium by the CSD in 1986, the Board of Supervisors has not certified the LOS III for San Simeon Acres. Subsequent to the moratorium, SSCSD Board imposed conservation measures, a retrofit program and prohibitions on outdoor water use have been necessary to maintain *existing* levels of development.

The SSCSD moratorium has been effective in preventing new significant withdrawals from Pico Creek. Since certification of the LCP in 1988, only 17 coastal development permits have been reported to the Commission. No new homes have been approved and development has been limited to such things as tree removal, condominium conversion, and minor commercial development. The most significant development approved between 1988 and 1998 was for a water pipeline to connect to the planned Cambria Desalination Plant (see below), and for expansion of Pico Creek Bridge. Finally, the NCAP submittal from the County identifies the proliferation of commercial signs along Highway One as a growing concern for visual resources and community character protection.

The County estimates maximum buildout at 862 dwellings with a population of 1,207 at 100% occupancy rate. According to the County, at current residential water use rates, 240 afy of water would be needed to serve the buildout population. As shown in Table 2-12, total buildout will create a substantial deficit over the sustainable yield of Pico Creek. Of course, the Pico basin may already be in overdraft when combined urban and agricultural use is considered. It also should be noted that the balance of water in the system is highly dependent on the assumptions one makes about actual water usage. In the table below, two different water use assumptions are presented that are derived from actual use numbers and assumptions about residential and hotel uses. Thus, if the typical use per resident is 120 gpd, the hotel/motel use would be approximately 133 gpupd based on actual consumption for 1999. These assumptions may not be adequate for assessing the actual available water supply in Pico Creek.

Table 2-12. San Simeon Acres/Pico Creek Water Supply

Demands	Assumed Use Rate	Acre Feet/ Year	Total Withdrawals	Safe Yield	Balance
Existing Development					
248 Permanent Residents	120 gpd	33	110 (2000 actual urban use) + 16 Ag **126 acre feet**	120-130	-6 to 4 af
	173 gpd	48			
706 Hotel/motel Units	133 gpupd	58			
	100 gpupd	43			
Agriculture Withdrawals	-	16			
Buildout Projections					
1229 Permanent Residents	120 gpd	165	267-319 293 avg.	120-130	**163-173 deficit**
	173 gpd	238			
1055 Hotel/motel Units	133 gpupd	86			
	100 gpupd	65			
Agriculture Withdrawals	-	16			

Currently San Simeon's certified Land Use Plan is poorly matched with the water supply available to support it. Water supply is severely strained by existing levels of development, not to mention potential buildout. The community has explored the possibility of additional water sources, including desalination, surface storage, wastewater reclamation and a cooperative arrangement with the Cambria CSD involving groundwater recharge. The SSCSD also considered the importation of supplemental water from Lake Nacimiento, but dropped out of the project due to its high projected cost. More recently, the SSCSD has been participating in efforts to develop a desalination plant in Cambria.

In the recent NCAP project description, the County has proposed several standards for San Simeon Acres that would, among other things, reserve 75% of available water and sewer capacity for visitor-serving uses; and that would prohibit new development that relies on water from Pico Creek until a study of instream flow and habitat impacts is completed for the creek (NCAP, 7-120).

Cambria

The town of Cambria was established in the late 1860s. The town provides many visitor-serving amenities and is an attractive residential center along the North Coast. One of the great recent highlights for land use planning in Cambria was the acquisition of East-West Ranch. This community-wide effort removes this tremendous open space property in the middle of Cambria from potential development. Cambria, though, still has many coastal planning challenges ahead of it. There are approximately 1,935 acres of land within the URL of Cambria. Unfortunately, in the 1920s the Cambria Development Company subdivided huge tracts of hillside land surrounding the commercial center of the town into a grid of small lots—typically 25' x 70'—

regardless of slope, the need for services or the effects on the natural environment. According to the County, there are approximately 3783 existing residential units in Cambria, supporting a population of 6,242. The County also estimates 11,701 units at build-out (pop. 26,327), meaning that only one third (32%) of the legally-available development potential of Cambria is built.[22]

TABLE 2-13. RMS REPORTED LEVELS OF SERVICE FOR CAMBRIA

	90	91	92	93	94	95	96	97	98	99	00
Water Supply	2	0	2	2	2	2	2	2	2	3	3
Water Distribution	3	3	3	3	3	3	3	3	3	3	3
Sewer Capacity	0	0	0	0	0	0	0	0	0	0	0
Roads	3	3	3	3	0	3	3	3	3	3	3
Schools	2	3	3	3	3	3	3	3	3	3	3

The thousands of vacant lots remaining in Cambria raise a variety of coastal resource planning issues. First and foremost is the challenge of reducing the build-out potential of the many small lots within the Urban Services Line. As discussed below, the County currently has a Transfer of Development Credit program in place in an effort to reduce the number of potential building sites in Cambria. Such reduction is necessary particularly in light of limited water supplies from Santa Rosa and San Simeon Creeks. In its 1998 review of the NCAP, the Commission found that existing development (1997) may be overdrafting these creeks, and adversely affecting wetlands and riparian habitats.

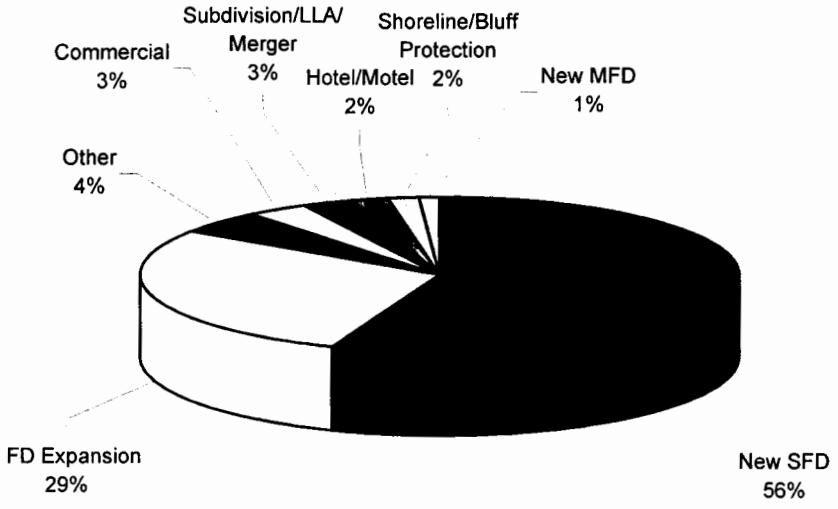
The existing and planned build-out for Cambria also raises serious concerns about a number of issues, including preservation of the native Monterey Pine Forest stand within Cambria, increased withdrawals from San Simeon and Santa Rosa Creeks, erosion and nonpoint source pollution from development on steep slopes, road and school capacity and other urban planning issues. Indeed, as shown in Table 2-13, Cambria has been facing resource limitations in multiple areas since certification of the LCP. The density and size of Cambria's residential lots has also raised concerns about community design, including the appropriate scale of new homes. Finally, like most urban areas in California, Cambria faces issues related to shoreline erosion and preservation of natural shorelines. This section will focus on the development issues of available services and development potential. Other Cambria issues are addressed in other chapters of this report.

Residential Development in Cambria

As previously discussed, since the 1988 certification of the SLO LCP most of the County's reported coastal zone development has been for residential related development in Cambria. As shown in Figure 2-6, within Cambria, reported approvals for new single family residences or improvements from 1988-1998 overwhelm over types of development, accounting for approximately 85% of 1067 permits.

[22] This assumes full vacancy rate. At the current vacancy rate, buildout would be 19,305. *NCAP Update—Revised Buildout Estimates; Background Report September 1999.*

Figure 2-6. Cambria Coastal Development Permit Distribution, 1988-1998



Creation of new residential development potential in Cambria has not been significant since certification of the LCP. As discussed previously, only five subdivisions were approved in or around Cambria under the LCP between 1988 and 1998, and three of these did not create any new development potential per se. Only the subdivision of Leimert (3-SLO-97-130, 18 lots) added new residential building potential.[23] Another subdivision for 25 condominium units (Vadnais 3-SLO-96-056) was denied on appeal by the Commission; however, recent court decisions bring into question the final outcome of this proposal.

It should also be noted that with the recent acquisition of East/West Ranch, which may eventually go to the CCSD, the last opportunity for significant potential subdivision—a maximum of 265 lots on the western portion of the Ranch—has been eliminated. Not only does this acquisition remove future development potential, it will also provide a great public benefit for the community of Cambria, particularly with respect to public access and resource protection.

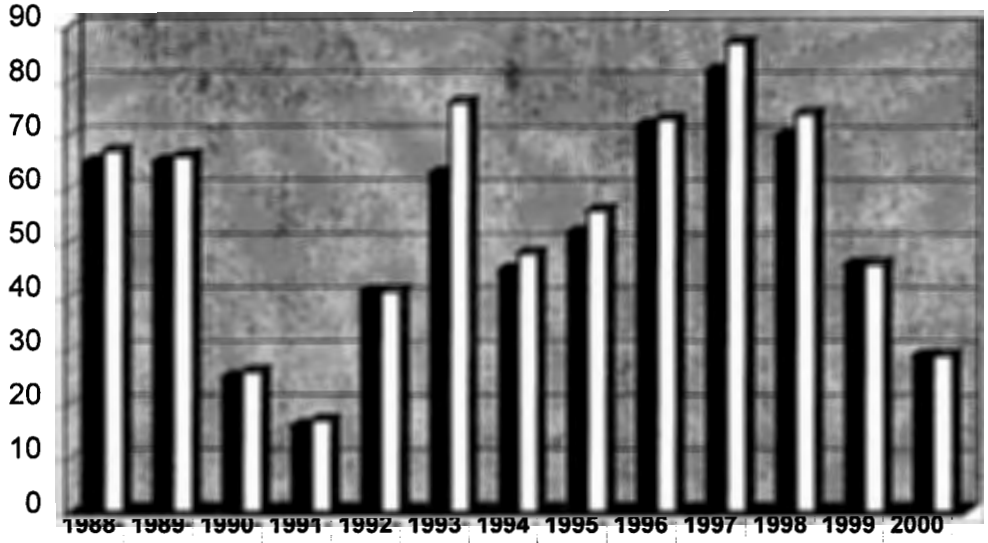
In addition to the Public Works Policies cited earlier, the County's LCP has a variety of mechanisms in place to address residential development and buildout. The North Coast Area Plan currently limits the maximum annual number of residential permits to 125, of which 30% must be reserved for multi-family residential.[24] The County has also been using its Growth Management ordinance, which is not part of the LCP, to allocate development approvals. As discussed earlier, this ordinance establishes a County-wide growth rate of 2.3% for new dwelling units, which are allocated across communities depending on the RMS evaluation of available

[23] 3-SLO-96-105 was a lot split of a parcel with an existing church and motel; 3-SLO-96-127 was to create a school site on the East-West Ranch; and 5-SLO-88-355 created 21 lots for existing former Air Force Housing.
[24] This standard originated from a coastal development permit for expansion of the Cambria wastewater treatment facility and an EPA condition to address future development potential.

resources. In the last year, the County reduced the allowable growth rate in Cambria to 1% in recognition of continuing limited water supplies (see below).

Since certification, the County has remained well under the 125 LCP limit for Cambria in any given year. Since 1988, a total of approximately 713 new units were reported approved through 2000 -- an average of almost 55 new residential units per year. As shown in Figure 2-7, though, until recently the trend of approvals showed a steady increase in approvals since a low of 17 in 1991. In the last year the Board of Supervisors put a 1% growth limitation in place.

Figure 2-7. Cambria SFD CDPs/Units Report Approved, 1988-2000



	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
■ SFD CDPs	65	65	25	16	41	63	45	52	72	82	70	46	29
□ Units Approved	67	66	26	17	41	76	48	56	73	87	74	46	29

■ SFD CDPs □ Units Approved

As discussed later in this section, the continuing approval of new single family homes raises concerns about the availability of public services such as roads and water to support this development. The SLO LCP, though, does have several policies designed to work in conjunction with new residential development so as to reduce buildout potential. The most important of these is the framework of what constitutes a buildable parcel in those areas of Cambria subdivided into the 25'x70' foot lots (primarily Lodge Hill).

In conjunction with Ordinance 23.04.048, the North Coast Area Plan requires that adjacent 25'x70' lots (1750 sq. ft.) be consolidated into a minimum lot size of 3500 square feet or a "double lot" when they are in a single ownership. Three lots must also be consolidated into one (a "triple lot"), but four adjacent lots in a single ownership can create two developable lots. The NCAP also specifies limits on height, building footprint and gross structural area (GSA) for new homes in the Lodge Hill Area, which is where the majority of these substandard lots are located.

For a single lot, the maximum allowable GSA is 1000 square feet on an unconstrained lot. On forested lots or steep lots the GSA restriction may be as much as 600 square feet maximum. Overall, these policies are designed to discourage the development of the single 1750 square foot lot.

Data collected from reported CDPs shows that average lot size for single family homes approved in Cambria on less than one acre was 6320 square feet.[25] There were at least 38 approvals of residential development on lots less than 3500 square feet.

Reported CDP data also shows that the County's permit process has reduced the buildout potential in Cambria by 83 lots through the consolidation or voluntary merger of residential lots. With the addition of 18 units from the one significant subdivision in Cambria since 1988, though, the net lot reduction for all of Cambria would be 65 lots.[26] This equates to an average reduction of approximately 5.5 lots per year since certification. When compared to the approximately 8000 units of buildout potential, it is clear that the lot consolidation program has not generated a significant amount of lot reduction relative to the larger problem of buildout potential in Cambria.

The TDC Program

The LCP also has a Transfer of Development Credits (TDC) Program to address the problem of existing small lots (CZLUO §23.04.440). The objective of the TDC program is to reduce potential buildout in sensitive areas of Cambria/Lodge Hill identified as "Special Project Areas." The program allows the transfer of development credits within special project areas to more suitable sites within Lodge Hill.

In conjunction with the other building restrictions of the LCP, the TDC program provides an incentive to transfer building potential from sensitive lots (the sending site) to less sensitive lots (the receiving site). One TDC is equal to one square foot of building area. For example, a lot with 2500 square feet of building potential would generate 2500 TDCs. A sending site may have its development potential retired through recordation of a permanent conservation easement or other instrument over the lot. A site receiving TDCs may be developed with a larger dwelling than otherwise allowed under the LCP, as long as other building standards remain unchanged (height limitations, setbacks, parking requirements, etc.).

To effect these TDC transfers, the LCP requires a non-profit organization or public agency, approved by the Director of Planning and Building, to serve as the TDC broker. The Land Conservancy of San Luis Obispo County has administered the TDC program in Cambria on behalf of the county since the onset of the program in 1984. To date, it is the only organization that has sought Director approval to administer the program.

[25] Of reported CDPs for Cambria, 427 out of 596 residential projects had lot size data. This data is not controlled for the Lodge Hill location.
[26] Reported data shows 34 CDPs involving lot reduction. A total of 138 existing lots were reduced to 55 lots.

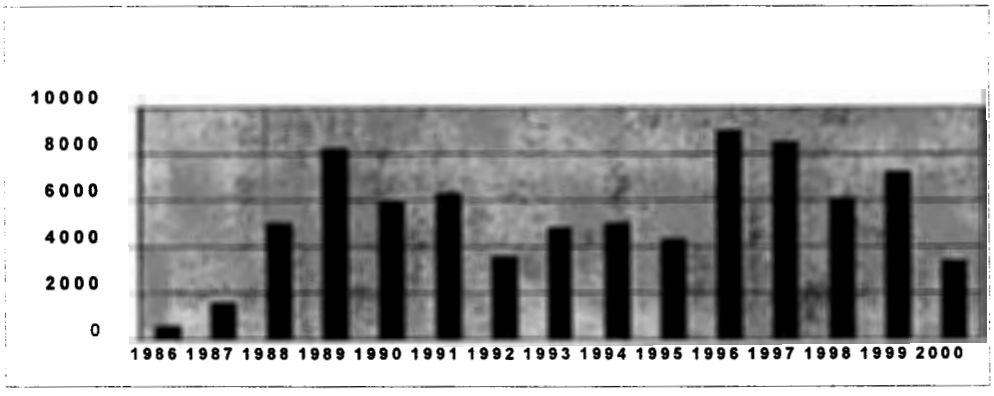
The Land Conservancy purchases lots in the sending area to retire through conservation easement, applies for TDCs from the County, sells TDCs to applicants, and provides a receipt of sale to the County.[27] The County uses this receipt as part of its permit process to approve building permits. The non-profit organization does not make decisions on whether a landowner is eligible to use TDCs or how many may be used for any one project; the County governs this process through the LCP.

TDC Implementation

As originally established by the Land Conservancy and through Coastal Conservancy grants, the primary purpose of the TDC program was to protect sensitive lots with Fern Canyon, with particularly focus on preserving contiguous lots of sensitive habitat. Overall, the TDC program has been successful in achieving this goal. Since the program's inception, the Land Conservancy has purchased over 125 lots encompassing over 250 separate small lots. Currently, the Land Conservancy holds in fee approximately 10 acres of land in the critical habitat at the bottom of Fern Canyon (Special Project Area #1; see Map 2-B). The Conservancy has purchased a variety of lots, and the average parcel size retired is just over 1750 square feet (1760), indicating that the TCD program also has been successful in targeting the substandard lot of Cambria. In conjunction with the County's general efforts to consolidate lots, this means that nearly 300 lots have been retired in Cambria. Although still not a significant amount relative to the 1,935 acres within the URL of Cambria, this lot retirement is significant in this sensitive area, which has extremely steep, forested slopes. Again, in terms of the Land Conservancy's goal of preserving contiguous habitat, the program has been successful.

The benefits of the TDC program for the problem of lot reduction, though, are small relative to the scale of the problem. There are also a number issues that should be addressed if the program is going to remain successful. The Land Conservancy has conducted over 317 TDC sales comprising over 79,000 individual TDCs. The Conservancy has more than 50,000 TDCs for sale in its current inventory. As shown in Figure 2-8, TDC sales picked up rapidly after program startup, and have remained strong through the 1990s.

Figure 2-8. TDCs Sold (Square Feet)



[27] The Land Conservancy of San Luis Obispo County sets the price of TDCs based on a 100% markup on the average cost per square foot, thereby allowing it to purchase two lots with the sale of one TDC lot. Currently the price is $15.00 per square foot.

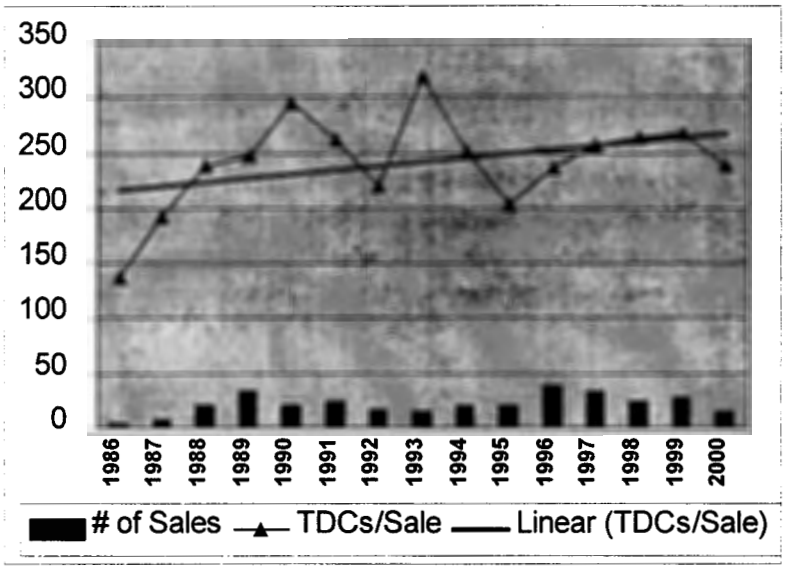
The Land Conservancy, though, has expressed concern that continued success of the program may depend on expansion into other areas of Cambria. While funds are available to purchase additional lots, this funding originally made available by the Coastal Conservancy is currently restricted to the purchase of lots within the Special Project Area #1 only; the Land Conservancy is having a difficult time finding sellers for the remaining sites within Fern Canyon.

Success of the TDC program is also dependent on the longterm preservation and management of the lots retired through the program. To date, the Land Conservancy has not been successful in transferring land title to any public agency. This places the burden of land maintenance on the non-profit, which impacts the ability of the agency to focus on land acquisition. Currently, the Land Conservancy is having discussions with Cambria Community Services District about transfer of title of the retired lots.

Another concern raised by the TDC program is the impact of TDCs on the sending site lots. The transfer of this building potential to other areas of Cambria raises concerns about the cumulative impacts of increased development in these receiving areas, including issues of community character and nonpoint source pollution control. As shown in Figure 2-9, the average TDC sale increased steadily in the initial years of the program. The average transfer since program inception is 250 square feet per property. This average shows a slight increase over time as well. The location of TDC receiving sites has been described as a shotgun pattern by the Land Conservancy (see Map 2-B), making it difficult to assess cumulative impacts. A community design review committee has been evaluating this problem recently, and there may be an opportunity to address this concern through submittal of a Design Plan for Cambria as an LCP amendment. The details of these issues are discussed in other sections of this report.[28] Inasmuch as the TDC program may be having unintended effects, it may be necessary to revise the allowable development standards downward for small lots in Cambria. This would have the dual effect of addressing potential impacts from larger development, and provide a greater incentive to use the TDC program and or consolidate more small lots.

[28] The TDC program allows the creation of homes larger than what would otherwise be allowed under the current land use category or planning area standards. Community concern has arisen regarding the visual impacts of these large houses and their detrimental impact on the character of the small-scale neighborhood. Another concern is the scale of development that should be allowed on any given property versus the property's ability to absorb and drain water. Although buildings that have used TDCs are distributed widely throughout Lodge Hill, there are a few areas where TDC use has been concentrated. The more concentrated the TDC use, the greater the impact may be on water absorption and erosion. Currently, however, the LCP contains no policy limiting the quantity of TDC use in any one area. It is becoming evident that hard scape on small lots is contributing to increased gully and sheet erosion throughout the Monterey Pine forest. This is especially true in natural drainage areas and on the marine terrace. TDCs may exacerbate erosion and increase velocity of runoff by curtailing absorption of water on the subject property and channeling it into areas that can neither handle the increased amounts nor the increased velocity of the water. Most construction practices evacuate water from the property to public streets. Many drainage culverts are installed without any velocity deflectors and have caused tons of soil to be eroded and carried into Santa Rosa Creek.

Figure 2-9. Average TDC Sales in Cambria



Other Programs

As part of its on-going North Coast Area Plan Update process, the County has evaluated various levels of lot retirement through establishment of an Open Space Assessment District to provide the funding to acquire lots. Four levels of lot retirement have been studied, including a 17%, 29%, 37% and 56% reduction in lots. The current submittal of the NCAP includes a program calling for such a district and targeting Alternative III, which has a goal of 7,421 dwelling units at buildout (NCAP pp. 6-17). This would represent a reduction of 4,280 units from current buildout of 11,701. An economic analysis of various alternatives has concluded that this reduction would have the lowest total costs for the community.[29]

Cambria Water Supply

Like San Simeon Acres, Cambria relies on local creeks for water supply: San Simeon and Santa Rosa. These streams are small and have limited storage basins. The water supply is extremely vulnerable to drought, as well as prone to occurrences of seawater intrusion caused by ground-water overdraft. The town often experiences periods of water shortage toward the end of the dry season.

The Coastal Commission has been concerned with the lack of water to support new development since the adoption of the Coastal Act. As early as 1977, in a coastal permit to allow the Cambria Community Services District (CCSD) to begin drawing water from San Simeon Creek, the Commission expressed concern about overdrafting this groundwater basin. In that permit, the Commission limited the urban service areas for this new water supply and identified the

[29] NCAP Fiscal Analysis of Plan Alternatives, May 1997.

maximum number of dwelling units that could be served as 3800[30]. When the Land Use Plan of the County's LCP was certified in 1983, the concern remained that there was inadequate water to serve existing parcels within Cambria.

Most recently, the Commission evaluated available water supply for Cambria in its review of the County's North Coast Area Plan update. After evaluating the availability of water in San Simeon and Santa Rosa Creek, the Coastal Commission adopted findings and a suggested modification that would require completion of three performance standards prior to January 1, 2001: completion of an instream flow management study for Santa Rosa and San Simeon Creek; completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply, and potential off stream impoundments; and cooperation of the County and CCSD to place a lot reduction ballot measure before the Cambria electorate. If these standards were not performed by January 1, 2001, the modification required a moratorium on further withdrawals from San Simeon and Santa Rosa Creeks.

Although the County never accepted the modified amendment and is therefore not subject to the moratorium provision, the severity of the measures proposed reflects the gravity of the community's future if development continues to be permitted at its existing rate. More important, since the 1998 Commission action, the water supply situation has been further constrained by MTBE contamination.

Implementation

As summarized earlier, the RMS system has recommended a LOS II or III for Cambria's water supply almost since LCP certification. Since 1990, the RMS has also recommended various conservation measures, including consideration of a moratorium on development. In recognition of the LOS III for 1999, the Board of Supervisors reduced the allowable growth rate in Cambria to 1% or approximately 37 units/year.

The Cambria Community Services District (CCSD) has a permit from the State Water Resources Control Board (WRB) to extract a total of 1,230 acre-feet per year (afy) from San Simeon Creek, but there are more specific limitations on withdrawals during the summer season.[31] In order to alleviate the water crisis in Cambria, the CCSD has implemented an off-site retrofit program since 1990. The retrofit program requires new units to be constructed with low water use fixtures and provide low water-use plumbing fixtures in existing dwellings. Under this program over 500 hookups were added to the CCSD system and over 2,500 existing homes were retrofitted with low water use fixtures. While the retrofit program has been somewhat successful in reducing per capita demand, it has been less effective than originally envisioned, because it allows the payment of an "in-lieu" fee rather than an actual retrofit of older existing development; and because it was not designed to reduce the amount of water used to irrigate residential landscapes.

[30] Application 132-18.

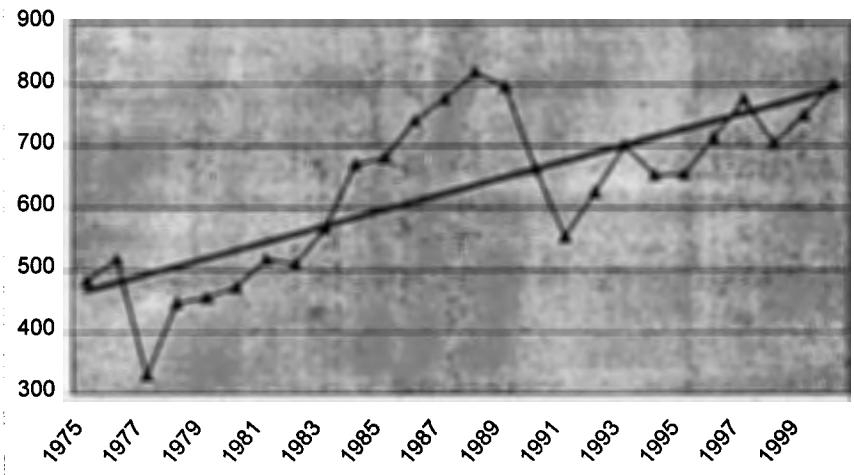
[31] The WRB permit allows withdrawal of 1,230 afy from San Simeon Creek with the stipulation that only 350 afy may be withdrawn when streamflow ceases at the Palmer Flats Gauging Station until October 31st of each year. The CCSD may withdraw 518 afy from Santa Rosa Creek, with the safeguard that withdrawal from May 1st through October 31st is not to exceed 260 afy.

Additionally, the program provides no long-term solutions for the continued disparity between water sources and ultimate buildout because the existing development available for retro-fits will be exhausted long before buildout.

The CCSD also sponsors an agricultural retrofit program, through which agricultural water users are provided with drip irrigation systems and lower capacity water pumps. Because these systems use water more efficiently, some water is conserved, which then becomes available to the community. For example, in 1993, 99 acres of sugar peas were converted to drip irrigation under the agricultural retrofit program for an estimated water saving of 30 afy. Another program provides reclaimed water in exchange for potable water. Water savings from such conservation measures, however, are difficult to estimate with a high degree of accuracy. In addition, if more agricultural land is brought into production, or if crop changes intensify water use, these savings may disappear. One way to better assess this would be to establish basin wide water monitoring of all withdrawals.

Over the years, the CCSD has investigated various potential additional water supplies, including importing water from Nacimiento Reservoir, building dams on coastal streams in the Cambria vicinity, and utilizing groundwater recharge. All of these were rejected, due to environmental, financial, or engineering concerns. In 1993, the district began investigating the possibility of desalination of seawater. The CCSD applied for a permit (FLAN 3-SLO-95-037) in 1995 to construct a desalinization plant, which would supply 1129 afy water at full capacity. Although the County approved the permit as well as a subsequent permit for the construction of connecting pipe to San Simeon, to date the plant has not yet been built. The CCSD is still pursuing the desalination plant and has recently received grant funding toward that end.

Fig. 2-10 CCSD Water Production (AF)



In addition, the CCSD has been aggressively pursuing other water conservation measures, including requiring onsite cisterns for larger residential developments. Most recently, the CSD funded and completed a Baseline Water Supply Analysis that concludes that the District's water supply is marginal to inadequate to provide 90% reliability (in one of ten years there may not be enough water for current customers). In addition, if the recent discovery of MTBE in

groundwater near the District's Santa Rosa wells prevents use of this source, the report concludes that the District's supplies are inadequate.[32]

Notwithstanding the efforts being made by the CSD, water production in Cambria continues to increase. As shown in Figure 2-10, while the rate of increase since 1990 is not as great as previous years, water withdrawals from San Simeon and Santa Rosa Creeks nonetheless are still climbing. The County projects the need for more than a doubling of current water production (approx. 1500 AFY) in Cambria by 2020 (3-24 NCAP). [33]

As mentioned, the RMS system has consistently identified water supply as a serious concern in Cambria. In 1990, the Report recommended that the Board of Supervisors (BOS) consider a development moratorium. However, the BOS has never certified any LOS for Cambria. Most recently, RMS again recommends an LOS III. It also, though, presents three major options for action: maintaining a 1% growth rate; resuming the 2.3% rate; or adopting a 0% growth rate. Although the BOS still did not certify the LOS III, it did adopt the 1% option in December of 2000 for the time being.

Roads

Road capacity is another strained resource in Cambria. Main Street Cambria, from Cambria Drive to Burton Drive, essentially has been at LOS III since 1990. Although dropped from the list in 1994, due to a reduction in traffic growth compared to previous years, Main Street was once again added at a LOS III the following year. Aside from a brief drop to a LOS I in 1997, Main Street Cambria has remained at a LOS III alert. In 1998, an improvement project began, which included widening to three lanes with a bike lane on each side. Nevertheless, at buildout, the RMS predicts that unacceptable levels of service will exist. Similar to water supply, the RMS system has functioned as an effective monitoring mechanism for road capacity in Cambria. However, it does not appear to have been implemented as envisioned in the certified LCP. For example, since no LOS for roads has been certified by the Board of Supervisors, it is possible that approved development may overrun road capacity.[34]

CAYUCOS

The Cayucos urban area—totaling some 321 acres—lies on a coastal terrace closely bordered by steep hillsides on the north and east, and the Pacific Ocean on the west. Due to its geographic location, both the URL and USL are drawn fairly tightly around the community. There is no room for expansion outside the URL and no major blocks of vacant land are available for

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[32] As of this writing, an emergency well was being installed upstream of the contamination point to alleviate this situation.

[33] Taking into account the Cambria Area Plan Standard established by the Coastal Commission requiring 20% of water supply to be reserved for priority uses (e.g. non-residential), the County has estimated that the CCSD could serve a total of 4,120 dwelling units with its current water supply—only 35% of total buildout (NCAP 3-26).

[34] A good example of how Board certification matters in the planning process occurred with the Vadnais subdivision, which would add 25 condominiums on Main Street. At the time of approval of this subdivision, Main Street was operating at LOS III. However, mandatory action to eliminate this level of severity was not required because, as summarized by a staff memorandum for the project: "... as long as it [the RMS LOS III] remains a 'recommended' level of severity, no prohibition of additional traffic impacts is required" (FLAN 3-SLO-96-056).

subdivision within the URL. Currently, approximately 4,734 people live in Cayucos. This is more than double the population at the time of LCP certification. The Estero Area Plan Update reports Cayucos' potential buildout population to be 6,078, an approximate 28% growth over the current population.

Cayucos is the only community that has a County Board certified level of severity for a resource

TABLE 2-14. RMS REPORTED LEVELS OF SERVICE FOR CAYUCOS

	90	91	92	93	94	95	96	97	98	99	00
Water Supply	3	3	2	2	2	2	2	2	2	2	2
Water Distribution	0	0	0	0	0	0	0	0	2	2	2
Sewer Capacity	0	0	0	0	0	0	0	0	0	0	0
Roads	0	0	0	0	0	0	0	0	0	0	0
Schools	3	3	3	3	3	3	3	3	3	3	3

other than air quality-- a certified LOS II for water supply.[35] Between 1988 and 1998, the County has approved a substantial amount of development within Cayucos, including 14 commercial projects and 92 residential projects creating a net total of 117 new units. Only one subdivision was approved creating only one additional lot. As shown in the Table below, new residential activity was limited while Cayucos was under a water moratorium. Significant numbers of new homes, though, began to be approved after the moratorium was lifted in 1993.

Table 2-15. Cayucos Development Types, 1988-1998

DEVELOPMENT TYPE	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	TOTALS
Commercial	8	1	1	1				1	1	2	2	14
Condo Conversion		2	1		1							4
Grading						1	2	1			2	6
Hotel/Motel Expansion						1				1		2
Lot Merger	1		3								1	5
Lot-line Adjustment		1			1	1			1	2		6
MFD Expansion						1						1
New Hotel/Motel	1						4			1	2	8
New MFD								1	1		1	3
New SFD	3	4	2			4	9	25	10	17	19	93
Other								1		1		2
Public Recreation Facility	1		1									2
Public Works		1	1					1			1	4
SFD Expansion	14	10	26	10	17	7	8	12	6	6	6	122
Shoreline/Bluff Protection	1	3	5		3	3	2	3	5	2	2	29
Stream / River Alteration											1	1
Subdivision	1											1
Tree Removal				1		4						5
Water Well		1		1			1	1			1	5
TOTALS	30	23	40	13	22	22	26	46	24	32	38	316

[35] The Board of Supervisors has certified LOS II for air quality in all communities. This review, however, is not analyzing air quality issues.

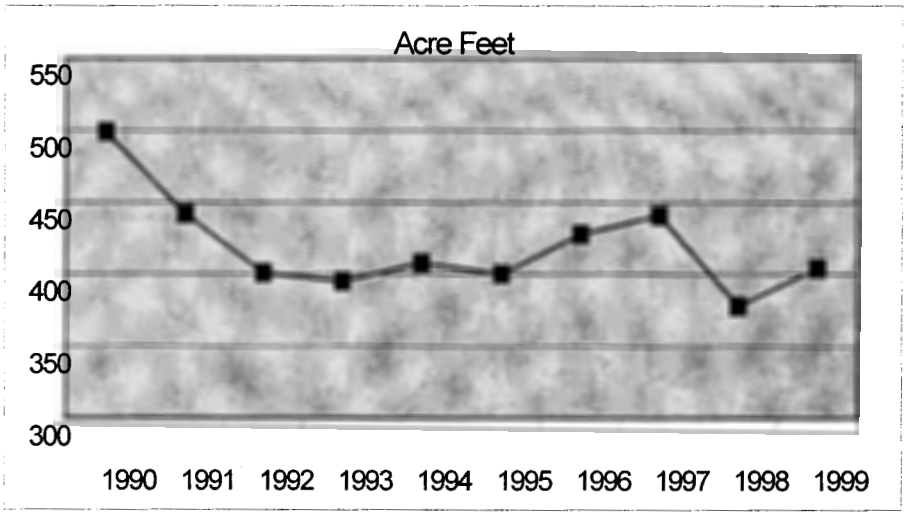
Cayucos receives all of its water from the Whale Rock Reservoir. The community's three local purveyors—Morro Rock Mutual Water Company (MRM), Paso Robles Beach Water Company (PRB) and County Service Area #10-A (CSA 10A)—have cooperated to form the Cayucos Area Water Organization (CAWO). The CAWO, along with the Cayucos Cemetery District, has a 600 acre-feet per year entitlement from Whale Rock Reservoir.[36]

In 1985, the Board of Supervisors imposed a building moratorium on the community because water use had reached its available supply. This continuing moratorium led to a Board certified LOS III in 1990, the first year of the RMS system. Subsequent metering, line replacement and water conservation have substantially reduced water use and have kept Cayucos within its allocation, even after the Board lifted the moratorium in 1993. The Estero Area Plan Update reports that total water production for the community has been in the 400 afy range since 1992.

The 1996 CAWO Water Management Plan revealed that CSA #10A had issued will-serves which over-allocated its 190-afy entitlement. To enable the CSA to continue issuing will-serve letters, a plumbing-fixture retrofit program has been adopted which requires the provision of ultra low-flow fixtures in existing structures as a condition of receiving a will-serve letter for new construction. Fifteen applicants have received conditional will-serves under this program.

The Cayucos Area Water Organization projects total demand for existing Cayucos users, including an adjustment for outstanding will-serves and a 10% cushion for water planning purposes, to amount to 589 afy. PRB and MRM have supply available for additional will-serves within their Whale Rock entitlements; CSA 10A does not. CSA 10A is, however, in the final year of a program to replace water mains. This program should result in a reduction in the amount of water lost through leakage in the distribution system.

Figure 2-11. Cayucos Water Production



[36] The Cemetery District has a water allotment of 18 afy, leaving 582 afy for residential, commercial and recreational uses.

CSA 10A and Morro Rock View Mutual Water Company are actively pursing supplemental water through the Lake Nacimiento water project to enable the community to support adopted General Plan land uses (i.e. buildout population). The total supplemental water request is for 124 afy.

Cayucos does not have a recommended LOS for its sewage system. Wastewater generated in Cayucos is collected in a conventional underground sewer system and conveyed to the Morro Bay treatment plant. Through a joint powers agreement between the city and the Cayucos Sanitary District, Cayucos is entitled to the use of 40 percent of the treatment plant's capacity. The North Coast Area Plan Update estimates future wastewater flow for Cayucos to be approximately 0.376 million gallons per day (mgd).[37] This flow estimate is within the community's current entitlement to capacity of the Morro Bay treatment plant, and no additions to the plant would be necessary to serve Cayucos' buildout population. Expansion of the plant will be necessary, however, to handle the increasing flow from the city of Morro Bay.

In February 1999, the County submitted a Public Hearing Draft of the Estero Planning Area Update to the Coastal Commission for review. Updates of the Area Plans are a critical means to redirect future development in order to bring it into line with current and projected levels of public services. Specifically for Cayucos, redirection in future planning could satisfy the policy changes required in the Resource Management System for having a certified Level of Severity II for water supply. Initially, though, the Estero Area Plan Update did not directly address the problem that the currently planned buildout of Cayucos will exceed available supplies. It also did not provide specific discussion of the process of obtaining Lake Nacimiento water, or the fact that even with this supplemental water supply, Cayucos would still have a shortfall of 57 acres feet per year under buildout.[38]

A recent response to Commission staff from the Advisory Council of Cayucos has proposed a phased approach for approving new development in Cayucos (see Appendix E). These are important issues that must be recognized and addressed by the Area Plan. Measures to reduce buildout to a level that can be sustained by available water supplies must be provided so that new development expectations do not overreach available resources.

Los Osos

The Los Osos urban area, encompassing approximately 2,590 acres, consists of several loose-knit neighborhoods, including Los Osos, Baywood Park and Cuesta-by-the-Sea (see Map 2-C). At the time of certification, the County estimated Los Osos' population to be 10,381. Current County estimates place existing population at 15,189 and full buildout potential at 17,836.[39] Similar to Cambria, there are many hundreds of small vacant lots remaining in Los Osos – an artifact of the original subdivision of the area in the late 1800s.

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[37] This estimate is based on the assumption of 67 percent dwelling unit occupancy and 0.566 mgd at 100 percent occupancy.
[38] CCC Comments of Estero Area Update and DEIR findings, assuming 89 percent occupancy rate for existing units and 95% for new units (current occupancy rates are estimated to be 64%).
[39] This estimate assumes full occupancy rates.

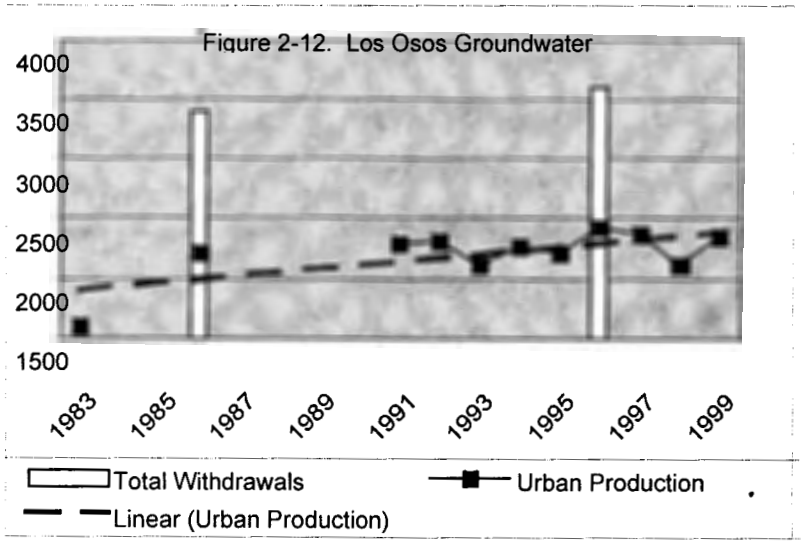
TABLE 2-16. RMS REPORTED LEVELS OF SERVICE FOR LOS OSOS

	90	91	92	93	94	95	96	97	98	99	00
Water Supply	2	3	2	2	2	2	2	2	2	2	2
Water Distribution	3	3	2	2	2	2	2	2	2	2	2
Sewer Capacity	0	3	3	3	3	3	3	3	3	3	3
Roads	3	3	3	3	3	3	3	3	3	3	3
Schools	2	2	3	3	1	3	2	3	3	3	2

From groundwater contamination to over-draft and seawater intrusion, the groundwater basin serving Los Osos has been strained for decades. Due to water quality degradation of the Bay and the groundwater basin from septic disposal, the Regional Water Quality Control Board (RWQCB) imposed a septic tank discharge moratorium in January 1988. The RWQCB established a prohibition zone—which comprises most of the USL (see Map 2-C)—within which new residential construction or major expansions of existing buildings has been effectively halted until the County provides a solution to the water degradation problem.[40]

Water Supply

Since its inception, the Resource Management System has recommended a LOS of either II or III for water supply and distribution in Los Osos; again, the Board of Supervisors has not certified the recommendations. There is considerable uncertainty as to the available water supply for the community. Currently, water is drawn from the Los Osos groundwater basin by three water purveyors: the Los Osos Community Services District, California Cities Water Company, and the S&T Mutual Water Company. When the Estero Area Plan of the LCP was certified in 1988, the best estimate of the safe yield of this basin ranged from 1,300 to 1,800 acre-feet per year. At that time, net urban water demand had already exceeded the low end of this range, with estimated urban use at approximately 1600 afy. It was estimated that the 1800 afy figure would be exceeded at a population of 12,600 – well below the current population of 15,189.



In recognition of the limited water supply for Los Osos, the Commission in 1983 recommended that the 1800 afy figure be established as the safe yield for the Los Osos groundwater basin until such time as a detailed hydrologic budget analysis could be completed for the entire basin.[41] The certified Estero Area Plan also included an Interim Resource Management Program to be applied to new

[40] In May 1999, the RWQCB adopted revisions to previously approved guidelines that allows a limited amount of new development in the prohibition area.

[41] Coastal Commission Adopted Revised Findings for the San Luis Obispo County Land Use Plan, October 23, 1983, p.56-7.

development applications. Under this program, the County Planning Department was to provide the Board of Supervisors and Planning Commission with a semi-annual report on water projected urban growth. Pending development applications were to be categorized as coastal priority and non-priority uses. The BOS was then to make findings as to whether development of priority uses (e.g. visitor-serving, agriculture, and urban infill) would be affected by non-priority development. Most important, if the Board found that proposed development would result in water demand approaching 1800 afy for the Los Osos Basin, or that proposed priority uses would be affected by water restrictions, all development applications were to be elevated to a higher level of review, with preferences given to priority uses (Estero Area Plan 6-25).

These programmatic requirements were further implemented through standards that established priorities for new development drawing water from the Los Osos basin until a Resource Capacity Study was completed through the RMS process. These standards included reserving 800 afy for agricultural uses, and serving existing urban infill lots prior to new lots or lots outside of the urban core. Consistent with general LPC policies, new land divisions would only be permitted if new water sources were identified.

In 1989, the Department of Water Resources completed a study of the Los Osos Basin that revised the safe yield upward to approximately 2,200 afy. However, because withdrawals from the basin in 1986 were about 3,400 afy, the DWR concluded the basin was in overdraft. Based on this information, the RMS for 1991 recommended an LOS III for Los Osos. Well data also indicated potential seawater intrusion, possibly aggravated by the fact that some wells were located close to the coast. The RMS also recommended an LOS III for water distribution, as well as a moratorium on building permits for new development that would rely on groundwater extractions from the Los Osos basin.

As required by the RMS, the County conducted a Resource Capacity Study for Los Osos. After public hearings in 1992, the Board of Supervisors concluded that there was insufficient information in the previous USGS and DWR studies to conclude that the groundwater basin was in overdraft or that seawater intrusion was occurring. The planning staff was directed to revise the findings of the Capacity Study accordingly. RMS levels were moved back to LOS II. The three water purveyors for Los Osos initiated discussions about joint studies and action to respond to the water issues. In addition to new studies, the providers continued to participate in an on-going project to import 600 afy of water to Los Osos from the Naciemento Reservoir.

More recently debate has continued about the safe yield of the Los Osos groundwater basin, particularly in relation to on-going efforts to develop a wastewater treatment plant for the community that would also serve a groundwater recharge function. In August of 2000, the newly formed Los Osos CSD published a baseline report for the basin that concluded that inflows and outflows to the basin were roughly equal. Specific conclusions about the safe yield of the basin, though, await further analysis concerning the proposed wastewater treatment plant and how recharge from this project would affect groundwater levels. This study is anticipated later this year.

As shown in Figure 2-12, water production in Los Osos has steadily increased since the early 1980s when the Commission first reviewed the Land Use Plan for the community. Current urban

demand remains at or above the 2200 afy sustainable yield figure determined by DWR in 1989. Moreover, total water demand from the basin (including agricultural withdrawals) has been placed at well over this safe yield figure, both in the mid-1980s and as recently as 1996.

Wastewater Treatment Capacity

Wastewater treatment capacity has been an issue in Los Osos since at least 1971. There are many substandard lots using septic systems in Los Osos, which has raised concern both about contamination of the groundwater basin, and pollution of Morro Bay, including public health and ecosystem impacts. Because of this concern, a portion of the community has been under septic discharge prohibition from the Regional Water Quality Control Board since 1988. This moratorium on new discharges has remained in place as the County and the community have been working on the development of a community-wide sewer system. In 1998, the community voted to form a Services District, which took over responsibility for developing such a system from the County. Most recently, the CSD released a draft Environmental Impact Report for a new system. The Commission staff recently provided comments on this DEIR (see Appendix E).

Los Osos Development Trends, 1988-98.

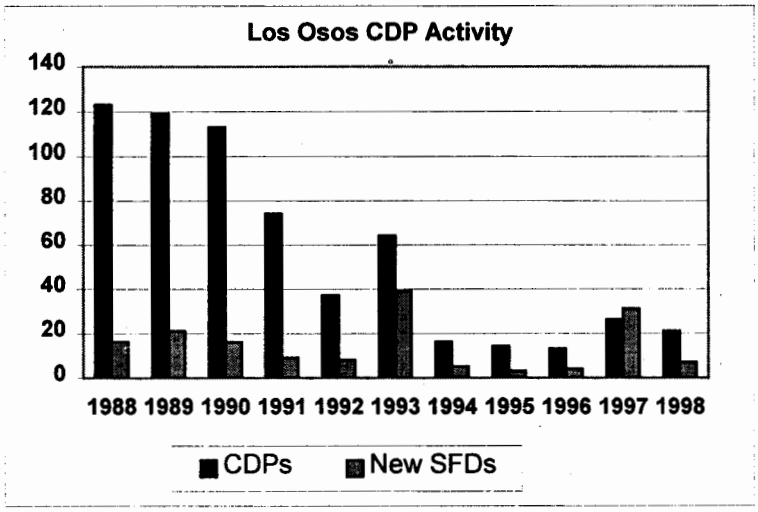
Although Los Osos has been under significant water and sewer capacity constraints, the County has still approved significant amounts of new development. As shown in Table 2-17, between 1988-1998, the County reported approximately 617 coastal development permits for Los Osos. Although more than half of these were some type of residential improvement or expansion, they also included 95 permits for 159 new single family homes, as well as 9 residential subdivisions. Four of these subdivisions were quite large, authorizing a total of 319 new residential lots in and around Los Osos. Due in part to the RWQCB moratorium on septic discharges, new residential and subdivision development has occurred outside the prohibition area. Yet most of this development relies on municipally supplied water from the highly constrained groundwater basin.

Table 2-17. Development Trends in Los Osos

Primary Development Type	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	TOTALS
Commercial	30	9	1	1	1	3	1		1	3		50
Condo Conversion	5	1										6
Grading /Filling of Material	1			1	1						1	4
Industrial / Energy			1	1		1					1	4
Institution / Military	1		2	1	1			1	1	4		11
Lot-line Adjustment/Merger	1	2	3	2	1			1		1		11
New/Expanded Hotel/Motel	1	1					1				1	4
New SFD	14	18	16	9	7	5	5	4	4	7	6	95
Public Works		1	1			2	1	1	1	1	1	9
SFD Expansion	61	82	79	52	16	47	8	4	4	6	9	368
Shoreline/Bluff Protection	1	2	1									4
Stream / River Alteration		1			1							2
Subdivision	1		1		1	2			2	1	1	9
Water Well	3		3	3	4							13
Other	4	2	4	4	4	4		3		1	1	27
TOTALS	123	119	112	74	37	64	16	13	13	24	21	617

A closer examination of development activity in Los Osos, though, also indicates the relatively constrained growth in the community. Except for two major approvals of new homes in two large subdivisions (35 in 1993 and 24 in 1997, new residential development has been minimal through the 1990s. It should be noted that the drop in reported permit activity for Los Osos shown in Figure 2-13 is probably related to the lack of reporting of non-appealable permit decisions. Thus, the significant drop in activity shown in 1994 is driven by a drop in residential improvement projects, which typically receive a lower level of review.

Figure 2-13. Los Osos CDPs



Analysis

As discussed earlier in this chapter, the County has approved a number of subdivisions outside of the Urban Services Line of Los Osos, including the major subdivisions of Cabrillo Associates (3-SLO-98-138) and Monarch Grove (3-SLO-93-083). In addition to the questions these actions raise about concentrating development (see Issue 1 discussion), these subdivisions raise basic concerns with the Coastal Act and LCP requirements to limit new development to areas able to accommodate it.

The Monarch Grove subdivision was approved with a private mini-wastewater treatment plant onsite and water service from Cal Cities. While the use of a private wastewater treatment plant meets the letter of the requirement for development outside the USL to have onsite treatment, it does not comport with the typical application of Coastal Act section 30250, which requires public service capacities for urban development. The Monarch Grove subdivision, now mostly built, is a classical suburban residential tract at urban densities, but served by a private package plant. The problematic nature of this approval is captured in one of the County conditions for the subdivision which required the "community sewage system" to be designed and operated according to County, State, and Federal requirements but that ultimately relied on the Homeowner's association for maintaining the plant in the event of complications. The condition

indicates that the County engineering department would not support County-wide taxpayer support for the facility in such circumstances.

Two other major subdivisions were approved within the USL since certification of the LCP. In 1990, the Holland subdivision of a 20 acre parcel into 100 residential sites was approved as a matter of law due to the failure of the County to act within the time constraints of the Permit Streamlining Act. Although this project was appealed, the Commission failed to obtain jurisdiction over the project when the appellants withdrew their appeal shortly before the hearing. At the time of this "approval" the RMS was indicating that Los Osos was at an LOS III for water distribution. It also was under severe wastewater treatment capacity constraints. Although this RMS conclusion was not certified by the Board of Supervisors, the LCP would not allow such development unless a finding was made that there was "sufficient services to serve the proposed development" given the outstanding commitment to existing lots within the USL. Although the Holland subdivision has not been constructed yet, the County never adopted adequate findings of water and sewer capacity for this new residential development potential as required by the LCP. It should be noted also that the County recently extended the permit for this subdivision, now ten years old, despite the on-going resource capacity issues in Los Osos.[42] The Commission contested the extension and amendment but was legally challenged and recently lost the case.

In the case of the Morro Shores subdivision, which created 95 residential lots on 54 acres in the middle of Los Osos, the County adopted legal findings that, similar to the Monarch Grove project, allowed the project to rely on an onsite private wastewater plant. The Board of Supervisors found that such reliance would provide for interim sewer treatment until a community-wide system was in place. As for water supply, the Board required the developer to "ensure that potable water source other than the deep aquifer of the Los Osos Groundwater Basin be found" if the interim package plant option was pursued. Thus, no firm source of water was in place at the time of approval, inconsistent with Public Works Policy 1, which requires sufficient services to serve proposed development prior to permitting new development. The Commission did not appeal the County's action.

The County has also approved a few projects with a condition that itself concluded the future community wastewater system will resolve current water supply limitations and that therefore the uncertainty about water supply in Los Osos was not a serious concern.[43] Although the planned wastewater treatment facility does include a groundwater injection component, the ability of the yet-to-be-constructed wastewater treatment system to effectively address the area's water supply needs will be subject to future analyses and a demonstrated ability to effectively recharge the groundwater basin.

Permit approval based on future availability of resources is inconsistent with §23.04.021(c) of the CZLUO. This section requires that in communities with limited water or sewage disposal service capacity as defined by Resource Management System alert level II or III, new land

[42] This extension decision was appealed to and denied by the Commission. However, the Commission's decision has not been upheld by the Courts.
[43] E.g. FLAN 5-SLO-97-072

divisions shall not be approved within the urban services line, "unless the approval body first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels." Los Osos has consistently been at LOS II or III according to the RMS system analysis.

AVILA BEACH

Avila Beach is a small community located on San Luis Bay. The town is a small seaside recreation/tourist area and has one of the most popular beaches in the County. The town, known for its "eclectic beach funk," has been host to oil shipments for much of the past century.

The community is currently undergoing the final stages of the massive clean-up to excavate 100,000 cubic yards of sand and soil contaminated by petroleum that leaked for years from underground pipes leading to Unocal's pier.[44] Avila Beach reached a settlement that called for Unocal to excavate the oil beneath the town and beach, pay $12 million dollars toward restoration projects, and perform other enhancement projects, including the implementation of the Front Street Enhancement Plan. The massive cleanup, which began in November 1998, demolished approximately 20 percent of the town.

On November of 2000, the Coastal Commission effectively certified Major Amendment No. 2-00, which incorporates the Avila Beach Specific Plan into the LCP. The Specific Plan is designed to guide the redevelopment of Avila upon completion of the Unocal cleanup.

TABLE 2-18. RMS REPORTED LEVELS OF SERVICE FOR AVILA BEACH

	90	91	92	93	94	95	96	97	98	99
Water Supply	3	3	3	3	2	2	2	2	0	0
Water Distribution	0	0	0	0	2	2	2	2	0	0
Sewer Capacity	2	2	2	2	0	0	0	0	0	0
Roads	3	3	3	3	0	0	1	1	1	0

The Specific Plan estimates that the pre-amended LCP would have allowed for the build-out of approximately 667 units in Avila Beach, equating to a population of 1,094. (The town had a pre-remediation population of 395.) The Specific Plan alters the buildout potential by increasing the area designated for multi-family residential development, and decreasing the development potential in visually sensitive areas (e.g., near the oak woodlands along Avila Drive). The net result of these changes is estimated by the Specific Plan to result in a buildout potential of 657 housing units, and a population of 1,077.

In terms of infrastructure, the Avila Beach Community Services District (CSD) provides the community of Avila Beach with domestic water obtained from Lopez Reservoir and the State Water Project.[45] In April 1993, the water district's Board of Directors lifted a 16-year moratorium on the issuance of will-serves letters. Initially placed due to uncertainty on the limits of Avila Beach's dependable water supply, the 1987-92 drought provided information about the

[44] Unocal stopped using the pier in 1996.
[45] In 1996, the Avila Beach Community Water District was reorganized as the Avila Beach Community Services District.

reliability of Lopez Reservoir as a source of supply. The district has a 68-afy entitlement from Lopez Reservoir and began purchasing 108 afy from the State Water Project (SWP) in 1996. The State Water allocation, along with the existing allocation from the Lopez Reservoir, is expected to be sufficient for 820 total dwelling units, which exceed the estimated buildout of 657 units, and should be adequate to serve the potential visitor-serving development as well.

The Avila Beach CSD also provides sewer service to the community through the Avila Beach Treatment Plant. The facility has a capacity of 200,000 gallons per day and discharges the treated effluent into San Luis Bay via ocean outfall. The plant's capacity is estimated to support 1,435 people, and is expected to be adequate to serve both residential and commercial development until about the year 2010.

Five years of moratorium and one year of Unocal remediation have significantly affected the levels of new development that have been approved and constructed in Avila Beach since the time of LCP certification. Minimal commercial and residential development has been approved within Avila Beach. The most significant development approved has been two major residential subdivisions in Avila Valley, only portions of which are in the coastal zone.

SOUTH COUNTY

The South County Planning Area encompasses approximately 98,910 acres and is almost entirely rural. A small portion of Callender-Garrett, a loosely knit community, falls within the Coastal Zone. At the time of LCP certification South County had an approximate population of 4,630, and an estimated buildout population of 9,842. Aside from a small area of Callender-Garrett that falls within the coastal zone, South County is not residentially zoned.

The entire South County Planning Area uses subsurface systems for sewage disposal. The Area Plan reports that as long as densities do not become too great, these systems should continue to be adequate to meet the needs of South County. The Planning Area draws its water supply from two sub-units of Santa Maria groundwater basin that underlie the planning area: the Arroyo Grande Tri-Cities Mesa and the Nipomo Mesa. The Nipomo Mesa area's major source of recharge is deep percolation of precipitation and is therefore vulnerable to protracted dry periods. The 2000 RMS projects future water needs for the Nipomo Mesa study area will exceed inflow by amounts increasing from 700 afy (base period, 1995) to 2,000 afy in 2020. The projected increase in urban extractions is the major factor contributing to the projected future deficiencies. Although the urban areas fall outside the coastal zone, they will affect the groundwater basin and water resources within the rural portions of the South County Planning Area. The Tri-Cities and Nipomo Mesas have a recommended level of severity II under the RMS.

New development in the South County Planning Area since LCP certification has been relatively minimal. The County approved a total of nine commercial permits and twelve residential projects, all located in Callender-Garrett.

General Conclusions

In implementing the LCP Public Works policies the County has not followed the requirements to allow development only in areas able to accommodate it. Although an effort has been made to require a showing of water or sewer prior to final recordation of a parcel map or issuance of a building map, these type of conditions do not address the more fundamental uncertainties surrounding the basic resource capacities. These "premature" approvals create development expectations that cannot be reversed and that ultimately lead to resource impacts such as overdrafting a groundwater basin. In some cases, such as Cambria and Los Osos, the groundwater basins may already be in overdraft.

Additionally, by prematurely approving development projects without the current availability of resources to support them, the County is, in effect, reserving future capacity of water and sewage for non-priority uses that otherwise may be needed to accommodate priority uses. Public Works Policy 8 of the General Plan requires that, "Where existing or planned public works facilities can accommodate only a limited amount of new development, [coastal-dependent uses and essential public services and basic industries vital to the economic health of the region] shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use with the service area." Project approval is therefore inconsistent with policies protecting priority uses under the Coastal Act and the LCP.

The RMS of the LCP was, in theory, put in place to assure comprehensive monitoring and wise decisionmaking about new development in light of available resources. In general, the County has done a good job of monitoring and reporting about resources. The difficulty has arisen in translating this technical analysis into action. The current system appears relies on the Board of Supervisors to "certify" RMS levels of severity before action to address resource deficiencies is required. The BOS rarely certifies an identified LOS. This lack of certification inhibits proactive responses to assure that only environmentally-sustainable development is approved.

Moreover, it is not atypical for developments to be approved with conditions to show adequate resource capacity prior to construction. In certain circumstances where there are clearly adequate resources, such an approach may be appropriate. In 1996 the Commission approved an amendment to the RMS system in response to the County's desire to have more flexibility in responding to resource capacity deficiencies. The amendment added language to the Framework for Planning that would allow the Board of Supervisors to implement "other appropriate measures" other than the required enactment of a moratorium on land development in area found to be at LOS III.

Since 1996, though, the County has not demonstrated that other appropriate actions are adequate to address Coastal Act requirements. More fundamental, the lack of <u>certified</u> LOS renders the procedures outlined in the LCP ineffective; they are neither mandatory, nor have they been implemented voluntarily. The Resource Management Summary annually compiles valuable information on the current status of resources and development within the county. As a planning and decisionmaking tool, however, the RMS has not worked as originally envisioned.

Similarly, the Interim Service Capacity Allocation program intended to address the public service constraints particular to the Los Osos area has not been implemented in a manner that effectively preserves limited water supplies for priority uses.

Improving the implementation of the RMS system will become increasingly important for San Luis Obispo County, particularly in communities such as Los Osos and Cambria. While these communities are currently constrained by resource capacity deficiencies, this could change in the very near future. In Los Osos, a new wastewater treatment plant will bring added pressures to develop in the urban area. It will be important to have a comprehensive evaluation of available water supply and other resource constraints, as well as to have a strategy to support new development and reserve capacities for priority uses, before this time comes. Likewise in Cambria, in the event that desalination comes online as an additional water source, it will be important to have an aggressive buildout reduction program in place in order to address other limitations in Cambria, such as road capacity, Monterey Pine forest protection, and nonpoint source pollution.

Consistency Analysis: County implementation of the Public Works Policies has not been generally consistent with the Coastal Act requirements to approve only environmentally-sustainable development. New development approvals in Cambria and Los Osos raise concerns about water supply and wastewater capacity. Groundwater basins in both communities are under severe stress. Continuing the status quo will not achieve consistency with section 30250 concerning new development or section 30231 concerning protection of groundwater supplies.

Preliminary Policy Alternatives

To improve the ability of the LCP to promote environmentally-sustainable coastal development, a variety of County-wide and community-specific alternatives should be considered. The most significant improvements could be made in the implementation of the RMS system which, while providing timely assessments of available resources, has not ordinarily led to proactive decisionmaking to limit new development in light of limited public services. Policies and programs also need to be considered to address the small-lot buildout potential of Cambria and Los Osos.

Preliminary Recommendation 2.12. Strengthen Implementation of the RMS System and ISCA.
The RMS monitoring reports have not always been translated into decisions about managing development that meet the requirements of the Coastal Act. The theory of the RMS is to base new development levels on scientific assessment of resource capacities to support such development. Alternative approaches are needed to better ensure that this will happen. One possible approach is to move into the second phase of RMS implementation anticipated in the Framework of the current LCP. This phase would establish an expanded RMS task force, including participation by Coastal Commission staff and other resource agencies, to facilitate technical assessment, coordination, and consideration of resource management options. For example, there is a need for coordinated assessment and action on the part of the County, the

Commission, and the Cambria CSD with respect to water supply in Cambria. Without such coordination and responsibility, it is more likely that difficult resource management decisions will not be made, or that they will continue to be debated on an incremental, case-by-case basis, instead of through comprehensive planning and regulatory responses. Enhanced joint decisionmaking and interagency stakeholder problem-solving could advance efforts to address this problem. The ISCA program currently in the LCP needs to be followed in evaluating new development proposals for Los Osos.

Preliminary Recommendation 2.13. Address Cambria Short-term Development.
The short-term problem of water supply in Cambria could be addressed in a number of ways, including limiting short-term growth rates. At a minimum it would seem that the current 1.0% growth should be kept in place, rather than increasing potential new development back to the 2.3% growth rate anticipated by the County's growth management ordinance. However, this would not address the Commission's 1998 findings that would have required a development moratorium by January 2001 unless certain performance standards had been met (which have not). As discussed, the CSD has conducted additional studies, and the County has recently evaluated water supply and demand in Cambria in the NCAP project description. There is a need for the County and CSD to work collaboratively to complete critical information needs. To the extent that this recent study may raise uncertainties about how much water is available, coordination discussion with Commission staff over the next several months would be useful. The habitat and in-stream flow studies that the Commission identified as being necessary in 1998 should be conducted as well. One option, therefore, would be to allow 1.0% until 1/1/02, subject to finishing the resource capacity study. Another option that would be the most precautionary in terms of protecting coastal resources, would be to enact a development moratorium through the RMS system, until such time as the water problems for future development is more definitively resolved.

Preliminary Recommendation 2.14. Establish Watershed/Basin Management Programs
The current NCAP project description discusses establishing a Coordinated Resource Management Program (CRMP) to address competing rural and urban uses in North Coast groundwater basins. Such an approach would help to establish consensus as well as promote watershed inventorying and monitoring (NCAP, 3-12).

Preliminary Recommendation 2.15. Consider Additional Options for Water Conservation
As discussed, the CSD has implemented a variety water conservation programs. Additional LCP policies and standards should be considered that would strengthen requirements for minimizing water use, such as xeriscaping and native drought-tolerant landscaping requirements.

Preliminary Recommendation 2.16. Cambria Long-term development (Buildout Reduction)
The LCP needs to be amended to address long-term development potential in Cambria. The County should work to expand the TDC program by identifying other sensitive areas that would benefit from transfer of potential development to more suitable locations. Expansion should include Special Project Area #2, as well as watershed areas, other scenic corridors and other small lot tracts in undeveloped areas that support significant coastal resources, particularly contiguous blocks of sensitive pine forest habitat. More aggressive policy options should be

considered as well, including development of an Assessment District to retire lots/create open space and promote forest protection. Other mechanisms should be evaluated such as the ability to use mitigation fees or erosion control fees to address long-term buildout. Further attention could be focused on alternatives for reducing development potential on single and double lots and creating incentives for the minimum lot size of 7000 square feet.

Preliminary Recommendation 2.15. Prohibit Creation of New Development Potential in Cambria and Los Osos.
The County should consider prohibiting subdivisions that create new development potential in the communities of Cambria and Los Osos. Subdivisions that include no net gain in development potential (e.g. includes lot retirement) might be considered. In 1998, the Commission recommended a modification that would have required lot reduction in order to subdivide in Cambria.

Preliminary Recommendation 2.17. Address Cumulative Impacts to Urban Design in Cambria.
Through community planning and LCP amendments, cumulative impacts to urban design should be addressed, particularly concerning the potential role of TDC use. Consider standards to better address the amount of TDCs any one site can use based on the capability of the lot (size, slope, etc.) to handle the increase in square footage. Address minimum area of landscape that must be preserved, regardless of lot size; as well as a maximum footprint area.

Preliminary Recommendation 2.18. Los Osos Short-term Development
Similar to Cambria, focused attention is needed on pending studies concerning the safe yield of the Los Osos groundwater basin and the role that a future wastewater treatment facility might play in determining this yield. The County should consider policies and standards to assure that new development that relies on the groundwater basin is not allowed until a safe-yield or alternative water source is determined.

Preliminary Recommendation 2.19. Los Osos Long-term development
As discussed in the ESHA chapter, buildout reduction or management strategies are needed for future development that may be facilitated by the construction of a new wastewater treatment plant. Options that build on the currently proposed TDC approach for habitat protection should be evaluated and incorporated into the LCP (see Chapter 4 ESHA).

CHAPTER 3: WATER QUALITY/MARINE RESOURCES

A. Policy Framework

The Coastal Act includes several policies to protect marine/terrestrial resources and water quality. Section 30230 of the Act requires that marine resources be protected, maintained, and, where feasible, restored. The biological productivity of coastal waters, including streams, estuaries, and wetlands, must be maintained. Requirements include controlling runoff and waste discharges to protect water quality, maintaining groundwater supplies and stream flows in order to sustain the biological productivity of coastal waters, and minimizing the alteration of riparian habitats and streams (Sections 30231 and 30240).

The San Luis Obispo County LCP is structured so that the County may work in tandem with the State Water Resources Quality Control Board to protect the beneficial use of coastal streams. Through various policies and ordinances, the LCP focuses on measures to "improve land and water use, alleviate flooding, and reduce erosion and sedimentation".[1] To control erosion and sedimentation, the LCP limits grading, based on the slope and timing of work. For grading or vegetation removal on steep slopes, a grading and erosion control plan is required. The LCP requires that "appropriate control measures" be used to minimize erosion and sedimentation. Agricultural practices must also minimize erosion and sedimentation. The LCP also requires that site design ensure that drainage does not increase erosion, either by using on-site retention or conveyance to storm drains or suitable watercourses. (See the following discussion for more detailed references of LCP policies.)

The LCP also requires that the integrity of groundwater basins be protected, and groundwater levels and surface flows be maintained. To protect groundwater basins, the LCP encourages on-site retention of runoff, where feasible. The hydrological system and ecosystem of coastal streams and riparian vegetation are to be protected and preserved. Policies limit alterations to streambeds, the removal of riparian vegetation, and requires that stream diversion structures not impede fish movements or affect stream flows. (See Chapters 2 and 4 for more detailed discussion of these policies).

B. Background

When certifying the LCP in 1988, the Commission identified a number of water quality issues including uncontrolled waste discharges at various locations in the County's coastal zone, water quality problems from irrigation and runoff of fertilizer and pesticides, erosion concerns, and water pollution from oil processing activities. Since certification of the LCP in 1988, much has been learned about water quality and the causes of water quality degradation. While early efforts at protecting water quality often focused on discrete sources of pollution (e.g., from factories and outfall pipes), non-point source pollution has since emerged as a key concern in protecting water

[1] Coastal Plan Policies pg. 9-1

quality. As understanding of the nonpoint source impacts on water quality from development and land use practices has increased, avoiding or minimizing these impacts has become a greater focus in land use planning and regulation along the coast and throughout the State.

Another important development is that, in 1990, Congress enacted the Coastal Zone Act Reauthorization Amendments to better link coastal water quality issues and land use activities. The amendments direct states and local governments to manage land use activities to prevent degradation of coastal waters and marine habitats; a primary emphasis of the amendments is to improve how non-point source pollution is managed. Under those amendments, the Coastal Commission has worked with the state and regional water quality control boards to develop a variety of management measures that reflect the Environmental Protection Agency's (EPA's) guidance for addressing the various aspects of nonpoint source pollution. Last year, the Coastal Commission and State Water Resources Control Board jointly adopted the *Plan for California's Nonpoint Source Pollution Control Program* which includes this framework of management measures to better manage polluted runoff and protect water quality throughout the State. A major component of the Commission's responsibilities under the plan is to facilitate the incorporation of appropriate management measures into LCPs throughout the coastal zone.

In the County, Morro Bay, Los Osos Creek, and San Luis Creek are identified as "impaired" waterbodies by the EPA and Regional Water Quality Control Board. Numerous other waterbodies, while not identified as impaired, are also degraded by nonpoint source pollution.[2] More recent studies and planning documents in the region indicate that threats to water quality in the coastal zone may be growing from a wide variety of sources. (See Appendix C for a summary of known water quality problems in the region.)

Coastal Watersheds

To fully address water quality impacts, the development and land use practices throughout a watershed must be addressed. San Luis Obispo County is divided into nine watersheds, each of which is further divided into smaller subwatersheds. The two watersheds which cover the coastal zone of the county are the Central Coastal Watershed, extending from Monterey County to south of the City of Grover Beach in San Luis Obispo County; and the Santa Maria Watershed, encompassing the southern part of San Luis Obispo County, and extending into Santa Barbara County. Map 3-A shows the watersheds and subwatershed boundaries for the region.

Central Coastal Watershed: This watershed, also termed the Estero Bay Hydrologic Unit by the Department of Water Resources (DWR), encompasses approximately 478,620 acres. Approximately 145,850 acres lie in the coastal zone. The watershed includes three subwatersheds (or hydrologic areas): Cambria, Point Buchon, and Arroyo Grande. Each of these

[2] The designation of impaired waterbodies is based on specific criteria for each waterbody, and does not address all sources of water pollution. The designation process is a continuing one, based on accumulated information. While waterbodies may not be currently designated as impaired, additional information could warrant future designation.

regions is further defined by smaller subareas (see Map 3-A and Appendix C). The entire watershed encompasses 19 rivers, including Arroyo de la Cruz, Arroyo Grande, Morro Creek, Pismo Creek, San Luis Obispo Creek, and Santa Rosa Creek. The coastal portion of the Central Coastal Watershed is predominately agricultural uses with small concentrations of developed areas. Much of the agricultural use is grazing. Appendix C summarizes the land uses for the Central Coastal Watershed.

A variety of land use activities and pollutants can affect the water quality of a watershed. For the Central Coastal Watershed, EPA's website lists the following as the most prevalent causes of water quality problems for rivers and streams: pathogens, siltation, metals, priority organics, nutrients.[3] The most prevalent sources include: urban runoff/storm sewers, agriculture, municipal point sources, resource extraction, and construction. For Morro Bay, which is part of the Central Coastal Watershed, the EPA has identified the following as potential sources of impairment: agriculture, boat discharges/vessel wastes, channel erosion, channelization, construction/land development, irrigated crop production, natural sources, nonpoint sources, resources extraction, septage disposal, surface mining, upland grazing, and urban runoff/storm sewers.

Santa Maria Watershed: This watershed encompasses approximately 1,197,630 acres, much of which lies to the east of the coastal zone boundary and/or in Santa Barbara County; approximately 12,625 acres of the watershed are within the coastal zone of San Luis Obispo County. The main watershed is defined by three subwatersheds or hydrologic areas: the Guadalupe, Cayuma Valley, and the Sisquoc. The Cayuma Valley and the Guadalupe subwatersheds lie within San Luis Obispo County; only the Guadalupe subwatershed lies, in part, in the coastal zone. Major rivers in the watershed include the Cayuma River, La Brea Creek, Manzama Creek, Santa Maria River, and the Sisquoc River.[4] The portion of the watershed in the coastal zone is predominately open space/recreation (Oceano Dunes State Vehicular Recreation Area) and agricultural uses, and falls under the LCP's South County area plan. Much of the land is dune habitat. The Santa Maria Oil Refinery and Chemical Plant and Guadalupe Dunes oil field are also defining uses in this area, on the southern edge of the County's coastal zone. The major threats to water quality in this watershed were identified as being from agricultural runoff into Santa Maria River and Estuary and Oso Flaco Lake, pollutants in groundwater from irrigation return and sewage plant discharge and oil processing and leakage concerns. (See Appendix C).

Coastal Groundwater Basins

In San Luis Obispo County, water quality issues are also directly tied to the water supply: as discussed in Chapter 2 (Development), much of the County's water supply comes from groundwater basins and coastal streams. Excessive withdrawals can lead to seawater intrusion, affecting water quality, and can alter surface flows, affecting the marine habitat and flora and fauna. Since certification, the problem of saltwater intrusion in groundwater basins appears to be

[3] EPA website: epa.gov/iwi/hucs/18060006/indicators/data/CArivers-cs98.html
[4] EPA Website: www.epa.gov/surf3hucs/1806008

an increasing threat to water quality. Prior to certification of the LCP, there were concerns of overdraft on the Pico, San Simeon, and Santa Rosa Creeks; Chorro and Morro basins, Los Osos Creek, Arroyo Grande Valley and Nipomo Mesa.[5,6,7,8,9] Currently, groundwater overdrafts and seawater intrusion remain a concern in these areas, as well as in the Cayucos basin.

General Regulatory Trends: The County relies on sedimentation and erosion control plans and/or drainage plans as a primary tool to protect water quality. Of the 2,481 Final Local Action Notices (FLANs) received by the Commission for development approved by the County, 533 (approximately 21%) have required either sedimentation/erosion plans and/or a drainage plan in an effort to control runoff and protect water quality. The vast majority of projects requiring these plans were for residential development in the urban areas of Cambria, Cayucos, and Los Osos (an estimated 460).

Appeals and Amendments: Six local development permits were appealed to the Coastal Commission that raised water quality issues. In three of the six appeals, the Commission found that the County had not adequately addressed potential water quality impacts from the proposed development, particularly erosion from grading and ongoing runoff concerns during and after construction (A-SLO-93-113; A-3-SLO-98-61; A-SLO-99-50). Other projects raised issues of existing drainage problems and the effect on stockpiling sod and landscaping materials (A-3-SLO-94-10); a wastewater treatment system (A-3-SLO-97-40); and the oil spill cleanup at Guadalupe Dunes (A-3-SLO-98-91).

The Commission also acted on five amendments to the LCP that affect managing development for water quality. The major issue dealt with grading on steep slopes (LCPA 2-84). While the County proposed some restrictions to grading on steep slopes, the Commission found that the County's proposal would lead to potentially significant erosion and sedimentation, and would not adequately protect water quality. As a result, the Commission suggested modifications with more stringent restrictions to grading on steep slopes that the County subsequently adopted into its LCP. Other amendments approved by the Commission exempted certain development from requiring grading permits, although projects would still require County approval for grading plans, and deleted a requirement for curbs and gutters for multi-family developments in Cayucos and San Luis Bay (LCPA 1-87; 1-84). LCPA 2-84 required projects in the South Bay urban areas of Estero Bay to address erosion of hillsides and siltation through the preparation of drainage plans. Finally, as discussed also in Chapter 5 (Agriculture), LCPA 1-90 authorized the redesignation of agricultural lands in Los Osos to accommodate a wastewater treatment plant for Los Osos. The Commission found that the plant was necessary to protect water quality. More detail on the wastewater issue in Los Osos is presented in Chapter 2.

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[5] San Luis Obispo County. 1978. Local Coastal Program. Phase 1 Work Program.
[6] San Luis Obispo County. 1978. Draft Natural Resource Area Study. Work Task 208 for San Luis Obispo County LCP.
[7] Findings on County of San Luis Obispo Local Coastal Program Land Use Plan. October 6, 1982.
[8] Crawford, Multari, Clark and Mohr. December 1999. Draft EIR for Estero Area Plan Update. pg. 5.4
[9] San Luis Obispo County. 1990. Resource Management Study.

C. Preliminary LCP Implementation Issues

C.1. Water Quality Impacts from Agricultural Operations

Agriculture is a major land use throughout the two coastal watersheds in San Luis Obispo County. Available information on the quality of coastal waters also shows agriculture as a major source of nonpoint source pollution.[10] Since Commission approval of the San Luis Obispo Land Use Plan in 1983, and final certification of the LCP in 1988, much has been learned about managing the water quality impacts from agricultural activities. Although the certified LCP contains a variety of policies and ordinances to address water quality, the LCP should be updated to include the best professional knowledge and understanding about effective water quality management, particularly nonpoint source pollution associated with agriculture and associated development.

Overview: In general, agriculture is the greatest source of water pollution in the U.S. Agricultural practices can lead to erosion and sedimentation; pollution of water through runoff of fertilizers and pesticides; increases in bacteria, nutrients, and heavy metals into waters; and the physical alteration of riparian and in-stream habitats.[11,12,13] These sources of nonpoint source pollution can occur from general grading practices and crop production, application of chemicals, runoff of animal waste, and grazing practices. Because agriculture is the predominant land use throughout the coastal zone of San Luis Obispo, addressing water quality issues associated with agriculture is central to ensuring the protection of water quality in the County, and to meeting the water quality goals of the Coastal Act.

Erosion and Sedimentation: Grazing and other agricultural practices are likely contributing factors to erosion and sedimentation of streams throughout San Luis Obispo County. Agriculture and grazing are suspected sources of siltation to San Carpoforo Creek in the North Coast area, and are potential sources of impacts in the Morro Bay watershed.[14] Agriculture is also one source of erosion into streams throughout the Estero region (See Appendix C). Finally, the water in San Bernardo Creek is known to be contaminated with coliform from cattle. Overgrazing results in soil compaction and removal of vegetation, resulting in decreased infiltration of water and an increase in soil erosion.[15]

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[10] State Water Resources Control Board and California Coastal Commission. January 2000. Plan for California's Nonpoint Source Pollution Control Program. pg. 88

[11] Monterey Bay National Marine Sanctuary, Water Quality Protection Program. October, 1999. *Action Plan IV: Agriculture and Rural Lands.*

[12] Morro Bay National Estuary Program. August, 1999. *Turning the Tide for Morro Bay: Draft Comprehensive Conservation and Management Plan for Morro Bay.*

[13] California Coastal Commission. May, 1998. *Revised Staff Report for Consistency Determination CD-051-98 (Natural Resources Conservation Service).*

[14] University of California, Davis. Information Center for the Environment. California Rivers Assessment Program. (www/ice.ucdavis.edu).

[15] Monterey Bay National Marine Sanctuary, Water Quality Protection Program. October, 1999. *Action Plan IV: Agriculture and Rural Lands.*; pg. 15

The conversion of open space lands, including historic grazing lands, for cultivation can result in significant landform alteration, with the potential for increased erosion and sedimentation rates, and changes in drainage and runoff patterns. As discussed in Chapter 5 (Agriculture), the changes in agricultural lands to vineyards is increasing in the County. Because of the extent of bare ground associated with establishing new vineyards, the rates of erosion over the first few years can be significantly higher than for lands used for other agricultural crops or for grazing. While the growth in vineyards is more prevalent outside of the coastal zone, it remains a potential concern within the coastal zone. In fact, under the Estero Area Plan, the County is encouraged to find additional water sources to expand irrigated croplands and vineyards.[16]

Pesticides: In general, runoff containing residues of pesticides (and other chemicals) is a significant concern for the protection of water quality and marine resources. Some estimates note that between 1991-1998, pesticide use throughout San Luis Obispo County increased by approximately 53%, from approximately 1,572 pounds to approximately 2,403 pounds of active ingredients used.[17] Californians for Pesticide Reform (CPR) identify so-called "Bad Actor" pesticides as "California registered pesticides that are acute poisons, carcinogens, reproductive or developmental toxicants, neurotoxins, or groundwater contaminants" and estimate that in SLO County use of these pesticides rose by 24%.[18] While these are county-wide data, pesticides will be carried into coastal waters through stormwater runoff regardless of whether the initial application of the pesticide is within the coastal zone or inland of the coastal zone boundary.

The quantity and specific pesticides used will vary by the commodities grown. San Luis Obispo County has seen an increase in the production of wine grapes, avocados, lemons and nursery plants over the past decade.[19] In general, the increase in these crops has lead to an increase in pesticide use in the County. The change in pesticide use and the acres used for crop production of these commodities between 1993-1998 are illustrated in Table 3-1, below.

Table 3-1: Change in Pesticide Use and Farm Acreage for Selected Crops, San Luis Obispo County, 1993-1998:

Crop	Change in Acres	Change in Pesticide Use
Wine Grapes	increase 31%	increase 84%[20]
Avocados	increase 8%	increase 885%
Lemons	increase 5%	decline 22%
Nursery (includes greenhouse, outdoor grown plants, flowers)	increase 11%	increase 78%
Carrots	N/A	increase 352%
Apples	increase 69%	increase 66%
Peas	increase 22%	decrease 34%

(Sources: County Agriculture reports 1994 and 1998 for acres; Pesticide Use Reporting; Department of Pesticide Regulation, www.cdpr.ca.gov; "Product Use and Data"; "Pesticide Use Reporting".)

[16] Estero Area Plan. pg. 6-21.
[17] Kegley, Susan, Stephan Orme, and Lars Neumeister. *Hooked on Poison: Pesticide Use in California 1991-1998.* Published by Pesticide Action Network North America Regional Center and Californians for Pesticide Reform. 2000
[18] ibid. pg. 7.
[19] Robert Hopkins. County Agriculture Commissioner. Pers. comm 5/5/00.
[20] For all grapes, the increase in pesticide use is 427%.

Monitoring for Pesticides: Although some pesticides are known to be toxic to wildlife and humans, monitoring for the presence of pesticides is infrequent. There is evidence of pesticide residue in some coastal lagoons in Central California; many of the pesticides evident were those used in the past, but still present in the environment, including DDT.[21] Studies also show that pesticides, fertilizers, nutrients, and other pollutants from agriculture are evident in waterbodies in the Nipomo Mesa subarea, in Arroyo Grande Creek, and Oso Flaco Lake. As shown in Map 3-B, pesticides are used throughout the County, but are concentrated in the Santa Maria Estuary region in the South Bay. Ongoing and complete monitoring has not been undertaken to evaluate the presence of pesticides in the County's streams and estuaries, due in part to the expense of testing for pesticides.[22] The Regional Water Quality Control Board has recently begun conducting more ambient water quality monitoring, including some monitoring for pesticides.

LCP Implementation: The LCP currently has several general policies that address water quality and agriculture. Watershed Policy 12 states that agricultural practices shall minimize erosion and sedimentation through accepted management practices. Watershed Policy 14 states that proper soil conservation techniques and grazing methods shall be employed to the maximum extent feasible in accordance with the California Water Quality Control Board 208 standards. Agriculture Policy 8 "encourages" proper soil conservation techniques and grazing. Finally, the San Luis Bay Area Plan includes language to develop a program to reduce erosion impacts from grazing.

The County's LCP also regulates animal keeping. Ordinance 23.08.046 of the LCP states that where a permit is required for animal facilities, it must address the drainage patterns of the site, how the applicant will avoid soil erosion and sedimentation, and how disposal of animal waste will be done. It requires that sedimentation will not occur on public roads, adjacent property, or in any drainage channel. For beef and dairy feedlots, the LCP requires notice to the Regional Water Quality Control Board for review (Ordinances 23.08.052/23.06.100).

Review of locally issued permits indicates that while the County has not approved any large animal facilities or feed lots between 1988 and 1998, it has approved several permits for private and commercial horse stables. Although they are not specifically large animal facilities, these recreational livestock facilities can still degrade water quality through polluted runoff.[23] Review of the County's findings for these projects shows that the County has generally required actions to protect water quality, including the use of hay bales to control erosion during the rainy period and requiring measures to keep manure from being carried in runoff.[24]

Aside from regulating animal facilities, there are few cases where actual agricultural activities are regulated under the LCP because many are exempt from regulatory review.[25] Under the LCP

[21] Karen Worcester. Regional Water Quality Control Board. Pers. Comm. 6/13/00.
[22] Karen Worcester. Regional Water Quality Control Board. Pers. comm 6/13/00.
[23] Monterey Bay National Marine Sanctuary, Water Quality Protection Program. October, 1999. *Action Plan IV: Agriculture and Rural Lands.* pg. 7.
[24] FLANs 3-SLO-94-079 and 3-SLO-91-013.
[25] Grading for agricultural roads and the placement of agricultural accessory structures, such as barns, require coastal development permits under the LCP. The water quality issues related to these activities are discussed in the Urban and Rural Development section of this Chapter.

Ordinance 23.03.040(d)(9), permits are not required for "[c]rop production and grazing where designated allowable by Coastal Table 'O' ..., except where more than one-half acre of native vegetation is proposed to be mechanically removed". In addition, grading permits are not required for "agricultural cultivation activities including preparation of land for cultivation, other than grading for roadwork or pads for structures" (Ordinance 23.05.026). The County has reported a significant number of coastal development permits for new wells, mostly located in agricultural areas of the North Coast and Estero.

In addition to LCP implementation, other regional agencies have implemented programs to address sedimentation impacts from agricultural practices in San Luis Obispo County. The San Luis Resource Conservation District Chorro Flats Enhancement Project was undertaken to reduce sedimentation into Morro Bay. While the causes of sedimentation may not be solely from agricultural practices, the watersheds of Chorro Creek and Los Osos Creek, which drain into Morro Bay, are predominately agricultural. Sixty percent of the Chorro Creek watershed is rangeland.[26] A second project is a larger-scale management program for Morro Bay undertaken by the Morro Bay National Estuary Program (NEP). The NEP's proposed management plan seeks to improve water quality in Morro Bay by addressing the sedimentation problems, as well as a variety of other impacts to water quality. While not the sole cause of water quality degradation, agricultural activities are cited as one contributing factor.

Consistency Analysis: Where permits have been required in limited cases, the County has generally implemented LCP requirements to control runoff from agricultural activities. Since certification of the LCP, though, new, revised management tools have been developed to address many of the sources of polluted runoff from agricultural practices; thus, the LCP policies appear to need to be updated in order to protect water quality consistent with the Coastal Act.

The State's new *Plan for California's Nonpoint Source Pollution Control Program* identifies the various sources of nonpoint source pollution from agriculture and corresponding management measures. These management measures and a preliminary review of the relevant LCP policies and ordinances that implement them are presented in Appendix D. The objectives of the new management measures are to reduce solids and pollutants in runoff, contain or manage runoff from animal facilities and prevent seepage into groundwater, reduce contamination of groundwater and surface waters from pesticides, reduce use of pesticides, protect sensitive areas by reducing loading of animal wastes and sediments in grazing areas, and reduce pollution of surface waters caused by irrigation.

Although the County has generally implemented the existing LCP's policies and ordinances to reduce sediment, protect grazing lands, and limit discharge from animal facilities (Management Measures 1-4) the policies should be updated to protect water quality in light of current best management practices. For example, State and Regional Water Quality Control Boards have updated the Basin Plan Receiving Water Standards for maintaining water quality. Thus, the County policy reference in Agricultural Policy 8 to Section 208 standards is no longer the

[26] Coastal San Luis Resource Conservation District. March 2000. Chorro Flats Enhancement Project Final Report. (www.coastalrcd.org).

applicable standard. In addition, although grazing practices are encouraged to use proper soil conservation techniques to the maximum extent feasible, under the LCP, adding a grazing management program to the LCP could help to address water quality impacts from grazing. While Ordinance 23.08.046 regulates feedlots, and requires measures to address sedimentation and erosion, it does not fully implement the objectives of management measure 4, and therefore does not fully protect water quality. To fully address water quality impacts from feedlots, and meet the objectives of management measure 4, other sources of nonpoint source pollution must also be addressed, including standards to contain runoff and prevent contamination of groundwater.

In addition, the LCP does not have any specific mechanisms to address other sources of nonpoint source pollution from agricultural practices, including degradation of water quality from nutrients, pesticides, and irrigation (Management Measures 5-7). The Coastal Commission has had some success addressing such problems working programmatically with other agencies, such as the Natural Resource Conservation Service (NRCS). For example, in Elkhorn Slough in Monterey County, the Commission approved an NRCS program that provides outreach, education, and funding to strawberry farmers to assist them in implementing erosion control measures such as vegetated buffers and settling basins. A similar programmatic approach could be supported by the County's LCP. By developing a program to address these nonpoint source pollution concerns and by working with the RCS, NRCS, and local farmers, the County could better protect water quality from these practices.

Finally, the County's coastal permit exemption policies can result in impacts to water quality that are not consistent with Coastal Act policies. If removal of less than one-half acre of native vegetation is exempt from permit requirements, in these situations there is no mechanism to assure implementation of measures to protect streams, wetlands, or other coastal waters from erosion and sedimentation if grading is undertaken adjacent to those waterbodies. Limiting such exemptions to areas not immediately adjacent to coastal streams and wetlands would help minimize impacts to water quality. In addition, as noted previously and discussed further in Chapter 5 (Agriculture), the conversion of open space lands can result in significant landform alteration, potential erosion concerns, and alteration of drainage and runoff patterns. Modifying the agricultural exemptions to require coastal development permits, or developing other programs to address water quality, where agricultural practices result in these changes would improve the protection of water quality (see Preliminary Recommendations 5-10 through 5-13, Chapter 5).

Section 30231 of the Coastal Act requires that the quality of coastal waters be maintained. The Commission has recognized that runoff from agricultural practices can be detrimental to marine resources and coastal water quality.[27] Since certification of the County's LCP, much has been learned both about the adverse impacts of agricultural activities on water quality, and about appropriate management techniques for addressing these impacts. Waterbodies such as Morro Bay and the many sensitive coastal streams in San Luis Obispo should be guaranteed the highest and most up-to-date levels of protection possible. Under continued implementation of the limited policies of the LCP, nonpoint source pollution of coastal waters from agricultural

[27] California Coastal Commission. May, 1998. *Revised Staff Report for Consistency Determination CD-051-98 (Natural Resources Conservation Service).*

operations will likely continue. Updating the LCP to reflect improved management practices, through both regulatory changes and through non-regulatory programs, will better ensure that water quality and marine resources are adequately protected in conformity with Section 30231 of the Coastal Act.

Preliminary Policy Alternatives

As discussed above, the Coastal Act objective of protecting coastal water quality and marine resources will be enhanced by integrating new knowledge and management practices into the County LCP. There are several alternatives for modifying the LCP. Existing policies and standards can be updated to incorporate new best management practices. Non-regulatory programs to address water quality impacts from grazing, nutrient and pesticide runoff and water quality degradation from irrigation practices can be incorporated into LCP, using stakeholder coordination, multi-agency coordination, or other such actions. Ensuring a more comprehensive review through the regulatory program of related developments can also improve treatment of important water quality issues. For example, approvals of additional irrigation wells may need to be coupled with drainage plans that protect natural drainage areas and limit off site runoff. In addition, the county could work with pesticide manufacturers and distributors to develop more comprehensive means for reductions in pesticide use; including evaluation of pest, crop and field factors; use of Integrated Pest Management (IPM); consideration of environmental impacts in choice of pesticides; calibration of equipment; and use of anti-backflow devices. Integration with other agencies who have educational programs and regulatory authority to limit chemical application and water use can be identified. The County has already recognized the value of such intergovernmental stakeholder approaches in the most recent North Coast Area Plan project description, which discusses the possibility of establishing a Coordinated Resource Management Program (CRMP) for coastal creek watersheds such as San Simeon and Santa Rosa Creek. [28]

It should be noted that the County's recent efforts to revise the grading ordinance provides a good opportunity to revise and update the current standards. After several months of analysis and review, the County Board of Supervisors adopted a resolution to repeal the existing grading ordinances in the certified LCP (Sections 23.05.020 through 23.05.050) and replace it with Ordinance 2864. The results of this effort are part of a larger LCP amendment that has been submitted to the Commission for certification into the LCP. Commission staff is currently completing its evaluation of this revision and will be making a recommendation to the Commission for action in March 2001.

Some preliminary recommendations to address the concerns raised in this report are outlined below.

Preliminary Recommendation 3-1: Modify and adopt the following polices and standards in the LCP. (***Bold italics*** indicate new language; strikeouts indicate language proposed to be removed.)

[28] San Luis Obispo County North Coast Area Plan. pg. 3-13.

Agriculture Policy 8: Proper soil conservation techniques and grazing methods should be encouraged in accordance with ~~208 Water Quality Standards~~ ***Basin Plan receiving water objectives*** adopted to meet the water quality requirements of the California Regional Water Quality Control Board.

Coastal Watershed Policy 14: Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance ~~with 208 water quality standards~~ ***Basin Plan receiving water objectives*** adopted by the California Water Quality Control Board.

Ordinance 23.08.046 c(2): Application content. Where this section requires land use permit approval for a specific animal raising activity, the permit application shall include the following in addition to all information required by Sections 23.02.030 …

(i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.

(ii) The applicant's plans for animal waste disposal, ***including plans showing measures to confine runoff, adequate capacity to allow for proper wastewater disposal, and measures to prevent seepage to groundwater***.

(iii) …

e(2): Erosion and Sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation ***or runoff*** on any public road, adjoining property, or in any drainage channel. …

Preliminary Recommendation 3-2: Modify LCP to incorporate mechanisms to fully implement the management measures identified in Appendix D. Appendix D identifies preliminary policy alternatives to achieve this goal.

C. 2 Water Quality Impacts from Urban and Rural Development

As with agricultural activities, much has been learned since certification of the San Luis Obispo County LCP about the effective management of impacts to water quality from urban development. The San Luis Obispo County LCP should be updated to fully protect water quality from urban development. In addition, while the County has required erosion control measures in many cases, review of the County's LCP implementation raises some concerns regarding the protection of water resources. These concerns include the adequacy of existing policies and standards, and the effectiveness of the County's typical conditions applied under these policies to mitigate impacts of development.

Overview: While there is no up-to-date, comprehensive water quality monitoring done in San Luis Obispo County, runoff from urban development is known to be a factor in many of the water quality problems identified through past studies (see Appendix C). Urban development

can affect water quality due to a number of factors. The location and siting of development can be a key element in minimizing the extent of erosion, sedimentation, and water runoff from a site, thereby reducing nonpoint source pollution and better protecting water quality. For example, development on steep slopes can lead to significantly greater erosion and runoff than development located on a more gentle grade; the runoff from the site can ultimately affect the water quality of nearby or downcoast streams and other waterbodies. As discussed previously, the coastal zone of San Luis Obispo County is characterized by various nodes of urban development, including the towns of Cambria, Cayucos, Los Osos/Baywood Park, Avila Beach, and Oceano. Parts of Cayucos and Cambria have steep slopes where erosion and runoff is a significant concern. Septic systems are also causing water quality problems and concerns in areas such as Los Osos.

A recent erosion and sedimentation study by the Natural Resources Conservation Service in the Lodge Hill area of Cambria identified impacts of runoff in developed areas. The findings from this 1999 study indicate that residential development and road construction have led to increased runoff from the impervious surfaces, resulting in a higher rate and volume of runoff, and possible changes in flow patterns and rates of sedimentation into streams.[29] The report also states that unpaved roads are a primary source of erosion and that the area lacks a coherent system to manage storm water runoff. The study also notes that the forest plays an important role in increasing water infiltration, and reducing runoff and velocities. The study concludes that runoff will increase with increased development of the area.

In addition to urban areas, much of the rest of the County's coastal zone is by characterized less dense, rural residential and agriculture development, and a mix of rolling hills, valleys, and steep slopes. As noted previously, about 10% of the new residential development approved was outside the urban nodes. This ex-urban development raises water quality issues, due, in part, to the less concentrated development patterns. Residential development on large rural lots can lead to an increase in impervious surfaces through, for example, larger structures and separate, long access roads to reach the residential development. This increase in impervious surfaces can increase polluted runoff, erosion, and sedimentation.

Other aspects of development that can affect water quality include impacts from construction activities and managing ongoing runoff from development after it is constructed. The extent of impervious surfaces in an area also significantly increases the extent and rate of water runoff, and can increase the level of pollutants carried downstream into waterbodies. Conversely, the extent of open space and vegetation retained on site can serve to increase water infiltration, reducing the downstream potential for erosion, and reduce the extent of polluted runoff.

Industrial uses can also affect water quality by contributing to runoff of toxic chemicals in surface waters and/or by polluting groundwater. In San Luis Obispo County, water quality has been affected by both MTBE leaking from gas stations and from oil leaks at Avila Beach and Guadalupe Dunes.

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[29] USDA Natural Resources Conservation Service. February, 1999. *Cambria Erosion and Sediment Study; Lodge Hill Study Area; Cambria, California.*

MTBE: MTBE was added to gasoline in 1992 to address concerns over air quality. However, the additive has raised concerns over water quality.[30] The Regional Water Quality Control Board began a monitoring program in 1996 for MTBE in San Luis Obispo County. Samples from underground fuel tanks are taken regularly to test for evidence of MTBE in groundwater. In the last several years, the frequency and concentration of MTBE in groundwater has been increasing.[31] Upon detection of contamination, further monitoring is done to determine the scope of the contamination and a remediation plan is developed. Contaminated sites occur throughout the San Luis Obispo County. Although no contaminated surface waters have been identified, 28 service stations show MTBE concentrations in ground water, ranging from concentrations of 710,000 ppb to 1.2 ppb.[32] The majority of these sites are inland of the coastal zone. Unfortunately, the communities of Cambria, Los Osos, and the City of Morro Bay have been struggling with MTBE contamination that is threatening groundwater supplies. As noted in Chapter 2, in Cambria, the CSD has recently had to drill an emergency well to protect its residential water supply.

LCP Implementation: To address nonpoint source pollution from urban development, the County's LCP focuses on controlling erosion and sedimentation, on managing drainage patterns to reduce erosion and runoff, and on siting development off steeper slopes. Specifically, the LCP requires that: measures to control erosion and sedimentation be used at the start of site preparation; requires that land clearing and grading avoid the rainy season if there is a potential for "serious" erosion and sedimentation; requires erosion control measures be in place before the rainy season; and requires that the area of exposed soil be minimized (Watershed Policies 8, 9, 13).

The County implements these goals by requiring sedimentation and erosion control plans and/or drainage plans. Sedimentation/erosion control plans are required when: (1) grading requiring a permit is conducted or left in unfinished state from October 15 through April 15; (2) land disturbance activities, including removal of more than one-half acre of native vegetation in geologically unstable areas, on slopes over 30%, on soils rated severe erosion hazards, or within 100 ft of a `watercourse shown on current 7 ½ minute USGS quad map; or (3) placing or disposal of material above or below anticipated high water line of watercourse where it may be carried into waters by rainfall or runoff in quantities deleterious to fish, wildlife, or other beneficial uses (Ordinance 23.05.036).

Drainage plans are required for projects which (1) disturb 40,000 sq. ft or more of land; (2) result in impervious surface of 20,000 sq. ft or more; (3) are in areas with a history of flooding, ponding, or in a flood hazard combining designation; (4) disturb land within 50 ft of a watercourse; (5) are on hillsides over 10% slope; or (6) are on a coastal bluff (Ordinance 23.05.042).

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[30] On March, 25, 1999, Governor Davis issued Executive Order D-5-99, stating that the "California Energy Commission (CEC), in consultation with the California Air Resources Board, shall develop a timetable by July 1, 1999 for the removal of MTBE from gasoline at the earliest possible date, but not later than December 31, 2002.
http://www.governor. ca.gov/briefing/execorder/d599.html
[31] Jay Cano, Regional Water Quality Control Board. Pers comm. 4/28/00
[32] Regional Water Board data, May 2000

The North Coast Area Plan also has additional requirements for development in the Lodge Hill area of Cambria. Development in this region must meet the following criteria:

- runoff from impervious surfaces must be collected and detained on-site or passed through an erosion control system approved by the County engineer;
- projects must include permanent erosion control devices;
- a sedimentation/erosion control plan is required if grading occurs between Oct 15-April 15;
- activities must minimize fill and site disturbance;
- activities must protect disturbed soils and stockpiles from rain and erosion;
- activities revegetate disturbed areas;
- developments must minimize impervious surfaces to the smallest functional use.

A second strategy used by the County is to restrict development on steep slopes. Generally, the LCP restricts development to slopes of less than 20%, with some exceptions allowing grading on slopes between 20-30%. The area plans generally reiterate these restrictions. These policies are discussed in more detail below.

For industrial development, the LCP focuses on ensuring adequate oil spill prevention and cleanup plans. Energy Policy 1 requires that "adverse environmental impacts" from siting or expansion of industrial and energy facilities be mitigated to the maximum extent feasible. Marine terminals also shall be designed and operated to minimize oil spilled, minimize the risk of collisions, and have oil spill contingency plans (Energy Policy 5). Pipelines for oil and gas are to be routed to minimize erosion (Energy Policy 8) and the extent of ground disturbance for projects is to be reduced to the minimum necessary (Energy Policy 9). Access roads are to follow contours of the land to the extent feasible and be located to minimize landform alteration (Energy Policy 20). Finally, site restoration is required for abandoned facilities if natural revegetation would take too long and would result in substantial erosion (Energy Policy 10).

The San Luis Bay, South County, and Estero area plans reiterate the requirement for oil spill contingency plans for future oil development in San Luis Harbor, and for any expansion or modifications to existing oil refinery and chemical facilities.

Non-Mandatory LCP Programs: In addition to these standards, the County's LCP contains several non-mandatory programs related to water quality. In the North Coast the LCP includes a program for the County to reduce erosion in the Lodge Hill Pine Forest, and specifically requires control and prevention of siltation to Santa Rosa Creek. For the Estero region, the LCP includes a program to undertake detailed drainage studies for the planning area, in order to design drainage systems to promote groundwater recharge. Finally, in San Luis Bay, programs note the need to monitor effects of development on runoff, particularly within the Pismo Creek drainage, and to undertake an erosion/sedimentation study of the Arroyo Grande fringe.

Adequacy of Erosion Control Plans and Related Conditions: The primary focus in San Luis Obispo County's LCP is to address erosion and sedimentation concerns from construction of new development. In comparison to other coastal jurisdictions in California, San Luis Obispo County has one of the strongest LCPs with regard to erosion control. The LCP requires that sedimentation and erosion control plans address both temporary and final measures, and that they include a) slope surface stabilization, b) erosion and sedimentation control devices, and c) final erosion control measures (revegetation within 30 days of completion of grading) (Ordinance 23.05.036). Under the LCP, drainage plans must also include erosion and sedimentation control measures and are to be reviewed by the County Engineer (Ordinance 23.05.044a).

The County has required the submittal of sedimentation and erosion control plans and/or drainage plans in approximately 21% of all approved projects between 1988 and 1998.[33] As noted above, the LCP requires erosion and sedimentation plans only for grading during certain times and for activities in certain locations. The plans were required most often for residential development , grading projects [34], and commercial development . More than one quarter of the 809 new single family homes were required to complete grading plans, with the majority of these occurring in Cambria. The County also required plans on other projects, including subdivisions, public works, and bluff or shoreline protection projects and incorporated a variety of measures to address sedimentation and erosion.

Review of many of the County's FLANs shows that numerous other projects incorporated other measures to address sedimentation and erosion. For example, some projects referenced and incorporated recommendations from engineering or geologic studies done for the proposed project. Other projects were conditioned to require erosion control plans if grading occurred between October 15th and April 15th. A number of projects also specified that runoff shall be collected on site and conveyed to existing stormdrains. For many projects in the Lodge Hill area of Cambria, the County required that runoff be retained on-site, or released through an approved erosion control device, as required by the area plan standards. The County's findings for these projects generally state that the proposed clearing of topsoil is the minimum necessary. They also state that "site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project meets drainage and erosion control standards specified by the Engineering Department."

In some cases, the conditions lacked specific standards. For example, in a project for a retail stand, the County required the parking area to be designed and located "to minimize cut and fill and avoid sedimentation and erosion".[35] Although the permit is also conditioned to require drainage plans, there are no specific details to ensure that water quality concerns are addressed, whether they be sedimentation or on-going runoff from the parking lot.

The LCP policies and ordinances do not specify performance standards or necessarily require the use of up-to-date best management practices to assure that water quality is adequately protected when erosion control and drainage plans are required. Monitoring requirements to determine the

[33] These figures are based on notices of local actions received by Commission staff. In some cases, the County required both sedimentation and drainage plans for one development.
[34] Some of these grading projects may be part of residential projects.
[35] FLAN 4-SLO-91-183

effectiveness of the measures taken are also not required. Discussions with County staff indicate that erosion control measures are developed on a case-by-case process. Performance standards are generally not used, and only minimal monitoring is conducted.[36]

The Commission's actions on several appeals identify the same concerns regarding the County's erosion control plans. [37] In these appeals, the Commission found that the County had not adequately addressed water quality protection due, in part, to the lack of specific requirements for erosion control plans required under the LCP. In appeal A-3-SLO-98-061, the Commission found that the final design of drainage plans, required to address drainage of runoff into a marsh area, had not yet been submitted. This information is required to determine if the locally required modifications to the originally proposed drainage facilities effectively address the potential for site drainage to cause erosion into the Morro Bay Estuary.

In appeal A-3-SLO-93-113, the Commission found that the erosion and sedimentation control plans required by the County to address runoff into Santa Rosa Creek did not specify measures for the control of polluted runoff. It also did not identify appropriate best management practices (BMPs) that would ensure the protection of water quality in Santa Rosa Creek. The Commission also found that while the County required runoff from the proposed project to be routed directly into Santa Rosa creek, it did not evaluate the impacts on water quality from runoff during construction or from the cumulative effects from runoff from streets, parking areas, and lawns which would be directed into the creek under the proposed project.

In the third appeal (A-3-SLO-99-050), the Commission again raised the adequacy of the erosion control and runoff plans. The Commission found that final drainage plans had not been submitted, and that the existing record had few details concerning the existing drainage situation and the effect, if any, of the proposed development on adjacent properties and the potential for increased erosion. On appeal, the Commission required final drainage and erosion control plans to ensure that erosion and runoff would be adequately managed. Requirements included that erosion on-site be controlled to avoid adverse impacts; specified temporary erosion control measures to be used; required permanent measures installed to direct runoff to the street, avoiding slopes, bluffs, and beach areas; a site plan showing the location of erosion control measures; and a schedule for installation of those measures.

Review of the County's actions shows a number of examples where water quality impacts were not addressed for projects that raise water quality concerns, particularly concerns with runoff after construction. Examples include approval for grading for an access road without requiring an erosion control plan, and a number of single family residences.[38] These projects are examples where the LCP requirements for erosion control plans may not be sufficient to fully protect water quality and marine resources.

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[36] Tim Tomolson, County Engineering Dept. Pers comm. 9/28/00.
[37] A-3-SLO-93-113; A-3-SLO-98-061; A-3-SLO-99-050.
[38] FLANs 3-SLO-93-075; 3-SLO-98-136; 4-SLO-90-290; 3-SLO-92-96; 3-SLO-92-105; 3-SLO-93-20; 3-SLO-93-24; 3-SLO-93-28; 3-SLO-94-84; 3-SLO-94-129; 3-SLO-94-139; 3-SLO-94-140; 3-SLO-95-122; 3-SLO-95-142; 3-SLO-96-015; 3-SLO-96-63

The County has addressed runoff from industrial developments as well. Of the 27 permits the County issued for industrial development between 1988 and 1998, many of the projects authorized oil spill clean up or improved spill containment areas. Other projects approved were for activities to prevent future degradation of water resources by conducting maintenance activities on existing facilities and pipelines. Due to the nature of the projects, the County's actions will help protect water quality. For future development, lands zoned for industrial uses are very limited in the County. The primary areas for industrial use are the existing Chevron facilities in the Estero area and the Santa Maria facility in the South County. Revision and upgrading of policies on erosion control plans will also contribute to improved runoff control from industrial sites.

Siting of New Development: In addition to the use of sedimentation and erosion control plans, the LCP also addresses water quality issues by restricting development on steep slopes. As noted above, development on steeper slopes significantly increases the potential for nonpoint source pollution through increased erosion, sedimentation and elevated runoff levels. Watershed Policy 7 and Ordinance 23.05.034 do not allow grading for new development on slopes greater than 20%. However, the policy and ordinances identify numerous exceptions to this policy, including allowing grading on steeper slopes for development of existing residential lots where a residence could not be sited on slopes under 20%. In authorizing exceptions for grading on slopes between 20-30%, the County must consider "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" There must also be no other feasible method of establishing an allowable use on the site without such grading (Watershed Policy 7; Ordinance 23.05.034(b)).

A number of standards in the area plans reiterate restrictions of development on steep slopes. For rural lands in the North Coast adjacent to Cambria, the area plan prohibits any *structural* development on slopes greater than 20%. However, in the Lodge Hill area, the area plan allows development on slope of 25% or greater with a minor use permit. The Estero area plan has several standards regarding development on steep slopes: for parcels in the GSA and SRA combining designations, and *outside* of the urban reserve or village reserve lines, the area plan requires that new building sites and driveways be located on slopes under 30%. In addition, the area plan prohibits development on slopes over 30% in the Morro Palisades hillside area. The San Luis Bay and South County planning area plans do not specifically restrict development based on slope percentage, but require that new development be concentrated moderate slopes.

Based on available data from the County's actions, the County has approved development on at least 165 parcels with slopes of 20% or greater, including granting 38 variances for grading on slopes greater than 30%. The County has also granted an additional 61 permits for development on "steeply sloping" parcels.[39] While these parcels raise the most concerns regarding water quality impacts from grading, construction, and on-going runoff after construction, another 194 parcels are identified as having a combination of gently or moderate to steep slopes.

[39] These numbers may underestimate the amount of development on steep slopes. Information on slopes for parcels, whether represented as percent slope or description of "flat", "gently sloping", "moderate to steep", etc, is evident only on approximately half of the local notices received by the Commission.

From a review of a sample of local permits for development on slopes greater than 20%, it appears that the County does not specifically address the criteria required under Watershed Policy 7 in findings. Typical findings on permits usually stated that the project was designed to minimize the area disturbed and that the topography was "considered" in the design and siting of "physical improvements". While minimizing the area of site disturbance can greatly reduce erosion, the County generally does not discuss the other factors identified in Watershed Policy 7, including specific measures to reduce erosion and sedimentation. Therefore, it is unclear how effectively the County is addressing erosion and runoff concerns.

For the variances granted, the County generally required sedimentation and/or drainage plans to address erosion issues. The County found that without granting the variance, there was no feasible alternative to develop the site. However, as discussed above, requiring development of sedimentation and drainage plans alone may not fully address water quality issues if such plans lack specific standards, requirements to use best management practices, and if they do not provide for long-term monitoring.

A related issue regarding the siting of new development and adequate protection of water quality centers on where the County has created new parcels for future development through subdivisions. As reported in Chapter 2, the County has approved an estimated 32 permits for new subdivisions between certification of the LCP in 1988 and 1998, authorizing over 438 new lots. While the subdivision permits themselves do not necessarily include grading and actual development of the site, the locations approved for new development can have important consequences for future development and for water quality issues. As parcels of land decrease in size through the subdivisions, the ability to site new development with minimal impacts to resources decreases. If new lots are created on steep slopes or adjacent to streams, development of those sites may lead to greater impacts on water quality through increased erosion and runoff.

Two subdivision permits included grading on slopes over 30%, for which the County granted variances. Under FLAN 3-SLO-97-022, a subdivision above Avila Beach, the County found that the proposed development was covered by an existing Master Development Plan, and found that the variance was necessary for the "preservation of the property rights of the applicant". In FLAN 3-SLO-96-120, the County states the variance allows "for greater development than would otherwise be allowed on the site." As discussed in Chapter 2, this commercial subdivision project is currently in litigation, partly concerning the availability of water to supply the project. Although each of these projects raise a variety of concerns, with respect to water quality protection, neither action included findings on how the newly created lots would result in siting development that would avoid impacts to water quality on these steep slopes. Through both the approvals of development on steep slopes and the creation of new lots in steep slopes, it appears that the County has authorized development in a manner that will increase the potential for erosion and runoff, thus contributing to potential water quality degradation.

Controlling Post-Construction Runoff: One of the main areas where the LCP needs to be updated is in addressing ongoing runoff from development. All development, regardless of whether it requires an erosion or grading plan under the existing LCP or the modifications

proposed by the County, has the potential to affect water quality through post-construction runoff. As discussed above, the County has approved a number of projects without requiring a sedimentation/erosion control plan. While these projects may be in conformance with existing LCP policies, they still have a potential to affect water quality. Therefore, all new development should incorporate measures to address ongoing nonpoint source pollution, regardless of location, type or size of the development.

Updating LCP Policies to Incorporate New Knowledge: While the LCP's grading and drainage ordinance was amended in the early and mid 1990s, the State has recently adopted the *Plan for California's Nonpoint Source Pollution Control Program*, detailing a variety of management measures to further improve protection of water quality. The management measures from that plan which address nonpoint source pollution from urban development are identified in Appendix D . This appendix also includes a preliminary review of the corresponding LCP policies and ordinances that currently implement each management measure. These management measures can be generally identified as: 1) preventing and reducing erosion; 2) preventing degradation to areas important to water quality functions, particularly riparian areas; 3) limiting impervious surfaces; 4) limiting discharge of toxic materials and/or nutrients; and 5) addressing runoff from existing developed areas, including runoff from roads and bridges. The management measures address nonpoint source pollution concerns during the siting phase, construction phase, and post-development.

Commission staff notes that the County's LCP is among the strongest in the state with respect to erosion control policies. Nonetheless, the LCP would benefit from revisions to incorporate new information and knowledge about effective best management practices for protecting water quality. For example, while the LCP grading ordinance focuses on methods to control sedimentation, it has few policies to address other sources of nonpoint source pollution from urban development, such as toxins, pesticides, and oils and grease, or the ongoing runoff concerns after construction of the project. Much has been learned since LCP certification about how to manage these pollutants in an urban setting. Many of the management measures in the *Plan for California's Nonpoint Source Pollution Control Program* focus on these other sources of nonpoint source pollution. By incorporating policies and other mechanisms into the LCP to implement these management measures, as part of a comprehensive water quality component discussed in Preliminary Recommendation 3-7 below, the County can improve protection of water quality and marine resources. In addition, staff is recommending minor changes to some existing language, discussed below; these modifications are again to reflect more current knowledge and improve existing policies.

Consistency Analysis: Coastal Act policies 30230 and 30231 require that marine resources and the quality of coastal waters be protected. As the Commission found in adopting the State plan for controlling runoff, urban runoff is a major source of pollution adversely affecting coastal waters and recreational use of the shoreline. As such, urban runoff needs to be controlled in order to ensure protection of coastal waters. Water quality studies for San Luis Obispo County, both before and since certification of the LCP, indicate that urban runoff is contributing to degradation of water resources (see Appendix C). As discussed above, the implementation of the County's LCP is no longer adequate to ensure protection of water quality.

Preliminary Policy Alternatives:

Recent efforts by the County propose revisions to the LCP which may improve control of polluted runoff. While these proposed LCP amendments have not yet been reviewed by the Commission they illustrate some alternative ways to improve control of urban runoff.

Preliminary Recommendation 3-3: *Area Plan Updates*. The proposed update of the North Coast Area Plan (January 2000) includes a variety of policies including: Policies to prohibit point-source discharges into the marine environment; Rural Area Program to designate Areas of Special Biological Significance (ASBS) for protection from development of impacts of any future wastewater outfall structure(s); Improved controls on land divisions and lot line adjustments to minimize the impact of water extraction from riparian creek areas for non-agricultural uses and policies and programs specific to Lodge Hill. The proposed revisions to the North Coast Area Plan Standards offer the opportunity to strengthen the water quality protection provisions of the LCP if expanded to address the issues raised through this review.

Preliminary Recommendation 3-4: *Expanding Erosion Control Studies*. The County has targeted problems in the Lodge Hill area and proposes to implement recommendations of the 1999 erosion control study. These recommendations generally focus on 1) paving roads, and 2) developing a comprehensive master plan for the community. The master plan should design for buildout of the community and incorporate the street drainage network into the plan. The report notes that until such a plan is developed, "critical lots should be identified that could provide storm water infrastructure, or are at extreme risk due to their location in a drainage path. The County could target these lots for purchase in order to development a system for storm water management ...."[40] In general, implementing the study's recommendations could reduce erosion and sedimentation, and improve water quality in Lodge Hill. The comprehensive plan, though, should also address drainage issues from road paving, and should encourage infiltration of water and maintenance of the natural flow regime, to the extent feasible, by encouraging dispersal of sheet flow from roads into natural vegetated areas. The County should also incorporate measures to site development to retain forest cover.

Preliminary Recommendation 3-5: *Address Post-Construction Runoff.* While the County's pending grading ordinance revision proposes some new and revised measures to improve the management of erosion, sedimentation, and runoff, it does not fully address all the potential sources of nonpoint source pollution from new development as identified through the management measures in Appendix D, including measures to address post-construction runoff. The Model Urban Runoff Program (MURP), a joint program among the Commission, Monterey Bay Sanctuary, the Regional Water Board, and the Cities of Monterey and Santa Cruz, has developed a checklist of three questions to help coastal planners identify and mitigate water quality impacts of proposed development (see Table 3-2, below). One alternative for improving management of polluted runoff is to incorporate this tool into the planning process to identify when additional measures must be taken to fully address water quality impacts and to trigger

[40] USDA Natural Resources Conservation Service. February, 1999. *Cambria Erosion and Sediment Study; Lodge Hill Study Area; Cambria, California.* pg. 8

additional measures if review of the checklists identifies potential water degradation from the proposed development. The MURP has also developed cost-effective mechanisms to address many of the management measures identified in Appendix D.

Table 3-2: Water Quality Checklist

1. Would the proposal result in changes in soil infiltration rates, drainage patterns, or the rate and amount of surface runoff?
2. Would the proposal result in discharge into surface waters or wetlands or other alteration of surface water/wetland quality (e.g., temperature, dissolved oxygen, or turbidity)?
3. Would the proposal result in impacts to groundwater quality?

If the proposed project raises water quality issues based on the above questions, or other review, best management practices (BMPs) could be incorporated into the project design to address post-construction runoff. Assuring the appropriate design goals is critical for the successful function of BMPs in removing pollutants in stormwater. The majority of runoff is generated from small storms. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.[41]

The Commission has previously found that sizing post-construction BMPs to accommodate the runoff from the 85th percentile storm runoff is often appropriate to address runoff concerns. Sizing BMP capacity beyond this standard leads to insignificant increases in pollutants removal, and hence water quality protection, relative to the additional costs. Therefore, one alternative in addressing post-construction runoff is to design post-construction structural BMPs, with case-by-case considerations, to treat, infiltrate or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event[42] for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.

The "85th percentile, 24-hr" design goal is applicable to volume-based BMPs such as detention and infiltration basins, wet ponds, and constructed wetlands. The "85th percentile, 1-hr" design goal (with an appropriate safety factor[43]) is applicable to flow-based BMPs that remove pollutants primarily through filtering and limited settling. These include media filters such as filter inserts in catch basins, oil/water separators, and biofilters such as vegetated filter strips and grassy swales. However, if swales are constructed primarily to contain and then induce infiltration, they should be subject to the "85th percentile, 24-hr" design goal.

[41] ASCE/WEF, 1998. Urban Runoff Quality Management. WEF Manual of Practice No. 23, ASCE Manual and Report on Engineering Practice No. 87.

[42] Considering the long-run records of local storm events in a 24-hour period, the 85th percentile event would be larger than or equal to 85% of the storms. The 85th percentile storm can be determined by reviewing local precipitation data or relying on estimates by other regulatory agencies. For example, the Los Angeles Regional Water Quality Control Board has determined that 0.75 inch is an adequate estimate of the 85th percentile, 24-hour storm event for typical municipal land uses within its jurisdiction.

[43] The San Diego RWQCB has adopted a safety factor of "2" for their flow-based BMP design standard. This means doubling the runoff treatment capacity necessary to handle the local 85th percentile hourly rainfall intensity. The safety factor is meant to deal with the reduced efficiency that occurs with flow-through BMPs that are not adequately maintained.

Preliminary Recommendation 3-6: *Adopt Policies and Ordinances to fully implement Management Measures from the State NPS Plan*: While the existing LCP, and above alternatives, address primarily issues of erosion, sedimentation, and water runoff from new development, the state has recognized additional sources of nonpoint source pollution through the management measures detailed in the State's nonpoint source pollution control plan. For example, mechanisms to address runoff from existing development and water degradation from residential septic systems are detailed in Appendix D. Implementation of these measures, and other preliminary measures identified in Appendix D would further improve the County's protection of water and marine resources.

Preliminary Recommendation 3-7: *Develop watershed plans for each water basin and/or planning area to address cumulative NPS pollution*: As the Commission found in reviewing the Avila Beach Specific Plan, water quality cannot be protected without managing inland development and land uses. The Commission recommended that the County "coordinate the development and implementation of a comprehensive watershed management program designed to protect the water quality of the entire watershed of all coastal creeks and streams throughout the planning area." This recommendation should be carried out throughout the County's coastal zone, especially for drainages that have a documented water quality problem. Implementation of this alternative will address the management measures focusing on existing developed areas. The program should be designed to manage changes in land use and development, support riparian corridor restoration, and encourage the implementation of best management practices throughout the planning area's watersheds. As recommended by the Commission, the watershed program should:

- identify specific measures to minimize the cumulative impact of new development on the watershed and avoids the alteration of natural drainage patterns;
- Assess the cumulative impacts of development on water quality and hydrology in order to designate areas to further emphasize on site management of runoff.
- include a component which identifies which areas of the watershed which, if restored, could improve water quality;
- include a public participation component;
- integrate agriculture management measures including developing watershed specific nutrient and pesticide management programs
- and include a monitoring component, including to evaluate the effectiveness of BMPs used to control polluted runoff.

This approach should be applied throughout the coastal zone. To better facilitate the protection of marine resources and water quality, the existing LCP watershed chapter could be expanded to develop a comprehensive water quality component of the LCP. Policies, standards, and programs which address Water Quality issues, including addressing nonpoint source pollution from agricultural practices (as discussed in section C.1), urban and rural development, marinas and boating areas (see section C.3, below), water quality measures related to groundwater protection (see Chapter 2), and water quality measures related to the protection of hydrologic

systems and riparian habitat (see Chapter 4) could be consolidated to provide an integrated ,watershed-based approach to addressing water quality. The Water Quality chapter should incorporate the management measures, and mechanisms to implement those management measures, in the *Plan for California's Nonpoint Source Pollution Control Program.*

Preliminary Recommendation 3-8: *Modify criteria defining "wet season" in LCP to reflect new information:* The current LCP requires an erosion and sedimentation plan when grading occurs between October 15 and April 15. Based on information from the Commission's Model Urban Runoff Program, the rainy season should begin on October 1. References in the LCP, and proposed new grading ordinance, should be updated to reflect this change.

Preliminary Recommendation 3-9: *Modify criteria citing watercourses on USGS maps:* One requirement for sedimentation and erosion control plans is land activities are "within 100 feet of a watercourse shown on current 7 ½ minute USGS quad map". Staff recommends adding the following additional criteria, any one of which would define a natural watercourse or drainage system: a) supports fish, b) has significant flow 30 days after last significant storm, or c) has a channel, free of soil and debris.

Preliminary Recommendation 3-10: Incorporate performance standards and monitoring requirements as part of erosion control/ sedimentation plans.

Preliminary Recommendation 3-11: Prohibit subdivisions on slopes over 30%.

Preliminary Recommendation 3-12: Modify Drainage Plan ordinance (23.05.042) or revise grading ordinance to incorporate requirement for a Drainage and Pollution Control plan (D/PC plan) ordinance that requires development to integrate BMPs into site design or prepare a D/PC plan that identifies BMPs/management measures that will mitigate potential NPS impacts and achieve the identified site design goals. (See Table D-4, Appendix D for preliminary proposed language.)

C. 3. Water Quality Impacts from Recreational Boating

The LCP should be updated to adequately address polluted runoff from marinas and recreational boating areas to reflect new information and management measures.

Overview: As discussed under Chapter 11, San Luis Obispo County has three marinas and boating areas: Port San Luis, San Simeon Harbor, and Leffingwell Landing. Marinas, boat yards and boating areas can impact water quality not only during construction activities, but also through ongoing boating uses. For example, water quality may become degraded from pollutants being discharged from boats, pollutants washed from docks in stormwater runoff, or from pollutants generated from boat maintenance activities on land and in water.[44] While comprehensive water quality monitoring has not been done for the boating areas in San Luis

[44] State Water Resources Control Board and California Coastal Commission. January 2000. Plan for California's Nonpoint Source Pollution Control Program.

Obispo County, several studies indicate that boating activities contribute to water quality degradation.[45,46]

Since certification of the San Luis Obispo LCP, no major new boating facilities have been authorized; however, the continued use and/or expansion of the existing boating areas is anticipated in the LCP. For Port San Luis, the San Luis Bay Area Plan identifies coastal dependent uses, including commercial fishing, sport fishing, and recreational boating, as priority uses for the Harbor. In addition, the area plan details a number of goals for Port San Luis, including improving facilities for fishing and boating, enlarging a boat haul-out and repair area, enlarging the area for harbor operations, and providing a storage area for commercial fishermen and recreational boats. These improvements will include major renovation and repair of existing structures. Development plans for Port San Luis also allow for future offshore oil support facilities. San Simeon Harbor is limited to a small-scale recreational boating areas, boat-launching ramp, and parking area (Boating Policy 11). Leffingwell Landing provides a ramp for boat launches. Both facilities are in the North Coast. The LCP does not identify any planned expansions for these facilities.

LCP Implementation: Coastal plan policies state that where feasible, oceanfront recreational development should give priority to boat ramps, dry storage, and other recreational boating facilities, if consistent with policies of the Coastal Act (Boating Policy #2). However, the LCP has few specific policies addressing water quality issues from these boating areas.

LCP Ordinance 23.07.178 does require that "development shall be sited and designed to mitigate impacts that may have adverse effects upon the [marine] habitat, or that would be incompatible with the continuation of such habitat areas. In addition, construction activities to expand harbor and boating areas must comply with the watershed policies in the LCP which protect water quality. These policies, discussed in more detail in Section C.2 (Urban Development), include clearing and grading during the non-rainy season to minimize erosion and sedimentation, implementing slope and erosion control measures, and ensuring that drainage does not increase erosion (Watershed Policies 8, 9, 10).

The San Luis Bay area plan states that grading at Harbor Terrace, within Port San Luis, should be designed to minimize potential discharges of sediment and pollutants into the bay. Disturbed areas should also be reseeded. For potential offshore oil support facilities, development plans must include an assessment of immediate and cumulative impact assessment on water quality and development of an oil contingency plan. The project location, design, and county requirements must mitigate the adverse environmental impacts to the maximum extent feasible (Boating Policy 7).

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[45] Dept. of Parks and Recreation. June, 1988. *Morro Bay State Park General Plan.*
[46] Downing J, Fairey R, Roberts C, Landrau E, Clark R, Hunt JW, Anderson BS, Phillips BM, Wilson C, La Caro F, Kapahi G, Worcester K, Stephenson M, Puckett HM. 1998. *Chemical and biological measures of sediment quality in the Central Coast Region.* California State Water Resources Control Board. Sacramento, CA.

There have been only a few cases to illustrate the County's implementation of the LCP in this area. Since 1988, the County has approved only three projects involving marinas and boating areas.[47] In two cases, the County authorized extensions to existing boat ramps, one adjacent to Leffingwell Creek.[48] The third project involved expansion to an existing sport launch building, including a sport launch, retail sales, water taxi, and boat equipment and repair facility.[49] In acting on these permits, the County addresses water quality impacts from construction in some cases. As part of one of the projects[50], the County required that construction activities: 1) occur during the dry season and low tides, 2) minimize earthwork, and 3) that sand and soil excavations are moved away from the surfzone and wetland areas of Leffingwell Creek each day. These practices help reduce erosion and sedimentation into the Creek and surf zone. It is unclear whether similar approaches were taken in the two other permits. However, because of the small number of projects, the County actions do not raise significant inconsistencies with Coastal Act policies.

The statewide plan for nonpoint source pollution discusses issues regarding boating areas and contains management measures to address them, listed in Table 3- 3 (next page). While the existing LCP policies address some of these pollution sources, it does not have policies or programs to address others. It is important that the LCP contain the most current standards and management practices in order to improve control of nonpoint source pollution from boating areas and protect water quality.

The LCP currently addresses several of the management measures identified in Table 3-3. Management Measure 2 is designed to protect aquatic resources. LCP Ordinance 23.07.178 requires that development within or adjacent to marine habitats be sited and designed to mitigate impacts on kelp beds, offshore rocks, reefs, and intertidal areas. The LCP also partially addresses the concerns of polluted runoff from maintenance areas (management measure 3) through controls on grading and requiring erosion control plans. However, as discussed previously, these erosion control plans under the current LCP may not be adequate to fully address polluted runoff.

The LCP also does not directly address other sources of pollution to marine waters, including pollutants discharged from boats, such as sewage, oil, and fuel, and pollutants generated from boat maintenance activities on land or in water. The development authorized in FLAN 3-SLO-93-143 authorizes uses such as a water taxi and boat repair operations which can contribute pollutants such as oils, cleaners, solvents, and paint into coastal waters. From review of the County staff report, the County's authorization did not appear to contain specific measures to ensure that water pollution is avoided or minimized from these activities. Updating the LCP policies to address these sources of nonpoint source pollution through the regulatory process, where feasible, is important in order to provide adequate guidance for future projects.

[47] FLANs 3-SLO-91-101; 3-SLO-90-210; 3-SLO-95-143
[48] FLAN 3-SLO-91-101 and 3-SLO-90-210
[49] FLAN 3-SLO-95-143
[50] FLAN 3-SLO-91-101

Table 3-3: Management Measures for Marinas and Boating Areas:

1. Assess water quality as part of marina siting and design.
2. Site and design marinas to ensure flushing or recycling of water through the site.
3. Site and design marinas to protect against adverse impacts on aquatic resources, including shellfish, wetlands, submerged aquatic vegetation, riparian vegetation, or other important aquatic habitat areas as designated by local, state, or federal governments.
4. Where shoreline or streambank stabilization is required to protect existing structures from damage by erosion, vegetative methods of stabilization should be considered over structural methods.
5. Implement effective runoff control strategies, including pollution prevention activities and proper design of hull maintenance areas. Reduce the average annual loadings of total suspended solids (TSS) in runoff from hull maintenance areas by 80 percent.
6. Design fuel stations so spills can be contained and easily cleaned, and ensure fueling stations have spill containment equipment and spill contingency plans.
7. Install pumpout, dump station, and restroom facilities where needed at new and expanding marinas to reduce release of sewage to surface waters. Design these facilities to allow ease of access and post signage to promote use by the boating public.
8. Properly dispose of solid wastes produced by operation, cleaning, maintenance, and repair of boats to prevent entry of solid wastes to surface waters.
9. Promote sound fish waste management through fish-cleaning restrictions, public education, and proper disposal of fish waste.
10. Provide and maintain appropriate storage, transfer, containment, and disposal facilities for liquid material (e.g. new and used oil, solvents, antifreeze and paints), and encourage recycling of such materials.
11. Reduce amount of fuel and oil from boat bilges and fuel tank air vents entering marina and surface waters.
12. Perform in-water hull cleaning operations to minimize the release of cleaners, solvents, and paint to surface waters.
13. Ensure that sewage pumpout facilities are maintained in operational condition and encourage the use of sewage pumpout facilities.
14. Where necessary, restrict boating activities to decrease turbidity and physical destruction of shallow water habitat.
15. Public education, outreach, and training programs should be instituted for boaters, as well as marina owners and operators, to prevent improper disposal of polluting material.

While the case discussed above required regulatory review from the County, in many other cases, the sources of nonpoint source pollution occur from ongoing uses of existing areas and from activities that often do not require regulatory review from the County. As a result, many of the measures to protect water quality will need to focus on programs and educational efforts. Providing for these non-regulatory and educational programs in the LCP, as well the regulatory requirements, may improve the County's ability to manage polluted runoff from boating areas and better protect the water quality of coastal waters.

Consistency Analysis: Section 30230 of the Coastal Act requires that marine resources be protected. Because of their location, development and operation of harbor and boating facilities have the potential to significantly degrade marine waters. As noted, the County has taken few actions that implemented boating and harbor related policies of the LCP. However, in the few examples evaluated, the County's application of LCP policies to address potential water quality impacts was somewhat uneven. More important, the LCP policies and standards, certified in the late 1980s, do not reflect more up to date management measures to address this source of pollution to coastal waters. As such, the Commission believes that the LCP should be updated in order to fully comply with Section 30230 of the Coastal Act.

Preliminary Policy Alternatives: To bring the LCP into compliance with the new statewide water quality plan and to achieve improved management measures, the LCP will need a mix of regulatory actions (policies and ordinances implementing some of the management measures) and education and programs to implement others.

Preliminary Recommendation 3-13: If overall runoff policies are revised, then new standards could be implemented when facilities are modified or expanded. Relevant management measures from Appendix D to update the LCP could be incorporated as tools to manage sources of pollution.

Also, programs could be developed to address ongoing operations of harbors and boating facilities. Many of the sources of water quality degradation occur from ongoing activities. Education programs incorporating best management practices for waste disposal and maintenance activities can help protect water quality.

CHAPTER 4: ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

A. Policy Framework

1. Coastal Act: One of the primary objectives of the California Coastal Act is to preserve, protect, and enhance environmentally sensitive habitat areas (ESHA). Section 30107.5 of the Coastal Act defines an "Environmentally sensitive area" as:

> *Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The central provisions of Chapter 3 of the Coastal Act aimed at protecting ESHA include Sections 30240, 30230, 30231, and 30250a:

- Section 30240 prohibits any significant disruption of habitat values, and limits development within ESHA to uses that are dependent on the resources. It also requires that development adjacent to ESHA to be sited and designed to prevent significant degradation, and be compatible with the continuance of the habitat.

- Section 30230 applies to marine habitats, and calls for the maintenance, enhancement and restoration (where feasible) of marine resources, with special emphasis on areas and species of special biological or economic significance. Pursuant to this section, all uses of the marine environment must sustain the biological productivity of coastal waters, and maintain healthy populations of all marine organisms.

- Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.

- Section 30250a directs new residential, commercial, or industrial development to existing developed areas. Where developed areas can not accommodate new development, is to be located in other areas where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Recognizing that these policies have the potential to conflict with other goals of the Coastal Act, such as maximizing public access and recreation opportunities, increasing recreational boating, and protecting the public from flooding hazards, the Coastal Act provides the following guidance:

- The provision of maximum public access and recreation opportunities must be consistent with protecting natural resource areas from overuse and must take into account the fragility of natural resources (Sections 30210 and 30214).

- The diking, filling, or dredging of coastal waters is limited to specific purposes, and permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects (Section 30233).

- The alteration of rivers and streams are limited to necessary water supply, flood control, and habitat restoration projects, and must incorporate the best mitigation measures feasible. (Section 30236)

2. LCP

The programs, policies, ordinances, and standards of the San Luis Obispo County LCP intended to carry out these Coastal Act policies can be found in the Coastal Plan Policies document, LCP Ordinances (including the Coastal Zone Land Use Ordinance or CZLUO), and the four Area Plans.

In general, Chapter 6 of the Coastal Plan Policies Document provides the foundation of the LCP's habitat protection provisions. These ESHA policies fall into five general categories: Policies 1-4, applicable to all ESHA areas; Policies 5-17 regarding wetlands; Policies 18-26 addressing coastal streams and riparian vegetation; Policies 27-34 concerning terrestrial Habitats; and Policies 36-40 protecting Marine Habitats.

The Coastal Zone Land Use Ordinance (CZLUO) implements most of these ESHA Policies are implemented (others a classified as Standards or Programs). CZLUO Section 23.07.170 is applicable to all ESHA areas. Section 23.07.172 deals specifically with wetlands, while sections 23.07.174 and 23.07.176 address streams/riparian habitats and terrestrial habitats, respectively.

Finally, the Planning Area Standards of the four Area Plans contain specific habitat protection provisions designed to address the particular habitat needs and characteristics of distinct geographic regions.

All of these ESHA policies and regulations are integrally linked to the "Official Maps", reduced versions of which can be found in each of the area plans. These include "Combining Designation" maps that delineate environmentally sensitive habitat areas under the classifications of terrestrial habitats (TH), coastal streams and riparian vegetation (SRV), wetlands (WET), and marine habitats (MH). All four of these habitat types fall under the broader Combining Designation category of "Sensitive Resource Area" (SRA). The SRA overlay is applied to "areas having high environmental quality and special ecological or educational significance" (Framework for Planning, p. 7-3). Thus, while all ESHA Combining Designation are also SRA's, not all SRA's are ESHA;

the SRA overlay is also applied to scenic lands and important geological features. Sections 23.07.160 – 23.07.166 of the CZLUO regulate new development within SRA's.

B. Background

The San Luis Obispo County coastal zone contains a wide variety of environmentally sensitive habitat areas that provide refuge for numerous rare and endangered native plants and animals. In addition to sustaining unique and important biological resources, these habitats are a significant component of the natural landscape. As discussed elsewhere in this report, the scenic and recreational qualities of these open space areas attract visitors from around the world and enhance the quality of life for County residents.

These habitats are also extremely vulnerable to degradation by development. Population growth and increasing development pressures, combined with the sensitivity of the remaining open space lands, threaten the long-term survival of these significant habitat areas. In an eleven year period since the County assumed permitting authority (between 1988 and 1998), the Commission has received notice of 2481 coastal development permits. Approximately 778 of these permits (31%) involved development on land that has an ESHA Combining Designation overlay. Maps 4-C, D, E, and F plot the location of this development.

These figures represent a conservative estimate of development approved within or adjacent to ESHA in this ten year period. This is due to the fact that the LCP's Combining Designations do not map *all* of the habitats that constitute ESHA under the Coastal Act and LCP. First, sensitive habitat areas appear to have been missed or overlooked during the original mapping effort. Second, several new species and habitat types have been listed as rare, threatened or endangered since the Combining designation Maps were certified in 1988. In addition, the Commission has not received notice of all development approved in the coastal zone, as discussed in Chapter 1of this report.

1. North Coast Planning Area

The North Coast Planning Area, extending from the Monterey County line in Big Sur to the coastal terrace North of Cayucos, includes a wide array of habitat types. These include Monterey Pine Forests, an ecosystem endemic to the Central Coast; beaches that support populations of Elephant Seals, the Western snowy plover, and other rare and threatened flora and fauna; streams that support important fish species such as the Steelhead trout and Tidewater goby; wetlands that are essential components to the health and biologic productivity of coastal watersheds; grasslands and oak woodlands that are home to raptors, their prey, and numerous types of unique plants, lichens, insects, and other living things; and, intertidal and marine environments that provide habitat for the Brown pelican, Southern sea otter, Gray whale and countless other ocean resources of statewide significance.

As adopted in 1988 and as currently certified, pages 46 and 47 of the North Coast Area Plan identifies and describes in more detail the following habitat types and areas as Sensitive Resource Areas (SRA's):

- the entire shoreline;
- the Monterey Pine Forest;
- San Simeon Creek Lagoon;
- San Simeon Point;
- North Coast Creeks (i.e., portions of Santa Rosa, San Simeon, Pico, Little Pico, Arroyo de la Cruz, and San Carpoforo creeks);
- the 600 acre site at the mouth of Arroyo de la Cruz; and,
- Piedras Blancas Dunes.

2. Estero

The Estero Planning Area contains different, but equally diverse, habitat types. Among the most notable are the Morro Bay Estuary, one of the most important wetland systems of the California Coast, and the surrounding dune/coastal scrub ecosystem that is a host to numerous rare and endangered species including the Morro Bay kangaroo rat, the Morro shoulderband snail, and Morro manzanita. As opposed to rocky coastline and pocket beaches of the North Coast, shoreline habitats within the Estero Bay are primarily comprised of long stretches of sandy beach, such as the Morro Bay sandspit, which provide critical habitat for the Western snowy plover. South of the sandspit to the San Luis Bay Planning Area, the character of the shoreline returns to rocky headlands and steep wave cut bluffs. The coastal terraces of this area support stands of relic native grasslands.

The Combining Designations chapter of the Estero Area Plan, and its accompanying maps, identify the following portions of the planning area as Sensitive Resource Areas:[1]

- undeveloped ocean shoreline and the Peaks Area;[2]
- the Morro Bay wetland and sand spit;
- the Morro Bay shoreline, including Sweet Springs marsh, Cuesta-by-the-Sea marsh, the Los Osos Estuary, the Baywood Peninsula, and the Fairbanks property;

[1] For a description of these areas please refer to pages 7-1 through 7-4 of the Estero Area Plan.
[2] The LCP's designation of these areas as Sensitive Resource Areas is primarily related to their scenic quality rather than habitat value.

- Morro Rock Ecological Preserve;
- Morro Bay Kangaroo Rat Habitat; Montana de Oro Grassland; Coon Creek; Los Osos Oak Forest;
- Los Osos Creek;
- Eto and Warden Lakes;
- the Whale Rock reservoir watershed; and,
- the Camp San Luis Obispo Relict Grasslands.

3. San Luis Bay

The north end of the San Luis Bay Planning Area, between Port San Luis and Montana de Oro State Park, includes several unique natural plant communities. These include a Bishop Pine forest, one of the largest conifer forests in the County; the Coast Live Oak and grassland habitats of the Irish Hills; and the coastal terrace. At the south end of the planning area is the northern limit of the Guadalupe/Nipomo Dunes complex, one of the largest and most important dune habitats in Coastal California.

Sensitive Resource Areas identified by Chapter 7 of the San Luis Bay Area Plan and the Combining Designation Maps include:[3]

- the coastal terrace of the Irish Hills;
- upper Diablo Canyon;
- the stand of Bishop Pines on the ridge and hillsides south of Coon Creek.;
- the Ruda Ranch area of the Irish Hills;
- Ontario Ridge;
- the Oceano lagoon, dunes and beach area;
- Pismo marsh;
- San Luis Creek Estuary; and,
- the Arroyo Grande Creek.

[3] For a description of these areas please refer to pages 7-5 through 7-6 of the San Luis Bay Area Plan

4. South County

The sensitive habitats contained in the South County Planning Area are generally associated with the Guadalupe/Nipomo Dunes Complex, as well as various lakes, rivers and lagoons. The Sensitive Resource Area identified by Chapter 7 of the South County Area Plan include:[4]

- the Nipomo Dunes;
- Dune Lakes;
- Oso Flaco Lakes;
- Black Lake Canyon; and,
- Santa Maria River

Preliminary LCP Implementation Issues

C.1 Identifying ESHA

Overview: One of the first and most important steps in the development review process is identifying the presence of ESHA within or adjacent to a proposed development site. As previously noted, the LCP uses a map-based system to differentiate areas where new development needs to be reviewed for conformance with the LCP provisions protecting ESHA. The primary problem with this approach is that where the LCP maps are outdated or inaccurate, the presence of sensitive habitats sensitive habitats on a development site may not be identified. As a result, the development may be designed and approved in a manner that does not protect the habitat area in a manner that is consistent with Coastal Act and LCP objectives.

LCP Provisions: An "Environmentally sensitive area" is defined by Section 30107.5 of the Coastal Act as:

> *any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

In comparison, the LCP (CZLUO Section 23.11.030) defines "Environmentally Sensitive Habitat" as:

> *A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special*

[4] For a description of these areas please refer to pages 37 through 38 of the South County Area Plan.

> *nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. They include wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations.* (Emphasis added)

The references to "Sensitive Resource Area" and "Land Use Element combining designation" contained in the County definition reflect the map-based approach to habitat protection that is a fundamental component of the LCP's organization. Essentially, the LCP uses "combing designations" as geographic overlays to land use designations that identify particular resources or constraints that need to be considered during development review. As described on page 7-1 of the Framework for Planning:

> *Combining designations identify areas with characteristics that are either of public value or are hazardous to the public. The special location, terrain, man-made features, plants or animals of these areas create a need for more careful project review to protect those characteristics, or to protect public health, safety and welfare. Combining designations are established to achieve the following:*

...to identify sensitive coastal resources such as archaeological sensitive areas, wetlands, coastal streams, and habitats.

The Combining Designation applied to ESHA is the Sensitive Resource Area (SRA) combining designation. As described on page 7-3 of the Framework for Planning the SRA overlay is:

> *Applied to areas having environmental quality and special ecological or educational significance. The SRA includes four types of Environmentally Sensitive Habitats: Wetlands, Coastal Streams and Riparian Vegetation, Terrestrial Habitats and Marine Habitats.*
>
> *WET* *Wetlands: Applied to lands that may be covered by shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.*
>
> *SRV* *Coastal Streams and Riparian Vegetation: Applied to stream courses (those shown on USGS 7.5 quadrangle maps) and adjoining riparian vegetation.*
>
> *TH* *Terrestrial Habitats: Applied to sensitive plant or animal habitats within land areas.*
>
> *MH* *Marine Habitats: Applied to sensitive habitat areas for marine fish, mammals and birds.*

The application of these combining designations, and the development standards that accompany them, can be interpreted as applying only to those areas that have been mapped as such. Similar to the LCP's definition of ESHA, the CZLUO defines Sensitive Coastal Resource Area as:

> *...those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, pursuant to Section 23.01.043c(3) of this title.*

CZLUO Section 23.01.043c(3) describes Sensitive Coastal Resource Areas as including:

> *(i) Special marine and land habitat areas, wetlands, lagoons, and estuaries mapped and designated as Environmentally Sensitive Habitats in the Local Coastal Plan. ...*

The consideration of streams as ESHA is similarly limited to a mapped based system, by virtue of the definition of streams contained in Appendix C of the Coastal Plan Policies. This appendix defines a stream as "a natural watercourse as designated by a solid and three dot symbol shown on the United States Geologic Survey map most recently published...."

In order to account for the changes in species and habitat status over time, such a mapped base system needs to be continually updated to reflect current on-the-ground conditions. The LCP's combining designation maps have not, however, been updated since January 1989. As a result, changed circumstances and new information regarding ESHA types and locations are not reflected in the LCP maps that dictate when and where habitat protection provisions apply to new development.

That is not to say that the LCP habitat maps do not provide valuable sources of information. Indeed, the sensitive habitat Combining Designations provide a useful tool for identifying many of the sensitive habitat areas where special considerations must be applied to development proposals. Nevertheless, problems occur where the maps do not accurately reflect on the ground resources, and as a result, such resources are overlooked or not granted the protection they deserve under the Coastal Act.

As previously described, there has been an increase in the number of species that are considered as threatened and endangered under the state and federal Endangered Species Acts since LCP certification. The LCP maps that designate ESHA have not, however, been updated to include the habitats of these newly listed species. In addition, there have been changes in species location and status, which in some cases render the Combining Designation maps incomplete in their depiction of ESHA.

The incomplete delineation of ESHA provided by the LCP Combining Designation Maps, and the implications this can have on the protection of ESHA, is an issue that has been raised in many recent appeals. Table 4-1 provides a listing of appeals that involved development in or adjacent to habitats/potential habitats for rare and endangered species not mapped as ESHA by the LCP.

Table 4-1: Appeals in/adjacent to unmapped ESHA

Appeal No.	Project	Unmapped Habitat Type and Location
A-3-SLO-96-021	Eady Motel	Riparian, Cambria
A-3-SLO-97-40	Los Osos Wastewater Treatment Project	Coastal Scrub, Los Osos
A-3-SLO-98-108	Rodman/Holland Subdivision	Coastal Scrub, Los Osos
A-3-SLO-99-083	Wright Storage Project	Coastal Scrub, Los Osos
A-3-SLO-99-014 and A-3-SLO-99-032	Morro Bay Ltd. Lot Line Adjustment and Roadway project	Wetlands and Grasslands, Harmony Coast
A-3-SLO-98-087	Cabrillo Associates/Pratt Subdivision	Maritime Chaparral (Morro Manzanita), Los Osos
A-3-SLO-00-40	Schneider Residence	Grasslands, Harmony Coast

In addition to the above appeals, the Commission staff is aware of the following locally approved development that was not appealed but also involved development in or adjacent to ESHA that is not mapped as such by the LCP:

Table 4-2 Local Permits in/adjacent to unmapped ESHA

Local Permit No.	Project	Habitat Type and Location
D870122D	Monarch Grove Subdivision	Coastal scrub, Los Osos
D960037	Morro Shores Subdivision	Coastal scrub, Los Osos
D980300P	Mehring residence	Maritime chaparral, Los Osos
D990196P	El Moro bike trail	Coastal scrub, Los Osos
D970257D	MCI/Worldcom	Coastal scrub, Los Osos

As shown by the above tables, the Los Osos/Baywood Park region of the Estero Planning area is an area where LCP maps do not effectively represent the full extent of sensitive

habitats. This is largely due to the US Fish and Wildlife Service's listing of the Morro Bay Shoulderband snail and four local plant species as threatened or endangered in 1997.

The other area where ESHA exists but is not mapped by the LCP, as indicated by Table 4-1, is the largely undeveloped coastline between Cayucos and Cambria known as the Harmony Coast. It appears that the wetland and terrestrial habitat values of this area were not recognized during the original development and certification of the LCP, and have since been identified during project specific development reviews.

While these two geographic regions provide good examples of the problems raised by the LCP's map based system, the problem is not limited to these areas. Maps 4-A and 4-B compare the habitat areas for rare and endangered species identified by the Department of Fish and Game's National Diversity Database to the areas mapped as ESHA by the LCP. As shown by these figures, there are many important habitat areas that are essential to the protection and recovery of threatened and endangered species, but are not designated as such by the existing LCP. It should also be noted that habitat areas illustrated by these figures are limited to those that support for plants or animals listed as rare of endangered under the state and federal Endangered Species Acts. There are over 100 additional species in San Luis Obispo that have been listed as a Species of Concern, proposed for listing, or classified as rare by the California Native Plant Society whose habitats are not reflected by these figures.

LCP Implementation:

Between 1988 and 1998, the County's application of ESHA protection provisions appears to have been largely based upon whether the project is proposed in a location within or adjacent to a mapped ESHA Combining Designation. That is, the Combining Designation Maps provided the primary tool for identifying when proposed development posed potential impacts to ESHA, and was therefore subject to compliance with the range of habitat protection provisions provided by the LCP.

During this time period, however, potential impacts of new development on ESHA not mapped as such by the LCP were sometimes identified pursuant to an environmental review required under the California Environmental Quality Act (CEQA). Such examples are limited due to the fact that most of the developments authorized by local coastal development permits qualify for exemptions from the requirements of CEQA.

Environmental reviews conducted pursuant to CEQA that identified impacts to sensitive habitats not mapped by the LCP include the subdivisions known as Monarch Grove, Cabrillo Estates, and Morro Shores, all of which are located in the urban area of Los Osos. By virtue of the fact that the involved habitats were not mapped as ESHA, and the Land Use Designations allowed for smaller lots, the subdivisions were approved. While some habitat mitigation was provided pursuant to CEQA, these measures did not achieve the same level of habitat protection otherwise required by the LCP for mapped ESHA, particularly those that prohibit land divisions within ESHA.

A significant change to this map-based approach occurred in 1998, after the Coastal Commission determined that an appeal of the Los Osos Wastewater Treatment project (A-3-SLO-97-40) raised a substantial issue. An important basis for this decision was the Commission's interpretation that LCP ESHA protection standards should be applied to any area that supports sensitive habitat resources, whether or not it is mapped as such by the LCP. The findings drafted in support of this interpretation state:

> *The LCP is silent on what to do in those instances where environmentally sensitive habits are found at a particular site, as is the case here, but they have not yet been officially mapped. To interpret the LCP policies in a way that such environmentally sensitive habitats are not treated as such would be at odds with both the intent of the LCP's ESH protection policies and the clear direction of Coastal Act objectives. It would also be poor public policy and resource planning to suggest an accurate delineation of all sensitive habitats will be accomplished at only one specific point in time, due to the many dynamic variables that can affect the type and location such resources over time. Public policy must be able to account for new information and scientific understanding in the implementation of resource protection policies, such as the information that has been developed by the County regarding the habitat values of the treatment plant and disposal sites. The only rational response is such situations, therefore, is to treat existing environmentally sensitive habitats as such under the LCP, regardless of whether they are currently precisely mapped in the Land Use Element.*

Consistent with this interpretation, the County has not intentionally limited the application of LCP ESHA protection provisions to the mapped areas since the Commission's consideration of the Los Osos Treatment Project. In fact, since 1997, County staff has done a commendable job of identifying where development may impact ESHA regardless of the development area's mapping status, particularly in the Los Osos area. In addition, the draft updates to both the North Coast and Estero Area Plans include revisions that will require the protection of ESHA whether mapped or not.

Clearly, there are important reasons to update and/or revise the LCP's map based system for identifying ESHA. These include:

- Ensuring that all sensitive habitat areas are effectively identified and protected consistent with Coastal Act Sections 30240 and 30241; and,

- Establishing a clear and consistent process for development review, including an accurate identification of which projects are appealable to the Coastal Commission by virtue of their location in sensitive resource area.[5]

[5] Pursuant to Section 23.01.043c(3)(I), any development located within "Special marine and land habitat areas, wetlands, lagoons, and estuaries and mapped and designated as Environmentally Sensitive Habitats in the Local Coastal Plan" are appealable to the Coastal Commission.

This does not mean that the use of maps and Combining Designations should be abandoned; as previously noted, these maps provide a useful tool for identifying particular areas known to support sensitive habitats. What it does mean is that these maps need to be supplemented with additional information and analysis to ensure that the protection of ESHA is not overlooked. This information base must be broad enough to identify all areas of the County coastal zone that meet the Coastal Act definition of ESHA.[6] In addition, the information base must be updated on a regular basis to reflect changes in the status and location of rare and valuable habitat resources over time.

There are numerous reference tools that can be used to supplement the LCP's existing Combining Designations in a manner that reflects the full range of plants and animals in the San Luis Obispo County coastal zone that qualify as ESHA. The most important of these are the lists of rare, threatened and endangered species maintained by the US Fish and Wildlife Service (USFWS), the California Department of Fish and Game (DFG), and the California Native Plant Society (CNPS). All of these lists are accessible on the internet, and are routinely updated, as described below.

- The US Fish and Wildlife Service provides lists of all species that are classified as threatened or endangered under the federal Endangered Species Act, as well as those that are designated as a species of concern, and those that are being proposed or considered for such listing. Updates to these lists are provided via the Federal Register.

- The California Department of Fish and Game maintains the California Natural Diversity Database (CNDDB), a statewide inventory of the locations and condition of the state's rarest species and natural communities. As stated on the DFG website, the goal of this program is "to provide the most current information on the state's most imperiled elements of natural diversity and to provide tools to analyze these data. The California Natural Diversity Database (CNDDB) is a continually refined and updated computerized inventory of location and condition information on California's rarest plants, animals, and natural communities." Among the information available are listings of "special status species" by County. Special Status Species include all plants and animals listed as a species of concern, threatened, or endangered under the Federal Endangered Species Act; listed as rare, threatened or endangered under the California Endangered Species Act; and, those species that have been otherwise assigned special status by DFG or CNPS.

- The California Native Plant Society (CNPS) maintains a Rare Plant Inventory that provides information on the distribution, ecology, and conservation status of California's rare and endangered plants. The Program currently recognizes 857 plant taxa (species, subspecies and varieties) as rare or endangered in California. Another

[6] Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5).

34 taxa of native identified by the inventory are presumed to have gone extinct in California in the last 100 years.

Perhaps the most comprehensive of the above lists is the Natural Diversity Database, which strives to identify the full range of plants and animals that have been granted special status by the federal government, the state of California, the Department of Fish and Game, and the California Native Plant Society.

While these lists certainly provide an important tool for identifying the particular species whose habitats' should be protected as ESHA, the delineation of ESHA should not be limited to the habitats of listed species. Other sensitive habitats that may not support threatened and endangered species may be considered "rare or especially valuable" from a local, regional, or statewide perspective, and therefore should be protected as ESHA by the LCP. Good examples of such habitat areas include over-wintering sites for Monarch butterflies; elephant seal haul-out and breeding areas; and coastal dune/dune scrub, oak woodland, native grassland, and maritime chaparral plant communities.

In addition to updating the full range of species and habitat types that qualify as ESHA, it is essential to obtain the site-specific information that identifies if ESHA exists on or adjacent to a proposed development site.

Currently, the coastal development permit application requirements contained in sections Section 23.02.030, 23.02.033, and 23.02.034 of the CZLUO require applications to provide, among other information, "the generalized location of any major topographic or man-made feature on the site, such as rock outcrops, bluffs, streams and watercourses, or graded areas". While this information will help identify when a development proposal may impact a stream or riparian habitat, it will not lead to the identification of other sensitive habitats, such a coastal dune scrub.

For development within a Combining Designation, Section 23.02.030 requires applications to include "additional information", but does not specify what type of additional information must be provided. Presumably, the additional information should identify the resources present on the site that was the basis for the Combining Designation. Regardless, since this additional information is only required for projects within a Combining Designation, it will not lead to the identification of sensitive habitats that may be present on a development site that is not mapped as a Combining Designation.

Finally, Section 23.02.030b(ix) requires permit applications within urban or village reserve lines to show the location of trees existing on the site or within 40 feet of the proposed grading or other construction, which are eight inches or larger in diameter at four feet above natural grade. While this information is important in terms of protecting older and larger trees that are important environmental and visual resources, it is not adequate to determine the presence of terrestrial habitats. Not only is the identification of trees limited to projects within urban and village reserve lines, but the limited size of

trees identified under this standard does not include younger trees crucial to the long-term health of a forested area or sensitive tree-like shrubs such as Morro manzanita.

Thus, expanding upon the information required at the application stage regarding the type and extent of native habitat that may exist on and adjacent to the proposed development would help address the deficiencies of the existing Combining Designations. The requirements for such information needs not only to be broad enough to ensure that the potential presence of ESHA is not overlooked, but balanced so that they do not place unnecessary burdens on the development review process. Alternative methods of addressing this need are analyzed below.

Preliminary Policy Alternatives:

The issues that need to be addressed to effectively resolve what constitutes ESHA include:

- Identifying the sources of species and habitat information that must be used to determine the presence of ESHA;
- Obtaining site specific information regarding the potential presence of biological resources on or near proposed development as part of coastal development permit applications; and
- Establishing a more definitive process for delineating the extent of ESHA on a particular site.

Alternative methods of responding to these needs are detailed below.

Alternative Sources of Species and Habitat Information: As previously described, there is a wide range of reference materials available to determine whether the plants, animals, or habitats present on a particular site may qualify as ESHA. These include the existing Combining Designation Maps and descriptions; the lists of sensitive species maintained and update by USFWS, DFG, and CNPS; the CEQA review process; and, other sensitive habitats that may be determined to be especially rare and valuable by the County and the State.

Alternative A1: Updated Combining Designation Maps

Under this alternative, the current map based approach for determining the presence of ESHA would be retained, but an intensive effort to update these maps consistent with the current status and distribution of rare and endangered species would take place. In addition to considering the data and information available from USFWS, DFG, and CNPS (among others), the update of the maps would involve assessments and verification of habitat boundaries using field research, aerial photo analysis, and other methods. Habitat maps provided by project specific biology reports could also be used to update the Combining Designation maps.

To account for future changes in special status species, this alternative would also need to include provisions to ensure that subsequent updates of the Combining Designation maps would occur on a periodic basis. Various triggers to future updates could include a commitment to such updates once a year (or other appropriate time frame). The Resource Management System (RMS), described in the New Development Chapter, could be expanded to provide procedures for such updates. In addition, standardizing the requirements for biology reports, particularly mapping, would facilitate the incorporation of new information/habitat delineations within the Combining Designation mapping system.

Benefits of this approach include providing greater certainty about the specific geographic regions where LCP ESHA protection provisions apply; and, facilitating comprehensive interagency periodic reviews of the type and location of biological resources that should be protected as ESHA by the LCP.

Problems with this approach include the difficulties sure to be encountered in reaching timely and acceptable updates to the maps, and the remaining possibility for development to occur on unmapped ESHA. The amount of research, conflict resolution, and debate accompanying these updates would likely present significant obstacles. Even if such updates could be efficiently processed, the potential for development to impact ESHA that was unknown or overlooked during the amendment process would remain. An additional problem would the limited ability to do research on private property necessary to effectively update these maps.

Alternative A2: Supplement the Use of Combining Designation Maps with Additional Tools to Determine the Presence of ESHA

Rather than basing the presence of ESHA on the Combining Maps alone, the LCP could acknowledge that certain habitats constitute ESHA, regardless of their mapping status. For example, habitats for special status species listed by the Natural Diversity Database, as well as other habitats determined by the County and the Coastal Commission to be ESHA through the LCP Amendment and Update process, could be protected as ESHA whether or not they are mapped as such by the Combining Designations. Under this alternative, if the habitats for any of the species listed by the Natural Diversity Database, or other specified ESHA, are identified as existing, or having the potential to exist on or adjacent to a proposed development site, a thorough biological analysis to make a final determination of the presence and extent of ESHA would follow.

This alternative is similar to the approach being proposed in the current North Coast and Estero Area Plan Updates, which recognize habitat for species listed by federal or state agencies as ESHA. The Estero Update goes one step further than the North Coast Update by also recognizing habitat for rare or endangered species "as defined by State CEQA Guidelines as ESHA". This would include, but not be limited to, the threatened and endangered species listed pursuant to state and federal Endangered Species Acts; habitats for other species that have not been placed on an official list, but meet the criteria of Section 15380(b) of the CEQA Guidelines, would also be protected as ESHA.

Neither the North Coast nor Estero Updates address the use of the Natural Diversity Database, which includes plants classified by the California Native Plant Society, as well as plants and animals that are proposed for listing by the state or federal governments and other species identified as a "species of concern". However, such information is typically considered in the evaluation of whether a species meets the CEQA Guidelines definition of a rare or endangered species.

The Updates also appropriately identify particular habitat types that should be added to the LCP's current list of ESHA. For the North Coast, this includes central foredunes, coastal freshwater marshes, central dune scrub, central maritime chaparral, coastal dunes (including oak groves and native groundcover vegetation that stabilize the dune landform north of San Simeon Pt.), trees used as over-wintering habitat by the Monarch butterfly; and elephant seal haul out and breeding areas. In the Estero Planning Area, the update identifies ecologically significant areas of oak woodland, coastal strand, coastal sage scrub, dune scrub, maritime chaparral communities, and other significant stands of vegetation such as Bishop pine, eucalyptus, and cypress[7] as environmentally sensitive areas. Both the Updates recognize all riparian habitat corridors as ESHA, whether or not they border a "blue-line" stream shown by USGS quadrangles.

Clearly, both the updates represent significant improvements to the LCP's current mapped based system for defining ESHA, and the County should be commended in this regard. Further consideration should be given to the use of the Natural Diversity Database as an additional tool to supplement the use of the Combining Designation maps. In addition, the Area Plan Updates will need to be accompanied by amendments to the Coastal Plan Policies document and the Coastal Zone Land Use Ordinance to achieve internal consistency and ensure effective implementation of these changes, as recommended below.

Perhaps the most complicated aspect of this alternative is obtaining a quality inventory of biological resources at the development application stage. Obviously, such an inventory is essential to determine whether any listed species or other sensitive habitats are present on a site. This issue is addressed in the next alternative analysis presented below.

Alternative Methods of Obtaining Site Specific Biological Information: Effective implementation of Alternative A2 (above) is dependent upon obtaining a comprehensive inventory of the biological resources (i.e., plants, animals, and sensitive habitat types) that are on and adjacent to a proposed development site. It appears that the original intent of the Combining Designations was to identify the particular areas where such detailed biological assessments would be required. However, as previously discussed, the Combining Designation maps do not effectively delineate all locations of potential ESHA, and therefore should not be relied upon to identify the particular areas where biological evaluations are needed. Thus, it appears that biological evaluations to determine the potential presence of ESHA are needed outside of the mapped areas. Yet,

[7] Provided that these stands of vegetation do not need to be removed due to hazardous conditions or restoration/enhancement of native habitat.

a blanket requirement that *all* new development provide such biological evaluations may place unnecessary burdens on the permit application and review process. The challenge is therefore to establish an appropriate balance between requiring biological evaluations where there is the potential for ESHA to exist, and exempting certain areas from such evaluations where it can be definitively shown that new development will not impact ESHA.

Alternative B1: Rely on the Biological Evaluation Conducted Pursuant to the California Environmental Quality Act

According to County Planning staff, every proposed development site is inspected as part of the Initial Study required under the California Environmental Quality Act (CEQA). While many of these projects are later determined to be exempt from the full environmental review requirements of CEQA, such exemptions are not granted until an initial site inspection has occurred. If a site appears to provide important habitat values based on the professional judgement of the local planning staff during this initial inspection, the applicant is typically required to provide additional biological information (e.g., habitat survey).

Under this alternative, local planning staff would determine if biological evaluations are needed based on the results of their initial field inspections. If the vegetation, soils, or other features of a site appear to have the potential to support sensitive habitats, or the site appears to be within 100 feet of an ESHA, a biological report prepared pursuant to CZLUO Section 23.07.170[8] would be required as part of the development permit application. To ensure that these procedures are appropriately followed, new provisions should be incorporated into Chapter 2 of the CZLUO regarding the content and processing of permit applications.

In general, this seems to be the approach being proposed in both the current Estero and North Coast Area Plan Updates. As proposed on page 7-8 of the Estero Update, a biological or other applicable report that identifies sensitive features must be prepared when required by the Coastal Zone Land Use Ordinance (e.g., when located in a mapped ESHA Combining Designation), or when required by the Planning Director. Although not specifically stated, it is assumed that the Planning Director would require such reports when the initial investigation of the site by County planning staff indicated the potential for ESHA to exist on a site.

Similarly, the current North Coast Area Plan Update proposes on page 7.17 that "all projects which have the potential to adversely impact and Environmentally Sensitive Habitat Area (ESHA) will be subject to mandatory environmental site review, whether or not located within a previously mapped Sensitive Resource Area. If the review identifies the potential for impacts to sensitive habitat and/or wildlife, a biological assessment shall

[8] Recommended changes to this section of the CZLUO can be found on pages _ of this report. As part of the recommended changes, development projects within specific habitat types that can be protected through the development and implementation a comprehensive system-wide program (e.g., the Cambria Pine Forest and the Los Osos Dunes) may not be required to submit a complete biological report.

be conducted by a qualified expert." It is not clear how it shall be determined whether a project has the potential to adversely affect ESHA, and therefore requires a mandatory site review. Again, it is assumed that local planning staff will make such determinations in the field.

The benefit of this approach is that it makes use of existing procedures rather than creating additional application requirements. Potential problems with this approach is that local planning staff may not have the biological expertise to effectively determine if the site may support or be adjacent to ESHA, and/or may not have adequate time to do a complete assessment of a sites biological values.

In this regard, it is noted that as modified by the Coastal Commission in January 1998, the mandatory site review required by the North Coast Update was to be undertaken by a qualified expert, during the season of the year most likely to result in successful observation of the sensitive species. These important provisions have been eliminated from the initial ("mandatory") site review required by the current update. Reinstatement of these provisions may help resolve this issue. However, the question of how to determine whether a project has the potential to impact ESHA, and therefore requires such a site review, remains.

Alternative B2: Require All Development Applications Involving New Site Disturbance to Provide Site Specific Biological Information

Under this alternative, every coastal development permit application that involved new site disturbance would be required to include a comprehensive list of all biological resources that occur, or have the potential to occur, on the site. Where development would be located within 100 feet (the minimum ESHA setback) of the property line, the required biological survey would need to extend onto adjacent property to a distance of 100 feet from the proposed development. This is similar to the existing LCP requirement that applications for development within 100 feet of the boundary of a mapped ESHA include a biological report that, among other things, confirms that setbacks are adequate to protect the ESHA (CZLUO Section 23.07.170a(4)). The main difference is that the provision of this information would not be limited to projects that are in, or within 100 feet of, a mapped ESHA.

Procedurally, this would require all new development applications to be accompanied by an inventory of the plants and animals identified as occurring, or having the potential to occur, within 100 feet of the proposed development, prepared by a qualified biologist. Should this inventory identify the presence or potential presence of any species listed by the Department of Fish and Game's National Diversity Database, or any type of habitat designated by the LCP as ESHA, a full biological report required pursuant to CZLUO Section 23.07.170 would be required to process the application. Such procedures could be incorporated into Chapter 2 of the CZLUO.

The problem with this approach is that it adds a significant additional requirement to the application process that in some cases may be unnecessary. Certain urban environments

and other area that have been previously degraded may be clearly devoid of biological value, making a requirement for a biological survey an unnecessary component of the development review process. To address this issue, the County could evaluate the particular areas where development should be exempt from the need to provide a biological inventory as part of the application process, based on scientific evidence demonstrating the absence of ESHA in such areas.

It is noted, however, that the incorporation exemptions from biological inventory requirements into the LCP would have to be held to very high standards. Many urban areas such as Los Osos that were not considered ESHA by the LCP have been recently determined to support sensitive species and habitats.[9] Similarly, rural lands used for agricultural activities such as grazing may have been preciously viewed as providing little in the way of habitat. They have, however, been shown to provide important habitat for raptors, wetland resources, riparian species, and diminishing native grasslands.[10]

Alternative B3: Obtain the Necessary Biological Information through a Comprehensive Habitat Conservation Planing Effort

Regional and sub-regional areas that support specific sensitive habitat types may lend themselves to an ecosystem based approach to habitat identification and protection. If addressed through a comprehensive planning effort, such an approach would minimize, and perhaps avoid, the need for all development proposals to provide site-specific comprehensive biological surveys.

Under this alternative, specific types of ESHA would be delineated according to the particular physical characteristics they are dependent upon (e.g., soil type, climate). The delineation of the habitat planning area would be at a gross scale, encompassing the full range of the habitat type, irrespective of the fact that certain properties within the delineated area may no longer support the biological resources associated with the system.

Within the delineated habitat region, habitat values would be assigned to properties based upon factors including size and connectivity to other habitats. The greatest value would be assigned to those habitat areas that are essential to the systems survival and recovery, as well as those areas that represent an "Ecologically Significant Unit" (i.e., an area of habitat that is adequate in size and setbacks from incompatible uses to be self-sustaining). The lowest value would be assigned to small properties that are either too small or removed from other habitat areas to be a viable habitat area over the long-term.

The objective of the program would preserve all habitat areas that are either essential to the survival, recovery, and enhancement of special status species, or represent an Ecologically Significant Unit. Properties within the habitat planning area that do not

[9] Morro Shoulderband Snail and Four Plants for Western San Luis Obispo County, California Recovery Plan, U.S. Fish and Wildlife Service, September 1998
[10] Coastal Development Permit Files A-3-SLO-99014 and A-3-SLO-99-032 (Morro Bay Limited), A-3-SLO-00-40 (Schneider)

meet these criteria could be developed in return for contributions to the preservation of essential and sustainable habitat areas that are otherwise threatened by development, in amounts proportional to the habitat value assigned to the development site. In addition, protection of the preservation area could be facilitated by granting bonuses (e.g., increased square footage or density) to projects in the development area in return for extinguishing development credits in the preservation area. Among the many difficult details that would need to be addressed by the program would be the means of ensuring the protection of the entire preservation area(s) before development could be authorized on properties of lesser habitat value.

To ensure that such programs comply with federal and state endangered species acts, as well as the Coastal Act, they are encouraged to be developed in coordination with a Habitat Conservation Plan (HCP) and Natural Communities Conservation Program (NCCP), as administered by the US Fish and Wildlife Service and California Department of Fish and Game, respectively. Such a coordinated approach could facilitate resolution of ESHA issues on an ecosystem basis, in a manner that meet the needs of all the regulatory agencies.

While this may be an attractive approach from both an ecological and development standpoint, a great deal of research and planning would be required to develop and implement such programs. As a result, integrating such programs into the LCP is expected to be an intensive effort. Currently, both the Estero Area Plan Update and the Wastewater Treatment Project being developed by the Los Osos Community Services District, proposes such a program for the Los Osos area. This program is in its infancy, but may provide a blueprint for similar efforts elsewhere in the County, with further development and coordination with the involved parties and regulatory agencies.[11] The other area where such an ecosystem approach appears to be warranted is the Monterey Pine forest in and around the Cambria urban area. This is discussed in more detail elsewhere in this chapter.

To encourage such ecosystem based planning, new Combining Designation Programs could be incorporated into the LCP that call for the County, or other appropriate entity, to secure grants and other funding that would set these plans in motion.

Alternative Procedures for Delineating the Extent of ESHA: An additional variable in the ESHA identification issue is the process for delineating the extent of the habitat. Assuming that a biological inventory of a particular site indicates the presence, or potential presence of particular sensitive species or habitat type on a proposed development site, what protocols should be used to delineate the extent of ESHA on the site? Other than requiring a biological report for development within or adjacent to ESHA that addresses setbacks from the habitat area (CZLUO Section 23.07.170), the LCP is silent in this regard.

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[11] Described in: Crawford Multari Clark & Mohr Associates, *Draft Environmental Impact Report for the Los Osos Community Services District Wastewater Facility project*, November 2000, page 290; and, SLO County Estero Area Plan Update. pages 6-25 and 6-28 – 6-30 .

Alternative C1: Rely on the Physical Presence of Particular Plants and Animals

It could be suggested that the limits of the ESHA should be co-terminus with the specific locations where sensitive plants and animals have been documented to occur on the site. A significant problem with such an approach is that it does not account for the natural movement of sensitive species occurring through seed germination and/or physical migration. As a result, this alternative would not effectively protect the full range of areas that provide habitat for rare and endangered species and may be essential for their biological continuance.

Alternative C2: Consider the Current Physical Characteristics of the Site

A much more scientifically based approach that considers the full range of the site's physical characteristics is needed to effectively delineate ESHA. Soil type, topography, vegetation, microclimate, migration corridors, and other such physical characteristics all play a significant role in defining the areas of a site that represent habitat for the particular species of concern. In addition, seasonal variations in the presence of sensitive species must also be taken into account. A thorough biological analysis of these variables and characteristics based on a current site specific evaluations conducted during the appropriate seasons, accompanied by maps accurately delineating the areas that currently provide, or have the potential to provide, habitat for rare and sensitive resources, would need to be completed by a qualified biologist. Standards specifying the minimum requirements for such biological reports would need to be incorporated into Section 23.07.170 of the CZLUO to implement this alternative. These standards should be reviewed by, and incorporate the recommendations of, other resource management agencies, including the

This is similar to the approach suggested by the Commission in its modifications to LCP Amendment 1-97 and incorporated into the current North Coast Update (p. 7-18) being developed at the local level. However, this important addition has not yet been incorporated in the Estero Update or the other two Area Plans. Changes to CZLUO Section 23.07.170 are needed to ensure effective implementation of this alternative, not only within the sensitive areas of the North Coast and Estero, but for all ESHA areas in the San Luis Obispo County coastal zone.

Alternative C3: Evaluate Restoration Potential

There may be particular areas where development has disturbed or removed physical characteristics that previously provided important habitat values, but the area remains an important component of an ESHA ecosystem, and therefore should be protected as ESHA. For example, industrial development in the Guadalupe Dunes of South County has removed significant dune habitats. Yet, if and when these industrial developments are abandoned, the facilities could be removed and the natural dune habitats restored, in a manner that aids in the survival and recovery of the rare and threatened species native to the area.

In instances such as these (i.e., where previous development has disturbed or fragmented otherwise significant habitat areas) it may be warranted to take a broader view of what constitutes ESHA on a development site. In addition to the physical characteristics that currently provide habitat value, the potential to restore the previously disturbed habitat areas should also be considered. Under this alternative, Biological Reports would be required to delineate the full extent of existing and restorable habitat areas as ESHA. Where the disturbed but restorable area is surrounded by ESHA. Again, changes to CZLUO Section 23.07.170 would be required for implementation.

Alternative C4: Establish a Process for Confirming the Presence and Extent of ESHA with DFG and USFWS

As a final tool for confirming the accurate delineation of ESHA, the applicant and/or the County Planning Department could be required to submit the required biological report for review and comment by the California Department of Fish and Game and the US Fish and Wildlife Service. The purpose of this review would be to ensure that no important habitat values were overlooked, or afforded adequate protection, by the required biological report. To prevent this from causing significant delays in the review process, a specific timeline could be assigned to these reviews (e.g., two weeks from the agencies' receipt of the Biological Report).

The LCP currently requires the Department of Fish and Game to review all applications for development in or adjacent to wetlands. Where needed, DFG is to recommend appropriate mitigations which "should be incorporated into project design" (Policy 10 for Environmentally Sensitive Habitats and CZLUO Section 23.07.172c). As discussed in the section of this Chapter regarding wetlands, it is not clear that this requirement is being consistently implemented; only 4 of the 23 permits reported to the Commission between 1988 and 1998 involving development in or adjacent to wetlands indicated that DFG was consulted. Changes to Section 23.07.170 of the CZLUO requiring that Biology reports be submitted for the review and comment of DFG and the US Fish and Wildlife Service would therefore not only help ensure that ESHA was being accurately delineated, but would also enhance implementation of existing wetland protection policies.

Preliminary Recommendation 4.1: Revise the LCP's Definition of ESHA

- Revise definitions of SRA and ESHA contained in Section 23.11.030 so that they conform to the Coastal Act definition. Clarify that ESHA, and the application of ESHA protection standards, is not limited to the areas mapped as Combining Designations. As proposed on page 7-10 of the Estero Update, use the definition of "habitat for rare and endangered species" provided by the CEQA guidelines as an additional tool to define ESHA.

- Determine the presence of ESHA based on the best available information, including current field observation, biological reports, the National Diversity Database, and US Fish and Wildlife Critical Habitat Designations and Recovery Programs.

- As proposed by both the North Coast and Estero Updates, recognize all riparian habitats as ESHA regardless of whether they are mapped by USGS quadrangles.

- Replace the LCP's definition of streams, currently limited to streams shown by USGS maps, with an alternative definition, such as that used by the Department of Fish and Game.

Preliminary Recommendation 4.2: Revise and Update ESHA Combining Designations

- Recognize maps as a tool for identifying potential locations of ESHA, but that the actual presence and extent of ESHA must be determined in the field.

- Incorporate other rare and valuable habitat types into the ESHA Combining Designation Programs. These should include, but not be limited to, the additional sensitive habitats identified by the North Coast and Estero Updates.

- Periodically update the Combining Designation Maps to identify habitats of rare and endangered species that have become listed since LCP certification, to correct mistakes contained in existing maps, and to incorporate other habitat types determined to be ESHA by the County. Consider implementing annual updates to the Combining Designation Maps as part of the LCP's Resource Management System.

- Maintain the Combining Designation maps as a dynamic geographic database that can be routinely updated as new information becomes available. To facilitate such efforts, the County should consider establishing standard formatting requirements for field surveys and biological reports that could be directly incorporated into such a system facilitate such updates. Coordination with other resource management entities involved with mapping sensitive habitats (e.g., the Morro Bay National Estuary Project) should also be pursued.

Preliminary Recommendations 4.3: Update Requirements for Biological Investigations and Reports

- Revise CZLUO Section 23.07.170 so that biological reports are prepared for all development within or adjacent to ESHA, not just those sites that have been mapped as ESHA.

- To determine when a biological report may be required for a development site that has not been previously mapped as, or determined to be ESHA, require a habitat and biological inventory prepared by a qualified biologist as part of development permit applications. Where it is clearly evident that a development site has the potential to support sensitive habitats based on the initial inspection of County planning staff, a biological report may be required without a biological inventory.

- Evaluate particular areas, particularly urban areas, where it may be appropriate to exclude new development from the need to provide a biological inventory as part of the application process. Incorporate such exclusions into the LCP based on scientific evidence demonstrating the absence of ESHA in such areas.

- Develop comprehensive habitat conservation and management programs for areas with particular habitat protection needs (e.g., Los Osos dune scrub and maritime chaparral habitats, Cambria Pine Forest; please see recommendation 2c). Upon incorporation of such programs into the LCP, development within particular habitat areas may be excluded from the need to provide site-specific biological investigations and reports. Instead, the biological information required at the application stage would be related to implementation of the area wide habitat protection program (e.g., contribution to area wide program that retires development potential in ESHA).

- Where the required biological inventory identifies the presence or potential presence of any sensitive habitat type, natural community, and/or particular plant or animal species that meets the revised definition of ESHA, a biological report should be required. Minimum requirements for biological inventories and reports should be coordinated with state and federal resource management agencies and specified in CZLUO Section 23.07.170 a.

- The location and extent of ESHA on and adjacent to a development site should be described and mapped by the Biology Report, in a format that allows it to be incorporated into a GIS based Combining Designation map system (see Preliminary Recommendation 1b above). The delineation should not be limited to the particular locations where rare plants or animals are observed at one point in time. Rather, it should consider the full range of the sites physical characteristics (e.g., soil type, vegetation, topographical features) represent potential habitat for such rare plant and animal species. In addition, where previously disturbed but restorable habitat for rare and sensitive plant and animal species exist on a site that is surrounded by other valuable habitat areas, these areas should be delineated and protected as ESHA as well. Implementation of this recommendation will also require the incorporation of additional standards for Biological Reports within CZLUO Section 23.07.170.

- Biological reports and their accompanying ESHA delineations should be submitted for the review and comment of the California Department of Fish and Game, the US Fish and Wildlife Service, and the California Coastal Commission before applications for development in or adjacent to ESHA are filed as complete. The incorporation of such a requirement into the LCP (e.g., within Section 23.07.170 of the CZLUO) could be accompanied by a specific time frame for such reviews to ensure that they would not result in undue delays in the development review process.

C.2. Avoiding and Minimizing Impacts to ESHA

Overview: The effective protection of ESHA is a multi-tiered process, which, as discussed above, starts with determining whether a site contains or is adjacent to ESHA. The next step is to avoid adverse impacts to ESHA, through a combined approach of limiting allowable uses in such areas, and implementing standards that ensure the allowable uses will be constructed and carried out in a manner that is compatible with the sensitive habitats' continuance. Such standards include ESHA setbacks, prescribed construction procedures, landscaping requirements, and long term management and monitoring of the habitat. In general, the objectives of these standards are to avoid impacts to ESHA, and ensure that the development will safeguard the biological continuance of the habitat.

Application of these policies must, however, ensure that property owners have the ability to make a reasonable economic use of their land, consistent with the rights granted under the Constitution and related legal precedents. Thus, the first problem in avoiding impacts to ESHA is limiting the use of such areas to those that are dependent on the resource, while at the same time, providing the property owner with a reasonable economic use. This necessitates that non-resource dependent development in ESHA be limited to the minimum necessary to avoid a taking, and that the full range of siting and design alternatives that would avoid impacts to ESHA be considered and pursued.

Where it is impossible to completely avoid impacts to ESHA and accommodate a reasonable economic use of private property, a wide range of measures to minimize the development's impact on ESHA and ensure the biological continuance of the habitat must be implemented. Accomplishing these objectives provide another unique set of challenges. Finally, mitigation to offset the unavoidable impacts should be required, as discussed in a subsequent section of this chapter.

LCP Provisions

Limiting Development in ESHA to Resource Dependent Uses: Although neither the Coastal Act nor the LCP define "resource dependent", the LCP definition of "Coastal-Dependent Development or Use" provides a good reference:

> *Any development or use that requires a permanent location on or adjacent to the ocean.* (CZLUO, p. 11-7)

Similar to the above definition, a use that is dependent upon an ESHA can be considered a development or use that requires a location within or adjacent to the resources particular to the ESHA.

The primary means by which the certified LCP carries out the Coastal Act requirement to limit development within ESHA to resource dependent uses is LCP Policy 1 for Environmentally Sensitive Habitats, which states in part:

> *Within an existing resource, only those uses dependent on such resources shall be allowed within the area.*

Sections 23.07.170-178 of the CZLUO implement this Policy. In particular, the development standards for environmentally sensitive habitats specified by Section 23.07.170d(2) states:

> *New development within the habitat shall be limited to those uses that are dependent on the resource.*

Avoiding Impacts to ESHA: There are many LCP provisions that prohibit new development which would significantly disrupt or threaten the continuance of sensitive habitats. Among the most important is CZLUO Section 23.07.170, which specifies the application materials, required findings, and development standards for development proposed within or adjacent to ("within 100 feet of the boundary of"[12]) an area mapped by the LCP as ESHA. In particular, part b of this section requires the following findings:

> *There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.* And,
>
> *The proposed use will not significantly disrupt the habitat.*

As an additional means of avoiding adverse impacts to ESHA, part c of Section 23.07.170 prohibits land divisions in ESHA unless all building sites are located entirely outside of the minimum setbacks established by the LCP.

Another important ordinance is 23.05.034c, which prohibits grading within 100 feet of environmentally sensitive habitat unless a setback adjustment is granted pursuant to Sections 23.07.172d(2) for wetlands or 23.07.174d(2) for streams. (The application of these adjustments are analyzed in subsequent sections of this chapter specific to stream and wetland habitats). Section 23.05.034c also allows an adjustment to this setback where the grading is necessary to locate a principally permitted use within an urban service line and the 100 foot setback would render the site physically unsuitable for the principally permitted use. In such instances, no grading may occur closer than 50 feet to the habitat or as allowed by planning area standard (whichever is greater); and, the grading permit application must be accompanied by a grading plan prepared and certified by a registered civil engineer.

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[12] This definition of adjacency conflicts with Policy 1 for Environmentally Sensitive Habitats, which qualifies that adjacency is generally within 100 feet "*unless sites further removed would significantly disrupt the habitat*".

Minimizing Impacts to ESHA: Where it may not be possible to avoid development in or adjacent to ESHA, the Area Plan Standards provide important regulations for new development designed to minimize impacts. In particular, Combining Designation Standards for all rural areas of the North Coast and Estero Planning Area mapped as Sensitive Resource Areas (SRA) state:

> *Projects requiring Development Plan approval are to concentrate proposed uses in the least sensitive portion of the property and retain native vegetation as much as possible.*

The same standard is also included in the San Luis Bay Area Plan, with the added caveat that:

> *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Native vegetation is to be retained as much as possible.*

Other LCP provisions that seek to minimize impacts on ESHA include:

ESHA Policy 12, which limits mosquito abatement practices to the minimum necessary to protect health and prevent damage to natural resources, and encourages biological control measures;

ESHA Policy 29, which requires that the design of trails in and adjoining sensitive habitats minimize adverse impact on these areas; and,

CZLUO Section 23.07.172, which requires that development of a structure larger than 1000 square feet in floor area on a site over 1 acre containing a wetland be accompanied by an open space easement or fee title dedication be granted to the County for all portions of the site not proposed for development, as well as the entire wetland.

LCP Implementation

Limiting Development in ESHA to Resource Dependent Uses: While the LCP contains appropriate policies and ordinances to carry out the provision of Coastal Act Section 30240 limiting development in ESHA to uses that are dependent on the resource, a review of the development approved by the County in ESHA indicates that these provisions have not been consistently implemented. Between 1988 and 1998, the Commission has been notified of approximately 778 permits approved by the County that involved development in or adjacent to areas that have been mapped as ESHA[13] (please see Maps 4-C, D, E, and F). An evaluation of this data indicates that very few of these permits were for development that is dependent upon ESHA resources.

[13] this does not include permits for development that may be in or adjacent to unmapped ESHA

For example, approximately 666 permits approved by the County between 1988 and 1998 and reported to the Commission involved development within the Terrestrial Habitat (TH) Combining Designation overlay. Of these permits, 626 (94%) involved new or expanded residential development within the Cambria pine forest, a use that is not dependent on forest resources. This is not a criticism of the County's approval of residential development on legal lots of record. Rather, it illustrates the difficulties in limiting development in ESHA to resource dependent uses while respecting existing private property rights. It also indicates the need to evaluate alternative means of planning and regulating non-resource dependent development in such areas to ensure that cumulative impacts do not jeopardize the continuance of the habitat.

A sampling of the permits involving development within ESHA Combining Designations shows that the resource dependence criteria for development in ESHA (e.g., ESHA Policy 1 and CZLUO Section 23.07.170d(2)) is typically not identified or discussed in the staff report and findings that accompany the Final Local Action Notices (FLANs).

In order to provide an adequate evaluation of project's consistency with the resource dependence requirement where applicable, the following information should be, but has not been, provided in the County's discussion and findings for development approved in ESHA:

- A description of why the proposed use is dependent upon a location in the resource area.

- If the proposed development is not dependent on the resource, an analysis of alternative project sites and designs that would avoid direct impacts to ESHA.

Pursuing Development Alternatives that Avoids Impacts to ESHA: Where a non-resource dependent use is proposed on a site containing ESHA, the preferred course of action should be to identify and pursue siting and design alternatives that avoid any impacts to ESHA resources and comply with ESHA setback requirements.

One way to achieve this objective is to cluster development outside of the ESHA and its setback. Unfortunately, the Area Plans currently limit this clustering requirement to project requiring Development Plan approval, while the large majority of development in ESHA is permitted through the Minor Use Permit process. This problem is proposed to be corrected by both the North Coast and Estero Area Plan Updates.[14] Similar corrections should be pursued for both the San Luis Bay and South County Planning Areas as well.

Another problem in implementing clustering requirements, and one that has not yet been tackled by the Area Plan Updates, is that the standards for clustering land divisions established by CZLUO Section 23.04.036 are not stringent enough to ensure the effective protection of ESHA. One such "clustered" division approved by the County in the

[14] Estero Area Plan Update pages 7-9 – 7-10 and the North Coast Area Plan Update page 7-25

Monterey Pine forest area immediately north of the Cambria Urban Area created lots of over 20 acres in size that significantly expanded the amount of development potential within this ESHA area (see Chapter 2 for details).

In addition to clustering, the transfer of development credits outside of ESHA to areas that are better suited for non-resource dependent development is another alternative for avoiding impacts to ESHA that can be pursued through the incorporation of such programs into the LCP. A TDC program has been implemented with some success in the Cambria Urban Area, but appears to be in need of an update as discussed later in this chapter. The Estero Area Plan Update has also proposed such a program for the Los Osos area, although many of the important details have yet to be resolved. Nevertheless, such a program offers promise towards avoiding development in the most sensitive habitats of this area.

Sub-regional habitat conservation and management plans, oriented to the protection of particular habitat systems or units, also provide a promising way to ensure that new development will not have an adverse impacts on ESHA. The development of such plans, and their incorporation into the LCP could not only provide a more comprehensive planning framework for habitat conservation on an ecosystem basis, but could also resolve other regulatory requirements related to federal and state Endangered Species Acts. Such an effort is currently underway in Los Osos. As described later in this Chapter, a similar effort to address the Monterey Pine Forest ecosystem of the North Coast area, that builds upon the Cambria CSD's current forest management planning efforts, would help ensure that the buildout of this area occurs consistent with the continuance of this important habitat.

Clearly, a thorough evaluation of all alternatives that would avoid development within ESHA must be conducted during local permit review. While the pursuit of alternatives involving the transfer of development credits or implementation of a large scale habitat conservation and management plan may be predicated on the incorporation of such programs into the LCP, other alternatives involving changes in project siting or design are currently ripe for consideration. However, the limited information contained in the Final Local Action Notices for development approved within or adjacent to ESHA Combining Designations does not shed much light on the degree to which the full range of alternatives that would achieve these objectives are considered during the local review process.

The general observation of the Commission staff has been that while alternative siting and access routes are occasionally considered during local review, it is less common for the County to pursue changes to a project design, particularly a single family residence, that would avoid or minimize impacts to ESHA. For example, relocating a proposed residence to a less sensitive portion of a site may be considered, but changes to that house design (e.g., smaller size, different footprint) to avoid the direct removal of sensitive habitats is a less common approach. Nevertheless, the County has made strides in this regard, as recent coordination efforts indicate that design alternatives are being more aggressively pursued.

Another problem appears to be that greater emphasis appears to be placed on mitigating, rather than avoiding impacts to sensitive habitats. One source of this problem may be that the Biological Reports required for development within or adjacent to ESHA by CZLUO Section 23.07.170a calls for such reports to "identify the maximum feasible mitigation measures to protect the resource". Biological reports are not, however, required to evaluate siting and design alternatives that would avoid impacts to ESHA.

It must be acknowledged that the full range of alternatives considered for each development approved by the County in or adjacent to ESHA may not be evident in the information provided to the Commission staff. Better documentation of the alternatives considered, particularly those that would avoid direct impacts to ESHA, would go a long way towards reducing the number of local permit being appealed and ensuring that Coastal Act Section 30240 is effectively being carried out.

Finally, to adequately consider alternatives that will avoid impacts to ESHA, it is essential to understand the complete scope of the impacts posed to ESHA by the proposed development. One potentially significant impact that is commonly overlooked is the fire safety requirements that will be placed on the development. These requirements can often include roadway expansions or improvements that may impact ESHA, and/or the clearing of vegetation that may qualify as ESHA. Thus, it is essential that these fire safety needs are fully understood prior to acting on a development application. This will allow alternatives to avoid impacts to ESHA to be pursued at two levels: first, by modifying the siting, design, or intensity of the development to obviate the need for roadway improvements or vegetation clearance that would damage ESHA; and second, by exploring alternative fire safety solutions. This is another issue area where increased coordination between County and Commission staff, as well as other interested parties, has yielded more complete assessments of fire clearance impacts and alternatives in recent permits.

Analyzing the "Takings" Issue: A critical step in evaluating whether avoidance is possible, and to what degree impacts can be minimized, is to understand the economic backed expectations of the property owner when the property was acquired. Recognizing that the implementation of LCP Policies can not deprive a property owner of an economically viable use (i.e., constitute a taking), some non-resource dependent development may be allowed in an ESHA, even though the LCP specifically prohibits such development.[15]

This is a complex issue, one that is not sufficiently addressed by the existing LCP. Certainly, the protection of private property rights is a legitimate concern that has affected the County's, as well as the Coastal Commission's, implementation of LCP and Coastal Act ESHA protection policies, and has contributed to the approval of non-resource dependent development in ESHA. Yet the particular facts related to these

[15] A non-resource dependent development in ESHA can still be denied if it would constitute a nuisance under State law, or if a more modest alternative that would assure an economically viable use and better protect ESHA is available.

concerns are rarely analyzed during the local review of such projects. This may be a result of the fact that the LCP, as currently certified, provides very little guidance on how to balance the rights of private property owners with the ESHA protection principles of the LCP and Coastal Act.

Although not directly addressed by findings or analysis, concerns regarding the taking of private property have likely impacted the County's implementation of LCP ESHA protection provisions. This was a probable factor in the County's approval of new subdivisions in ESHA, contrary to ESHA Policy 4 and CZLUO Section 23.07.170c specifically prohibiting such land divisions.

At least two components of the LCP may be contributing to this problem. Table O, contained in the LCP's Framework for Planning, identifies allowable uses per land use designation, but does not identify the resource dependent criteria for ESHA. Similarly, the parcel size standards established by CZLUO Sections 23.04.020 - 036 do not acknowledge the prohibition against subdividing in ESHA. Preliminary Recommendation 2a is intended to address this concern.

Minimizing Unavoidable Impacts: As required by the LCP, the impacts of development in or near an ESHA must be contained to a level that does not significantly impact or disrupt the habitat. Development must also be consistent with the biological continuance of the habitat.[16] Where avoiding development in or near ESHA is not possible, the primary means of achieving compliance with these requirements is to minimize the impacts of the development on ESHA to the greatest degree feasible.

Where it is impossible to accommodate a reasonable economic use of private property that avoids impacts to ESHA, measures to minimize both temporary and long-term impacts, and ensure the biological continuance of the habitat, must accompany the development. The remaining habitat should be permanently protected through the implementation of monitoring and maintenance requirements, and through the use of deed restrictions, conservation easements, and/or other legal mechanisms. Finally, mitigation to offset the unavoidable impacts should be required, as discussed in the following section of this chapter.

A review of the development approved by the County within or adjacent to ESHA between 1988 and 1998 and reported to the Commission indicates that the County has diligently applied conditions intended to minimize the impacts of project construction on ESHA. Drainage plans, landscape/revegetation plans, construction fencing and other conditions of approval intended to minimize construction impacts are routinely required as a condition of approval for development in or adjacent to ESHA.[17]

Long-term monitoring and maintenance provisions appear to have been implemented with more limited success. While monitoring and maintenance of

[16] ESHA Policies 1 and 2, CZLUO Section 23.07.170b.
[17] Requiring these plans as a condition of approval, rather than at the application stage, presents another set of issues, as discussed in the Chapter of this Report regarding Procedures.

landscaping/revegetation is typically required, it is not clear that these requirements are adequately carried out or enforced.

The LCP's ability to minimize impacts to ESHA by requiring undeveloped portions of the site to be permanently protected is limited to development over 1,000 square feet on sites over one acre with wetland habitats. A review of the permits approved by the County between 1988 and 1998 on sites with a Wetland Combining Designation and reported to the Commission indicates that this LCP requirement is rarely enforced. In addition to implementing this requirement on a consistent basis, a similar provision that would apply to all sites containing ESHA should be considered.

Preliminary Policy Alternatives

Preliminary Recommendation 4.4: Identify, and implement where feasible, the Resource Dependent Criteria for Development in ESHA

- Revise "Table O" to clarify that Resource Dependent Uses are the only allowed use within an ESHA or their required setbacks. All other uses that may be permitted to accommodate an economic use should be considered a conditionally permitted use.

- Where non-resource dependent uses are proposed in or adjacent to ESHA, and may be necessary to accommodate to avoid a "taking" (i.e., there are no feasible alternatives that avoid impacts to ESHA), require applicants to submit specific information to establish that there is a reasonable economic backed expectation for the non-resource dependent use (see Preliminary Recommendation 4.10, below).

- Provide exceptions to the above standards in areas that are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see Preliminary Recommendation 4.6, below).

Preliminary Recommendation 4.5: Prohibit Subdivisions that Create new Lots in ESHA

- Implement the provisions of 23.07.170c.

- Revise Cluster Division Ordinance to require much smaller lots, that they be located entirely outside ESHA and its setback, and that all of the ESHA area be retained and protected as Open Space. Make clustered division mandatory, rather than optional, for all divisions on parcels containing ESHA.

- Clarify that the parcel sizes established by CZLUO Sections 23.04.020 – 033 do not apply to sites that support ESHA, within which land divisions are prohibited.

Preliminary Recommendation 4.6: Develop Comprehensive Habitat Conservation, Protection and Management Programs for Areas with Particular Habitat Protection Needs and Challenges

In urban areas that contain numerous existing lots within ESHA that has been fragmented or degraded by surrounding development, develop programs allowing for non-resource dependent uses that contribute to the protection of surrounding viable habitat areas threatened by development. The current effort to develop a Habitat Conservation Plan as part of the Los Osos Wastewater Treatment project and Estero Area Update should continue to be pursued, with ongoing coordination between the Los Osos CSD, involved regulatory agencies, and interested parties. As proposed by Preliminary Recommendation 4.36 later in this Chapter, a similar approach, involving a comprehensive forest management plan for Cambria would go a long way towards managing cumulative buildout in a manner that will protect the long-term health and survival of sensitive Monterey Pine Forest habitats.

Preliminary Recommendation 4.7: Revise Biological Report Requirements

- In addition to the information that is currently required to be included in biology reports pursuant to CZLUO Section 23.07.170, the reports should identify project alternatives that would first avoid, then minimize impacts to ESHA.

- Require Biological Reports to include an assessment of the impacts posed by fire safety requirements, such as vegetation clearance and roadway improvements. Where such development may impact ESHA, project alternatives that avoid these impacts should be identified.

Preliminary Recommendation 4.8: Expand Application of Rural Area SRA Standards regarding "Site Planning – Development Plan Projects" Contained in Area Plans

- As proposed in both the North Coast and Estero Area Plan Updates, require *all* development (not just those located in rural areas that trigger Development Plan review) to concentrate proposed uses in the least sensitive portions of properties and retain native vegetation as much as possible. Apply this standard throughout the coastal zone.

- Require all applications for development within an SRA or its setback include an overall development plan for <u>all</u> properties that are geographically contiguous and in common ownership[18] at the time of the application.

[18] Parcels that are owned in fee as well as parcels subject to existing purchase options, even if separated by roads, streets, utility easements or railroad rights of way.

- Provide flexibility in non-habitat related setback requirements where necessary to avoid and minimize ESHA impacts.

Preliminary Recommendation 4.9: Thoroughly Review and Aggressively Pursue Project Alternatives that Avoid Impacts to ESHA

- The full range of project alternatives that would avoid impacts to ESHA, from alternative sites to different designs (including reductions in project sizes) should be pursued and required. This should include a critical analysis of the alternatives suggested in the biological report (see Preliminary Recommendation 4.7).

- In accordance with Policy 1 for ESHA, the requirements of CZLUO Section 23.07.170 should apply to development that is further than 100 feet from the ESHA where such development poses adverse impacts to the habitat.

Preliminary Recommendation 4.10: Evaluate Economic Backed Expectations before Concluding that Avoidance is not Possible due to "Takings" Concerns

- Where a non-resource dependent use is proposed in or adjacent to ESHA, and no alternative to avoid ESHA impacts is available, require applicant to provide the following information for all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application:

  1. Date the applicant purchased or otherwise acquired the property, and from whom.

  2. The purchase price paid by the applicant for the property.

  3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.

  4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

  5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in 4 above, that applied to the property at the time the applicant acquired it, or which may have been imposed after acquisition.

  6. Any changes to the size or use of the property since the time the applicant purchased it, including a discussion of the nature of the changes, the circumstances and the relevant dates.

  7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.

8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.

9. Any offers to buy all or a portion of the property which the applicant solicited or received since the time of purchase, including the approximate date of the offer and the offered price.

10. The applicant's cost associated with ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt services costs (such as mortgage and interest costs), and operation and management costs.

11. Apart from any rent received from leasing all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

- In order to approve a non-resource dependent development within ESHA or its setbacks, the following findings should be made and accompanied by supporting evidence:

  1. Based on the economic information provided by the applicant, as well as other relevant evidence, a resource dependent use would not provide an economically viable use of the applicant's property.

  2. Restricting development on the applicant's property to a resource dependent use would interfere with the applicant's reasonable investment-backed expectations.

  3. The amount of development represents the minimum necessary to provide the applicant with an economically viable use of his or her property.

- Provide exceptions to the above requirements for development on lots where ESHA issues are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see Preliminary Recommendation 2c, above).

Preliminary Recommendation 4.11: Minimize the Intensity of Non-Resource Dependent Development to the Maximum Degree Feasible

- Where an analysis of the information required under Preliminary Recommendation 4.10 yields a conclusion that a non-resource dependent use must be accommodated, require that such development be limited to minimum required to avoid a taking. In most cases, this will be one modestly sized residential dwelling per existing lot, even if the maximum intensity of development otherwise allowed by the underlying land use designation is greater.

- Prohibit access roads that disturb ESHA unless the road is necessary to provide an economically viable use of the overall development plan area.

Preliminary Recommendation 4.12: Establish Maximum Disturbance Limitations

- Incorporate new standards into the Area Plans that establish maximum disturbance envelopes for unavoidable non-resource dependent development in ESHA. For example, in rural areas, a maximum disturbance envelope of 0.25 acres or ¼ the lot area, whichever is less, should be considered. Such standards should be customized to the particular circumstances of the area, considering factors such as the size and configuration of lots, biological sensitivity and resource management principles, agricultural viability, and other coastal resources constraints (e.g., visual).

Preliminary Recommendation 4.13: Require Conservation Easements/Deed Restrictions Over All ESHA Outside Development Envelope

- Where non-resource development must be accommodated within or adjacent to ESHA, minimize the long-term impacts of such development by requiring all ESHA on the project site outside of the development envelope to be restricted to natural resource management, restoration and enhancement.

- Submit such easements and deed restrictions for the review and approval of the California Coastal Commission Executive Director pursuant to Section 13574 of the California Code of Regulations.

Preliminary Recommendation 4.14: Coordinate Review of Projects that Pose Impacts on Listed Species with DFG, USFWS, and NMFS

- Information that should be provided to justify the findings required by Section 23.07.170b (i.e., that significant adverse impacts to the habitat will be avoided) include: concurrence of the Department of Fish and Game and/or U.S Fish and Wildlife Service if species listed under state or federal Endangered Species Act are involved; and, concurrence from the National Marine Fisheries Service if marine habitats are involved.

Preliminary Recommendation 4.15: Specify Mitigation Requirements[19]

- Require on-site mitigation for development *adjacent* to ESHA. Where the impacts to ESHA posed by adjacent development have been avoided and minimized, but still pose adverse affects, mitigate by requiring implementation of an on-site habitat management, restoration, and enhancement program.

- Require on-site <u>and</u> off-site mitigation for development *within* ESHA. Where development directly in an ESHA can not be avoided, and has been minimized to the

[19] E.g, CZLUO Sections 23.07.170a(1) and 23.07.174d(2)(ii)

greatest degree feasible, protect all ESHA outside the development envelope by implementing an on-site habitat management, restoration, and enhancement program. In addition, require off-site mitigation to offset the reductions in habitat quantity and quality attributable to the development. In most cases, this should be in the form of acquiring and permanently protecting the same type of habitat, in an area otherwise threatened by development. The size and habitat quality of the off-site mitigation area should be of equal or greater biological productivity as the area of impact. Incorporation of in-lieu fee programs into the LCP to implement such off-site mitigation is an option.

Preliminary Recommendation 4.16: Specify Mitigation Monitoring and Evaluation Requirements

To ensure mitigation effectiveness, established minimum requirements for monitoring and implementation. In general, this should include: preparation of an 5 year implementation and monitoring plan, for the review and approval of the Planning Director, that identifies the specific mitigation objectives and the performance standards that will be used to evaluate success; and, the submission of a report at the conclusion of the 5 year period, again for the review and approval of the Planning Director, that either documents the successful implementation of the mitigation or proposes corrective actions and additional monitoring and reporting that will be implemented until the mitigation objectives have been achieved to the satisfaction of the Planning Director.

C.3. Streams and Riparian Habitats

Overview: Coastal Act Section 30231 requires that the quality and biological productivity of coastal streams be protected, through other means, minimizing wastewater discharges and entrainment, controlling runoff, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In furtherance of this objective, Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to:

- necessary water supply projects;
- flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- developments where the primary function is the improvement and fish and wildlife habitat.

Fulfillment of the above policies, and the LCP provisions that are intended to implement them present numerous challenges. First, within the more urbanized areas of San Luis Obispo County such as Cambria and Cayucos, many small streamside properties have limited space to accommodate new residential or commercial development and provide adequate setbacks. Unless aggressive and creative methods are used to minimize the encroachment of such development into riparian areas, the biological productivity and water quality of coastal streams will be adversely affected. In addition to resulting in the direct removal of riparian vegetation and other trees that are critical components of healthy creek habitats, the intrusion of noise, light, domestic pets, urban runoff and debris can have significant adverse affects on the health and ecological functioning of coastal waterways.

Second, the repair, protection, and improvement of existing development in and near coastal streams, unless appropriate regulated, can also degrade riparian habitats. The maintenance and expansion of essential public services (e.g., roadways, bridges, pipelines, and utility lines) that cross and are adjacent to coastal streams pose similar direct and indirect impacts to those discussed above. Other municipal service facilities, such as the power plant in Avila Beach, and facilities owned and operated by the Cambria Community Services District along Santa Rosa and Simeon Creeks, have required construction in and adjacent to coastal streams in order to protect them from flood and landslide damage. Similar protection has been required for a wide range of existing private development, from recreation facilities to domestic wells and residences.

Third, new development in rural areas of the County often necessitates new water wells. Highly constrained water supplies in this area commonly require that wells or other water supply projects be located in close proximity to coastal streams. The construction of these facilities can result in the removal and disturbance of riparian vegetation and habitats, and the long-term use of these wells can have a cumulative adverse affect on flow levels necessary to sustain aquatic life. Even when the wells are appropriately setback from coastal streams, they can adversely affect biological resources by overdrafting and thus lowering local groundwater levels below the root depth of riparian vegetation.

Fourth, new and on-going agricultural, industrial, commercial, and residential development are contributing to the declining health of coastal stream habitats through, among other means the direct removal of riparian vegetation and the discharge of sediments, chemicals, and other pollutants. As further discussed below, the build up of sediments in creeks, as well as elevated levels of pollutants such as MTBE, pose significant threats to the biological health and productivity of these habitats. The construction of dams, new bridges, and/or expansion of existing bridges necessary to meet fire protection requirements, can similarly disturb riparian resources, interfere with fish passage, as well as add new sources of urban pollutants.

Finally, the effective protection of coastal streams and riparian habitats cannot be accomplished through the regulation of development in the coastal zone alone. Indeed, development throughout the various watersheds (which in many cases extend inland of

the coastal zone boundary) has a cumulative impact on the overall health of coastal streams. While a review of the regulations addressing inland development is beyond the scope of this review, there may be opportunities to encourage and facilitate watershed based planning and protection efforts through future updates to the LCP.

The coastal streams of San Luis Obispo County and the riparian resources they support are extremely important components of the Central Coast's natural heritage. In addition to providing habitat for numerous rare and endangered species (e.g., Steelhead trout, red-legged frog, southwestern pond turtle), they are scenic and recreational resources, and a primary source of water for domestic and agricultural uses. These corridors of flowing fresh water are dominant forces that shape landforms, ecotones, and development patterns.

The biological significance of riparian habitats is profound. It has been estimated that over half of breeding birds in many areas, and over eighty percent of reptiles and amphibians, are associated with riparian habitat.[20] Riparian vegetation plays a critical role in supporting this diverse assemblage of wildlife that can by providing food and shelter, as well as by regulating stream temperatures necessary to maintain healthy fish populations. Stream side vegetation also helps prevent erosion, trap sediments, and filter pollutants that degrade water quality and smother underwater habitat and fish spawning grounds.

Unfortunately, the biological health and productivity of the coastal streams up and down the west coast of the United States appear to be on the decline. In December of 1997 the US Fish and Wildlife Service listed the Steelhead trout as a federally threatened species.

As described above, there are many ways in which new development may be contributing to this decline. These impacts can be especially severe in the relatively small watersheds characteristic of coastal San Luis Obispo County; riparian areas in smaller watersheds tend to be disproportionately affected by the hydrologic changes and increased sedimentation associated with overgrazing or other human activities.[21]

Partly in response to the critical situation facing many native riparian resources, great strides have been made throughout the state and nation in recent years towards comprehensive watershed planning and protection. These efforts have led to the development of specific Best Management Practices that can be implemented to avoid and minimize polluted runoff, coordinated monitoring and volunteering programs that enhance the public's understanding and stewardship of riparian resources, and improved regulatory procedures for achieving effective resource protection and enhancement. This new information can be used to better implement the existing LCP policies protecting coastal streams and riparian habitats, and update them where necessary.

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[20] Faber and Holland, *Common Riparian Plants of California*, p.7, Pickleweed Press, Mill Valley, CA, 1988
[21] ibid, p.3

LCP Implementation

The Coastal Plan Policies component of the LCP contains 9 policies specifically regarding Coastal Streams (LCP Policies 18 –16 for Environmentally Sensitive Habitats), all but one of which are implemented by Section 23.07.174 of the CZLUO. (The one policy that is not implemented by Section 23.07.174 is Policy 22, which allows the Department of Fish and Game to institute a voluntary program to control grazing impacts on coastal streams.)

Notwithstanding the references to CLUO Section 23.07.174, four of these stream policies are considered "standards" (i.e., they have equal or greater standing as an ordinance). These include:

Policy 18, which states:

> *Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.*

Policy 19, providing:

> *Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include an evaluation of erosion and runoff concerns.*

Policy 20:

> *Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers.*

And, Policy 21, which provides:

> *The State Water Resources Control Board and the county shall ensure that the beneficial use of coastal stream water is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alterations) shall ensure that the quantity and quality [of] surface water discharge from streams and rivers shall be*

maintained at levels necessary to sustain the functional capacity of streams, wetlands, estuaries and lakes.

CZLUO Section 23.07.174, which is intended to implement these and 4 other policies for coastal streams, generally reiterates Policies 18 and 19 above, and limits channelizations, dams or other substantial alteration of stream channels to:

(1) Water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries, and lakes.

(2) Flood control Projects, where such protection is necessary for public safety or to protect existing commercial or residential structures, where no feasible alternative to streambed alteration is available;

(3) Construction of improvements to fish and wildlife habitat;

(4) Maintenance of existing flood control channels.

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and California State Water Resources Control Board.

Section 23.07.174 also provides the following 3 important additional regulations:

Part c of this section regulates stream diversion structures in the following manner:

Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity of less than 10 acre-feet, shall be designed and located to not impede the movement of native fish, or to reduce streamflow to a level that would significantly affect the production of fish and other stream argnisms.

Part d establishes the following standards for riparian setbacks:

New development shall be setback from the upland edge of riparian vegetation a minimum of 50 feet within urban areas (inside the USL) and

100 feet in rural areas (outside the USL), except as provided in subsection b. of this section, and as follows[22]*:*

(1) Permitted uses within the setback: Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks, provided that the findings required by that section can be made.[23] *Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.*

(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

(i) Alternative locations and routes are infeasible or more environmentally damaging; and

(ii) Adverse environmental impacts are mitigated to the maximum extent feasible; and

(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use within the standard setbacks; and

(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

Finally, part e limits "cutting or alteration of natural vegetation that protects a riparian habitat" to:

(1) Streambed alterations allowed by subsections a and b;

(2) Where no feasible alternative exists;

(3) Where an issue of public safety exists;

(4) Where expanding vegetation is encroaching on established agricultural uses;

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[22] In addition to the exceptions provided in this ordinance, lesser setbacks are also permitted pursuant to Area Plan standards, which supersede the provisions of the CZLUO.

[23] The uses permitted in wetland and stream setbacks pursuant to this section are "passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads where it can be demonstrated that: (I) Alternative routes are more environmentally damaging. [And,] (ii) Adverse environmental effects are mitigated to the maximum extent feasible."

(5) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the planning director determines no feasible alternative exists;

(6) To increase agricultural acreage provided that such vegetation clearance will:

(i) Not impair the functional capacity of the habitat;

(ii) Not cause significant streambank erosion;

(iii) Not have a detrimental effect on water quality or quantity;

(iv) Be in accordance with applicable permits required by the Department of Fish and Game.

(7) *To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174b can be made.*[24]

The CZLUO grading ordinance also has important provisions regarding grading near streams. Section 23.05.034f provides:

Grading dredging or diking (consistent with Section 23.07.174) shall not alter and intermittent or perennial stream, or natural body of water shown on any USGS 7-1/2 minute map, except as permitted through approval of a county drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. (Additional standards are contained in Sections 23.07.172 [for wetlands] through 174 [for streams] of this title. Watercourses shall be protected as follows:

(1) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(2) Fills placed within watercourses shall have suitable protection against erosion during flooding.

[24] The reference to Section 23.07.174b appears to be a typographical error, since this section identifies the limited situations under which streambed alterations can be permitted. It is likely that the intended reference is part b of Section 23.07.170, which requires the following findings for the approval of d*evelopment within or adjacent to ESHA:*

(1) There will be no significant impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

(2) *The proposed use will not significantly disrupt the habitat.*

(3) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the County Engineer in place.

(4) Excavated materials shall not be deposited or stored in or along a watercourse where the materials can be washed away by high water or storm runoff.

In addition to the above policies and ordinances, the four area plans provide standards for development near streams. For example, the North Coast Rural Area Combining Designation Standard 6 for Arroyo de la Cruz limits development in or adjacent to this creek as follows:

No development is permitted unless it is agriculturally related, for water diversion projects, coastal accessways, or water wells and impoundments.

North Coast Planning Area Standards 8 and 9 for Rural Recreation areas regulate development near Van Gordon Creek as follows:

8. *Limitations on Use. Uses are limited to: recreation vehicle park and support facilities; coastal accessways; water wells and impoundment[s]. (This is a visitor-serving priority area.)*

9. *Site Planning. Development shall be setback and buffered from the riparian vegetation along Van Gordon and "Warren" Creeks for a minimum of 100 feet. Uses within the buffer area shall be limited to passive recreation, (including nature study, and educational and scientific research). No permanent structures shall be allowed within the buffer. Fences and signs to limit access to the buffer and sensitive habitat area shall be constructed with any recreational development.*

Standard 10 of the same section applies to future development on the Hearst Ranch, and requires such development to be phased in a manner that addresses, among other things, available water supplies. To ensure that water withdrawals from the Arroyo de la Cruz or San Carpoforo watersheds associated with such development does not adversely affect coastal resources, the review of each phase of development must include:

a. *The preparation of a hydrological monitoring program and analysis as outlined in the State Water Resources Control Board Water Application No. 25881, based upon a one year ground-water and surface flow data base and all available rainfall and run-off data which projects the ability of water for out-of-stream uses consistent with the protection of in-stream uses (e.g., anadromous fish) over the life of the development(s), and*

b. *Biological assessments and analysis to determine the effect of the water extraction on the biological resources which are dependent on the waters*

of Arroyo de la Cruz Creek (or San Carpoforo Creek if this creek or its groundwater basin is used as a water source).

For the urban areas of the North Coast, the Area Plan provides the following standards:

- On the East West Ranch, as well as within the Recreation land use designation, no development is allowed within the floodway, stream, or riparian corridors except for "crossing bridges" or pedestrian and bicycle paths where no feasible, less environmentally damaging alternative exists. In such cases, impacts of stream crossings must be "mitigated to the maximum extent feasible". All public improvements on the East West Ranch must be setback a minimum of 50 feet from the inland extent of riparian vegetation along Santa Rosa Creek, with provisions for access trails within the buffer area. (Communitywide Standards 8a and 9 and Recreation Standard 25).

- In the Recreation Land Use Category for Cambria's East Village, Development, parking drives and spaces must be setback 50 feet from the edge of riparian vegetation or top of the bank of Santa Rosa Creek, whichever is greater. (Recreation Standard 23.) Exceptions to this standard may be allowed "as stated by Standards 21 and 22". Although it is not exactly clear under what circumstances Standards 21 and 22 would allow for such exceptions, one interpretation is that such exceptions can be granted when needed to maintain a consistent architectural character, and where encroachments into the setback is needed to elevate development above the flood plain.

The Estero Area Plan does not provide additional standards for streams in the rural area, but does establish the a setback standards for a wastewater treatment facility previously proposed, but never constructed in a rural area near Los Osos. Since the current wastewater treatment proposal does not involve this site, this standard is moot.

For the Cayucos Urban Area, Combining Designation Standard 1 for Sensitive Resource Areas contained in the Estero Area Plan establishes the following setback standards:

Setbacks – Coastal Streams. Development shall be setback from the following coastal streams the minimum distance established below. Such setbacks shall be measured from the outer limits of riparian vegetation or the top of the stream bank where no riparian vegetation exists. This may be adjusted through the procedure provided in the Coastal Zone Land Use Ordinance.

Cayucos Creek:	*25 feet from either bank*
Little Cayucos Creek:	*20 feet from either bank*
Old Creek:	*50 feet from either bank*

Willow Creek:[25] *20 feet from either bank north of Ocean Avenue*

In the South Bay Urban Area, Residential Suburban Standard 1 of the Estero Area Plan limits uses in the area adjacent to Los Osos Creek by prohibiting special uses otherwise allowed by Table O, except for:

> *Ag accessory structures; animal raising and keeping; home occupations; residential accessory uses; temporary dwellings; accessory storage; participant sports and active recreation; coastal accessways; water wells and impoundments; pipelines and power transmission; and public utility centers.*

Pursuant to Standard 2, these and other permitted uses must:

> Maintain a minimum building setback of 50 feet for development on lots adjacent to riparian areas along Los Osos Creek and Eto Lake.

Overview of Approved Development

Between the time the County assumed coastal permitting authority (March 1, 1998) and January 1, 1999, the Commission staff received approximately 78 Final Local Action Notices for development approved by the County on sites containing the Streams and Riparian Vegetation (SRV) Combining Designation Overlay. Commission staff's review indicates that additional local permits have likely been authorized that raised riparian habitat issues. One of the reasons for this discrepancy may be that the SRV Combining Designation does not map all the coastal stream courses. Another, but related reason may be that in order to meet the LCP's definition, a stream must be mapped on the most recently published United States Geological Survey (USGS) map.[26]

Of the 79 permits identifying development on or next to an SRV designation, 25 involved development(s) within the riparian setback required by the LCP,[27] and an additional 22 permits involving structural development (i.e., not lot line adjustments) did not identify the setback distance provided by the development.

[25] Notwithstanding this standard, Standard 7 for the Residential Single Family category requires "residential development on the eastern portion of APN 64-275-24 (Tract 1078)(Schmitz) shall be setback and buffered from Willow Creek a minimum of 50 feet and shall not allow development within the 100 year flood plain. Any development shall be clustered so as to minimize habitat and scenic/visual quality impacts."
[26] Appendix C of Coastal Plan Policies, Page C-3
[27] Unless otherwise established by Area Plan, the standard riparian setback is 50 feet from the edge of riparian vegetation in urban areas, and 100 feet in rural areas, per CZLUO Section 23.07.174d

For those permits that did identify development within the standard setbacks, 5 involved new or improved roads;[28] 7 involved residential, commercial, or private recreation facilities; 9 involved the armoring of streambanks and/or bridge footings;[29] 1 involved habitat restoration; 1 involved a public facility, and 3 involved new wells. A review of these permits raises the following issues important issues regarding to the way in which the County has implemented the stream protection provisions of the LCP.

Identification of Riparian Resources: As described above, the LCP relies of the Combining Designation and USGS maps to determine where a new development proposal must comply with LCP stream protection provisions, but is silent on how these provisions may apply to unmapped streams. As a result, some riparian habitats may not be afforded the protection needed to achieve the habitat protection and enhancement objectives of the LCP and Coastal Act.

Such a situation appears to have been faced in the processing of Minor Use Permit D950077P, involving the development of a new residence and driveway in a rural area northeast of the town of Harmony and near Highway 46. In addition to the mapped SRV Combining Designation located on the property, an "incised stream channel" was identified by the geotechnical report completed for the project. There was no evaluation of whether riparian setback and habitat protection provisions should be applied to this stream channel, and rather than applying the standard 100 foot creek setback, the project was setback 20 feet from the channel as recommended in the technical report.

The same problem was identified when the Commission considered an appeal of a motel approved by the County that involved development within 10 feet of an unmapped stream in Cambria, and a driveway crossing this creek (local permit D930204D; CCC Appeal No. A-3-SLO-96-021). Again, the County did not apply the standard 50' foot setback from *mapped* SRV Combining Designations in urban areas as required by the LCP. Instead, riparian habitat and setback issues were evaluated under the California Environmental Quality Act and in consultation with the Department of Fish and Game. As a result of this review, the County determined the proposed 10-foot setback and driveway creek crossing would adequately protect environmental resources with implementation of specific mitigation measures. The Commission concurred with this action on appeal, primarily because LCP setback standards could not be applied due to the fact that the stream was not mapped as an SRV Combining Designation.[30]

Streambed Alterations: Of the 76 permits noticed to the Commission staff involving development in or adjacent to areas with a mapped SRV combining Designation, 12

[28] Minor Use Permits D970277P, D940210P, D950077P, and D950049P; and Development Plan D870182D

[29] Minor Use Permits D980042P, D980041P, D980038P, D970067P, D970064P, D960019P, D950007P, and D910287P; Development Plan D930158D

[30] This action occurred prior to the Commission's consideration of an appeal of the Los Osos Wastewater Treatment Project (A-3-SLO-97-040), where the Commission determined that LCP ESHA provisions should be applied irrespective of the Combining Designation maps.

projects appear to have involved some alteration of the natural flow and characteristics of a coastal stream. Nine of these alterations occurred through the installation of rip rap (i.e., large rocks), while the three others involved the placement of culvert(s) needed to accommodate new or expanded roads and driveways across creeks.

Such streambed alterations can adversely impact of riparian habitats in a number of ways. The rocks' footprint consumes habitat area, thereby reducing areas of biological productivity. In addition, the rocks alter stream flows and modify the natural process of erosion and deposition, which can effect fish spawning and streamside habitats. More broadly, the establishment of "hard edges" precludes the natural migration of otherwise dynamic stream channels, which in turn can limit the width, and therefore the biological productivity, of the riparian habitat in the vicinity of the revetment.

Based on these potentially significant impacts, the Coastal Act and the LCP (i.e., CZLUO Section 23.07.174b allow streambed alterations for limited reasons and under specific circumstances. Thus, one of the first and most critical steps in analyzing a streambed alteration project for conformance with the LCP is determining if the purpose of the project meets the criteria of Section 23.07.174b. However, while most of the Final Local Action Notices for streambed alteration projects listed Section 23.07.174 as an applicable ordinance, **none** provided a specific analysis of why the streambed alteration could be allowed under part b.

The purposes of the streambed alteration projects approved by the County were to:

- protect bridges across San Simeon and Santa Rosa creeks in the North Coast planning area and across Villa Creek and San Bernardo Creek in the Estero Planning area;[31]

- protect public facilities along Santa Rosa, San Simeon and Van Gordon Creeks (all in the North Coast Planning Area);[32]

- protect tennis courts and an archaeological site beneath the tennis courts[33] along San Luis Obispo Creek;

- protect agricultural land along Los Osos creek in Estero,[34] in coordination with the Soils Conservation Service;

- increase the flood capacity of Santa Rosa Creek beneath the Highway One bridge in Cambria;[35] and

[31] Minor Use Permits D980042P, D980041P, D980038P, and D970064P
[32] Minor Use Permits D970067P, D960019P, and
[33] Minor Use Permit D950007P; this project also obtained a coastal development permit from the California Coastal Commission.
[34] Minor Use Permit D910287P
[35] Development Plan D930158D

- accommodate new or improved roadway crossings.[36]

Arguably, the 7 projects involving the protection of bridges, public facilities, and the flood capacity of Santa Rosa Creek were necessary either for public safety reasons or to protect existing commercial or residential structures. However, to be allowable under Section 23.07.174b, these projects had to be the only feasible alternative (i.e., no options to streambed alteration was available). This important requirement was not specifically addressed during the local review of these projects. In the case of the flood control project designed to protect existing and commercial and residential from flooding by Santa Rosa Creek (D930158d), inadequate consideration of alternatives that would avoid or minimize streambed alterations resulted in the project being denied on appeal to the Commission (A-3-SLO-95-12).

The rip rap structure constructed along Los Osos Creek to prevent the erosion of agricultural land, and designed in coordination with the Soils Conservation Service (currently known as the Natural Resources Conservation Service), could potentially be considered allowable as an improvement to fish and wildlife habitat. This is due to the fact that the erosion of agricultural soils can contribute sediments and pollutants to coastal streams, thereby smothering natural habitats and degrading water quality. The potential environmental benefits of this project, versus its potential adverse impacts, were not, however, analyzed by the local staff report.

The other streambed alteration project involving the installation of rip rap, approved by both the County and the Coastal Commission, may have been considered allowable as "flood control projects", but did not meet the test of being for "the protection of existing commercial or residential structures". Nevertheless, it was intended, in part, to protect cultural resources that had been previously excavated and placed in this hazardous location as fill. Given the fact that these resources had been previously disturbed (i.e., their original placement, which can be important from an archaeological standpoint, had already been altered) it seems that an alternative of relocating the tennis court and the cultural artifacts should have been considered.

Perhaps the most significant inconsistency with the limits to streambed alterations established by the LCP is the construction of new or expanded private roadways across coastal streams. The alteration of streams for such purposes is prohibited by Section 23.07.174b of the CZLUO and Section 30236 of the Coastal Act. Yet, the County approved such access routes on at least 3 occasions:

- In D970277P, a new driveway crossing involving a culvert and rip rap protection was allowed to cross a tributary to Chorro Creek. No discussion of alternative siting options on the 10.6 acre site that could have eliminated the need for such a crossing was included in the local staff report.

[36] Minor Use Permits D970277, D940210P, and D950049P

- D940210P involved the development of a new residential estate on a 120 acre site in the Rural Lands area north of Cambria. To obtain access to the development site, a new driveway and expanded culvert across Leffingwell creek was proposed. Although a less environmentally damaging access route that did not involve culverting the creek was documented, the County approval allowed the applicant to use either route.[37]

- D950049P involved the conversion of a portion of an existing residence to a winery that necessitated the expansion of an existing roadway, including at its crossing of Ellysly creek. No evaluation of impacts to riparian resources associated with this improvement was contained in the County staff report accompanying the FLAN.

While the above decisions appear to be deficient in carrying out the LCP's limitations on streambed alterations, it is possible that they may have been influenced by a perceived obligation to accommodate an economic use of private property. However, the facts of these cases do not indicate that this was a legitimate concern; alternative routes that would not impacts streams may have been available in D970277P and D940210P, and an economic use (i.e., residential) had already been accommodated on the property involved in D9500049P.

Finally, for those streambed alterations that are determined to be necessary and allowable, coordination with the California Department of Fish and Game (DFG), and other applicable regulatory agencies, is required by ESHA Policy 20 as well as CZLUO Section 23.07.174. Yet out of the 12 projects that seemingly involved streambed alterations, only 4 addressed the need to obtain DFG approval in either the staff report or conditions of approval.

Riparian Setbacks: In addition to the projects involving streambed alterations discussed above, the Commission staff was noticed of 12 permits between 1988 and 1998 involving development within the standard stream setbacks required by the LCP. This included 2 roadways,[38] 1 horse jumping course,[39] 3 residential structures,[40] 3 commercial facilities,[41] 3 private wells,[42] and 1 public facility (Cayucos Water Treatment Plant).[43] (This totals 13 developments, as compared to 12 permits, because Minor Use Permit D950077P authorized both a new road and residence within the setback area.)

Of these developments, the following could be considered allowable uses within the setback area under Sections 23.07.174d of the CZLUO:

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[37] The alternative access route, not the creek crossing, has since been constructed.
[38] Minor Use Permit D950077P and Development Plan D870182D
[39] Minor Use Permit D870297P
[40] Minor Use Permits D950201P, D950077P, and D930164P
[41] Minor Use Permits D960072P, D910107P, and D900370P
[42] Minor Use Permits D930241P, D910210P, and D900254P
[43] Minor Use Permit D940208P

- roads, where there are no feasible less environmentally damaging alternatives and adverse effects are mitigated to the maximum extent possible;

- water supply projects, provided that the quantity and quality of water from streams are maintained at levels necessary to sustain the functional capacity of streams, wetlands, and estuaries;

- and, equestrian trials.

All other uses would need to be granted a riparian setback adjustment pursuant to Section 23.07.172d(3) of the CZLUO.

In the case of D870297P, the proposed "horse-riding course" may have been allowed based on the LCP's allowance of equestrian trails within riparian setback areas, although the findings and analysis for the approval did not specifically discuss this issue. The local staff report did, however, prohibit the installation of permanent structures, allowing only "movable horse jumping obstacles". Notwithstanding this restriction, the high level of use associated with such an obstacle course, compared to the lower intensity of use associated with a typical equestrian trail, poses greater impacts to riparian resources (i.e., erosion and sedimentation). While the County conditioned the project to protect and restore the riparian habitat on the project site by requiring the applicant to discontinue grazing activities within 100 feet of the creek, the allowance of the jumping course does not appear to be in compliance with applicable setback standards.

In cases involving new or improved roads, the applicant must demonstrate that alternative routes are infeasible or more environmentally damaging, and that adverse environmental effects are mitigated to the maximum extent feasible, pursuant to Section 23.07.174d of the CZLUO. D950077P included a new driveway within 20 feet of a coastal stream. The limited information accompanying the FLAN for this project did not include an analysis of alternative routes. The absence of an SRV Combining Designation for this stream may have been a contributing factor to the absence of such an analysis.

In the other case involving a roadway within the required riparian setbacks (D870182), the presence of the SRV Combining Designation was identified in the staff report but again the required analysis of alternative access routes was not provided. This was likely due to the fact that the authorized the development (a commercial aquaculture operation approved "after-the-fact") used an existing agricultural road located not only adjacent to riparian habitat, but partly *within* a wetland area associated with Villa Creek. As acknowledged by the County staff report, the 31 full time employees, daily van trips, and weekly truck trips associated with the project significantly intensified the use of this road. Based on this intensification, and the impacts it posed on the adjacent creek and wetland (e.g., erosion, polluted runoff), alternative routes consistent with setback requirements should have been considered, but were not.

Instead, the County conditioned the project to revegetate and stabilize disturbed areas of the site, including the access road. Recent visits to the region by Commission staff indicate that no such landscaping has been installed in the sensitive areas of this access road, which is clearly visible from Highway One. The local permit also required the project's impacts on various sensitive habitats occurring on and adjacent to the site, including coastal streams and riparian vegetation, to be reviewed by the Planning Commission within 10 years of approval (i.e., by February 23, 1999). Such a review has not yet been undertaken.

Finally, with respect to water supply projects, the County approved 3 new wells and a water treatment facility within riparian setback areas. None of these permits provided an analysis of their impact on the quality and quantity of stream waters, as required by CZLUO Section 23.07.174b(1). In addition, although not specifically required by the LCP, there was no analysis whether alternative locations outside of the riparian setback areas were feasible. Such an evaluation appears to have been particularly warranted during the processing of a permit for a water treatment facility in Cayucos that was less than 10 feet from the creek bank in some areas, and involved the removal of 300 square feet of riparian vegetation (Minor Use Permit D940208P).

As provided by Section 30236 of the Coastal Act, the alteration of rivers and streams must be limited to <u>necessary</u> water supply projects; an important qualification that is absent from the provisions of CZLUO Section 23.07.174. Consistent with this approach, and the intent of CZLUO Section 23.07.174 to protect the natural hydrological system and ecological function of coastal streams, water supply projects that can feasibly located outside of stream setbacks should be limited to such areas. Water supply projects that can not meet these setbacks should be limited to those that are essential to protecting and maintaining public drinking water supplies where there is no feasible less environmentally damaging alternative.

As opposed to the specific uses allowed within riparian setback areas discussed above, other permanent structures (e.g., residences, commercial buildings, and public facilities) are not allowed within riparian setbacks unless the setbacks are adjusted according to the specific provisions of CZLUO Section 23.07.174d(2). Yet at least two developments that are not allowed in setback areas were permitted without the granting of an adjustment.

One was for the residence permitted by D950077P, which as discussed above, was within 20 feet of a stream that was not mapped as an SRV Combining Designation. The other involved the demolition of an existing bed and breakfast's laundry facility and manager's unit, and replacing them with a new laundry facility, kitchen, and manager's unit. Portions of these replacement facilities encroached within 12 feet of the Santa Rosa creek bank. No analyses of alternative locations for these facilities outside of the 50 foot riparian setback area was included in the local staff report accompanying the FLAN for this permit. The County did, however, attach conditions to limit the impact of construction of these facilities on riparian resources (e.g., construction fencing, prohibiting the alteration of the stream or riparian vegetation).

Setback Adjustments: The consistent implementation of riparian setback requirements is an essential ingredient to protecting stream habitats. Nevertheless, particular instances may arise where setback adjustments are needed to accommodate a reasonable use of private property, and/or to avoid adverse impacts to other important coastal resources that may exist on the property. The LCP addresses this by allowing such adjustments pursuant to Section 23.07.174d of the CZLUO. As provided by this ordinance, riparian setbacks can be reduced to 10 feet from a stream bank, provided that the adjustment is the minimum necessary to accommodate a principally permitted use; that there are no feasible, less environmentally damaging alternatives available; and that adverse environmental effects are mitigated to the maximum extent feasible.

Of the developments approved by the County between 1988 and 1998 and noticed to the Commission, approximately four were granted an adjustment to setback standards. A review of these adjustments, particularly those that were granted "after-the-fact" to resolve a violation, raises two major concerns. One, that encroachments into riparian setbacks beyond what is necessary to accommodate a principle permitted use are being approved. And, two, that inadequate consideration is being given to alternatives that would allow for a principally permitted use and still achieve compliance with setback requirements.

The two "after the fact" adjustments involved commercial establishments that had expanded into riparian setbacks the proper permits. In Minor Use Permit D960072P, the County approved the construction of a 1,100 square foot deck and patio addition to a restaurant that encroached within the riparian vegetation of Santa Rosa Creek. In Minor Use Permit D910107P, the County allowed the retention of a parking lot within 10 feet of the bank of Santa Rosa Creek. In both these cases, the County required substantial mitigation for the impacts the development had incurred. Nevertheless, the projects remained inconsistent with riparian setback requirements. An approach that would have been more consistent with the LCP would have been to require compliance with setback standards (i.e., remove of all development within 50 feet of the riparian vegetation that existed prior to the violation), as well as mitigation to offset the impacts incurred by the violation.

The two other adjustments involved the development of single family residences on fairly small and constrained lots in the urban area of Cayucos. D950201P permitted the development of a 1490 square foot single family dwelling with a 380 square foot garage 10 feet from the bank of Willow Creek, and D930164P authorized the construction of a 2,448 square foot house and attached garage 10 feet from the bank of Old Creek. The home adjacent to Old Creek necessitated the removal of 4 willow trees, which the County required to be replaced at a 2:1 ratio. The home next to Willow Creek included a deck that cantilevered into the setback area, and required trimming of 250 square feet of the riparian vegetation canopy. The County required the planting of willow trees in this case as well, in an amount that achieved 2:1 replacement. It is unclear how this ratio was to be implemented based on the fact that the project was trimming not removing vegetation, but it is assumed that two trees had to be planted for every willow tree trimmed.

While the above adjustments may have been necessary to accommodate the principally permitted residential use, it is not clear that they represented the minimum adjustment necessary (CZLUO Section 23.07.174d(2)(iv)). The County staff reports for these projects did not include an evaluation of whether a redesign of the project, or a reduction in square footage, would minimize encroachments into riparian habitats and still allow for a reasonable use of the property. Notwithstanding this problem, the County should be credited with requiring appropriate conditions to mitigate for the impacts of the development, including revegetation monitoring and the implementation of erosion and sedimentation control. An open space easement over the riparian area was also required in D950201P. On this point, it appears that a more specific description of what constitutes the "maximum feasible mitigation" required for adjustments should be provided by the LCP.

Other Policy Issues: The Commission staff's experience indicates that there are other areas where an update to LCP policies may be appropriate. As discussed above, the Coastal Act provides stringent standards regarding the alteration of coastal streams and rivers. This includes limiting such alterations to necessary water supply projects, among other specified uses. In contrast, the LCP does not limit its allowance of water supply projects to those that are necessary (CZLUO Section 23.07.174b(1)). The LCP also exempts stream diversion structures that supply water to agricultural stock ponds of under 10 acre-feet from CZLUO Section 23.07.174c. This important standard requires diversion structures to be designed and located in a manner that avoids impediments to the movement of native fish and reductions in streamflows that would adversely affect fish and other stream organisms. It is questionable whether this exemption carries out the Coastal Act requirement that *all* allowable stream alterations incorporate the best mitigation measures feasible (Section 30235).

Another potential problem of the LCP standards for streambed alterations is that is permits such development for the purpose of maintaining existing flood control channels (CZLUO Section 23.07.174b(4). While Section 30236 of the Coastal Act allows streambed alterations for flood control projects, such projects are limited to instances where "no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development". Clearly, the maintenance of existing flood control channels will, in most instances, meet this criteria, and therefore be allowable under Section 23.07.174b(2) of the CZLUO. There is the potential, however, that a project intending to establish a greater flood capacity within a channel supporting important wildlife habitat, could be proposed for purposes other than public safety or the protection of existing development (e.g., to prevent the flooding of agricultural or private undeveloped lands). Due to this potential Coastal Act conflict, and that the ability to implement necessary flood control projects is appropriately addressed by part 2 of CZLUO Section 23/07.174b, elimination of part (4) of this ordinance should be considered.

Also of concern is one of the standards regarding the alteration of riparian vegetation contained in Section 23.07.174e of the CZLUO. Part (7) of this ordinance permits the cutting or alteration of riparian vegetation "to locate a principally permitted use on an

existing lot of record where no feasible alternative exists and the findings of Section 23.07.174b can be made". The problem is that the referenced section does not specify any required findings.

Preliminary Policy Alternatives:

Stream Alterations:

Preliminary Recommendation 4.17: Pursue changes to Section 23.07.174b of the CZLUO to achieve conformance with Coastal Act Section 30236, as well as with ESHA Policy 23.

- The introduction of this ordinance should specifically require that all permitted streambed alterations employ the best mitigation measures feasible. A reference to the updated section of the LCP addressing mitigation requirements, as proposed by Preliminary Recommendations 2l and 2m, should also be provided.

- Part (1) should state that streambed alterations are limited to necessary water supply projects. The incorporation of specific criteria to define what constitutes a "necessary" water supply project should be considered. A preliminary suggestion is to define such projects as those essential to protecting and maintaining public drinking water supplies, or accommodating a principally permitted use where there are no feasible alternatives.

- Part (4), allowing streambed alterations for the maintenance of flood control channels, should be considered for deletion. Necessary maintenance activities can be accommodated under part (2) of this ordinance, which includes the Coastal Act criteria for such activities (part (4) does not include these important criteria).

Preliminary Recommendation 4.18: Delete the exemption for stream diversion structures associated with agricultural stock ponds of under 10 acre feet[44] that may impact stream habitat.

Preliminary Recommendation 4.19: Analyze streambed alterations for conformance with CZLUO Section 23.07.174b.

Preliminary Recommendation 4.20: Improve coordination with the Department of Fish and Game's Streambed Alteration process.

Where possible, streambed alteration agreements should be obtained prior to or concurrent with the County's review of the permit application, rather than as a condition

[44] CZLUO Section 23.07.174c

of approval. This will provide greater opportunity to make adjustment to the project that would better protect the stream habitat.

Preliminary Recommendation 4.21: Pursue Alternatives to Streambed Alterations.

Evaluate alternative access routes to avoid development in a stream (e.g., fill with culvert, bridge support).

Recommendations to Ensure Adequate Setbacks:

Preliminary Recommendation 4.22: Encourage Additional Research Regarding the Effectiveness of Setback Distances[45]

- Such studies appears to be warranted given the apparent decline in the health of riparian resources such as the Steelhead trout, southwestern pond turtle, red-legged frog, and other rare and endangered species. Incorporation of a program that would encourage such studies, potentially in coordination with local universities and/or resource management agencies and organizations, should therefore be considered.

- Pursue individual watershed management programs for coastal streams. Such program could address appropriate setback distances as well as other important riparian and water quality issues.

Preliminary Recommendation 4.23: Apply a Minimum Standard Setback of 100' in Urban Areas where Feasible

- Consider applying a 100' setback, rather than 50' or less, in urban areas where a 100' setback feasible and would achieve better protection of stream resources.

Preliminary Recommendation 4.24: Improve Implementation of Setback Standards and Adjustments.[46]

- Explore and require, unless more environmentally damaging, alternative alignments for new or improved roads and other uses allowed in setback areas that conform to standard setback requirements. For example, consider new alignments to existing non-conforming roads where there may be impacts associated with intensified use or fire safety improvements. If realignment is appropriate, abandonment and revegetation of the pre-existing road should also be required.

- In instances where alternative alignments are not feasible or more environmentally damaging, provide more specific guidance on what is required to mitigate adverse

[45] 100 feet from the edge of riparian vegetation in rural areas, 50 feet in urban areas, and as further specified by Area Plan
[46] CZLUO Section 23.07.174d

effects to the greatest degree feasible (CZLUO Section 23.07.172d(1)(ii), as referenced by 23.07.174d(1)). Please see preliminary recommendations 2l and 2m.

- Critically evaluate "after-the-fact" permit applications where development that has illegally encroached into setback areas. Before off-site mitigation is considered, evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation should be an additional requirement where necessary to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

Preliminary Recommendation 4.25: Consider Limiting Pedestrian and Equestrian Trails within Riparian Setback Areas to Passive Recreation.

- Where intensive recreational activities may adversely impact ESHA, they should be directed to areas outside of riparian setbacks.

- Where trails are allowed within or adjacent to riparian areas or other ESHA, require the provision of interpretive signing.

Recommendations to Protect Creek Flows and In-Stream Habitats

Preliminary Recommendation 4.26: Incorporate Additional Standards for Stream Diversions and Water Wells

- Prohibit diversion or extraction of surface and subsurface streamflows where adverse impacts to steelhead or other important riparian resources would result.

- Prohibit in-stream barriers to fish migration unless such structure comply with streambed alteration standards and provide effective fish ladders or by-pass systems.

- Where water supply projects have the potential to impact fish habitat or other stream resources, limit diversions to peak winter flows that exceed to amount needed to sustain the resources, and require off-stream storage where year-round water supplies are needed.

- To the degree feasible, water diverted from coastal streams should be treated after use and returned to the watershed of origin in like quality and quantity. Where this is not feasible, supplementation of stream flows with water imported from sources that do not impacts sensitive habitats should be pursued.

Preliminary Recommendation 4.27: Incorporate Additional Standards for Development In and Adjacent to Streams that Provide Habitat for Steelhead Trout

- All permitted development in or adjacent to streams that support steelhead should be designed and conditioned to prevent loss or smothering of spawning gravels and

rearing habitat through, among other means, controlling erosion, avoiding alteration of natural drainage patterns, eliminating sources of pollution, and maintaining streamside vegetation and stream water temperatures.

- Develop standards for the breaching of beach berms that create coastal lagoons (see Preliminary Recommendation 4d)

Other Recommendations

Preliminary Recommendation 4.28: Complete the Follow-Up Review on D870182 for the Aquaculture Facility North of Cayucos

Preliminary Recommendation 4.29: Miscellaneous Policy Clarifications

- Identify the correct reference for CZLUO Section 23.07.174e(7)
- Clarify the intent of CZLUO Section 23.07.174e(2)

C.4. Wetlands

Overview: The Environmentally Sensitive Habitat Chapter of the Coastal Plan Policies contains 13 policies specific to Wetlands (Policies 5 – 17). Of these policies, 3 are Programs, 3 are Standards, and the remaining 7 policies are identified as being implemented (and therefore superseded) by Section 23.07.170-178 of the Coastal Zone Land Use Ordinance. The Programs recommended by the LCP:

- Encourage the California Department of Parks and Recreation, the California Department of Fish and Game, and other public and private sources, to acquire or accept dedications of coastal wetlands. The priorities for acquisition are Sweet Springs Marsh, Santa Maria River mouth, Villa Creek Lagoon, and properties surrounding Morro Bay which include wetland habitat. (Policy 7)
- Encourage the continued use of open space easements or Williamson Act contracts to ensure the preservation of wetlands. The County is to develop guidelines to facilitate the use of open space easements, including "requirements for the length of dedication (i.e., perpetuity or 10 years), appropriate management responsibility, etc." (Policy 8)
- Call for the California Regional Water Quality Control Board to administer programs identified through the "208" nonpoint source studies to ensure protection of coastal wetlands and water quality.

The three wetland Policies that are Standards:

- Regulate the diking, dredging, and filling of wetlands by limiting such activities to those as generally specified by Coastal Act Section 30233(a),[47] and where there is no feasible, less environmentally damaging alternative. Within the wetlands of Morro Bay, these activities are further limited to "very minor incidental public facilities, restorative measures consistent with PRC Section 30411 of the Coastal Act,[48] and nature study" pursuant to Section 30233(c). (Policy 11)

- Require allowable dredging, diking and filing of wetlands to be accompanied by feasible mitigation measures that will minimize adverse environmental impacts, maintain tidal flows, and be consistent with the biological continuance of the wetland habitat. More specifically, the development must avoid breeding and nursery areas during periods of fish migration and spawning; be limited to the smallest area needed to accomplish the project; and, be designed to protect water quality by preventing discharges and using protective measures such as weirs and silt curtains. Dredging and spoils disposal must conform to the provisions of Coastal Act Sections 30233(b) and 30233(d), with the added caveat that dredge spoils may not be deposited in areas where public access or environmental habitats would be significantly or adversely affected. Additional mitigation measures are also required for permitted dredging, filing and diking projects, in accordance with Coastal Act Section 30607.1. (Policy 11)

- Limit mosquito abatement practices to the minimum necessary to protect health and prevent damage to natural resources, and encourage the use of biological control measures. (Policy 12)

- Prohibit vehicle traffic within wetlands, unless necessary to accomplish a permitted use within the wetland. (Policy 13)

Coastal Zone Land Use Ordinance: As noted above, the majority of wetland protection policies are implemented by Section 23.07.172 of the Coastal Land Use Ordinance, which, in addition to Policy 11, provides the primary mechanism for regulating development within and adjacent to wetlands. Other ordinances applicable to wetland protection include Sections 23.05.020 – 039 regulating grading (see section on coastal streams), as wall as sections 23.05.040 - 050 and 23.06.100 – 102 regarding drainage and water quality (please see Water Quality Chapter).

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[47] The LCP Policy can be interpreted as being more restrictive than Coastal Act Section 30233 in that it does not specifically permit the placement of structural pilings for public recreational piers in open coastal waters other than wetlands. However, it is more lenient in that it allows the diking, filing, and dredging of wetlands to maintain flood control facilities, and activity that is not permitted by Section 30233(a) of the Coastal Act.

[48] The purpose of the reference to Section of 30411 of the Coastal Act is unclear, since that section does not specifically address restoration.

LCP Implementation

Approved Development and Related Issues

Of the permits approved by the County and reported to the Commission between 1988 and 1998, approximately 23 identified that development would take place in or adjacent to a Wetland Combining Designation.[49] As previously described, the presence of an ESHA Combining Designation on or adjacent to a development site is the primary means under which LCP habitat protection standards are applied. However, a review of a wider range of local permits reported to the Commission between 1988 and 1998 indicates that an estimated 16 additional permits where the presence of a Wetland Combining Designation was not also identified involved wetland issues.

Of the 23 County permits that authorized development on sites with a Wetland Combining Designation, 7 involved new residential development,[50] 5 involved improvements to existing residences,[51] 1 involved new commercial development,[52] 2 involved improvements to an existing road,[53] 3 involved new wells,[54] 1 involved a lot line adjustment,[55] 2 involved improvements to public facilities,[56] 1 involved the construction of flood protection/erosion control structure,[57] and 1 involved a demolition of a boathouse.[58] The Commission staff's review of these permits has identified the following issues regarding the County's implementation of the LCP's wetland protection standards.

Allowable Uses in and Adjacent to Wetlands

On of the primary ways in which the LCP protects wetland resources is limiting the allowable uses within wetlands and prescribed setback areas (e.g., Environmental Sensitive Habitat Policy 11, CZLUO Section 23.07.172, and various Area Plan Standards). Of the 23 permits described above, approximately 7 allowed development directly within a mapped wetland area, and 3 authorized development within the wetland setback area established by the LCP (not counting the 7 development projects within wetlands, which also involved development in the setback area). 8 of these permits did not identify the distance of the development from the wetland; 2 of these permits appear to have involved development within the required setback.

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[49] Six of these permits (D950007P, D940148P, D940280P, D940220P, D890440P, and D880273P) involved development in the Coastal Commission's original jurisdiction and therefore also required a permit from the Coastal Commission.
[50] D960014P, D940148P, D930164P, D920144P, D890409P, D8880195D, and D880388D
[51] D910260P, D940280P, D940126P, D970231P, D890409P
[52] Development Plan D890631D for a 3 story 100 room hotel in Oceano
[53] D870182D and D90210P
[54] D910210P, D940037P, and D940116P
[55] COAL 93-49
[56] D940220P and D890386P
[57] D950007P
[58] D880273P

For those 7 permits that appear to have permitted development directly within a Wetland Combining Designation, 2 involved new residential development, 2 involved roadway improvements, one involved the installation of a flood protection/erosion control structure, one involved the construction of a new hotel, and one involved the demolition of a boathouse. None of these uses are allowed within a wetland pursuant to ESH Policy 11 and Section 23.07.172b of the CZLUO.

Uses approved within the wetland setback included salt-water monitoring and test wells, new residential development, and improvements to existing residential development. Again, none of these uses are permitted within wetland setbacks under Section 23.07.172d(1) of the CZLUO.

In addition to these permits, a 1999 permit authorized a roadway project and lot line adjustment that involved construction of new roadways within wetland setbacks, and potentially within the wetland resource. As detailed below, the apparent reasons for these inconsistencies include:

- Failure to Identify Wetland Resources
- Inaccurate Delineation of Wetland Habitats
- Inadequate Consideration of Project Alternatives
- Accommodating Expansions or Improvements to Existing Non-Conforming Uses
- Desire to Accommodate Coastal Dependent Uses and Development Beneficial to Coastal Resources

a. Failure to Identify Wetland Resources

On of the more significant issues, discussed in detail in section C.1 of this chapter, is the concern that the LCP can be interpreted in a manner that would afford protection of only those wetlands that have been mapped as such by the LCP Combining Designation maps. A comprehensive review of the FLANs received by Commission staff between 1988 and 1998 identified16 permits that raised wetland issues in areas that were not identified as having a Wetland Combining Designation. This may be a result of either the Combining Designation maps not being inclusive of all wetland habitats, and/or an oversight of Wetland Combing Designation Standards during the local review process.

The apparent lack of a complete delineation of all wetlands in the County's coastal zone by the LCP maps is certainly understandable given the dynamic and seasonal nature of different types of wetlands. For example, vernal pools may be clearly evident in the rainy season of wet years, but very difficult to detect in the summer or during droughts. Similarly, the size and specific location of lagoons and estuaries may change from season to season and year to year, based on numerous factors including stream flows, stream alignments, ocean waves, and groundwater levels.

The lot line adjustment and roadway development authorized by COAL 94-130 and D970195D,[59] involved nearly 5 miles of new and improved roadways on a sensitive 746 acre site west of Highway One between Cayucos and Cambria. This scenic open space stretch of coast is commonly referred to as the "Harmony Coast".

The LCP Combining Designation map identifies one wetland (a stock pond) as existing on this site. An environmental constraints map completed as part of the local review identified an additional wetland (also a stock pond) of significant size and biological value not shown by the Combining Designation map. These were the wetlands addressed during the County's review of the project. However, upon visiting the site, Commission staff observed the presence of additional wetland areas.

On one hand, the County should be credited for analyzing conformance with wetland standards for the portion of the roadway improvements that came in close proximity to a wetland that was not mapped by the LCP.[60] On the other hand, it appears that the full range of wetland areas on the site was not identified during the local review. To correct this problem, the Commission required the applicant to provide evidence of approval by the Department of Fish and Game and the U.S. Army Corps Engineers prior to the commencement of roadway construction. If additional wetlands were confirmed to be present on the site during the review by these agencies, revised roadway plans conforming to wetland setback requirements must be submitted.

While this may have been an appropriate "fix" in this instance, it is probably not the best means of implementing LCP wetland protection provisions over the long-term. Rather, it is critically important that all wetland resources be identified before development is approved, so that a comprehensive assessment of the full range of potential impacts to sensitive habitats can be considered, and an accurate assessment of LCP conformance can be completed. Therefore, in addition to pursuing an alternative to the LCP's current map based system for protecting wetlands and other environmentally sensitive habitats, new standards that facilitate a complete and accurate delineation of all wetlands during the local review process should be incorporated into the LCP. (Please see Recommendations in sections C.1. and C.2.)

b. Inaccurate Delineation of Wetland Habitat

In the case of the new hotel in Oceano permitted under Development Plan D890631D, the information accompanying the FLAN contains conflicting information. In one section, the staff report indicates that the project is consistent with the 25 foot wetland setback established by the San Luis Bay Area Plan (Standard 4 for SRA Combining Designations). This setback was measured from the edge of an existing stand of willows

[59] Appealed to the Commission as A-3-SLO-99-014 and A-3-SLO-99-32 and known as the "Morro Bay Limited" project based on the name of the applicant.
[60] Nowithstanding the fact that the County undertook this analysis, the Commission found it necessary to attach additional conditions to the project in order to achieve consistency with the applicable wetland setback provisions.

that were identified as being the limit of wetland vegetation by the biological report completed for the project.

However, another section of the staff report indicates that the site is "covered by native salt rush plant that Fish and Game considers an important species due to its indication of wetland habitat". Thus, the upland limit of the wetland used to determine the setback for this development (the edge of the willows per the biological report) was in conflict with the definition of the "Upland Limit if a Wetland" provided by the Coastal Plan Policies Document.[61] As a result of incorrectly identifying the limit of the wetland, this permit appears to have authorized a commercial use directly within a wetland, inconsistent with the provisions of ESH Policy 11 and Section 23.07.172 of the CZLUO.[62] This provides another basis for incorporating new standards into the LCP that will improve upon the accuracy of the wetland delineations that are so crucial to achieving consistency with LCP and Coastal Act wetland protection provisions.

c. Inadequate Consideration of Project Alternatives

Even where the presence and extent of wetlands are accurately delineated, there may be particular circumstances under which exceptions to wetland protection standards may need to be considered. One such circumstance is where the application of these standards would preclude a reasonable economic use of private property. Another circumstance may be where exceptions to such standards are needed to achieve a final result that is, on balance, the most protective of coastal resources. In either of these cases, it is essential that the full range of project alternatives that would best achieve consistency with wetland and other resource protection standards be considered.

Both these circumstances came to play in local permits D880295D and D880388D, which authorized two new residences to encroach a maximum of 1,500 square feet into the wetlands of Morro Bay.[63] In approving these projects, the County Board of Supervisors overruled the Planning Commission's conditional approval that restricted the

[61] This definition provides that "the upland limit of a wetland is designated as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; 2) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or 3) in the case of wetlands without vegetation or soil, the boundary between land that is flooded or saturated at some time each year and land that is not.

[62] This permit was appealed by two Commissioners (A-4-SLO-91-36), and subsequently approved by the Commission with conditions intended to address setback requirements. However, the permit was never exercised. Since that time, a 56-unit condominium hotel that also involved removal of salt rush vegetation was approved by both the County and the Commission (Development Plan D940151D, CDP 3-95-48) and has been constructed on the site.

[63] An appeal of these projects is currently pending with the Coastal Commission (A-3-SLO--98-061, Farbstein). After determining Substantial Issue in March 1999, the De Novo hearing was continued to provide the applicant the opportunity to address, among other things, issues regarding water supply, wastewater treatment, and endangered species. To date, this information has not been provided. It is anticipated that the De Novo hearing will be rescheduled for Commission hearing in the spring or summer of 2001.

development to an area outside of the wetland. In justifying this action, which included the granting of a variance to wetland setback requirements, the Board found that the authorized wetland encroachment was the minimum necessary to avoid the removal of pygmy oak, another type of sensitive habitat found on the property. Contrary to this conclusion, the findings approved by the Planning Commission indicated that it was possible to accommodate development within a 3,000 square foot development envelope was both outside of wetland and pygmy oak habitat. Thus, although not specifically stated in the Board's findings, it can be assumed that the permitted wetland encroachment was also intended to provide the applicant with what, in the Board's opinion, was a reasonable economic use.

A significant problem with the information and analysis that accompanied the Board of Supervisor's action was that it failed to adequately address the full range of project alternatives that would achieve maximum consistency with LCP ESHA provisions and still provide a reasonable economic use of the property (e.g., the alternative approved by the Planning Commission). Recommendations on how this problem can be solved are provided in the section of this chapter regarding the Avoidance of ESHA.

D90210P involved similar circumstances, in that it authorized a use that is not allowed in wetlands in order to accommodate a principally permitted use and avoid impacts to other habitat areas on the site. Specifically, it the involved the construction of a new road with a culvert to cross a wetland in order to provide an access to a proposed residential estate. An alternative access route that would not require the wetland crossing and was identified as the less environmentally damaging alternative. However, in the County's final action on the project, the applicant was given the option of constructing either of these access routes. Thus, implementation of the least environmentally damaging alternative was not required.

Addressing Different Types of Wetlands

An interesting issue raised by recent appeals is the consideration of stock ponds created to provide a water source for cattle through the installation of dams or the construction of berms as wetlands. In many instances, these ponds have become valuable biological habitats, supporting habitat for rare and endangered species such as the red-legged frog and the western pond turtle, as well as for numerous species of birds and amphibians. Based on these significant habitat values, it is clear that such areas must be afforded the greatest degree of habitat protection available under the Coastal Act and LCP.

There may be other cases, however, where a man made stock ponds, or other human induced wet lands, may be so small in size, disconnected from other natural habitats, and/or heavily used for a particular purpose (e.g., watering cattle, detaining sediments in runoff), that they offer little to no habitat value. Applying the same stringent standards to these areas as those applied to biologically significant wetlands may not only be of questionable resource benefit, but may diminish the range of alternatives that should be considered when siting new development on highly constrained agricultural properties. For example, where necessary to avoid development on a highly visible or otherwise

environmentally significant area of coast, exceptions to a 100-foot setback from a stock pond of negligible biological value should be considered.

To respond to these various circumstances, it may be appropriate to incorporate provisions into the LCP that will allow for greater consideration of the biological significance of man made wetlands, and other competing resource protection interests, in determining appropriate setbacks from such areas.

Use of Variances

While one might be inclined to apply the variance provisions of the LCP (CZLUO Section 23.01.045) to waive wetland setback requirements and resolve the hypothetical situation described above, there are significant concerns regarding the overall use of variances. Namely, the use of variances can result in unnecessary, resource damaging exceptions to important LCP resource protection provisions.

One example of where inappropriate exceptions to wetland standards may have been granted by the County is the variances approved for the development of two single-family residences within the wetlands of Morro Bay (D960345V and D960246V).[64] As approved by the Board of Supervisors on appeal by the applicant, these variances authorized the development to encroach into 1,500 square feet of wetland habitat, even though the Planning Commission had identified and approved an alternative that would have avoided such impacts. This decision, and other problematic variances identified throughout this report, indicate the need to consider changes to the variance provisions of the LCP that would prohibit the approval of such exceptions where adverse impacts to wetlands, sensitive habitats, or other significant coastal resources would result.

Flood Protection and Erosion Control

The limitation on uses allowed in wetlands established by LCP Policy 11 for Environmentally sensitive Habitats is generally consistent with the provisions of Coastal Act Section 30233. The only significant difference is that the LCP allows the diking, filing, and dredging of wetlands to maintain flood control facilities, an activity that is not permitted by Section 30233(a) of the Coastal Act. Removal of this provision should be evaluated in order to achieve Coastal Act consistency. It is noted that a review of the permits approved by the County and noticed to the Commission for projects within the wetland Combining Designation between 1988 and 1998 did not identify any situation where the diking, dredging, or filling of wetlands was necessary for flood control.

[64] These variances, and associated development permits are currently pending on appeal to the Coastal Commission (Farbstein, A-3-SLO-98-061). After determining Substantial Issue in March 199, the De Novo hearing was continued to provide the applicant the opportunity to address, among other things, issues regarding water supply, wastewater treatment, and endangered species. It is anticipated that the De Novo hearing will be rescheduled for Commission hearing in the spring or summer of 2001.

What has been asserted as being necessary for flood control and has direct impacts on wetland resources is the breaching of sandbars at the mouth of coastal lagoons and estuaries. In the mid to late summer, when beaches are at their widest and stream flows are at their lowest, a sand bar can form that prevents coastal streams from draining to the ocean and forms a coastal lagoon. These lagoons can provide important habitat values, such as for juvenile steelhead trout in Santa Rosa Creek, as it provides a place for this fish to feed, grow, and adapt to salt water before entering the ocean when the rains come. Yet, where development has encroached within close proximity to the lagoon and flood plain, these elevated water levels can raise flooding concerns. Such concerns have been raised regarding Oso Flaco Lake in the San Luis Bay planning area, and at the Santa Rosa Creek Lagoon in the North Coast Planning Area.

In most instances, the grading necessary to breach coastal lagoons will involve development within the Coastal Commission's original jurisdiction, and therefore require a Coastal development Permit from the Coastal Commission. However, there is a high likelihood that such activities will also take place within areas of the County's jurisdiction, and would need to comply with the specific requirements of the LCP. It is questionable whether such activities could be considered an allowable use under the provisions of Section 23.07.172 regarding development in or adjacent to wetlands, and Section 23.05.034c regulating grading adjacent to sensitive habitats. Moreover, the LCP clearly lacks the protocols necessary to ensure the protection of wetland resources if and when lagoon breaching becomes a necessity. Revisions to the LCP that would clarify the limited circumstances under which lagoon breaching is allowed, accompanied by the incorporation of appropriate standards to ensure that such activities are carried out in a manner that is the most protective of wetland resources, should therefore be considered.

Monitoring and Restoration

In accordance with the Coastal Act, habitat restoration is one of the limited uses allowed by the LCP to involve the diking, filling, or dredging of wetlands. However, the LCP does not specifically allow restoration activities, or associated environmental monitoring, in or adjacent to wetlands if it does not involve diking, filling, or dredging. A literal reading of CZLUO Sections 23.07.172 and 25.03.034 indicates that restoration activities that constitute development (e.g., grading to removal fill and restore natural contours and tidal influence) are prohibited in wetland and wetland setback areas. Similarly, the installation of monitoring wells that provide important data regarding groundwater levels needed to sustain wetland habitats are arguably prohibited within wetland setbacks under CZLUO Section 23.07.172d.

That is not to say that the County has not allowed such restoration activities. In fact, a review of the permits approved by the County and reported to the Commission between 1988 and 1998 indicates that the County has been appropriately flexible in their interpretation of LCP provisions in order to allow for projects that would benefit wetland resources. Nevertheless, correcting the LCP so that there are no questions regarding the allowance of restoration activities would benefit all parties involved.

For example, Minor Use Permit D880273P[65] involved a proposal to remove a boathouse and replace it with fill in what appears to be a historic tidal area of Morro Bay. From a resource protection standpoint, the County appropriately conditioned the project in a manner that prohibited new fill, required that the natural contours of the site be restored and planted with native wetland and upland transition vegetation. An erosion control plan was also required to protect water quality. Although it did not occur in this case, a strict reading of LCP provisions prohibiting grading adjacent to sensitive habitats, and limiting uses within wetland setbacks, could preclude restoration activities such as these. In another situation, the County approved the installation of two salt water monitoring wells in Cayucos, within the 50 foot setback area for the Old Creek lagoon established by the Estero Area Plan (Minor Use Permit D940037P). The purpose of these wells were to ensure that adequate amounts of water are released from Whale Rock reservoir to maintain groundwater and surface water levels and prevent saltwater intrusion. To accomplish these important resource protection objectives, the wells were dependent upon a location adjacent to the wetland habitat at the confluence of Old Creek and the Pacific Ocean. According to the County staff report, installation of the monitoring wells would not disrupt ESHA, and the project was conditioned to minimize ground disturbance and avoid the removal of trees. This represents another example of a project that, as conditioned by the County, could be considered an appropriate use under the Coastal Act, but is technically inconsistent with the limited uses allowed in wetland setback areas by CZLUO Section 23.07.172d. Therefore, to facilitate monitoring and restoration of wetland resources, and ensure that such activities are carried out in a manner that will not harm wetland resources, changes to the LCP, particularly to Sections 23.07.172 and 23.05.034 of the CZLUO, should be considered.

Preliminary Policy Alternatives

Preliminary Recommendation 4.30: Incorporate Standards for Wetland Delineations

In addition to pursuing an alternative to the LCP's current map based system for protecting wetlands and other environmentally sensitive habitats (see section C1 of this Chapter), new standards that facilitate a complete and accurate delineation of all wetlands during the local review process should be incorporated into the LCP. A potential location for these standards would be within the updated biological report requirements (see Preliminary Recommendation 1c).

Preliminary Recommendation 4.31: Evaluate Biological Significance of Manmade Wetlands

Where necessary to address competing resource protection interests, consider the biological significance of man made wetlands. Allow adjustments to standard wetland setbacks from biologically insignificant manmade wetlands where the lesser setback will

[65] This project was within the Coastal Commission's original jurisdiction, and therefore also required a coastal development permit from the Commission.

not disrupt sensitive habitats and is needed to achieve a more important resource protection objective.

Preliminary Recommendation 4.32: Prohibit Variances to Wetland and Other ESHA Protection Standards

Consider changes to the variance provisions that would prohibit the approval of exceptions to wetlands and other ESHA setback and protection standards where those impacts could otherwise be avoided.

Preliminary Recommendation 4.33: Develop Standards for the Breaching of Coastal Lagoons

Require a CDP for lagoon breaching activities, and limit such development to situations where it represents the least environmentally damaging feasible alternative for relieving a flood hazard, public health hazard, or water pollution problem. Incorporate standards to ensure that where allowed, lagoon breaching is carried out in a manner that is the most protective of wetland resources and other environmental resources particular to each site. Such standards should include:

- Coordination with all applicable regulatory agencies, including the California Coastal Commission, California Department of Fish and Game, the US Army Corps of Engineers, the Monterey Bay National Marine Sanctuary, and the Regional Water Quality Control Board.

- Development of a breaching plan that addresses the need for breaching and available alternatives; impacts on endangered species and habitats; public health and safety; and public access and recreation.

- Requiring the breaching activity to be conducted in a controlled manner that reduces lagoon water levels the minimum necessary to abate the hazard.

- Breaching plans and permits should also include short term and long term monitoring provisions that evaluate the health of the lagoon and the impacts of breaching.

Preliminary Recommendation 4.34: Provide Standards for Wetland Monitoring and Restoration Activities

Incorporate specific requirements (e.g., within Sections 23.07.172 and 23.05.034 of the CZLUO) for the monitoring and restoration of wetland resources to enhance effectiveness and ensure that such activities are carried out in a manner that will not harm wetland resources.

Preliminary Recommendation 4.35: Review Mosquito Abatement Activities

Investigate whether mosquito abatement practices are being reviewed and permitted in conformance with ESHA Policy 12 and San Luis Bay SRA Program 8.

Preliminary Recommendation 4.36: Coordinate the Management and Protection of Open Space Easements Obtained to Protect Wetlands and other ESHA

Evaluate ways to better obtain and protect open space easements over sensitive portions of bayfront property per Morro Bay SRA Program 23. This could include partnering with the Morro Bay National Estuary Program, and other qualified agencies and organizations. Similar efforts should be made to ensure that other open space easements obtained to protect ESHA are being effectively managed.

C.5. TERRESTRIAL HABITATS

Overview: Of all the Combining Designations used to delineate the Environmentally Sensitive Habitat Areas of the San Luis Obispo County coastal zone, the Terrestrial Habitat (TH) designation is the most diverse and wide spread. From the Monterey pine forests of the North Coast to the dune habitats of Estero and South County, these land-based habitats represent some of the most important, and most endangered, stands of the central coast's dwindling native environs. A significant amount of the San Luis Obispo County coastal zone is currently mapped by the LCP under the TH designation. As detailed in the section of this chapter regarding the identification of ESHA, a much greater are of terrestrial habitat that meets the Coastal Act definition of ESHA, but is not currently mapped by the LCP, exists throughout the County's coastal zone.

A. Monterey Pine Forest: As described by the Combining Designation Chapter of the North Coast Area Plan:

> *Native Monterey pines occur in only a few areas along the California coast from north of Santa Cruz to Cambria and on one of the Channel Islands off the Santa Barbara County coast. While widely grown in the Southern Hemisphere as a commercial timber, the Monterey Pine occurs in only three areas of its native California. The southernmost stand in California is the 2,500 acres surrounding Cambria with another isolated 500 acres at Pico Creek. These stands are extremely important as a "gene pool" due to genetic variations found there. Relatively undisturbed stands occur on the Cambria fringe area and in isolated pockets to the north. Monterey pine forests cover most of the Cambria urban area. The larger remaining stands in undeveloped area should be retained intact as much as possible by use of cluster development in open areas of sparse tree cover and preservation of finer specimen stands through open space easements.*

While the above description provides a good overview of the status and management principals available for this habitat type at the time of LCP certification, much new

information has been gained. First, the advent of the pitch canker epidemic has placed new and greater threats on the survival of the remaining pine forests. Scientific knowledge of the effects of this disease, and the ways in which it can be controlled, is constantly evolving. New and adaptable management tools, planning initiatives, and development regulations are needed to respond to this problem.

Second, scientists and resource managers have gained a much greater understanding of the forest as an ecosystem, recognizing that the forest habitat is defined not by trees alone. A diverse assemblage of plants, lichens, insects, and other living things that exist various layers, from soil to forest canopy, all play an important role in the health and biological productivity of the Monterey pine habitat. Protecting this habitat therefore demands a more comprehensive approach that extends beyond the conservation of individual trees.

Third, the significant role that genetics play in a species ability to adapt to threats such as the pitch canker epidemic has placed a greater emphasis on preserving a diverse and healthy genetic stock. As a result, it is critical to protect not only the mature trees that display a resistance to the disease, but their seeds and seedlings as well. Where the protection of the "larger remaining" and "finer specimen stands" of trees may have been the focus of original LCP efforts to protect this habitat, a new approach that places equal or greater emphasis on the protection of younger trees, and the open space meadows that support their growth, must be considered.

Finally, it is clear that scientific knowledge regarding pitch canker and forest health continues to change and grow. Up until very recently, it was thought that once a tree had been infected by pitch canker, it had a very limited remaining lifespan. However, new scientific opinions indicate that some trees may recover from the disease, and perhaps provide the genetic material that will be essential for Monterey Pines to adapt to and survive this epidemic. The implications of this are twofold. First, planning policy and development regulation must be able to incorporate new scientific information as it develops. Second, a more considered look at whether a tree should be allowed to be removed just because it is infected by pitch canker, or may show signs of such an infection, should be undertaken.

LCP Provisions:

The North Coast Area Plan (NCAP) provides the most specific standards and programs aimed at protecting pine forest habitat, supplementing the general TH provisions discussed above.

North Coast Area Plan Programs: SRA Program 4 states that the County will work with the Coastal Conservancy to complete a study for the preservation of the most heavily forested and steep slope areas of Lodge Hill. In addition to designating wildlife corridors, the program is to evaluate the feasibility of implementing lot consolidation and Transfer of Development Rights programs. The program is also to produce a manual that addresses particular issues relevant to the pine forest such as erosion control, landscaping,

and other important development regulations. This manual, along with a more detailed erosion control program for Lodge Hill, are called for being prepared as part of "Phase IV of Local Coastal Plan Development".

Another Phase IV action is the preparation of a Specific Plan for Lodge Hill (SRA Program 5). Applying the results of Program 4, the Specific Plan is to evaluate opportunities to cluster development in particular areas (blocks) with steep slopes, heavy tree cover, and low levels of development.

Lot consolidation, as a means to combine small lots that do not meet current standards and reduce the overall amount and intensity of development within the pine forest, is an additional program established by the NCAP. Pursuant the SRA Program 6, the County is to review its current procedures and mechanisms for lot consolidations, and if necessary, suggest legislative changes that would facilitate this objective.

Perhaps the most commonly implemented program for tree protection is the Transfer of Development Credit (TDC) Program designed to accomplish the following objectives: a reduction in the build-out in the Cambria area, especially in Lodge Hill, to be within the public service capacity of the area;[66] and, transferring development out of the most environmentally sensitive areas. The details of this program can be found on pages 52 – 54 of the NCAP. It is implemented under Section 23.04.440 of the CZLUO.

NCAP Pine Forest Standards for Rural Areas: SRA Standard 4 requires the clustering of new subdivisions and large scale developments within forested areas. It also calls for new development to be restricted to slopes less than 20%. Where development requires removal of Monterey Pines greater than six inches in diameter, SRA Standard 5 requires their replacement with native stock.

Public Facility Standard 2 regarding the Cambria Cemetery (APN 013-111-006) requires tree trimming and removal to be minimized, and preparation of a Forest Management Plan with specific criteria.

Standards for the Hearst Ranch: Recreation Standard 12 requires that the development of the "San Simeon Point"[67] and "Pine Resort"[68] projects to be located in building envelopes of the "least biological significance". These building envelopes are to be reviewed by a biologist selected by the County in consultation with the Department of Fish and Game.

Recreation Standard 19 establishes general tree protection requirements for all portions of the Hearst Ranch within the Recreation land use category.

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[66] See Development Chapter
[67] The development of San Simeon Point is further regulated by Recreation. Standards 13 and 20, and it's "principle building envelopes" are shown by Figure 1 of the North Coast Area Plan
[68] Recreation Standards 22 and 23 provide additional requirements for the development of the Pine Resort.

Standards for Rural Lands Land Use Category: For the Rural Lands adjacent to Cambria, new land divisions must be restricted to a density of one dwelling unit per 80 acres or lower, and clustered (per the specific provisions of CZLUO Section 23.23.04.036) against either the Urban Reserve Line or "semi-open areas to minimize tree removal". No structural development is allowed on slopes steeper than 20%, and any Monterey Pines removed during construction must be replaced. (Rural Lands Standard 2)

NCAP Pine Forest Standards for the Cambria Urban Area: On small residential lot tracts in Lodge Hill, setbacks are allowed to be averaged and adjusted[69] to avoid the need for tree removal. (Community Wide Standard 5)

Development of "the Ranch" requires the retirement of water and sewer permits from steep and heavily forested 25-foot wide lots in lodge hill pursuant to Community Wide Standard 9d. A Development Plan for the residentially designated area of the Ranch, detailing measures to preserve larger stands of Monterey Pines is require by Residential Single Family Standard 5.

The development of 25 foot wide lots under single ownership is subject to the lot consolidation provisions of CZLUO Section 23.04.048. As required by Residential Single Family Standards 6 and 7, construction on 25' lots, and all residential lots within Lodge Hill, must preserve the pine forest by:

- limiting tree removal to those that are in the structural line of approved development, or have been determined to be diseased by the County or approved consultant;
- replacing trees with 8 inch or greater diameter removed by development on a two to one basis. Replacement trees must be five gallon Monterey pines grown from seeds obtained from the Cambria stand "if available";
- implementing construction practices to protect Monterey Pines from disturbance (e.g., protecting tree trunks and root systems, careful use and storage of construction equipment); and,
- maintaining the undeveloped areas of each building site in native vegetation and natural cover.

As incentive to preserve trees, RSF Standard 9 allows the Planning Director to grant a 10% increase in the allowable gross structural area where an applicant can "clearly demonstrate that design and layout concessions have been made in order to save healthy trees" or achieve other resource protection objectives.

RSF Standard 13 establishes two areas of Lodge Hill as Special Project areas due to the presence of pine forest, steep slopes, and small lots. For Special Project Area #2, which

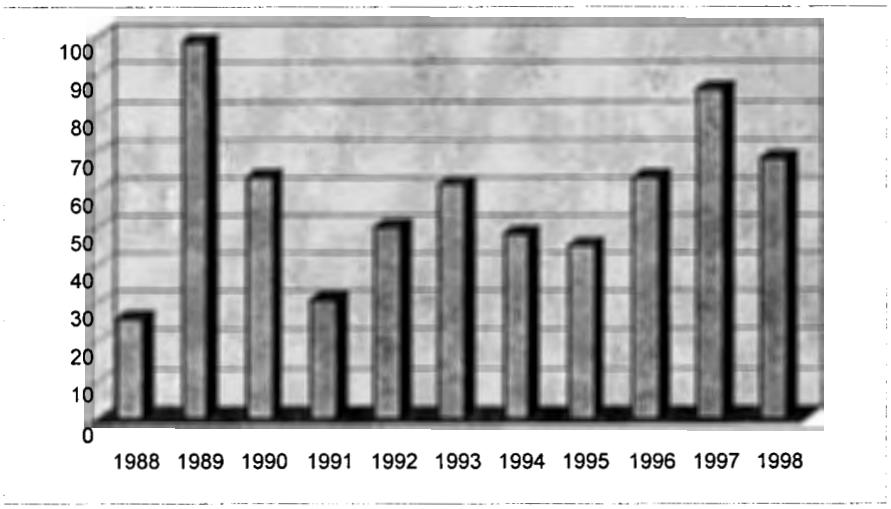
[69] Zero side yard setbacks, and two feet rear setbacks are permitted

is highly visible from Highway One, a minimum of two Monterey or Cambria pines are required to be planted and maintained. In the Residential Suburban area of West Lodge Hill, new land divisions must cluster residential units to preserve pine trees. (RS Standard 2)

LCP Implementation

Overview of Development Approved in Forested Areas: Between the period of 1988 and 1998, the Commission was sent notice of approximately 639 coastal development permits approved by the County in the Terrestrial Habitat areas in and near Cambria. (See Figure 4-3).

Figure 4-3 Annual Permits Approved in TH Designation in/near Cambria



Of these permits, the large majority (448, or 70%) was for the development of single-family residences, mostly within the Lodge Hill area. An additional 178 permits (28% of the 639 permits) were for additions to existing single-family residences.

In terms of the overall numbers of trees impacted by this development, 230 of the 639 permits (36%) reported in this area identified the number of trees removed, and an even smaller number reporting the number of trees to be replaced. 171 (74%) of the 230 permits identified the removal of Monterey Pine (as well as other trees), and 49 (21%) of the 230 permits identified the removal of Oak trees. This data is shown by Table 4-4.

Table 4-4: Tree Removal and Replacement within the TH areas in and around Cambria

Year	Monterey Pines Removed	Monterey Pines Replaced	Mitigation Ratio	Oak Trees Removed	Oak Trees Replaced	Mitigation Ratio
1988	40	88	2.2	5	10	2.0
1989	143	271	1.9	23	49	2.1
1990	22	64	2.9	?	?	?
1991	26	60	2.3	1	4	4.0
1992	60	175	2.9	?	5	?
1993	79	162	2.1	42	143	3.4
1994	42	?	?	2	?	?
1995	78	?	?	29	?	?
1996	10	20	2.0	?	?	?
1997	317	624	2.0	77	334	4.3
1998	165	332	2.0	53	224	4.2
TOTAL REPORTED BY 230 PERMITS	**982**	**1796**	**1.8**	**232**	**769**	**3.3**
AVERAGE PER PROJECT [70]	**5.74**	**10.44**	**1.8**	**4.73**	**15.08**	**3.2**
ASSUMED TOTAL OF 639 PERMITS[71]	**2715**	**4938**	**1.8**	**634**	**2021**	**3.2**

The figures presented by Table 4-4 are considered to be highly conservative based on the fact that they do not include the tree removal that occurred outside the mapped TH Combining Designations in and around Cambria. Nor do they include the tree removal associated with development that was not reported to the Commission.

The impact of development on pine forest habitat is not limited to the removal of trees. The construction of new roads and homes increase the amount of impervious surface,

[70] The average number of Monterey Pines removed per project was determined by dividing the total number reported by 171 (the number of reported permits identifying the removal of Monterey pine). For oaks, the total was divided by 49 (the number of reported permits identifying oak removal).

[71] Assumed totals were estimated by multiplying the average number of trees removed by a proportion of the 639 permits reported in the TH designation between 1988 and 1998. These proportions are equivalent to the percentages of the 230 permits reporting the removal of Monterey Pine and Oaks. (74% of the 230 permits involved the removal of Monterey Pine; thus, 473 of the 639 permits were assumed to have involved Monterey Pine removal. 21% of the 230 permits involved oak removal; thus, 134 of the 639 permits are assumed to have involved oak removal.)

which can lead to increased erosion in adjacent forest habitats. Moreover, development can lead to the fragmentation of previously connected habitat, and introduces light, noise, domestic pets, and other human influences that can reduce the health and biological productivity of surrounding habitats.

In a 1999 erosion study completed by San Luis Obispo County for a 800 acre area of Lodge Hill, it is estimated that 1200 new homes, and 18 miles of new roads have been constructed in the last 50 years. Acknowledging that the impacts of such development extend beyond its footprint, the report states that the 18 miles of new roads have impacted about 44 acres of forest. An additional 33 acres were impacted by the construction of the new residences, which were calculated as having an average size of 1200 square feet.

Consistency Analysis

Tree Removal and Replacement: The numbers presented in Table 4-4 are certainly rough estimates. Nevertheless, they provide a reasonable picture of the cumulative numbers of trees being removed and planted by development in and around Cambria. A number of important resource management and LCP implementation questions are raised by the significant amount of tree removal taking place.

Avoiding and Minimizing Tree Removal

The LCP appropriately calls for new development to avoid the removal of Monterey Pines, among other means by restricting the removal of trees to the structural footprint of the development; providing flexible setback standards to facilitate tree preservation[72]; offering square footage bonuses for designs that maximize tree preservation; and, requiring subdivisions to be clustered. Yet, a review of the information contained in the FLANs for development involving tree removal does not provide adequate evidence to assume that these tools and development standards are being stringently applied.

A typical evaluation of a single family residence in Lodge Hill consists of a table comparing the size of the proposed project with the square footage allowed by Table G of the North Coast Area Plan. There is very little, if any discussion of opportunities to avoid or minimize tree removal through alternative siting and design. Also typically missing is an analysis of whether the trees proposed for removal are limited to the footprint of the proposed structure.

Even if such an analyses were provided, the LCP's focus on preserving trees with a diameter over 6 and 8 inches overlooks the important role that young saplings and open space meadows play in the ongoing health and evolution of the forest ecosystem. It appears that an approach that protects all native trees, irrespective of size, and minimizes

[72] Such setback adjustments are currently limited to Lodge Hill, but could have useful application throughout the pine forest.

the overall disturbance to the forest habitat, including its understory and open space meadows, is needed to effectively protect this unique and sensitive habitat type.

Effectiveness of Mitigation

The two common methods for mitigating the impact of development on the pine forest is to require the developer to plant more trees than are being removed, and/or to require participation in the Transfer of Development Credit (TDC) program.

With respect to tree replacement, it appears that the County is fairly consistent in implementing the criteria established by the North Coast Area Plan (generally 2 Monterey pines must be planted for one removed in urban areas, while one pine must be planted for every one removed in rural areas). Looking at numbers of trees alone, this might seem adequate. Certainly, tree replacement has helped preserve the forested character of the area. Ecologically, however, tree replacement may be of limited value, for the following reasons:

- The location and densities of the replacement trees may not be optimum. The ability to replace trees on the same site where development occurs is often constrained by a small lot size and the extent of existing tree cover. Thus, the required replacement trees may too close to other replacement trees, or existing trees, to grow to their full potential and provide habitat values equivalent to the trees removed. In situations where this is identified as a problem during development review, the county may allow replacement trees to be planted off-site. However, the up-front planning needed to guide off-site mitigation to ensure that achieves equal or better habitat than that removed by development has not been undertaken.

- The type of habitat is different. Irrespective of the fact that the overall number of trees may be maintained, or even increased, the overall habitat type is changed by the introduction of residential development and human activity. Indeed, the urbanized forest is much different, and arguably less biologically productive, than undeveloped areas of the forest.

Implementation of the TDC program has, however, provided a form of mitigation that preserves more contiguous areas of undeveloped forest habitat. Significant areas of pine forest habitat, primarily within the Fern Canyon area of Cambria, has been acquired for open space preservation since 1988 (See Chapter 2 for detail).

Notwithstanding the relative success of this program to date, the following observations point to the need to re-evaluate and update the specific provisions of this program:

- Density bonuses may increase the number of trees removed on receiver sites. In order to provide an incentive for the transfer of development credits, receiver sites are provided with an opportunity to exceed the square footage otherwise allowed on the site. The resulting enlargement may increase the number of trees removed. Of the 230 reported permits indicating tree removal, 94 (41%) involved the transfer of development credits.

- The cumulative area of forest habitat lost as a result of density bonuses may exceed the amount being preserved. As currently implemented by the County, the TDC program allows an increase in square footage equivalent to the amount of area transferred. For example, a 500 square foot density bonus can be obtained by making a financial contribution equivalent to the cost of acquiring 500 square feet of a parcel in the Special Project Areas. This does not take into account the fact that existing LCP standards place stringent limitations on the extent of development allowed within the Special Project Areas. As a result, density bonuses may be granted for "preserving" forested areas that could not be developed under current LCP standards.

- New sending sites must be identified. The TDC Program may be reaching the limit of available sending sites in Special Project Area 1, also known as Fern Canyon. It appears that a limited number of additional parcels are available for acquisition, some of which may be owned by unwilling sellers. The identification of new sending sites is therefore needed.

Lot Consolidation: Another tool that has been successfully used to minimize the intensity of development in the forest is lot consolidation. Applying the provisions of the North Coast Area Plan and CZLUO Section 23.04.048, the County has been able to combine substandard lots under common ownership, and thereby reduce the overall amount of development that might otherwise be pursued.

Lot line adjustments, however, pose a risk to the ability to implement lot consolidation requirements. Such was the case in COAL 99-007 where the County allowed three sub-standard lots that comprised a single development site under the lot consolidation ordinance to be adjusted with one large lot. The result was three rather than two building envelopes. In addition to increasing development intensity, this adjustment had the affect of extending the development further into more undisturbed areas of pine forest, contrary to the clustering provision of the LCP discussed below. On appeal to the Coastal Commission, development was limited to two building envelopes located in the most disturbed area of the site.

Clustering of Development: The LCP requirement to cluster new land divisions and large scale developments is yet another method under which sensitive pine forest habitat is to be protected. In principle, the intent is well founded; consolidate development in a manner that will minimize its encroachment into forest habitat. But in practice, there are significant problems with both the structure and the implementation of these provisions.

In terms of structure, there is a fundamental contradiction between the directive to cluster new subdivisions and LCP ESHA Policy 4/CZLUO Section 23.07.170 prohibiting new land divisions in ESHA. Since the pine forest is appropriately classified as ESHA by the LCP, new land divisions that would create new development envelopes in pine forest habitat should be specifically prohibited.

Comprehensive Forest Management and Protection: Addressing the cumulative buildout of Cambria and the surrounding rural areas is a critical component to effective forest

protection. This not only includes a reduction of overall buildout levels, but also necessitates a systematic approach for directing buildout to the less sensitive areas, and maximizing the preservation of the most biologically productive and sensitive forest habitats.

As noted above, and as discussed in Chapter 2, the TDC program has provided a significant contribution towards achieving this objective, but appears to be approaching a point where new sending sites need to be identified. In addition, tree replacement requirements, and other previously discussed options for mitigating the cumulative impacts of buildout on forest resources, would benefit from a comprehensive plan that directs such mitigation to areas that offer the best opportunities for protecting the pine forest ecosystem.

Therefore, the LCP would greatly benefit from the incorporation of a comprehensive forest management and protection plan. Similar to Los Osos habitat conservation planning efforts, but without as many Endangered Species Act issues, the incorporation of such a program into the LCP's ability to manage the significant buildout potential of Cambria in a way that maximizes ESHA protection. Additionally, a comprehensive forest management and protection plan could resolve the complex regulatory issues associated with non-resource development in ESHAin an LCP planning context, rather than case-by-case. As the Los Osos habitat conservation effort has built upon greenbelt planning originating at the grassroots level, there may be opportunities to build upon the current forest management efforts being developed by the Cambria CSD.

Preliminary Policy Alternatives

Preliminary Recommendation 4.37: Develop a Comprehensive Forest Habitat Management and Protection Program

As part of the North Coast Update, consider the development and incorporation of a comprehensive forest habitat management and protection program that will better guide and regulate buildout so that the long-term conservation of the Cambria pine forest ecosystem can be ensured and enhanced. Elements of this program should include standards regarding the location and extent of off-site and on-site mitigation (e.g., tree replacement, contributions towards the acquisition of significant forest habitats); identification of additional TDC sending sites and appropriate receiver sites; and, provisions for the on-going management and preservation of protected forest areas.

Preliminary Recommendation 4.38: Aggressively Pursue Project Alternatives That Avoid Tree Removal

- Require development to be sited and designed in a manner that that first avoids, then minimizes, removal of Monterey Pine. Make full use of flexible setbacks, and allow such flexibility in all areas of the pine forest, not just Lodge Hill.

- Apply an updated version of Pine Forest Preservation Standard 6c for the Cambria Urban Area to all areas with pine forest habitat.

Preliminary Recommendation 4.39: Increase Tree Replacement Requirements Where Avoidance is not Possible

- Protect all native Monterey Pines, not just mature trees, by requiring replacement of all trees required to be removed, including saplings. Where feasible, replant saplings.

- Analyze the location and biological viability of locations and densities of replacement trees during development review.

- For situations where on-site replacement is not possible, develop and implement a framework for off-site replacement that maximizes long-term habitat protection and enhancement.

- Require that all replacement trees be from disease-free local Cambria stock only, and that invasive exotic species be avoided in landscaping.

Preliminary Recommendation 4.40: Incorporate Programs and Standards Necessary to Respond to the Threats Posed by Pitch Canker

- Prohibit the removal of trees that clearly display a resistance to pitch canker (e.g., a healthy tree surrounded by diseased trees).

- Establish standard protocols for handling dead and diseased wood. These should include standard conditions that require: cleaning of cutting and pruning tools with a disinfectant prior to use on each individual tree; covering of all wood material being transported offsite to avoid dispersal of contaminated bark beetles; identification of the location to which the material will transported (prohibit transfer to areas free of the disease). These conditions should also specify that in situations where wood material cannot be properly disposed of directly after cutting, it shall be cut into small logs and stored on-site under a clear plastic tarp until necessary preparations have been made for their removal. Other tree parts (i.e., branches, small limbs) should be chipped and left as a thin layer on-site.

- Designate location for green waste management and recycling facility.

- Coordinate with CDF and the US Forest Service regarding methods for preserving genetic resources (e.g., seeds and saplings). Potentially combine with green waste facility recommended above.

- Develop and require Forest Management Plan(s), backed by Forest Management District(s), to provide for long term management of the forest.

Preliminary Recommendation 4.41: Provide Greater Incentives for Participation in the Cambria TDC Program and other Updates to the Program

- Reduce maximum size of development in urban areas to provide greater incentive to participate in TDC program and reduce the impact that density bonuses may be having on the forest. Eliminate footprint and GSA bonus available for Lodge Hill.

- Formulate a more specific structure for allocating density bonuses to ensure that such bonuses provide an adequate contribution towards the protection of forest habitats otherwise threatened by development.

- Identify new "Special Project Areas" (i.e., sender sites) that contain the most biologically significant areas of pine forest habitat.

Preliminary Recommendation 4.42: Develop Additional Methods for Lot Retirement

- Recognizing that new development within the forest has both direct and cumulative impacts on forest resources, a mitigation fee could be required for all new development within forested areas and applied to the acquisition and protection of the most sensitive forest areas.

- Creating an Open Space District could raise funds for the additional acquisitions.

Preliminary Recommendation 4.43: Reduce Buildout Potential

- Prohibit subdivisions that create new building sites in or within 100 feet of pine forest habitat.

- Establish very large minimum lot sizes within rural areas comprised of pine forest habitat (e.g., 160 acres).

- Expand clustering standards and revise Cluster Division Ordinance to achieve much more consolidated development envelopes. This should include, but not be limited to: applying Monterey Pine Forest SRA Standard 4 to all development (not just subdivisions and large scale projects); and, reducing the maximum clustered parcel size of 10 acres in the Rural Lands Category.

- Consider lot consolidation requirements when reviewing lot line adjustments, and prohibit any adjustments that would result in greater development intensity within forest habitat as compared to the development that would be possible under the existing configuration.

As proposed in the North Coast Area Plan Project Description, eliminate the potential for future development of the Pine Resort from the North Coast Area Plan.

B. Coastal Dunes, Coastal Scrub and Maritime Chaparral Habitats

The sandy soils typical of many coastal areas of San Luis Obispo County also provide important habitat for a wide variety of rare plants and animals. Among these habitat types are the open dune areas that support species including the federally threatened Western snowy plover, the federally endangered California least tern, and the federally threatened Monterey spineflower; coastal scrub habitat that supports the federally endangered Morro shoulderband snail and Morro Bay Kangaroo rat; and maritime chaparral habitat, composed of rare species such as the federally threatened Morro manzanita and federally endangered Indian Knob mountain balm.

There are various classifications and plant series contained within each of these habitats. For example, coastal scrub habitat includes central dune scrub, coastal sage scrub, and Coyote bush scrub plant communities, each of which can support a variety of plant series (e.g., the California sagebrush/black sage series and the dune lupine/goldenbush series typical of Los Osos coastal scrub habitats). In general, coastal scrub habitat represents an early sucessional stage of dune habitat that can be found in both young sand dunes and disturbed ancient dunes.

Maritime chaparral is typically found in older sand dunes, and comprised of shrub species such as manzanita, ceanothus, and coast live oak. Plant series that can be found in the maritime chaparral habitats of San Luis Obispo, particularly in the Los Osos area, include the Morro Mazanita series, the Morro manazanita/wedgeleaf ceanothus series, and the Morro manzanita/coast live oak series.

Open dune areas include sandy beaches and nearby areas that are sparsely to heavily vegetated with annual and perennial plant species that are adapted to the harsh growing environment typical of such areas.

Preliminary Policy Alternatives:

Los Osos Habitats

Preliminary Recommendation 4.44: Identify all habitat areas within the urban area that represent Ecologically Significant Units and vigorously apply ESHA protection standards to such areas.

Preliminary Recommendation 4.45: For those urban areas that do not represent viable habitat due to fragmentation, small size, surrounding uses, etc., allow development to occur in exchange for participation in a comprehensive area wide off-site mitigation program to be incorporated in the LCP.

Preliminary Recommendation 4.46: To the degree feasible, coordinate the above with the Los Osos Sewer Project and an area wide HCP.

Preliminary Recommendation 4.47: Continue to pursue incorporation of a TDC program as part of the Estero Area Plan Update, with the changes recently proposed in response to comments of Commission staff and further coordination.

Oceano Habitats

Preliminary Recommendation 4.48: Continue to work with beachfront homeowners and State Parks towards the development of a stand stabilization program that will address concerns regarding blowing sand and provide habitat restoration/enhancement.

South County Habitats

Preliminary Recommendation 4.49: Refer to current staff report on Oceano Dunes OHVRA regarding vehicles in dunes.

Preliminary Recommendation 4.50: Consider prohibiting special off-road events in the Open Space area designated by the area plan intended to be maintained in its natural state and provide a buffer from the OHV area.

Preliminary Recommendation 4.51: Re-evaluate exiting and proposed land use designations in South County dune habitats (i.e., RS and Industrial designations over the undeveloped land of the Callendar-Garret Village area south and west of Hwy 1; proposed redesignation of RL land use category to Recreation after termination of oil extraction activities).

Preliminary Recommendation 4.52: Resolve lot history and any potentially illegal subdivisons in the Callendar-Garret area if threatened by development, particularly in areas known to support rare and endangered plant species. Designate and protect such areas as ESHA.

Western Snowy Plover and Least Tern Habitat

Preliminary Recommendation 4.53: Work with the US Fish and Wildlife Service, the California Department of Fish and Game, the California Department of Parks and Recreation, the Point Reyes Bird Observatory and other interested parties to identify all shoreline areas that provide habitat, or potential habitat, for the Western snowy plover and Least tern. Designate and protect these areas as ESHA. Re-evaluate land use designations in and around these habitats, and craft standards for future development to ensure effective protection. Work with land owners/managers to make certain that current and future use of these habitat areas are designed and managed in accordance with habitat continuance and enhancement.

Elephant Seal Colonies

Preliminary Recommendation 4.54: Identify beaches used by Northern Elephant Seals as ESHA.

Preliminary Recommendation 4.55: Establish standards and programs to manage human visitation and observation of such areas.

Preliminary Recommendation 4.56: Prohibit the installation of new revetments and outfalls on beaches used by Elephant Seals wherever it can be avoided.

CHAPTER 5: AGRICULTURE

A. Policy Framework

The Coastal Act requires that the maximum amount of agricultural land be maintained in agricultural production and that conflicts between urban and agricultural land uses be minimized. The long-term viability of soils must also be protected and conversions of agricultural land to other uses are strictly limited. (Sections 30241, 30241.5, 30242, and 30243.)

The San Luis Obispo County LCP currently implements these policies by requiring that existing agricultural land remain in agricultural uses, and by limiting the conversion of agricultural lands to non-agricultural uses. When non-agricultural uses are allowed to supplement continued agricultural uses, the LCP requires that remaining agricultural lands be placed in protective easements. A major goal of the LCP is to "encourage the protection of commercial agriculture land, both prime and non-prime soils, for the production of food, fiber, and other agriculture commodities".[1]

As discussed in Chapter 2, the LCP also uses urban-rural boundaries to protect agricultural lands by limiting the spread of urban development beyond the urban/rural boundary, particularly the extension of urban services. Finally, Table O of the LCP establishes the types of allowable and conditional uses on agricultural land to further protect agriculture resources. The need to better differentiate between conditionally and principally permitted uses is discussed in the Procedures chapter.

B. Background

Agriculture historically has been and continues to be an important resource in San Luis Obispo County. At the time of the LCP development, the coastal valleys of the region yielded among the highest crop value per acre in the nation.[2] The North County region of San Luis Obispo primarily supported cattle grazing outside of the urban and village areas, and contained some of the best dry-land range in the County. Grazing continues to be the predominant agricultural use in the region today. Hearst Ranch, covering 77,000 acres, an estimated 48,732 of which are in the coastal zone, is the primary agricultural land holding in the North Coast area.

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[1] LCP Framework goal. Under the Coastal Act and the San Luis Obispo County LCP, prime soils are defined as: 1) land rated as class I or II in the Soil Conservation Service classifications; 2) land rated 80-100 in the Storie Index rating; 3) land which supports livestock for food/fiber and has annual carrying capacity of at least one animal/unit (defined by USDA); or 4) land planted with fruit or nut bearing tress, vines, bushes or crops which have a nonbearing period of less than five years and which yields at least $200/acre. Non prime soils are other soils classified in the Agricultural land use category of the LUE.

[2] San Luis Obispo County Planning Department. Coastal Agriculture Study (LCP Work Task 209.1). December 1979.

In the Estero area, agriculture is also the dominant land use, comprising approximately 75% of the land not in urban reserve areas, and includes a mix of croplands and dry farm uses.[3,4,5] Agriculture is limited within the urban edge areas of Cayucos, and there is no significant agriculture within the boundaries of Los Osos. However, the urban area of Los Osos is immediately adjacent to productive agricultural areas.

Agriculture is also the primary land use in over two thirds of the South County planning area.[6] The Oso Flaco Valley region contains the largest concentration of Class I and Class II soils in the County, classified as prime agricultural land under the Coastal Act.[7]

Agriculture continues to be an important resource throughout the County, including in the coastal zone. Between 1978 and 1998, the value of agricultural products county wide increased by $230,661,000 (180%) (see Figure 5-1, next page).[8] When adjusted for inflation, though, this increase would not be as great. Agriculture is also an important aspect of the character of the County, providing open space, and a scenic, rural nature that is a defining quality of San Luis Obispo and, in addition, that is an important component of the region's growing tourism economy.

Farm Numbers and Employment: Although the value of agricultural products in San Luis Obispo County has increased steadily since 1978, data from the Census of Agriculture for San Luis Obispo County show a decline county-wide in the number of farms from 1987 to 1997 (1,991 farms to 1,916 farms).[9] Despite this decline in the number of farms, data from the California Department of Finance show that employment in agriculture sector has grown from 2,400 people in 1988 to 4,200 people in 1999, indicating again the continuing importance of agriculture in the County.

Trends in Crops and Land Use Issues: Over the past several decades, the overall value of vegetable, fruit and nut, and seed and nursery crops in San Luis Obispo County has increased, while animal husbandry and field crop values declined (see Figure 5-1, next page). Numerous factors affect the economics of crop production in any given year. For example, the El Niño weather patterns in 1998 adversely affected the production of many fruit crops and wine grapes.[11] Field crops were less affected by El Niño, but were affected by lower prices for most

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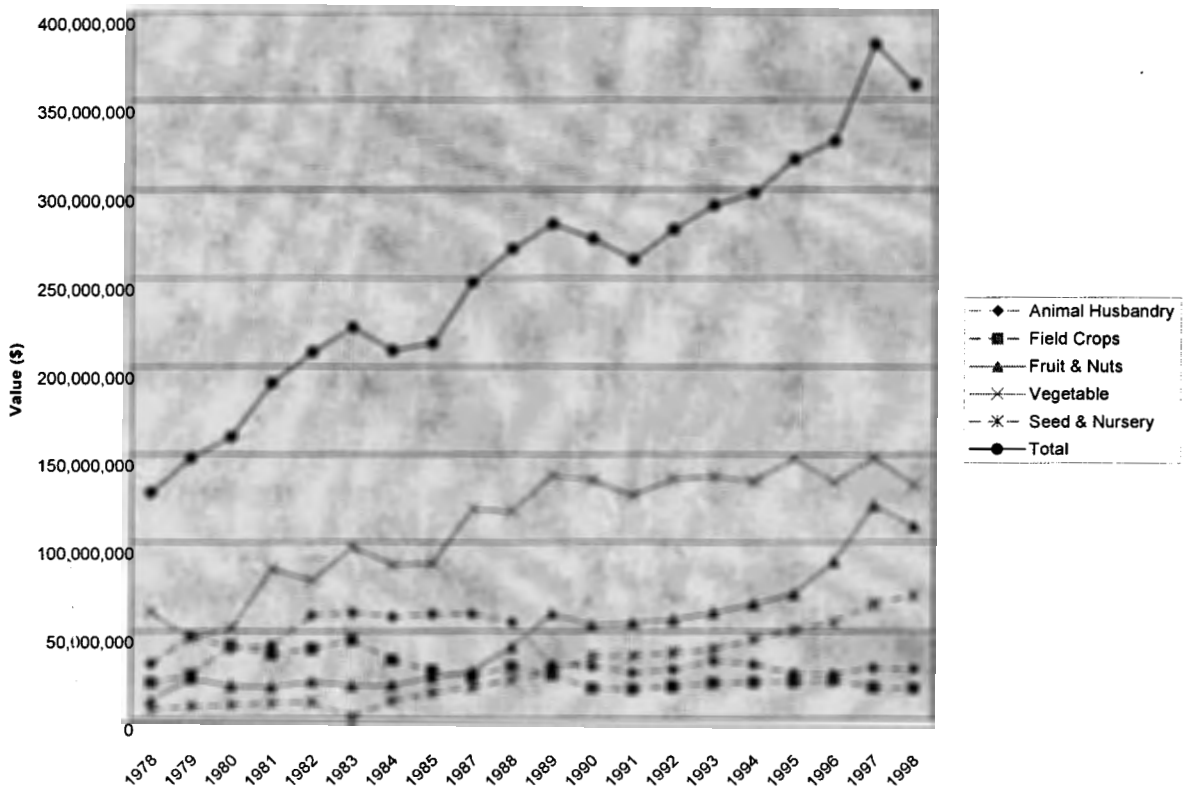
[3] San Luis Obispo LCP Estero Area Plan.
[4] San Luis Obispo County Planning Department. Coastal Agriculture Study (LCP Work Task 209.1). December 1979.
[5] Crawford, Multari, Clark, and Mohr. Draft Environmental Impact Report for the Estero Area Plan Update. December, 1999. pg. 3-1.
[6] San Luis Obispo LCP South County Area Plan.
[7] San Luis Obispo County Planning Department. Coastal Agriculture Study (LCP Work Task 209.1). December 1979.
[8] Annual reports from San Luis Obispo County Department of Agriculture (1985, 1988, 1990, 1992, 1994, 1996, 1998).
[9] Agriculture Census data, 1987 and 1997.
[10] Department of Finance, California Statistical Abstract, 1999. Labor Force and Employment, Table C-8; California Department of Finance, web page, February 2000.
[11] San Luis Obispo Council of Government; Regional Profile, 1999

of these products. Competition and pests also affected production of various crops. Foreign imports were a significant factor in the decreases in the animal industry.[12]

Figure 5-1: Value of Agriculture Products, San Luis Obispo County



Source: County agriculture reports.

A general trend noted in the County appears to be towards more water-intensive crops. Nursery products have expanded since 1988, as have avocados, lemons, and oranges.[13] The growth in citrus crops is particularly evident in the coastal zone due to the climate needs for these crops. Since all these products are water-intensive, their growth raises concerns over increased water use, particularly in the Nipomo area. The expansion of greenhouses has also led to conflicts with residential uses, as both land uses vie for limited land.[14]

Perhaps the biggest change in agriculture in the County has been the growth in vineyards. This growth has occurred on land that was historically used for dry land farming, which produced crops with a substantially lower value than could be obtained from grapes. While this trend has not yet been extensive in the coastal zone, there is potential for the conversion of existing agricultural lands, particularly existing grazing lands, to more profitable vineyards. As with the expansion of other crops noted above, the expansion of vineyards raises significant concerns

[12] Ibid.
[13] Robert Hopkins, San Luis Obispo County Agriculture Commissioner. Pers. comm. 5/5/00.
[14] Ibid.

about water availability and use, including protection of coastal groundwater basins, as well as pesticide use and landform alteration.

Acres of Agriculture Land: There are several estimates of changes in agriculturally used lands for San Luis Obispo County. Although numbers vary considerably due to different definitions used for "agricultural lands", datasets generally show a decline in the either the total amount of land used for agriculture or total agricultural productivity. For example, estimates based on the County's annual agricultural reports indicate a decline of approximately 17% (252,188 acres) County-wide between 1984-1998.[15] The Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) maps lands based on their suitability for agricultural use.[16] Lands are identified in a variety of categories, each of which has specific criteria. Lands can be reclassified from one category to another, and still remain within "agricultural" lands. For example, land classified as Farmland of Local Importance in one year may be classified as Prime farmland in a subsequent year if the land had since been irrigated.

Based on this mapping, the total extent of agricultural lands declined county-wide by approximately 7,940 acres (0.77%)between 1988 and 1996.[17] Grazing lands, which are a significant land use in the coastal zone, declined by approximately 1% (4458 acres). During the same time period, FMMP maps show a countywide increase in developed

Classification of agricultural land

The Coastal Act and the San Luis Obispo certified LCP distinguish between prime and non-prime agricultural lands. While both are protected, the development constraints and requirements differ dependent on whether land is "prime" or "non-prime". However, the Coastal Act definition of prime land differs from the definition used by other agencies, including the Department of Conservation. As a result, direct comparison of change in acres of prime or non-prime agricultural land is difficult. Following are the definitions used by various agencies to classify agricultural lands.

Coastal Act and LCP:
Prime land is defined by any of the following five criteria:
1) Land rated as class I or class II in the Soil Conservation Service land use capability classifications.
2) Land rated as 80 through 100 in the Storie Index Rating.
3) Land which support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the US Dept. of Agriculture.
4) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally yield at least $200 per acre annually from the production of unprocessed agricultural plant production.
5) Land which yielded at least $200 per acre annually from the production of unprocessed agricultural plant products for three of the previous five years.

NRCS: While the Natural Conservation and Resources Conservation Service (NRCS, formerly the Soil Conservation Service) classifies soils through the land capability classifications referenced in the Coastal Act definition of prime agricultural lands, the NRCS does not generally use that classification to determine prime soils. The land capability classification system – an indication of the restrictions for use in both agriculture and other uses – is more general than NRCS' definition of prime or non-prime soils. Although land classified as Class I or Class II can be prime, it not always prime soil.

To define prime and non-prime agricultural soils, NRCS uses a combination of chemical and physical properties of the soil. The **Department of Conservation's farmland mapping program** uses these definitions to classify agricultural lands. Prime soils are defined as land with the soil quality, growing season, and moisture supply needed to produce sustained high yields. It **must** have been used for production of irrigated crops at some time during the preceding two years.

[15] Annual reports from San Luis Obispo County Department of Agriculture (1985, 1988, 1990, 1992, 1994, 1996, 1998). This estimate does not measure acres of agriculture land per se, but is an estimate of land with commercial viability. It includes rangeland, cultivated land, and some, but not all fallow land. It also includes land being used for agriculture, but that is not *zoned* agriculture. Acres are calculated by harvest; where areas have multiple harvests each year, the acres are counted for each harvest. (Robert Hopkins, pers. com. 5/5/00).
[16] Maps are based on USDA mapped lands. For SLO County, the majority of the County has been mapped, with the exception of the National Forests and the Carrizo Plain.
[17] Total agricultural lands are defined here as the FMMP definitions of: Prime farmland, farmland of Statewide Importance; unique farmland; farmland of local importance, farmland of local potential, and grazing lands.

and urban areas of approximately 11% (3,360 acres). The maps also indicate a 3% increase in the extent of prime agricultural lands: this increase likely resulted from the increase in irrigated lands in the County. Under the FMMP definitions, when land is irrigated it is classified as prime agricultural land.

To discourage the loss of agricultural lands, the County encourages the use of the Williamson Act. Under the Williamson Act, specific parcels of land are temporarily restricted to allow only on-going agricultural use. Property tax assessments for the property are based on continued farming or open space values, rather than the potential for development, and are significantly lowered. Williamson Act contracts are voluntary agreements between a landowner and the local government. Initially, the agreement in San Luis Obispo County is for a minimum of 20 years, and is automatically renewed each year unless either the landowner or the local government initiates non-renewal of the contract. For parcels within one mile of an urban boundary, the minimum contract is for 10 years.[18] In San Luis Obispo County, the acres of agricultural land protected under the Williamson Act have increased countywide by approximately 10% (72,449 acres) between 1980 and 1998.[19] Since 1988, the County has had significant success in bringing more land under agricultural preserves. Through 25 separate contracts, 7077 additional acres of agricultural land have been protected.

Long-term Viability of Agricultural Lands: Maintaining the long-term viability of agricultural lands is extremely difficult, in part because of numerous economic and climate-related factors that are beyond the immediate realm of coastal and land use planning policies. For example, land costs, production costs, operating costs, equipment costs, labor costs, property and inheritance taxes, and utility assessments all affect the viability of agriculture practices.[20] The specifics of a site, including the hydrology, historic land uses, and runoff or sedimentation from upland uses can also affect the long-term operation of a farm.[21] International market forces affect the economics of agriculture as well. The flexibility to change practices to respond to changing economic situations is one element that is critical in maintaining agricultural uses. Because of the complexity of the agricultural economy, local governments must take advantage of multiple mechanisms, including land use regulations, to maintain agricultural lands.

Land use trends, though, play a considerable role in pressures to convert agricultural lands. During preparation of the LCP several major factors were identified to ensure the long-term viability of agriculture including: (1) ensuring adequate water supplies; (2) limiting continued urbanization, which increases property values and pressures to convert land; (3) maintaining minimum parcel sizes to ensure the economic viability of agricultural uses; and (4) maintaining appropriate uses in agricultural areas.

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[18] Frank Heinsohn, San Luis Obispo County Energy and Natural Resources Advance Planning. Pers. comm. February, 22, 2000.
[19] County chart of Williamson contracts, 1980-2000
[20] San Luis Obispo County Planning Department. Coastal Agriculture Study (LCP Work Task 209.1). December 1979; San Luis Obispo LCP, 1988.
[21] Julie Clark, American Farmland Trust. Pers. comm. 6/2/00.

More recent research by the American Farmland Trust in California reveals several other land use factors that significantly affect the rate at which agricultural lands are lost:[22]

- The location of infrastructure development (roads, sewer services, etc) can greatly affect the potential future development of agricultural lands by opening areas of lower-priced agricultural lands to development pressure. The reactive development of infrastructure to address current growth can also affect future growth patterns. Publicly financed roads make less-expensive agricultural and rural lands accessible to development and reduce the costs associated with living in outlying areas.
- Due to Proposition 13, local governments often approve larger, more expensive homes on larger lots to generate more revenue than smaller, compact development. Differences between policies of local jurisdictions can encourage developers to develop in areas and types of development which are less efficient in terms of land use, providing a disincentive for any jurisdiction to adopt more stringent development standards.
- While the cost of providing utilities to outlying, rural areas is more than providing services for compact development, the price charged is the same regardless of where the development is being served.
- Addressing non-point source pollution for an individual developer is easier for less dense development. Overall, there is less impervious surface, resulting in less runoff. However, the cumulative effect of runoff will be greater as more land is developed to accommodate the same number of residences.
- CEQA may discourage efficient land use patterns by not examining the role of development density in the consumption of land and its environmental impacts.
- The effect of land use standards also affects the extent of land converted to developed uses: traditionally wide street and sidewalks can consume significant acres of land. Since standards are established by each jurisdiction, there may be a bias against smaller lots.
- Development fees are not graduated on the basis of density and new subdivisions, and do not cover the costs of inefficient land uses; penalizes compact development.

As discussed in Chapter 2, the Coastal Act and LCP require the concentration of development in urban areas, and prohibit the extension of urban services to rural areas, precisely to address some of these classic land use development patterns and pressures.

Overall, the economics of agriculture are likely to continue to make farming difficult, in part due to the speculative value of land. When land costs are based not on the agricultural use of lands, but on other potential coastal land uses, land costs become significantly inflated relative to the agricultural value of the land. This is particularly true for such trends as the development of large estate homes in rural areas, which may quickly drive up the value of agricultural lands. This challenge makes it doubly important to take full advantage of land use policies and regulations to counteract the economic pressures to convert agricultural land to other uses.

General Regulatory Trends: Since certification of the LCP in 1988, the Commission has received notice of an estimated 212 permits for development on agriculturally zoned lands.

[22] Steven Moss. *Smart Growth Versus Sprawl in California.* American Farmland Trust. 1999.

Based on the Commission's review of these local notices, at least 38 permits were issued for what strictly might be termed "agricultural" development, generally defined as barns and other agricultural accessory structures, such as mobile homes for farm worker housing. An additional seven permits were granted for agriculturally-related commercial development, including nurseries, greenhouses, wineries, and roadside stands. The remaining permits were granted for various projects such as public works projects, residential development, subdivisions and lot-line adjustments, water wells, several recreation or visitor-serving projects, and other non-agricultural commercial development. As discussed later, this "non-agricultural development" has the potential to incrementally erode the LCP goal of preserving agricultural lands.

Between 1988-1999, the Commission acted on seven appeals of local government actions raising agricultural issues. In three of these cases, the Commission found no substantial issue with the County's implementation of its LCP. In the remaining four appeals, the Commission found that the County was not implementing its LCP in a manner which protected agricultural resources. These appeals dealt with non-agricultural uses on agricultural land and the adequate preservation of agricultural lands. In A-3-SLO-98-025 (Scoggins), the Commission found that the County approved non-agricultural uses on agricultural lands without meeting the tests required under the LCP. Appeals 3-SLO-99-014 and 3-SLO-99-32 (Morro Bay Ltd.) raised the issue of the extent of agricultural land converted to residential uses: the Commission found that the County's approved lot configuration converted more agricultural land than necessary to accommodate allowable residential development. In its action, the Commission reduced the area for residential development and required an easement over the remaining land to protect agricultural uses. Similarly, in A-3-SLO-95-69 9, the Commission approved a desalination plant on agricultural land (public facilities are conditionally allowed on agriculturally zoned land under the LCP), but required an easement over the remainder of the land to protect agricultural use in the future.

In addition, the Commission reviewed a number of amendments to the LCP dealing with agricultural issues. These amendments dealt with proposed rezoning of agricultural lands, appropriate uses allowed on agricultural lands, and setbacks for greenhouses.

C. Preliminary LCP Implementation Issues

C.1. Direct conversion of Agricultural Lands:

The Coastal Act and the LCP require that agricultural lands be maintained, and limit their conversion to other uses to situations where the long-term agricultural viability of such lands is in question. While the actual conversion of lands designated for agriculture to other land uses in the San Luis Obispo coastal zone has been limited, the pressure to convert agricultural lands will continue with increasing growth and development in the coastal zone. In addition, where agricultural lands have been proposed for redesignation to other uses, the continued viability of such lands has not been fully analyzed. Further, as discussed in sections C.2 and C.3, other incremental land use changes in agricultural areas threaten the continuing viability of the maximum amount of agricultural land in the coastal zone. The LCP should be strengthened to prevent future losses of agricultural lands by requiring more comprehensive viability studies prior to approval of land conversions.

Overview: The conversion of agricultural land – particularly due to urban encroachment – was a significant issue during development of the San Luis Obispo LCP. Loss of agricultural land was evident in Oceano, Los Osos, Chorro Valley, and near the Arroyo Grande City limits. During the ten years between 1968-1978, the County lost approximately 200 acres of vegetable cropland in Oceano and the Los Osos area.[23]

As discussed in the previous section, data from the Farmland Mapping and Monitoring Program (FMMP) show a small decline countywide in the overall extent of agricultural land, and a slight increase in the amount of prime farmland sites in San Luis Obispo County between 1988 and 1996. Data for the coastal zone is less conclusive. [24]

Williamson Act: As mentioned, use of the Williamson Act has helped protect agricultural lands from these pressures. The County has been very successful in adding new lands to the agricultural preserve system – approximately 7,077 acres since certification of the LCP. Currently, approximately 51,855 acres of agricultural land in the coastal zone (approximately 42%) are protected through Williamson Act contracts (see Map 5-A).[25] Currently, no contract covering these parcels is set to expire, although either the County or the landowner can request non-renewal of a contract in the future. Table 5-1, below, summarizes the extent of agricultural lands under Williamson Act contracts for each planning area in the LCP.

Table 5-1: Coastal Zone Lands Under Williamson Act Contracts, 1999*

Planning Area	Acres Ag land	Acres Under Williamson Act	% in Williamson Act
North Coast	82258	26140	32%
Estero	30628	18762	61%
San Luis Bay	3897	1350	35%
South County	6220	5306	90%

**Acreage Estimates are Approximate*

As discussed previously, a significant amount of the County's land in the coastal zone is zoned as agriculture, including land adjacent to the urban services lines of Cambria and Los Osos. Because of the locations of this land directly adjacent to urban uses, conflicts between agriculture and urban uses increase, and pressure to convert agricultural lands and/or expand urban services lines increase. Although not a guaranteed, permanent solution, use of Williamson Act contracts can greatly improve protection of these parcels.

[23] San Luis Obispo County Planning Department. Coastal Agriculture Study (LCP Work Task 209.1). December 1979.

[24] Within the coastal zone boundary, the FMMP mapping data indicates an overall loss of agricultural lands of approximately 0.68% (loss of 812 acres). This includes a gain of 140 acres in non-grazing agricultural lands and a loss of 952 acres of grazing land. Based on the FMMP mapping and definition, the extent of prime agricultural land in the coastal zone increased by 20% between 1988 and 1996. As discussed above, this change in designation may be due to a change from non-irrigated to irrigated lands. However, this data cannot be deemed conclusive due to potential mapping and data coding anomalies. Overall, this FMMP calculated loss of agricultural land is not supported by other data.

[25] The coastal zone boundary bisects a number of parcels under Williamson Act contracts; these bisected parcels cover approximately 15,634 acres of the 51,855 acres.

As shown in Map 5-A, some of the agricultural parcels adjacent to urban lines are under Williamson Act contracts; however, many parcels are not. In the North Coast, much of the land inland of Cambria is under agricultural preserve contracts, although none of the Hearst Ranch is in an agricultural preserve. One concern, for example, is that no Williamson Act contracts protect agricultural lands around San Simeon Acres. Of course, as discussed in Chapter 2, such lands immediately adjacent to an urban node may be an appropriate location for concentration of future visitor-serving development, assuming such development was otherwise supportable under the resource protection policies of the LCP.

In the Estero region, most agricultural lands near the urban reserve lines are also not under contracts. Several small parcels (approximately 30-60 acres) adjacent to the Los Osos urban reserve line are not currently under contracts. Due to their location and small size, these lands may be facing significant pressure to convert to other uses.

While Williamson Act contracts are not required, it has been an important tool that the County has used to protect agricultural lands. Current programs under the LCP Area Plans encourage participation in Williamson Act contracts. If the County continues to encourage these programs, especially adjacent to urban area, it will help protect these vulnerable lands.

LCP Implementation: Agriculture Policy 1 of the San Luis Obispo County LCP is the primary policy that implements the Coastal Act objective to protect existing agricultural lands. This policy generally requires that prime agricultural land be maintained in or available for production unless severe conflicts with urban uses limit such use, conversion of the land would otherwise preserve agriculture land, or unless it is no longer feasible to keep the lands in agriculture.

As with other Coastal Act objectives, preservation of agricultural lands is best achieved through a strong partnership between local governments and the Coastal Commission. Indeed, one of the primary processes through which agricultural lands are considered for conversion to other uses is the LCP amendment process. Since certification of the LCP, a variety of agricultural conversions have been addressed through LCP amendments submitted by the County and considered by the Commission.

Prior LCP Amendments to Convert Agriculture Lands: Under the LUP, approximately 128,770 acres of land in the San Luis Obispo coastal zone are zoned as agriculture. A basic premise for protecting agricultural lands is to ensure that agriculturally-viable lands remain zoned for agriculture, thereby reducing potential conversions to other uses. Since Commission approval of the LUP in 1983, the County has submitted three amendments (Amendments 1-84, 1-90, and 1-97) proposing the redesignation of roughly 305 acres of agricultural lands to Recreation, Public Facility, Commercial Services, and Commercial Retail uses. As summarized in Table 5-2, next page, several of the proposed conversions were to correct original map errors or to reflect the crucial use of the parcel. Some of these reflected existing nonconforming uses. The proposed conversions to the more intensive commercial uses represents one indication of increasing pressures to convert agricultural lands to urban uses.

Table 5-2: Summary of Amendments Redesignating Agricultural Lands

Amendment	No. Acres	Proposed Zoning	CCC Action	Reason for Action
1-84	NA	Recreation	Approved	Reflect actual ownership
1-84	NA	Public Facility	Approved	Reflect actual ownership
1-84	NA	Recreation	Approved	Not viable for agriculture
1-90	87 acre parcel; 18 acres prime; 13 acres non-prime	Public Facility	Approved; restricted to conversion of 10 acres	Necessary for wastewater site; least damaging alternative.
1-97	37	Recreation	Approved	Correct mapping error
1-97	2	Commercial Services	Approved	Recognize non-conforming use[26]
1-97	1.5	Public Facility	Approved	Recognize non-conforming use
1-97	2.5 (part of 150 acre parcel)	Commercial Retail	Denied	Existing grazing use
1-97	70	Commercial Retail and Recreation	Denied	Inadequate findings
1-97	1	Commercial Retail	Denied	Expands URL
1-97	104	Public Facility	Denied	Unnecessary conversion[27]
Total	305			

Sources: Findings for LCPA 1-84; 1-90; Revised Findings for LCPA 1-97 January 12-16, 1998.

While the Commission concurred with the redesignation of 50.5 of these 305 acres from Agriculture to other uses, most of this land has not actually been converted to other uses, and remains available for agriculture.

Since certification of the LCP, the County also has proposed redesignation of 1,432 acres from other uses *to* agriculture (see LCPA 3-88 and LCPA 1-97). The Commission approved these amendments in part, including the rezoning of 57 acres from Rural Land and Recreation to Agriculture through Amendment 3-88; these parcels were part of larger, existing ranches and the redesignation was necessary to allow the parcels to remain under Williamson Act contract. The remaining lands proposed for rezoning from other uses to agriculture under Amendment 1-97 (1,375 acres) have not been rezoned yet, because the Amendment was not effectively certified and implemented. The County has recently proposed to again to redesignate these lands, which are located at the boundary between San Luis Obispo and Monterey Counties (see below).

[26] The findings indicate that two acres zoned agriculture had been converted to gravel parking facility; restoring the site to agriculture would be difficult and the two acre size is below a viable parcel size.

[27] Redesignation is for construction of a desalination facility. Under conditions required by the Commission on appeal for the facility, the zoning of the site would have to be changed. However, the County denied the applicant's request to rezone the parcel. Therefore, the Commission found that redesignation of the site through this amendment was inappropriate. A separate LCP amendment could be submitted in the future.

Future LCP Amendment Conversions Proposed: Under the Estero Area Plan Update, 20 acres of land are proposed for change from Public Facilities to Agriculture, and 58 acres are proposed to be changed from Agriculture to Rural Lands or Recreation.[28] If these redesignations proceed, a net loss of 38 acres will result. The EIR states that this change is less than one-tenth of one percent, that it will not affect prime agricultural land (as defined in the EIR), and that it is therefore not a significant impact. However, if these areas are currently used for agriculture and are viable for continued agriculture, the net loss may be significant under the Coastal Act and LCP policies, and would be in conflict with protecting agricultural lands. More detailed analysis of these proposals will be needed through the Estero Area Plan update process. It should be observed that the Coastal Act standard for converting agricultural lands is not whether the conversion results in a significant impact. Rather, under sections 30241 and 30242, conversions are limited to situations such as where the viability of the land in question is already severely limited by conflicts with urban uses or where continued agricultural use is no longer feasible. This is a much higher standard than the significant impact analysis that is sometimes undertaken through CEQA processes.

In its most recent North Coast Update Project Description (January 2000), the County again proposes a number of land use designation changes affecting agricultural lands. The County's proposal would rezone approximately 9 acres from Agriculture to other land uses, and approximately 1,760 acres from other designations to Agriculture. The net effect would be to increase lands zoned for agriculture by approximately 1,750 acres. Notably, other than the 1375 acres of Rural Lands at the County line, these lands proposed for rezoning are on the Hearst Ranch and are currently zoned recreational.[29] As discussed in the Chapter 2, this proposal is consistent with current viable grazing uses on the Ranch, and would help to maximize protection of agricultural lands in the County. It also is appropriate in light of current information about the lack of resources to support future intensive visitor-serving development along the North Coast. Finally, this proposal is also consistent with the Commission's 1998 action on the previous submittal of the North Coast Area Plan.

Analysis: Agricultural Policy 1 requires that agricultural lands be maintained in, or available for, agricultural production. Similar to the Coastal Act, this policy also allows conversions of prime agricultural lands only under the following circumstances:

1. *agricultural use is already severely limited by conflicts with urban uses;*

[28] Crawford, Multari, Clark, and Mohr. Draft Environmental Impact Report for the Estero Area Plan Update. December, 1999. pg. 5.9-11.

[29] Non-agricultural development at Hearst Ranch has been an issue since the early 1960s. The Ranch, a cattle operation, includes approximately 48,732 acres in the coastal zone. The Commission and the County have debated supplemental uses on the Ranch several times through the LCP planning and subsequent amendments. The County's LCP initially proposed several commercial and visitor serving sites on the Ranch; in its review of the LCP, the Commission suggested reducing the extent of commercial development and assuring that the remaining lands were protected for agricultural use through requiring an agriculture/open space easement. The County ultimately accepted the Commission's modifications in 1984, but sought an amendment deleting the easement requirement. Ultimately, the Commission deleted the easement requirement through Amendment 2-88. In its 1998 review of the North Coast Area Plan Update, the Commission found that agricultural grazing lands were still viable on the Ranch.

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, contributing to the establishment of a stable urban/rural boundary;*
3. *development on converted lands will not adversely affect surrounding agricultural uses.*

For non-prime lands, Agriculture Policy 1 allows the conversion to other uses where:

1. *continued or renewed agricultural use is not feasible;*
2. *the conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services;*
3. *the conversion would not adversely affect surrounding agricultural uses.*

Keeping lands zoned for agricultural uses is the first important factor in meeting the objectives of these policies. As discussed above, the County has sought to redesignate approximately 305 acres of agricultural lands through a number of LCP amendment submittals. In reviewing the County's proposed amendments, the Commission found that the County's proposals were consistent with the Coastal Act and LCP in approximately half of the cases, but were inconsistent in the remaining cases (approximately 177 acres).

Under Amendment 1-90, the Commission approved the conversion of agricultural land for the construction of a wastewater treatment plant for Los Osos. While the County requested redesignation of an 87 acre parcel, including 18 acres of prime agricultural land and 13 acres of non-prime agricultural land, the Commission restricted the conversion of land to the minimum needed for the facility, a total of 10 acres. In approving the conversion, the Commission found that although the land *was* viable for ongoing agricultural uses, the amount of land converted was limited, alternative sites for the project were limited and would have converted more productive agricultural lands, and the project protected the long-term viability of agriculture by improving water quality and protecting the groundwater. As discussed in Chapter 2, protecting water quality in Morro Bay has been a longstanding concern, and a wastewater treatment plant for the community of Los Osos is highly needed. In this case, though, the proposed site is now unlikely to be used, and the conversion of agricultural land through that amendment will likely not occur. The current Estero Plan Update proposes changing this site back to Agricultural zoning.[30]

Under Amendment 1-97, the Commission also denied some of the proposed redesignations, finding that they did not comply with the criteria established in the LCP, or Coastal Act, for conversion of agricultural lands. In its findings for Amendment 1-97, the Commission states that for several of the County's proposals, the County did not present evidence that agricultural uses were no longer feasible on the sites, or that the proposed conversion would preserve primary agricultural lands. In addition, in one case, the County's proposal would expand the urban services line onto one acre of agricultural land. These actions do not appear to meet the criteria

[30] San Luis Obispo County Department of Planning and Building. *Estero Area Plan, Public Hearing Draft.* February 1999. pg. M-1.

established in the LCP policies. Since the County has not accepted the suggested modification to bring Amendment 1-97 into conformance with the LCP, the proposed redesignations will not occur under that amendment. Some of these changes are proposed again, though, in the current North Coast Area Plan project description.

Local Permits and Appeals of Local Permits: Although the actual redesignation of agricultural lands must be processed through an LCP amendment, sometimes agricultural lands are effectively rezoned through land use approvals that allow non-agricultural uses to occur without changing the land use designation. Because of the importance of such actions to the long-term preservation of agriculture, these are discussed in more detail in sections C.2 and C.3 below. There is one case, though, that deserves mention here.

Under FLAN 3-SLO-95-124 (D940059D), a potential of 34 acres of agricultural land may be redesignated to public facility. Under the action, the County approved a desalinization plant on agriculturally zoned land. As discussed in the Development chapter, the plant may be part of the long-term solution for supporting new development in Cambria. On appeal (A-3-SLO-95-069), the Commission approved the project with the condition that the applicant submit an LCP amendment to redesignate the parcel from agriculture to public facilities, finding that future agricultural activities were unlikely.[31]

Determining Agriculture Viability: A critical step in avoiding conversion of agricultural land is assessing the viability of continued agricultural use. Coastal Act Section 30241.5 provides guidance for the determination of viability when LCP amendments are being considered. Viability analyses should include an economic feasibility evaluation that includes such things as analysis of gross revenue for agricultural products in the vicinity of lands being considered for conversion and an analysis of operational expenses that might affect the viability of production.

As discussed, implementation of Agriculture Policy 1 requires that before converting agricultural lands to other uses, the County must determine, in part, that the conversion would preserve prime agricultural land and that development on converted lands will not adversely affect surrounding agricultural uses. For non-prime lands, Agriculture Policy 1 allows the conversion to other uses where the County determines, among other things that continued or renewed agricultural use is not feasible and the conversion would not adversely affect surrounding agricultural uses.

These determinations under Policy 1 all require some assessment of agricultural viability. However, this policy does not have language that directly reflects the guidance of Coastal Act 30241.5 for determining agricultural viability. In making these determinations in support of its LCP amendment submittals, the County has relied mainly on the Agricultural Commissioner's review of agricultural viability information submitted by project applicants. In many cases, though, this information has not been developed adequately nor framed appropriately to address Coastal Act and LCP requirements for the conversion of agricultural land. For example, a viability report may conclude that the impact on agricultural viability of the proposed conversion would not be significant. The appropriate test, though, is whether agricultural use on the parcel is no longer feasible or whether there are severe conflicts with urban uses. Under 30241.5,

[31] California Coastal Commission. Findings for A-3-SLO-95-069. Dec. 14, 1995.

economic feasibility analysis is required to adequately develop an evaluation of continued agricultural viability. This is a much different and higher threshold for approving agricultural land conversions.

The LCP's existing criteria required for content of viability reports for agricultural subdivisions under CZLUO 23.04.024 provides some guidance on the type of information needed to assess agricultural viability. This ordinance requires an applicant to submit:

- existing land uses on the site;
- present annual income derived from agricultural operations and other income-generating operations on the site;
- site characteristics affecting agricultural land use and production, including topography, soils, climate, water availability, and adjacent land uses;
- the potential of the site to support future food-producing agricultural uses and estimated annual income from such uses;
- potential effects of the proposed land division development on agricultural food production, both short-term and long-term;
- recommendations and conclusions of the development's effects on agricultural production.

Ordinance 23.04.050, concerning supplemental uses, also requires the submittal of information to assist in evaluating agricultural viability, including site layout plans, documentation about public infrastructure costs, and economic analysis, and so forth. In a review of agricultural viability reports prepared for various County permits, though, some reports had no discussion of present annual income derived from agricultural operations and other income-generating operations on the site.

The Commission's more recent experience in other jurisdictions also shows that information that more directly addresses the Coastal Act requirements for economic feasibility analysis as well as existing San Luis Obispo County LCP criteria for agricultural conversions, is needed. Without complete and thorough assessments, the determination of the effects of proposed non-agricultural uses on adjacent agricultural lands cannot be consistent with the objectives of Coastal Act policies.

Thus, one way to address this issue is to require more specific and comprehensive assessment of both agricultural viability and other factors that may be placing pressure on agricultural lands. As just mentioned, the San Luis Obispo LCP does contain standards for such assessment in the case of agricultural land divisions and for the approval of non-agricultural supplemental uses on agricultural lands; however, there does appear to be an opportunity to improve upon these.

The County is also proposing new policies to underscore the importance of maintaining viable agricultural lands. For example, through its proposed Estero Area Plan update, the County is proposing adding the following policies under the Rural Land Use section:

Provide incentives for landowners to maintain land in productive agricultural use.

> *Maintain existing Agriculture land use categories in order to protect agricultural resources; do not convert agricultural land to other land use categories.*[32]

While these added policies may define the value of maintaining agricultural lands in the Estero region, and may guide the County in future actions, the policies themselves do not have any clear mechanisms to assure implementation. Implementation of these policies would presumably rely on LCP Agriculture Policy 1. Therefore, revisions to Agricultural Policy 1 and to the CZLUO may be needed in order to ensure that a thorough viability analysis is required in order to make the required determinations.

Consistency Analysis: Policy 30241 of the Coastal Act requires that the "maximum amount of prime agricultural land shall be maintained in agricultural production." The Act allows for the conversion of prime agricultural land only in limited circumstances, including prime lands "around the periphery of urban areas" where a) the viability of agricultural lands is already severely limited by conflicts with urban uses, or b) where conversion of such lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

Section 30242 of the Act requires that "[a]ll other lands suitable for agricultural use shall not be converted to nonagricultural uses unless 1) continued or renewed agricultural use is not feasible, or 2) such conversion would preserve prime agricultural land or concentrate development ..." Finally, Section 30241.5 requires economic feasibility analysis for LCP amendments that propose conversion of agricultural land.

Although the extent of actual conversions of agricultural lands has been limited, a number of the County's previous proposals have not completely conformed with Sections 30241, 30241.5 and 30242 of the Coastal Act. For example, the County's redesignation under Amendment 1-90 would have converted more land than necessary to accommodate a public facility. In addition, as the Commission found in Amendment 1-97, the County proposed converting agricultural lands without adequate findings as to the ongoing feasibility of agricultural uses. As development pressures continue, it is likely that the pressure to convert agricultural lands to other uses will also continue. Protection of agricultural lands in the coastal zone could be improved with enhanced implementing mechanisms for Agriculture Policy 1 of the LCP concerning land conversions to other uses. Such measures should include mechanisms to assure that the analysis of agricultural viability during the County's review processes considers the full range of factors and alternatives to maximize protection of agriculture.

Preliminary Policy Alternatives: In addition to the County proposals to strengthen agricultural policies in the Area Plans, agricultural lands protection can be enhanced by underscoring the need for agricultural viability reports in support of all proposed conversions from agriculture to other uses. The County should consider amending Agriculture Policy 1 to require such reports

[32] San Luis Obispo County Department of Planning and Building. *Estero Area Plan, Public Hearing Draft.* February 1999. pg. 4-8.

for all proposals affecting agricultural lands. More specific requirements for contents of the reports also should be required.

Preliminary Recommendation 5.1: Modify Agricultural Policy 1 by adding the following language:

> *For any proposed rezoning of agricultural lands to another designation, or for any other proposed development that would commit agricultural lands to other non-agricultural uses, an agricultural viability report shall be prepared, as specified under Ordinance 23.04.024(a).*

Preliminary Recommendation 5.2: Modify Ordinance 23.04.024(a) to expand the factors that should considered as part of the required viability studies to include the following:

Incorporate an Agricultural Viability Report **definition,** for example:

> *A report that assesses the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size and any other factors relevant to the particular parcel. The report shall establish a baseline of information to be used to describe the role that each factor plays as a variable influencing the site and surrounding area's viability for agricultural production. In terms of scope, the feasibility analysis should analyze both the site and the larger area's current and past productivity as an agricultural unit for at least the preceding five years.*

Preliminary Recommendation 5.3: Expand and specify the contents of the Agriculture Viability Report. For example, CZLUO 23.04.024(a)(1), Existing land uses and (3) Site characteristics…including topography soils, climate water availability and adjacent land uses, could be expanded to include more specific information such as:

1. *Soils*
   a. *The identification of all soil types that are found in the area (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
   b. *Storie index and Capability Classification ratings of all identified soil types (As stated in the most recent Soil Survey published by the United States Department of Agriculture.*
   c. *The expected animal unit month (AUM) yield for each identified soil type (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
   d. *The expected net dollar return per acre for crops that are currently cultivated on each soil type.*
   e. *An identification of crop types that could be potentially grown on each identified soil type, and also the expected net dollar return for such crops.*
   f. *An identification of soil types used exclusively for grazing.*
   g. *An identification of agricultural uses in the area that are not dependent upon the soil*

(e.g., greenhouses), and where identified, a description of their location and nature of operation(s).

2. *Geographic*
   a. *The description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, storie index rating, texture, development, unique qualities) affecting agricultural operations in the area.*
   b. *The description of management techniques that are currently used, or could be used, in order to improve soil quality for agricultural operations.*
   c. *An identification of agricultural operations that use more than one parcel for production in the area, and where identified, a description of their current practice and average acreage for each individual operation.*
   d. *A description of the relationship or proximity of agricultural and urban land uses.*
3. *Water*
   a. *The availability of water in the area (condition of basin e.g.).*
   b. *An identification of the water source (riparian, appropriative, etc.).*
   c. *An identification of any water quality problems affecting agricultural operations in the area.*
   d. *The current cost of water.*
4. *Access*
   a. *Description of whether adequate access to agricultural support facilities (cold storage, equipment repair/sales, markets) in the area currently exist.*
   b. *Where access is problematic, an identification of the nature of the conflict; and how the conflict impacts agricultural operation(s).*

CZLUO 23.04.024(a)(2) Present annual income derived from agricultural operations….and (4) the potential of the site to support future food-producing agricultural uses…could be expanded to include consideration of such factors as:

1. *History*
   a. *An identification of the types of agricultural operations that have taken place in the area in the past and where have they occurred.*
   b. *An identification of how long agricultural operations have been conducted in the area.*
   c. *An identification of those parcels that have been used for agricultural operations in the area consistently in past, and where applicable an identification of such time periods.*
   d. *An identification of significant past management practices that have been used in the area in order to increase agricultural yields.*
2. *Risk Factors*
   a. *A discussion of the effect of drought years on agricultural operations in the area and, if so, what the cost of water is during these periods.*
   b. *An analysis of whether the costs of production and labor are predictable for agricultural operations in the area.*
   c. *A discussion of whether commodity prices are consistent or inconsistent from year to year for crops grown in the area.*
   d. *A discussion of whether salt water intrusion into well water supply is an issue, and if*

so, how it affects agricultural operations in the are.

e. *An identification of whether there is a problem with crop quality in the area.*
f. *An identification of whether the agricultural market is volatile for crops grown in the area.*

3. *Economics*
   a. *An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development; and,*
   b. *An analysis of the operational expenses excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development.*
   c. *Cost shall be determined by, and consist of, the following variables:*
      1. *Fixed Costs for any given crop are assumed to be constant, regardless of the annual yield. Fixed costs shall include only current costs and shall not speculate on potential future circumstances.*
         a. *Land cost (i.e. rent, lease, property tax, etc.) shall NOT be included into the cost analysis (See Coastal Act Section 30241.5)*
         b. *Capital costs including: 1) land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.); 2) equipment (i.e., trucks, tractors, buildings, special equipment (e.g. irrigation), etc.); 3) herd expenses (i.e., payment for bulls and heifers); and 4) miscellaneous expenses. Cost determination must also include depreciation and interest expenses.*
         c. *Cultivating cost including operating costs for: 1) labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits); 2) materials (i.e., water, seed, feed supplements, salt, fertilizer, and pesticides); 3) machinery; 4) fuel and repair; and 5) outside consultants (i.e., veterinary and management).*
      2. *Variable Costs are the harvest costs and are based on the amount of yield only. Depending on the crop yield, variable costs fluctuate for any given year. In most cases, this is expressed as the cost per unit of yield (tons, 100 weight, or pounds).*
   d. *Gross Revenue shall be determined by and consists of the following variables:*
      1. *Gross returns for each crop type.*
      2. *Past return figures should factor in the appropriate Producer Price Index (PPI) figure in order to account to inflation over time.*
   e. *Evaluative methods to incorporate the above cost and revenue figures shall include, where relevant:*
      1. *Determination of the net economic impact on private and public sectors and, second, a test for agricultural viability. Net economic impact refers to change in dollar flow within the community brought about by a given change in land use. "Net economic impact" equals total public revenues minus total public costs, plus private sector income. This should be computed according to the existing land use, the proposed development, and any viable project alternatives. This may be accomplished through the following process:*
         a. *Cost/Revenue analysis that determines public costs associated with conversion of agricultural land and also revenues generated by increases in property tax within the project site. Public service marginal costs should*

compute the new and/or incremental costs of adding development to the public service system, which includes the cost of capital improvements necessary to accommodate such development. This should also state, and if possible quantify, those costs or externalities not easily accounted for in cost computations. One externality could include the probable change in assessed value of parcels adjacent to the development. Public service revenues are generated by increases in property tax within the project site.

b. Input/Output analysis that looks at the private sector of the areas economy in terms of its purchases and sales to other sector both locally and from outside the area. From this information, multipliers for each sector should be developed. Determination of the input figures will reveal the affect of removing the subject number of acres, for the subject crop, from agricultural production. This will reveal the effect to the private sector economy.

2. Determination of the minimum acreage for a viable agricultural operation (farm family approach). In order to determine net income, production costs by crop should be computed on a per acre basis and subtracted from gross market receipts expected from that crop. The resulting figure represents the farmer's income per acre of productive land. The per acre income figure should then be divided into the County's Median Income figure to compute the number of acres required to support a farm family.

3. Determination of net return per acre, per crop type, for the area only. By crop type, determine gross revenue per acre for subject crop types then subtract from gross revenue figures the cost per acre associated with each crop type.

The report shall include maps and photos (aerial and site photos) of the area being evaluated that, at a minimum, identify the following on all such figures: parcel lines, parcel numbers, farm boundaries, owners and/or leassees of each parcel and/or farm, wells and/or any other water supply lines, storie ratings, capability classifications, slopes, and roads.

For purposes of this determination, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the County's certified local coastal program.

C.2. Incremental Impacts to Agricultural Lands through Land Divisions, Lot-line Adjustments, and Development on Nonconforming Parcels.

As discussed in the overview, maintaining the viability of agricultural lands is a function of many factors, including complex economic and climatological variables beyond the control of land use planning. It is important, therefore, to assure that agricultural parcel sizes and configurations are maintained so as to maximize their support for agricultural uses. For example, maintaining minimum parcel sizes is a critical component of assuring the long-term viability of agricultural lands. It is also important to rigorously analyze proposed adjustments to agricultural

parcel lines, and potential non-agricultural development on nonconforming parcels, to protect against the incremental incursion of non-agricultural uses into rural agricultural areas.

Through a number of subdivision proposals and lot-line adjustments, the County has acted to change the sizes of agricultural parcels. In addition, increasing numbers of newly discovered nonconforming parcels are being proposed for development in agricultural areas. However, the LCP policies and ordinances governing agricultural lands do not adequately address the impacts to agriculture from lot-line adjustments, and should be strengthened. Further, the County should consider amending the LCP to incorporate additional mechanisms to address existing non-conforming agricultural lots, as well as the legal process for establishing and evaluating the development potential of previously unrecognized lots in the coastal zone.

Overview: The concept of using minimum parcel sizes as a tool to assure the long-term economic viability of agricultural lands was a key goal during preparation of the LCP. In addition, Commission staff discussions with agriculturists in San Luis Obispo County indicate that there is a continuing concern over maintaining minimum parcel sizes. As discussed previously, the amount of acreage that is adequate to support agricultural practices depends on many factors, including the specific site location, soils, crops grown, weather, and the level of economic income desired.[33] Increasing prices and other economic changes discussed previously may significantly affect the amount of land necessary for viable "minimum" parcel sizes.

The importance of maintaining a minimum parcel size to help protect agricultural uses has been recognized for decades. A 1979 study on agriculture conducted by the University of California Cooperative Services Extension Services discusses the importance of minimum parcel sizes, particularly for agricultural lands near urban development. The report states:

> *The problem of urban-agricultural interface has important implications for the establishment of minimum-acreage requirements, particularly since a farmer who chooses to reduce his acreage to the minimum parcel allowed may also be giving up certain economies of size and scale. Historically, one response to such pressures has been to shift to higher-income crops per acre. As the cost/revenue squeeze tightens, net income for a low-value crop is reduced. Shifting to a high-value crop widens the cost/revenue margin and allows an operator on a fixed amount of land to maximize his management skills. However, while this solution may maintain the viability of a given agricultural parcel, it circumvents rather than eradicates the problem.*[34]

The LCP establishes minimum parcel sizes for agriculturally zoned land, depending on use and soil quality. The minimum parcel areas range from 20 acres for more intensive agricultural cultivation to 320 acres for grazing. However, the University of California study indicates that

[33] Julie Clark, American Farmland Trust. Pers. comm. 6/2/00.
[34] Goldman, George and David Strong. *Economic Considerations of California Coastal Agriculture: An Analysis of Feasibility, Acreage Requirements, and Dual Land Use for Selected Crops and Geographic Areas (Draft). University of California Cooperative Extension Services,* August, 1979. pg. 28.

these sizes may not be adequate to ensure agricultural viability in at least some cases.[35] The findings estimate the minimum parcel sizes necessary for grazing at 700-1,470 acres for cow/calf operations and 791-1,800 acres for stocker operations.

One emerging concern in San Luis Obispo County is a potential change in minimum parcel sizes due to the change from non-irrigated to irrigated lands, particularly to vineyards. As noted previously, the extent of prime agricultural lands, as defined by the FMMP, has increased by approximately 20% since 1988, in part because of the increase of irrigated lands. Based on 1996 data from the Department of Water Resources, approximately 8,800 acres in the coastal zone (approximately 7%), zoned for agriculture, are classified as irrigated. The majority of these irrigated lands are in the Estero and South County planning areas, with some in the North Coast area. The predominant crops include field crops; truck, nursery, and berry crops; citrus and subtropical crops; and irrigated pasture lands.

The LCP allows a much smaller minimum parcel size for irrigated lands than for non-irrigated lands. However, if a parcel is divided under these standards, the long-term economic viability of the parcel may be more at risk. With smaller parcels, farmers have fewer options to address various economic and environmental changes. In addition, lot divisions or other types of development can change the primary use of land and may increase the potential for rural homesteads, and more urban development, rather than for agricultural practices.

LCP Implementation: This section address four concerns related to maintaining agricultural land uses: (1) subdivision of agricultural land; (2) nonconforming agricultural parcels; (3) the Certificate of Compliance process; and (4) lot-line adjustments on agricultural lands.

Subdivision of Agricultural Land

Subdivisions of agricultural lands are governed by Policy 2 of the LCP and Ordinance 23.04.024 (e, f). Policy 2 states that land divisions in agricultural areas "shall not limit existing or potential agricultural capability" and shall adhere to minimum parcel sizes. Land divisions on prime agricultural lands must comply with the following standards:

1. *Division of land is prohibited unless it is demonstrated that the agricultural production of at least three crops common to the agricultural economy will not be diminished.*
2. *Building sites will not be created on prime soils.*
3. *Adequate water supplies are available for habitat values, proposed development, and to support existing agricultural viability.*

For land divisions on non-prime lands, the County must find that the land division will "maintain or enhance the agricultural viability of the site" (Ordinance 23.04.024 (f)). In addition, the North Coast Area Plan requires that any land division on the Hearst Ranch shall (1) constitute an individually viable agriculture unit or (2) improve the viability of adjacent holdings or serve a necessary public service and not significantly reduce agricultural viability.

[35] *Ibid.* pg. 35.

Ordinance 23.04.024 of the LCP defines the minimum parcel sizes for agricultural lands (see Table 5-3). These minimum parcel sizes are based on either 1) the existing type of agricultural use of a parcel, 2) the soil classification of a parcel, or 3) the requirements of an agricultural contract under the Williamson Act. Twenty acres is the smallest parcel size allowed for agriculturally zoned lands.

Table 5-3: Minimum Parcel Size Criteria

Criteria	Minimum Parcel Size
Based on Land Use:	
Irrigated Row Crops	20 acres
Animal Facilities	20 acres
Agricultural Processing	20 acres
Irrigated Pasture	30 acres
Orchards, Vineyards	40 acres
Dry Farm Fields	80 acres
Dry Farm hay/alfalfa	160 acres
Grazing	320 acres
Based on Land Capability:	
Class 1	20 acres
Class II	40 acres
Class III	80 acres
Class IV-VI	160 acres
Class VII-VIII	320 acres
Based on Agricultural Preserve:	Dependent on contract

Source: San Luis Obispo County LCP

In addition, some area plans have more specific standards in some cases: the San Luis Bay area plan requires a minimum parcel size of 80 acres for agricultural land in the Diablo Canyon Coastal Terrace, unless a larger size is required under the Land Use Ordinance. The South County plan requires a minimum of 40 acre parcel sizes for land divisions in Oso Flaco Valley, unless a larger parcel is required under the Land Use Ordinances.

Agricultural Policy 2 notes that the parcel sizes defined in the LCP are *minimum* parcel sizes; complying with the criteria identified in the policy and Ordinance 23.04.024 may require maintaining larger parcel sizes. As part of the County's review for land divisions in the agricultural land use category, applicants must include an agricultural viability report, including existing land uses, annual income, site characteristics, potential for future agricultural uses, and effects from the proposed subdivision (23.04.024 (a)) to ensure long-term protection of agricultural resources. As noted previously, expansion of these reports in light of new information on agricultural resources may be necessary to assure long term protection of agricultural lands.

Review of County Actions: Between 1988 and 1998, the County approved only two subdivision permits on agricultural lands (FLANs 4-SLO- 91-131 (CO 89-399) and 3-SLO-93-084 (CO 90-164)).[36] In FLAN 3-SLO- 91-131, the County authorized a subdivision of a 360 acre parcel into two parcels of 320 and 40 acres. The existing uses of the land at the time were grazing and row crops. The reason for the subdivision is not entirely clear from the reported action, although a number of conditions in the permit suggest that the future residential use on the new parcel was anticipated. These include conditions requiring low-flow water fixtures and EPA-approved wood stoves in future residential uses; dedication of an access to the new parcel; disclosure to prospective buyers of potential conflicts with surrounding agricultural uses; and minimizing of visual impacts from future residential development.

In FLAN 3-SLO-93-084, the County authorized a subdivision of 233 acres mostly in the coastal zone at the far southern end of the County into two parcels of 213 and 20 acres. The existing uses of land at the time were irrigated vegetable crops and a vegetable cooling and shipping facility. Again, it is not clear from the report exactly what the purpose of this subdivision was, although the 20 acre parcel was designed to separate out the cooling and shipping facility from the majority of the parcel.

In both actions, the County maintained the minimum parcel sizes required under Ordinance 23.04.024(b). In addition, an agricultural viability report was done for both projects, as required under the LCP. For FLAN 3-SLO-91-131, though, the viability report discusses the potential for increased residential development as a result of the proposed subdivision. The findings state that the increase in residential uses will be relatively small, and indicates that residential development could be sited to assure a buffer between agricultural and residential uses.

The agricultural viability report for 3-SLO-93-084 analyzed the impacts from the proposed subdivision on the potential loss of agricultural soils, increasing pressure to convert agricultural lands to non-agricultural uses, and on the potential for conflicts between agricultural and non-agricultural uses. The analysis found that the proposed subdivision could lead to a potential loss of eight acres of agricultural land from expansion of the existing facility, but not significantly affect agricultural resources. While noting the potential increase in residential development from the proposed subdivision, the report also notes that the proposed project is unlikely to result in converting agricultural lands to other uses, due to the low desirability for residences because of the nature of the area (the cooling facility is immediately adjacent to a rail line). In addition, the majority of the land remains as one parcel, under cultivation.

Under Ordinance 23.04.024, the County must find that new subdivisions do not lead to the creation of building pads on prime soils. This policy is an important component of protecting agricultural lands through the appropriate siting of new development. As discussed above, residential development appears to be unlikely on the parcel created through 3-SLO-93-084, although the subdivision did create a new legal lot that could support two future residential units (one primary unit and one farm support unit for each parcel). Were redevelopment of the

[36] Figures are obtained from notices of final local actions received by the Commission and through GIS mapping to identify projects on agricultural zoned lands.

existing facility to occur, it would be difficult to not allow future proposed residential development on a now existing legal lot. The remaining larger lot contains Class I and Class II soils, which are considered prime soils.

The lots under FLAN 4-SLO- 91-131, support Class III and Class IV soils, which are not considered prime for row crops (lands may be prime grazing lands depending on their capabilities). However, neither the County's findings nor the viability report determine whether the resulting parcels from either subdivision contain prime soils based on other Coastal Act criteria (see sidebox, Background Section), and do not fully analyze whether these subdivisions create the need to place any future proposed residential units on prime soils.

While the approval of only two subdivisions probably does not raise great concerns, it does add to the potential cumulative changes that can incrementally erode agricultural lands. Without assuring that the creation of new parcels does not lead to the future development of prime agricultural lands, the County cannot adequately protect agricultural resources. To be sure, increases in the number of parcels from additional subdivisions could significantly alter the land patterns and could affect the economics of agricultural use and the long-term viability of the lands. As the Commission found in its evaluation of the North Coast Update submittal in 1998, "[o]nce land is divided, even it if maintains agricultural uses in the short run, the legal landscape for future parcel development is irrevocably changed".[37]

Although the potential for increased residential development was noted in the viability reports for the two subdivisions that have occurred on agriculture lands since certification, and the creation of only two new lots may not raise immediate significant issues, the potential for additional subdivisions and associated residential development throughout the County's coastal zone may be significant. In its review of the proposed North Coast Update (Amendment 1-97), the Commission found that a potential of 150 parcels could be created on the Hearst Ranch alone, resulting in a hypothetical development of 300 residential units, assuming that each parcel developed with a primary and secondary residence for farm support as allowed under the current LCP. This finding, though, was not based on an analysis of existing legal parcels. Rather, it was based on a rough estimate derived by dividing the 48,000 acre ranch by the 320 minimum parcel size for grazing.

Subdivision potential of agricultural lands in San Luis Obispo can also be analyzed using existing parcel sizes (from current TRW data) and vegetation data from the Department of Water Resources (1996 data). Using assumptions based on lot size and land capability[38], in the North Coast planning region, for example, an estimated 21 lots were identified that hypothetically could be subdivided while maintaining the minimum parcel sizes noted above (see Map 5-B for assessor parcels in the North Coast). An estimated 16 parcels support native vegetation, and are

[37] California Coastal Commission. Findings for LCPA 1-97 (North Coast Area Plan Update). January, 1998. pg. 109.

[38] In this analysis, the following assumptions were made: DWR's classification of native vegetation supports, or could support grazing (minimum parcel size 320 acres); DWR's classification of "truck crops" is used as an estimate for irrigated row crops (minimum parcel size 20 acres); and calculations for subdivision potential are limited to those lands actually zoned as agriculture under the LUP (other parcels may support agricultural uses and may be large enough for future subdivisions).

of sufficient size to be subdivided into two parcels each of 320 acres or greater (i.e. base parcel greater than or equal to 640 acres). An additional five lots support a mix of native vegetation and truck crops; each lot may be able to be subdivided into more than two parcels smaller than 320 acres. It should be emphasized that this analysis is based on assessor parcel data that may or may not reflect actual legal parcels and thus, the actual subdivision potential of rural areas may be substantially different. Without legal documentation of valid parcels, it is difficult to project development potential.

Similarly, in the Estero planning region, an estimated 13 parcels have the potential to be subdivided. Five of these parcels are assumed to support grazing, and can potentially be subdivided into a total of 10 parcels. An additional eight parcels support a mix of native vegetation and truck crops; most of these parcels have the potential to be subdivided into more than two lots. The existing configuration of assessor parcels for Estero is shown in Map 5-B. In the South County planning region, an estimated 25 parcels have the potential for future subdivisions, based on crop type and parcel size. The majority of these parcels are identified as having primarily truck crops. Many of them range in size from 100 acres, up to 420 acres; as a result the subdivision potential is much greater than a simple split into two parcels. Review of data for parcels in the San Luis Bay planning area indicates no parcel large enough for a potential subdivision, based on available data.[39]

Overall, this exercise shows that a significant number of new parcels could be potentially created in agricultural lands, assuming that all other LCP tests for subdividing agricultural lands could be met. Even if these subdivisions comply with the minimum parcel sizes required under the LCP, the potential for significantly changing the legal parcel landscape, and the effect on long-term agricultural uses, is high. An increase in the number of lots can significantly increase non-agricultural development, increasing conflicts between residential and agricultural uses, increasing the physical extent of land covered by residential development, and potentially altering the economics of the region to decrease the viability of agriculture as a predominant use. A prior economic study of agriculture details some of the conflicts between urban and agricultural uses:

> *Urban development and speculation for future development raise the property value and tax of land adjacent to developed areas. ... [A]gricultural land near urban development tends to become less productive because of sanctions against spraying chemical near urban fringes, vandalism, and cost increases resulting from security precautions, fencing, maintaining appearances, etc. In addition, pet dogs from residential developments, trespassers, and cuts and fills for homes and roadways tend to deteriorate the stability of farm lands.*[40]

Overall, it is important that the LCP have strong policies and standards to address long-term potential impacts to agricultural lands.

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[39] It should be emphasized that this subdivision hypothetical is not based on confirmed legal parcels and thus may or may not reflect actual subdivision/development potential.

[40] Goldman, George and David Strong. *Economic Considerations of California Coastal Agriculture: An Analysis of Feasibility, Acreage Requirements, and Dual Land Use for Selected Crops and Geographic Areas (Draft).* August, 1979. pg. 28

Non-Conforming Parcels

Past land division practices have created problems for present day planners, decision makers and others interested in maximizing the retention of productive agricultural land. In the not too distant past, it was simple to divide land into virtually any size or configuration desired. The result of this permissive approach is that there are a significant number of parcels zoned for agriculture that are smaller than the now required minimum parcel size and are also often poorly configured for development, access, and avoiding impacts to ESHA. These parcels are now considered "non-conforming" because they do not meet the current size standard for parcels in the Agriculture Zone district. Based on the Commission's experience in San Luis Obispo and other coastal counties, these non-conforming parcels are frequently under a common ownership, not developed with residential or other uses and are used together to function as a single agricultural operation. The "Middle", "South" and "North" ranches on the Harmony coast are good examples of this concept of multiple parcels functioning as a single site for management purposes.

Often, these non-conforming parcels were created legally, that is to say, they met the standards (often quite minimal) for land divisions at the time they were created. Examples include "deeding out" or the simple recordation of a map with the County. Others were created illegally, in that the division did not meet the standard required at the time the land was divided. The methods for resolving the status of these kinds of parcels is discussed in the following section concerning Certificates of Compliance.

The planning problems engendered by non-conforming parcels regarding the protection of agriculture are evident. As long as the parcels remain in common ownership and function as an aggregate they often support a viable agricultural operation because as a whole, they are large enough to do so and are unconstrained by superfluous, non-agricultural development. The problem comes when the owner of the parcels decides to break up the ranch and sell off the parcels individually. The outcome of this scenario is usually the dispersal of the parcels to various owners, development of non-agricultural (usually residences) on all parcels and the demise of any agricultural use beyond the "hobby" farm. The completed pattern of development is not only inconsistent with the preservation of agricultural land but may also result in a variety of adverse impacts on visual resources, ESHA and the character of the area.

A good example of this incremental erosion of agriculture is the North Cambria Ranch project. The North Cambria Ranch is located about three miles north of Cambria and approximately one mile inland from the coast. Although this ranch had supported cattle grazing, at some point the County had issued certificates for 14 separate legal parcels that together made up the ranch (see below for discussion of this legal process). The parcels ranged from 21 to 163 acres, making them nonconforming under the Agricultural zoning of the LCP.

In the late 1980s, the owner of the Cambria Ranch proposed upgrading existing ranch roads on and to the ranch. The Commission issued an administrative permit for a portion of the road, based on representations from the applicant that the road was "necessary to support an existing cattle operation" (see 4-87-288). The County also approved a road project, although great controversy surrounded the approval, which was perceived by some as the development of a road

to facilitate residential development on the ranch (4-SLO-90-103).[41] The project was appealed to the Commission. The Commission found that no substantial issue was raised by the project (A-4-SLO-90-037).

It was well understood that the road project had implications for future impacts to the ranch through residential development. The EIR for the road analyzed potential visual impacts to Highway One, impacts to environmentally sensitive habitat and agriculture. Significantly, the EIR discusses the evaluation of the Department of Agriculture which concluded that there would be no loss of prime, flat agricultural land, and that conflicts between grazing uses and future residential uses would probably be minimal. The Department also concluded, though, that the "the ability to lease the entire ranch for a rangeland cattle operation would be reduced or eliminated with the sale of individual parcels" and, as summarized by the EIR, "that none on the individual parcels on their own would be considered a viable agricultural unit."

The County's approval of the road project did have a condition that limited future residential development on each to one single primary residence, and prohibited secondary residences, guest houses, or farm labor quarters. The permit did not, however, clearly prohibit subdivision of the parcels, although the permit restrictions on future residential development could be interpreted as not allowing such future land division. Since the road project, at least seven residential projects and one lot-line adjustment have been approved on the Ranch (see Map 5-B).

One lesson taken from the Cambria Ranch case is the importance of comprehensively evaluating and planning for potential development in rural areas, particularly when non-conforming parcels may exist that could undermine the purpose of Agricultural zoning. In general, the number of these non-conforming parcels in the urban areas of San Luis Obispo is, by and large, a known quantity. Cambria for example requires a current minimum parcel size of 6000 square feet for any new land division in the urban area but has many hundreds of smaller non-conforming parcels, typically 1750 square feet (see Chapter 2 for detail). Because the number of non-conforming parcels is known in Cambria, their impact can be analyzed and the LCP includes a variety of programs and policies to mitigate their effect.

The number of non-conforming parcels in the rural area, though, is not known with the same degree of certainty as in Cambria, thus the LCP cannot analyze the impacts as closely. Nor does it contain comprehensive strategies for mitigating the effect on agriculture and other coastal resources caused by development on these non-conforming parcels. In effect, the impacts of these non-conforming parcels are dealt with on a case by case basis using a limited arsenal of planning and legal tools. Projects may also be piece-mealed, as lots are adjusted, roads developed, and individual residences built, thus making it difficult to assess the cumulative impacts of development. Indeed, one of the findings in the EIR for the Cambria Ranch project was that the future build-out of the ranch to residential uses was not a significant impact to agriculture within the context of the entire agricultural value of the County. These finding could be made potentially for any individual project, ultimate leading to the cumulative loss of agricultural land without comprehensive analysis.

[41] The project was also controversial because of the proposed use of mine tailings for the road base. Historically there had been some mining activities on the Ranch at the end of the 19th century.

Given the limited policy and legal resources to address this issue the County, and occasionally the Commission on appeal, have done reasonably well in reducing the impacts of development of these lots on agricultural use, however, more agricultural land has been lost than might have been had a more effective set of policy requirements been in place to address this issue. At the end of this issue discussion, various options are presented to respond to this problem as well as related concerns having to do with certificates of compliance and the lot-line adjustment process, discussed below.

Certificates of Compliance

The Subdivision Map Act provides the method for determining the legal status of parcels of land through the issuance of formal certificates (Government Code Section 66499.35). Basically, there are two kinds of certificates that may be issued. The first type is a *Certificate of Compliance* (COC). This Certificate is issued by the local government, at the request of the landowner, if the local jurisdiction is satisfied by the evidence presented that the parcel in question did in fact meet the legal requirements in effect at the time the parcel was created.

A good example of where a regular Certificate of Compliance might be issued is the case of an owner of a 1750 sq. ft. lot in the subdivided Lodge Hill area in Cambria that might be concerned about the legality of his or her lot and, because of this, might request a Certificate. The evidence would be that the lot in question is depicted on a tract map filed with the recorder in 1920 and at that time, the filing of a map was all that was needed to effect a subdivision of land. Therefore, a Certificate of Compliance does <u>not</u> create a new, legal lot it simply confirms the existence of an already, legal lot.[42] In order to determine whether a request for a Certificate of Compliance should be approved though, the County must be familiar with the requirements for legal subdivision for any time period over the last hundred and fifty years and ensure that the evidence submitted to support the claimant's request meets the appropriate criteria. This requires substantial skills and knowledge of conveyancing, law at the time, interpretation of deeds and the ability to read and follow a property description. Without this skill/training, COCs can be issued in error.

According to data submitted by the County, San Luis Obispo has processed approximately 363 COCs for properties in the coastal zone since LCP certification. These approvals are not reported to the Commission. This is because the LCP does not require public notice of these, citing the Subdivision Map Act Section 66499.35(a) conclusion that the issuance of a straight COC is a ministerial act (LCP Ordinance 21.02,020(c)(2)). The LCP also does not include COCs within the definition of "subdivision development," although conditional COCs, discussed below, are defined as such (see 21.08.020(a)).

[42] Another typical example would be when the County actually requires the recordation of a certificate of compliance for newly configured lots as a condition to an approved lot-line adjustment or lot merger. The certificate is unconditional because the real property was "created" through a legally-circumscribed process, consistent with the Subdivision Map Act. Thus, the issuance of certificate of compliance is merely recognizing the legal existence of the newly defined property. Data collected from reported CDPs show 46 cases where certificates were required to be recorded as a condition of approval for the project (for example, 28 lot-line adjustments). A majority of these were certifying lots in urban areas such as Cambria and Cayucos.

In addition, because of the lack of notice and review, the Commission cannot know how many COCs, if any, were issued in error or if a standard analytical methodology is consistently used by a qualified analyst. The legalization of a parcel (usually a non-conforming parcel) is sufficiently significant that each request should be subject to sufficient analysis to ensure that only eligible parcels receive a certificate.

Many of the COCs issued by the County since certification were for parcels in urban areas. These raise less of a concern for coastal resource protection or may even reflect positive development trends, such as the merger of small parcels in Cambria. Because of the potential significance of certified parcels for cumulative development patterns, though, particularly in rural areas, options should be considered that would assure that Certificates of Compliance are issued only for parcels that are truly entitled to these documents.[43] Enhanced coordination between the County and Commission could also take advantage of mutual staff resources to improve the COC review process. Such options could include:

- Preparation and use of a manual by the County and Commission that states what the applicable requirements were for subdivision for the period between 1850 and the present. Update annually.

- Train County and Commission staff to adequately analyze evidence given to support claims (interpret law applicable at the time parcel was created, interpret deeds, maps, follow legal descriptions of property and be familiar with various forms of property conveyance (Director's deeds, severances in eminent domain, etc.)

- Require written staff reports to be approved by the Planning Director that support the recommendation to issue a COC; such reports should be noticed to the Commission to allow for coordinated legal review and Commission comment, within the timeframes of the County's review process, prior to Director approval.

The second type of certificate is a *Conditional Certificate of Compliance* (CCOC). These certificates may be issued by local jurisdictions to legalize a parcel that was not created in accordance with the applicable regulations in place at the time it was created. In this case, a new, legal parcel is being created and the local government has more discretion in issuing these certificates. If the original subdivider is the applicant, the local government may impose any

[43] The Morro Bay Limited residential lot-line adjustment proposal is a good example of why thorough and detailed review of COCs is necessary. The agricultural land in this area was used as a single agricultural operation – "Middle Ranch". The historic Middle Ranch, though, was effectively subdivided through the legal recognition of eight developable albeit non-conforming parcels. Written evidence was presented to the County that established the presence of multiple parcels, ranging in size from 1.4 acres to 318 acres, on the ranch that did not conform to the required minimum lot size of 320 acres that would typically apply on such grazing lands. This evidence consisted primarily of deeds of sale describing individual pieces of property that together made up the larger Middle Ranch. Although these parcels had been in single ownership for some time, there is no discretion to not provide them with legal recognition under the State Subdivision Map Act if they were legally created. More important, once certified, it is difficult to limit development potential on such parcels without raising questions about Constitutional property rights.

conditions on the certificate that would have applied to the land division at the time the parcel was created. The local government may also deny a Conditional Certificate of Compliance (Pescolidito v. Mendocino) in certain circumstances. It is unclear, because it has not been tested in court, whether a local jurisdiction can refuse to accept an application for a Conditional Certificate of Compliance and instead pursue the resolution of the creation of an illegal parcel through their enforcement authority – as a violation of regulations in effect at the time the parcel was created.

As mentioned, because of the administrative discretion involved in issuing CCOCs, they are required to be noticed to the Commission under the LCP. CCOCs are also considered to be subdivision development, subject to coastal development permit requirements. The issuance of CCOCs has not contributed substantially to the number of non-conforming parcels in San Luis Obispo. According to County data, since 1978 approximately 30 CCOCs have been issued in the coastal zone, including parcels in urban and rural areas. Nonetheless, the issuance of CCOCs can cumulatively erode the preservation of agricultural land as nonconforming parcels are recognized and developed. It is important, therefore, that any CCOCs that may be issued have conditions that maximize protection of coastal resources.

One such example of CCOCs on agricultural land occurred in the Estero planning area that illustrates the issue. In 1995 the County issued conditional certificates of compliance for several lots in the Morro Creek watershed because the subdivision that had purportedly created them had not received a coastal development permit. The original parcel was approximately 173 acres, and was divided into six separate parcels. Initially, the County proposed conditions on the certificates that would have required that the parcels be increased in size to more closely approximate the minimum parcel sizes required in this agricultural area. Another condition on one parcel would have prohibited future residential uses within a riparian setback. Unfortunately, because the illegally created parcels had already been sold to persons unaware of the parcel's illegal status, it was decided by both the County and the Commission that conditioning the certificates was not equitable under the circumstances. The County did pursue notices of violation on three remaining parcels, though, that were still in the ownership of the original subdivider (see 3-SLO-96-027; 3-SLO-96-046; 3-SLO-96-047; A-3-SLO-96-046; A-3-SLO-96-060; A-3-SLO-96-061). In the end, the issuance of three CCOCs (without conditions) resulted in the creation of nonconforming agricultural parcels that could be further developed with residential uses, potentially undermining the long-term viability of the agricultural lands.[44]

Similar to straight COCs, the LCP implementation should be strengthened to provide for more comprehensive and thorough treatment of CCOCs. In particular, a strategy for limiting and ultimately eliminating this form of parcel creation should be established. Methods for achieving this goal might include:

- Treating applications for Conditional Certificates of Compliance as violations if it is conclusively determined that a proposed parcel was illegally created.

[44] Notably, the County approved a lot-line adjustment for two of the lots involved in this case in February, 2000. The adjustment appears to consolidate agricultural support facilities on one parcel, and is proposed to facilitate sale of the other parcel. This parcel is no longer a viable agricultural parcel (see 3-SLO-00-104).

- Requiring the assessor and recorder to note on assessor's parcel maps and recorded maps that County approval for this parcel has not been obtained unless proof of approval is submitted with the document to be recorded or the proposed assessor map revision.

Lot Line Adjustments

Lot line adjustments (LLA) allow the owner(s) of adjacent parcels to re-configure the parcel lines to achieve a different lot pattern. The Subdivision Map Act, which provides for this procedure, states that a LLA cannot result in more parcels than originally existed, but is silent on the question of whether unbuildable lots (like a 500 sq. ft. well lot) can be made developable in the process.[45] Recent case law (73 Cal. App. 4th 231, 86 Cal. Rptr. 2d 217) has found that LLAs that essentially create new subdivisions in inappropriate areas can be denied for reasons of safety.

As with subdivisions, lot-line adjustments can significantly alter the agricultural value of rural land. They are often a primary mechanism through which non-agricultural land uses make their way into an agricultural area, as parcels are incrementally adjusted to facilitate residential and other land uses not necessarily associated with bona fide agricultural operations. It is important, therefore, to closely examine lot-line adjustment activity in agricultural areas.

As summarized in Table 5-4 (see pages 217-218), between 1988 and 1998, the County approved approximately 20 lot-line adjustments involving agricultural lands.[46] These actions did not increase the number of parcels. Nonetheless, they can significantly alter parcel sizes and thus affect the long-term viability of agriculture. Review of the County's lot line adjustments that most involve a mix of conforming and non-conforming lots. For each project, the County's actions have generally resulted in an increase in the size of one or more parcels and a subsequent decrease in size of the remaining parcel(s). For example, in FLAN 4-SLO-90-241 (Coal 89-383), the County's action resulted in an increase of a 200 acre lot to 240 acres while decreasing a 120 acre lot to 80 acres. In FLAN 3-SLO-94-007 (Coal 92-144), the County reduced two lots of 40 and 80 acres to 20 acres each while increasing a 320 acre lot to 400 acres. In two cases, it appears that the County's actions resulted in the creation of a conforming lot (FLAN 3-SLO-96-058 (Coal 95-58); FLAN 3-SLO-97-176 (COAL 97-109)). However, in each case one or more of the remaining lots decreased in size. The County's actions have not increased the number of non-conforming parcels.

Agriculture Policy 2 and Ordinance 23.04.024 regulate land divisions including lot-line adjustments.[47] Review of the County's lot-line actions, though, indicates that the County

[45] The County's *Guide to the Certificate of Compliance Process* states: "Although a certificate of compliance certify's [sic] the legality of the parcel, it neither ensures that it is a buildable parcel, nor entitles the parcel owner a construction permit or other development permits or approvals. To obtain a construction permit or other land use approval for a parcel, the owner must complete the appropriate application process and meet all existing regulations."

[46] This figure is based on lot-line adjustments known to affect agricultural lands only. In some actions, the flan does not identify the zoning of the parcels, and staff was unable to determine the zoning from mapping efforts.

[47] Under Section 21.08.020(a) of Title 21 of the County LCP subdivisions include lot line adjustments.

generally does not cite Agriculture Policy 2 or Ordinance 23.04.024 in reviewing these lot-line adjustments. Under Agricultural Policy 1 the County must assure that the lot-line adjustments do not compromise the long-term viability of agricultural lands. As previously discussed, this policy requires that agricultural lands be maintained in, or available for, agricultural production. While lot-line adjustments do not necessarily remove lands from agricultural production, they can affect the long-term use of land in ways similar to subdivisions. Specifically, lot-line adjustments can alter land patterns, emphasizing residential development or other uses, and can create parcels too small to be economically viable for long-term agricultural use. As discussed above, if the lot-line adjustments lead to an increase in rural or urban development, conflicts between urban and agricultural uses increase, and the pressure to convert remaining agricultural lands also increases.

In a number of lot-line adjustment cases reported to the Commission, the County appears to base its approval on the finding that the project makes the lot sizes equal to or better than the existing configuration.[48] However, review of the findings implementing lot line adjustments indicates that merely equalizing parcels may not be sufficient to protect agricultural lands. Generally the County had the lot line adjustment reviewed by the Agricultural Commissioner but it does not appear that full agricultural viability studies were done or other alternatives evaluated. Thus it is not clear how this "equalizing" of the parcel sizes helps protect long-term agricultural uses as opposed to other alternatives, such as creating as large a parcel as possible and reducing the smaller parcel to the minimum acreage of 20 acres, or evaluating the possibility of merging one or more parcels.

In other cases, the County has required specific measures to protect agricultural lands. In FLAN 3-SLO-94-007 (Coal 92-144), the County approved a lot line adjustment among parcels of 320, 40, 80 acres to create parcels of 400, 20, 20 acres. The County required that the 400 acre parcel be permanently protected for agriculture and prohibited secondary dwellings on each of the 20 acre parcels. While the action retains two non-conforming lots, it has specific measures to protect agricultural uses.

Review of the County's findings and appeals of projects to the Commission show several examples where lot-line adjustments appear to have increased the threat of conversion of agricultural lands to non-agricultural uses. In FLAN 3-SLO-97-008 (Coal 91-69), the County planning staff rejected a lot-line adjustment of grazing land on the Estero Bluffs because of conflicts with LCP policies. The County's Board of Supervisors approved the project, though changing two lots of approximately 40 acres and 90 acres to two lots of approximately 63 and 66 acres. The County's findings state:

[48] For example, in FLAN 4-SLO-89-315 (Coal 89-40), the County modified the parcels by only 20 acres, resulting in parcels of approximately 180 and 654 acres. In FLAN 4-SLO-89-006, the County's action resulted in lots of 420 and 60 acres.

Table 5-4: Lot Line Adjustments on Agricultural Lands

FLAN	Ag Use, if known from Flan	Initial Lot Sizes (acres)	Final Lot Sizes (acres)	Planning Area	Rational for Approval
4-SLO-89-006 (S870232L)	row crops	160.8, 673.5	180.3, 654	North Coast	equalizes area among parcels
5-SLO-89-021 (Coal 88-094)	grazing	59.5, 80, 160	60, 106.5, 133.1	North Coast	equalizes area among parcels
4-SLO-89-315 (Coal 89-040)	grazing	440, 40	420, 60	North Coast	equalizes area among parcels
4-SLO-90-241 (Coal 89-383)	grazing	120, 200	80, 240	North Coast	"will not worsen situation"
4-SLO-91-131 (C089399)	row crops	360	40, 320		subdivision shall maintain agricultural viability of site.
4-SLO-91-200 (Coal 90-124)	grazing, irrigated row crops	approx. 442, 206, 195, 138, 71	approx. 162, 167, 174, 372, 176	North Coast	enhances agricultural contract compliance by having one lot over 320 acres and remaining lots over 180 acres.
3-SLO-93-065 (Coal 90-137)	grazing	.5 (rec), 5, 5, 5	4.8, 3.4, 6.4	North Coast	conditions minimize potential impacts to insignificant levels[49]
3-SLO-93-069 (Coal 92-153)		N/A	N/A	Estero	
3-SLO-93-084 (CO 90-164)		233	213, 20	South Coast	
3-SLO-93-124 (Coal 89-397)	grazing	8 parcels from approx. 38 to 166 acres	8 parcels from approx. 39.5 to 226 acres	North Coast	establishes maximum building sizes for each parcel and leases remaining land back to Harmony Ranch
3-SLO-94-007 (Coal 92-144)		320, 40, 80	400, 20, 20		"maintains or enhances agriculture viability" compared to existing situation.
Coal 94-130 (A-3-SLO-99-014)					Info N/A
3-SLO-96-027[50] (C95-017)		173	6 parcels from approx. 23 to 35 acres	Estero	

[49] Conditions include disclosure of agricultural activities to future buyers, construct perimeter fence to keep pets away from agricultural activity; setback future residential structures. Findings note that fencing may keep cattle from grazing on approximately 15 acres, but is not considered significant.
[50] This action is for certificates of compliance for two lots of six on a 173 acre parcel. The owners proposed to subdivide the parcel prior to Coastal Commission jurisdiction. However, the subdivision was not vested, and the applicants have not applied for a permit to either the Commission or the County. The Commission appealed several of the certificates of compliance, but has not completed action on them.

FLAN	Ag Use, if known from Flan	Initial Lot Sizes (acres)	Final Lot Sizes (acres)	Planning Area	Rational for Approval
3-SLO-96-058 (Coal 95-058)	grazing	10, 24, 30, 80, 118, 225	20, 48.9, 48.9, 48.9, 320	Estero	improves situation by merging six lots into five.
3-SLO-96-107 (Coal 96-044)	grazing	approx. 161 and 672	approx. 181 and 652	North Coast	improves by increasing size of smaller parcel. Purpose of lot line to facilitate use of land areas by respective property owners and make parcel boundaries correspond to topography; changes due to court judgement in boundary dispute.
3-SLO-97-008 (Coal 91-069)	grazing	39.61, 89.65	63.04, 66.22		equalizes area between parcels. "In this case the lot line adjustment is being proposed to enhance the property for rural residential development, not enhancement of agriculture. these parcels are fragments of larger agricultural land holdings that would otherwise be difficult to sell or development. By reconfiguring the parcels, they become much more developable as two separate parcels..."
3-SLO-97-015 (Coal 96-030)		42, 46	42, 46	Estero	
3-SLO-97-160 (Coal 95-096)	grazing	1,111[51]	407, 320, 383	Estero	"maintains equal or better position"
3-SLO-97-176 (Coal 97-109)	irrigated crops; vineyard; grazing	37, 40, 7, 41	37, 20, 20, 48		"maintains equal or better position". Increases size of parcels on land better suited for agriculture.
3-SLO-98-121 (Coal 97-0141)	grazing	160, 120, 40	200, 40, 80		Doubles 40 acre to enhance existing grazing operation.

[51] Insufficient data from FLAN to determine original parcel sizes. Applicant maintains six original parcels; County maintains three original parcels.

> *In this case the lot line adjustment is being proposed to enhance the property for rural residential development, not enhancement of agriculture. These parcels are fragments of larger agricultural land holdings that would otherwise be difficult to sell for development. By reconfiguring the parcels, they become much more developable as two separate parcels...*

This finding seems to suggest that directly contrary to the required findings to maximize agricultural value, the approval is premised on maximizing the development potential of the land for residential development. Fortunately, this parcel has now been acquired for scenic and open space preservation.

In FLAN 3-SLO-93-065 (Coal 90-137), the County approved a lot-line adjustment to serve future residential development (which has not yet occurred). The project approved a lot merger from four lots to three, decreasing the acreage of two lots and increasing the acreage of one. While the County's findings state that there is no commercial viability for agriculture (lots are around 5 acres each), the findings note that the land is currently used for grazing. The viability report done for the proposed lot-line adjustment indicates a potential for significant impacts from future residential use. The report recommends fencing and buffers to mitigate the impacts. Although the land remains zoned as agriculture, the effect of the project will be to exclude grazing from the entire 15 acres of land. As discussed previously, this project represents a case where legal lots exist that do not conform to agricultural zoning standards (in this case 5 acre parcels well below the 320 acre grazing minimum); the County has little flexibility to prevent residential development in such situations. The question for evaluation then becomes what configuration of the nonconforming parcels would best maintain agricultural land uses. No new development has occurred yet on these lands, but these two actions could have resulted in a potential loss of approximately 144 acres of agricultural land to residential use. The lands subject to these two actions were probably (and still are) viable grazing lands, and conversion to other uses would not be in conformance with the LCP policies. Clarification that lot line adjustments must comply with agricultural viability analysis may help assure long term protection.

The most troubling lot-line adjustment project to be approved, though, is the Morro Bay Limited project on the Harmony coast. In appeal A-3-SLO-99-014 (appeal of Coal 94-130, Morro Bay Ltd.), the Commission found that the County had approved a lot line adjustment that was inconsistent with LCP Agriculture Policies 1 and 2 "because it convert[ed] more agricultural land than necessary to accommodate residential development".[52] In its action, the County approved a lot-line adjustment among 10 parcels of grazing land, ranging from 1.39 acres to 318.41 acres, to eight residential parcels, ranging from 20.9 acres to 54.9 acres and two agricultural parcels, ranging from 243.8 to 226.4 acres. Although all of the original lots were non-conforming lots, the County's action further reduced the largest parcel sizes. The County's action would have

[52] Coastal Commission findings for A-3-SLO-97-014. pg. 24.

converted approximately 270 acres of grazing land to residential use. On appeal, the Commission reduced the size of the eight residential parcels to range between 20 and 39.06 acres; further limited residential development on each parcel, ranging from .23 acres to 1.92 acres (total of 10.69 acres); and required the combination of the two agricultural parcels into one parcel of 542.08 acres. As a result, the amount of agricultural land converted was significantly reduced, and the main agricultural parcel complies with the minimum parcel size established in the LCP.

The lot line adjustment procedure is thus a double-edged sword. It can be used in a manner that allows the loss of agricultural land but it can also be used to preserve the maximum amount of agricultural land where there are a number of non-conforming lots in common ownership. Lot line adjustments in this case can mitigate the effects of poorly configured, but legal parcels by maximizing the size of an agricultural parcel and minimizing the size and impacts of the non-agricultural lots. Recommended changes to the LCP to achieve this goal are as follows:

- Require Lot-line adjustments to maximize the size of an agricultural parcel(s), while minimizing and clustering non-agricultural parcels. Allow parcels intended for non-agricultural use to be less than the 20 acre minimum parcel size for agricultural lands.

- Require all Lot-line Adjustments to identify access roads and building envelopes.

- Limit building envelopes to a reasonable size that minimizes potential resource impacts, such as 5000 square feet, including landscape and accessory buildings.

- Condition LLAs in a manner that requires all areas outside of designated building envelopes to be place in agricultural/open space easements.

- Adopt new lot-line adjustment standards that limit the ability to create new subdivision potential or increase the number of developable parcels (see Recommendation section below for detail).

Consistency Analysis: Sections 30241 and 30242 require that the maximum amount of lands be maintained for agricultural uses. Overall, the County has not significantly increased the number of non-conforming lots as a result of new subdivisions or lot-line adjustments, and has in several cases brought a non-conforming lot into compliance with the minimum parcel sizes under the LCP in order to further protect of agricultural lands. Additional nonconforming lots have been recognized though through the certificate of compliance process. In other cases, the County appears to have authorized lot-line adjustments to support residential uses, rather than protecting the agricultural uses of the land. In these cases, the County's actions do not strictly comply with Agriculture Policy 1 and 2 of the LCP. The cumulative effect of future additional subdivisions, lot-line adjustments, and certificates of compliance could significantly change land use patterns, decrease overall parcel sizes, and may decrease the overall long-term viability of

agricultural lands, inconsistent with the Coastal Act. More generally, County findings do not typically address the long-term viability of agriculture as a result of approved subdivision, lot-line adjustments, or certificate of compliance actions. Improving the County's analysis of agricultural viability in future projects would better assure consistency with the Coastal Act objectives.

Preliminary Policy Alternatives: As with the issue of rezoning of lands discussed in Section C.1, there is a need to ensure that County findings for projects proposed on agricultural lands fully address the existing LCP standards. There is also a need to strengthen the LCP to better address the problems discussed above, particularly development trends on non-conforming agricultural parcels. For subdivision proposals on agricultural lands, including lot-line adjustments, the County should ensure that its findings specifically address the criteria under Agriculture Policy 2 of the LCP.

The County is in the process of considering changes to two Area Plans that may begin to address these concerns, including modifying and adding policies governing subdivisions and lot-line adjustments on agricultural lands. In the North Coast, the County's modifications propose that applications for land divisions and lot-line adjustments in Agriculture and Rural Land categories, include an Agricultural viability report.[53] For lot-line adjustments involving three or more parcels, the County proposes that parcel lines be "configured to maintain and enhance agriculture viability, while discouraging conversion of the property from agriculture to residential as the principal use".[54] The modifications also require findings to show that the "resulting parcel configuration and potential ownership pattern, together with the use of easements, maintains and potentially enhances agricultural viability" and that "the resulting parcels and potential non-agricultural uses will not have an adverse impacts (including on water availability) on the continuance of agriculture in the surrounding area".[55]

In addition, the proposed North Coast Update would broaden existing Policy 1 (Rural Area Standards) that currently governs land divisions only on Hearst Ranch to be a more general policy regulating land divisions and lot line adjustments on agricultural lands for all of the North Coast. The proposed policy provides, in part:

> *Except for division necessary for the continued operation of existing public works or services, such as Highway One, or where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use*, any land division proposed in the Agriculture Category shall satisfy the following criteria: *...each resulting parcel from the* division shall constitute an individually viable agricultural unit or the division shall improve the viability of adjacent holdings; *applications for any land divisions or lot line adjustments, shall include an agricultural viability report ...*

[53] Proposed Policy 23, North Coast Update, January 2000. pg. 7-12
[54] Proposed Policy 24, North Coast Update, January 2000. pg. 7-12
[55] San Luis Obispo County Department of Planning and Building. *North Coast Area Plan Update*. January 2000. pg. 7-12-13.

In the Estero region, the County proposes modified policies to govern lot-line adjustments in rural areas for applications involving two or more parcels to require an agriculture viability report if viability is determined to be an issue and to address protection of sensitive site features and agricultural lands. For example, the update proposes:

> *In order to protect sensitive site features ... or maintain or enhance agricultural viability, lot line adjustments may include parcels whose sizes are below the minimum sizes for the applicable land use category as specified in the CZLUO. In that case, such proposed parcels and resulting development shall be concentrated in the least sensitive and least agriculturally viable areas, while the remaining larger parcel(s) ... permanently protect the identified sensitive features and viable agricultural land.*
>
> *In the Agriculture land use category, parcel lines shall be configured to maintain or enhance agricultural viability, while discouraging conversion of the property from agriculture to residential as the principal use.*[56]

Additional provisions may be needed. For example, to fully ensure the protection of agricultural viability, standards should be established for the entire coastal zone of the County. Lot-line adjustments, including those of fewer than three lots, should be authorized *only* when the proposal maintains or enhances agricultural viability. In those cases where the development of nonadjusted nonconforming lots would have a greater impact to agricultural land than if lots were adjusted, the adjustment should be the minimum necessary to allow for private development while maximizing agricultural protections. In addition, to determine the effect of lot-line adjustments on agriculture viability, a viability analysis should be done for all subdivisions and lot-line adjustments on agricultural lands.

Another protection that should be implemented is a standard to assure that lot-line adjustments do not result in the creation of any new subdivision potential of agricultural land, and that there is no increase in the number of developable parcels over that number which existed prior to the proposed adjustment. Although these requirements are certainly implicit in the LCP's existing policies and standards to maximize protection of agriculture, more explicit policy language and requirements are needed. Sonoma County has adopted an ordinance that places these limitations on lot-line adjustments, including clarifying what constitutes a developable parcel:

[56] San Luis Obispo County Department of Planning and Building. *Estero Area Plan, Public Hearing Draft.* February 1999. pg. 7-30.

Sonoma County, Sec. 26-88-190. Limitations on lot line adjustments.

(a) Notwithstanding any ether provision of this code, except as otherwise provided in subsection (b) of this section, all lot line adjustments shall be subject to the following limitations:

(1) No lot line adjustment shall result in increased subdivision potential for any affected parcel;

(2) No lot line adjustment shall result in a greater number of developable parcels than existed prior to the adjustment. To be deemed a developable parcel for the purposes of this subsection, a parcel shall comply with one of the following requirements:

(i) The parcel meets all of the following criteria:

(A) The parcel has legal access to a public road or right-of-way, or is served by an existing private road that connects to a public road or right-of-way; and

(B) The parcel is served by public sewer, or the parcel, as determined by the planning director, is likely to meet the criteria for approval of an on-site sewage disposal system for a one bedroom residence, as specified in Chapters 7 and 24 of this code and in the basin plans adopted by the applicable regional water quality control board, without the use of an off-site septic easement. For the purposes of this subsection, "served by public sewer" shall mean either that a parcel is currently receiving public sewer service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; and

(C) On parcels less than twenty-five (25) acres, the parcel is served by public water supply, or the parcel is located within an Area 1, 2, or 3 groundwater availability area as shown on Figures RC-2a to RC-2i of the general plan. Where public water service is not available and where the parcel is located within an Area 4 groundwater availability area, a well or spring yield test, as defined in Section 7-12 of this code, shall be required to demonstrate that an adequate water supply is available on-site or off-site. For the purposes of this subsection, "served by public water supply" shall mean either that a parcel is currently receiving public water service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; or

(ii) The parcel has an existing legal dwelling unit or had a legal dwelling unit which was destroyed by fire or other calamity within the last five (5) years.

(b)The provisions of subsection (a)(2) shall not apply to any of the following:

(1) Any lot line adjustment where all of the affected parcels are in the CO (administrative and professional office), C1 (neighborhood commercial), C2 (retail business and service), C3 (general commercial), LC (limited commercial), K (recreation and visitor-serving), MP (industrial park), M1 (limited urban industrial), M2 (heavy industrial), M3 (limited rural industrial), or PF (public facilities) zoning districts;

(2) Any lot line adjustment where all of the parcels resulting from the lot line adjustment comply with the applicable density and minimum lot size requirements of this chapter and the general plan;

(3) Any lot line adjustment where all of the affected parcels were lawfully created on or after March 1, 1967;

(4) Any lot line adjustment where all of the affected parcels are in the LIA (land intensive agriculture), LEA (land extensive agriculture), or DA (diverse agriculture) zoning districts, provided that all of the parcels resulting from the lot line adjustment are a minimum of ten (10) acres in size and the owners of those parcels all record covenants, in a form satisfactory to county counsel, prohibiting any new residential development on the parcels for a period of ten (10) years, except for agricultural employee housing, farm family housing, and seasonal and year-round farmworker housing, as allowed by the applicable zoning district;

(5) Any lot line adjustment for which an application was filed and determined to be complete by the planning department on or before March 23, 1999 provided that the application is not thereafter withdrawn, denied, or substantially revised. (Ord. No. 5154 § 1(b), 1999.)

Finally, currently, Agriculture Policy 2 and Ordinance 23.04.024(a) regulate subdivisions of agricultural lands in order to prevent the loss of viable agricultural resources. As noted, clarifying that lot line adjustments are subject to this policy may provide additional ways to improve the County's protection of agricultural resources. As analyzed above, though, there are many different land use trends and planning aspects that may combine to undermine agricultural protections. Therefore, the County should consider adding a new set of policies that more comprehensively addresses these concerns. Potential policy options include:

Preliminary Recommendation 5-4: Develop a new LCP policy/ordinance to address development in Agricultural Areas. As discussed, a comprehensive evaluation of

existing policies and ordinances and possible modifications should be completed to accomplish the following:

- Clarifying that Land Division requirements apply to Lot-line adjustments.

- Assuring that Lot-line adjustments maintain and enhance agricultural viability. Lot-line adjustments, including those of fewer than three lots, should be authorized *only* when the proposal maintains or enhances agricultural viability through easements, buffers, and other conditions to protect future agricultural activities and land uses. In those cases where the development of nonadjusted nonconforming lots would have a greater impact to agricultural land than if lots were adjusted, the adjustment should be the minimum necessary to allow for private development while maximizing agricultural protections.

- Require Lot-line adjustments to maximize the size of an agricultural parcel(s), while minimizing and clustering non-agricultural parcels. Allow parcels intended for non-agricultural use to be less than the 20 acre minimum parcel size for agricultural lands.

- Prohibit Lot-line adjustments from creating new subdivision potential or increasing the number of developable parcels over those existing prior to the lot-line adjustment proposal. Evaluate original purpose of parcels and the applicant's economic-backed expectations.

- Require all Lot-line Adjustments to identify access roads and building envelopes.

- Limit building envelopes to a reasonable size that minimizes potential resource impacts, such as 5000 square feet, including landscape and accessory buildings.

- To determine the effect of lot-line adjustments on agriculture viability, a viability analysis should be done for all subdivisions and lot-line adjustments on agricultural lands.
- Ensure that all geographically contiguous parcels in common ownership are addressed through comprehensive evaluation at LLA stage.

In addition, incorporate similar provisions in Area Plans for North Coast and Estero Area Plans and apply them to applications involving two or more parcels.

Preliminary Recommendation 5-5: Consider standards to govern existing non-conforming lots in agriculture.[57] Pursue policies and programs to provide for more

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[57] One option in reviewing lot-line adjustments it to encourage lot mergers to increase the size of agricultural lots. Agriculture Policy 6 states:

> *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 parcel under single contiguous*

comprehensive treatment of nonconforming agricultural parcels, including: obtaining a count of the number of non-conforming parcels in the rural area by Planning Area; revising the agricultural standards to require maximizing the agricultural potential of non-conforming parcels by clustering non-agricultural uses; defining maximum building/landscaping envelopes such as 5000 square feet; minimizing road construction; and so forth.

Preliminary Recommendation 5-6: Explore adopting a merger ordinance for non-conforming Agricultural parcels, as provided in the Subdivision Map Act.

Preliminary Recommendation 5-7: Pursue policies and programs to address the issuance of COCs and CCOCs including the following:

- Preparation and use of a manual by the County and Commission that states what the applicable requirements were for subdivision for the period between 1850 and the present. Update annually.

- Train County and Commission staff to adequately analyze evidence given to support claims (interpret law applicable at the time parcel was created, interpret deeds, maps, follow legal descriptions of property and be familiar with various forms of property conveyance (Director's deeds, severances in eminent domain, etc.)

- Require written staff reports to be approved by the Planning Director that support the recommendation to issue a COC; such reports should be noticed to the Commission to allow for coordinated legal review and Commission comment, within the timeframes of the County's review process, prior to Director approval.
- Update Table O to define CCOCs as an appealable conditional-use (see Chapter 12, Procedures).

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ownership shall be aggregated to meet minimum parcel sizes ... This is particularly important for protection of prime agricultural land made up of holdings of small lots, that would not permit continued agricultural use if sold individually.

The South Coast Area Plan also includes a program where the County should "seek property owner's consent to revert to acreage parcels in contiguous ownership that are individually less than 40 acres." Review of parcel data shows a number of potential cases where lot mergers could result in conforming parcel sizes, or could bring existing parcel sizes significantly closer to the minimum parcel sizes in the LCP. In these cases, two or more agriculturally zoned lots lie adjacent to each other, and appear to be under one owner. Actively encouraging these lot mergers could help address concerns with some of the existing non-conforming lots, and could help protect agricultural resources in the county. Consideration of potential incentives for encouraging such mergers is needed.

C.3. Effect of Non-Agricultural Uses on Agricultural Lands

Non-agricultural uses on agricultural lands can affect the long-term viability of agriculture. While significant areas of agricultural lands in the coastal zone have not been converted to non-agricultural uses, such uses have been allowed. To ensure the future protection of agriculture, the LCP policies governing supplemental uses should be strengthened.

Overview: Discussions with local farmers in San Luis Obispo County indicate an increasing trend of non-agricultural land uses in agricultural areas in San Luis Obispo County. It is likely that demand for these supplemental uses (e.g., wine tasting rooms, event sites for weddings or concerts, bed and breakfasts, etc.) will continue to grow. While such uses may be allowable to provide additional income, if necessary, to help support the long-term agricultural use of lands, these non-agricultural uses can also lead to conflicts with other agricultural uses. Examples of these conflicts include increased traffic on roads, conflicting with agricultural activities and increasing damage to farms, and, where farming activities create noise and dust, conflicts with event activities. In conjunction with increasing residential uses in rural areas, the development of these non-agricultural uses can begin to alter the land uses of an area away from agriculture to a more residential or commercial environment that undermines the fundamental agricultural character of an area.

LCP Implementation: The LCP allows for non-agricultural uses on agricultural lands, when a continuation of agriculture is not feasible without some supplemental uses. Table "O" of the LCP governs what uses are allowed on agricultural lands in the coastal zone; these uses are summarized in Table 5-5, next page.

Several of the area plans further limit the supplemental uses allowed on agricultural lands. The San Luis Bay area plan limits uses on agricultural lands to: agricultural accessory structures; crop production and grazing; animal raising and keeping; soil dependent nursery specialties; farm support quarters; single family dwellings; mobile homes; temporary dwellings; roadside stands; temporary or seasonal retail sales; pipelines and power transmissions; and water wells and impoundments.

Several of the allowable uses under Table O have been added to the LCP through various amendments. Since original certification of the LUP in 1983, the Commission has approved amendments to allow the following uses on agricultural lands: "Eating and Drinking" and "B&B Facilities" on non-prime soils where there is an existing, conforming visitor serving use; greenhouses engaged in agricultural research; receiving and processing of green material (composting); and mining on non-prime agricultural lands in the North Coast and Estero areas (Amendments 1-96, 2-84). The Commission also denied an amendment to include non-soil dependent greenhouses as an allowable use on agricultural lands and denied mining as an allowable use in the San Luis Bay and South County areas (Amendment 1-84). The Commission found that mining would

conflict with the more intensive agricultural uses in the San Luis Bay area and the South County. In the northern part of the County, the Commission found that mining was limited to rock quarries and gravel mining, generally on land least desirable for agriculture, and would not conflict with the less intensive agricultural activities in the area.

Table 5-5: Allowed Uses on Agricultural Lands

Category of Use	Allowed on Prime Soil	Allowed on Non-Prime Soil
Principally Permitted	Crop production, grazing, coastal accessways	Crop production, grazing, coastal accessways
Allowed		Passive Recreation, Fisheries and Game Preserves, Forestry, and Storage units which support agricultural uses.
Special Uses (allowed only if special standards for each use are met)	Single family residence, caretaker residence, farm support housing, home occupation, mobile homes, temporary dwellings, residential accessory uses, water wells and impoundments, ag accessory structures; ag processing; soil dependent nursery specialties; specialized animal facilities; airfields and landing strips; pipelines and transmission lines; public utility facilities.	Single family residence, caretaker residence, farm support housing, home occupation, mobile homes, temporary dwellings, residential accessory uses, water wells and impoundments, ag accessory structures; ag processing; animal raising and keeping, aquaculture, farm equipment and supplies, soil and non-soil dependent nursery specialties; specialized animal facilities; communication facilities, rural recreation and camping, temporary events, electric generating plants, food and kindred products, paving material, recycling and collection centers public safety facilities, stone and cut stone products, waste disposal sites, , mining, petroleum extraction, eating and drinking places, outdoor retail, roadside stands, temporary construction yards, Bed and Breakfast facilities, temporary construction trailer parks, airfields and landing strips; pipelines and transmission lines; public utility facilities warehousing, wholesale and distribution.

The South County area plan limits uses on agricultural lands in the Nipomo and Oso Flaco Valleys to agricultural processing; agricultural accessory structures; crop production and grazing; animal raising and keeping; farm labor quarters; residential accessory uses; single family dwellings; mobile homes; temporary dwellings; roadside

stands; pipelines and power transmission; water wells and impoundments; and coastal accessways.

To authorize a supplemental use identified in Table O, the County must ensure that any non-agricultural development is "compatible with preserving a maximum amount of agricultural use" (Agriculture Policy 3). Priority is given to those commercial recreation and low-intensity visitor serving uses identified in Table O (Agriculture Policy 3; Ordinance 23.04.050 (b2)).

While Policy 3 states that "no development is permitted on prime land", the LCP also establishes criteria for cases when supplemental uses could be permitted on prime lands. To do so, it must be demonstrated that "all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable" (Policy 3 and Ordinance 23.04.050 (6)). If the County approves a supplemental use on prime soils, it must also find that no alternative project site exists and that the least amount of prime soils possible will be converted.

In addition, the LCP requires that the following criteria are met for permitting non-agricultural development on agricultural lands:

- economic studies of existing and potential agriculture which show that continued or renewed agricultural use is not feasible without the proposed supplemental use;
- the proposed use will allow for and support continued use of the site as a productive agricultural unit;
- will not adversely affect agricultural uses on the remainder of the site or surrounding properties;
- supplemental uses shall not exceed 2% of the gross site area; and
- the remainder of the parcel shall remain in agriculture. (Policy 3 and Ordinance 23.04.050 (6)).

When considering non-agricultural uses in rural areas a significant concern is the economic effect of these uses, and the resulting pressures that can erode the viability for agricultural practices. For example, in its 1998 discussion of potential visitor-serving development on North Coast grazing lands, the Commission expressed concern about conversion pressures created through the introduction of such non-agricultural uses:

> *Once in place, non-agricultural development will exert pressure on the surrounding land to convert to non-agricultural uses, as is typically the case for agricultural lands that are encroached upon by urban uses. Conflicts between urban and agricultural uses inevitably follow. . . . If the visitor-serving uses turn out to be profitable, the market value of the land adjacent to those uses may increase. Expansion of the visitor-serving*

> *uses (or different related facilities...) will then become more economically feasible.*[58]

The Commission has also been concerned over the impact of supplemental uses on agricultural lands in other jurisdictions of the coastal zone. In an appeal in Mendocino County, the Commission reviewed a project for a visitor-serving development on agricultural lands. The Commission noted that "allowing a visitor-serving facility ... may encourage other visitor-serving uses on the parcel or on other nearby agricultural parcels".[59]

Review of Local Permits: Review of County notices of final action shows that the County has approved an estimated 92 permits for non-agricultural development on agriculturally zoned land between 1988 and 1998.[60] A large number of the development approved was for residential uses. Between 1988 and 1998, the County approved approximately 54 new residences on agriculturally-zoned lands in the coastal zone.[61] All of these units were approved in either the North Coast (23) or Estero (31) planning areas.

Other development on agricultural lands includes commercial projects, public works facilities, road grading, and erosion control rip-rap projects. Again, most of these projects occurred in the North Coast and Estero Planning areas; the public works and commercial development projects approved in the North Coast and Estero planning areas are summarized in Table 5-6. There has been significantly less development on agricultural lands in the San Luis Bay and South County planning areas since 1988.

Table 5-6: Non-Agricultural Uses (non-residential) Authorized on Ag Lands

North Coast	Estero
7 Public Works (cellular transceiver unit; communication tower; wastewater plant modifications; desalinization plant; road realignment; bridge repair)	5 Public Works (bridge repair; water treatment plant; water distribution facility; road realignment)
6 Commercial (home business; horse stables; tent cabins; winery)	9 Commercial (stables, agricultural sales, shooting range, vet clinic, cellular transmission building; cellular antenna)
	Expansion of Aquaculture Facility

As noted above, both these area plans are more restrictive in what supplemental uses are allowed on agricultural lands. In San Luis Bay, development on agricultural lands has been limited to a residential structure and a bank stabilization project to control erosion;

[58] California Coastal Commission. Findings for LCPA (North Coast Area Plan Update). January, 1998. pg. 110.
[59] California Coastal Commission. Commission adopted revised findings for A-1-MEN-98-17 and A-1-MEN-98-17-A. Sept 9, 1998 and Oct. 16, 1998.
[60] This figure excludes all agricultural wells and accessory structures such as barns and storage sheds.
[61] This figure is limited to *new* residential units, and excludes expansions and/or remodels of existing units.

in the South County, most non-agricultural uses are for grading associated with containment areas for petroleum facility.[62]

All supplemental agricultural uses must meet the criteria established under Policy 3 and Ordinance 23.04.050(6) of the LCP. It is not evident from review of many of the local actions for both residential development and other non-agricultural development on agricultural lands the extent to which the County has considered whether the proposed development complies with the required criteria. In some cases, the County makes a general finding that the project is "consistent with the general plan". However, many County actions do not discuss the location of the proposed development, and do not specify whether the proposed development is located off of prime soils.

For most projects, the actions do not analyze whether the proposed development complies with the requirement that only 2% of an agricultural parcel be allocated to a non-agricultural supplemental use, whether the project will negatively impacts agricultural practices, and how the remaining parcel will be protected for agriculture.[63] These criteria are all necessary to ensure that agricultural resources are adequately protected.

While some of the approved projects may only tangentially affect agricultural lands or are necessary public works (e.g., the realignment of an existing road), many of the approved projects, particularly non-residential development projects, have the potential to remove land from agricultural production. Without an adequate analysis of whether, and how, the proposed project will affect the long-term viability of agriculture, it is unclear whether the County is adequately protecting agricultural lands. As noted in the Commission's findings on the North Coast Update, "the introduction of non-agricultural uses in an agricultural zone … initiates new conflicts between incompatible uses that often set in motion of domino effect of conversion of surrounding agricultural lands".[64]

Review of the commercial projects approved on agricultural lands shows that generally they are on non-conforming parcels. As discussed previously, the smaller size of non-conforming parcels may make the economic viability of agriculture more difficult. However, increasing the non-agricultural uses of parcels may also affect the long-term viability of agriculture by further reducing the land available to farm and by increasing the pressure to convert adjacent agricultural parcels to other uses. To assure protection of agricultural lands, they County needs to ensure that supplemental use on a property will not detract from a basic agricultural use. The County findings generally do not discuss the need for the supplemental use, and how that use will support the long-term agricultural use of the property. This analysis is especially important for commercial and

[62] This information is based on the permits that can be mapped and overlaid with AG zoning, and is a rough estimate. For each area, there are a number of permits that cannot be mapped based on the APN, so the development may or may not be on agriculture lands. And the Flan gives no indication of zoning.
[63] e.g., FLANs 3-SLO-95-22, 3-SLO-94-98 (modifications to wastewater treatment plants); 3-SLO-96-147 (road realignment); 3-SLO-97-162 (expansion of pistol shooting range)
[64] California Coastal Commission findings. LCPA 1-97 (North Coast Area Plan Update). pg. 110.

residential estate development, which can convert the use from a primarily agricultural to primarily residential and commercial use. The County does not generally cite or refer to any economic studies done to support the need for the project as required under the LCP. Discussions with the County Agriculture Commissioner also indicate that agriculture viability reports are generally not done for these supplemental use projects.

For example, this issue of whether a supplemental use is appropriate was raised on an appeal to the Commission. In local permit D950222P, the County approved the use of an agricultural parcel for a temporary event site for weddings and other gatherings. On appeal of the project, (A-3-SLO-98-025), the Commission found that the proposed use did not meet the test for allowing a non-agricultural use on agricultural lands. Specifically, the Commission found that the temporary uses could affect agricultural operations on adjacent parcels through increased traffic and interference with agricultural machinery and livestock. However, the Commission's primary concern with the project was a lack of evidence to show that existing agricultural uses were infeasible without supplemental activities.

Another good example is provided by the approval of a winery and tasting room near Harmony on the North Coast. This project (3-SLO-92-072/D910086P) was approved for a 150 acre parcel used for grazing. Under the LCP, wineries are discussed under the category "Agricultural Processing," which is considered a specialized use under Table O. This project, though, also included a tasting room, and was characterized by the staff report as a visitor-serving facility more akin to a commercial use. Under Table O, food and beverage uses are also a special use, regulated by a separate ordinance. Thus, the LCP does not clearly specify how to treat a winery with a tasting room on agriculture lands, although the County has interpreted the ordinance as not allowing a wine tasting room on Agricultural land unless it is accessory to a winery (see 3-SLO-97-165). In addition, in 3-SLO-92-072, there is no discussion of the potential impact of the "visitor-serving" use on the existing agricultural use, or on future agricultural use. In 3-SLO-97-165, also in Harmony, a winery was approved as part of an existing single family dwelling, but only after the applicant modified the proposal to eliminate public wine tasting, due to a Caltrans requirement to improve Highway One. Again there was no analysis of the impacts of the project to surrounding agricultural uses, although in this case there was less of a concern given the size of the parcel (30 acres).[65]

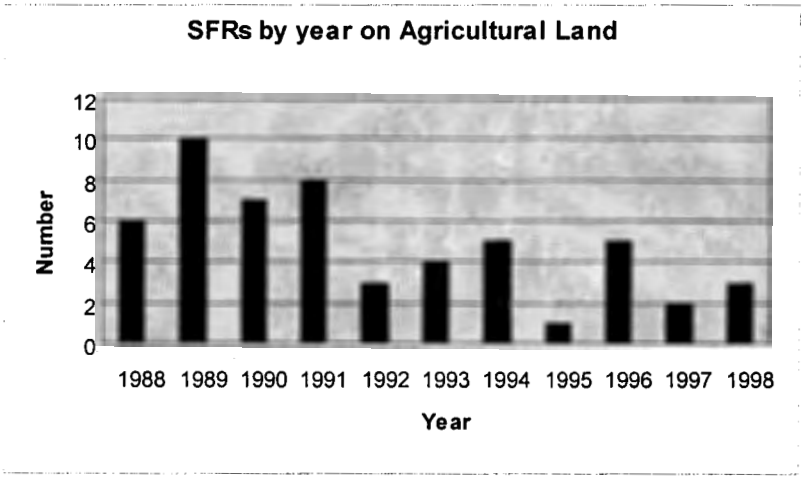
It should be noted that the Agriculture Policy 4 and Ordinance 23.04.050 (a) of the LCP also state that "any agricultural accessory buildings" shall not be located on prime soils, where feasible, and shall "incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses". The County has granted an estimated 40 permits for agricultural accessory buildings such as barns and storage facilities between 1988 and 1998. Review of a sample of these actions indicates that, similar to the findings for residential development, the County does not always identify in its findings whether the

[65] The parcel was actually created by a subdivision in the early 1970s. See discussion of Harmony cumulative impacts in Chapter 2.

structures are placed on prime agricultural lands, although this may be accounted for in the review process. Under Ordinance 23.04.050 (6), these agriculturally related uses are not included in the "2%" rule.

Rural Residential Development: As noted previously, of the actions reported by the County for non-agricultural development on agriculturally-zoned lands, many of the actions were for development of new residences. Lands zoned for Agriculture are allowed a primary single family residence, a caretaker unit, and farm support quarters under special conditions.[66] As shown in Figure 5-2, authorizations for such

Figure 5-2: SFRs by Year on Agricultural Land



residences on agricultural land have been fairly steady over the decade. A brief review of these actions show a variety of cases, many of which appear to be residences that may be being used principally as rural ranchettes; some are frequently larger "statement" homes – at least 15 of 54 the reported actions ranged between 3,000 and 7,500 square feet. Many are for accessory development as well, such as barns with studios, gazebos, guest houses, and swimming pools (e.g. 4-SLO-91-190). In addition, of these new residences, at least 22 (or roughly 46%) are on lots under 60 acres. There are also a number of these residences that are mobile homes, and do appear to qualify as development in support of agricultural uses. In some cases, the County has required relocation of structures to stay off of prime soils; and in at least one case, the project was conditioned to require that the mobile home only be occupied by someone engaged in bonafide agricultural uses on the property (3-SLO-92-162).

Nonetheless, there is growing concern in rural areas in the coastal zone as well as other parts of California and even other western states with residential "ranchette" development. Such development on agricultural parcels , particularly non-conforming

[66] CZLUO 23.08.167 and Table O.

parcels that potentially further fragment agricultural land holdings, contribute to changing the character of rural agricultural lands to more rural residential development.[67] The potential development associated with the Morro Bay Limited case discussed earlier is a good example of this trend. As discussed in Chapter 2, the cumulative transformation of the agricultural coastline can be subtle and unfold over many years. Yet the change in character of the landscape can be dramatic, ultimately leading to the de facto conversion of agricultural lands to residential uses without serious agricultural undertakings associated with them.

Non-agricultural residences can often be larger and with greater site coverage, and the site may no longer be in active agricultural use, though it might remain in open space. If not used as primary residences accessory to the agricultural use, the residents may travel to employment elsewhere, thus contributing additional travel trips on rural roads. They may even propose using a helicopter to access more remote sites, raising a variety of issues for preservation of rural character (see, e.g., Hinman, A-3-SCO-00-033, recently approved in rural Northern Santa Cruz County). While approval of individual single family residences on 20 and 40 acre agricultural parcels may individually not convert agricultural lands, (assuming that agriculture is maintained on in conjunction with these uses) cumulatively over time, as more parcels are developed with residential uses not accessory to the agricultural use, it may create a greater pressure for rezoning for rural residential subdivision. Even without such rezoning, the use of such land for bonafide agricultural pursuits becomes increasingly unlikely.

The County's current LCP provides measures intended to discourage this type of outcome, including siting restrictions and requirements for agricultural easements over remaining parcel areas. Review of these 54 residences, though, indicates that such measures are not implemented in all cases. Protection of agricultural lands from the effects of such rural residential development is difficult. In addition to implementing the existing ordinance measures, the County could consider additional programs to encourage merger of smaller agricultural parcels to provide more viable agricultural parcel sizes. In addition, higher standards for residential development that is not associated with on-going bonafide agricultural activities, as compared to legitimate farm worker/caretaker housing, could be incorporated into the LCP.

Consistency Analysis: The County's actions implementing the LCP have not resulted in large areas of agricultural lands converted to non-agricultural uses. However, increased residential development may be adding incremental pressure in agricultural areas, ultimately leading to potential long-term loss of agriculture. The Coastal Act allows conversion of agricultural lands if on-going agricultural use is no longer feasible. In approving the supplemental and non-agricultural uses on agricultural lands, though, the County has not fully implemented sufficient measures to determine that the land is not viable for on-going agricultural activities.

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[67] McCormick, Kathleen, *Home, Home on the Ranchette*, in Planning, American Planning Association, February 1998, page 4-8

As noted above, on appeal of a recent project, the Commission found that in approving non-agricultural uses on agricultural lands, the County had not adequately protected future agricultural practices. The Commission also found the proposed supplemental uses in Amendment 1-97 (North Coast Update) would convert viable agricultural land to non-agricultural uses. These actions illustrate that expanding allowable supplemental uses on agricultural lands without more thorough analysis of effects on agricultural viability may not adequately protect agricultural lands as required by Sections 30241 and 30242 of the Coastal Act.

Preliminary Policy Alternatives: As discussed above, Policy 3 and Ordinance 23.04.050(6) establish the criteria by which supplemental uses can be authorized on agricultural lands. A more consistent and rigorous application of these criteria by the County would improve the protection of agricultural lands and prevent unnecessary conversion to other uses. The Commission recognizes, though, that not all criteria may need to be met for all supplemental uses. For example, authorization of a single family residence on an agricultural parcel should not require an economic study, but should comply with the other criteria specified in the LCP. One option may be to modify the uses allowed by Table O and Policy 3 to clarify that only priority supplemental uses such as commercial recreation and low intensity visitor-serving, are allowed, subject to viability studies (Residential typically would not be analyzed as supplemental use necessary to support agriculture).

Efforts by the County to continue to expand the use of Williamson Act contracts as discussed earlier could also discourage need for supplemental uses. In its recent update for the North Coast Area plan, the County proposed to limit uses allowed on agricultural lands in the Ragged Point area (proposed standard 2 in rural areas). The proposed policy restricts uses on lands northwards from Hearst Ranch to "actual agricultural and public benefit uses", with the exception of allowing residential uses and bed and breakfast facilities on non-prime soils.[68] Although the term "public benefits" may need to be clarified, this is a positive proposed restriction of uses.

In its proposed update for the Estero planning area, the County proposes several policies that directly and indirectly address the issue of supplemental uses on agricultural lands. The proposed policies are:

> *Provide incentives for landowners to maintain in productive agricultural use.*
>
> *Prevent further urban or suburban development, especially in areas of existing small rural lots.*

For Los Osos Valley, the update also includes the following policies:

[68] San Luis Obispo County Department of Planning and Building. *North Coast Area Plan Update.* January, 2000. pg. 7-27.

> *Support creation of a greenbelt adjacent to the urban reserve line to clearly define the urban edge of Los Osos, prevent urban sprawl, discourage conversion of agricultural land, and protect unique and sensitive habitat.*
>
> *Promote uses such as high value crop and animal specialties on existing small parcels to help maintain the agricultural integrity of the area.*

The update also includes a policy supporting a greenbelt around Cayucos, in part to maintain agricultural resources. Finally, the proposed update modifies agricultural standard 1, stating that new development is to concentrate residential and agricultural structures "off of productive agricultural lands, unless there is no feasible alternative".[69]

Other options to consider include:

Preliminary Recommendation 5-8: Developing LCP standards for large residential developments on Agricultural Land. For example, consider limiting the size of single family homes in agricultural districts to a maximum of 3,500 sq. ft. total; and limiting development envelopes to 5,000 square feet.

Preliminary Recommendation 5-9: Evaluate Table O for revisions to address non-agricultural uses. Table O should be reevaluated to clarify conditional uses on agricultural land. For example, consider defining residences that are not developed in direct support of bonafide agricultural operation to be a conditional use. Require agricultural protection easements on the parcel in conjunction with residential development.

C.4. Addressing Impacts from Intensification of Agricultural Uses.

Overview: Addressing the environmental impacts from intensification of agricultural uses is another emerging issue in San Luis Obispo County. As noted in the background section to this chapter, the County has seen an increase in the production of water-intensive crops since the mid 1980s. The growth in vineyards is also raising concern, particularly when it involves the conversion of grazing lands to this more intensive use. Estimates of the growth of acres in vineyards throughout the County range from 72% to a doubling in the past decade.[70] Another estimate notes that approximately 2,000 acres of rangeland in the County is converted per year.[71] While these figures are county-wide and

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[69] San Luis Obispo County Department of Planning and Building. *Estero Area Plan, Public Hearing Draft.* February, 1999. pg. 7-39.
[70] Paso Robles Vintners and Growers Association. www.pasowine.com/vitals/economic.html; Sneed, David. *A Crush on the Environment* in The San Luis Obispo Tribune. May 21, 2000.
[71] Brooks, Colin, Emily Ehaton, David Newburn, Adina Merenlender. *Modeling Vineyard Expansion in California's North Coast: Developing Statistical Models and Evaluating Consequences for the*

not specific to the coastal zone, they illustrate an important trend in agriculture that may increase in the coastal zone in the future, and that should be anticipated by the LCP planning process.

From a Coastal Act perspective, agricultural uses and changes in these uses that intensify the use of the land can have significant impacts on sensitive resources if not managed appropriately. For example, the impacts of cattle grazing on the diversity and quality of native landscapes is well documented and on-going matter of debate on public lands across the western U.S. Grazing can reduce the diversity and amount of natural vegetation available to support native animal species. Large mammals such as deer and mountain lions may withdraw from areas claimed for grazing. As discussed in Chapter 3, other impacts from grazing include soil erosion and water quality concerns.

The replacement of native lands or grazing lands with more intensive agricultural uses such as vineyards or truck farms may exacerbate impacts, by further reducing the natural ecological diversity of the land committed to these uses. A well-managed vineyard or lettuce field does not look or function like the natural environment that it replaces. There may be little to no habitat value to these lands. Activities such as vineyards or other intensive crop cultivation can also lead to significant landform alternation, including dramatic impacts on the scenic character of previously grazed hillsides, or native oak woodlands.

The recent growth of vineyards in other coastal counties, including Sonoma and Santa Barbara, illustrate some of the potential concerns. In Santa Barbara County, the extent of vineyards doubled since 1996, resulting in a corresponding loss of over 2,000 oak trees. In Sonoma County, an estimated 1,660 acres of oak woodland was lost to vineyard development between 1990-1997.[72] This loss of oak woodlands is also evident in San Luis Obispo County.[73] The development of vineyards also leads to habitat fragmentation and a loss of wildlife corridors, particularly through the use of fencing that precludes animal movement. A related issue to the loss of habitat is the direct legal and illegal killing of animals seen as a nuisance in the vineyards.[74]

As discussed in Chapter 3 (Water Quality), other major impacts can occur to water quality from agricultural development. Landform alteration, and a loss of vegetation, increases the potential for erosion, particularly in hilly areas, and can change storm runoff patterns. For example, the change in agricultural land use from grazing on native vegetation or non irrigated crops to irrigated crops such as vineyards can also lead to

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Surrounding Oak Woodland Landscape. 1999. From IHRMP North Coast Research and Extension Group web site: http://hoplandrec-001.ucnet.net/publications.htm.
[72] *Ibid.*
[73] Sneed, David. *A Crush on the Environment* in The San Luis Obispo Tribune. May 21, 2000.
[74] *Ibid.*

water quality degradation from the use of fertilizers, fumigants, and pesticides.[75] One of the most dramatic changes that the Commission has observed in this regard is the change in crops in the Elkhorn Slough watershed in Monterey County, where the conversion of hillside orchards to more intensive strawberry farming has dramatically changed sedimentation and erosion patterns. Other agricultural land uses, such as intensified animal grazing, can create other types of serious water quality concerns, such as the recent Biotech case in Santa Cruz County, where hundreds of confined goats were leading to extremely high fecal coliform counts in adjacent water bodies. Finally, in addition to the issues discussed earlier, the establishment of commercial uses such as wineries and other food processing facilities adds additional environmental concerns through increased traffic, energy use, waste products, and other related impacts.

Changes in the intensity of agricultural land uses can also lead to increased use of water if the use of agricultural land intensifies through irrigation. As discussed in Chapter 2 (New Development), most of the water in San Luis Obispo County originates from groundwater aquifers or coastal streams. Inasmuch as a number of groundwater basins in the coastal zone are at or near overdraft, an increase in agricultural withdrawals can further impact the integrity of an aquifer. Excessive water withdrawals from coastal streams will have significant environmental effects, including impacting riparian habitat and altering stream flows, thereby potentially affecting anadromous fish.

LCP Implementation: As discussed in Chapter 3 (Water Quality), agricultural developments can have significant impacts on coastal resources, particularly when land uses intensify or dramatically alter the landscape. Non-agricultural uses on agricultural lands, such as retail sales and wine tasting rooms, can also have significant impacts (see Section C.3). In recognition of this, the LCP contains a variety of standards to address specialized agricultural uses other than crop production, such as processing facilities, beef and dairy feedlots, and farm equipment and supplies sales. Chapter 3 discusses the water quality concerns raised by some of these types of development.

The LCP also currently contains a limited exemption for certain types of agricultural development from the requirement for a coastal development permit.. Ordinance 23.03.040(d)(9) exempts "crop production and grazing" where these uses are an allowable use under Table O of the LCP, unless more than one-half acre of native vegetation is proposed to be mechanically removed. Also directly relevant are sub-sections (d)(3), which exempts open wire fences in the Agriculture or Rural Lands categories; and (d)(5), which exempts the installation of irrigation lines from permit requirements. The County's current grading ordinance also exempts "agricultural cultivation activities" such as preparation of land for cultivation (23.05.026(d)). Similarly, Ordinance 23.05.062, which requires a coastal development permit for tree

[75] Tom Chorneau. *Environmental Effects: Opponents Fear Loss of County's Natural Habitat.* In The Press Democrat. November 2, 1999; Eco-Rating International. Eco-survey of California Vineyards and Wineries. www.eco-rating.com/sces.html

removal, exempts such removal done in preparation for agricultural cultivation and crop production (23.05.062(b)(4)).

The LCP regulates water wells and impoundments. Most generally, Coastal Watershed Policy 1 requires protection of groundwater basins in the coastal zone:

> *The long-term integrity of groundwater basins with the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.*

More specifically, Watershed Policy 2 requires that all water extractions, impoundments, and other water resource developments obtain all necessary permits and that information about these developments be incorporated into the County's Resource Management System (See Chapter 2 for detail). Policy 3 requires applicants for water extraction developments to install monitoring devices and participate in a water monitoring management program in basins where extractions are overdrafting groundwater basins. As discussed in Chapter 2, groundwater basins for San Simeon and Santa Rosa Creeks would fall into this category, as might the Los Osos groundwater basin.[76]

In terms of LCP Ordinances, Section 23.08.178 requires a coastal development permit for "water wells and surface water impoundments, including constructed ponds, lakes or reservoirs." Since 1988 the County has processed a number of new water wells for agricultural purposes. In addition, Ordinance 23.07.174 addresses impacts from development on streams and riparian vegetation. Consistent with Coastal Act 30240, this ordinance requires that development be sited and designed to protect habitat, as well as be compatible with the continuance of the habitat (23.07.174(a). Streambed alterations are also limited, as are stream diversion structures, such as those that might be developed for agricultural uses. Ordinance 23.07.174(c) states:

> *Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than 10 acre-feet, shall be designed and located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.*

Ordinance 23.07.174(e) also allows for alteration of riparian vegetation to increase agricultural acreage, provided that such clearance would not impair the functional capacity of the habitat, cause significant erosion, have a detrimental impact on water quality or quantity, and be in compliance with Department of Fish and Game requirements.

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[76] Policies 4 and 5 address the need for groundwater management programs in the Chorro and Morro creek basins, and the Los Osos groundwater basin.

As discussed earlier in this chapter, data suggests a general trend in the County towards more water-intensive crops. Nursery products have expanded since 1988, as have avocados, lemons, and oranges.[77] The growth in citrus crops is particularly evident in the coastal zone due to the climate needs for these crops. Since all these products are water-intensive, their growth raises concerns about the impacts of increased water withdrawals on groundwater basins and riparian habitats. Review of County data shows an estimated 67 wells approved for agricultural purposes.[78] Most of the wells are located in the Estero planning region (approximately 39). The impacts of these new water withdrawals, though, are not readily determined from the County permit actions reported to the Commission. Presumably there has been some increase in water use since 1988, and the extent of water used for agricultural practices is clearly a concern, particularly in areas where the coastal creeks may be overdrafted.

Because agricultural development is not managed as closely or regularly as urban or other non-agricultural development, it is sometimes difficult to know what impacts to coastal resources may or may not be occurring. As discussed in the Water Quality chapter, there is a need, therefore, to develop programs in cooperation with the agricultural community, and other agencies such as the NRCS, to better address agricultural development impacts. For example, sediment retention basins or riparian buffers may be easily implemented, without significant impacts to agricultural productivity, but there are few regulatory mechanisms to pursue such management measures.

There is also a need to look closely at the types of agricultural exemptions to coastal permitting requirements because some of the exempt development can result in serious impacts. Thus, as discussed in Chapter 3, although some permits have been issued for the construction of agriculturally-related structures such as roads and barns, most agricultural use changes have not triggered a grading permit or coastal development permit, and thus the potential impacts of such activities are not being analyzed or managed. A recent case in the Morro Bay watershed illustrates this concern (Kandarian).[79] Along Los Osos Valley road a parcel in row crops was significantly altered through grading, and riparian/wetland areas were proposed for filling but ultimately this was averted. Prior to grading, the natural landform of the parcel consisted of rolling hills, with numerous drainages traversing down the hillsides, eventually flowing into Los Osos Creek and into the Morro Bay Estuary. Following an industrial agricultural model, the parcel was laser-leveled to facilitate more intensive cultivation. This grading was done without coastal development permits pursuant to the LCP's grading exemption.

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[77] Robert Hopkins. San Luis Obispo County Agriculture Commissioner. Pers. comm. 5/5/00.
[78] Figure is calculated from FLANs received by the Commission, and mapped onto agriculturally zoned lands. While the figure includes wells approved for agricultural purposes, and for agriculture/domestic uses, it excludes approvals for wells for domestic use only.
[79] Because no coastal permits were ever issued for the activities described, there is no permit number for citation. Administrative records are on file with the Central Coast District Office of the Commission.

Commission staff became aware of the Kandarian project when U.S. Army Corps of Engineer permit requirements were triggered by the property owner's desire to fill in portions of an existing drainage that separated two fields and to address a flooding problem associated with previous filling in of a natural drainage. The Corps determined that some areas were waters of the U.S. and notified the Commission's Federal Consistency program of the requested activity. At this point, Commission staff worked with the County staff, expressing concern that a coastal development permit also would be needed for the proposed work, and that filling of wetlands and riparian was not appropriate to expand and connect up two agricultural fields. County staff concurred and worked with the property owner to withdraw the proposal and pursue another alternative that would not require wetland fill.

The project illustrates the impacts that can occur to natural landforms and coastal watershed resources through the use of exemptions for agricultural development. The site is located in a highly scenic corridor of the Estero Area, and significant landform alteration was completed, altering this viewshed. Fortunately, potential impacts to riparian and wetland resources were averted, through close County and Commission staff coordination. Nonetheless, the case points out the need to consider LCP improvements that will better address the resource impacts from agricultural development that significantly change intensity of land use, consistent with the Coastal Act definition of development in Section 30106 of the Act.

Consistency Analysis: If intensification of land uses and landform alteration through change in agricultural uses is exempt from permit review, the County will not be able to assure that such land use change is consistent with the resource protection policies of the LCP and the Coastal Act. In previous actions statewide, the Commission has noted the concern of increased water use due to the intensification of land use through vineyards and winery operations. As a result, the Commission required future permit review for additional water wells or other withdrawals from adjacent creeks to assure that increased withdrawals would not negatively affect the riparian habitat or anadromous fish in the creek. The Commission also noted the increased environmental impacts from agricultural spraying and increased waste discharges from the commercial winery.[80]

The SLO LCP currently has policies and ordinances to address potential adverse impacts to groundwater and riparian habitat, but they appear to be underutilized by the County. Similarly, exemptions for grading, particularly when land uses are changing to more intense uses, as well as exemptions for stream diversions for stock ponds of less than 10 acre-feet or less on the North Coast, mean that resource impacts are not being addressed. While the Coastal Act protects agricultural lands, it also requires that other environmental resources such as water quality and habitat be protected, and requires that landform alteration be minimized. Without adequate review of agricultural practices, protection of these resources cannot be assured. In addition, there is concern that the intensification of agricultural land uses, including expansion of infrastructure services, may ultimately lead

[80] Commission findings for coastal development permit 1-88-19. May 10, 1988.

to the conversion of these lands to non-agricultural uses. Likewise, achieving other Coastal Act objectives, including water quality protection, preserving scenic views and EHSA's, and preventing depletion of groundwater, are being jeopardized.

Preliminary Policy Alternatives: The impacts from a change to and intensification of agricultural land use are a concern facing other coastal counties in California. These jurisdictions have implemented a variety of measures to increase avoidance and mitigation of impacts. For example, several coastal counties have implemented ordinances to address vineyard development. In Sonoma County, vineyards are prohibited on slopes greater than 50% and erosion control plans are required for vineyards on slopes greater than 10%. In addition, the ordinance prohibits vines within 50 feet of streams. A Napa County ordinance prohibits vineyards on slopes greater than 50%, and requires an erosion control plan for vineyards on slopes greater than 5%.[81]

To address some of the current and potential environmental concerns resulting from intensification of agricultural uses, the County should take steps to strengthen its ability, consistent with statutory limitations, to require review under the LCP for certain agricultural use changes, and should work with the vintners associations, farmers, and NRCS/CSD to develop guidelines and programs that address the issues discussed above. In addition to alternatives discussed in the Water Quality chapter, possible policy options include:

Preliminary Recommendation 5-10: Amend Permit Review Process for Agricultural Development. Amend the LCP to require Permit review if intensification of agricultural land use results in any of the following: (1) substantial grading, native vegetation removal, or significant landform alteration that impacts sensitive resources; (2) agricultural uses within 100 feet of coastal streams or waters (as discussed in Chapter 3); (3) an increase in water needs; or (4) alteration of environmentally sensitive habitat or new development immediately adjacent to habitat. Some of these revisions may be authorized under general planning law rather than the Coastal Act.

Preliminary Recommendation 5-11: Enhance LCP standards to Avoid/Mitigate Agricultural Development Impacts. In conjunction with permit review for changes in intensity of the use of agricultural lands, the following standards should be incorporated into ordinances to improve protection of coastal resources: (1) limiting new or expanded crop production to slopes of less than 30%; (2) incorporating erosion control measures; (3) incorporating cover crops into vineyards and hedgerows, which increase the habitat and reduce erosion potential[82]; (4) maintaining oak trees and protecting ESHA, and planting vines away from oaks; (5) reducing the use of fumigants, pesticides, and fertilizers; and (6) assuring wildlife travel corridors through limitations on fencing or other mechanisms. These revisions may be authorized under a combination of general planning law and the Coastal Act.

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[81] *Staking Out Regulations* in The Press Democrat. 1998.
[82] Railey, Raven. *Vintners and Growers Reaching Out* in The Tribune. December 8, 2000.

Preliminary Recommendation 5-12: Strengthen Implementation of Existing LCP Water Management Requirements. Existing LCP policies that require protection of groundwater basins, protection of riparian habitat, and monitoring of water withdrawals are underutilized by the County. Enhancing management of groundwater, including coordinated management between urban and agricultural users and monitoring of groundwater withdrawals, should be pursued.

Preliminary Recommendation 5-13: Protection of Rural Grazing Landscapes Potential conversion of rural grazing landscapes to intensive crop production that would impact scenic vistas, alter watersheds, and adversely impact habitat values should be minimized. Alternative LCP policies and standards to address this potential land use change should be developed and adopted. This could include a requirement for a coastal development permit where grazing land would be converted to a different agricultural use that involves intensified water use, landform alteration, or other activity that falls within the Coastal Act/LCP definition of development.

CHAPTER 6: PUBLIC ACCESS AND RECREATION

A. Policy Framework

The Coastal Act requires that maximum public access opportunities be provided, consistent with public safety and the need to protect private property owners' rights and natural resource areas from overuse. The Act further requires that development not interfere with the public's right of access to the sea. The provision of public access, however, is to take into account whether or not adequate public access exists nearby, or if agriculture would be adversely affected. With regard to Local Coastal Program requirements, the Coastal Act provides that each LCP shall contain a specific public access component.

To implement the Coastal Act, the San Luis Obispo County LCP requires the protection of existing access and requires that new development provide maximum public access to and along the shoreline, consistent with public safety needs and the rights of private property owners. To carry out this policy, the LCP requires accessways be established at the time of development where prescriptive rights may exist, and specifies how to acquire, measure, and establish accessways. It requires that support facilities and improvements shall be provided and states that a uniform signing system program should be developed. The LCP also addresses impacts of public access on agriculture and sensitive habitats and states that in some cases, access may be limited and controlled. In each of the area plans, accessways are mapped and differentiated between type of accessway (vertical, lateral, viewpoint, etc.) and status (proposed, open, etc.).

B. Background

The San Luis Obispo County coastline offers tremendous opportunities for public access and recreation for residents and visitors alike. Quaint towns such as Cambria and Morro Bay are a distinct appeal of the County, but the coastline also offers a variety of stunning physical topography, from the rugged Big Sur coastline to wide sandy beaches to idyllic farmland and grazing lands. Residents and visitors are drawn to the coast for a wide range of access and recreation activities, including camping, hiking, nature viewing and boating. According to the California Division of Tourism, beach and waterfront activities are second in popularity only to general touring and sightseeing for visitors to California.[1]

A significant portion of San Luis Obispo County's economy stems from its status as a tourist destination. In 1997, travel expenditures in the County were $856 million.[2] According to the 1998 Economic Outlook for San Luis Obispo County as detailed by the UCSB Economic

[1] California Travel Impacts by County, 1992-1998 prepared by Dean Runyan Associates, for the California Division of Tourism. March, 2000, from *http://gocalif.ca.gov/research/county.html.*

[2] Ibid.

Forecast Project,[3] the County as a whole attracted over 5.3 million visitors in 1997, including 4.5 million overnight visitors.

Along the 96-mile shoreline of San Luis Obispo County, there are 10 state parks and a number of smaller local parks providing access to the coast. Public parklands provide both vertical and lateral coastal access. (See Maps 6-A through 6-D for locations of public parks and other coastal accessways.)

Within the County, the state owns more than 14,500 acres of coastal parklands, which are designated as parks, beaches, historical monuments, vehicular recreation areas, reserves, or preserves.[4] The ten State Park units range from Montana de Oro State Park's 7,828 acres with over 21 miles of bay and ocean frontage to the relatively small 15 acres of Cayucos State Beach. In addition to these state parks, there are several smaller parks and natural areas maintained by San Luis Obispo County. These include such sites as Oceano Memorial Park, Elfin Forest Natural Area, and Lampton Cliffs Park. Six of the 10 State Parks[5] and one county park[6] in coastal San Luis Obispo County provide overnight camping opportunities. In San Luis Obispo County public parks account for 30 miles of available public lateral access, close to one-third of the 96-mile shoreline. Since LCP certification, an additional 275 acres of land known as the Estero Bluffs has been acquired for public use; ownership of the property is currently being transferred to the California Department of Parks and Recreation. In Cambria, the shorefront 407-acre East-West Ranch also has been acquired for public use.

In addition to the parks, there are other types of smaller coastal accessways, principally access easements acquired through Offers to Dedicate Public Access (OTDs).[7] As discussed in more detail in Section C.1, OTDs are a primary tool used to mitigate for new development in the coastal zone. Including OTDs required by the Commission prior to LCP certification, there have been 193 lateral and 12 vertical OTDs required along the San Luis Obispo coastline. As discussed below, planning for the opening and management of these potential accessways is critical task for the County and the Commission in the on-going effort to maximize public access to the coast.

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[3] http://ucsbuxa.ucsb.edu/efp.

[4] Parks and Recreation Element, Public Review Draft, SLO County Dept. of Planning and Building, August 1996.

[5] San Simeon State Beach, Morro Strand State Beach, Morro Bay State Park, Montana de Oro State Park, Pismo State Beach, Oceano Dunes State Vehicular Recreation Area.

[6] Oceano Memorial County Park.

[7] OTDs are recorded legal documents which offer easement interests in private land to a government agency or nonprofit organization. The interest offered runs with the land, meaning that subsequent owners of the parcel are legally bound to the recorded "offer" to provide for future public access. Typically the offers expire 21 years after the recording date if they have not been accepted by a managing agency. Once an OTD has been accepted, the accepting entity becomes the holder of the easement, which then remains in the public domain. Access OTDs can be of three types: vertical, lateral and trail. Generally, areas lying below the Mean High Tide Line (MHTL) are always in public ownership and may be accessed any time by the public. However, in many cases the dry sandy beach landward of the MHTL is privately owned, and as such, is not available to the public.

C. Preliminary LCP Implementation Issues

C.1. Maximizing Public Access Through New Development.

Overview: The Coastal Act and the LCP require that maximum public access to the California shoreline be provided. One of the primary ways that public access is provided is through the regulatory program via mitigation requirements for new coastal development that impacts access to the beach. Typically this mitigation has taken the form of Offers to Dedicate (OTD) access to and along the shoreline. To be effective, though, OTDs must be located to provide practical physical access opportunities. They must also be accepted by a public or other non-profit agency willing to take on the management responsibilities of these potential accessways. Providing maximum public access also requires systematic and comprehensive planning both to protect future public access opportunities, such as identifying optimum trail locations, and to provide the planning and resource rationale for requiring new development to provide public access.

LCP Implementation: Access Policy 2 of the LCP requires that vertical and lateral access be provided in new development. Exceptions are allowed in cases where 1) access is inconsistent with public safety, military security needs, or protection of fragile resources; 2) adequate access exists nearby; or 3) agriculture would be adversely affected. The LCP defines "adequate access" where vertical access exists within one-quarter mile in urban areas, and one mile in rural areas. These requirements are implemented through LCP Ordinance 23.04.420.

The Area Plans also have additional policies related to lateral and vertical access. For the North Coast, the area plan requires that public access be provided for each phase of any future development at Hearst Ranch, specifically at San Simeon Village, San Simeon Point, San Carpoforo, and Arroyo de la Cruz lagoon. Access is required at East-West Ranch (now under public ownership) and San Simeon Acres as a condition of new development. Under the Estero Area Plan, lateral access is required for new development between the first public road and the sea within the Cayucos Urban Reserve Line and in the GSA combining designation. Access is also required in new development at Cuesta Inlet. The San Luis Bay Area Plan requires that new development at Mallagh Landing incorporate means to ensure that public access will be permitted on a permanent basis, with a minimum requirement being a means to ensure public use of the sandy beach and a blufftop area for parking. At Port San Luis the plan requires that new development provide public access along the landfill and the sandy beach adjacent to the landfill which extends to Avila State Beach.

Offers to Dedicate Public Access
Since certification of the LCP in 1988, the County has approved approximately 190 permits for shorefront development. While some of these permits were for expansions of existing development, the majority of them were for new residential and commercial development. This growth – and the growth throughout the coastal zone and County – has increased the demand for, and use of, existing access and recreation areas.

Prior to LCP certification, the Coastal Commission had required 141 OTDs to be recorded in San Luis Obispo County. In 1986, San Luis Obispo County accepted 63 lateral and 2 vertical

OTDs.[8] Then, in 1996, the County accepted an additional 57 lateral and 2 vertical OTDs (see Table 6-1). These actions by the County in these two years account for the greatest number of acceptances; however, the County has accepted a smaller number of OTDs at other times since certification. Based on a review of the Commission's Public Access database and a list provided by the County, only four Commission-required OTDs remain unaccepted. San Luis Obispo County was the first coastal county in California to reach almost 100% acceptance of outstanding OTDs (other counties include Santa Barbara and San Mateo as well as the City of Pismo Beach and San Diego). Due to these exemplary actions, public access to the shoreline has been permanently protected and/or will be enhanced at these locations. Recently the County's Park and Recreation Commission has undertaken development of a coastal accessway plan detailing where vertical access is necessary to guide future acceptance of additional vertical accessways.[9]

Table 6-1: Status of Commission-Required OTDs in San Luis Obispo County[10]

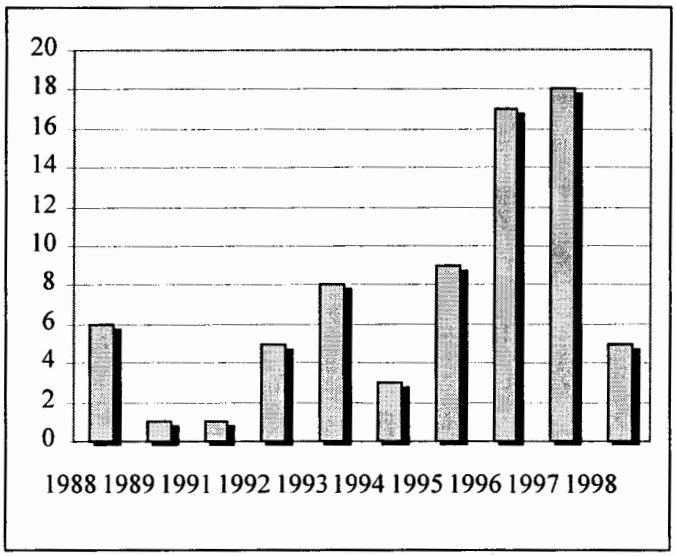
	Recorded and Unaccepted	Accepted	Total
Vertical	2	5	7
Lateral	4	129	133
Other	0	1	1
Total	**6**	**135**	**141**

Since LCP certification, the County also has generally required access mitigation for new development along the shoreline, or has made findings that adequate access already exists, as required under the LCP. In an estimated 37%, or 71 of 190 cases where the County has authorized development along the shoreline, the County has required access mitigation through easement dedications or OTDs (see Figure 6-1).

Through these actions, the County required 60 lateral OTDs, and 5 vertical OTDs. For inland development five trail OTDs were required . However, of the 71 OTDs required by the County, ten appear to be duplicative; that is, they are on parcels which already had OTDs recorded *prior* to certification of the LCP through the Coastal Commission's permit process. Eleven of the 71 OTDs appear to have been recorded, and in another 17 the recordation process has been initialized, but the final recordation status remains unknown. For the remaining 33 OTDs required by the County, the Coastal Commission has no evidence that the recordation process has begun. Like the OTDs required by the Commission prior to LCP certification, these requirements may significantly increase the potential public access opportunities in the County once recorded, accepted and opened for use.

[8] An OTD may consist of a vertical and a lateral offer; thus the numbers for OTDs recorded may not add up precisely.
[9] Draft Coastal Accessway Plan Workscope, San Luis Obispo County Parks Dept., July 2000.
[10] Numbers based on a combination of Access Inventory Database, CCC, May 24, 2000, and a list of OTDs provided by Jan DiLeo, Dept. of General Services, SLO County. The status of County OTDs has not yet been determined.

Figure 6-1: Access OTDs Required by San Luis Obispo County by Year



As shown below in Table 6-2, the vast majority of the OTDs required by the County through its coastal development permitting were in the urban areas of Cambria, Cayucos, and Los Osos. This table, and Figure 6-2, next page, also show that the type of project most often associated with OTD or access easements was new or expanded residential development (58%). Shoreline or bluff protection projects were also likely to have a public access requirement, making up approximately 18% of the projects with such conditions. More detailed discussion of these projects is provided in Chapter 7 (Coastal Hazards).

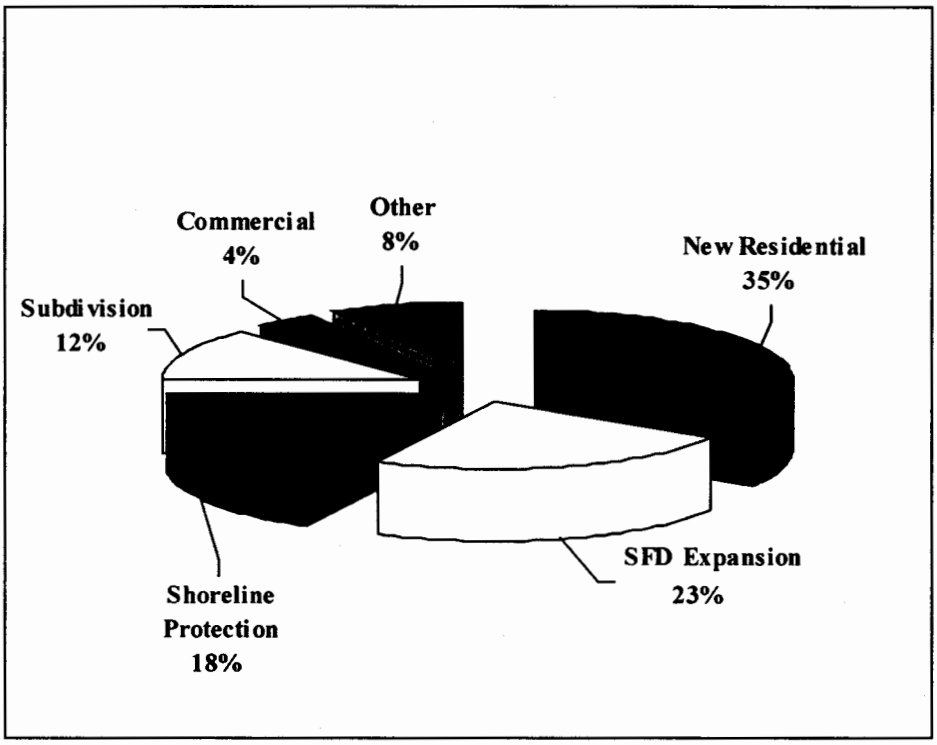
Table 6-2. Development Type and Location of OTD/Easement Requirements

Development Type	*Cambria*	*Cayucos*	*Los Osos*	*Rural Areas*	*Other*	*TOTALS*
New Residential	10	8	2	3	2	**25**
SFD Expansion		11	5	1		**17**
Shoreline/Bluff Protection	5	7			1	**13**
Subdivision	2	2	4			**8**
Commercial	1	1	1			**3**
Other	2	1		3	1	**7**
TOTALS	**20**	**30**	**12**	**7**	**4**	**73**

Although many of the accepted OTDs are located on sandy, accessible beaches, and thus are available for public use, there is not yet a comprehensive inventory of the location and status of all of the OTDs required by the Commission and the County in San Luis Obispo. As discussed later in this chapter, there is a need, therefore, for the County and the Commission to share information, and for the County to develop comprehensive access inventories and resource management plans for each area of the coastal zone.

In many projects, including most of the new lodging development approved, the County has found that existing access is available, and has not required additional provision of access through OTDs, consistent with LCP Access Policy 2. Most of this development has been approved along the Moonstone Beach area in Cambria. The coastline in this area is available for public use as it is a state park.

Figure 6-2. Distribution of Development Types with OTDs/Easements



For still other development projects, the County has required other access mitigation: in two permits for the expansion of Ragged Point Inn, for example, the County required the applicant to improve an existing accessway to maximize it use for public access.[11] Overall, the County has increased the availability of access through implementation of coastal permits. Nonetheless, as discussed below, review of reported local permits shows that there are cases of local permits for development along the shoreline where the County has not consistently applied Access Policy 2 or Ordinance 23.04.420, including use of condition language that weakens the implementation of Access Policy 2 and Ordinance 23.04.420, and the siting of OTDs in locations that may not maximize public access.

Application of Policies: In a number of permits for both new residential development and for additions and/or remodels of existing residences, the County either required access OTDs or included findings that access is not required because adequate access exists based on the standards in Ordinance 23.04.420.[12] However, there were several actions for new residential development between the first public road and the sea in which lateral or vertical access was not

[11] FLANs 3-SLO-92-124; 3-SLO-94-131

[12] E.g. FLANs 3-SLO-93-102; 3-SLO-95-133; 3-SLO-95-073; 3-SLO-95-101; 3-SLO-95-118; 3-SLO-95-148; 3-SLO-95-156; 3-SLO-96-131; 3-SLO-96-132; 97-003; 37-047; 97-091; 97-103; 97-129; 98-123; 90-221.

required but where the access findings were missing or did not specify why access was not required.[13] For example, in one project, the findings did not discuss that access already existed on the property and therefore wasn't necessary. In at least two cases, no access findings were made at all for development occurring on shorefront parcels.[14] These cases raise concern because without specific analysis and discussion of access issues in the permit findings, it is more likely that access opportunities may be lost. It is also more difficult to assure, through the monitoring of local coastal development permitting decisions, that the access policies are being effectively carried out. The Coastal Act Section 30604(c) requires specific access findings as one way to assure that actions carry out access policies.

The Commission has raised access issues with County actions on appeal, based on the lack of implementation of access requirements. For example, in the appeal for a proposed desalinization plant, the Commission found that "based on the Coastal Act, CZLUO, and the significant increase in beach use which will occur as a result of this project, it is necessary to require a lateral access dedication". [15] Had the project not been appealed, impacts to public access would not have been adequately mitigated as called for in the LCP, in a North Coast area where access is already limited.

For an abalone farm project west of Cayucos,[16] the County's findings state that "shoreline access has been determined to be inappropriate due to the sensitivity of the particular land use and the value of the abalone." In 1989, when this permit was approved, there was no existing formal public access between Cayucos and the intersection of Highways One and 46, a distance of almost 10 miles. Thus this area did not meet the standard of Ordinance 23.04.420 d(1), which states that in rural areas vertical access should be available every mile. Additionally, Access Policy 2 states that "within agricultural holdings, new vertical access shall be required only where the access can be sited along a property boundary (to minimize impacts on the agricultural operation) unless a more appropriate location exists." Agriculture Policy 12 notes that trails shall be located along parcel lines that would not significantly disrupt the agricultural operations and that improvement and management practices shall include developing access trails with fences or other buffers to protect agricultural lands. However, in acting on the project the County did not make adequate access findings to explain why alternatives for siting vertical access consistent with the LCP was not feasible. The abalone farm development is concentrated at the southern portion of the parcel (nearest the shoreline); the remainder of the parcel is open space, therefore a vertical accessway along either the western or eastern property may not have impacted the abalone production. The County's findings do not explain the impact either a vertical or lateral accessway might have on abalone production. The County's action on this permit does not appear to maximize public access in new development consistent with either Access Policy 2 or Agriculture Policy 12.

In another project (4-SLO-90-022), a staff note indicates that the project requires a lateral OTD; however, it is unclear whether the permit was conditioned according to Access Policy 2. The County findings in this action generally stated that the project "satisfies all applicable provisions

[13] FLANS 3-SLO-94-143, 3-SLO-94-133, 3-SLO-95-086, 3-SLO-95-067, 4-89-273NB.
[14] 3-SLO-94-143 and 3-SLO-94-133
[15] A-3-SLO-95-069, pg. 19.
[16] 5-SLO-89-099

of this title" and/or that the project "is in conformance with the access and recreation policies ... because it will not inhibit access to coastal waters and recreation areas." However, the County findings did not explain why the proposed project would be exempt from access requirements under Ordinance 23.40.420 (e.g., conflicts with sensitive habitat, agricultural practices, public safety, or military needs). Access Policy 2 requires that new development along the shoreline that will impact public access provide access if those findings cannot be made.

Conditions Implementing Access Requirements: Some of the conditions requiring access easements appear to conflict with the language in the LCP, and appear to limit the intent of the access policies. In a number of cases, the County has conditioned the permit to require access "if applicable."[17] These projects appear to be between the first public road and the sea. The County does not define what conditions would make it "applicable" to require the access easement, and does not indicate that the proposed development or location of the development meet any of the criteria for excluding an access easement. As such, it appears that some of the County's actions as conditioned do not fully carry out requirements of Access Policy 2 and Ordinance 23.04.420 of the LCP.

Another case highlights the tension between meeting the Coastal Act goal of providing access and the protection of private property rights. For the Estero Bluffs site, the County required both a lateral and a vertical access OTD for a proposed lot-line adjustment.[18] In its action, the County found that the vertical access was necessary to comply with the standards under Ordinance 23.04.420, since the parcel itself was over one mile long. The County also found that access would not conflict with sensitive habitat resources or agricultural practices. However, in its final action, the Board of Supervisors conditioned the permit to record the access OTD for access to and along the shoreline "provided the applicant and the County agree to a fair market value, and terms for the County's payment of said value."

Although the LCP requires access easements as mitigation for new development, this type of requirement is always subject to challenge by those who may feel there is no regulatory nexus, following the reasoning of the *Nollan* Supreme Court case, to require an OTD. By allowing the County to negotiate a "fair value" for the easement, and, in effect, remove the access requirement if a fair value could not be negotiated, the County's actions in this case may not have met the letter of the LCP requirements. This case, though, may also illustrate the chilling effect that legal challenges to the regulatory requirements can have on public agencies charged with their implementation. It also points to the need to develop better information and methodology for assessing the impacts of new development on public access and recreation resources, to provide the basis for future access mitigation.

Finally, and more generally, the Commission's *Public Access Action Plan* (June, 1999) identified the use of OTDs as not the most suitable program for local governments to secure maximum access. This is because most local governments can and do require direct land dedications for public access through the development process. The Action Plan recommends replacing the OTD mechanism in LCPs with a direct dedication requirement. This change would provide for more timely mitigation by allowing for the opening of the accessways more quickly. Moreover,

[17] E.g., FLANs 3-SLO-95-110, 3-SLO-95-156, 3-SLO-96-132
[18] FLAN 3-SLO-97-008

it would eliminate unnecessary paper work, legal processes, and tracking of documentation. It would also eliminate expenses associated with the OTD process, as well as the common situation where a second or third generation property owner is surprised and unhappy to discover the presence of an OTD on their parcel, about to be accepted. Land dedications would avoid what is sometimes a cumbersome and unnecessary delay.

Siting of OTDs: In other instances the County has, in many cases, mitigated for impacts to public access as called for in the LCP, but has sited the OTDs in a manner that may not maximize public access. For example, in staff's review of aerial photographs and maps, the County required 15 lateral OTDs in Cambria, but all of them appear to be sited on rocky shores where access is difficult, or on publicly owned land where the public may already have access. Thus, while it might appear in certain findings that impacts to public access had been mitigated, the OTDs may not actually provide additional access opportunities.

In another example, the County issued a permit for the adjustment of nine lots located between Cambria and Cayucos on the Harmony coast. This case was appealed to the Commission partly on the grounds that public access impacts had not been adequately mitigated.[19] In the County's approval, a lateral access dedication was required. However, along this stretch of coast, there is no vertical access for approximately six miles to the south and five miles to the north, thus public access *to* the lateral easement was not assured. Also, the proposed lateral dedication was between the Mean High Tide Line (MHTL) and the toe of the bluff, which, in this area, is mostly rocky shoreline with little or no sandy beach. Through the appeal process, the applicant ultimately offered both vertical and lateral accessways on the project site. The vertical accessway OTD runs from Highway One to the MHTL, and a 200-foot wide lateral access dedication was offered that could be adjusted over time in response to erosion to ensure maximum public access. This would allow siting of the public access along an upper terrace as an alternative. While the LCP states that lateral accessways should be sited between the MHTL and the toe of the bluff, in some geographic situations assuring maximum public access may require ordinance provisions requiring easements encompassing blufftop areas to allow flexibility in siting public accessways.

In an appeal in Cayucos, the County had approved shorefront development with a condition of recording a lateral OTD.[20] However, the Commission, in its findings on appeal of the project, noted that the area to be dedicated was already publicly owned as part of Morro Strand State Beach, and therefore would not provide any additional mitigation to public access. Siting of the OTD therefore did not fully mitigate impacts of the development and as a result did not meet the intent of Access Policy 2. In another permit for a shoreline protective device across three parcels[21], the County required that an offer of lateral access be recorded; however, records provided by the County itself, as well as the draft North Coast update indicate that two of the parcels already contain *accepted* lateral OTDs. Additionally, the proposed seawall would have covered approximately 960 square feet of the easement. Ultimately, this action was appealed to the Coastal Commission, which found substantial issue with the project. The *de novo* hearing has not occurred yet at the request of the applicant. In this case, although the County's

[19] A-3-SLO-99-032; A-3-SLO-99-014
[20] A-3-SLO-98-074; 3-SLO-98-02.
[21] 3-SLO-99-018; A-3-SLO-99-019, still pending with the Commission.

conditions of approval at first blush might appear to mitigate for development along the shoreline, public access opportunities may actually have been impacted.

In addition to determining the best location for an easement to maximize public access, it is critical that both the County and Commission improve tracking of existing easements to avoid encroachment of development on the easements. The current LCP maps show generalized locations of access. The County requires as part of permit filing that existing easements on a site be identified. However, the management of these easements, and the siting of future easements, would benefit from a more comprehensive public access component in the LCP showing all existing and potential accessways. As a result of this Periodic Review project, the County and the Commission worked together to develop a parcel base map for use in GIS mapping. This will provide a useful tool in helping to identify the location of parcels with any existing access easements or OTDs and in helping the County in completion of an updated comprehensive access component.

Upland Support Facilities

In addition to providing physical access to and along the shoreline through the OTD mechanism, upland support facilities such as directional signing, parking and over-night visitor facilities are important elements in assuring that the public will have maximum access to shoreline recreation areas. As the population in general and the number of visitors increase, these elements need to be factored into public access planning.

The County's LCP states that a signing system program *should* be developed, but it is not a mandatory element of the LCP's access component. Certain areas in the County, such as Los Osos, have been identified as failing to maximize public access, not because the accessways do not exist, but because they are not clearly signed.

At the time of LCP certification, most of the state parks were identified as lacking sufficient parking for day use . Since certification, two of the parks, Montana de Oro and Morro Strand, were able to gain additional parking areas as a result of agreements with developers of adjacent parcels; however, lack of parking continues to be a problem. At Morro Strand State Beach, visitors park on neighboring streets, while in rural Montana de Oro State Park, cars are parked on the unpaved shoulder along the road. At Montana de Oro, park regulations limit the number of visitors that may participate in events due to lack of parking availability.

Upland support facilities are also important to address changing demands in public recreation. Within San Luis Obispo County, types of recreation uses and level of use vary, from high-intensity use of off-highway vehicles (OHVs) at Oceano Dunes State Vehicular Recreation Area to low-intensity uses at relatively pristine open space areas. The county also offers a diverse selection of recreational opportunities such as nature-viewing, hiking, camping, and boating. However, since LCP certification, recreational needs have been changing within the County. Demand is quickly growing for kayaking, windsurfing, and mountain biking activities. Kayakers and windsurfers are present within Morro Bay as well as all along the outer coast. And one of the most popular locations for windsurfing is along the North Coast, near Piedras Blancas. The recreational use of personal watercraft is also occurring; however, anecdotal evidence suggests

that the use is not widespread.[22] A small number of users have been noted in Morro Bay, and almost none on the outer coast. As access and recreation needs in the coastal zone have changed and increased, concerns have grown about protecting existing access opportunities, provision of adequate access in rural areas, and conflicts between public use and sensitive habitats.

Overall, there is a need to assess changing access and recreation demands and identify needed upland support facilities such as parking, signage, and other management concerns. For example, the U.S. Forest Service has recently acquired property at the northern County line, which might provide new access facilities and amenities along this stretch of coastline.

Distribution of Coastal Access Opportunities.
Another key issue in providing maximum public access is ensuring that access opportunities are well-distributed throughout any area, consistent with habitat protection and agricultural constraints. As discussed, the use of OTDs can be an important component in distributing access opportunities throughout the County. By requiring OTDs for access where new development has been permitted, the supply of access is distributed to where demand grows as a result of new development, and helps to mitigate the impacts of overuse by the public of any single area. However, because OTDs are required as mitigation for development, they tend to cluster in urbanized areas, thus limiting their effectiveness in rural areas, where lack of public access is most problematic. Impacts to public access have been mitigated for to a great extent in San Luis Obispo with the use of OTDs, but a number of areas in the County remain with limited public access opportunities.

Within San Luis Obispo County two stretches of shoreline, each covering approximately 15 miles, exist with no available vertical access. In the North Coast, between Ragged Point and the overlooks south of Piedras Blancas, there are 16 miles of shoreline with no formal vertical access to the bluffs and shoreline. There is also a 14-mile expanse of coastline where no vertical access is provided between Montana de Oro State Park and Port San Luis, although the Pecho Coast Trail provides limited lateral blufftop access through docent-led tours. The Diablo Canyon Nuclear Power Plant is located on this isolated expanse of coast. It is projected that the plant will be phased out in the next five years, offering potential opportunities for additional vertical and lateral coastal access in this area. In March, 2000, the County passed Measure A, an advisory vote which recognized Diablo Canyon as "an exceptionally precious coastal resource." It further stated that the canyon area should be maintained for "habitat preservation, sustainable agricultural activities, and public use and enjoyment consistent with public safety and property rights once the lands are no longer needed as an emergency buffer for the Diablo Canyon Nuclear Plant after its remaining operating life." Most recently, an ecological conservation easement was placed over more than 2,000 acres in this area through an agreement between the Regional Water Quality Control Board and the Diablo Canyon Plant to address water impacts from the plant's cooling system.

Another long stretch of shoreline with limited public access is between Cambria and Cayucos. The recent acquisition of the Estero Bluffs property will provide access at the southern end of this area, once it is transferred to the State Department of Parks and Recreation. Along the

[22] Phone conversations with Diane McGrath, Interpretive Specialist, DPR, and Neil Havlik, City of San Luis Obispo.

Harmony coast, though, there a number of OTDs, but no accessways are yet open. As discussed in Chapter 2, this stretch of coast is undergoing a cumulative transformation from historic grazing lands to a more developed residential character. This relatively undeveloped coastline, though, could provide incredible public access opportunities, as long as they were developed consistent with sensitive resource protection concerns.

Other than the general requirement to maximize access, the policies in the LCP do not specifically speak to the issue of *distribution* of access. Section 30212.5 of the Coastal Act states that "wherever appropriate and feasible, public facilities ... shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." The area plans include programs that specify areas to be improved or acquired for public access needs. These programs may help with access opportunity distribution.

As discussed above, review of the local permits shows that the vast majority of access OTDs were required in the urban areas of Cambria, Cayucos, and Los Osos; only seven were located in the rural areas. The County required one OTD in both the San Luis Bay and South County planning areas. Obviously, the distribution of Offers to Dedicate Public Access closely corresponds to areas experiencing the most development. This pattern illustrates that sole reliance on OTDs is inadequate to assure maximum distribution.

California Coastal Trail: Since certification of the County's LCP, the importance of completing a coastal trail along the length of the state has been identified by the Commission as a statewide public access priority. The California Coastal Trail (CCT) is a work-in-progress, with the goal of providing trail access to and along the entire length of California's 1,100-mile coastline, as specified in the California Coastal Plan of 1975. In 1999, the national importance of the California Coastal Trail was recognized by its designation under a federal program as California's Legacy Millennium Trail, a part of the nationwide Millennium Trail. In San Luis Obispo County, approximately 37% of the coast is open for lateral access, although work remains to be done to officially designate these stretches as the "California Coastal Trail". These percentages, though, are approximations, based on general assessments of accessways, public lands, beaches, and OTDs that provide public access. There also remains a need to conduct comprehensive and specific trail planning and implementation. For example, one of the ingredients necessary for the completion of the CCT is ensuring that all offers to dedicate lateral easements for either beach or blufftop access are accepted and opened.

One of the largest gaps in the CCT is located in the North Coast area of San Luis Obispo County. Other than at San Simeon Acres, there are no lateral OTDs in this region to enable trail completion (see Map 6-A). In this area, another mechanism for completing the CCT should be identified as part of the comprehensive, updated Public Access Component.

Consistency Analysis: The Coastal Act requires that maximum public access be provided to and along the shoreline (Section 30210). Sections 30211 and 30212 also require that development not interfere with existing access opportunities, and requires that new development along the shoreline provide access, consistent with public safely, military security, and the protection of fragile resources, unless adequate access is available nearby. The San Luis Obispo LCP has policies that closely reflect the Coastal Act sections. However, as discussed above, several of the

County's past actions did not result in access mitigation for new development along the shoreline, and, therefore, failed to maximize public access opportunities. Commission findings on at least 16 separate appeals of local permits also indicate that the County's actions did not adequately protect access opportunities, and were inconsistent with the access policies of the Coastal Act.

As the Commission found in its review of the North Coast Update in 1998, the County's LCP lacks a comprehensive and cohesive access component to the LCP. The Commission found that without this component "it is difficult to identify and protect existing and potential access resources .... It is also difficult to plan for future access resource development and management or understand the precise access policy requirements for new development in the coastal zone".[23] The Coastal Act requires the protection of existing access, and that access be maximized to and along the coast. Without knowing the full range of existing and potential access resources, the County cannot adequately protect those access opportunities.

By improving its conditions and findings on projects along the shoreline and incorporating a comprehensive access program into the LCP, the County could improve its implementation of the LCP and compliance with Coastal Act policies.

Coastal Act Section 30212.5 states that public facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area, wherever appropriate and feasible. The County has implemented its LCP to assure provision of public access but distribution of access cannot be assured solely through mitigation of new development. Appropriate LCP designations, acquisitions and other implementing tools as part of a comprehensive Access Plan are necessary to assure such distribution. Further, expanding the siting of lateral access opportunities to include easements along blufftops may provide a means to contribute to completion of the CCT and thus maximize coastal access consistent with the Coastal Act.

Distribution of access must take into account the type of access and recreation proposed. Distribution of higher intensity recreation may not be consistent with the protection of resources and with other coastal policies. Concentrating higher intensity commercial recreation uses in nodes while assuring broad distribution of lower intensity pedestrian oriented accessways may be most protective of coastal resources. In particular, access facilities should be located consistent with an area's ability to accommodate them, so that only low-intensity or passive recreational uses are located in areas with limited resources to support them (such as water) or where sensitive resources need to be protected (see below for more discussion). Upland facilities, such as parking for surfing, kayaking, windsurfing, and other coastal recreation activities, need to be located and managed to provide maximum opportunities.

[23] California Coastal Commission findings LCPA 1-97 (North Coast Area Plan Update). January, 1998. Pg. 159.

Preliminary Policy Alternatives:

There are several ways the County could improve measures implementing public access requirements. The County should ensure that all permits between the first public road and the sea include adequate access findings as required by CZLUO 23.04.420, 23.02.034(c)(4) and 23.01.033.

Preliminary Recommendation 6-1: Incorporate Comprehensive Access Components into Each Area Plan

In response to the Commission's 1998 NCAP findings, the County has positively responded by drafting a comprehensive access component for the current North Coast Area Plan Update Project Description. The County has also begun work on a similar program for the Estero Area Plan. The Access component should include a discussion of access goals, policies, standards, programs, and other relevant management objectives and should include a complete inventory of existing and potential access. The County has also prepared a Request for Proposal for a project whose purpose is to complete a coastal accessway plan for the County's coastal areas, including incorporated coastal cities. The plan is proposed to consist of County coastal zone policies and programs, area-specific policies and programs, general development standards for vertical accessways, an implementation chapter, and maps depicting existing and proposed access. This plan will provide extensive information for the Comprehensive Access Components of the LCP's Area Plans. Such a plan can also include strategies for increasing public acquisition of areas and ensure existing public areas are used for access and recreation. The County should also identify areas where the requirements for lateral access might be expanded to include provision of blufftop access in locations where the Comprehensive Access Component indicates maximum public access should be provided through a blufftop trail system. Other components to address include: identification of specific coastal areas for particular uses, including amending the LCP to incorporate such policy advisories as Measure A; concentration of more intense access and recreation uses in urban areas; and, provision and management of passive recreation in sensitive rural areas.

Preliminary Recommendation 6-2: Amend LCP Lateral Access Requirements to Provide for Blufftop Accessways

Although blufftop access dedications are not precluded by the existing LCP, current language directs decision-makers to dedications between the Mean High Tide Line (MHTL) and the toe of the bluff. This may lead to access mitigation requirements that don't actually provide practical or functional access, such as along rocky shorelines. The LCP should be amended to clarify that optimum access should be evaluated and provided, consistent with Coastal Act policy to maximize public access.

Preliminary Recommendation 6-3: Continue Efforts to Accept and Open Outstanding Access OTDs

The County should continue efforts to ensure all outstanding OTDs are accepted and opened.

Preliminary Recommendation 6-4: Amend LCP to allow Direct Dedications; Evaluate Accessway Performance Standards

As discussed in the Commission's Public Access Action Plan, the County should amend the LCP to allow for direct dedication of public access to the County where appropriate. Performance standards for access OTDs and dedications should be evaluated to address such needs as coastal erosion and long-term trail maintenance.

C.2. Protecting Existing Public Access

Overview: Many coastal access and recreational opportunities are provided by numerous public parklands within the County. In addition to the parks, there are several other formal accessways in the County, many provided by the County's acceptance of Offers to Dedicate Public Access. However, there also informal accessways, such as the street ends leading to the shoreline in Cambria, Cayucos and Los Osos, some of which may be threatened by quiet title actions on behalf of private property owners. Other types of informal access include areas of historic use, where prescriptive rights may exist.[24] These historic use areas may provide a great deal of public access opportunity, especially in the North Coast area of the County.

Existing access and recreation opportunities are also protected through zoning. The County LCP designates over 17,000 acres in the coastal zone as Recreation, which limits the types of development allowed in that category.[25] Some of these lands in the rural North Coast, though, should be redesignated to reflect the viability of existing agricultural land uses (see Chapter 2).

LCP Implementation: Access Policy 1 of the LCP states that public prescriptive rights may exist in parts of the County and that development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. Recreation Policy 1 states that coastal recreational and visitor-serving facilities shall be protected, encouraged, and where feasible provided by both public and private means. Recreation Policy 2 states that recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use.

The County's Access and Recreation policies strive to protect access and recreational opportunities. The implementation of these policies, though, may not have fully protected some access opportunities. Threats include losses of access due to quiet title actions and lack of protection of prescriptive rights.

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[24] Prescriptive rights refer to public rights that are acquired over private lands. These rights occur as the public uses the land for recreational purposes, such as a trail to the coast. Prescriptive rights may only be established by a court of law, with very specific findings. Prescriptive rights findings must include that (1) people have used the land for a five year period, without permission and without effective interference; (2) the use has been substantial; (3) the land has been used by members of the general public, not only neighbors or friends of the fee owner; and (4) the use of the area has been with the actual or presumed knowledge of the owner and without significant objection or attempts by the owner to prevent or halt such use.

[25] Acreages are North Coast: 1607, Estero: 5472, SLB: 732, South County: 9747 (from each of the area plans of the LCP, and the Estero Draft Update, February 1999).

Quiet Title Actions:
An emerging issue in the County affecting the availability of historically used access areas is the use of quiet title actions to privatize lands that may have been previously dedicated to the public. A quiet title action is a judicial process that permits a party to quiet any suggestion of public title to property that was previously dedicated to the public by actions such as the filing of a subdivision or tract map. In order for a plaintiff to prevail in such an action, they must establish all of the following: (1) that the property was dedicated by map only; (2) that the property was never formally accepted by the governing entity within 25 years of the dedication; (3) that the property was never used by the public within 25 years of the dedication for the purposes for which it was dedicated; and (4) that after the property was dedicated, it was sold to a third party and used as if free of the dedication.[26]

A loss of public access is evident in the Los Osos area through quiet title actions on street ends leading to Morro Bay. The street ends in Los Osos provide both visual access as well as vertical access for both kayak launching at higher tides and, at some places, connecting to a lateral trail along the bayfront. Quiet title actions have also affected access opportunities in Cayucos, although to a lesser extent.

In the last decade, at least eleven quiet title action lawsuits against the County have occurred, with three resulting in permanently lost public coastal access. In the County's review of the proposed actions, it is unclear to what extent they are reviewed for uses other than transportation. If public access is not taken into account it may be in conflict with Policy 1, which states that development shall not interfere with the public's right of access to the sea where acquired through historic use. Moreover, inadequate review of quiet title actions reduces opportunities to develop and implement a more coordinated program of habitat and access management over public lands.

In other quiet title actions, the judgments have resulted in offers to dedicate access, usually in narrow ten feet strips. Unfortunately, most offers have not yet been accepted by a managing agency, so are not yet available to the public. Even after the accessways have been opened, many are not signed, so all but the most informed of the public are unaware of their existence. And, in some cases, property owners have landscaped on or directly adjacent to the narrow accessways, further concealing their existence. These actions serve to reduce the extent of public access.

Currently, the County has no complete inventory of locations of potential quiet title actions that could result in lost coastal access. The County's LCP also has no policies specifically addressing loss of access through quiet title actions. A recommended program for quiet title actions is included in the *Circulation* chapter of the draft Estero Area Plan Update. This proposed program would recommend that all requests to County Engineering for road abandonment and all requests to the County Counsel for quiet title actions be referred to the Los Osos Community Services District and the Los Osos Community Advisory Council for review and comment. However, since programs are not mandatory, it does not guarantee that these actions would be referred to the above-mentioned groups. And, it does not provide criteria for such groups, or the County, to adequately consider public access needs in the review. Another proposed program states that the

[26] Code of Civil Procedure section 771.010 et seq.

County should protect or develop street ends along Morro Bay for public access and habitat value; five sites are specified.

These proposed programs clearly indicate the County's intent to try to protect public access from loss through quiet title actions. However, as programs, their implementation is not assured. Policies to specifically address these access issues should be incorporated into a comprehensive Public Access Component of the LCP. To assure the protection of access opportunities, as required under Access Policy 1, the Public Access Component should also have a complete inventory of existing and potential accessways, and should ensure that actions such as quiet title actions will not reduce the extent of access opportunities.

Prescriptive Rights: The Commission, and the County through its LCP, are required by Section 30211 of the Coastal Act to protect historic public access use. Although a comprehensive evaluation has not been done of every area where prescriptive rights may exist, some areas in San Luis Obispo County have been identified where there has been historic use, including the South Bay area of the Estero Planning Area and Mallagh Landing (Pirate's Cove) in the San Luis Bay Planning Area.[27] However, Hearst Ranch, in the North Coast Planning Area, is by far the largest area where historic public use may exist. None of these areas has yet been subject to a prescriptive rights study.

The portion of Hearst Ranch lying within the North Coast Planning Area of San Luis Obispo County encompasses approximately 48,000 acres, including several miles of oceanfront property. Currently and historically, most of the land has been used for cattle-grazing. This part of the coast has great potential for enhanced public access. The numerous informal trails that currently extend from a variety of automobile pullouts along Highway One down to attractive beaches reflect this potential for future formalized public access on the North Coast. The legal status of these informal public accessways and associated recreational uses has not been determined, and in 1972, the Hearst Corporation filed a Notice of Permissive Use that affected future claims of public access rights. The legislature has declared that such recorded notices are sufficient evidence to preclude a finding of prescriptive use for any time period after the filing of such a notice.

In the Commission action on the North Coast Area Plan Update (LCP Amendment 1-97), it was noted that evidence suggests that the public has used various areas along the North Coast including the Hearst Ranch for at least 40 years, from 1957 onward. There is a considerable amount of informal recreational use of the rural north coast shoreline. The numerous activities include fishing, diving, kayaking, windsurfing, surfing, boating, boat launching, picnicking, sitting on the beach, playing on dunes, walking, jogging, bonfires, walking dogs, collecting shells/driftwood, building sand castles, sunbathing, photography, painting, and watching marine mammals.

The County has not engaged in a formal prescriptive rights study on the Hearst Ranch. In other cases, though, the County has approved development in areas where prescriptive rights might exist, without evaluation of this possibility. For example, the County approved a development

[27] San Luis Obispo Co. Dept. of Planning, North Coast Update Project Description, January 2000, p. 8-28.

for the demolition and rebuild of a single-family residence in Cuesta Inlet. One of the standards in the Estero Area Plan specifically states that new development in Cuesta Inlet shall be required to provide public access consistent with existing prescriptive rights. While the County action notes this standard, it goes on to assert that "[I]t appears that this project is surrounded by public access ways. A public access is not necessary across this site."[28] Nonetheless, the LCP directs that any prescriptive rights that may exist be protected. However, if no studies are completed to establish the likelihood of such rights, they cannot be protected through permit actions. Unfortunately, accomplishing such studies requires resources; the Commission also has not been able to pursue prescriptive rights as vigorously as called for by the goals of the Coastal Act. Only recently has the Commission been able to provide staff resources to evaluate potential prescriptive rights. Without such evaluations, public access may not be fully protected.

Consistency Analysis: The Coastal Act requires that development shall not interfere with the public's right of access to the sea where acquired thought use or legislative authorization (Section 30211). With regard to protecting recreational opportunities, the Coastal Act provides that oceanfront land suitable for recreational use shall be protected for recreational use and development (Section 30221). It also states that the use of private lands suitable for visitor-serving commercial recreation facilities shall have priority over private residential, general industrial or general commercial development. While the policies in the County's LCP generally reflect these Coastal Act sections, some of the County's actions fail to meet the intent of the policies, and public access opportunities have been lost.

As the Commission found in its findings for the North Coast Update, the County's LCP lacks a comprehensive and cohesive access component to the LCP. The Commission found that without this component "it is difficult to identify and protect existing and potential access resources… . It is also difficult to plan for future access resource development and management or understand the precise access policy requirements for new development in the coastal zone."[29] The Coastal Act requires the protection of existing access, and that access be maximized to and along the coast. Without knowing the full range of existing and potential access resources, the County cannot adequately protect those access opportunities. The County LCP contains provisions to protect historic public use. However, as noted, loss of access through quiet title actions can contribute to a loss of maximum public access.

Preliminary Policy Alternatives

Protection of existing public access can be enhanced through consideration of the following policy options:

Preliminary Recommendation 6-5: Develop an LCP Program to Document and Pursue Prescriptive Rights

As part of protecting historic use areas, the County should develop a program to document informal use and potential prescriptive rights as part of the Access Component. Such a program

[28] 3-SLO-93-052

[29] LCPA 1-97, January 1998, pg. 159.

could be coordinated with the efforts of the Commission's Public Access Program to document prescriptive rights.

Preliminary Recommendation 6-6: Develop LCP Program to Assure Protection of Existing and Potential Public Rights

The County should develop a program to assure comprehensive review of quiet title actions and other changes in intensity of land use, including potential abandonments of public rights-of-way, that may adversely impact public access. A more expanded review of potential loss of historic offers to the public should be pursued. The County has recognized this concern in the proposed Estero Area Plan Update Circulation Chapter regarding Los Osos: "Preservation of all rights-of-way and offers of dedication for roads, ways, vertical and other accessways." The County could further protect public access opportunities by accepting all dedicated street ends within Los Osos. The County and Commission should discuss options for coordinating and pooling resources to evaluate quiet title actions, to maximize protection of public access opportunities.

C.3. Providing Low-Cost Visitor-Serving Access and Recreation

Overview: Coastal Act section 30213 requires the protection and provision of lower-cost visitor-serving and recreational development. Since 1988, the County has issued 57 permits for new development on parcels zoned for recreation. Forty-five of these permits were for public recreation facilities or other types of visitor-serving development and therefore appropriate for preserving the area for recreational uses. However, public demand for lower-cost visitor uses has increased since certification, and more attention is needed on protection and provision of such uses in San Luis Obispo. In addition, lower-cost visitor recreation is more suitable for areas of the coastal zone where resources to support new development are limited, and where the sensitive resources such as habitat and scenic views, need to be protected.

LCP Implementation: *Campgrounds*: Six of the 10 State Parks[30] and one county park[31] in coastal San Luis Obispo County provide overnight camping opportunities. Generally there has been a higher demand for camping opportunities than the parks have been able to provide; at the time of LCP certification this concern was noted and it continues to be the case today.

When background studies were being prepared for LCP planning in 1979, the County identified 987 existing public campsites in the coastal zone. In 1988 when the LCP was certified there were over 1,800 campsites available in both public and private campgrounds. The LCP notes that the State Park plans proposed development of 554 additional campsites. This includes Montana de Oro and Morro Bay State Parks, whose plans, both adopted in 1988, called for 120-200 additional campsites. However, only San Simeon State Beach and Oceano Memorial County Park have been successful in adding campsites to their facilities. The efforts to expand overnight camping were substantial in the years leading up to certification. Since certification, the current facilities number 1,739, a slight decrease from certification. In addition, other

[30] San Simeon State Beach, Morro Strand State Beach, Morro Bay State Park, Montana de Oro State Park, Pismo State Beach, Oceano Dunes State Vehicular Recreation Area
[31] Oceano Memorial County Park

proposals have been made that would potentially decrease the availability of future camping, such as the San Luis Harbor proposal to site a commercial hotel on an area designated for camping at Harbor Terrace.

Some of the campsites in the parks provide water and electrical hookups for RVs; in addition to those, several private resorts offer overnight opportunities for RV enthusiasts. Currently there are 1,469 sites in private resorts offered for RVs, up from 900 in 1979. These, too, are usually fully occupied, especially if water and electrical hookups are supplied.

There continues to be unmet demand for both tent and RV camping in coastal San Luis Obispo County. On weekends between April and October virtually all the campgrounds are fully booked in advance, and potential campers are turned away. However, the number of coastal campsites may have already reached capacity; an increase at current locations could mean undue impact on sensitive coastal resources.

Overnight Accommodations: As noted, visitor use of the coast has increased dramatically since LCP certification and the number of overnight lodging units approved by coastal development permits also increased. In 1979, it was noted that coastal San Luis Obispo County contained approximately 880 overnight units in 39 hotels and motels.[32] Since certification, the County has approved the development of over 700 additional hotel, motel, and bed and breakfast units in the coastal zone. The proposed North Coast Area Plan update notes a 110% increase in the number of visitor-serving accommodations between 1982 and 1997.

For the North Coast, the occupancy rate was estimated to be approximately 55% in 1997. Certainly, there are peak times with higher occupancy rates, but the overall rate of 55% is considered to be low by hotel and motel industry standards.[33] Data from the City of Morro Bay also support the findings of this relatively low occupancy rate. In 1998 the occupancy rate for that city was 54%. Generally, an annual occupancy rate of 60 to 65% is regarded as breakeven for an investment-quality lodging establishment. A hotel market is considered ready for new development when overall occupancy rates reach 65 to 70%.[34] Despite this apparent lack of need for additional hotel developments, a number have been proposed over the years, most notably within the Hearst Ranch landholdings and also at Harbor Terrace on lands owned by the Port San Luis Harbor District. Limitations at both of these locations include lack of existing infrastructure, such as lack of access to water along the North Coast, and road capacity in Avila (see Chapter 2 for more discussion).

Since certification of the LCP, the population and visitor-serving economy of San Luis Obispo County has continued to grow, placing increased demands on existing public access and highlighting the continuing need to expand public access and coastal recreation opportunities. Population has increased 20% since 1988 and is projected to increase an additional 49% by 2015. Attendance at the 10 state parks in the County for both camping and day-use has increased about 3% since 1988, from approximately 6.9 million to approximately 7.1 million in 1998/99. Within the County park system, attendance has increased 22% between 1988 and 1995.

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[32] San Luis Obispo County, Shoreline Access, Work Task 403, June 1979.

[33] North Coast Planning Area update, 1998

[34] *Evaluation of Development Potential for Visitor-Serving Uses, Caratan/Colmer Site, Morro Bay*, prepared for City of Morro Bay by Bay Area Economics, December 1999.

Additionally, changed conditions since LCP certification compound the need for increased attention to the provision of coastal recreation and public access opportunities.

Preliminary Policy Alternatives

Preliminary Recommendation 6-7: Comprehensive Public Recreation Planning
Through a comprehensive Public Access planning process, long-term supply and demand and opportunities for low-cost visitor-serving recreation should be analyzed. The LCP should be evaluated for potential amendments to provide for such uses. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including that which may be needed in the future.

C.4. Balancing Access and Recreation with Protection of Sensitive Habitats.

Overview: As discussed in Chapter 4 (ESHA), San Luis Obispo County has a wealth of environmentally sensitive habitat areas. Although the Coastal Act requires that public access be maximized, it also requires that the provision of access be balanced with the protection of sensitive habitats. Since certification of the LCP, new information and changed circumstances have emerged, highlighting the need to revisit policies regarding the balance between sensitive resource protection and the provision of public access. For example, the snowy plover was listed as a threatened species and a new colony of elephant seals was established at Piedras Blancas.

LCP Implementation: Access Policy 2 of the LCP notes that maximum public access within new development may be inconsistent with the protection of sensitive habitats. It also notes that limited forms of access and mitigation methods should be considered to optimize public access while protecting resources and land uses. This policy is implemented by Ordinances 23.04.420 c and k. Additionally, ESHA Policies 29 and 38 address the design of trails in and adjoining sensitive habitats and limiting the use of coastal access to minimize impacts on marine resources.

With regard to Oceano Dunes State Vehicular Recreation Area (ODSVRA), the South County Planning Area standards provide that camping areas be limited in number to allow for adequate environmental protection throughout the dunes and that natural buffer areas for sensitive habitat areas shall be identified and fenced. Issues concerning visitor use and the protection of sensitive resources at the ODSVRA are currently being addressed in a separate staff recommendation (see 4-82-300-A5).

Generally, the County has been successful in balancing the provision of public access with the protection of sensitive resources in their regulatory program. Three county actions illustrate this.[35] In 1991, Montana de Oro's General Plan was submitted to the County; the findings indicated that while most of the plan was to be approved, they had concerns with other areas

[35] FLANs 4-SLO-90-211, 4-SLO-91-185, and 3-SLO-92-120

including camping and parking density.[36] Ultimately, the majority of the plan was approved; however, the County acted appropriately in reducing the number of proposed campsites and parking spaces in order to limit the impact on sensitive resources at the park.

Two other permits approved by the County were for public access trails in sensitive habitat areas, one at Los Osos Oaks State Reserve,[37] and one at Oso Flaco Lake.[38] At Oso Flaco Lake, a kiosk and boardwalk for pedestrian access through Oso Flaco Lake Natural Area were proposed. The purpose of the project was to limit vegetation and sand disturbance in the project area to allow the dunes to become restabilized. The County action notes that the proposed project is located within a sensitive resource area, and that a botanical survey concluded that the boardwalk would be a step toward directing use away from the fragile dunes and sensitive vegetation in the area. It is also noted that the two planning area standards that relate to the project site, dune stabilization and limitation on use, are met by the proposed project. This project illustrates the County's success at balancing public access needs with protection of sensitive resources.

Oceano Dunes State Vehicular Recreation Area: An area of ongoing concern regarding the balance of providing public access and protection of sensitive resource areas is at Oceano Dunes State Vehicular Recreation Area (ODSVRA). Specific issues concerning ODSVRA are addressed in a separate staff recommendation concerning condition compliance and protection of sensitive resources at the Park (see 4-82-300-A5). It is important to note, though, that since the Commission's original involvement in resource management at the ODSVRA, and since certification of the LCP, new sensitive resource information has emerged: in 1993, the snowy plover, which nests in the area, was listed as a threatened species, thus increasing the need to address conflicts between vehicles and habitat protection.

Critical habitat for the snowy plover has been designated at Point Sur Beach, Arroyo Hondo Creek Beach, Arroyo Laguna Creek Beach, Toro Creek Beach, Morro Strand State Beach, and the Morro Sandspit, as well as Pismo Beach and points south.[39] As the number of visitors to the beaches increases, the need for the County and Commission to address these impacts grows. Additional research and coordination is needed to ensure that all beaches that provide habitat for the plover are planned for and managed appropriately.

Piedras Blancas: New sensitive resource areas have also been identified at Piedras Blancas since LCP certification in 1988. An elephant seal colony was established in the small cove just south of the Piedras Blancas lighthouse in late 1990 when less than two dozen elephant seals were counted. The colony has grown steadily. In 1999 the total elephant seal population for Piedras Blancas was estimated to be around 7500. Since it is speculated that elephant seals return to mate on the same beaches where they were born, the colony will likely continue to expand.

As the colony rapidly expanded, conflicts with visitors arose. Dangerous conditions were developing; visitors were parking illegally on both sides of narrow Highway One, then traversing through private property to view the seals. In 1995 Caltrans applied for a permit from the County to realign a portion of Highway One near Piedras Blancas. As part of that permit, a trade

[36] 4-SLO-91-185
[37] 3-SLO-92-120
[38] 4-SLO-90-211
[39] USFWS, Federal Register: December 7, 1999 (Volume 64, Number 234)

of property between the state and the Hearst Corporation was approved by the County so that a formal accessway to the south of the project area was closed, and two informal ones at Twin Creeks Beach were formalized and improved.[40]

Since the late 1990s, an interpretive program has been implemented through county, state, and federal efforts at the Caltrans vista points through which docents are available to the visiting public. This program has been tremendously successful and has helped to balance the conflicts between public access and sensitive elephant seal habitat. The colony, though, may be growing and spreading south, which highlights the importance of planning for and managing potential future conflicts between this habitat and public access.

Another area where more focused attention is needed concerns the development of Habitat Conservation Plans (HCPs) in locations such as Los Osos. This is particularly true where habitat protection efforts may overlap with open space protection goals, as with the Greenbelt program in Los Osos (see ESHA and Development chapters). Opportunities for accounting for appropriate public access in areas where sensitive habitats or open space are proposed for protection will need to be carefully evaluated.

Consistency Analysis: Section 30210 of the Coastal Act provides that maximum access and recreational opportunities shall be provided consistent with the need to protect natural resource areas from overuse. Section 30214 states the need to take into account the access site's capacity to sustain use and at what level of capacity. It also notes that the appropriateness of limiting public access depending on such factors as the fragility of the natural resources in the area.

The LCP contains adequate policies and standards to balance the provision of public access and recreation with the protection of sensitive resource areas. And thus far, through its permitting actions, those policies generally have been implemented well. However, because of development pressures within the County, and statewide, as well as new information on sensitive resources, the need to maintain this balance becomes ever more critical. It is important that the County include in its LCP a comprehensive public access component, showing where existing and potential accessways are located, in addition to noting where potential conflict exists with regard to sensitive resources. The Access Component could also identify management options to control and monitor access and, should an accessway ever need to be temporarily or permanently closed, identify appropriate alternative access locations.

Preliminary Policy Alternatives:

There are some options for the County to strengthen LCP provisions to maximize access and protect sensitive resources in light of new scientific information and increasing recreational demands. The development of a Comprehensive Access Component could include maps designating locations of known potential areas of conflict between public access and sensitive resource protection, and potential management measures. The County's proposed draft North

[40] A-3-SLO-95-70

Coast Update includes a standard that lists and restricts allowable development within an ESHA.[41] Similar standards could be developed in the rest of the County.

The draft North Coast Update also includes proposed policies for managing the balance between elephant seals and providing public access. It states that a joint planning initiative will be undertaken with the Monterey Bay National Marine Sanctuary (MBNMS) and National Marine Fisheries Service (NMFS) to establish a management program, which will incorporate the interim management program initiated by Caltrans pursuant to A-3-SLO-95-070. Another policy proposes observation facilities to be provided only after the impacts of these facilities to elephant seals and their habitat have been considered. The provision of lateral access for the California Coastal Trail is addressed also. The policy proposes that where the CCT is on a beach that is seasonally occupied by the seals, a supplementary blufftop trail should be provided. All of these proposed policies and standards are worthy of consideration for maintaining the balance between protecting sensitive resources at Piedras Blancas and providing needed public access; similar standards could be developed for other areas of the coast as part of the Access Component. In addition, the County is encouraged to continue to work with USFWS, DFG, and DPR to develop strategies to manage sensitive habitats in recreation areas.

Preliminary Recommendation 6-8: Review New Access Developments for Appropriate Habitat Management Measures

In reviewing proposals that include public access in sensitive areas, consider the full range of management measures and use limitations that could be put in place to ensure protection of the resource, while at the same time allowing for maximum public access.

Preliminary Recommendation 6-9: Habitat Conservation Plan Access Review

Include public access management and enhancement as a component of all habitat management planning and conservation plans.

[41] San Luis Obispo Co. Dept. of Planning and Building, North Coast Update Project Description, January 2000, pg. 7-19.

CHAPTER 7: COASTAL HAZARDS

Shoreline Erosion

A. Policy Framework

Coastal Act: The Coastal Act requires that new development be sited and designed to minimize risk to life and property specifically in areas of high geologic, flood and fire hazard. Under the Coastal Act, development is required to be sited and designed to assure stability and structural integrity and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply. Further, the Coastal Act provides that development damaged or destroyed by natural disasters can be rebuilt in the same area, exempt from coastal permits, provided they are not expanded by more than 10% and conform to existing zoning requirements. Certain emergency actions are also exempt from permit review.

In carrying out these Coastal Act policies in permits, appeals and in certifying LCPs, the Commission has used a variety of development controls to implement these Coastal Act policies. These include such things as: ensuring adequate setbacks; limiting seawalls to protect existing *primary* structures at risk rather than ancillary structures; allowing placement of seawalls only where there is no less environmentally damaging alternative to protect the structure; ensuring that seawalls are designed to minimize impacts such as encroachment onto sandy beach, replenishing beach sand trapped behind walls, and restoring sand berms or dunes to provide alternative protection. Recently, based on new information about the increase in the amount of shoreline armoring occurring in California, the Commission has implemented measures to encourage resiting of new structures outside of hazardous areas and to avoid future armoring. In some cases, where an applicant's geologic assessment determines that new development is sited on vacant lands such that it will not need a seawall over the life of the structure, the Commission has required a condition waiving the right to such future armoring.

LCP Policies: To carry out the policies of the Coastal Act regarding shoreline hazards, the certified San Luis Obispo County LCP aims to protect the natural state of beaches and bluffs by imposing strict standards on bluff top and shoreline development.

Blufftop development: LCP Coastal Hazard Policies No. 3 and No. 7 require a detailed review of bluff top development by a Registered Geologist or Certified Engineering Geologist that provides conclusions about geologic stability and recommendations on structural design. Minimum setback distances in the Land Use Ordinances for new and expanding blufftop development (CZLUO Section 23.04.118) are required to ensure the structure will be safe from erosion and wave action without the need for a shoreline protective device for 75 years. A Certified Engineering Geologist determines setback distances based on evaluation of site stability. However, the CZLUO 23.07.082 exempts certain development from the geologic

report requirements, including certain single-family residences unless located in area subject to liquefaction or landslide and additions and alterations except where the site is adjacent to a coastal bluff.

Seawall development: LCP Coastal Hazard Policy No. 1 provides required standards that prohibit construction of new development on the beach, with the exception of coastal dependent uses and public recreation facilities. New development is to be located and designed to minimize risk to life and property and shall be designed so that shoreline protective devices will not be needed for the life of the structure.

Furthermore, LCP Coastal Hazard Policies No. 4 and No. 5 and CZLUO Section 23.05.090 provide specific requirements for seawalls, cliff retaining walls, revetments, breakwaters, groins and other shoreline protective devices. The LCP requires that they be designed by a registered civil engineer and limited to protecting existing development, public recreational areas, coastal dependent industry, and roads that provide access to public beaches and recreation areas where no alternative routes are feasible. Permits for shoreline protective devices may only be approved if: found to eliminate or mitigate impact to local sand supply; not preclude public access; be visually compatible with adjacent structures and natural features; minimize erosion impacts on adjacent properties; not adversely affect fish and wildlife; and if non-structural methods of protection have been proven to be impracticable or infeasible. LCP Policy No. 4 also provides that areas seaward of permitted shoreline protective devices shall be dedicated for public access.

Hazard Designations: In addition to the setback requirements on all development located adjacent to a coastal beach or bluff (23.04.118 discussed above), the certified LCP includes land use combining designations in areas of geologic hazard (GSA-geologic study area) and potential flood hazard (FH- Flood Hazard) to assure that development is sited and designed to minimize risks from coastal hazards. This zoning designation is applied to areas along the coast with coast bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Dept. of Navigation and Ocean Development (1977).

The GSA standards are applied to all land uses for which a permit is required except: (a) single family residences, not exceeding two stories, when not constructed in conjunction with two or more residences by a single contractor or owner on a single parcel or abutting parcels, unless the site is located in an area subject to liquefaction or landslide; and (b) Alternations or additional to any structure, the value of which does not exceed 50% of the assessed value of the structure in any 12 month period, except where the site is adjacent to a coastal bluff. All applications for projects located within the GSA except those exempt are required to submit a geologic and soils report.[1]

Area Plan standards: In the North Coast Area Plan, the Bluff Erosion GSA designation is applied in much of the area. This designation requires that "development is to be located so it can withstand 75 years of bluff erosion without the need for shoreline protective structures that would substantially alter natural landforms, affect public access or impact sand movement along

[1] SLO CZLUO pg. 7-12-13

the beach."[2] Additional standards for coastal setbacks are applied to lands designated Recreation. These standards generally require a 50-ft setback that can be reduced to 25 ft if recommended by a geology report.[3] In San Simeon Acres, the bluff setback is stated as a minimum of 25 feet.[4]

In the Estero Area Plan and San Luis Bay Area Plan, the shoreline is designated GSA for Bluff Erosion and Sensitive Resource Area designation (SRA) for scenic and access concerns. Under this combining designation as well as CZLUO 23.04.118, development is to be located to withstand 75 years of bluff erosion without the need for a shoreline protective device that would substantially alter the landform, affect public access or impact sand movement.[5] In addition, the specific Cayucos Urban Area standards in the Estero Area Plan require a minimum 25-foot setback unless a geologic report required under the GSA designation indicates a larger setback is necessary to withstand 75 years of bluff erosion.

In the San Luis Bay Area Plan the standards note general direction for various areas: improvements are to be designed with severe storms in mind; unnecessary or excessive structures should be avoided on beaches; and geology reports shall be required in areas of high risk and development located consistent with identified geologic concerns.[6]

B. Background

Since certification of the SLO LCP, the Commission has focused increased attention issues related to shoreline armoring. New information about the cumulative impacts of armoring on sand supplies and shoreline recreation was developed in previous ReCAP reviews and by the Commission staff Beach and Erosion Response Task Force. In more recent reviews of development proposals and LCPs, the Commission increased attention on ensuring that new development sited on vacant lands avoids the need for future armoring, and developed stronger mitigation measures where armoring is permitted. Erosion and armoring of the shoreline is an important issue both in SLO county as well as adjacent sites within the same littoral cells. Shoreline erosion has been raised in about 14.6 % of the appeals from permit actions along this stretch of coastline including the County and cities of Pismo Beach and Grover Beach.[7] It is important that the County's LCP reflect the newer information and mitigation measures designed to avoid and minimize the impacts of armoring along the coastline.

Shoreline Characteristics: The San Luis Obispo County coast is approximately 96 miles in length, roughly half of which is sandy beach and half rocky shoreline.[8] Estero Bay and San Luis

[2] North Coast Area Plan Revised February 1994, pg.47.
[3] North Coast Area Plan Revised February 1994 , pg. 8-11
[4] North Coast Area Plan Revised February 1994 pg.8-50.
[5] Local Coastal Program Estero Area Plan,11/5/96 pg. 7-4
[6] San Luis Bay Area Plan March 1997 pg. 8-22
[7] Commission Statewide Appeals Database as of November 2000.
[8] California Department of Navigation and Ocean Development, Assessment and Atlas of Shoreline Erosion Along the California Coast, July 1977, pg. 25.

Obispo Bay mark the otherwise linear NW/SE trending coast. There are two littoral cells along the coast- the Morro Bay cell and the Santa Maria cell (See Map 7-A). There are no significant submarine canyons to define the barriers between theses two cells. These two cells are divided by Morro Bay and a rocky section of coast between Point Buchon and Point San Luis.

The main source of sediment for the Morro Bay Cell is coastal streams such as Arroyo de la Cruz, Santa Rosa Creek and Chorro Creek. The dominant direction of sediment transport is to the south. The main sediment sinks are the dunes immediately south of Piedras Blancas, the Morro Dunes and the harbor at Morro Bay. Over centuries, there have been many millions of cubic yards of sand added to the dune features. No studies were found during this project effort that quantified the modern day accretion of the dunes. However, on average, 120,000 cubic yards of sand are dredged annually from the Morro Bay Channel[9], indicating the approximate volume of material that is being transported.

It is believed if sediment in the Morro Bay Cell is not trapped in the dunes or the Bay, it is transported further south and becomes a source of sediment for the Santa Maria Cell. Approximately 125,000 cubic yards of sediment is deposited onto the Pismo/Nipomo dune system annually. Sources for this sediment include 40,000 cubic yards from streams and the remainder is projected to come from offshore sources.[10] Historically the Santa Maria River was a major source of sediment to the Santa Maria Cell and the Guadalupe Dunes. About 66% of the river drainages have been blocked by dams[11], and the sediment supply from this river has been reduced dramatically from historical levels.

The San Luis Obispo County coast is an open sea coast exposed to waves generated from a combination of both local winds and distant swells. Wave approach ranges from north-northwest to south with waves predominantly approaching from the northwest. Records from offshore wave buoys show 79.5% of wave heights recorded were between 0.76 m (2.5 ft) and 2.74 m (9 feet).[12] In large storms, wave heights reached over 6 meters (20 feet).[13] During El Niño winters, the most damaging waves approached from the west-southwest with wave heights recorded in excess of 6 m (20 feet). When these events are associated with particularly high tides and a large amount of heavy rainfall, it further enhances beach erosion. Along the west coast, large south swells significantly impact south-facing coasts by exposing these otherwise sheltered areas to direct wave attack. The communities of San Simeon, Cayucos and Avila Beach, generally sheltered by promontories from large northerly waves, are completely unprotected from large southerly waves.

The lithology along the county's coast contributes to variations in shoreline and bluff erosion. The coast is primarily composed of sedimentary rock and unconsolidated sediment (47% and

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[9] Morro Bay National Estuary Program Management Conference & Staff, Turning the Tide for Morro Bay, Draft Comprehensive Conservation & Management Plan for Morro Bay, August 1999, pg. 30

[10] From John Meisenbach, 1974, Pismo State Beach and Pismo Dunes State Vehicular Recreation Area General Development Plan, California State Department of Parks and Recreation, April 1975

[11] Griggs, Gary and Lauret Savoy, eds. *Living with the California Coast*, Duke University Press, 1985, pg. 21.

[12] McClelland Engineers, Guadalupe Abalone Culture Facility Environmental Impact Report, for San Luis Obispo and Santa Barbara Counties, March 1987 pg. IV-14

[13] Gornitz, V., Beaty, T., and Daniels,R., *A Coastal Hazards Data Base for the U.S. West Coast, Oak Ridge National Laboratory,* Environmental Sciences Division, Publication No. 4590, December 1997.

38% respectively) which are typical of marine terraces and beach, dune, and alluvial deposits.[14] Gross long-term shoreline change analysis for the San Luis Obispo County coast indicates net accretion.[15] However, this conclusion may result from the large, accreting sand dune systems along the county's south coast. Erosion resistant plutonic and volcanic rocks outcrop throughout the region, but are found along less than 8% of the coast.[16] Moreover, erosion along a bluff or cliff is permanent, whereas beach erosion is dynamic. Sandy beaches are subject to erosion during the winter and accretion during the summer. Insufficient summer accretion or excess winter erosion may lead to long-term erosion.

Each of the four planning areas of the county has different shoreline characteristics and different development patterns exposed to shoreline hazards. The portion of the North Coast Area from the county line to Piedras Blancas Point is an extension of the Big Sur coastline and rocky shores, steep cliffs and pocket beaches, with some beaches backed by dunes typify the area. Much of this material has high resistence to erosion. Also, this coastline is only sparsely developed. Highway One is the structure most threatened from bluff erosion in this area. Existing bluff protection exists to protect the road from erosion at post mile 65.7.[17] In recent months, this stretch of Highway has again been threatened by erosion, and the Commission has issued emergency permits to Caltrans to address these concerns (see below for detail).

From Piedras Blancas Point south to Cambria, the shoreline is characterized by coastal terraces and bluffs behind sandy beaches and includes San Simeon State Beach. Development is generally located in San Simeon and Cambria. erosion and bluff erosion from high wave energy during storms occurs in Cambria primarily in the ocean bluff areas of West Lodge Hill and Park Hills. Eighty-six single family residential parcels exist in these areas and roughly 57 to 65 of these parcels are developed with residences. Roughly half of these (between 28 and 32) have some form of bluff protection, typically a seawall or rock revetment.

In the Estero Bay Area, Cayucos has bluffs fronting beaches and is an area where development is threatened by erosion. The waterfront area of Cayucos is built upon unconsolidated sediment of an ancient stream valley and is thus particularly vulnerable to shoreline erosion.[18] In summer, Cayucos has a wide sandy beach. During winter, the beach becomes narrow and direct wave action at the back of the bluff areas increases. Along Paso Robles Beach and Morro Strand State Beach, houses are threatened with erosion and significant amounts of riprap and shoreline protective devices have been placed.[19] Cayucos is subject to rapid bluff retreat. Over 20 feet of bluff was lost in some spots during storms in 1983 and homes which had been 30 to 40 feet from the previous bluff edge were threatened.[20]

South of Cayucos, sand blown landward by the prevailing northwest winter winds and persistent onshore summer winds produce the smaller Morro/Los Osos dune system along the Estero Bay

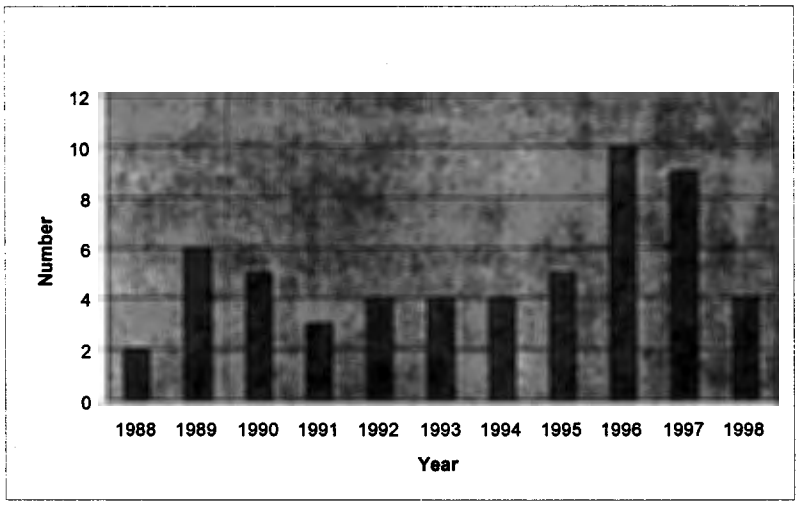
[14] Gornitz, Beaty, and Daniels, 1997
[15] Gornitz, Beaty, and Daniels, 1997
[16] Gornitz, Beaty, and Daniels, 1997
[17] CCC, Staff Recommendation North Coast Area Plan Update LCPA No. 1-97, January 12-16,1998, pg.172
[18] Parsons, Jef, "The Outer Coast: Point Pinos to Point Buchon" in *Living with the California Coast*, Gary Griggs and Lauren Savoy, eds.Duke University Press, 1985 pgs. 227-228.
[19] Parsons Pp. 224
[20] Parsons, p. 227

coastline. The second longest stretch of beach fronts the Morro Dunes extending from Cayucos southward 7.8 miles to Morro Rock. The harbor entrance interrupts the southward continuation of this beach which stretches another 7.6 km (4.6 miles) south to Montana de Oro and includes the sand spit enclosing Morro Bay and the beach fronting the Los Osos dunes. The existing power plant and harbor breakwater alter the littoral drift. South of Morro Bay, the shoreline includes Montana De Oro State Park and industrial property downcoast of Point Buchon.

In the San Luis Bay area and the South County area, the longest stretch of beach in the county fronts the Nipomo/Guadalupe Dune complex. It extends from Pismo Beach south 18.6 miles beyond the county boundary near the Santa Maria River mouth. The shoreline includes not only county area but lands within the jurisdiction of the cities of Pismo Beach and Grover Beach. From Point San Luis to the Santa Barbara County line the shoreline consists of marine terraces above beaches, long sandy shoreline and stretches of beaches backed by extensive sand dunes. Development occurs along the shores of San Luis Bay. From Fossil Point through Pismo Beach, seacliffs are subject to erosion and areas of shoreline protective devices protect development along the blufftops. The shoreline south of the city of Pismo Beach has limited development.[21]

Development Summary: Since certification in 1988, Commission records indicate that the County and the Commission have authorized 56 new or expanded shoreline protective devices as indicated in Figure 7-1 and Maps 7-B and 7-C. The County authorized 50 (89%) and the Commission authorized 6 (12%).

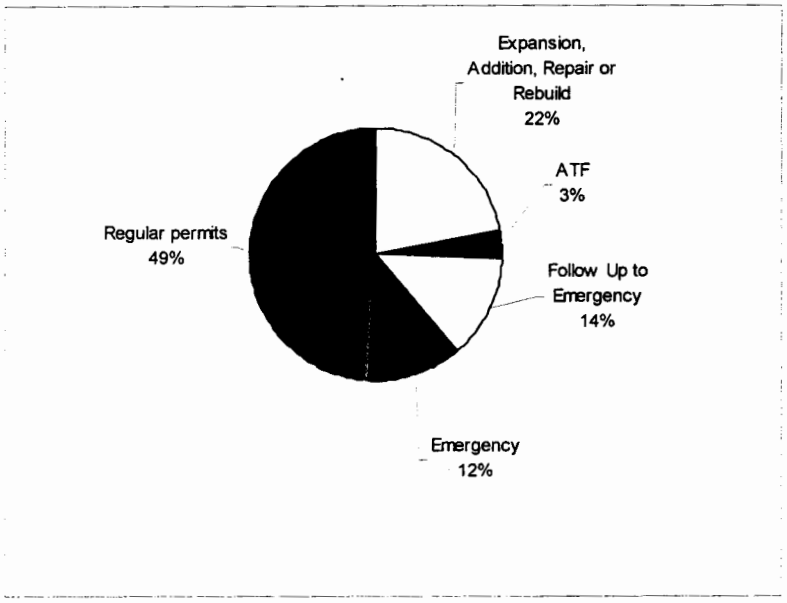
Figure 7-1 Number of SPDs authorized by CCC & County 1988-1998



[21] A. Orme, K. Mulligan, and V. Tchakerian , "Morro Bay to Gaviota" in *Living with the California Coast*, Gary Griggs and Lauret Savoy, eds.Duke University Press, 1985 pp. 231-240.

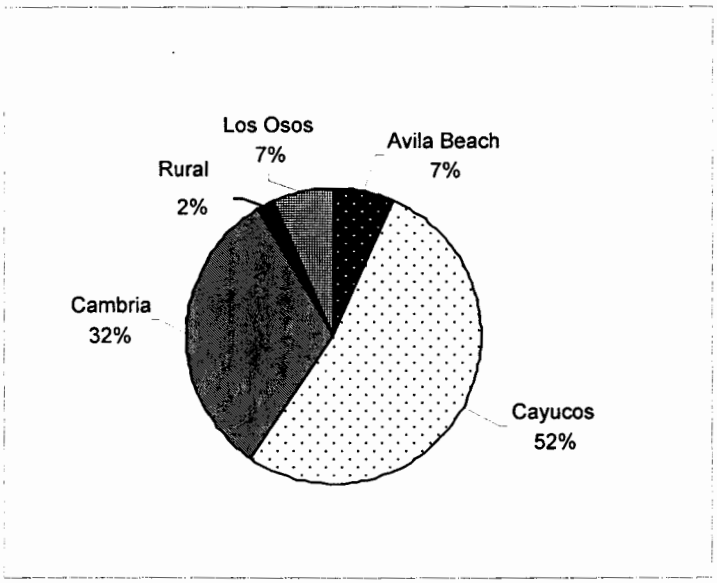
As Figure 7-2 shows, of these 56, most were new structures but approximately 22% were for repair and or expansion of existing structures. Emergency permits or permits following an emergency accounted for 26% of the authorizations.

Figure 7-2: Type of Permits, 1988-1998



The majority of armoring authorized since LCP certification (84%) has taken place in Cayucos and Cambria, as shown in Figure 7-3.

Figure 7-3: Location of Authorized SPDs 1988-1998



In addition to the shoreline armoring authorized, the large percentage of expansion and repairs to existing armoring indicates that significant shoreline armoring was put in place prior to certification of the LCP. From review of project information and background studies on the Cayucos area, it appears a substantial amount of armoring resulted from emergency actions following large storms in 1983. [22]

These 56 authorizations addressed armoring for only about 1700 to 2,700 feet of shoreline or less than 1/2 of a mile. Review of these actions indicate that riprap revetment is the most frequent type of shoreline armoring. Based on staff estimates for an average sized revetment, Commission staff estimates that since 1988 shoreline armoring has covered less than 1 acre of shoreline. [23] This is shoreline that is lost to recreational use and material lost to the littoral system. But when combined with the armoring that existed prior to LCP certification or placed without permits in emergency actions, a significant amount of shoreline in the developed areas of the county is affected by armoring.

C.1 Implementing Setback Standards.

Overview:

The LCP standards authorized the stability and structural integrity of new development primarily through the use of setbacks. CZLUO 23.04.118 requires a setback for new development or expansion of existing uses proposed to be located adjacent to a beach or coastal bluff. The setback is to be determined by one of two methods, whichever yields the greater setback. These methods are: either 1) using a stringline between adjacent structures in situations where more than half the lots within a 300 foot area are developed, or 2) using a bluff retreat measure based on geologic engineering evaluation which sets development back sufficient to withstand erosion for a period of 75 years without construction of a shoreline protective device.

LCP implementation

Structures in Setbacks: Setbacks are the principle mechanism in the LCP to attempt to avoid or minimize future shoreline armoring. Since certification of the LCP, the County has approved about 46 new structures along the immediate shoreline in the North Coast and Estero and San Luis Bay areas. In addition, there are about 22 vacant oceanfronting lots where setback standards would apply if developed in the future.

It appears the County has generally tried to assure that new development is sited to provide at least a 25-foot setback, based on geologic evaluations. For example, of 26 new shorefronting residential projects authorized in Cambria and Cayucos, development was either setback or

[22] Parsons, pg.227-228
[23] Length estimated both from FLANs where available and from GIS. Width extending onto shore estimated from average dimensions of armoring noted in FLANs.

conditioned to be setback in 19 of the cases (73%)[24]. Most also contained conditions to require drainage plans to minimize bluff erosion and requirements to blend the structures to minimize visual impacts.

As discussed below, while setbacks called for in the LCP were generally required, some of the implementing actions do not assure that future armoring will be avoided or minimized. In conjunction with expansions and remodels of existing structures and some new development, some accessory structures including stairs, architectural features of the primary structures such as bay windows and eaves, and at-grade decks were approved within the setback area. In some cases variances to setback requirements were granted, and the setback standards themselves may not be adequate to assure that no future shoreline protection devices is needed for new development.

The LCP standards allow shoreline protective devices to protect some accessory structures, not just the primary structure. CZLUO 23.05.090 provides that SPDs are allowed to protect "existing coastal development". CZ 23.04.118(c) allows fences, steps (but not decks or other solid structures) and roof and building projections up to 30 inches to encroach into the setback area. When combined with CZLUO 23.05.090 outlining when shoreline protective devices are allowed, the LCP could allow construction of armoring to protect these accessory structures in the future.

Review of County authorizations for new shore and bluff development found several cases where ancillary structures were permitted to encroach on the setback area. While the County conditioned some permits to assure that the ancillary structures excluded solid structures, it did permit at-grade decks, steps, and architectural features of the principal structure within setback areas. It also granted limited exceptions for existing nonconforming structures within setback areas.[25] It does not appear that the County has yet authorized new shoreline structures to protect such encroachments and in a few cases denied shoreline protective devices to protect ancillary facilities or required removal as a permit condition.[26] But in a few cases, it has permitted expansions and repair and maintenance of *existing* shoreline protective devices where structures such as decks are located within the setback area.[27]

Allowing encroachment of ancillary structures within setback areas may increase the possibility of future shoreline armoring unless LCP standards governing allowable bluff and shoreline protection specifically preclude armoring to protect these structures. If ancillary structures are allowed to be placed within setback areas, it can establish a pattern of siting the primary structure as close as possible to the setback line, thus discouraging more landward siting. Such patterns can increase exposure of structures to hazards and possibly result in additional demand for shoreline armoring, especially if the encroachments are architectural features of the primary structure. The Commission has found in other areas of the coast that some requests for armoring are based in part on the desire to protect these ancillary structures from erosion. [28]

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[24] In Cayucos setbacks were 25 feet; in Cambria setbacks were for 20 feet to 50 feet, depending on location.
[25] See for example 3-SLO-96-029; 3-SLO-94-062; 3-SLO-96-022 and 3-SLO-96-132, 3-SLO-94-060.
[26] 3-SLO-95-155(Fairfield); 3-SLO-96-109 (Goodin); 5-SLO-89-98 (Cavalle)
[27] 3-SLO-029(Allen/Clark) 3-SLO-93-149.
[28] California Coastal Commission, Procedural Guidance Manual: Beach Erosion and Response, December 1999, pg. 102.

A further concern about the encroachment of ancillary structures into the setback areas is that these structures could alter the overall stability of the bluff. Ancillary structures can involve site grading, irrigation, landform alteration and surface disturbance. These activities can modify erosion patterns and slope stability and accelerate the timeframe in which the primary structure will be at risk.

In order to ensure that armoring is avoided in the future, all accessory structures (e.g. decks, patios, gazebos, etc.), should be limited within setback areas and should not be considered structures for the purposes of allowing shoreline protection. Without further clarification in the CZLUO standards that shoreline protective devices will not be permitted to protect existing ancillary development, the implementation of the current LCP does not assure stability and structural integrity without the need for protective devices as required by Section 30235 and 30253 of the Coastal Act.

Alternatives exist to address accessory structures. If allowed, in addition to prohibiting solid or structural uses, the County could require that all future accessory structures be constructed in such a manner so that, once threatened, the structure is required to be relocated or removed. For existing accessory structures within the setback area, the county should consider whether the structure represents a substantial economic investment and whether relocation or removal of accessory structures is feasible and less environmentally damaging than constructing a shoreline protective device.

Variances to Setbacks: Another issue related to avoiding future shoreline armoring is the issuance of variances. The LCP CZLUO Section 23.01.045(d) requires that variance can be granted if certain findings are made:

> 1. *The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situated; and*
> 2. *There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this title [the Coastal Zone Land Use Ordinance] would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and*
> 3. *The variance does not authorize a use that is not otherwise authorized in the land use category; and*
> 4. *The variance is consistent with the provisions of the Local Coastal Program; and*
> 5. *The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.*

The County granted variances to the required blufftop setback in 4 cases of new development of residential structure in the Cayucos. While this is not a large number, it is roughly one-third (28.6%) of all new shorefront approvals or reconstructions in Cayucos [29]. The Commission overturned one of these actions on appeal (A-3-SLO-98-074 (King)). In its action, the Commission required a 25-foot minimum setback and prohibited construction of a future seawall unless the proposed project was part of an area wide solution to bluff erosion. In its action the Commission found that the variance was not consistent with the LCP and also noted that the County did not consider alternatives that could include a smaller house design and building footprint that could be sited outside the bluff setback.

In the four variances reviewed, the County record did not appear to document consideration of alternatives of reducing the allowable structural area or footprint of the structure in order to site it more landward and outside of the required setback. In some cases the structures approached the maximum square footage allowable under the zoning. Variances authorized resulted in the maximum allowable sized structures located within areas subject to high erosion hazard. This may provide a strong economic incentive for a future shoreline protective device. Also, examination of the variances indicates that some considered issues of private (not public) ocean views or existence of remnants of old prior revetments on the site in granting the variance.

Unless adequate setbacks are maintained, more property will be at risk from shoreline hazards and more and expanded shoreline armoring is likely to result. This in turn will result in greater impacts to recreational shoreline areas and scenic and visual resources along the shoreline. It is important that variances not be granted unless there are no feasible resiting or redesign alternatives that would maintain the setbacks. The actions of the County to allow variances from required setbacks without considering all feasible alternatives does not minimize risk as required by the Coastal Act. It also does not assure that development will be located in manner that avoids future construction of protective devices as required by Section 30253 of the Coastal Act.

Adequacy of Setback Standards: The LCP policies generally result in a setback of 25 feet from the edge of the bluff in areas such as Cayucos. However, while the county has in most cases required this setback as noted previously, the setback standard itself and the method for determining the setback may need to be strengthened in order to assure that development not require future armoring.

Bluff setbacks in SLO County, based on the certified LCP, have generally reflected a projected erosion rate of 2 to 3 inches per year and an economic life of a structure of 75 years. However, some geologic evaluations note erosion rates at 6 to 9 inches per year in some areas of Cayucos[30]. As the Commission found in findings on the North Coast Area Plan Update, at an average erosion rate of 2 to 3 inches/year that is estimated to occur in Cambria, a 75-year economic life of structure would result in erosion of 12.5 to 18.75 feet. At 100 years, erosion of about 17 to 25 feet is expected to occur. [31] A 6-inch/year erosion rate would necessitate a

[29] Setbacks unknown for two of the 14 actions.
[30] Parsons, pg. 224-225
[31] CCC Revsied Findings , LCP Amendment 1-97, January,1998. Page 178.

setback of 37.5 feet to protect the structure for 75 years and 50 feet to protect the structure for 100 years. Setbacks based on average annual rates also do not take into account the episodic nature of erosion. The Commission also has experience with varying setback determinations on the same properties, illustrating the inherent uncertainty in geologic setback analyses. This scientific uncertainty further underscores the need to require setbacks that will be adequate over the long run.

Also, setback standards often do not fully convey the use of a setback. The construction of ancillary structures in the setback can compound this misunderstanding. A setback on an eroding coastal bluff is an estimate of the amount of land that can be lost over time, and not jeopardize the stability of development on the site. Unlike inland property, this is not a "backyard" that will always be there; it is a temporary buffer between development and the erosive forces of the ocean. Since erosion can be both episodic and chronic, sudden and unexpected bluff retreat should be expected within the setback area.

Consistency Analysis: Since certification of the LCP the Commission has continued to develop new information on the management of coastal shoreline hazards and the effects of shoreline armoring. The determination of "adequate" setback distances, relying greatly upon historic erosion information has not always resulted in siting of new development to avoid future armoring. Several geologic evaluations in support of county authorizations noted significant bluff failures in the Cayucos area in 1986 and 1992 and 1994. One report noted that the Studio Drive bluffs eroded 20 feet from 1982-1987 due to the 1983-1984 storm season[32]. The 1986 storm year saw significant erosion and as a result much emergency armoring was placed. Ongoing gradual erosion as well as greater erosion during storm events would argue for setbacks greater than the 25 feet minimum established in the LCP.

Reviews of County authorizations also show the inadequacy of a 25-ft. setback in avoiding future armoring. For example, staff reviewed cases where the geologic evaluation in support of a proposed engineered shoreline protective device indicated that the structure was needed to protect an existing residence located 20 feet from the bluff. In another case such shoreline protective device was to protect a residence 25 feet from the bluff. [33] While the County has generally been consistent in implementing its LCP setback policies, it appears the standards may need to be improved in order to assure stability and structural integrity consistent with the Coastal Act Section 30253.

The County LCP Policy # 1 mirrors the Coastal Act policy objectives, stating that "Along the shoreline new development (with the exception of coastal dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure". The Coastal Act section 30253(2) says new development may not "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Shoreline protective devices can and do substantially alter natural landforms by greatly reducing erosion of

[32] See 4-SLO-91-049 (Rogers)
[33] For example, see 3-SLO-97-052 (Wheat); 3-SLO-96-086.

the bluffs behind the device and accelerating erosion of the beach seaward of the device and of the bluffs on either side of the device. In addition, construction of shoreline protective devices can involve substantial grading of the bluff.

In order to achieve the Coastal Act and LCP policy objectives and avoid future armoring standards should ensure that new development would not need a shoreline protective device for the duration of its economic life. While the Coastal Act does not define the economic lifetime of a structure, prior studies by the Commission[34] have shown that structures will generally remain in good condition with regular repair and maintenance for at least 75 years after construction. And, even when a full 75-year setback is used as the county has done in implementing its LCP, the value of coastal land and the lack of alternative coastal locations makes it unlikely that structures along the coast will be retired after 75 years or the completion of their theoretical economic life. The 75-year economic life may not reflect the actual lifetime of a structure or the length of time a coastal site will be occupied. All along the coast the Commission has reviewed major residential renovation projects on existing structures which have the effect of extending the economic life of the structure. When structures are setback using a 75-year economic life, they can be expected to "outlive" their setbacks and eventually require armoring for long-term protection from erosion.

If new development continues to be permitted in high hazard areas, setbacks should be sufficient enough to allow for natural processes to continue without the adverse impacts that would be associated with the introduction of hard protective devices. If an economic lifetime of 75 years is resulting in additional shoreline armoring, as it appears is happening in some areas of San Luis Obispo County, standards for setbacks should be increased. By instituting a setback based upon a greater economic lifetime and greater episodic erosion events, shoreline armoring will be unnecessary with the removal of these structures at the end of their economic lives. If erosion in San Luis Obispo County averages 3 inches/ year to 6 inches/year over 100 years this would result in 25- 50 feet of shoreline eroded. If potential large erosion events were taken into account a setback much larger than 25 feet would be needed to avoid future armoring. Further, these erosion rates do not reflect consideration of the impacts of an accelerated rate of sea level rise that would warrant inclusion of the additional safety factor into the determination of any setback.

The existing LCP as well as proposed updated Estero Area Plan continues the determination of setbacks based on a 75-year economic life of structures or 25 feet minimum. Review of the permits authorized indicates that almost all proposals and conditions placed on development adhere to the minimum setback. As discussed, this may not avoid future shoreline armoring consistent with the Coastal Act. The siting of new development to avoid exposure to hazards is critical. Once built, pressures may emerge to protect these structures even though they were constructed after the Coastal Act prohibition on new development requiring shoreline protection was in place. This is particularly true where geologic studies underestimated the geological risk when the structure was first approved. Therefore, in order to reduce construction of shoreline protective devices new development must be sited so that it will not be subject to future hazards from erosion. The use of greater setbacks, an increase in the estimated economic life of a

[34] CCC Beach Erosion and Response and CCC, ReCAP, Monterey Bay Region Monterey.

protective devices new development must be sited so that it will not be subject to future hazards from erosion. The use of greater setbacks, an increase in the estimated economic life of a structure and consideration of reduced standards for maximum structural area and lot coverage to allow more flexibility is siting development combine to help avoid the need for future armoring.

Preliminary Policy Alternatives :

There are a variety of measures that the County could incorporate into its LCP to avoid or minimize future armoring:

Preliminary Recommendation 7.1: Modify CZLUO 23.05.090(a) to define more specifically what existing structures are for purpose of allowing future armoring. For example, as follows: "*existing coastal development" for purposes of this section shall consist only of the principle structure and shall not include accessory or ancillary structures such as garages, decks, steps, eaves, landscaping, etc. No shoreline protection device shall* be *allowed for the sole purpose of protecting the accessory structure(s).*

Preliminary Recommendation 7.2: Revise Coastal Policy 6 to change setbacks to require that they be based on a projected 100-year economic life.

Preliminary Recommendation 7.3: Revise CZLUO 23.04.118 : Eliminate the stringline method for determining setbacks, section (a). Modify section (b) to base setback on a projected 100 year economic life of structure. Add requirement for determining a safety factor either as a multiplier or as a set distance. For example, if the rate of erosion is determined to be 3 inches per year, the economic life of the structure is 100 years, and the safety factor is 1.2, then the minimum setback is 30 feet (3 in. x 100 yrs. = 300 in., 300 in. = 25 feet, 25 feet x 1.2 = 30 feet). If the safety factor were a set distance of, say, 10 feet, and the rate of erosion and economic life of the structure were the same as in the preceding example, then the setback would be 35 feet. The safety factor should be based on shoreline change data and the size or magnitude of extreme erosion events. This setback distance establishes the likely future landward retreat of the shoreline and established the future shoreline condition that should be the basis for the new structure.

Preliminary Recommendation 7.4: Modify section (c) to eliminate part (3) and to provide: "The minimum setback requirements of this section do not apply to the following *provided the structures are designed to be removed or relocated in the event of threat from erosion.*

Preliminary Recommendation 7.5: Reexamine regional average annual erosion rates. Recent studies of the area for individual shoreline protection have shown that the estimate that the shoreline will retreat only 25 feet during the next 75 years is often low. The minimum setback distances use this value for siting new development and the minimum distance should be revised to better reflect current shoreline changes.

C. 2. Avoiding or Mitigating the Cumulative Effects of Seawall Development in Existing Developed Areas.

Overview: The shoreline in the urbanized areas of Cayucos and Cambria is already affected by the presence of shoreline structures. The implementation of the LCP should maximize protection of the remaining unarmored sections of shoreline and address resiting structures outside of hazard areas upon redevelopment.

Since certification, the major issue raised in post certification actions related to shoreline hazards has been shoreline and bluff erosion in the urbanized areas of Cayucos and Cambria. Both of these areas have significant shoreline development and the urbanized shoreline of Cayucos has a large number of lots armored with shoreline protective devices. But there are few remaining vacant parcels in Cayucos. Many of the structures are older and redevelopment and reconstruction is likely to continue to occur. Of the shoreline residential structures authorized since certification in the Cayucos area at least 25 % were expansions and renovations. Although some of the armoring in these developed areas occurred prior to the Coastal Act, much of the development has occurred during heavy storm years, particularly 1982-1983 El Nino year, prior to certification of the LCP. As indicated previously, of the actions by the county and the commission authorizing shoreline protective devices, Cayucos and Cambria accounted for more than 80% of all armoring authorized.

LCP Implementation: LCP Policy 1 and the CZLUO allow shoreline protective devices only to protect existing development. Review of County authorizations noted a few cases where shoreline protective devices were authorized to protect new development being proposed on vacant infill lands. In these cases the County interpreted the LCP as allowing such armoring or permitted a variance. Review of County actions indicates that in some cases the armoring was allowed in order to provide the residence with siting and private views comparable to neighboring properties. And, some armoring was determined to be infill between existing revetments and infill armoring was permitted to minimize erosion from existing seawall. In other cases the county found that small old remnant revetments allowed replacement and expansion of a shoreline protective device accompanying development on a vacant parcel.[35]

> Infill development as applied in past Commission permit actions referred generally to one or two lots, vacant or made vacant through demolition, between existing developed lots and served with existing infrastructure.

Consistency Analysis: As the Commission found in the King Appeal where a revetment was denied as part of construction of a new residence, the LCP Hazards Policy 1 and CZLUO 25.05.090 and Coastal Act allow shoreline protective devices only to protect existing development, not new development on vacant lots. Also, the Commission noted that some of the existing armoring based upon infill determinations, roughly in excess of 20 seawalls, was

[35] A-3-SLO-98-074 (King).

illegally constructed in response to large storms in 1983. While subsequent permits were received for some walls, enforcement actions remained outstanding on many.

Many of the area's vacant parcels within urban areas consist of infill development.[36] Without standards to site new development as far landward as possible and standards to assure continual setback on vacant or redeveloped sites, areas of existing development will eventually be built-out based on site development as near to the shoreline as possible. Under this scenario, infill projects allowed in high hazard areas based upon historical land use decisions will eventually require the same level of shoreline armoring as their neighbors.

The County's proposed Estero Area Plan Update suggests changes to the LCP to allow construction of new development and shoreline protective devices on vacant or developed lots in infill situations- that is, where seawalls exist on both sides of the proposed development. Given the pattern of existing vacant lots and the potential for redevelopment of older homes, implementation of such an infill policy would result in the remainder of the Cayucos shoreline and a portion of the Cambria shoreline being armored. The implementation of this policy would also be complicated by the fact that many shoreline protective devices may have been installed or expanded in emergency conditions and/or without proper permits, albeit some time ago. Given the history of shoreline structure development in Cayucos, and the need to plan for redevelopment in this area, a program should be developed to comprehensive assess existing seawalls and determine the appropriate planning standards for this area over the long run. For example, in the King action, the Commission discussed the possibility of allowing a future seawall, if accomplished within a comprehensive planning and redevelopment context that accounted for shoreline structures and resource impacts in the surrounding vicinity.

The actions by the County to allow construction of shoreline protective devices in conjunction with new development on vacant lots, even in infill situations, is not consistent with the policies of the Coastal Act to avoid or minimize shoreline protective devices. However, since most of the shoreline area in Cayucos and Cambria are already development and only scattered vacant lots remain, minimizing future armoring must be accomplished primarily through resiting of development as older structures redevelop.

Redevelopment of Existing Developed Shoreline Areas

As noted in the previous discussion, structures along the shorefront are likely to continue to undergo reconstruction and renovation which extends the economic life of the structure. The LCP standards CZLUO 23.07.082 provides that alterations and additions are not exempt from GSA combining district standards on blufftop sites. Therefore, under the certified LCP, demolition and reconstruction of structures along the bluffs and shoreline would require a coastal permit and could be reviewed for alternatives to avoid the construction or continued maintenance of shoreline armoring.

[36] Infill development as applied in past Commission permit actions referred generally to one or two lots, vacant or made vacant through demolition, between existing developed lots and served with existing infrastructure.

Section 30253 of the Coastal Act includes provisions to minimize risks and to assure that new development not require construction of protective devices that would substantially alter natural landforms along bluffs or cliffs. Section 30235 allows shoreline armoring when required to protect existing development and when designed to eliminate or mitigate adverse impacts. The determination of whether armoring is required to protect existing development is usually a case by case determination. With a few exceptions, as long as structures are located in areas subject to wave hazard or bluff erosion, under Section 30235, past permit actions in the project area show that there is a likelihood they will eventually be armored.

In areas such as Cayucos that are substantially built out, the greatest opportunity to avoid or minimize additional armoring is in cases where such major demolition and redevelopment is likely to occur. However, the Commission recognizes that even with a comprehensive policy to enforce greater setbacks on redevelopment, planned retreat is not assured, since property owners could choose to renovate structures in place instead of demolishing them, thus avoiding more inland resiting.

However, as properties are developed or redeveloped on a lot by lot basis, it is likely that more requests for variances to setback and shoreline protective device standards will occur. In review of county actions, staff found comments from owners of older Cayucos houses in support of variance requests which noted the desire when they rebuild to also "move forward" to maximize the potential of the lot.[37] In order to avoid armoring of the shoreline or reclaim shoreline area as properties recycle in existing developed areas, it may be necessary to address the problems on an area-wide basis for equity concerns and to achieve resiting of structures outside of hazardous areas.

A comprehensive area wide approach to minimizing shoreline armoring could be based on identifying shoreline areas with similar geologic conditions; orientation to wave energy and erosion potential. An area wide solution could incorporate a package of measures that would apply to all properties. These could include: revised setback requirements, revised site coverage maximums to facilitate resiting and resizing upon redevelopment, along with removal of existing armoring; reduction of building footprints while maintaining height restrictions to protect visual resources; mitigation programs to minimize erosion from inland drainage; mitigation programs to pay for beach nourishment where appropriate, consideration of access and recreation needs and even possible acquisition of areas subject to high hazards. Such an approach implemented through the LCP Area Plans could not only provide greater equity to all properties within the area but could minimize the potential for variances and continued armoring based on infill.

In its action on the LCPA 1-97 on the North Coast Area Plan Update, as well as in permit and appeal actions, the Commission has continued to recommend developed of such area-specific solutions in order to carry out Coastal Act policies. Unless a comprehensive approach is taken to management of the shoreline in Cayucos, as well as other high erosion hazard areas along the county's coastline, the shoreline in the urbanized areas as well as in places along scenic Highway 1 will likely be fully armored. Such actions cumulatively will result in substantial impacts to shoreline resources and public access in consistent with the goals of the Coastal Act.

[37] 3-SLO-97-129

Preliminary Policy Alternatives:

Preliminary Recommendation 7.6: Add new Policy standards Prohibit new subdivisions or lot splits or lot legalization that create new lots in high wave hazard areas.

Preliminary Recommendation 7.7: Strengthen Measures to ensure no future armoring Modify standards for new development on vacant lots or for demolition and rebuilding of structures subject to beach or cliff erosion, inundation, wave uprush, etc. in areas subject to hazards. The modified standards should require as a condition of new development that the applicant assumes the risk of building in the hazardous areas without assurances that future armoring will be allowed. This could be implemented by modifying and expanding the GSA combining designation to identify specific areas where no future shoreline armoring will be permitted.

Preliminary Recommendation 7.8: Adopt as a program in the LCP: Implement an area wide shoreline erosion and bluff retreat management plan for Cayucos and Cambria

As part of this plan, specific sections of these coastline areas should be assessed based on factors including, but not be limited to, geology, wave conditions, and sand budget. The management plans should include, but not be limited to:

- Standard engineering plans defining the specific types of armoring which would be acceptable for specific areas, and where appropriate, identification of the types of armoring that should never be considered for certain areas.

- Standard alternatives feasibility analysis worksheet that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only created as a last resort. The analysis may require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, etc.), an examination of all other options (removal, relocation, "do nothing", sand replenishment, etc.), and a conclusion that a shoreline protective device would be the "best option" (most protective of the public trust, best long term solution, etc.) for the subject site.

- Standard conditions and monitoring requirements that may include discussion of mechanisms to ensure shoreline protection effectiveness and public safety with provisions for the removal of ineffective or hazardous protective structures as well as programs to address beach replenishment and sand supply.

C.3. Mitigation of Access Impacts from Shoreline Armoring

Overview: The shoreline of the project area is a source of public access and recreational opportunities for residents of and visitors to one of the state's most scenic areas. As noted elsewhere in this report, it is also a source of significant revenues from tourism to the local economy. The development of shoreline protective devices can result in loss of public access by directly affecting public tidelands. The mitigation for development of shoreline protective devices, if not implemented, can also result in a loss of public access.

The LCP Hazard policy 4, implemented as a standard ensures protection of public access. It requires, in part, that where a shoreline protective device is necessary, siting shall not preclude public access to an along the shore and shall be sited to minimize visual impacts, erosive impacts on adjacent unprotected property, encroachment onto the beach and to provide public overlooks where feasible and safe. The area seaward of the protective devices shall be dedicated for lateral public access. The CZLUO 23.04.420 requires that access be provided in new development between the first public road and the sea.

LCP Implementation: Where shoreline protective devices have been authorized the County has generally been consistent in mitigating access impacts by requiring dedications of lateral access easements (OTDs). Of the 56 approvals of shoreline protective devices in the project area, 15 cases reviewed had requirements for access mitigation, all for lateral access.

However in many cases, shoreline protective devices were authorized to protect private property but appeared to be located on state lands, including state park lands.[38] In a few cases, the County required a redesign to place armoring on private property but since no determinations of public ownership was made, it is likely many of the walls encroached on public lands and many of the OTDs may have been recorded on public lands. While the County has been consistent in carrying out the mitigation required in the LCP, if such OTDs are located on what is already public land, it may not fully mitigate the impacts from placement of revetments that occupy shoreline area that would otherwise be available for public recreation. The Commission recognizes that documenting public ownership of lands can be time consuming for individual lots. Consideration of the location of public shoreline lands could be another aspect that could be considered in an area wide plan for managing shoreline development suggested in recommendation 7-8. To assure mitigation is carried out, the County should accept any remaining shoreline easements not yet accepted, to assure that mitigation is fully realized and not lost.

Another challenge facing the county is to assure that once accepted, the easement areas dedicated as mitigation remain free of future encroachments including expansions of shoreline protective devices. According to reports of the staff of the statewide Access program, instances have been found where shoreline protective devices have encroached into existing easement areas, especially as a result of emergency actions. [39] Such encroachments would result in additional loss of shoreline recreation area and would be inconsistent with the policies of the Coastal Act

[38] For example, 9-SLO-88-101; 3-SLO-052 (Wheat); 3-SLO-94-042 (Peltzer/Pace); 5-SLO-89-098.
[39] (Locklin,L. CCC Public Access Program Manager, pers. communication).

that public access be maximized and that development not interfere with the public right of access.

The LCP CZLUO 23.04.420 provides for CCC review of recorded documents. However, those documents are frequently just legal descriptions and do not contain accurate maps of the easement location on the property. Monitoring of the location of easements in order to assure the proposed development will not be sited in an area reserved for public access will prevent loss of access mitigation. While the LCP requires filing of the location of access easements in conjunction with Plot Plans, it does not require it in conjunction with Minor Use Permits. The shoreline protective devices reviewed were almost all processed as Minor Use Permits.

Also, while the County required lateral access easements, in at least two cases language of the conditions required the easement "if applicable to the site". Such conditions do not assure that mitigation will be implemented and as such the access policies of the LCP are not being carried out consistent with the Coastal Act.

Preliminary Policy Alternatives:

Preliminary Recommendation 7.9: Modify CZLUO 23.04.420 (g) to ensure that the easements are protected against further encroachment by requiring that the easements be mapped in detail in conjunction with recordation.

Preliminary Recommendation 7.10: Modify CZLUO 23.02.033 ((a)(8) Public Access Locations. Applications for projects between the ocean and the nearest public road shall include the locations of nearest public access points to the project *and the mapped locations of any existing public access easements or recorded offers to dedicate public access easements.*

Preliminary Recommendation 7.11: Revise condition language for requiring access easements to clarify that phrases such as "if applicable" should not be part of access requirements.

C.4. Emergency Armoring of the Shoreline

Overview: Shoreline protective devices can be engineered and designed to be the minimum necessary to address hazards, to be visually unobtrusive as possible and to be located as far landward as possible to minimize access impacts. Yet, if shoreline protective devices are placed during emergency conditions, the County often lacks the opportunity to consider alternative design and siting criteria.

LCP Implementation: The LCP and Section 30624 of the Coastal Act allow an emergency permit to be issued when immediate action is required to prevent or mitigate loss or damage to life, health, property or essential public services. Certainly, rapid response is of particular importance in an emergency situation. However, because the regular permitting process is

bypassed, an emergency structure can be constructed with minimal engineering review and often no review for alternatives or mitigation of impacts on coastal resources. Under current County provisions, CZLUO 23.03.045(b)(6) applicants for emergency authorizations are notified and agree with the requirement that a regular permit application be submitted within 30 days of the issuance of the emergency permit to retain the structure.

As the Commission found in previous Commission evaluation of shoreline armoring:[40]

> *significant cumulative impacts to shoreline beach resources have occurred as a result of the application of the policies and procedures for emergency permitting. There are three aspects of the problems of emergency permitting of SPDs: (1) applicants often fail to submit follow-up permits; (2) once constructed, few if any emergency structures are removed; and (3) the emergency permit process leads to incremental, haphazard armoring of the coast without mitigation for the impacts to sand supply. For all practical purposes, if armoring is installed in emergencies, it remains in place, often with sub-standard engineering review and without mitigation for impacts to coastal resources.*

Areas of SLO County have been subject to significant damages from large storms in 1983, 1995, and 1997-98. For example, in the winter of 1997-98 erosion threatened Highway 1 in the Piedras Blancas area, storm damage occurred at Port San Luis and erosion occurred along the shoreline in the City of Pismo Beach. State Parks at Pismo Beach SB and Montana de Oro were affected by flooding and erosion of roads. Erosion of stairs and a ramp occurred at Hearst Memorial State Beach Pier. [41] During this period, the Commission authorized at least 3 emergency permits for shoreline armoring. Review of County actions shows 4 emergency authorizations and 8 subsequent authorizations for projects which were follow up permits for armoring that was already placed during an emergency. Emergency shoreline armoring appears to have occurred in earlier storm years, prior to the certification of the LCP. Commission staff reviews indicate that significant emergency armoring in Cayucos was placed as a result of major storm events in 1983-1984.

The Commission's enforcement experience shows that assuring that the emergency armoring is removed, or a follow up permit is obtained which addresses alternatives and mitigation of impacts, remains a significant problem. Of the 56 statewide enforcement cases identified in SLO since 1980, close to half (46%) involved shoreline armoring. And of those, 80% involve expired emergency permits for riprap for which no follow-up permit was obtained. In addition, since 1988, about 8 of the 56 applications for shoreline armoring (14%) were noted as after-the-fact permits (ATFs) to permit emergency armoring. It is unclear how much armoring remains unpermitted.

Consistency Analysis: Review of these actions also shows that the armoring placed in an emergency usually remains, although in most cases mitigation is required. Given the current

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[40] California Coastal Commission, *Regional Cumulative Assessment Project, Findings and Recommendations, Santa Monica Mountains/Malibu Area*, June 1999, pg. 79.

[41] CCC, Coastal Zone Damage Index- Storm Event Winter 1998; California Dept. of Parks and Recreation Storm Damage Report, Updates Through February 16,1998; CCC, Coastal Impacts of the 1997-1998 El Nino and Predictions for La Nina, August 28, 1998.

provisions of the Coastal Act, the emergency authorization of armoring can be expected to continue. El Niño conditions are expected to occur every 2-7 years[42]; with the high erosion in some developed areas of the county, the demand for emergency permits is likely to continue. As more of the shoreline is armored, the demand will increase for maintaining or expanding existing armoring. While developing guidance for emergency permitting to reinforce the temporary nature of the development is possible, in most cases even placement of riprap and rock intended to be temporary is rarely removed.

Commission staff did not have data to evaluate the effects of County enforcement of emergency follow-up permits. But given the Commission's experience with emergency armoring, it is likely to be a continuing area of concern. In addition to continued attention in monitoring emergency permits, steps can be taken to minimize the likelihood of future enforcement cases. For example, procedures can be established for coordination with property owners and for field inspections before and after storm seasons. Through preparation of shoreline management plans, the County can provide advance information on the location of easement areas to assure emergency structures are not occupying public easements; provide for inspections to identify shoreline protective structures built without permits; and assure emergency structures are removed or regular permit follow-up is completed within the 30 day period.

Preliminary Policy Alternatives:

Preliminary Recommendation 7.12: As part of shoreline management plans noted in Preliminary Recommendation 7.7, include procedures to address emergency armoring. Include procedures for coordination with property owners and for field inspections before and after storm seasons. Include guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.

C.5. Mitigating the Impacts of Armoring Pacific Coast Highway.

Overview: Highway One is the major access road to and along the coast in much of the county and is adjacent to coastal bluffs at various locations. It is a major recreational feature that provides spectacular ocean views and access to public beaches and the Big Sur Coast. However, the maintenance of this important piece of public infrastructure has not been without cost to coastal resources. In places in the North Coast Area the erosion progressed such that the bluff edge was only about two feet from the highway edge. Since certification one permit has been issued for rock armoring to protect the roadway, for armoring 200 feet in length and 25 feet high. The Commission found in that action that additional areas of the highway could be threatened in the future, it conditioned the permit to require consideration for relocation of Highway one in order to avoid additional shoreline armoring.

While the protection of Highway One in an emergency is an important objective, impacts to shoreline resources also need to be addressed. The Commission has found that in other areas of

[42] Cayan, Daniel R., "Weather Effects of an El Nino Along the California Coast." In *Proceedings of a Workshop of the Potential Coastal Impacts of an El Nino Winter*. Scripps Institution of Oceanography Reference Series No.97-10. September 1997. Page 4.

the coastline, emergency armoring to protect Highway One is frequently not temporary and often not removed. And often there is no adequate consideration of alternatives or mitigation for impacts to sand supply and public access as a result of these projects.

LCP Implementation: Since certification of the LCP the County and Commission had approved, until recently, only one permit authorizing Caltrans to place rock at a point along the highway. [43] The County authorized the armoring noting that a Commission permit was required but did not appear to evaluate any alternatives to avoid armoring.

The Commission in its review of the permit conditioned the permit to ensure that permit was valid only until August 2002, with two possible extensions to 2007 and 2012, and required that Caltrans investigate alternatives to assure that shoreline armoring is the least feasible environmentally damaging alternative. These include different methods for bluff protection and potential road realignment to assure that the road is safe from erosion with future armoring for at least 100 years, as with residential structures.

Recently, three more road failures occurred north of Cambria near Arroyo del Oso. In two cases Caltrans was able to install temporary bypasses so that armoring was not required. But, in one spot, a bypass was not possible due to potential impacts on the creek. As a result the Commission granted emergency authorization for riprap. The Commission approved this emergency action because Caltrans is making progress in studying the realignment, consistent with the previous action. A request for extension of the 1997 permit is likely.

The Commission also adopted a modification to the NCAP in 1998 that would address the need to realign Highway One, rather than allow future shoreline protection along this scenic stretch of coast. The County has recently acknowledged this need in the revised Project Description for the NCAP (5-10).

Consistency Analysis: Coastal Act 32035 allows shoreline armoring to protect Highway One where there is no other feasible means of protecting the existing structure. But this must be viewed in conjunction with the whole of the Coastal Act, specifically, section 30211 that requires that development not interfere with public access, section 30240 that requires that environmentally sensitive habitat be protected and section 3025q that requires protection of scenic and visual resources. As noted previously, shoreline armoring can impact shoreline resources by encroaching onto recreational shoreline areas, by altering sand movement, by affecting sensitive shoreline habitat areas and impacting the scenic views from the shoreline. The LCP in Hazards Policy 4 already contains requirements to assure that armoring is permitted only where no less environmentally damaging alternative exists. Other standards in the CZLUO require setbacks of development to avoid future armoring. In order to carry out the LCP consistent with the Coastal Act, the County should expand policy standards to require consideration of relocation alternatives such as those specified in the Commission's review of the Caltrans permit.

[43] 3-SLO-97-39

Preliminary Policy Alternatives:

Preliminary Recommendation 7.13: Policy 6 should clarify that Highway 1 must comply with setback standards similar to other existing structures, establishing setbacks based on assuring highway will be safe from erosion without need for armoring for 100 years. Policy 4 should be expanded to clarify that consideration of alternatives should include possible relocation of the structure to be protected, including Highway 1.

Preliminary Recommendation 7.14: Amend NCAP to Provide Realignment of Highway One to Avoid Shoreline Protection

C.6 Improved Geotechnical Analysis

Overview: The LCP provides that in bluff areas subject to the GSA combining designation, setbacks and siting alternatives are determined based on a geologic evaluation by a Certified Engineering Geologist. The contents of the required site stability evaluation report are specified in CZLUO section 23.04.118 as follows:

> *The report shall accompany the land use permit application, and shall contain the following information:*
>
> *(1) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport.*
>
> *(2) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development.*
>
> *(3) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints, and faults.*
>
> *(4) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.*
>
> *(5) Wave and tidal action, including effects of marine erosion on seacliffs.*
>
> *(6) Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage).*
>
> *(7) Potential effects of seismic forces resulting from a maximum credible earthquake.*

(8) Effects of the proposed development including sighting [sic] and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and adjacent area.

(9) Potential erodibility of the site and mitigation measures proposed to minimize erosion problems during and after construction. Such measures may include but are not limited to landscaping and drainage design.

(10) The area of demonstration of stability shall include the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined a 20-1/4 degree angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater.

(11) Any other factors that may affect slope stability.

These requirements are extensive and ensure that significant geologic information is developed as part of a coastal permit application. Recently, as a result of the experience with shoreline erosion along the coast, the Commission has been identifying more comprehensive and specific data needs in order to assure adequate consideration of site stability and alternatives. For example, the Commission has recently identified guidance conducting assessments of slope stability in geotechnical reports. This guidance suggests that in addition to the standards currently in the LCP, that the application requirements be expanded to provide a more quantitative analysis. For example, regarding slope stability, the contents for (4) and (11) above could specify that the likelihood of landslides should be addressed through quantitative slope stability analyses prepared and certified by a licensed geologist (RG) or Certified Engineering Geologist (CEG). The analyses should demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the earthquake-loaded condition. These factors of safety should be demonstrable for the useful economic life of the structure. In other words, not only should the setback line corresponding to a 1.5 factor of safety be established for the present condition, but a similar line should be established representing the location behind which a 1.5 factor of safety can be assured following 100 years of bluff erosion and retreat.

Also, the specifics for undertaking slope stability analyses can be specified, for example:

1) All analyses should be undertaken through cross-sections oriented perpendicular to the slope. Analyses should include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined.

2) The effects of earthquakes on slope stability should be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.15g. If it can be demonstrated that the Maximum Credible Earthquake at the site would result in a horizontal ground acceleration at the site less than .15g, the lower value, supported by an appropriate attenuation model, may be used.

3) All slope analyses should be performed using geotechnical parameters (friction angle, cohesion, and unit weight) determined from undisturbed samples collected at the site. The choice of geotechnical parameters for each geologic unit examined shall be supported by direct shear tests, triaxial shear test, or literature references.

4) All slope stability analyses should be undertaken with potentiometric surfaces for the highest potential groundwater conditions.

5) If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes should be provided, and geotechnical parameters for each orientation shall be supported by reference to pertinent direct sheer tests, triaxial shear test, or literature.

6) When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, rotational failure surfaces should be sought through a critical failure search routine to analyze the factor of safety along postulated critical failure surfaces.

7) If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness dip in the same direction as the slope, factors of safety for translational failure surfaces also should be calculated. The use of a block failure model should be supported by geologic evidence for anisotropy in rock or soil strength. Geotechnical parameters for such weak surfaces should be supported through direct shear tests, triaxial shear test, or literature references.

In updating the LCP Area Plans, the County should consider updating the requirements for undertaking geological evaluations. In addition, guidance developed by the State Department of Conservation, including "Guidelines for Engineering Geologic Reports"[44] and for sites that lie within an Alquist-Priolo Zone (i.e., near an active fault), guidelines for a fault-hazard report, could be considered.[45] The County should consider update its filing requirements for geotechnical evaluations in order to continue to reflect more current knowledge and to ensure adequate site stability in conformity with the Coastal Act.

Preliminary Policy Alternatives:

Preliminary Recommendation 7.15: Modify CZLUO section 23.04.118 to update required contents of geologic evaluation reports within the GSA combining designation.

[44] http://www.dca.ca.gov/geology/publications/report_guidelines/engineering_geologic.html
[45] http://www.dca.ca.gov/geology/publications/report_guidelines/geologic.html

C. 7 Mitigating Scenic and Visual Resources

LCP policy 4 requires that shoreline protective devices minimize impacts to visual resources. Of the 56 authorizations for shoreline protective devices, roughly 14% raised scenic and visual issues. Many of the actions authorizing shoreline protective device contained conditions designed to assure that materials and engineering design of the armoring minimize visual impacts by blending the structure with the surrounding area. But by altering the natural landform, and developing piecemeal types of shoreline protective devices, armoring of the coast affects the scenic and visual experience of recreationists on adjacent beaches, public parks and coastal waters. Avoiding or minimizing armoring of the shoreline as discussed in the policy alternatives in section C.2. of this chapter can assure that landform impacts are avoided or mitigated consistent with Coastal Act section 30251.

Improving consistency in the types of materials used in shoreline armoring and especially in emergency actions and repair and maintenance can help minimize visual impacts. As the Commission found in prior studies, a consistent regional approach for areas prone to erosion can help minimze impacts. For example, in a case study in the Monterey Bay area, the Commission found that,

> *The existing situation in Live Oak, however, presents a piecemeal confusion of protective measures. From an engineering perspective, the weakest points in shoreline armoring are normally the ends and the junctions between different styles of protection (rock adjacent to concrete to gunite, for example). Such ends and junctions occur frequently in the Live Oak area, and while no engineering evaluation has been prepared, the potential for weaknesses in the protection would be greatly reduced by a regional approach to controlling erosion in the area. In addition, the general look and aesthetic of the area would change if adjoining properties had shoreline protection efforts with a similar visual effect...*
>
> *Without a regional overview, the piecemeal approach to shoreline protective devices will continue to impact shoreline processes and resources. The attempt to minimize coastal hazards with various devices (seawalls and numerous rip-rap structures), combined with naturally occurring coastal processes, requires a closer examination of their cumulative impacts. Piecemeal solutions to coastal erosion problems are not generally effective and have the potential to create further problems. Often overlooked are the regional effects of such shoreline protection. Where a regional coastal erosion problem exists, a regional solution should be developed and implemented..*[46]

In review of armoring along Cayucos, staff noted that a variety of armoring occurs, for example, riprap, gunnite, cement block, and wood retaining walls.

[46] CCC, ReCAP Pilot Project, Findings and Recommendations: Monterey Bay Region, September 1995, pg.25.

Preliminary Policy Alternatives:

Preliminary Recommendation 7.16: The area wide shoreline retreat and management plan suggested for Cayucos and Cambria in Preliminary Recommendation 7-7 could also incorporate guidelines for identifying specific types of armoring that would be acceptable for specific areas to minimize visual impacts from armoring along the shoreline and water recreation areas.

C.8 Seismic and Landslide Hazards.

Through extensive research and modeling the California Conservation Division of Mines and Geology has classified the San Luis Obispo County Coast as a relatively low seismic hazard area in this highly seismic state[47].

The LCP Geologic Study Area (GSA) Combining District provides that special site specific evaluation occur to determine suitability of the site in areas of high risk potential outside urban reserve and moderate to high risk potential within urban reserve lines. CZLOU ordinance 23.07.080 provides that standards are applied to areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by California DNOD (1977). In accordance with Hazards Policy No. 7 of the LCP the GSA combining district requires site evaluation addressing surface fault rupture, seismic shaking, liquefaction or landslide.

Seismic hazard issues were raised in less than 2% of the overall permits acted on by the county. And the 44 cases raising seismic hazards represented only 16% of the 273 permits that raised hazard issues. Almost half were located in existing developed areas of either Cambria or Cayucos. Only two, one in Avila Beach, were subdivisions. [48] Of the 44 cases, 18 (41%) were conditioned to require submittal of geologic evaluation on site suitability. However, as the Commission found in LCPA 1-97, since LCP certification the State Geologist has designated the San Simeon-Hosgri fault as an active fault, a Earthquake Fault Zone subject to the Alquist Priolo Act, and there may be additional active faults that are part of the Arroyo Laguna Fault which are not yet mapped.

While the County's implementation of LCP policies do not appear to raise significant concerns regarding conformance with Section 30253, the Commission has noted that the policies and designation themselves may not reflect current up to date information on the presence of seismic hazards. The LCP should be modified to update seismic mapping and identification, that the GSA should be revised and applied to new faults identified and traces of faults pending complete geologic investigation. New development should be restricted in the Earthquake Fault Zones.

[47] http://www.consrv.ca.gov/dmg/rghm/a-p/mapidx/county.htm#and
[48] 3-SLO-97-022; 3-SLO-93-124

Preliminary Policy Alternatives:

Preliminary Recommendation 7.17: Modify LCP to update seismic mapping and identification and extend GSA CD to new faults identified and traces of faults in order to require complete geologic investigation pending new development. New development should be restricted in the Special Studies Zones resulting from updated mapping.

Flooding Hazards

The coastal zone is subject not only to flooding along streams and rivers, but also wave induced flooding along the coast. Inundation potential is greatest at the mouth of a stream/river where development may be subject to both river flooding and wave flooding during storms incurring heavy rain and large waves. Stream/river flooding is dependent on rainfall, whereas coastal wave inundation may occur through a variety of mechanisms i.e. wind forcing, storm occurrence, or tsunami. When extreme tides coincide with large waves, the severity of wave inundation increases. Although flood hazard is mainly associated with inundation and water damage, destruction to development may result from large debris and felled trees along wooded streams carried by flooding streams and ramming into structures. The same effect occurs along the shoreline with waves ramming debris into coastal structures.

Only 45 of the County actions raised issues related to flooding, a third in Oceano and about 40% in Cambria. Two subdivisions occurred which raised flood hazard issues, one in Avila and one in Oceano .[49] LCP Amendment 3-92 approved by the Commission (in part 1993 and in part 1994) adopted revised FEMA 1985 100 year frequency flood area and coastal high hazard area maps and automatically incorporated any updates to the FEMA flood plain maps. However, the FH Combining designation on the certified LUE maps did not automatically change and would require LCP amendments as need arises. In approving the amendment the CCC found this consistent with Coastal Act.

Since certification of the LCP, the Commission documented flooding problems in review of the North Coast Area update LCP Amendment 1-97, noting that the West Village area of Cambria has flooded several times, on average once every four to five years. Other areas of the North Coast also had flooding problems. The Commission found in its action that neither the NCAP nor the general LCP provided adequate policies for minimizing flooding. [50] The Flood Hazard Combining Designation (CZLUO 23.07.066) in general provides submittal of drainage plans and requires, in certain areas, that structures will not be located in the floodway or be subject to inundation of a 100-year storm. Construction standards also apply to new structures or an increase of 65 percent in square footage of existing structures that address protection of structures and prohibits construction which limits the capacity of the floodway. The ground floor of new structures are required to elevated above the 100-year storm flood profile and non residential construction is required to be elevated and floodproofed as certified by a registered civil engineer. Storage of certain materials is prohibited. The Commission found that no new

[49] 3-SLO-93-033; 4-SLO-91-080
[50] CCC, Revised Findings, North Coast Area Plan Update LCPA 1-97, January, 1998, pg.181.

development expect for public services, in the mapped flood hazard area should be approved until a comprehensive flood analysis and management plan for the mapped hazard area is certified and implemented. The purpose of the plan should be to limit flooding of the West Village. In other areas of North Coast, the Commission found that the LCP which prohibited new development in the 100-year floodplain in rural areas was consistent with the Coastal Act but that the FH Combining designation should be expanded to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek and Ellysly Creek.

Therefore, while the implementation of coastal permits does not indicate problems carrying out the LCP policies, the Commission has found that the LCP policies themselves are lacking a comprehensive framework for flood management. Development and implementation of comprehensive flood management plans should be certified and implemented in order to conform to Section 30253(1).

Preliminary Policy Alternatives:

Preliminary Recommendation 7.18: Expand FH Designation to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek and Ellysly Creek.

Preliminary Recommendation 7.19: For areas subject to FH Combining designation, in Cambria, no new development except public services shall be approved until the County has certified and implemented a flood analysis and management plan for the West Village.

Fire Hazards

Only 82 of the County actions raised issues related to fire hazards, half of them evenly divided between Los Osos and Cayucos. Of these the County required submittal of Fire Safety Plan/Letters in 19 of them (23%). Only one subdivision in Avila Beach (3-SLO-97-022) and one lot line adjustment (3-SLO-93-124) raised this issue. While the County's implementation of LCP policies does not appear to raise significant concerns regarding conformance with Section 30253, the LCP may need to be strengthened to reflect stronger protections for habitat and recreation areas from fire hazard management measures. In recent years the Commission has seen an increase in impacts from fuel modification encroachments into sensitive habitat and park and recreation areas. This can be a particular problem at the urban/rural interface where the required area of vegetation clearance around structures can be significant, often 200 feet or more. The potential impacts to sensitive habitat from such vegetation clearance can be significant as detailed in Chapter 4. The County should consider improvements to measures to avoid or mitigate such encroachments.

Preliminary Policy Alternatives:

Preliminary Recommendation 7.20: Modify the CZLUO to provide standards that require siting new development to ensure that any required vegetation clearance will be done fully on the private property and will not encroach on any public lands or sensitive habitat areas. And, if development cannot be sited to avoid encroachments, to require a mitigation in-lieu fee to support habitat restoration programs.

CHAPTER 8: SCENIC AND VISUAL RESOURCES

A. Policy Framework

The Coastal Act requires protection of scenic and visual qualities of coastal areas as a resource of public importance. New development must be sited and designed to protect views to and along the ocean and scenic coastal areas. Development must also minimize landform alteration, be compatible with the character of its surroundings and, where feasible, restore and enhance visual quality in visually degraded areas. In highly scenic areas, new development is required to be subordinate to its setting. The Coastal Act also requires that Highway One remain a scenic, two-lane road through the rural areas of the state. The Coastal Act also specifically protects the character of special coastal communities that may have unique characteristics or are popular visitor destination points (Sections 30251, 30253).

Following the Coastal Act, the primary goals of the San Luis Obispo LCP visual protection policies are to protect unique landscapes, restore visually degraded areas, site new development in such a way as to direct it out of public view corridors and minimize visual intrusions, minimize landform alterations and blend contours with natural terrain, preserve native vegetation, encourage the undergrounding of public utilities, limit the size and placement of commercial signs, prohibit development on sandy beaches and dunes, and limit development on bluff faces. The policies are variously implemented through standards, and the four Area Plans. The LCP also contains standards to address development in special communities such as Cayucos and Cambria. The Sensitive Resource Area (SRA) Combining Designation provides for additional review of proposed development when applied to highly scenic areas.

B. Background

The coastal viewsheds in San Luis Obispo County are dramatic and diverse. The scenic values of the County's coast cannot be overstated, from the almost aerial views of the ocean from the southern reaches of the Big Sur Coast, to the vivid working landscapes of the Hearst Ranch and the Chorro Valley, to the wind-sculpted sand dunes of Oso Flaco.

In recognition of the tremendous scenic value of the SLO coastal zone, Highway One from the Monterey County Line to the city of San Luis Obispo is designated as a State Scenic Highway -- a special status given in September of 1999. Caltrans estimates that more than 3 million visitors travel this stretch of the coast each year for recreational purposes. Tourism, which is directly dependent on scenic qualities and distinctive community character, is an important sector of the County's economy, producing in excess of $855 million in 1998. [1]

Along with spectacular views, Highway One also provides the primary means of access to San Luis Obispo's distinctive coastal communities, including the incorporated cities of Morro Bay,

[1] California Trade and Commerce Agency, Economic Impacts of Tourism by County, 1992-1998.

Pismo Beach, and Grover Beach, and the smaller, unincorporated communities, such as Avila Beach, Cambria, San Simeon and Cayucos and Oceano. The unincorporated towns each have distinctive characters, and several are recognized in the LCP as Special Communities under the Coastal Act or as containing special Small Scale Neighborhoods.

Not all of the scenic areas covered by the LCP are visually accessible from Highway One, however. Montana de Oro State Park in Los Osos, East-West Ranch, Avila Beach and the Irish Hills, Oso Flaco Lake Preserve and the Oceano Dunes are examples of some of the more popular coastal recreation areas that are primarily accessible by public trails or rural roads.

Some highly scenic areas within the coastal zone have been placed in public ownership since the 1988 certification of the LCP and are thus protected from future development. San Carpoforo Ranch north of San Simeon, East-West Ranch in Cambria, Estero Bluffs near Cayucos, several parcels within the Morro Estuary Greenbelt, and the Guadalupe-Nipomo Mobil Coastal Preserve are notable examples of visually compelling properties that are now protected by public acquisition and/or conservation easements.

Area Plans

NORTH COAST

In this area, the public has tremendous views of the Santa Lucia Mountains to the east from Highway One. The northernmost portion of the planning area includes the Big Sur coast, ending at San Carpoforo Beach, the southern gateway to Big Sur. San Carpoforo Ranch marks the abrupt transition from the steep cliffs of Big Sur to the broad coastal plateau that characterizes much of the Hearst Ranch. Cattle grazing and occasional row crops are the predominant land use here, and the views from the beaches to the ridgetops are pristine and uninterrupted.

Around Cambria, the southernmost stand of native Monterey Pines still flourishes, adding a distinct visual landscape contrasting with surrounding grazing lands. These pines are some of the healthiest in the state where the population has been ravaged by pitch canker. The coastal waters and beaches of San Luis also contribute to the high scenic value of the County. Marine waters as far south as Santa Rosa Creek off the coast of Cambria are part of the Monterey National Marine Sanctuary.[2] In addition, in the past year President Clinton designated the offshore rocks of California as a National Monuments, including the sea stacks and distinctive geologic features of the San Luis Obispo coastline.

Cambria, San Simeon Village, San Simeon Acres and the tiny artist's colony of Harmony are the four communities in this planning area. All but Harmony have portions designated in the LCP as Special Communities because of their unique architecture, historic value and scenic visual resources.

[2] As discussed in Chapter 4, the high quality of habitat in the North Coast streams and beaches has allowed them to be included as critical habitat for the threatened red-legged frog, steelhead trout and western snowy plover.

The village of old San Simeon, 16 miles from the County line, features a cluster of traditional adobe buildings, a public fishing pier, a restored school house and other historic structures. The small-scale Spanish architecture structures are set well back from the road, and visually complement surrounding landforms and vegetation. The Sebastian Store, a State Historic Landmark built in the 1860s, is barely visible through the trees and accessible via San Simeon Road. The recently refurbished Pacific Schoolhouse, built in 1881, sits on a grassy knoll just east of the store. Signs directing the public to both the historical monument and W.R. Hearst Memorial State Beach picnic area are located adjacent to the village.

Between the village of Old San Simeon and the residential/tourist serving town of San Simeon Acres is an 8-mile stretch of open grazing lands and coastal terrace with continuous ocean and mountain views. San Simeon Acres is a resort-commercial and residential area between Old San Simeon Village and Cambria. For motorists driving south on Highway One from Big Sur, the viewshed through this stretch is dominated by motels, restaurants and retail shops. The backdrop of rolling hills and open grazing lands define the viewshed to the east, and the Pacific Ocean to the west.

The town of Cambria is situated along a two-mile stretch of Highway One, with commercial facilities on the east side of the highway, and residential development nestled well into the forested hillside to the west. This residential area is substantially more visible to motorists travelling north than south. Non conforming signs and poorly screened commercial service areas detract from the Highway One visual experience in this area.

The residents of Cambria have preserved many of the historic homes, including the Squibb House, the Hull House and the Old Santa Rosa Chapel. A current effort is underway to publicly purchase and restore the historic Bianchini house in the heart of the East Village. The County Planning Department and the North Coast Advisory Council have undertaken an effort to create a design plan for both the commercial and residential areas of Cambria, in order to provide streetscapes and a greater level of specificity for design features of new development.

ESTERO

Scenic and visual resources in the Chorro Valley include views of agricultural landscapes, mostly seasonal row crops and flowers. The most vivid and significant natural landforms in this area include the string of distinct granite hills known as the Morros: Morro Rock, Black Hill, Cerro Cabrillo, Hollister Peak, Cerro Romauldo, Chumash Peak, Bishop Peak, Cerro San Luis and Islay Hill. Hollister, Bishop and Morro Rock are the most visually prominent from Highway One. Their fissured granite walls and craggy outlines silhouetted against the sky are one of the most memorable sites along the entire route.

Visual intrusions from development have thus far been limited in this area. Significant new development is planned, though, for the agricultural fields around the base of Hollister Peak. Morro Rock, Black Hill, and portions of Cerro Cabrillo are within Morro Bay State Park and are thus protected as permanent open space.

The unincorporated communities of Cayucos and Los Osos and the city of Morro Bay are located in this planning area. Cayucos is a small town of about 2,500 residents, and urban development here has been relatively compact. Numerous two- and three-story homes on the steep hillsides to the east are extremely visible, and residential development likely will continue to degrade the scenic qualities there. But the commercial district and older residences on the west side of Cayucos are smaller scale and add to the unique community character of the town. An increase in the number of demolitions and replacement of older homes with substantially larger structures led the community to adopt Small Scale Design Neighborhood standards in 1995.

An important recent acquisition by California Department of Parks and Recreation was the 4-mile stretch of coastal wetlands, sandy beaches and open grasslands known as Estero Bluffs just upcoast of Cayucos, thus protecting views to and along this stretch in perpetuity. Recent removal of a partially completed single family structure and undergrounding of overhead utility lines in this area has further restored degraded views to and from the property.

The Estero Planning Area's scenic beauty is not confined to the Highway One corridor. Adjacent to the coastal community of Los Osos, Montana de Oro State Park contains the most concentrated inventory of visual resources in the Estero. While not visible from Highway One, the park itself provides 8,000 acres of pristine coastal terraces, wide sandy beaches, majestic cliffs, streams, canyons and countless vista points along the numerous hiking/equestrian and bicycle trails. Some residential development outside of the urban area of Los Osos has occurred along Pecho Road – the scenic entryway into the park.

SAN LUIS BAY

The San Luis Bay planning area has the least amount of public viewing opportunities, but also some of the greatest scenic resources. Montana de Oro ends at the Irish Hills, a little-known area of ranches and scattered residences with some of the most extensive stands of oak woodlands in the County. The active nearby ports of Morro Bay and Port San Luis, and to a lesser extent, San Simeon Cove, make this stretch of coastline a popular area for boaters. In this area, the Diablo Canyon power plant property commands some of the most spectacular, rugged, pristine coastline in the County. However, security and public health concerns have necessitated strict security measures that have limited public access to this area. Significantly, actions by the Regional Water Quality Control Board in October 2000 in conjunction with review of Diablo Canyon's thermal discharge to San Luis Bay has lead to further protection of visual resources in this area through provision of conservation easements.

The majority of the population in this planning area lives in the incorporated cities of Arroyo Grande, Pismo Beach and Grover Beach. The towns of Avila Beach and Oceano are included in the LCP. Oceano is primarily a rural, agricultural residential community. Only about one-fifth of the community is located in the coastal zone, and the bulk of that is taken up by the County airport, a county park and Pismo State Park. The balance is industrial, commercial and multi-family, with some single-family dwelling. Coastal views within Oceano are predominantly enjoyed by local residents, as visitor-serving uses in this area are limited.

Avila Beach is currently in the process of rebuilding. The Avila Specific Plan, approved by the Commission in November 2000, seeks to maintain public views of the coast from the reconstructed town by limiting building heights and restricting commercial and residential development to the inland side of Front Street park at confluence of creek. Removal of the UNOCAL tank farm has restored an important inland degraded viewshed.

SOUTH COAST

The South Coast planning area contains the least amount of coastline of any of the area plans, but its scenic resources are no less important than the others. Most however, are not visible from highly traveled public roads, and are best appreciated from backroads, public trails or coastal waters. Its dominant visual feature is the 20,000 acre Guadalupe - Nipomo Dunes Complex, including the Guadalupe Nipomo Dunes National Wildlife Refuge, Pismo Dunes Natural Preserve, the Oceano Dunes State Vehicular Recreation Area, the Oso Flaco Lake Natural Area, Dune Lakes, Black Lake Canyon and the Santa Maria River mouth. Most of these areas are already in public ownership.

The Guadalupe Nipomo Dune complex, acquired and managed by the Nature Conservancy prior to transferring it to public ownership, is the largest, most ecologically diverse and most frequently visited dune area in the state of California. It hosts an unusual mix of dune, scrub, grassland and wetland natural communities, and it supports an unusually high number of listed plant and animal species, including western snowy plovers and least terns.

A walk along the Oso Flaco boardwalk offers views of vegetated dunes covered with a variety of native wildflowers in season. Wind-sculpted dunes towering 500 feet high in the Wildlife refuge are some of the tallest in the state. Distant views of productive agricultural farmlands create a scenic buffer between the natural area and the urban areas of Arroyo Grande and Oceano to the north and east. Although the dunes themselves are protected, there are a few large parcels still in private ownership immediately adjacent to the complex. The main threat to the overall integrity of the scenic resources in this area is potential development of agricultural lands outside the coastal zone.

C. Preliminary Implementation Issues

C.1. Protection of Scenic Viewsheds and Rural Landscapes

Overview: As discussed in the Background section, San Luis Obispo County has many significant scenic viewsheds and rural landscapes to be protected. Since certification of the LCP in 1988 public appreciation of these visual resources has grown considerably. As mentioned, Highway One from the Monterey County line to San Luis Obispo was designated as a State Scenic Highway in 1999. As discussed in Chapter 2 Development and Chapter 5 Agriculture, cumulative development patterns in rural areas have become evident since 1988 as well. These patterns have increased public awareness and concern about incremental erosion of scenic rural

landscapes, as residential and other development within public viewsheds has been approved. Based on the reported coastal permit activity by the County, between 1988 and 1998 more than 40 projects were approved in either the Estero or North Coast planning areas that raised visual impact concerns. Finally, new technologies and social trends such as the use of cellular phones has brought new challenges to viewshed protection.

A great deal also has been learned about the importance of alternative site selection and maintaining mitigation screening for new development. A significant visual intrusion along the North Coast, for example, is the State Parks Visitor Center for Hearst Castle, which can be seen for miles as one makes their way north on Highway One from Cambria. While this facility is a major visitor-serving development in the coastal zone, its large buildings also present a distinct interruption on the rural grazing landscape of the North Coast. Since LCP certification, Commission and County experience with such facilities, or other development that cannot be sited out of public view, has highlighted the importance of initial alternative siting evaluations, development designs, and visual impact mitigation and monitoring.[3]

Increased rural development has also raised the spectre of increasingly cluttered views from public lands, particularly as recreation and public access activities have increased. Although emphasis has always been placed on protecting views west of Highway One and to the shoreline, rural development pressures along the Highway One corridor and elsewhere have also underscored the importance of protecting the significant viewsheds to east and inland of the Highway, including views from Highway 46. This is particularly true for places like San Luis Obispo County, which has highly scenic rural landscapes throughout the coastal zone. Indeed, some of the most spectacular views from Highway One pullouts are to the south, north, and east, not only to the west and the ocean. Acquisitions of public land also may have created new opportunities for public recreation and the need to protect viewsheds perhaps as yet under appreciated because of their previous inaccessibility. Finally, coupled with increasing recreation and boating activities in coastal waters, new and potential development along coastal ridgelines and in undeveloped rural areas has brought protection of public views from State waters to the fore.

LCP Implementation: The visual resource policies of the LCP require protection of major public view corridors, scenic vistas, unusual landforms, native vegetation and special communities. LCP Visual Policies 1, 2, 4 and 5 state:

> *Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.*
>
> *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new*

[3] The original Visitor Center was approved by the Commission before certification of the SLO County LCP. Since certification, the County has approved a major expansion of the facility (the IMAX theatre) (see 3-SLO-93-030).

development should utilize slope created "pockets" to shield development and minimize visual intrusion.

New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited.

Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve consistent grade and natural appearance.

Visual intrusions from new development, off-site signs, landform alteration, and overhead utilities are also regulated by the CZLUO. In general the standards are strong, and require the minimization of the visual impacts of development wherever feasible and possible. As discussed below, although the existing policies and ordinances of the LCP are, for the most part, adequate to implement the intent of the Coastal Act in most cases, there have been some cases where visual resources have not been adequately preserved, generally due to less-than-full application of the requirements in the initial siting and design phases, or incomplete implementation of LCP policies in the monitoring and compliance phases. There are at least four areas of concern for improving LCP implementation of the visual resource protection goals of the Coastal Act for scenic areas and rural landscapes.

Siting and Design of New Development to Protect Visual Resources: The LCP requires new development to be sited to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development should emphasize locations not visible from major public view corridors and utilize "pockets" to shield development and minimize visual intrusion. New development that cannot be sited outside of public view corridors is to be screened utilizing native vegetation. LCP policies also require structures to be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. When the County determines that development cannot feasibly be placed in an area outside of a public viewshed, mitigation measures to reduce visual impacts, such as vegetative screening, are generally recommended.

Along the coast the Coastal Act goal of siting and design of structures to minimize visual impacts can often conflict with an applicant's objective to maximize ocean views. It may also be difficult to site some structures out of the public viewshed, particularly on smaller, sometimes non-conforming parcels that may have little opportunity for screening behind existing natural landforms. As discussed in the Agriculture chapter, the LCP needs to be updated to allow for more comprehensive evaluation and policy approaches for addressing proposed development in rural agricultural landscapes. The County has recently had to address such situations north of

Cambria and near Piedras Blancas where residential development has been proposed. Currently, two appeals of approved residential projects are pending in front of the Commission.[4]

The North Coast and Estero Planning Areas are most at risk for losing scenic resources due to the cumulative impacts of new development. Nowhere is this threat so acutely felt as along the Harmony Coast between Cayucos and Cambria. Many of the parcels in this area are currently for sale and there are multiple underlying legal lots capable of supporting residential development. Several highly visible new roads have been graded in the area within the last few years, providing access to underlying parcels. Development of these parcels could have a dramatic effect on the visual integrity of the area (see Chapters 2 and 5 for more detail).

As mentioned, the Coastal Act and LCP policies protect public views to and along the coast, including views of the coast from state waters, which are public lands. In highly scenic, rural areas adjacent to both public roads and coastal waters, it may be difficult to permit new development without degrading views from one or the other. The cumulative impacts of new development on the Harmony Coast could potentially degrade both. For example, in the Morro Bay Limited case, in which the Commission approved, on appeal, eight residential lots along the ridgeline of the Harmony coast, the Commission grappled with the balance between allowing reasonable residential use, and protecting views from all public viewing areas. While the Commission conditioned the project to locate the building envelopes further away from the bluffs, and with strict scenic protection performance standards, the residential development that may result will need to be carefully designed to prevent impacts to public views from the ocean; the access road may be highly visible from Highway One.

A number of other projects have been approved by the Commission and by the County since LCP certification that underscore the importance of both siting evaluation and mitigation of impacts that can't be avoided through siting. In the Estero planning area, the Commission and the County have approved a public shooting range and various expansions of the facility on a 432-acre site in the scenic Highway One corridor between Morro Bay and San Luis Obispo. Over time, the facility has grown to become a significant adverse impact on this viewshed. In coastal development permit 4-87-13, the Commission approved the facility, proposed by the Department of Fish and Game, finding that "[t]he facility will be highly visible from the highway, but will not preclude any public views to the ocean." To protect the viewshed, the Commission required landscaping to screen the facility. Unfortunately, as discussed below, the landscaping has not performed as well as expected.

[4] One appeal is of a May 2000, Board of Supervisor's approval of a CDP and a variance from Planning Area Visibility Standards to allow construction of a 9,654 sf single family residence with a 600 sf guest house with a 480 sf detached garage and a 3,000 sf barn on a 78-acre parcel in the Rural Lands category located adjacent to Highway One in North Cambria. (A-3-SLO-00-118/D990019V). The applicant's agent requested the variance "to afford the owner a reasonable view of the ocean." Even with landscape screening and berming, much of the complex will still be visible from Highway One, San Simeon State Park and Moonstone Beach. At 3,000 feet in length, 30' high and 8' wide, the berms themselves could be considered visual intrusions due to their mass. Granting of variances for viewshed policies could undermine the intent of the policies, resulting in the cumulative degradation of public views. This, in turn, provides the basis for further variances, thus perpetuating the cycle. Roughly 10% of the actions reported to the Commission that were identified as raising scenic resource issues contained variances from viewshed protection policies, which could result development inconsistent with the Coastal Act.

Since approval of the initial shooting range facility, various expansions have been approved that have aggravated the original visual impact, allowed the construction of a clubhouse, outbuildings, care-takers' unit and concessionaire activity for a gun club/shooting range in the vicinity of the project originally approved by the Commission (see D910242D and 3-SLO-97-162). Like the original project, this project was in the Highway One viewshed and within the Agricultural land use category. The County staff analysis identified numerous appropriate building sites on site that would have minimized or even eliminated visual impacts, but the siting as proposed by the applicant was approved. The County also noted the original Commission approval of the shooting range facility that created the initial impact, and the findings observed how the project would not be inconsistent with the character of the immediate neighborhood because it would "be located among[st] the existing facility buildings and landscape, and will be screened with additional screening landscape." As recently as 1997, the County approved another expansion of the facility, again finding the project to be consistent with LCP policies because of its proximity to existing similar uses (3-SLO-97-162; see below for detail). This series of projects illustrates how important initial visual analyses and siting decisions (in this case, those of the Commission) are in setting the visual resource context for future project evaluations and long-run viewshed protection. As discussed below, though, it also illustrates how the LCP could be used to mitigate for past decisions, and to minimize the increase in impacts through expanded facilities.

Another example of visually intrusive development that might have been sited and/or designed to avoid viewshed impacts is an 8,200 sf, 2-story single family residence in Rural Lands land use category north of Cambria. (D940210P/ 3-SLO-97-147). Driving south on Highway One from San Simeon, a large, white house is clearly visible above the tree line to the east. This home is part of a larger compound including two guesthouses, a swimming pool, pool house, tennis court, gazebo and 3,000 sf barn. Although county staff worked with the applicant to reduce the size of the primary residence from 12,000 sf to 8,200 sf, this was not sufficient to eliminate its visibility from Highway One. No mention of alternative building sites was made in the staff report, although alternate access routes were discussed.

The approval of the road that would have required a culvert and fill material of a creek, and created a highly visible road cut up the face of the slope was appealable to the Commission. The potential impacts to ESHA resulting from wetland fill to construct the driveway made that portion of the project appealable, but the lack of any SRA combining designation or other basis for appeal under the Coastal Act over the actual building site precluded the Commission from considering most of the project *de novo*. Through the appeal process the Commission was able to work with applicant and the County to eliminate this intrusive road component by pursuing access from Cambria Pines Road to the east of the site; therefore the Commission found that the project no longer raised a substantial issue. It was unfortunate, though that the Commission was not able to consider the entire project to address visual and other sensitive resource issues.[5]

[5] At the time of the appeal it was thought that the residential portion of the project was not within sensitive Monterey Pine forest habitat because it was not mapped as such on the LCP combining designation maps. Since that time, though, it has become apparent that the entire project site should probably have been treated as within ESHA, based

This project illustrates a number of concerns. First, the project was not relocated out of the viewshed, or designed so that it would not be visible from public areas, both of which were probably feasible. Numerous other sites could have been selected, and a single-story residence would have been much less visible, if at all. Second, it points to the need to re-evaluate and expand the placement of SRA combining designations, and specifically the need to create a scenic SRA that would provide enhanced protection of visual resources. Evaluating land resources from a strictly scenic perspective, and applying a Scenic SRA accordingly would afford projects in these areas a higher level of review and a greater degree of protection based solely upon their scenic qualities.[6] For staff seeking to draft conditions or make recommendations consistent with LCP policies, it may be helpful to specify precisely what scenic resources are being protected and the basis for the designation.[7]

Finally, protection of scenic landscapes requires that no new development potential be created that would impact sensitive views. Thus, it is important to not subdivide or allow lot-line adjustments that would create new sensitive viewshed parcels. For example, the Cabrillo Associates subdivision in Los Osos approved by the County in 1998 would have created 41 new residential lots (see Chapter 2 for detail). In addition to the other issues raised by this project, including impacts to ESHA and urban services concerns, these lots would be created in a highly scenic area, visible from many public viewing areas of the Morro Bay area. In the local review, the Planning Commission had approved an alternative that would have kept new residential development at a lower elevation on the hillside; however, the Board of Supervisors approved the alternative with increased impacts to visual resources. On appeal, the Commission denied the subdivision in June of 2000; the project is currently being reconsidered.

Condition Compliance: A number of projects that would otherwise be inconsistent with LCP scenic resource protection policies have been approved through the addition of extensive permit conditions designed to mitigate visual impacts. According to reported coastal development permits, at least 58 different approvals were conditioned to address the need for visual screening. Many other projects were conditioned to address structural design and color palates.[8] In some cases, though, these mitigations have proven to be inadequate to protect visual resources, or have never been implemented as project conditions during or after construction. Vegetative screening and berming are the most common mitigation requirements for projects that staff determines cannot feasibly be relocated out of the viewshed. Monitoring and reporting designed to assure the effectiveness of such mitigation, though, appears to be done infrequently. Without such

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on actual resources on the ground. This could have formed the basis for appeal jurisdiction under the SLO LCP. This problem is discussed in the ESHA chapter.

[6] The County findings include the following statement: "The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the SRA designation." This suggests that the SRA is not serving the full purpose of resource protection as envisioned by the LCP currently, and that is should be strengthened.

[7] Another project where visual impacts were created but perhaps not fully addressed is the expansion of the San Luis Bay Inn in Avila Beach (3-SLO-92-123). Although this project was a visitor-serving development, it also presents distinct impacts on scenic views at San Luis Bay. The hotel sits above Avila on the hillside and its pinkish façade dominants the public views to the north. The project was conditioned to be the same color as the existing structure and the parking structure was to be muted gray or brown. The project also received an exception to the standard height limits in the LCP.

[8] Many of these conditioned projects were for projects in urban areas like Cambria and Cayucos.

monitoring, there could be a steady intrusion of built structures into scenic viewsheds. In addition, these structures may themselves become the justification for additional development through findings of "compatibility with surrounding uses."

For instance, the expansion of a large aquaculture facility was permitted in 1989 (5-SLO-89-099/D870182D) on the west side of Highway One, north of the town of Cayucos. Although some of the development was located out of viewshed due to natural topography, vegetative screening was required as a permit condition to minimize unavoidable visual impacts. Permit conditions required monitoring with a five-year review to assure compliance. The findings state that visual impacts will be screened from view by substantial landscaping. No record of any monitoring or follow-up reports are have been found on file with the County, though, and views of the development, while distant, remain. Coincidentally, the Commission is currently considering a residential project on a parcel adjacent to the aquaculture facility that presents visual impact issues (Schneider A-3-SLO-00-040).

The shooting range permits discussed above also illustrate the importance of condition compliance and monitoring. The Commission's original approval of a facility on the site was conditioned with a landscaping plan to screen the facility from Highway One. Similarly, the County's permits for expansions of the facility included mitigation such as color selection and native tree plantings, with requirements to maintain the trees, submit annual reports to the County evaluating the status of the trees' health for three years, and a requirement to replace all dead or unhealthy plants. Unfortunately, the majority of the trees have failed to thrive, no reports are currently on file, and it appears that the required conditions, beyond initial planting, have not been implemented. As a result, the modular buildings, road, parking area and residence are highly visible and quite intrusive upon the otherwise natural surroundings. Nor is it clear whether the Commission's original screening condition is being met.

In the County's 1997 approval of another expansion of the existing use, staff found the project to be consistent with LCP policies because of its proximity to existing similar uses and recommended approval with conditions. These included berming to shield the parking area and shooting bays, vegetating cut slopes and planting the berms with native plants to break up the structure of the berms themselves, and an approved landscape plan using native shrubs and trees, with ongoing monitoring and annual reporting by a qualified professional for a period of five years or until the County determines that the intent of the mitigation to screen the development has been satisfied. Although the staff report did not specifically address the lack of condition compliance of the previous phase of the development, it did note that the original project had not received County review, and had come under criticism for lack of adequate landscaping.

In terms of condition compliance for the recent expansions, though, the approved landscape plans show a mixture, density and placement of vegetation that does not appear to have been implemented on site. Planting has been sparse and inadequate to screen the development. Approximately half of the caged trees have died, and the remainder have failed to thrive and remain well below the two-foot height of the protective tubes. The applicant has not submitted any of the required annual reports to the County to date. The result is a highly visible landform alteration in a critical viewshed area that does not appear to be in compliance with Visual Resource Policies 2, 4, and 5.

Even if enforced, the conditions required for this development may not have been adequate to mitigate its visual impacts. But without condition compliance the project clearly lacks conformity with the LCP policies that were meant to be addressed. Similar to the Commission's experience with limited staff resources and condition compliance monitoring, County staff confirm that less than 10 percent of approved projects receive any formal follow-up review to assure condition compliance. Unfortunately, the lack of enforcement can create a lack of incentive among applicants to implement mitigation measures agreed to during the permit process.

Given the existing permit workload, the County lacks adequate staff in either the Planning or Enforcement divisions to adequately follow up on monitoring and mitigation conditions. As a result, mitigations required to create condition compliance may not be fully implemented, resulting in new, non-conforming development. Again, the Commission is well aware of the difficulties associated with lack of adequate staffing levels for monitoring and enforcement. But, without adequate monitoring and enforcement, compliance of projects with the objectives of the LCP and Coastal Act is not assured.

Nonconforming Uses: The shooting range project example above highlights issues related to the effect of existing non-conforming development on the review of new development, the implementation of LCP policies to eliminate non-conforming uses or bring them into conformance with the LCP, and the authorization of non-allowable uses.[9]

In particular, the Coastal Act and Visual Resource Policy 1 states that visually degraded areas should be restored where feasible. Although the initial approval of developments that have visual impacts is a critical step, such as the Commission's approval of the shooting range facility, the permit application stage for an expansion of use is also an appropriate time to address non-conformance of previously permitted development. Application of visual resource protection policies to the shooting range project might have assured that either the non-conforming shooting range use was not expanded or that it was brought into compliance prior to expansion. This site now supports seven individual shooting ranges, two pre-fabricated buildings and several support structures with associated landform alterations (roads, berms, cuts) based on an original development that would now be considered to be non-conforming.

CZLUO Section 23.09.012 defines non-conforming uses and developments as:

> *A use of land established where such use is not identified as an allowed, special use or principally permitted use . . . by Table O . . .*
>
> *A building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this title relating to setback requirements, height limitations or sign requirements. . . .*

[9] The shooting range activity is most appropriately described as 'Outdoor Sports and Recreation' in Table O (Framework) which, along with indoor retail sales, is not an allowable use in the Agricultural land use category.

> *A site that is developed and/or laid out in a manner that does not conform with standards of [the LCP ordinances] relating to site access location, parking and loading, landscaping, screening, fencing, signs . . .*

Legal nonconforming uses are those that were legally established prior to certification, or as a result of an amendment to the LCP that caused the use to become non-conforming. The stated purpose of Chapter 9 of the CZLUO (23.09.010 et seq,) is to "control, improve or terminate uses that do not conform to the Land Use Ordinance." The best opportunity to eliminate a non-conforming use is in conjunction with a permit for expansion or additional new development. The LCP prohibits any expansion or change of non-conforming use unless additional alterations are made to bring the entire site into conformity. (Sections 23.09.026(a), 23.09.030(a)).

One of the most common visual intrusions in the coastal zone are legal, non-conforming highway signs, both off-site (billboards) and on-site. Billboards are difficult to eliminate as most are located on rural lands that have not undergone any change of use or been part of an application for new development. But on-site signs are occasionally ripe for bringing into conformance when the businesses they advertise expand or change. The LCP contains provisions to support the elimination of non-conforming use. The County needs to further clarify and improve existing standards. The current project description for the North Coast Area Plan Update proposes enhanced sign standards for San Simeon Acres.

For example, permit D960295 allowed the expansion of a gas station and mini-mart just off the intersection of Main Street and Highway One in the West Village of Cambria. A highly visible, 180 square foot, 62-foot high freeway sign was erected on the property prior to LCP certification. This is the only sign of its type in the area, and a significant non-conforming visual intrusion from the highway and the beach. In 1999, the owners received county approval for a 1,902 square foot retail/storage expansion, and the addition of a new use, an on-site car wash. Although the local advisory council recommended bringing the sign into compliance with the sign ordinance, the County only required that the sign be lowered to 42 feet in height and reduced in size to 140 square feet. Additional variances for setbacks were also approved.

On appeal the Commission evaluated the impact of the lowered albeit still nonconforming sign on views from the beach. Although the Commission found no substantial issue based on the minimal impact of the sign on views from the public beach, it also found that there was ambiguity created by competing ordinance 23.09.032, which states that the use of a legal nonconforming sign may be continued unless it is proposed to be expanded, moved or is otherwise a public nuisance. While it appears that the LCP standards applicable to the expansion or alteration of a site with a nonconforming use are somewhat contradictory, the language requiring new development to trigger conformity of existing non-conforming uses in 23.09.030 is particularly strong, compared to the permissive language of 23.09.032. To ensure full LCP implementation, further clarification and improvement of the CZLUO standards may be needed.

Cellular Towers and Fiber-optic Cables: Emerging technologies that were not considered at the time the LCP was certified could have an impact on visual resources. The proliferation of cellular towers and on-shore fiber-optic cables have both short- and long-term visual impact implications. Between 1988 and 2000 at least six cellular projects were approved, including new

towers at Ragged Point and near Harmony and Avila (see 4-SLO-90-357, 3-SLO-92-114, 3-SLO-95-012, 3-SLO-96-057, 3-SLO-97-181, 3-SLO-00-468). All of these permits raised visual resource protection issues. Cellular towers are permanent pole structures typically located at points where signals can be most efficiently received and relayed, such as ridgelines, bluff tops or open fields. In one case (4-SLO-90-357), the County required screening of the facility with cypress trees, and painting the facility a light tan color and light blue where any part of the structure would break the ridgeline. In another case, it was necessary to grant a variance to allow a 55 foot high structure in the Highway One viewshed near Harmony (3-SLO-92-114). The County adopted the following visual mitigation condition:

> *The applicant shall provide the following mitigations:*
>
> a. *The monopole and antennae shall be painted a light gray or light blue color. The proposed building shall be painted a light tan color.*
> b. *An earthen berm shall be constructed on the northwest and northeast sides of the proposed building in order to screen the building from the sensitive viewsheds. The berm shape shall be freeform and shall avoid unnatural straight lines.*
> c. *All disturbed areas including the berm shall be reseeded and managed to successfully establish vegetative cover.*

In a recent field visit it appeared that the monopole was actually painted white, and it presented a distinct visual impact from Highway One. In yet another case, high above Avila and Pirate's Cove, the County adopted even more specific visual impact mitigation conditions for paint color, vegetative screening, bonding to assure installation of the landscaping, and a minimum of five years of monitoring. Finally, in the most recent case, the County conditioned the project to require the allowance of future co-located facilities if feasible (3-SLO-00-468).

With growing public reliance on cellular phone service and internet access, the demand for associated infrastructure projects is expected to continue. The County is currently processing more than 100 applications for new cellular towers, at least five of which are in the coastal zone. The County has amended their inland ordinance to address the siting and appearance of cellular towers, designed to minimizing visual intrusions, and guide appropriate site selection. An LCP amendment to address this concern is currently being reviewed by the Commission. The staff is recommending that the amendment be modified to address visual impact concerns, including avoidance of viewshed impacts, siting alternatives evaluation, co-location of facilities, and restoration of unused facilities (see SLO LCPA 2-99 staff report). The adoption of this amendment will specifically update the LCP with respect to this growing visual resource concern.

Finally, as noted in Chapter 10 (Energy), many other fiber-optic cables are also projected. Fiber-optic and other underground telecommunication cables can require trenching and occasionally road grading which may create significant, if temporary, visual impacts in rural areas. The WorldCom fiber-optic project, which landed at Montana de Oro State Park and involved some vegetation removal to allow construction, is highly visible from the sand spit at Morro Bay, creating a visual intrusion similar to a firebreak. As discussed in Chapter 10, improvements to

existing policies could ensure future consolidation of such facilities and minimization, therefore, of potential visual impacts from these new facilities.

Consistency Analysis: As discussed earlier, the County's LCP policies might well be applied in such a way as to permit new development consistent with the Coastal Act. But the language of the LCP viewshed protection policies also gives the County more discretion to permit development that may be less protective of scenic resources than Coastal Act policies would allow. The LCP policy for siting new development, Policy 2, uses permissive language relating to siting in public view corridors. Policy 4 addresses new development in rural areas. Policy 2: provides:

> *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.*

Policy 4 provides:

> *New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.*

Vegetative screening is the County's most common choice of view impact mitigation, and LCP policies allow for such screening when new development cannot be sited outside of the view corridor. Avoidance of impacts through site selection and design alternatives is the preferred method for preserving scenic views over mitigation through vegetation screening. Trees and shrubs take time to grow, are dependent on continued care and maintenance, can be removed at a later date and create view obstructions and unnatural vistas of their own. The failure of vegetation to adequately screen development, whether through inappropriate design or lack of adequate care, is a primary source of non-compliance with Coastal Act policies. Along some portions of the SLO coastline, there is very little naturally occurring major vegetation of size large enough to screen even a one story dwelling. In these areas, the introduction of trees and large shrubs tends to call attention to the new development and also looks out of character with the natural landscape. Re-siting and re-designing are rarely prohibited by site or engineering constraints, and should be the first avenue for implementation of LCP policies.

To summarize, important pubic viewsheds have been degraded both prior to and in the 12 years since LCP certification, and may continue to suffer the cumulative impacts of new development without improvements in the LCP policies, ordinances and implementing actions. Inadequate regulatory control over siting and design of new development, over-dependence on vegetative screening to mitigate substantial visual impacts, lack of enforcement of permit conditions,

missed opportunities to eliminate non-conforming uses, and a development in critical viewsheds are all contributing to an erosion of irreplaceable visual resources.

Preliminary Policy Alternatives:

There are a variety of issues and on-going challenges that need to be addressed to improve the LCP's protection of scenic viewsheds and rural landscapes. Significantly, the County has proposed a number of new policies in the Updates for both the North Coast and Estero Area Plans. Most important, the recent NCAP project description proposes a Critical Viewshed Designation and Policy for all of the rural North Coast except the urban nodes of San Simeon Acres and Cambria. This proposal incorporates much of the policy recommendation adopted by the Commission in 1998. Further specific review and consideration of the details of this policy will be needed to assure incorporation of an optimum critical viewshed policy into the LCP.

The County is also proposing enhance visual protections for the Estero Planning Area. The EAP proposes policies to protect the scenic vistas of the Morros, including standards for siting and design to minimize visual resource impacts and requirements for open space dedications to provide long-term view protection. In addition to this work in the EAP, a significant planning effort has been taking place to address long-run viewshed protection in the Morros Planning area. Among other things, this planning effort proposes addressing protection of natural landforms, addressing existing billboards and signs, and undergrounding utility lines.[10]

Alternative Policy recommendations to consider include:

Preliminary Recommendation 8.1: Enact Critical Viewshed Protection Policy
Given the discretion allowable under existing LCP policies relating to view protection, San Luis Obispo should adopt a strong, clearly articulated critical viewshed protection policy that precludes any new development visible from public viewing areas in those areas designated as critical viewsheds. As already proposed by the County, these areas should include all of the North Coast rural areas with exceptions for the urban nodes of San Simeon Acres and Cambria. Extending the viewshed protection policies makes sense from a regional planning standpoint, as approximately 2 miles of the Big Sur coast is located in San Luis Obispo County. The undeveloped coastal terraces, rolling grasslands and distant mountain views from the Hearst Ranch are no less spectacular in their own right than the Big Sur coastline itself. Highway One is designated a State Scenic Highway through both jurisdictions, from State Route 68 in Monterey County to the San Luis Obispo City limits. The scenic Morro corridor should also be evaluated for enhanced viewshed protection.

Preliminary Recommendation 8.2: Create a Scenic SRA Combining Designation
San Luis Obispo does not have a Scenic SRA combining designation. While many highly scenic areas are already covered by an SRA overlay for other reasons, such as terrestrial habitat or

[10] *Draft Issues Paper for the Morros Planning Area*, prepared by the Morros Advisory Committee and Morros Technical Committee, May 21, 1999.

wetlands, gaps in SRA overlays have resulted in project approvals that are inconsistent with both the LCP and the Coastal Act.

Although scenic resources are considered to be a basis for a Sensitive Resource Area by section 23.01.043 (c)(3)(iii) of the CZLUO, no specific ordinances are including in the LCP to implement this designation. Nor is a visual resource SRA specifically indicated on the combining designation maps of the LCP. In addition, text within the area plans does not always include the important scenic value of the visual resources found there. For instance, the Estero Plan, when discussing the volcanic Morro Peaks separating Los Osos and Chorro Valleys, states that the SRA overlay is to protect agricultural uses. In the South Coast Area Plan, the SRA combining designation overlay can be found on the greater Nipomo Dunes area, including Dunes Lakes, Santa Maria River mouth and Oso Flaco Preserve areas, but doesn't reference the scenic resources at these locations.

While the discussion of SRAs in Chapter 6 of the EAP describes their value as habitat for migratory waterfowl and rare and endangered plants, and recommends protections for recreational and biological reasons, once again no mention is made of their scenic values. Much of this is addressed through currently pending County Area Plan update proposals. In addition, County staff explain that they consider scenic resources to be included in the broad category of "special environmental qualities" referred to in Section 23.07.160 which describes the nature of the broad SRA overlay that currently does exist along much of the SLO coastal zone. But underscoring these values with an explicit Scenic SRA could strengthen staff's ability to condition and mitigate future projects more appropriately, and provide additional levels of review. All highly scenic areas in the Coastal Zone should be mapped and designated as Sensitive Coastal Resource Areas.

At the same time, it also should be noted that the County has made improvements to SRA designations to address scenic and visual resources inland of the Coastal Zone. Permit requirements include assessing visibility of the project, requiring a site visit as part of the application process and other standards on ridgetop development, slopes, rock outcroppings, building feature and landscaping. Creation of a coastal visual SRA could incorporate and expand upon these elements.

Preliminary Recommendation 8.3: Strengthen Enforcement Program and Condition Compliance Monitoring

In order to ensure that conditions that are required to achieve LCP consistency with visual resource protection policies are implemented, the County should increase monitoring and condition compliance efforts. The Planning Department should develop a project tracking system to assure that all approvals that include specific mitigation measures get assigned to a staff person responsible for their monitoring and enforcement, and coordinating with other affected departments. Enhanced coordination between the Commission and the County on condition compliance and enforcement issues would also improve implementation of the LCP and the Commission's on-going permitting responsibilities.

Preliminary Recommendation 8.4: Create a Funding Mechanism For An Open Space District

Because the most effective way to preserve visual resources is to purchase open space for public use, the County should consider creating a permanent source of funding for open space acquisitions. A 1/2 cent sales tax, bond initiative or creation of a county-wide or coastal zone open space district could provide millions of dollars annually for the purchase of property and retirement of development rights.

Preliminary Recommendation 8.5: Pursue National Scenic Byway Designation for Highway One in the Estero and North Coast Planning Areas

This recommendation is consistent with extending the Big Sur critical viewshed policies in Monterey County where Highway One is designated both as a State Scenic Highway and a National Scenic Byway. National recognition is not only well-deserved for this stretch of coastline, it would make it eligible for federal funding for enhancements and acquisitions along the route. As public ownership is the most effective way to protect the natural character of the coast, conservation acquisitions along this route should be a high priority for the County. This could be added as a program in both the Estero and North Coast Area Plans.

Preliminary Recommendation 8.6: Strengthen Public Viewshed Protection Policy Language

The LCP should be amended to clarify that scenic viewsheds need to be protected from all public viewing areas, including state coastal waters. This could be accomplished through additional language in existing LCP visual policies and ordinances. For example, amend Policy 2 as follows:

> *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from **all** major public view**ing areas, including state waters** ~~corridors~~. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.*

Amend Ordinance 23.04.021 (c)(6) as follows:

> *New land divisions where the only feasible building site would be on a slope or ridgetop where a building would be silhouetted against the skyline as viewed from **any public viewing area, including state lands** ~~a public road~~ shall be prohibited . . . .*

C.2. Preserving Community Character

Overview: As summarized earlier, the LCP and the Coastal Act seek to protect the character of unique coastal towns. Section 30253 states:

> *New development shall:*
> *...(5) where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Act includes "special communities or neighborhoods which are significant visitor serving destination areas" in the definition of "Sensitive coastal resource areas." (Section 30116)

Community character comprises many subjective elements best identified at the local level. The LCP seeks to preserve community character by requiring new development to be compatible with existing structures and natural features of the community. The SRA combining designations for these areas provide for additional review of new development proposals, and the design standards in the area plans place additional restrictions on building heights, mass and setbacks, and in some cases materials, colors and design features. The County is currently working with several communities to implement stand-alone Design Plans for several of these areas, to add a greater level of specificity to design standards and emphasize public spaces.

The CZLUO (23.11.030) defines Special Communities as areas and communities with unique, visually pleasing characteristics that serve as visitor destination points. Small-scale neighborhoods are defined as those that have primary use by residents and secondary use by the general public. Nine areas are designated in the LCP as Small Scale Neighborhoods or Special communities. They include:

- Avila Beach - Commercial and Recreation categories along Front Street
- Cambria - Commercial and Recreation categories along Main Street and Moonstone Beach Drive
- Cayucos - Commercial and Recreation categories along Ocean Avenue
- South Bay - Baywood Village Commercial area
- Port San Luis - Public Facilities category
- San Simeon Acres - RSF and RMF categories
- San Simeon Village - Commercial category

Small Scale Neighborhoods

- Baywood Peninsula - RSF within Tract 40
- Oceano - RSF and RMF west of Highway One
- Cayucos – Studio Drive and Pacific Avenue
- Cambria

LCP Policy 6 protects designated communities by requiring new development to be designed and sited to complement and be visually compatible with existing characteristics of the community. Both SC and SSN combining designations have special standards unique to those communities written into their respective area plans. These standards describe allowable or preferred architectural character, and limit density and gross structural area by setting maximum height levels and setback requirements. Some limit lighting, landscaping, color palettes and specific architectural details reflective of the individual history and visual nature of the areas.

LCP Implementation: In the urban areas of the coastal zone considerable progress has been made by the County in achieving community character and visual resource protection. In particular, the LCP contains a number of proposed programs that are intended to support community objectives in implementing the LCP. These are non-regulatory, voluntary actions undertaken by the community, the County and other public agencies to address local concerns. Some of them implement LCP and Coastal Act policies to restore visually degraded areas where feasible, and/or to add to the overall attractiveness of special communities (LCP Policy 6). The County has made an important effort to implement a number of these programs, especially in communities that actively support the goals of each program.

Oceano Urban Area Program

Perhaps the most dramatic program undertaken by the County to preserve and enhance community character is the Oceano Neighborhood Preservation Project. The San Luis Bay Area Plan includes Urban Area Programs for the town of Oceano, encouraging the County to work with property owners and community groups to improve the streetscapes, clean up residential neighborhoods and rehabilitate the central business district. In early 1999 the County planning department teamed up with citizen activists to plan the first phase of a grass roots, community-wide effort to address community improvement. Eventually the public/private team included public health officials, police and fire fighters, and elected officials who met weekly with community members and planning staff to organize committees, raise public awareness, raise funds and galvanize public support for a major overhaul of the town.

On two successive weekends in June, county staff and local volunteers turned out by the hundreds to take part in a massive community clean up effort. Volunteer crews removed 500 tons of scrap metal, 200 tons of household garbage and over 100 junked vehicles. The County contributed $35,000 to the effort in tipping fees, including $20,000 for disposal of hazardous waste. In-kind contributions and donations from community members and businesses covered the remainder of the costs.

Phase Two of the project, the Neighborhood Maintenance Program, is now under way. With additional code enforcement staff justified by the success of the program's first phase, staff now makes regular patrol rounds of the neighborhood, taking a pro-active role in code enforcement. County Code Enforcement staff report that their reports have jumped from an average of ten cases per year to over 100, indicating, in their opinion, that the residents' threshold for tolerating nuisances and infractions is much lower than before. More importantly, the town now has mandatory garbage pick up and recycling, an option that had been rejected in years past.

The third phase will address substandard housing and abandoned homes, their rehabilitation, removal and replacement. A Design Plan for Oceano, currently in the planning stage, will address preserving community character through design standards. The Oceano project is now being used as a model for similar programs in other communities, with a Los Osos project being planned for late spring 2001.

Taken together, this effort has effectively implemented the LCP program goal of assisting property owners in making needed improvements to their residences and places of business, and to establish improvement and development standards for future development.

Avila Specific Plan

The County has implemented a number of Urban Area Programs listed in the San Luis Bay Area Plan for the town of Avila Beach, which are designed to visually enhance the area pursuant to LCP and Coastal Act policies, including the adoption of a Central Business District Design Plan and a Front Street Enhancement Plan (collectively the Avila Specific Plan), and the removal of a visually intrusive storage tank facility. The Avila Specific Plan seeks to enhance the downtown commercial district and expand visitor services while retaining the integrity of residential neighborhoods.

The Commission reviewed the Avila Specific Plan in November 2000. The County planning department worked extensively with coastal staff, local residents and elected officials to submit a plan that provided very detailed standards for the rebuilding and redesign of the town of Avila. The Avila Specific Plan included a focused effort on the aesthetic enhancements to the downtown commercial core and pedestrian promenade. Enhancing visual appearances of coastal communities is being addressed in the numerous design plans discussed below.

Cambria Forest Management Plan

At the time of LCP certification, the greatest threat to Cambria's Monterey Pine Forest was encroaching urbanization. The North Coast Area Plan encouraged the County state and local entities to complete a study on forest preservation. With the recent spread of pine pitch canker, this important native forest is increasingly vulnerable and of statewide concern. Deforestation would have serious visual, as well as environmental consequences for the area.

The County created a Forest Management Committee, made up of local and regional stakeholders, to map strategies for drafting and implementing the plan. In 1998, the County officially transferred management of the committee to the Services District, which has been successful in obtaining funding and a consultant to draft the plan. County staff continue to participate as stakeholders. The North Coast Area Plan Update includes greater detail regarding forest management, and recommends the creation of a mitigation fund supported by permit fees for tree removal.

Design Plans

LCP policies relating to Special Communities and Small-Scale Neighborhoods seek to design and site new development within urban areas in such a way as to complement and be visually

compatible with existing structures, and be compatible with unique architectural historical style, or natural features that add to the overall attractiveness of the community.

As discussed in the community character section of this chapter, some communities have been critical of the County's implementation of existing design standards, believing that they are overly broad, vague, and difficult to quantify in a regulatory setting. The development of Design Plans is the County's attempt to provide greater specificity to the question of designing to protect community character.

Design plans are separate, stand-alone amendments to the General Plan that address planning and building standards in specific communities with greater detail than area plans, but are not as extensive as specific plans. They provide a variety of information, some of which is presented as mandatory standards but primarily they contain general guidelines on matters such as streetscapes, architectural styles, types and location of parking, signs, and community preferred uses. They do not ascribe specific uses for specific properties or change land use designations, but they do address issues of scale and preferred uses.

The County has adopted two inland design plans, and is currently in the planning process of six more, four of which are in the coastal zone. The recent popularity of these plans is attributed to local citizens' requests for greater levels of assurance regarding the type, scale and location of new development that would be allowed in their communities. The reason these standards are not simply amended into the existing area plan is that county staff indicates that communities prefer having a separate document unique to their town, and they are used as promotional tools to attract new business and residents. In addition, their stylized format lends itself more readily to a stand-alone plan.

Unlike specific plans, design plans do not address specific enforceable issues dealing with traffic circulation, zoning changes, allowable uses, density, polluted runoff controls etc. Generally speaking they are softer and more open to interpretation than specific plans, but enhance and embellish what is already in the land use element. Four design plans are currently being processed in the coastal zone, for the communities of Cambria, Los Osos, Cayucos and Oceano. None have yet been approved by the Commission, with the exception of the Avila Specific Plan which incorporated the Front Street Design Plan.

The County has submitted public review draft of the commercial section Cambria Design Plan for review and comment. Commission staff found many positive aspects to the plan, but noted areas that needed further consideration or analysis (See Appendix E for comment letter). Design plans, once adopted, become part of the LUE. Therefore, the County follows the same noticing and public hearing requirements as are required for an LCP update. In addition, County staff works with members of the community, generally a sub-committee of the community advisory council, to develop the plan and host public workshops.

Overhead Utility Undergrounding Project

LCP policies call for restoring degraded views where feasible, and undergrounding new utilities in public view corridors. The County Undergrounding Committee, comprised of county staff,

public members and utility representatives, meets monthly to oversee the conversion of overhead facilities pursuant to PUC Tariff Rule 20 A, a funding mechanism coordinated by the PUC for converting overhead facilities to underground throughout the state. The funds are paid by ratepayers, and set aside annually for distribution to agencies. Converting overhead facilities is extremely expensive, with some projects costing over $1 million and requiring a year or more to complete. San Luis Obispo County receives approximately $600,000 annually, and has completed 23 projects in 30 years, one of the highest completion rates in the state, according to the PUC.

To qualify for undergrounding, an area must meet one of three criteria. The area must either have (1) a high concentration of overhead facilities; or (2) be a heavily traveled area; or (3) have highly scenic or aesthetic qualities. Every few years the committee nominates properties or areas to be included in the priority list, and submits this list to the Board of Supervisors for approval. Although this is a countywide program, a high percentage of projects have been located in the coastal zone. The most recent project completed was the Estero Bluffs project in mid 2000. Other coastal sites that have been converted include, Avila Front Street, Highway One between Morro Bay and Cayucos, Pier Avenue in Oceano, Studio Drive in Cayucos, Cambria East Village and portions of West Village, Moonstone Beach Drive, Baywood Park and Los Osos Valley Road. The County has also partnered with the cities of Arroyo Grande and Morro Bay to support undergrounding efforts within those cities.

Unfortunately this highly successful project may be in jeopardy as a result of the deregulation of California's utility companies. The PUC is currently examining the program and will be taking public input on alternatives.

Reported Development Approvals

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development is intended to be designed and sited to complement and be visually compatible with existing characteristics of the community. The combining designations use both quantitative standards (maximum height, setback, etc.) and qualitative guidelines for the siting and design of new development. This has caused some projects to gain county approval based on quantitative standards, over the strong objections of residents who rely on the intent of the qualitative language.

A recent example of approved new development that complied with the area standards but did not achieve the objectives of Policy 6 is the Victorian Inn in the Cayucos commercial core. The location for this 16,820 sf 30-unit motel project with a managers unit and a parking garage carries a Special Community combining designation SRA overlay. This highly controversial project was heard twice by the Planning Commission and four times by the Board of Supervisors before it was appealed to the Commission by 24 individual citizens of Cayucos. (3-SLO-99-118 /D960038P). The Cayucos Citizens Advisory Council discussed the project at numerous public meetings from February 1998 through August 1999.

Even though it complied with the physical limitations of the standards, a substantial segment of the community felt strongly that the project as proposed was too massive for the site and out of scale with the rest of the community. At the final Board hearing, the staff report recommended

that the Board deny the project based on the failure of the project to satisfy Policy 6. However, the Board conditioned the project to require reductions in gross area, and approved the permit. On appeal the Commission further reduced the gross structural area, in response to continuing local concerns that the structure, the largest of its type in the town, would still be out of character with neighboring buildings (A-3-SLO-99-060).

The lengthy debate over this project partly illustrates the continued local ambivalence over the Small Scale Neighborhood Design Standards adopted in 1995. This began as an attempt to add specificity to Small Scale Neighborhood design standards in Cayucos, and actually resulted in the removal of the SSN combining designation for two previously designated neighborhoods. As originally certified, the Estero Plan listed two residential neighborhoods in Cayucos as Small Scale Neighborhoods (Pacific Ave. neighborhood and Studio Drive neighborhood).

Alarmed by the number of small, older beach cottages being razed and replaced with homes of much greater height and bulk, the Advisory Council undertook a community-wide planning effort to develop the Small Scale Design Standards. After much community debate, in April, 1995 the SLO Board of Supervisors approved new standards for the two Cayucos Small Scale Neighborhoods, re-classified the areas as Cayucos Small Scale *Design* Neighborhoods, and submitted an LCP amendment for certification reflecting the change. While the new standards quantified and standardized buildings within the geographical boundary of the SSN, the new labeling eliminated the Small Scale Neighborhood SRA combining designation and thus removed the appealability of projects in the area, except for those buildings within 300 feet of the ocean bluff. The LCP amendment also reduced the level of permit required from a minor use permit to a plot plan, for certain single family residences, reducing the level of public review. The Commission approved this LCP amendment (2-95) in October of 1995.

One result of this change that may not have been anticipated by the Commission and the County is that the public may receive less notice of new development. In addition the public now has no recourse to pursue appeals before the Commission except for those projects that fall within other areas of appeal jurisdiction (such as within 300 feet of the bluff edge). The full implications of this change were not realized by the community until residents appealed a single-family residence in the small scale design neighborhood which received variances for setback and gross structural area in excess of allowable limits by 60% (3-SLO-97-132/D970004P). The Commission staff determined that the project was no longer appealable, which left the appellants no recourse other than the courts, where the case remains today. More detailed review of how well the small-scale design designation in Cayucos is working is needed, and will be completed in the next phase of the Periodic Review.

As discussed above, in an attempt to gain a greater level of assurance regarding compatible new development within urban areas, many communities, including Cayucos, are currently in the process of preparing Design Plans, that further define visual standards with respect to specific neighborhoods and/or types of uses. These will eventually come to the Commission as LCP amendments. While community character is difficult to define, it may be beneficial to prepare specific plans for special communities such as Cayucos. Although drafting of such plans can be protracted and difficult, in the long run greater specificity and regulatory assurance results in

more realistic expectations on the part of both applicants and residents and reduces multiple re-designs and appeals.

Transfer of Development Credits

Although Lodge Hill in Cambria is not a neighborhood specifically designated as Small Scale Neighborhood in the LCP, it is nevertheless a unique community that would qualify as such. As discussed in Chapter 2, one of the greatest threats to its continued community character is the potential build out of many hundreds of small, antiquated but legal lots. At total theoretical buildout, Cambria would not only exceed its available resources and overwhelm its existing infrastructure, it would also destroy much of the scenic charm that has attracted the current population and the 3 million visitors who pass through the area every year.

In an effort to reduce the impact of small-lot development on resources in Cambria, the County adopted a Transfer of Development (TDC) ordinance in 1984 (23.04.440). A detailed discussion of the program can be found in Chapter 2. While the program has reduced by approximately 125 the number of buildable parcels on Lodge Hill, and helped to preserve the environmentally sensitive Fern Canyon area, the 79,000 square feet of additional development it has enabled may have had an unintended consequence on community character. The ordinance requires findings to be made that the 'receiver' site can accommodate the proposed scale and intensity of development without the need for a variance, exception to height limitations or modifications to parking standards. Yet a visual survey of many of the homes built on Lodge Hill and Marine Terrace, many of which were recipients of TDCs show that some of them virtually fill the lot and appear quite imposing in comparison to adjacent older homes.

Map 2-B shows that the pattern of TDC application is quite dispersed, but that there are some areas where larger homes may be building out in close proximity to each other. In addition, while forest resources are preserved on sender sites, the additional development permitted on the receiver site may result in the removal of considerable native vegetation. If one assumes the character of the community is small, eclectic, rustic homes on heavily wooded lots, or bungalow-style fisherman cottages, than the TDC program may be having a negative impact on Cambria's community character. One advantage to the pending Design Plan for Cambria is that it will allow for community participation and formulation of a better defined community character.

Harmony

In recent years various proposals have been put forth for new development in the town of Harmony. The most recent Project Description for the North Coast Area Plan anticipates minor expansions of tourist shops and attractions. It also contains a recommended change of 2.5 acres of agricultural land to commercial zoning. The Plan presents a new site planning and design standard for the town to assure that new development is compatible with the existing Harmony Valley Creamery. This includes emphasis on historic character, minimizing view impacts from Highway One, limiting structure and sign heights to 28 feet, and limiting new uses to small scale developments, including hotel, motel, Bed and Breakfast, general merchandise, eating and drinking places, single family dwellings and agriculturally-related uses.

As discussed in Chapter 2, one concern for the rural north coast is the appropriate location and intensity of new development and in particular, assuring that new development is environmentally sustainable. Any such redevelopment or expanded development in Harmony will need to be examined carefully with this Coastal Act concern in mind. In addition, given the special character of Harmony, the County should consider designating the town as a special community, subject to specific development standards.

Preliminary Policy Alternatives:

Preliminary Recommendation 8.7: Restore Small Scale Neighborhood SRA Designation to Cayucos
The County should consider reinstating its original SSN combining designation to provide additional standards and scrutiny for visual resources protection.

Preliminary Recommendation 8.8: Complete Specific Plans, Rather Than Design Plans
The effort to further define and describe area plan standards through the pursuit of design plans is commendable. However, design plans may not go far enough to address the problematic issues in coastal communities. Although specific plans, because they deal with zoning changes and specific uses, may be more controversial and time consuming to develop, ultimately they may result in fewer appeals and streamlined development approvals.

Preliminary Recommendation 8.9: Monitor and Evaluate Current TDC Program
Although the TDC program was originally intended to reduce build-out and preserve forest resources, its effect on community character should be thoroughly assessed through enhanced evaluation and monitoring of the program's impact on neighborhoods.

Preliminary Recommendation 8.10: Support Continued Undergrounding of Overhead Utilities
The County Undergrounding Committee should continue to receive strong support for their work, and the Coastal Commission should work with the PUC to ensure that this important program is retained. The committee should consider including the overhead utilities across and along Highway One through the Hearst Ranch on the next priority list submitted to the Board of Supervisors.

Preliminary Recommendation 8.11: Evaluate Designation of Harmony as a Special Community of Historic Importance
The County should evaluate the potential designation of Harmony as a Special Community of Historic Importance. This status should trigger heightened review of the type, intensity, and character of new development, to preserve the unique character of this town.

CHAPTER 9: ARCHAEOLOGICAL RESOURCES

A. Policy Framework

Section 30244 of the Coastal Act serves to protect archaeological resources:

> *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The SLO LCP has a variety of policies and ordinances to implement section 30244 of the Coastal Act, including six policies to ensure that any proposed development would be designed and located to minimize its impacts to archaeological resources. These policies define the identification and mitigation of archaeological resources as well as how to handle archaeological resources discovered during construction or other activities.

Section 23.07.104 of the Coastal Zone Land Use Ordinance (CZLUO) also outlines procedures and requirements to apply to development within archaeologically sensitive areas. These procedures include the definition of an archaeologically sensitive area, the requirement of a preliminary survey, and a description of when a mitigation plan is required.

In addition to overarching policies and ordinances, the Land Use Element and Local Coastal Plan for the four planning areas of San Luis Obispo County contain sections on combining designations and planning area standards for archeological resources.[1] For example, the Estero planning area states that an archaeological resource standard shall be applied to 1995 Assessor Parcel Numbers 038-721-005 and 014 located on El Morro Ave., east of South Bay Blvd. At the time of land use permit application, the applicant shall provide sub-surface testing conducted by a qualified archaeologist in order to determine the significance and possible mitigation measures for the resources on the project site. The applicant shall implement the recommendations of the archaeologist as determined appropriate by the Environmental Coordinator.[2]

The San Luis Bay planning area designates the Irish Hills Coastal Terrance Archaeological Inventory as a sensitive resource area. In addition, the LCP calls for the County to encourage the San Luis Obispo Archaeological Society to study the coastal terrace areas north of Diablo Canyon to more accurately identify the extent of historical sites.[3] The South County planning area identifies an archaeological resource preservation standard for Guadalupe Dunes, the sand dune areas south of Oso Flaco Road. To ensure archaeological resource protection, the State Department of Parks and Recreation should provide the fullest protection by fencing all known sites.[4]

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[1] Planning area standards are mandatory requirements for development, designed to handle identified problems in a particular rural area, or to respond to concerns in an individual community.
[2] SLO Land Use Element and Local Coastal Plan, February 28, 1988, Estero, pp. 8-46, 8-47.
[3] SLO Land Use Element and Local Coastal Plan, February 28, 1988, San Luis Bay, p. 7-5.
[4] SLO Land Use Element and Local Coastal Plan, February 28, 1988, South County, pp. 50, 54.

B. Background

Archaeological sites are among the most fragile, nonrenewable coastal resources in the state. Detailed study of archaeological sites is the only method of gaining knowledge and understanding of prehistoric cultures. Moreover, many archaeological sites and artifacts are in themselves a sacred part of Native American heritage and culture.

Prehistoric sites represent the material remains of Native American societies and their activities. Such sites include villages, seasonal camp sites, stone tool quarry sites, hunting and butchering sites, traditional trails, and sites with rock carvings or paintings. Archaeologists identify such sites by the presence of one or more of the following: Stone flakes made of chert, jasper, quartzite, quartz; Basalt, obsidian, and other rock types; Shell, animal bone, and/or fish bone; Groundstone tools used for grinding seeds; Plant foods, such as manos, metates, or bedrock mortars; Artifacts, such as arrow or spear points; Fragments of pottery vessels; Darker soil, called "midden"; Circular depressions representing houses or ceremonial structures.[5]

CEQA Section 21083.2 defines a unique archaeological resource as an archaeological artifact, object, or site, about which it can be clearly demonstrated that there is a high probability that it meets any of the following criteria:[6]

1) *Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.*

2) *Has a special and particular quality such as being the oldest of its type or the best available example of its type.*

3) *Is directly associated with a scientifically recognized important prehistoric or historic event.*

The County of San Luis Obispo has a rich and copious archeological heritage. Level to gently rolling areas near the coast or along water courses are more likely to contain archaeological sites. However, because humans have occupied the lands of San Luis Obispo County for at least 9,000 years, dramatic changes in landforms may have occurred and archaeological sites may be found nearly anywhere.[7] As of October 25, 2000, 2,055 archaeological sites have been registered with the Central Coast Archaeological Information Center, of which the vast majority fall within the county's Coastal Zone.[8] This is more than a two-fold increase in registered sites since the time of LCP certification in 1988, when 446 of a 1000 sites fell within the coastal zone.[9] Over the past few decades, a more expansive interpretation of real estate disclosure laws to include archaeological resources within due process, has led to a significant rise in archaeological resource surveys. This, in combination with CEQA Phase I surface survey requirements for

[5] California Native American Heritage Commission http://ceres.ca.gov/nahc/understandingcr.html#penaas
[6] CEQA web site: http://ceres.ca.gov/ceqa/stat/chap2_6.html.
[7] SLO County Dept of Planning and Building http://www.slonet.org//vv/ipcoplng/arch.html.
[8] Personal communication, Bonnie Yoshida, Assistant Coordinator, Central Coast Archaeological Information Center, (10/25/00).
[9] SLO LCP Coastal Plan Policies, February 25, 1988, p. 12-1.

proposed development conducted to determine the presence or absence of surface indicators of archaeological resources, has significantly increased the county's archaeological database, especially within the coastal zone's urban areas. Not only has site identification increased, but site boundaries have been more clearly defined.[10]

As discussed in the San Luis Obispo County LCP, the principal sources of destruction of archaeological sites appear to be urbanization and uncontrolled public access. Some of the threats posed by urbanization include: grading activities (both agricultural and construction related); residential and industrial construction; construction of roads and highways; water projects (eroding and burying sites); pipeline projects; off-road vehicles; recreational developments; natural forces (water and wind); and unauthorized collection of artifacts.[11]

C. Preliminary LCP Implementation Issues

C.1. Adequate Identification of Archaeological and Historic Resources.

Overview: To adequately protect archaeological resources, sites must first be identified. The Local Coastal Program contains policies and ordinances for the identification of archaeological sites. The third policy of the LCP states that the county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be treated as confidential and be defined as follows:[12]

- Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office.

- Within urban areas, the county shall maintain maps in the Land Use Element which reflect generalized areas as known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office.

In addition, the LCP describes Archaeologically Sensitive Areas (ASA) as one of 14 combining designations identified in the San Luis Obispo County Coastal Zone Framework.[13] The ASA designation is applied to areas of known or suspected archaeological resources. Section 23.07.104 of CZLUO defines ASAs as

(1) Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.

[10] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (3/1/00).
[11] SLO LCP Coastal Plan Policies, February 25, 1988, p. 12-1.
[12] SLO LCP Coastal Plan Policies, February 25, 1988, pp. 12-2, 12-3.
[13] Combing designations identify areas with characteristics that are either of public value, or are hazardous to the public. The special location, terrain, man-made features, plants or animals of these areas create a need for more careful project review to protect those characteristics, or to protect public health, safety and welfare.

(2) Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.

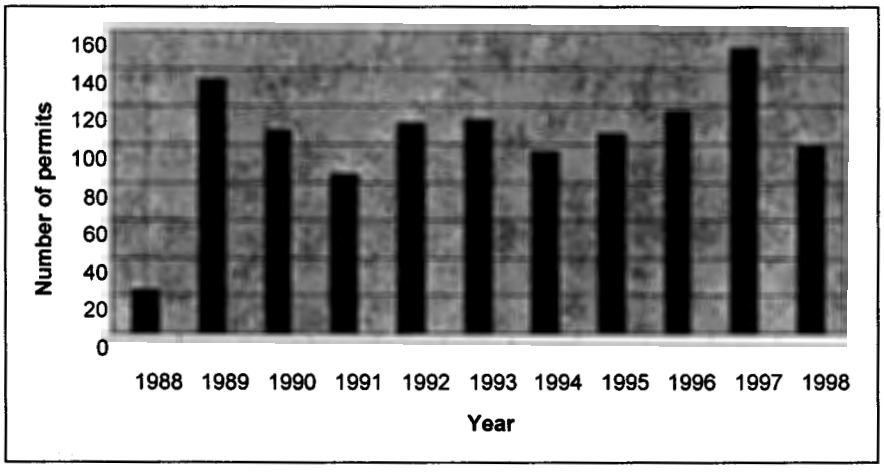
(3) Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.

The LCP describes the use of sensitivity maps to assist with the identification of cultural resources. Sensitivity maps identify areas where, based on the review of known archaeological recordings and the likelihood of previous settlement patterns, a high probability exists that archaeological resources will be found.[14] Because water was a limiting factor for the Native Americans, they settled near water sources such as streams or wetlands. The sensitivity maps will indicate these water sources. In addition, the maps include areas where known archaeological sites have been identified.[15]

In addition to the provisions of the LCP, the County incorporates other measures to identify archaeological resources. Site evaluations, which are conducted for every discretionary permit, help identify archaeological sites. In a site evaluation, a planner goes to the site to see if any archaeological resources are found on the surface. The planner also checks for certain geographic features such as knolls, rock outcrops, or the presence of water, indicating the possible presence of cultural resources.[16] The County will also consult any in-house information related to a parcel to assist with identification.[17] Additionally, archaeological sites are identified for projects handled through the CEQA process.

LCP Implementation: Out of 2,481 reported Coastal Development Permits for 1988-1998, 1,140 permits raised potential archaeological resources issues. 916 of these permits were identified through the Archaeologically Sensitive Area overlay district of the LCP. Another 224 permits

Figure 9-1: Permits with Archaeology Issues by Year



[14] SLO LCP Coastal Plan Policies, p. 12-2.
[15] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (12/1/00).
[16] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (11/1/00).
[17] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (12/1/00).

were identified as raising an archaeological issue; however, these 224 permits were not indicated as having an archaeologically sensitive overlay. The number of permits raising archaeology issues are broken down by year as seen in Table 9-1.

The majority of permits containing archaeological resource issues are located in the cities of Cambria, Cayucos, and Los Osos (see Table 9-1). Approximately half of the 1,140 permits involving archaeological issues were for new Single Family Dwellings and approximately one-third of the permits were for Single Family Dwelling Expansions (see Table 9-2, next page).

Table 9-1: Location of Permits with Archaeological Issues

Location	Number of Permits
South County	5
Avila Beach	16
Calendar Garrett Village Area	2
Cambria	768
Cayucos	108
Estero	21
Harmony	5
Los Osos	140
North Coast	18
Oceano	48
San Simeon	8
Unknown	1

To analyze the application of the LCP requirements for archeological resource protection, 90 of the 916 permits containing an Archaeologically Sensitive Area overlay district were randomly sampled for the time period 1988-1998. After reviewing the sample of permits and speaking with planners from the County, it appears that the County has been successful in identifying archaeological resources through both LCP implementation and effective use of the CEQA review process. In particular, the provisions of the LCP combined with the additional CEQA measures incorporated by the County, have proven to be adequate in identifying sites. Of the 90 permits sampled, a smaller subsample of ten were evaluated to see if the project site was delineated on the Land Use Element Map for archeological resources. All ten were delineated on the Land Use Element Map.

In addition, 8 of 224 permits containing an archaeological issue, but no Archaeologically Sensitive Area overlay, were randomly selected for the same time period. Of those eight, four were delineated on the Land Use Element Map with an Archaeologically Sensitive Area overlay while four of the permits were found outside of this overlay. Data entry errors may account for the permits that were found to be within the ASA overlay. Sites located outside of the ASA overlay may have been discovered through the CEQA process, the use of sensitivity maps, or the performance of site evaluations.

Table 9-2: Types of Projects with Archaeological Issues 1988-1998

Type of Development	Number of Permits
Agricultural Development	4
Aquaculture	1
Beach Nourishment	1
CDP Amendment	1
Commercial	34
Condo Conversion	1
Grading / Removal or Filling of Material	5
Habitat Restoration / Management Project	4
Hotel/Motel Expansion	7
Industrial / Energy	7
Institution / Military	12
Lot Merger	6
Lot-line Adjustment	8
MFD Expansion	1
New Commercial w/ Caretaker Unit	6
New Hotel/Motel	19
New MFD	11
New SFD	584
Other	5
Public Recreation Facility	9
Public Works	23
SFD Expansion	328
Shoreline/Bluff Protection	25
Stream / River Alteration	3
Subdivision	13
Temporary Event	1
Water Well	21

Consistency Analysis: The Coastal Act requires that reasonable mitigation measures shall be required where development would adversely impact archaeological or paleontological resources. In order to provide reasonable mitigation, sites containing cultural resources need to first be identified. Overall, the County appears to have been reasonably successful in identifying archaeological sites, thus satisfying the objectives of the Coastal Act with regards to site identification.

Preliminary Policy Alternatives:

Preliminary Recommendation 9.1: Update Archeological Resources Overlay Maps

It appears that the official maps of the LUE delineating urban ASAs have been valuable in triggering archaeological site review for the majority of planned urban development. They are not, however, all inclusive of archaeological resources within the urban areas. Updating the LUE maps to reflect a more accurate location of archaeologically sensitive areas will assist with site identification. The proposed Estero Area Plan Update from February, 1999 offers a possible option to update maps:

Protection of Resources Not Within the AS Combining Designation. *All land use permit applications that propose development within 100 feet of the bank of a coastal stream (as defined in the Coastal Zone Land Use Ordinance), or within 300 feet of such stream where the slope of the site is less than 10 percent, shall be subject to the standards for the Archaeologically Sensitive (AS) combining designation in the Coastal Zone Land Use Ordinance and in this plan.*

C. 2 Adequate Protection & Mitigation Standards for Archaeological Resources

Overview: Once archaeological sites have been identified, adequate protection and mitigation measures need to be established. The Local Coastal Program contains two policies to be implemented as standards to ensure that any proposed development will be designed and located to minimize its impacts on archaeological resources. The first policy provides for the protection of both known and potential archaeological resources. To avoid development on important archaeological sites, all available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. The second policy protects against the vandalization of resources. Activities other than development, which could damage or destroy archaeological sites, including off-road vehicle use on or adjacent to known sites and unauthorized collecting of artifacts, shall be prohibited.[18]

In addition to the standard policies, CZLUO Section 23.07.104 outlines procedures and requirements for development within archaeologically sensitive areas of the coastal zone. Before issuance of a land use or construction permit, a mandatory preliminary site survey must be conducted to determine the likelihood of the existence of archaeological resources. The survey shall be conducted by an archaeologist knowledgeable in the Chumash Indian culture and approved by the Environmental Coordinator. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a resource protection mitigation plan must be prepared. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource.[19] One such action to mitigate impacts is minimization. This entails employing construction designs that minimize impacts to the resources or placing the structure on an area where the least amount of impact to the resource occurs. For example, the structure can be designed with a smaller footprints (muffin-type shape) or alternative foundations such as caisson foundations, perimeter foundations and slab-on-grade foundations can be used.[20]

Policy 5 of the LCP suggests that the preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact.

[18] SLO LCP Coastal Plan Policies, February 25, 1988, pp. 12-2, 12-3.
[19] CZLUO Section 23.07.104.
[20] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (11/15/00).

It also states that when a project impact cannot be avoided, it may be necessary to conduct a salvage operation, also known as data recovery, as a last resort. Data recovery involves careful excavation of a portion of the archaeological resource in order to gather and analyze a representative sample. The sample is usually determined based on a relation to amount of disturbance to a site. Samples are usually collected in the form of test pits of column samples. Materials are collected, screened, catalogued and analyzed. If the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture. Policy 5 also states that a qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.[21]

CZLUO Section 23.05.140 outlines procedures for the discovery of archaeological resources during construction. In the event that archeological resources are unearthed or discovered during *any* construction activities—within or outside the ASA—construction activities shall cease. The Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.[22]

Although the LCP only requires that preliminary site surveys be conducted for development within an archaeologically sensitive area, the County performs surveys on parcels located in close proximity to the coast (e.g., the area between Cayucos and Cambria from Highway 1 to the ocean), regardless of whether they are located within an ASA.

Although not required by the LCP, participation of Native Americans in regards to disturbance and preservation of archaeological resources is a high priority for SLO's County Planning Department. The Department expanded upon CEQA requirements to include Native American involvement in any project that is known to contain archaeological resources and will involve Phase II subsurface testing. Some concern has been raised among Native American groups, though, about the process for identifying native representatives.

LCP Implementation: Of the 1,140 permits identified as being concerned with archaeological resources, 90 were randomly selected for the time period 1988 – 1998. An analysis of these permits was conducted to determine if preliminary site surveys were conducted, archaeological resources were avoided, and if not avoidable, mitigation measures were incorporated.

To determine whether preliminary surveys had been conducted, eight of the 90 permits were randomly sampled. Of those eight, a preliminary survey was conducted for six permits, one did not require a survey, and one permit did not have a survey performed. Because archaeological records are confidential, the County keeps a separate record of the archaeological surveys in a

[21] SLO LCP Coastal Plan Policies, February 25, 1988, pp. 12-4.
[22] CZLUO—Site Development Standards, §23.05.140.

location that is not accessible to the general public. According to County staff, for the permit that did not have a survey performed, it may be possible that the survey was performed but the report did not make it into the County's separate confidential records.[23]

The County attempts to avoid impacts to archaeological resources by relocating the structure, changing the design of the structure, or minimizing impacts to the resource. For example, in the Todd project, currently on appeal to the Commission for visual resource concerns, the County required that the house be constructed with a smaller footprint to minimize impacts to the resources. Sometimes, though, these measures are not sufficient. In this project, the County did not adequately address the potential for resources to be found during construction, and should have required on-site monitoring for ground disturbance (see Staff Recommendation for A-3-SLO-00-119). In another project (Pescosolido), a caisson and grade beam foundation was used by placing four to five poles, each with a two foot diameter, into the ground. This caused less of a disturbance to resources compared to the placement of a regular foundation which would have required the excavation of the entire area.[24]

If impacts to resources are unavoidable, the County incorporates mitigation measures. The mitigations are influenced by the results of the preliminary survey. If the preliminary survey discovered cultural materials, then specific mitigations were developed to reduce the impacts to these resources. An example of such a mitigation can be seen in permit number 3-SLO-92-121 as follows:

a) *The applicant shall abide by all of the conditions/mitigation measures recommended in the Archaeological Report prepared by Parker and Associates (1992), entitled "Archaeological Investigation of the Vito Tullo Parcel."*

b) *If any significant archaeological resources are found during construction of the proposed project, all earthwork within 150 feet of object(s) shall cease until the resources have been evaluated by a qualified archaeologist from the County approved list. Any additional mitigation measures recommended by the archaeologist shall be evaluated by the Office of the Environmental Coordinator and upon Coordinator approval, implemented by the applicant.*

If a site survey determined that no cultural resources were found, and the site was not located near a known archaeological site, then no mitigations will be listed. If a site survey determined that no cultural resources were found, but the site was in close proximity to a known archaeological site, standard mitigations were listed as conditions of approval to alert the applicant. These conditions are stated as follows:

In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

a) Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered

[23] SLO Planning Department Memo, (12/7/00).
[24] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (12/5/00).

material may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

b) In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Through permit review, speaking with the County, and conversing with members of the public concerned with archaeological resources for the area, it appears that the County has been reasonably successful in protecting and mitigating archaeological resources as required by the LCP. However, the use of monitoring during construction where appropriate may need to be increased.

Consistency Analysis: The Coastal Act requires that reasonable mitigation measures shall be required where development would adversely impact archaeological or paleontological resources. Overall, the County has been successful in incorporating mitigation measures to protect cultural resources, as required by the Coastal Act. But, some improvements to LCP policies would contribute to greater protection of resources.

Preliminary Policy Alternatives:

The Estero Area Plan Update from February, 1999, offers some possible options to strengthen protection of archaeological resources. For example the following proposes to expand protections outside the ASA:

Protection of Resources Within and Outside of the AS Combining Designation. *Development proposed by land use permit applications that are included in the Archaeologically Sensitive (AS) combining designation or are subject to the preceding standard shall protect archaeological resources as follows:*

a) ***Additional Study Needed.*** *If the preliminary site survey required by Chapter 23.07 recommends further study or subsurface testing, development shall not be approved until the additional study or testing has been completed to the satisfaction of the Environmental Coordinator.*

In speaking with the public about the County's protection of archaeological resources, additional options for improving the protection of resources have been suggested. The County should consider the following options for strengthening the LCP:

Preliminary Recommendation 9.2: Evaluate Requirement for Geoarchaeology Surveys. Because half the burials and cultural resources in alluvial soils lie buried beneath the surface with no surface indication of their location, a geoarchaeological survey could be conducted in

addition to the archaeological surface surveys.[25] The purpose of this survey is to identify areas where archaeological resources may have been buried. Some common geologic environments that may bury resources include alluvial fans, landslides, and eolian (wind-blown) sand deposits. A geoarchaeological survey includes the use of maps of soils and geology to mark areas where sedimentation may bury resources. A field survey is also performed to evaluate the type and extent of sediment and see how these land modifications may conceal resources.[26] The County should assess the feasibility of incorporating this type of survey.

Preliminary Recommendation 9.3: Evaluate Use of Conservation Easements.
Disturbance to archaeological data could also be avoided by requiring a conservation easement over the area containing archaeological resources.[27] Avoiding impacts through such easements may be more protective of the resources than reliance on data recovery. The LCP should be modified to consider such conservation easements instead of data recovery where possible.

Preliminary Recommendation 9.4: Evaluate Permit Exemptions.
Protection of archaeological resources can be increased through modifications to permit exemptions. [28] If the project is considered to be development according to the Coastal Act, it will generate a permit and a preliminary survey will be conducted (e.g. building a house and a driveway on agricultural land or erecting a water tank). If the activity on the land does not require a permit, then the site survey will not be conducted (e.g. converting grazing lands to vineyards).[29] These agricultural lands may contain archaeological resources and some of these activities may be destructive to these resources. For example, in the creation of vineyards, the land can be disturbed up to a depth of four feet.[30] As discussed in more detail in Chapter 5 (Agriculture), permits should be required for modification of agricultural uses that would result in impacts such as grading or increased sedimentation. This would also assure maximum protection of archaeological resources.

[25] Personal communication, Tarren Collins, Attorney, San Luis Obispo County Chumash Council (11/29/00)
[26] E-mail from Jeff A. Parsons, Geoarchaeology, Paso Robles (12/4/00).
[27] Personal communication, Tarren Collins, Attorney, San Luis Obispo County Chumash Council, (11/7/00)
[28] Michael Glassow, Coordinator, Central Coast Archaeological Information Center.
[29] Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (11/15/00).
[30] Personal communication, Michael Glassow, Coordinator, Central Coast Archaeological Information Center, (11/15/00).

CHAPTER 10: ENERGY AND INDUSTRIAL DEVELOPMENT

A. Policy Framework

Coastal Act. Notwithstanding the fact that coastal-dependent industrial developments may have significant impacts on coastal resources, the Coastal Act provides for the siting and development of coastal dependent industrial uses, including energy related uses, to ensure that inland as well as coastal resources are preserved while ensuring orderly economic development within the state.[1] Coastal-dependent developments are those which require a site on, or adjacent to the sea to be able to function at all. Coastal-dependent industrial developments are given priority in the Coastal Act over other land uses, except agriculture, and are permitted reasonable long-term growth where consistent with Chapter 3 policies. These developments are encouraged to locate and expand within existing sites.[2] Location and expansion beyond an existing site are permitted only if alternative locations are infeasible or more environmentally damaging, to do otherwise would adversely affect the public welfare and adverse impacts are mitigated to the maximum extent feasible.

Coastal Act section 30262 requires consolidation of oil and gas facilities to the maximum extent feasible and legally permissible unless (a) consolidation will result in adverse environmental consequences and (b) it will not significantly reduce the number of wells, support facilities or sites required to produce the reservoir economically and with minimal environmental impacts. New industrial development is required to be located within or contiguous of existing developed areas able to accommodate it except that new hazardous industrial development is required to be located away from existing developed areas where feasible. Policies require protection against spillage of oil, gas, petroleum products and other hazardous materials. Coastal Act policies include specific criteria for siting new or expanded refineries or petrochemical facilities and thermal electric generating plants.

Local Coastal Program. The LCP contains policies very similar to Coastal Act policies regarding oil and gas development, power plants, coastal-dependent uses, and other development in the coastal zone. The LCP gives priority to coastal-dependent and coastal-dependent industrial uses over other uses in the coastal zone, and consolidation of sites and facilities where feasible is required. The CZLUO identifies categories of uses for particular areas in the County, including industrial, industrial special use, resource extraction, communication, pipeline and transmission lines, public utilities, and electric generating plants. These use designations are termed 'overlays' on land use maps.

The SLO Estero Area Plan regulates development on industrial land at Toro Creek, particularly the Estero Marine Terminal. The proposed revised Estero Bay plan addresses the need for improving coastal access in the area of the Marine Terminal, as well as issues related to Marine Terminal site restoration and environmental mitigation. The San Luis Bay Area Plan designates

[1] PRC Sections 30001.2; 30263-30264, 30413, 30232, 30250, 30222, 30233 (a) (1), 30235, and 30254
[2] PRC Sections 30255, 30260, 30262, and 30263

existing and planned industrial areas, including the Diablo Canyon area, Avila Beach, and Port San Luis. The South County Area Plan regulates the Santa Maria oil refinery and chemical plant and Guadalupe Dunes oil field. The North Coast area does not have any significant energy or industrial facilities, but such development is unlikely in the area, so the proposed revised plan does not address this type of development.

In April 2000, SLO County adopted Ordinance 2899 to regulate tele-communications projects that use public rights of way and property, affecting primarily only land-based fiber optic cable projects. The Ordinance includes conditions of use of streets and public rights-of-ways, construction standards, permitting and licensing, and a framework for the establishment of compensatory fees for use of public rights-of-way and property.

B. Background.

Most energy and industrial facilities in SLO County are within the coastal zone, and include both coastal dependent and industrial uses, as well as resource-dependent facilities. Two major facilities are located in the South County: the Santa Maria Unocal refinery and the Santa Maria Chemical Plant operated by the Union Chemicals Division Carbon Group. Also located in the South County is the Guadalupe Oil Field, formerly operated by Unocal, which stopped production in 1994 and is in the process of being fully abandoned.

The other major existing industrial and energy-related developments are located in Estero Bay and Avila Beach. These include the Chevron USA, Inc. offshore tanker-terminal for the loading of crude oil (which is currently being decommissioned) and onshore storage tanks in Estero Bay, as well as Texaco and U.S. Navy storage tanks. Pacific Gas and Electric Company (PG&E) operates a nuclear power facility in Diablo Canyon, and Duke Energy operates a major fossil-fuel power plant (formerly owned by PG&E) located within the city of Morro Bay. Unocal owns a tanker terminal at Avila Pier which is no longer in operation. Other extractive industries in the coastal zone include removal of sand from the dunes near Oceano and gravel from the Santa Maria riverbed.

There is an extensive network of oil and gas transmission pipelines throughout the county's coastal zone. One of the major pipeline corridors extends from the Guadalupe Dunes oil field and the Santa Maria Refinery to the storage tanks and marine terminal at Avila Beach. The California Public Utilities Commission and California Energy Commission are responsible for regulation of electric transmission lines.

Many energy-related facilities have been modified or closed since certification of the Local Coastal Program. While the power plant at Morro Bay has been purchased by Duke Energy Corporation and is scheduled for upgrading and possible expansion, several of the energy related facilities in the county have closed, or are scheduled for closure in the upcoming years. Several issues arise with the closure of these facilities. The LCP specifically states that the county or the State Department of Parks and Recreation or other agency shall be offered the right of first

refusal for piers no longer needed for petroleum operations. This policy will apply to the Unocal pier at Avila, where California Polytechnic State University (Cal Poly) has proposed use of the pier as a marine research center. Guidance for long-term use of decommissioned power plants (such as will be the case at Diablo Canyon, and at the Chevron marine terminal) was not an issue in the LCP certified in 1988. Because the structure of energy facilities is far more complex than that of piers, policies addressing the abandonment of these facilities must correspondingly be more complex, as well as facility-specific.

While the LCP does address some issues related to completion or abandonment of all above-ground oil production and processing facilities, it does not address the issue of site contamination. Since the LCP was certified in 1988, identification of contaminated sites and subsequent remediation has been a major issue along the San Luis Obispo coast (most notably at Avila Beach and the Guadalupe oil field). In fact, the only two appealed coastal permits related to oil and gas development involved petroleum contamination.[3]

The county does not have jurisdiction over federal leases on outer continental shelf (OCS) drilling. However, in 1986, San Luis Obispo County residents approved Measure A, requiring voter approval of any onshore oil facilities used to support offshore oil development, effectively limiting new offshore development. Since several federal offshore drilling leases have been extended, the issue of onshore oil facilities may again become an issue in the future.

C. Preliminary LCP Implementation Issues

C.1. Fiber Optic Cable Projects

Overview: Since the SLO County LCP was certified in 1988, new fiber optic technology has emerged and the demand for fiber optic cable projects has grown quickly. Transoceanic cable projects are permitted by the State Lands Commission and the Coastal Commission, but transoceanic projects with a coastal component (i.e. that continue from the mean high tide line landward) and land-based fiber optic cable projects in the coastal zone include review by the County under the LCP. Because this technology has expanded so recently, few LCPs, including that of SLO County, have comprehensive policies to address either project-specific or cumulative effects of these projects and environmental impacts of such projects are not always adequately assessed and mitigated.

Policies are needed to encourage the establishment of cable corridors, and subsequently, consolidated landing sites, in order to minimize environmental impacts from fiber optic cable installation. There is already a *de facto* corridor due to hard bottom configurations offshore SLO county that is reaching capacity (the corridor is not wide enough to accommodate many more cables safely). There are also already consolidated landing sites such as Montana de Oro.

[3] A-3-SLO-98-072 (Summary: Excavate subsurface petroleum hydrocarbon contamination under beach and town areas.) and A-3-98-91 (Summary: Field-wide remediation of contaminated soil and groundwater using a variety of proposed technologies).

However, new cable corridors and consolidated landing sites should be identified pro-actively in a planning context (rather than on a case by case basis) in order to minimize environmental impacts and ensure protection of public access.

Lastly, there has been little systematic analysis of the cumulative impacts of fiber optic cable projects in the coastal zone and at landing sites. The LCP contains Industrial Land Use Designations to provide for siting of facilities, but consolidation occurs only on a case by case basis in those areas and onshore industrial sites may not correspond to the environmentally preferable offshore route.

LCP Implementation:

The LCP identifies fiber-optic cables as Communications facilities, which are principal permitted uses in areas designated Industrial or Public Facilities.[4] In addition to the LCP policies which apply through various Combining Designations (such as SRA Sensitive Resource Areas or GH Geologic Hazards), there are policies which address communication facilities as industrial uses. Energy and Industrial Policy 1 gives priority to siting of new or expanded facilities in or adjacent to existing sites. The LCP contains consolidation polices for both pipelines and electrical transmission lines (Policy 12, 18 and 19) but not specifically for communication facilities such as fiber optic cables. The CZLUO 23.08.286 provides standards for Communication Facilities as part of the standards for pipelines and transmission lines. This section includes application requirements for route-specific investigations, information requirements specific to stream crossings, site restoration plan requirements and requires that projects be approved in ESHA areas only where the Planning Commission can find that the project is consistent with Energy and Industrial Policies 7-12 (Pipelines). A Development Plan is required for installation of fiber optic cables, which is a discretionary decision by the Planning Commission requiring environmental review and subject to appeal to the Board of Supervisors or the Coastal Commission.

The following table summarizes all ocean-based cable projects in SLO County since 1988. The table shows that most fiber optic projects have been proposed within the last two years.

[4] LCP Framework, Table O and page 6-43

Table 10-1: Ocean Based Fiber Optic Cable Projects since 1988

COMPANY	LOCATION	CCC STATUS
Golden Thread	Harmony, SLO	No application yet
MCI Worldcom and MFS Globenet Japan-US Segment 1 Southern Cross Empty conduits	Montana de Oro, SLO	Approved 4/17/00
Global West	Morro Bay, Santa Barbara, Manhattan Beach and San Diego	Approved 12/12/00
PC & PAC Landing Corp (3) PC-Segment E PC-Segment S PAC-Segment 1	Grover Beach, SLO	Approved 6/13/00
AT&T – China US S7	Montana de Oro, SLO	Approved 5/11/00
AT&T – China US E1	Montana de Oro, SLO	Approved 6/13/00
AT&T – Japan-US Segment 9 (south end)	Montana de Oro, SLO	Application pending
AT&T (3) TPC-5T1 HAW 5 TPC-5G	Los Osos and Montana de Oro State Park	Approved 1992, Active
AT&T (2) HAW 2 HAW 3	 Estero Bay Morro Bay	HAW 2 is inactive, removed to 1000 fathom water depth; HAW 3 abandoned in place

Currently, the County's LCP provisions specific to communications facilities are fairly general and do not reflect some of the issues raised by this emerging technology. For example, during the review and approval process of some of the projects noted above, various environmental and Coastal Act issues arose repeatedly, including impacts to public access, environmentally sensitive habitat areas, marine mammals and marine resources.

Fiber-optic cable projects have some impacts that are different from pipeline projects. For example, borings under stream crossings or in the nearshore use bentonite that can be released into surface waters. Also, construction activities can impact public access as staging areas are frequently located in public parking areas or shoreline areas. For example, in the MCI Worldcom/MFS Globenet project the County found that project construction activities restricted access to public parking areas thus impairing public coastal access. As a result, parking improvements were negotiated. In addition, an offshore bentonite release caused by project construction activities resulted in the closure of a public parking lot.

In addition to site impacts, the nature of offshore geology and the need to avoid hard-bottom habitat limits potential corridors for ocean-based cables, and associated landing sites. There should be advanced planning to locate future consolidated landing sites for ocean-based fiber optic cable projects, or to consolidate corridors for land-based cables. Existing consolidated

landing sites such as Montana de Oro are reaching capacity and new ones need to be identified, consistent with other resource protection policies of the LCP, to meet demand for future projects.

The County adopted Ordinance 2899 in April 2000, which regulates telecommunications projects that use public rights of way and property, thus affecting primarily land-based fiber optic cable projects. The Ordinance includes conditions of use of streets and public rights-of-ways, construction standards, permitting and licensing, and a framework for the establishment of compensatory fees for use of public rights-of-way and property. However, the ordinance has no language on avoidance or mitigation of environmental impacts of telecommunications projects, except general mention of CEQA requirements. And, the ordinance has not been certified as part of the LCP.

Consistency Analysis: While there are LCP policies for consolidation of pipelines and electrical transmission corridors and general standards governing communication facilities, they are not sufficient to address the full range of issues raised with new and emerging technologies such as fiber optic cables. Projects have been reviewed on a case by case basis but do not assure that impacts will be minimized and that landing sites and land-based corridors will be consolidated. For example, the recent Global Photon project proposed to be located at a different landing site than other fiber-optic cable projects located in this area. But analysis of this landing site to accommodate future projects in this same location was not done and consolidation therefore not assured in conformance with Coastal Act policies. The LCP should be updated to include policies to ensure consolidation and to address impacts on coastal zone resources from these fiber optic cable projects. Without an update of the LCP, projects will continue to be assessed on a case by case basis, with no guidance as to preferred cable corridors and consolidated landing sites and the cumulative effect of present and future projects may cause greater damage to coastal zone resources.

Preliminary Policy Alternatives:

Preliminary Recommendation 10.1 Update LCP to Address Fiber Optic Cable Projects

The County could take several steps in updating its LCP Area Plans to plan for such projects. Land Use designations could be revised to identify consolidated cable corridors and consolidated landing sites via overlays. Additional mitigation measures could be developed to address potential impacts from drilling such as requirements for Drilling Fluid Monitoring Plans. Monitoring requirements could be included that provide for qualified monitors onsite with ability to stop drilling should fractures occur which could releases bentonite. The CZLUO could be revised to include more specific mitigation for access/recreation impacts, avoidance or minimization of sensitive resources during construction, as well as mitigation measures such as erosion control, revegetation, and other measures necessary to protect scenic resources and habitat values.

C.2. New and Expanded Power Plants

Overview: The Coastal Act provides measures to protect coastal resources from power plant siting while balancing the need to allow reasonable expansion of such facilities. Under provisions of Section 30413 of the Coastal Act, the Commission was required to designate areas unsuitable for power plant construction. The Energy Commission has permit authority over power plant siting but it cannot approve any power plant or related facility in an area designated by the Commission as unsuitable. The Coastal Act also provides for later Commission involvement in the Energy Commission siting procedures within area not designated as unsuitable. Designations made by the Commission as part of its power plant siting study may not preclude reasonable expansion of existing power plants. Where new power plant facilities are necessary, the Coastal Act policy encourages expansion of existing power plant sites, thus protecting undeveloped sites. The Commission adopted its power plant siting study, "Designation of Coastal Zone Areas Where Construction of an Electric Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976", in September 1978 which was revised and readopted in December 1985. This revised report was in effect at the time of LCP certification in 1988.

The California Energy Commission (CEC) has exclusive jurisdiction over thermal power plants of 50 megawatts or greater. In these cases, the CEC preempts the jurisdiction of all other state and local agencies (including the Coastal Commission and local government) when it certifies a new, modified or expanded power plant. However, Coastal Act Section 30413 requires the Coastal Commission to submit a report to the CEC analyzing the proposed power plant project's conformity with the Coastal Act's Chapter 3 policies and the policies of the certified LCP. Public Resources Code Section 25523(b) requires the CEC's decision on any application to include "specific provisions to meet the objectives" of the Coastal Act and LCP "unless the [CEC] specifically finds that adoption of [the Coastal Commission's] provisions ,,, would result in greater adverse effect on the environment or that [said] provisions..would not be feasible."

Since SLO County's LCP was certified in 1988, the energy industry has changed markedly with deregulation, and demand for power has increased with increased use of electronic technologies. These changes have led to plans for expansion or development of new power facilities. However, the only major power plant in SLO County jurisdiction is the Diablo Canyon nuclear power plant. The power plant owned by Duke Energy in Morro Bay that is proposed for expansion, is in the jurisdiction of the City of Morro Bay and thus not part of this LCP review.

The north coast area of San Luis Obispo County to the junction of US Highway 101 and Highway 46, as part of the Big Sur coastal area, is designated by the Coastal Commission as unsuitable for power plant construction. Most of the Estero Bay and Morro Bay areas including the beach park between the Morro Bay power plant and Estero Bay, are also designated as unsuitable. The area from Diablo Canyon south to Port San Luis is not designated primarily because of the existing Diablo Canyon power plant and transmission line corridors.

LCP Implementation: SLO County does not have jurisdiction over the expansion of Duke's Morro Bay power plant, as Morro Bay has its own certified LCP. Most of the area surrounding the City land where the Morro Bay plant is located is owned by the State and not by the County, further limiting the County's potential jurisdiction. SLO County does, however, have jurisdiction over any development related to power transmission lines in the County. The SLO Coastal Plan requires "transmission line rights-of-way shall be routed to minimize impacts on viewsheds in the coastal zone, especially in scenic areas, and to avoid locations in or adjacent to significant or unique habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetation removal shall be minimized and disturbed areas shall be revegetated with plants similar to those in the area." The Plan also requires "undergrounding" of transmission lines when views may be affected, and consolidation of transmission corridors

SLO County's Coastal Policies address power plant siting and expansion in a general way, stating that "when new sites are needed for industrial or energy-related development, expansion of facilities on existing sites or on land adjacent to existing sites shall take priority over opening up additional areas or the construction of new facilities..." and that "adverse environmental impacts from the siting or expansion of coastal-dependent industrial or energy developments shall be mitigated to the maximum extent feasible." The Plan also states that "priority shall be given to coastal-dependent industrial uses. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support." The County policies are generally consistent with the Coastal Act policies related to power plant siting and expansion.

Preliminary Policy Alternatives:

Preliminary Recommendation 10.2. Update LCP Area Plans to Address Future Energy Facility Demand

It appears than many new or expanded power plants are planned for California in the near future.[5] Recent statewide energy problems related to deregulation also make it likely that pressure will continue to increase for new and expanded power facilities. This, in turn, may lead to greater numbers of transmission lines and ancillary facilities. Although there are no current proposals to locate new power plant facilities in the SLO coastal zone, the update of the Area Plans should anticipate increased demand for such facilities and ensure that the LCP contains adequate guidance for locating and mitigating impacts from energy facilities.

C.3. Managing the Phaseout of Energy and Oil Facilities

Overview: The phase out of existing energy facilities is likely to be a growing concern. While the power plant at Morro Bay has been purchased by Duke Energy Corporation and is scheduled for upgrading and possible expansion, several of the energy related facilities in the County have

[5] http://www.energy.ca.gov/sitingcases/backgrounder.html

closed, or are scheduled for closure in upcoming years. The Unocal pier at Avila has been decommissioned; the Chevron marine terminal is being decommissioned, and the PG&E Diablo Canyon nuclear power plant will eventually be decommissioned in stages. Given the anticipated phaseout of these major facilities, the SLO LCP needs to include the most current standards to govern decommissioning activities, remediation, and rezoning of land uses.

The two significant environmental issues for PG&E's Diablo Canyon Nuclear Power Plant are: agreement between the Central Coast Regional Water Quality Control Board and PG&E to resolve receiver water impacts due to impingement, entrainment and thermal discharges; and the proposed construction of a 'dry-cask' spent fuel storage facility near the plant. Initial staff research indicates that Diablo Canyon may begin an incremental decommissioning process within a decade, and within a year plans to apply for permits to construct the new dry cask spent fuel storage facility, although no permits have yet been filed. SLO County may thus have a permitting role for both a new fuel storage facility and the plant's eventual decommissioning. The San Luis Obispo Bay Area Plan Standards designate Diablo Canyon as an EX Combining District, do not encourage expansion in this area, and discourage encroachment of other development that may hinder the operating capabilities of the plant.

LCP Implementation: Regarding oil and gas facilities, the LCP states that "upon completion or abandonment, all above-ground oil production and processing facilities shall be removed from the site, and the area in which they were located shall be restored by appropriate contouring, reseeding, and planting to conform with surrounding topography and vegetation."

Regarding abandonment of piers, the LCP states that "at such time as piers are no longer needed for petroleum operations, the county or the State Department of Parks and Recreation or other agency shall be offered the right of first refusal, if the pier is determined to be appropriate for recreation use." To date, the County has not reviewed any permits for phaseout of power plants but has been involved in permitting the decommissioning of oil facilities, primarily at Guadalupe and Avila Beach.

Consistency Analysis: At Guadalupe and at Avila Beach, the County has implemented actions related to the phase-out of major energy facilities. For example, at Guadalupe the County issued a permit for abandonment, site restoration and ultimate protection of the area as open space through a required conservation easement The County's action has adequately addressed impacts connected with this phase out.

The Commission as well as the County has gained experience in identifying new information and management measures to improve mitigation of impacts from abandonment of facilities. For example, requirements for deadlines for abandonment and site restoration, along with mitigation fees will help to establish financial incentives for rapid site cleanup and restoration. Also, the Commission has overseen decomissioning activities at San Onofre Nuclear Generating Plant in Southern California. This experience can provide new information for incorporating more advanced standards and management measures for abandonment and decomissioning of facilities

into an updated LCP. While the County LCP as part of the EX Combining Designation contains policies to address some facilities phase out, most specifically oil and gas (CZLUO 23.08.174). Other provisions of the EX Combining designation emphasize development standards primarily for new construction rather than phase out. The County should apply the new information and techniques learned through experience to strengthen the LCP policies and standards for abandonment procedures, site remediation, and rezoning for all types of energy, communications and oil and gas facilities.

Preliminary Policy Alternatives:

Preliminary Recommendation 10.3 Update LCP to Address Abandonment of Energy Facilities

As part of the Area Plan Updates the County should update and revise standards and requirements governing abandonment and clean up of sites in the EX Combining Designation. Updating of standards could include revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

CHAPTER 11: COMMERCIAL FISHING AND RECREATIONAL BOATING

A. Policy Framework

The Coastal Act states that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected, and that facilities serving the commercial fishing and recreational boating industries shall be protected, and where feasible, upgraded. Recreational boating use is encouraged by providing for the development of berthing space, increasing facilities and limiting non-water-dependent uses. Existing space shall not be reduced unless demand no longer exists or substitute space has been provided. The needs of the commercial fishing industry have priority over recreational boating. Diking, filling, and dredging are allowed for the purposes of protecting commercial fishing facilities. Recreational boating facilities should be designed and sited not to interfere with the needs of the commercial fishing industry. Additionally, uses of the marine environment shall be carried out in a manner that will maintain healthy populations of all species of marine organisms.

The LCP states that commercial fishing and recreational boating shall be protected and, where feasible, upgraded, although commercial fishing shall remain a priority over recreational boating. Also, oceanfront development should give priority to boating facilities, as otherwise consistent with other policies of the Coastal Act. The LCP also sets priorities for uses within the San Luis Bay harbor area as follows: coastal-dependent (commercial fishing and mariculture/aquaculture, sport fishing, recreational boating and other oceanfront recreational uses, and energy-related facilities), coastal-related, and finally, other uses. The San Luis Bay Area Plan states that prior to any approval of any use which is not coastal-dependent, the harbor district shall make a finding that adequate resources and services have been reserved for all coastal dependent uses proposed in the master plan. The North Coast Area Plan contains a standard requiring that the San Simeon Harbor be limited to small-scale recreational boating.

B. Background

There are three harbors in San Luis Obispo County: San Luis Bay, Morro Bay, and San Simeon Bay. The three major activities at the harbors are petroleum shipping, commercial fishing, and recreational boating. Each of the three harbors affords support to the commercial fishing industry; Port San Luis and Morro Bay harbors provide docking, mooring, and processing facilities, while San Simeon functions as a marginal shelter during adverse weather conditions. Commercial fishing is an important source of income for the county; in 1998, the commercial fishery landings at the three harbors were over 6 million pounds valued at $6.4 million.[1] Around Morro Bay, fishing is an important industry, second only to tourism. Tourism, however, is

[1] San Luis Obispo Council of Governments. *1999 Regional Profile.* October, 1999.

dependent upon the commercial fishing industry in that tourists come to enjoy the fishing village ambiance provided there, as well as to participate in recreational boating.

Commercial fishing has long been an important component of the economy of the Central Coast; however, 1998 marks the fifth year of decreasing pounds of landings for San Luis Obispo County. Corresponding to this steady decrease, demand for commercial fishing facilities has declined in recent years and at the same time demand for recreational boating facilities has increased. Within Port San Luis, the number of moorings for commercial fishing boats has been steadily decreasing due to the lack of demand. In 1994, commercial fishing boats occupied 170 moorings; today there are only 128 moorings.[2] Because of the continuous need for recreational boating facilities in the Central Coast, these moorings are being converted to recreational boating use. Although Port San Luis once performed solely harbor enterprise functions, it now has expanded to provide many other types of public serving activities, including ancillary uses such as beach concessions, surfing and camping, restaurants, fresh and live fish sales, fuel and ice facilities, and boat yard repair facilities.

Historically, there has been a shortage of recreational boating facilities on the central coast, especially for slips and moorings. An early study by the California Department of Navigation and Oceanic Development indicated that statewide, the greatest need for berthing facilities was within San Luis Obispo County. The 1994 Port San Luis Master Plan noted the need to double the Port's ability to provide services for recreational boats.

Currently at Port San Luis there are 146 moorings for "pleasure" boats (sail and power boats) with a waiting list of 14. Demand for moorings is greater than is evidenced by the current waiting list; prior to the implementation of a waiting list fee, the list contained more than 300 names. The LCP notes that providing dry storage and improving boat launch facilities will be the most feasible approach to help in alleviating boating demand.

At the time of the adoption of the Morro Bay State Park General Plan in 1988, the state park marina had 100 slips and the Plan proposed 25-50 additional ones. Currently the marina provides 115 recreational boat slips, with a waiting list of approximately 20. At the four other marinas in Morro Bay, there are a total of approximately 100 slips, also with waiting lists. There are between 100-200 moorings in the bay, some privately owned. There is a waiting list for the moorings available for lease. At San Simeon Harbor there is a pier for fishing, and moorings for commercial fishing boats.

In addition to the facilities listed above, there are three boat launch sites in the county, at Leffingwell Landing on the North Coast, Tidelands Park in Morro Bay and Morro Bay State Park. A fourth boat launch ramp for small shallow-draft boats previously existed in Baywood Park, but was essentially lost in association with a hotel expansion project approved by both the County and the Commission on appeal. The County Parks Department is currently in the process of analyzing a replacement ramp at a nearby location that has been funded by the California Department of Boating and Waterways. As noted below, some concerns have been expressed that the new boat ramp might impact sensitive resources of Morro Bay.

[2] Port San Luis Harbor District. *Port Master Plan.* May, 1994.

C. Preliminary LCP Implementation Issues

Since LCP certification, the following preliminary implementation issues have been raised:

- The loss of a small boat launch ramp in Baywood Park, and the impact that a proposed replacement ramp may have on wetland resources, particularly sensitive waterfowl habitats;
- The potential impacts that increased recreational boating (e.g., kayaking) may be having on wetland and sand dune habitats Morro Bay that were previously isolated from human activities;
- The impacts that proposed visitor-serving and commercial development on an upland areas owned by the Port San Luis Harbor District might have the provision of adequate boating and fishing facilities and other coastal resources; and,
- Reducing polluted runoff generated by boating activities and facilities.

Preliminary Policy Alternatives:

Preliminary Recommendation 11.1: Develop a Program to Educate Boaters on the Sensitive Habitat Values of Morro Bay and Other Aquatic Habitats.

The LCP could include a program that encourages new and existing facilities that serve the boating community to develop and distribute literature, and provide interpretive signs, that inform and encourage boaters to protect sensitive habitat areas and minimize pollution.

Preliminary Recommendation 11.2: Coordinate the Review of the Proposed Boat Launch Ramp in Baywood Park with Commission Staff, the Department of Fish and Game, and other involved regulatory Agencies and Interested Individuals

As the design and environmental analysis of the proposed boat launch ramp progresses, continued coordination with Commission staff, as well as with biological experts and other regulatory agencies and interested parties, should be pursued.

Preliminary Recommendation 11.3: Update the Port San Luis Master Plan and Associated Sections of the San Luis Bay Area Plan

Recognizing that circumstances regarding the operation, maintenance, and financing of Port San Luis Harbor facilities have changed since the relevant sections of the LCP were certified, a comprehensive update of the Port San Luis Master Plan and associated LCP provisions is in order. Given the wide range of coastal resource issues raised by future development of uplands owned by the Port San Luis Harbor District, this update should be closely coordinated with Commission and County staff.

CHAPTER 12: IMPLEMENTATION PROCEDURES

A. Overview

A core principle of the Coastal Act is to maximize the public's ability to participate in planning and regulatory decisions. To facilitate such participation, the Coastal Act and the California Code of Regulations establish specific procedures for processing coastal development permits (CDPs) at the local level following LCP certification, as well as for administering amendments to the certified plan. This includes specific procedures regarding the provision of public notices and hearings, and opportunities to appeal certain local decisions on CDPs to the Coastal Commission.

Another important objective is to ensure that the development review process provides adequate information to identify potential impacts to coastal resources and analyze LCP consistency. At the same time, these procedures should be structured in a way that maximizes efficiency. Thus, processing requirements may vary depending on the type, extent, and significance of the development, or plan change, being proposed. The Coastal Act, California Code of Regulations, and the LCP all provide a range of procedures to account for this.

This chapter provides a preliminary evaluation of whether LCP procedures, and the way in which they are implemented in San Luis Obispo County, conform to the Coastal Act and the California Code of Regulations. Many of the identified procedural issues require further investigation and coordination with County staff, as well as public input, and will therefore be addressed in a subsequent report.

B. Analysis of LCP Coastal Development Permit Procedures

Defining Development

Identifying what activities constitute "development", and therefore require a Coastal Development Permit, is a fundamental step in the development review process. The definition of development contained in the CZLUO (Section 23.03.040a and p. 11-11), and also within Appendix A of the Coastal Plan Policies (p. A-1), is the same definition as provided by Coastal Act Section 30106.

Of the various actions considered to be development, the division of land poses a unique set of issues. The issuance of *Certificates of Compliance*, which in some circumstances may legitimize lots in a manner that is inconsistent with LCP standards, has been identified as a particular area of concern (see Chapter 5, Agriculture). Establishing greater regulatory controls within the LCP over this process of parcel definition, which may also require changes to the Subdivision Map Act, should be pursued at both the State and local level. Within the LCP, this might include identifying all Certificates of Compliance (not just Conditional Certificates of Compliance) as development that requires a CDP.

Coastal Zone Boundary and Permit Jurisdiction

An equally important step is identifying whether the development is located in the coastal zone, and if so, whether it is in the permit jurisdiction of the County or the Coastal Commission. In general, the County uses LCP Maps to identify whether a project is located within the coastal zone established by the state legislature. To the knowledge of the Commission staff, no problems have been encountered regarding the use of these maps. Nevertheless, it would be appropriate to review these maps to confirm that they accurately reflect the coastal zone boundary.

Most development within the San Luis Obispo coastal zone falls within the CDP jurisdiction of the County. However, some development falls within the original jurisdiction of the Coastal Commission. This includes all development seaward of the mean high tide line, on tidelands and historic public trust lands (e.g., filled tidelands), and within Areas of Deferred Certification (ADCs)[1].

Overall, the County appears to be accurately informing applicants when a development project requires a CDP from the Coastal Commission. Sometimes, however, the determination of permit jurisdiction is a difficult task. For example, when reviewing a proposed shoreline protection device, it is not always clear if the development may extend seaward of the Mean High Tide line, due to the dynamic nature of shoreline profiles and the way this affects the intersection between the mean high tide line and the land. In instances such as these, it is important for the County and Commission staffs to coordinate on the determination of permit jurisdiction. It also may be appropriate to develop a coordinated permit review procedure when development straddles permit jurisdictions to avoid, where feasible, the need for separate coastal development permits from the County and the Commission. Implementation of this measure may require a revision to the Coastal Act.

With respect to ADC's, many of the issues that were the basis for deferred certification have since been resolved. For example, both the Sweet Springs and Otto (Elfin Forest) whiteholes in the South Bay Urban Area have been acquired for open space preservation, thereby eliminating the potential for residential development that was the basis of deferred certification. The County should be encouraged to update the LCP to reflect such changed circumstances, eliminate the whiteholes, and establish local permit jurisdiction over future development in such areas.

Exemptions and Exclusions

All development in the coastal zone requires a CDP unless exempted or excluded by the Coastal Act and/or LCP. Both the LCP and Coastal Act identify specific types of development that are *exempted* from CDP requirements. *Exclusions,* most commonly in the from of *Categorical Exclusions,* differ from exemptions in that they refer to a process under which the LCP can exclude certain types of development in specific geographic regions from the requirement to obtain a CDP. Such exclusions cover development that is not otherwise exempted by the Coastal Act from CDP requirements, and requires Coastal Commission approval by a two-thirds majority

[1] ADCs or "whiteholes" are specific geographic regions that were excluded from the Commission's original certification of the San Luis Obispo County LCP.

in order to be incorporated into the LCP. Categorical exclusions typically eliminate the need for new residential development within urbanized areas to obtain a CDP, although any category of development within a specified geographic region can be excluded from CDP requirements. In order to approve an exclusion, the Commission must find that there is no potential for significant adverse effect, either individually or cumulatively, on coastal resources or on public access to or along the coast.

Development that is exempted by the LCP from CDP requirements can be found in Section 23.03.040d of the CZLUO. However, the types of projects that are exempted from CDP requirements by this LCP section are, in some cases, significantly different from the exemptions provided by the Coastal Act.

For example, both the Coastal Act and the LCP exempt repair and maintenance activities that do not add to or enlarge the object being repaired/maintained. However, the Coastal Act conditions such exemptions on certain criteria that can be found in Section 13252 of the California Code of Regulations. These criteria, which require a permit for certain types of repair and maintenance activities that pose potential adverse impacts to coastal resources, are not reflected in the LCP's exemptions. Thus, repair and maintenance activities that should require a permit pursuant to the Coastal Act and California Code of Regulations are exempt pursuant to CZLUO Section 23.03.040.

Similarly, Section 30610 of the Coastal Act exempts only those temporary events that do not pose significant adverse impacts on coastal resources, as further specified by guidelines adopted by the Commission. The Commission recently evaluated the LCP's provisions regarding temporary events as part of the LCP Amendment that incorporated the Avila Beach Specific Plan into the LCP. Coordination on this issue between the county and the Commission led to an update of LCP provisions regarding temporary events, consistent with the Commissions guidelines, in the San Luis Bay Area Plan. A similar update should occur within the CZLUO so the updated permit requirements for temporary events apply countywide.

Finally, the range of development types exempted from CDP requirements by the LCP is much broader than the exemptions provided by the Coastal Act. Bringing these exemptions into conformance with the Coastal Act should therefore be pursued.

With respect to Categorical Exclusions, additional research is needed to determine if any such exclusions have been approved by the Commission within the San Luis Obispo Coastal Zone, and if so, how they are being implemented by the County and what affects they may be having on coastal resources.

Types of Coastal Development Permits

The San Luis Obispo County LCP divides CDPs into various subsets. The most common are the Land Use Permits, which take the form of Plot Plans, Minor Use Permits, and Development Plans. Plot Plans are processed for projects that do not raise significant resource issues and are located outside of the geographic regions where development is appealable to the Coastal Commission. Minor Use Permits, which make up the majority of Land Use Permits/CDPs approved by the County, are processed for any development within an appealable area, and for

non-appealable projects that raise significant resource issues. Development Plans are processed for the larger, more complex projects that necessitate the most rigorous form of permit review.

Other types of CDP's issued by the County include: land division approvals, which can take the form of Subdivisions/Tentative Maps, Lot Line Adjustments, and Conditional Certificates of Compliance; grading permits; and emergency permits. In most instances, grading activities are associated with new development that is processed as a whole via the Land Use Permit process, thereby negating the need for a separate grading permit. However, there are some cases where grading is the only development proposed on the site. In such situations, the Grading Permit constitutes the CDP for the grading activity.

Most of the different types of CDP's described above have specific application, noticing, hearing, and appeal procedures established by the CZLUO (Title 23 of the County Code). Exceptions to this include the procedures for land divisions, which are specified by a separate Title of the County Code (Title 21).

Amendments and Extensions of Locally Approved CDP's

The CZLUO also establishes provisions for amending and extending the various types of CDP's described above. Problems that have been encountered with respect to amendments and extensions, and require further coordination with San Luis Obispo County as well as potential changes to the LCP include:

- The appealability of amendments and extension;
- What types of changes to an approved project require an amendment and what changes can be accommodated administratively; and
- Noticing requirements for amendments and extensions.

Allowable Uses

The fundamental tool for determining whether a certain type of development is allowable within a specific land use designation is Table O, which can be found in the LCP's Framework for planning. A significant problem with this table, as described in the Chapter regarding Environmentally Sensitive Habitat Areas, is that it does not acknowledge that LCP Combining Designations that overlay land use designations further restrict the types of uses that may be allowed on a particular development site. This has the potential to cause problems at the review stage (e.g., if the proposed use is not analyzed for conformance with Combining Designation standards), but also may create false expectations for property owners regarding the type of development allowed on a site.

Additional problems with Table O are: 1) it is silent on the appeal status of land divisions (i.e., it does not, but should, identify that land divisions are conditionally permitted); and, 2) it does not clearly differentiate between other listed development as to what is <u>the</u> principally permitted use

and what is conditionally permitted. This creates difficulties in determining the appealability of projects, as further discussed in Part III of this Chapter.

Application Requirements

The information obtained at the permit application stage plays a crucial role in the ability of County staff and the decision making bodies to effectively assess the potential impacts of the proposed development on coastal resources. The LCP provides adequate flexibility for the County Planning Director to require the information necessary to complete such an assessment. However, it is unknown how frequently additional information, beyond what is established by the LCP as the minimum requirements, is requested by County planning staff. While this is an essential tool for addressing unique circumstances that may arise, it is preferable, where feasible, to have the full range of information that is required to accompany CDP applications identified by the application requirements.

Recognizing that the extent of information needed at the application stage depends on the type location, and intensity of development being proposed, the LCP appropriately establishes different application requirements for each type of CDP. Other chapters of this report indicate where additional information, beyond what is required or being obtained at the application stage, is needed to address particular coastal resource issues. This will be supplemented with additional research, analysis, and coordination with County staff and interested parties to distinguish more the specific information needs that might not be adequately addressed by current application requirements or implementing procedures.

In general, the Commission staff's experience in tracking locally approved permits indicates that a potential problem with the County's implementation of application requirements is that some of the information required by the LCP at the application stage is instead being obtained as a condition of approval. It is typical to see conditions of permit approval that require grading plans, landscape plans, drainage plans, and erosion control plans to be submitted for the review and approval of County staff before construction commences.

The potential problem with this approach is that the information may be needed to effectively evaluate project consistency with LCP standards. For example, until the full extent of grading and site preparation are known, it may be difficult to determine consistency with LCP standards such as those that establish minimum setbacks from sensitive habitats. Similarly, until the necessary drainage infrastructure is identified, it is difficult to assess conformance to water quality protection requirements. For the development of bluff top lots, unresolved drainage issues can lead to potential impacts to coastal access and recreation if it is determined at a later date that rip-rap or other energy dissipation devices must be installed on the beach to prevent erosion of the bluff by project drainage.

Noticing

As noted above, the different types and levels of CDP's have different processing requirements and noticing standards. The minimum requirements for noticing local CDP applications and approvals are established by Sections 13560 – 13572 of the California Code of Administrative Regulations. However, the noticing requirements of the LCP, and the local methods for

implementing them, raise question regarding the LCP's conformance with these statewide standards. Potential inconsistencies include, but are not limited to, the following:

- Grading permits authorizing development activities that are not otherwise covered by a Land Use CDP are not being noticed and processed as a CDP;
- The Commission is not consistently provided notice of pending CDP applications, particularly those that are not appealable to the Commission;
- The Commission is not being mailed Final Local Action Notices (FLANs, also referred to as Notices of Final Local Action, or NOFAs) for all locally approved CDPs, particularly those that are non-appealable;
- The Commission occasionally receives FLANs/NOFAs prior to the expiration of the local appeal period;
- Notices of pending applications and final local action do not always identify whether the project is appealable to the Coastal Commission, or provide the correct timeline for such an appeal;
- While the findings for the local approval are consistently included with FLANs, these findings are not always complete. For example, a finding of project consistency with Coastal Act access and recreation policies is not always made for projects between the first public road and the sea.
- The Commission may not always be receiving notice of emergency permits granted by the County.

Additional coordination with the County is needed to resolve these noticing problems and, where necessary, bring LCP noticing provisions into conformance with the California Code of Administrative regulations.

Open Space Easements and Public Access Documents

Better coordination between the County and the Commission regarding the format and content of legal documents related to open space and public access easements is needed to carry out Section 13574 of the California Code of Administrative Regulations. Changes to the LCP that would enhance such coordination should also be considered.

Condition Compliance and Enforcement

Ensuring effective compliance with permit conditions, and responding to violations of permit requirements, is an essential component to implementing successful coastal resource protection. Actions that could enhance this aspect of the County's coastal program may include:

- developing a tracking system for condition compliance review that could be available to all County departments and Commission staff; and,
- coordinating responses to violations with Commission staff and other involved regulatory agencies.

Emergency Permits

The procedures for emergency permits provided by Section 23.03.045 of the CZLUO are generally conform to Section 13329 of the California Code of Regulations. However, as noted above, there appears to be room for improving the noticing of emergency permits approved by the County to the Commission.

In addition, it is also often difficult to determine whether a certain situation qualifies as an "emergency" as defined by the Coastal Act. County staff should be encouraged to consult with the Commission in making such determinations, as they often do. This is critically important when the emergency action may result in development on lands that are within the permit jurisdiction of the Coastal Commission.

Variances

Section 23.01.045 of the CZLUO allows the local decision making body on a CDP application to grant a variance from a strict application of LCP requirements. As discussed in the Environmentally Sensitive Habitats Chapter of this report, the approval of variances has, in some cases, undermined important coastal resource protection provisions of the LCP. Therefore, incorporating additional limitations regarding the use of variances into the LCP should be considered. One such limitation could be to prohibit the use of variances where the project will adversely impact Environmentally Sensitive Habitats.

Non-conforming Uses, Structures, and Parcels

Chapter 9 of the CZLUO provides standards for development on sites that have existing uses, structures, or signs that do not conform to current LCP standards. Various issues regarding the interpretation of these standards have been raised during recent appeals, giving rise to the need to clarify the application of these standards.

A non-conforming situation often encountered that not addressed by Chapter 9 of the CZLUO, is the development of existing parcels that do not conform to minimum parcel sizes. Incorporating new standards for building on and adjusting such parcels could help minimize the cumulative impacts to coastal resources posed by future development, relocation, or expansion of these sub-standard lots.

C. Analysis of LCP Appeals Procedures

Determining What Projects are Appealable

In carrying Coastal Act Section 30603(a)(4), the LCP states that any development not listed in Table O as a Principle Permitted (PP) is appealable to the Coastal Commission (CZLUO Section 23.01.043c(4). Table O, however, does not include all development – most notably land divisions. This has resulted in uncertainty regarding the appeal status of this development. Table O also does not clearly identify what constitutes the principally permitted use within a certain land use designation for two reasons: 1) it includes more than one principally permitted use per land use designation; and, 2) uses that are subject to special standards, and therefore conditional, are in some cases listed as being principally permitted. Thus, it is difficult to determine when a project is appealable because it does not constitute the principally permitted use. Table O should therefore be revised to indicate a single principle permitted use per land use designation (with all other uses being conditional) and should list all development anticipated in each land use designation, particularly land divisions.

A related issue that is not addressed by the LCP is the appealability of a project that involves both conditional use(s) and a principally permitted use (i.e., is the whole project or just the portion involving the conditional use appealable?) To ensure that the cumulative impacts to coastal resources posed by projects involving conditional uses are addressed in a comprehensive fashion, it is recommended that the LCP clarify that if any component of a proposed development constitutes a conditional use, the entire project shall be appealable to the Coastal Commission.

Finally, the use of LCP maps to determine appealability presents another set of problems. Currently, the LCP designates any development within a "Sensitive Resource Area" (SRA) as appealable. As detailed in the Chapter of this report regarding Environmentally Sensitive Habitats, the delineation of such SRA's provided by LCP maps do not always accurately reflect on the ground resources. As recommended in the Chapter of this report regarding Environmentally Sensitive Habitats, a combined approach of updating these maps, and determining the presence and extent of SRA's in the field, is recommended.

Similarly, the LCP refers to the adopted post-certification appeals maps to determine where development is appealable because it is located between the first through public road and the sea or within 300 feet of any beach.. These maps also need to be updated. Thus, a conclusion regarding appealability under these criteria should be based on the configuration of roadways and landforms as they currently exist, rather than as shown on the maps. An exception to this is that roads constructed without the proper permits should not be considered as the first public road.

Minimizing the Number of Appeals

Particular changes to local permit processing procedures may help minimize the number of CDP's being appealed to the Commission. These include:

- Providing Commission staff with a copy of the County staff report/recommendation prior to the local action;

- Making better use of LCP provisions that allows the County to modify or reverse a local decision on a CDP that is appealed by two Coastal Commissioners; and

- Establishing procedures that would allow the County to expeditiously incorporate additional mitigation measures or minor project revisions within an appealed CDP. The additional mitigation measures or project revisions would be determined in coordination with the applicant and County and Commission staff, and would be designed to resolve the issues that were the basis of the appeal.

Processing Appeals

When projects are appealed to the Commission, various problems have been encountered in providing the Commission with the relevant information developed during local review. Locating and reproducing this material can be difficult for many reasons, including other workload demands, the size of the materials, and the County's process of filing information provided at public hearings. Nevertheless, the Commission's ability to obtain all relevant information in a timely manner is essential to the efficient processing of appeals.

A potential means of addressing this issue is for the County to have a complete summary of all information that is submitted and developed during the project review. This could be a running tally, started at the initial application, and added to as the local review process proceeds. Upon appeal to the Commission, the list would be forwarded to the Commission staff, along with all relevant staff analyses, technical reports, and correspondence. Commission staff could request the additional materials at a later date, on an as need basis.

Preliminary Procedural Alternatives

Preliminary Recommendation 12.1: Update LCP and Post-Certification Maps

- The County and the Commission staff should coordinate a review of LCP Maps for accurate delineations of coastal zone boundary and sensitive resource areas and update as necessary.

- The Coastal Commission staff, in coordination with the County, should update the Post-Certification maps to accurately reflect permit and appeal jurisdictions.

- Recognize that the appealability of development based on geographic criteria (e.g., the presence of an SRA, a location between the first public road and the sea) should be determined according to what is on the ground as opposed to what is shown on the LCP and Post-Certification Maps. An exception to this is that roads constructed without the proper permits should not be considered as the first public road.

Preliminary Recommendation 12.2: Increase Coordination for Projects that Cross Jurisdictional Boundaries

- Coordinate permit jurisdiction determinations when projects may involve development within the Commission's original jurisdiction.

- Develop a coordinated permit review procedure for development that straddles permit jurisdictions to avoid, where feasible, the need for separate coastal development permits from the County and the Commission.

Preliminary Recommendation 12.3: Resolve Areas of Deferred Certification

Update the LCP to eliminate Areas of Deferred Certification (e.g., Sweet Springs Marsh and the Otto property) and establish local permit jurisdiction over future development in such areas.

Preliminary Recommendation 12.4: Revise LCP Permit Exemptions

LCP permit exemptions (Section 23.03.040 of the CZLUO) should be revised so they conform to Coastal Act Section 30610 and associated sections of the California Code of Regulations.

Preliminary Recommendation 12.5: Update LCP Provisions Regarding Temporary Events

LCP provisions regarding temporary events, should be updated consistent with the Commission's guidelines, and as recently incorporated into the San Luis Bay Area Plan, so they apply countywide.

Preliminary Recommendation 12.6: Identify and Review Categorical Exclusions

Clarify where Categorical Exclusions may have been previously approved and how they are being implemented. The Commission staff, in coordination with the County, should evaluate whether these exclusions may be impacting coastal resources and therefore may warrant recision.

Preliminary Recommendation 12.7: Improve Noticing and Processing Procedures

The Commission staff should coordinate with the County to resolve noticing and processing issues related to CDPs, CDP amendments and extensions, grading permits, emergency permits, and appeals. In some cases, changes to the LCP may be needed to bring LCP noticing and processing requirements in conformance with the Coastal Act and the California Code of Regulations.

Preliminary Recommendation 12.8: Clarify Allowable and Principally Permitted Uses

- Revise Table O to identify that allowable uses are further limited by Combining Designations (e.g., resource dependent development is the only principally permitted use in ESHA).

- Update Table O to differentiate the principally permitted land use within each land use designation from conditionally permitted uses. All uses currently subject to special standards and criteria should be identified as a conditional use (i.e., all uses currently listed as "S-#-P").

- Table O should also list Land Divisions, Certificates of Compliance, and Lot Line Adjustments as conditionally permitted development within the particular land use designation that they may be allowed.

Preliminary Recommendation 12.9: Update Permit Application Requirements

Review permit application requirements and current methods for implementing these requirements to ensure that all information necessary to evaluate project consistency with LCP standards is being obtained at the application stage rather than as a condition of approval.

Preliminary Recommendation 12.10: Provide Legal Documents for Executive Director Review and Approval

Enhance coordination regarding the format and content of legal documents related to open space and public access easements and consider changes to permit procedures that would facilitate such coordination.

Preliminary Recommendation 12.11: Clarify Appealability of Projects Involving Conditional Uses

Section 23.01.043c4 should identify that if any component of a proposed development constitutes a conditional use, the entire project shall be appealable to the Coastal Commission.

Preliminary Recommendation 12.12: Improve Methods for Ensuring Compliance with Permit Conditions

Among other means available to achieve effective compliance with permit conditions, develop a tracking system that would be available to all relevant County departments and Commission staff.

Preliminary Recommendation 12.13: Increase Coordination of Enforcement Actions

Coordinate responses to violations with Commission staff and other involved regulatory agencies.

Preliminary Recommendation 12.14: Improve Coordination Regarding Emergency Actions

When time allows, consult with the Commission regarding alleged emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the Coastal Commission.

Preliminary Recommendation 12.15: Further Restrict the Use of Variances

Incorporate additional limitations regarding the use of variances into the LCP (e.g., prohibit the use of variances where the project will adversely impact Environmentally Sensitive Habitats).

Preliminary Recommendation 12.16: Clarify LCP Provisions Regarding Nonconforming Uses

Clarify LCP provisions regarding nonconforming uses and structures, and consider incorporating new standards for the development/adjustment/certification of non-conforming parcels as addressed earlier in this report.

Preliminary Recommendation 12.17: Provide Additional Opportunities to Efficiently Resolve Appeals

- Incorporate new procedures into the LCP that would provide additional opportunities to resolve appeals at the local level.

- Improve procedures for providing Commission staff with all information relevant to appealed projects.

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PRELIMINARY REPORT

PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM

APPENDIX A: PERMIT CASES CITED IN REPORT

CALIFORNIA COASTAL COMMISSION
FEBRUARY 2, 2001

APPENDIX A: PERMIT CASES CITED IN REPORT

Chapter	Commission FLAN Number	SLO County File Number
Chapter 2		
	A-3-SLO-96-113	D940132D/D940283V
	A-3-SLO-98-087	D890423D/D960112V
	4-SLO-90-104	S890315T (Tract 1804)
	A-3-SLO-00-045	COAL 99-0090/S980282L
	3-SLO-96-059	CO 94-076
	3-SLO-93-028	D910089P & CO 91-015
	3-SLO-99-142	
	3-SLO-92-072	D910086P
	3-SLO-97-165	D95049P
	3-SLO-96-027	C95-017
	3-SLO-96-046	C95-002
	3-SLO-96-047	C95-017
	A-3-SLO-96-046	C95-017
	A-3-SLO-96-060	C95-002
	3-SLO-99-132	
	3-SLO-97-130	D910279P
	3-SLO-96-056	D940132D
	3-SLO-95-037	D940095D
	3-SLO-93-083	D870122D
Chapter 3	3-SLO-94-79	
	3-SLO-91-13	
	4-SLO-91-183	D890669P
	3-SLO-93-75	
	3-SLO-98-136	D970217P
	4-SLO-90-290	D900059P (D90
	3-SLO-92-96	
	3-SLO-92-105	D910211P
	3-SLO-93-20	
	3-SLO-93-24	
	3-SLO-93-28	
	3-SLO-94-84	
	3-SLO-94-129	D940023P
	3-SLO-94-139	D930143P
	3-SLO-94-140	D930026P
	3-SLO-95-122	D930172P
	3-SLO-95-142	D940299P
	3-SLO-96-15	

Chapter	Commission FLAN Number	SLO County File Number
	3-SLO-96-63	
	3-SLO-91-101	
	3-SLO-90-210	
	3-SLO-95-143	D950028P
	3-SLO-97-22	
	3-SLO-95-56	
Chapter 4		
	A-3-SLO-99-083	D980085P
	A-3-SLO-99-014	D970195D/COAL 94-130
	A-3-SLO-99-032	D970195D/COAL 94-130
	A-3-SLO-98-087	D890423D, D960112V & TR1873)
	A-3-SLO-00-040	D980010P/ D980279V)
		D870122D
		D890423
		D960037
		D980300P
		D990196P
		D970257D
	3-SLO-96-032	D950077P
	A-3-SLO-96-021	D930204D
	3-SLO-98-120	D970277P
	3-SLO-97-074/3-SLO-97-147	D940210P
	3-SLO-96-032	D950077P
		D950049P
	5-SLO-89-099	D870182D
	3-SLO-98-151	D980042P
		D980041P
		D980038P
	3-SLO-98-056	D970067P
	3-SLO-98-005	D970064P
	3-SLO-97-101	D960019P
	3-SLO-97-186	D950007P
	3-SLO-92-140	D910287P
	3-SLO-95-011	D930158D
	A-3-SLO-97-040	D950245D
	A-3-SLO-95-012	D930158D
	3-SLO-98-125	D970182D
		D870297P
	3-SLO-97-067	D950201P
		D930164P
	3-SLO-98-117	D960072P
	3-SLO-93-103	D910107P

Chapter	Commission FLAN Number	SLO County File Number
	3-SLO-92-025	D900370P
	3-SLO-94-142	D930241P
	3-SLO-93-054	D910210P
	3-SLO-92-024	D900254P
	3-SLO-95-154	D940208P
	3-SLO-95-048	D940148P
	3-SLO-95-109	D940280P
	3-SLO-95-129	D940220P
	4-SLO-90-171	D890440P
	5-SLO-89-137	D880273P
	3-SLO-97-037	D960014P
	4-SLO-90-189	D890409P
		D880195D
	A-3-SLO-98-061	D880388D/D880295D
	3-SLO-93-082	D910260P
	3-SLO-96-064	D940126P
	3-SLO-98-052	D970231P
	4-SLO-90-189	D890409P
	4-SLO-91-080	D890631D
	5-SLO-89-099	D870182D
	4-SLO-91-110	D900210P
	3-SLO-94-112	D940037P
	3-SLO-95-103	D940116P
		COAL 93-49
	4-SLO-90-190	D890386P
		COAL 94-130
	A-3-SLO-99-014/032	D970195D
	4-SLO-91-080	D890631D
	A-3-SLO-98-061	D880295D
	A-3-SLO-98-061	D960345V
	A-3-SLO-98-061	D960246V
	3-SLO-94-112	D940037P
		COAL 99-007
Chapter 5		
	4-SLO-89-315	Coal 89-40
	4-SLO-89-006	
	4-SLO-95-22	
	4-SLO-94-98	
	4-SLO-96-147	
	4-SLO-97-162	
	3-SLO-95-124	D 940059D
	3-SLO-96-58	Coal 95-058
	3-SLO-96-107	Coal 96-044
	3-SLO-97-8	Coal 91-069

Chapter	Commission FLAN Number	SLO County File Number
	3-SLO-97-015	Coal 96-030
	3-SLO-97-160	Coal 95-096
	3-SLO-97-176	Coal 97-109
	3-SLO-98-121	Coal 97-0141
	4-SLO-89-006	S870232L
	5-SLO-89-021	Coal 88-094
	4-SLO-89-315	Coal 89-040
	4-SLO-90-241	Coal 89-383
	4-SLO-91-131	C089399
	4-SLO-91-200	Coal 90-124
	3-SLO-93-65	Coal 90-137
	3-SLO-93-069	Coal 92-153
	3-SLO-93-84	CO 90-164
	3-SLO-93-124	Coal 89-397
	3-SLO-94-007	Coal 92-144
	A-3-SLO-99-014	Coal 94-130
	3-SLO-96-027	C9547
Chapter 6		
	4-SLO-90-022	D890053P
	3-SLO-92-124	D880056D
	3-SLO-94-131	D930013D
	3-SLO-93-102	D920116P
	3-SLO-95-133	D940190P
	3-SLO-95-073	D930083V, D93
	3-SLO-95-101	D940228P
	3-SLO-95-118	D940271P
	3-SLO-95-148	D930246P
	3-SLO-95-156	D940142P
	3-SLO-96-131	D950226P
	3-SLO-96-132	D95013P
	3-SLO-97-003	D960076P
	3-SLO-97-047	D940012P
	3-SLO-97-091	D940256P & D940257V
	3-SLO-97-103	D960195P
	3-SLO-97-129	D960215V
	3-SLO-98-123	D970268P
	3-SLO-90-221	
	3-SLO-94-143	D930239P
	3-SLO-94-133	D930277P
	3-SLO-95-086	D940190P
	3-SLO-95-067	D930246P;D930
	4-89-273nb	
	A-3-SLO-95-069	D940095D

Chapter	Commission FLAN Number	SLO County File Number
	3-SLO-95-110	D940252P
	3-SLO-95-156	D940142P
	3-SLO-96-132	D95013P
	5-SLO-89-099	D870182D
	3-SLO-97-008	COAL 91-069
	A-3-SLO-99-032	D970195D/COAL 94-130
	A-3-SLO-99-014	D970195D/COAL 94-130
	A-3-SLO-98-074	D930100P/D960285V
	A-3-SLO-98-027	
	3-SLO-99-018	D970319P
	A-3-SLO-99-019	D970319P
	3-SLO-93-052	D920144P
	4-SLO-90-211	D890610P
	4-SLO-91-185	D900119D
	3-SLO-92-120	D910267P
	3-SLO-90-211	
	A-3-SLO-95-70	D940106D)
Chapter 7		
	3-SLO-96-029	D940242P
	3-SLO-94-062	D920193P
	3-SLO-96-022	D950029P
	3-SLO-96-132	D95013P
	3-SLO-04-060	
	3-SLO-95-155	D940253P
	3-SLO-96-109	D910283P
	5-SLO-89-098	D880004P
	A-3-SLO-98-074	D930100P/D960285V
	4-SLO-91-094	D890084D/D890152n
	3-SLO-97-052	D940192P
	3-SLO-96-086	D950019P
	3-SLO-97-129	D960215V
	3-SLO-97-039	D950154P
	3-SLO-97-022	D930130D, D960085
	3-SLO-93-124	Coal 89-397
	3-SLO-93-033	D870106D & Tra
	4-SLO-91-080	D890631D
Chapter 8		
	5-SLO-89-099	D870182D
		D910242D
	3-SLO-97-162	D950218D
		D960295
	3-SLO-97-074/3-SLO-97-147	D940210P

Chapter	Commission FLAN Number	SLO County File Number
		D960038P
Chapter 9		
	3-SLO-92-121	D910244P
Chapter 10		
	A-3-SLO-98-072	D949227P
	A-3-SLO-98-091	D890558D

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PRELIMINARY REPORT

PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM

APPENDIX C

WATERSHED SUMMARY

CALIFORNIA COASTAL COMMISSION
FEBRUARY 2, 2001

Appendix C: Watershed Summary

Central Coastal Watershed (part in Monterey County)

LCP Area Plan	Subwatershed	Subarea	Acres	Creeks	LCP Zoning/Land Characteristics	Main Threats
North Coast	Cambria (partly in Monterey County)	San Carpoforo (part in Monterey County)	29321	San Carpoforo	Predom. cattle grazing with some other agricultural uses. Some large lot rural and urban reserve lands. Some visitor serving and recreation at San Simeon. Major developed area is Cambria. Other commercial areas include San Simeon Acres, Harmony, Hearst Castle, Old San Simeon Village. Terrain is mix of land, rolling hills, steeper slopes in northern and eastern areas, narrow coastal valleys. Major streams support anadromous fish.	Iron, manganese in groundwater from natural sources in Santa Rosa basin. Possible overdraft on Santa Rosa River and Pico Basin. Increasing agricultural use could cause subsidence in Santa Rosa basin. Siltation of Carpoforo Creek suspected from agriculture and grazing. Carbonera Creek affected by sedimentation, bacteria, nutrients. Impairment to spawning and fish population decline. Sources include urban runoff, construction and land development, septage disposal.
		Arroyo de la Cruz	27775	Arroyo de la Cruz		
		San Simeon	51491	San Simeon		
		Santa Rosa	30400	Santa Rosa Creek		
North Coast; Estero	Cambria	Villa	16664	Villa Creek	Predom. agriculture; some large lot rural and urban reserve lands.	

Appendix C: Watershed Summary

LCP Area Plan	Subwatershed	Subarea	Acres	Creeks	LCP Zoning/Land Characteristics	Main Threats
Estero	Cambria, con't.	Cayucos	11543	Cayucos Creek; Little Cayucos Creek	Mix of agriculture, large lot rural and urban reserve lands, and recreation/open space. Whale Rock Reservoir located in Old subarea. Some public facility lands in Chorro subarea. Morro Bay is a predominant feature of the region. The hilly and mountainous areas support cattle grazing; valleys support croplands. Developed areas are concentrated in Cayucos and Los Osos/Bayview. Several State parks provide open space areas, predominately dunes and wetlands. The region includes narrow valleys and steep slopes in the northern portion, volcanic peaks, and broader valleys in the southern portion of the area.	Nitrates from agriculture and septic, sodium, chloride, iron, manganese, organic solvents, and TDS in groundwater. Seawater intrusion/overdrafts in Chorro, Morro, Cayucos, and Los Osos Creek basins. In Chorro Valley and Los Osos Valley, threat of drinking water impairment due to bacteria, nitrates, nutrients, seawater intrusion. Possible sources include agriculture, flow alterations, groundwater withdrawals, municipal point source discharges, septage disposal, nonpoint source runoff. Throughout region, concern of erosion into streams, nonpoint source pollution from oil operations, agriculture, urban development, mines, and natural sedimentation. South of Los Osos Valley Road surface runoff and erosion from steep slopes is particular concern, affecting drainage problems in the South Bay.
		Old	15428	Old Creek		
		Torro	9841	Torro Creek		

Appendix C: Watershed Summary

LCP Area Plan	Subwatershed	Subarea	Acres	Creeks	LCP Zoning/Land Characteristics	Main Threats
Estero	Point Buchon	Morro	18242	Morro Creek; Little Morro Creek	See above.	Continued from above. Morro Bay: Impaired under EPA's 303(d) list. General sources of pollution: urban development, boatyard runoff, agriculture, irrigation, wastewater treatment plan, houseboats. TDS, chlorides, sodium in groundwater; seawater intrusion. Nutrient contamination from creeks, surface and groundwater discharges, and septic. Bacterial contamination from septic, waste-water treatment plants, and urban development. Chromium and nickel contamination. *San Bernardo Creek* contaminated with coliform from cattle. *Cayucos Creek* affected by sedimentation. *Chorro Creek* polluted with heavy metals, likely from upland mines, and bacterial contamination (also running into Morro Bay). *Morro Creek* suspected degradation from chromium, metals, siltation, and trace elements. Suspected sources are agriculture, grazing, and resource extraction. *Los Osos Creek* is identified as impaired under EPA's 303(d) list. Affected by bacterial contamination, loss of endangered species, flow alterations, nutrients, siltation and sedimentation, pathogens, organics, turbidity, and suspended solids. Sources include agriculture, storm runoff, irrigated crop production, groundwater withdrawals, hydromodification, land disposal, non-point source runoff, septage disposal, grazing. Sedimentation in Pismo Marsh, particularly due to erosion in Arroyo Grande fringe area.
		Chorro	33693	Chorro Creek; San Bernardo Creek		
		Los Osos	14776	Los Osos Creek		
		Point San Luis	29572	Coon Creek		
		San Luis Obispo Creek	53135	San Luis Obispo Creek		
		Pismo	25803	Pismo Creek		

Appendix C: Watershed Summary

LCP Area Plan	Subwatershed	Subarea	Acres	Creeks	LCP Zoning/Land Characteristics	Main Threats
Estero; San Luis Bay	Point Buchon, con't.	Point San Luis	29572	Coon Creek	Mix of agriculture, recreation, large lot rural, urban reserve lands, and public facility. Predominately agriculture in northern portion of area. Mix of agriculture, urban reserve and village reserve lands, large lot rural, small lot rural. Some public facility lands in Pismo subarea. Communities of Avile Beach, Pismo Beach, and Oceano comprise development nodes. Terrain includes some steep slopes around the towns of Avila and Pismo.	Nitrate, iron, manganese identified in groundwater in San Luis Bay region. Impacts to San Luis Bay from petroleum leaks and boot moorings. *San Luis Creek* identified as impaired under EPA's 303(d) designation. Affected by sedimentation, impacts to habitat and rare/endangered species, low flows and water diversion, threat of spawning impairment and fish population decline, metals, nutrients, pathogens, and coliform. Ground water overdraft; nitrate, iron and magnesium in ground water. Sources include municipal point sources, agriculture, and nonpoint source pollution from land development and urban runoff. Metals may be due to natural sources
San Luis Bay		San Luis Obispo Creek	53135	San Luis Obispo Creek		
		Pismo	25803	Pismo Creek		
San Luis Bay; South Bay	Arroyo Grande	Oceano	97187	Arroyo Grande Creek	Mix of ag, open space/ recreation, large-lot rural, small lot rural, and urban reserve/village reserve lands. Includes Lopez Reservoir.	TDS, nitrate, sodium, chloride in groundwater from irrigation returns and septic. Pesticides in Arroyo Grande Creek from pesticide spills. Seawater intrusion/overdrafts in Arroyo Grande and Nipomo Mesa basins.

Appendix C: Watershed Summary

LCP Area Plan	Subwatershed	Subarea	Acres	Creeks	LCP Zoning/Land Characteristics	Main Threats
South County	Arroyo Grande, con't.	Nipomo Mesa	13737		Mix of agriculture, open space/ recreation, small lot rural, urban reserve and village reserve lands. Some large lot rural lands. Concentration of residential uses outside the coastal zone boundary, including Palo Mesa, Callendar-Garret, and Nipomo.	Nitrates in groundwater from irrigation return and septic. Irrigation, runoff of fertilizer and pesticides, siltation due to intensive agricultural practices. Oil processing impacts on water quality.

Santa Maria Watershed (extends into Santa Barbara County)

South County; extends into Santa Barbara County	Guadalupe		152244	Santa Maria River	Within the coastal zone, the land is predominately open space/recreation and agricultural uses. Much of the land is dune habitat. An industrial plant is located in the Guadalupe Dunes, on the southern edge of the County's coastal zone.	TDS, chloride, sulfate, nitrate in groundwater from irrigation return and sewage plant discharge. Siltation suspected in Santa Maria River, possibly from agriculture. Sedimentation, heavy metals, herbicide fertilizer, pesticides, and nutrients to Oso Flaco Lake, from agriculture and potentially from recreational uses. Pesticides in Santa Maria Estuary. Oil processing concerns.

Sources: *San Luis Obispo County Master Water Plan Update*. Department of Water Resources. March 1986.
Information Center for the Environment; University of California, Davis. (www.ice.ucdavis.edu; California Rivers Assessment Project).
Draft Environmental Impact Report for the Estero Area Plan Update. Crawford, Multari, Clark, and Mohr. December 1999.
Turning the Tide for Morro Bay; Draft Comprehensive Conservation and Management Plan. Morro Bay National Estuary Program, Bay Foundation of Morro Bay, and the Central Coast Regional Water Quality Control Board. August 1999.
Environmental Protection Agency; Surf Your Watershed (/www.epa.gov/surf3).
San Luis Obispo County LCP.

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PRELIMINARY REPORT

PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM

APPENDIX D

NPS MANAGEMENT MEASURES

PRELIMINARY ASSESSMENT

CALIFORNIA COASTAL COMMISSION
FEBRUARY 2, 2001

APPENDIX D: NPS MANAGEMENT MEASURES—PRELIMINARY ASSESSMENT

The following tables identify the various management measures reflected in California's Plan for addressing nonpoint source pollution. The tables include a preliminary assessment of the LCP policies and ordinances that, in conjunction with other County ordinances implement each of the management measures. They also provide an initial identification of modifications, which, if incorporated in the County's LCP, are designed to better implement the various management measures and better protect water quality.

Table D-1: Management Measures to address Nonpoint Source Pollution from Agricultural Practices

Management Measure	Existing LCP Policy	Existing LCP Ordinance	Recommended Modification
1. Minimize delivery of sediment from agricultural lands to surface waters.	WS Policy 12: Minimize erosion and sedimentation from agricultural practices through accepted management measures.		
2. Use management and physical practices to settle solids and pollutants in runoff for storms of up to, and including, 10-year, 24 hr. frequency.	Ag Policy 8: Proper soil conservation techniques and grazing methods should be encouraged per 208 standards. Watershed Policy 14: Proper soil conservation techniques and grazing methods shall be employed in accordance with the 208 water quality standards adopted by the California Water Quality Control Board.		1. Modify Ag Policy 8 to replace reference to 208 standards with citation to Basin Plan receiving water objectives. 2. Modify Watershed Policy 14 to replace reference to 208 standards with citation to Basin Plan receiving water objectives.
3. Protect range, pasture, and other grazing lands including sensitive areas (such as streambanks, wetlands, estuaries, ponds, riparian zones).	Ag Policy 8: Proper soil conservation techniques and grazing methods should be encouraged per 208 standards. Watershed Policy 14: Proper soil conservation techniques and grazing methods shall be employed in accordance with the 208 water quality standards adopted by the California Water Quality Control Board.	Ordinance 23.08.046(4): cattle operations in ag, rural lands, and open space on parcels larger than 20 acres are not regulated, except for feedlots (see 23.08.052c).	1. Modify Ag Policy 8 and Watershed Policy 14 as noted above. 2. Modify ordinance 23.08.046 to also require that wastewater and contaminated runoff from confined animal facilities be contained at all times; storage facilities are of adequate capacity to allow for proper water use and are constructed so they prevent seepage to groundwater and store runoff and accumulated solids.

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Management Measure	Existing LCP Policy	Existing LCP Ordinance	Recommended Modification
3. (con't.) Protect range, pasture, and other grazing lands including sensitive areas (such as streambanks, wetlands, estuaries, ponds, riparian zones).			3. Modify exemption in LCP to areas not immediately adjacent to coastal streams and wetlands. 4. Add program to LCP to work with landowners to develop grazing management measures to protect sensitive areas (including streambanks, wetlands, estuaries, and riparian areas). Measures should include: • avoiding grazing adjacent to ESHA or within 50 ft. of riparian corridor; • reduce direct loadings of animal wastes and sediment; • reduce upland erosion by a) maintaining the land consistent with the California Rangeland Water Quality Management Plan or Bureau of Land Management and Forest Service activity plans or (b) applying the range and pasture components of a Conservation Management System. This may include restricting livestock from sensitive areas by providing livestock stream crossings and by locating salt, shade, and alternative drinking sources away from sensitive areas.

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Management Measure	Existing LCP Policy	Existing LCP Ordinance	Recommended Modification
4. Limit discharge from confined animal facilities to surface waters by a) storing wastewater and runoff (up to and including 25 yr., 24 hr. storm), and b) managing runoff and accumulated solids from facility through appropriate waste utilization system.	WS Policy 12: Minimize erosion and sedimentation from agricultural practices through accepted management measures.	Ordinance 23.08.046: Where permit is required for animal keeping, application must include statement of measures proposed to avoid soil erosion and sedimentation caused by keeping of animals and plans for animal waste disposal. Operations shall not produce sedimentation on any public road, adjoining property, or in any drainage channel. Waste disposal for feedlots are required to have RWQCB review (23.06.102/23.08.052).	1. Modify Ordinance 23.08.046 as noted above. 2. Include policies and programs to assure that any development that increases the capacity of agriculture practices (roads , barns, fences) include management measures that will eliminate water quality impacts from that increase in use.
5. Develop, implement, and update nutrient management plan.			1. Address the development and implementation of comprehensive nutrient management plans for areas where nutrient runoff is a problem affecting coastal waters. Such plans would include a crop nutrient budget; identification of the types, amounts and timing of nutrients necessary to produce a crop based on realistic crop yield expectations; identification of hazards to the site and adjacent environment; soil sampling and tests to determine crop nutrient needs; and proper calibration of nutrient equipment. 2. County should work with RCD/NRCS/CAL Poly to develop Nutrient Management Plan specific for each watershed.

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Management Measure	Existing LCP Policy	Existing LCP Ordinance	Recommended Modification
6. Reduce contamination of surface and ground waters from pesticides.			1. Reduce contamination of surface water and ground water from pesticides, including reductions in pesticide use; evaluation of pest, crop and field factors; use of Integrated Pest Management (IPM); consideration of environmental impacts in choice of pesticides; calibration of equipment; and use of anti-backflow devices. IPM is a key component of pest control. 2. County should work with RCD/NRCS/CAL Poly to develop Pesticide Management Plan specific for each watershed.
7. Reduce nonpoint source pollution of surface waters caused by irrigation by a) match timing and amount of irrigation water to crop needs and b) include backflow preventers for wells, minimize discharge of chemigated waters, and control deep percolation.			1. Changes in irrigation techniques should be designed to conserve water and retain water on site. 2. County permits for new wells could include conservation requirements that retain irrigation on site.

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Table D-2a: Management Measures to address Nonpoint Source Pollution from the Siting and Location of Development

Management Measure	Existing LCP Policies	Existing Ordinances	Proposed Modifications
1. Avoid conversion of areas susceptible to erosion and sediment loss.	Watershed Policy 7: Restricts grading on steep slopes, consistent with Ordinance 23.05.34. **North Coast**: Where feasible, restrict new development to less than 20% slopes in Monterey Pine Forest. No structures allowed on slopes over 20% in rural lands adjacent to Cambria (allowed in URL). No development over 20% on "The Ranch" if protective devices are necessary. Within Cambria, no development on slopes over 20% except for "crossing bridges", access roads, and bike paths where there is no feasible alternative. **Estero**: Building sites and driveways to be located on slopes less than 30%. No development on slopes over 30% in Morro Palisades. Has program to pursue land aggregation for small lots in subdivision on steep slopes in Cayucos. **San Luis Bay**: Program to prepare erosion/sedimentation plan of Arroyo Grande fringe area and monitor effect of land development/siltation within Pismo Creek drainage.	Ordinance 23.05.34 limits grading for creating a site for a structure or other development to slopes under 20%, unless 1) a residence cannot be sited on existing lot on slopes under 20%; 2) grading an access road or driveway is necessary to provide access to a building site with than 20% slope and there is no less environmentally damaging alternative; 3) grading on slopes between 20-30% can occur with specific findings and submittal of erosion and grading plans, and where there is no other feasible method of establishing an allowable use without grading on 20-30% slopes.	1. Prohibit subdivision on slopes over 30%.
2. Preserve areas that provide important water quality benefits and/or are necessary to maintain riparian/ aquatic biota.	Coastal Watershed Policy 7: no grading or development within 100 ft. of ESHA. If the 100 ft. renders a parcel within the urban services line physically unusable for a principally permitted use, the setback may be reduced.		1. In no case shall grading occur closer than 50 feet from ESHA.

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Management Measure	Existing LCP Policies	Existing Ordinances	Proposed Modifications
3. development to protect natural integrity of waterbodies and natural drainage systems.	See above policies on buffers. **North Coast**: Design projects to improve existing drainage patterns. Development at Hearst Ranch shall include analysis of impacts on coastal resources generated by water withdrawals from Arroyo de la Cruz or San Carpoforo watersheds.	Ordinance 23.05.034 prohibits grading, dredging, or diking from altering any intermittent or perennial stream or natural body of water shown on any USGS 7 ½ minute map, except as permitted through approval of a county drainage plan and streambed alteration permit from Dept. of Fish and Game. Fills placed within watercourses shall have suitable protection again erosion during flooding. Excavated materials shall not be deposited or stored in or alongside a watercourse where materials can be washed away by high water or storm runoff. Grading equipment shall not disturb channels containing live streams without siltation control measures. Ordinance 23.05.036 requires sedimentation and erosion control plan if land disturbance activities are within 100 ft. of any water course shown on the most current 7 ½ minute USGS quad map.	1. Modify Ordinance 23.05.034 to include as criteria waterbodies which a) supports fish, b) has significant flow 30 days after last significant storm, or c) has a channel, free of soil and debris. 2. Site Design, and Develop Sites to: a. Protect areas that provide important water quality benefits, necessary to main riparian and aquatic biota, and/or are particularly susceptible to erosion and sediment loss: b. limit increased of impervious areas c. limit land disturbance activities such as clearing and grading and cut and fill to reduce erosion and sediment loss; and d. limit disturbance of natural drainage features and vegetation
4. Limit increase of impervious areas.	**North Coast**: In Lodge Hill area, impervious surfaces such as driveways and walkways shall be limited to smallest functional size. **Estero**: Combine driveways where possible to reduce impervious surfaces. Design new development to minimize amount of impervious surface. **SLB, S. County**: combine driveways where possible to reduce impervious surfaces.	For new land divisions, if applicant chooses to cluster development, minimize site disturbance by clustering building sites locations, placing roads along contours (Ord. 23.04.036 (e)(3)).	1. Expand requirement to limit impervious areas throughout the county, with emphasis on areas with flooding or drainage problems or where Watershed Management Plans have identified impervious surface limits a priority.

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Management Measure	Existing LCP Policies	Existing Ordinances	Proposed Modifications
5. Limit land disturbance activities (clearing, grading, cut, and fill).	WS Policy #8: Minimize area and time of soil exposure.		
6. Limit disturbance of natural drainage features and vegetation.	ESHA policy #18: Coastal streams and riparian vegetation are ESHAs and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. ESHA Policy 21 protects beneficial use of coastal stream waters and ensure quantity and quality of surface water discharge from stream and rivers shall be maintained at levels necessary to sustain functional capacity of streams. ESHA policy #23 limits streambed alterations (see Ordinance 23.07.174).	Ordinance 23.07.174 limits channelization or other alteration of stream channels to necessary water supply projects, flood control projects, improvements to fish and wildlife habitat, and maintenance of existing flood control channels. Restricts cutting or alteration of natural vegetation that protects a riparian habitat.	
7. Reduce post-development loadings of total suspended solids to that of predevelopment loadings.			1. Incorporate Best Management Practices into project design to address post-construction runoff. 2. Develop watershed plans for each water basin. 3. Implement a drainage and pollution control plan program that requires development to integrate BMPs into the site design or prepare a drainage/pollution control plan that will mitigate potential nonpoint source impacts. (See Table D-4 for proposed language.)

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Table D-2b: Management Measures to address Nonpoint Source Pollution from Construction Activities

Management Measure	Existing LCP Policies	Existing Ordinances	Proposed Modifications
1. Reduce erosion and retain sediment onsite to extent practicable during and after construction.	WS Policies 7-10, 13: limits grading on steep slopes; erosion control measures in place before start of rainy season; minimize area of soil exposure; land clearing/grading avoided during rainy season if potential for serious erosion and sedimentation; use appropriate measures to minimize erosion and sedimentation; site design shall ensure drainage does not increase erosion; erosion/sedimentation plan required for vegetation clearance on slopes over 30% in geologically unstable areas or on soils rated as severe erosion hazard. **North Coast**: In Lodge Hill area, protect stockpiles and disturbed soils from rain and erosion by plastic sheets or other coverage. Have temporary or permanent erosion control devices in place when revegetating areas disturbed by grading.	Ordinance 23.05.036: Requires sedimentation/ erosion control plan for projects where a) grading between Oct 15-April 15; b) activities on slopes over 30%, on soils rated as severe erosion hazard, within 100 ft. of water course on USGS quad; c) where placement/ disposal of material may be carried into watercourse by rainfall or runoff in quantities deleterious to fish, wildlife, or other beneficial uses.	1. Define wet season as October 1 to April 15.

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Management Measure	Existing LCP Policies	Existing Ordinances	Proposed Modifications
2. Prior to land disturbance, implement erosion/sediment control plan.	See above. **North Coast**: For Lodge Hill area, install permanent erosion control devices prior to or concurrent with grading for SFRs. Submit sediment/erosion control plans if grade between Oct. 15-April 15.	See above.	
3. Limit application, generation, and migration of toxic substances			
4. Ensure proper storage and disposal of toxic materials.			
5. Apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters.			

Table D-2c: Management Measures to address Nonpoint Source Pollution from Existing Developed Areas

Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modification
1. Develop and implement watershed management programs to reduce runoff pollutant concentrations and volumes from existing development.			1. Develop Watershed Management Plans for drainages with water quality problems or that have the threat of increased development or changes in land use.
2. Limit destruction of natural conveyance systems.			
3. Preserve, enhance, or establish buffers along surface waterbodies and their tributaries.			

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Table D-2d: Management Measures to address Nonpoint Source Pollution from Bridges and Roads

Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modification
1. Protect areas that provide important water quality benefits or are particularly susceptible to erosion or sediment loss.			
2. Limit land disturbance such as clearing, grading, cut, and fill to reduce erosion and sediment loss.	**North Coast, Estero, SLB**: Design roads in new subdivisions to minimize terrain disturbance. Revegetate or otherwise protect sloped areas.		
3. Limit disturbance of natural drainage features and vegetation.			
4. Site, design, and maintain bridge structures to protect sensitive and valuable aquatic ecosystems and areas providing important water quality benefits.			
5. Reduce erosion and retain sediment, to extent practicable, onsite during and after construction.			
6. Prior to land disturbance, prepare and implement approved erosion control plan.			
7. Limit application, generation, and migration of toxic substances.			
8. Ensure proper disposal and storage of toxic materials.			
9. Apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters.			

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Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modification
10. Incorporate pollution prevention procedures into operation and maintenance.			1. Implement Municipal Good Housekeeping program as outlined in the Model Urban Runoff Program.. 2. Ensure that new municipal operations areas are designed with appropriate BMPs.
11. Develop and implement runoff management systems for existing roads, highways, and bridges to reduce pollutant concentrations and volumes entering surface waters.			1. Implement Municipal Good Housekeeping program as outlined in the Model Urban Runoff Program 2. Implement Street Sweeping Program.

Table D-2e: Management Measures to address Nonpoint Source Pollution from Onsite Disposal Systems (Septic systems for SFRs)

Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modifications
1. Ensure new OSDSs are located, designed, installed, operated, inspected, and maintained to prevent discharge of pollutants to surface of the ground and to groundwater.			1. Locate, design, install, operate, inspect, and maintain new or replacement OSDSs to prevent the discharge of nutrients and pathogens to ground and/or surface waters. 2. OSDSs shall meet all requirements of the County Environmental Health Department, State Water Resources Control Board, and/or Regional Water Quality Control Board. Property owners and/or septic operator(s) shall submit inspection and maintenance reports every three years, or according to County Environmental Health Department requirements. The property owner(s) and/or septic operator(s) shall be responsible for proposing and undertaking all measures necessary to ensure the continuing proper operation and adequate capacity of the septic tank and leach line systems. Submit first report three years from the date of issuance of the building permit.

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Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modifications
2. Direct placement of OSDSs away from unsuitable areas and establish protective setbacks from surface waters, wetlands, and floodplains.			1. OSDSs shall be sited away from areas a) with poorly or excessively drained soils; b) within floodplains; or c) where nutrient and/or pathogen concentrations in the effluent cannot be sufficiently treated or reduced before the effluent reaches sensitive water bodies. 2. Establish the following minimum setbacks for soil absorption fields. Increased setbacks based on soil type, slope, presence and character of the water table, and the type of OSDS. Water supply wells – 100 feet. Surface waters, springs – 100 feet. Storm drainage pipes – 25 feet. Escarpments – 25 to 50 feet. Property line – 5 to 10 feet. Building foundations – 10 to 20 feet (30 feet when located up-slope from a building in slowly permeable soils).
3. Where nitrogen limited surface waters may be adversely affected by excess nitrogen loadings from ground water, require installation of OSDS that reduces total nitrogen loadings.			1. OSDSs shall not adversely impact surface waters or cause the groundwater nitrate concentration to exceed 10.0 mg/l N (or any such drinking water quality objectives established by the California Department of Health Services or Regional Water Quality Control Board) at any source of drinking water on the property nor on any off-site potential drinking water source. 2. Where groundwater nitrate concentration may exceed the applicable water quality objective or where surface waters may be adversely affected from the OSDS, install denitrification system(s) such as sand filters to reduce total nitrogen loadings by 50%.

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Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modifications
4. Establish protective separation distances between OSDS system components and groundwater.			1. Do not site OSDSs in areas with shallow water tables or high seasonal water tables. 2. A minimum separation of between 2 to 5 feet shall be established between the soil absorption field and the seasonal high water table or limiting layer.

Table D-2f: Management Measures to address Pollution Prevention for Nonpoint Source Pollution

Management Measure	Existing LCP Policy	Existing LCP Ordinance	Proposed Modification
1. Implement pollution prevention and education programs to reduce nonpoint source pollutants generated from the following activities: household hazardous chemicals; lawn and garden activities; turf management on gold courses and recreational areas; discharge of pollutants into stormdrains; commercial activities including parking lots and gas stations not under NPDES review.			1. Storm drain stenciling. 2. Implement a comprehensive set of education programs through completion of a Model Urban Runoff Program public education plan.

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Table D-3: Management Measures to address Nonpoint Source Pollution from Marinas and Boating Areas

Management Measure	Proposed Modification
1. Assess water quality as part of marina siting and design.	1. Water quality shall be assessed as part of the siting and design of any proposed new or expanded recreational boating and maintenance facilities. 2. Use water quality sampling and/or monitoring to measure water quality conditions. 3. Use a water quality modeling methodology to predict post-construction water quality conditions. 4. Monitor water quality using indicator species. 5. Use rapid bioassessment techniques to monitor water quality. 6. Establish a volunteer monitoring program.
2. Site and design marinas to ensure flushing or recycling of water through the site.	1. Proposed new or expanded recreational boating and maintenance facilities shall be sited and designed to ensure proper flushing or recycling of water through the site. 2. Ensure that the bottom of the marina and entrance channels are not deeper than adjacent navigable channels 3. Areas with minimal or no tidal flushing or poor circulation should have basin and channel depths designed to gradually increase toward open water.
3. Site and design marinas to protect against adverse impacts on aquatic resources, including shellfish, wetlands, submerged aquatic vegetation, riparian vegetation, or other important aquatic habitat areas as designated by local, state, or federal governments.	1. Site and design proposed new or expanded recreational boating and maintenance facilities to protect against adverse impacts on aquatic resources, including shellfish, wetlands, submerged aquatic vegetation, riparian vegetation, or other important aquatic habitat areas as designated by local, state, or federal governments. 2. Conduct habitat surveys and characterize the marina site. 3. Assess habitat function to minimize indirect effects. 4. Use rapid bioassessment techniques to assess effects on biological resources. 5. Redevelop waterfront sites that have been previously disturbed and expand existing marinas. 6. Consider alternative sites where adverse environmental effects will be minimized or positive effects will be maximized. 7. Create new habitat or expand habitat in the marina basin 8. Minimize disturbance of riparian areas. 9. Use dry stack storage where feasible.

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Management Measure	Proposed Modification
4. Where shoreline or streambank stabilization is required to protect existing structures from damage by erosion, vegetative methods of stabilization should be considered first over structural methods.	1. Provide an alternatives analysis that includes evaluation of vegetative methods of shoreline or streambank stabilization. The proposed project should be the least environmentally damaging alternative.
5. Implement effective runoff control strategies, including pollution prevention activities and proper design of hull maintenance areas. Reduce the average annual loadings of total suspended solids (TSS) in runoff from hull maintenance areas by 80 percent.	1. New or expanded recreational boating and maintenance facilities shall implement effective runoff control strategies, including pollution prevention activities and proper design of hull maintenance areas. Such facilities shall also reduce the average annual loadings of total suspended solids (TSS) in runoff from hull maintenance areas by 80 percent. 2. Perform as much boat repair and maintenance work as possible inside work buildings. 3. Where and inside work space is not available, perform abrasive blasting and sanding within spray booths or tarp enclosures. 4. Where buildings or enclosed areas are not available, provide clearly designated land areas for boat repair and maintenance. 5. Design hull maintenance areas to minimize contaminated runoff. 6. Use vacuum sanders both to remove paint from hulls and to collect paint dust. 7. Restrict the types of and/or amount of do-it-yourself work done at the marina. 8. Clean hull maintenance areas immediately after any maintenance to remove debris, and dispose of collected material properly Capture and filter pollutants out of runoff water with permeable tarps, screens, and filter cloths. 9. Frequently sweep and/or vacuum around hull maintenance areas, roads, and driveways. 10. Sweep parking lots regularly. 11. Plant grass between impervious areas and the marina basin. 12. Construct new or restore former wetlands where feasible and practical. 13. Use porous pavement where feasible. 14. Install oil/grit separators to capture petroleum spills and coarse settlement 15. Use catch basins where storm water flows to the marina basin in large pulses 16. Add filters to storm drains that are located near work areas.

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Management Measure	Proposed Modification
5. (con't) Implement effective runoff control strategies, including pollution prevention activities and proper design of hull maintenance areas. Reduce the average annual loadings of total suspended solids (TSS) in runoff from hull maintenance areas by 80 percent.	17. Place absorbents in the drain inlets. 18. Use chemical and filtration treatment systems only where necessary. 19. Encourage the use of non-toxic hull paints..
6. Design fuel stations so spills can be contained and easily cleaned, and ensure fueling stations have spill containment equipment and spill contingency plans.	1. Use automatic shutoffs on fuel lines and at hose nozzles to reduce fuel loss. 2. Remove old style fuel nozzle triggers that are used to hold the nozzle open without being held. 3. Install personal watercraft floats at fuel docks to help drivers refuel without spilling. 4. Regularly inspect, maintain, and replace fuel hoses, pipes, and tanks. 5. Train fuel dock staff in spill prevention, containment, and cleanup procedures. 6. Install easy-to-read signs on the fuel dock that explain proper fueling, spill prevention, and spill reporting procedures. Locate and design boat fueling stations so that spills can be contained, such as with a floating boom, and cleaned up easily. 7. Write and implement a fuel spill recovery plan. 8. Have spill containment equipment storage, such as a locker attached to the fuel dock, easily accessible and clearly marked.
7. Install pumpout, dump station, and restroom facilities where needed at new and expanding marinas to reduce release of sewage to surface waters. Design these facilities to allow ease of access and post signage to promote use by the boating public.	1. New or expanded recreational boating and maintenance facilities shall install pumpout, dump station, and restroom facilities where needed at new and expanding marinas to reduce release of sewage to surface waters. These facilities shall be designed to allow ease of access and post signage to promote use by the boating public. 2. Install pumpout facilities where needed. Use a system compatible with the marina's needs. Examples of the various types of stations include: fixed point systems, dump stations for portable toilets, portable systems, and dedicated slipside systems. 3. Provide pumpout service at convenient times and at a reasonable cost. 4. Keep pumpout stations clean and easily accessible and consider having marina staff do pumpouts. 5. Provide portable toilet dump stations near small slips and launch ramps. 6. Provide restrooms at all marinas and boat ramps. 7. Consider declaring marina waters to be a "no discharge" area.

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Management Measure	Proposed Modification
7. (con't) Install pumpout, dump station, and restroom facilities where needed at new and expanding marinas to reduce release of sewage to surface waters. Design these facilities to allow ease of access and post signage to promote use by the boating public.	8. Establish practices and post signs to control pet waste problems. 9. Avoid feeding of wild birds in the marina 10. Establish no discharge zones to prevent sewage from entering waters. 11. Establish equipment requirement policies that prohibit the use of Y-valves on boats on inland waters
8. Properly dispose of solid wastes produced by operation, cleaning, maintenance, and repair of boats to prevent entry of solid wastes to surface waters	1. Encourage marina patrons to avoid doing any debris-producing hull maintenance while their boats are in the water. When maintenance is done with the boat in the water, prevent debris from falling in the water. 2. Place trash receptacles in convenient locations for marina patrons. Covered dumpsters and trashcans are ideal. 3. Provide trash receptacles a boat launch sites. 4. Provide facilities for collecting recyclable materials. 5. Provide boaters with trash bags. 6. Use reusable-blasting medium to reduce volume of debris sent to landfills. 7. Require patrons to cleanup pet wastes and provide a specific dog walking areas at the marina.
9. Promote sound fish waste management through fish-cleaning restrictions, public education, and proper disposal of fish waste.	1. Sound fish waste management through fish-cleaning restrictions, public education, and proper disposal of fish waste shall be encouraged at recreational boating facilities. 2. Clean fish offshore where the fish are caught and discard of fish waste at sea if allowed by the state. 3. Install fish cleaning stations at the marina and at boat launch sites. 4. Encourage fishers to compost fish waste where appropriate. 5. Encourage fishers to freeze fish parts and reuse them as bait or chum. 6. Encourage catch and release fishing, which does not kill the fish and produces no fish waste.
10. Provide and maintain appropriate storage, transfer, containment, and disposal facilities for liquid material (e.g. new and used oil, solvents, antifreeze and paints) , and encourage recycling of such materials.	1. New and expanded recreational boating facilities shall Provide and maintain appropriate storage, transfer, containment, and disposal facilities for liquid material and encourage recycling of such materials 2. Build curbs, berms, or other barriers around areas used for liquid material storage to contain spills. 3. Store liquid materials under cover on a surface that is impervious to the type of material stored. 4. Store minimal quantities of hazardous materials.

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10. (con't) Provide and maintain appropriate storage, transfer, containment, and disposal facilities for liquid material (e.g. new and used oil, solvents, antifreeze and paints) , and encourage recycling of such materials.	5. Storage and disposal areas for liquid materials should be located in or near repair and maintenance areas, undercover, protected from runoff with berms or secondary containment, and away from flood areas and fire hazards. 6. Provide clearly labeled, separate containers for the disposal of waste oils, fuels, and other liquid wastes. 7. Recycle liquid materials where possible. 8. Use antifreeze and coolants that are less toxic to the environment. 9. Change engine oil using non-spill vacuum-type systems for spill proof oil changes, or to suction oily water from bilges. 10. Use alternative liquid materials where practical. 11. Use nontoxic or low-toxicity pesticides. 12. Burn used oil as a heating fuel. 13. Prepare a hazardous materials spill recovery plan and update it as needed.
11. Reduce amount of fuel and oil from boat bilges and fuel tank air vents entering marina and surface waters	1. New and expanded recreational boating and maintenance facilities shall encourage the reduction of the amount of fuel and oil from boat bilges and fuel tank air vents entering surface waters. 2. Promote the installation and use of fuel/air separators on air vents or tank stems of inboard fuel tanks to reduce the amount of fuel spilled into surface waters during fueling. 3. Avoid overfilling fuel tanks. 4. Provide doughnuts or small petroleum absorption pads to patrons to use while fueling to catch splashback and the last drops when the nozzle is transferred back from the boat to the fuel dock. 5. Keep engines properly maintained for efficient fuel consumption, clean exhaust, and fuel economy. Follow the manufacturer's specifications. 6. Routinely check for engine fuel leaks and use a drip pan under engines. 7. Avoid pumping any bilge water that is oily or has a sheen. Promote the use of materials that either capture or digest oil in bilges. Examine these materials frequently and replace as necessary. 8. Extract used oil from absorption pads if possible, or dispose of it in accordance with petroleum disposal guidelines. 9. Prohibit the use of detergents and emulsifiers on fuel spills.

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12. Perform in-water hull cleaning operations to minimize the release of cleaners, solvents, and paint to surface waters.	1. New and expanded recreational boating and maintenance facilities shall minimize the release of cleaners, solvents, and paint to surface waters during in-water hull cleaning operations. 2. Wash boat hulls above the waterline by hand. Where feasible, remove boats from the water and clean them where debris can be captured and properly disposed of. 3. Buy and use detergents and cleaning compounds that will have minimal impact on the aquatic environment. 4. Avoid in-the-water hull scraping or any abrasive process that is done underwater that could remove paint from the boat hull. 5. Switch to long lasting and low-toxicity or non-toxic antifouling paints. 6. Minimize the impacts of wastewater from pressure washing
13. Ensure that sewage pumpout facilities are maintained in operational condition and encourage the use of sewage pumpout facilities.	1. New or expanded recreational boating and maintenance facilities shall ensure that sewage pumpout facilities are maintained in operational condition and encourage the use of sewage pumpout facilities. 2. For government-operated marinas, boat launches, pumpout stations, and dump stations, maintain a dedicated fund and issue a contract for pumpout and dump station repair and maintenance. 3. Regularly inspect and maintain sewage facilities. 4. Disinfect the suction connection of a pumpout station by dipping or spraying it with disinfectant. 5. Maintain convenient, clean, dry and pleasant restroom facilities in marina.
14. Where necessary, restrict boating activities to decrease turbidity and physical destruction of shallow water habitat	1. Where necessary to decrease turbidity and the physical destruction of shallow water habitat, boating activities shall be restricted. 2. Restrict boater traffic in shallow-water areas. 3. Establish and enforce no wake zones to decrease turbidity, shore erosion, and damage in marinas
15. Public education, outreach, and training programs should be instituted for boaters, as well as marina owners and operators, to prevent improper disposal of polluting material.	1. To help prevent improper disposal of polluting materials, all recreational boating and maintenance facilities shall institute public education, outreach, and training programs for facility owners, operators, staff and patrons 2. Use signs to inform marina patrons of appropriate clean boating practices. 3. Provide training programs and materials for staff and boaters about clean boating practices

Table D-4: Proposed Drainage and Pollution Control Program

A drainage/pollution control plan shall be completed for all development with water quality impacts identified through use of the modified Water Quality Checklist. A drainage/pollution control plan may be waived for all development that meets the General Exemptions and which identifies within the development plans sufficient BMPs to mitigate water quality impacts identified by the modified Water Quality Checklist and achieve the water quality protection goals for new development.

General Exemptions: a) rain water is diverted from an area smaller than 5,000 sq. feet; or b) impervious surfaces is less than 5,000 sq. feet.

Application: a permit must contain all of the following: c) Interim erosion and sediment control plan. d) final drainage and pollution control plan or equivalent list of BMPs and CEQA checklist.

Definitions: a) Drainage and Pollution Control Plan: set of measures design to control runoff after all other planned final structures and permanent improvements have been erected or installed.

b) Interim Erosion and Sediment Control Plan: a set of measures to control runoff during the period of construction and related disturbances.

Final Plan: The final plan shall incorporate into the design of new development and redevelopment projects, Best Management Practices (BMPs) and other applicable Management Measures contained in the California Nonpoint Source Pollution Control Plan, that will reduce to the maximum extent practicable the amount of pollutants that are generated and/or discharged into the City's storm drain system, creeks and rivers, and surrounding coastal waters. BMPs should be selected based on efficacy at mitigating pollutants of concern associated with respective development types or uses.

The applicant may propose the use of any pollution control techniques in the final plan provided such techniques are proven to be as or more effective than the equivalent Best Management Practices contained in the appropriate manuals and achieve the appropriate runoff control objectives.

The Administrator shall require the applicant to change the proposed techniques or BMPs, where he deems necessary.

Runoff Control: On soils having high permeability, all runoff in excess of predevelopment levels shall be retained on the site. This requirement may be waived where the health department determines that high groundwater, slope stability problems or other conditions would inhibit or be aggravated by onsite retention or where retention will provide no benefits for ground water recharge or erosion control.

On projects where onsite percolation is not feasible, all runoff must be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment levels. On site detention may be required where excessive runoff would contribute to downstream erosion or flooding. Any polices and regulations for any drainage zones where the project is located will also apply.

Any concentrated runoff which cannot be effectively detained or dispersed without causing erosion, shall be carried in nonerodible channels or conduits to the nearest drainage course designated for such a purpose or to onsite percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment and other NPS contaminants.

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

PRELIMINARY REPORT

PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM

APPENDIX E: RECENT AREA PLAN UPDATE AND PROJECT COMMENTS

CALIFORNIA COASTAL COMMISSION
FEBRUARY 2, 2001

Notice of Availability of Review Draft

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Project Description
UPDATE OF THE NORTH COAST AREA PLAN

A. *What is the North Coast Area Plan?*

The Area Plan is an important part of the county general plan for Cambria, San Simeon, and the rural north coast. The current draft project description reflects the current updates, coastal commission recommendations, a new chapter on coastal access, and alternatives for Hearst Resorts. The project Description will be subject to environmental review, public review, and future hearings before the county and the California Coastal Commission.

The project description is organized into 3 parts:

1 - **North Coast Update , including Coastal Commission recommendations.** This is a draft updated plan text and maps.

2 - **Coastal Access.** This is a new chapter in response to Coastal Commission recommendations.

3 - **Alternatives for Hearst Resorts..** These alternatives are comprised of past decisions, including the existing plan.

B. *Why update this document?*

The proposed changes are part of a periodic updating of the General Plan to correct information, address current community issues, and provide a comprehensive setting for review of property owner requests. The project description is one of the first steps.

C. *What are the steps, and where is the plan in the process?*

- ☑ Data collection & Project Description
- ☑ Public/Advisory Council Issue Identification
- ☐ Draft Plan Preparation & Environmental Review
- ☐ Public Hearings - County Planning Commission & Board of Supervisors
- ☐ Review by State Coastal Commission
- ☐ Final review by the county

D. *How can I review and comment on the draft?*

Public participation is welcome throughout the process. Comments submitted in writing are preferred. Interested persons and groups may also wish to attend future public meetings and speak for or against the changes.

E. *Where to get a copy?*

Copies were distributed to local libraries in coastal communities. They are also available from the county.

Have questions? Contact:

John Hofschroer, Senior Planner
Department of Planning and Building
County Government Center
San Luis Obispo, Calif. 93408

☎ Phone: (805) 781-5600
Date: January 15, 2000

Price List:

1. Project Description $20.00

Make checks payable to:
County of San Luis Obispo
Department of Planning and Building

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
S[illegible]UZ, CA 95060
(8[illegible]-4863

August 25, 2000

Chuck Stevenson
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo County, CA 93408

Subject: ***North Coast Area Plan Update Project Description***

Dear Mr. Stevenson:

We appreciate the opportunity to comment on the North Coast Area Plan Update Project Description (Update). Given the Commission's history with this project and the critically important coastal resource issues involved, it is essential that we work with the County early in the local coastal program update and amendment process. While our text specific comments will be provided in subsequent correspondence, our comments on the most significant Coastal Act issues raised by the Update are contained in this letter,

As has been previously discussed, the Commission's action on the County's former Update submittal provides a good indication of the Commission staff's position on many of the Coastal Act issues raised by the current review and Update. However, there are several new circumstances and changed conditions that have come about since January 1998 that must now be considered.

Visual Resources

One of the most important aspects of the Update's conformance to Coastal Act standards will be its ability to protect the highly scenic, rural, open space character of the northern San Luis Obispo County coastline. Applicable Coastal Act policies include; those calling for the protection of scenic and visual qualities of coastal areas; the provision and protection of maximum public access, including visual access; and, the preservation of special areas with unique characteristics that are popular destinations for recreational users and uses (e.g., Section 30210, 30251, 30252, and 30253(5)).

In order to craft a Plan that achieves consistency with these Coastal Act policies, the following changed circumstances must be taken into account:

- **Official Designation of Highway One Between the Monterey County line and the City of San Luis Obispo as a State Scenic Highway.** This is a clear example of the increased recognition being given to the unique and magnificent visual resources of the area.

- **Increased Popularity of Outdoor Recreation Activities.** The unique and spectacular viewsheds of the North Coast are not limited to the Highway One corridor. With the growing popularity of recreational boating, hiking, mountain biking, and many other outdoor

activities, the wild and scenic characteristics of the North Coast are appreciated from numerous vantage points. Views from the sea, public roadways, mountains, and coastal terraces of the spectacular natural surroundings of this coastal reach provide an incomparable and profound source of enjoyment and personal enrichment that attract and inspire people from all walks of life.

- **Designation of the California Coastal Trail from Oregon to Mexico as the National Millennium Trail for the State.** Among other means of enhancing coastal recreational opportunities, the Coastal Commission joins other public agencies at the federal, state and local levels in efforts to achieve the long-term objective of establishing and building the California Coastal Trail from Oregon to Mexico. The Coastal Trail has been selected by President Clinton as a National Millennium Trail, symbolizing its special significance to the entire country. The Coastal Trail section linking Monterey County and Cayucos will be one of the most highly scenic segments in the entire state, further underscoring the importance and urgency of preserving scenic, uncluttered land- and sea-scapes along the North Coast.

- **Heightened Efforts to Acquire Scenic Coastal Lands** (e.g., the marine terrace north of Cayucos, Rancho San Carpoforo, East-West Ranch). At the same time society sharpens and refines its awareness, understanding and appreciation of the economic, environmental, psychological and spiritual value and importance of open, rural coastal landscapes and spaces, we are witness to unprecedented development pressures placing at extreme risk our ability to preserve these fragile resources. Public land-managing agencies and private land trusts and philanthropic foundations have identified the Central Coast as experiencing some of the most intense development pressures in the nation. Their mounting efforts to protect these fragile resources through acquisition are indicative of the great value the public places on the preservation of remaining highly scenic, undeveloped stretches of the California coastline.

- **New Listings Under the Endangered Species Act.** The US Fish and Wildlife Service listed the Steelhead trout as a federally threatened species in December of 1997, reflecting the deteriorating health and vitality of west coast streams and rivers. In July 2000, the National Marine Fisheries Service published the 4(d) rules regulating "take" of Steelhead trout inhabiting the North Coast Planning Area. In addition, North Coast beaches have been identified by the US Fish and Wildlife Service as critical habitat in the Recovery Plan for the threatened Western snowy plover. Thus, the preservation of open coastal lands is not only important to human health and welfare, but is also essential to the survival of native wildlife.

- **The Dramatic Increase in Visitors to the Area.** Estimates show that more than 72,000 people visited the North Coast Elephant Seal rookery in 1999. This year, the Friends of the Elephant Seal docent program documented 60,000 visitors through the month of June alone. The natural, open character of the surroundings not only enhance the recreational experience of these and other coastal visitors, but are also essential to the continued use of the area by Elephant Seals.

- **Limitations to the North Coast Water Supply.** Limitations of a sustainable water supply appear to already have been exceeded, and are being put in further jeopardy by MTBE contamination from leaking underground tanks. Given this and other public service constraints, serious questions are raised about the ability to accommodate additional development on the North Coast.

- **Above Average Growth Rate.** As reported in *The Tribune* on May 5, 2000, figures released by the Department of Finance for the year 1999 indicate that San Luis Obispo County is growing at a rate of 2.5%, outpacing the State average of 1.7%, and making it the 8th fastest growing County in the State. To accommodate the influx of people into San Luis Obispo County, the Board of Supervisors has twice voted to allow development projects in excess of the county-wide growth cap. This rate of growth, and the County's efforts to accommodate it, underscores the importance of incorporating effective standards into the local coastal program that will prevent such growth pressures from degrading the unique scenic qualities of the North Coast.

- **The Ongoing Loss of Monterey Pine to Pitch Canker and its Possible Listing as Endangered Under The California Endangered Species Act.** Monterey Pine tree populations are being decimated by pitch canker, prompting the California Native Plant Society to petition for its listing as an endangered Species under California's Endangered Species Act. Meanwhile, new development continues to allow the destruction of hundreds of these trees each year. The decline of the species threatens habitat values as well as scenic qualities of the North Coast through the loss of forest and the increased visibility of development dependent on these trees for screening.

- **The Purchase of Remote Coastal Ranchlands for the Development of "Statement Homes"** (i.e., extremely large residences). Agricultural and rural lands are being purchased at record prices for the purpose of developing residential estates, with proposals for "statement" homes of unparalleled proportions. These residential estates are served by long, private roads that scar and degrade the landscape. The adverse impacts to the North Coast's scenic rural character posed by such trends are exacerbated by recent efforts to legalize substandard lots that may have been created long before passage of the Coastal Act. The Harmony coast is particularly vulnerable to this trend.

As you can see, even since the Commission's January 1998 action, specific circumstances have changed that give new meaning and an even greater sense of urgency to the importance of preserving the unique and sensitive resources along the north coast of the county (and elsewhere along the California coast). There is a growing recognition in California that highly scenic, unbuilt, natural landscapes are vanishing at an alarming rate and there is no geographic region of the State where this threat is more acute than on the coast. Further, one could argue that there is perhaps no reach of coast in California that is more deserving of the strongest possible protections than the southern gateway to Big Sur, with its rugged shoreline, expansive grasslands, productive wetlands and majestic coastal mountains with dramatic, sweeping vistas of land's edge. The North Coast is at once a powerful landscape of incomparable and stunning

beauty and yet is extremely vulnerable to degradation by development. This precarious situation demands bold and timely action by the county for the benefit of current and future generations.

With increasing leisure time and the growing popularity of outdoor recreation, ever greater numbers of people will journey to the seashore drawn by the promise of wild nature. There is little doubt visitors to California's rural coast come in large measure because it yet retains its wilderness character. The unbuilt North Coast is certainly an important economic driver for the entire county.

A principal reason California voters approved the Coastal Protection Initiative twenty-eight years ago, and the legislature made coastal protection permanent in 1976, was to safeguard, in perpetuity, the natural vitality and integrity of special places on the coast. The choice now before the County is clear: will the unique and vital scenic resources of the North Coast be saved or lost? The County has the unique opportunity to create a proud legacy by preserving forever the precious visual integrity of the North Coast for generations yet to come. In our view, doing so is consistent with the mandate of the Coastal Act, the rights of landowners, economic good sense, and is compelled by contemporary social, economic and environmental needs and goals.

Based on the paramount importance of preserving the North Coast's unique and threatened scenic public resources, we urge the County to incorporate within the Update comprehensive and progressive measures to prevent new development outside of existing urban areas that would be visible from public areas, including public roads, parks, trails, and state ocean waters. The two minor exceptions to this standard that might be considered are small-scale infill development within Old San Simeon Village that will enhance coastal recreation opportunities and be consistent with the scale, character and tradition of existing structures; and minor structures ancillary to, and necessary for, the continuation of a viable agricultural use.

Consistent with this objective, we support the Update's designation of all areas outside of the existing Cambria and San Simeon areas as a Critical Viewshed. However, we are concerned that the policies related to the protection of this viewshed do not go far enough. Most importantly, we believe it is essential that standards for the Critical Viewshed **prohibit new development that will be visible from public areas.** Towards this end, **all** lands outside of existing developed areas and the Old San Simeon Village should be designated for Agriculture and/or Open Space. Where the Update proposes to maintain the Rural Lands designation, such as in the area north of Cambria, a minimum parcel size of 160 acres should be pursued, and accompanied by the same strict development standards prohibiting development that will be visible from public areas.

Within the built up areas of Cambria and San Simeon Acres, the Update should provide measures to prevent any upcoast or downcoast encroachment outside of the existing developed area. Design standards for Cambria should ensure that new development conforms to the scale and character of the community, and will preserve Monterey Pine forests. For San Simeon, the update should provide redevelopment standards that call for the restoration of scenic view corridors that have been adversely impacted by previous development. San Simeon Acres would

also benefit from the creation of careful design standards aimed at promoting a more coherent town character that befits its beautiful coastal location.

Sensitive Habitats

Section 30240 of the Coastal Act requires that new development be compatible with the continuance of environmentally sensitive habitats areas, and prevent disruption of such areas. Similarly, Sections 30240 and 30231 call for the maintenance and enhancement of marine resources and the biologic productivity of coastal waters.

Among the important habitats of the North Coast Area that require such protection are the Monterey Pine Forests, an ecosystem endemic to the Central Coast; the beaches that support populations of Elephant Seals, the Western snowy plover, and other rare and threatened flora and fauna; the coastal streams and wetlands that support important species such as the threatened Steelhead trout and are essential components to the Pacific flyway and the health and biologic productivity or our coastal watersheds; the grasslands and oak woodlands that are the home of raptors, their prey, and numerous types of unique plants, lichens, insects, and other living things; and, the intertidal and marine environments that provide habitat for the Brown pelican, Southern sea otter, Gray whale and countless other ocean resources of global significance.

In the same way that we have come to recognize and appreciate the immeasurable values of the North Coast landscape, we are constantly learning about the important role these habitats play in sustaining the web of life. As we develop an understanding of the importance of these natural systems, we also begin to recognize the devastating effects that human development can have on their survival. Unfortunately, this often results in situations where we are searching for the tools to prevent the total collapse of a habitat, rather than taking the proactive steps needed to ensure its sustenance, enhancement, and prosperity. From the recent listing of the Steelhead trout, to the progressing complexities of controlling the spread of Pine pitch canker, the North Coast of San Luis Obispo is familiar with such scenarios.

In recognition of the fact that the North Coast Planning Area provides one of the best opportunities to preserve and enhance the natural heritage of California's Central Coast, we are calling on the North Coast Update to take the bold steps needed to accomplish this goal. Indeed, we are at a critical juncture where failure to take such actions may have dire consequences for the North Coast's unique and sensitive habitats, as illustrated by some of the changing circumstances previously described (e.g., growth pressure, listing of species, pitch canker, diminishing water supplies). Among the actions that need to be taken, the Commission staff requests that the Update direct special attention to:

Watershed Protection. Clearly, maintaining and enhancing the health of the area's coastal watersheds is a fundamental component to the protection of the North Coast's sensitive habitats. This includes protecting the quality of coastal waters, maintaining adequate flows to support aquatic habitats, and preserving the natural habitats and buffers surrounding the streams and wetlands.

There is a great deal of work going on throughout the state and nation to minimize the impacts of polluted runoff on our coastal environment. One example of such work is the statewide *Plan for Controlling Polluted Runoff* recently adopted by the Coastal Commission and State Water Resources Control Board (available for review on the Commission's website). The Update provides a unique opportunity to build on these efforts and incorporate progressive development standards within the Area Plan that will help maintain and enhance the health and biological productivity of coastal watersheds and offshore habitats. We strongly encourage County staff to work with our water quality division and other experts in the field to take full advantage of this opportunity.

It is also critically important to ensure that adequate levels of water are maintained in coastal creeks and wetlands to support the species dependent on these habitats. Serious questions have been raised about whether existing withdrawals, let alone additional future withdrawals, maintain adequate water levels to allow for the long-term survival of these habitats. It will be essential for the update to address this matter in detail, and take whatever actions may be needed to correct existing problems and prevent future problems. The current proposal to allow for a 2.3% growth rate within the Cambria Urban Area, at a maximum of 125 new residences per year, without the data and information needed to conclude that there is adequate water to support such growth, is unacceptable. Similarly, we have grave concerns about the Update's indication that intensified visitor-serving development maybe be allowed on the rural north coast in the future, before the necessary evidence has been provided to show that there is water available to accommodate such development.

Pine Forest Preservation. As recognized by the Update, the Monterey Pine Forest is a sensitive habitat that must be protected by new development. We support the additional measures that have been incorporated within the plan to address this issue. There are, however, additional strategies that must be considered. These include, but are not limited to: detailed standards regarding the handling of diseased wood; the designation and establishment of a Public Facility area specifically for the purposes of managing diseased wood and providing a clearinghouse for genetic material; and, perhaps most importantly, a more aggressive and scientifically based approach to protecting healthy trees and preserving areas, particularly large, unfragmented areas, essential to the long-term survival of the forest.

Before committing to a continuation of the TDC program in Cambria, the effectiveness of this program in protecting Pine Forest and other coastal resources should be evaluated. Alternative approaches, such as those that would extinguish development potential in the more healthy and established forests, rather than within the fragmented urbanized areas, should be considered. Irrespective of this program, all new development within the forest habitat should not only be required to minimize its impacts to the greatest extent feasible, but should also fully mitigate for the habitat lost as a result of the development by contributing to the long-term preservation of a contiguous forest system.

Agricultural Resources.

It is clear that agriculture, particularly grazing, has played an important role in preserving the scenic qualities and unique character of the North Coast landscape previously described. In addition, agriculture is a significant component of the local economy. The Coastal Act calls for the maximum amount of prime agricultural lands to be maintained in agricultural production, and prohibits the conversion of agricultural land to nonagricultural uses unless it can be shown that continued or renewed agricultural use is infeasible, or that such conversion would preserve prime agricultural land and concentrated development within existing urban areas (Sections 30241 and 30242).

It is also clear that the future of agriculture on the North Coast, and the scenic open space rural character associated with this use, is jeopardized by current trends which seek to replace traditional agricultural uses with residential estates, commercial ventures, and exclusive resorts. In addition to diminishing the scenic quality and unique character of the North Coast, the potential conversion of grazing land to such uses will place extreme pressures on the area's limited public service capacities (e.g., water, roadways), and threaten the continuance of the North Coast's natural habitats.

To ensure that the agricultural resources of the North Coast are protected by the North Coast Area Plan consistent with Coastal Act requirements, the update should: ensure that lands suitable for agricultural uses are appropriately zoned so; provide strict standards regarding the types of uses allowed on agricultural land; preclude the division of agricultural land except in very limited circumstances; and, require that all non-agricultural use be predicated by a showing that continued agricultural use is infeasible.

In terms of allowable uses, Commission staff believes it is essential that specific standards be established to prevent the conversion of agricultural lands to residential estates. While a residence accessory to an agricultural use may be appropriate where it is located and designed to prevent impacts on scenic views, sensitive habitats, and prime soils, we are greatly concerned that many types of residential development on the rural North Coast may exclude agriculture completely. To counter this potential, the Update should limit the size of residential development; prohibit fencing that would preclude continued agricultural use on the area surrounding the residence; and, restrict the use of the undeveloped portions of the site to agriculture and natural resource conservation and enhancement.

Similarly, we have serious concerns regarding the potential for substandard agricultural parcels to be further divided and adjusted in a manner that will diminish agricultural viability. Before any such land divisions are considered, a detailed review of the parcels history and legal status should be undertaken, including a showing that all necessary Coastal Development Permits have been secured for any Conditional Certificates of Compliance issued after January 1, 1973. If the parcels can be established as legal lots, the division should only be allowed where a minimum parcel size equivalent to a viable agricultural unit can be achieved for each lot. Where development is proposed on a substandard agricultural parcel, lot consolidations that will achieve agriculturally viable parcels should be pursued. In the event that a lot adjustment is being pursued to improve the agricultural viability of an adjacent holding, and it is impossible to achieve minimum lot sizes or consolidate lots, the adjusted parcel(s) should be kept to the

minimum size possible, and located in a manner that will avoid all impacts to scenic resources, agricultural lands, and sensitive habitats.

Finally, the Update should prescribe a stringent methodology for analyzing the viability of continued or renewed agricultural use when a non-agricultural use is proposed on a site designated for agriculture. While Section 30241.5 of the Coastal Act identifies the minimum elements of such an analysis, we would encourage the County to build on these requirements in a manner that takes into account the unique aspects of agricultural operations on the North Coast.

Notwithstanding the significant issues and concerns that remain to be addressed through the Update process, I would like to acknowledge the many improvements that have already been incorporated into the Area Plan by the Update, from the new chapter on Coastal Access to the expanded standards protecting sensitive habitats and water quality. While these and other sections require further work, we are pleased to see the significant effort that has been made to respond to some of the important issues raised by the Commission in its previous review.

The Commission staff is committed to continue collaborating with the County towards resolving the various Coastal Act issues raised by the Update, and we look forward to working with you in this regard. Towards this end, I hope you will not hesitate to contact staff analyst Steve Monowitz if you have any questions or would like to discuss these matters further.

Sincerely,

Peter Douglas
Executive Director

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

ALEX HINDS
DIRECTOR

BRYCE TINGLE
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

PATRICK BRUN
ADMINISTRATIVE SERVICES OFFICER

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COASTAL COMMISSION

February 23, 1999

Notice of Availability of Review Draft:
ESTERO AREA PLAN UPDATE, AND AMENDMENTS TO THE ADELAIDA AND SAN LUIS OBISPO AREA PLANS

A. What is the Estero Area Plan? Why Does it Need to Be Updated?
The Estero Area Plan is the general plan, circulation (transportation) element, and Coastal Plan for the communities of Los Osos, Cayucos and surrounding rural areas. It is the 'community plan' for the area, and contains zoning, policies, programs, and standards to guide future land use and transportation. The update of the Estero Area Plan includes changes and clarifications to zoning, as well as to policies, standards, programs, and information regarding land use and transportation. The plan is being updated, because it has not been updated since it was developed in the early 1980's.

B. What are the Amendments to the Adelaida and San Luis Obispo Area Plans?
Revisions to the Adelaida and San Luis Obispo Area Plans will be considered concurrently with the Estero Area Plan Update, because the revisions are closely related to the Estero Area Plan. In the Adelaida Area Plan, a "planning impact area" is proposed, within which proposed land divisions, general plan amendments and other discretionary applications for development would be referred to the Cayucos Citizens Advisory Council for review and comment. In the San Luis Obispo Area Plan, a planning impact area is also proposed, within which discretionary applications would be referred to the Los Osos Community Advisory Council for review and comment. In addition, the boundary between the San Luis Obispo and Estero Planning Areas is proposed to be revised by including within the Estero Planning Area portions of Cuesta College and Camp San Luis Obispo that are within the coastal zone.

C. What Other Proposals will be Considered Together with the Estero Area Plan?
The following items are related to the Estero Area Plan Update, and are proposed to be considered concurrently with the Update:

1. An amendment to the Coastal Zone Land Use Ordinance to implement portions of the Los Osos Community-based Transfer of Development Credits (TDC) Program.

2. Disestablishment of Cayucos Agricultural Preserve No. 5, located along North Ocean Avenue in the community of Cayucos.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-800-834-4636
EMAIL: ipcoplng@slonet.org • FAX: (805)781-1242 or 5624 • WEBSITE: http://www.slonet.org/vv/ipcoplng

D. Who is Recommending the Estero Area Plan Update and Related Amendments to the Adelaida and San Luis Obispo Area Plans?

The Estero Area Plan Update and related amendments to the Adelaida and San Luis Obispo Area Plans are being recommended by the Cayucos Citizens Advisory Council and the Los Osos Community Advisory Council. The County Department of Planning and Building has worked closely with those advisory councils, as well as with other groups, agencies and individuals, to prepare the Estero Area Plan Update and associated amendments to the Adelaida and San Luis Obispo Area Plans.

E. What are the Next Steps in the Estero Area Plan Update, and Where is the Update in the Process?

- ✓ Public Hearing Draft Plan
- ☐ Community Meetings
- ☐ Environmental Impact Report
- ☐ Public Hearings at the Planning Commission and Board of Supervisors
- ☐ Review by California Coastal Commission

F. How Can I Comment on the Draft Estero Area Plan and Related Amendments?

Public participation is welcome throughout the process. Written comments are preferred. Interested persons and groups may also wish to attend future public meetings and hearings, and speak for or against the proposals in the Draft Estero Area Plan and related amendments.

G. Where Can I Obtain the Draft Estero Area Plan and Related Amendments?

Copies are available for review at libraries in Cayucos, Morro Bay, Los Osos, and San Luis Obispo. They are also available for review or for purchase at the Department of Planning and Building. To obtain a copy, write to:

County of San Luis Obispo
Department of Planning and Building, Accounting Section
County Government Center, San Luis Obispo, CA 93408

Please enclose a check for $23.00 (includes postage), plus $.60 postage for each additional copy, payable to County of San Luis Obispo.

H. Are Any Other Documents Now Available for Review?

A background report titled *Requested Amendments, Public Hearing Draft, January 1999*, is now available. This report evaluates general plan amendments requested by property owners in connection with the Estero Area Plan Update. Copies can be obtained as described above. The price is $8.16 (includes postage), plus $.60 postage for each additional copy.

Have Questions?

Please contact Mike Wulkan, Senior Planner
Phone: (805) 781-5608 FAX: (805) 781-5624 EMail: MWulkan@CO.SLO.CA.US

STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

February 25, 2000

Nancy Rollman and Mike Wulkan
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: ***Coastal Commission Staff Comments on the Estero Plan Update Public Hearing Draft and associated Draft Environmental Impact Report***

Dear Ms Rollman and Mr. Wulkan:

Thank you for the opportunity to comment on the Public Hearing Draft of the Estero Area Plan Update (Update) and accompanying Draft Environmental Impact Report (DEIR). We apologize for not being able to submit our comments by the DEIR's February 8, 2000 receipt date. As you know, the Commission plays an important role in the review and certification of the proposed Update. We therefore greatly appreciate your consideration of, and attention to, these comments.

The Commission staff recognizes the tremendous long-term effort of County staff and participating citizens in the development of this update, and looks forward to working with all of the interested parties in finalizing the updated plan. Towards this end, our comments are intended to ensure that the policies of the Coastal Act, with which the Update must comply, are effectively addressed during the local review process. To the degree that these issues can be resolved prior to the submission of the final Update for Coastal Commission certification, the amount of time, and potential controversy, associated with the Commission's review can be minimized.

Our comments have been formatted in a manner that presents our overall perspective on the Update, including our most significant concerns and observations, in the General Comments section below. These are followed by Text Specific Comments regarding the Update, the DEIR, and the Requested Amendments documents. Please note that these comments are based on our preliminary and initial review of these documents. We hope that we can maintain an open dialogue with County staff and other interested parties throughout the local review, to ensure that these, and any other Coastal Act issues that may arise, are appropriately addressed.

Unfortunately, we have not had the opportunity to complete our review of the separate update chapter on Public Access, recently submitted to us. We greatly appreciate the County staff's willingness to accommodate our request that the Update include such a Chapter, as called for by Section 30500 of the Coastal Act. We will provide our comments on this Chapter as soon as possible, and prior to the Planning Commission hearing(s) on the update.

I. Overall Comments

A. Biological Resources/Environmentally Sensitive Habitats

In general, the Update contains many beneficial additions and revisions to the Estero Area Plan as currently certified. This includes, but is not limited to, the inclusion of new information regarding the type and extent of sensitive habitats and other important coastal resources throughout the planning area, as well as the incorporation of new policies and programs to better protect and preserve such resources. For example, we agree and support the Update's designation of coastal strand, coastal scrub, maritime chaparral, and Monarch butterfly habitats as Sensitive Resource Areas, and the clarification that such areas do not necessarily need to be mapped by the LCP in order to require protection.

Nevertheless, we are extremely concerned that the cumulative extent of buildout allowed by the Update may not effectively protect these and other important coastal resources. While the Update provides new policies and programs to protect sensitive habitats, it also proposes to increase allowable densities of development in such habitat areas within Los Osos. As a result, the DEIR proposes, on page 5.8-36, that density increases within areas of Endangered Species Habitat should be eliminated from the update. It is unclear if and how this, and the other mitigation measures proposed by the DEIR, will be incorporated into the Update. The Final EIR should specifically identify the revised policies, programs, and standards that are needed to carry out the proposed mitigation measures.

Even with the proposed mitigation measures, the DEIR states on page 5.8-36 that the impacts to sensitive habitats posed by the Update remain significant and unavoidable. We question the conclusion that such impacts are unavoidable, because it does not appear that an aggressive enough approach to avoiding and mitigating adverse impacts of new development on sensitive habitats has been pursued by the Update. Pursuant to Section 30240(a) of the Coastal Act, new development in environmentally sensitive habitats that is not dependent upon the resource should be avoided. If it is not possible for the Update to prohibit such new development in sensitive habitat areas, only the minimum amount of new development to avoid a "taking" of private property, based on legitimate economic-backed expectations, should be allowed. In general, this equates to one residence per lot of record. Such an approach is only applicable if there are adequate public services (e.g., water and sewer) available to accommodate such development (see part I.B of these comments), and the new development would not be a public nuisance. Any alternative approach to protecting sensitive habitat areas, such as the proposed TDC programs, needs to be accompanied by evidence that such an approach will effectively prevent a significant disruption of sensitive habitats, and will be compatible with the biological continuance of such areas.

In addition to the proposed voluntary TDC programs, the Update proposes to minimize the impacts of new development on sensitive habitats through off-site mitigation and mitigation banking. While creative measures such as these may deserve further consideration, we have many questions regarding the specific implementation of such programs (see text specific comments below), and whether they will effectively protect the biological productivity and diversity of the Estero area. Unfortunately, the DEIR has not specifically analyzed the overall

effectiveness of such programs, or provided mitigation measures that would achieve these objectives. Information that should be provided by subsequent versions of the Update and/or the Final EIR to address this issue includes:

- How will the number of credits granted to a TDC sending site be determined?
- How will the increased density and intensity of development in the TDC receiving areas affect sensitive habitats in and around the receiving area?
- Why not designate receiving areas in portions of the planning area that do not contain, or are not adjacent to, sensitive habitats?
- Why is participation in the TDC programs a voluntary rather than mandatory requirement?
- What will be the residual impacts to sensitive habitats within the TDC areas under complete or partial implementation of the programs? How does this relate to the cumulative impact of development on the biological productivity of the Estero area?

For portions of the planning area that contain sensitive habitats but are not covered by the proposed TDC programs, such as vacant parcels within the central area of Los Osos, the Update and EIR should address:

- Which portions of the Urban Area contain areas of valuable habitat that should be preserved, and which areas do not provide habitat that is viable over the long term and should be available for development combined with off-site mitigation? Please provide specific biological data and information that provide a basis for such determinations. For those urban habitats that deserve long-term protection, the Update/EIR should provide specific standards that will be used to avoid adverse impacts to such areas.
- Where impacts to sensitive habitats within the urban area will be addressed through off-site mitigation, what will be the minimum size, type, and duration of off-site mitigation required? What are the specific areas where such mitigation must be located? Are there adequate mitigation sites available to carry out this approach? How will the provision of of-site mitigation relate to the timing of new development? What will be the overall amount of habitat lost through this approach? How does this compare to the amount of habitat that could be lost in the proposed mitigation areas under existing land-use regulations?

This and other information necessary to analyze whether the TDC and off-site mitigation approach proposed by the Update will effectively protect special status species, their habitats, and the overall biological productivity of the effected area, should be included in the Final EIR.

Additional important information that needs to be provided by the Final EIR in order to allow for an assessment of the Update's conformance to Section 30240 of the Coastal Act are specific analyses of the proposed roadway extensions within or adjacent to environmentally sensitive habitats. Of particular concern is the proposed extension of 3rd street, which is expected to impact wetlands, and the proposed extension of South Bay Boulevard, which will involve the removal of, and impacts to, important coastal scrub and maritime chaparral habitats.

B. New Development/Public Service Capacities

Another area of significant concern is that the level of development allowed by the Update can not be supported with the region's existing water supplies and wastewater treatment capacities.

In the case of Los Osos, existing water withdrawals from the groundwater basin are estimated to exceed the safe-yield by close to 1,400 acre feet per year[1], and there is a prohibition against septic system discharges due to the adverse impacts such discharges pose on water quality and aquatic habitats. Yet the proposed Update will result increase the population buildout in Los Osos by 9,094 people (3,334 residential dwellings)[2]. In the case of Cayucos, there is only 154 acre feet per year available to serve new development, under the current occupancy rate of 64%. (According to Table 3-3 on page 3-17 of the Update, there would only be 12 acre-feet available to serve new development if existing development is occupied 100% of the time.) The proposed update will increase the buildout of Cayucos by 2,352 people ((621 residential dwellings)[3]. This will exceed the existing allocation of 600 acre feet per year from Whale Rock Reservoir by 181 acre feet per year[4].

In response to the water and wastewater treatment constraints in Los Osos, the Update relies upon the Regional Water Quality Control Board's prohibition of septic system discharges to preclude new development from occurring until a wastewater treatment system is constructed. This system is, in turn, being relied upon for drinking water supply, along with the potential allocation and delivery of 600 acre feet per year from Lake Nacimiento. In the case of Cayucos, the water needed to support buildout is dependent upon potential allocation and delivery of 124 acre-feet of water from Lake Nacimiento, and an assumption that new and existing development will not have a 100% occupancy rate.

There are many reasons why these assumptions will not be adequate to address the requirements of Coastal Act Section 30250[5], including, but not limited to:

- The RWQCB's prohibition against septic system discharges will not prevent new development that will place additional demand on water supplies in Los Osos. In addition to the fact that much of the development provided for by the update is outside of the prohibition area, there is the potential for exemptions to this prohibition, and alternative means of wastewater treatment that would allow development to move forward prior to a community wide treatment system.

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[1] DEIR, page 5.4-20, Table 5.4-10
[2] DEIR, page 3-31. Table 3-13
[3] DEIR, page 3-31. Table 3-13
[4] DEIR, page 5.4-19, Table 5.4-8, assuming an 89% occupancy rate of existing units and 95% of new units.
[5] Section 30250 states in part "(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels."

- The ability of a wastewater treatment system to recharge the groundwater basin with the quantity of water needed to supply buildout of the Update, at a rate equivalent to the rate at which increased withdrawals will be required by new development, has yet to be established. Even with the projection that a sewer system could increase the safe yield of the groundwater basin by 2,000 acre feet per year, demand under buildout is estimated to exceed the safe yield of the groundwater basin by 190 acre feet per year.

- Neither the DEIR nor the Update provide specific information regarding the process by which allocations from Lake Nacimiento can be secured, analyze the feasibility for this to occur, or evaluate the dependability of such allocations in drought situations. Nor is there an analysis of the environmental impacts associated with pipeline construction. Even if this water becomes available, Cayucos would still have a shortfall of 57 acre feet per year under buildout[6].

- The potential for residential units to be occupied at higher rates needs to be accounted for by the Update. Overall trends regarding the changes in rates in occupancy over time should be provided by the EIR, and gauged to determine the likely ultimate demand for water under buildout.

Given the significant uncertainties surrounding future water supplies needed to support the level of development that would be accommodated under the Update, it's compliance with Section 30250 of the Coastal Act must be called into question. Substantial reductions in the potential buildout of the urban areas, proportional to the amount of water that is known to available on a sustainable basis, therefore appears to be necessary. All land divisions, or increases in allowable density, should be prohibited within the Los Osos groundwater basin and the Cayucos urban area until these issues are resolved.

It should also be made clear throughout the updated Area Plan that no new development will be permitted until evidence of an adequate and environmentally sustainable water supply and (in the case of Los Osos) wastewater treatment system is provided. Said evidence should be required at the time of coastal development permit application, and should ensure that adequate capacities have been reserved for Coastal Act priority uses.

With respect to wastewater treatment capacities in Los Osos, it is premature to assume that a future wastewater treatment system will be able to accommodate the increased buildout proposed by the Update. Until the ultimate capacity of such a system is known, and the ability of the system to abate existing ground and surface water quality degradation is established, it is inappropriate for the Update to allow for new development that will generate additional wastewater in Los Osos.

C. Other Coastal Act Issues

In addition to our significant concerns regarding the Update's impact on sensitive habitats and public service capacities, the following Coastal Act issue areas should be further considered

[6] DEIR, page 5.4-19, assuming 89 percent occupancy rate for existing units and 95% for new units (current occupancy rates are estimated to be 64%).

during the local review, and analyzed in more detail by the Final EIR. Please note that additional text-specific comments regarding these issue areas are provided in sections II a, b, and c of this letter

Conversion of Agricultural Land: Where agricultural lands are proposed to be converted to non-agricultural land use designations, and analysis of conformance with Coastal Act Sections 30241 through 30242 should be provided by the Final EIR.

Coastal Access and Recreation: While the Update contains many beneficial policies and programs to enhance coastal access and recreation opportunities, we are concerned about the addition of language regarding the specific legal concepts of "nexus" and "rough proportionality" that reflect current Constitutional Fifth Amendment takings clause jurisprudence. The incorporation of such language, based on particular judicial cases, is not necessary to ensure that the public's right of access to and along the shoreline is appropriately balanced with the rights of private property owners, as this is already provide for in existing policies. Moreover, such language may limit the provision of legal and appropriate public access and recreation facilities that may be warranted as judicial case law evolves and future legal interpretations might encourage. In addition, the lack of guidance regarding the application of these concepts may lead to a dismissal of access and recreation requirements that may be appropriate under the current interpretations of the Fifth Amendment.

Priority for Visitor-Serving Uses: Proposals to allow for mixed-uses in commercial areas need to be evaluated for overall impacts on visitor-serving opportunities and consistency with Section 30222 of the Coastal Act. This is particularly important in areas with a Visitor-Serving Combining Designation. At a minimum, a maximum number of residential units associated with mixed-use projects should be prescribed by the Update. This limit should ensure that residential uses in commercial areas will not inhibit the provision of adequate facilities necessary to serve coastal access and recreation, or jeopardize the area's ability to meet the demand for visitor-serving accommodations. All residential uses should be accompanied by documentation recognizing that commercial and visitor-serving uses have priority in the area.

Protection of Visual Resources: While the Update provides new policies and programs that will help protect the scenic resources of the Estero area, we remained concerned that the development accommodated by the Update will significantly degrade the aesthetic qualities of visually prominent areas such as the southern hillsides of Los Osos. The Final EIR should include more thorough analyses of the visual impacts posed by new development in such visually significant areas, and should consider the impacts to views available from public beaches, Morro Bay, and the Pacific Ocean. Applying these analyses, the EIR should identify more detailed visual protection criteria that will avoid and minimize the impact of new development on visually sensitive areas. The Final EIR should also address the visual impacts of the proposed TDC programs.

Coastal Hazards/Seawalls & Fire Protection: The proposal to allow for new development that requires seawalls, where seawalls exist on both sides of the proposed development, runs contrary to the requirements of Coastal Act Section 30253(2). This proposal is also complicated by the fact that many seawalls within Cayucos may have been installed with out the proper permits.

Before such an approach can be considered, a more comprehensive analysis of the impacts of existing and additional seawalls on coastal access and recreation, and on natural shoreline processes, must be provided. This should include, among other things, a sub-regional approach to seawall development (including repair and maintenance of existing seawalls, and the resolution of unpermitted seawalls), that minimizes such impacts.

Another important issue relative to seawalls and bluff setbacks is the existing area plan's premise, retained by the Update, that new development should be setback to withstand 75 years of erosion. In investigating this issue, Commission staff has found that most structures last at least 75 years. We therefore suggest that setbacks adequate to withstand at least 100 years of erosion should be required by the update. Setback requirements should also include a buffer adequate to allow for construction measures necessary to abate the hazard when 100 years of erosion have been reached (i.e., remove or relocate the threatened structure). Where setback requirements have been developed to avoid the need for future seawall, approval of the development should be accompanied by a condition that specifically prohibits the construction of a seawall to protect the development.

In terms of Fire Protection, the Update should include specific standards regarding new development within areas that have significant fire risks. These standards should be designed so that the necessary setbacks are achieved without causing the removal of vegetation that supports sensitive habitats and/or provides scenic resources. In addition, the update should clarify the permit requirements and environmental review needed for any vegetation clearance proposed in order to protect existing development.

Marine Resources/WaterQuality: While we support the intent of the Update to address water quality issues, we are concerned that the proposed policies and programs lack the specificity necessary to ensure effective implementation and protection of aquatic resources. Such policies and programs should provide detailed performance standards to carry out the objective of watershed protection, using the Coastal Commission's and State Water Resource Control Board's *Plan for Controlling Polluted Runoff* as guidance. These standards should include, but may not be limited to: requiring the use of specific types of Best Management Practices (e.g., oil/water separators, vegetated swales/filter strips, detention basins, etc.), particular to different types of land uses, soils, and topographies; establishing minimum capacity requirements, performance standards, and monitoring provisions for drainage facilities; and, maintaining natural drainage patterns, quantities, and velocities to the greatest extent feasible.

Archaeological Resources: The Final EIR should evaluate archaeological resource protection standards for conformance with Section 30244 of the Coastal Act[7] and, if necessary, provide revised language necessary to achieve consistency.

[7] Section 30244 states: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."

II. Text Specific Comments

A. Draft Update Language

Page 1-14, Planning Policies: The proposed Update will significantly expand on the number of policies contained in the Area Plan, and add many new goals. Please clarify how these new policies and goals relate to the Framework for Planning. Are they on the same footing as the "Planning Area Standards" in terms of providing a standard of review for new development? Do they supersede Coastal Plan Policies and Coastal Zone Land Use Ordinances?

Page 1-15, Area Plan Maps: It should be clarified that the Combining Designation Maps should be used for guidance only, and that the presence of environmentally sensitive habitats on a site is dependent upon the on the ground resources rather than a designation on a map.

Page 2-9, Cayucos Goal 10: How will the proposal to "Concentrate most new major tourist-oriented commercial development on North Ocean Avenue, west of Cayucos Creek" affect the ability of the area to accommodate the demand for visitor-serving facilities that provide coastal access and recreation opportunities? Will concentrating these facilities in the proposed area have an adverse impact on scenic or other coastal resources that could otherwise be avoided by distributing such facilities throughout a greater area?

Page 2-17, Jobs/Housing Balance: This discussion identifies the low ratio of jobs to housing in the communities of Cayucos and Los Osos. While the Update will slightly improve this situation, are there additional revisions to the Area Plan that would help achieve a better balance?

Page 2-29, suggested amendments to Growth Management Ordinance: While the proposed reductions in the Growth Rate may be a useful tool for protecting coastal resources, please explain how the proposed Growth Rate of 2.3% in Cayucos and Los Osos was arrived at? Are there adequate public service capacities to accommodate such growth (please see Section I.B of this letter). Please clarify the relationship of the Growth Management Ordinance to the LCP.

Pages 3-8 & 3-9, Figures 3-1 and 3-2: Please show the location of the Urban Service Line (USL) and Urban Reserve Line (URL) on these maps.

Page 3-12 & 3-13, Comparison of Water Supply and Demand: Neither the discussion on page 3-12, nor Table 3-2 adequately reflect the existing overdraft of the groundwater basin in Los Osos, or that the buildout of Los Osos and Cayucos will exceed available supplies. This important issue should be recognized by the Area Plan, and measures to reduce buildout to a level that can be sustained by available water supplies should be provided (see part I.B of this letter).

Page 3-17, Projected Water Supply and Demand: Please explain the process of obtaining Lake Nacimiento water, and describe the infrastructure improvements that would be necessary to deliver such water. The feasibility of acquiring additional allocations, and the environmental impacts of constructing the necessary infrastructure, should be analyzed by the Final EIR and taken into consideration during the local review of the Update.

Page 3-27, Los Osos Sewage Disposal: We recommend that the third paragraph describing the Coastal Commission's consideration of the County sewer project be updated as follows:

> ~~In June 1999,~~ Upon appeal to the California Coastal Commission, ~~is scheduled to decide whether or not to approve~~ the county-designed sewer project has been held in abeyance while~~. If it is approved,~~ the Los Osos Community Services District ~~will~~ determines whether ~~to construct the approved system or~~ to pursue the county designed system or some other course."

We also think it would appropriate to acknowledge, within this discussion, that the CSD is currently considering an alternative system, which may be located in the Morro Shores area.

Page 3-40, Fire Protection: This discussion should be expanded to recognize that there are significant fire hazards posed by development that is surrounded by natural vegetation. To address this issue, the update should provide standards that require new development to be sited and designed to avoid disruption to sensitive habitats and visual resources. Additional standards to address the impacts to coastal resources posed by vegetation clearance activities designed to protect existing development should also be provided.

Page 3-49, Los Osos Water Management Program: While we support the intent of this program to provide a clean and sustainable water supply, we are concerned that by virtue of being a "Program" rather than "Policy", the provisions of the program have not been given appropriate status. Many of these provisions, such as the implementation of water conservation measures, should be required of all new development.

Pages 3-52 and 3-53, Cayucos and Los Osos Drainage Plans: While we support the intent to undertake a cumulative assessment of cumulative drainage issues and impacts, we disagree that the implementation of specific measures to minimize the impacts of drainage on coastal resources should be put on hold until these drainage plans are developed. Rather, we recommend that the Update incorporate progressive performance standards for new development that require the inclusion of Best Management Practices for the control of polluted runoff.

Page 4-5, Distribution of Land Uses: We disagree that the plan "provides a sufficient amount and arrangement of land use categories (zones) to meet projected population and economic growth until at least 2020, ***consistent with available resources and services***" (emphasis added). Please refer to Section I.B of this letter.

Page 4-5, Marine Resource Policy: While we are supportive of this Policy, by itself it is insufficient for effective marine resource protection. As discussed above, we urge the inclusion of specific performance standards for new development that will ensure the protection of marine resources and coastal water quality. Accordingly, we suggest the incorporation of area-wide policies that require new development to be sited, designed, and constructed in a manner that will avoid erosion and sedimentation and protect aquatic habitats, among other means, by providing construction and post-construction Best Management Measures and adequate setbacks. These policies should allow the planning division to require additional setbacks, or expand upon

specific performance standards, where necessary to protect marine resources and coastal water quality.

Page 4-7 and 4-8, Rural Area Land Use Policies: We agree with Policies 1-5 calling for the protection of agriculture, open space, and sensitive resources within the Estero Area, also reflected by policies B.1-3 on page 4-8. We are concerned, however, that the means of achieving these objectives have not been adequately articulated by the Update. For example, the Update does not, but should, provide additional tools for addressing non-conforming agricultural lots that prevent their conversion to non-agricultural uses. The Update itself appears to conflict with proposed Policy 5, prohibiting increases in density or expansion of urban areas if resulting development will adversely affect ground water supplies needed for agricultural use.

Page 4-11 and 4-13, Estero Marine Terminal Property: Why not require, rather than "support", provision of improved coastal access and amenities?

Page 4-12, Recreation Policies: Policy 3 appropriately limits uses within Recreation areas to "recreation and visitor-serving-related uses". However, the types of uses allowed under the LCP's Recreation Land Use Category, per Table O, such as residential uses, appear to conflict with this objective. How will this be remedied?

Page 4-14, Residential Suburban Policies: We agree with the intent to avoid suburban development outside of the Urban Reserve line. However, we question the means of accomplishing this by directing it to the Los Osos Urban area, due to the fact that there does not appear to be adequate infrastructure to support existing, let alone additional, residential development.

Page 4-16, General Cayucos Policy 2: We support the policy to prohibit expansion of the URL; the phrase "Generally" should be removed, as it weakens this policy.

Page 4-16, General Cayucos Policy 6: Limited residential development within office and commercial areas should be allowed only where it can be found that such development will not interfere with the provision of adequate facilities necessary to serve coastal access, recreation, and visitor-serving uses. A prohibition of residential development within areas having a vistior serving combing designation should be considered.

Page 4-18, Figure 4-1 (Cayucos Neighborhoods): Revisions to the URL/USL should be considered in order to bring the demand of water under buildout in line with available supplies. (This comment also applies to the Official LCP Maps.)

Page 4-19, Cayucos Recreation Policies: The Policy 1 reference to Section F needs to be corrected. The text referring to Chapter 3 for programs to increase recreation opportunities is inappropriate, as Chapter 3 refers the reader the Chapter 4. How will the deficiency of neighborhood parks in Cayucos be resolved in light of the standards identified in Chapter 3?

Page 4-21, Residential Single-Family design standards: please provide a reference to the section of the area plan providing the design standards being referenced by this new paragraph.

Page 4-24, Policies for Official and Professional land use designations in the Cayucos Drive area: The proposal to allow single-family and multiple-family residential uses as principal uses in this land use category appears to conflict with the need to improve the jobs/housing balance, as discussed earlier in the area plan.

Page 4-29, Figure 4-2 (Los Osos Neighborhoods): Please identify the USL on this map, and consider revisions to the USL/URL that would diminish service areas in accordance with limited water supplies and other infrastructure constraints. (This comment also applies to the Official LCP Maps.)

Page 4-30 & 4-31, Los Osos General Policies: Please refer to the above comment, and Section I.B of this letter, regarding Policies 1 and 6. Policy 9 should require that street trees be drought tolerant and non-invasive.

Page 4-32, Los Osos Recreation Policy 2: When encouraging the development of tourist-oriented facilities and activities, it should be noted that such development must be consistent with the protection of coastal resources (e.g., sensitive habitats and scenic views), and acknowledged that such development is dependent upon securing necessary public service capacities. Towards this end, the Update should incorporate policies that require the reservation of public service capacities needed to accommodate recreationally oriented activities and facilities. Parts d and e of this policy should require that recreational activities within or adjacent to sensitive habitats include specific monitoring and management measures to ensure that such activities take place consistent with the protection of the resources.

Page 4-33, 3rd paragraph: It is difficult for us to concur with the statement that the "area above Highland Drive and below a future extension of South Bay Blvd [in] the Southeastern Hillsides is well suited to residential single family development, a hotel and conference center with accessory uses..." until we have been presented with a detailed assessment of the constraints of the site (e.g., habit and visual). The same applies to the proposed development of the Western Fringe area, as suggested in the 5th paragraph (please see our comments regarding page 7-140 of the Update).

Page 4-36, Policies for Development in the residential Suburban Category West of Pecho Road: In encouraging the submittal of a single development application for this area, it should be noted that any development is dependent upon: being able to provide adequate services (e.g., water and sewer); avoiding the disruption of environmentally sensitive habitats; and, protecting scenic views to and from the coast.

Page 4-37, TDC Program: Please refer to Section I.A of this letter.

Page 4-42, Morro Shores Mixed Use Area: Policies for this area should ensure that future development does not preclude potential construction of a sewer treatment system in this area, as currently proposed by the CSD. They should also address the habitat protection/mitigation requirements for future development. (Such requirements should be articulated for all Land Use Designations within which future development has the potential to impacts sensitive habitats, even if it is just a reference to other LCP standards).

Page 4-43, Commercial and Office Areas, Policy 5: Parking requirements should only be reduced if alternative methods of providing parking are shown to be adequate, particularly regarding the protecting of parking needed for coastal access and recreation.

Page 4-4, Central Business District Policy 5: This and other policies contained in the Update suggest the streamlining of permit processing if certain provisions are included in development applications. How will the process be streamlined, and who will determine whether an application qualifies for streamlined processing?

Page 4-45, Baywood Commercial Area Policy 7: Access to, and recreation along and on the Bay should be accompanied by interpretive facilities, as well as resource monitoring and management programs, to ensure habitat and water quality protection.

Page 4-46, Baywood Commercial Area Policy 10: The proposed design plan appears to be more of a "program" rather than "policy". Until this plan is developed, the Update should provide more specific design standards, and requirements for new development, that achieve the objectives identified in this Policy.

Page 4-49, Adeladia Planning Area: It is our understanding that this planning area is not within the Coastal Zone. Please clarify the relationship of this program to the LCP.

Page 4-50, Public Facility: It appears that this Title is intended to be eliminated by the update; this is not reflected in the text.

Page 4-51, Policy 3 for Cayucos regarding Seawalls: Please refer to Section I.C of this letter. In response to part b of this policy, private beach accessways should be prohibited if any portion of them would be located on public property or interfere with coastal access, recreation, or the protection of sensitive habitats.

Page 4-55, Program 5 (Los Osos Greenbelt): While we support the establishment of a greenbelt, its use as mitigation for impacts of new development on sensitive habitats is dependent upon evidence that such an approach will effectively protect special status species and the biological productivity of the area (please refer to Section I.A of this letter).

Page 4-62, County Parks: Please identify the location of all proposed parks on Land Use Maps. If the development of such parks pose impacts to sensitive habitats, these impacts should be evaluated by the Final EIR, and alternative sites should be considered.

Page 5-6, Areawide Circulation Policies: All circulation projects should be required to implement Best Management Practices for the control of polluted runoff during and after construction.

Page 5-6, Rural Area Circulation Policies: We suggest incorporating additional policies that require new development to minimize the length and width of new or improved roadways, particularly when necessary to avoid the excessive conversion of agricultural land and minimize impacts to visual resources associated with road cuts along hillsides. Exceptions to this may be warranted if necessary to avoid development on prime agricultural land, prevent development

from being visible from public roadways, or to achieve adequate setbacks from sensitive habitats, provided that the resulting impacts from roadway construction are appropriately mitigated. Where extensive roadway development is needed to provide access to residential lots that are located a far distance from existing roads, reconfiguration of the lots should be considered, particularly if the intended use is residential. In such cases, exceptions to minimum lot sizes that would facilitate a more accessible configuration should be considered.

Page 5-9 through 5-11, Circulation Issues: Are the provisions listed under "Existing Deficiencies and "Future Needs" considered policies? Will new development be required to help address these deficiencies and provide needed improvements?

Page 5-11, Future Circulation Needs for Los Osos: We agree with the proposal to preserve rights-of-ways and offers of dedication for vertical and lateral accessways that serve coastal access and recreation. However, there may be some cases where existing paper streets could provide future access to parcels on which development would have significant adverse impacts to coastal resources (e.g., in wetlands or other sensitive habitats). In such cases, the County should consider abandoning a portion of the right-of-way so that general vehicle access would be inhibited, but public access, if needed and appropriately managed, could be accommodated.

Page 5-14, Arterial Improvements: The Coastal Act requires that Highway One remain two lanes in rural areas. The maximum length of the lanes (one mile) appears excessive; on what basis was this maximum established? How does this proposed expansion relate to potential improvements in the North Coast Planning Area? The proposed addition of passing lanes on Highway One West of Cayucos (as well as all other roadway improvements proposed by the Update) should require that any expansion of roadway widths necessary to accommodate these lanes should avoid the conversion of agricultural land, impacts to sensitive habitats, and the need for shoreline protective devices.

Page 5-16, South Bay Boulevard Improvements: We have significant concerns regarding impacts to wetlands associated with the proposed improvement of this and other roadways in the Planning area (e.g., 3rd street extension). On what basis have these improvements been determined to be necessary and the minimum required? If there are no feasible means of avoiding this roadway expansion and associated wetland impacts, a prescription for the way in which such impacts must be mitigated should be provided by the Area Plan and evaluated by the Final EIR.

Page 5-17, Collectors Improvements: Please see above comment, which is applicable to the proposed extensions of 3rd Street and South Bay Boulevard. (In the case of South Bay Boulevard, we are concerned about impacts to coastal scrub and maritime chaparral habitats.) Any other circulation improvements that pose impacts to sensitive habitats should be similarly analyzed, and alternatives that would avoid such impacts should be pursued.

Page 5-20, Street Trees: Street Trees should be drought tolerant and non-invasive.

Page 5-24, Equestrian/Hiking Trails: Please identify the importance of managing, monitoring, and maintaining trails and trail uses in order to protect sensitive habitats.

Page 5-24, park-and-ride lot: Please identify the proposed location of this facility so that it is taken into consideration by future development proposals.

Page 5-29, Highway 1 Passing Lanes: Please see comment regarding page 5-14.

Page 5-36, Baywood Park Area: Proposed program 4 appears to be referencing Figure 5-6 on page 5-37, but that is not what appears in the text. Please clarify. We are concerned that Figure 5-6, and the provisions of Program 4, do not provide adequate room for safe pedestrian and bicycle circulation.

Page 5-36, Trails: We are supportive of the proposed trail links. This program appropriately acknowledges that trails located near riparian corridors and scenic areas must not cause impacts on sensitive resources. It should be clarified that this is not limited to riparian corridors and scenic areas, but applies to all sensitive habitat areas. This comment and program should not be construed to imply that trails are not allowed in such locations. Rather, the provision of such trails needs to be accompanied by appropriate management plans and interpretive facilities that will help prevent trail use from having adverse impacts.

Page 6-4, Bluff Erosion GSA: Please consider revising the required setback on bluff top lots so that new development can withstand 100 years, rather than 75 years of erosion (see part I.C of this letter). Also, please clarify the intent of adding the phrase "generally" to setback requirements, which appears to substantially weaken the purpose of the GSA Combining Designation.

Page 6-5, Sensitive Resource Area: In the paragraphs introducing this Combining Designation, please note that the location of sensitive resource areas are not dictated by LCP maps and figures, but are based on the actual presence of sensitive resources within a particular area.

Page 6-8, Coastal Strand, Coastal Sage Scrub, Dune Scrub, & Maritime Chaparral Habitat (SRA): We support the designation of such habitats as SRA's. Definitions of such habitats should be provided by the Update to ensure that they can be appropriately identified. In describing this SRA, it should be acknowledged that there are many patches of such habitat remaining within the urban area. As discussed in Part I.A. of this letter, we are concerned that the preservation of such SRA's has not been effectively addressed by the Update.

Page 6-11, Los Osos Habitat Conservation Policy 3: As previously noted, we can not support the off-site mitigation approach until a more complete assessment of its effectiveness is provided (please see part I.C of this letter).

Page 6-11, Los Osos Habitat Conservation Policy 6: The development of an HCP or NCCP appears to be more of a program than a policy, and is listed as a program on page 6-25. A more appropriate policy would be to require new development to conform to such a plan/program when one is in place. In the mean time, there needs to be policies that specify the minimum requirements for habitat protection and mitigation when development is proposed in sensitive habitat areas.

Page 6-13, Los Osos Habitat Conservation Policy 7: While we support the monitoring efforts proposed by this policy, it is important to recognize that monitoring should not substitute for regulating new development in a manner that avoids cumulative impacts to sensitive habitats. Again, this appears to be more of a program than a policy. A more appropriate policy would be to require new development to provide biological monitoring and maintenance in a manner that is coordinated on a regional or sub-regional basis pursuant to the monitoring program.

Page 6-16, 2nd paragraph: Again, the proposal to use off-site mitigation for impacts to snail habitats in the Urban Area needs to be analyzed for effectiveness before this approach can be incorporated into the LCP. Until that time, sensitive habitat areas need to be preserved to the greatest degree feasible in their existing locations.

Page 6-20, Morro Bay Estuary and Watershed Policies: While agree with and support these policies, we believe that they need to be accompanied by more specific policies that articulate the means by which the intent and objectives of these policies can be realized. (Please see part I.A of this letter.)

Page 6-25, Program 5 regarding Seawalls: Please refer to part I.C of this letter.

Page 6-25, Habitat Monitoring: How will this program relate to, and be coordinated with, the LCP's Resource Management System?

Page 6-26, Other Sensitive Habitat Protection Programs: Protection of the sensitive habitats listed in part b of this program should be required as a policy. An SRA Combing Designation should also be provided for these habitat areas.

Page 6-27, Morro Bay Estuary and Watershed Programs: Please refer to the above comments regarding page 6-25 and consider listing some of the program elements, such as monitoring and restoration requirements, as policies.

Page 6-29, TDC Program: The overview of the proposed TDC programs refers to a Section of the CZLUO specific to a TDC program in the North Coast. How will this ordinance be changed and implemented with respect to the TDC programs proposed for Los Osos. How has the TDC program been working in Lodge Hill, and can the County's experience in administering that program provide guidance in perfecting this ordinance? Please refer to part I.A of this letter for our overall comments on the proposed TDC programs for Los Osos.

Page 6-30, TDC Receiver Sites: Are any of the proposed receiver sites within the septic system prohibition area? If so, how will implementation of this program be coordinated in relationship to the required sewer project? Receiver sites should not be located in areas containing sensitive habitats. If proposed adjacent to sensitive habitats, receiver areas should have specific setback requirements and habitat protection measures defined by the program.

Page 7-8, Areawide Resource Protection Standards: These resource protection standards should specifically prohibit land divisions that would create new lots in sensitive habitat areas or visually prominent locations. To the degree feasible, the consolidation of lots in such areas should be pursued by these standards. Parts A.1.b and e of these standards should not only

require that the location and intensity of new development be designed to protect the sensitive features of the site, but the sensitive features adjacent to the site as well.

Page 7-8, Areawide Resource Protection Standards A.1.c: We do not agree that the avoidance of hazards on a site proposed for new development should take precedence over the protection of environmental, archaeological, and visual resources. There is no Coastal Act basis for such a hierarchy. Rather when policy conflicts occur, the Coastal Act calls for such conflicts to be resolved "in a manner which on balance is the most protective of significant coastal resources" (Coastal Act Section 30007.5).

Page 7-9, Areawide Resource Protection Standard A.1.g: The means of preserving open space in accordance with this standard (e.g., conservation, deed restrictions, etc.), which achieves protection of the areas sensitive resources in perpetuity, should be articulated by this Policy. This standard, as well as others within the update, suggest that open space areas required to protect biological resources, should be in rough proportion to the impacts of the project. Please see our comments regarding the use of such language in part I.C of this letter. One of our concerns is that this policy could be interpreted to mean that quantity of area required to be placed in open space can only be equivalent to the area of footprint of the development located in sensitive habitat areas. Such approach would not adequately compensate for the habitat fragmentation and edge effects associated with the new development. Nor would it account for the overall loss of habitat that would be directly impacted by the development.

Page 7-9, Areawide Resource Protection Standard A.1.h: The Final EIR should analyze the effectiveness of existing CZLUO clustering provisions with respect to the protection of sensitive habitats before this method is incorporated into the Update.

Page 7-9, Areawide Resource Protection Standard A.2.a.(1): The proposed language implies that Sensitive Resource Areas and Environmentally Sensitive Habitats are only located in areas shown by LCP maps. Please clarify that it is the on the ground resources which define the extent of such areas. This is, in part, resolved by the following paragraph, which requires the protection of oak woodland, coastal strand, coastal sage scrub, dune scrub, and maritime chaparral habitats must be protected whether or not identified as a Sensitive Resource Area combining designation. We suggest adding "or any other area that meets the definition of an environmentally sensitive habitat area as defined by Section 30107.5 of the Coastal Act".

Page 7-13, Multi-Family and Planned Developments: What are the maximum densities/intensities of development? If established by ordinance, please provide reference.

Page 7-14, Common Open Space Requirements: We are concerned with the proposal to allow the use of sensitive habitat areas as common open space areas, as the purpose of the common open space (i.e. passive and active recreational use by residents of the development) may conflict with the protection of habitat values. Clearly such areas should be protected as open space pursuant to the Coastal Act and other LCP requirements. They should not, however, be considered as an area that is available to satisfy the recreational needs of new development.

Page 7-21, Areawide Drainage Standards: These standards should incorporate more specific requirements for achieving water quality and aquatic habitat protection objectives. These should include: the provision of specific construction and post construction Best Management Practices appropriate to the type of construction and land use(s) being proposed; the maintenance of natural drainage patterns, quantities, velocity, and quality, to the greatest degree feasible; and, minimum capacity standards for drainage facilities and selected BMP's.

Page 7-23 through 7-24, Archaeological and Historic Resources: The proposed standards should be reviewed for conformance with Coastal Act Section 30244. They do not appear to incorporate coordination with the State Historic Preservation Officer, as required by this section of the Coastal Act. Nor do they appear to involve consultations with the Chumash Tribe, who seem to have important interests regarding the protection of archaeological resources in the area. We are also concerned that proposed Standard 1 for Historic Resources limit the protection of such resources to those that are specifically identified by the Area Plan. Protection should be afforded to other structures that may be determined to be Historic subsequent to certification of the Plan. Similarly, we are concerned with the provisions of this standard, which restrict its application to the Historic structure itself, and an area within 200 feet of the structure. Protection should also be afforded to any other structure or facility on the site that is integrally linked to the historic structure and played a role in the historic use of the site. Finally, we are concerned that proposed Standard 2 for Historic structure provides too much discretion to the Planning Director in determining the appropriate method of preservation. While we agree with the intent of providing flexible means of achieving effective protection, it is necessary that all such alternatives be coordinated with the State Historic Preservation Officer.

Page 7-29, Rural Area Circulation Standard 3: We support this standard, which requires new road alignments to minimize terrain disturbance and vegetation removal. We suggest that this standard further require that new development be sited and designed in a manner that carries out this objective, in balance with the need to avoid the conversion of agricultural soils, impacts to sensitive habitats, and disruptions to scenic views.

Page 7-30, Lot Line Adjustment Standards for Rural Areas: We concur with standard 1.b.(2), which allows lot line adjustments to create parcels that are smaller than the minimum lot size specified by the CZLUO in order to protect sensitive and visual resources as well as agricultural viability. As noted at the top of this page, only legal lots can be adjusted. To confirm that a lot has been legally created, we request that any certificate of compliance or parcel map recorded on or after 1973 be referred to Commission staff for confirmation that Coastal Development Permit requirements associated with the recordation of the lot(s) have been satisfied. Finally, to avoid the suburbanization of agricultural lands, and the conversion of agricultural lands to non agricultural uses, we recommend that the Update include specific standards to address parcels that are non-conforming lots (i.e., existing lots that do not meet minimum parcel size standards). To the degree feasible, the Update should require consolidation of these lots with adjacent lots in order to achieve compliance with minimum lot size standards.

Page 7-32 through 7-33, Visual Standards for the Morros Area SRA: Exemptions to visual protection standards for new development should only be granted when development can be

shown to not be visible form *any public viewpoint*, in addition to the viewpoints identified by part 1.a.(2). Similarly, the prohibition against ridgetop development established by part 1.g. should be applicable to development visible from any public area. More broadly, we would encourage these visual protection standards to be expanded in a manner that requires new structures to not be visible from any public area, by applying design provision, as well as location requirements, to the review process. Similarly, we suggest eliminating the allowance for new development to be located anywhere other than the least visible portion of the site, as suggested by 1.d. (i.e., "where visual impacts are reduced to an insignificant level"), unless necessary to protect sensitive habitats. Standard 1.i. should specifically prohibit land divisions that would create new lots in visually or biologically sensitive areas (please see comment below for additional information regarding biological issues).

Page 7-32 through 7-33, Biological Standards for the Morros Area SRA: In addition to the application requirements established by part 1.b., an assessment of sensitive habitats, and potential impacts to such habitats, should be required as part of the development application. This information is needed to determine project compliance with part 1.c of this standard. With respect to 1.c., development should be designed and located to *avoid* (rather than *minimize*) impacts to important biological resources. Where avoidance is not possible, this standard should prescribe the type and amount of mitigation required to ensure that the biological productivity of the area is preserved.

Page 7-34, Open Space Requirements for the Morros SRA: While we support the intent of the standard to achieve open space protection, we are again concerned about the statement that "the required open space area shall be in rough proportionality to the impacts of the project". (Please see part I.C of this letter.) For example, we are concerned that this might be interpreted in a fashion that limits the open space area to an amount equivalent to the footprint of the development, when, in fact, a much greater area may be warranted in light of the impacts associated with roadway construction, vegetation removal, landform alterations, or other aspects of development. Moreover, a greater open space area may be appropriate to avoid a public nuisance or achieve a legitimate public interest. We are also concerned about the prohibition against allowing for public access in such open space areas, unless desired by the property owner. The allowance of managed public access in such areas, regardless of the property owners desires may be appropriate in instances such as where there may be historic right to such access, or where the project will impact other areas of legitimate public access. We appreciate the identification of the means by which open space preservation requirements can be implemented (e.g., easements, agreements, etc.), but are unclear how participation in a TDC program would satisfy these requirements; please clarify. Also please include language that requires that the required open space to be preserved *in perpetuity.*

Page 7-34 through 7-36, Visual Protection Standards for the Highway One – Cayucos Viewshed: Please see comments regarding page 7-32 through 7-33 (Visual Standards for the Morros Area SRA). In this case, views from the ocean should also be considered and incorporated into this standard. Additional standards should be provided to protect views of the shoreline and ocean available from Highway One and other public areas. Why exempt residential structures of less than 600 feet from the visual protection standards applicable to the area west of Cayucos?

Page 7-39, Estero Marine Terminal: This standard prohibits new uses from being established on the site until the existing use is abandoned. Consideration should be given to exempting new recreational uses from this standard, in order to allow for continuance lateral coastal access and the establishment of a bike path.

Page 7-42, Estero Marine Terminal Abandonment: It should be clarified that the objective of the site restoration and environmental mitigation requirements are to return the site to natural conditions that facilitate its use for agricultural and recreational purposes.

Page 7-44, Recreation Standards for Highway 41 area: Why are uses in this recreation category limited in a manner that excludes general public access and recreational uses?

Page 7-44, Recreation Standards for Montana de Oro State Park: While it may be appropriate to refer to Development Plan.D90119D, it should be done in a manner which recognizes that this permit may be amended or superceded by a future Coastal Development Permit. This standard should also acknowledge that any development in the area of Coastal Commission jurisdiction (e.g., areas below the mean high tide line) is subject to the review and approval of the Coastal Commission.

Page 7-45, Standards for New development Seaward of Highway 1 Between the City of Morro Bay and the Cayucos Urban Reserve Line: In should be noted that new development in this area must comply with the Development Standards listed in part 2, *as well as all other applicable LCP requirements.*

Page 7-46, Cayucos Urban Area Standard A: Evidence of adequate public services should be provided at the development review (CDP) stage, rather than, or in addition to, the building permit stage. In the case of water and sewer service, said evidence should identify the specific allocation being granted to the project, and the amount of service remaining available for new development within the service area.

Page 7-46, Cayucos Urban Area Standard C: The allowance of condominium hotels and motels should be prohibited if they would replace or convert an existing transient occupancy use.

Pages 7-54 through 7-55, Table 7-1 (Special Setback Standards): Please refer to part 1.c. of this letter regarding coastal hazards.

Page 7-56, GSA Standard 2: This standard, regarding seawall appearance, should be expanded to address overall seawall design. Among the additional requirements that should be incorporated into this standard, seawalls should be designed to avoid any encroachment onto public beach area or sensitive habitat. This standard should also reference the requirements of CZLUO Section 23.05.090.

Page 7-63 through 7-67, Mixed Use Development in the Cayucos Commercial Retail Area: Please refer to our overall comments regarding priorities for visitor-serving uses in part I.C. of this letter. General Standard c. should clarify that residential parking requirements must be satisfied *on-site*.

Page 7-67, Standards for the Locarno Commercial Retail Area: Coastal access and recreational uses available to the general public should be included as a principally permitted use.

Page 7-70, Mixed Use South of Ocean Avenue: Please see comments regarding pages 7-63 through 7-67.

Page 7-75, Residential Use on the 10-acre Parcel North of the Locarno Tract: The allowance of residential use on this site, which is designated for recreation, should be re-evaluated based on the lack of adequate water supplies (please see part I.B. of this letter), and the need for additional parks. Standards for residential development on this site should be expanded to address visual impacts from public areas, and any habitat values that may be present on the site.

Page 7-77, Standards for Residential Multi-Family development in Cayucos: Do the height standards effectively protect views of the shoreline and ocean available from Highway One and Ocean Avenue, particularly in the Locarno Tract? Will the standard allowing for the waiver of curb, gutter and sidewalk requirements interfere with the provision of lateral coastal access?

Page 7-94, Los Osos Urban Area Standards A and B: These standards should state that evidence of available water, and compliance with RWQCB requirements for on-site wastewater disposal, must be provided at the time of coastal development permit application.

Page 7-96, Figure 7-37 (Los Osos Neighborhoods): Please identify the location of the USL on this map.

Page 7-97, Extension of Community Services Beyond the Los Osos USL: Given the current lack of available water and sewer service, no extensions of such services should be provided outside of the USL. Please see part I.B. of this letter.

Page 7-100, Extension of 3rd street and South Bay Boulevards: The extension of 3rd street should be prohibited if it can not be designed to avoid the loss of wetland habitats. This standard should specify performance standards for the water quality protection measures that must be provided by the project, such as the minimum performance and capacities of construction and post-construction BMP's. With respect to the proposed South Bay Boulevard extension, we can not agree that it is appropriate to include this project in the Update until it can be shown that road construction and the development the road will serve will effectively protect sensitive habitats.

Page 7-100, Street Trees: In addition to the characteristics required by part d of this standard, trees should be non-invasive.

Page 7-101, Extension of Stub Streets: This should only be permitted where no impacts to sensitive habitats will occur.

Page 7-101, Bayfront Fences: In addition to the standards provided by G.2., fences should not interfere with the movement/migration of native wildlife.

Pages 7-108 & 7-109, Figure 7-43 (Residential Development Potential New Land Divisions): It is not appropriate to suggest that it is feasible to subdivide parcels in Los Osos until evidence of

adequate and sustainable water and wastewater treatment service is available. In the mean time, all subdivisions should be prohibited.

Page 7-112, Los Osos Coastal Access and Recreation Standards: Please refer to our concerns about the use of "rough proportionality" and "nexus" stated in part I.C of this letter. Amongst our other concerns, the proposed language could lead to the dismissal of access requirements on the basis that an existing access route would not being impacted by the development. Such an approach does not take into consideration the impacts that the development may place on other access and recreation facilities elsewhere in the region, through the increase in use that would be generated by the new development. Given the potential population increases posed by the Update, as well as the identified lack of public parks and recreation, the cumulative impact of new development may have significant impacts on existing public access and recreation opportunities, and therefore warrant requirements for access and recreation improvements.

Page 7-114, Land Divisions in Morro Bay SRA: No new parcels within sensitive resource areas should be allowed.

Page 7-114 & 7-115, Wetland Setbacks: Please show on a map the specific areas subject to the wetland setback requirements identified by Table 7-4. The final EIR should evaluate the adequacy of these setbacks to effectively protect wetland habitats.

Page 7-116, Setbacks from Coastal Strand, Coastal Sage Scrub, Dune Scrub, and Maritime Chaparral: This standard only addresses setbacks for subdivisions, which should be prohibited within SRA's. It does not, but should, specify setback requirements for new development other than subdivisions proposed within or adjacent to such habitats. These setbacks should be reviewed for adequacy by the Final EIR.

Pages 7-117 and 7-124, Mixed Use Development in Los Osos: Please see part I.C. of this letter regarding priorities for visitor-serving development.

Page 7-126, Los Osos Commercial Retail design Guidelines: We agree that where feasible and consistent with natural resource protection, new development should provide access to the Bay. This should be required as a policy, rather than guideline. In order to protect natural resources, the policy should require interpretive facilities and monitoring and maintenance plans to accompany new accessways to the bay.

Page 7-130, South Bay Blvd. TDC Area: Please see our comments regarding the proposed TDC Programs in part I.A. of this letter.

Page 7-133, Sweet Springs Preserve: Please refer to our concerns regarding the proposed extension of 3rd Street. This should not be identified as an allowable use until it can be shown that it will not involve adverse impacts to wetland habitats.

Page 7-134, Cuesta Inlet: We question the appropriateness of allowing for residential development in this location given its designation of Recreation, the lack of adequate public services (including parks), unresolved issues regarding public trust lands, and potential impacts to sensitive habitats.

Page 7-135, Sweet Springs: Again, residential development in this Recreation area must be questioned. Are there sensitive habitat values or other resource constraints that should be considered before the area of West of 4th Street is committed to residential use? On what basis was a credit of 1 dwelling unit per acre arrived at for the other areas? What is the maximum density of development allowed within the West of 4th Street area, and will this intensity of development pose adverse impacts on adjacent sensitive resource areas?

Pages 7-137 through 7-138, TDC program for the Southeastern Hillsides of Los Osos: Please refer to our overall concerns about the proposed TDC programs in part I.A. of this letter.

Page 7-140, West of Pecho – Western Fringe Area of Los Osos: Given this area's designation as a sensitive resource area, and its visual prominence, as well as the lack of public services, the allowable development type (hotels) and extent (maximum of 120 units and 10 acres of site disturbance) appears excessive. Public accessways and passive recreation uses should be allowed, with the understanding that they need to be sited, designed, and managed to protect natural and scenic resources. Specific resource protection standards and mitigation requirements for development of this site should be provided.

Page 7-141, Los Osos Creekside Area Density Bonus: No land divisions or density bonuses should be allowed until adequate public services to accommodate such development have been secured.

Page 7-141, Los Osos Creekside Area Setbacks: What constitutes "the *most significant* areas of habitat ..." for which a 100 foot setback must be provided? The Final EIR should evaluate the adequacy of this setback.

Page 7-144, Morro Shores Mixed Use Area: Standards for any development in this area (i.e., not just pursuant to a Specific Plan) should ensure the effective protection of sensitive habitats, and should not preclude the proposed use of the site for wastewater treatment. If a proposed development involves potential impacts to threatened or endangered species, evidence of compliance with state and federal Endangered Species Acts should be provided at the time of Coastal Development Permit application (this should apply throughout the Planning Area).

Page 7-154 through 7-156, TDC Program for Southeastern Hillsides Area of Los Osos: Please see our overall comments regarding the proposed TDC Programs in part I.A of this letter.

Page 7-156 through 7-157, Standards for Southwestern Hillsides – Cabrillo Estates Area of Los Osos: These standards should emphasize the need for new development to protect sensitive habitats and visual resources, particularly in the upper hillside area. Given these constraints, and lack of public service capacities, no new parcels should be created. Public access connections through this area, that are sensitively designed and appropriately managed, should be listed as an allowable use. Driveways should be allowed to be constructed of pervious materials to maintain natural drainage flows and facilitate groundwater recharge. Minimum setbacks from sensitive habitat areas, which provide for adequate fire clearance without necessitating the removal of native vegetation, should be specified by these standards and analyzed by the Final EIR. Similarly, height limits should be analyzed for impacts to significant visual resources.

Page, 7-158 through 7-159, Standards for the West of Pecho Sunset Area of Los Osos: Again, standards for this area should emphasize protection of habitat and visual resources, and prohibit the creation of new lots. Height limits should also protect views from the beach and ocean; additional design standards should be provided to achieve this. No development should be permitted until an adequate and environmentally sustainable source of water becomes available, and the public service capacities needed to accommodate Coastal Act priority uses has been set aside (this comment applies throughout the planning area).

Pages 7-162 through 7-165 and pages 7-173 through 7-174, South Bay Blvd. Area and Southwestern Hillsides Area TDC Programs: Please refer to our overall concerns regarding the proposed TDC programs in part I.A of this letter.

B. Draft EIR Text

Page 5.1-1, Regulatory Setting for Transportation & Circulation Impacts: Please identify Coastal Act Section 30252 as part of the "regulatory setting", as the Update must conform to this and other sections of the Chapter 3 Policies of the Coastal Act. The Update's consistency with this Section should be analyzed by the Final EIR. Where inconsistencies are identified, mitigation and project alternatives that achieve Coastal Act conformance should be identified. (This applies to subsequent comments regarding the regulatory setting.)

Page 5.1-18, Impact TC-1: The DEIR identifies that upon buildout of the Area Plan, segments of South Bay Boulevard, which serve commuters and recreational traffic, are projected to operate at LOS F. An analysis of how this diminished service will impact coastal access and recreation opportunities should be provided by the Final EIR. As noted in our above comments regarding the update, we have significant concerns regarding the proposed mitigation measure of widening South Bay Boulevard, which poses impacts to wetland habitats. This too should be further analyzed by the Final EIR. Project alternatives that would reduce impacts on important recreational corridors, and eliminate the need for road expansions that would adversely impact sensitive habitats, should be identified by the EIR.

Page 5.4-16, Regulatory Setting for Water Resource Impacts: Please identify and analyze the Updates conformance to Coastal Act Sections 30231, 30241(e), 30250(a), 30254, and 30255.

Pages 5.4-17 through 5.4-24, Water Resource Impacts and Mitigation Measures: The DEIR states that the Update would increase water demands in the planning area, for which there are not adequate water resources to serve such development. This would be a significant and unavoidable impact within the communities of Los Osos and Cayucos. We agree with Mitigation Measure WR-G1, which prohibits development under the Area Plan until adequate and dependable water supplies have been secured. This mitigation measure should also identify that once such water supplies have been identified and secured, they will be subject to an overall allocation program that reserved an amount of water necessary to accommodate Coastal Act priority uses (e.g., coastal dependent uses, coastal act access and recreation facilities, and visitor-serving developments) prior to being made available for other uses such as residential and general commercial and industrial. Given the significant unknowns regarding the extent of development that can be sustained by available water supplies, we do not think that it is

appropriate for the Update to include any increases in buildout potential within the planning area. Moreover, we believe that it is critical for the Final EIR to identify alternative changes to the Area Plan that balance buildout with currently available water supplies. Since this is not possible in Los Osos, where existing withdrawals already exceed the safe yield of the groundwater basin, an alternative that will avoid any additional strains upon this resource, should be identified by the EIR and pursued by the Update. In addition to prohibiting new development for which a sustainable source of water is not available, this should include implementation of Mitigation Measures WR-G2 through WR-G5.

Page 5.5-2, Regulatory Setting for Wastewater Impacts: Please identify Coastal Act Sections 30231, 30250, 30254, and 30255 and evaluate the Update's consistency with these requirements.

Pages 5.5-7 through 5.5-9, Wastewater Impacts in Los Osos: We found the DEIR to be lacking the necessary information to address the critical problem of wastewater disposal in the Los Osos area, and the additional impacts to marine resources, water quality, recreation opportunities, and coastal dependent uses posed by the additional wastewater that will be generated by new development. We are concerned about the DEIR's assumption that wastewater issues will be effectively resolved by a community wastewater system, and do not agree that the Update will have a "beneficial impact" on wastewater. First, it can not be assured that the eventual sewer system will have the capacity to serve the increased buildout proposed under the area plan. The EIR should address this capacity issue. Second, the use of septic systems in the area outside of the currently proposed wastewater treatment service area would increase under the area plan, thereby posing adverse impacts to water quality that could diminish improvements realized to through the construction of a wastewater treatment system. The Draft EIR states, on page 5.5-12 that this is an insignificant impact because the wastewater treatment system is supposed to increase water quality. The DEIR does not, however, provide any data or evidence in support of this conclusion. Nor does the DEIR address the potential that development outside the prohibition area may occur well ahead of the establishment of a wastewater treatment system. The Final EIR should address these issues, and provide a more detailed evaluation of the potential impacts to water quality, aquatic habitats, and associated uses posed by the additional wastewater that will be generated outside the proposed sewer service area. (Please also refer to part I.B of this letter.)

Page 5.6-8, Regulatory Setting for Drainage and Water Quality Impacts: Please cite, and analyze the Updated Area Plan's consistency with, Coastal Act Sections 30220, 30230, 30231, 30232, and 30253.

Pages 5.6-11 through 5.6-16, Drainage and Water Quality Impacts and Mitigation Measures: Please refer to our previous comments in Part I.C of this letter, and those regarding pages 3-52, 4-5, 5-6, and 7-21 of the Update. As suggested by the comments, the Update should provide more detailed standards to ensure the effective protection of water quality and the adequate handling and treatment of drainage. Given the proposed standard's lack of specificity, and the absence of a detailed analysis of the effectiveness of these standards or other County requirements, we are not sure how the DEIR has concluded that development accommodated by the Update will not have a significant impact on drainage and water quality. The Final EIR

should evaluate the proposed standards developed in response to our request for more detailed standards, and suggest improvements or alternatives to these standards that would better achieve water quality protection and enhancement objectives.

Page 5.8-21, Regulatory Setting for Biological Resource Impacts: Please include Coastal Act Sections 30230, 30231, and 30240 in this discussion, and analyze whether the Update complies with these standards.

Pages 5.8-26 through 5.8-34, Impacts BR-1 through BR-5 and Community Specific Biological Impacts: It is acknowledged that increased urbanization and population may result in the direct removal of habitats, indirect effects on sensitive biological resources, and adverse impacts to aquatic habitats and species. In some cases, the DEIR states that the significance of these impacts is dependent upon site-specific assessments. In other cases, the DEIR states the impacts are significant and unavoidable. It is necessary that the Update provide standards that new development will not significantly disrupt sensitive habitats, either individually or cumulatively, to the greatest degree feasible. The EIR should provide a more detailed assessment of whether the Update meets this requirement, rather than relying on future project specific reviews. If the Update doesn't meet this requirement, the EIR should identify project alternatives that do. Where impacts can not be avoided, the Update should specify the minimum mitigation requirements necessary to protect the overall biological productivity of the area, and ensure the biological continuance of sensitive species. The EIR should, in turn, analyze the effectiveness of these measures. Please also refer to part I.A of this letter.

Page 5.8-30, last paragraph, and Page 5.8-36, Mitigation Measure BR-13: In addition to prohibiting increased densities of development in sensitive habitats, the EIR should consider a mitigation measure that reduces allowable densities in known sensitive habitat areas.

Page 5.8-34, Mitigation Measure BR-2: The minimum setback of a 100 feet from a wetland or riparian area should not be reduced, but only increased, based upon the recommendations of the required biological evaluation.

Page 5.8-34, Mitigation Measure BR-9: In situations where avoidance of special-status plant habitats can not be achieved, mitigation should ensure that an area of equivalent biological type and productivity is restored and/or protected in perpetuity. This should be required in addition to the other mitigation measures identified for such circumstances.

Page 5.8-36, Mitigation Measure BR-10: Additional means of avoiding erosion and protecting water quality should be required by this measure (please see Section I.A of this letter as well as our comments regarding pages 5.6-11 through 5.6-16 of the DEIR).

Page 5.9.1.2, Regulatory Setting for Agricultural Resource Impacts: Please provide an analysis of the Update's conformance with the referenced Coastal Act Policies for all areas that will be converted from an agricultural land use designation. Please also refer to our comments on pages 4-7 and 7-30 of the Update regarding development on, and adjustment of, non-conforming agricultural lots.

Page 5.10-2, Primary Viewing Corridors: Please identify views from public beaches, Morro Bay, and the Pacific Ocean as Primary Viewing Corridors, and analyze the impact on such views posed by new development that will be accommodated by the Update.

Page 5.10-10, Impact AES-2: How was the allowable extent of development on the subject parcel(s) determined?

Page 5.10-12, Impact AES-3: Please explain how the DEIR concluded that the proposed change in the land use designation for this area will not result in any change to the type or intensity of development allowed. While we understand that there are other coastal standards and policies that would be applicable to the area, it seems that the changes in land use category would expand upon the kind and amount of development that could be pursued.

Pages 5.10-8 through 5.10-20, Aesthetic Impacts and Mitigation Measures: As detailed by the DEIR, the Update will have significant adverse impacts on the visual quality of the area, even without considering views from the bay and ocean. Mitigation measures rely upon exiting standards, project-specific reviews, and new SRA standards provided by the Update. The DEIR states on page 5.10-12, however, that reliance on these measures would not mitigate all the potential adverse impacts, and identifies that many of the residual visual impacts will be significant, including within all of the Los Osos impact areas. Additional standards that could avoid and minimize such impacts, specific to those areas on which new development will be accommodated in visually prominent areas, should be identified by the Update and evaluated by the EIR. These include, but are not limited to, additional siting, design, and lighting standards, as well as reductions in the allowable intensity of development. The Final EIR should also evaluate, and suggest mitigation measures for, the visual impacts posed by increased densities of development allowed by the proposed TDC Programs.

Pages 7-1 through 7-52, Alternatives: Please provide a more detailed description of each alternative, highlighting the *specific* differences with the draft plan. For example, please identify the alternative standards and or land use designations between that result in the different buildout potentials shown by Table 7-1 and described by Section 7.3.1. This is generally done in Section 7.4 for the Los Osos Focus Areas; a similar approach should be used for all other areas that will be affected by the Update. Most importantly, the EIR should include an alternative that seeks to balance the extent of buildout with the level of public services (particularly water and sewer) that is currently available, and reduce the amount of development in environmentally and visually sensitive areas to the greatest extent possible. To the degree that the development in such areas can not be avoided, a detailed mitigation program which provides specific measures to ensure that the overall biological productivity and visual quality of the area is preserved, should be identified.

C. Requested Amendments Document

As detailed in our comments above, we do not believe that any increase in development densities within or adjacent to areas that contain sensitive habitats, or prior to the demonstration of adequate and sustainable public service capacities, complies with Coastal Act requirements. Many of the requested amendments raise these same issues, as discussed below.

Kesner

Requested land use designation change (RS/RMF to RSF) will increase allowable number of dwelling units (from 2 to 9), water demand (from 0.8 to 2.45 acre-feet/year), and sewage generation (from 400 to 1,800 gallons/day) within the Los Osos septic system prohibition boundary. Such a change can not be found to be consistent with Coastal Act Section 30250(a) until evidence of adequate water supplies and sewer treatment capacities can be provided.

Miles

Request to establish community-wide (Cayucos) planning area standard that specifies condominium-hotels or motels where conventional hotels or motels are allowable. Please refer to our comments regarding *Priorities for Visitor-Serving Uses* in part I.C of this letter.

Morro Bay & Land Co.

Requested inclusion into USL and additional planning area standard will increase number of dwelling units (from 2 to 17), water demand (from 1.2o to 4.62 acre-feet/year), and sewage generation (from 400 to 3,400 gallons/day) within the Los Osos septic system prohibition area. In addition to lacking the necessary public services (water and sewer) to accommodate this proposal, we have significant concerns regarding the impacts of this change on wetlands and habitat for the Morro shoulderband snail.

Morro Shores Co.

In this case, the requested land use change (RMF to CS and RMF to RSF) will decrease allowable number of parcels (from 396 to 127), water demand (from 79.2 to 45.95 acre-feet/year), and sewage generation (from 79,200 to 38,983 gallons per day). Nevertheless, this proposal involves potential impacts to sensitive habitats that will need to be addressed in the Update process. We also recommend that the standards for this site ensure that potential construction of the needed wastewater treatment plant not be precluded by proposals for new development.

Van Beurden

This request to change land use designation from O/P to CR would not significantly increase water demand or sewage generation. It would, however, increase traffic volume, and involve the extension of South Bay Boulevard. Please see our concerns regarding impacts to sensitive habitats posed by the extension of South Bay Boulevard, as well as our comments regarding the impact to coastal access and recreation posed by increased traffic on South Bay Boulevard. We are also concerned about the impact of such development on Oak trees, which may adversely affect visual and habitat resources. These impacts should be addressed in more detail by the EIR.

Morro Palisades Co.

Request to change almost 112 acres of RSF to RS will decrease allowable number of parcels and dwelling units, water demand, and sewage generation. Nevertheless, the site is located within discharge prohibition area, where there is inadequate capacity to support even this reduced amount of potential development. The proposal also involves an extension of the Urban Services

Line, which is inappropriate until public service capacities necessary to accommodate development within the existing urban areas is accounted for. Finally, this area contains sensitive habitats that must be protected. Yet the proposed amendments would delete existing area plan language regarding site selection, capacity of services, and protection of sensitive plant species. While the proposed TDC program for this site is intended to provide for habitat protection, we have some significant concerns regarding the effectiveness of such programs, as detailed in part I.A of this letter. In addition, due to the voluntary nature of such programs, requirements for habitat protection in the case of non-TDC development must be retained.

Estero Bay Properties

We agree with the staff recommendation that the requested change from AG to RSF should not be included in the Update.

Nakamura Family

Our concerns regarding inadequate public service capacities, and impacts to sensitive habitats, also applies to this request, which would double the amount of allowable dwelling units (from 8 to 16) and increase water demand and sewage generation. While it is stated on Page 9-5 that development could be sited to avoid sensitive habitats, including those supporting Morro manzanita and Indian Knob mountainbalm, we are concerned about the fragmentation of habitat, increased erosion, and a greater potential to spread invasive, non-native plants identified on page 9-20.

D. Conclusion

Thank you for the opportunity to comment on both the Update and the DEIR. As you can see, we have significant concerns regarding the impact of the Update on coastal resources, and its conformance with Coastal Act standards. Most notably, we believe it essential that the Update limit buildout within the Estero planning area to a degree that can be supported by available public services, and that will sustain the biological and visual qualities of the coastal environment. The Update should also include additional and revised standards to ensure that new development will effectively protect coastal access and recreation opportunities, preserve agricultural resources, maintain coastal water quality, and avoid coastal hazards. Towards these ends, we request that greater attention to, and analysis of, the Coastal Act standards with which the Update must conform, be provided by subsequent drafts of the Update and the Final EIR. We hope that our comments and questions will assist the County in addressing these important issues.

Sincerely,

Charles Lester
District Manager
Central Coast District Office

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

RECEIVED
OCT 1 1 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

DATE: OCTOBER 5, 2000

TO: CAYUCOS CITIZENS ADVISORY COUNCIL
LOS OSOS COMMUNITY ADVISORY COUNCIL
CALIFORNIA COASTAL COMMISSION STAFF
INTERESTED PERSONS

FROM: MIKE WULKAN, PROJECT MANAGER, ESTERO AREA PLAN UPDATE

SUBJECT: ESTERO AREA PLAN UPDATE: PROPOSED SOLUTIONS TO ISSUES RAISED BY COASTAL COMMISSION STAFF

Attached for your review are proposals recommended by the Cayucos Citizens Advisory Council and the Los Osos Community Advisory Council that respond to concerns about the draft Estero Area Plan and EIR that were detailed in a letter from the California Coastal Commission staff to the Department of Planning and Building dated February 25, 2000. These proposals, which include many of the Coastal Commission staff's suggestions, will form the basis of a revised draft Estero Area Plan and EIR.

The proposals for Cayucos and Los Osos each consist of two tables that are enclosed. One table deals with more general concerns such as public services and environmentally sensitive habitat, and the other deals with comments on specific sections of the draft Estero Area Plan and EIR referenced in the Coastal staff's February 25 letter. Where applicable, each of the Coastal staff's concerns is identified by page and paragraph in the February 25 letter, or by the page and paragraph in the draft Estero Area Plan. For each concern, a proposed solution is described.

The next major step in the Estero Area Plan update process is for county staff to prepare a revised draft plan that includes the enclosed recommendations, as well as revisions previously recommended by the advisory councils, as described in *Draft Revision Package #1* and *Draft Revision Package #2*. We expect that a revised EIR will also be prepared. We estimate that a revised draft plan and EIR will be completed during the spring of next year, after which they will be distributed for review by the advisory councils and the public. Following public review, the Estero update will be considered by the County Planning Commission and Board of Supervisors at public hearings.

If there are any questions, please call me at 781-5608, or contact me by E-Mail at mwulkan@co.slo.ca.us.

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LOCAC-recommended Solutions to Coastal Commission Staff's General Comments: Los Osos (9/28/2000)

Coastal Commission Comment	Proposed Solution
Public Services: Prohibit all land divisions, new development or increases in allowable density until evidence of sustainable water supply and wastewater treatment system (Los Osos) is provided. Require evidence at time of permit application	**Add New Areawide Policy:** Monitor water demand and sewage flows through the RMS system to assure that new development can be accommodated by water supplies and sewer systems. **Add New Los Osos Policy:** Adequate public or private service capacities shall be available to serve proposed development. In addition, adequate water supply and community sewer capacity shall be available before approval of new land divisions using those services **Add New/Revise Communitywide Planning Area Standards:** 1. Prior to approval of applications for land divisions (other than condominium conversions), require a finding that there is a sufficient water supply and community sewer capacity (as applicable) to serve development. This includes existing development (at current rates of water use and occupancy), plus the proposed land division, plus buildout under this plan (as adjusted to account for elimination of development potential due to construction and mitigation of the community sewer project) of all vacant parcels in residential and non-residential land use categories within the urban services line. The finding shall be based on a groundwater study for the Los Osos groundwater basin. The study is to identify the sustainable yield of the groundwater basin without seawater intrusion, account for the groundwater recharge to occur from the community sewer project and be approved by the Board of Supervisors. 2. Service Availability: Land Use and Building Permit Application Content. a. Land Use Permits. All land use permit applications for development shall be accompanied by a letter from the applicable water purveyor and from the Los Osos Community Services District, when applicable, stating their intent to serve the proposed project. b. Building Permits. All applications for building permit approval are to be accompanied by a letter or other verification from the applicable water purveyor, the Los Osos Community Services for community sewer service and the South Bay Fire Department indicating that the proposed project has received water service approvals, a sewer connection where applicable, and fire clearance. c. Delete standard 2a, page 7-97 of Draft Plan regarding extension of community services beyond USL for existing parcels d. Revise standard 2b, page 7-97 of Draft Plan by adding requirement for finding in preceding item 1

Coastal Commission Staff Comment	Proposed Solution
Public Services: Substantially reduce buildout consistent with sustainable water supply; do not increase densities until evidence of adequate water and sewage treatment capacities provided Cannot assume that future sewer system will have capacity to serve buildout-- more detailed evaluations needed	-Reduce overall buildout by reducing development potential in environmentally sensitive habitat; buildout reduction from Draft Plan (includes changes in Rev. Package #1; assumes purchase of Morro Palisades, 15.6-acre Powell)= -881 d.u.s; Total Buildout=21,506 -Retain proposal to include Sea Horse Lane in USL and increase development potential in existing plan by about 8 units; -If upper and lower Broderson sites used for sewage disposal/purchased for mitigation for sewer, buildout would be further reduced by 14 units; -Retain maximum RMF density of 26 units per acre to preserve opportunities for senior, affordable housing; -If maximum RMF density reduced from 26 to 15 units/acre (excluding Morro Shores Mixed-use Area, buildout would be further reduced by 166 units -If 15 unit/acre density applied to Morro Shores Mixed-use area (assuming 13.7 acres of medium-to-high density residential), buildout could be further reduced by 130 units **-Add new land use programs:** 1. If community sewer facilities are built on the Morro Shores Mixed Use Area, and/or if mitigation for sewer project results in the acquisition and elimination of development potential on certain properties, the buildout of the community under this plan should be adjusted accordingly through a general plan amendment. For example, if development potential on the upper and lower Broderson sites is eliminated, then residential buildout would be reduced by an additional 14 units (compared to total buildout above)

Coastal Commission Staff Comment	Proposed Solution
Public Services: Substantially reduce buildout consistent with sustainable water supply; do not increase densities until evidence of adequate water and sewage treatment capacities provided Cannot assume that future sewer system will have capacity to serve buildout-- more detailed evaluations needed	2. After approval of construction of a community sewer project or after the Board of Supervisors approves a groundwater study for the Los Osos groundwater basin that identifies the sustainable yield of the groundwater basin without seawater intrusion and accounts for groundwater recharge from the community sewer project: a) Re-evaluate location of USL, maximum density in RMF category and other density changes, and adequacy of water supply and sewer capacity compared to buildout under this plan. b) Initiate general plan amendments that propose changes to buildout/location of USL so that development can be accommodated by the capacity of the community sewer project and by the sustainable yield of the groundwater basin without seawater intrusion. 3. After approval of construction of a community sewer project, compare sewer capacity to buildout, and initiate GPAs to further reduce buildout to match sewer capacity 4. If a community sewer project is not operational by 2005, initiate GPAs to reduce development potential within the URL to a level that can be accommodated through use of individual, on-site or other septic systems, including revising land use categories and standards for the Morro Shores Mixed Use Area

Coastal Commission Staff Comment	Proposed Solution
Public Services: Do not expand USL until adequate public service capacities	-The proposed expansion of the USL to include the Monarch Grove tract reflects existing development within current service capacities -Proposed expansions of the USL would not increase density (except for Western Fringe and Sea Horse Lane) due to proposed substantial density reductions on environmentally sensitive habitat, but would be beneficial by enabling sewer instead of septic adjacent to bay and clustering on environmentally sensitive habitat -Continue to recommend expansion of USL to include Sea Horse Lane
Public Services: Require reservation of public service capacities to accommodate recreation and other Coastal Act priority uses	-Defer this item until February 2001, when information on sustainable yield of groundwater basin could help determine whether buildout can be accommodated by water and sewer capacities -If buildout can not be accommodated by water and sewer capacities, bring proposal to LOCAC for a program to initiate a general plan amendment that proposes measures to give priority to Coastal Act priority uses (coastal-dependent, agricultural, visitor-serving, and recreational uses). Explore the possibility of amending the Growth Management Ordinance to give priority to Coastal Act priority uses until resources can accommodate buildout
Public Services: Include an EIR alternative in which buildout meets currently available water supplies	Revise EIR project description and analysis to reflect preceding proposed solutions for public services issues
Mixed-Use/Visitor-Serving Uses: Re-evaluate mixed-use in commercial areas (primarily Baywood Commercial Area) for affects on visitor-serving uses	-Mixed-use proposals are on 3rd Street (and Santa Ysabel between 3rd and 4th), not on 2nd, which has the vistor-serving uses; residential to be precluded on 2nd St. -3rd Street largely residential, few retail/office uses, one or so visitor-serving use -Net increase in residential on 3rd Street, Santa Ysabel is 7 units -Demonstrate no net reduction in lodging, visitor-serving opportunities -Draft Plan requires findings regarding effect on visitor-serving opportunities -Mixed-use development can generally help make businesses more viable, which can enhance the viability of visitor-serving businesses

Coastal Commission Staff Comment	Proposed Solution
Environmentally Sensitive Habitat: Prohibit land divisions that would create new lots in sensitive habitat areas or visually prominent locations; pursue consolidation of lots in those areas to the degree feasible	**Add planning areawide standards** that: a. Prohibit land divisions unless all building sites are entirely outside of sensitive areas (as defined in Chapter 7, Section IIIA of the Draft Plan) and the req'd setbacks therefrom, as verified by the required biological report b. Prohibit land divisions where the only feasible building sites are on slopes or ridgetops that result in structures being silhouetted against the sky as viewed from public roads, public beaches, ocean, or Morro Bay estuary c. Prohibit land divisions where access roads or building sites would be located on slopes greater than or equal to 20 percent **Lot consolidation issue needs further discussion with Coastal Commission staff**
Environmentally Sensitive Habitat: In environmentally sensitive habitats, allow only the minimum amount of development necessary to prevent a "taking," such as one unit per parcel	-Rezone SRAs for sensitive habitat to RS as needed, reduce maximum density to 1 residential parcel & unit/5acres (no secondary dwellings), clustered or concentrated, specify densities are a maximum, depending on biological evaluation, consistency with LCP policies, CZLUO, Ch. 7 stnds.; all development to be entirely outside of sensitive areas and setbacks therefrom, except where this standard can't be met, allow 1 unit & minimal site disturbance to allow reasonable building site (may need to define what this is) and provide mitigation; provide exception for sensitive habitat on already subdivided lots in Baywood Park, other areas: mitigation to occur through sewer HCP, offsite mitigation **(Buildout reduction: -774)** -Retain idea of transferring density from upper to lower elevations, but delete TDC receivers in sensitive habitat (southeastern hillsides) -Add policy to coordinate with preparation of HCP for sewer project and assist CSD in implementing HCP
Environmentally Sensitive Habitat: EIR should provide specific analyses, detailed assessments of proposed development/circulation improvements in sensitive habitat, more evaluation of clustering requirements	-Use information from Jones & Stokes mapping and sewer project EIR to do constraints analysis of selected environmentally sensitive areas; use constraints to refine SRA designations, allowable densities accordingly -Include mitigation from sewer project HCP -3rd Street extension eliminated - Delete South Bay Blvd. extension, except preserve right-of-way for potential trail use

Coastal Commission Staff Comment	Proposed Solution
Environmentally Sensitive Habitat: EIR should provide more details, analysis of off-site mitigation, mitigation banking programs	Include a framework for mitigation banking/off-site mitigation programs (see Baywood and Los Osos Conservation Plan)
Environmentally Sensitive Habitat: EIR should provide more details, analysis of TDC program; no receiving sites within sensitive habitat	Delete TDC receiving sites from lower hillside properties in SRA's (Morro Palisades, Broderson); specify that TDCs can not be transferred to sites with sensitive habitat
Visual Impacts: EIR should analyze public views from the Pacific Ocean, public beaches and Morro Bay estuary	Do visual analyses from the Pacific Ocean and the Morro Bay estuary using mathematical method; impaots from public beaches should be covered by analysis from ocean
Watershed Protection: Provide detailed policies, performance standards for watershed protection, including specific Best Management Practices, monitoring provisions for drainage facilities, etc.	Work with Coastal Commission **and CSD to establish new policies and planning area standards** using *Ca. Management Measures for Polluted Runoff* (CAMMPR); *Comprehensive Conservation and Management Plan* (CCMP) for Morro Bay Estuary, Los Osos/Baywood Park Community Drainage Project, address existing development by including applicable actions from CCMP; address construction (before & after) for circulation projects; address agricultural runoff

Coastal Commission Staff Comment	Proposed Solution
Agricultural Land/Rural Areas: Non-conforming Lots: Include specific standards for existing non-conforming lots with regard to minimum parcel size (to avoid suburbanization of agricultural lands, conversion to non-agricultural uses). Require consolidation with adjacent lots to degree feasible. Refer any post-1973 Certificate of Compliance or Parcel Map to Coastal Commission to confirm that Coastal Development Permit was issued CCC Concerns: 1) confirm that proposed development based on prior conditional C of Cs had Coastal Development Permit; if not, re-open and re-evaluate minimum parcel size in AG category 2) find opportunities for lot consolidation	a. **Revise AG planning area standard A for rural area** (pg. 7-38, Draft Plan) in order to apply Coastal Zone Land Use Ordinance Section 23.04.050 to all residential development, which would be considered a supplemental non-agricultural use (standards include no development on prime soils, maximum 2% of site area in non-agricultural uses) (1) Establish a range of areas of disturbance; eg., 2%, but in any case not less than x acres required or more than y acres (2) Assure consistency with Ag & Open Space Element (AGP 18): no new permitting requirements for ag development that is now exempt; standards for projects requiring discretionary approval on irrigated lands or dry farm lands include locating new buildings and structures on a limited portion of total site or other criteria; amend area plans to limit allowable uses on row crop terrain and soils to those that are most directly related to ag production (see planning area standards for the Arroyo Grande, Nipomo and Oso Flaco Valleys) (3) Bring back to LOCAC standard to limit allowable uses on row crop terrain and soils b. **Establish new land use program** to refer to Coastal Commission proposed Lot Line Adjustments and other applications on lots previously issued conditional Certificates of Compliance c. Retain proposed standards for Lot Line Adjustments in Draft Plan d. Retain proposed policy in current draft plan to encourage agricultural speciality uses on small parcels **The concern about Certificates of Compliance needs further discussion with Coastal Commission staff**
Agricultural Land/Rural Areas: Roads/Development: Minimize the length and width of rural roads to avoid conversion of agricultural lands and minimize visual impacts. Site and design development accordingly, and to minimize grading and protect sensitive habitat.	a. **Establish planning areawide standards** that require siting development so length, width and location of roads minimizes grading and visual impacts, while meeting fire protection requirements and not disturbing prime agricultural soils (in AG category) or sensitive habitat b. **Revise planning area standard D2,**(p. 7-20 of Draft Plan) regarding road design and construction (see #74, Rev. Package #1) to protect prime agricultural soils

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
1. 3/1 (letter)	How will the # of TDC credits be determined?	To be determined based on subsequent study of sending and receiving sites
2. 3/1 (letter)	How will increased density in TDC receiving areas affect sensitive habitat, cumulative impacts on biological resources within planning area? Why not designate receiving areas outside of sensitive habitat?	***No impact if TDC receiver sites removed from lower portion of southeastern hillsides and if TDC program specifies that credits can not be transferred to sites with sensitive habitat, as defined in draft plan***; receiving sites are almost entirely existing RSF lots that could be developed with secondary dwellings
3. 3/1 (letter)	Why is TDC program voluntary?	Mandatory TDC program may be illegal
4. 3/3 (letter)	Which areas contain valuable habitat, and where should dev. be available on non-sensitive habitat with off-site mitigation?	SRAs define areas of valuable habitat; HCP to address already-subdivided smaller lots with less valuable, fragmented habitat
5. 3/last (letter)	EIR should evaluate impacts to habitat from 3rd St. and South Bay Blvd. extensions	3rd St. extension deleted; ***delete South Bay Blvd. extension, but preserve right-of-way for potential trail use***
6. 6/2 (letter)	EIR should evaluate how proposed ag land conversions conform with Coastal Act Sections 30241-2	***Can be done in EIR and/or in Planning Commission staff report***
7. 6/3 (letter)	Statements regarding nexus, rough proportionality unnecessary, limiting, could undermine requirements for coastal access, recreation	***Delete various references to nexus, rough proportionality in Chapter 7, and revise language on page 7-5 consistent with Coastal Act 30001.5 (see note following this table)***
8. 6/5 (letter)	EIR should identify more detailed visual protection criteria, address visual impacts of TDC program	Draft plan has detailed standards for Morros, Highway 1-Cayucos viewshed; visual impacts would be significantly reduced by reducing dev. potential, concentrating at lowest elevations; *propose standards to:* ***- prohibit land divisions where only feasible building sites on slopes or ridgetops that result in structures being silhouetted against the sky as viewed from public roads, public beaches, ocean, or Morro Bay estuary*** ***-prohibit land divisions where access roads and building sites would be located on slopes greater than 20 percent***
9. 7/3 (letter)	Include specific standards to achieve setbacks for fire protection without removing vegetation that is biologically or visually sensitive; clarify permit requirements for vegetation clearance for existing dev.	Draft plan has standards to concentrate dev. in least sensitive areas, include buffers to protect sensitive vegetation, locate fuel modification areas to be in addition to required setback from sensitive habitat; ***revise 2b, page 7-10: where possible, design land divisions/development so vegetation/fuel modification areas for fire protection do not disrupt or cause adverse impacts to sensitive features***; per CZLUO, veg. removal in env. sens. habitats requires land use permit, except less than .5 acres in connection with crop production and grazing

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LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
10. 7/last (letter)	EIR should evaluate archaeological protection standards for conformance with Section 30244 of Coastal Act and revise mitigation if needed	The EIR analysis does address impacts to archaeological resources per Section 30244, and considers existing CZLUO standards, draft plan standards, mitigation
11. 1-14	How do goals, policies relate to planning area standards, CZLUO, Coastal Plan Policies?	Goals and policies are implemented by planning area standards, but also function as criteria for development proposals, esp. where no specific standards; they do not supersede CZLUO or Coastal Plan Policies, but are designed to be consistent with and in addition to them
12. 1-15	Combining designation maps should be used for guidance only; environmentally sensitive habitats dependent on on-the-ground resources	Addressed by resource protection standards, pages 7-9 to 7-10; ***clarify on page 1-15 under "combining designations"***
13. 2-17	How can a better jobs/housing balance be achieved?	In Los Osos, jobs/housing balance will improve with reduced res. buildout proposed; more CS could improve situation, but locations very limited, esp. in Cayucos
14. 2-29 A1, B1	How was 2.3% growth rate determined? Are there adequate public services to accommodate this growth? Clarify relationship of Growth Management Ordinance to LCP?	Growth rate consistent with countywide, recommended by communities; implements county General Plan; public service capacities addressed by other policies (see other table of response to Coastal Commission comments); Growth Management Ordinance is Title 26 of County Code (not part of LCP) and applies countywide
15. 3-8,9	Show locations of URL and USL on Figures 3-1, 3-2	***Will do***
16. 3-12, 3-13	Text and table should reflect existing overdraft in Los Osos and state that buildout will exceed available supplies in Los Osos, Cayucos	***Revise text/tables on pages 3-17,3-20 in accordance with proposed public services policies, standards and programs (see table of Proposed Solutions to Coastal Commission Staff's General Comments, public services); compare water supply and demand figures***
17. 3-27	Update 3rd paragraph re. Los Osos sewer system; mention alternative plan proposed by CSD	***Will do***
18. 3-40	Address significant fire hazards caused by development surrounded by natural vegetation; include standards to address impacts of vegetation clearance and to avoid disruption of sensitive habitat, visual resources	Addressed by planning area standards. See preceding Item 9

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LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
19. 3-49	Water management program should be a policy; many provisions should be required of all new development	Development of a water management program doesn't lend itself to being a policy--need follow-up actions to accomplish; conservation measures can't be required of non-county water purveyors
20. 4-7, #5	Update appears to conflict with Policy #5 (protecting groundwater supplies for ag, GPAs for increasing density, expanding urban areas)	Draft plan decreases buildout in Los Osos groundwater basin compared to existing plan (limited amount of agriculture within Los Osos groundwater basin), does not increase density in rural areas or expand URLs; it encourages ag uses and greenbelts and avoids spread of urban dev. into ag areas; water supplies in Los Osos to be addressed (see table of Proposed Solutions to Coastal Commission Staff's General Comments, public services)
21. 4-12 #3	Policy limits uses to recreation and visitor-serving, but Table O allows wide range of uses; how to remedy?	This policy applies to rural areas ; uses are limited by planning area standards
22. 4-14 E	Directing development to Los Osos URL instead of rural areas inappropriate due to inadequate infrastructure	This policy is simply to locate suburban development within the urban area in order to prevent urban sprawl; resource concerns addressed separately
23. 4-29,30,31 official maps	Show USL on Fig. 4-2, consider revising URL/USL, policies A1, A6 to balance water supply and demand	Map will be hard to read; refer instead to other maps that show or will show location of USL; e.g., Figure 3-2, Map M17 following Chapter 7; USL generally encompasses existing developed areas; limited opportunity to scale back (see table of Proposed Solutions to Coastal Commission Staff's General Comments, public services); ***remove lower Morro Palisades from USL (property purchased for conservation)***
24. 4-31 A9	Require that street trees be drought tolerant and non-invasive	Standards on page 7-100 require street tress to be drought tolerant, disease-resistant, compatible with character of area; tree list excludes invasive species

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
25. 4-32,C2	Require that recreational activities within or adjacent to sensitive habitat include monitoring and management measures to protect resources	CZLUO 23.07.170a requires permit applications for projects (includes parks) within or adjacent to Environmentally Sensitive Habitats (draft plan would also apply CZLUO standards to other sensitive areas) to include maximum feasible mitigation and a program to monitor and evaluate their effectiveness
26. 4-33/3,5	Disagree that lower Southeastern Hillsides well suited to residential, hotel, conference center until detailed assessment of habitat, visual constraints; same applies to Western Fringe	***Do more detailed habitat constraints analysis, propose substantial reductions in development potential and site disturbance in Southeastern Hillsides, Western Fringe***
27. 4-36 F1	Note that development must have adequate services, protect habitats and scenic views	Public services policies described elsewhere in plan; ***revise planning area standard 6, page 7-169 to require that location of development and area of disturbance be based on biological evaluation <u>and visual analysis</u> (new) of site and preservation of areas of greatest sensitivity***
27. 4-42	Policies for Morro Shores Mixed Use Area should allow sewer treatment facility and address habitat protection (should be mentioned for all land use categories where applicable)	Sewer treatment facility allowable by planning area standards; ***revise text on page 4-42 to include sewer treatment facility; place Public Facilities symbol on site of Resource Park on Combining Designations Map; revise standards for Morro Shores Mixed Use Area (D6, page 7-145) to require that development be clustered or concentrated away from environmentally sensitive habitat and cultural resources; additional mitigation should be provided offsite through HCP, if needed***; habitat protection standards on Pages 7-8 to 11 apply planning-areawide
29. 4-43 I5	Reduce parking requirements only if alternative methods are adequate, esp. re. parking for coastal access and recreation	Agree; shared parking reduces individual project parking needs
30. 4-44 J5	How will permit process be streamlined in CBD, who will determine whether application qualifies?	See planning area standards on page 7-117: MUP for projects that comply with all CZLUO, planning area standards, guidelines, without need for waiver, exceptions
31. 4-45 J7	Access to recreation along and on the bay should be accompanied by interpretive facilities, resource monitoring and management programs to protect habitat, water quality	***Revise Chapter 7 standard for Coastal Access and Recreation in Los Osos (Combining Designation A): In connection with new publicly-developed coastal access and recreation to and along the bay, require resource monitoring, management and provision of interpretive facilities at points of attraction, consistent with a coastal access plan to be developed, and consistent with CZLUO 23.04.420h; also revise Chapter 8 accordingly***
32. 4-46 J10	Proposed policy to create design plan is more of a program; until design plan done, provide more specific design standards	***Consolidate with Program C2 on page 4-54***; design concepts addressed by design guidelines on page 7-126
33. 4-50	Public Facility heading should be deleted	***Delete***

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/282000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
34. 4-62 E, F	Identify location of all proposed parks on Land Use Maps; EIR should evaluate any potential impacts to sensitive habitat	***Delete park symbol on lower Morro Palisades property due to habitat concerns; revise F1j, page 4-63 by deleting last sentence; EIR should address potential impacts to habitat of proposed park at Cuesta Inlet***; proposed parks shown on combining designation maps, end of Ch. 7 where location is more defined
35. 5-9 - 5-11	Are provisions under "Existing Deficiencies" and "Future Needs" policies? Will new development be required to provide needed improvements?	"Existing Deficiencies" and "Future Needs" are not policies; new development to comply with policies & improvements in Ch. 5--the Circulation Element--and standards in Ch.7; circulation fees to also fund improvements
36. 5-11 B5	Consider abandoning rights of way (eg. paper streets accessing potential development on sensitive habitat) to preclude vehicular access, while allowing other public access, if appropriately managed	Can't abandon rights of way needed for access to property; proposed policy is to preserve rights of way and offers of dedication to preserve public access (doesn't have to be vehicular) to bayfront and public recreation areas (coastal access), and to complete circulation system
37. 5-16, 5-17 S.B Blvd. 3rd St.	Significant concerns re. impacts to wetlands of S.B. Blvd. widening in rural area, S.B. Blvd. extension, 3rd St. extension; on what basis determined necessary? prescribe method to mitigate for any wetland impacts	3rd Street extension deleted; ***delete South Bay Blvd. extension, except preserve right-of-way for potential trail use***; recommended road improvements are per *South Bay Circulation Study;* standard D2 requires protecting sensitive areas to max. extent feasible, minimizing vegetation removal, planting graded slopes with native vegetation; additional mitigation would be determined through environmental review
38. 5-24 3	Identify importance of managing, monitoring, maintaining trails, trail uses to protect sensitive habitat	***Include language in 3, Equestrian/Hiking Trails; in particular, design trails to protect creek beds from equestrian use during low flow periods***
39. 5-24 D	Identify proposed location of park-and-ride lot	***Include language regarding existing park-and-ride at El Morro Church of the Nazarene***; other locations not specified
40. 5-36 D4	Incorrect reference to Fig. 5-6; Figure 5-6 do not provide adequate room for pedestrians, bicyclists	Reference corrected in *Revision Package #1*; 13' parking/pedestrian area allows sufficient room; ***revise program to state that 15' owner-maintained landscaping strip would need to be reduced where bicycle lanes/equestrian trails proposed***
41. 5-36 C5	Trails must not cause impacts to any sensitive habitat areas	***Revise accordingly, state that trails should be accompanied by management plans and where appropriate, interpretive facilities to prevent adverse impacts***

E-54

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
42. 6-5 E	Note that location of sensitive resource areas not dictated by LCP maps, but by actual presence of sensitive resources	***Include statement that SRAs also include areas that may not be mapped, but have sens. features--reference Ch. 7 areawide resource protection standards***
43. 6-8 5	Define coastal strand, coastal sage scrub, dune scrub & maritime chaparral; acknowledge that many patches of such habitat remain within urban area	***Define plant communities using definitions of coastal foredune, central dune scrub, central sage scrub, central maritime chaparral from EIR; state that patches of the latter 3, esp. coastal sage scrub, exist in Los Osos URL***
44. 6-11 A6	Preparation of HCP/NCCP is more of a program than policy; require new development to conform to such a plan/program when in place; need policies that specify minimum requirements for habitat protection, mitigation	***Incorporate policy into program B1 on page 6-25; add policy to participate in efforts to prepare a communitywide HCP for sewer project and assist in its implementation as applicable;*** difficult for county to commit to a plan that hasn't been written; requirements for habitat protection in areawide resource protection standards, including dev. location, site disturbance, mitigation on small lots; A3 calls for protection of contiguous areas of env., but specific mitigation measures depend on proposed project and site
45. 6-13 A7	More of a program than policy; require new development to provide biological monitoring and maintenance coordinated on a regional or subregional basis	***Incorporate policy into programs* B2, page 6-25**; new development is responsible for monitoring of project mitigation--areawide monitoring for cumulative effects needs to be done by county or other entity, not individual developers
46. 6-25 B2	How does habitat monitoring program relate to, coordinated with RMS?	Not part of RMS; ***add task to program: make provisions for recommending changes to policies and procedures for development review, if needed***
47. 6-26 C	Require protection of habitats in C1b; include in SRA	These areas are generally within SRAs and subject to areawide resource protection standards in Ch. 7
48. 6-27 D	Consider listing some items as policies, e.g. monitoring, restoration	***Move 1,2,3b,and 4 to Section IV policies, revise wording accordingly, e.g. "Encourage the State Department of Parks and Recreation...; revise 1 by deleting reference to CCMP (it's been prepared)***
49. 6-29 E3	How will CZLUO be revised for Los Osos TDC program? How has TDC program worked in Lodge Hill? Perfect the CZLUO based on county experience in administering program	CZLUO amendment in *Revision Package #2*; Lodge Hill program successful--not administered by county
50. 6-30 b	Are any TDC receiver sites within sewage "prohibition area"? How will TDC program be coordinated with sewer project?	All receiver sites within prohibition area; TDCs can be sold, but not used until sewer moratorium lifted
51. 7-8 A1b,e	Location and intensity of new development should protect sensitive features adjacent to site also	***Revise A1b and e to reference sensitive features on or adjacent to the site***

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
52. 7-23,24 G,H	Review standards for conformance with Coastal Act 30244; is coordination with State Historic Preservation Officer required per Coastal Act? Consultations with Chumash? Allow for protecting historic resources that may be subsequently identified; protect any structures on site integral to historic structure; too much discretion to Planning Director in determining method of preservation--coordinate with State Historic Preservation Officer	Existing LCP standards certified by CCC under Coastal Act 30244, and draft plan further protects archaeological resources; CZLUO requires site survey by archaeologist knowledgeable in Chumash culture and approved by county; Chumash who have requested notification are notified and involved in process; historic resources identified in the future can be protected through environmental review for discretionary actions, and ultimately, by including them in the Historic designation through a general plan amendment; structures that are integral to historic structure should be included in the H designation; Planning Director would not have too much discretion: findings for protection of resources would still apply as before, but permit level could be reduced from MUP to Plot Plan; ***possibly revise H2 by allowing Plot Plan approval if Planning Director determines that project meets Class 31 CEQA Guidelines exemption for historical resource restoration/rehabilitation or provides mitigation per Secretary of the Interior's Standards and Guidelines cited in CEQA Guidelines Section 15064.5 b(3)***
53. 7-32 - 7-33 Morros visual standards	Grant exemptions to standards only when dev. not visible from *any public viewpoint* (1a); prohibit ridgetop dev. where visible from *any* public area (1g); encourage new structures to not be visible from any public areas; do not allow alternative dev. locations, except to protect sensitive habitats (1d); prohibit land divisions in sensitive areas (1i)	Standards, including 1a,1g, consistent with Coastal Plan Policies for visual and scenic resources: site selection to emphasize locations not visible from major public view corridors (not any public point); 1d: alternative locations need to be provided for in case of sensitive habitat, hazards, steep slopes, arch. sites, etc.; 1i: ***revise areawide resource protection standards: prohibit land divisions unless all building sites entirely outside of sensitive areas (as broadly defined in proposed areawide resource protection stnds) and required setbacks***
54. 7-32 - 7-33 Morros biological standards	1b: require assessment of sensitive habitats and impacts as part of dev. application in order to implement 1c; 1c: design and locate dev. to *avoid*, rather than minimize impacts; otherwise prescribe type and amount of mitigation required	***1b: require application to include biological report by qualified professional (unless Env. Coordinator determines unnecessary) that recommends measures to avoid, and if not possible, to mitigate impacts to biological resources; 1c: require avoidance of adverse impacts***; mitigation measures site specific, can't be prescribed for all cases--to be determined based on required biological report
55. 7-3 C1	Allow new recreational uses prior to abandonment of facility to allow continued lateral coastal access and bike path	Standard applies to AG category inland of Hwy. 1; separate standards (7-45), programs for REC category west of Hwy. 1 provide for recreation, coastal access
56. 7-44 REC, B	Acknowledge that Dev. Plan for Montaña de Oro may be amended or superceded, and that dev. in Coastal Commission jurisdiction subject to review, approval by Coastal Commission	***Revise accordingly***

E-56

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
57. 7-94 A, B	Provide evidence of available water, compliance with RWCQB requirements at time of permit application	***Require land use permit applications to include Intent-to-serve letter from water purveyor (see table of Proposed Solutions to Coastal Commission Staff's General Comments, public services)***; projects must comply with RWQCB standards prior to building permits; more appropriate for RWQCB to verify compliance prior to building permit issuance to reflect changes in project from time of application submittal; areas of high groundwater to be served by sewer
58. 7-96	Show USL on Fig. 7-37	Map will be hard to read; refer instead to other maps that show or will show location of USL; e.g., Figure 3-2, Map M17 following Chapter 7
59. 7-97 2	Do not allow extension of water, sewer services beyond USL due to lack of available services	***Delete 2a;*** intent of 2b is to protect habitat by allowing clustering; ***revise 2b so extensions for new land divisions require adequate water/sewer capacities, as applicable, to be in place to serve buildout on vacant parcels within USL (see proposed communitywide planning area standard in table of Proposed Solutions to Coastal Commission Staff's General Comments, public services)***
60. 7-100 E1,2	Prohibit extension of 3rd Street if loss of wetlands can not be avoided; do not include South Bay Blvd. unless development served by road will protect sensitive habitat	3rd Street extension, E1 to be deleted; ***delete South Bay Blvd. extension, but preserve right-of-way for potential trail use***
61. 7-100 3d	Street trees should be non-invasive	Tree list used by staff excludes invasive species
62. 7-101 4a(3)	Permit extension of stub streets only where no impacts to sensitive habitat	***Revise to state "Where feasible <u>and no adverse impacts to environmentally sensitive areas (see Section IIIA) will occur</u>, extend stub streets..."***
63. 7-101 G2	Fences for bayfront development should not interfere with movement/migration of native wildlife	***Revise by adding: Fences on the bayfront side of dev. shall not interfere with movement/migration of native wildlife***
64. 7-112 A	Requirement for rough proportionality and nexus could lead to inappropriate dropping of access requirements; doesn't recognize cumulative impacts of development on access, recreation opportunities	***Delete reference to nexus, rough proportionality, and revise language on page 7-5 consistent with Coastal Act 30001.5 (see note following this table)***
65. 7-115 Table 7-4	Show areas subject to wetland setbacks on map	***Include map to accompany Table 7-4, Wetland Setbacks***
66. 7-116 6	Setbacks adjacent to public holdings on western, southern fringes of URL should apply to all development; EIR should evaluate adequacy of setback	***Revise: new land divisions <u>and development</u> to provide <u>minimum</u> 50' setback adjacent to public land holdings; <u>biological report required by 23.07 to verify adequacy of setbacks or recommend greater, more appropriate setbacks</u>;*** setbacks too site-specific to address in Area Plan EIR

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
67. 7-126 Design Guidelines	Require access to bay, where feasible and consistent with natural resource protection, as a policy rather than guideline; require interpretive facilities and monitoring and maintenance plans to accompany new accessways to bay	***a) Add new standard 6 (to replace first guideline) to require public access to bay where feasible and consistent with protection of natural resources; b) revise Combining Designation standard A for coastal access and recreation (pg. 7-112, Draft Plan) as follows: make first paragraph areawide; In connection with new publicly-developed coastal access and recreation to and along the bay, require resource monitoring, management and provision of interpretive facilities at points of attraction, consistent with a coastal access plan to be developed, and consistent with CZLUO 23.04.420h; also revise Chapter 8 accordingly***
68. 7-134 A	Is residential development appropriate considering lack of public services (including parks), questions about jurisdiction, impacts on sensitive habitat?	***Revise development potential to 1 residential parcel and unit/5 acres, clustered or concentrated, consistent with density to be applied to environmentally sensitive habitat throughout the community (see page 5, LOCAC-recommended Solutions to Coastal Commission Staff's General Comments); total development potential would be 2 units***
69. 7-135 B	Question residential dev. in REC category; sensitive habitat in area west of 4th Street? Why credit of 1 unit/acre? What is maximum density west of 4th Street--will it cause adverse impacts on sensitive resources?	No dev. to be allowed in REC category; area adjacent to 4th Street is RSF; RSF area does not appear to have wetlands, but proposed standards (in draft plan, Revision Package #1) require: biological report to delineate any wetlands, dev. to set back from any on-site, adjacent wetlands, not cause adverse impacts to wetlands or estuary; 1 unit/acre credit based on 5 acres of privately-owned property that is to be open space; ***revise B1 to require REC category to be open space in perpetuity***; maximum theoretical development potential of entire property: 1.8 acres of RSF + 5 units from REC = 18 units on 1.8 acres + 6.2 acres of open space
70. 7-140 F	120 lodging units on 10 acres is excessive due to visual and habitat sensitivity, lack of services; allow public accessways, passive recreation; specific resource protection, mitigation standards for development	***Bring back to LOCAC a lower cap on number of units and area of disturbance; Revise standards (F, page 7-140): base location and size of development on biological evaluation; require undeveloped area to remain in open space in perpetuity; direct coastal access to existing disturbed areas usable for access, and provide interpretive facilities; add coastal accessways and passive recreation as allowable uses to reflect recommended provisions for coastal access***; see table of Proposed Solutions to Coastal Commission Staff's General Comments, environmentally sensitive habitat; ***add new standard L (page 7-159 for West of Pecho Area) to make lodging an optional use on the northern portion of the Holland property (Tentative Tract 1646 located west of Pecho Road, south of Skyline Drive, east of Solano opposite Sea Pines)***
71. 7-141 A2	Do not allow land divisions or density bonuses until adequate public services provided	Overall buildout to be substantially reduced; see table of Proposed Solutions to Coastal Commission Staff's General Comments, public services

LOCAC-recommended Solutions to Coastal Commission Staff's Specific Comments: Los Osos (9/28/2000)

Page/ paragraph	Coastal Commission Comment	Proposed Solution
72. 7-141 A3	What are "the most significant areas of habitat..."? DEIR should evaluate adequacy of setback	***Delete this phrase: "...upland extent of riparian vegetation, and ~~the most significant~~ areas of habitat that support rare, endangered or threatened species as ..."*** setbacks too site-specific to address in Area Plan EIR
73. 7-144 D	Standards should protect sensitive habitats, allow wastewater treatment; require evidence of compliance with state and federal Endangered Species Acts at time of permit application--apply throughout planning area	***Place Public Facilities symbol on site of Resource Park on Combining Designations Map; revise standards for Morro Shores Mixed Use Area (D6, page 7-145) to require that development be clustered or concentrated away from environmentally sensitive habitat and cultural resources; additional mitigation should be provided offsite through HCP, if needed;*** wastewater treatment allowable per 7c (to be 6e), page 7-150; areawide resource protection standards protect sensitive habitat planning areawide; determining whether project may impact listed species requires environmental review and/or HCP (done after application acceptance); U.S.F.W.S usually does not confirm compliance with Endangered Species Act
74. 7-156 H 7-172 A	Allow public access connections that are sensitively designed, appropriately managed; allow driveways to be constructed of pervious materials for drainage, groundwater recharge; specify minimum setbacks from sensitive habitat that provide adequate fire clearance without removal of native vegetation; analyze in EIR; evaluate height limits for impacts to visual	See preceding items 38 and 67 regarding trails, coastal access (limitation on use, item 3, page 7-156 is for *existing* Cabrillo Estates–coastal access allowable on Pratt property); all-weather or non-skid surface (depending on driveway grade) needed for fire safety purposes (driveway construction standards in item 5, page 7-157 are for *existing* Cabrillo Estates per tract conditions or CCRs); minimum setbacks from sensitive habitat set by CZLUO--in general no grading within 100' of env. sensitive habitat, adjustment to 50' possible; ***revise A1d, page 7-8 re setbacks by adding at end: "No grading or removal of native vegetation shall occur within the setbacks/buffers needed to protect sensitive habitat;"*** setbacks and height limits too site specific to be evaluated in area plan EIR--would be evaluated by project-specific environmental determination
75. 7-158-9	Emphasize protection of habitat, visual resources; height limits, design standards to protect views from beach, ocean?	This area is already developed per Tract 1589

Note for item 7: Revise the last sentence of the 4th paragraph on page 7-5 as follows:

Land dedications and other exactions identified in this plan are intended to mitigate the impacts of specific development proposals, and to insure consistency with the Local Coastal Program. In some circumstances, the county may conduct a nexus and proportionality study to provide the practical and legal basis for the proposed exactions. Dedications and exactions will be pursued consistent with Section 30001.5 of the California Coastal Act considering the need to:

1. ***Assure the orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state; and***
2. ***Maximize public access to and along the coast and maximize public recreation opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.***

E-59

Coastal Commission Comment	Proposed Solution
Public Services: Prohibit all land divisions, new development or increases in allowable density until evidence of sustainable water supply and wastewater treatment system (Los Osos) is provided. Require evidence at time of permit application	**Add New Areawide Policy:** Continue to monitor water demand through the RMS system to assure that new development can be accommodated by water supplies. **Add New Cayucos Policies:** 1. Assure that development can be accommodated by existing water supply & sewage disposal capacity; no new land divisions until water supplies and sewage disposal capacities adequate to serve buildout on vacant parcels under this plan. (consistent with CZLUO when RMS II,III) 2. Phase development in accordance with available water supplies. An example of buildout estimates under this plan for different scenarios follows: *Interim buildout will vary depending on factors such as actual water usage, water conservation programs, ratio of residential to non-residential development, and occupancy, and is meant to be illustrative only.* a) Assuming a total water supply of 600 acre-feet per year (no supplemental water), interim buildout in the short-to-medium term would be a total of about **2,366-2,613 dwelling units.**[1] b) Assuming a total water supply of 600 acre-feet per year, and assuming that all residential and non-residential uses are retrofitted through water conservation programs, buildout in the long-term would be about **2,570 dwelling units.**[2] c) Assuming a total water supply of 724 acre-feet per year (124-acre-feet per year of supplemental water), buildout in the long-term would be about **2,618-2,763 dwelling units.**[3] d) Assuming a total water supply of 724 acre-feet per year (124-acre-feet per year of supplemental water), and assuming that all residential and non-residential uses are retrofitted through water conservation programs, buildout in the long-term would be about **3,068** dwelling units.[2] Footnotes: Buildout Assumptions 1 83%/72% occupancy for existing development; 95% occupancy for new development; average water use for existing development: .2643 acre-feet per year per dwelling unit; average water use for new development: .2254 acre-feet per dwelling unit per year; residential water usage = 86% of community total 2 89% occupancy for existing development; 95% occupancy for new development; average water use for existing development reduced by 20%; other assumptions same as in footnote #1 3 89%/84% occupancy for existing development; 95% occupancy for new development; other assumptions same as in footnote #1

Coastal Commission Staff Comment	Proposed Solution
(Continued from Page 1) **Public Services:** Prohibit all land divisions, new development or increases in allowable density until evidence of sustainable water supply and wastewater treatment system (Los Osos) is provided. Require evidence at time of permit application	**Add New Communitywide Planning Area Standards:** (similar to existing CZLUO standards when RMS II,III) 1. Prior to approval of applications for land divisions (other than condominium conversions), a finding shall be made that there are sufficient water and sewer capacities, as applicable, to serve existing development (at current rates of water use and occupancy), plus the proposed land division, plus buildout under this plan of all vacant parcels in residential and non-residential land use categories. 2. Service Availability: Land Use and Building Permit Application Content. a. Land Use Permits. All land use permit applications for development shall be accompanied by letters from applicable water purveyor and Cayucos Sanitary District stating their intent to serve the proposed project. b. Building Permits. Same as communitywide standard A in Draft Plan
Public Services: Substantially reduce buildout consistent with sustainable water supply; account for a higher occupancy rate for Cayucos ***[Reducing RMF density to 10/acre and excluding Bella Vista, Maino and two Borradori properties from water demand results in buildout that can be supported by 600 afy, assuming 83%/95% occupancy.]***	**Add new RMF planning area standard** regarding water service so that water supply for Bella Vista Mobile Home Park, Maino and Borradori properties is provided from other than Whale Rock Reservoir, unless sufficient supplemental water obtained to serve buildout of these properties + entire community (since community water supplies limited and these properties not envisioned to be included within the district of a water purveyor in the near future). **Revise Residential Multi-Family (RMF) standard A** (pg. 7-76, Draft Plan) regarding density so that maximum residential density for new projects, except for senior citizen housing, affordable housing per CZLUO and Maino property, is 10 units per acre (total community buildout would be 2,489 dwelling units; buildout of units using community water would be 2,349--the latter buildout could be supported by 600 acre-feet per year of community water, assuming 83% occupancy for existing development and 95% occupancy for new development) **Add a new Cayucos land use program** to consider amending the area plan by revising RMF standard A to increase density to 15 units per acre in the event supplemental water obtained (buildout, excluding Bella Vista, including Maino and 2 Borradori properties, would be 2,609 units, which could be supported by 124 acre-feet per year of supplemental water, assuming 89% occupancy for existing development and 95% for new development EIR to justify use of the above occupancy assumptions for buildout

Coastal Commission Staff Comment	Proposed Solution
Public Services: Require reservation of public service capacities to accommodate recreation and other Coastal Act priority uses	Buildout can be reduced to match resource capacities, therefore not necessary to explore additional measures that give priority to coastal-dependent uses, agriculture, visitor-serving, and recreational uses. Otherwise, ideas would include cooperative allocation agreements between the county and water purveyors, and a program to amend the Growth Management Ordinance to give priority to Coastal Act priority uses until resources can accommodate buildout
Public Services: Prove that Lake Nacimiento water can be secured; do environmental analysis of constructing necessary infrastructure	EIR to explain that no infrastructure construction is needed in Estero for obtaining Lake Nacimiento water due to Whale Rock exchange; environmental impacts elsewhere will occur with or without Cayucos participation
Public Services: Include an EIR alternative in which buildout meets currently available water supplies	Revise EIR project description and analysis to reflect preceding proposed solutions for public services issues
Mixed-Use/Visitor-Serving Uses: Re-evaluate mixed-use in commercial areas (primarily Cayucos CBD, Baywood commercial) for affects on visitor-serving uses; consider prohibiting mixed-use development in Cayucos CBD	**-Revise proposed planning area standards for CR in Cayucos CBD** to: a. Require residential on 2nd floor only in *all* areas b. Set cap of 96 residential units, including caretakers, based on 1 unit/6,000 ft.^{2} of parcel area, min. 40' lot width [residential buildout = buildout of just caretakers units (already allowable in V designation); 49 additional units allowable] c. Prohibit residential additions to/ conversion of hotel/motels, except 1 manager's unit d. Require parking for residential to be on-site -Demonstrate no net reduction in lodging, visitor-serving opportunities; for example, the draft plan recommends the same residential buildout in CR in CBD as could occur if only caretakers residences were developed as allowable per existing plan -Draft plan achieves a balance between visitor-serving and community-serving opportunities; no additional ways to maximize opportunities for visitor-serving uses (especially lower-cost facilities) need to be considered, other than possibly enabling and encouraging a youth hostel -Effect of preceding proposals on visitor-serving opportunities positive compared to existing plan: same overall residential buildout + more required parking (1 space/bedroom, min. 2) -Draft Plan requires findings regarding effect on visitor-serving opportunities

Coastal Commission Staff Comment	Proposed Solution
Hazards: Suggest 100-year (instead of 75-year) bluff setback, + buffer + prohibition on seawalls as condition of development	a. **Add new planning area standard** for 100-year bluff setback b. **Add new planning area standard** to prohibit seawalls with new development, and with certain level of redevelopment, e.g. 25% increase in usable floor area or redevelopment exceeding 75% of replacement cost
Seawalls: Allowing seawalls where seawalls exist on adjacent parcels is inconsistent with Coastal Act, unless a sub-regional solution for sand replenishment is addressed in EIR	a. Determine how many infill seawalls possible where there are existing seawalls on either side; if few infill seawalls possible, retain proposal to allow them, but require that there be no increased erosion or hazards on adjacent properties as demonstrated by a geotechnical report b. **Add new land use program in Ch. 6, Section VA.** to conduct a coastal bluff erosion/sand supply study for Cayucos and vicinity to help determine standards for seawalls, including possible approval of infill seawalls
Environmentally Sensitive Habitat: Prohibit land divisions that would create new lots in sensitive habitat areas or visually prominent locations; pursue consolidation of lots in those areas to the degree feasible	**Add planning areawide standards** that: a. Prohibit land divisions unless all building sites are entirely outside of sensitive areas (as defined in Chapter 7, Section IIIA of the Draft Plan) and the req'd setbacks therefrom, as verified by the required biological report b. Prohibit land divisions where the only feasible building sites are on slopes or ridgetops that result in structures being silhouetted against the sky as viewed from public roads, public beaches, ocean, or Morro Bay estuary c. Prohibit land divisions where access roads or building sites would be located on slopes greater than or equal to 20 percent **Lot consolidation issue needs further discussion with Coastal Commission staff**
Watershed Protection: Provide detailed policies, performance standards for watershed protection, including specific Best Management Practices, monitoring provisions for drainage facilities, etc.	**Establish new policies and planning area standards** using *Comprehensive Conservation and Management Plan* (CCMP) for Morro Bay Estuary, Los Osos/Baywood Park Community Drainage Project, *Ca. Management Measures for Polluted Runoff* (CAMMPR); address construction (before & after) for circulation projects
Visual Impacts: EIR should analyze public views from the Pacific Ocean, public beaches and Morro Bay estuary	Do visual analyses from the Pacific Ocean and the Morro Bay estuary using mathematical method; impacts from public beaches should be covered by analysis from ocean; revise planning area standards for Highway1-Cayucos viewshed to protect views from ocean, as well as Highway 1 and public beaches

Coastal Commission Staff Comment	Proposed Solution
Agricultural Land/Rural Areas: Non-conforming Lots: Include specific standards for existing non-conforming lots with regard to minimum parcel size (to avoid suburbanization of agricultural lands, conversion to non-agricultural uses). Require consolidation with adjacent lots to degree feasible. Refer any post-1973 Certificate of Compliance or Parcel Map to Coastal Commission to confirm that Coastal Development Permit was issued	a. **Revise AG planning area standard A for rural area** (pg. 7-38, Draft Plan) in order to apply Coastal Zone Land Use Ordinance Section 23.04.050 to all residential development, which would be considered a supplemental non-agricultural use (standards include no development on prime soils, maximum 2% of site area in non-agricultural uses) b. LOCAC has recommended the following in addition to a above: (1) Establish a range of areas of disturbance; eg., 2%, but in any case not less than x acres required or more than y acres (2) Assure consistency with Ag & Open Space Element (AGP 18): no new permitting requirements for ag development that is now exempt; standards for projects requiring discretionary approval on irrigated lands or dry farm lands include locating new buildings and structures on a limited portion of total site or other criteria; amend area plans to limit allowable uses on row crop terrain and soils to those that are most directly related to ag production (see planning area standards for the Arroyo Grande, Nipomo and Oso Flaco Valleys) (3) Bring back to LOCAC standard to limit allowable uses on row crop terrain and soils c. **Establish new land use program** to refer to Coastal Commission proposed Lot Line Adjustments and other applications on lots previously issued conditional Certificates of Compliance d. Retain proposed standards for Lot Line Adjustments in Draft Plan e. Retain proposed policy in current draft plan to encourage agricultural speciality uses on small parcels **The concern about Certificates of Compliance needs further discussion with Coastal Commission staff**
Agricultural Land/Rural Areas: Roads/Development: Minimize the length and width of rural roads to avoid conversion of agricultural lands and minimize visual impacts. Site and design development accordingly, and to minimize grading and protect sensitive habitat.	a. **Establish planning areawide standards** to site development so length, width and location of roads minimizes grading and visual impacts, while meeting fire protection requirements and not disturbing prime agricultural soils (in AG category) or sensitive habitat b. **Revise planning area standard D2,**(p. 7-20 of Draft Plan) regarding road design and construction (see #74, Rev. Package #1) to protect prime agricultural soils

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments: Cayucos (8/2/2000)

Page/ paragraph in Coastal letter/ Draft Plan	Coastal Commission Staff Comment	Response/Proposed Solution
1. 3/3 (letter)	Which areas contain valuable habitat, and where should development on land without sensitive habitat be available with off-site mitigation?	SRAs define areas of valuable habitat; why off-site mitigation needed for areas without valuable habitat?
2. 6/2 (letter)	EIR should evaluate how proposed ag land conversions conform with Coastal Act Sections 30241-2	***Can be done in EIR and/or in Planning Commission staff report***
3. 6/3 (letter)	Statements regarding nexus, rough proportionality are unnecessary and limiting, could undermine requirements for coastal access, recreation	***Delete various references to nexus, rough proportionality in Chapter 7, and revise language on page 7-5 consistent with Coastal Act 30001.5 (see note following this table)***
4. 6/5 (letter)	EIR should identify more detailed visual protection criteria, address visual impacts of TDC program	Draft plan has detailed standards for Morros, Highway 1-Cayucos viewshed; visual impacts would be significantly reduced by reducing dev. potential, concentrating at lowest elevations; *propose standards to:* ***- prohibit land divisions where only feasible building sites on slopes or ridgetops that result in structures being silhouetted against the sky as viewed from public roads, public beaches, ocean, or Morro Bay estuary*** ***-prohibit land divisions where access roads and building sites would be located on slopes greater than 20 percent***
5. 7/3 (letter)	Include specific standards to achieve setbacks for fire protection without removing vegetation that is biologically or visually sensitive; clarify permit requirements for vegetation clearance for existing development	Draft plan has standards to concentrate dev. in least sensitive areas, include buffers to protect sensitive vegetation, locate fuel modification areas to be in addition to required setback from sensitive habitat; ***revise 2b, page 7-10: where possible, design land divisions/development so vegetation/fuel modification areas for fire protection do not disrupt or cause adverse impacts on sensitive features***; per Coastal Zone Land Use Ordinance, vegetation removal in environmentally sensitive habitats requires land use permit, except less than .5 acres in connection with crop production and grazing
6. 7/last (letter)	EIR should evaluate archaeological protection standards for conformance with Section 30244 of Coastal Act and revise mitigation if needed	The EIR analysis does address impacts to archaeological resources per Section 30244, and considers existing CZLUO standards, draft plan standards, mitigation
7. 1-14	How do goals, policies relate to planning area standards, CZLUO, Coastal Plan Policies?	Goals and policies are implemented by planning area standards, but also function as criteria for development proposals, esp. where no specific standards; they do not supersede CZLUO or Coastal Plan Policies, but are designed to be consistent with and in addition to them

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments: Cayucos (8/2/2000)

Page/ paragraph in Draft Plan	Coastal Commission Comment	Response/Proposed Solution
8. 1-15	Combining designation maps should be used for guidance only; environmentally sensitive habitats dependent on on-the-ground resources	Addressed by resource protection standards, pages 7-9 to 7-10; ***clarify on page 1-15 under "combining designations"***
9. 2-9, Goal 10	How will this affect demand for visitor-serving facilities, coastal access and recreation? Impact on scenic, coastal resources compared to distributing facilities in a greater area?	Goal 10 refers to one 3-acre site that will provide visitor-serving facilities, opportunities for coastal access; visitor-serving facilities already spread along Ocean Ave.
10. 2-17	How can a better jobs/housing balance be achieved?	In Los Osos, jobs/housing balance will improve with reduced res. buildout proposed; more CS could improve situation, but locations very limited, esp. in Cayucos
11. 2-26 A1, B1	How was 2.3% growth rate determined? Are there adequate public services to accommodate this growth? Clarify relationship of Growth Management Ordinance to LCP?	Growth rate consistent with countywide, recommended by communities; implements county General Plan; public service capacities addressed by other policies (see table of responses to Coastal Commission staff's general comments); Growth Management Ordinance is Title 26 of County Code (not part of LCP) and applies countywide
12. 3-8,9	Show locations of URL and USL on Figures 3-1, 3-2	***Will do***
13. 3-12, 3-13	Text and table should reflect existing overdraft in Los Osos and state that buildout will exceed available supplies in Los Osos, Cayucos	***Revise text/tables on pages 3-17,3-20 in accordance with proposed public services policies and standards (see table of CCAC-recommended Solutions to Coastal Commission Staff's General Concerns, public services); compare water supply and demand figures***
14. 3-40	Address significant fire hazards caused by development surrounded by natural vegetation; include standards to address impacts of vegetation clearance and to avoid disruption of sensitive habitat, visual resources	Addressed by planning area standards. See preceding Item 5

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments: Cayucos (8/2/2000)

Page/ paragraph in Draft Plan	Coastal Commission Staff's Comment	Response/Proposed Solution
15. 4-7, #5	Update appears to conflict with Policy #5 (protecting groundwater supplies for ag, GPAs for increasing density, expanding urban areas)	Draft plan decreases buildout in Los Osos groundwater basin compared to existing plan (limited amount of agriculture within Los Osos groundwater basin), does not increase density in rural areas or expand URLs; it encourages ag uses and greenbelts and avoids spread of urban dev. into ag areas; water supplies in Los Osos to be addressed (see table of Proposed Solutions to Coastal Commission Staff's General Comments, public services)
16. 4-11, #12 4-13, #4	Require (rather than just support) improved coastal access, such as a bicycle/pedestrian path connection between Morro Bay and Cayucos, with new development/renewal of lease at Estero Marine Terminal	Requirements need to be related to scope of project; ***revise to "pursue improved coastal access..."***
17. 4-12 #3	Policy limits uses to recreation and visitor-serving, but Table O allows wide range of uses; how to remedy?	This policy applies to rural areas; uses are limited by planning area standards
18. 4-16 A2	Delete "generally" from policy to not expand Cayucos URL	"Generally" allows for future school site to be included in URL, as described in Policy #3
19. 4-18, official maps	Consider revising URL/USL to balance water supply and demand	URL/USL in Cayucos generally encompasses existing developed areas; can't remove those areas; Maino property should not be removed, because it is within Sanitary District, but Draft Plan greatly limits development potential and envisions water supply from other than Whale Rock Reservoir
20. 4-19 B1, text	Correct references to Section F, Chapter 3; how will deficiency of neighborhood parks be resolved in Cayucos?	***B1: change Section F to VI; text paragraph 2: revise last sentence to "(see Chapter 3, Section E., Parks);" text paragraph 3: reference Chapter 3, Section III, Programs***; park deficiency addressed by programs for parks in chapter 4: 2 neighborhood parks + 1 community park on Chevron property
21. 4-21/2	Reference small-scale design neighborhood standards	***Reference Ch. 7, Section V, Cayucos Urban Area Standards, RSF category***
22. F1	Residential as principal uses hurts jobs/housing balance	Cayucos Drive already mixed use; limited opportunities for significant employment ,historically limited demand for office; minor impact on jobs/housing balance
23. 4-49 A2	Clarify relation of Adelaida Planning Area to LCP	Adelaida is outside of coastal zone, but affects Estero, such as in the case of views

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments (8/2/2000)

Page/ paragraph in Draft Plan	Coastal Commission Comment	Response/Proposed Solution
24. 4-51 B3	Prohibit private beach accessways (that are incorporated into seawalls) if any portion located on public property or interferes with coastal access/ recreation, protection of sensitive habitat	***Revise B3b: private beach accessways to be entirely on private property and not impact sensitive habitat***; CZLUO 23.05.090 requires shoreline structures to not preclude public access or adversely impact fish and wildlife, minimize erosion
25. 5-9 - 5-11	Are provisions under "Existing Deficiencies" and "Future Needs" policies? Will new development be required to provide needed improvements?	"Existing Deficiencies" and "Future Needs" are not policies; new development to comply with policies & improvements in Ch. 5--the Circulation Element--and standards in Ch.7; circulation fees to also fund improvements
26. 5-11 B5	Consider abandoning rights of way (eg. paper streets accessing potential development on sensitive habitat) to preclude vehicular access, while allowing other public access, if appropriately managed	Can't abandon rights of way needed for access to property; proposed policy is to preserve rights of way and offers of dedication to preserve public access (doesn't have to be vehicular) to bayfront and public recreation areas (coastal access), and to complete circulation system
27. 5-14 2a	How was 1-mile maximum length of passing lanes determined? (seems excessive); relation to improvements in North Coast?, any road widening should avoid ag conversion, impacts to sensitive habitat, shoreline protective devices	I-mile limit from CCC comments on North Coast (10% of road segment), 1 eastbound, 1 westbound passing lane consistent with North Coast @ .5 miles each; ***revise areawide standard D2, page 7-20: roads shall be designed, constructed to protect ag land to max. extent feasible (as well as sensitive resources and scenic vistas...), and to avoid the need for shoreline protective devices***
28. 5-24 3	Identify importance of managing, monitoring, maintaining trails, trail uses to protect sensitive habitat	***Include language in 3, Equestrian/Hiking Trails; in particular, design trails to protect creek beds from equestrian use during low flow periods***
29. 6-4 B2	Clarify use of "generally" re. setback requirements--weakens purpose of GSA designation	Reflects exceptions provided for in CZLUO
30. 6-5 E	Note that location of sensitive resource areas not dictated by LCP maps, but by actual presence of sensitive resources	***Include statement that SRAs also include areas that may not be mapped, but have sens. features--reference Ch. 7 areawide resource protection standards***
31. 6-26 C	Require protection of habitats in C1b; include in SRA	These areas are generally within SRAs and subject to areawide resource protection standards in Ch. 7
32. 7-8 A1b,e	Location and intensity of new development should protect sensitive features adjacent to site also	***Revise A1b and e to reference sensitive features <u>on or adjacent to the site</u>***

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments (8/2/2000)

Page/ paragraph in Draft Plan	Coastal Commission Comment	Response/Proposed Solution
33. 7-23,24 G,H	Review standards for conformance with Coastal Act 30244; is coordination with State Historic Preservation Officer required per Coastal Act? consultations with Chumash? Allow for protecting historic resources that may be subsequently identified; protect any structures on site integral to historic structure; too much discretion to Planning Director in determining method of preservation--coordinate with State Historic Preservation Officer	Existing LCP standards certified by CCC under Coastal Act 30244, and draft plan further protects archaeological resources; CZLUO requires site survey by archaeologist knowledgeable in Chumash culture and approved by county; Chumash who have requested notification are notified and involved in process; historic resources identified in the future can be protected through environmental review for discretionary actions, and ultimately, by including them in the Historic designation through a general plan amendment; structures that are integral to historic structure should be included in the H designation; Planning Director would not have too much discretion: findings for protection of resources would still apply as before, but permit level could be reduced from MUP to Plot Plan; ***possibly revise H2 by allowing Plot Plan approval if Planning Director determines that project meets Class 31 CEQA Guidelines exemption for historical resource restoration/rehabilitation or provides mitigation per Secretary of the Interior's Standards and Guidelines cited in CEQA Guidelines Section 15064.5 b(3)***
34. 7-32 - 7-33 Morros visual standards	Grant exemptions to standards only when dev. not visible from *any public viewpoint* (1a); prohibit ridgetop dev. where visible from *any* public area (1g); encourage new structures to not be visible from any public areas; do not allow alternative dev. locations, except to protect sensitive habitats (1d); prohibit land divisions in sensitive areas (1i)	Standards, including 1a,1g, consistent with Coastal Plan Policies for visual and scenic resources: site selection to emphasize locations not visible from major public view corridors (not any public point); 1d: alternative locations need to be provided for in case of sensitive habitat, hazards, steep slopes, arch. sites, etc.; 1i: ***revise areawide resource protection standards: prohibit land divisions unless all building sites entirely outside of sensitive areas (as broadly defined in proposed areawide resource protection stnds) and required setbacks***
35. 7-34 1j	Requiring open space in rough proportionality to impacts could inappropriately limit open space; prohibiting public access may preclude prescriptive rights, mitigation of impacts on public access; how does TDC program preserve open space? Require open space to be preserved in perpetuity	***Delete reference to rough proportionality and revise language on page 7-5, consistent with Coastal Act 30001.5 (see note following this table); revise 2nd sentence to require open space in perpetuity; delete part of last sentence that precludes public access;*** if TDC credits sold, site subject to conservation easement
36. 7-34 - 7-36 2,3 Cayucos-Hwy 1 viewshed	See comments on preceding item 34--visual standards for the Morros; include views from the ocean; provide additional standards to protect views of shoreline and ocean from Hwy 1, other public areas; why exempt residential structures < 600 sq. ft. from standard for areas west of Cayucos?	See response for item 34; ***revise first sentence of 2, 2a(2), 2c, 2d to protect views from ocean, as well as Hwy. 1 and public beaches***; additional standards not needed for area west of Cayucos--nearly all of area is now protected by State Parks, rest of area generally does not interfere with shoreline, ocean views due to topography; small structures exempted so no visual analysis for sheds, guest houses that wouldn't have significant visual impacts
37. 7-39 C1	Allow new recreational uses prior to abandonment of facility to allow continued lateral coastal access and bike path	Standard applies to AG category inland of Hwy. 1; separate standards (7-45), programs for REC category west of Hwy. 1 provide for recreation, coastal access

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments (8/2/2000)

Page/ paragraph in Draft Plan	Coastal Commission Comment	Response/Proposed Solution
38. 7-42 3b(3)	Clarify that objective of site restoration, environmental mitigation is to return site to natural condition that facilitates use for agricultural and recreational purposes	***Revise to state that plans for site restoration, environmental mitigation to facilitate use of site for uses allowable in the AG category***; recreational uses more applicable to REC category west of Hwy. 1, AG category
39. 7-44 REC, A	Why does standard exclude general public access and recreational uses?	This area is developed with private mobilehome and RV park--not appropriate for general public access, but RV Park does provide lower cost recreation
40. 7-45 C	Note that new development must comply with all other applicable LCP requirements	This is a general rule, as stated on page 7-5, 4th paragraph, 1st sentence
41. 7-46 A	Provide evidence of adequate public services at dev. review stage; water and sewer evidence should identify specific allocation granted and amount of service capacity remaining	***Require "intent-to-serve" letters for water and sewer with land use permit applications*** (see page 2 of other table of proposed solutions to Coastal Staff's general concerns); water purveyors and Sanitary District do not grant an allocation; county monitors resource capacities through the Resource Management System
74. 7-46 C	Prohibit condominium hotels, motels if they would replace, convert existing transient occupancy use	CZLUO requires finding of no reduction in availability of accommodations for overnight or transient occupancy by general public compared to conventional hotel, motel (simply prohibiting replacement precludes replacing 10-unit motel with 25-unit condo-motel, for example, that may provide greater availability of accommodations for general public)
42. 7-56 A2	Design seawalls to avoid any encroachment onto public beach or sensitive habitat, reference CZLUO 23.05.090	***Revise A2 to Seawall <u>Design</u> and Appearance, seawalls shall be entirely on private property and shall not impact sensitive habitat, consistent with CZLUO 23.05.090*** (which requires shoreline structures to not preclude public access or adversely impact fish and wildlife, minimize erosion)
43. 7-63 4c Mixed-use	Specify that parking for residential to be on-site	***Revise to specify one <u>on-site</u> parking space per bedroom***
44. 7-67 C1	Allow coastal access and recreational uses available to general public as principally, rather than non-principally permitted uses	***Move coastal accessways to principally permitted uses, in addition to indoor amusements and recreation, libraries and museums, outdoor sports and recreation, passive recreation; other uses in cultural, education and recreation use group per Table O to remain non-principally permitted uses***

CCAC-Recommended Solutions to Coastal Commission Staff's Specific Comments (8/2/2000)

Page/ paragraph in Draft Plan	Coastal Commission Comment	Response/Proposed Solution
45. 7-75 D Maino Property	Re-evaluate allowing residential uses based on lack of water and parks; address habitat, visual impacts from public areas	Revision Package #1: residential dev. potential reduced from 98 to 15 units, no visitor-serving, commercial; standards to locate dev. below 80', 20% slope, minimize views from Hwy. 1, North Ocean Ave (locating below 80' elevation will reduce visual impacts from other public areas also
46. 7-77 C, D	Do height standards protect views of shoreline, ocean from Hwy. 1. Ocean Ave., esp. in Locarno? will curb, gutter sidewalk waivers interfere with lateral coastal access?	22' height in RMF, 20' in Locarno, is restrictive; Locarno mostly developed; no visual impacts from Hwy. 1; any dev. on west side Ocean Ave. will impact views from that street; areas subject to curb, gutter sidewalk waivers not needed to facilitate lateral coastal access

Note for item 35: Revise the last sentence of the 4th paragraph on page 7-5 as follows:

Land dedications and other exactions identified in this plan are intended to mitigate the impacts of specific development proposals, and to insure consistency with the Local Coastal Program. In some circumstances, the county may conduct a nexus and proportionality study to provide the practical and legal basis for the proposed exactions. Dedications and exactions will be pursued consistent with Section 30001.5 of the California Coastal Act considering the need to:

1. ***Assure the orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state; and***

2. ***Maximize public access to and along the coast and maximize public recreation opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.***

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

OCT 16 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

DATE: OCTOBER 12, 2000

TO: LOS OSOS COMMUNITY ADVISORY COUNCIL

FROM: MIKE WULKAN, PROJECT MANAGER, ESTERO AREA PLAN UPDATE

SUBJECT: RECOMMENDATIONS FOR 42.5-ACRE WESTERN FRINGE; MORRO BAY AND LAND CO.

The draft Estero Area Plan includes several planning area standards for the 42.5-acre property west of Pecho Valley Road in the "Western Fringe" area. The standards limit uses to hotels and motels, with a maximum of 120 lodging units, including up to 20 "condominium-hotel" units. In addition, all development is to be clustered or concentrated next to the adjoining 17-acre Morro Montana property on a maximum of 10 acres, with the precise location of development and number of units to be based on a biological evaluation of the site.

The Coastal Commission staff is concerned that the proposed standards in the draft Estero Area Plan would result in an excessive amount and extent of development due to visual and habitat sensitivity and a lack of services. In addition, the Coastal staff recommends making public accessways and passive recreation allowable uses on this property, and establishing specific standards for protecting natural resources and mitigating environmental impacts.

Based on recommendations made by the LOCAC on September 28, and on discussions between Planning and Building staff and Ned Rogoway, representative for Morro Bay and Land Co., the following is proposed:

1. Include the site in the USL, as recommended in the draft area plan

2. Limit allowable uses to hotels, motels; coastal accessways; passive recreation

3. Reduce development intensity to a maximum of 100 lodging units--up to 20 of which may be "condominium-hotel' units–on a maximum of 8 acres, including access roads

4. Require that the undeveloped area (at least 34.5 acres) be retained in open space in perpetuity

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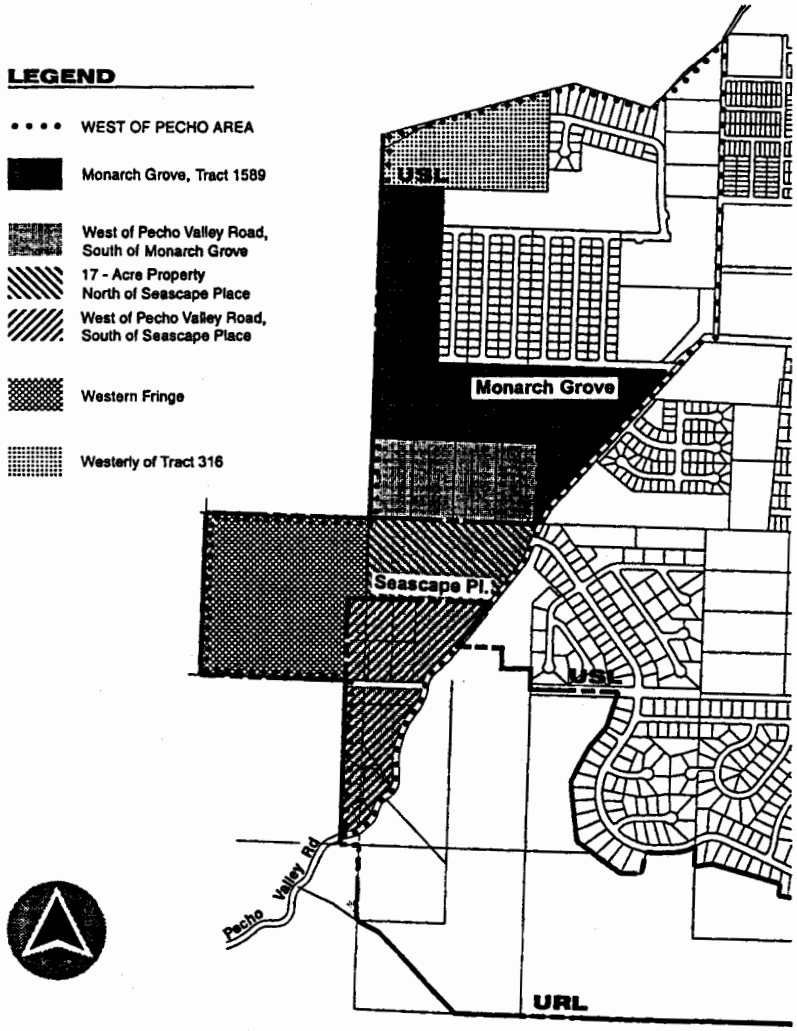
5. Base the location and size of development on a biological evaluation and visual study, so that development is clustered or concentrated in the least environmentally and visually sensitive area (habitat takes precedence over visual sensitivity)

6. Consistent with preceding #4, remove the requirement that development adjoin the 17-acre Morro Montana property

7. Require buildings to be of a residential scale, with low profiles and heights that are limited in accordance with recommendations of a visual study so that views from Pecho Valley Road and other public vista points are protected

8. Require development to fit-in or adapt to the natural terrain, while avoiding the need for grading and alteration of natural topography and vegetation

9. Direct coastal access to existing disturbed areas usable for access, and provide interpretive facilities



STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
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SANTA CRUZ, CA 95060
) 427-4863

January 23, 2001

Bruce Buel, General Manager
Los Osos Community Services District
2122 9th St.
Los Osos, CA 93402

Subject: ***Draft EIR for the Los Osos Wastewater Facilities Project***

Dear Mr. Buel:

Thank you for the opportunity to comment on the above referenced document, and for your continuing efforts to coordinate the Los Osos Wastewater project with the Commission staff and other involved regulatory agencies.

In general, the document effectively identifies overall impacts posed to coastal resources by the project, and suggests appropriate mitigation measures intended to avoid and minimize most of these impacts. We are particularly encouraged by the proposal to coordinate the development of a Habitat Conservation Plan for the area, which will be an important component to addressing the cumulative impacts posed to sensitive habitats by the buildout facilitated by the Wastewater Treatment Project. However, the particular details of this proposition, and many of the other project impacts and mitigation measures, require further analysis and discussion. Similarly, while the document provides a thorough assessment of project alternatives, it does not adequately articulate why certain alternatives, especially for the treatment plant site, are not being pursued. Finally, we appreciate the intention to size the facility to accommodate the level of development allowable under the Estero Plan, and recognize the challenge of achieving this objective given the current status of the Estero Plan Update. Given the ongoing discussions regarding the overall buildout that should be allowed within the area, perhaps there is a way to phase the project in a manner that can respond to future changes to the Area Plan that may affect buildout levels. These and other comments are discussed in more detail below.

I. Biological Resources

A. Direct Impacts

1. Impacts to Terrestrial Habitats

In order to mitigate direct impacts to sensitive terrestrial habitats, the DEIR proposes to purchase and protect the 80 acre Broderson site, with exception for the construction and maintenance of leach lines for treated wastewater disposal, which will periodically impact approximately 8 acres of the site[1]. The long-term protection of the habitat on this site will certainly be a significant contribution to the conservation of dune scrub and maritime chaparral habitats unique to the Los Osos area. Nevertheless, additional information is needed to establish that this mitigation will effectively offset the direct impacts of the project.

[1] Please clarify whether this estimate includes the construction/maintenance road associated with the leachfield.

First, while the DEIR does a good job of identifying the different types of habitats that will be directly impacted, it does not identify the *quantity* of each particular habitat type expected to be impacted. To ensure that the impacts to each habitat type is effectively offset, these figures should be provided, and compared to the habitat types and quantities that will be protected at the Broderson site. Please include a more in-depth analysis of the biological impacts posed by the disposal facilities proposed on the Powell site as part of this analysis.

Second, to determine the adequacy of the proposed mitigation, a qualitative assessment of the habitats impacted versus the habitats to be preserved is needed. This should include a more detailed evaluation of whether the mitigation will effectively prevent the direct impacts of the project from significantly disturbing sensitive habitats, or jeopardizing their biological continuance. At a minimum, the size and location of the mitigation areas should be shown to provide equal or greater biologic productivity than the area of impact, and should be evaluated for its ability to protect and enhance the long-term viability of each habitat type impacted by the project.

With respect to the mitigation measures for direct impacts proposed on pages 285-290, we have the following questions/comments:

- Mitigation BIO-1 proposes to assess and minimize the impacts of constructing the collection system on undeveloped lots, which may support wetlands or other sensitive habitats, with pre-construction surveys. Where the collection system has the potential to impact significant habitats such as wetlands, these impacts should be identified ahead of time, and alternative alignments that would avoid such impacts should be pursued. Where the impacts can not be avoided, mitigation measures should be identified.

- Mitigations BIO-2 and BIO-11 call for the project to avoid Monarch butterfly roosting habitats where feasible. It does not, but should, identify how unavoidable impacts will be mitigated.

- Part C of Mitigation BIO-4, as well as Mitigations BIO-10 and BIO-14 for the Morro Bay Kangaroo Rat, propose to compensate for unavoidable losses of coastal scrub habitat through the acquisition if additional habitat. In addition to the criteria established by these mitigation measures, the area to be acquired should be potentially impacted by development to qualify as mitigation (i.e., land that is currently protected or in public ownership should not be used for mitigation). Part D of measure BIO-4 identifies restoration requirements for the mitigation, including maintenance and monitoring. This should be supplemented with specific performance standards that will be used to ensure the success of the mitigation.

- Mitigation BIO-5 identifies means of minimizing disturbance to sensitive terrestrial habitats. This should include limiting construction ingress and egress routes to the minimum necessary, and aligning them along the most disturbed areas possible. Similarly, staging areas for construction supplies and equipment should be located outside of sensitive habitat areas to the greatest degree feasible.

2. Potential Impacts to Wetlands and Riparian Habitats

Page 274 of the DEIR recognizes that implementation of the wastewater treatment project will alter groundwater flow, and thereby may alter the saltwater/freshwater characteristics of surrounding wetland habitats. While the DEIR states that the location and extent of these alterations can not be predicted, it also asserts no net loss of either freshwater or saltwater wetlands are expected. On what basis can this be assumed? Please consider incorporating a mitigation measure that would provide for monitoring of these impacts where they are most likely to occur. If adverse impacts to wetland habitats are observed, changes in the timing, amount, and location of treated effluent disposal that would minimize such impacts should be pursued.

Similarly, page 283 of the DEIR acknowledges that treated effluent disposal, and associated changes to the groundwater flow, may impact water levels in Los Osos creek. It appears that the design of the disposal system has appropriately taken this into consideration, by disposing treated wastewater east of the Los Osos fault in an amount that is roughly equivalent to the amount of discharge by existing septic systems in this area. Nevertheless, given the complexities of the groundwater regime, and the significant resources that are dependent upon adequate water flow in Los Osos creek, a mitigation measure to monitor this situation should be considered.

B. Indirect and Cumulative Impacts

As previously noted, we are encouraged by the proposal to address the projects indirect and cumulative impacts through a comprehensive Habitat Conservation Plan (HCP) that will be coordinated with the Estero Area Plan Update and involved agencies. The outline of this mitigation provided on page 290 of the DEIR represents a good start at defining the different components and objectives of this Plan. A great deal of additional work will be required to develop the details of this plan, and analyze its ability to effectively address the cumulative impacts of the buildout facilitated by the project.

The fact that the HCP is in its infancy raises significant issues with respect to the timing of the project. We recognize that the CSD, as the lead agency, is responsible for determining the level of detail that needs to be provided by this mitigation measure in order to comply with CEQA. If the specific details of the HCP and analysis of its effectiveness will not be provided by the EIR, in as much as the HCP is proposed as part of the project's mitigation it will be important to develop this information as part of the Coastal Development Permit application.

Alternatively, if the development and refinement of the HCP and its incorporation into the Estero Area Plan can not be achieved within the timeframe for project implementation established by the Regional Water Quality Control Board, phasing of the project should be considered. For example, the first phase of the project could be designed to accept wastewater from existing development only. A second phase that would accept wastewater from new development within the Urban Services Line (USL) could be timed to occur after the HCP has been completed and incorporated into the Estero Area Plan. Finally, a third phase would provide service to those areas between the USL and the Urban Reserve Line (e.g., in the proposed collection areas outside the USL in Bayview Heights and surrounding the Monarch Grove subdivision) only after

those areas were incorporated within the USL via LCP Amendment. Such a phasing scheme would also be appropriate to address constraints regarding the region's water supply constraints, as further addressed below.

Whether or not a phasing component is incorporated into the project, we request that the final EIR discuss the timing of the HCP in relationship to project implementation.

II. Project Capacity, Buildout and Water Supply

It is clear that substantial effort has been made to size the project in a manner that will accommodate the buildout allowed by the Estero Area Plan, as required by LCP Policies for Public Works. In addition, the sizing of the project has also accounted for the reduction in buildout that has and will be realized through the acquisition of potentially developable areas for conservation purposes. As recognized by the DEIR, the Estero Area Plan Update currently in progress may further impact the buildout of the area. Yet it is not clear how the designed capacity of the project will respond to the changes in the buildout that will occur through the Update.

The Commission staff recognizes the challenge of determining the appropriate capacity of the project at this stage in the update process, particularly in light of the timeframe within which the project must be implemented. Nevertheless, we strongly encourage the CSD to consider means of adjusting the ultimate capacity of the project so that it will conform to the buildout that may occur under the *Updated* Estero Plan. This would not only prevent the project from inducing growth that would otherwise be inconsistent with LCP standards, but may also reduce project costs.

A closely related factor is water supply, as this is one of the most limiting factors in determining the appropriate buildout of the area. While the project and associated conservation program will benefit groundwater resources, it remains unclear whether there will be an adequate supply to support the level of buildout accommodated by the Estero Area Plan. As stated on page 143 of the DEIR, future water demand will greatly exceed supplies, even with the proposed conservation measures.

Recognizing that the Estero Area Plan Update is the appropriate mechanism to balance buildout levels with available water supplies, page 142 of the DEIR states that information regarding groundwater resources generated by the Wastewater Facilities project and the CSD's forthcoming Water Management Plan will help shape the Update. While the Commission staff is strongly in support of this effort, we are concerned that until the safe yield of the groundwater basin is determined, it will be difficult to determine acceptable levels of buildout and thus, the appropriate capacity of the wastewater treatment facilities.

Again, developing the wastewater project in phases may help resolve this situation. While the phasing program suggested above applies primarily to the timing of hookups to the system, there could be a parallel phasing program related to the capacity of the plant. For example, the treatment plant could be constructed to initially serve existing development, and expanded at a later date to accommodate a level of buildout determined to be commensurate with available

water supplies. Please evaluate the technical feasibility of such a phasing program. If it is not feasible to construct the treatment system in phases, please consider alternative means of staging the capacity of the plant.

III. Alternatives

The Commission staff appreciates the thorough analysis of project alternatives provided by the DEIR. We note that the least environmentally damaging location for the treatment plant location (the Andre site) is not being pursued based on agricultural resource protection concerns and the project objective of providing centrally located park and recreation amenities. Nevertheless, LCP standards for public utilities facilities require such projects to be located outside sensitive resource areas wherever feasible. Because this will be an important issue related to the coastal development permit required for the project, we recommend that the final EIR provide additional reasoning regarding the selection of the Tri-W site, and the consistency of this decision with applicable LCP provisions (especially section 23.08.288 of the CZLUO).

Also, please evaluate whether there are less environmentally damaging locations for disposal of treated wastewater on the east-side of the Los Osos fault (i.e., alternatives to the Powell site).

IV. Other Comments

p.52: Where will the treatment facilities for harvested water be located? If somewhere other than the proposed treatment plant, please analyze the impacts of this facility. In the instance that the preferred option of supplementing the drinking water supply with the harvested water is determined to be infeasible, how will this water be disposed of?

p. 88: If disposal of bio-solids in a landfill is not feasible, additional environmental review and permitting will likely be required to allow for the establishment of bio-solids recycling facility. It therefore may be advisable to resolve this issue as soon as possible, and include the recycling facility within the current project if it will be needed.

p, 125: Storm water, drainage, and erosion control plans, as well as the required geotechnical investigations, should accompany the Coastal Development Permit application for the project. Particular attention should be given to areas where major vegetation or land disturbance is necessary, such as the areas where significant stands of eucalyptus may need to be removed.

p. 154: Minimizing the extent of impervious surfacing associated with the project should be pursued as an additional measure to mitigate drainage, erosion, and water quality impacts.

The Commission staff appreciates the opportunity to submit these comments, and hope that they will assist in resolving the important coastal resource issues associated with the project. If you have any questions, or would like to discuss these matters further, please contact staff analyst Steve Monowitz at (831) 427-4863.

Sincerely,

Charles Lester
District Manager
Central Coast District Office

Cc: Mike Wulkan, San Luis Obispo County Department of Planning and Building
Sorrel Marks, Central Coast Regional Water Quality Control Board
Ron Popowski, U.S. Fish and Wildlife Service
Deb Hillyard, California Department of Fish and Game
Marla Morrissey, Morro Estuary Greenbelt Alliance

STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

August 8, 2000

James Lopes, Planner III
San Luis Obispo County Planning & Bldg.
County Government Center
San Luis Obispo, CA 93408-2040

Subject: ***Cambria Design Plan – Public Hearing Draft***

Dear Mr. Lopes,

Thank you for the opportunity to once again review and comment on the Cambria Design Plan. The Commission staff previously submitted comments in March 2000 regarding the Public Review Draft of the Design Plan. Many of our concerns raised at that time have since been addressed; however, the coordination of various related plans being created concurrently deserves further discussion and analysis at this time.

Coastal Act Section 30210 requires that "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people...". Furthermore, Section 30252 states that "new development should maintain and enhance public access to the coast by...providing nonautomobile circulation within the development." As such, the Commission staff would like to emphasize the importance of coordinating the implementation of the Cambria Cross-Town Trail Project (as well as applicable portions of the County Bike Plan and County Trails Plan) and the bikeway and roadway improvements proposed in the Cambria Design Plan.

As proposed, the Design Plan does not provide adequate space for bicycle travel along Main Street, presumably because the Cross-Town Trail is expected to provide for both pedestrian and bicycle use. However, in the event that the Cross-Town Trail is delayed, or if the project is abandoned, bicycle circulation in Cambria would be severely impacted. Therefore, in order to maintain continuous bicycle circulation in the community, provisions should be made for bicycle travel through East and West Village until the Cross-Town Trail, or a project similar in focus, is completed.

Thus, staff suggests that the Design Plan include language that reflects this coordination effort. Additionally, it is our hope that a concerted effort will be made to develop a coordinated schedule of the two plans and that alternative modes of transportation will continue to be emphasized, and enhanced, in future project plans. Please understand that while we have attempted to address major concerns at this time, other issues may arise in subsequent reviews. If you have questions or concerns regarding this matter, please contact me at (831) 427-4863.

Sincerely,

Renee Brooke

Renee Brooke
Coastal Program Analyst
Central Coast District Office

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863

March 9, 2000

Jim Lopes
Department of Planning and Building
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Subject: ***Cambria Design Plan – Public Review Draft***

Dear Mr. Lopes,

Thank you for the opportunity to review and comment on the Public Review Draft of the Cambria Design Plan. As this plan is intended to supplement and be referenced throughout the updated North Coast Area Plan, the Commission appreciates being involved early on in the review process of this design plan.

In general, the plan attempts to address local issues such as limited parking supply, discontinuity of roadways and sidewalks, and steep slopes, and strives to take advantage of the unique natural resources such as the Monterey Pine Forest and Santa Rosa Creek. We strongly encourage many aspects of the plan such as improved sidewalks and bike lanes to allow for enhanced pedestrian and bicyclist movement through the town, and shared parking lots to minimize the amount of area dedicated to vehicle storage. In addition, the Cambria Design Plan suggests various approaches in which additional parking spaces can be created, including reconfiguring existing parking areas and improving the design of underutilized street ends and alleyways. It is important to note that although the creation of additional parking areas may better serve the visitor-serving uses throughout the town, the proposed location of parking areas is critical, as they should coincide with the intensity of commercial uses and location of major visitor destinations.

Secondly, we encourage incorporating elements into the plan to direct visitors to the coastal areas of Cambria and providing them with alternative means of transportation. This can be accomplished through the use of additional signage, shuttle/trolley stops along Moonstone Beach Drive and Windsor Boulevard, near Shamel Park, and making the public aware of the proposed Cross Town Trail (e.g. signage, trail maps, etc.), which will provide pedestrian and bicycle access between the town and beach areas.

Finally, the plan makes an effort at pointing out the relationship among the Cambria Design Plan and various other design plans such as the Main Street Enhancement Plan and the Cambria Cross Town Trail plan, and regulatory documents such as the proposed update to the North Coast Area Plan. We understand that several of these plans are being developed concurrently and therefore, various inconsistencies may exist until further coordination is made possible among the different local agencies. However, in the meantime, it is necessary to further identify the discrepancies among the plans and explain how they will be addressed. In this end, we have attempted to identify those inconsistencies that were easily comparable, and noted them within our text specific comments below.

Text Specific Comments

Page 42, "Eastern Gateway": Please provide more information on the evaluative criteria used to site the RV and bus parking lot in this location. Due to the proposed location's adjacency to Santa Rosa Creek, adequate provisions for limiting impervious surfaces and controlling polluted runoff would need to be incorporated into the parking lot design. Moreover, any development proposed in this area would need to meet minimum riparian setbacks, protect riparian habitats, and provide detailed drainage plans that incorporate Best Management Practices.

Page 42, "Eastern Gateway": The proposal of a trolley/shuttle to transport visitors to and from parking areas and key drop-off locations throughout Cambria may be highly effective in reducing traffic congestion and parking constraints. We further encourage locating shuttle stops along the Moonstone Beach area and near various other public accessways to the beach.

Page 46, "Streetscape": "One to two bike racks would be installed in the Village Center." Please clarify that these bike racks will be installed *in addition to* those required as a condition of approval for future commercial development.

Page 63, "Nature Walk and Park": We encourage the Nature Walk proposal, smaller in scale but similar to San Luis Obispo's creek walk, as a means to increase pedestrian access to, and public appreciation of, Santa Rosa Creek.

Page 65+, "Parking": The first paragraph references the total amount of parking spaces currently available within the East Village; however, Table 3 "East Village Parking Changes" includes only figures for locations where parking is proposed to be added, reduced, or redesigned. This is somewhat confusing; therefore, we recommend that Table 3 be expanded to include parking counts for all areas of the East Village. In addition, we encourage that similar tables be created for parking spaces in the Mid-Village and West Village.

Page 69, "Building Height": The design plan's proposed maximum allowable height of 28 feet in the East Village is inconsistent with the County's proposed North Coast Area Plan update (January 2000), which states that buildings shall be no more than 25 feet in height (page 7-85). We understand that these two plans are being developed concurrently and other similar discrepancies may be encountered in the future. Please explain how these inconsistencies will be resolved throughout the review process.

Secondly, the Cambria Design Plan states that, "Building height is measured at every individual point on a site from the existing grade to the top of the building directly above that point." This proposal appears to be inconsistent with the requirements of the Coastal Zone Land Use Ordinance, which states that "the height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls would touch the natural grade level of the site." Once again, please explain how this inconsistency will be resolved.

Page 78, "Santa Rosa Creek Frontage": We support the proposal for development of sites adjacent to Santa Rosa Creek to be designed to face the creek as well as the street. This serves to enhance the visual resources of the riparian corridor and provides the public with opportunities to view the creek from windows, pathways, and outdoor patios.

Page 96, "Parking": The proposal for an RV and bus parking lot in this location, adjacent to Highway One and Santa Rosa Creek, needs further analysis. Locating a parking lot adjacent to the creek increases the amount of impervious surfaces in this area and creates an additional source for polluted runoff to enter the waterway. As noted above, any development proposed in this area would need to meet minimum riparian setbacks, protect riparian habitats, and provide detailed drainage plans that incorporate Best Management Practices.

In addition, "because the lot is highly visible from the Highway One corridor and thus an important visual impression to Cambria," we question the appropriateness of such a use (parking for large vehicles) in a highly scenic area. Landscaping to protect the visual quality of the area will be an essential component to any such development.

Page 128, "Northwestern Gateway": Please update the last paragraph to reflect the County's recent approval of a coastal development permit that allows expansion of the mini-mart and requires lowering of the existing sign.

Page 132, "Flexible Parking Zone": Please provide more information regarding the creation of a "flexible zone." How does a difference in elevation of three inches between the parking area and the roadway create a distinctive transition zone?

Page 146, "Highway One Frontage": Please revise the first sentence to read, "Development on any site in the West Village that has a rear property line along, *or can be viewed from*, Highway One shall store...".

Page 161, "Goals for Moonstone Beach": Please consider an additional goal to maximize public access to the coast.

Once again, we thank you for the opportunity to comment on this design plan and look forward to working with you throughout the planning review process. If you have questions or would like to discuss these comments further, please contact me at (831) 427-4863.

Sincerely,

Renee Brooke

Renee Brooke
Coastal Program Analyst
Central Coast District Office

STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
) 427-4863

November 29, 2000

Kimberly Brosseau
San Luis Obispo County Planning & Bldg.
County Government Center
San Luis Obispo, CA 93408-2040

Subject: ***Wireless Communication Facilities***

Dear Ms. Brosseau,

Thank you for the opportunity to review and comment on various wireless communication facilities projects (D000092D, D000105D, D000111D). We understand that the County has submitted an amendment to the certified Local Coastal Program (LCP) relating to wireless communication facilities, which is currently under review by the Commission staff. While the Commission has not yet acted on the LCP amendment submittal, we encourage the County to use the proposed development standards regarding siting, signage, and availability of wireless communication facilities as guidance in reviewing these project proposals. Visual and Scenic Resource Policies of the LCP, the standard of review in this case, require development to be sensitive to the character of rural areas, minimize landform alterations, and protect unusual landforms, scenic vistas and sensitive habitats. These policies would support the application of the proposed LCP amendment language, mentioned above.

In addition, Commission staff has the following comments and concerns in regard to this type of development:

1. Visual and Scenic Resource Policies should be applied to all aspects of the proposed project, including towers, poles, panels, fencing, equipment cabinets, access roads, etc. Because this type of development is likely temporary in nature (facilities change as new technology is developed), efforts should be made to limit the amount of landform alteration necessary to construct and maintain the facility.

2. While we generally concur with the County's proposed development standards regarding wireless communication facilities, we recommend that some discretion be used when applying the screening standard, which requires that all antennas be shielded with vegetation. Based on specific sites and project proposals, vegetative screening may not be the preferred method of screening. For example, antennas disguised to resemble rural, pastoral architecture (e.g. windmills, water towers) or other features (e.g. trees) may blend more naturally with the surrounding character of some rural areas. In addition, we encourage the use of *existing* vegetation as a screening technique, rather than introduce new landscaping which may detract from the natural character of the area.

3. Include conditions of approval which require the applicant to remove all obsolete or unused portions of the facility and related equipment, fencing, etc., and restore any graded or disturbed areas (e.g. equipment storage area, access road) immediately thereafter.

Once again, thank you for the opportunity to comment on this topic. While we have attempted to address major concerns at this time, other issues may arise in the review of individual project proposals. If you have further questions or concerns regarding this matter, please contact me at (831) 427-4863.

Sincerely,

Renee Brooke

Renee Brooke
Coastal Program Analyst
Central Coast District Office

Cc: Lauren Lajoie, Morro Group, Inc.
Pat Beck, SLO County Planning & Building Dept.
James Caruso, SLO County Planning & Building Dept.

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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FAX (415) 904-5400

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Th 4a

PRELIMINARY REPORT

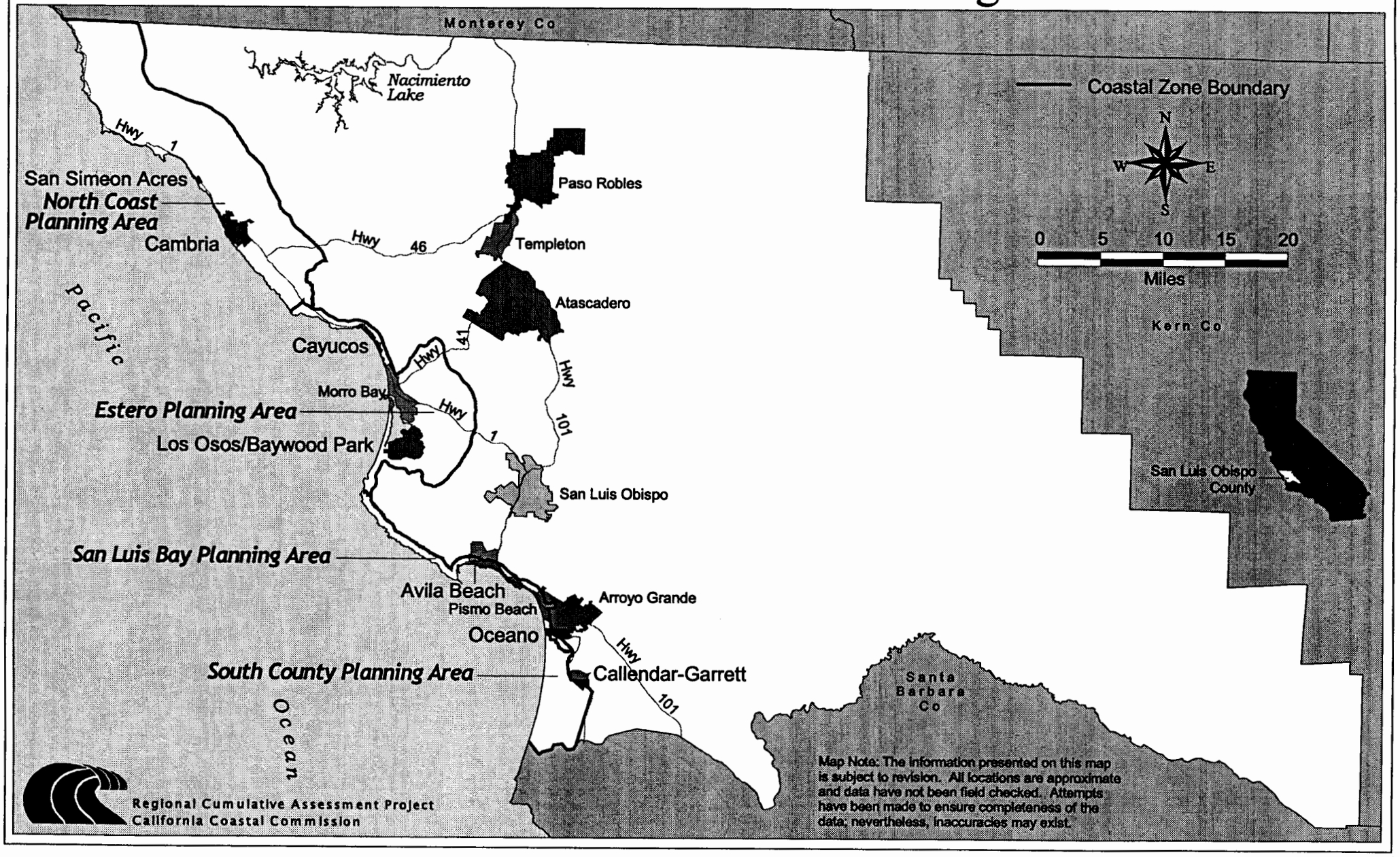
PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY CERTIFIED LOCAL COASTAL PROGRAM

EXHIBIT B: MAPS CITED IN REPORT

CALIFORNIA COASTAL COMMISSION
FEBRUARY 2, 2001

San Luis Obispo County
Periodic Review

San Luis Obispo County Communities and Coastal Planning Areas

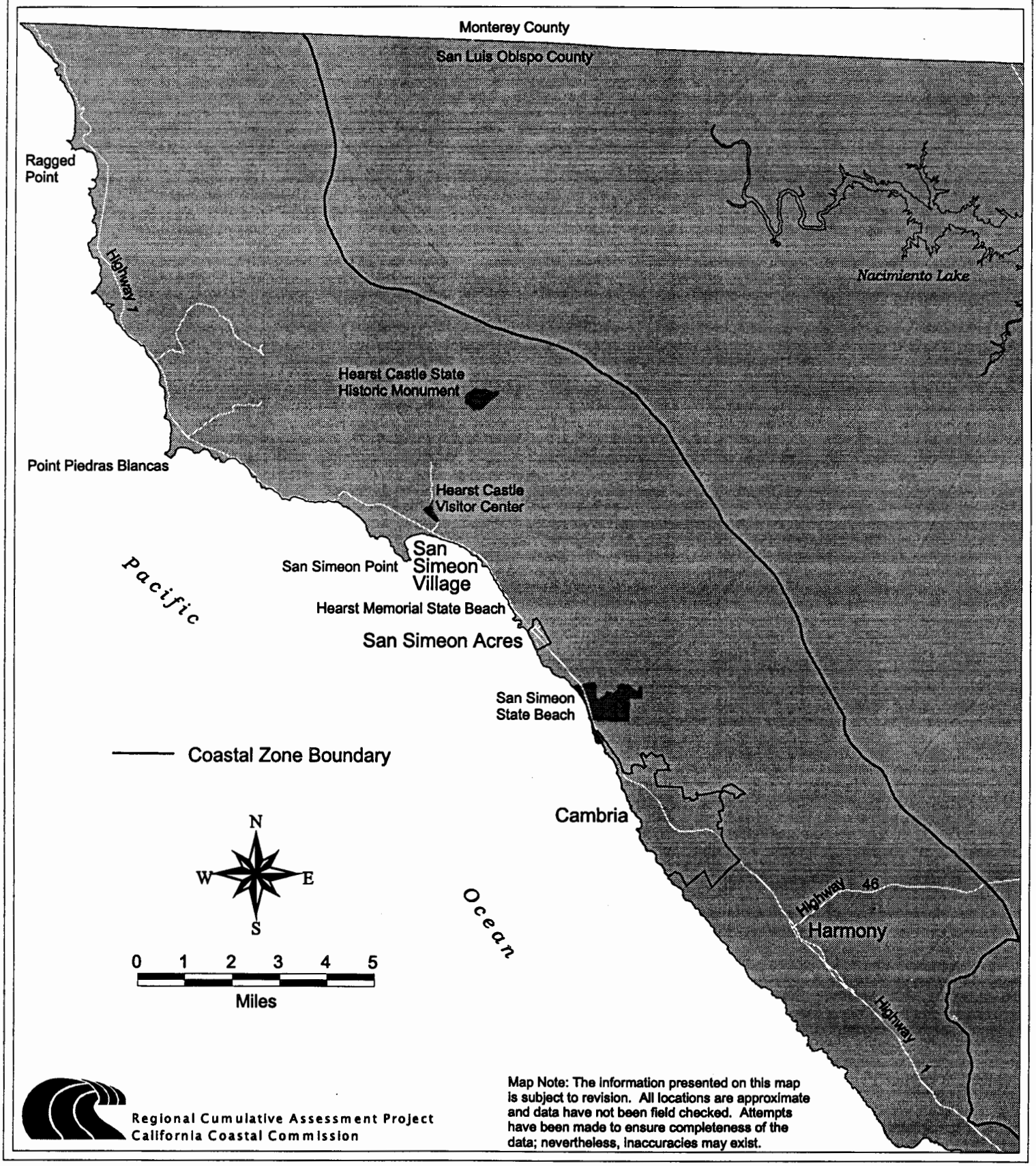


Map 1-A

Map 2-A

San Luis Obispo County
Periodic Review

North Coast Development Nodes

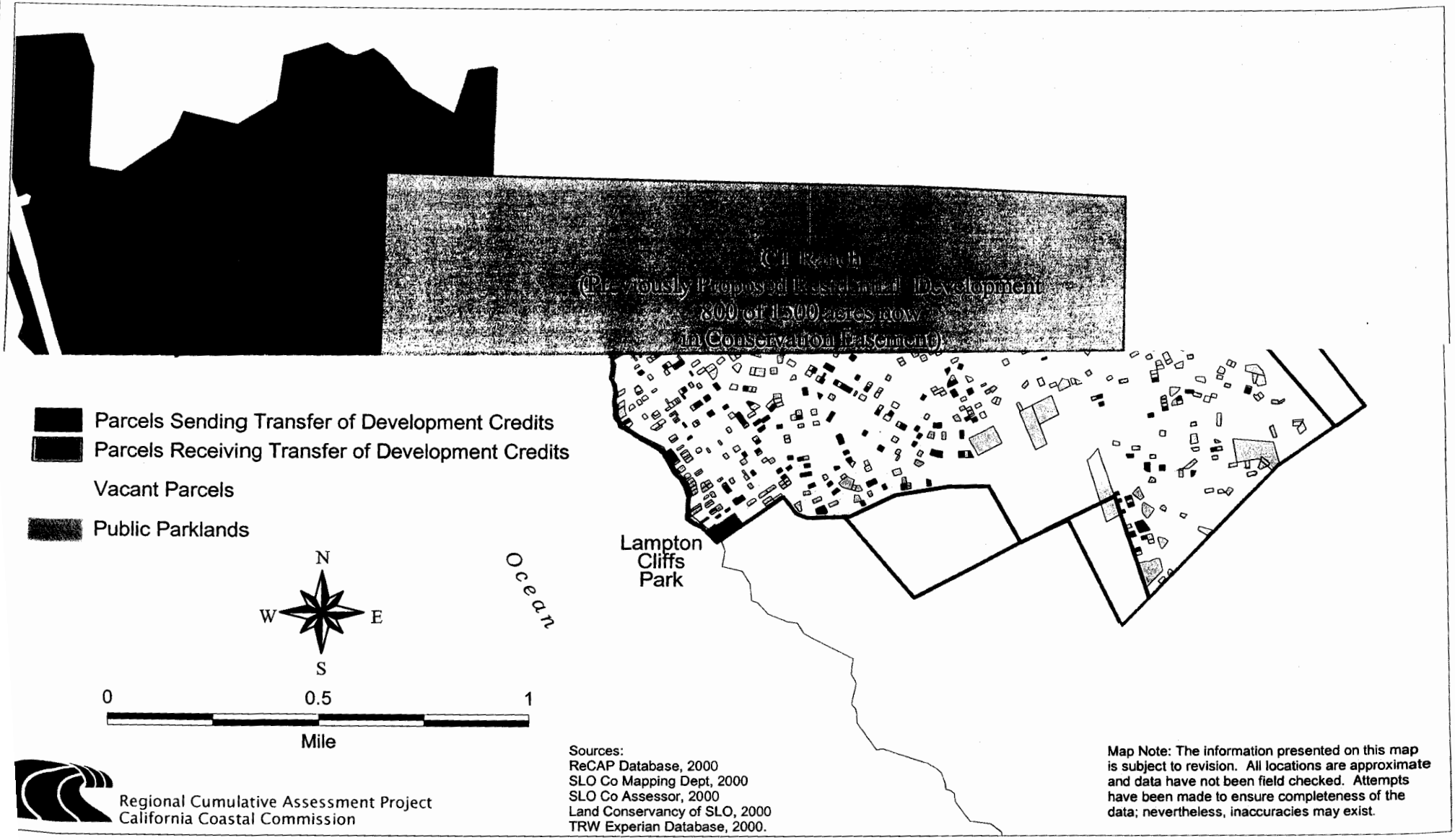


Regional Cumulative Assessment Project
California Coastal Commission

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

San Luis Obispo County
Periodic Review

Development Trends, 1988-2001
Cambria Urban Area



Regional Cumulative Assessment Project
California Coastal Commission

Sources:
ReCAP Database, 2000
SLO Co Mapping Dept, 2000
SLO Co Assessor, 2000
Land Conservancy of SLO, 2000
TRW Experian Database, 2000.

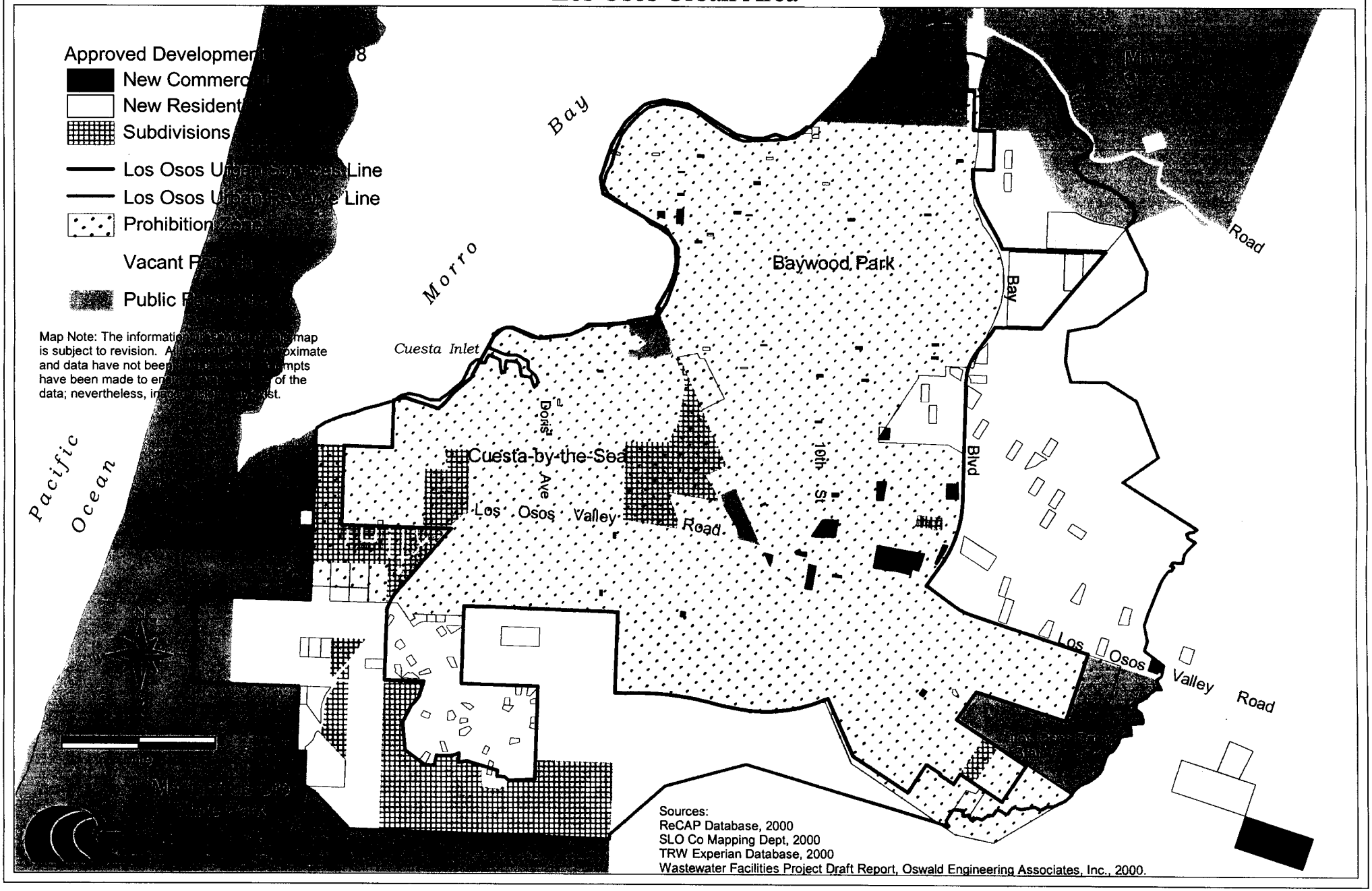
Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Map 2-B

San Luis Obispo County
Periodic Review

Development Trends, 1988-1998

Los Osos Urban Area



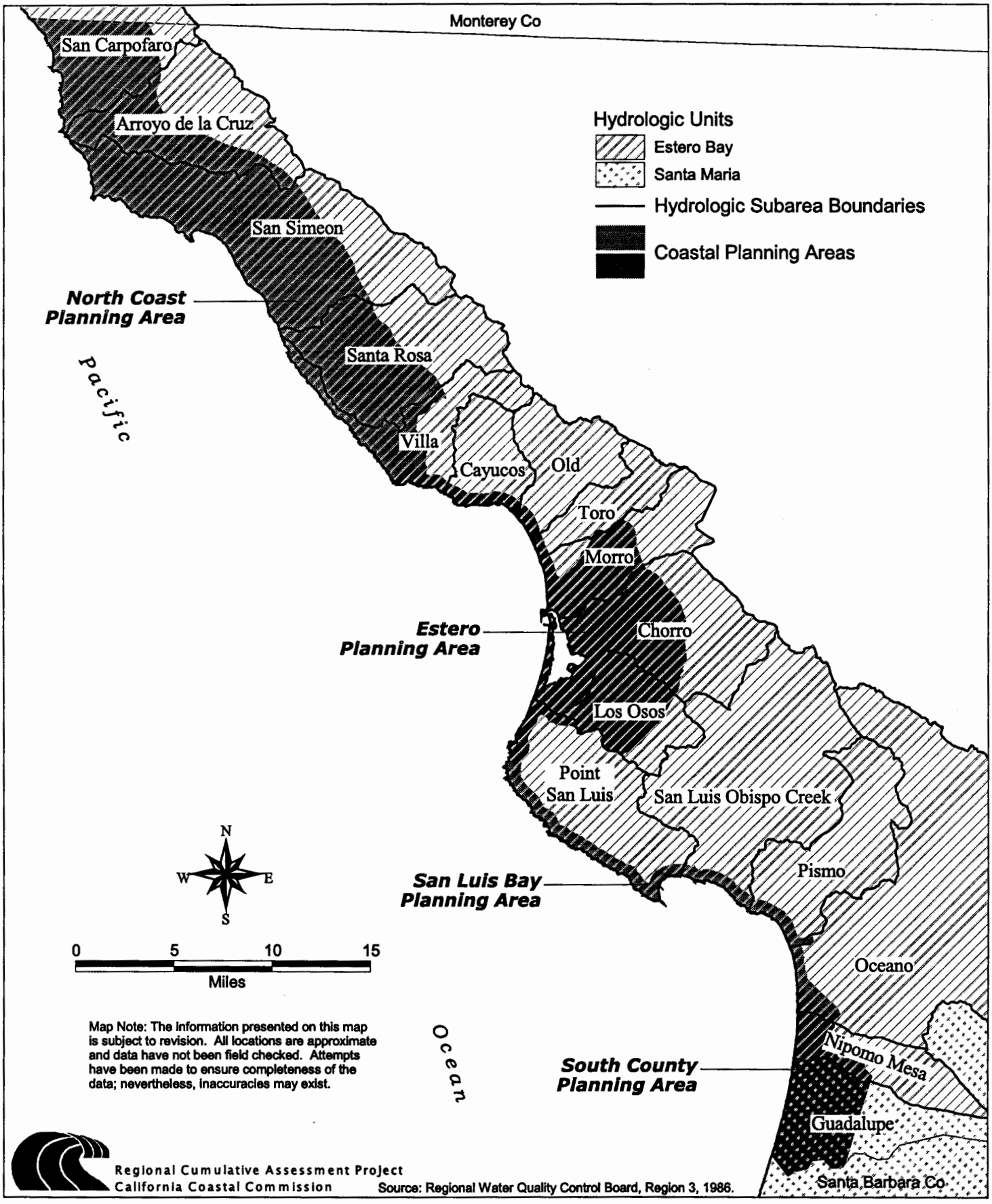
Map 2-C

San Luis Obispo County
Periodic Review

Map 3-A

Coastal Watersheds

San Luis Obispo County



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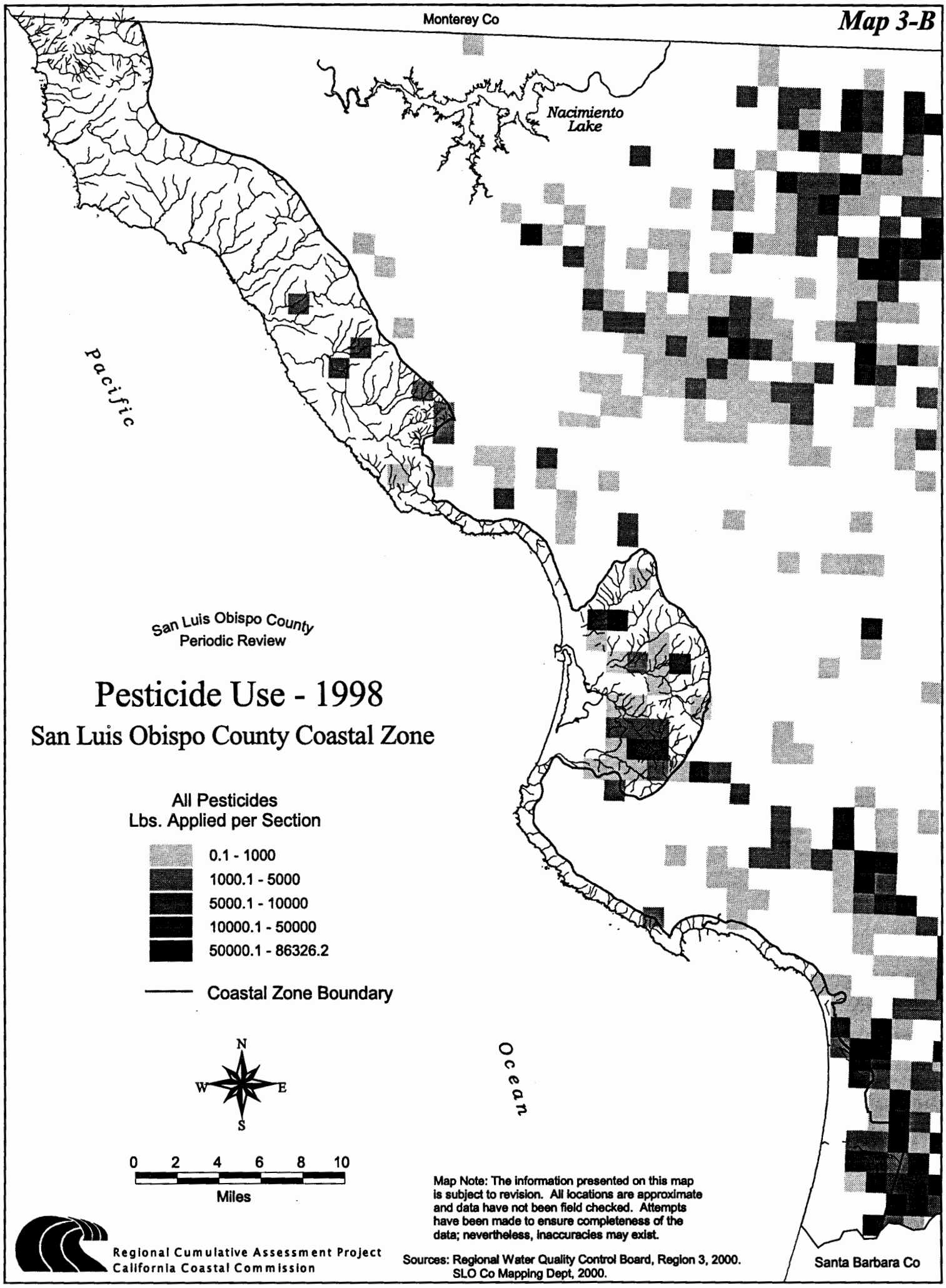
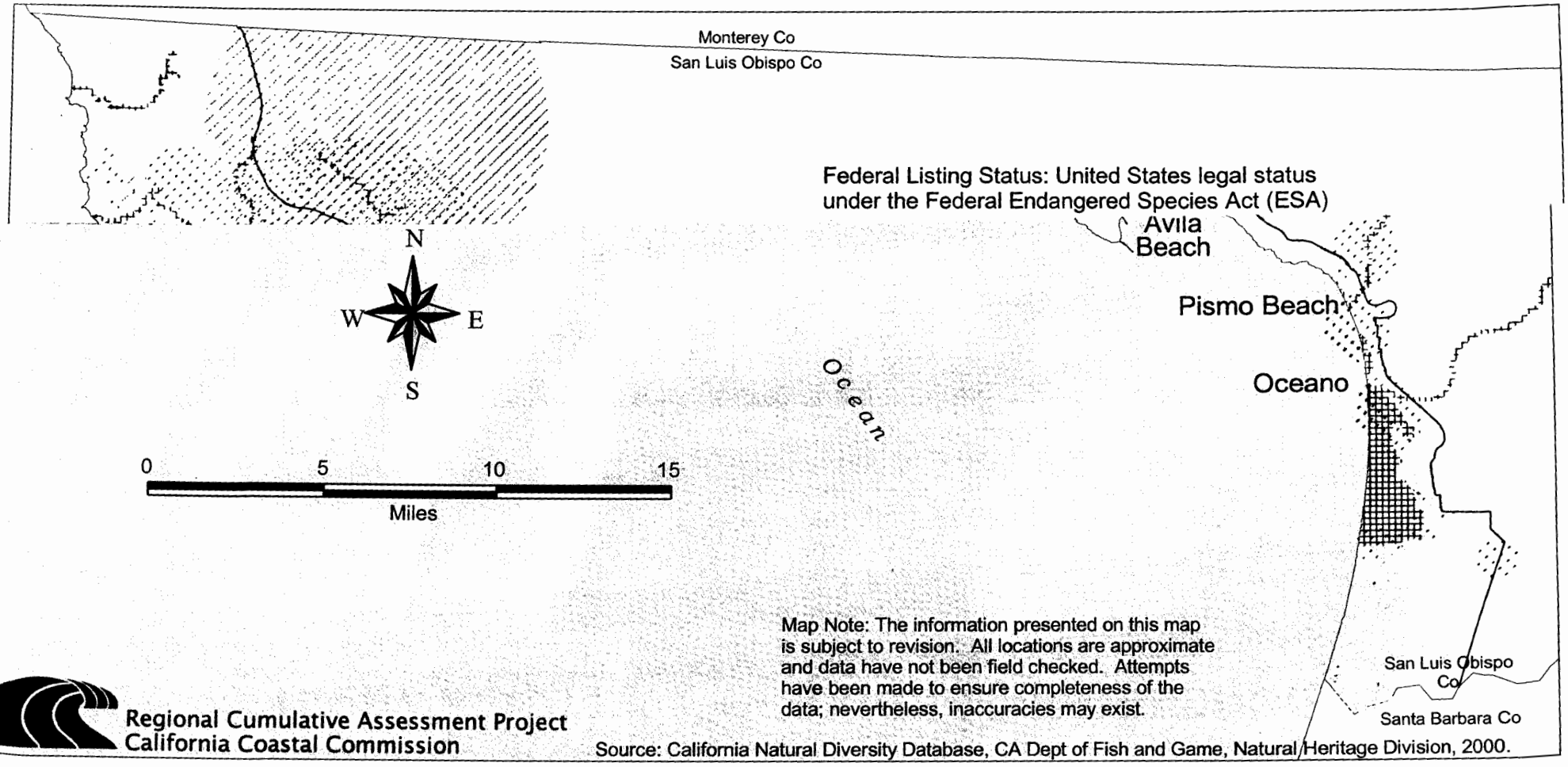
Regional Cumulative Assessment Project
California Coastal Commission

Source: Regional Water Quality Control Board, Region 3, 1986.


Map 3-B
Monterey Co
Nacimiento Lake
Pacific
Ocean
San Luis Obispo County
Periodic Review
Pesticide Use - 1998
San Luis Obispo County Coastal Zone
All Pesticides
Lbs. Applied per Section
0.1 - 1000
1000.1 - 5000
5000.1 - 10000
10000.1 - 50000
50000.1 - 86326.2
Coastal Zone Boundary
N
W
E
S
0 2 4 6 8 10
Miles
Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.
Sources: Regional Water Quality Control Board, Region 3, 2000.
SLO Co Mapping Dept, 2000.
Regional Cumulative Assessment Project
California Coastal Commission
Santa Barbara Co

San Luis Obispo County
Periodic Review

County's ESHA Combining Designation and Areas Containing Federally-Listed Species



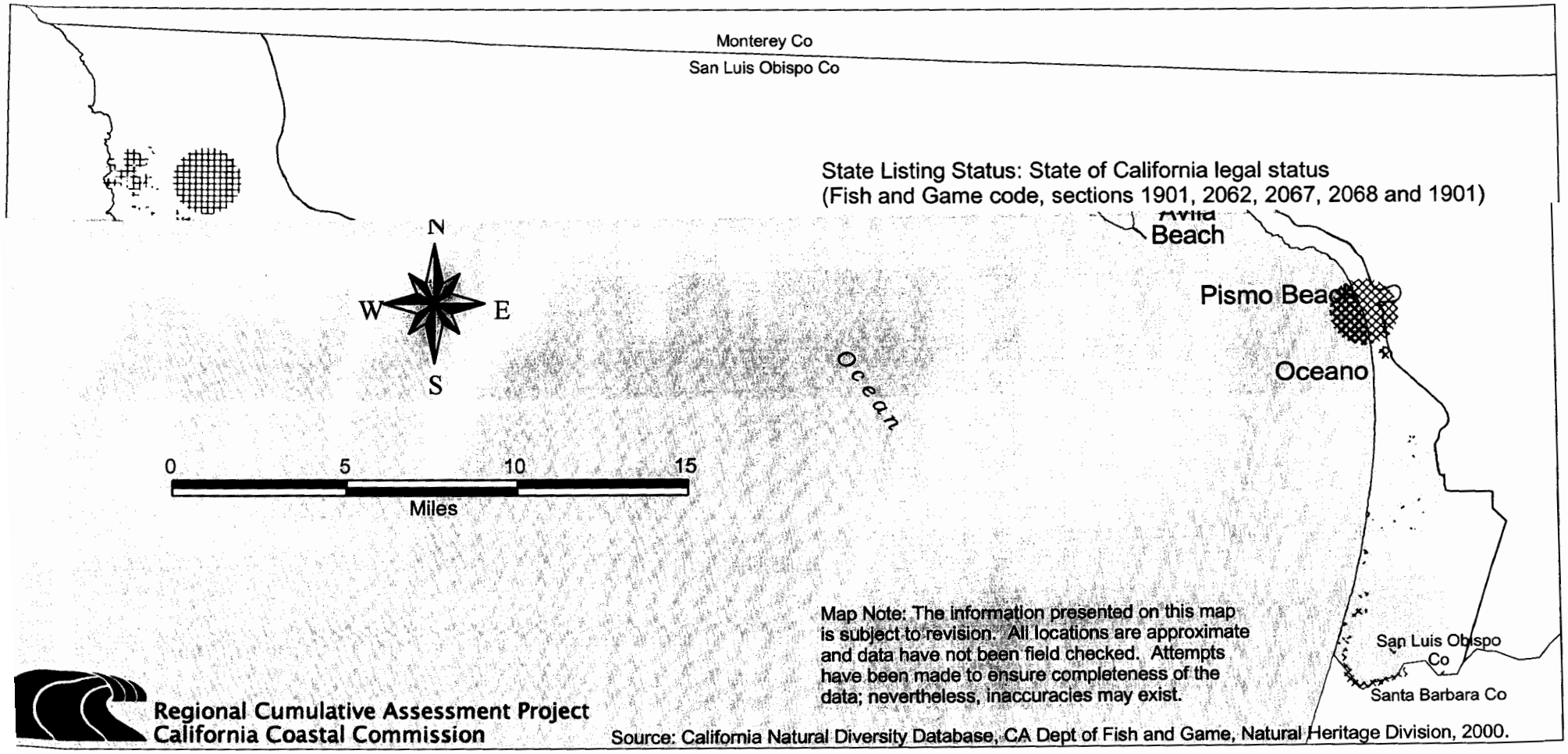
Regional Cumulative Assessment Project
California Coastal Commission

Source: California Natural Diversity Database, CA Dept of Fish and Game, Natural Heritage Division, 2000.

Map 4-A

San Luis Obispo County
Periodic Review

County's ESHA Combining Designation and Areas Containing State Listed Species



Map 4-B

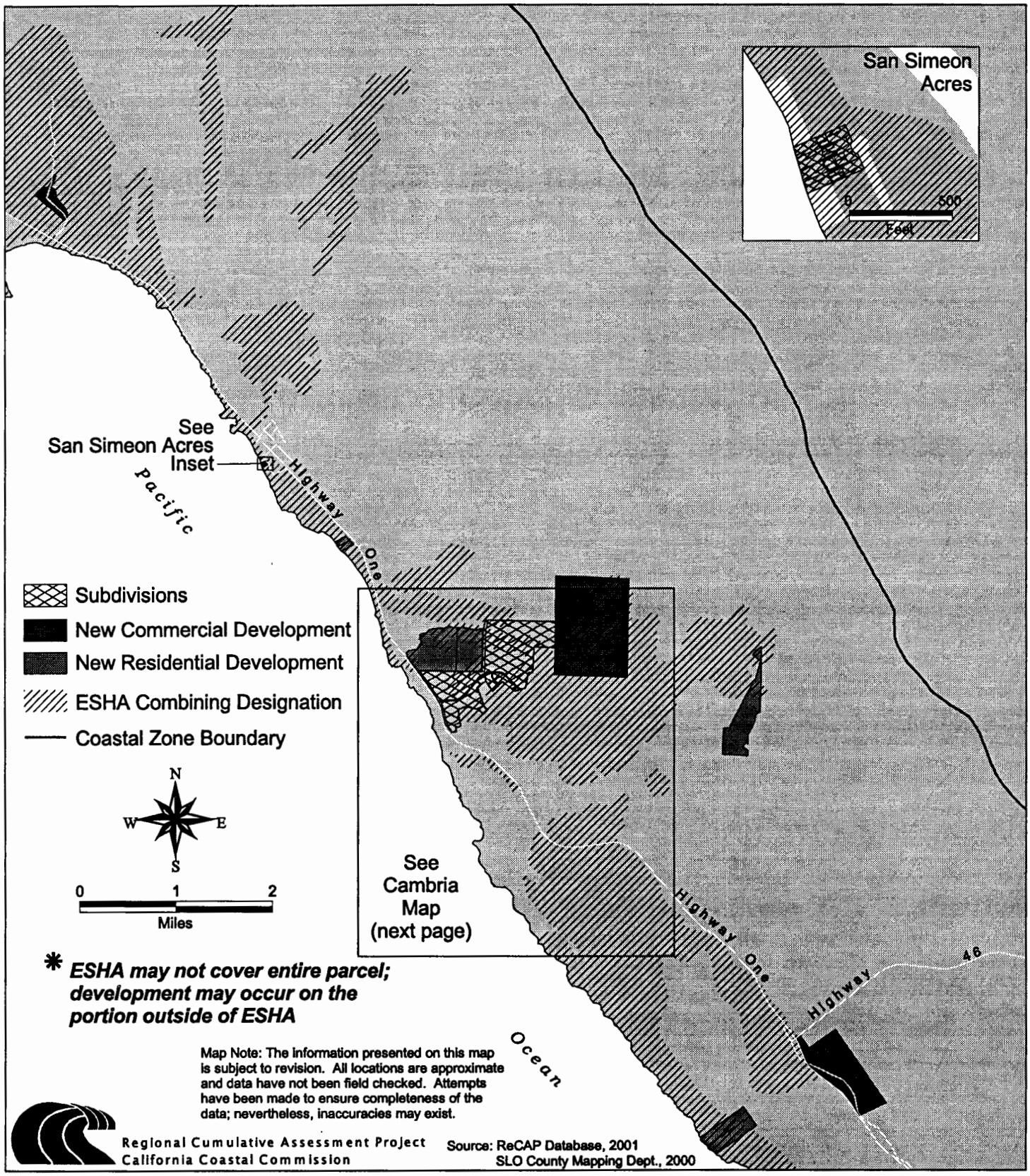
Map 4-C

San Luis Obispo County
Periodic Review

Approved Development in LCP Mapped ESHA*

Rural North Coast

1988-1998



* ***ESHA may not cover entire parcel; development may occur on the portion outside of ESHA***

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Regional Cumulative Assessment Project
California Coastal Commission

Source: ReCAP Database, 2001
SLO County Mapping Dept., 2000

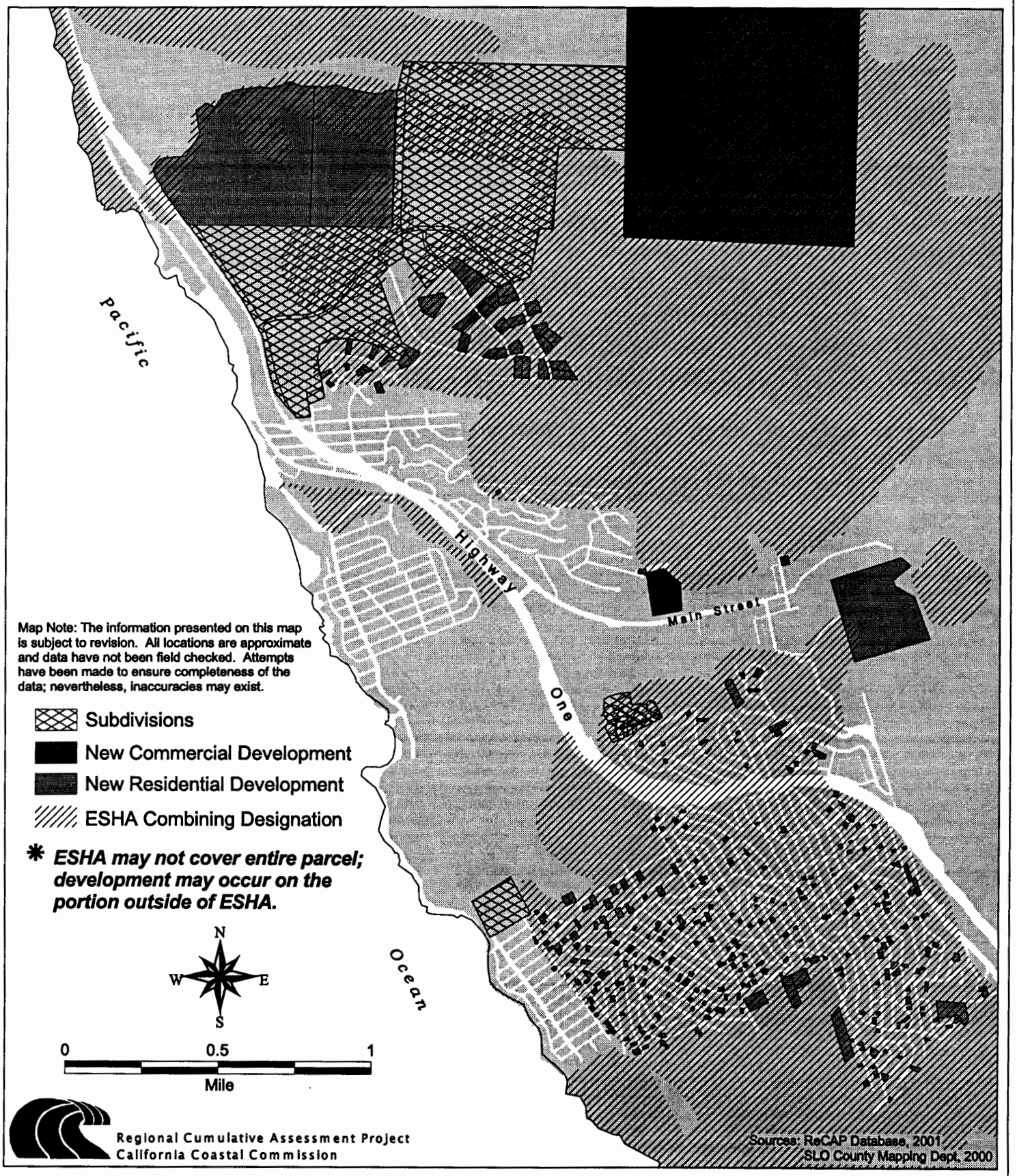
Map 4-D

San Luis Obispo County
Periodic Review

Approved Development in LCP Mapped ESHA*

Cambria

1988-1998

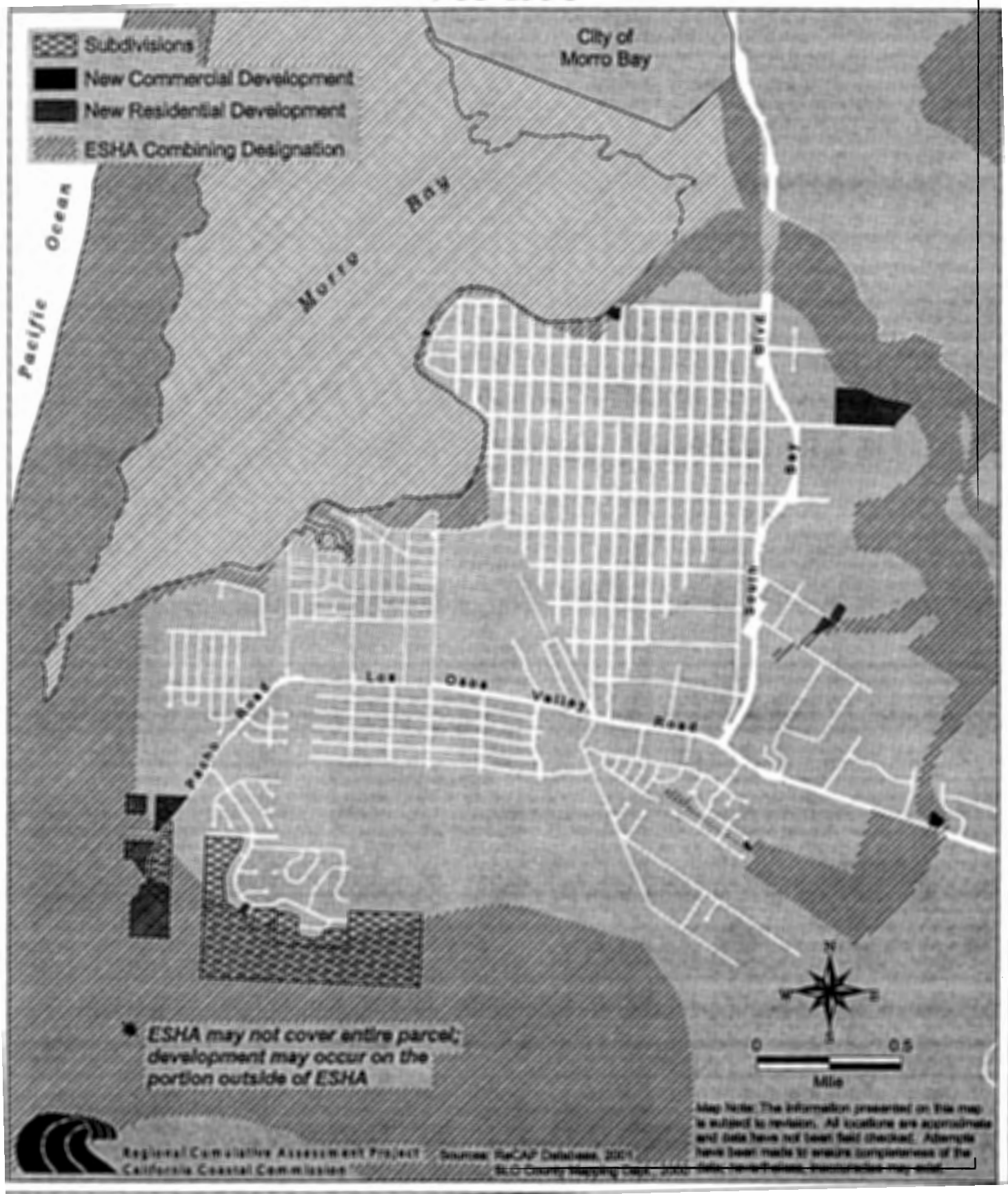


Map 4-E

San Luis Obispo County
Periodic Review

Approved Development in LCP Mapped ESHA*

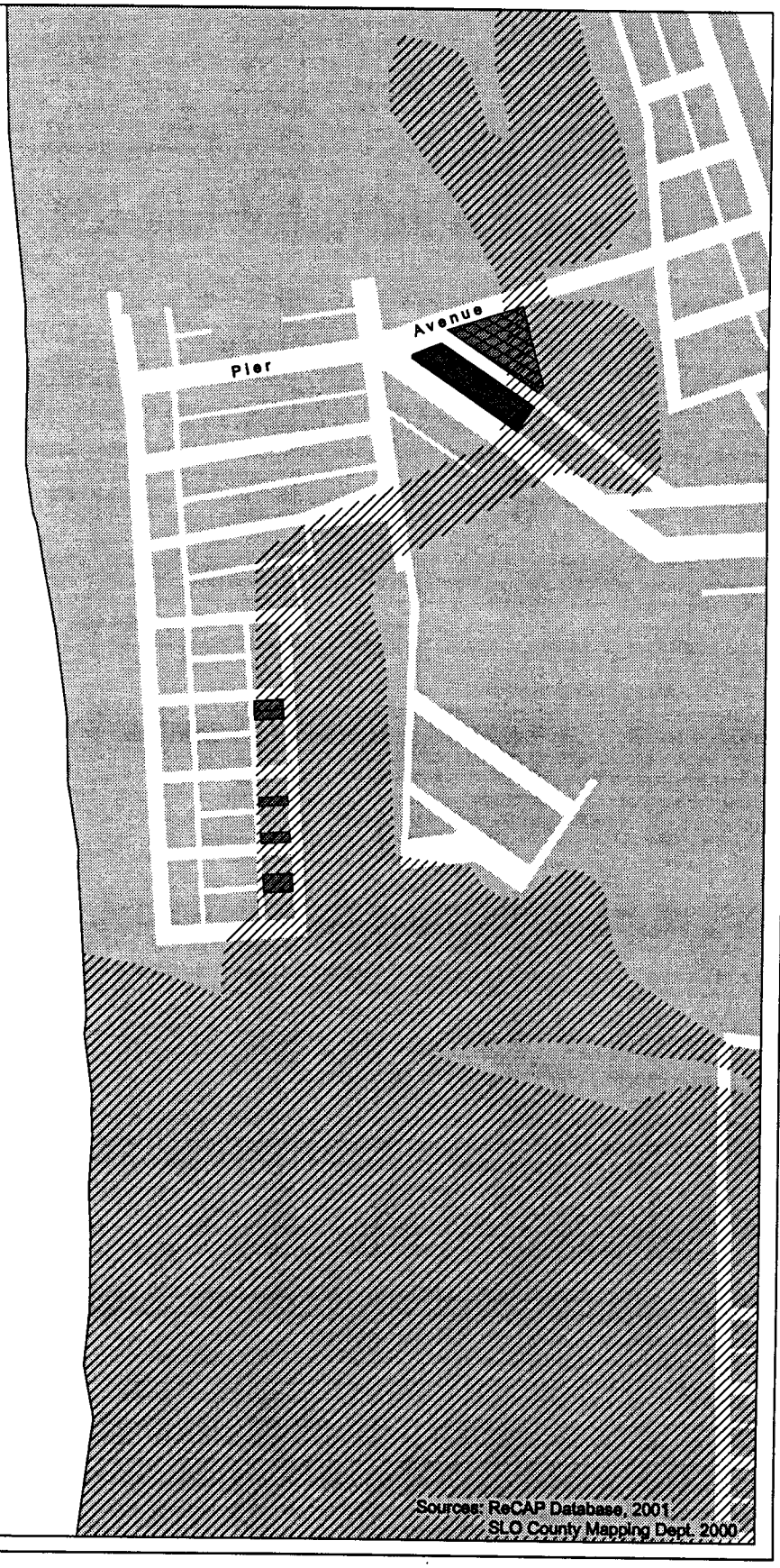
Los Osos
1988-1998



San Luis Obispo County
Periodic Review

Approved Development in LCP Mapped ESHA *

Oceano
1988-1998



Subdivisions
New Commercial Development
New Residential Development
ESHA Combining Designation

N
W E
S

0 0.2
Mile

* ***ESHA may not cover entire parcel; development may occur on the portion outside of ESHA***

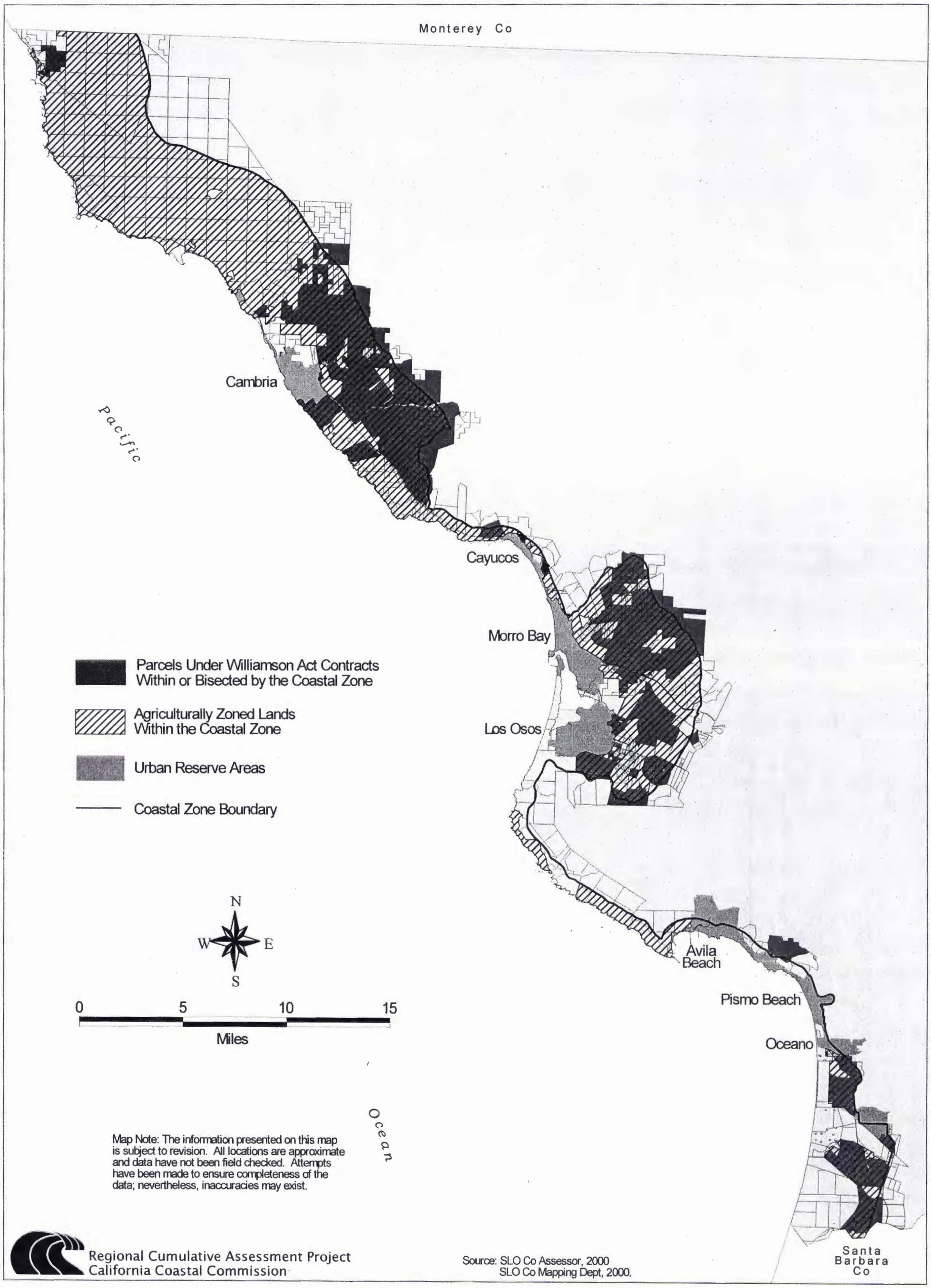
Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Regional Cumulative Assessment Project
California Coastal Commission

Sources: ReCAP Database, 2001
SLO County Mapping Dept. 2000

San Luis Obispo County
Periodic Review

Agricultural Lands Under Williamson Act Contract 2000



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Regional Cumulative Assessment Project
California Coastal Commission

Source: SLO Co Assessor, 2000
SLO Co Mapping Dept, 2000.

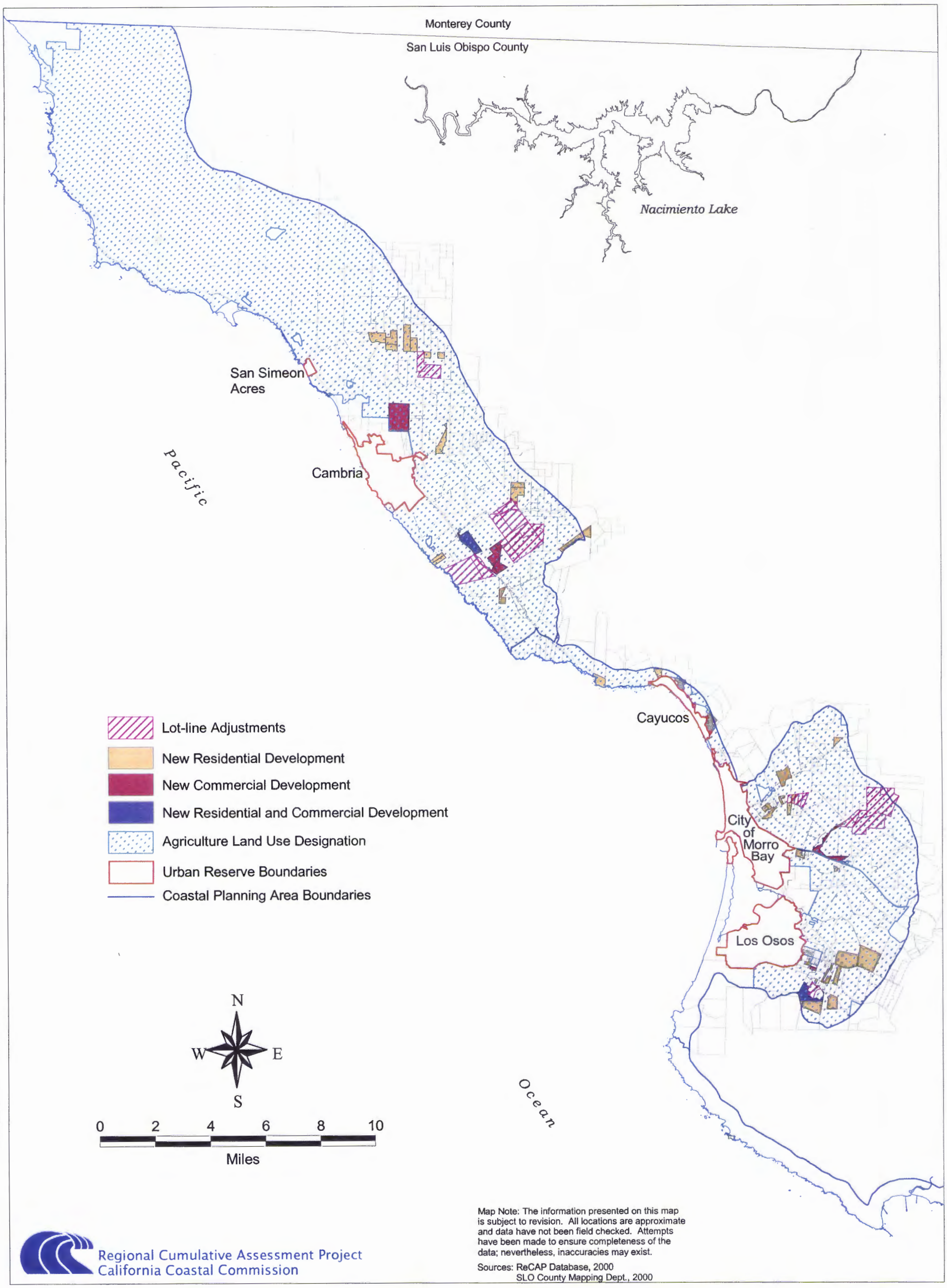
Map 5-4

San Luis Obispo County
Periodic Review

Approved Lot-Line Adjustments and New Commercial and Residential Development on Agricultural Lands

North Coast and Estero Planning Areas

1988-1998



Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Sources: ReCAP Database, 2000
SLO County Mapping Dept., 2000

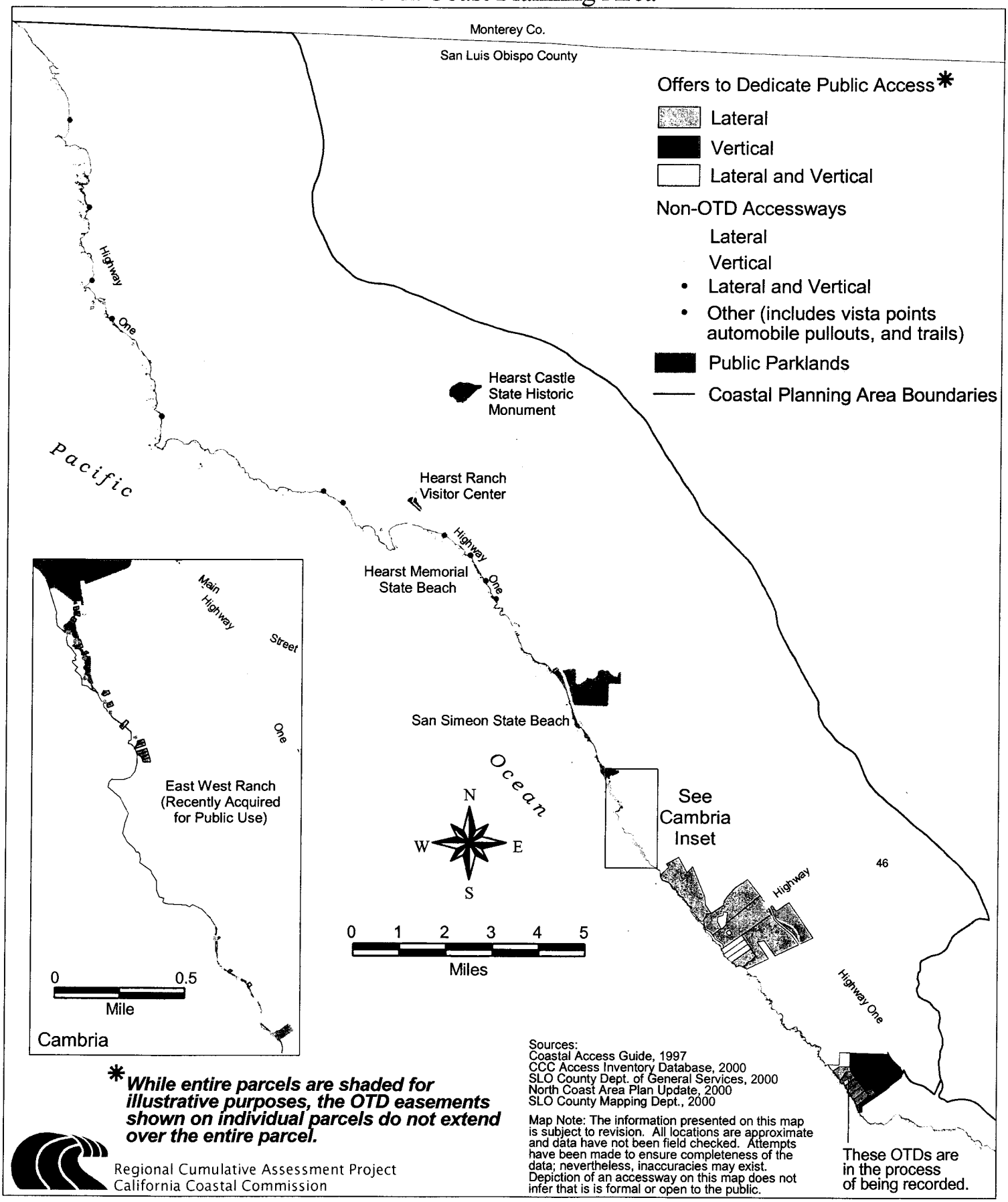
Regional Cumulative Assessment Project
California Coastal Commission

San Luis Obispo County
Periodic Review

Map 6-A

Public Parklands and Coastal Access

North Coast Planning Area



Sources:
Coastal Access Guide, 1997
CCC Access Inventory Database, 2000
SLO County Dept. of General Services, 2000
North Coast Area Plan Update, 2000
SLO County Mapping Dept., 2000

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist. Depiction of an accessway on this map does not infer that is is formal or open to the public.

While entire parcels are shaded for illustrative purposes, the OTD easements shown on individual parcels do not extend over the entire parcel.

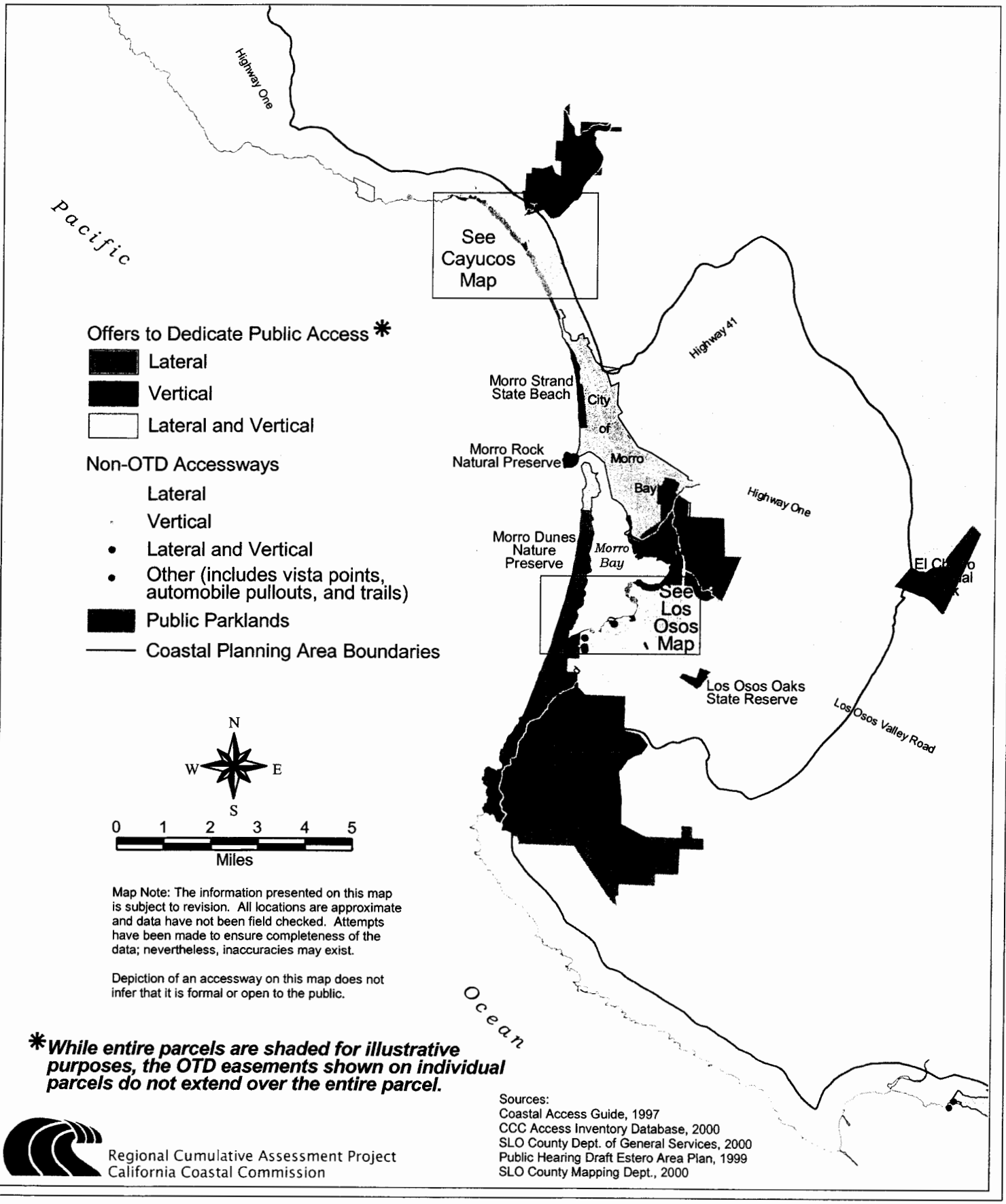
Regional Cumulative Assessment Project
California Coastal Commission

San Luis Obispo County
Periodic Review

Map 6-B

Public Parklands and Coastal Access

Estero Planning Area



Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

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While entire parcels are shaded for illustrative purposes, the OTD easements shown on individual parcels do not extend over the entire parcel.

Sources:
Coastal Access Guide, 1997
CCC Access Inventory Database, 2000
SLO County Dept. of General Services, 2000
Public Hearing Draft Estero Area Plan, 1999
SLO County Mapping Dept., 2000

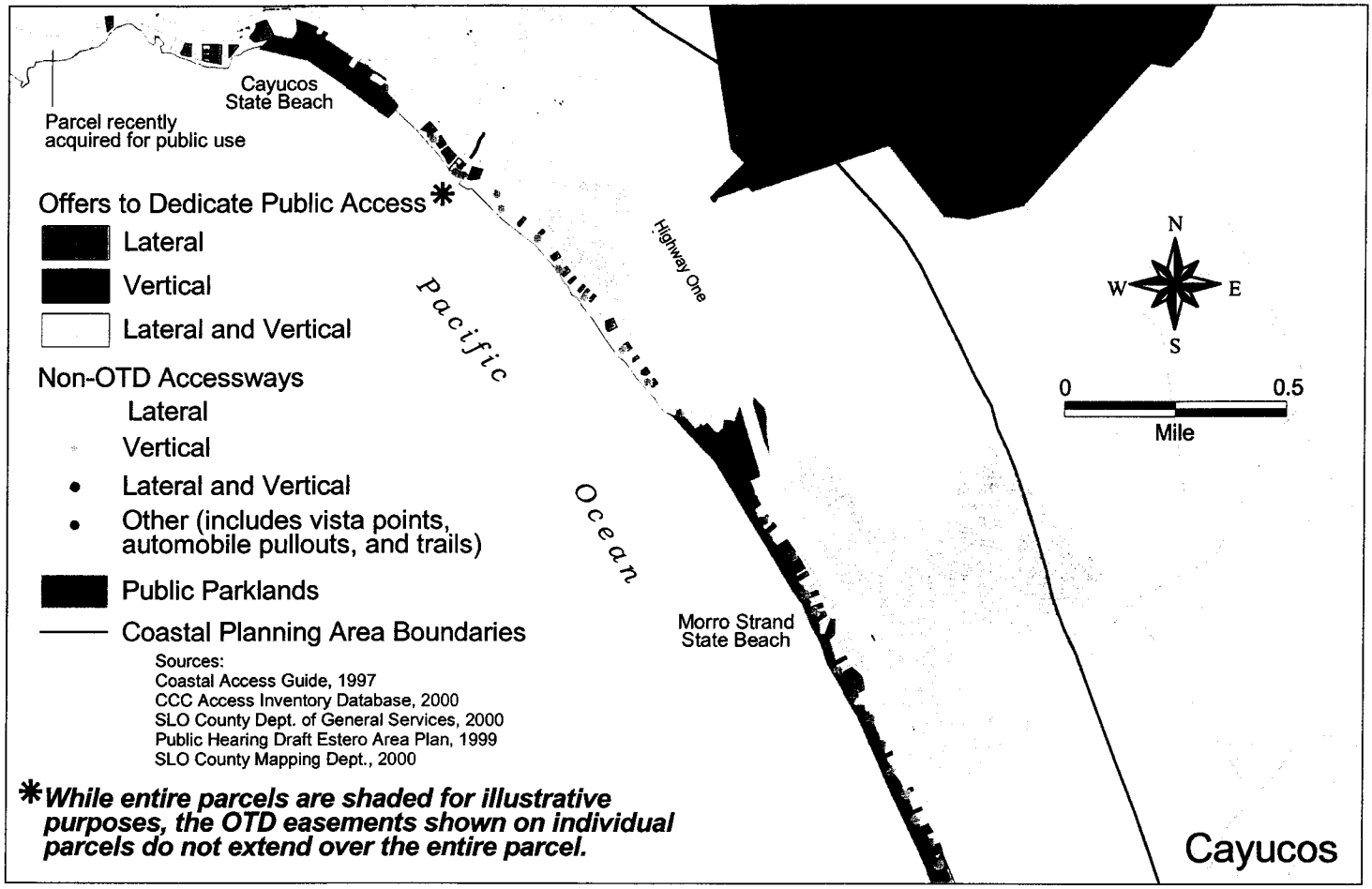
Regional Cumulative Assessment Project
California Coastal Commission

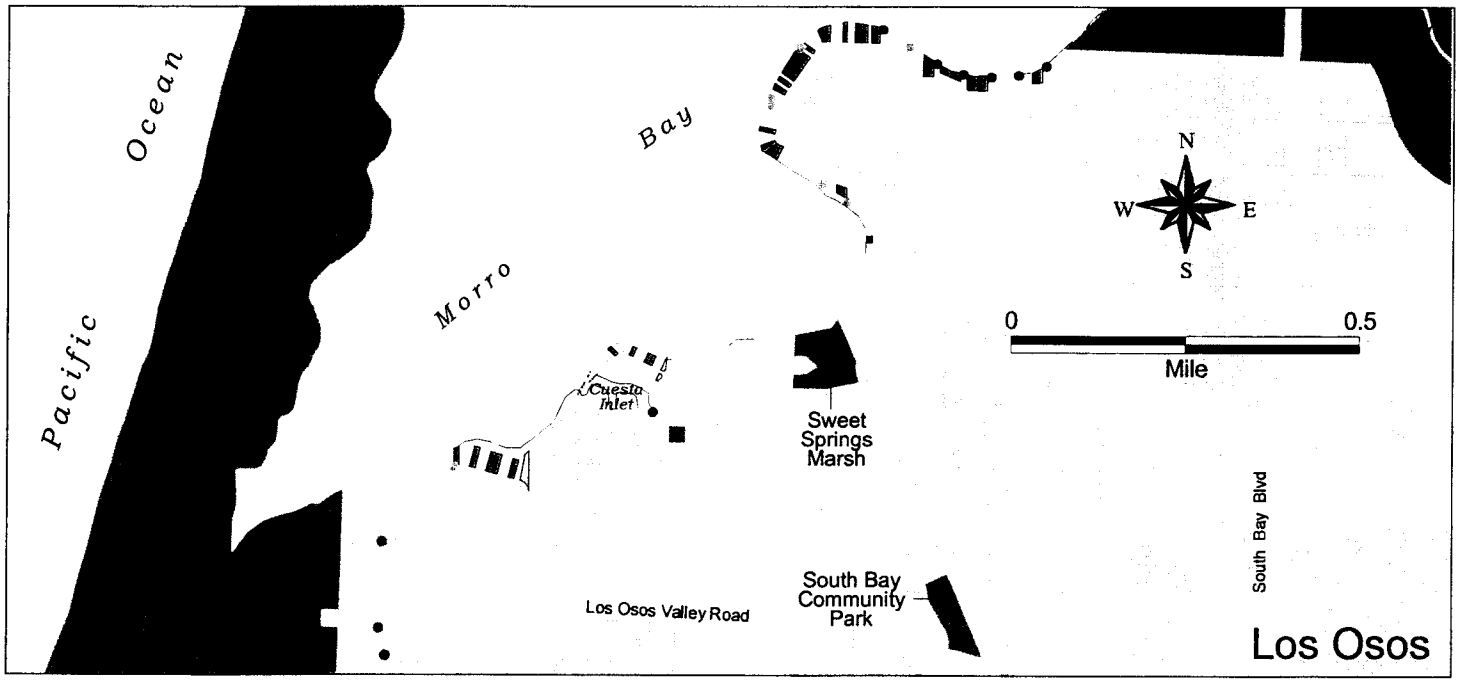
San Luis Obispo County
Periodic Review

Map 6-C

Public Parklands and Coastal Access

Cayucos and Los Osos





Regional Cumulative Assessment Project
California Coastal Commission

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

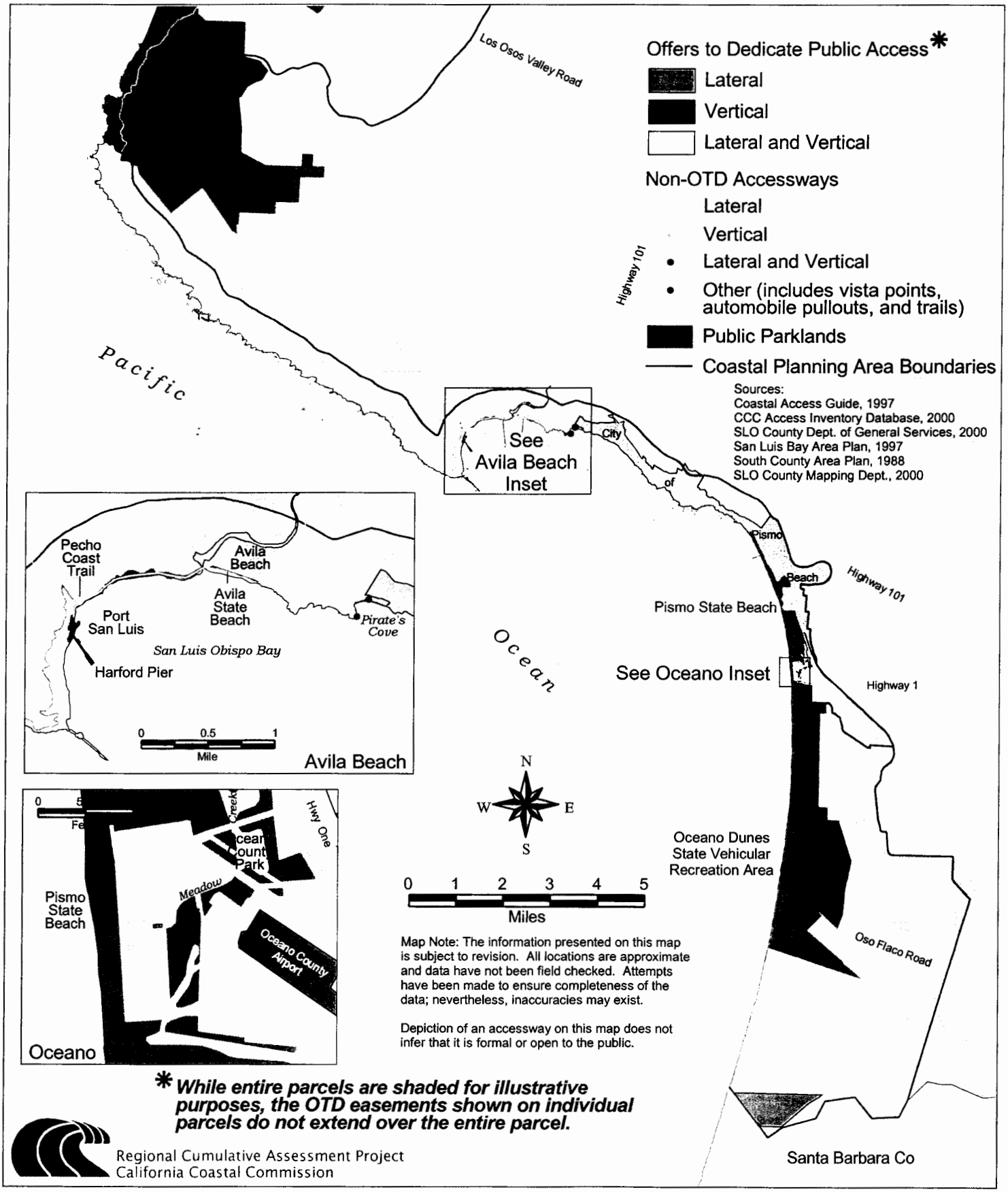
Depiction of an accessway on this map does not infer that it is formal or open to the public.

San Luis Obispo County
Periodic Review

Map 6-D

Public Parklands and Coastal Access

San Luis Bay and South County Planning Areas

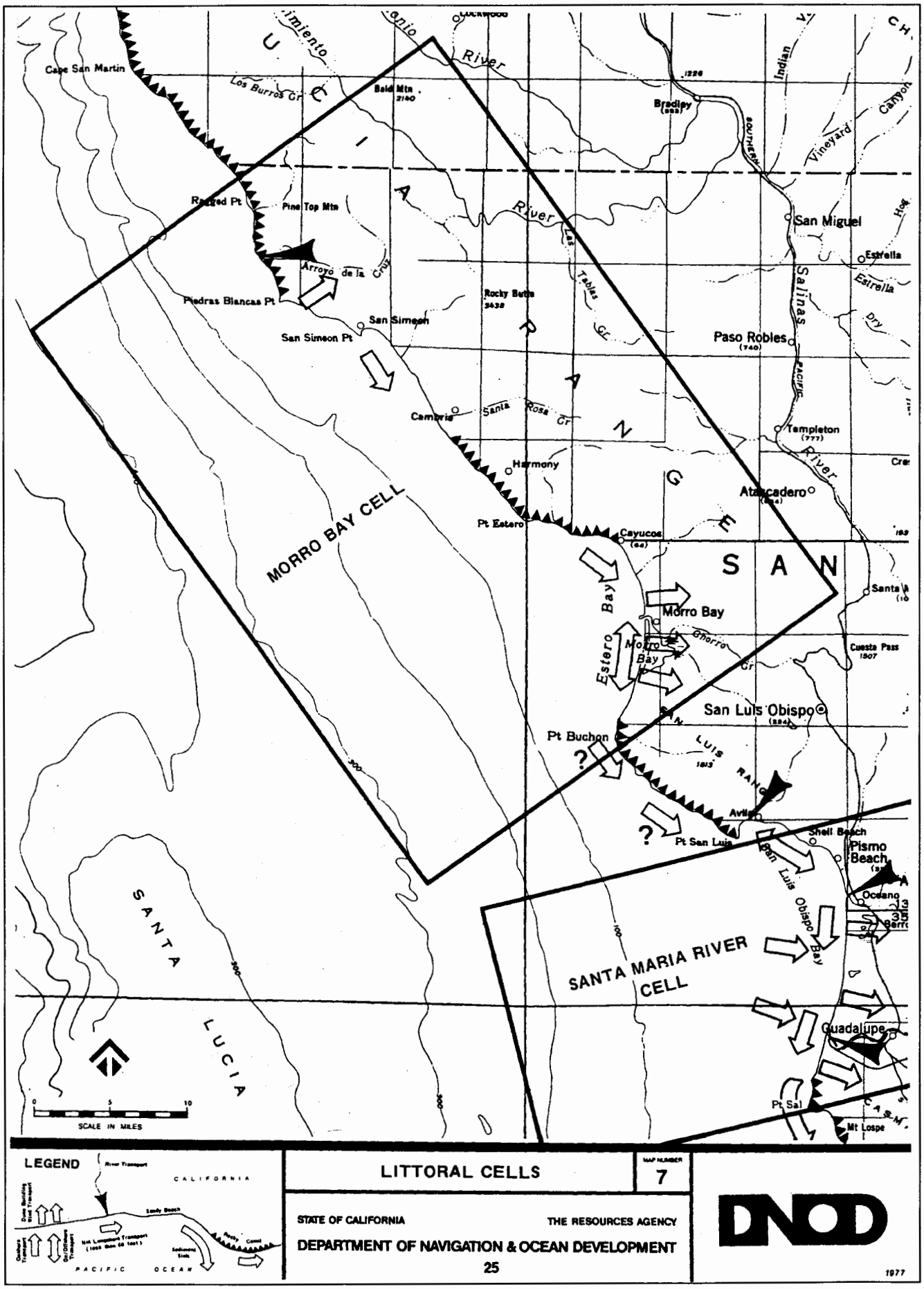


Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Depiction of an accessway on this map does not infer that it is formal or open to the public.

While entire parcels are shaded for illustrative purposes, the OTD easements shown on individual parcels do not extend over the entire parcel.

Regional Cumulative Assessment Project
California Coastal Commission



LITTORAL CELLS

MAP NUMBER 7

STATE OF CALIFORNIA THE RESOURCES AGENCY

DEPARTMENT OF NAVIGATION & OCEAN DEVELOPMENT

25

DNOD

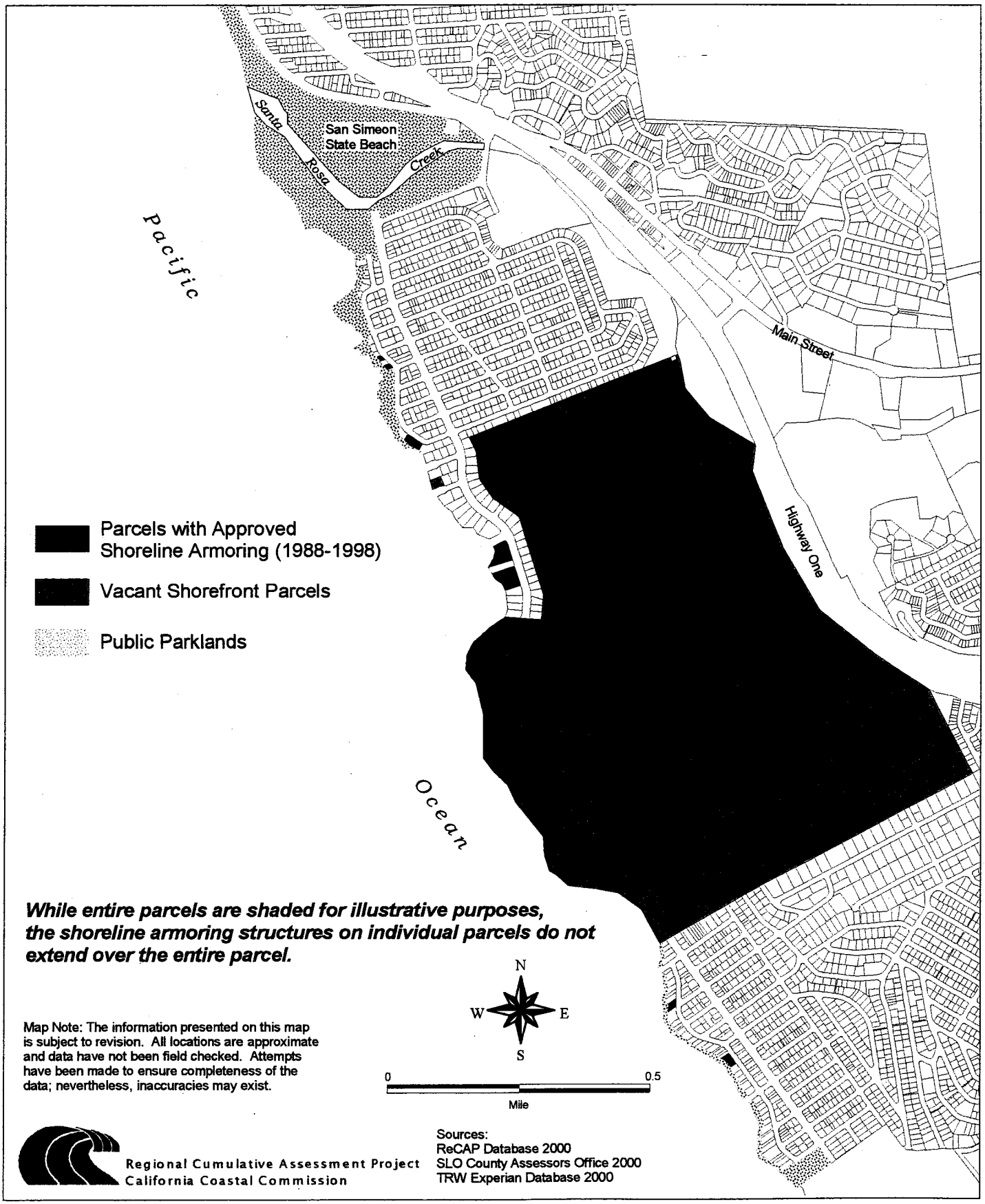
1977

San Luis Obispo County
Periodic Review

Map 7-B

Approved Shoreline Armoring 1988-1998

Cambria



While entire parcels are shaded for illustrative purposes, the shoreline armoring structures on individual parcels do not extend over the entire parcel.

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Regional Cumulative Assessment Project
California Coastal Commission

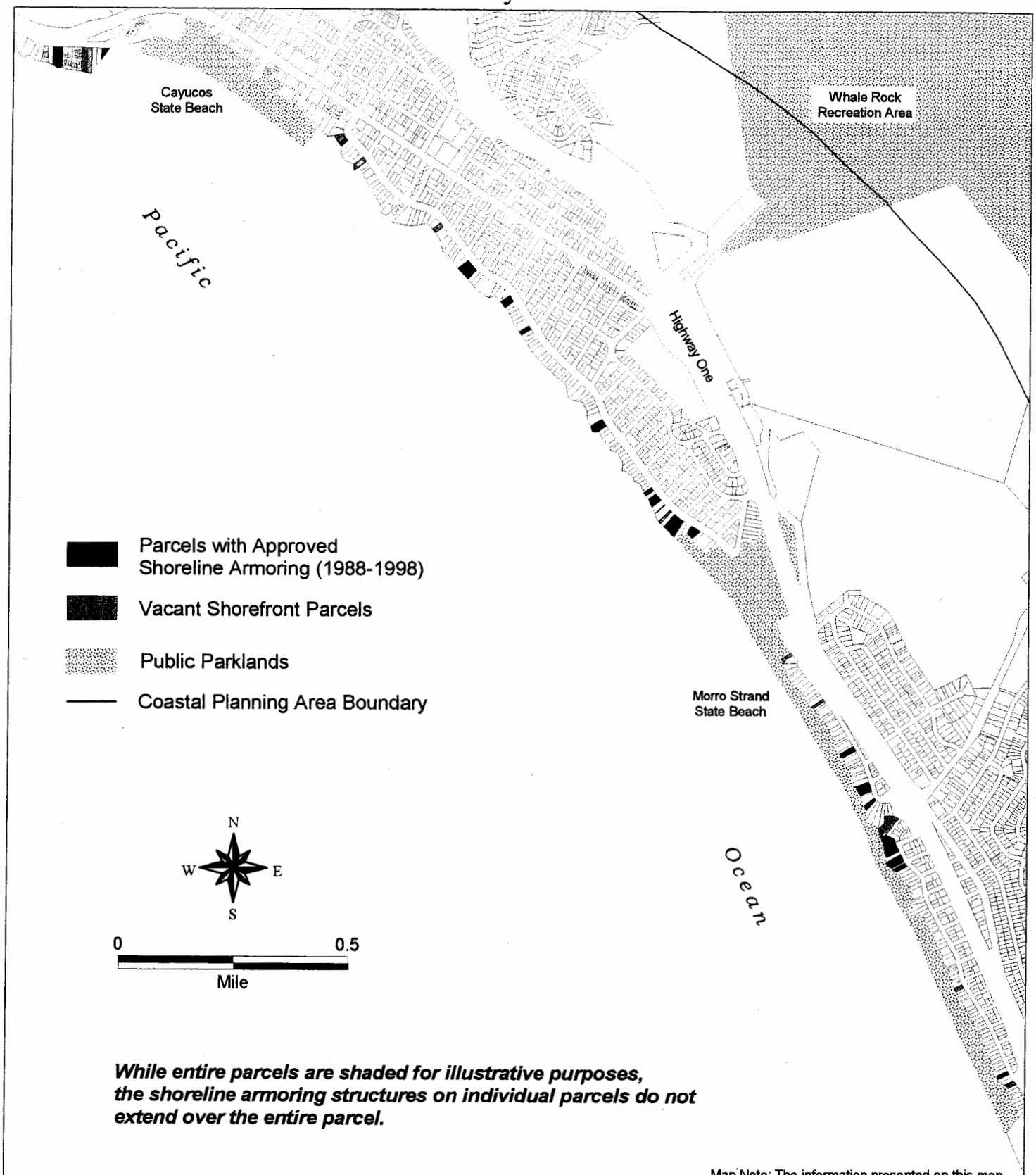
Sources:
ReCAP Database 2000
SLO County Assessors Office 2000
TRW Experian Database 2000

San Luis Obispo County
Periodic Review

Map 7-C

Approved Shoreline Armoring 1988-1998

Cayucos



While entire parcels are shaded for illustrative purposes, the shoreline armoring structures on individual parcels do not extend over the entire parcel.

Regional Cumulative Assessment Project
California Coastal Commission

Sources:
ReCAP Database 2000
TRW Experian Database 2000

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data, nevertheless, inaccuracies may exist.

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

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EXHIBIT C:

SAN LUIS OBISPO COUNTY RESPONSE TO PRELIMINARY PERIODIC REVIEW REPORT OF FEBRUARY 2, 2001

Staff Recommendation
San Luis Obispo County Periodic LCP Review
June 29, 2001

BOARD OF SUPERVISORS

COUNTY GOVERNMENT CENTER, Room 370 • SAN LUIS OBISPO, CALIFORNIA 93408-2040 • 805.781.5450

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HARRY L. OVITT, Supervisor District One
SHIRLEY BIANCHI, Supervisor District Two
PEG PINARD, Supervisor District Three
KHATCHIK H. "KATCHO" ACHADJIAN, Supervisor District Four
MICHAEL P. "MIKE" RYAN, Supervisor District Five

June 6, 2001

Sara Wan, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca 94105-2219

Subject: ***Preliminary Report Periodic Review of the San Luis Obispo County Certified Local Coastal Program***

Dear Ms. Wan:

The County of San Luis Obispo has completed and is submitting our response, as an attachment to this letter, to the Preliminary Report of the Periodic Review of the San Luis Obispo County Local Coastal Program (February 2, 2001). It is the County's understanding that the Coastal Commission may publicly review and consider our comments during the July Coastal Commission hearings in Santa Rosa. We would sincerely appreciate receiving the staff report associated with the Periodic Review in advance of the hearing.

Although the Periodic Review was a comprehensive and worthwhile challenge, I believe both our staffs gained substantial understanding and empathy of local government challenges, public policy at the state and local level, and property owners' concerns. If – as the report describes our relationship – we are to be successful stewards, we will need to enhance our communication, and support each other's programs on a consistent basis. Financial support will be especially important when it comes to implementing the recommendations associated with achieving results beneficial to the whole Coastal program. Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated. Here in San Luis Obispo County, we will continue to apply for grant funding to implement those beneficial programs and will appreciate the Commission's support of our applications.

We look forward to reviewing the Commission's comments on the San Luis Obispo County Periodic Review. If you or your staff have any specific questions regarding our responses, please feel free to contact Vic Holanda (805-781-5608) or John Euphrat (805-781-5194).

Sincerely,

KHATCHIK H. "KATCHO" ACHADJIAN
Chairperson

Attachments

cc: Peter Douglas, Executive Director

ATTACHMENT

PERIODIC REVIEW
CHAPTER EVALUATIONS

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CHAPTER 2	New Development and Public Services
CHAPTER 3	Water Quality/Marine Resources
CHAPTER 4	Environmentally Sensitive Habitat Areas
CHAPTER 5	Agricultural Resources (Includes letter from Agriculture Commissioner)
CHAPTER 6	Public Access and Recreation
CHAPTER 7	Coastal Hazards
CHAPTER 8	Scenic and Visual Resources
CHAPTER 9	Archaeological Resources
CHAPTER 10	Energy and Industrial Development
CHAPTER 11	Commercial Fishing and Recreational Boating
CHAPTER 12	Implementation Procedures

D7
7

SUMMARY OF CHAPTER 2 - NEW DEVELOPMENT (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify alternatives or clarifications to make this acceptable or improve its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle Through Area Plans Y/N
2.1	**Improve Findings for Service Extensions** Beyond USL and/or denial of projects	Modify staff reports to make clearer findings as basis for action. Additional studies to support approvals or must recommend denial (clarify in ord)	**Agree/More info needed**	Low to Mod	No	No.
2.2	**Improve County & Commission Coordination**	Early consultation/cooperation with Commission staff in project review. Develop flow-chart to indicate opportunities for coordination. Coordinate conditions of approval.	**Agree**	Low	No	No
2.3	**Clarify LCP Authority on New Urban Development** outside of USL	Clarify purpose and intent of USL/URL boundaries. Possible changes to Coastal Framework for Planning may be necessary.	**Modify/More info needed**	Mod	No	No
2.4	**Reduce Development Potential on Urban Edges**	Evaluate for possible LCP amendments for specific communities through update process	**Modify**	Mod	No	Yes NC,EST
2.5	**Consider Policies/ Programs to Support Greenbelt/Open Space**	Continue to support in Los Osos, consider for other urban fringe areas as part of updates. Consider mitigation banking.	**Agree**	Low	No	Yes NC.EST
2.6	**Encourage Redevelopment** options in Urban Areas	This is encouraging urban in-fill development before development outside USL, not recommending a Redevelopment Agency.	**Agree**	Low	No	Yes NC,EST
2.7	**Strengthen standard to address development potential on non-conforming lots**	Consider amendments to LLA review criteria to more reasonably comply with all LCP Policies.	**Modify/More info needed**	Mod	No	No
2.8	**Evaluation options for Processing Non-conforming lots**	Explore legal options to maximize protection of ag-land. Evaluate ag viability of entire ag holding if multiple lot ownership	**Agree to consider**	Mod	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify alternatives or clarifications to make this acceptable or improve its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle Through Area Plans Y/N
2.9	**Concentrate Development at Limited Existing Nodes**	Modify to consider visitor serving uses at the Hearst Castle Visitor Center. Modify to state that zoning designations will be addressed through NCAP update for Hearst Ranch development.	**Modify**	Low	No	Yes NC
2.10	**Require Resource Capacity Studies** prior to major development proposals	Consider "Detailed Resource Assessment" , not a Resource Capacity Study. Clarify what is a major development.	**Modify**	Low	No	Yes All
2.11	**Update LCP to address large residential development**	Modify to relate house size limitations to potential impacts to agriculture, ESHA, and important viewsheds and corridors.	**Modify**	Mod	No	No
2.12	**Strengthen Implementation of RMS and ISCA**	Resolve legal issues with ISCA or determine alternatives. Expand RMS task force to include Coastal Commission staff. CCC staff could also be included in the review loop for Resource Capacity Studies	**Agree to consider.**	High	No	No
2.13	**Address Cambria Short-term Development**	Allow 1.0% growth until 1/1/02. Already implemented via Growth Mgmt Ord	**Agree**	High	No	No
		County and CSD collaborate on water availability studies; coordinate with Coastal Commission staff. See 2.12 above	**Agree**	Mod	No	No.
		Enact development moratorium through the RMS, until water problem is resolved.	**Modify**. Defer action until completion of Res Cap Study	High	No	No
2.14	**Establish Watershed/ Basin Management Programs**	Establish a Coordinated Resource Management Program (CRMP) per NCAP; Could be done as part of the Master Water Plan update	**Agree.**	High	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify alternatives or clarifications to make this acceptable or improve its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle Through Area Plans Y/N
2.15	**Consider Additional Options for Water Conservation**	Additional LCP policies and standards to require stricter low water-use landscaping and other water conservation requirements could be considered in the update process.	**Agree.**	Low	No	Yes NC, EST
2.16	**Cambria Long Term Development Buildout Reduction**	Expand the TDC program to include Special Project Area #2, watersheds, scenic corridors, small lot tracts, etc.	**Agree** to consider	High	No	Yes NC
		Create Assessment District to retire lots, create open space, promote forest protection. Subject to active support by CCSD.	**Agree** to consider, depends on voter approval.	High	No	Yes NC
		Use mitigation fees or erosion control fees to address buildout.	**Agree** to consider	High	No	Yes NC.
		Create incentives for the minimum lot size of 7000 square feet	**Agree** to consider	High	No	Yes NC
2.17	**Prohibit Creation of New Development Potential in Cambria and Los Osos**	Prohibit new subdivisions, or allow them only if an equivalent number of lots are retired. Handle through update. A Habitat Conservation Plan is underway	**Agree**	Mod	No	Yes NC, EST
2.18	**Address Cumulative Impacts to Urban Design in Cambria**	Consider development standards based on the capacity of a lot to handle increase in square footage allowed by TDCs. Maximum footprint; minimum landscape area. This is being addressed in the proposed Cambria Res. Design Guidelines	**Agree**	Mod	No	Yes NC
2.19	**Los Osos Short-Term Development**	Consider policies and standards prohibiting new development until safe-yield is determined or an alternative water source is identified. Link to ESHA and TDC's	**Modify**. Safe yield study has recently become available.	Mod	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also Identify alternatives or clarifications to make this acceptable or improve its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle Through Area Plans Y/N
2.20	**Los Osos Long Term**	Buildout reduction, or management strategies needed when new sewer is operational that respond to ESHA concerns. Build on proposed TDC program in E.A.P.	**Agree to consider**	Mod	No	Yes EST

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

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SUMMARY REPORTS FOR CHAPTER 3 - WATER QUALITY (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
3.1	**Modify and adopt policies and standards related to Basin Plan requirements**	Amend LCP and CZLUO to incorporate recommended wording changes and adopt recommended policies and standards in LCP	**Agree**	Low	No	No
3.2	**Modify LCP to incorporate manage-ment measures** identified in Appendix D	Amend LCP and CZLUO to incorporate mechanisms to implement numerous management measures identified in Appendix D to address non-point source pollution *Staff is working with Public Works, Ag Commissioner and Port San Luis Harbor District to evaluate the management measures.* Section E1- Pesticides should be based on facts not speculation. (See detailed report from Ag Commissioner) Opposes another regulatory layer.	**Modify/Need more info.** on some of the proposed measures	High	No	No
3.3	**Area Plan Updates:** Complete North Coast Area Plan Update with recommended water quality protection	Complete North Coast Area Plan Update and include measures that incorporates recommended water quality protection	**Agree**	Low	Existing CCC grant for NC	Yes NC
3.4	**Expand Erosion Control Studies** - Lodge Hill	Develop a comprehensive Master Plan for Lodge Hill that incorporates a street drainage network, and identifies critical lots for storm water infrastructure or are at extreme risk in drainage path. Implementation of Plan may require creation of assessment district. *This is an on-going program and decisions on use of Lodge Hill Erosion Control funds will address.*	**Agree**, dependent upon funding for implementation beyond current funding in LH Fund, in cooperation with the CCSD.	High/ Very High	Yes	No
3.5	**Address Post Construction run-off**	Adopt BMPs and NPDES II type plans and guidelines for coastal areas, as found in Appendix D *This is a major new responsibility arising from the RWQCB programs to implement non-point source regulations. This will have major implication for project design and review and also require staff, staff training and field evaluation.*	**Agree**, dependent upon funding for some of the new responsibilities.	High/ Very High	Yes	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
3.6	**Adopt policies and ordinances to implement Management Measures from the state NPS Plan**	Adopt policies and ordinances to control non-point source pollution as recommended in Appendix D. Some of the measures will be implemented as part of NPDES II implementation. (See also 3.5 above)	**Need more info.**- on-going discussions with CCC and RWQCB to clarify responsibilities between agencies and with Csd's.	High	No	No
3.7	**Develop watershed plans for each water basin** and/or planning area to address cumulative NPS pollution	Develop and adopt watershed plans for each water basin and/or planning area to address cumulative NPS pollution, similar to the Irish Hills Management Plan and the Morro Bay National Estuary Comprehensive Conservation and Management Plan (CCMP). *Alternative: The recommendations should acknowledge that the responsibilities for watershed planning falls to many agencies beginning with the State and Regional Water Resources Board through their responsibilities under the Federal Clean Water Act. Report should suggest that the county should agree to participate in such programs in cooperation with other agencies (as exemplified by the Morro Bay National Estuary Program which was begun by the county with grant funding and eventually grew to the present status.) Also the HCP/NCCP just beginning for San Simeon/Santa Rosa Creek will serve a similar purpose but should be based upon cooperation of all parties; not merely regulations for agriculture.*	Modify.Need more information. Recognize that CCC jurisdiction ends at CZ. Agree to clarifying that county has a role jointly with many other agencies. Also, this type of program is dependent upon major funding programs	High to Very High	Grants Needed to Imple-ment	No
3.8	**Modify criteria defining "wet season" in LCP.**	Current LCP language defines "wet season" as October 15th - April 15th. Recommended change begins "wet season" on October 1st. *Note: agricultural industry has expressed concern for this definition.* Ag should not be considered to be "development" under the Coastal Act definition.	Need more information. Request for documentation from CCC staff.	Low	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
3.9	**Modify criteria citing watercourses on USGS maps**	Current county criteria for requiring an erosion control plan is that land activity is within 100 feet of a watercourse on a 7 ½ minute USGS map. Recommended to add the following criteria for defining a "watercourse": supports fish; has significant flow 30 days after last significant storm; or has channel, free of soil and debris. *Address through the grading ordinance update; clarify what are "significant flows" and "significant storms".*	**Need more info** to understand impacts/will continue discussions with CCC.	Low	No	No
3.10	**Incorporate performance standards in erosion control plans.**	Amend CZLUO to require incorporation of performance standards and monitoring requirements as part of erosion control plans. Ability to implement depends on the types of performance standards and monitoring requirements.	**Need more info** Implement through grading ordinance revisions.	Low Med/ High to owners	No	No
3.11	**Prohibit subdivisions on slopes over 30%**	Amend CZLUO to prohibit new subdivisions on slopes over 30%. *Need to clarify if this is suggesting no subdivisions on land that slopes greater than 30% or that the development that occurs on the lots that are created cannot be on slopes greater than 30%.*	**Modify**	Low	No	No
3.12	**Modify Drainage Plan Ordinance**	Amend Drainage Plan ordinance to require new developments to implement BMPs into site design or prepare "Drainage and Pollution Control Plan" to mitigate NPS impacts. *Address through the grading ordinance update and requirements under NPS regulations.*	**Agree**	Low	No	No
3.13	**Implement Appendix D requirements for new marinas**	Detailed management practices identified in Appendix D would require changes in runoff policies that pertain to harbors and boating projects. Could include education programs incorporating best management practices. *Alternative: This recommendation should be rewritten to reflect that the practices and education programs should be developed through the update of the Port San Luis Master Plan which will be reviewed by county and Coastal Commission.*	**Need more info** and discussions with Port San Luis Harbor District **Agree** to alternative.	High	No	No

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

SUMMARY REPORT FOR CHAPTER 4 - ENVIRONMENTALLY SENSITIVE HABITAT AREAS
LCP PERIODIC REVIEW

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.1	**Revise LCP definition of ESHA**	Revise Area Plans and CZLUO to reflect Coastal Act definition of ESHA..	**Agree**	M	NA	Yes
		Also verify ESHA in field (mapped or not), and define all riparian (mapped or not) as ESHA.	**Need more info**: DFG definition?	M	NA	No
4.2	**Revise & Update ESHA Combining Designations**	Revise ESHA maps periodically using GIS based mapping-input new ESHA locations based on individual project surveys-may relate to RMS.	**Agree**	H - long term costs high	Maybe	No
4.3	**Update Requirements for Biological Investigations & Reports**	Several components: revise 23.07.170, require bio inventories, exclude certain urban areas, develop HCP's, develop GIS bio mapping system, CF&G/USFWS/CCC review of bio reports, etc.	**Agree**: w bullet #'s 1, 2, 3, 5, & 6 Bullet #4 is high $ Bullet #7:agree in concept; may propose alternative approach; info-hold agency referral-response within 10-14 days	H	NA	No
4.4	**Identify, & Implement the Resource Dependent Criteria** for Development in ESHA	Three parts: Revise Table O, require takings defense argument from applicants, and allow exceptions in areas w HCP's.	**Modify**: add preamble to Table O stating that anything other than a "P" use in an ESHA is conditional	H	NA	No
4.5	**Prohibit Subdivisions that Create new lots in ESHA**	Better implementation & clarification of 23.07.170c, require smaller lots in clusters where ESHA exists, and clarify that min parcel sizes don't apply in ESHA.	**Modify**: new approach; rewrite 170c to include concepts of ESHA protection	H	NA	Yes & No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.6	**Develop Comp. Habitat Conservation, Protection & Management Programs**	Develop HCP's and Habitat Programs for long term, comprehensive protection of ESHA.	**Agree**, funding needed or cooperative efforts with other agencies with funding	*High (Very)*	Maybe	No
4.7	**Revise Biological Report Requirements**	Bio reports should include project alternatives, and an assessment of impacts from fire safety requirements and road improvements.	**Modify**: Bio reports should include *constraints*, not alternatives	Low Med for owner s	No	No
4.8	**Expand Application of Rural Area SRA Standards** regarding "Site-Planning-Development Plan Projects in Area Plans	Expand SRA standards to all rural development (including Plot Plans), and require Master Development Plans for all contiguous ownership parcels.	**Modify**: agree with first & third bullet; Disagree w second bullet-propose deletion	Low	No	Yes
4.9	**Thoroughly review & Pursue project alternatives** that avoid impacts to ESHA	Explore project alternatives to avoid impacts to ESHA in bio reports; and expand requirements of 23.07.170 to ESHA outside of 100 feet from site.	**Modify**: modify first bullet such that bio reports include constraints; agree second bullet	Low	No	No
4.10	**Evaluate Economic-Backed** expectations before concluding that avoidance is not possible due to "takings" concerns	Require "Takings Reports" for non-resource dependent uses where avoidance is not possible; also, special findings will need to be made regarding "reasonable investment-backed expectations."	**Disagree: Propose New Approach**: we should ask for an alternatives analysis including a minimum of three alternatives; with at least one alternative showing a design with a reduced footprint	High	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.11	**Minimize Intensity of Non-Resource Dependent** development to maximum extent	Minimize intensity of non-resource dependent development to Maximum Extent Feasible	**Modify**: delete entire bullet; handle through implementation of *new approach* on 4.10	L	NA	No
4.12	**Establish Max disturbance limitations**	Establish maximum disturbance area limitations *Alternative: perhaps use Ag Rules of Procedure on area of disturbance.*	**Modify**: delete entire bullet; handle through implementation of *new approach* on 4.10-	Med	No	No
4.13	**Require Conservation easements/Deed restrictions over all ESHA** outside development envelope	Require protective easements over all ESHA remaining on parcels. ESHA, as defined by the County, would be determined based on site specific studies, not Agency mapping of *potential* habitat. In addition, easements would only be required when development impacted identified ESHA on site (i.e., avoidance of ESHA is encouraged). Submit easements & deed restrictions to CCC for review per 13574.	**Modify** **Agree**	High	No	No
4.14	**Coordinate review with DFG, USFWS, & NMFS** of projects that pose impacts on Listed Species	Coordinate review of projects with DFG, USFWS, & NMFS. *Alternative: propose 60 day review period for feds- must be consistent w Permit Streamlining Act time limits.*	**Modify**: existing regs in place w CEQA..	Low	No	No
4.15	**Specify Mitigation Requirements**	Specify Mitigation requirements.	**Modify**: require mitigation "proportional" to impact; may be on-site, may be off-site, may be both	Med	CRG for in-lieu fee program	No
4.16	**Specify mitigation monitoring and evaluation** requirements	Specify Mitigation Monitoring and Evaluation requirements. *This is an existing requirement under CEQA Section 21081.6.*	**Agree**: existing req under CEQA	Med	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.17	**Pursue changes to CZLUO to be consistent w 30236 and ESHA #23**	Pursue changes to LUO Section 23.07.174b to be consistent with 30236 and ESHA Policy 23-coastal streams	**Agree**: need clarification of ref to *2l & 2m* **Agree** to incorporate #4 into #2 Q: 2nd part of bullet #2	Med	No	No
4.18	**Delete exemption for stock pond** (of under 10 acre feet) stream diversion that may impact habitat	Delete exemption for stream diversion structures associated with ag stock ponds under 10 acre feet	**Agree** (in concept) Review w Ag Comm/see Grading Ordinance	Med	No	No
4.19	**Analyze streambed alterations** for consistency with 23.07.174b	Analyze streambed alterations for conformance with 23.07.174b	**Agree**: implement existing regs better-explore alignment alternatives away from creek	Med	No	No
4.20	**Improve coordination w DFG Stream Alteration process**	Improve Coordination with DFG	**Agree**	Med	No	No
4.21	**Pursue alternatives to Streambed alterations**	Evaluate alternatives to streambed alteration design to avoid impacts	**Agree**	Med	No	No
4.22	**Encourage research regarding Setback effectiveness**	Study effectiveness of setbacks to riparian areas.	**Agree**: implement program-high $- *(possible cooperative effort with Cal Poly)*	High	Coastal Resourc e Grant	No
4.23	**Apply 100' setback in Urban Areas**	Application of the 100' rural setback in urban areas, where feasible *Alternative: perhaps add language to* 23.07.174d (*...unless it can be accommodated...*)	**Modify**: implement maximum reasonable setback based on site constraints	Med	No	Yes ????

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.24	**Improve implementation of setback standards & adjustments**	Evaluate environmentally friendly alternatives to reduce impacts to streams; (e.g., road alignments). Also, evaluate "after-the-fact" permits for mitigation opportunities	**Agree**: but need clarification of 2l & 2m again; evaluate all *reasonable* options	High	No	No
4.25	**Consider limiting pedestrian & equestrian trails within riparian areas** to Passive recreation	Determine whether recreation within ESHA can be redesigned to lessen impacts; and require signing for environmental education	**Agree**	High	No	No
4.26	**Incorporate additional standards for stream diversions & wells**	Evaluate impacts to fisheries prior to allowing stream diversion or wells; if impacts may occur-allow during peak winter months; return waters to origin after treatment	**Modify**: evaluate impacts to fisheries; need clarification on bullet #3; delete 4th bullet-add language to 23.08.178?	High	Coastal Resourc e Grant	Yes/No Matt???
4.27	**Incorporate standards for development in and adjacent to steelhead streams**	Condition projects near streams to not adversely impact stream habitat	**Agree**: but delete bullet #2	Med	No	No
4.28	**Complete follow-up review on Aquaculture facility**	Complete condition compliance on Alexander abalone farm-Harmony Coast *This effort is underway.*	**Agree**	Low/ Med Long term	No	No
4.29	**Misc policy clarifications**	Clarify/Correct CZLUO sections 23.07.174e(7) & 23.07174e(2)	**Agree**: with bullet #1; delete bullet #2	Low	No	No
4.30	**Incorporate standards for wetland delineations**	Develop standards for wetland delineations and protection in LCP	**Agree**: may need two sections of reports-CCC definition & ACOE definition	Med	Maybe...	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.31	**Evaluate biological significance of manmade wetlands**	Determine if man-made wetlands are biologically significant and balance protection of them against protection of other site resources by considering standard wetland setback reductions. Also, only "development" other than agriculture should adhere to new setback standards if the wetland is determined to be biologically significant.	**Modify**	Med	No	No
4.32	**Prohibit variances to wetland & other ESHA protection standards**	Do not allow variances on sites containing wetlands & other ESHA on sites to allow for avoidance alternative designs *Alternative: Add finding "vi: to 23.01.045d regarding ESHA protection.*	**Modify**: change title of recommendation to include "where it could be avoided".	Med	No	No
4.33	**Develop standards for the breaching of coastal lagoons**	Require CDP's for lagoon breaching activities; coordination with agencies; incorporate least environmentally damaging alternative	**Agree**	Med	No	No
4.34	**Provide standards for wetland monitoring and restoration activities**	Incorporate specific wetland monitoring and restoration requirements into 23.07.172 & 23.05.034 *This additional level of monitoring and review of restoration activities will have substantial staff implications.*	**Agree**: has major staffing implications.	Med High for on-going monit or-in	No	No
4.35	**Review mosquito abatement activities**	Determine whether mosquito abatement practices are consistent with Policy 12 and SLB SRA-8	**Need More Information**: discuss with Ag Commissioner for pesticide use and Public Work for flood control.	Med	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.36	**Coordinate Mgt & protection of Open Space Easements** to protect wetlands and other ESHA	Obtain more easements near MB Estuary per SRA-23; coordinate with NEP and others to establish partnership for identifying easement potential	**Agree**; but major staffing implications for monitoring	Med	Maybe.	No
4.37	**Develop comprehensive forest habitat management & protection program**	Incorporate comprehensive long term protection program for Monterey Pine Forest; further identification of potential use of TDC's *Alternative: should identify the role of the CCSD in the development and implementation of Forest Management Plan.*	**Agree**:	Med	On-going grant	Yes
4.38	**Pursue alternatives to avoid tree removal**	Make design alternatives that avoid tree impacts requirement of application package; implement policies using all reasonable ways to reduce Monterey Pine loss	**Agree**: need to evaluate w Pine Forest Preservation Standard #6c	High	No	Yes Design Plan & Forest Mgmt Plan
4.39	**Increase tree replacement requirements** where avoidance is not possible	Increase replacement program such that smaller diameter trees are also protected and replaced, if removed; require replacement be disease-free stock	**Agree**: start "off-site" mitigation bank" for large number of replacement trees	Med	No	Yes through Design Plan
4.40	**Incorporate programs & standards** necessary to respond to threats posed by Pitch Canker	Develop and implement comprehensive plan for treatment of pitch-canker control; identify waste treatment site; coordinate with appropriate agencies	**Agree**	High	Maybe	Yes
4.41	**Provide greater incentives for participation in Cambria TDC program** and other improvements to the program itself	Reduce size of development in urban areas: eliminate footprint & GSA bonuses available for lodge hill: bonuses are mitigated by payment in "banks": & new study identifying biologically significant areas of forest	**Agree/Need more Info**: allow Design Plan to process to determine feasibility of bullets 1 & 2; let Forest Mgt Plan do #3	High	Maybe...	Yes-Design Plan

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.42	**Develop additional methods for lot retirement**	Require payment into forest protection "banks": create Open Space District for long term forest protection *Need to evaluate feasibility of getting OS District in place w CCSD*	**Agree** **Need more Info**	High	Maybe...	No
4.43	**Reduce buildout potential** - Cambria	Prohibit subdivisions within 100' of forest: enlarge minimum parcel size in forest; modify allowable parcel sizes in cluster subdivisions; modify lot line adjustment standards	**Agree** **Need more Info**: agree with concepts in one thru three: four needs more study for feasibility	Med	No	Yes
4.44	**ESU's - get ESHA protection**	Identify ESU within urban areas and protect	**Disagree**: use $ and time to set-up "bank" or District	Med	No	No
4.45	**Urban development allowed w participation in off-site mitigation- "bank"**	Allow urban parcels to develop as long as they participate in off-site mitigation "bank"	**Agree**: follow-up to 4.44	High	Maybe...	Yes NC
4.46	**Coordinate ESHA protection with LOCSD sewer HCP**	Coordinate development in urban areas w Sewer project & HCP	**Agree**	Med	No	Yes Estero
4.47	**Utilize TDC's in Los Osos**	Incorporate TDC program in Estero	**Agree**: check w CS & MW	Med	No	Yes Estero
4.48	**Coordinate w Parks & landowners for better Sand stabilization**	Work w landowners & State Parks to develop sand stabilization program	**Agree**	Med	Maybe...	Maybe Oceano Spec Plan- or Dunes Mgt Plan
4.49	**Oceano Dunes OHVRA** staff report	Use Oceano Dunes staff report for resource on future projects	**Agree**	Low	No	Yes SLB update

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plan Y/N
4.50	**Prohibit off-road events in Open Space area-dunes**	Consider prohibiting off-road vehicles in Open Space area designated by area plan *Alternative: Should reflect that this can be addressed in the annual review of the State OSVRA permit; placed by CCC as a condition. Not a requirement that the County should have to pursue.*	**Need more info**	Med	No	No
4.51	**Re-evaluate zoning in south county dune habitats**	Evaluate potential for changing zoning and use in Calendar-Garrett	**Need more Info**: need to evaluate site and community concerns	Med	No	Yes SLB update
4.52	**Resolve illegal subdivisions in Calendar-Garrett** area-protect area as ESHA	Research legality of subdivisions in C-G area; possibly designate and protect as ESHA	**Need more Info**: research lot history & bio of site-legal issues...	Med	No	Yes SLB Update
4.53	**Work with agencies to identify habitat of special species**	Coordinate w agencies to determine potential habitat for plover and tern; then protect as ESHA	**Agree**: write as program	High	Maybe...	No
4.54	**Identify Elephant Seal beaches as ESHA**	Identify beaches where Northern Elephant Seals are present as ESHA	**Agree**	Low	No	Yes All
4.55	**Establish standards for visitation** of sensitive areas	Develop standards for management of Elephant Seal visitation areas (maybe work with docents/agencies)	**Modify**: Coastal Policies & 23.07.178d to deal w marine resources	Low	Maybe...	Yes All
4.56	**Prohibit installation of new revetments and outfalls on beaches used by Elephant Seals**	Prohibit new revetments & outfalls on beaches used by Elephant Seals (i.e., prohibit all man-made structures which may alter drainage on beaches w Elephant Seals)	**Agree**	Low	No	No

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Chapter 4 - ESHA - Suggested Process Change

General Note: *This process change is proposed to address several text references to inadequacies of the existing process for project review. In addition, many of the Preliminary Recommendations could also be handled if the County were to implement a different system comprised of a two-phased early project review. However, it must be said that this new process may add considerable time and cost to the review of projects in the Coastal Zone. The cost will be the burden of either taxpayers in general or individual applicants, or both.*

This system would determine whether projects were discretionary or not by first utilizing the "updated" maps at the front counter. If it wasn't clear at the front counter whether a project was within an ESHA or not, the project site would need to be evaluated in the field. This evaluation could be done by the County or the applicant (using "qualified" individuals on the County's lists). This second phase of review (front counter being the first phase), could be completed within two weeks and the cost of such a review would be charged to the applicant. This second phase of review would constitute a Site Specific Constraints Analysis (SSCA).

A determination of whether a project was ministerial or discretionary would be made by the Field Team (FT). The FT would be made up of the front counter planner, the "ologists" (whether in-house or consultant prepared), and management. Only projects that disturb the ground would be subject to the FT. Other "non ground" disturbing projects could be determined "ministerial" at the front counter and exempt from further review.

FT FLOW-CHART

Project Submittal

***1st phase** of review-front counter - ESHA? Yes-MUP, No-PP, Maybe-FT (based on updated counter ESHA maps)*

***2nd phase** of review-FT Field Review - ESHA? Yes-MUP, No-PP (based on field reconnaissance)*

Other FT Notes:

1. All projects determined to be within or near (within 100 feet of) an ESHA, are MUPs and therefore are "appealable" development (consistent with current LCP-no change).

2. All biological information (either generated in-house or by outside consultant) would need to be submitted in a GIS mapping-based form such that each can be added to the ESHA base-map for "continuous" updating. Continuous ESHA map updating could be performed by staff interns or planning technicians (also requires funding; but may be more reliable than outside sources). Continuous updating would be better than relying on map updating "periodically" because funding may not always be available and without continuous input, maps would more often than not be "out-of-date". Keeping a mapping system that is consistently "out-of-date" will potentially lead to more lengthy appeals of projects by CCC.

Comments on Chapter 4 - Environmentally Sensitive Habitat Areas

Page 6, paragraph 1

Under C.1.- add sentence describing how the CEQA process identifies and protects resources that may not be mapped by the Land Use Maps. For example:

a. *However, the CEQA process does allow for identification, avoidance, and/or protection of unmapped ESHA.*

Page 108, paragraph 4

Delete last sentence - *Nevertheless, problems occur...*

Page 110, paragraph2

Under LCP Implementation: - delete last sentence - *Such examples...*

Page 113, last paragraph

- *40 feet...* needs to be changed to *50 feet...*

Page. 122: 1st paragraph

Add a sentence just prior to the last sentence indicating that sometimes "restorable" areas on private property are not necessary equivalent to mitigation. For example:

b. *The requirement to restore existing degraded ESHA on private property in areas other than the proposed development is perhaps only feasible where the project itself impacts ESHA to the point where asking for these sites to be restored is "roughly proportional" to the impacts of ESHA on site.*

Page 124, paragraph 1

Add sentence describing how "excluded" areas should be defined first. For example:

c. *As part of the 2nd phase of review, develop maps of areas of ESHA "exclusion". These areas have been identified as areas that do not require the FT to inspect the site for habitat potential. However, if ESHA, or potential ESHA, was found on the site, projects could proceed if applicants were allowed to participate in mitigation through "banking" or as part of the HCP for the area.*

Page 124, sentence 1

Delete the last part of the first sentence... *"before applications for development in or adjacent to ESHA are filed as complete."* If the FT process works, staff (or outside consultants) will be coordinating with these agencies and additional coordination will only be necessary on violations, enforcement cases, and controversial projects (all of which already have extended time frames).

Page 125

Need to add a sentence clarifying how many alternative constitutes a "full range"... For example, EIR's typically require review of at least three alternatives...*no project, the proposed project, and something in-between.* Since "no project" may not serve any purpose here, we could adjust these to something more applicable to individual lot development. For example:

d. *Non-resource dependent development within ESHA should be required to evaluate at least three different development alternatives. The goal of the alternatives shall be to relocate and/or redesign the proposed structure such that direct, indirect, and cumulative impacts to ESHA are reduced.*

Pages. 129 & 130

Need to rewrite the entire last paragraph on 129 and the first two on 130. Should reflect that the county does, in fact, do evaluate alternatives for projects. For example:

e. *Commission staff is not aware of whether the County pursues siting alternatives for development as a standard component of project review or not. If alternatives are being evaluated more often than not by the County, perhaps the decision-makers would be better served if County staff included a discussion of this process in their staff reports. It also appears that the County places a greater emphasis on mitigating impacts, rather than avoiding impacts. If this is not the case, perhaps their process of alternative analysis to avoid impacts first could also be included in staff reports.*

and,

f. *Biological reports should include constraints mapping. This mapping can be used by staff, in consultation with the biologist, to develop siting alternatives for the project. (i.e., the biologist shouldn't be designing the alternatives but rather mapping constraints to be used by staff and the applicant to design alternatives* ***early*** *in the process).*

The County staff report should more clearly show the work and evaluation of policies that lead to the project conditions and findings.

Page 131, paragraph1

Need to rewrite the last sentence indicating that we need to develop a two-part system of protecting ESHA. One that has an Urban component Plan and a Rural component Plan. For example:

g. *Because neither the County nor the Commission want to be involved in takings litigation, the County should pursue a two -stage system of ESHA protection involving different methods and priorities for Urban and Rural Areas. For example, mitigation for Urban lots could involve redesign alternatives for reduction of impact and mitigation banking (when impacts are unavoidable), and Rural parcels could involve redesign alternatives for avoidance of impact and easements for long term protection.*

Page 180, last sentence

Delete last sentence on page; "As proposed in the North Coast Area Plan Project Description, ...".

SUMMARY REPORT FOR CHAPTER 5 - AGRICULTURE (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve its effectiveness	Recommended Action (Agree, Disagree, Modify, Need More Info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
5.1	**Modify Ag Policy 1 to require ag viability report** for re-zonings/ other proposed dev.	Modify policy document and CZLUO. Issue includes determining whether all types of development should require this? Modify list of uses on "Table O" where appropriate.	**Agree** for GPA and for list of "Non-Ag uses - **Disagree** for residential uses	Low	No	No
5.2	**Modify CZLUO requirements to define ag viability reports**	Changes to CZLUO Section 23.04.024(a). Propose modifications to requirements for re-zonings and individual projects.	**Modify**; differentiate between requirements for ag viability between re-zonings/ individual development projects	Low	No	No
5.3	**Expand contents of Ag Viability Reports**	Changes in CZLUO, with minor changes from Ag Commission.	**Modify**/modifications to requirements for ind.projects.	Low	No	No
5.4	**Develop New LCP policy/ordinance to address development in Ag Areas**	Changes policies and ordinances for lot line adjustment/subdivision in ag areas: - Land division requirements for LLA - LLA must enhance ag viability through easements, buffers, etc. or deny - LLA, maximize size of ag parcels/ minimize size of non-ag parcels - LLA, prohibit new potential for new division or greater # of developable parcels *Alternative - consider amending CZLUO to increase minimum lot area to be developable.* - LLA, identify access roads/building env. - Limit building env. (3,500 Sq ft) *Alternative - use exemption of area similar to ag preserve rules (½ - 1 acre)*	**Disagree** **Agree** in concept; perhaps differentiate between minor and major LLA; review each project. **Agree** **Agree** on new division; **Disagree** on "developable" parcels where raises legal issues. **Agree** **Modify**	High	Yes Coastal Conserv. - pilot program	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve its effectiveness	Recommended Action (Agree, Disagree, Modify, Need More Info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
5.4 Cont	Develop New LCP policy/ordinance to address development in Ag Areas cont.	Cont. - Require ag viability report - Include contiguous ownership in comprehensive evaluation. Incorporate above into area plans	**Agree** **Modify** to be one criteria for evaluations (some appropriate) **Disagree,** handle in CZ wide ordinances.	High	No	No, do with CLUO amend
5.5	**Consider standards to govern existing no-conforming lots in agriculture**	Pursue policies and programs to provide comprehensive treatment of non-conforming lots in agriculture; - Obtain count of non-conforming parcels (*Major work tasks to review all deeds, may end up with more parcels being recognized; handle through C of C requests)* - Maximize ag potential through cluster - Building envelopes - Minimize road construction	**Agree** to establish LLA requirements. (See 5.4 above) **Disagree** **Agree** in concept. **Modify** per 5.4 **Agree**	Med High Med	No	No
5.6	**Explore adopting a merger ordinance** for non-conforming Ag parcels	Doing a merger procedure per SMA requirements. *Major work tasks with potentially limited outcome since it may lead to many parcels being conveyed to avoid merger.*	**Disagree.**	High	Coastal Res. Grt - study other juris.	No
5.7	**Policies and programs to address Certificates of Compliance and Conditional Certificates of Compliance**	Prepare a manual of C of C requirements *Alternatives - Have CCC review county's existing approach/matrix of determination; identify if they have concerns (already submitted to CCC for review*	**Modify**	Med	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve its effectiveness	Recommended Action (Agree, Disagree, Modify, Need More Info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
5.7 Cont	**Policies and programs to address Certificates of Compliance and Conditional Certificates of Compliance (Cont.)**	*(Cont)* Training for CC and county staff *(Both staff's need to have same understanding of the framework for requirements under SMA - only applied to Conditional Certificates of Compliance that are subject to CDP's).*	**Modify** **Need more information**	Unk.	No	No
		Require written staff report to support recommendation for C of C, noticed to CCC to allow for their review. *(Ministerial actions under Subdivision Map Act, this has substantial staff impacts)* *Alternative: The CCC can propose state legislation to make C of C's development under Coastal Act to then apply everywhere)*	**Disagree**	Very High	No	No
		Include Cond. Certificates of Compliance as appealable conditional use (not just based on geographic location criteria)	**Disagree**	Med		
5.8	**Develop standards for residential development on ag lands**	Suggest limiting size of RSF to 3,500 square feet and envelopes to 5.000 square feet *Alternative: support some evaluation.* *- use exemption of area similar to ag preserve rules (½ - 1 acre)*	**Disagree** (See also Visual -Chapter 8)	High	NA	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve its effectiveness	Recommended Action (Agree, Disagree, Modify, Need More Info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
5.9	**Evaluate Table O to address non-agricultural uses**	Revise "Table O" to clarify what are non-agricultural uses/supplemental uses Supplemental uses: require use of easements. Residential uses: no easement required as this is a Principal Permitted Use on non-prime soils. . Need to address what is "bonafide" agricultural uses; particularly on existing smaller parcels that were zoned agriculture even though too small to be for agricultural purposes (like 5-10 acre grazing parcels) *Alternative: change designation to Residential Rural to recognize its size, creates "spot zoning" which would be less supportive of continued ag viability..*	**Modify; need more information** **Modify** to clarify different requirements for supplemental uses and residential uses where PP use.	High	No	No
5.10	**Amend Permit Review Process** for Agricultural Development	Require coastal permit for intensification of ag land uses where: substantial grading, native vegetation removal or landform alterations that impact resources, within 100' of streams, increased water needs, alteration of environmental habitat or immediately adjacent *Alternative: Use the Alternative Review Process provided in the proposed grading ordinance; expand as needed.* *Alternative: Modify ordinances to clarify that ag exemptions must also meet the requirements for resource protections for streams/wetlands.*	**Disagree** **Agree** **Agree**	Very High	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve its effectiveness	Recommended Action (Agree, Disagree, Modify, Need More Info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
5.11	**Enhance LCP standards to avoid/mitigate development impacts**	In conjunction with 5.10, would establish standards for when projects are limited: - limit new or expanded crop production to slopes less than 30%, - erosion control measures; - cover crops in vineyards, - maintaining oak trees/protecting ESHA, - reduce pesticide use, - assuring wildlife travel corridors/limit fencing.	**Disagree** Tie to alternative review process in proposed grading ordinances; other non-point source "voluntary" programs: Pesticide use is already regulated.	Very High	No	No
5.12	**Strengthen Implementation of LCP water management requirements**	Enhance management of groundwater, including coordination with urban and agricultural uses, and monitoring of withdrawals should be pursued *Alternative: agricultural wells could be included in monitoring programs if appropriate.*	**Need more info** what are we trying to achieve(besides regulating ag water use.) Use Ag/OS policy as guide for policy. Ag riparian rights should also be evaluated.	High	No	No
5.13	**Protection of Rural Grazing Landscapes**	Adopt LCP policies and standards for use changes from grazing to other ag uses. Would require CDP for conversions that intensify water use, landform alterations, or other definitions of development. *Already have the no more than ½ acre conversion of native vegetation limitation in the definition of "development"in the Act.*	**Disagree**	High	no	No

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Comments on Chapter 5 - Agriculture

Detailed Comments from the County Agricultural Commission are attached and should be addressed in the review of County incorporated into the comments.

Page 187, paragraphs 2/3
Discussion of general trends toward more water-intensive crops, e.g. such as nurseries, should indicate that the majority of the nurseries are not occurring in the Coastal Zone.
Discussion of vineyards should indicate that this is not generally occurring in the coastal zone (perhaps due to climatic limitations).

Page 189, paragraph 3
There may be a contradiction between the desire to maintain long-term viability of agriculture and then imposing land use regulations which may establish permit requirements that will lead to delays and inability to respond to changing circumstances/economic realities. Amend sentence 5 to read "The flexibility to change practices and crops to respond..."

Page 190
While the findings of the AFT research may be interesting, there needs to be a clarification re: the areas of the state that were studied (e.g., Central Valley vs Coastal Zone). The report needs to make the link between a "general" study and the "specific" circumstances/issues applicable to SLO County coastal zone.

Page 192, footnote #24
This footnote should be more appropriately included in the general text of this presentation and reflects trends better than limited presentation in the body of the report.

Page 197, paragraph 3
This should reflect that while the CCC required that the CCSD process a general plan amendment to change the site to Public Facility, this still resulted in a reduction of agricultural lands, just as much as approving this as an allowed use in the Ag category.

Page 205, paragraphs 2/3
Paragraph 2 should clearly note that the vineyard and most nursery development is not generally occurring in the coastal zone.

Page 210, paragraph 1
This paragraph gives an impression that the county allowed any size or division that owners desired and that this was intentionally permissive.
This paragraph should be corrected to indicate that prior to 1980, the minimum parcels sizes were quite smaller and allowed some of the existing smaller parcels. In addition, many of the smaller parcels reflect parcels that were required to be recognized under the Subdivision Map Act through certificates of compliance based upon deeds ranging from the late 1800's until the first state and local ordinances established standards for division of property. However, with the adoption of the Land Use Element in 1980 and the LCP in 1984, criteria for subdivision of ag lands increased parcel size minimums to a range from 20 to 320 acres depending on a number of criteria.

Page 210, paragraph 2
This is a biased statement and needs to be revised to reflect that these were the rules that governed how to create parcels that applied throughout the State

of California. The first state subdivision map act regulating divisions of most agricultural properties was enacted in 1972

(Statute 1991, Chapter 1446) and subsequent amendments ultimately led to today's requirements on the division of property as found in the Subdivision Map Act. Thus for nearly 30 years there have been regulations that apply throughout the state.

Page 211, paragraph 5
This appears to have a biased slant, implying "limited arsenal of planning and legal tools". Please include programs that are in use elsewhere that are using a "less limited" arsenal and what is being achieved in those areas that you would like SLO County to consider. Until the laws are changed, the entire discussion of Certificates of Compliance and Conditional Certificates of Compliance should be removed from the report. It also needs to be acknowledged that the state legislatures has not made any changes to the law to make it easier for local government to resolve these issues. In fact, it is harder to solve the problem.

Page 212, paragraphs 3/4
This paragraph implies the county makes errors or acts illegally. Revise paragraph 3, third sentence by moving it to paragraph and put in BOLD as a clear statement of the law. Report should be modified to reflect that straight Certificates of Compliance are not considered to be "development" under the Coastal Act and that is why they are not reported to the Coastal Commission. *(In fact, some Coastal jurisdictions indicate that they do not consider "conditional" certificates of compliance to be development and do not report on those as well.)* The report should indicate that if the Coastal Commission wants to see certificates of compliance handled differently they should sponsor legislation to changes the rules that local government must live by.

Page 213, paragraph 2
This again implies errors in processing. This paragraph should reflect that the county has a matrix of dates that reflects legal evaluation of criteria that must be met in order to recognize a parcel through a straight Certificate of Compliance *(previously provided to CCC staff during the preparation of the initial report.)* Regarding the first bullet, this should be revised to use SLO County's date, not 1850. Regarding the second bullet, the Attorney General can provide training to Coastal Commission staff in the review of certificates and the limitations under the State Map Act.

Page 214, paragraph 1
The citation for **Pescolidito vs Mendocino** is not a published decision of the California Court of Appeals.

Page 214, paragraph 3
This discussion should indicate that the county had to consider this action because the properties were sold to individuals because the lawsuit between the property owner and the Coastal Commission was not properly recorded and thus there was not disclosure to purchaser who became "innocent parties" under the provisions for certificates. This was a major part of the difficulty in the county having to recognize these parcels and the error left the county with no option (further the county's action was not appealed by the Coastal Commission).

Page 214, paragraph 5
The suggestion that the county should treat Conditional Certificates of Compliance as a "violation" does not recognize that Subdivision Map Act recognizes that the Conditional Certificate is the remedy and allows conditions to be placed on the project. It also needs to be acknowledged that the state legislatures has not made any changes to the law to make it easier for local government to resolve these issues. In fact, it is harder to solve the problem. Perhaps the Commission should consider a remedy to look to the legislature to correct this problem through revisions to the Subdivision Map Act, rather than expecting local government to oversteps its bounds on individual projects.

Pages 215-224 re: Lot Line Adjustments
This includes many implications that the County is acting improperly or illegally. This section should be deleted or should more clearly lay out the "rules of the game" as set by the legislature and court actions.

Page 228, Table 5.5: Allowed Uses on Agricultural Lands
This Chart of Uses should be revised to include a category for Special Uses that are recognized as Principal Permitted Uses. These are reflected in the original findings made by the Coastal Commission in the adoption of the SLO County Local Coastal Plan.

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CENTRAL COAST AREA

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 20, 2001

TO: **San Luis Obispo County Board of Supervisors**

FROM: **Richard Greek, Agriculture Commissioner/Sealer** by Robert Hopkins

SUBJECT: **County Agriculture Commissioner Staff Response to California Coastal Commission Preliminary Report on the Periodic Review of the San Luis Obispo County LCP**

Introduction

The following staff report responds to the California Coastal Commission's (CCC'S) Preliminary Report on the Periodic Review of the San Luis Obispo County Local Coastal Plan (LCP). Comments in this report focus on the narrative sections and preliminary CCC recommendations which directly or indirectly affect agricultural lands and agricultural operations. The comments and recommendations in our report primarily address Chapters 3: Water Quality/Marine Resources, and Chapter 5: Agriculture.

These comments are based on agricultural policies contained within the County's Agriculture and Open Space Element (A&OSE) and current County Agriculture Department policy. The A&OSE and departmental policies are designed to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. Lastly, the San Luis Obispo County Agricultural Liaison Advisory Board has reviewed and endorsed the comments included in this report.

For the most part the narrative and preliminary recommendations excerpted from the Coastal Commissions Preliminary Report are highlighted in **bold** print. Suggested language changes are distinguished in highlighted print.

Chapter 3: Water Quality/Marine Resources Comments

Agricultural Commissioner's Staff General Comments:
County Agriculture Department Staff has reviewed the documents cited by the CCC Staff in Chapter 3 of their LCP Report. These include:

(1.) Water Quality Control Plan for the Central Coastal Basin (Basin Plan for Region 3).

(2.) Plan for California's Nonpoint Source Pollution Control Program:
Volume I, Nonpoint Source Program Strategy and Implementation Plan, 1998-2013 (PROSIP).
Volume II, California Management Measures for Polluted Runoff (CAMMPR).

(3.) Compliance Assistance Guidance (CAG) for Implementation of the "Plan for California's Nonpoint Source Pollution Control Program."

At this time, the State Water Resources Control Board/Coastal Commission position regarding the suspected role of agricultural practices in contributing to nonpoint source pollution in California has not been clearly explained to the agricultural stakeholders in San Luis Obispo County. We are currently working with San Luis Obispo County Agricultural Liaison Advisory Board and the Central Coast Regional Water Quality Control Board (RWQCB) Staff to coordinate Nonpoint Source Pollution public education and outreach sessions for the local agricultural community. The goals for these sessions will include introducing the NPS management objectives and time table detailed in Volume I of the State NPS Plan, (PROSIP), and the Management Measures (MMs) introduced in Volume II of the plan (CAMMPR).

C. Preliminary LCP Implementation Issues

C.1. Water Quality Impacts from Agricultural Operations Pesticides

Agricultural Commissioner's Staff General Comments:
The sections of the report which addresses pesticides (pages 78 and 79) lacks any discussion covering the existing statewide regulatory framework and local program administered through the County Agricultural Commissioner. Given the context of the discussion, we recommend at least a narrative section which summarizes the state and local regulatory program including the existing agreement and program between the California Department of Pesticide Regulations and the State Water Quality Control Board for protecting water quality. The following paragraph is suggested language:

> ~~The California Food and Agricultural Code clearly establishes pesticide regulation as the domain of the California Department of Pesticide Regulation and local County Agricultural Commissioners. Where over lapping jurisdiction occurs in environmental medias such as water, MOU's are established to~~

coordinate efforts and utilize public resources efficiently. The goal of the regulations is the protection of workers, the public's health and safety and the environment which includes protecting water quality.

The regulations present a comprehensive enforcement approach. Local enforcement efforts are enhanced by educational outreach and collaboration with the public, pesticides users, other agencies, training sessions, promotion of least toxic pest management approaches, and response to emergencies involving pesticide discharge into the environment. (Note: see attached pesticide program summary.)

(Report narrative excerpt, pg 78)

Pesticides: **In general, runoff containing residues of pesticides (and other chemicals) is a significant concern for the protection of water quality and marine resources. Some estimates note that between 1991-1998, pesticide use throughout San Luis Obispo County increased by approximately 53%, from approximately 1,572 pounds to approximately 2,403 pounds of active ingredients used.[1] Californians for Pesticide Reform (CPR) identify so-called "Bad Actor" pesticides as "California registered pesticides that are acute poisons, carcinogens, reproductive or developmental toxicants, neurotoxins, or groundwater contaminants" and estimate that in SLO County use of these pesticides rose by 24%.[2] While these are county-wide data, pesticides will be carried into coastal waters through storm water runoff regardless of whether the initial application of the pesticide is within the coastal zone or inland of the coastal zone boundary.**

Agricultural Commissioner's Staff Comments:

This first paragraph addressing pesticides is highly speculative and fails to acknowledge that no water quality sampling data to date implicates current pesticide practices in San Luis Obispo County as carrying pesticides into coastal waters. The agricultural cropping patterns and irrigation practices, as well as urban density are substantially different from other areas of the state where surface water contamination has been confirmed. Future WQCB sampling will be critical to ultimately determining if and where the current pesticide regulatory program in San Luis Obispo would need to focus additional regulatory efforts in cooperation with the WQCB in coastal watersheds.

Relative to the use of any database or study; government has a responsibility to evaluate its

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[1] Kegley, Susan, Stephan Orme, and Lars Neumeister. *Hooked on Poison: Pesticide Use in California 1991-1998.* Published by Pesticide Action Network North America Regional Center and Californians for Pesticide Reform. 2000

[2] ibid. pg. 7.

content and assumptions before utilizing it as a basis for setting policy. In the case of the CPR database and reports; they are a resource with an advocacy perspective, further review and evaluation by the regulatory agencies that collect the data and have local and statewide regulatory responsibility is critical, so that any implications and follow through are not incongruent with actual local conditions. Taking reports with broadly worded implications at face value without further assessment can result in faulty public policy that fails to address critical issues and/or makes unwise use of public resources.

We recommend this paragraph be rewritten with a focus on actual pesticide use in the coastal zone and confined to known water quality sampling. The California Department of Pesticide Regulation and the County Agricultural Commissioner can provide data on pesticide use and the Regional Water Quality Control Board concerning water sampling.

(Report narrative excerpt, pg 78)

The quantity and specific pesticides used will vary by the commodities grown. San Luis Obispo County has seen an increase in the production of wine grapes, avocados, lemons and nursery plants over the past decade.[3] In general, the increase in these crops has lead to an increase in pesticide use in the County. The change in pesticide use and the acres used for crop production of these commodities between 1993-1998 are illustrated in Table 3-1, below.

Table 3-1: Change in Pesticide Use and Farm Acreage for Selected Crops, San Luis Obispo County, 1993-1998:

Crop	Change in Acres	Change in Pesticide Use
Wine Grapes	increase 31%	increase 84%
Avocados	increase 8%	increase 885%
Lemons	increase 5%	decline 22%
Nursery (includes greenhouse, outdoor grown plants, flowers)	increase 11%	increase 78%
Carrots	N/A	increase 352%
Apples	increase 69%	increase 66%
Peas	increase 22%	decrease 34%

[4]Sources: County Agriculture reports 1994 and 1998 for acres; Pesticide Use Reporting; Department of Pesticide

[3] Robert Hopkins. County Agriculture Commissioner. Pers. comm 5/5/00.

[4] For all grapes, the increase in pesticide use is 427%
Regulation; www.cdpr.ca.gov: "Product Use and Data"; "Pesticide Use Reporting".)

Agricultural Commissioner's Staff Comments:
Table 3-1 (page 78) and accompanying discussion, which contrasts acreage increases with pesticide use increases, lacks specificity with respect to pesticide use, water quality issues, and the agricultural trends in coastal San Luis Obispo County. Without also showing what pesticides constituted the increase use, and the relationship of the increased materials to the specific crop time of year applied and method of application the information is not very relevant to water quality impacts. A critical part of the review from our perspective is whether the trends are supporting a transition to integrated and more benign pest management practices. Our knowledge indicates that the transition is occurring generally; but that new detrimental exotic pest introductions continue to inhibit progress. Avocados are a good example where we went from a limited pesticide use to larger quantities of primarily reduced risk pesticides, due to new pests. The higher quantity used for Avocados was due primarily to the use of sugar, light oils and, Sabodella. The same level of analysis is necessary for all crops including relating the use to the actual use and acreage in the Coastal Zone. We recommend deleting carrots from the table, since they are not produced in the coastal zone or near the coastal zone and focusing the trends and crops to the extent possible to Coastal San Luis Obispo or deleting the table.
(See **Attached___**, Pesticide Use in Avocados, San Luis Obispo County, 1993 & 1998 Pesticide Use Report Data.)

(Report narrative excerpt: page 79)
***Monitoring for Pesticides*: Although some pesticides are known to be toxic to wildlife and humans, monitoring for the presence of pesticides is infrequent. There is evidence of pesticide residue in some coastal lagoons in Central California; many of the pesticides evident were those used in past, but still present in the environment, including DDT.* Studies also show that pesticides, fertilizers, nutrients, and other pollutants from agriculture are evident in waterbodies in the Nipomo Mesa subarea, in Arroyo Grande Creek, and Oso Flaco Lake. As shown in Map 3-B, pesticides are used throughout the County, but are concentrated in the Santa Maria Estuary region in the South Bay. Ongoing and complete monitoring has not been undertaken to evaluate the presence of pesticides in the County's streams and estuaries, due in part to the expense of testing for pesticides.* The Regional Water Quality Control Board has recently begun conducting more ambient water quality monitoring, including some monitoring for pesticides.**
*Information per Karen Worcester, Regional Water Quality Control Board.

Agricultural Commissioner's Staff Comments:
The paragraph addressing pesticide monitoring is vague and speculative. For example, references to samples showing DDT residue is not relevant to current pesticide use trends as DDT and many of the related chlorinated hydrocarbon compounds have been banned and not used for many years. We agree with the need to conduct more water quality sampling by the Regional Water Quality Control Board.

(Report narrative excerpt: pg 82)

Preliminary Policy Alternatives

Preliminary Recommendation 3-1:

Modify and adopt the following polices and standards in the LCP. (*Bold italics* indicate new language; ~~strikeouts~~ indicate language proposed to be removed.)

> **Agriculture Policy 8: Proper soil conservation techniques and grazing methods should be encouraged in accordance with ~~208 Water Quality Standards~~ *Basin Plan receiving water objectives* adopted to meet the water quality requirements of the California Regional Water Quality Control Board.**
>
> **Coastal Watershed Policy 14: Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance ~~with 208 water quality standards~~ *Basin Plan receiving water objectives* adopted by the California Regional Water Quality Control Board.**

Agricultural Commissioner's Staff Comments:

We concur with Agriculture Policy 8 and Coastal Watershed Policy 14, and have subsequently obtained a complete copy of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan).

(Report narrative excerpt: pg 83)

Ordinance 23.08.046 c(2):

Application content. Where this section requires land use permit approval for a specific animal raising activity, the permit application shall include the following in addition to all information required by Sections 23.02.030 ...

- **(i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.**
- **(ii) The applicant's plans for animal waste disposal, *including plans showing measures to confine runoff, adequate capacity to allow for proper wastewater disposal, and measures to prevent seepage to groundwater.***
- **(iii) ...**

e(2): Erosion and Sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation *or runoff* on any public road, adjoining property, or in any drainage channel.

Agricultural Commissioner's Staff Comments:

We concur with the proposed changes in wording for Ordinance 23.08.046 c(2), and e(2).

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(Report narrative excerpt pg 83):

Preliminary Recommendation 3-2:

Modify LCP to incorporate mechanisms to fully implement the management measures identified in Appendix D. Appendix D identifies preliminary policy alternatives to achieve this goal.

Agricultural Commissioner's Staff Comments:

County Staff recently became aware of the *Plan for California's Nonpoint Source Pollution Control Program. (Vol. I and II)*, the memorandum of understanding (MOU) between the State Water Resources Control Board (SWRCB) and the Coastal Commission (CCC) , and the draft *Compliance Assistance Guidance (CAG)* for Implementing the State's NPS Plan.
We are presently reviewing Volume II of the State NPS "Plan", *California Management Measures for Polluted Runoff (CAMMPR)*.

The County recognizes the regulatory authority of the RWQCB in matters pertaining to Point Source and Nonpoint Source water quality monitoring, compliance, and enforcement. We also note that the MOU between the CCC and the SWRCB underscores the role of the CCC in matters pertaining to the management of development projects within the Coastal Zone that may affect water quality. However, some of the proactive Recommended Modifications appearing in APPENDIX D, are in place, having been initiated by other agencies including the RWQCB..

Specifically:

Table D-1, Item 3, "Protect range, pasture and other grazing lands including sensitive areas...".

The CCC staff Recommended Modification 4, **"Add a program to the LCP to work with landowners to develop grazing management measures to protect sensitive areas, etc....",** is being addressed by on-going U.C. Cooperative Extension rancher/grower education programs in San Luis Obispo County.

Since 1998, the Cooperative Extension has offered a series of multi-week Short Courses on Ranch Management for Water Quality. The courses have been offered twice yearly in the north and south regions of the county and emphasizes development of water quality management plans for privately owned ranch land. In February 2001, the Cooperative Extension water quality education program was expanded to include Farm Management for Water Quality. This new course concentrates on irrigated row crops, hillside horticulture,
strawberries, and greenhouses. The emphasis of both courses is the reduction of sedimentation, nutrient and pesticide runoff, and the intrusion of salinity in groundwater.

The RWQCB endorses the U.C. Cooperative Extension training and has participated in the past to assist with spreading information on the importance of NPS control on the ranch and farm. Participation by ranchers and growers in the training has been seen by the RWQCB as a

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willingness to embrace the Tier 1 Self-Determined Implementation of Best Management Practices as defined under the Porter-Cologne Water Quality Control Act.

Table D-1, Item 5, "Develop, implement, and update nutrient management plan," the CCC staff recommends, **"development and implementation of comprehensive nutrient management plans for areas where nutrient runoff is a problem affecting coastal waters..."**. This recommendation appears to parallel efforts by the RWQCB. Our understanding of existing state and federal law is that the RWQCB is required to conduct periodic assessments of water quality for all streams within specific watersheds.

Data quantifying water quality, including nutrients, are compared to acceptable limits defined in the Basin Plan. If the water quality in a specific stream or tributary in deemed unsuitable to support the Beneficial Uses defined in the Basin Plan, the stream may be declared "impaired", under Section 303(d) of the Clean Water Act.

A stream classified as "impaired" triggers actions on the part of the RWQCB which may include developing Total Maximum Daily Loading (TMDL) requirements for specific pollutants, and TMDL Implementation Plans spelling out strategies and time tables for water quality improvement.

The RWQCB has identified several streams in San Luis Obispo County as "impaired" due to high nutrient levels. As the TMDL process progresses, the RWQCB will assess responsibility and will impose compliance and enforcement requirements to reduce the NPS inputs. This well-defined, existing process for regulating water quality, including nutrient loading, is clearly the responsibility of the SWRCB and the nine (9) regions.

In the interim, we concur with the rationale of the CCC staff supporting "proactive" preventative measures through sound project planning. We do not agree, however, that developing nutrient management plans for land adjacent to threatened or impaired waters is within the scope of the county's mission.

For **Table D-1, Item 6, "Reduce contamination of surface and ground waters from pesticides"**, the staff Recommended Modification is, **"Reduce contamination of surface water and ground water from pesticides, including reductions in pesticide use..."**
Please refer to comments related to Pesticides appearing on page ___.

Specific to **Table D-1, Item 7, "Reduce nonpoint source pollution of surface waters caused by irrigation by (a.) Match timing and amount of irrigation water to crop needs, and (b.) Include backflow preventers for wells, minimize discharge of chemigated waters, and control deep percolation"**, the staff Recommended Modifications are, **"(1.) Changes in irrigation techniques should be designed to conserve water and retain water on site. (2.)County permits for new wells could include conservation requirement that retain irrigation on site."**

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Our experience suggests that the Agricultural Industry continues to make improvements in irrigation efficiency through the increased reliance on controlled-flow sprinklers, drip irrigation, and drip tape. A well-designed and delivered Farm Water Quality Planning program by the U.C. Cooperative Extension is underway in the county which is designed to minimize sedimentation, nutrient and pesticide runoff, and the intrusion of salinity in groundwater. As the awareness increases among the grower community, we see evidence of sufficient water conservation to preclude the need to condition well permits with conservation measures.

(Report narrative excerpt pg 94):

Preliminary Recommendation 3-7:

Develop watershed plans for each water basin and/or planning area to address cumulative NPS pollution: ***As the Commission found in reviewing the Avila Beach*** **Specific Plan, water quality cannot be protected without managing inland development and land uses. The Commission recommended that the County "coordinate the development and implementation of a comprehensive watershed management program designed to protect the water quality of the entire watershed of all coastal creeks and streams throughout the planning area." This recommendation should be carried out throughout the County's coastal zone, especially for drainages that have a documented water quality problem. Implementation of this alternative will address the management measures focusing on existing developed areas. The program should be designed to manage changes in land use and development, support riparian corridor restoration, and encourage the implementation of best management practices throughout the planning area's watersheds. As recommended by the Commission, the watershed program should:**

1. **Identify specific measures to minimize the cumulative impact of new development on the watershed and avoids the alteration of natural drainage patterns;**
2. **Assess the cumulative impacts of development on water quality and hydrology in order to designate areas to further emphasize on site management of runoff.**
3. **Include a component which identifies which areas of the watershed which, if restored, could improve water quality;**
4. **Include a public participation component;**
5. **Integrate agriculture management measures including developing watershed specific nutrient and pesticide management programs**
6. **And include a monitoring component, including to evaluate the effectiveness of BMPs used to control polluted runoff.**

Agricultural Commissioner's Staff Comments:

The county Agriculture Department regulates and monitors pesticide use by the agricultural community with an emphasis on preventing contamination of surface and groundwater. Additionally, the Department critically reviews development proposals on parcels zoned for Agricultural land uses, with an emphasis on protecting productive soils. Other agencies including the NRCS, the Coastal San Luis RCD, the U.C. Cooperative extension, and the Morro Bay National Estuary Program manage programs aimed at reducing sedimentation, nutrient runoff, heavy metal contamination, and the introduction of toxic materials. Collectively, these

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efforts represent prudent ,"proactive" , preventative measures for controlling potential sources of nonpoint pollution in San Luis Obispo County watersheds.

The existing process for regulating water quality, including nutrient loading and sediment at the watershed level, is the responsibility of the SWRCB and the 9 Regions. As the TMDL process develops for streams within the watersheds of the county, the RWQCB through the TMDL Implementation Plans, will assess responsibility for reducing the NPS inputs and will impose action plans with time lines for water quality improvement.

We agree with the CCC staff in supporting "proactive" preventative measures through sound project planning. However, comprehensive NPS source reduction plans at the watershed level is beyond the scope the county's role in water quality management.

Chapter 5 Agriculture Comments

Preliminary Recommendations Comments

Except for Preliminary Recommendation 5.3, the preliminary recommendations are inserted verbatim with our comments. The Coastal Commission recommendations are distinguished with bold print:

> **Preliminary Recommendation 5.1: Modify Agricultural Policy 1 by adding the following language: For any proposed rezoning of agricultural lands to another designation, or for any other proposed development that would commit agricultural lands to other non-agricultural uses, an agricultural viability report shall be prepared, as specified under Ordinance 23.04.024(a).**

Agricultural Commissioner's Staff Comments:
We concur with the need to expand the type of projects which would necessitate an agricultural viability report or in the case of a rezone project a cost benefit type analysis. Projects which are not directly related to the agricultural operation need that sort of information. However, we do not see the need for agricultural viability studies for non agricultural uses which are related to the agricultural operation. These uses would include all uses in the use group Agriculture listed in Table O Coastal Zone Framework for, Residential Uses (Table O) and Residential Accessory Uses. We also concur in concept with agricultural viability reports for major lot line adjustments.

> **Preliminary Recommendation 5.2: Modify Ordinance 23.04.024(a) to expand the factors that should be considered as part of the required viability studies to include the following:**

In reviewing this recommendation we have taken into consideration the comments of Mary Bianchi, the Viticulture Farm Advisory for the U. C. Cooperative Extension. In that context we recommend the following changes:

> **Incorporate an Agricultural Viability Report definition, for example: A report that assesses the viability of parcels as agricultural operations ~~or grazing units~~, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size, ~~economic factors~~ and any other factors relevant to the particular parcel. The report shall ~~establish a baseline of information to be used to~~ describe the role that each factor plays as a variable influencing the site ~~and surrounding area's~~ viability for agricultural production. ~~In terms of scope,~~ The feasibility analysis should analyze ~~both the site and the larger area's~~ current and past productivity as an agricultural unit for a minimum of the preceding five years. Should not be time specific but related to cycles of weather and economics as well as the growing/production patterns of the crop itself.**
>
> **Preliminary Recommendation 5.3: Expand and specify the contents of the Agriculture Viability Report. For example, CZLUO 23.04.024(a)(1), Existing land uses and (3) Site characteristics...including topography soils, climate water availability and adjacent land uses, could be expanded to include more specific information such....**

(Note: Unlike the other recommendations we have not included the entire text due to the size and complexity of the issues. Our comments are in a broader concept arena versus specific.)

County Agricultural Commissioner's Staff Comments:

This recommendation significantly expands the scope of information and issues to be analyzed in an agricultural viability report. Although for various type of projects, especially General Plan Amendments this information is beneficial, generally the list is too extensive. We offer the following suggestions;

> Flexibility is needed with respect to the scope and breadth of information necessary for agricultural viability reports regarding specific projects. Not all of the information line items are applicable to all projects. Only the pertinent information and appropriately scope to the project would be necessary.
>
> For some of the major sections there are information line items that are in the wrong section. For example in the Soils section (page 200) item's d and e are economic information which is not pertinent to soils section. We recommend all the sections are refined to remove unnecessary information.

There are several information items requiring the compilation and analysis of off site agricultural resources. For the most part this type of information would not appear necessary for projects which are intended to supplement on going agricultural operations.

Within the Economic section (3. Economics page 202 & 203), item e.1. there is a list of "net economic impact" parameters to be included where relevant. This type of information would not appear necessary and would not be feasible to generate due to costs, with the exception of a major public works projects or projects requiring an Environmental Impact Report. We recommend this section separated out from the Agricultural Viability section and clarified as to the purpose and project type applicability.

Preliminary Recommendation 5-4: Develop a new LCP policy/ordinance to address development in Agricultural Areas. As discussed, a comprehensive evaluation of existing policies and ordinances and possible modifications should be completed to accomplish the following:

1. **Clarifying that Land Division requirements apply to Lot-line adjustments.**

2. **Assuring that Lot-line adjustments maintain and enhance agricultural viability. Lot-line adjustments, including those of fewer than three lots, should be authorized *only* when the proposal maintains or enhances agricultural viability through easements, buffers, and other conditions to protect future agricultural activities and land uses. In those cases where the development of non adjusted nonconforming lots would have a greater impact to agricultural land than if lots were adjusted, the adjustment should be the minimum necessary to allow for private development while maximizing agricultural protections.**

3. **Require Lot-line adjustments to maximize the size of an agricultural parcel(s), while minimizing and clustering non-agricultural parcels. Allow parcels intended for non-agricultural use to be less than the 20 acre minimum parcel size for agricultural lands.**

4. **Prohibit Lot-line adjustments from creating new subdivision potential or increasing the number of developable parcels over those existing prior to the lot-line adjustment proposal. Evaluate original purpose of parcels and the applicant's economic-backed expectations.**

5. **Require all Lot-line Adjustments to identify access roads and building envelopes.**

6 **Limit building envelopes to a reasonable size that minimizes potential resource impacts, such as 5000 square feet, including landscape and accessory buildings.**

7 **To determine the effect of lot-line adjustments on agriculture viability, a viability analysis should be done for all subdivisions and lot-line adjustments on agricultural lands.**

8 **Ensure that all geographically contiguous parcels in common ownership are addressed through comprehensive evaluation at LLA stage.**

County Agricultural Commissioners Staff Comments:
Although a full range of lot line adjustment projects can occur in the coastal zone there are two general groups of projects. There is what we refer to as minor property line adjustments. These typically involve 2 to 4 parcels and make minor adjustments to the property lines and acreages. The reasons for these adjustments can include correction to past survey errors, moving lines which are to close to existing structures or other property improvements, realign with fence lines, drainage areas, and access roads. Other than making a determination that the project would maintain and enhance agricultural viability, the recommended list of policy and ordinance changes would not be necessary for this type of lot line adjustment.

The second group of lot line adjustments we refer to as major adjustments or re-subdivision adjustments. These projects typically involve 4 and 10 parcels or more, and are realigned to completely change the sizes and configuration of parcels. Generally the recommended changes to Coastal Plan policies would provide improved criteria for the protection of agricultural resources. A similar list of criteria was previously supported by our office (and the Agricultural Liaison Board and Agriculture and Open Space Element subcommittee) but was not approved by the Board of Supervisors in 1998 when the Agriculture and Open Space Element was adopted:

Following is an outline of the proposed policy:

- cluster the adjusted lots to protect the long-term agricultural capability of the site
- minimize locating development on the most productive soils wherever possible
- designate building site that will provide adequate buffers between future residences and associated accessory uses so as to minimize conflicts with the adjacent agricultural operations

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- position the resulting parcels to minimize impact from access roads or driveways on the agricultural operations

- define parcel size standards that will allow clustering of the adjusted parcels in areas of the site where there is less agricultural potential due to the soil types, topography or other site constraints, even if the resulting parcels are smaller than the minimum parcel size that would otherwise be allowed by the land use category

- the parcels resulting from the adjustment that are intended to increase the long term agricultural viability should qualify for an agricultural preserve contract, as well as be covered by a conservation easement, where feasible.

The recommendations generally agree with the policies recommended in the preparation of the Agriculture and Open Space Element listed above. We therefore are in general agreement to the recommended criteria for major lot line adjustments with the exception of limiting the development envelope to 5,000 square feet.

Concerning building or development envelope restrictions, see preliminary recommendation 5-5.

Preliminary Recommendation 5-5: Consider standards to govern existing non-conforming lots in agriculture. Pursue policies and programs to provide for more comprehensive treatment of nonconforming agricultural parcels, including: obtaining a count of the number of non-conforming parcels in the rural area by Planning Area; revising the agricultural standards to require maximizing the agricultural potential of non-conforming parcels by clustering non-agricultural uses; defining maximum building/landscaping envelopes such as 5000 square feet; minimizing road construction; and so forth.

County Agricultural Commissioners Staff Comments:
Overall we are unclear to the purpose and intent of this recommendation. Rather than using the 5,000 square feet for development envelope criteria there are alternative approaches.

When agricultural properties execute an agricultural preserve contract in accordance with the Williamson Act and the local implementing rules of procedure, the parcel is accessed an agricultural value versus the standard Proposition 13 value. However, improvements to the property, such as with a residence and ancillary uses are excluded from this tax break. The Assessors Office typically uses a .5 to 1 acre area to exclude from the tax break covered by the agricultural preserve contract. Using these criteria would appear an appropriate alternative given an established precedent and methodology.

Preliminary Recommendation 5-6: Explore adopting a merger ordinance for non-conforming Agricultural parcels, as provided in the Subdivision Map Act.

County Agricultural Commissioner's Staff Comments:
Recommendation 5-6 responds to the issue of existing nonconforming parcels in the Agricultural Land Use Category which are currently under single ownership. We acknowledge the potential long term viability problems with agricultural parcels which under individual ownership are not large enough to remain sustainable. However, we are concerned with a standard type of merger ordinance and the unintended consequence to current ownership patterns and agricultural uses. Serious consideration on the part of the county to pursue a merger ordinance could cause substantial sale of existing nonconforming parcels, and the break up of established agricultural operations with potential long term adverse implications to agriculture.

Preliminary Recommendation 5-8: Developing LCP standards for large residential developments on Agricultural Land. For example, consider limiting the size of single family homes in agricultural districts to a maximum of 3,500 sq. ft. total; and limiting development envelopes to 5,000 square feet.

County Agricultural Commissioners Office Comments:
Regarding this recommendation refer to the previous section discussion concerning using the Assessor's Office agricultural preserve program residential envelope exclusion area criteria.

Preliminary Recommendation 5-9: Evaluate Table O for revisions to address non-agricultural uses. Table O should be reevaluated to clarify conditional uses on agricultural land. For example, consider defining residences that are not developed in direct support of bonafide agricultural operation to be a conditional use. Require agricultural protection easements on the parcel in conjunction with residential development.

County Agricultural Commissioners Staff Comments:
We concur conceptually with a reevaluation of Table O evaluating a look at the non-agricultural uses currently allowed or permitted in the Agriculture Land Use Category.

However, one example cited is changing the level of permitting for a single family residence. Rather than the existing principally permitted uses, the recommendation is to require a conditional use permit for residences that are defined as not in direct support of bonafide agricultural operations. Developing a feasible method of determining bonafide agricultural operations is problematic and subject to inconsistencies. Generally, the existing requirements for residences and residential uses appear sufficient to protect coastal agricultural resources.

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Preliminary Recommendation 5-10: Amend Permit Review Process for Agricultural Development. Amend the LCP to require Permit review if intensification of agricultural land use results in any of the following:
(1) substantial grading, native vegetation removal, or significant land form alteration that impacts sensitive resources;
(2) agricultural uses within 100 feet of coastal streams or waters (as discussed in Chapter 3);
(3) an increase in water needs; or
(4) alteration of environmentally sensitive habitat or new development immediately adjacent to habitat. Some of these revisions may be authorized under general planning law rather than the Coastal Act.

Preliminary Recommendation 5-11: Enhance LCP standards to Avoid/Mitigate Agricultural Development Impacts. In conjunction with permit review for changes in intensity of the use of agricultural lands, the following standards should be incorporated into ordinances to improve protection of coastal resources:
(1) limiting new or expanded crop production to slopes of less than 30%;
(2) incorporating erosion control measures;
(3) incorporating cover crops into vineyards and hedgerows, which increase the habitat and reduce erosion potential;
(4) maintaining oak trees and protecting ESHA, and planting vines away from oaks;
(5) reducing the use of fumigants, pesticides, and fertilizers; and
(6) assuring wildlife travel corridors through limitations on fencing or other mechanisms.
These revisions may be authorized under a combination of general planning law and the Coastal Act.

Preliminary Recommendation 5-13: Protection of Rural Grazing Landscapes Potential conversion of rural grazing landscapes to intensive crop production that would impact scenic vistas, alter watersheds, and adversely impact habitat values should be minimized. Alternative LCP policies and standards to address this potential land use change should be developed and adopted. This could include a requirement for a coastal development permit where grazing land would be converted to a different agricultural use that involves intensified water use, land form alteration, or other activity that falls within the Coastal Act/LCP definition of development.

County Agricultural Commissioners Staff Comments:
(Note these comments where appropriate are applicable to the scenic preliminary recommendation 8:1 on page 316)
We have consolidated our comments concerning Recommendations 5-10, 5-11, 7 5-12, since

these recommendations are interrelated. Recommendation 5-10 contains a list of criteria to indicate the circumstance by which intensification of agricultural uses would require a land use permit. Recommendation 5-10, 5-11 essentially lists a set of performance standards which presumably would be incorporated into intensified agricultural uses that would be reviewed per recommendation 5-10. Recommendation 5-13 is similar to 5-10 in recommending a review when open grazing land is intensified, potentially impacting scenic vistas or other designated sensitive resources.

Taken as a whole, we view the policies in these recommendations as an arduous regulatory approach to agricultural land use. We think there are sufficient policy documents, educational and land owner administered conservation programs, and a grading review ordinance to protect non-agricultural coastal resources, without a new regulatory approach.

The Agriculture and Open Space Element contains several policies which aim to protect environmental resources which interface with agricultural uses. These policies include;

AGP25: Unique and Sensitive Habitats
AGP26: Streams and Riparian Corridors
AGP28: Major Ecosystems
AGP29: Wildlife Corridors
AGP30: Scenic Resources

The implementation of these policies, relative to agricultural operations, is mostly through educational efforts, and encouraging growers to adopt rangeland and farmland management practices which protect these resources. Agriculturally related projects which require a discretionary land use permit are required to mitigate potential impacts to environmental resource through the environmental review process.

There are considerable educational efforts, both in the private and public sector, with regards to protecting and enhancing environmental resource which coexist with agricultural operations. Non point source pollution, many current efforts exist in San Luis Obispo County including:

- UC Extension Short Courses for Rangeland Water Quality
- UC Extension Short Courses for Farm Water Quality
- San Luis Obispo Farm Bureau Water Quality Program
- Central Coast Vineyard Team Positive Point System
- San Luis Obispo County Grading Ordinance
- San Luis Obispo Native Tree Guidelines
- NRCS/RCD Programs
- RWQCB - TMDL Programs

Although not yet approved by the Coastal Commission for use in the coastal zone, an updated grading ordinance is in place for the inland portions of the county. Concerning agricultural

grading activities there is a tiered system for addressing agricultural grading issues. The tiered system uses a sliding scale approach with an incremental increase in technical information inputs and review relative to the nature of the grading activity. For example, Tier 1 type activities such as cultivation on generally preexisting level land, appropriate management practices are encouraged and Field Operations Technical Guides from the Natural Resources Conservation District for these activities are available. Up to Tier 3 activities, such as a new orchard on slopes over 30%, where there is a determination the use is necessary and appropriate to support a recognized agricultural enterprise, the intensification is reviewed, approved, inspected and signed off through the Resource Conservation District. This interdisciplinary approach could be directly employed to address resource protection issues associated with the intensification of agricultural uses in the Coastal Zone.

An alternative option to explore could use the Alternative Review Process as the basic model, with the expansion of review encompassing a wider range of grading activities. This concept could move beyond a voluntary and educational model, to a review and certification approach as an alternative to land use permitting. Some of the new grading activities which fall into the Tier 2 group could be addressed by this process. Variation on this approach could include incorporating a point system analysis into a agricultural grading certification program.

> **Preliminary Recommendation 5-12: Strengthen Implementation of Existing LCP Water Management Requirements. Existing LCP policies that require protection of groundwater basins, protection of riparian habitat, and monitoring of water withdrawals are underutilized by the County. Enhancing management of groundwater, including coordinated management between urban and agricultural users and monitoring of groundwater withdrawals, should be pursued.**

County Agricultural Commissioners Staff Comments:
This recommendation is vague to any general or specific changes intended. We have concerns with changes to the local coastal plan or CZLUO which would place higher emphasis on groundwater resources for non agricultural uses. The Agriculture and Open Space Element contains a policy, AGP11 which strongly promotes maintaining ground water resources for production agriculture. As is the case throughout California the availability of water resources for agricultural production is vital for long term agricultural viability.

Additional Comments

Agricultural Intensification (page 187)

The two paragraphs express concerns with the intensification of agriculture in coastal areas in particular the concern with wine grapes. Actually very little vineyard acreage has been established in the Coastal Zone. Barring a new cool weather variety, it is unlikely very much

acreage would be intensified with vineyards. We suggest these two paragraphs clearly distinguish between what is occurring outside of the coastal zone versus occurring in the coastal zone and provide a more accurate depiction of intensification in the coastal zone.

Long Term Viability of Agricultural Lands. (Page 189)

The last sentence of this paragraph contains an important statement concerning agricultural viability. We recommend adding in language to include change of crops as indicated. **The flexibility to change practices and crops to respond to changing economic situations is one element that is critical in maintaining agricultural uses. Because of the complexity of the agricultural economy, local governments must take advantage of multiple mechanisms, including land use regulations, to maintain agricultural lands.**

Agricultural Minimum Parcel Size Criteria

Table 5-3: Minimum Parcel Size Criteria

Based on Land Use:	
Irrigated Row Crops	20 acres
Animal Facilities	20 acres
Agricultural Processing	20 acres
Irrigated Pasture	30 acres
Orchards, Vineyards	40 acres
Dry Farm Fields	80 acres
Dry Farm hay/alfalfa	160 acres
Grazing	320 acres
Based on Land Capability:	
Class 1	20 acres
Class II	40 acres
Class III	80 acres
Class IV-VI	160 acres
Class VII-VIII	320 acres
Based on Agricultural Preserve:	Dependent on contract

Source: San Luis Obispo County LCP

Table 5-3 lists the current tests for minimum parcel size in the Coastal Zone. The Agriculture and Open Space Element table for minimum parcel size would make changes to some of the minimum parcel size tests. In particular the test for Animal Facilities would be deleted and parcels down to 20 acres would have to meet a specific list of standards.

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Addressing Impacts from Intensification of Agricultural Uses (pages 237 to 242)

This narrative section discuss potential impacts to non agricultural resources which interface with agricultural resources in the coastal zone. We have some concerns with the tenor and emphasis within this section.

In the narrative discussion concerning potential impacts from new vineyards and water quality issues (pages 237 and 238) there is too much emphasis on what has occurred in other locations. References are made to oak woodland losses in Santa Barbara County and water quality impacts in the Elkhorn Slough. Although these references appear intended for general illustrative reasons, excessive references to other locations leaves the impression like impacts are occurring within the San Luis Obispo local coastal zone. As discussed in section concerning agricultural intensification, the impression in this entire section is that extensive intensification is occurring in the coastal zone with associated impacts. It has been our observations that intensification with irrigated uses has occurred at a moderate rate with much of the acreage attributed to cultivated dry farmed field being used for vegetable crops on both a continuous or rotational basis with dry farmed crops.

> **Preliminary Recommendation 4.18: Delete the exemption for stream diversion structures associated with agricultural stock ponds of under 10 acre feet that may impact stream habitat.** (Page 155)

The revisions to the Coastal Zone Grading Ordinance adopted by the Board of Supervisors address this issue. The revisions provide for an exemption only for off stream stock ponds which meet a list of criteria for exemption. With the adoption of the revised Grading Ordinance the exemption for in stream diversions for stock ponds will no longer exist.

Supplemental Overview Information Pesticide Regulatory Program

The California Food and Agricultural Code gives the California Department of Pesticide Regulations and the San Luis Obispo County Agricultural Commissioner (SLOCAC) regulatory authority over the use of pesticides. The local regulatory process involves oversight of: the sale, storage, handling and use of pesticides, evaluation of sites, chemicals and application methods to address potential off-site movement, outreach and education for the promotion of Integrated Pest Management (IPM) strategies using least-toxic chemicals and prevention and response to emergencies involving pesticides.

Specifics about the State's management plan for protecting water quality can be found in the *California Pesticide Management Plan for Water Quality,* February 1997. This plan, developed by the California Environmental Protection Agency - Department of Pesticide Regulation (DPR) and the State Water Resources Control Board, outlines the framework of the State's pesticide regulatory program under which the local County Department of Agriculture functions to protect water quality. Specifically, a component of this document is the *Ground Water Protection Program* which contains regulations that focus upon prevention of contamination from pesticides of the State's ground and surface water.

Local efforts:

The local agricultural industry continues to access programs and resources to learn about and implement practices that reduce pesticide use and/or promote IPM strategies. Many agriculturalists and government agencies (such as the NRCS, RCD) are part of a Weed Pest Management District. Under the direction of the SLOCAC's Pest Management Program, the District has an strong IPM focus for weed control which seeks control alternatives to pesticides.

The SLOCAC can condition the use of certain pesticides through the permit process to identify sensitive sites that may be venerable to pesticide movement into waterways. SLOCAC staff work closely with pesticide users in a regulatory as well as an educational approach to make sure engineering safeguards such as back flow prevention equipment is used, application equipment is properly calibrated, selection of the pesticide is appropriate for the site and weather and other environmental conditions are taken into consideration before an application is made.

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D-7

Pesticide Use in Avocados
San Luis Obispo County
1993 & 1998 Pesticide Use Report Data (source Department of Pesticide Regulation)

1993 Pesticide Use Report Data*

Total use of active ingredients was 3,620 pounds
Bearing acreage for 1993 - 1,135 acres (Source San Luis Obispo County Crop Report)
Non-bearing acreage for 1993 - approximately 20 acres (Source San Luis Obispo County - Crop Statistics)

Active Ingredient (A.I.)	Trade Name	Type	# of Applications	Pounds of A.I. Used	Percentage of Total A.I.
Simazine	Simazine	Herbicide	44	1,287	35%
Glyphosate	Roundup	Herbicide	174	1,133	31%
Oryzalin	Surflan	Herbicide	72	412	11%
Sulfur	Sulfur	Fungicide	1	248	6.8%
Petroleum Hydrocarbons	Various Crop Oils	Insecticide/Miticide	7	182	5%
Oxyfluorfen	Goal	Herbicide	30	72	1.9%
Kerosene	Various	Adjuvant/Surfactant	23	59	1.6%

* Number of treated acres was not available from the Pesticide Use Report Data

1998 Pesticide Use Report Data

Total use of active ingredients was 32,026 pounds
Bearing acreage for 1998 - 1,041 acres (Source San Luis Obispo County Crop Report)
Non-bearing acreage for 1998 - approximately 300 acres (Source San Luis Obispo County - Crop Statistics)

Active Ingredient	Trade Name	Type	# of Applications	# of treated Acres	Pounds of A.I. used	Percentage of Total A.I.
Petroleum Oil Unclassified	Various Crop Oils	Insecticide/Miticide	29	335	25,051	70%
Sugar	Molasses	Insect Bait Attractant	29	781	7,815	22%
Simazine	Simazine	Herbicide	21	395	955	2.7%
Glyphosate	Roundup	Herbicide	134	1,097	927	2.6%
Sabadilla Alkaloids	Veratran D	Insecticide	121	3,095	95	.2%
Petroleum Hydrocarbons	Various Crop Oils	Insecticide/Miticide	14	467	308	.9%
Oxyfluorfen	Goal	Herbicide	51	457	83	.2%
Kerosene	Various	Adjuvant/Surfactant	5	166	77	.2%

Analysis

The entire story of pesticide use can not be told by only looking at raw numbers related to the pounds of active ingredients from year to year. The types of pesticides used and their toxicity related to the environment must also be considered. It's also important to consider what crops might be grown in the San Luis Obispo County Coastal Zone. The San Luis Obispo County Coastal Zone can be a suitable area for the production of avocados. There is an estimated 200 acres currently in the San Luis Obispo County Coastal Zone and some additional plantings could occur.

Total acres of both bearing and non-bearing acres increased from 1,155 to 1,341 from 1993 to 1998. An increase of 16% in total planted acres. Avocados do not become bearing for 5-7 years for a marketable crop. Reported pesticide use in pounds of active ingredient increased from 3,620 to 35,646. An increase of 885% in total pounds of active ingredients.

Herbicides in Avocados

As avocados mature the tree canopy closes and effectively shades out weeds. Mature orchards typically see very limited or no use of herbicides. Over time for an individual orchard we would expect herbicide use to decline. It's difficult to compare the total use of herbicides over time as each one has a different percentage of active ingredient per gallon or pound of concentrate. It's interesting to note that the use has decreased even though the total number of acres has increased by almost 200 acres (from 1,133 pounds down to 927 pounds). Due to a production plant explosion Surflan is in scarce supply, therefore no use of this herbicide is seen in 1998.

Insecticides in Avocados

Pesticide use is dependent on pest pressure. Avocados have enjoyed the absence of insect pests for many years. Beginning in 1996 and continuing through 2001, two insect pests, new to California, have become a problem for Avocados. These pests are the Persea mite and the Avocado thrips. The increase in insecticide use is almost entirely attributable to these insect pests. Veratran D is used to control the Avocado thrips and the Crop oils are used to control the Persea mite. Although there was a huge increase in the use of insecticides, sugar represents 22% of the total active ingredient used in 1998.

The California Avocado Commission is very proactive and is funding research for the control of both of these pests. This research does include the use of insecticides, but also has a major component focused on beneficial insects and cultural practices to reduce the pest populations below economic levels that require the use of an insecticide. The stated goal for the Avocado Commission and individual avocado growers is to return to earlier times when pesticides were rarely used to produce a crop.

Regulatory Background and Agency Roles and Responsibilities For Non Point Source Pollution

1. The State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCB's) have primary responsibility for the **coordination, control, and protection of water quality** in California.

2. The Coastal Commission has the primary responsibility for implementation of the California coastal Act and has been designated the State coastal zone planning and management agency for any and all purposes and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972.

3. The Coastal Commission certifies local coastal programs and approves coastal development permits, energy projects, and federal projects within the Coastal Zone in accordance with water quality policies in the California Coastal Act.

4. In the memorandum of understanding (MOU) with the SWRCB pertaining to non point Source Pollution Control, the CCC's role is described as protecting water quality through **the management of development** that generates runoff, creates spills, or otherwise affects water quality.

5. In 1990, Congress passed The Coastal Zone Act reauthorization Amendments, or CZARA, to improve and expand the Coastal Zone Act. This legislation expanded the SWRCB/RWQCB partnership for reducing polluted runoff to include the California Coastal Commission (CCC).

6. CZARA requires California and other states to ensure that management practices, which reduce or prevent polluted runoff are "put into use or are implemented."

7. In 1994, California initiated a comprehensive review process to consider the new CZARA requirements and to update its existing statewide non point Source management program.

8. The State submitted the NPS "Program Plan" as the final requirement under Clean Water Act Section 319(h) for an upgraded program and the CZARA requirement for a Coastal Nonpoint Pollution Control Program (CNPCP).

9. In January 2000, the Coastal Commission adopted the NPS "Program Plan" ads the primary guidance document of the control of Nonpoint Source Pollution Control with the Coastal Zone.

10. As part of the NPS "Program Plan", the objectives of the first five year effort were included as the State's Five-Year Implementation, 1998-2003. An addendum to the first five year plan was published in November 2000, detailing the updated priorities and plans for NPS control efforts by the SWRCB, RWQCB's and the CCC. This addendum describes the expectations of these agencies in seven (7) areas of Management Measures (MMs). These include:

1A. Erosion and Sediment Control
1B. Facility-Wastewater and Runoff from Confined Animal Facilities
1C. Nutrient Management
1D. Pesticide Management
1E. Grazing Management
1F. Irrigation Water Management
1G. Education/Outreach

SUMMARY OF CHAPTER 6 - PUBLIC ACCESS AND RECREATION (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost low med high	Grants Y/N	Handle through Area Plans Y/N
6.1	**Incorporate Comprehensive Access Components** into Each Area Plan	Amend each of the 4 Coastal Area Plans. The draft North Coast & Estero Area Plans already contain draft provisions. *Note that the BOS agreed to do this in the NCAP 9/8/98*	**Agree.**	Med	Partial	Yes All
6. 2	**Amend LCP Lateral Access Requirements** to provide for Blufftop Accessways	Minor CZLUO amendment or re-organization of existing ordinance language.	**Disagree**, but will review on case by case basis	Low	No	No
6.3	**Continue Efforts to Accept and Open Outstanding** Access OTD's	No additional action needed	**Agree**	High	Yes	No
6.4	**Amend the LCP to allow Direct Dedications** & Evaluate Accessway Performance Standards	Amendment may not be necessary. Direct dedications not precluded today. Performance standards for OTD's are unclear.	**Disagree**, but more info needed on performance measures.	Med	No	No
6.5	**Prescriptive Rights Develop an LCP Program to Document and Pursue**	LCP amendment needed, likely a budget item for long term development and maintenance	**Disagree** per BOS action on NC Mod 48b, 9/8/98	High	No	No
6.6	**Develop LCP Program to Assure Protection of Existing and Potential Public Accessway Rights**	Develop county policy in Area Plans and may be implemented by County proposed Access Plan	**Agree** to review as part of County Access Plan and Area Plan updates	High	Partial	Yes All

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost low med high	Grants Y/N	Handle through Area Plans Y/N
6.7	**Comprehensive Public Recreation Planning**	Separate study needed, but we will review further during area plan updates	**Agree**, adequately done already as part of Plan Updates	Med	Partial	Yes All
6.8	**Review New Access Developments** for Appropriate Habitat Management Measures	Accessways require discretionary review, CEQA is used to identify constraints & carrying capacity	**Agree**, we do already	Low	No	No
6. 9	**Habitat Conservation Plan to include Access Review**	Change in approach to HCP's HCP's not under county control and access is required with development.	**Disagree** since we cannot implement, **need more info.**	High	Partial	No

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Comments on Chapter 6 - Coastal Access

Page 246, paragraph 4
Reference to the existing 12 Vertical OTD's not clear. We estimate 25 to 40, which include street ends.

Page 253, paragraph 2
"Siting of OTD's" - Statement conclusion that "OTD's required by the county may not actually provide additional access" is unfair. The county is only following the Coastal Act and our certified LCP in requiring lateral dedications. This paragraph should be deleted.

SUMMARY REPORT FOR CHAPTER 7 - COASTAL HAZARDS (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
7.1	**Modify CZLUO to define more specifically what existing structures** are for purposes of allowing future armoring.	Modify CZLUO 23.05.090 to read "'existing coastal development' for purposes of this section shall consist of the principle structure and shall not include accessory or ancillary structures such as garages, decks, steps, landscaping, etc. No shoreline protection device shall be allowed for the sole purpose of protecting the accessory structure(s)."	**Agree**	Low/ Med	No	No
7.2	**Revise Coastal Policy 6 to** base setbacks on a projected 100-year economic life	Revise Coastal Policy 6; incorporate into required geologic reports to base setbacks on 100-years of erosion (rather than 75 years) which will result in larger blufftop setbacks (ex: increase from 25' to 30 '). *Also need to update Area Plans*	**Agree in concept,** Need more information on options for remodels	Low/ Med	No	No Yes NC,Est
7.3	**Revise CZLUO to change methods to determine setbacks :**	Revise CZLUO 23.04.118 • Eliminate stringline method **(See also Visual Coastal Policy 3)* • Base setback on 100-year life Alternative: Base setback on 75 year erosion rate and safety factor of X of feet. • Add safety factor *(Need study to determine safety factor - may be tied to Areawide Study)*	**Agree.** **Disagree -** alternative achieves same result. **Need More Info** on determining safety factor	Low Low, High to owners High - study	No Grant for area-wide study	No Yes (NC, Est) No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
7.4	**Modify Ordinance to change setbacks where structures are designed to be removed/relocated**	Modify CZLUO 23.04.118(c) *Alternative: clarify exceptions and how setback is measured (i.e. edge of principal structure or foundation, not to protruding arch features)* • Eliminate roof and wall projections exceptions • Allow exceptions for only removable fences, earthworks, steps, etc.	**Modify -** implement through clarification of what is allowed in setback and how setback is measured. **Disagree** **Agree**	Med	No	No
7.5	**Reexamine regional average annual erosion rates.**	**Setbacks :** - Increase 25 foot minimum setback (based on 75 years of bluff erosion) *Tied to Areawide Study* in 7.4 above.	**Need more info -** what setback would be necessary?	High - study	Grant for study	Maybe.
7.6	**Prohibit new lots in high wave hazard areas**	Add new policy standards to prohibit subdivisions, lot splits, lot legalization that create new lots *What is meant by "high wave hazard area"? Is this entire coastline?How can we prevent lot legalization?* *Alternative: Implement Rural Area Standards aimed at ensuring armoring will not occur* • *Subdivisions/lot splits: Subject to special standards (i.e. minimum lot size, ability for building envelope to meet (X) year setback)* • *Lot line adjustments: Subject to special standards (i.e. minimum lot size, ability for building envelope to meet (X) year setback)* • *Legal lot: evaluate legality*	**Disagree/Need More Info-** **May agree** with alternative for subdivisions and lot line adjustment standards, **Disagree** with prohibiting lot legalization.	Low	No Grant to fund lot purch prog,	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
7.7	**Strenthen measures to allow for no future armoring:**	Strengthen Measures to ensure no future armoring will occur: • applicant assumes risk of building in hazardous areas with no assurances that future armoring will be allowed. • Expand GSA to identify where no future armoring will be allowed	**Disagree** • Disagree/Need More Info to clarify exactly what they mean	Low/ Very high costs to owner	No	No
7.8	**Implement Area-wide Shoreline Erosion and Management Planfor Cayucos/Cambria**	Implement management plan for Cayucos/Cambria. *Alternative: Adopt as a program in the LCP and agree to conduct study when appropriate funds are available*	**Modify -** conduct Areawide Study when appropriate funds are available	High	Grant for study	Yes (NC, Est)
7.9	**Modify CZLUO to require access easements be mapped:**	Modify 23.04.420(g) to require easements be mapped in detail in conjunction with recordation to ensure easements are protected against future encroachment *Will also need to require Title Report with every ocean front application and flag parcels with lateral access easements.* Need to resolve issue: Structure the easement to allow for repair/maintenance of seawall and shoreline movement	**Agree** to require easements to be mapped by a licensed professional with recordation.	Med	No	No
7.10	**Modify application requirements to show coastal access:**	Modify 23.02.033(a8) to require applications to contain mapped locations of any existing public access easements or recorded offers to dedicate public access easements. mapped locations *Effective implementation would require the County to develop an existing condition map and update* - now partially done through updates and Gen Svcs.	**Agree** to require the mapped location of public access easements on the site plan. **Agree** to develop/maintain map if appropriate funds are available	High for owners High	No Mapping grant	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
7.11	**Revise Conditions of Approval for access requirements:**	Revise condition language- remove 'if applicable' out of access condition language. *Alternative: Agree to replace 'if applicable' with 'unless verification is provided to the Department of Planning and Building that such recorded easement already exists'*	**Modify** - agree to revise condition language according to the suggested alternative.	Low	No	No
7.12	**Establish Emergency Armoring procedues:**	Address in shoreline management plans (7.7 above) establish emergency armoring procedures to include field inspection before and after storm season; types of temporary structures, provision for removal if no follow up *Need more info - Does this require field inspections for all parcels or just ones with seawalls? What is the intent of field inspections?.*	**Need More Info** - need to discuss ways of dealing with emergency armoring **Agree** to conduct study if appropriate funds are available	High	Grant for study	No
7.13	**Amend Coastal Policy 6 and 4 re: Highway 1**	Revise Coastal Policy 6 to clarify Hwy 1 must comply with setbacks Expand Policy 4 to clarify that consideration of alternatives should include relocation of structure to be protected (Hwy 1) *Need to check with Caltrans on their program and verify that this is included as alternative.*	**Need More information - consult with Caltrans**	Low High cost to Caltrans	No	No
7.14	**Amend NCAP** to provide realignment of Hwy 1 to avoid shoreline protection	Amendment to NCAP to provide for realignment of Hwy 1 to avoid shoreline protection *Include as Rural Areawide Standard in both North Coast and Estero*	**Modify** - agree to evaluate as alternative when projects are submitted.	Low High cost to Caltran	No	Yes NC, Est

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
7.15	**Modify CZLUO** to update required contents of geo reports	Modify 23.04.118 as appropriate *Need to review updated guidelines developed by the State Department of Conservation and other agencies. Also need more expertise in reviewing reports (staff training or geologist)* and request examples of good geo reports from Coastal	**Agree** to modify 23.04.188 as appropriate	Med	No	No
7.16	**Develop** guidelines for types of armoring in specific areas to minimize visual impacts.	Through the shoreline retreat and management plan (7.7 above) establish guigdlines for types of armoring to address visual impactsa. *Visual impacts addressed Visual and Scenic Resources (Policy 1,11) and in 23.05.090 Shoreline Structures.*	**Agree** to conduct Areawide Study if appropriate funds are available	High	Grant for study	No
7.17	**Modify to** update seismic mapping and extend GSA to new faults.	Modify LCP update seismic mapping and extend GSA to new faults. • Restrict new development in Special Studies Zones	**Agree** to make consistent with newly adopted safety element	Med/ High	No	Yes All
7.18	**Expand Flood Hazard** Designation	Expand FH designation to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek, Ellysly Creek *Need more info: are these shown on FEMA maps as Flood Hazard zones?*	**Need for Information/Agree** to make consistent with existing information in safety element	Med	No	Yes All
7.19	**Flood Hazard in Cambria - no new development permitted**	Cambria FH - no new development. except public services until a flood analysis and management plan for the West Village is certified and implemented. *Flood analysis and management plan currently being worked on by the County Public Works Department*	**Need more info** Major policy decision to impose moratorium	High	No	Yes NC

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
7.20	**Modify CZLUO to clarify that vegetation clearance** will not encroach on public lands or sensitive habitat areas or establish in-lieu fee.	Modify CZLUO to clarify standards for vegetation removal for fire hazard will occur on private property and not impact public property. Develop an in-lieu fee program is there will be impacts to public lands or sensitive habitats *Alternative:* *Modify CZLUO 23.02.035 Additional Information to require fire clearance area to be shown on site plan for all projects as part of application contents.* *Modify staff reports to include conditions that vegetation clearance will be done fully on private property.* *Need in-lieu fee study/ implementation program*	**Agree** to modify CZLUO and add conditions, **Agree** to develop in-lieu fee program if appropriate funds are available	Low Med	 Grant for in-lieu fee program	Yes, NC, Est

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

No.	CCC Staff Recommendations	Action(s) Required to Implement. (also identify alternatives or clarifications to make this acceptable or improve its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle Through Area Plans Y/N
8.1	**Adopt a strong policy to preclude new development visible from public viewing areas in critical viewsheds.**	Define and develop criteria for "critical" viewsheds and policies. Implement through updates and use performance standards for a project-level visibility analysis and siting prohibition in visible areas. Amend Coastal Plan Policies and CZLUO with prioritized (ordered) limitations, criteria and findings. Review existing policies and standards for more explicit and consistent interpretation, write implementing policies, findings and conditions of approval. No GPAs needed for this.	**Need more info**	High	No	Yes NC, EST
8.2	**Create a Scenic SRA Combining Designation.**	Amend Framework (7-3) & CZLUO to add/clarify a scenic SRA classification & standards.	**Agree to consider**	Med	No	No
8.3	**Strengthen enforcement program and condition compliance monitoring.**	Include in permit tracking and obtain staff for condition compliance and mitigation monitoring. Add security bonding.	**Agree** dependent on add'l staff	High	No	No
8.4	**Create a funding mechanism for an open space district.**	**Alternatives:** 1. Seek state-legislated funding for an open space acquisition program since coast has state-wide significance. 2. Or, organize for an open space district election w/ other departments, agencies and public groups.	**Modify**	Med High	Yes Coastal Conserv.	No
8.5	**Pursue National Scenic Byway designation for Highway One** in Estero and North Coast P.A.s.	Add a program in Estero and North Coast updates, and support Caltrans' current pursuit of the national designation through community support.	**Need more info**	Med	Caltrans	Yes NC, Est
8.6	**Strengthen public viewshed protection** policy language.	Modify existing policy wording and amend CZLUO to clarify extent of viewsheds. Clarify permit requirements in Estero & NCAP updates.	**Need more info**	Med	No	Yes & No
8.7	**Restore Small Scale Neighborhood SRA designation in Cayucos.**	Ask Cayucos Advisory Council, which preferred tiered standards w/o an SRA so that Plot Plans would be possible w/complying projects. An SRA requires a MUP for all projects by virtue of being appealable.	**Disagree**	High	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement. (also identify alternatives or clarifications to make this acceptable or improve its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle Through Area Plans Y/N
8.8	**Complete specific plans rather than design plans.**	Clarify in Coastal Plan Policies (CCP) that design plans implement the Special Communities & Small-scale Neighborhood designations, are adopted as LCP amendments w/standards that have status of planning area standards, and they should include implementation programs & schedules. Specific plans have different purposes, to consider allowed uses and infrastructure planning, than design plans, which address appearance only, and include streetscape improvements on that basis. Expand the description & issues of the Cambria small-scale neighborhoods in the CCP.	**Disagree/ Modify** **Disagree**	Low Med	No	No
8.9	**Monitor and evaluate current TDC program**	Determine if the TDC program created scale issues w/density bonus, and if the Hausrath-proposed open space district would be more effective. Consider expanding TDC program community-wide to retire lots in other areas & generate more revenue.	**Agree**	Low	No	Yes NC
8.10	**Support continued under-grounding of overhead utilities.**	Support continuation & seek other funding methods & sources. Work with Caltrans for an undergrounding project funded by their State Highway Operational Improvement Program - Modernization & Beautification, or: *Propose a North Coast undergrounding project to the county Undergrounding Committee before next meeting in 2004, per Tim Smith, Public Works.*	**Agree**	Low High	Yes	No
8.11	**Evaluate designation of Harmony as a special community of historic importance.**	Consider its location as a commercial development, rather than a community. Consider designating Harmony with an Historic combining designation. Consider impacts of NCAP proposal to increase its size.	**Modify**	Low	No	Yes NC

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

SUMMARY REPORT FOR CHAPTER 9 - ARCHAEOLOGY (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (identify if there are alternative or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
9.1	Update archaeological overlay maps	Update maps in the urban areas, and modify CZLUO 23.07.104 (a) to include criteria for the rural areas (from the proposed Estero Area Plan.)	**Agree**	Med	No	Yes NC, Est, SLB
9.2	Evaluate requirement for Geoarchaeology Surveys	Require geoarchaeology surveys in addition to archaeology studies. *Alternative: Evaluate areas of potentially buried archaeological resources (e.g. due to landslide, alluvial, aeolian factors) during updates and identify need for geoarcharological surveys in these areas.*	**Disagree** as a requirement for ALL projects (in ASA). **Agree** to use as a tool for limited situations (CEQA). ***Agree**; include evaluation as part of updates.*	Low for County High cost to owners *Med to include in update*	No	No *Yes (all)*
9.3	Evaluate use of conservation easements	Require conservation easements instead of data recovery. *Alternative - Amend 23.07.104(c) to require avoidance (wherever possible) and develop offsite mitigation program.*	**Disagree-** ineffective as proposed. ***Agree;** work with land trusts to develop an "off-site" mitigation program*	Med	No	No
9.4	Evaluate permit exemptions (permits for modifications of agricultural uses)	Same as AG5.10 Revise LCP/CZLUO to include new "permitted" activities relating to modification of agricultural uses.	**Disagree** See also AG 5.10	Med	No	No

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Comments on Chapter 9 - Archaeological Resources

Pg. 328 paragraph 3
CEQA Guidelines Section 15064.5 also provides that an archaeological resource is to be considered a "historic" resource (and treated as such for purposes of impact evaluation and mitigation) if it meets the criteria found in the California Register of Historical Resources including:

"It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation."

Pg. 331 paragraph 2
Cambria, Cayucos and Los Osos should be identified as "communities" not "cities".

Pg. 333-334
23.07.104 (b) and LCP Archaeology Policy 5 reference only the Chumash culture in relation to the qualifications of archaeologists and report content. These sections do not reflect the area of the coastal zone from approximately Morro Bay north is recognized by the Native American Heritage Commission as "disputed territory" between the Chumash and Salinan tribes. This means that both groups claim this area as part of their ancestral lands and the record of evidence is not clear on the matter. Attached is a map that reflects the different possible boundaries proposed by the researchers on this issue. At this point the state recognizes that this portion of the coast may have been inhabited by either group (or both) over the 8,000+ year span of documented human habitation in this region. The LCP should not limit its reference to the Chumash.

Pg. 334 paragraph 4
The County's policy is to involve Native American representatives any time there is "ground disturbing activities" (e.g. subsurface testing, grading) involved with a project, not just in the case of Phase II subsurface testing.

Pg. 335 paragraph 2
The reference to the "Todd project" actually confuses two separate projects. The Todd Minor Use Permit in Lodge Hill, was located within a large well identified site and incorporated the provisions for a smaller footprint as referenced, along with extensive additional mitigations including Phase III - Data Recovery sampling, and monitoring by an archaeologist and Native American. The Todd Minor Use Permit at Piedras Blancas is the project currently on appeal to the Commission. This project is located adjacent to a known archaeological site and the County did include provisions for monitoring of grading activities by an archaeologist. For some reason, the pertinent conditions for this project were not noted by Commission staff. This paragraph should be corrected.

SUMMARY REPORT FOR CHAPTER 10 - ENERGY/INDUSTRIAL DEVELOPMENT (LCP Periodic Review)

No.	CCC Staff Recommendation	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost low med high	Grants Y/N	Handle through Area Plans Y/N
10.1	**Identify consolidated fiberoptic cable corridors/landing sites** and create overlay zones in area plans.	This would be a highly complex, expensive study to identify offshore corridors which need to correlate with onshore landing sites, located in several jurisdictions.	**Modify,** unless funding is provided and cooperative participation is agreed to by the CCC, State Lands Commission and industry.	High	Coastal Resource Grant?	No
		A preferable alternative would be to modify policies to encourage establishing consolidated cable corridors/landing sites.	**Agree** to modify per suggested alternative.	Med	No	No
	Modify area plans and CZLUO to include specific mitigation and monitoring requirements.	Add new policies for telecommunications transmission and facilities, including one to consider the reuse of abandoned gas/oil pipelines for fiberoptics.. Modify LCP to include fiberoptic definitions and mitigation standards.	**Agree** to include new policies in LCP and amend Title 23	Med	No	No
10.2	**Update LCP area plans** to provide guidance for locating and mitigating new energy facilities	Review Area plans as part of scheduled update for energy issues and potential sites	**Agree** to consider energy siting issues and link to criteria in the Energy Element.	Med	Yes partial	Yes All
10.3	**Consider site specific abandonment** and cleanup requirements for EX development	Review Area Plans as part of scheduled update for existing development in the EX categories that do not have adequate abandonment plans.	**Agree** to add standards for major facilities.	Med	Yes partial	Yes All

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Comments on Chapter 10: Energy and Industrial Development

Page 340, Background. Text in the first paragraph should note that the former Guadalupe oilfield is the site of major underground contamination and will require years of remediation and monitoring. The 2nd paragraph should reflect that the storage tanks at Avila have been removed from the site and it is in the early stages of clean-up. Modify the 3rd paragraph as follows: One of the major pipeline corridors extends from the ~~Guadalupe Dunes oil field and~~ the Santa Maria Refinery through Tosco's pipeline system to their refinery in San Francisco ~~to the storage tanks and marine terminal at Avila Beach.~~ The last paragraph should also note that the County requires the preparation of a Specific Plan for any onshore component of an offshore energy project.

Page 341, last paragraph, last sentence.
Modify as follows: This includes the ~~There are also already~~ consolidated landing sites ~~such as~~ at Montana de Oro.

Page 341-342
Discussion should reflect the role of the Coastal Commission in permitting the offshore portions of cable alignments and the larger role in designating landing sites. Also, two of the three permitted cable landing sites in the geographic boundaries of SLO County are within city jurisdictions and thus our LCP may have little effect on mandating consolidated landing sites (and no effect on offshore corridors within Coastal Commission's jurisdiction). Also should include discussion of the possibility of re-use of unused/abandoned pipelines for fiber optic installation.

Page 342, paragraph 3
A Development Plan *or Minor Use Permit* is required for the installation of *most* fiber optic cables *in the Coastal Zone*, which.... (*Italics* indicates suggested added text)

Page 343, Table 10-1
An additional column showing the "Local Agency Status" would be helpful to show that 5 of the listed CCC actions were encompassed in two County permits (at one consolidated landing site). It would also show that other local jurisdictions are involved.

Page 343, paragraph 2

An offshore bentonite release was suspected (but never confirmed), and resulted in the shutdown of the project, but the parking lot was already closed for the construction mentioned above in the same paragraph.

Page 344, paragraph 1
Delete last two sentences regarding the telecom ordinance or note that development standard for projects are found in the LCP, not in this ordinance. The purpose of this ordinance is to provide a framework for allowing telecommunication uses within County road right-of-ways.

SUMMARY REPORT FOR CHAPTER 11 - COMMERCIAL FISHING - LCP Periodic Review

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify, Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
11.1	**Add a public information program to educate boaters on habitat value** of Morro Bay and other sites	Agree to add language to LCP policies to encourage marinas to develop a public information program on habitat values.	**Agree**	Low	No	No
11.2	**Coordinate review of Baywood boat launch**	General Services to maximize coordination of the application with State agencies and the public	**Agree**	Low	No	No
11.3	**Update Port San Luis Master Plan**	Work with the Port to update the applicable operational sections of the Port San Luis Master Plan and process concurrently with the San Luis Bay area plan update.	**Agree to coordinate update as part of the comprehensive San Luis Bay Area Plan Update**	High for Port	Yes Port SL only	Yes SLB

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Comments on Chapter 11 -Commercial Fishing and Recreational Boating

Page 49, paragraph 1
Revise to read: "The two ~~three~~ major activities at the harbors are ~~petroleum shipping ,~~ commercial fishing~~,~~ and recreational boating."

p. 351, 3rd bullet
Revise as follows: –.....owned by the Port San Luis Harbor District might have on the provision of adequate boating and.....

SUMMARY REPORT FOR CHAPTER 12 - IMPLEMENTATION (LCP Periodic Review)

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
12.1	**Update LCP & Post-Certification Maps**	Update mapping and appealability criteria: - coordination and agreement on exact location of CZ boundary/post-certification maps for appeal jurisdiction. *Alternative: CCC can provide the coastal zone boundary maps/appealability maps in an electronic form that the county can transfer into database maps (which will identify any minor discrepancies.)*	**Disagree**	Low	Coastal Re-source Grant	No
		- define appealability criteria not just based on geographic criteria but rather on what is found in field surveys rather than maps; *Revise/respond to ESHA map issues per comments in ESHA chapter.*	**Agree**	High	No	Yes
12.2	**Increase Coordination** for Projects that Cross Jurisdictions	Develop a procedure of early CCC involvement for projects near the coast or tidelands (e.g. 1st street boat ramp) *May require revisions to the Coastal Act (see page 354)*	**Agree, after legislation**	Low	No	No
12.3	**Resolve Areas of Deferred Certification**	Update LCP to eliminate "white-holes" - through update of Estero Area Plan for Sweet Springs/Otto Property	**Agree**	Low	No	Yes Estero
12.4	**Revise LCP Permit Exemptions**	Compare CZLUO 23.03.040 to 30610-find inconsistencies and revise CZLUO as needed. (See response in ESHA chapter).	**Need more information - agree to full evaluation**	Low	No	No
12.5	**Update LCP regarding Temporary Events**	Update Temporary Events requirements against the requirements established in Avila Specific Plan.	**Need more info:** incorporate general concepts from Avila-not entirety	Low	Existing Grant	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
12.6	**Identify & Review Categorical Exclusions**	Review of past categorical exclusions; review impacts of decision on potential impact to coastal resources and possible recission. Likely to impact portions of Los Osos and Cambria. *CCC should that the lead on this task as it is their responsibility; not the county.*	**Agree** in concept.	Med	No	No
12.7	**Improve Noticing & Processing Procedures**	Notice all "development" to CCC; including grading permits, emergency permits, time extension, etc. *Alternative: The CCC must also commit to improve noticing and processing procedures so that completion of appeal period is clearly available for county and community to understand.* *Alternative-revise CZLUO such that "grading" within 100 feet of any ESHA (mapped or not) triggers a MUP and appealability-then CCC would receive notice.* *Coordinate w/ESHA chapter.* *Also, all emergency permits should be coordinated with CCC.*	**Modify**: Suggest use of electronic transfer of NOFA. (with return receipt notice to county of completion of appeal period)	High	No	No
12.8	**Clarify Allowable & Principally Permitted Uses**	Revise Table O to: - indicate that Combining Designations (mapped or not) further limit allowable use such that certain uses (e.g., SFR's) are not "P" uses, but rather "S" uses and therefore are not "resource dependent" within ESHA's and are "appealable" Add footnote on Table "O". *Alternative: report should indicated that the use is still a "P" use but is appealable based on the resource criteria.* - differentiate the principally permitted land use for each category from conditionally permitted uses. (All "S" uses will become conditional and thus subject to appeal to CCC)	**Agree** **Disagree**	Med	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
12.8 Cont.	**Clarify Allowable & Principally Permitted Uses** (Cont.)	(Cont.) - subdivisions, COC's & lla's as "conditional" uses. *Subdivisions/Lot line adjustments are not "uses" in the context of appealability and the geographic location will determine whether a project is appealable. Also,* Cert of Comp as ministerial acts under the Subdivision Map Act and thus do not constitute development). *Alternative: modify to recognize that uses may be conditional in instances where the* resulting lots would be located in or adjacent to ESHA and thus will be evaluated in the CEQA and hearing process and subject to appeal by the CCC.	**(Cont.)** **Disagree** **Modify/Need More Information**	Med	No	No
12.9	**Update Permit Application Requirements**	Review permit application requirements and methods for implementing to ensure that all information necessary to evaluation project consistency with LCP standards in obtained at application stage rather than as a condition of approval. *Alternative: R*equire all plans (grading, landscape, drainage, etc.) as part of application where directly related to resource protection or mitigation (ensures they will meet the objective). If not, tie to construction permit. This allows applicant to not proceed with final plans until they know that a project has been approved or what the final site and conditions that are placed on the project. *Alternative: request CCC review our extensive application info/submittal requirements in Title 21/23 and ask for specific comments on what is really needed.*	**Disagree. Need More information.** Require specific plans that relate to coastal resources (e.g., landscaping for screening-photosim w app) but not for other less critical plans.	Low Higher cost for appl.	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
12.10	**Provide Legal Documents for Executive Director Review & Approval**	Send Easement language to CCC for review prior to approval for open space and public access easements.	**Agree**	Med Cost to appl in delays	No	No
12.11	**Clarify Appealability** of Projects Involving Conditional Uses	Update 23.01.043c4 such that any portion of a project triggering appealability makes the entire project "appealable".	**Agree**	Low	No	No
12.12	**Improve Methods of Ensuring Compliance w Permit Conditions**	Develop compliance tracking system available to County and CCC staff *The new tracking system being developed for the department will assist with this effort and provide "tickler" reminders of need for project review. However, this will involve additional staffing costs for condition compliance.*	**Modify - need more information to define CCC needs/ expectation vs legal responsibility**	High	No	No
12.13	**Increase Coordination of Enforcement Actions**	Better coordination with other agencies during enforcement process	**Agree**	Low	No	No
12.14	**Improve Coordination regarding Emergency Actions**	Better coordination with CCC during initial review of emergency permits (especially in original jurisdiction areas) *Should develop an Emergency Permit Procedure Manual. In addition, the County should develop a process to identify potential emergency areas up prior to the emergency occurring (e.g., Arroyo Grande Creek flooding of 2001). This process should allow for an Emergency Prevention Implementation Plan for the area. The Plan should focus on methods and agency contacts necessary for avoiding potential emergencies.*	**Agree**	Low	No	No

No.	CCC Staff Recommendations	Action(s) Required to Implement (also identify if there are alternatives or clarifications to make this acceptable or improve upon its effectiveness)	Recommended Action (Agree, Disagree, Modify Need more info)	Cost: low med high	Grants Y/N	Handle through Area Plans Y/N
12.15	**Restrict the Use of Variances** in CZ	Develop criteria describing situation where variances will not be supported, particularly in areas involving ESHA's; coor. With ESHA response. *May create legal liabilities if a variance is not allowed and leaves no remaining use of the property. This could result in a "taking" which would need to be considered in the evaluation on a case-by-case basis.*	**Need more info**	Med	No	No
12.16	**Clarify Non-conforming Use Provisions**	Revise Chapter 9 of CZLUO: - revise uses and structures section. - revise parcel section regarding lla's *Need clarification that lot line adjustments will not result in adverse effects to coastal resources as a finding for approval*	**Agree** **Disagree**	Med	No	Yes
12.17	**Provide Opportunities to Efficiently Resolve Appeals**	After appeal is filed: - write procedures for local approval to be amended to incorporate CCC recommendations. - get file copy to CCC within five days of receiving notice of appeal	**Disagree/Need more information**	Med	No	No

Programs, projects, amendments and implementation will begin with funding from the requesting agency or when local funding is located and allocated.

Comments on Chapter 12 - **Implementation**

Page 353, last paragraph
Delete or significantly revise per prior comments regarding Certificates of Compliance, Conditional Certificates of Compliance and lot line adjustment.

Page 354, paragraph 1
Note that if there are no problems, why include this text? The maps are the CCC responsibility so they should provide a means of ensuring that local government maps are able to be produced accurately from the very small scale maps provided (perhaps by handling in electronic form).

Page 354, paragraph 3
If legislation is needed, CCC should initiate this. Until the rules are changed, we will continue with present consultation/coordination role.

Page 357, paragraphs 3/4
Explain how the county utilizes the construction permit system as a back-up system to verify that Conditions of Approval are incorporated into project plans. For example:

a. *The County agrees that some information would be better to have up-front as part of the application process (e.g., preliminary grading plans showing proximity to creeks; which may in turn trigger a MUP and appealability).*
b. *The County uses the construction permit process not as a deferral milestone, but as a back-up to verify that Conditions of Approval are being incorporated into final project plans. Also, having a step for Development Review allows us to review the final design for consistency with the approved CDP.* A series of holds can be placed on the project in the tracking system to ensure that conditions are met prior to issuance and prior to final (or some other stage) as set out in the conditions of approval.
c. *Similar to CCC process...*

Page 358, re: Open Space Easements
Expand to identify the problem and the suggested solution.

Page 359, under Variances
Need to add a sentence indicating that limiting the use of variances may result in applicants claiming a "takings". For example:

a. *Further limitation on the use of variances may result in projects being reduced significantly in size. In addition, economic-backed expectations of applicants may be impacted by residence size reduction or relocation to avoid to reduce impacts to constraints on the site.*

In the review of individual projects, the county will not take action to preclude the use of variances where a "taking" may occur and result in costly lawsuits for the county.

Page 359, last paragraph
Delete or significantly revise per our prior comments regarding non-conforming parcels (eg., CofC, CcoC, LLA's etc). Don't imply actions we can't legally

take.

Page 360, paragraph 2
Need clarification as to what kinds of projects "fit" into this category. Perhaps an example would suffice.

Page 360, paragraph 1
Change last sentence needs change to reflect that the CCC has approved a range of uses, *not just one, that meets the Principal Permitted use definition. This was agreed upon in the findings adopted by the Coastal Commission in October 14, 1983, pages 39-46.*
This paragraph needed revisions regarding the inclusion of subdivisions as principal permitted uses.. Table "O' describes "uses" that may be established. While subdivision of land is a "use" per Act, subdivision is a"process" and the "processes" are found in Title 23 and Title 21. A simple footnote to Table O could clarify this.

Page 361
Need a sentence added which includes an estimate of a coastal staff review period timeframe for staff reports. For example:

b. *On projects involving potential impacts to known coastal resources (e.g., visual, biological, access, etc.), the County could provide Commission staff a copy (either electronically, fax, or mail) of the Draft Staff Report prior to noticing the project for hearing. Commission staff will respond within ten working days of receiving the Draft Staff Report. If no response is received by the County within ten working days, the County shall interpret this to mean "no comment". This may lessen the chance that projects will be appealed and the lengthy process which can severely impact projects.*

Page 361
Provide a clarification on what kinds of things CCC want to know about (ie: list of items in file)

Attached Letters Received by San Luis Obispo County as of June 6, 2001

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

DATE: JUNE 5, 2001

TO: BOARD OF SUPERVISORS

FROM: PAT BECK, PRINCIPAL PLANNER

SUBJECT: MATRIX OF AGENCIES/LETTER RECEIVED FROM THE COASTAL COMMISSION STAFF

During the discussion of the Periodic Review of the Local Coastal Program your Board requested that the Coastal Commission staff prepare a matrix of agencies involved in coastal issues. The attached information was provided this date for your review.

RECEIVED
JUN 0 8 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636
EMAIL: ipcoplng@slonet.org • FAX: (805)781-1242 • WEBSITE: http://www.slonet.org/vv/ipcoplng

RECEIVED

JUN 0 8 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 4, 2001

TO: San Luis Obispo County Board of Supervisors

FROM: Charles Lester, Central Coast District Manager
Liz Fuchs, Coastal Program Manager

RE: Water Quality Program Implementation

Honorable Supervisors,

Regrettably, we are not able to attend your meeting on the Periodic Review, due to conflicting obligations and the need to continue to work on our Final Recommendations. At this time, we are still hoping to bring the Final Periodic Review report to the Commission at their July meeting in Santa Rosa.

We understand that at your May 1 meeting on the Periodic Review, it was suggested that it would be useful to have a matrix describing the agency responsibilities in the various coastal policy areas raised by the Review. Although we not been able to develop such a matrix for all coastal policy areas, please find attached a brief description of the California Nonpoint Source Water Quality Program, including a chart showing the various roles of numerous Federal, State, and Local agencies in implementing the nonpoint source management measures of California's program. As you can see, effective implementation of the water quality program will entail cooperation and integration of multiple programs. We anticipate including this type of discussion in our Final Periodic Review recommendations also, and clarifying our recommendations to address the obvious needs for integration, coordination, and multi-dimensional implementation strategies (e.g. education, planning, regulation, monitoring, funding) by all agencies involved. We look forward to receiving your final comments on the Periodic Review. Thank you.

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Water Quality Protection for California's Coast

The California Coastal Act of 1976 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries be maintained, in order to protect both the environment and human health. The Act specifies that this should be achieved through, among other things, the minimization of effects from waste water discharges, controlling runoff, preventing depletion of groundwater and interference of surface flows, maintaining natural vegetation buffers, protecting riparian habitats, and minimizing alteration of natural streams. Under the Coastal Act, the primary implementing mechanisms for achieving this policy are coastal development permits, issued by the Coastal Commission in its original permit jurisdiction, and by local governments where a Local Coastal Program (LCP) has been certified by the Commission as adequate to carry out the policies of the Coastal Act.

In addition to the Commission's water quality protection mandate, though, there are numerous additional agencies and regulations in California that play an important role in the protection of water quality. These include the federal Clean Water Act, the state Porter Cologne Act, and the 1990 CZARA amendments to the Coastal Zone Management Act. As discussed below, in conjunction with the Commission's water quality mandate, these laws, and agencies such as the U.S. EPA, Army Corps of Engineers, and the State and Regional Water Quality Control Boards, guide California's water quality protection programs, and provide the foundation for addressing nonpoint source pollution.

The Clean Water Act requires states to adopt water quality standards, approved by the U.S. EPA. Requirements under the Clean Water Act include assessing nonpoint source pollution problems and their causes, and adopting management programs to control nonpoint source pollution. Under the Clean Water Act, states must also identify surface waters that do not attain water quality standards (303d impaired list), and establish total maximum daily loads (TMDLs) for these impaired water bodies. The TMDL process establishes allowable levels of pollution for water bodies, which will achieve water quality standards, and implements methods for achieving those pollution levels. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) are responsible for carrying out the mandates of the Clean Water Act.

The state's Porter-Cologne Act, which established the State and Regional Water Boards, also charges the boards with primary responsibility for protecting water quality in California. Under the Act, the water boards implement many of the provisions of the Clean Water Act, regulate discharges, and implement the NPDES program, which regulates significant point discharges to California's waters. The water boards also develop water quality control plans, also known as basin plans, which establish beneficial uses for specific water bodies and identify water quality objectives to protect beneficial uses. The water boards have adopted a "three-tiered" approach to ensure that water quality objectives are achieved, starting with voluntary efforts and culminating with enforcement under the Porter-Cologne Act, if necessary. Tier one focuses on self-determined implementation of BMPs to address nonpoint source pollution. Tier two focuses on regulatory based encouragement of implementing BMPs, and tier 3 establishes effluent limitations and enforcement mechanisms. In practice, the water boards will determine which or what combination of the three options will be used to address any given NPS problem.

Sequential movement through the tiers (e.g., Tier 1 to Tier 2 to Tier 3) is not required. Depending on the water quality impacts and severity of the NPS problem, the water boards may move directly to the enforcement actions specified in Tier 3

The SWRCB also implements the Watershed Management Initiative, a non-regulatory program to implement unique solutions to water quality problems for each watershed, and supports community based watershed plans through financial and technical assistance.

In 1990, Congress identified nonpoint source pollution as a significant factor contributing to coastal water degradation. The resulting CZARA amendments to the federal Coastal Zone Management Act require that the state, *through the Coastal Commission*, address nonpoint source pollution that affects coastal waters. The Commission's primary roles in protecting water quality are to a) ensure that local coastal plans adequately protect water quality; b) regulate development in areas without a certified LCP to assure, in part, the protection of water quality; and c) provide technical and educational assistance to local governments.

As the primary agencies charged with addressing nonpoint source pollution, the SWRCB and the CCC worked jointly to develop the state's nonpoint source pollution plan, adopted in 2000. The plan details 61 management measures aimed at addressing nonpoint source pollution from a variety of land use activities. The Plan identifies the SWRCB, RWQCBs, and Coastal Commission as the lead agencies for implementation of the Plan. However, the plan also recognizes that full implementation of the plan will require the participation of all state, local, and federal agencies, as well as other public and private interests, and will include a mix of regulatory and non-regulatory mechanisms.

The various agencies with responsibility for addressing nonpoint source pollution are identified in the Table below. Generally, the state's nonpoint source plan identifies four main categories of agencies: 1) federal and state land management and regulatory agencies, which have authority to implement management practices statewide; 2) federal and state assistance agencies, which provide technical or financial assistance to support implementation of management practices; 3) local land use agencies with authority to enforce implementation of management practices locally; and 4) local assistance agencies which provide technical or financial assistance to implement management practices.

Under the adopted nonpoint source plan, the State commits to providing assistance though funding when available as well as management practice manuals, training, assistance in developing ordinances and regulations, monitoring, and modeling to predict and assess the effectiveness of any additional nonpoint source pollution management measures. The nonpoint source pollution program will depend largely on funding received through Section 319 of the Clean Water Act, State appropriations, and the contributions of local governments, non-governmental organizations, private individuals and other entities.

Local Governments: The local planning and land use functions of each county and city also have an important role in addressing nonpoint source pollution. Each jurisdiction's general plan and Local Coastal Program guide development within its jurisdiction; these plans can help assure that development is located and carried out in a manner that protects water resources. In

addition, the permitting authority of each jurisdiction plays a key role in addressing and preventing impacts to resources, and is a key mechanism for implementation of the nonpoint source pollution management measures. Ultimately, many of the requirements under the Coastal Act are carried out by local governments in the coastal zone, through a certified LCP. However, in some cases, in order to minimize impacts to water quality in the coastal zone, local government may need to address nonpoint source pollution control within the entire watershed.

However, as noted above, many aspects of addressing nonpoint source pollution may include non-regulatory components, may depend on coordination among various agencies and/or private parties, and may extend beyond the coastal zone boundary. In these cases, and especially where the local government *relies* on these non-regulatory programs to ensure compliance with the state Nonpoint Source Plan in the coastal zone, the County's role may be to initiate and/or coordinate planning and educational efforts. However, the County retains the responsibility for assuring the protection of coastal waters.

Community-Based Watershed Plans: Community-based programs can also play an important role in addressing water quality issues. These programs will generally involve the coordination and participation of multiple agencies and private groups. A primary example of a community-based program in San Luis Obispo County is the Morro Bay National Estuary Program's management plan for Morro Bay. This plan was developed with the input of numerous parties, and identifies nonpoint source pollution issues and recommended corrective actions for the Morro Bay watershed.

TABLE XX. IMPLEMENTING AGENCIES FOR CALIFORNIA'S NONPOINT SOURCE MANAGEMENT MEASURES

	Management Measures*					
Agencies	**AGR**	**FOR**	**URB**	**MAR**	**HYD**	**WET**
California Environmental Protection Agency (Cal/EPA)						
1. State Water Resources Control Board (SWRCB)	✓	✓	✓	✓	✓	✓
2. Regional Water Quality Control Boards (9) (RWQCB)	✓	✓	✓	✓	✓	✓
3. California Integrated Waste Management Board (CIWMB)			✓	✓		
4. Department of Pesticide Regulation (CDPR)	✓	✓	✓			
5. Department of Toxic Substances Control (DTSC)			✓	✓		
California Resources Agency (Cal/RA)						
6. California Coastal Commission (CCC)	✓	✓	✓	✓	✓	✓
7. Delta Protection Commission	✓					
8. Department of Boating and Waterways (DBW)				✓		
9. Department of Conservation (DOC)	✓					
10. Department of Fish and Game (DFG)	✓	✓	✓	✓	✓	✓
11. Department of Forestry and Fire Protection (CDF)		✓				
12. Board of Forestry(BOF)		✓				
13. Department of Parks and Recreation (DPR)	✓	✓	✓	✓	✓	✓
14. Department of Water Resources (DWR)	✓		✓		✓	✓
15. San Francisco Bay Conservation and Development Commission (SFBCDC)			✓	✓	✓	✓
16. Santa Monica Mountains Conservancy			✓			✓
17. State Coastal Conservancy (SCC)					✓	✓
18. State Lands Commission (SLC)	✓	✓		✓		✓
19. Wildlife Conservation Board (WCB)					✓	✓
Other State, Regional and Local						
20. Department of Food and Agriculture (DFA)	✓					
21. Department of Health Services (DHS)	✓	✓	✓	✓	✓	✓
22. Department of Transportation (Cal/Trans)			✓			
23. University of California Cooperative Extension (UCCE)	✓	✓	✓	✓	✓	✓
Local Governments	✓	✓	✓	✓	✓	✓
Resource Conservation Districts (RCDs)	✓	✓	✓		✓	✓
Federal						
Bureau of Land Management (BLM)	✓					
National Oceanic and Atmospheric Administration (NOAA)	✓	✓	✓	✓	✓	✓
• Monterey Bay National Marine Sanctuary (MBNMS)	✓		✓	✓	✓	✓
Natural Resources Conservation Service (NRCS)	✓					
U.S. Army Corps of Engineers (USACOE)				✓	✓	✓
U.S. Coast Guard (USCG)				✓		
U.S. Environmental Protection Agency (USEPA)	✓	✓	✓	✓	✓	✓

• San Francisco Bay (SFB), Santa Monica Bay (SMB), and Morro Bay National Estuary Programs (NEPs)	✓		✓	✓	✓	✓
U.S. Forest Service		✓				

AGR=Agriculture; FOR=Forestry; URB=Urban; MAR=Marinas and Recreational Boating; HYD=Hydromodification; WET = Wetlands and Riparian Areas.

BOARD OF SUPERVISORS

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SHIRLEY BIANCHI
SUPERVISOR DISTRICT TWO

TO: COUNTY PLANNING DEPARTMENT

FROM: SHIRLEY BIANCHI, SUPERVISOR DISTRICT TWO SB

DATE: JUNE 4, 2001

SUBJECT: COMMENTS TO THE COASTAL STAFF REVIEW OF THE SLO COUNTY LCP - PRELIMINARY REVIEW - 2/2/01
NORTH COAST WATER RESOURCES

PR 2.10
There needs to be greater attention paid to a review and assessment of a project's water supply requirements and development permitted only when that additional increment of demand could be supported during "dry year supply" limitations without further restrictions on the existing residential users and coastal dependent uses. The County's annual RMS report is often ignored during and decision making process within service area boundaries.

As acknowledged in Preliminary Recommendation 2.10 there is a lack of water resource data and effort toward its acquisition. Also absent is any organized objective attempt to evaluate water resource availability and quality on a project by project basis outside service area boundaries. This results in dry year hauling of water of unknown health safety, building permit issuance for wells yielding non-potable water and perhaps unpermitted desal treatment facilities adjacent to the ocean front. Thus, water quality and "dry season" availability should also be included in the RMS extension to rural lands in PR 2.10.

PR 2.12
A County Water Advisory Committee is in place and has recommended that the Board send to it for review projects having significant water resource implications, but no response was received. This could serve as the PR 2.12 "RMS task force" for review and recommendations on water and water quality. The Alert Level designations might trigger this review. Such review should enter the planning process before projects go to the Planning Commission.

PR 2.2
The County Water Advisory Committee initiated County action to update the outdated 1986 County Master Water Plan. The first step was defining Watershed Planning Areas and prioritized them for study (County Master Water Plan Update - Phase I 1998). In Phase II, action on the study of the overdraft in the Paso Robles and Nipomo Mesa Basins has taken precedence over the North Coast and Los Osos Basins because of the apparent complex of

needed agency decisions required to even start to solve the problems there. Thus Preliminary Recommendation 2.2 (SLOCO/CC Improved Coordination) must include all the other agencies having jurisdiction over water resources and related environmental issues.

PR 2.13
Missing in the section on Water Supplies is the fact that San Simeon Creek is declared as "FULLY APROPRIATED" in the dry season by the SWRCB-DWR. (Other coastal streams may be similarly controlled.) This will have a drastic impact on water availability to Cambria when the next '75 to '77 drought level occurs. For potential re-occurrence of such droughts see the attached letter and support information sent to SWRCB-DWR , 4/27/98. Currently, with the loss of the Cambria Community Services District Santa Rosa well field to MTBE, Cambria could not survive such a repeat drought on 370-acre feet from the San Simeon well field alone. This, along with fire hazard is a public health criteria (a County mandate). Environmental and coastal uses would also suffer, justifying the Coastal Commission requiring a short term moratorium in Cambria (PR 2.13). The annual permit limits for residential and commercial use was originally set by the Commission in the CCSD's Coastal Permit for the San Simeon well field, but the Commission increased the number of residential permits from 86 to 125 in 1981. Thus, Commission jurisdiction over permit issuance must still exist.

The Cambria CSD has applied for grants for desal, but receipt is conditional at present.

PR 2.15 & PR 2.15 (pg.71)
There is a need for critical analysis and technical evaluation of current actions justified as "conservation". For example, the Cambria CSD has a lot retirement and meter transfer program which has taken the form of small one bathroom low water use homes being converted to large lot multi-bath, dishwasher, jacuzzi and fully landscaped large scale structures. This does not decrease residential water use but does eliminate low cost housing. PR 2.15 Water Conservation needs to include the evaluation of all current policies and techniques for measurable lowering demand to yield new policy and fact based standards.

PR2.16
A more critical and broader view of water demand needs definition here. Total demand needs to be broken down into components. The mix breaks down into urban, business/coastal recreational, environmental and agricultural uses. These are then to be related to historical and projected daily, monthly/seasonal and annual delivery capacities with long-term trends. Supply needs to be treated by existing and feasible alternative sources.

First there is residential, motel/hotel, restaurants, community serving commercial, tourist/local serving commercial, etc. The ultimate coastal zone carrying capacity may well be the lack of sites for short-term demand tank storage to meet transient demand experiences. Or, it may be the daily demand for weekends when current occupancy of motel/hotel, vacation rentals, second homes, and residences hit 100% and the traffic flow on HY#1 is at LOS-F. What would be the effect of the proposed 300,000 to 500,000 increase in Hearst Castle attendance being pushed by State Parks on local peak water demand? When HY#1 is saturated what will be the demand on local facilities?

Second, the environmental responses associated with the North Coast coastal stream water supply development have yet to be fully expressed. Investigations to supplement Cambria's water supply showed that fish flow requirements limite the success of winter surface-diversion of stream flow to off-stream reservoir storage. Groundwater modeling of basin water table response to irrigation and export from San Simeon and Santa Rosa Creeks demonstrates that the dynamic performance of the semi-confined alluvial aquifers causes the creeks to dry up in a manner that strands the fish hatch, which then dies in the drying ponds. All biota are similarly impacted.

Lastly, the viability of the agricultural assets of the North Coast are dependent on protecting the Class I land that occupies the lowered seaward reaches of the coastal drainages. Farming these areas provides a significant income portion of overall ranch operations. The water rights contests and monetory settlements on the San Simeon and Santa Rosa legally demonstrated that the magnitude of the diversion by the Cambria Community Services District had limited the riparian's water supply, and the economic productivity for all riparian agriculture. These decisions left the District responsible for providing water to all riparian wells - up stream and down from the District's point of diversion - under all future District water supply and demand situations. Thus, The Coastal Act priority status for maintaining a viable coastal agriculture and the above legal precedent for protecting that quantity of water necessary to do so should condition appropriation quantities from all North Coast streams.

Chapter 3 - Water Quality (Sediment Control)

PR - 3.1
Existing Coastal Commission and County permitted development on the watersheds of Santa Rosa and San Simeon Creek has resulted in irreparable physical damage to the creek channels and in-stream riparian ecology, to agriculture's most productive soils and to the water resource both on and off-shore. The Santa Lucia Range geologic structure is some of the most unstable in the world and is very susceptible to gravity sliding and erosion when destabilized by road construction. Yet roads have and are being permitted and are now maintained at the expense of future stability and the resultant down stream impacts.

Just as described in PR 2.2 above, coordination of "responsible" agencies is diffuse if not absent so an obvious problem goes on unattended. This problem must be solved watershed by watershed. As with water resources, jurisdiction of these agencies must be watershed wide that includes the Coastal Commission. The coastal boundary should be re-drawn to the ridge top since a large part of the erosion and most of the sediment-laden runoff comes from the upper reaches of these small steep watersheds.

As developed in PR 3 - 4 for Lodge Hill studies, sediment discharge and runoff management controls are needed for each watershed and resultant site specific recommended controls applied. Selective analyses of all existing roads, both public and private, looking at construction and maintenance would provide a major benefit.

cc: Coastal Commission

William C. Bianchi, PhD
4375 San Simeon Creek Road
Cambria, CA 93428
Ph 805-927-8006
Fax 805-927-1669

4/27/98

Mr. Tom McKenzie
Division of Water Rights
State Water Resources Control Board
901 "P" Street
Sacramento, CA 95814

RE: Public Trust Complaint Hearst Permit #19247, by Friends of the RanchLand, dated 12/23/97

Dear Mr. McKenzie

Please find enclosed hydrologic information and analysis that relates to the values for the estimated annual appropriation in the Hearst Permit #19247. This paper was submitted as a critique of the water section of the EIR to the California Coastal Commission Staff and appeared as Attachment #8 in the Hearings on 12/15/97 in San Luis Obispo when the North Coast Area Plan was reviewed.

What has occurred since 1979 with the expanding appropriative demand by the Cambria Community Services District on the San Simeon basin yields a great deal of incite into the expected future hydrologic performance of the Arroyo de la Cruz (AC) watershed - stream flow - groundwater flow regimen. As the geology of the two watersheds, the precipitation event history and topography of the San Simeon Creek (SSC) and Arroyo de la Cruz systems are very similar, a great deal of information can be gained from an analysis of the response of the former to future AC appropriative extractions.

Several important points need to be added. SSC has been declared fully appropriated in the dry season.

The concentration of export extraction at the CCSD well field in the lower basin has caused the live stream to dry from the lagoon up in dry years and the well field up in normal years. This traps steelhead smolts in the drying ponds and, in-spite of local efforts to transfer some fish to carryover ponds, the stream has gone barren.

If you wish to research the information that we have collected over the years on these central coast streams most of it is now located in the files of the Coastal Commission in Santa Cruz, contact there is Ms. Diane Landry, Staff Attorney, 725 Front St., Suit 300 Santa Cruz, CA 95060 (408-427-4863).

If I can be of further assistance in support of this action please contact me.

Respectfully yours,

W. C. Bianchi

William C. Bianchi

William C. Bianchi, PhD
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Coastal Commission
Attn: Diane Landry, Staff Attorney
725 Front St., Suite 300
Santa Cruz, CA 95060

Dear Ms. Landry,

Enclosed is a paper and support documents briefly describing the status of the water resources for the Community of Cambria and what impact the hydrology of San Simeon Creek has had on their delivery problem in the past.

I would like to have this information put into the hands of those on your staff and those Commissioners most concerned with the water issues in your review process for the SLO Co North Coast Area Plan Update.

The information in attachment #4 could have been presented more clearly by using colored markers but I was not sure if you could copy color.

Sincerely,

Bill Bianchi

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JUN 18 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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waterltr.1

To: California Coastal Commission Staff and Members

Subject: San Luis Obispo County North Coast Update - Water Resources

Dear Commissioners,

I would like to relate to you some significant facts and issues relative to your review of subject General Plan Update. Of specific concern to me is projected status of the water resource availability, current utilization and potential future supply vs. demand as presented in the FEIR and other documents before you. By way of introduction to my expertise in water resource evaluation I have attached a resume for your consideration (see attachment 1).

The availability of water from the underflow of these coastal streams as presented in Table 5.3-1 (see attachment 2) of the FEIR is grossly overstated. The reason for this is, while published in the San Luis Obispo County Master Plan Update of March 1986, the actual evaluations by the Department of Water Resources (DWR) were from their first survey of the area published as Bulletin 18, San Luis Obispo County Investigation, May 1958. Since 1958 considerable data, geohydrology, demand vs. yield, and water law and environmental observations have been added to the information on these streams. This has been ignored in the FEIR. A general lack of valid documented water resource information in this county has been recognized by the technical staff of all the county water purveyors and other concerned members of the county's water community making up the County Water Advisory Committee. This has now resulted in a contract to commence a long overdue detailed evaluation of the County's water resources, demands and deficiencies for inclusion in the General Plan.

It is very important to recognize that the yield to riparian and appropriative water use from these coastal streams is limited by the length of the "dry season", defined as May through October in the current water rights decisions. These permits describe the function of these streams as diversions of underflow by wells, with surface water diversions prohibited for protection of the fishery and other instream values. These permits protect riparian and instream uses from appropriative export demands.

The most documented model of a functioning coastal stream is provided by San Simeon Creek (see FEIR pg. 5.3-5, attachment 2). Yes, the Cambria Community Services District (CCSD) permit allows 1230 acre-feet to be exported out of the basin, but by permit only 370 acre-feet of this can be pumped in the "dry season", as it has been determined by the courts that riparians are damaged when exports exceeded this limit. Furthermore when riparian wells fail, the CCSD is mandated to deliver water from their down stream wells to the well heads of the up stream riparians. During the moderately dry year sequence of '90 and '91 the CCSD could only divert 205 and 226 acre-feet respectively in May through October (see attachment 3). The shortfall in current normal demand came from pumping Santa Rosa Creek wells and the institution of rationing. This avoided riparian damage claims; however water was delivered to a well head in the lower basin.

Except in successive very dry years such as '75-'76 - '76-77 a live stream is present during the "wet season" (November through April). Thus far, however, no way has been found to divert to off-stream storage, winter runoff stream flow without endangerment of the steelhead fishery. This is because of the short duration of individual high flow runoff events on these very steep watersheds. The cost is very high for pumping stream flow peaks to off-stream dam storage because of the need for high capacity pumps and facilities for removal of very high-silt loads. Even if winter underflow were pumped to storage, dry season recharge can't be accomplished without a high percentage loss to underflow out of the extraction area, and without summer recharge, water treatment facilities are needed to treat the stored water before it enters the CCSD distribution system. So, while CCSD's permit gives them 1230 acre-feet annually, it may not be accessible to them because of economic and environmental constraints.

The CCSD "dry season" appropriation is also controlled by the status of the ocean-front lagoon by both sea water intrusion and riparian and aquatic habitat impacts. When the CCSD started exporting from the lower San Simeon Creek basin and before their waste water spray field (located between the lagoon and well field) became fully operational, the first below normal runoff year ('80-'81) and a very hot July resulted in the lagoon drying up for the first time in memory. Subsequently, when the waste water mound was established below the well field, there developed a reverse gradient, causing flow of waste toward the production wells. A protest action resulted in their NPDES waste discharge permit being conditioned with controls on their diversion rate when this occurred. (In Santa Rosa Creek their appropriation was conditioned by shut down of pumped diversion when a critical water level elevation was reached in a well just above the lagoon.) The amount of active storage in the alluvium of these long narrow basins is very small. This is apparent from rapid well recovery during the onset of the wet season (see attachment 3) and has also been confirmed by computer model studies using the well level and extraction historical data. Limited storage results in rapid dry season gradient shifts from in-basin and export water use. This has and will in the future cause significant sea water intrusion at the mouth of these streams in dry years and drought. Both Santa Rosa and Pico creeks have had intrusion events.

The water year 1996 - 1997 was not a dry year on the watersheds; however rainfall ended early. From May 1 to October 31 just under 360 acre-feet were pumped by the CCSD from their wells in San Simeon Creek (see attachment 3). To meet demand in the late "dry season" just under 95 acre-feet were pumped from their Santa Rosa wells as the water level in their San Simeon well field was falling rapidly (see attachment 3). Thus, even with the water restrictions that were initiated in September and during what was not a drought year, the CCSD's dry season demand for 359 acre-feet nearly equaled their San Simeon appropriation limit of 370 acre-feet.

The "dry season" riparian use must also be considered. The State Water Resources Control Board has determined the agricultural "duty of water" is 2.5 acre-feet/acre for this coastal area, or roughly 250 acre-feet for the land now in production in the San Simeon basin. However, current cropping - vegetables on drip-tape irrigation - consumes less than half this or about 125 acre-feet in dry season irrigation - (Not the 293 net acre-feet stated on page 5.3-5 of the FEIR, see attachment 2). Were it not for current low water use by agriculture the CCSD would not have been able to export the dry season pumpage from the San Simeon they did in 1996 - 1997.

Thus the total current operational "dry season safe yield" from San Simeon basin is in the vicinity of 500 acre-feet (a minimum of 130 for agriculture and at a maximum 370 for CCSD) . But here the lagoon's water balance is protected by the recharge of roughly 200 acre-feet treated waste water. This will not be the case for the projected appropriations from the other North Coast basins (i.e. waste water irrigation on the proposed Hearst golf course). As interpreted for the San Simeon case, when a live stream exists through to the lagoon, the capacity of these basins to supply wet season demand is no problem, for demand will be at or near seasonal minimums with

recharge balancing the rate export water is pumped. In the wet or winter 6-months only 40% of the annual demand is pumped and no irrigation on agricultural fields occurs. It is the other 60% of the demand, expressed during the "dry season" summer 6-months that is at its limit at present for the CCSD service area. San Simeon basin is at its carrying capacity. This has as yet not been determined for the other undeveloped basins and is very much dependent on how each stream's watershed performs in maintaining the stream's summer base flow as well as the performance of the basin alluvium relative to the point of extraction.

The export of water during the dry season has shortened the period between seasons where there will be a shortfall in supply adequate to meet current demand from San Simeon Creek. Demand induced "droughts" are now part of the water resource history of the CCSD. Attachment 4 is the longest and probably most accurate record of precipitation in the county. Based on the severity of the CCSD's water shortfall experience since its formation in the early 1970's I have classed these dry year sequences as to magnitude and frequency. Class I - Multiple Dry Year Droughts where the District would have to limit each household to survival levels such as in '75-'76 and '76-'77 have occurred four times in the 127 year record. There have been eleven Class II - Single Low Rainfall Years where severe rationing would be needed, and six years of Class III - where significant precipitation ceased early in the wet season and some water use restrictions would have been required. The last 127 year record would predict for CCSD that the demand for present development has brought its current water resource beyond carrying capacity four times, and to the point of major public personal and economic discomfort eleven times, and to limited rationing six times. This hisistory should tell us that this is not good water planning.

What are the implications to the North Coast of the above water resource responses? Where can "new" water be found? Will it be affordable or will the socioeconomic structure of the area be forever changed? How will coastal public trust, environmental and habitat values be affected by water development and/or continued local over extension of the current resource?
The answers to these questions are beyond the scope of this paper but do indicate the need for a review of the County's Local Coastal Plan if for no other reason than to treat the current water resource deficiency problems and their potential solutions.

Possible directions and developments are apparent from a library of studies on the local water resource solutions, none of which were reviewed in the FEIR. In ascending order of cost, for Cambria the least costly "new water" would be from CCSD condemnation of underflow now used by agriculture, next the reclamation and reuse of waste water traded for agriculture's underflow, then importation and treatment of surface water from Nacimiento Lake, desalination of brackish groundwater at the lagoons, dams on the streams, then sea water desal. The impacts of all are monumental relative to coastal values and Coastal Act policies.

Of major significance is the fact that the County's administration of our Local Coastal Plan ignores completely the status of the local water resource in permitting new development. A Resource Management System exists as part of the County General Plan but is ignored in the permitting process. The CCSD service area has been at a recommended but not certified Alert Level III for distribution capability for the last 10 years and staff has not brought this limiting criteria to either the Planning Commission nor the Board of Supervisors during development hearings. Water development capital costs have been linked to future growth and with the escalating operation costs in large part to paid by current users. This defeats attempts to generate sustainable communities along our coast.

ATT #1

RESUME

WILLIAM C. BIANCHI

BUSINESS ADDRESS: 4375 San Simeon Creek Road
Cambria, CA 93428
(805) 927-8006

FIELDS OF PROFESSIONAL COMPETENCE: Ground-Water Hydrology, Artificial Ground-Water Recharge, Agricultural Drainage, Soil Physics (Water Movement).

PROFESSIONAL HISTORY: 1979 to present, Consultant on Ground-Water and Artificial Recharge Systems: 1966-1979, Supervisory Soil Scientist and Research Leader, Agricultural Research Service (ARS) USDA Fresno, CA: 1956-1959, Research Soil Physicist, Assistant Professor, University of Nevada, Reno; 1953-1956, Graduate Research Assistant, UC Davis, Davis, CA: 1951-1953, Rancher, Cambria, CA.

EDUCATION: B.S. Irrigation Science, UC Davis (with honors), 1952; Ph.D., Soil Science, UC Davis, Davis, CA 1958.

CURRENT PROFESSIONAL SOCIETY MEMBERSHIP: Soil Science Society of America, American Association for the Advancement of Science, Sigma Xi, Soil Conservation Society of America.

PUBLICATIONS: Over 40 publications and reports on research into water movement in soils, soil reclamation, drainage, and in particular, ground water and techniques for its artificial recharge.

Guest Editor, Journal of the Water Well Association, and Ground Water, Ground-Water Reservoir Management Through Artificial Recharge - Fact or Fantasy, May-June, 1984.

SPECIAL AWARDS: Certificate of Merit USDA-ARS, 1963 (for inventing first soil moisture tension transducer); awarded American Water Works Associations's 'Best Paper,' Resources Division, 1974; many invitational presentations, i.e., Salt River Project, Phoenix, Arizona, "Symposium on Ground-Water Recharge", Nov., 1978.

OTHER CONSULTING ACTIVITIES: Had major responsibility in siting, design and operations of City of Fresno's Leaky Acres recharge facility; F.A.O. Consultant on reuse of waste water through recharge by the City of Tripoli, Libya; Instructor at Corps of Engineer's training sessions on land treatment of waste water; served as USDA member of Interagency Advisory Committee for current Recommended Methods for Water-Data Acquisition; Rockwell International, Hanford, Washington, Wastewater Recharge Design; Law Engineering for Metcalf and Eddy, City of Houston, Texas, Master Water Plan - Ground-Water Recharge.

INSTRUCTIONAL EXPERIENCE: Taught upper division Soil Physics, Univ. of Nevada, Reno, Nevada, 1956-59; Guest Lecturer, Agric. Engineering, California Polytechnic University, San Luis Obispo, CA, Winter Quarter, 1983; presented papers at annual meetings of scientific societies and State and Federally sponsored public meetings; organized and/or participated in public, private industry and University sponsored workshops on ground water and soil physics research; prepared and presented oral reports to Board of Directors and staff engineers of agencies applying our research results.

WILLIAM C. BIANCHI, PhD
RESUME ADDENDUM
EXPANDED STATEMENT OF QUALIFICATIONS AS EXPERT WITNESS

PERTAINING TO BACKGROUND IN:
HYDROLOGY, GEOHYDROLOGY, URBAN AND AGRICULTURAL GROUND WATER AND WATER-QUALITY MANAGEMENT, AGRICULTURAL WATER USE AND DRAINAGE, SOIL RECLAMATION, ARTIFICIAL RECHARGE AND GROUND-WATER BASIN MANAGEMENT.

EDUCATION: Under-graduate work was in the U. C. Davis Department of Irrigation Science, newly established by Dr. Frank J. Veithmeyer, which evolved into the current Water Science and Engineering Department. The Staff at that time included Veithmeyer, Hagan, Doneen, Luthin, Henderson, Burgy, Scott, et. al.

Graduate work was in Soil Physics. My thesis was on the derivation and laboratory verification of mathematical equations to describe vapor transfer across soil and solution surfaces. Paralleling this theoretical work was field work involving the assessment of magnitude of losses of liquid fertilizer lost from irrigation sprinkler applications and hydrologic investigations on the separation of tide and evapotranspiration wave forms in the daily flucuations of water tables under alfalfa in the San Joaquin Delta. (1)(2). The graduate Doctoral program set up by the Irrigation Science Department required formal course advancement into graduate level mathematics and physics and a resident attendance at Berkeley where all the upper-division courses in Soil Science were taken in two semesters.

RESEARCH CAREER: At the University of Nevada (Reno) Agricultural Experiment Station any and all research was by financial necessity done in cooperation with all Federal (USGS, USDA-ARS, USBR, BLM, and SCS) and State agencies having direct interest in the projects. Since the oldest USBR project (Newlands), and many of the other irrigated areas in the State, were experiencing major drainage and salinization problems, my work involved definition of the geohydrology, measurement of the flow parameters defining ground-water movement for engineering drainage systems, and the assessment of soil-salinity damage and reclamation processes needed to restore productivity. This work required a full understanding of water and salt movements through a variety of alluvial geologic regimes and attendant ground-water flow systems. (3)(5)(11).

In 1959 at Fresno, the USDA Agricultural Research Service established a Field Station for research into methods to artificially (as opposed to naturally) recharge the over-drafted Southern San Joaquin Valley. The research was in major part financed by the California State Department of Water Resources as conjunctive use was a feature of the California Water Plan. The initial period of this work concentrated on the potential for recharge into the alluvial fans of the west side of the valley below the alignment of the aqueduct, but east side locations on the Tule River Irrigation District were also involved. The Westside research produced the first projections (8) on the scale of the agricultural drainage problem that was to occur in the Westlands Irrigation District and the definition of the hydrologic

water-quality parameters that were to be its cause. (6)(7)(12)(14)(19)(25). Although the nature of the interactive fan and lacustrian depositional systems precluded successful recharge of State Project water, the Westside area proved to be an excellent field-scale laboratory for testing theoretical mathematical descriptions of the dynamics of ground-water mound formation and dissipation beneath water-spreading areas. (16)(20)(21)(31). The final document for the Department of Water Resources cooperative effort on recharge was the publication, "Ground-Water Recharge Hydrology" (24) which still stands as a summary of the progress and as a technical guide on artificial recharge in California. This publication has been reprinted at least once by the Department of Water Resources since 1970. During this period I had the oportunity to attend and graduate from DWR's Ground-Water School.

Paralleling the work done in studying unsaturated flow in recharge was work on the upward flow above a shallow watertable as related to plant use. These studies were aided with my own invention of a transducer (12) to allow continuous recording of transient pressures of less than atmospheric important to tracking unsaturated moisture in transit. (22)(23). The results of the research has led to inclusion of the use of water by deep-rooted crops in crop-water use determinations to improve irrigation efficiency.

The Eastside recharge research continued with the development of a Cooperative project on the recharge of Kings River water into the expanding ground-water depression under the City of Fresno. The Research and Development done in cooperation with the City of Fresno, Fresno Irrigation District, led to construction of the Leaky Acres Project, now a major contributor to the water balance and quality maintenance of the local urban ground-water supply. Leaky Acres adds in excess of 15,000 ac ft/yr of high quality water to the area's ground-water reservoir. (26)(27)(29)(32)(33)(35)(38). The summary paper (27) coming out of the Leaky Acre Project won the Resources Division of the American Waterworks Association 'Paper-of-the-Year' award in 1974. Continuing work on improving the performance of the project led to techniques for injection through wells that by-passed layers limiting vertical water movement. (34)(38).

The representative of the American Society of Civil Engineers to the Internal Commission of Irrigation and Drainage invited me to write a paper for the Commission, "Artificial Ground-Water Recharge - State of the Art." (36).

CONSULTING: I have consulted with the United Nations Food and Agricultural Organization on a project in Libya involving water supply and the recharge of tertiary waste water for the City of Tripoli; with Rockwell International on the design and construction of expanded recharge facilities at the Hanford, Washington nuclear processing operation after the existing facilities became clogged; with developing the Recharge Appendix with Law Engineering of Houston, Texas for the Houston Master-Water Plan for 1986. Houston now is in a major overdraft status; subsidence control is the main objective.

Qualified as expert witness before the State Board on the San Simeon Creek that resulted in Order WR 88-14 and Permit 17287 for Appropriation by the Cambria Community Services District and later a Declaration of Full Appropriation during the dry season. This was a landmark decision in that it requires the down downstream pumper to provide water to upstream wellheads when supply there is limited.

Was a member of the "Blue Ribbon" panel of experts reviewing the proposed Ward Valley low-level waste site appointed by the Governor in 1991 to review the consultant findings as to its safety.

Was a consultant and testified to the National Academy of Sciences Review Panel on the proposed Ward Valley Low-level Radioactive Waste Site. Testified as a member of the US Geological Service team (July and August 1994 at Needles, California). This work resulted in Chapter V, "Water Movement in the Vadose Zone " in Ward Valley – Proposed Low-level Waste Site , Howard Wilshire et.al. September, 1994. The impact of this effort illustrated the potential for groundwater entry of waste components and resulted in the re-sampling of the vadose zone for bomb tritium that is now currently in process.

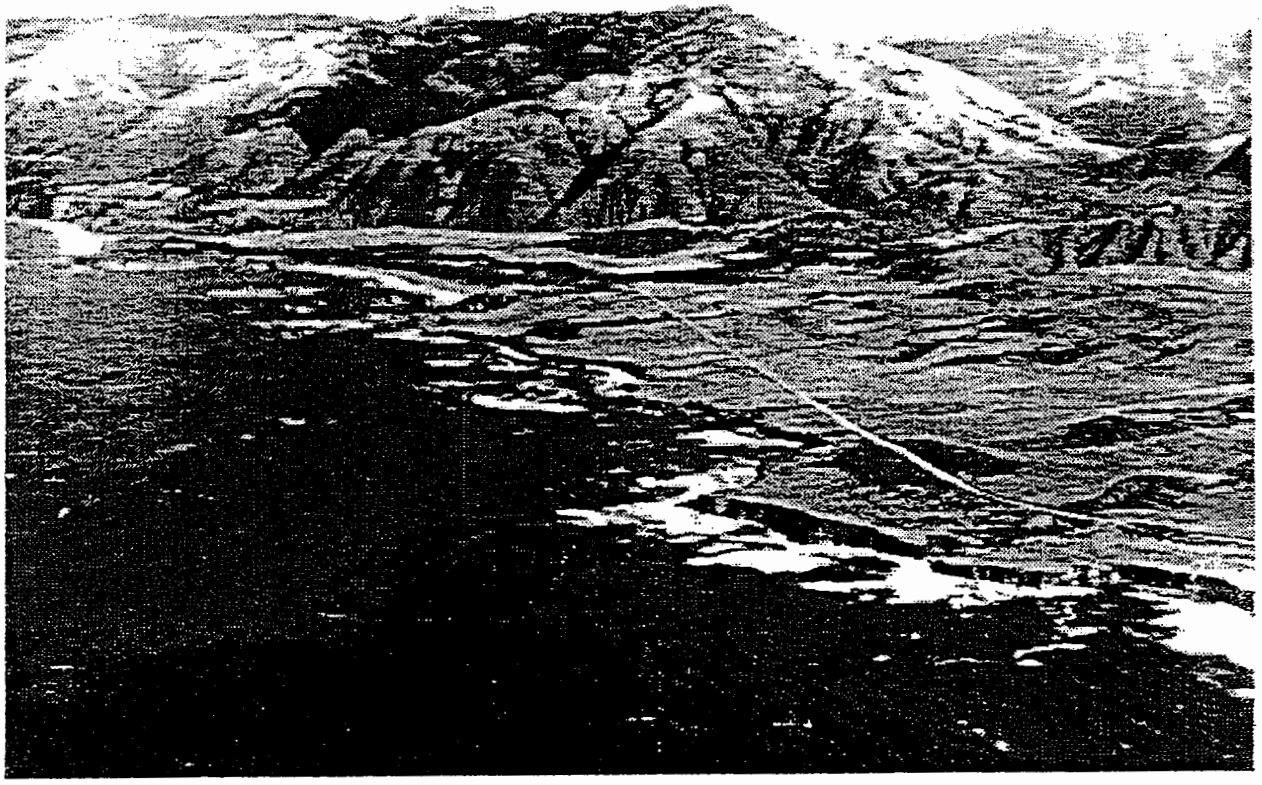
Currently am involved in reviewing the safety of high level waste transport through the County from Diablo Canyon – presentation –" Local Transportation of Spent Nuclear Fuel", Bianchi et.al. International High-Level Radioactive Waste Management Conference May 1998.

OFFICE COPY - *MAXIMUM 24 HOUR LOAN*

ATT #2

~~FINAL~~ ENVIRONMENTAL IMPACT REPORT
FOR LAND USE ELEMENT & LOCAL COASTAL PLAN

SAN LUIS OBISPO COUNTY GENERAL PLAN



FILED

DEC 2 1 1996

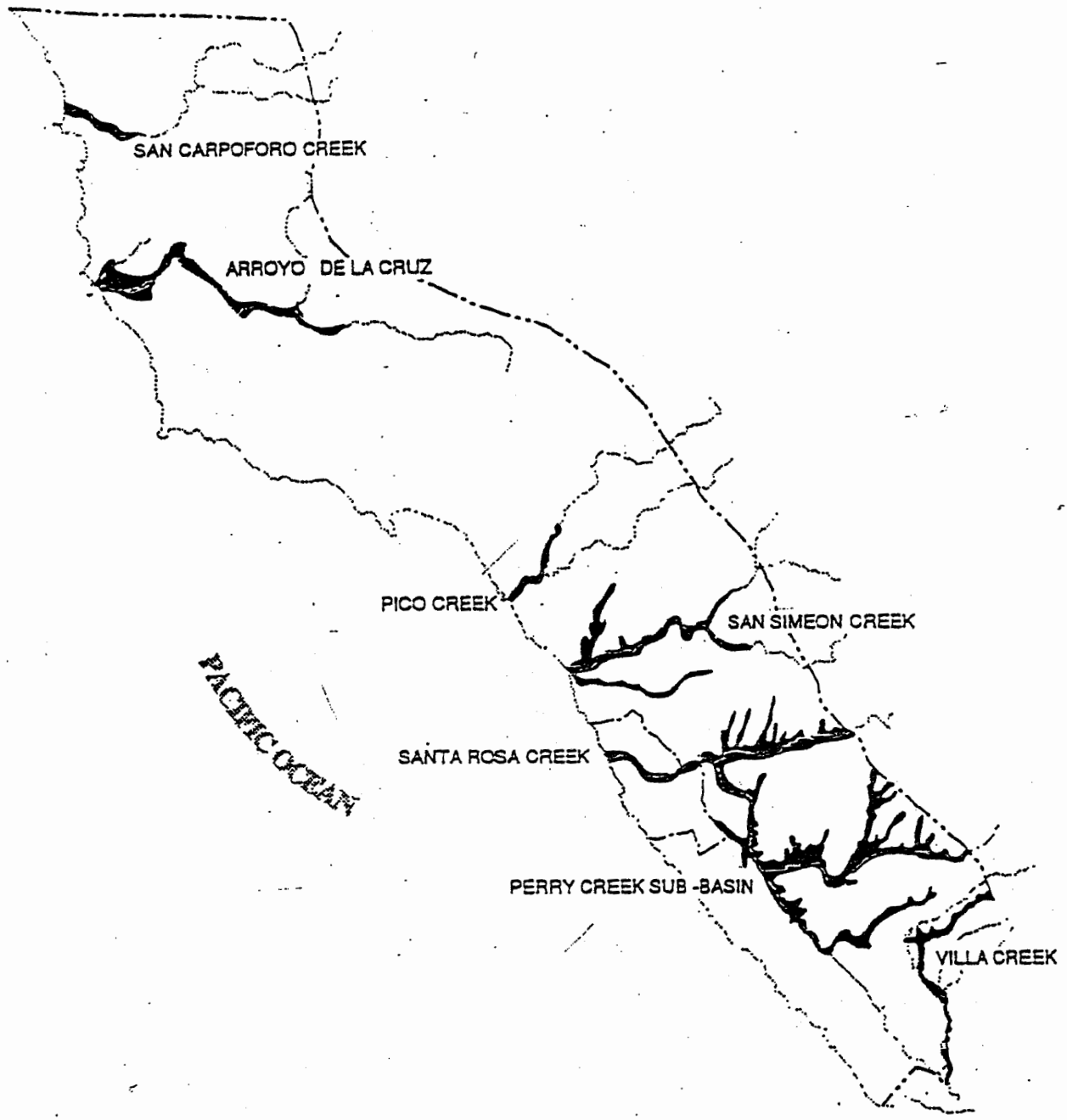
JULIE L. RODEWALD, COUNTY CLERK
By CATRINA M. CHRISTENSEN
DEPUTY CLERK

E.I.R. CERTIFIED
Board of Supervisors Action
Dated 12/10/96
By [signature]

NORTH COAST AREA PLAN

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VOLUME I - EIR TEXT



LEGEND

Groundwater Basin

0 30,000'

NORTH COAST
AREA PLAN UPDATE

GROUND WATER BASINS
OF THE NORTH COAST

Figure 5.3-1

FUGRO

Table 5.3-1. North Coast Ground Water Basin - Storage Availabilities and Annual Safe Yields.

Basin	Usable Storage (acre-feet)	Safe Annual Yield (acre-feet/year)	NRCS Watershed Area ac.
Villa Creek	2,200	1,030	9790
Santa Rosa Creek	6,000	2,260	30220
San Simeon Creek	1,300	900	20510
Pico Creek	150	130	1070
Arroyo de la Cruz	2,200	430	27685
San Carpoforo Basin	600	Unknown	22750
Total	13,050	4,750	

Source: Department of Water Resources, *San Luis Obispo County Master Water Plan Update*, March 1986.

b. Water Quality. Several of the North Coast ground water basins have either natural or induced water quality problems. These quality problems have the potential to reduce the usable amount of water available for urban or agricultural uses.

All of the North Coast ground water basins have quality problems related to the naturally occurring iron and manganese. In times of drought or in the dry seasons, the concentrations of these metals can rise to levels above the Maximum Contaminant Levels set by the State of California.

The Santa Rosa basin is characterized as having increased amounts of naturally occurring iron and manganese in locally confined areas of the basin. Water within the Perry Creek subunit of this basin also has elevated levels of chloride and dissolved solids due to the natural bedrock within that sub-basin.

The lower basins of the San Simeon and Santa Rosa creek basins have elevated levels of sodium, chloride, and dissolved solids resulting from local geologic conditions and/or the intrusion of seawater into the aquifer.

Seawater intrusion can also be a problem to the local ground water basins if over-pumping of the basins is permitted. The Pico Creek basin water quality has declined in drought years due to increased salinity levels from seawater intrusion.

c. Current Water Consumption

1. *Villa Basin.* The water consumption within the Villa Basin is confined to agricultural and domestic water users. It is estimated that approximately 100 acre-feet are used

by agricultural water users, with approximately 35 percent, or 35 acre-feet, of the total water used returning to the basin through surface run-off or infiltration into the ground.

2. *Santa Rosa Basin.* The Cambria Community Services District (CCSD) is the only municipal water user of the Santa Rosa Creek basin. The State Water Resources Control Board approved a permit in November 1989 to allow the CCSD to operate three wells within the Santa Rosa Creek basin and extract 518 acre-feet of water per year, with the condition that a maximum of 260 acre-feet may be withdrawn from May 1 through October 31 each year. The permit further stipulates various conditions upon the district including monitoring for water quality, ground deformation, and maintenance of in-stream habitat.

There are also individual and agricultural water users within the Santa Rosa basin. It is estimated that approximately 890 acre-feet per year are used by agricultural water users, with approximately 35 percent, or 312 acre-feet, of the total water used returning to the basin through surface run-off or infiltration into the ground.[9]

3. *San Simeon Basin.* The CCSD has a permit from the State Water Resources Control Board to withdraw 1,230 acre-feet per year from San Simeon Creek. To protect the creek basin and ensure that withdrawal does not exceed the safe yield, the permit stipulates that only 370 acre-feet may be withdrawn from cessation of streamflow at the Palmer Flats Gaging Station until October 31 each year. Generally, streamflow ceases during June, though flows can cease earlier during drought conditions.

Agricultural land uses also consume water from the San Simeon basin. It is estimated that approximately 450 acre-feet are used by agricultural water users, with approximately 35 percent, or 157.5 acre-feet, of the total water used returning to the basin through surface run-off or infiltration into the ground.[10]

4. *Pico Basin.* The San Simeon Community Services District (SSCSD) has a permit from the County Health Department to extract 140 acre-feet from the Pico Basin from two wells. 1992 production of these two wells was approximately 79 acre-feet. It is estimated that the Hearst Corporation withdraws about 16 acre-feet from one well within the basin for the watering of livestock.

5. *Arroyo de la Cruz Basin.* This basin is not presently used by municipal or agricultural water users.

6. *San Carpoforo Basin.* This basin is not presently used by municipal or agricultural water users.

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[9] Hydrogeology, Water Quality, Water Budgets and Simulated Responses to Hydrologic Changes in the Santa Rosa and San Simeon Creek, ground water basins, San Luis Obispo County, California.

[10] USGS, 1993.

ATT #3

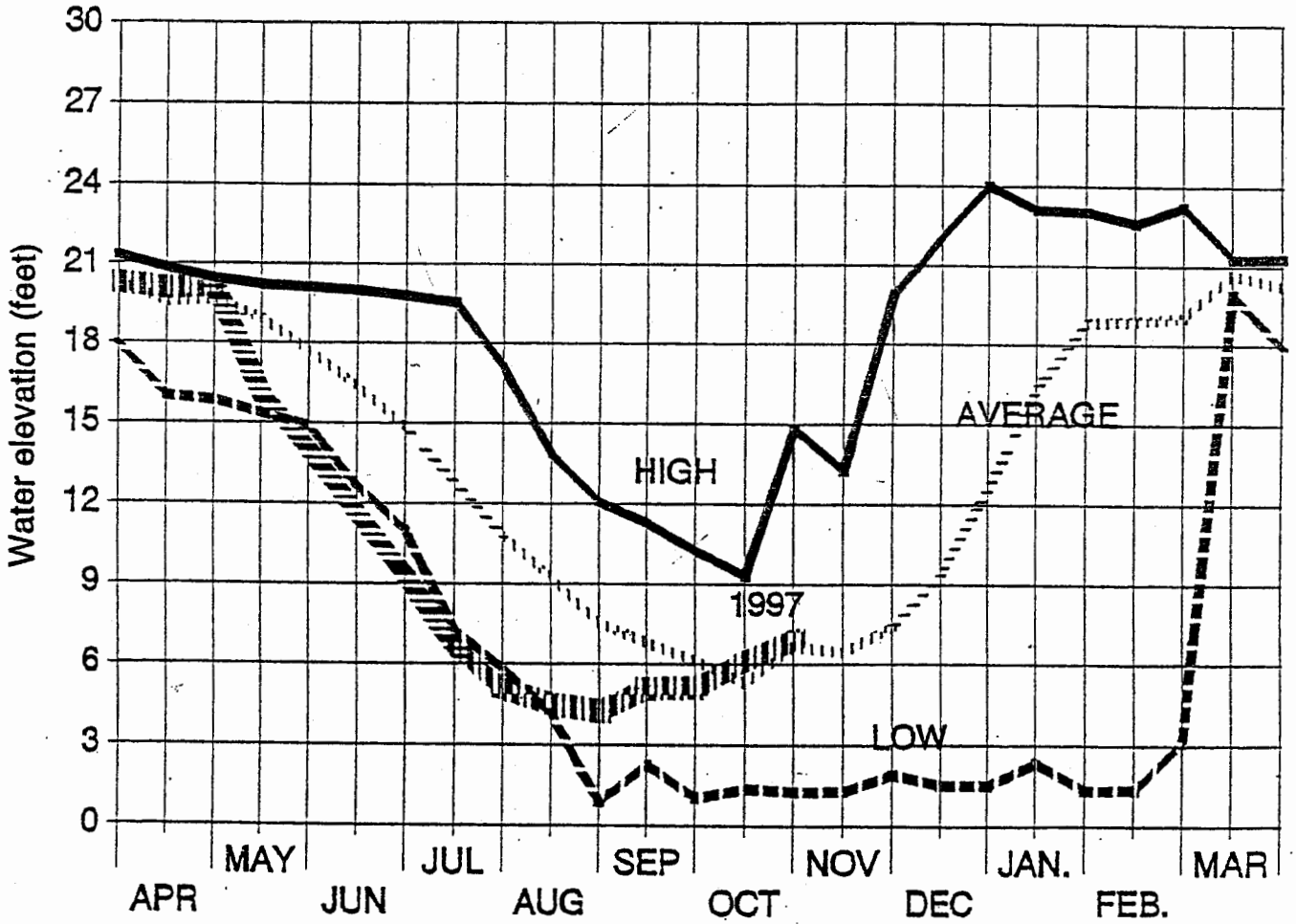
CAMBRIA COMMUNITY SERVICES DISTRICT
WATER PRODUCTION, BY SOURCE
ACRE-FEET

YEAR	SOURCE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	SUMMER TOTAL MAY-OCT	NOV.	DEC.	WINTER TOTAL JAN-APR NOV-DEC	ANNUAL TOTAL
	S.S.	42.6	40.1	43.2	51.6	62.7	67.3	67.2	73.9	53.2	41.8	366.1	39.1	45.0	261.6	627.7
1985	S.R.							10.6		13.3	19.1	43.0	9.5	0.8	10.3	53.3
	TOTAL	42.6	40.1	43.2	51.6	62.7	67.3	77.8	73.9	66.5	60.9	409.1	48.6	45.8	271.9	681.0
	S.S.	47.2	39.6	47.8	53.9	70.2	73.1	65.2	61.7	49.6	48.8	368.6	49.9	42.5	280.9	649.5
1986	S.R.							17.4	17.9	17.2	15.1	67.6	13.3	10.2	23.5	91.1
	TOTAL	47.2	39.6	47.8	53.9	70.2	73.1	82.6	79.6	66.8	63.9	436.2	63.2	52.7	304.4	740.6
	S.S.	41.5	41.3	48.4	63.0	68.8	63.8	66.1	62.9	42.0	36.4	340.0	32.9	42.3	269.4	609.4
1987	S.R.	10.2	3.8			2.0	13.8	22.4	26.0	28.0	35.6	127.8	19.3	6.6	39.9	167.7
	TOTAL	48.4	45.1	48.4	63.0	70.8	77.6	88.5	88.9	70.0	72.0	467.8	52.2	48.9	309.3	777.1
	S.S.	51.2	57.9	63.2	47.3	57.4	44.2	50.0	51.7	41.9	37.4	282.6	27.4	36.0	283.0	565.6
1988	S.R.				16.3	15.7	30.7	31.2	34.9	36.0	34.9	183.4	35.2	19.0	70.5	253.9
	TOTAL	51.2	57.9	63.2	63.6	73.1	74.9	81.2	86.6	77.9	72.3	466.0	62.6	55.0	353.5	819.5
	S.S.	51.0	47.9	53.9	61.9	57.2	62.2	69.2	60.9	36.3	38.7	324.5	42.6	40.6	297.9	622.4
1989	S.R.				1.0	13.8	13.5	17.9	28.0	42.0	22.6	137.8	17.6	18.2	36.8	174.6
	TOTAL	51.0	47.9	53.9	62.9	71.0	75.7	87.1	88.9	78.3	61.3	462.3	60.2	58.8	334.7	797.0
	S.S.	45.7	47.0	55.3	44.8	31.5	32.3	40.0	38.0	31.9	31.4	205.1	29.4	29.9	252.0	457.1
1990	S.R.	8.7	0.8	0.5	18.0	32.3	26.8	22.3	22.2	20.6	20.2	144.4	19.3	14.9	62.2	206.7
	TOTAL	54.4	47.8	55.8	62.8	63.8	59.1	62.3	60.2	52.6	51.6	349.5	48.7	44.8	314.3	663.8
	S.S.	26.9	23.1	32.7	39.6	48.6	44.1	40.1	34.8	30.5	28.0	226.1	26.4	30.1	178.8	404.9
1991	S.R.	15.3	13.1	0.5	0.1	0.1	5.5	15.0	21.6	20.2	21.0	83.4	19.7	18.7	67.4	150.8
	TOTAL	42.2	36.2	33.2	39.7	48.7	49.6	55.1	56.4	50.7	49.0	309.5	46.1	48.8	246.2	555.7
	S.S.	45.3	42.2	45.9	55.2	64.0	58.1	44.9	41.8	35.0	32.8	276.6	34.0	43.1	265.7	542.3
1992	S.R.	0.8	0.3	0.1	0.4	0.5	6.1	22.7	28.1	26.3	25.1	108.8	19.5	5.5	26.6	135.4
	TOTAL	46.1	42.5	46.0	55.6	64.5	64.2	67.6	69.9	61.3	57.9	385.4	53.5	48.6	292.3	677.7
	S.S.	50.1	45.7	52.6	56.3	68.3	68.8	68.1	69.8	59.8	56.1	390.9	51.4	43.5	299.6	690.5
1993	S.R.	0.5	0.3			0.1						0.1			0.8	0.9
	TOTAL	50.6	46.0	52.6	56.3	68.4	68.8	68.1	69.8	59.8	56.1	391.0	51.4	43.5	300.4	691.4
	S.S.	47.0	38.6	48.6	52.0	54.6	63.4	69.3	47.8	31.7	30.8	297.6	28.2	26.0	240.4	538.0
1994	S.R.					0.1			25.0	30.2	27.7	83.0	21.2	19.9	41.0	124.0
	TOTAL	47.0	38.6	48.6	52.0	54.7	63.4	69.3	72.8	61.9	58.5	380.6	49.4	45.9	281.4	662.0
	S.S.	41.3	41.1	47.1	52.1	53.5	59.0	74.7	74.1	65.4	64.7	391.4	55.3	47.6	284.5	675.9
1995	S.R.	1.9													1.9	1.9
	TOTAL	43.2	41.1	47.1	52.1	53.5	59.0	74.7	74.1	65.4	64.7	391.4	55.3	47.6	286.4	677.8
	S.S.	46.66	43.40	47.39	56.95	66.18	70.83	75.70	77.27	68.23	65.58	423.79	50.37	49.43	294.20	717.99
1996	S.R.	0.01	0.03	0.03	0.03	0.03	0.01	0.03	0.02	0.01	0.02	0.12	0.02	0.02	0.14	0.26
	TOTAL	46.67	43.43	47.42	56.98	66.21	70.84	75.73	77.29	68.24	65.60	423.91	50.39	49.45	294.34	718.25
	S.S.	50.61	49.20	65.66	68.65	76.18	79.14	82.31	57.02	37.32	27.50	359.47			234.12	593.59
1997	S.R.	0.02	0.08	0.02	0.02	0.02	0.02	0.38	25.92	31.54	36.85	94.73			0.14	94.87
	TOTAL	50.63	49.28	65.68	68.66	76.20	79.16	82.69	82.94	68.86	64.35	454.20			234.26	688.46
DIFFERENCE		3.96	5.85	18.26	11.68	9.99	8.32	6.96	5.65	0.62	-1.25					

TOTAL INCREASE 1997 = 70.04 ACRE-FT
Percent INCREASE 1997 = 10.17%

SAN SIMEON CREEK WELL LEVELS

APRIL 1, 1988 thru Nov. 1, 1997



ATT #4

San Luis Obispo County
Monthly Precipitation Record
Sorted by Year

07-Nov-97

STATION: 1 LONGITUDE: 120-39-47

NAME: CAL POLY LATITUDE: 35-18-20

LOCATION: SAN LUIS OBISPO ELEVATION: 300

Drought Class

Year is for water year ending in June. (ie. 1993 is July 1, 1992 - June 30, 1993)

	YEAR	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANN.
III	1997	0.00	0.00	0.00	2.23	4.43	10.88	13.31	0.48	0.00	0.05	0.00	0.00	31.36
	1996	0.00	0.00	0.00	0.02	0.40	3.55	4.88	9.73	1.78	1.90	1.05	0.00	23.11
	1995	0.00	0.00	2.38	0.89	2.51	1.15	16.03	2.25	16.48	1.12	0.76	0.76	44.33
	1994	0.00	0.00	0.00	0.22	1.89	2.20	2.93	5.97	1.43	1.46	0.86	0.00	16.96
	1993	0.44	0.00	0.00	1.29	0.00	5.45	10.51	8.61	4.03	0.25	0.23	0.09	30.90
	1992	0.00	0.07	0.00	0.44	0.58	4.49	3.43	9.84	3.15	0.10	0.00	0.04	22.14
II	1991	0.00	0.00	0.56	0.00	0.36	0.43	0.81	2.34	12.82	0.43	0.00	0.80	18.55
	1990	0.00	0.00	1.70	1.62	0.55	0.00	4.15	2.98	0.70	0.48	1.42	0.00	13.60
	1989	0.02	0.00	0.00	0.00	1.85	8.08	0.98	1.66	1.99	0.76	0.12	0.00	15.46
	1988	0.00	0.00	0.00	2.76	1.49	4.95	2.87	2.67	1.29	3.44	0.20	0.18	19.85
	1987	0.01	0.00	1.14	0.00	0.28	1.51	2.48	2.90	6.62	0.19	0.06	0.00	15.19
II	1986	0.04	0.02	0.04	1.05	4.39	2.03	2.65	11.79	7.26	0.16	0.00	0.00	29.43
	1985	0.00	0.08	0.00	1.27	3.61	3.76	0.72	1.94	3.04	0.30	0.02	0.00	14.74
	1984	0.00	0.91	0.15	2.47	6.54	6.72	0.18	0.97	1.02	0.82	0.00	0.00	19.78
	1983	0.00	0.11	1.19	1.74	6.28	4.97	10.05	10.53	8.61	3.30	0.61	0.00	47.39
	1982	0.00	0.00	0.00	1.59	2.97	2.04	5.87	1.65	8.89	4.12	0.01	0.17	27.31
	1981	0.29	0.00	0.00	0.00	0.01	2.10	6.40	2.15	7.48	0.34	0.00	0.00	18.77
	1980	0.00	0.00	0.20	1.28	1.21	4.84	9.22	11.91	3.47	0.70	0.43	0.00	33.26
	1979	0.00	0.00	1.18	0.00	2.46	2.24	4.62	5.99	4.03	0.24	0.00	0.00	20.76
	1978	0.00	0.00	0.03	0.05	0.28	8.49	15.76	10.71	8.09	4.37	0.00	0.07	47.85
I	1977	0.00	1.41	3.87	0.50	1.03	2.49	2.01	0.08	2.13	0.06	3.29	0.00	16.87
	1976	0.00	0.00	0.02	2.23	0.36	0.18	0.01	4.17	2.54	0.88	0.00	0.03	10.42
	1975	0.02	0.00	0.00	1.96	0.74	4.93	0.26	8.36	5.90	2.00	0.00	0.00	24.16
	1974	0.00	0.00	0.07	2.18	4.18	4.90	8.17	0.43	8.97	2.81	0.00	0.02	31.73
II	1973	0.04	0.00	0.00	2.72	6.79	2.00	13.83	9.67	4.94	0.00	0.02	0.00	40.01
	1972	0.00	0.00	0.19	0.36	2.00	7.03	1.03	0.86	0.00	0.89	0.06	0.00	12.42
	1971	0.00	0.00	0.00	0.11	6.02	8.51	1.89	0.42	0.73	1.56	1.22	0.00	20.46
	1970	0.00	0.00	0.10	0.62	0.89	1.73	7.28	1.42	4.11	0.18	0.00	0.07	16.40
	1969	0.00	0.00	0.01	3.08	2.10	3.92	24.83	15.16	1.88	3.72	0.00	0.03	54.53

San Luis Obispo County

07-Nov-97

Monthly Precipitation Record

Sorted by Year

STATION: 1

	YEAR	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANN.
	1968	0.00	0.00	1.20	0.00	3.83	3.05	2.43	2.07	3.70	1.31	0.35	0.00	17.94
	1967	0.15	0.00	1.11	0.00	4.40	7.70	6.04	0.58	6.38	6.90	0.36	0.13	33.75
	1966	0.00	0.00	0.00	0.00	7.80	4.12	2.13	1.15	0.29	0.12	0.00	0.01	15.62
III	1965	0.02	0.00	0.10	1.43	3.79	5.78	4.10	0.42	2.29	3.91	0.00	0.00	21.84
	1964	0.00	0.00	0.19	1.94	4.08	0.15	3.01	0.12	2.10	1.69	1.03	0.37	14.68
	1963	0.00	0.00	0.00	1.52	0.04	2.73	3.56	8.08	4.61	3.84	0.33	0.09	24.80
	1962	0.01	0.00T	0.01	0.00T	4.60	2.14	2.88	13.96	2.16	0.13	0.04	0.06	25.99
	1961	0.00	0.00	0.00	0.22	3.76	1.67	1.97	0.91	1.74	0.49	0.33	0.04	11.13
I	1960	0.00	0.00	0.73	0.00	0.00	0.60	4.23	6.85	1.52	1.94	0.04	0.00	15.91
	1959	0.00	0.00	0.95	0.00	0.32	0.18	2.69	6.60	0.00	0.95	0.07	0.00	11.76
	1958	0.00	0.00	0.00	1.68	0.55	4.23	3.78	8.97	8.40	6.51	0.23	0.00	34.35
	1957	0.00	0.00	0.00	0.65	0.00	0.49	4.64	3.92	1.17	3.30	1.57	0.24	15.98
	1956	0.00	0.01	0.00	0.00	1.93	10.88	6.51	1.46	0.01	3.51	0.85	0.00	25.16
	1955	0.00	0.00	0.00	0.00	2.77	3.10	5.60	1.96	0.18	2.67	0.99	0.01	17.28
III	1954	0.00	0.00	0.00	0.00	3.45	0.42	6.10	3.50	4.90	1.28	0.09	0.03	19.77
	1953	0.05	0.00	0.00	0.00	3.55	7.28	2.37	0.00	1.40	1.99	0.15	0.04	16.83
	1952	0.00	0.04	0.05	0.93	1.96	8.39	9.53	0.63	6.65	1.05	0.04	0.03	29.30
	1951	0.46	0.00	0.03	2.12	2.38	3.25	3.42	1.31	1.03	1.48	0.13	0.00	15.61
	1950	0.00	0.00	0.00	0.00	2.23	3.85	4.89	3.88	1.41	2.53	0.17	0.00	18.96
	1949	0.00	0.00	0.00	0.39	0.02	3.50	1.94	2.41	5.68	0.11	0.00	0.00	14.05
III	1948	0.00	0.04	0.00	1.40	0.12	1.47	0.08	2.17	5.25	4.14	0.89	0.00	15.54
	1947	0.04	0.02	0.00	0.55	6.64	2.68	0.44	1.15	2.04	0.20	0.27	0.24	14.27
	1946	0.00	0.03	0.11	1.14	0.83	7.36	0.63	2.26	4.20	1.24	0.19	0.00	17.99
	1945	0.00	0.00	0.00	0.14	6.10	2.18	0.16	6.48	5.91	0.12	0.10	0.09	21.28
	1944	0.00	0.00	0.00	1.15	0.42	4.57	1.77	9.45	2.61	2.22	0.24	0.01	22.44
	1943	0.00	0.01	0.00	0.54	1.34	3.35	10.83	2.01	6.94	1.04	0.00	0.00	26.06
	1942	0.02	0.02	0.00	1.14	0.95	10.18	2.80	1.93	2.33	3.94	0.30	0.00	23.61
	1941	0.00	0.00	0.00	0.78	0.25	9.68	7.80	9.85	8.60	5.23	0.73	0.00	42.92
II	1940	0.02	0.00	0.59	1.34	1.07	1.92	9.29	6.41	1.89	2.37	0.01	0.00	24.91
	1939	0.00	0.00	0.54	0.53	0.48	1.08	3.39	1.97	1.92	0.26	0.13	0.00	10.30
	1938	0.00	0.00	0.00	0.09	0.73	7.51	2.70	11.96	6.79	1.12	0.09	0.00	30.99
	1937	0.14	0.00	0.11	1.69	0.00	8.29	7.98	9.25	5.56	0.22	0.00	0.05	33.29

San Luis Obispo County

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Monthly Precipitation Record

Sorted by Year

STATION: 1

YEAR	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANN.
1904	0.00	0.00	0.00	0.02	0.48	0.32	1.08	6.79	5.13	2.97	0.20	0.00	16.99
1903	0.00	0.00	0.00	2.00	1.52	1.48	3.67	3.18	4.98	1.66	0.00	0.00	18.49
1902	0.00	0.18	0.10	2.58	1.58	0.12	1.46	8.79	4.68	2.44	0.03	0.00	21.96
1901	0.00	0.00	0.00	1.93	8.01	0.26	11.21	5.89	0.58	2.83	0.69	0.00	31.40
1900	0.00	0.00	0.00	3.92	1.94	4.51	2.13	0.16	2.18	0.98	1.38	0.01	17.21
1899	0.00	0.00	0.20	0.39	0.08	0.64	5.56	0.28	7.82	1.54	0.10	0.92	17.33
II 1898	0.00	0.00	0.07	0.79	0.07	0.85	1.37	2.20	0.91	0.06	1.04	0.04	7.20
1897	0.04	0.20	0.00	1.44	3.02	3.04	5.22	4.40	3.17	0.18	0.04	0.00	20.75
1896	0.00	0.00	0.00	1.80	1.56	0.68	8.23	0.00	3.16	2.22	0.10	0.00	17.75
1895	0.05	0.00	1.81	1.71	0.35	5.45	8.05	1.82	2.44	0.67	0.47	0.00	22.82
II 1894	0.00	0.00	0.03	0.82	0.45	1.64	1.83	2.31	0.79	0.41	1.32	0.21	9.81
1893	0.00	0.00	0.00	0.15	2.76	6.57	4.02	6.35	9.33	1.14	0.08	0.00	30.40
1892	0.00	0.00	0.27	0.00	0.20	5.15	0.70	2.88	4.25	0.60	2.23	0.05	16.33
1891	0.00	0.00	0.82	0.00	0.42	6.04	0.88	7.14	1.97	1.96	0.13	0.15	19.51
1890	0.00	0.00	0.00	9.19	2.46	11.37	7.27	4.67	3.07	0.29	0.41	0.00	38.73
1889	0.00	0.00	0.00	0.00	4.48	3.36	1.50	2.08	7.51	0.61	0.00	0.00	19.54
1888	0.02	0.00	2.05	0.25	1.40	3.15	7.02	0.28	3.84	0.14	0.16	0.04	18.35
1887	0.00	0.00	0.00	0.25	1.25	1.06	1.10	9.60	1.29	1.56	0.36	0.07	16.54
1886	0.00	0.00	0.00	0.04	12.90	3.67	5.78	0.79	2.37	3.75	0.00	0.00	29.30
1885	0.00	0.00	0.00	2.17	0.13	8.85	2.25	0.00	0.94	3.15	0.10	0.00	17.59
1884	0.00	0.00	0.00	0.00	0.00	3.56	10.57	10.21	12.41	3.39	0.00	2.26	42.40
1883	0.00	0.00	0.00	0.69	2.95	0.44	1.50	1.60	4.88	1.10	3.85	0.00	17.01
1882	0.00	0.00	0.40	1.65	0.25	2.00	0.85	3.40	6.75	1.73	0.00	0.00	17.03
1881	0.00	0.00	0.00	0.00	0.48	13.35	4.71	1.90	1.40	1.85	0.00	0.00	23.69
1880	0.00	0.00	0.00	0.75	1.40	3.03	1.75	7.23	2.36	8.78	0.52	0.00	25.82
II 1879	0.00	0.00	0.00	0.00	1.50	2.58	1.78	2.15	1.60	1.80	0.25	0.00	11.66
1878	0.00	0.00	0.00	0.00	1.42	3.90	7.88	11.91	2.74	2.75	0.00	0.00	30.60
II 1877	0.00	0.00	0.00	1.16	0.00	0.00	4.83	0.42	1.74	0.00	0.00	0.00	8.15
1876	0.00	0.00	0.00	0.00	6.20	2.20	9.87	5.29	5.30	1.26	0.00	0.00	30.12
? III 1875	0.00	0.00	0.00	4.28	2.05	0.48	12.10	0.28	0.50	0.00	0.00	0.00	19.69
1874	0.00	0.00	0.00	0.00	0.00	7.96	4.29	4.04	3.23	1.00	0.00	0.00	20.52
II 1873	0.00	0.00	0.00	0.00	0.00	6.00	5.00	1.79	0.00	0.00	0.00	0.00	12.79

San Luis Obispo County
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Sorted by Year

07-Nov-97

STATION: 1

	YEAR	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANN.
	1936	0.00	0.71	0.00	0.74	1.94	2.72	2.53	12.00	1.49	1.55	0.14	0.20	24.02
	1935	0.00	0.00	0.07	2.28	3.91	2.84	6.01	0.93	4.59	5.35	0.01	0.00	25.99
I	1934	0.00	0.00	0.00	0.95	0.00	7.11	0.05	4.80	0.07	0.00	0.38	1.61	14.97
	1933	0.04	0.02	0.05	0.33	0.31	1.81	8.87	0.33	1.03	0.17	0.93	1.88	15.77
	1932	0.00	0.06	0.00	0.09	2.88	14.99	4.95	5.92	0.88	0.40	0.18	0.00	30.35
	1931	0.00	0.00	0.14	0.04	1.98	0.63	6.22	1.92	0.54	0.48	2.52	0.16	14.63
	1930	0.00	0.00	0.05	0.00	0.00	0.33	6.07	3.32	3.15	0.67	1.21	0.17	14.97
	1929	0.00	0.00	0.00	0.00	3.51	5.42	1.96	2.90	1.78	1.39	0.00	0.34	17.30
	1928	0.00	0.00	0.00	2.54	3.04	4.93	0.34	3.89	5.65	0.51	0.43	0.00	21.33
	1927	0.00	0.00	0.00	0.66	8.24	1.41	2.78	7.78	2.10	1.54	0.05	0.12	24.68
	1926	0.00	0.03	0.06	0.37	0.05	3.00	3.32	7.29	0.33	4.31	0.06	0.00	18.82
	1925	0.00	0.04	0.00	0.94	0.89	2.04	2.78	4.32	4.21	2.68	3.58	0.15	21.63
II	1924	0.00	0.00	0.70	0.16	0.32	0.73	1.46	0.44	4.05	0.33	0.00	0.00	8.19
	1923	0.00	0.00	0.00	0.47	5.30	6.64	4.51	1.36	0.38	4.57	0.01	0.04	23.28
	1922	0.00	0.00	0.40	0.16	0.16	7.22	4.48	6.49	3.46	0.27	0.72	0.00	23.36
	1921	0.00	0.03	0.00	1.23	1.64	3.85	6.18	2.16	2.29	0.57	1.32	0.00	19.27
III	1920	0.00	0.00	0.42	0.12	0.14	4.52	0.82	2.38	4.78	1.65	0.00	0.05	14.86
	1919	0.00	0.01	0.73	0.81	4.00	1.92	1.51	5.48	3.35	0.09	0.19	0.00	18.09
	1918	0.01	0.00	0.00	0.09	0.47	0.14	0.55	9.83	7.12	0.04	0.01	0.00	18.06
	1917	0.00	0.00	1.94	1.82	0.38	9.26	1.59	7.01	0.44	0.11	0.49	0.00	23.04
	1916	0.01	0.00	0.00	0.00	0.34	3.58	18.25	2.38	2.12	0.21	0.04	0.00	26.93
	1915	0.00	0.00	0.00	0.08	0.12	6.01	7.11	9.51	0.95	2.47	1.91	0.01	28.17
	1914	0.00	0.91	0.07	0.00	3.97	5.73	15.03	3.31	1.24	0.68	0.06	0.22	31.22
II	1913	0.00	0.00	0.04	0.00	0.79	0.24	3.48	1.66	0.96	0.52	0.30	0.09	8.08
	1912	0.00	0.00	0.02	0.12	0.46	3.72	2.80	0.02	5.65	2.27	2.09	0.00	17.16
	1911	0.00	0.00	0.41	0.30	0.27	0.95	14.31	4.86	11.92	1.32	0.08	0.00	34.42
III	1910	0.00	0.00	0.02	0.54	2.24	10.09	3.48	0.43	3.81	0.23	0.00	0.00	20.84
	1909	0.00	0.00	0.84	0.59	0.73	1.70	17.00	6.44	4.04	0.03	0.00	0.00	31.37
	1908	0.00	0.00	0.07	3.23	0.01	3.33	6.69	3.59	0.79	0.14	0.21	0.00	18.06
	1907	0.00	0.03	0.04	0.00	1.08	5.14	8.78	2.45	6.79	0.34	0.11	0.02	24.78
	1906	0.03	0.00	0.00	0.00	1.97	0.32	6.37	3.48	10.86	0.71	4.22	0.16	28.12
	1905	0.00	0.06	3.54	1.00	0.13	1.72	2.35	7.51	4.18	0.77	2.26	0.03	23.66

San Luis Obispo County

07-Nov-97

Monthly Precipitation Record

Sorted by Year

STATION: 1

YEAR	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANN.
1872	0.00	0.00	0.00	0.00	2.40	13.93	5.16	3.45	0.71	1.37	0.00	0.00	27.02
1871	0.00	0.00	0.00	0.68	0.38	2.90	1.51	4.43	0.00	2.79	0.28	0.00	12.97
1870	0.00	0.00	0.00	0.84	0.66	0.78	0.71	4.85	0.74	2.40	0.85	0.00	11.83
Avg:	0.02	0.04	0.26	0.88	1.97	3.94	4.94	4.30	3.61	1.56	0.45	0.10	22.08

Post-it® Fax Note 7671	Date 7 Nov 97 # of pages ▶ 5
To Bill	From Glenn
Co./Dept.	Co.
Phone # 927-8006	Phone # 781-4474
Fax # 927-1669	Fax # 781-1330

County of San Luis Obispo

651 Tank Farm Road, San Luis Obispo, CA 93401 • (805) 543-3654

Agricultural Liaison Advisory Board

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Mary Bianchi
Coop. Ext. Ex Officio

June 5, 2001

Supervisors
San Luis Obispo County Board of Supervisors
County Government Center
San Luis Obispo, CA 93408

Dear Supervisors,

On April 16, 2001 the San Luis Obispo County Agricultural Liaison Board reviewed the attached Agricultural Commissioner's response to the Coastal Commission Preliminary Report of the San Luis Obispo County Local Coastal Plan. Following serious discussion regarding the various issues with the Coastal Report, the Agricultural Liaison Board voted to support, in concept, the San Luis Obispo County Agricultural Commissioner's response to the Coastal Report.

While supporting the attached Commissioner's review, we recognize that the County Planning Staff and representatives from the Agricultural Commissioner's office have conducted ongoing discussions with the Coastal Staff, so there have been some modifications to the review.

It is the opinion of the Agricultural Liaison Board that the Coastal Staff presented a very negative position toward agriculture in the Preliminary Report. We urge your support for agriculture's efforts to correct the unacceptable policies and statements in the Coastal Report.

Sincerely,

R. Don Warden
Chairman

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
RICHARD D. GREEK (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

April 13, 2001

TO: **Agricultural Liaison Advisory Board**

FROM: **Robert Hopkins, Deputy Agricultural Commissioner** RH

SUBJECT: **April 16 Meeting**

Right to Farm Ordinance

Enclosed you will find the latest version of the proposed disclosure statement. Bob Lilley and I met with County Counsel one more time to hammer out this disclosure statement. To facilitate discussion and track changes, the revised statement is presented in a marked up version with ***highlighted bold italics*** representing the previous version and the newest language in ***larger size*** print or ~~***strikeout***~~, along with the existing statement. Additionally we have included a clean copy.

Coastal Commission Preliminary Report

Also, enclosed are our draft comments responding the coastal commissions preliminary report. The comments form the framework for a formal report our office will submit to Planning and Building, to be included in a report going to the Board of Supervisors May 1, 2001. We will be looking for comments and suggestions from the your board concerning our comments.

H:\RLHLUP\RLHRTF\Ag Liaison April 16-01 meeting.wpd

Draft

SUBJECT: **California Coastal Commission Preliminary Report on the Periodic Review of the San Luis Obispo County LCP**

Introduction

The following report responds to your request for comments on the preliminary report regarding the County's Local Coastal Plan. Comments in this report will focus on the narrative sections and those preliminary recommendations which directly or indirectly effect agricultural lands and agricultural operations, primarily from Chapters 3 and 5. The comments and recommendations in our report are based on agricultural policies contained with the County's Agriculture and Open Space Element and current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. For the most part the narrative and preliminary recommendations excerpted from the Coastal Commissions Preliminary Report are highlighted in **bold** print. Suggested language changes are distinguished in highlighted print.

Chapter 3: Water Quality/Marine Resources Comments

C.1. Water Quality Impacts form Agricultural Operations

Pesticides

- *County Agricultural Commissioners Office Comments:*

The sections of the report which addresses pesticides (pages 78 and 79) lacks any discussion covering the existing statewide regulatory framework and local program administered through the County Agricultural Commissioner. Given the context of the discussion, we recommend at least a narrative section which summarizes the state and local regulatory program including the existing agreement and program between the California Department of Pesticide Regulations and the State Water Quality Control Board for protecting water quality. The following paragraph is suggested language:

> The California Food and Agricultural Code clearly establishes pesticide regulation as the domain of the California Department of Pesticide Regulation and local County Agricultural Commissioners. Where over lapping jurisdiction occurs in environmental medias such as water, MOU's are established to coordinate efforts and utilize public resources efficiently. The goal of the regulations is the protection of workers, the public's health and safety and the environment which includes protecting water quality.

The regulations present a comprehensive enforcement approach. Local enforcement efforts are enhanced by educational outreach and collaboration with the public, pesticide users, other agencies, training sessions, promotion of least toxic pest management approaches, and response to emergencies involving pesticide discharge into the environment.

(Note see attached pesticide program summary)

Comments specific to language in the preliminary report:

(Report narrative excerpt)

Pesticides: **In general, runoff containing residues of pesticides (and other chemicals) is a significant concern for the protection of water quality and marine resources. Some estimates note that between 1991-1998, pesticide use throughout San Luis Obispo County increased by approximately 53%, from approximately 1,572 pounds to approximately 2,403 pounds of active ingredients used.[1] Californians for Pesticide Reform (CPR) identify so-called "Bad Actor" pesticides as "California registered pesticides that are acute poisons, carcinogens, reproductive or developmental toxicants, neurotoxins, or groundwater contaminants" and estimate that in SLO County use of these pesticides rose by 24%.[2] While these are county-wide data, pesticides will be carried into coastal waters through stormwater runoff regardless of whether the initial application of the pesticide is within the coastal zone or inland of the coastal zone boundary.**

County Agricultural Commissioners Office Comments:

This first paragraph addressing pesticides is highly speculative and fails to acknowledge that no water quality sampling data to date implicates current pesticide practices in San Luis Obispo County as carrying pesticides into coastal waters. The agricultural cropping patterns and irrigation practices, as well as urban density are substantially different from other areas of the state where surface water contamination has been confirmed. Future WQCB sampling will be critical to ultimately determining if and where the current pesticide regulatory program in San Luis Obispo would need to focus additional regulatory efforts in cooperation with the WQCB in coastal watersheds.

Relative to the use of any database or study; government has a responsibility to evaluate its content and assumptions before utilizing it as a basis for setting policy. In the case of the CPR database and reports; they are a resource, and advocacy perspective but further review and evaluation by the regulatory agencies that collect the data and have local and statewide regulatory responsibility is critical, so that any implications and follow through are not incongruent with actual local conditions. Taking reports with broadly worded implications at

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[1] Kegley, Susan, Stephan Orme, and Lars Neumeister. *Hooked on Poison: Pesticide Use in California 1991-1998.* Published by Pesticide Action Network North America Regional Center and Californians for Pesticide Reform. 2000

[2] ibid. pg. 7.

face value without further assessment can result in faulty public policy that fails to address critical issues and/or makes unwise use of public resources.
We recommend this paragraph is rewritten with a focus on actual pesticide use in the coastal zone and confined to known water quality sampling. The California Department of Pesticide Regulation and the County Agricultural Commissioner can provide date on pesticide use and the Regional Water Quality Control Board concerning water sampling.

(Report narrative excerpt)

The quantity and specific pesticides used will vary by the commodities grown. San Luis Obispo County has seen an increase in the production of wine grapes, avocados, lemons and nursery plants over the past decade.[3] In general, the increase in these crops has lead to an increase in pesticide use in the County. The change in pesticide use and the acres used for crop production of these commodities between 1993-1998 are illustrated in Table 3-1, below.

Table 3-1: Change in Pesticide Use and Farm Acreage for Selected Crops, San Luis Obispo County, 1993-1998:

Crop	Change in Acres	Change in Pesticide Use
Wine Grapes	increase 31%	increase 84%
Avocados	increase 8%	increase 885%
Lemons	increase 5%	decline 22%
Nursery (includes greenhouse, outdoor grown plants, flowers)	increase 11%	increase 78%
Carrots	N/A	increase 352%
Apples	increase 69%	increase 66%
Peas	increase 22%	decrease 34%

[4]Sources: County Agriculture reports 1994 and 1998 for acres; Pesticide Use Reporting; Department of Pesticide Regulation, www.cdpr.ca.gov; "Product Use and Data"; "Pesticide Use Reporting".)

County Agricultural Commissioners Office Comments:

Table 3-1 (page 78) and accompanying discussion, which contrasts acreage increases with pesticide use increases, lacks specificity with respect to pesticide use, water quality issues, and the agricultural trends in coastal San Luis Obispo County. Without also showing what pesticides constituted the increase use, and the relationship of the increased materials to the specific crop time of year applied and method of application the information is not very relevant to water quality impacts. A critical part of the review from our perspective is whether the trends are supporting a transition to integrated and more benign pest management practices. Our knowledge indicates that the transition is occurring generally; but that new detrimental exotic pest introductions continue to inhibit progress. Avocados are a good example where we went from an almost organic pest management program to one reliant on pesticides due to new pests.

[3] Robert Hopkins. County Agriculture Commissioner. Pers. comm 5/5/00.

[4] For all grapes, the increase in pesticide use is 427%

We recommend deleting carrots from the table, since they are not produced in the coastal zone or near the coastal zone and focusing the trends and crops to the extent possible to Coastal San Luis Obispo or deleting the table.

(Report narrative excerpt: page 79)

Monitoring for Pesticides: **Although some pesticides are known to be toxic to wildlife and humans, monitoring for the presence of pesticides is infrequent. There is evidence of pesticide residue in some coastal lagoons in Central California; many of the pesticides evident were those used in past, but still present in the environment, including DDT.* Studies also show that pesticides, fertilizers, nutrients, and other pollutants from agriculture are evident in waterbodies in the Nipomo Mesa subarea, in Arroyo Grande Creek, and Oso Flaco Lake. As shown in Map 3-B, pesticides are used throughout the County, but are concentrated in the Santa Maria Estuary region in the South Bay. Ongoing and complete monitoring has not been undertaken to evaluate the presence of pesticides in the County's streams and estuaries, due in part to the expense of testing for pesticides.* The Regional Water Quality Control Board has recently begun conducting more ambient water quality monitoring, including some monitoring for pesticides.**
*Information per Karen Worcester, Regional Water Quality Control Board.

The paragraph addressing pesticide monitoring is vague and speculative. For example, references to samples showing DDT residue is not relevant to current pesticide use trends as DDT and many of the related chlorinated hydrocarbon compounds have been banned and not used for many years. We agree with the need to conduct more water quality sampling.

Preliminary Recommendations Comments

Introduction

This section of the report addresses the preliminary recommendations pertaining to Water Quality and agriculture. In preparing the report reference is made to certain key documents referred to by the CCC staff. These include:

(1.) Water Quality Control Plan for the Central Coastal Basin (Basin Plan for Region 3).

(2.) Plan for California's Nonpoint Source Pollution Control Program:
Volume I, Nonpoint Source Program Strategy and Implementation Plan, 1998-2013 (PROSIP).
Volume II, California Management Measures for Polluted Runoff (CAMMPR).

(3.) Compliance Assistance Guidance (CAG) for Implementation of the "Plan for California's Nonpoint Source Pollution Control Program."

When CC Staff recommendations pertained directly to Agriculture or Agricultural Practices as the NPS source the documents referenced above were cited.

Draft

Comments of Preliminary Recommendations (page 82)

Preliminary Recommendation 3-1:

Modify and adopt the following polices and standards in the LCP. (*Bold italics* indicate new language; ~~strikeouts~~ indicate language proposed to be removed.)

Agriculture Policy 8: Proper soil conservation techniques and grazing methods should be encouraged in accordance with ~~208 Water Quality Standards~~ *Basin Plan receiving water objectives* adopted to meet the water quality requirements of the California Regional Water Quality Control Board.

Coastal Watershed Policy 14: Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance ~~with 208 water quality standards~~ *Basin Plan receiving water objectives* adopted by the California Regional Water Quality Control Board.

County Agricultural Commissioners Office Comments:
We concur with policy 8 and 14, and have subsequently obtained a complete copy of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan).

Ordinance 23.08.046 c(2): Application content. Where this section requires land use permit approval for a specific animal raising activity, the permit application shall include the following in addition to all information required by Sections 23.02.030 ...

- **(i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.**
- **(ii) The applicant's plans for animal waste disposal, *including plans showing measures to confine runoff, adequate capacity to allow for proper wastewater disposal, and measures to prevent seepage to groundwater.***
- **(iii) ...**

e(2): Erosion and Sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation *or runoff* on any public road, adjoining property, or in any drainage channel.

County Agricultural Commissioners Office Comments:
We concur with the proposed changes in wording for Ordinance 23.08.046 c(2), and e(2).

Preliminary Recommendation 3-2: (page 83)

Modify LCP to incorporate mechanisms to fully implement the management measures identified in Appendix D. Appendix D identifies preliminary policy alternatives to achieve this goal.

Draft

County Agricultural Commissioners Office Comments:

County Staff recently became aware of the Plan for California's Nonpoint Source Pollution Control Program, (Vol. I and II), the memorandum of understanding between the State Water Resources Control Board (SWRCB) and the Coastal Commission (CCC) defining roles and responsibility for management of NPS issues, and the draft Compliance Assistance Guidance (CAG) for Implementing the State's NPS Plan.

We understand that the SWRCB, CCC, and other State Agencies are committed to implementing 61 NPS Management Measures (MMs) for six (6) NPS source categories (agriculture, forestry, urban areas, marinas and recreational boating, hydromodification, and wetlands/riparian areas/vegetated treatment systems). The three (3) NPS categories that appear to apply to San Luis Obispo County include Agriculture, Urban Areas, and Hydromodification.

Of the 61 MMs seven (7) address Agricultural Nonpoint Sources of pollution: These include:

1A Erosion and Sediment Control
1B Facility Wastewater and Runoff from Confined Animal Facilities
1C Nutrient Management
1D Pesticide Management
1E Grazing Management
1F Irrigation Water Management
1G Education/Outreach

And, four (4) apply to Hydromodification;
5.1 Channelization/Channel Modification
5.2 Dams
5.3 Streambank and Shoreline Erosion
5.4 Education /Outreach

We are presently reviewing Volume II of the "Plan", California Management Measures for Polluted Runoff (CAMMPR) and recognize the relationship of the document to the CC staff's Recommended Modifications appearing in APPENDIX D of the Preliminary LCP Review Report. To ensure consistency, we propose folding in the specific language included in the CAMMPR Management Measures when addressing CC staff's specific recommendations regarding existing Ordinances, LCP Policies, and other county standards related to NPS control.

Preliminary Recommendation 3-7: (Page 94)
***Develop watershed plans for each water basin and/or planning area to address cumulative NPS pollution*: As the Commission found in reviewing the Avila Beach**

Specific Plan, water quality cannot be protected without managing inland development and land uses. The Commission recommended that the County "coordinate the development and implementation of a comprehensive watershed management program designed to protect the water quality of the entire watershed of all coastal creeks and streams throughout the planning area." This recommendation should be carried out throughout the County's coastal zone, especially for drainages that have a documented water quality problem. Implementation of this alternative will address the management measures focusing on existing developed areas. The program should be designed to manage changes in land use and development, support riparian corridor restoration, and encourage the implementation of best management practices throughout the planning area's watersheds. As recommended by the Commission, the watershed program should:

1. **Identify specific measures to minimize the cumulative impact of new development on the watershed and avoids the alteration of natural drainage patterns;**
2. **Assess the cumulative impacts of development on water quality and hydrology in order to designate areas to further emphasize on site management of runoff.**
3. **Include a component which identifies which areas of the watershed which, if restored, could improve water quality;**
4. **Include a public participation component;**
5. **Integrate agriculture management measures including developing watershed specific nutrient and pesticide management programs**
6. **And include a monitoring component, including to evaluate the effectiveness of BMPs used to control polluted runoff.**

(Planning and Building Staff response required). See CAMMPR document, Volume II of the State "Plan" for NPS Pollution Control Program.

Chapter 5 Agriculture Comments

Preliminary Recommendations Comments

Except for Preliminary Recommendation 5.3, the preliminary recommendations are inserted verbatim with our comments. The Coastal Commission recommendations are distinguished with bold print .

Preliminary Recommendation 5.1: Modify Agricultural Policy 1 by adding the following language:

For any proposed rezoning of agricultural lands to another designation, or for any other proposed development that would commit agricultural lands to other non-

agricultural uses, an agricultural viability report shall be prepared, as specified under Ordinance 23.04.024(a).

County Agricultural Commissioners Office Comments:

We concur with the need to expand the type of projects which would necessitate an agricultural viability report or in the case of a rezone project a cost benefit type analysis. Projects which are not directly related to the agricultural operation need that sort of information. However, we do not see the need for agricultural viability studies for non agricultural uses which are related to the agricultural operation. These uses would include all uses in the use group Agriculture listed in Table O Coastal Zone Framework for, Residential Uses (Table O) and Residential Accessory Uses. We also concur in concept with agricultural viability reports for major lot line adjustments.

Preliminary Recommendation 5.2: Modify Ordinance 23.04.024(a) to expand the factors that should be considered as part of the required viability studies to include the following:

In reviewing this recommendation we have taken into consideration the comments of Mary Bianchi, the Viticulture Farm Advisory for the U. C. Cooperative Extension. In that context we recommend the following changes:

Incorporate an Agricultural Viability Report definition, for example:

A report that assesses the viability of parcels as agricultural operations ~~or grazing units~~, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size, economic factors and any other factors relevant to the particular parcel. The report shall ~~establish a baseline of information to be used to~~ describe the role that each factor plays as a variable influencing the site ~~and surrounding area's~~ viability for agricultural production. ~~In terms of scope,~~ The feasibility analysis should analyze ~~both the site and the larger area's~~ current and past productivity as an agricultural unit for a minimum of the preceding five years. Should not be time specific but related to cycles of weather and economics as well as the growing/production patterns of the crop itself.

Preliminary Recommendation 5.3: Expand and specify the contents of the Agriculture Viability Report. For example, CZLUO 23.04.024(a)(1), Existing land uses and (3) Site characteristics...including topography soils, climate water availability and adjacent land uses, could be expanded to include more specific information such....

(Note: Unlike the other recommendations we have not included the entire text due to the size and complexity of the issues. Our comments are in a broader concept arena versus specific.)

County Agricultural Commissioners Office Comments:
This recommendation significantly expands the scope of information and issues to be analyzed in an agricultural viability report. Although for various type of projects, especially General Plan Amendments this information is beneficial, generally the list is too extensive. We offer the following suggestions;

Flexibility is needed with respect to the scope and breadth of information necessary for agricultural viability reports regarding specific projects. Not all of the information line items are applicable to all projects. Only the pertinent information and appropriately scope to the project would be necessary.

For some of the major sections there are information line items that are in the wrong section. For example in the Soils section (page 200) item's d and e are economic information which is not pertinent to soils section. We recommend all the sections are refined to remove unnecessary information.

There are several information items requiring the compilation and analysis of off site agricultural resources. For the most part this type of information would not appear necessary for projects which are intended to supplement on going agricultural operations.

Within the Economic section (3. Economics page 202 & 203), item e.1. there is a list of "net economic impact" parameters to be included where relevant. This type of information would not appear necessary and would not be feasible to generate due to costs, with the exception of a major public works projects or projects requiring an Environmental Impact Report. We recommend this section separated out from the Agricultural Viability section and clarified as to the purpose and project type applicability.

Preliminary Recommendation 5-4: Develop a new LCP policy/ordinance to address development in Agricultural Areas. As discussed, a comprehensive evaluation of existing policies and ordinances and possible modifications should be completed to accomplish the following:

1 **Clarifying that Land Division requirements apply to Lot-line adjustments.**

2 **Assuring that Lot-line adjustments maintain and enhance agricultural viability. Lot-line adjustments, including those of fewer than three lots, should be authorized *only* when the proposal maintains or enhances agricultural viability through easements, buffers, and other conditions to protect future agricultural activities and land uses. In those cases where the development of non adjusted nonconforming lots would have a greater impact to agricultural land than if lots were adjusted, the adjustment should be the minimum necessary to allow for private development while maximizing agricultural protections.**

3. **Require Lot-line adjustments to maximize the size of an agricultural parcel(s), while**

minimizing and clustering non-agricultural parcels. Allow parcels intended for non-agricultural use to be less than the 20 acre minimum parcel size for agricultural lands.

4. **Prohibit Lot-line adjustments from creating new subdivision potential or increasing the number of developable parcels over those existing prior to the lot-line adjustment proposal. Evaluate original purpose of parcels and the applicant's economic-backed expectations.**

5. **Require all Lot-line Adjustments to identify access roads and building envelopes.**

6. **Limit building envelopes to a reasonable size that minimizes potential resource impacts, such as 5000 square feet, including landscape and accessory buildings.**

7. **To determine the effect of lot-line adjustments on agriculture viability, a viability analysis should be done for all subdivisions and lot-line adjustments on agricultural lands.**
8. **Ensure that all geographically contiguous parcels in common ownership are addressed through comprehensive evaluation at LLA stage.**

County Agricultural Commissioners Office Comments:

Although a full range of lot line adjustment projects can occur in the coastal zone there are two general groups of projects. There is what we refer to as minor property line adjustments. These typically involve 2 to 4 parcels and make minor adjustments to the property lines and acreages. The reasons for these adjustments can include correction to past survey errors, moving lines which are to close to existing structures or other property improvements, realign with fence lines, drainage areas, and access roads. Other than making a determination that the project would maintain and enhance agricultural viability, the recommended list of policy and ordinance changes would not be necessary for this type of lot line adjustment.

The second group of lot line adjustments we refer to as major adjustments or resubdivision adjustments. These projects typically involve 4 and 10 parcels or more, and are realigned to completely change the sizes and configuration of parcels. Generally the recommended changes to Coastal Plan policies would provide improved criteria for the protection of agricultural resources. A similar list of criteria was previously supported by our office (and the Agricultural Liaison Board and Agriculture and Open Space Element subcommittee) but was not approved by the Board of Supervisors in 1998 when the Agriculture and Open Space Element was adopted:

Following is an outline of the proposed policy:

- cluster the adjusted lots to protect the long-term agricultural capability of the site

- minimize locating development on the most productive soils wherever possible
- designate building site that will provide adequate buffers between future residences and associated accessory uses so as to minimize conflicts with the adjacent agricultural operations
- position the resulting parcels to minimize impact from access roads or driveways on the agricultural operations
- define parcel size standards that will allow clustering of the adjusted parcels in areas of the site where there is less agricultural potential due to the soil types, topography or other site constraints, even if the resulting parcels are smaller than the minimum parcel size that would otherwise be allowed by the land use category
- the parcels resulting from the adjustment that are intended to increase the long term agricultural viability should qualify for an agricultural preserve contract, as well as be covered by a conservation easement, where feasible.

We are in general agreement to the recommended criteria with the exception of limiting the development envelope to 5,000 square feet, since they generally agree with the policies recommended in the preparation of the Agriculture and Open Space Element listed above.

Concerning building or development envelope restrictions, see preliminary recommendation 5-5.

Preliminary Recommendation 5-5: Consider standards to govern existing non-conforming lots in agriculture. Pursue policies and programs to provide for more comprehensive treatment of nonconforming agricultural parcels, including: obtaining a count of the number of non-conforming parcels in the rural area by Planning Area; revising the agricultural standards to require maximizing the agricultural potential of non-conforming parcels by clustering non-agricultural uses; defining maximum building/landscaping envelopes such as 5000 square feet; minimizing road construction; and so forth.

County Agricultural Commissioners Office Comments:

Overall we are unclear to the purpose and intent of this recommendation. Rather than using the 5,000 square feet for development envelope criteria there are alternative approaches.

When agricultural properties execute an agricultural preserve contract in accordance with the Williamson Act and the local implementing rules of procedure, the parcel is accessed an agricultural value versus the standard Proposition 13 value. However, improvements to the

property, such as with a residence and ancillary uses are excluded from this tax break. The Assessors Office typically uses a .5 to 1 acre area to exclude from the tax break covered by the agricultural preserve contract. Using these criteria would appear an appropriate alternative given an established precedent and methodology.

Preliminary Recommendation 5-6: Explore adopting a merger ordinance for non-conforming Agricultural parcels, as provided in the Subdivision Map Act.

County Agricultural Commissioners Office Comments:

Recommendation 5-6 responds to the issue of existing nonconforming parcels in the Agricultural Land Use Category which are currently under single ownership. We acknowledge the potential long term viability problems with agricultural parcels which under individual ownership are not large enough to remain sustainable. However, we are concerned with a standard type of merger ordinance and the unintended consequence to current ownership patterns and agricultural uses. Serious consideration on the part of the county to pursue a merger ordinance could cause substantial sale of existing nonconforming parcels, and the break up of established agricultural operations with potential long term adverse implications to agriculture.

We did note that footnote 57 reference to the South Coast Area Plan, at the bottom of page 226, discusses consideration of potential incentives for encouraging mergers. We consider incentives to be vital to any merger approach. We suggested this language or similar language is included in the main body of the text discussing mergers.

Preliminary Recommendation 5-8: Developing LCP standards for large residential developments on Agricultural Land. For example, consider limiting the size of single family homes in agricultural districts to a maximum of 3,500 sq. ft. total; and limiting development envelopes to 5,000 square feet.

County Agricultural Commissioners Office Comments:

Regarding this recommendation refer to the previous section discussion concerning using the Assessor's Office agricultural preserve program residential envelope exclusion area criteria.

Preliminary Recommendation 5-9: Evaluate Table O for revisions to address non-agricultural uses. Table O should be reevaluated to clarify conditional uses on agricultural land. For example, consider defining residences that are not developed in direct support of bonafide agricultural operation to be a conditional use. Require agricultural protection easements on the parcel in conjunction with residential development.

County Agricultural Commissioners Office Comments:

We concur conceptually with a reevaluation of Table O evaluating a look at the non-agricultural uses currently allowed or permitted in the Agriculture Land Use Category.

However, one example cited is changing the level of permitting for a single family residence. Rather than the existing principally permitted uses, the recommendation is to require a conditional use permit for residences that are defined as not in direct support of bonafide agricultural operations. Developing a feasible method of determining bonafide agricultural operations is problematic and subject to inconsistencies. Generally, with perhaps some minor changes, the existing requirements for residences and residential uses appear sufficient to protect coastal agricultural resources.

Preliminary Recommendation 5-10: Amend Permit Review Process for Agricultural Development. Amend the LCP to require Permit review if intensification of agricultural land use results in any of the following: (1) substantial grading, native vegetation removal, or significant land form alteration that impacts sensitive resources; (2) agricultural uses within 100 feet of coastal streams or waters (as discussed in Chapter 3); (3) an increase in water needs; or (4) alteration of environmentally sensitive habitat or new development immediately adjacent to habitat. Some of these revisions may be authorized under general planning law rather than the Coastal Act.

Preliminary Recommendation 5-11: Enhance LCP standards to Avoid/Mitigate Agricultural Development Impacts. In conjunction with permit review for changes in intensity of the use of agricultural lands, the following standards should be incorporated into ordinances to improve protection of coastal resources: (1) limiting new or expanded crop production to slopes of less than 30%; (2) incorporating erosion control measures; (3) incorporating cover crops into vineyards and hedgerows, which increase the habitat and reduce erosion potential; (4) maintaining oak trees and protecting ESHA, and planting vines away from oaks; (5) reducing the use of fumigants, pesticides, and fertilizers; and (6) assuring wildlife travel corridors through limitations on fencing or other mechanisms. These revisions may be authorized under a combination of general planning law and the Coastal Act.

Preliminary Recommendation 5-13: Protection of Rural Grazing Landscapes Potential conversion of rural grazing landscapes to intensive crop production that would impact scenic vistas, alter watersheds, and adversely impact habitat values should be minimized. Alternative LCP policies and standards to address this potential land use change should be developed and adopted. This could include a requirement for a coastal development permit where grazing land would be converted to a different agricultural use that involves intensified water use, land form alteration, or other activity that falls within the Coastal Act/LCP definition of development.

County Agricultural Commissioners Office Comments:

We have consolidated our comments concerning Recommendations 5-10, 5-11, 7 5-12, since these recommendations are interrelated. Recommendation 5-10 contains a list of criteria to indicate the circumstance by which intensification of agricultural uses would require a land use permit. Recommendation 5-10, 5-11 essentially lists a set of performance standards which presumably would be incorporated into intensified agricultural uses that would be reviewed per recommendation 5-10. Recommendation 5-13 is similar to 5-10 in recommending a review when open grazing land is intensified, potentially impacting scenic vistas or other designated sensitive resources.

Taken as a whole, we view the policies in these recommendations as an arduous regulatory approach to agricultural land use. We think there are sufficient policy documents, educational and land owner administered conservation programs, and a grading review ordinance to protect non agricultural coastal resources, without a new regulatory approach.

The Agriculture and Open Space Element contains several policies which aim to protect environmental resources which interface with agricultural uses. These policies include;

AGP25: Unique and Sensitive Habitats
AGP26: Streams and Riparian Corridors
AGP28: Major Ecosystems
AGP29: Wildlife Corridors
AGP30: Scenic Resources

The implementation of these policies, relative to agricultural operations, is mostly through educational efforts, and encouraging growers to adopt rangeland and farmland management practices which protect these resources. Agriculturally related projects which require a discretionary land use permit are required to mitigate potential impacts to environmental resource through the environmental review process.

There are considerable educational efforts, both in the private and public sector, with regards to protecting and enhancing environmental resource which coexist with agricultural operations. Non point source pollution, many current efforts exist in San Luis Obispo County including:

- UC Extension Short Courses for Rangeland Water Quality
- UC Extension Short Courses for Farm Water Quality
- San Luis Obispo Farm Bureau Water Quality Program
- Central Coast Vineyard Team Positive Point System
- San Luis Obispo County Grading Ordinance
- San Luis Obispo Native Tree Guidelines
- NRCS/RCD Programs
- RWQCB - TMDL Programs

Although not yet approved by the Coastal Commission for use in the coastal zone, an updated grading ordinance is in place for the inland portions of the county. Concerning

agricultural grading activities there is a tiered system for addressing agricultural grading issues. The tiered system uses a sliding scale approach with an incremental increase in technical information inputs and review relative to the nature of the grading activity. For example, Tier 1 type activities such as cultivation on generally preexisting level land, appropriate management practices are encouraged and Field Operations Technical Guides from the Natural Resources Conservation District for these activities are available. Up to Tier 3 activities, such as a new orchard on slopes over 30%, where there is a determination the use is necessary and appropriate to support a recognized agricultural enterprise, the intensification is reviewed, approved, inspected and signed off through the Resource Conservation District. This interdisciplinary approach could be directly employed to address resource protection issues associated with the intensification of agricultural uses in the Coastal Zone.

Another alternative could use the Alternative Review Process as the basic model, with the expansion of review encompassing a wider range of grading activities. This concept could move beyond a voluntary and educational model, to a review and certification approach as an alternative to land use permitting. Some or all of the new grading activities which fall into the Tier 2 group could be covered a the review process. Variation on this approach could include incorporating a point system analysis into a agricultural grading certification program. Rationale to be explained at Ag Liaison meeting as we explore this option.

Preliminary Recommendation 5-12: Strengthen Implementation of Existing LCP Water Management Requirements. Existing LCP policies that require protection of groundwater basins, protection of riparian habitat, and monitoring of water withdrawals are underutilized by the County. Enhancing management of groundwater, including coordinated management between urban and agricultural users and monitoring of groundwater withdrawals, should be pursued.

County Agricultural Commissioners Office Comments:

This recommendation is vague to any general or specific changes intended. We have concerns with changes to the local coastal plan or CZLUO which would place higher emphasis on groundwater resources for non agricultural uses. The Agriculture and Open Space Element contains a policy, AGP11 which strongly promotes maintaining ground water resources for production agriculture. As is the case throughout California the availability of water resources for agricultural production is vital for long term agricultural viability.

Additional Comments

Agricultural Intensification (page 187)

The two paragraphs express concerns with the intensification of agriculture in coastal areas in

particular the concern with wine grapes. Actually very little vineyard acreage has been established in the Coastal Zone. Barring a new cool weather variety, it is unlikely very much acreage would be intensified with vineyards. We suggest these two paragraphs clearly distinguish between what is occurring outside of the coastal zone versus occurring in the coastal zone and provide a more accurate depiction of intensification in the coastal zone.

Long Term Viability of Agricultural Lands. (Page 189)

The last sentence of this paragraph contains an important statement concerning agricultural viability. We recommend adding in language to include change of crops as indicated. **The flexibility to change practices and crops to respond to changing economic situations is one element that is critical in maintaining agricultural uses. Because of the complexity of the agricultural economy, local governments must take advantage of multiple mechanisms, including land use regulations, to maintain agricultural lands.**

Addressing Impacts from Intensification of Agricultural Uses (pages 237 to 242)

This narrative section discuss potential impacts to non agricultural resources which interface with agricultural resources in the coastal zone. We have some concerns with the tenor and emphasis within this section.

In the narrative discussion concerning potential impacts from new vineyards and water quality issues (pages 237 and 238) there is too much emphasis on what has occurred in other locations. References are made to oak woodland losses in Santa Barbara County and water quality impacts in the Elkhorn Slough. Although these references appear intended for general illustrative reasons, excessive references to other locations leaves the impression like impacts are occurring within the San Luis Obispo local coastal zone. As discussed in section concerning agricultural intensification, the impression in this entire section is that extensive intensification is occurring in the coastal zone with associated impacts. It has been our observations that intensification with irrigated uses has occurred at a moderate rate with much of the acreage attributed to cultivated dry farmed field being used for vegetable crops on both a continuous or rotational basis with dry farmed crops.

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Regulatory Background and Agency Roles and Responsibilities For Non Point Source Pollution

1. The State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCB's) have primary responsibility for the **coordination, control, and protection of water quality** in California.

2. The Coastal Commission has the primary responsibility for implementation of the California coastal Act and has been designated the State coastal zone planning and management agency for any and all purposes and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972.

3. The Coastal Commission certifies local coastal programs and approves coastal development permits, energy projects, and federal projects within the Coastal Zone in accordance with water quality policies in the California Coastal Act.

4. In the memorandum of understanding (MOU) with the SWRCB pertaining to non point Source Pollution Control, the CCC's role is described as protecting water quality through **the management of development** that generates runoff, creates spills, or otherwise affects water quality.

5. In 1990, Congress passed The Coastal Zone Act reauthorization Amendments, or CZARA, to improve and expand the Coastal Zone Act. This legislation expanded the SWRCB/RWQCB partnership for reducing polluted runoff to include the California Coastal Commission (CCC).

6. CZARA requires California and other states to ensure that management practices, which reduce or prevent polluted runoff are "put into use or are implemented."

7. In 1994, California initiated a comprehensive review process to consider the new CZARA requirements and to update its existing statewide non point Source management program.

8. The State submitted the NPS "Program Plan" as the final requirement under Clean Water Act Section 319(h) for an upgraded program and the CZARA requirement for a Coastal Nonpoint Pollution Control Program (CNPCP).

9. In January 2000, the Coastal Commission adopted the NPS "Program Plan" ads the primary guidance document of the control of Nonpoint Source Pollution Control with the Coastal Zone.

10. As part of the NPS "Program Plan", the objectives of the first five year effort were included as the State's Five-Year Implementation, 1998-2003. An addendum to the first five year plan was published in November 2000, detailing the updated priorities and plans for NPS control efforts by the SWRCB, RWQCB's and the CCC. This addendum describes the expectations of these agencies in seven (7) areas of Management Measures (MMs). These include:

1A. Erosion and Sediment Control
1B. Facility Wastewater and Runoff from Confined Animal Facilities
1C. Nutrient Management
1D. Pesticide Management
1E. Grazing Management
1F. Irrigation Water Management
1G. Education/Outreach

Supplemental Overview Information Pesticide Regulatory Program

The California Food and Agricultural Code gives the California Department of Pesticide Regulations and the San Luis Obispo County Agricultural Commissioner (SLOCAC) regulatory authority over the use of pesticides. The local regulatory process involves oversight of: the sale, storage, handling and use of pesticides, evaluation of sites, chemicals and application methods to address potential off-site movement, outreach and education for the promotion of Integrated Pest Management (IPM) strategies using least-toxic chemicals and prevention and response to emergencies involving pesticides.

Specifics about the State's management plan for protecting water quality can be found in the *California Pesticide Management Plan for Water Quality,* February 1997. This plan, developed by the California Environmental Protection Agency - Department of Pesticide Regulation (DPR) and the State Water Resources Control Board, outlines the framework of the State's pesticide regulatory program under which the local County Department of Agriculture functions to protect water quality. Specifically, a component of this document is the *Ground Water Protection Program* which contains regulations that focus upon prevention of contamination from pesticides of the State's ground and surface water.

Local efforts:

The local agricultural industry continues to access programs and resources to learn about and implement practices that reduce pesticide use and/or promote IPM strategies. Many agriculturalists and government agencies (such as the NRCS, RCD) are part of a Weed Pest Management District. Under the direction of the SLOCAC's Pest Management Program, the District has an strong IPM focus for weed control which seeks control alternatives to pesticides.

The SLOCAC can condition the use of certain pesticides through the permit process to identify sensitive sites that may be venerable to pesticide movement into waterways. SLOCAC staff work closely with pesticide users in a regulatory as well as an educational approach to make sure engineering safeguards such as back flow prevention equipment is used, application equipment is properly calibrated, selection of the pesticide is appropriate for the site and weather and other environmental conditions are taken into consideration before an application is made.

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San Luis Obispo County
Visitors & Conference Bureau

RECEIVED
MAY 22 2001
Planning & Bldg

May 21, 2001

TO: Coastal Commissioners and Staff

FR: Jonni Biaggini, San Luis Obispo County Visitors & Conference Bureau

RE: San Luis Obispo County LCP Review Update

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As the leading organization representing the largest industry in the county of San Luis Obispo, I'd like to take this opportunity to comment on issues regarding public access and recreation or primarily Chapter 6 of the Periodic Review of the San Luis Obispo County LCP.

The San Luis Obispo County Visitors & Conference Bureau (VCB)has been devoted to promoting the natural assets of this county since its inception by promoting its scenic beauty, wide-open spaces, and variety of outdoor activities. These are the assets that differentiate our product from other destinations and we agree that its preservation is key to the economic well being of this county.

Since our beginning in 1986, we have seen this county grow into a more complete destination, providing a full scale of accommodations, activities and attractions which enables the county to be better prepared and more resilient to negative weather or economic conditions that affect our tourism business. For instance, by providing a full range of accommodation types, from bed and breakfast inns to full service resort hotels, we are able to attract the kind of market that is more likely to visit in spite of economic downturns or inclement weather. Full service resort hotels may provide meeting space that will attract groups who are more likely to visit during the rainy season just as B&B's may attract weekend visitors at a time of year when our occupancies are low. Our camping facilities attract a certain segment of the market that should not be overlooked either, strengthening our international market and seniors as well. The point is, this county needs a balance of all types of accommodations to successfully weather any storm, a point that is not evident in the LCP Review recommendations.

In fact, some of the recommendations made in the Periodic Review appear to be made on misinformation or incorrect facts. Occupancy statistics are often used when determining the feasibility of tourism development, but it is by no means the only factor. Other considerations include average daily rates, or the revenue generated per room occupied, and whether or not there is a void in the local market of the type of product offered. The annual occupancy rate at 54% sited for Morro Bay in 1998 (actually for FY 1998/99) may seem too low to be considered for development when it may be the mix of facilities that is important. The occupancy rate in 1997 sited for North Coast may not be correct, though actual records are unavailable. While this area's

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occupancy rate is difficult to determine, the research firm, Smith Travel Research, reports occupancies of 62.7% for the entire county during 1997. The lower occupancy levels in Morro Bay do not automatically travel up the coast and in fact are usually lower than the North Coast. The statement that "despite this apparent lack of need for additional hotel development..." cannot be determined on occupancy rate alone.

I would also like to correct the reported number of visitor-serving accommodations in the North Coast. The Periodic Review states "a greater than 100% increase in the number of visitor serving accommodations". Current room count in the North Coast area is at 1,414 rooms which would mean that there would have to have been over 700 rooms built since 1982. While County historic records are unavailable, we do have some independent records that indicate that in 1983, the North Coast area had 1,369 rooms with an additional 55 built in 1984. A net decrease of 10 rooms would be the result over an 18 year period.

We are very proud of the conservation efforts of our natural resources that the lodging industry undertakes consistently. Room after room posts notices to our visitors to conserve water or limit the need to clean towels every day, a program that has worked well. It is also not uncommon for landscaping to be watered by recycled or effluent water. Clearly, the lodging industry takes a leading role in these efforts.

The purpose of this letter is to correct any facts that may have had some bearing on the recommendations made in the Periodic Review. It should also make evident that there is a need to work in tandem with the tourism industry when recommendations are made regarding the county's number one industry.

Thank you for your consideration, and I am happy to answer any questions you or staff may have.

D-1
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The Hearst Corporation

Stephen T. Hearst
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S.L.O. CO. PLANNING DEPT.

County of San Luis Obispo
Board of Supervisors
County Government Center
San Luis Obispo, CA 93408

May 17, 2001

Re: Coastal Commission's Preliminary Periodic Review Staff Report

Honorable Supervisors:

As part of the County's review of the Coastal Commission's Preliminary Periodic Review Staff Report, we submit the attached comments for your consideration. The Hearst Corporation is currently engaged in a conservation effort for the Hearst Ranch property in addition to working with the community, County, and Coastal Commission in an attempt to find "common ground" on compatible visitor serving uses. We are in discussions with potential conservation organizations and will shortly choose one or more to spearhead the conservation process.

Unfortunately, the timing of the Periodic Review comes in the middle of Hearst's outreach for public input and our conservation effort. We are concerned that the timing of the Coastal Commission's recommendations for a North Coast Area Plan update may be at odds with Hearst's efforts to consider a conservation solution for the bulk of the Ranch. If adopted by the County, many of the Periodic Review recommendations could potentially jeopardize these efforts by pushing Hearst into a development posture before the conservation process has had an opportunity to be effective.

In addition to the premature timing of the Periodic Review, we are specifically concerned that the substance of the Coastal Staff's preliminary recommendations go beyond the scope of what the Coastal Act contemplates for purposes of a periodic review. Certain recommendations appear to be overly broad and aggressive, potentially asserting state jurisdiction over what should be local planning decisions, and requiring broad-based prohibitions that are not backed by supporting data and not based on site-specific determinations.

We commend County Staff for its thorough review of these voluminous recommendations. However, Hearst believes that the Periodic Review raises additional issues that would have far reaching impact on the County's decision-making authority, the rights of property owners, and agricultural operations on the Central Coast. In order to assist the County with its analysis of the

Periodic Review, we have attached specific comments prepared by our legal counsel for consideration as the County continues to prepare responses to the Coastal Commission Staff's draft Periodic Review.

We ask that the County incorporate these comments into its analysis of the Periodic Review. In addition, we request that the County ask the Coastal Commission to make a demonstration, based upon sound data, that specific changes to the certified LCP are in fact necessary for the County to remain in compliance with the Coastal Act.

Thank you for your consideration of these comments. We look forward to continuing to work with you.

Regards,

Steve

Stephen T. Hearst

Attachment

cc: Vic Holanda, Director, County of San Luis Obispo Department of Planning and Building
Chuck Stevenson, Supervising Planner, County of San Luis Obispo Department of Planning and Building
Robert Lilley, Assistant Agricultural Commissioner, County of San Luis Obispo
California Coastal Commission
Roger Lyon, Esq.
Lucinda Starrett, Esq.

COMMENTS TO PERIODIC REVIEW STAFF REPORT

In response to the Preliminary Staff Report for the Coastal Commission's Periodic Review of the San Luis Obispo County Certified Local Coastal Plan ("Periodic Review") released on February 2, 2001, Hearst offers the following specific comments for consideration by the County of San Luis Obispo ("County"). These comments are organized by chapter of the Periodic Review and address the Preliminary Recommendations ("PR") proposed by Coastal Commission Staff ("Coastal Staff") that we believe are most critical. Each comment on the Periodic Review is followed by a summary of County Staff's comments (May 1, 2001) along with Hearst's response to County Staff's comments.

A. OVERVIEW

Hearst's overarching concern with the draft Periodic Review revolves around the attempt by Coastal Staff to substitute its judgment for the County's as to the content of the certified LCP. The primary purpose of a periodic review is for the Coastal Commission to provide a report card to the County on the County's implementation of its certified LCP. (Coastal Act section 30519.5). Instead, the 350+ page draft Periodic Review recommends wholesale modifications to the certified LCP that are not substantiated with supporting data. This approach ignores the mandate of the Coastal Act that any recommended changes must be linked to a specific Coastal Act policy that is not being properly met by the County. (Coastal Act 30519.5). This approach also ignores the mandate of the Coastal Act that the content of the LCP is ultimately determined by the County, not the Coastal Commission. (Coastal Act sections 30500(c), 30512.2(a), and 30513). In approving or disapproving an LCP, the Coastal Commission does not create or originate land use rules or regulations – it can approve or disapprove a County's suggested changes, but it cannot itself draft any part of the plan. Yost v Thomas, 36 Cal 3d 561, 572 (1984); San Mateo Landowners Assn. v County of San Mateo, 38 Cal App 4th 523, 538-539 (1995).

The Coastal Commission has previously certified the current LCP to be in conformity with the policies of the Coastal Act. It is incumbent on the Coastal Commission to assume the burden of demonstrating the specific justification for each and every recommendation that the County's certified LCP is not now consistent with the same Coastal Act policies. As further discussed below, Hearst is primarily concerned with the following eight (8) topics covered in the Periodic Review.

1. VIEWSHED PROTECTIONS: Coastal Staff proposes to extend viewshed protections to cover views from Hearst Castle and even ocean areas. Currently, views from Highway One are protected. Given that Hearst gifted the Castle to the State and, at that time, gifted a view easement that was limited in scope, we strongly oppose Coastal Staff's proposed broad expansion of viewshed protections.

2. ESHA DETERMINATIONS: The ESHA recommendations would allow automatic designation of areas as ESHAs, without site-specific support and studies. For example, Coastal Staff would allow federal Endangered Species Act (ESA) designations to be elevated to

the status of ESHAs. Such federal designations, however, are broad-brush categories that are not based on site-specific studies and, under the ESA, do not in and of themselves preclude development. If these designations were to automatically trigger ESHA status, any future development of these areas would be prohibited. The ESA was not intended to automatically trigger such broad prohibitions on development and should not be used to circumvent case-by-case consideration of the actual resource value of the land areas in question. Resource determinations should be based on site-specific habitat data and not broad-scale overlays from state and national agencies whose authority is derived from sources other than the Coastal Act.

3. WATER RESOURCES: Coastal Staff draws conclusions about the lack of water and other resources to support development without accurate data to support the underlying assumptions. For example, we know that there are numerous on-site water resources on Hearst's property; a fact confirmed by the County Water Master Plan. Hearst will work with Coastal and County Staff to provide the necessary Resource Management System and CEQA studies to ensure that any development will be self-sustaining with respect to infrastructure and resources, including water.

4. NEED FOR VISITOR-SERVING USES: Coastal Staff concludes in the text of the document that there is no need for additional visitor-serving hotels in the area, despite the fact that they concede that tourism to the area is on the rise and despite the fact that the Coastal Act gives priority to visitor-serving uses. In addition, State Parks has publicly stated that it expects and encourages an increase of 500,000 visitors per year to the Hearst Castle. The Hearst Castle was recently designated as a museum and is one of the most popular tourist destinations in the country. Hearst and other members of the community believe the local coastal plan should provide the County with flexibility to determine the appropriate mix and location of visitor-serving uses.

5. BROAD RESTRICTIONS ON NEW DEVELOPMENT: The Periodic Review recommendations contain sweeping restrictions on new development, including limitations on the square footage of new home and of building pads. Such restrictions are not based on a project-by-project analysis and, as recommended, have no demonstrated nexus to the resource protection policies contained in the Coastal Act.

6. AGRICULTURAL LIMITATIONS: Hearst supports the agricultural community in strongly opposing blanket restrictions on agricultural operations that would further impair the future viability of ranching operations. Such onerous restrictions, as written, include required permits for changes in agricultural use, fencing requirements, limitations of cattle access to water, and the imposition of further regulatory permits for ranch operations, and structure size, among others.

7. PUBLIC ACCESS RIGHTS: The Periodic Review makes numerous allegations about potential prescriptive rights over Hearst's property. Hearst strongly denies the existence of such rights and objects to public funding of prescriptive rights studies.

8. SUBDIVISION MAP ACT: Coastal Staff seeks new policies that can only be made through legislative changes to the Subdivision Map Act processes for certificates of compliance,

lot line adjustments, and lot mergers. Such recommended changes conflict with existing State law, which has preempted the field in this area, and defines the maximum restrictions allowed. Suggestions to amend the Subdivision Map Act are statewide issues that are inappropriate to include in the periodic review of an individual county's LCP. Hearst also believes that the filing of certificates of compliance is an appropriate tool to preserve and memorialize existing property values for legal lots.

COMMENTS

B. NEW DEVELOPMENT (CHAPTER 2)

1. Development on Urban Edges (PR 2.1, 2.3 & 2.4)

The Periodic Review recommendations regarding new development outside the Urban Services Line should be carefully considered. As written, they are overly broad and vague, and may impact the ability to provide appropriate visitor-serving uses in the County. Development limitations should be based on analysis of existing resources and needs. More information is needed to adequately evaluate the recommendations.

County Staff Response: The County Staff response generally agrees with the adoption of these provisions; recommending adoption/more information for 2.1 and modifications for 2.3 & 2.4. As stated above, we believe that the County should carefully consider these provisions since the proposals do not allow for parcel-by-parcel determinations on development and would erode County flexibility and control.

2. Standards for Non-Conforming Lots: Lot Line Adjustments and Lot Mergers (PR 2.7 & 2.8)

The Periodic Review recommends substantial changes to existing state laws regarding lot line adjustments and lot mergers. Policy Recommendation 2.7 would prohibit unbuildable lots from being lot line adjusted so as to become buildable. (p. 38). This recommendation should be carefully studied as it likely conflicts with the State Subdivision Map Act ("Map Act") which already controls the legal parameters for lot line adjustments. In areas such as this where state law has preempted the field, local regulations cannot conflict with those laws. See San Dieguito Partnership, L.P. v. City of San Diego, 7 Cal. App. 4th 748 (1992) (local ordinance stricken as inconsistent with the Map Act requirements for lot line adjustments).

Similarly, PR 2.8 proposes that the County "evaluate options for processing non-conforming parcels in a single ownership, including legal options for lot merger. . ." (pp. 38-39). Like lot line adjustments, legal requirements for lot mergers are controlled by the Map Act, which states that contiguous parcels owned by one individual do not automatically merge by virtue of that common possession. Case law states that local ordinances that force merger beyond the provisions of the Map Act are specifically prohibited. See Morehart v. County of Santa Barbara, 7 Cal. 4th 725, 732 (1994) ("[T]he act does *impliedly* preempt any local zoning ordinance provision that purports to require, as a condition to issuance of a development permit, a merger or parcels that the County could not compel under section 66451.11."(overruled on other grounds)). See also 74 Ops. Cal. Atty Gen. 149 (1991) ("As long as the parcels 'have been created under . . . any

prior law regulating the division of land . . . no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required . . .'"). Any proposed lot merger provision, therefore, must comply with state law, and it is important to carefully consider whether Coastal Staff's recommendations would conflict with the State legislative scheme.

Further, such provisions would penalize property owners who own property that is currently comprised of separate legal parcels. By law, such parcels have value in that they may be sold or distributed to heirs. The suggested lot line adjustment and lot merger provisions would have a disproportionate and detrimental effect on agricultural landowners, whose large properties are generally comprised of separate legal parcels that have significant value.

County Staff Response: The County Staff response generally agrees with Coastal Staff's conclusions, recommending adoption of 2.8 and modification of 2.7. We believe that the County should carefully consider these provisions as they appear to violate the Map Act and contradict case law precedent on lot mergers. PRs 2.7 and 2.8 address statewide issues that should be considered generally and not in the context of an individual local agency periodic review. These recommendations also could potentially open the County to takings claims and other legal challenges. We request that the Board of Supervisors disagree with PR 2.7 and 2.8.

3. Concentration of Development / Zoning Restrictions (PR 2.9)

As part of Coastal Staff's general recommendation to preserve the urban/rural boundary and minimize expansion of development along the North Coast, the Periodic Review recommends the downzoning of unspecified recreational lands to agricultural. (See discussion at pp. 31-35 and PR 2.9, at p. 39). Further, PR 2.9 recommends limiting new visitor-serving uses in the NCAP update to the existing commercial nodes at San Simeon Village and in or adjacent to San Simeon Acres. Even as it currently stands under the existing NCAP, less than ½ of one percent of Hearst's land is zoned for non-agricultural uses. The remaining land is already entirely within an "agricultural" zoning designation. The development that is allowed is limited to visitor-serving functions that would serve the general public in furtherance of Coastal Act sections 30221, 30222, and 30255, which encourage prioritizing visitor-serving facilities. No showing has been made by Coastal Staff that reducing zoning for visitor-serving uses on Hearst Ranch is necessary to make the existing certified LCP consistent with the Coastal Act.

The recommendation that any development should be concentrated adjacent to the existing San Simeon Village or San Simeon Acres does not fully consider that the existing zoning in the current NCAP is already consistent with Coastal Act section 30250 because it is "...located within, contiguous with or in close proximity to..." existing development. For example, Phase I (Staging Area Hotel and Limited Commercial) would be directly adjacent to the existing State Parks Visitors Center; Phase II (San Simeon Village) is adjacent to the existing State Beach and Old San Simeon Village; Phase III (Resort) is also adjacent to the Old San Simeon Village; and

Phase IV (Pine Forest Equestrian Lodge) is in close proximity to San Simeon Acres, separated only by Pico Creek.[1]

The Periodic Review addresses preliminary recommendations for the Countywide Local Coastal Plan and is not intended to supercede the process of updating individual components such as the North Coastal Area Plan. The Hearst Ranch property is currently the subject of negotiations with conservation organizations and actively engaged in a community dialogue process. Because the Coastal Commission's 1998 recommendation, together with other options, will be reviewed in the context of the NCAP update process, the County should reserve comment on the Hearst Ranch visitor-serving zoning until such time as this data is available, allowing the conservation and community process time to work out a win-win solution for all involved parties.

County Staff Response: The County Staff response recommends modification of this item, but does not specify how it should be modified. We suggest that the County challenge PR 2.9. Locating visitor-serving uses on the Hearst Ranch is best accomplished with community and property owner participation in the NCAP update process. This is a local governmental decision that requires community input.

4. Resource Capacity Studies (PR 2.10, 2.12)

The Periodic Review makes certain assumptions about resources without supporting data. For example, the Periodic Review states that the rural North Coast is currently at or beyond Level of Service ("LOS") III (demand for resources equals or meets supply) but does not analyze the potential resources throughout the North Coast planning area properties. See PR 2.10. For example, the Periodic Review does not address the fact that the Hearst Ranch property has vast water supplies that are markedly greater than those of the constrained communities of San Simeon Acres, Cambria, and Los Osos. In contrast to the Periodic Review assumptions, we have evidence that there is, in fact, ample water at the Hearst Ranch property – as confirmed by the County Master Plan. In addition, the Periodic Review does not provide for property owners such as Hearst who possess water rights permits issued by the State Water Resources Control Board ("SWRCB").

Any development on the Hearst Ranch property would be supported by adequate and sustainable on-site resources. Any Hearst development would be structured in phases, with each subsequent phase required to demonstrate the availability of adequate resources. Hearst will, of course, be required to provide evidence and data regarding water availability and other resources to support any future development, including Hearst's 13-year water monitoring efforts at Arroyo de la Cruz.

The Periodic Review should not draw conclusions without supporting evidence and should not impose broad-based limitations on development without site-specific evidence that such limitations are warranted. Coastal Act section 30412 provides that the SWRCB, not the

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[1] Coastal Act section 30250(c) also allows visitor-serving facilities that cannot feasibly be located elsewhere to be at "...selected points of attraction for visitors".

Commission, has primary authority over water quality and water rights and the Commission can not take actions that conflict with decisions of the SWRCB.

County Staff Response: The County Staff response recommends that PR 2.10 be modified and 2.12 be adopted. We believe that the County should carefully consider disagreeing with these provisions as they relate to Hearst Ranch since the proposals do not allow for property-specific determinations on development and would erode County flexibility and control. Properties that are able to demonstrate the availability of adequate resources should not be constrained by regional LOS levels.

C. WATER QUALITY / MARINE RESOURCES (CHAPTER 3)

Hearst understands that the Periodic Review aims to create policies that limit harmful runoff and protect against potential significant impacts from urban and rural development. There are certain recommended policies, however, that would have the unintended consequence of hampering existing agricultural operations that, as stated elsewhere in the Periodic Review, are so vital to the rural character of the North Coast.

1. Agricultural Water Quality Standards (PR 3.1, 3.2, 3.9)

The agricultural community has already expressed concern with these and other recommendations that would have an adverse impact on agricultural operations, and Hearst supports these comments. However, because these issues are so important, we want to stress that any new standards for non-point source management should be carefully analyzed for their potential to negatively impact existing agricultural operations and for their consistency with governing SWRCB standards. Some of the measures attached in Appendix D to the Periodic Review would materially harm the agricultural viability of rural North Coast agricultural practices. For example, standards that require the fencing of creeks, wetlands, estuaries, and riparian areas would have a crippling affect on grazing operations. Requirements that grazing shall not occur adjacent to an ESHA or within 50-feet of a riparian corridor could similarly have a debilitating effect on agriculture.

Further, Appendix D and PR 3.9 would expand the definition of a stream to be broader than the current definition identified on USGS maps. Coastal Staff recommends that the definition of a watercourse be expanded to include any water or drainage system that meets any of the following criteria: (a) supports fish; (b) has significant flow 30 days after significant storms; *or* (c) has a channel, free of soil or debris. PR 3.9. This new definition would create a lack of certainty and cause undue confusion as it may conflict with definitions of watercourses provided by other governing agencies.

Finally, Coastal Staff relies upon erroneous data to support its position regarding the impact of agricultural operations on water quality. For example, Coastal Staff states that "agriculture and grazing are the suspected sources of siltation to San Carpoforo Creek . . ." PR, at p. 77. In fact, it is well established that siltation of the Creek was not caused by grazing or other agricultural practices, but rather by heavy seasonal rains and a large naturally occurring landslide that took place on US Forest Service property.

Overall it is Hearst's belief that the Coastal Act accommodates the competing desires of assuring future water resources while meeting other Coastal Act priorities. The County should not accept any Periodic Review recommendation that unduly imposes additional levels of regulation and takes away from the County's planning flexibility.

County Response: The County Staff response generally agrees with these provisions and recommends the adoption of 3.1, modification of 3.2 and seeks additional information on 3.9. As stated above, we believe that the County should carefully consider disagreeing with these provisions since the proposals would unduly impact the economic viability of agriculture and may contradict other government agencies' definitions.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (CHAPTER 4)

Although Hearst understands the Coastal Act intent to protect certain habitat, there is a concern that the recommendations in the Periodic Review go too far in protecting generalized areas, rather than specific habitat. The unintended effects of such broad prohibitions could, in certain instances, render entire areas without value and use, without site-specific evidence to support these conclusions.

1. Revise Definition of ESHA/Update ESHA Designations (PR 4.1- 4.3)

The Periodic Review would revise the current County definition of Sensitive Resource Area ("SRA") and Environmentally Sensitive Habitat Area ("ESHA") to include areas that are not mapped and identified in the LCP. While Hearst supports periodically studying and updating ESHA maps to reflect actual site conditions, eliminating the mapping concept would create hardship and uncertainty, as there would be no discernible standard in the LCP to identify where ESHAs are located.

The Periodic Review recommends periodically updating the ESHA areas to reflect any recent listings of habitats. ESHA determinations based on State and Federal databases are not reliable, however, as State and Federal listing programs are usually broad-brushed and are not intended to carry the same restrictive, "no-development" consequences as an ESHA determination. Such Federal and State program characterizations are not intended to be site-specific, while ESHA determinations must be specifically mapped, located and studied as they bring with them onerous limitations.

Specifically, the Periodic Review recommends relying on US Fish and Wildlife Service ("USFWS"), California Department of Fish and Game ("DFG") and California Native Plan Society ("CNP") listings and databases for ESHA determinations (p. 111-113). An example of how overly broad these determinations would be as indicators of ESHA is the recent listing by the USFWS of red-legged frog habitat as "critical." The broad-brush maps circulated by this federal agency cover almost the entire North Coast area including streets and previously developed lands. If this designation were given ESHA status, entire swaths of the coast would be rendered undevelopable, though site-specific analysis would show that only a small fraction of the designated territory is actually critical habitat for red-legged frogs. Designations by other agencies are designed to cover broad areas. In creating a local coastal plan, however, the Commission and County must have accurate site-specific data.

Further, the Periodic Review recommends biological inventories for all projects that may have any impact to habitat, including those adjacent to identified ESHAs. PR 4.3. Where such inventories evidence the need for a biological report, the Periodic Review would require that a study be prepared to identify potential new ESHA areas. Such study, and subsequent mapping, however, must be consistently monitored. The effect of the Periodic Review is that anything may be subject to an ESHA determination at any time, leaving property owners with no certainty. Also, various determinations may potentially be made according to differing standards, creating inconsistencies in the County's ESHA identification system.

County Staff Response: The County Staff response generally states that these recommendations should be adopted. Hearst believes, however, that the County should disagree with these Preliminary Recommendations because: 1) The provisions are amorphous, vague, and do not provide landowners with adequate notice of whether property is designated ESHA; 2) defining all riparian habitats as ESHA is unduly burdensome to property owners and unnecessary for the protection of endangered species; and 3) the provisions would erode local government control and flexibility over the development process. Taken in the aggregate, the provisions do not provide for site specific assessments but rely too heavily on broad-brushed portraits of ESHA that may not resemble the actual conditions.

The County Staff response also suggests a process change to "front load" review of projects to determine if a project is within an ESHA and therefore subject to discretionary review. Such a proposed process needs careful public review, including the input of the agricultural community, before the Board of Supervisors considers endorsing such a process.

2. Impacts to ESHA (PR 4.4 –4.9)

Preliminary Recommendations 4.4 – 4.9 contain substantial limitations that are aimed at avoiding impacts to ESHA. For example PR 4.4 and 4.5 would allow only "resource dependent" or "open space" uses within ESHA or ESHA setbacks, and PR 4.8 would require that an overall development plan be submitted for all parcels under common ownership. For property owners with significant tracts of land, these requirements would severely constrain any and all development rights and flexibility for property. Given the impact that these recommendations would have on property uses within or near an ESHA, it is particularly important that ESHAs are carefully mapped and identified on a site-specific basis. Otherwise, the recommendations would render much of the coastal property without any economic value, and needlessly subject the County to takings claims.

County Staff Response: The County Staff response generally agrees with these recommendations or suggests unspecified modifications. We request that the County disagree with PR 4.4-4.9 since the expanded definitions of ESHA proposed would substantially constrain all but resource dependent uses on significant tracts of land within the County without a correlating environmental benefit.

3. Takings Claims (PR 4.10)

Policy Recommendation 4.10 would require that economic-backed expectations be evaluated before concluding that applying the ESHA rules would amount to a takings claim. Coastal Staff recommends that the County take into account purchase price and date of purchase as part of a detailed checklist to identify potential takings issues. The Coastal Staff recommendations appear to be an attempt to by-pass the strictures of takings rules in order to evade potential claims. The County should recognize that property rights are protected by the Coastal Act, and that decisions that impact property values should be premised on good policy – not merely an attempt to evade rules regarding takings. The County should be concerned about any policies that would effectively erode property owners' constitutional rights.

County Staff Response: In its response, County Staff disagrees with this proposed recommendation. Instead, County Staff recommends that "at least one design alternative with a reduced footprint" be submitted by proposed developers. Hearst disagrees with both the Commission Staff and County Staff recommended approaches. Development permits should be based on site-specific analysis and the needs of the community, County, and landowner – not a pre-determined decision to limit or reduce the scope of proposed development.

4. Require Conservation Easements or Deed Restrictions Over All ESHA Outside Development Envelope. (PR 4.13)

The Periodic Review recommends that deed restrictions or conservation easements be required on all ESHA on project sites outside of the development envelope. This requirement would force an exaction of all areas marked as ESHA (and their envelopes) if a property owner wished to develop within or adjacent to ESHA. Hearst disagrees with this recommendation, particularly in light of the expanded and broad-based definition of ESHA proposed by the Coastal Staff. Adoption of this recommendation would require that extensive tracts of ESHA be dedicated as open space or conservation without the showing of the required nexus between such dedications and the proposed development.

County Staff Response: The County Staff recommends that this provision be adopted. Hearst disagrees with the County Staff's position. The necessity of a deed restriction should be predicated on an analysis of particular parcels. To avoid takings claims, deed restrictions and conservation easements should not be required unless it is determined that a sufficient nexus exists between the restrictions sought and development permitted.

5. Stream Alterations and Setbacks (PR 4.18, 4.22)

The Periodic Review recommends deleting the County exemption that allows limited stream diversion structures if associated with certain agricultural stock ponds under 10 acre feet. PR 4.18. This recommendation may have the unintended consequences of harming agricultural operations and economically impacting area ranchers who depend upon such diversions. Furthermore, this recommendation intrudes upon the jurisdiction of the Department of Agriculture, which has oversight authority over stock ponds. Additional administrative supervision of the ponds by the Coastal Commission appears to be unwarranted.

County Staff Response: The County Staff response recommends that both of these recommendations be adopted. We request that the County disagree with PR 18 and 22 since these provisions may unduly impact ranching operations without concomitant environmental benefit and may intrude on the province of other government agencies.

6. Additional Stream Diversion And Development Standards (PR 4.26)

The Periodic Review recommends significant new control standards for stream diversions to protect riparian resources. Some of these standards appear to go beyond existing permitted uses under the jurisdiction of the SWRCB. Coastal Staff's recommendation would create a new level of review and potentially harm users who are operating under existing permits. Such recommendations should be closely considered by the County and the jurisdictional issues should be resolved so as to avoid potential conflict and confusion.

County Staff Response: The County Staff response recommends that PR 4.26 be modified. Hearst requests that the County disagree with PR 4.26.

7. Man-Made Wetlands (PR 4.31)

The Periodic Review seeks to expand the delineation of wetlands. For example, the Periodic Review would expand the definition of wetlands to include some artificial stock ponds used for ranching. Such a designation would trigger the 100' set back requirement. Such designations could potentially have a significant adverse effect on cattle operations that are dependent upon access to such stock ponds for ranching. In addition, such designations would not necessarily recognize existing conditions that have evolved from legitimate long-term and on-going agricultural practices.

County Staff Response: The County Staff response recommends that PR 4.31 be adopted. Hearst requests that the County disagree with PR 4.31

8. Terrestrial Habitats (PR 4.37-4.56)

Preliminary recommendations 4.37-4.56 contain numerous recommendations that provide for ESHA protections for the pine forest, coastal dunes, coastal shrub, western snowy plover, least tern, and elephant seal habitats. Again, it is important for the County to specifically study the biological properties of each habitat, rather than accept across-the-board restrictions and protections.

County Staff Response: The County Staff response generally recommends adoption of provisions 4.37 – 4.56. Hearst believes that these recommendations should be carefully balanced against the needs of the community, the desire for local control and flexibility, and the rights of private property owners. Recommendations that unduly restrict development based on over-inclusive portraits of ESHA and habitat without site specific analysis and study should be denied.

Overall, Hearst is concerned that Coastal Staff proposes to protect non-existent or potentially marginal resources as "ESHA" at the expense of striking the proper balance with other important policies contained in the Coastal Act.

E. AGRICULTURE (CHAPTER FIVE)

Hearst generally supports the comments that have been described and submitted by the agricultural community. There are numerous economic factors that make it difficult to run a profitable agricultural operation on the Central Coast, and the Coastal Commission should not impose restrictions that would cause or exacerbate economic hardship. Despite the stated objective to prioritize and maintain existing agricultural operations, the Periodic Review contains policies that are in conflict with the goal of the Coastal Act to maintain agricultural lands, and, if implemented, would have the effect of deterring agricultural land uses by imposing costly constraints, such as expanding ESHAs to prohibit livestock from using watering sources. It is crucial to weigh these competing interests and not inadvertently eliminate the very same agricultural uses that are sought to be protected.

1. Land Divisions, Certificates of Compliance, Lot Line Adjustments, and Mergers (PR 5.1 – 5.7)

We object to PR 5.1 to 5.7 as being beyond the intended scope of Periodic Review of an individual County's LCP and beyond the jurisdiction of the Commission to mandate. Hearst does not support amendments to the Map Act that would strip a property owner of the existing value of underlying legal lots. By State law, these lots can be certified through a certificate of compliance process and adjusted through the lot line adjustment process, so long as certain express conditions are met. Coastal Staff recommends changes to existing State law parameters. These changes would have a substantial negative effect on agricultural land values. The processes contained in the Map Act were intended by the Legislature to provide tools for preserving property rights and maintaining flexibility in the planning process. Changes to State lot line adjustment and merger rules would eliminate a property owner's right to rely upon historic legal parcels and may be in violation of the Map Act.

Coastal Staff also recommends that a "written staff report" be approved by the planning director for the issuance of each certificate of compliance ("COC"). (PR 5-7.) This recommendation violates the Map Act since the sole prerequisite to obtain a certificate of compliance is the determination that the property complies with the provisions of the Map Act and local subdivision ordinances enacted pursuant thereto. California Government Code section 66499.35. See also Lakeview Meadows Ranch v. County of Santa Clara, 27 Cal. App. 4th 593, 598 (1994).

County Staff Response: The County Staff agrees with some of these recommendations, disagrees with others and suggests modifications to others. Based upon these preliminary recommendations involving statewide issues and recommended legislative amendments to the Map Act, Hearst requests that the County disagree with PR 5.1 to 5.7. These PRs are beyond the scope of an individual county periodic review.

2. Agricultural Viability Studies (PR 5.2 – 5.3)

The requirement that all agricultural users obtain more expansive viability reports prior to changing use of or developing land is particularly onerous and goes beyond the requirements contemplated by the Coastal Act.[2] This provision forces farmers to collect and collate a significant body of technical, economical and geographical data – conditions that may be a substantial financial burden on San Luis Obispo's agricultural property owners. The technical requirements of such a report would force private property owners to hire experts to comply with this provision. This provision would be unduly burdensome to the average farmer, given that Coastal Staff later recommends that changes in intensity of agricultural use be defined as "development." (See 5-11).

County Staff Response: The County Staff response recommends that PR 5.2 & 5.3 be modified to differentiate between requirements for rezoning and individual development projects. As stated above, however, we believe that the requirement of an agricultural viability report is overly broad, conflicts with specific provisions of the Coastal Act, lacks precedent, and is not based on site-specific data or resources. The need for such a report should not be mandated but required only where necessary to assess the impact of an individual project through the CEQA and application processes.

3. Non-Agricultural Uses in Agricultural Areas (PR 5.8, 5.9)

The Periodic Review recommends strict development standards for residential developments on agricultural lots. Specifically, PR 5.8 would limit single family homes to a maximum of 3,500 square feet on a 5,000 square foot development envelope. Hearst feels that any such blanket restrictions on the size of homes is beyond the scope of the Coastal Act. Coastal Staff and the Commission should review Coastal Act-based factors on a site-by-site basis such as potential environmental harm to habitat, rather than blanket prohibitions on square footage designed to ensure that only agriculture-dependent housing is developed. Hearst does not support overly broad policies and prohibitions that do not leave room to specifically address the needs of each agricultural parcel. Such broad policies would strip a property owner of rights, without a nexus and proper site-specific justification. Further, PR 5.9 would make all residences that do not support a bona fide agricultural operation to be considered conditional uses that require special approval. This would put a disproportionate burden on owners of agricultural lands. PR 5.9 also requires agricultural protection easements on the parcel in conjunction with residential development. This would unduly infringe upon a property owner's rights.

County Staff Response: The County Staff response recommends that PR 5.8 be denied and 5.9 be adopted. We agree with County Staff's position on 5.8 but believe that 5.9 should be denied as well. In addition to the above concerns, 5.9 is unduly vague. For example, there is no concrete definition of what constitutes a "bona fide agricultural use" in the Coastal Act. In addition, this provision would vastly diminish County authority and control.

4. Intensification of Agricultural Uses (PR 5.10 – 5.11, 5.13)

Although the Periodic Review states the importance of protecting agricultural uses, it includes recommendations that would severely hamper agricultural operations. For example, PR 5.10 includes a new permit review process for agricultural development. PR 5.11 would impose limitations to operations in conjunction with the new review process, such as fencing and other requirements that would be harmful to cattle grazing operations. (See PR, at 242). PR 5.13 requires coastal development permits where grazing land is converted to a different agricultural use. Such requirements would make agricultural uses even more economically infeasible and difficult, thus deterring a use that is a stated priority under the Coastal Act.

County Staff Response: The County Staff response generally disagrees with recommendation 5.10, 5.11 and 5.13, but agrees to expanded review procedures for agricultural uses. Hearst objects to expansion of the permit review process for agricultural uses.

F. PUBLIC ACCESS AND RECREATION (CHAPTER 6)

1. Maximizing Public Access (PR 6.2)

Coastal Act section 30210 sets forth a policy of public access along the shoreline that requires dedications and other exactions to be commensurate with development and to not infringe on property rights. The Periodic Review proposes blufftop pathways for lateral access in places where the rocky shoreline does not allow for realistic beach-level access. Hearst is concerned that such an expansion of public access to blufftops could interfere with a property owner's private use of property, such as maintaining on-going grazing operations.[3] Further, blufftop accessways may have inherent safety and erosion concerns that would need to be studied and addressed.

County Staff Response: The County Staff report disagrees with recommendation 6.2. We support the County Staff's position.

2. Protecting Existing Access (PR 6.5)

Hearst has a history of providing permissive public access. Hearst intends to continue this policy, but disagrees strongly with Coastal Staff's allegations that the public may have prescriptive rights to its property (p. 261). Through the years, Hearst has permissively allowed the public to access areas of its property west of Highway One. Hearst has done so of its own volition as a public benefit, and in conformance with California Civil Code sections 813 and 846. Such access does not give the public prescriptive rights over private property. PR 6.5

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[2] The Coastal Act calls for agricultural viability studies only for the conversion of prime agricultural land and only in conjunction with adoption or amendment of LCPs, not coastal development permits. Coastal Act sections 30241 and 30241.5.

[3] Coastal Act section 30212(a) provides that access from a new development is not required if it would adversely affect agriculture.

encourages the County to initiate a study of potential prescriptive rights claims. Hearst objects to such attempts to take its property. Coastal Staff's assertion of prescriptive rights lacks any legitimate foundation.

Hearst has always made clear that ingress and egress to Hearst coastal properties is by Hearst's permission. An attempt by Coastal Staff to aggressively pursue prescriptive easements may force Hearst (as well as similarly situated property owners) to close such access points to the public entirely. Coastal Staff's proposal may well result in an actual loss to the public use of these areas.

County Staff Response: The County Staff response disagrees with recommendation 6.5. We agree with the County Staff's position.

3. Visitor-Serving Uses (PR 6.7)

The Periodic Review states that visitor-serving use of the coast has increased dramatically since the LCP was approved in 1988. As an example, recent visitor numbers (and State of California projections) project that tourism to the North Coast will increase dramatically in upcoming years. In fact, attendance at Hearst Castle was up more than 6% over last year. These numbers are certain to increase in light of the fact that the Castle was recently accredited by the American Association of Museums – "the highest honor bestowed on museums in America." Kathe Tanner, *Hearst Castle Wins a National Nod*, San Diego Union Tribune, April 17, 2001, at A-3. This increase in tourism should be encouraged in light of Coastal Act section 30213, which states that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Hearst Castle, with its' $10 admission fee, furthers this provision of the Coastal Act.

Contrary to this evidence, the Periodic Review states that current occupancy rates of hotels are not high enough to support additional visitor-serving uses (p. 264). Hearst believes that this finding is not based on accurate, current economic data and needs assessments, and does not reflect realities along the entire coast. Near the Hearst Castle and the general coastline north of San Simeon Acres, there appears to be an inadequate supply of quality hotel accommodations. Because it appears that the region could support an increase of all types and prices of accommodations, Hearst believes that Coastal Staff's conclusions should be compared against a current needs assessment.

County Staff Response: The County Staff response recommends that PR 6.7 be adopted. We agree with this recommendation to the extent it encourages gathering of accurate and complete data concerning needs for visitor-serving uses. We disagree, however, with the Coastal Staff text that states that additional visitor-serving uses are not needed. We believe that a range of additional visitor-serving accommodations and services are needed throughout the North Coast at *all* price levels.

G. COASTAL HAZARDS (CHAPTER 7)

Highway 1 Realignment (PR 7.13, 7.14)

Hearst understands the Coastal Act section 30253 objective to minimize risk to life and property. Because a large stretch of Highway One runs across Hearst property, we make the following comment. PRs 7.13 and 7.14 request that the NCAP provide for realignment of Highway One within certain minimum setbacks to avoid the need to armor for 100 years. It is important that any realignment plans be consistent with agreements between Hearst and Caltrans and that Hearst, as the property owner, be justly compensated for any future takings of property. Any realignment will have a significant impact on existing ranching operations and Hearst Ranch property holdings in general.

Hearst is aware of Coastal Act section 30210, which addresses public access along the shoreline. However, dedications and other exactions that are imposed on landowners to enhance public access opportunities must not infringe on property rights.

County Staff Response: The County Staff response recommends that PRs 7.13 and 7.14 be further evaluated and/or modified. With regard to both provisions, we believe that relocation of Highway One should be based on specific evaluations and recommendations of Caltrans and that just compensation be paid for all property impacted by this move. Furthermore, we believe that the County should determine what mix of realignment and armoring is preferable, as discussed at the May 7, 2001 Caltrans public meeting regarding the realignment of Highway One north at the Piedras Blancas Lighthouse.

H. SCENIC AND VISUAL RESOURCES (CHAPTER 8)

Protection of Scenic Viewsheds (PR 8.1 – 8.6)

While Hearst understands the importance of visual protection policies, Coastal Staff's recommendations in some places go too far. Periodic Review PR 8.1 recommends a critical viewshed policy that would preclude development from all public viewing areas within critical viewsheds, including the entire North Coastal rural area. Further, PR 8.2 would require that a specific Scenic SRA be created that would encompass most of Hearst's property. Finally, PR 8.6 would broaden coastal viewshed protections by expanding the definition to include all public viewing areas from state coastal waters and Hearst owned property donated to the state.

Together, these policies would in effect prohibit future coastal development that could be seen from the water, Hearst Castle, Highway One, or any public park or turnout within the North Coast Plan Area. Such an expansion severely limits Hearst's potential future use of the property, despite the fact that Hearst gifted the Castle, the access easement to Hearst Castle, the State Beach, and other public viewing areas to the State. These limitations would in effect punish Hearst for its generosity. Further, the gift of the Hearst Castle to the State contained a viewshed easement that represents the extent of view limitations that were agreed to at the time of the gift.

County Staff Response: The County Staff generally agrees and/or suggests slight modifications to these provisions. We believe that this is a mistake. As stated above, denial of development based upon the fact that a project may be viewable from public spaces (including the Ocean) is overly broad and unnecessary under the Coastal Act. There is no precedent for the position that all development be sited so as to be invisible from such broadly defined viewsheds. This provision would impact County control and flexibility over development, severely harm private property land values, and open the County to potential legal challenges.

I. IMPLEMENTATION PROCEDURES (CHAPTER 12)

1. Land Divisions, Lot Line Adjustments and Certificates of Compliance as Conditionally Permitted Uses. (PR 12.8)

PR 12.8 proposes that land divisions, certificates of compliance, and lot line adjustments be defined as conditionally permitted development. The consequence of defining these land use devices as "conditional" is that it allows them to be appealed to the Coastal Commission. Hearst disagrees with this provision since (under the Map Act) these devices are intended to be non-discretionary, ministerial functions. This recommendation appears to conflict with the Map Act. See San Dieguito (striking down local ordinance that is inconsistent with the Map Act requirements for lot line adjustments).

County Staff Response: The County Staff generally disagrees with the recommendation issued by the Coastal Staff. However, the County Staff states that "more information" is necessary in order to make a recommendation with respect to whether these devices should be characterized as conditional if within ESHA. County Staff's position contradicts San Dieguito which held that the fact that land was defined as "environmentally sensitive" did not impact the question of whether the Map Act controls. San Dieguito, at 761.

2. Clarification of Appealability of Conditional Uses. (PR 12.11)

PR 12.11 would alter County language so that if *any* portion of a project involves a conditional use, the *entire* project would be appealable to the Coastal Commission. Hearst disagrees with this provision as it would interfere with local control and make even the most minor of conditional uses a basis for an appeal and reconsideration by the Commission. This does not comport with the intent of the Coastal Act and is not supported by precedent or case law.

County Staff Response: The County Staff agrees with this provision. We do not. This proposal would remove County approval authority from a significant percentage of development projects. Only the portion of a project deemed to be a conditional use should be appealable to the Coastal Commission per the Coastal Act.

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May 14, 2001

Chairman and Members of the Board of Supervisors
San Luis Obispo County
County Government Center
San Luis Obispo, California 93408

Mr. Chairman and Members of the Board:

I am writing this letter to your board in the aftermath of your considerations of the Coastal Commission Staff review of the San Luis Obispo County Local Coastal Plan. The companies I have represented in this series of updating the General Plan and the Local Coastal Plan comprise most of the vacant undeveloped and unsubdivided property within the Urban Reserve Line in Los Osos. There are seven different, independent properties which came before the review agencies, each of which had different factors affecting the decisions about acceptable land uses. Since the beginning, part of one had been acquired and another is earmarked for the sewer ponds.

It would have been futile for me to try to explain our position in two minutes during your study session. We tried to state our position in the two minutes allotted during the study sessions conducted by the Coastal Commission staff, but our story came out too generalized and disjointed to be understood. Consequently, we wrote more detailed letters about each one of four separate parcels to the Coastal and County staffs.

I listened to your Board session over the radio and came away thinking the majority of the Board members expressed the same conclusions that our clients and I have about the Coastal Commission staff review. I attended most of the meetings of the Los Osos Community Advisory Council held over the last several years and I consulted with the County staff frequently about the recommendations they were formulating to present the Planning Commission and your Board. Both the County staff and the Los Osos Council have been very deliberate and dedicated in their efforts to protect the environment of their community. They were tough players and we were receivers anxious to find fairness and closure, the result evolving in recommendations that diminished our development opportunities, but in the end fair judgment and effective conservation. At their last meeting, the Council was deliberating over several of our properties and settled on recommendations which did not comply with the recommendations of the Commission staff. They almost unanimously proclaimed 'this is our plan and we will not let the Coastal staff dictate to us what our plan should be'.

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It is not a question that the Commission Staff recommendations comply with the Coastal act and the Los Osos Council does not; the same objectives can be achieved by finding different solutions. As a planner having served forty two years in this County advocating environmental solutions and with the combined talents of the membership of the Los Osos Council, many of whom are professionals, there is infinite more knowledge coming forth locally than has been suggested by a third level Coastal employee sitting at a desk in Santa Cruz. As the Coastal Act was founded, the preparation of the Local Coastal Plans are the primary responsibility of the local authority and that is the way it should be and stay..

In this atmosphere of fear of reprisal, the County staff kept insisting the recommendations to your Board be changed to more nearly comply with the recommendations of the Coastal staff. Many of the basic principals of the Plan were changed as a result of the threat that the Coastal staff would declare the plan not to be in compliance with the Coastal Act. When the local authority sets out to prepare a plan to fulfill the mandate and in the end is put upon by the reviewing authority because in its opinion it is not in compliance with they think the mandate says, and they use their veto authority to force compliance, something is terribly wrong with the system. The system must allow the authority preparing the plan much more leeway in fulfilling the mandate than is now given by the Coastal Commission staff. The Commissions responsibility should be oversight and instructional, not autocratic. They must learn to recognize there is more than one way to fulfill the mandate to achieve compliance with the Act.

Let me explain a critical example of this issue resulting from their very narrow interpretation and absolute solutions. Most of the land I represented was, in some way described as environmentally sensitive. The Los Osos Council spent hours deliberating about how to retain reasonable development rights and at the same time protect the environmental resource associated with each one of these properties. Some of the issues raised by the Coastal staff might involve endangered species and plant life, others were generally described in a sweeping declarations of threat to a suspected resource. In each case, the Council, thoughtfully considered what the current Land Use Plan permits and what the endangered resource required. Each property had significantly different factors effecting their deliberation. There were arguments on both sides of the environmental aisle and as a result the Los Osos Council came to a consensus on each of the properties, recommendations that were in sharp contrast to the Coastal Staff proposals. It was at this point that the Council stoutly defended their recommendations in spite of the contrary opinions of the Coastal Staff. I will attempt to explain this disparity in a subsequent letter, but the conclusion

must be reached the recommendations proposed by the Los Osos Council is another valid opinion about how to comply with the provisions of the Coastal Act. I hope your board will be firm in standing for the principals of local controls over Planning issues, after all the shoreline is only part of the big picture that your board must consider in its deliberations. There is a lot more at stake than just the shoreline in a vacuum.

Respectfully submitted,

Ned Rogoway, AICP

Original to each Board member
cc: District Office, California Coastal Commission
County Department of Planning: Mike Wulkan
Chairperson and members: Los Osos Community Advsory Council (12)
Charles Ogle, Esq. - Morro Bay and Land company
John Curci, Morro Palisades Company

Upper Salinas-Las Tablas Resource Conservation District

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Check Pat

May 10, 2001

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Peter Douglas
Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Subject: Comments on the Periodic Review of the San Luis Obispo County LCP

Dear Mr. Douglas,

The Upper Salinas/Las Tablas Resource Conservation District (USLT-RCD) covers over 1.5 million acres in San Luis Obispo County, including approximately 44 miles of coastline between Cayucos and the Monterey county line. The USLT-RCD works in close partnership with the USDA Natural Resources Conservation Service (NRCS) in providing free technical assistance to land owners and resource users for the protection of natural resources through voluntary participation in conservation Best Management Practices. The USLT-RCD also has a contractual arrangement with the County Planning and Building Department to review projects for erosion potential through the Erosion Control Assistance Program (ECAP) and to assist the County by reviewing the grading for agricultural roads and ponds through the Alternative Review Program (ARP) for inland grading projects.

We have reviewed the Preliminary Report for the San Luis Obispo County Local Coastal Program and wish to offer the following comments for your consideration:

- We support many of the goals contained in the Preliminary Report. However, we do not concur that "agriculture" should be defined as development. We are committed to sustaining the viability of agriculture through a holistic decision making process that equally addresses economic, social and ecological elements.

- We support voluntary compliance of California's Nonpoint Source Pollution Program through the use of Best Management Practices (BMP's).

- We recommend that the Alternative Review Program (ARP) be instituted in the Coastal Zone. The Alternative Review process has been used successfully in the inland portion of the county by assisting landowners in implementing BMP's. We also request that the RCD be described as a project review agency in the Coastal Zone for potential erosion and sedimentation issues under the Erosion Control Assistance Program (ECAP).

- Existing programs already cover many of the recommendations in your report. For example, the proposed preliminary alternatives in your report are comparable to practices found in the USDA NRCS Technical Field Guide, which are designed to prevent unnecessary erosion and sedimentation. We have linked these practices with current NRCS/RCD programs.

- The above programs, as well as other efforts, are presently being intensified to assist agricultural producers to comply with the voluntary non-point source pollution program and anticipated TMDL's. We recommend that these programs, which are already in place, be allowed to succeed in a voluntary manner to protect and enhance the resources.

For over 50 years, we have worked directly with landowners in applying management practices and providing measures to protect our resources. We respectfully ask for the support of the Coastal Commission and its staff in gaining the needed state and local financial support to implement voluntary acceptance of Best Management Practices for resource conservation.

Thank you for giving this your serious consideration.

Sincerely,

Chuck Pritchard

Chuck Pritchard
President of the Board

CC: County Board of Supervisors
Victor Holanda, Co. Planning Director
Richard Greek, Agriculture Commissioner
Margy Lindquist, District Conservationist, NRCS

Practices	RCD/NRCS Programs
Grading and land form alterations	County/RCD Alternative Review Program (ARP) County/RCD Erosion Control Assistance Program (ECAP) NRCS Technical Assistance
Drainage and run off alterations	County/RCD Alternative Review (ARP) County/RCD Erosion Control Assistance Program (ECAP) County/RCD Lodge Hill Drainage Plan NRCS Technical Assistance

Practices	RCD/NRCS Programs
Wildlife enhancement/habitat protection Stream & water body protection Vineyard cover cropping Hedgerow provisions Native tree & vegetation protection	NRCS EQIP (Environ. Quality Incentive Program) NRCS WHIP (Wildlife Habitat Incentives Program) NRCS CRP (Conservation Reserve Program) NRCS Buffer Program NRCS Farmland Protection Program RCD/RC&D Toro Creek Steelhead Enhancement RCD Salinas River Management Plan CSL RCD Chorro Flats Enhancement Plan Non-NRCS/RCD programs: UC Extension Ranch Water Quality Short Course Farm Bureau Rural Action Plan Central Coast Sustainable Vineyard Team Land Conservancy Salmon Enhancement Team CSL RCD Chorro Flats Enhancement Plan

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Santa Cruz, CA 95060

April 25, 2001

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APR 27 2001
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Re: Periodic Review of the San Luis Obispo County
Local Coastal Program
Harbor District - Comments

Dear Mr. Douglas:

Thank you for allowing the Port San Luis Harbor District to comment on the February 2, 2001 draft Periodic Review of the SLO County Local Coastal Program document. We find this document to be well written and thorough. We have reviewed the document and have some comments we would like you to consider.

The Coastal Act ("Act"), Section 30519.5 requires the Commission to conduct a periodic review of the local government's Local Coastal Program (LCP). The basic purpose of the review is to determine whether the LCP is being effectively implemented in conformity with policies of the Coastal Act. As you are aware, there are sections of the Act where the priority uses or development come into conflict. The focus of our comments is on these conflicts. We request your advice and counsel in resolving these issues as they may relate to the Port San Luis Harbor District.

The Harbor District understands that the review of the San Luis Obispo County LCP encompasses the entire county, which is broken down into four different Planning Areas. The Harbor District is in the San Luis Bay planning area. The challenge the Commission has is to review each Planning Area, taking into consideration site-specific characteristics that may not apply to the other County LCP Planning Areas. Our comments will highlight areas at Port San Luis that are critical to protect and expand coastal public access opportunities, the protection of coastal dependent and related use, and consolidation of development near existing facilities. The Act policies may be in conflict with some of the preliminary recommendations that may be good for the North Coast Planning Area, but create a problem at Port San Luis. Again, we will be looking towards the Commission to help us address and resolve these conflicts.

Chapter 2: New Development and Public Services

Policy framework makes the following statements:

* We agree that new development must be located within contiguous to or in close proximity to existing development areas where service capacities are adequate.
* Where resources or services are limited; coastal dependent land uses, essential public services, public and commercial recreation and visitor-serving land uses shall not be precluded by other development.
* New development must demonstrate that adequate service capacities are available to serve proposed development.
* The County's Resource Management System (RMS) is intended to implement these policies.

C. Preliminary LCP Implementation Issues (pg. 16)

* A primary issue (3) is to assure availability of public services for new development, particularly coastal dependent and related uses.

Preliminary Recommendation 2.10 – Require Resource Capacity Studies prior to major development.

Comment: This recommendation may require expansion to include a reserve capacity of services (roads) to protect coastal dependent and related uses, including visitor serving. The Avila Beach Drive serving Port San Luis is reaching capacity with upland development. Future coastal dependent and related uses, including visitor-serving use at the Port may not be allowed in the future if non-coastal dependent uses continue to be built in the Avila Valley. We recommend adding text and a policy recommendation where Avila Beach Drive and a reserve capacity for Coastal Act priorities are discussed in this section.

General Conclusions (pg. 68) second paragraph –

Comment: You are correct in your finding that the County is prematurely approving projects, which reserves future capacity of services (roads) for non-priority land uses. This is especially prevalent in the Avila Valley. The County's own Public Works Policy 8 of the General Plan has not been followed.

Comment: We recommend that a new Recommendation (2.20) be added which mandates reserve capacity of all public works services to planning areas which may provide coastal priority land uses in the future.

Chapter 3: Water Quality/ Marine Resources

Comment: The Harbor District strongly supports measures to control the volume of material and possible contaminants into the San Luis Creek and/or San Luis Obispo Bay. Erosion and sedimentation into the San Luis Creek potentially affects disposition of material into the boating access improvements at the Port. The health of beach-goers should not be compromised by the presence of toxins or contaminants. Wetlands and riparian habitats

are essential features of the marine ecological system, and should not be compromised by pollution or contamination.

Comment: Appendix D: The section Marinas and Boating Areas has been reviewed and we have the following comments. This appendix was taken from the State's "*Plan for California's Non-Point Source Pollution Control Program*" and is being recommended for incorporation into the County's LCP document. This section is very broad in scope and seems to overlap other regulatory jurisdictions and may add redundancies to the process. The Harbor District is a strong supporter of clean waters, as demonstrated in our past actions that have made improvements in controlling pollutants going into the ocean.

The Local Coastal Plan is just that local. The County's jurisdiction does not go into the state waters or the Commissions original jurisdiction where the marinas and harbors are generally located. Many of the suggested management measures are outside of the jurisdiction of the County and are already enforced by numerous State agencies. We recommend that this section not be made a regulation, but a suggested program, which refers the measures to the responsible regulatory agency.

C.3 – Recreational Boating

Comment: We agree that the LCP should be updated to reflect polluted runoff from marinas and recreational boating areas to reflect new information and best management practices.

Comment: The Harbor District is planning on the construction of a new water quality control measure in the boatyard this fall. Cost of these improvements is currently estimated at $850,000.

Comment: The LCP does state that development plans for Port San Luis "also allow for future offshore oil support facilities." It is important to note and correct the LCP, that the Unocal Pier is being decommissioned, and that the University of Cal-Poly is currently in lease negotiations for a change in use of the facility from oil related to education. The County and Port have ordinances that require the vote of the people to allow any onshore support oil facilities for development. These ordinances should be referenced in the LCP. The potential change in use of the marine pier to education should also be addressed. An offshore oil support facility mixed with an educational use may not be compatible. Clarification of this pier's future use is required in the LCP.

Comment: The issue of water quality and its relationship to the LCP is problematic. The Coastal Commission and State Water Quality Control Board are generally looked upon to regulate ocean water quality and land use issues. We recognize that the County has permit authority landside, but the County does not regulate water quality issues in the ocean. The discussion on this matter does not make it clear on how to better control landside development in marinas and how recreation boating areas will be managed, especially "in the water." We suggest coordination of this section with the County and Water Quality Control Board.

Chapter 4 – Environmental Sensitive Habitat Areas

Policy Framework states:

"...These policies have the potential to conflict with other goals of the Coastal Act, such as maximizing public access and recreational opportunities, increase recreational boating ..."

Comment: We recognize this potential conflict, but it does not seem to be resolved in the preliminary recommendations. The Harbor District has recently completed a FEIR on the Harbor Terrace properties that addresses the habitat issue. Currently, the property is shown on the county maps as being a sensitive habitat area. The analysis and findings of the Port's EIR should be used to update the Port San Luis area map. This recommendation is consistent with your proposed alternatives of updating the Combining Designation maps. Alternative C2 specifically applies to the previous distributed lands known as Harbor Terrace. We support this alternative.

Comment: The preliminary recommendations (4.1, 4.2, and 4.3) are commendable. However, they are potentially very expensive to implement. Grants should be made available to issue timely and comprehensive implementation of map updating.

Comment: We would request excluding the Harbor Terrace lands from the ESHA map (per the recent EIR findings) or include a provision in your recommendations that would further clarify the allowance of coastal dependent and related uses, including visitor-serving uses on the Harbor Terrace properties at Port San Luis.

Comment: We also recommend better (larger scale) maps of the Avila and Port area to better determine the combining designations for each land parcel.

Chapter 5: Agriculture

Comment: We support best management practices and implementation of mitigation resources that protect riparian habitat from sedimentation and its effects on navigation, as well as the control of contaminants from entering into the creeks.

Chapter 6 – Public Access and Recreation

Comment: This chapter is critical to the Harbor District and is also an essential function of the Port. In order for the District to continue providing and maintaining these types of services and facilities, an economic balance must be found. Visitor-serving land uses at Port San Luis will provide us with revenue to continue to operate and maintain these public facilities. The Harbor Terrace property can provide us with that revenue stream.

Comment: The Pecho Coast Trail is limited in its operational scope for public access to the coast in this area. The Harbor District owns a 25-acre parcel of land (lighthouse) that is surrounded by Pacific Gas and Electric private lands. Limited access to the lighthouse properties results from this privately held land. To improve public access to the lighthouse properties, a replacement pier at the small pocket beach adjacent to the breakwater would be required. Any future development plans on the PG&E lands

should include increased public access improvements. A replacement pier at the lighthouse beach would meet this Coastal Act requirement.

Comment: The Harbor District, in conjunction with the Coastal Conservancy, is preparing to update to our Harbor Master Plan. Included in this update will be a comprehensive San Luis Obispo Bay Access Plan. This Coastal Access Plan should be incorporated into the revised San Luis Bay Planning Area of the LCP.

Comment: We again raise the issue of providing a reserve capacity (road) for the Avila Beach Drive to coastal dependent and related uses in the San Luis Bay area (Avila and Port San Luis). This will protect future public access improvements, recreational, and visitor serving improvements.

Comment: In regards to C.3 – Visitor Serving Access and Recreation, we agree with your statement that low cost visitor serving recreational use is more suitable for areas in the coastal zone where resources are limited and where the sensitive resources need to be protected. This again relates to our request that the Harbor Terrace property at Port San Luis be regarded as a unique situation, and that a road capacity reserve be allocated for future development, as well as requesting re-designation of ESHA map be completed. This will insure and allow for the District to provide future visitor serving and coastal related uses on those properties.

Comment: Preliminary Recommendation G-7 – We strongly support this recommendation, especially the last sentence which would reserve road capacity on (Avila Beach Drive) for priority visitor serving uses in the future.

Chapter 7 – Coastal Hazards

Shoreline erosion -

Comment: This chapter mainly discusses the North Coast Area Plan, with a focus on Cambria and Cayucos. The Harbor District supports the general theory set forth regarding this matter; however, the proposed recommendations could result in negative effects to other planning areas, such as Port San Luis. There is only one road into the harbor, Avila Beach Drive, which has the Pacific Ocean on one side and coastal bluffs on the other. There are portions of this road without shoreline protective devices. Other areas have rip-rap installed. At the intersection of Avila Beach Drive and Diablo Canyon Road, there has been extensive bluff erosion, and the road is in jeopardy of washing out. This would effectively close the Port. Shoreline protection is critical in this area to protect the road. Consideration of moving the road inland is not possible due to a sensitive archeological site. Provisions to allow some type of bluff protection devise to be installed in this area requires that the policies make a provision to allow such improvement. We recommend the sensitive balance of protecting the beach sandy area and the coastal road access importance be addressed in your recommendations. We are also aware of the aesthetic and visual effects of a shoreline protective device. However, we believe this to be an important issue to protect continued access into the harbor. We therefore request you revise the recommendations to allow for shoreline protection in cases that exist on the Avila Beach Drive, as explained above.

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PSL HARBOR DIST 805 595 5404

Comment: There is a general discussion of the larger littorall cells (sand movement) within the county. It should be noted that a sub-cell exists within San Luis Bay. This sub-cell has been identified by Dr. Craig Everts and extends from the federal breakwater to Fossil Point. The movement of sand within the bay creates a dilemma for the Harbor District, requiring us to perform maintenance dredging on a consistent basis. Provisions should be included in this Plan Review that recognizes this phenomena and the requirements to dredge in order to continue boating access at the Port. There also is potential that a fixed structure may someday be required to alleviate this problem and reduce our dependence of annual dredging. We therefore would request a new recommendation be added that addresses this specific issue.

Chapter 8 – Scenic and Visual Resources

The Coastal Act specifically protects the character of special coastal communities that may have unique characteristics or are a popular visitor destination point (Sections 30251 and 30253).

Comment: Avila Beach is a very popular visitor destination place, which has potential to grow to accommodate future needs. Port San Luis is a protected cove that enjoys sunny days and calm waters. We recognize the need to protect the scenic values of the San Luis Obispo Bay, yet the Coastal Act recognizes the need to accommodate public access and low cost visitor serving uses in existing developed areas such as the Port. Harbor Terrace provides the lands where such additional recreational and visitor serving land uses may be developed in the future. Provisions in the LCP revision should recognize the Harbor Terrace as a place that can be developed for such uses, at the same time protect the resources. The recently completed EIR for the Harbor Terrace included mitigation measures that resolved this paradox. We are generally supportive of view shed protection, but also support mitigations to visual effects of a development when other Coastal Act priority uses are jeopardized. We therefore recommend you review and address the Harbor Terrace property and develop recommendations, which allow for visitor serving improvements, if proper mitigation measures are implemented to reduce the visual impacts.

Chapter 9 – Archeological Resources

Comment: We generally support the recommendations in this chapter and offer no specific comments.

Chapter 10 – Energy & Industrial Development

Comment: The Unocal marine terminal is no longer in operation. The University of Cal-Poly is in lease negotiations with the Harbor District to take over the pier for educational and research work. Unocal has told Cal-Poly they would donate the facility to the University if the details could be worked out. This potential change in use affects the current LCP language as it relates to offshore oil use on the pier. As previously stated, the County and Harbor District have adopted ordinances that would require a vote of the people if an onshore support oil facility was proposed. There also exists the possibility that another oil or gas company may wish to utilize this facility, especially with the energy crisis and a new administration. These issues should be addressed in

detail in the revised LCP, and the current language amended to bring the plan into conformance with the current status of the issues.

Comment: B. Background – fourth paragraph: The LCP specifically states that the County or the State Department of Parks & Recreation or other agency, shall be offered the right of first refusal for piers no longer needed for petroleum operations. This is not what the lease between the Harbor District and Unocal says. As state tidelands administrator of San Luis Obispo Bay, the Harbor District owns the property, and the County or State Parks has no jurisdiction. This statement should be corrected.

Comments: The Harbor District recognizes the importance of including all potential land uses and coastal policies in a single document, the Local Coastal Program. It is, however, crucial that the jurisdiction of the County and Coastal Commission be clearly explained to the reader and in the same document where the offshore (piers, harbors, etc.) land uses are discussed.

Chapter 11 – Commercial Fishing and Recreational Boating

Comment: At the direction of the Coastal Commission, the Harbor District is currently updating the Harbor Master Plan. We support Recommendation 11.3 and strongly urge the County and Commission to assist the Port during this update with their input and advice.

Chapter 12 – Implementation Procedures

Comment: We would request the Commission's consideration of amending the Port San Luis area map and allow the County to have permit jurisdiction on the landfill area. The map is very difficult to interpret, and the "line" currently runs through the middle of the harbor office. This matter could easily be resolved by allowing the County to take over the regulation of land use issues in the landfill area, which is now mostly used as a parking lot.

Comment: As previously stated, we support the inclusion of the pier's land use policies in the LCP. Although this area is within the Coastal Commission's jurisdiction, it is important to have the "tideland development plan" in the same document as the rest of the county. Impacts to the County's jurisdiction are generated by new or changed uses in the state waters. However, it is important that the jurisdiction authority be described so that the reader clearly understands the divisions between the County and State's authority.

Comment: We would also like to formalize the adoption process of the Port's Harbor Master Plan into the County's LCP. As the State, County, and Harbor District informally agreed to in the early 1980's, the Harbor District would develop a Harbor Master Plan and submit it to the County for approval and inclusion into the San Luis Bay Area Plan. We request this informal process be recognized by the parties, which will protect the Harbor District's legal authority for efficient development and services at Port San Luis.

In conclusion, we are pleased to see that your efforts to develop this analysis of the LCP have been successful. The document is well laid out, informative, and easy to read. We generally support your preliminary recommendations, with improvements that have been suggested earlier in this letter.

Please contact Jay K. Elder, Harbor Manager, if you wish to further discuss our comments. We look forward to working with you on concluding this review to our mutual satisfaction. Once again, thank you for allowing us to provide comments on these important matters.

Sincerely,

John Koepf
President, Port San Luis
Harbor District

C: Victor Holanda, Director
San Luis Obispo County Planning Department

BOARD OF COMMISSIONERS

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JAY K. ELDER — Harbor Manager
THOMAS D. GREEN — Legal Counsel
PHILLIP J. SEXTON, CPA — Treasurer

Sara Wan, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

February 15, 2001

Hand-Delivered

Subject: San Luis Obispo County
Periodic LCP Review; Agenda Item 5 B

Dear Chairperson Wan and Commissioners:

Thank you for allowing the Port San Luis Harbor District to submit comments on the San Luis Obispo County LCP Periodic Review Report. Our comments focus on two issues, one is reserving road capacity for coastal dependent and related uses in the Avila Valley area and the second relates to the Port's Master Plan update.

The first comment is based on the California Coastal Act provision that supports a road "reserve capacity" concept for coastal dependent and related uses. It is found in the Public Resources Code, Division 20, Chapter 3, Article 1, in Section 30200 (a).

This section establishes review standards of the adequacy of Local Coastal Programs. It goes on to state, "***public agencies (i.e. San Luis Obispo County) carrying out or supporting activities outside the coastal zone that could have a direct impact on resources (i.e. roads) within the coastal zone shall consider the effects of such actions on coastal zone resources in order to assure that these policies (of the Act) are achieved***". This mandate is not being followed in the Avila Beach area.

Commercial and residential development in and out of the coastal zone is using up road capacity on the only access corridor available to the harbor. The harbor is at the end of a two-lane road that has limited capacity. The County's resource management program does not reserve road capacity for coastal dependent and related uses, as required by the above mentioned section of the Act. Once Avila Beach Drive reaches a certain level of severity, new development of coastal access improvements will not be allowed. Future development at the Port would not be allowed once the road capacity has been reached.

The Port San Luis Harbor District requests that the revised San Luis Obispo County Local Coastal Plan address this matter by including a "reserve road capacity" for coastal access improvements at Avila Beach and Port San Luis Harbor. Adoption of specific policies reserving and protecting road capacity for future coastal access to the Avila Beach area is critical in preserving the future of coastal access improvements.

The second comment is in support of your preliminary report dated February 2, in Chapter 11: Commercial Fishing and Recreational Boating (page 351), Preliminary Recommendation 11.3: Update the Port San Luis Master Plan. The Port strongly supports this policy and urges the adoption by this Commission. In February 2000, this Commission directed the Harbor District to update our Port Master Plan. We have just begun this process and have hired a consultant to assist us with this project. Last month, the Coastal Conservancy awarded a grant in support of this work.

Recommendation 11.3 in part states that this (Master Plan update), "***should be closely coordinated with Commission and County staff***". This policy is critical of the success of our efforts to update the Master Plan. We are asking today that you direct your staff to allocate time for this work, so that we may receive your advice and counsel during the development of our Plan. Without your help and guidance, we may deliver a Plan that does not meet your requirements, and have to start all over again.

We would like to discuss these and other issues with you and your staff, once we have fully reviewed the LCP Periodic Review report. Thank you for allowing us to comment on this important document.

Sincerely,

Jay K. Elder

Jay K. Elder
Harbor Manager

c: Board of Harbor Commissioners
Board of Supervisors

ATTACHMENT F

OTHER LETTERS RECEIVED

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RECEIVED
APR 17 2001
Planning & Bldg

Cayucos

CITIZENS ADVISORY COUNCIL
P.O. BOX 781 • CAYUCOS, CA 93430

April 15, 2001

California Coastal Commission
Central Coast Office
725 Front St., Suite 3000
Santa Cruz, CA 95060

RE: Periodic Review of the San Luis Obispo County Certified LCP

The Cayucos Citizens Advisory Council has reviewed the Preliminary Report on the Periodic Review of our county's Local Coastal Program (LCP). At our April 4 meeting, the Council held public discussion on those portions of the report that directly affect the Cayucos urban area. Our discussion is complete for Chapters 2, 3, 4, 6, 7, and the Small Scale Neighborhood issue in Chapter 8. At our next regular meeting, May 2, we will discuss the remaining scenic and visual resource issues in Chapter 8 and consider the agricultural issues of Chapter 5. We will fax those comments to you on May 3.

The following comments represent the consensus of the Council (except as noted).

General. Many issues raised in the Report are the same as those raised in your staff review of the Draft Estero Area Plan (letter dated February 25, 2000). The Advisory Council worked with Mike Wulkan of County Planning to develop proposed solutions to those concerns (forwarded to your staff in October, 2000). The Council reaffirms those proposals as our current response to the relevant issues raised in the Periodic Review.

In the sections below, we provide more detailed responses on specific issues. Note, for instance, that our comments regarding shoreline armoring have changed slightly from the October proposals.

Chapter 2: New Development and Public Services. We endorse Preliminary Recommendations (PR) 2.1 - 2.6 to contain development within the existing Urban Reserve/ Urban Services Line (URL/USL). We do, however, recommend extending the URL/USL specifically to include a new school site, as noted in the Draft Estero Area Plan. We also endorse PR 2.12 and 2.15. We believe that a well-run Resource Management System (RMS) is a workable means to control the timing of new development in Cayucos.

Chapter 3. Water Quality/Marine Resources. We endorse PR 3.5, addressing closer control of post-construction runoff. We also endorse PR 3.8, redefining the "wet season."

Chapter 4: Environmentally Sensitive Habitat Areas (ESHA). In general, the Council agrees that the definition and delineation of ESHA should reflect conditions on the ground, rather than be determined solely by the current map-based system. We believe, however, that several proposals in the Report are overly broad, and would be either unfair or unworkable if applied within the Cayucos URL:

a) Some proposed definitions of ESHA are too broad. For instance, the federally-designated Critical Habitat of the red-legged frog includes the entire Cayucos urban area. Clearly, given the level of existing development, ESHA within Cayucos (including red-legged frog habitat) are confined to a few small riparian areas.

b) Within Cayucos, we agree with your statement (e.g., bottom pg. 118) that some of your ESHA proposals may be unnecessary and burdensome. We believe that ESHA within Cayucos could be accurately identified with a review of the current map-based system. The area plan maps (updated periodically) would then free property owners from the biological surveys and reports proposed.

c) The 100-ft setback from ESHA is arbitrary and unworkable; if applied, it would make most parcels near creeks unbuildable. We believe current setbacks from ESHA are adequate and appropriate. These setbacks should be strictly enforced, so that further impacts are avoided. For development near creeks, the LCP should detail mitigation measures (onsite, and possible offsite).

We believe that the LCP should reflect the special circumstances of Cayucos: a small urban area with minimal ESHA, intensely developed within the URL and unlikely, given resource constraints, to expand the URL. We would support a program to clearly delineate ESHA (mostly riparian areas), so that the burden does not fall to individual property owners.

Chapter 6: Public Access and Recreation. Blufftop access easements are unnecessary and unworkable (PR 6.2). Lateral beach access in Cayucos is interrupted only in limited areas at high tide. Easements for access between the toe of bluff and Mean High Tide Line should be uniformly required.

Chapter 7: Coastal Hazards. After discussion, the Council reaffirmed its long-standing position on seawalls (which differs slightly from that given in the Draft Estero Area Plan response): Seawalls should be permitted on undeveloped property if adjacent properties have seawalls. The string line method of determining setback is acceptable, if neighboring properties agree. The permitting process should be simple and efficient. Seawalls should be properly engineered, constructed of appropriate materials (rip rap), and should not encroach on public property.

The Council's position is based on the fact that most of the erodable bluff area in Cayucos is already armored and few undeveloped lots remain. Further, the Commission currently allows seawall placement to protect threatened structures. Thus, the Council does not see the point of allowing significant erosion to occur on a property before a seawall is allowed. We do not believe that the remaining erodable material on the bluffs constitutes a significant sand source or that current seawalls have significantly damaged the beach. Note also that shoreline armoring exists only in extremly limited areas of the county.

The Report appears to propose the eventual elimination of seawalls along the Cayucos shoreline, leaving beach front properties to erode naturally. If true, this would represent a

major change from the current policy above. Rather than removing seawalls, we suggest that as redevelopment occurs, nonconforming seawalls be replaced with ones properly engineered and sited. While we understand the general policies of the Commission regarding seawalls, we believe Cayucos represents a limited special case that should be treated accordingly.

Chapter 8: Scenic and Visual Resources. The Council generally agrees (12 for, 1 against) that the Small Scale Neighborhood SRA should *not* be restored to Cayucos. We believe that the benefits of allowing plot plan permits for small projects outweigh those of allowing appeals beyond the Board of Supervisors. We do recommend, however, that any projects requesting variances within the Small Scale Neighborhood should be appealable to the Commission. We would like to work with County and Commission staff to develop the details of that proposal. Other issues in Chap. 8 will be discussed at our May 2 meeting.

Thank you for the opportunity to comment on this Report. If you have any questions, please don't hesitate to contact me at 805-995-3059.

Sincerely yours,

Bruce S. Gibson

Bruce S. Gibson
President (Pro Tem)

CC: Supervisor Shirley Bianchi
(Pat Beck, Planning Dept.

Los Osos Community Advisory Council

Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

Commendation to CCC Staff

The Periodic Review of the San Luis Obispo County LCP, consisting of 366 pages, is a well written, seeming carefully researched and cited documentation of the alleged failure of the County of San Luis Obispo to adequately implement the LCP over the period from certification in 1988 to year 2000.

This is an extraordinary literary effort and CCC staff is commended on the document.

It appears, however, to be an academic exercise without basis in actual evaluation of the field conditions under which decisions were made, or knowledge of the particular and specific circumstances under which the administrators reached decisions at the time the decisions were made.

One wonders about the cost in person-hours and cost of this effort, and whether these resources might have better been employed in providing distinct solution, rather than in raising and identifying problems.

Purpose of the Periodic Review

It appears to be the vision of Coastal Commission Staff, as expressed throughout the Periodic Review, to limit further development and permanent habitation by humans on the Coast of California (other than visitors). If this is the intent, the document should clearly state that mission. What are the long-term impacts to areas outside of the Coastal Zone?

Is it the intent of this document and process to place finite limits on the ultimate growth of coastal communities, individually and collectively?

Is it the intent of this document to remove the permitting and compliance process from the jurisdiction of San Luis Obispo County and restore it to the California Coastal Commission?

Is the ultimate outcome of this process really going to produce better communities, better habitats, or better environment?

How long will it take to resolve the issues raised in the Periodic Review; who is responsible for making resolution; who is to provide funding for the resolution;

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what is the defined timeline; who decides the division of responsibility; who provides funding; and what deliverables to be developed?

How is this process to be brought to closure?

Planning Decision Making

The Current System: "Bottom-up Planning"

The present method of planning as described throughout this document might be termed ***"Bottom-up Planning"***. Responsibility is placed on the applicant to do research as might be required by permitting agencies. Unfortunately, those requirements for research and definition of terms and phrases are not adequately defined. The applicant is faced with the dilemma of attempting to satisfy multiple jurisdictions that have authority over the project. Unfortunately, those jurisdictions have not adequately provided guidance to clearly describe all necessary evaluation. The applicant is frequently caught between agency requirements, resulting in costly, time consumptive and frustrating procedures.

The process is site-specific and does not provide adequate consideration of regional overview and coordination. It is piecemeal rather than comprehensive planning. The needed environmental information is accumulated after the fact.

The system is backward, with the responsibility of the applicant confused and at the discretion of the agencies in jurisdiction. The Periodic Review points these problems out repeatedly throughout the document, but offers little in terms of resolution.

A Proposed System: "Top-down Planning"

This process should be reversed. The requirements of the jurisdictional agencies should be clearly defined, accurately mapped (when applicable), coordinated, and systematically updated, if required. It is incumbent upon the jurisdictional agencies to provide the necessary research to reach definition, to evaluate physical criteria, determine the rules of procedure, and provide this information to the public in a form that is accessible and understandable to the public.

While formidable, data and mapping systems are currently available and in use to document this data and information. A Geographic Information System (GIS), with relational database could be readily employed to store, map, and correlate the information affecting permit approvals, and tie that information directly to each and every parcel in San Luis Obispo County. A Tracking System for systematic review can be readily correlated with this GIS data base management system.

Much of the geophysical information is already available in data files either at the County or at Cal Poly. Read-only linkages with hardware and software are available to access this information.

A responsible professional can respond adequately to constraints upon a site if the constraints are defined and known. To the extent this definition is lacking or unknown, it is incumbent upon the agency of jurisdiction to define and do the research to provide the constraint data. This data needs to be clearly documented and prioritized in terms of importance by the jurisdictional agencies in cooperation and coordination with each other. It should not be the responsibility of the applicant to do this.

This process might be termed "***Top-Down Planning***", in which all applicable constraints affecting the land or a parcel, and pertinent at the time of permitting, are known in advance of the permitting process. The Los Osos Community Advisory Council urged this approach in 1992 with the advent of the Estero Area Plan Update. A partial and cursory Constraints Analysis was begun, but was largely ignored and abandoned in the Estero Area Plan Update process, instead of being totally resolved and implemented as part of that process.

The jurisdictional agencies have the mission, funding and responsibility to provide the necessary research and data. No one else does. Ultimately, these jurisdictional agencies have the final approval of permitting. It only stands to reason and logic that the agencies must provide the criteria to which an applicant will be held accountable and responsive and in a form accessible to the applicant or his/her representative.

If the Top-Down Planning process were implemented, it would speed up the entire permit processing procedure and would likely eliminate most appeals that might be based on responsiveness to constraints, which is one of the stated goals of the Periodic Review.

The money and extensive staff time spent in this Periodic Review could most likely have been more profitably expended in defining and producing the constraint data that is repeatedly cited in the report as missing.

Definition of terms and phrases

The following is a selection of many terms and phrases in the Periodic Review need specific definition by the CCC. It is by no means complete. Terms and phrases in the Estero Area Plan need to be defined by the jurisdictional agencies and coordinated by those agencies, not left to definition by the applicant. A glossary of terms applicable to the Estero Area Plan should be included and maintained.

"new development within the habitat shall be limited to those uses that are dependent on the resource." (p. 126)
"wetland" (p. 127)
"reasonable economic use" (p. 131)
"taking" (p. 132)
"significantly degrade" (p. 140)
"agricultural stock pond" (p. 141)
"maximum extent feasible" (p. 142)
"functional capacity of the habitat" (p. 143)
"only feasible alternative" (p. 149)
"no feasible less environmentally damaging alternatives" (p. 151)
"adverse effects are mitigated to the maximum extent possible" (p. 151)
"mitigated to the maximum extent feasible" (p. 151)
"reasonable use of private property" (p. 153)
"'necessary' water supply project" (p. 155)
"highly scenic areas" (p. 317)

Is there any difference between habitat within an Urban Reserve Line and habitat outside an Urban Reserve Line?

Where citations of the Coastal Act are made, it should be clarified what is being specifically cited or whether it is CCC staff's interpretation of the cited reference. If it is an interpretation, the citation should clearly so state.

Note: nothing is "unfeasible", but it may be "unreasonable".

Identification of Defined Areas of Concern

The following is a partial list of areas have been identified in the Periodic Review as needing further, more defined and mapped definition.

More complete ESHA delineation (p. 108)
Coastal scrub mapping (p. 109)
Mapping of all sensitive habitat areas (p. 111)
Habitat maps provided by project-specific biology reports (p. 114)
Biological analysis to determine extent of ESHAs (p. 115)
Require all development to provide specific biological information (p. 118)
Combining designations maps updated and maintained as dynamic geographic database (p. 123)
Update requirements for biological reports and investigations to be formatted in a manner that they can be incorporated into a Geographic Information System (p. 123)
Riparian habitat mapping (p. 139)

Responsibility to define Areas of Concern

The primary jurisdictional agencies involved with permitting in the Estero Area are:

California Coastal Commission
US Fish and Wildlife Service
California Department of Fish and Game
Regional Water Quality Control Board
SLO County Planning Department
SLO County Department of Health Services

among many others that have more limited jurisdiction in the Coastal Area. Whose agency has authority over other agency requirements? It would appear that the California Coastal Commission has the most comprehensive overview. Should it not be the lead agency responsible for identification, coordination and prioritization of the jurisdictional concerns of all affected agencies that have jurisdiction in the Coastal Zone?

Since the CCC is the jurisdiction for appeal, it should lead and be responsible for this effort with the other agencies that are State of California-based.

Federal jurisdiction has other, even more complicating, jurisdictional ramifications. However, the CCC should also be the responsible coordinating lead agency with the affected federal agencies, at least in the effort to define data, criteria, mapping and constraints imposed by the federal agencies, and coordinate those constraints with State agency constraints as they affect the Coastal Zone.

Who makes the judgments?

Delegation of responsibility and authority

When the Estero Area Plan was certified in 1988, the responsibility and authority to administer the Plan was delegated to San Luis Obispo County Board of Supervisors and Departments.

It is obvious from many citations and review of over 207 permit cases processed by SLO County over the period from 1988 to 1998 cited in the Periodic Review that CCC staff is not pleased with the execution of the responsibility and authority delegated to the County of SLO.

To the extent that these criticisms can actually be verified based on conditions appropriate and timely at the time permits were issued (with full understanding of the field circumstances and conditions prevailing at the time of determination), they may be justified and valid. To the extent they can't and are based only on the remaining written record, one might place some question upon the validity of this critique. Hindsight is 20-20. Foresight is sometimes less than 20-20.

In any circumstance in which power, responsibility and authority are delegated, the receiving party will not perform exactly as the delegating party would have under the same circumstances (at least under the evaluation of the delegating party). That appears to be the case here. The question is: What is a reasonable resolution of this critique in the Periodic Review? Does the CCC staff really want to suggest restoration of the CCC as the permitting authority under the LCP for San Luis Obispo County? If not, then what closure to this issue would the CCC staff recommend?

What Appeal System is there in place?

The LCP establishes an appeal process to the California Coastal Commission under

certain circumstances and conditions. The Periodic Review appears to be concerned and critical about the number of appeals to the CCC from SLO County.

The Review appears to state that the reason for these appeals to the CCC is because SLO County somehow failed to correctly administer the permitting process under the LCP.

We would submit that anyone could appeal to the CCC any decision by SLO County within the Coastal Zone, whether or not the basis for appeal is well founded. CCC has dealt with many of these unfounded cases. Some appeal decisions have been upheld in the courts; others haven't.

It is the nature of our jurisdictional process to allow appeal, regardless of the foundation of the appeal. Anybody can sue anybody or appeal any decision in our system. Appeals will not go away - they are a way of life in our society.

Costs: Who Pays?

The current system of permit administration is confusing, costly, and placed at the feet of the applicant. The cost of processing continues to escalate. The cost of environmental mitigation continues to escalate. The confusion in the present (bottom-up) system generates additional cost for the applicant.

Where these costs accrue to a single use, the applicant pays.

Where a developer pays costs, the ultimate consumer of the product pays. The developer will not pay costs that cannot be passed on to the ultimate consumer and still maintain a profit margin acceptable to the developer. Nobody really "sticks" a developer -- the "stick" to the developer is only passed on to the ultimate consumer.

While our jurisdictional agencies may think the developer pays, that's wrong. The developer won't be in business if the profit margin goes down. The only real effect is to drive up the price of the product for which the consumer pays.

No one in the jurisdictional agencies appears to care about (or be regulated by) what the cost is for the fulfillment of their mission statement. Whether the cost is to the individual applicant, the developer, or the community as a whole, the cost effect is not recognized. However, that cost affects "affordability" in the community in all cases. In most cases, the cost of satisfying the jurisdictional agencies is cumulative.

Do any of the jurisdictional agencies care who pays the cost? If they do, it is not apparent in any demands that LOCAC is aware of.

Has there been any evaluation of the effect of cost vs. the long-term benefit or cost to the payers?

Closure

In these comments, LOCAC does not wish to appear to be critical. We feel the Periodic Review has pointed out many substantive issues that need to be resolved. We have suggested methods of resolution. Our interest is in closure to this issue; resolution of the issues raised in the Periodic Review; and positive resolution of a better way to address permit processing in the Coastal Zone, with particular emphasis on our Los Osos jurisdiction.

We look forward to working with the staff of the CCC, the County and all affected jurisdictions in bringing further definition and resolve, a streamlined permitting process, and a much better general plan to guide the development of our Los Osos Community.

We point out that the recommendations stated in our Vision Statement for Los Osos, adopted in 1995 by LOCAC and the Community, still stand and are in effect to guide our future development.

We hope that the comments above will lead to that end and LOCAC stands ready to work diligently with the CCC and SLO County to make that happen.

We want the Estero Area Plan Update finalized timely, with realistic expectations, accurate definitions and mapping of concerns in our area and an accurate and defensible description of the permitting process as it affects Los Osos properties.

Thank you for the opportunity to respond.

Approved by LOCAC, March 22, 2001, yeas _____ nays _____.

_____

Maryellen Simkins, Chair

PO Box 1763
Cambria, CA 93428
April 15, 2001

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Planning & Bldg

Charles Lester, District Manager
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Mr. Lester:

What follows are my comments on the Periodic Review of the North Coast Area Plan.

I want first to thank you for organizing the meeting of March 26. We all need to work together on this most important of projects, the NCAP. I just hope that the County was listening. Special thanks are due the Coastal Commission staff for the many hours put into the Preliminary Report of February 2, 2001.

I hereby say "amen" to the statements in the CC letter of August 25, 2000 to San Luis Obispo County. The statements are low key, but the reality is very high key. The "new circumstances and changed conditions" that have come about since January 1998 are of critical importance and must be reflected in the update. I believe that the "preliminary policy alternatives" documented in the CC Preliminary Report are an excellent strengthening means and are essential for the new plan. A few issues should be emphasized.

- Certificates of Compliance and Lot Line Adjustments. Congressman Sam Farr knows well the environmental damage this can cause as he represents the Monterey County Big Sur area. He states, "A new business of land speculation has begun. It works like this: Speculators purchase the most scenic properties from estate sales, research to find historical lots in the most scenic viewsheds, then threaten to develop the property unless they are bought out. This is a new kind of environmental terrorism in that no laws are broken. But it does beak the land trust bank accounts and deplete government acquisition accounts. This type of land churning for greed is totally inappropriate in areas set aside for viewshed protection."

These are strong words. They may or may not apply to the Hearst Resort proposal, but Certificates of Compliance for antiquated subdivisions and subsequent Lot Line Adjustments have already been used in our county. They have the potential to create havoc with environmental protection. County regs must be strengthened asap.

- Buildout reduction in Cambria is of always of major importance. The executive summary of the Preliminary Report states it best. "Implement measures to control short-term growth and long-term buildout reduction in Cambria." This is so much better than page 69 in the body of the report. Here it states, "to address the small lot buildout potential of Cambria." Unfortunately, we (meaning the county) have been "addressing" the buildout potential since at least ten years ago when even the build/build owner of the local lumberyard said 8500 was a good population cap. The

only major step so far has been the East West Ranch acquisition, and primarily our private citizens, with state and conservancy help, did this.

I believe that our county, with the help of the CCSD and the Coastal Commission, must start now, meaning say, April 2001, to "implement", not to "address" buildout reduction! Waiting until the NCAP is complete will only make the problem more intractable.

- The Hearst Resort Project. I believe the possible Hearst Resort projects would be detrimental to the unique north coast and the only allowed project must be in keeping with the constraints described in the Coastal Commission's letter to the County Planning Department of August 25, 2000. The new circumstances and changed conditions necessitate a "start over" approach in the NCAP for the Hearst Resort project. Alternative 6 in the North Coast Area Plan Project Description of January 2000 appears to offer just such a "start over" approach. Under the updated NCAP, the Hearst Corporation would apply for a specific plan and LCP amendment, in keeping with the new circumstances and changed conditions.

I believe the Coastal Commission staff has carefully supported the provisions of the California Coastal Act, and trust that the County will aggressively do the same.

Yours truly,

Bob McDonnell

c: Shirley Bianchi, Supervisor, District 2
Victor Holanda, Director, Planning and Building Department

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STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

FAX TRANSMITTAL

Total number of pages, including coversheet: 2

DATE: 4-20-01

Please deliver this transmission

TO:

Pat Beck, Chief of Permitting
Dept. of Planning and Building
County of San Luis Obispo

PHONE NO: (805) 781-5981 FAX NO. (805) 781-1242

FROM: Charles Lester, District Manager

PHONE NUMBER (831) 427-4863 FAX NO. (831) 427-4877

Please notify sender if you do not receive a clear or complete copy of this transmittal.

REGARDING: 4-20-01 letter to Victor Holanda
- SLO Periodic Rev. \ SLOPR Cmt Ext.

E-1
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STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

April 20, 2001

Victor Holanda
Director of Planning
Department of Building and Planning
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Holanda,

I am writing to let you know of a change in the public comment period and tentative scheduling of the Commission's review of the staff recommendation on the Periodic Review of the County's LCP implementation. Because of extensive public comments received in the local workshops of March 26-30, and in order to continue the very productive discussions with various community groups and County staff, we are now tentatively scheduling the Commission hearing on the Periodic Review for the July, 2001 Commission meeting. This will also extend the public comment period for submittal of written comments from May 4, 2001 to June 6, 2001. The Commission's July hearing is scheduled for July 10-13, 2001, in Santa Rosa, CA.

Please contact me if you have any questions concerning this scheduling.

Sincerely,

Tami Grove
Deputy Director

cc: Pat Beck, SLO County
John Euphrat, SLO County
Charles Lester, CCC
Liz Fuchs ,CCC

H:\SLO Periodic Review\SLOPR Cmt Ext. 4.20.01.doc

CountyRoundup

ARROYO GRANDE

Lucia Mar fills vacant trustee position

Al Baughman was appointed Tuesday to fill Bill Senna's seat on the Lucia Mar Unified School District trustees.

Though already sworn in, Baughman won't become a voting board member for another 30 days, the legal time allotted for any public protest.

Al Baughman

The 78-year-old was the only applicant for the spot and was appointed unanimously by the remaining trustees.

Baughman served on the Oceano school board before it unified with the Lucia Mar district in the early 1960s. He served on the former Oceano Sanitary District board and was president of the Oceano Improvement Association for 13 years.

He retired in 1984 as a civilian general engineer for the Air Force at Vandenberg.

The remaining trustees on Tuesday also gave Senna a plaque of appreciation for his service since 1994. The Oceano resident resigned recently for family reasons and because of a potential conflict with his role as an Oceano Community Services District director.

"I've served with some wonderful people," Senna said about his years as trustee. "We didn't always agree on everything. But the one thing we did agree on was trying to do what's best for kids."

— *Carol Roberts*

MORRO BAY

New round of Duke workshops under way

The California Energy Commission has launched a round of public workshops as it reviews Duke Energy's plans to modernize its Morro Bay power plant.

The workshops will address how the modernization will affect the area.

Meetings will be held today, Tuesday, Wednesday and Thursday, June 14, at the Morro Bay Community Center, 1001 Kennedy Way. Each meeting will run from 2-9:30 p.m. Other meetings will be held at the Morro Bay Veterans Memorial Building, 209 Surf St. — on June 15 with time to be announced and on June 21 from 2-9:30 p.m.

The meetings will cover topics such as:

- Project efficiency, reliability, waste management, worker safety and hazardous materials;
- Project impacts on traffic, geology, paleontology and groundwater flooding;
- Noise, land use and plant project alternatives;
- Findings from the Regional Water Quality Control Board study of the current plant's cooling system and its effect on marine life in the bay;

California Energy Commission hearings on the project are expected in July or August.

— *Matt Lanier*

NIPOMO

District OKs limits on school's boundaries

The attendance boundaries for the new Nipomo High School won't include homes from Green Place north to Sevada Lane.

Lucia Mar School District officials had talked about including students in the blocks between Green Place and Sevada Lane, but several objections from parents there led trustees Tuesday to leave those areas out of the Nipomo High boundaries. That means students there will attend Arroyo Grande High School after the new Nipomo campus opens in fall 2002.

About 600 freshman and sophomores from the community of Nipomo north to Green Place and Pomeroy Road will attend the new school. So will some students from parts of Oceano.

School enrollment will be expanded to include juniors in 2003; seniors to be added the following year — for a total of about 1,100 students.

— *Carol Roberts*

NIPOMO

Bus service to survive through September

Nipomo Transit's endangered dial-a-ride bus service will continue, at least through September.

On Wednesday, the San Luis Obispo Council of Governments — made up of all five county supervisors and a representative from each city — voted unanimously to continue funding the bus through September.

That will give the service a chance to increase ridership over the summer, and also will show what happens once school reopens.

Because of low ridership, officials had been considering discontinuing the bus service, which started last August as a one-year pilot. But since the 16-passenger bus switched to a full-time, dial-a-ride system — discontinuing the fixed route service that had been offered — ridership has been picking up.

For information on the service, call 929-2881.

— *Stephanie Finucane*

SAN LUIS OBISPO

Busy supervisors meeting creates chaos

The longest agenda in recent county Board of Supervisors history created confusion Tuesday with some people missing out on their chance to discuss the review of the county's Local Coastal Program.

The agenda included 62 items for board action with often contentious items such as General Hospital, MTBE contamination and the Salinas River Area Plan.

The consent agenda, traditionally the place for routine actions that are often voted on together, included 57 items. The consent agenda is often concluded in a half an hour, but 21 consent items were pulled for discussion or separate vote Tuesday. That took all day, with the last one finished at 4:57 p.m.

That meant some hearing items, including MTBE and the Salinas plan, had to be postponed to a later meeting. At one point it appeared the periodic review of the Local Coastal Program also would be postponed. But facing a deadline from the Coastal Commission, the board went ahead with the hearing.

Because some people who waited most of the day to give their testimony had left by then, the board has agreed to accept faxed comments and attach them to the county's response to the state. Those comments must be sent to 781-1242 by Friday.

— *Richard Jackoway*

SHOW STOPPER: CA

Ken Thomason of Redondo Beach, a
San Luis Obispo on Wednesday. H
them to drink plenty of water and
Paso Robles then headed west to
they spent the night. Riders, who
leave the county today. The ride e

Rescue

From Page B1

lice Cmdr. John DeRohan, the man ran through a resident's yard and fell about 10 feet to a narrow shelf covered with plants that perched 15 feet above the ocean. It was on this precarious spot that the man stayed for the next six hours.

Police and emergency staff stationed themselves in the back yard at the home of Shell Beach resident Stephen Beck. Beck, who is a veterinarian, offered emergency use of his bathroom and said he didn't mind the 20-plus officers and firefighters who had overtaken his patio directly above the spot where the man landed.

Grover Beach police officer Mark Penza negotiated with the bloodied man, who several times during the ordeal tried to slice his wrists with a pocket knife, which he wore around his neck. Police said the knife was dull, and the

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

TH 4a

EXHIBIT D:

LETTERS OF COMMENT RECEIVED AS OF JUNE 12, 2001

ON PRELIMINARY PERIODIC REVIEW REPORT OF FEBRUARY 2, 2001

Exhibit D: Comments On Preliminary Report Received as of June 12, 2001

TH 4a

PUBLIC AGENCY COMMENTS **(Note: Complete SLO County Comments provided in Exhibit C)**

Company	Name	Date	Page No.
Cambria Community Services District	Kenneth Topping	March 23, 2001	D-1
Port San Luis Harbor District	John Koepf	April 25, 2001	D-3
San Luis Obispo County Dept of Bldg & Plng	John Hofschroer	May 17, 2001	D-12

GROUP COMMENTS

Company	Name	Date	Page No.
The Utility Reform Network	Rochelle Becker		D-27
San Luis Obispo County Chumash Council c/o Law Office of Tarren Collins	Fred Collins & Mark Vigil	June 10, 1999	D-28
The Cambria Legal Defense Fund	Suzy Ficker	February 14, 2001	D-44
San Luis Obispo County Farm Bureau	Joy Anne Fitzhugh	February 15, 2001	D-46
Coastwalk	Nancy Graves & Richard Nichols	February 15, 2001	D-50
Access Piedras	Deborah Barker	February 15, 2001	D-52
The Cambria Forum	Wayne Ryburn	February 19, 2001	D-56
Morro Coast Audubon Society, Inc.	Steve Schubert & Marla Morrissey	March 12, 2001	D-57
Los Osos Community Advisory Council	Maryellen Simkins	March 23, 2001	D-60
California Native Plant Society	David Chipping	March 24, 2001	D-69
San Luis Obispo County Cattlemen's Assn.	Pat Molnar	March 26, 2001	D-72
North Coast Alliance	William G. Allen	March 26, 2001	D-73
North Coast Alliance	William G. Allen	March 26, 2001	D-74
NCAC Agriculture Representative		March 26, 2001	D-76
San Luis Obispo County Farm Bureau	Hugh Pitts	March 28, 2001	D-77
Rogoway Planning Group	Ned Rogoway	March 28, 2001	D-81
Rogoway Planning Group	Ned Rogoway	April 6, 2001	D-86

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Company	Name	Date	Page No.
Cambria Farm Center	Dave Crowther	April 7, 2001	D-97
Rogoway Planning Group	Ned Rogoway	April 9, 2001	D-99
North Coast Alliance	William G. Allen	April 10, 2001	D-105
Rogoway Planning Group	Ned Rogoway	April 12, 2001	D-106
Cayucos Citizens Advisory Council	Bruce Gibson	April 15, 2001	D-109
SLO Coast Alliance	Tarren Collins & Pam Marshall Heatherington	April 16, 2001	D-112
San Luis Obispo County Visitors & Conference Bureau	Jonni Biaggini	April 16, 2001	D-113
Rogoway Planning Group	Ned Rogoway	April 17, 2001	D-116
United Lot Owners of Cambria	Deryl Robinson	April 25, 2001	D-119
Fire Chiefs Assn. Of San Luis Obispo County	Greg O'Sullivan	May 2, 2001	D-236
Cayucos Citizens Advisory Council	Bruce Gibson	May 3, 2001	D-238
San Luis Obispo County Cattle Women	Susan Hermrick	May 10, 2001	D-239
Upper Salinas-Las Tablas Resource Conservation Dist	Chuck Pritchard	May 10, 2001	D-242
Cambria Focus Group		May 13, 2001	D-244
Rogoway Planning Group	Ned Rogoway	May 14, 2001	D-245
Coast Unified School Dist	Dennis De Clercq	May 15, 2001	D-248
The Hearst Corporation	Stephen Hearst	May 17, 2001	D-250
Rogoway Planning Group	Ned Rogoway	May 30, 2001	D-268
Environmental Center of San Luis Obispo County	Pamela Marshall Heatherington	June 1, 2001	D-272
SLO Coast Alliance	Doug Buckmaster	June 1, 2001	D-278
Sierra Club-Santa Lucia Chapter	Tarren Collins	June 3, 2001	D-281
UnLOC	Deryl Robinson	June 4, 2001	D-284
The Hearst Corporation	Steve Hearst	June 5, 2001	D-357

INDIVIDUAL COMMENTS

Name/Company	Date	Page No.
Salvatore Grimaldi		D-377
Elizabeth Lambe		D-381
Tom Rehkugler		D-382

Exhibit D: Comments On Preliminary Report
Received as of June 12, 2001

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Name/Company	Date	Page No.
Arthur Van Rhyn		D-384
Rob Strong	January 20, 1998	D-385
Joan O'Keefe	February 5, 2001	D-387
Lisa Wallender	February 6, 2001	D-388
Hyman Weiser	February 6, 2001	D-389
William McThee	February 6, 2001	D-390
Marilyn Brewer	February 6, 2001	D-391
Gillian Cutshaw	February 6, 2001	D-392
Laura Davick	February 6, 2001	D-394
Patricia Van Rhyn	February 6, 2001	D-395
Colleen Johnson	February 6, 2001	D-397
James Patterson	February 6, 2001	D-399
Charmeon & Herb Koeser	February 6, 2001	D-401
Don O'Connor	February 6, 2001	D-402
Mindy Lounz	February 6, 2001	D-403
Tim O'Keefe,CAL POLY	February 6, 2001	D-404
Richard & Nancy Sevatson	February 6, 2001	D-406
Doug & Lee Buckmaster	February 7, 2001	D-407
Gail Robinette	February 7, 2001	D-408
Shale Hanson	February 7, 2001	D-409
Jeff Davis & Jane Jensen-Davis	February 9, 2001	D-410
Claudia Hooks	February 10, 2001	D-411
Mr. & Mrs. Ray Bracken	February 12, 2001	D-412
Patti Dunton, Playano Salinan Heritage Services	February 13, 2001	D-413
Robert Staller	February 15, 2001	D-414
Deborah L.K. Barker	February 15, 2001	D-416
Barbara Hagiwara	February 15, 2001	D-417
Luba Stoller	February 15, 2001	D-419
Martin Verhaegh	February 15, 2001	D-420
Ruth Madocks	February 16, 2001	D-421
Patti Dunton, Playano Salinan Heritage Services	February 20, 2001	D-422
Walter Leimert, Walter Leimert Co.	March 15, 2001	D-424
Kristi Hardin	March 18, 2001	D-431
Marie & Jim Smith	March 19, 2001	D-432
Norbert Dall, Dall & Associates	March 23, 2001	D-439
Norbert Dall, Dall & Associates	March 24, 2001	D-440
Jesse Arnold	March 26, 2001	D-441
Joy Anne Fitzhugh, Fitzhugh Ranch	March 26, 2001	D-443
Drs. Ann & Walter Picker	March 26, 2001	D-446
Walter & Judith Fitzhugh, Fitzhugh Ranch	March 26, 2001	D-449

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Name/Company	Date	Page No.
Claudia Harmon, NCAC	March 26, 2001	D-450
William Raver	March 28, 2001	D-452
Vince McCarthy	March 28, 2001	D-454
Richard Parker	March 29, 2001	D-456
Mahala Burton	March 29, 2001	D-458
Rob Strong, Strong Planning Services	March 29, 2001	D-461
Linda Young	March 30, 2001	D-462
Ann Dennis	April 2, 2001	D-463
Doug Buckmaster	April 4, 2001	D-464
Coralie McMillan	April 4, 2001	D-466
Thomas Rakoczy	April 5, 2001	D-474
Bobbi Brosnan	April 6, 2001	D-475
Robert Soto	April 9, 2001	D-477
Craig & Angela Beecham, C. Beecham Company	April 11, 2001	D-478
Betty Farrar Odell	April 12, 2001	D-479
Bob McDonnell	April 15, 2001	D-482
David Odell	April 15, 2001	D-484
Patty Mara Gourley	April 18, 2001	D-485
Diana Flatt	April 18, 2001	D-486
Clyde Warren	April 24, 2001	D-488
Karen Suty	April 27, 2001	D-502
Doug & Kim Jones	May 3, 2001	D-503
Jill & Darrel Abercrombie	May 8, 2001	D-505
Jerry Leonard	May 10, 2001	D-507
Shawn Curtis Harris	May 11, 2001	D-511
Tarren Collins, San Luis Obispo County Chumash Council	June 3, 2001	D-512

Name/Company	Date	Page No.
Mark DiMaggio	March 26, 2001	D-514
John Braly, California Cattlemen's Association	March 28, 2001	D-515
Chris & Jennifer Nossaman	March 29, 2001	D-516
Jim Marrocco	April 2, 2001	D-517
Thomas Rakoczy	April 11, 2001	D-518
Richard Parker	April 27, 2001	D-519
Eric Knapp	May 1, 2001	D-521
Jo Dean & Al Geul	May 4, 2001	D-522
William Allen, North Coast Alliance	May 7, 2001	D-523
Babak Nacify, Environmental Defense Center	June 7, 2001	D-524
Kenneth Topping, Cambria Community Services Dist	April 27, 2001	D-542

Comments re Preliminary Report
Periodic Plan Review
San Luis Obispo County Local Coastal Program

Kenneth C. Topping, FAICP
General Manager
Cambria Community Services District
Revised March 23, 2001

We appreciate the substantial effort and professionalism on the part of Coastal Commission staff reflected in the Preliminary Report as well as its environmentally friendly tone. However, the District has the following comments, concerns, and suggestions related to the draft document.

1. *Timing*. The Cambria Community Services District received the 20-page Executive Summary from the California Coastal Commission a little over one week before the February __ 2001 meeting in San Luis Obispo. The complete text was obtained from the Internet on February 5, 2001, without maps or appendix. The full document with maps was received in early March. CCSD appreciates the extra time and effort taken for public comment.

2. *Generality vs. Complexity*. The Executive Summary is very general and does not meaningfully cover locally important issues. The full text, which contains 364 pages, is organized by sections of the Coastal Act, making it difficult to correlate prescriptions for a community such as Cambria. Content impacting the Cambria Community Services District is scattered throughout Chapters 2 – 9 in the complete report. Community cross-referencing and indexing should be included.

3. *Impacts on Other Agencies*. Although the Preliminary Report is focused on land use issues in the unincorporated area, it has widespread ramifications for local service provision and natural resource management by entities other than county government such as the Cambria Community Services District. The document should be recognized as not merely a land use plan revision. Its impact on other government entities should be fully acknowledged.

4. *Natural and Technological Hazards*. The full text pays passing attention to hazards issues of substantial local importance. For example, the issue of wildland fire hazards in Cambria is mentioned very briefly. This is a matter which substantially impacts water requirements and building design. Another example is MTBE groundwater contamination in the local coastal communities of Cambria, Morro Bay and Los Osos. Given the growing concern over MTBE groundwater contamination in the region, the environmental ramifications of this threat should be more fully developed.

5. *Build-out Reduction*. One issue very important to Cambria is the opportunity for CCSD to jointly pursue with the County long-term build-out reduction through land acquisition, lot retirements, and conservation easements. The East-West Ranch acquisition is an excellent example of this strategy. Many people in Cambria participated in this effort. Through a Water Master Plan currently under way the CCSD is pursuing build-out reduction for the purpose of

long-term water demand management. The Periodic Review should encourage a cooperative County/District build-out and long-term service demand reduction strategy.

6. *Hearst Resort*. The Preliminary Report also makes only indirect reference to the revival of a Hearst resort development proposal. Sizing and local service and housing impacts of such development should be addressed by the Coastal Commission before a specific plan comes forward from the Hearst interests.

7. *Hearst Castle Visitor Increase*. The report is virtually silent on local service impacts of the State Parks' announced goal increase Hearst Castle visitor attendance from 250,000 to 400,000 in the next five years. Potential infrastructure and housing impacts of Castle visitor attendance should be recognized and solutions sought for local service providers as well as for the County.

8. *Resource Protection and Conservation*. The report does not fully recognize the significant upswing in resource protection and conservation actions taken by local entities. For example, acquisition of the East-West Ranch and the new conservation easement on the Cambria Coast Ranch are noted in passing but the conservation, public access, and build-out reduction ramifications of these significant events are insufficiently elaborated. This may be in part caused by the subject-oriented (rather than place-oriented) organization. Increased cross-referencing might help here, but further elaboration seems necessary.

9. *Infrastructure Financing*. The report has far ranging ramifications and impacts regarding infrastructure provision yet does explore methods for financing needed improvements. Since this is directly relevant to the issues in Chapter 2, more attention is needed.

10. *Technical Errors*. The report contains technical errors and omissions which influence interpretation. For example, recently received maps indicate the boundaries of the East-West Ranch park and open space incorrectly, and show the former school site on the East-West Ranch as a subdivision. Statistics on development trends and water use are not current. These will be specifically referenced in the April report to your Board for transmittal to the Coastal Commission and Board of Supervisors.

11. *Time for Adequate Input*. Finally, the District requests a time allotment of 15 minutes rather than 5 minutes at the next Coastal Commission hearing on this matter and at the Board of Supervisors consideration of this matter.

P.O. Box 249
Avila Beach, CA. 93424
Phone: 805.595.5400
Fax: 805.595.5404

Port San Luis Harbor District

RECEIVED
APR 26 2001
CALIFORNIA
COASTAL COMMISSION

CL/LF/AH

Fax

To:	Steve Monowitz	**From:**	Jay Elder, Harbor Manager
Fax:	831.427.4877	**Date:**	April 25, 2001
Phone:	831.427.4863	**Pages:**	9
Re:	LCP Review – Port Comments	**CC:**	

☐ **Urgent** X **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Steve:

Attached find the Harbor District's comments on the draft LCP Review document dated Feb. 2001. We also submitted a letter with additional comments at the Feb. Commission meeting in San Luis Obispo. If you can not find a copy of our earlier letter please let me know and I will forward another copy.

Please give me a call if you have any questions on this matter. Thank you.

Jay K. Elder

Jay K. Elder

Attachments

BOARD OF COMMISSIONERS

JOHN KOEPF — President
JIM BLECHA — Vice-President
JACK SCARBROUGH — Secretary
CAROLYN MOFFATT — Commissioner
BRITT PHILLIPS — Commissioner

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DRAFT

JAY K. ELDER — Harbor Manager
THOMAS D. GREEN — Legal Counsel
PHILLIP J. SEXTON, CPA — Treasurer

Peter Douglas, Director
Attn: Steve Monowitz
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

April 25, 2001

Re: Periodic Review of the San Luis Obispo County
Local Coastal Program
Harbor District - Comments

Dear Mr. Douglas:

Thank you for allowing the Port San Luis Harbor District to comment on the February 2, 2001 draft Periodic Review of the SLO County Local Coastal Program document. We find this document to be well written and thorough. We have reviewed the document and have some comments we would like you to consider.

The Coastal Act ("Act"), Section 30519.5 requires the Commission to conduct a periodic review of the local government's Local Coastal Program (LCP). The basic purpose of the review is to determine whether the LCP is being effectively implemented in conformity with policies of the Coastal Act. As you are aware, there are sections of the Act where the priority uses or development come into conflict. The focus of our comments is on these conflicts. We request your advice and counsel in resolving these issues as they may relate to the Port San Luis Harbor District.

The Harbor District understands that the review of the San Luis Obispo County LCP encompasses the entire county, which is broken down into four different Planning Areas. The Harbor District is in the San Luis Bay planning area. The challenge the Commission has is to review each Planning Area, taking into consideration site-specific characteristics that may not apply to the other County LCP Planning Areas. Our comments will highlight areas at Port San Luis that are critical to protect and expand coastal public access opportunities, the protection of coastal dependent and related use, and consolidation of development near existing facilities. The Act policies may be in conflict with some of the preliminary recommendations that may be good for the North Coast Planning Area, but create a problem at Port San Luis. Again, we will be looking towards the Commission to help us address and resolve these conflicts.

PORT OF ENTRY — U.S. CUSTOMS

Chapter 2: New Development and Public Services

Policy framework makes the following statements:

* We agree that new development must be located within contiguous to or in close proximity to existing development areas where service capacities are adequate.
* Where resources or services are limited; coastal dependent land uses, essential public services, public and commercial recreation and visitor-serving land uses shall not be precluded by other development.
* New development must demonstrate that adequate service capacities are available to serve proposed development.
* The County's Resource Management System (RMS) is intended to implement these policies.

C. Preliminary LCP Implementation Issues (pg. 16)

* A primary issue (3) is to assure availability of public services for new development, particularly coastal dependent and related uses.

Preliminary Recommendation 2.10 – Require Resource Capacity Studies prior to major development.

Comment: This recommendation may require expansion to include a reserve capacity of services (roads) to protect coastal dependent and related uses, including visitor serving. The Avila Beach Drive serving Port San Luis is reaching capacity with upland development. Future coastal dependent and related uses, including visitor-serving use at the Port may not be allowed in the future if non-coastal dependent uses continue to be built in the Avila Valley. We recommend adding text and a policy recommendation where Avila Beach Drive and a reserve capacity for Coastal Act priorities are discussed in this section.

General Conclusions (pg. 68) second paragraph –

Comment: You are correct in your finding that the County is prematurely approving projects, which reserves future capacity of services (roads) for non-priority land uses. This is especially prevalent in the Avila Valley. The County's own Public Works Policy 8 of the General Plan has not been followed.

Comment: We recommend that a new Recommendation (2.20) be added which mandates reserve capacity of all public works services to planning areas which may provide coastal priority land uses in the future.

Chapter 3: Water Quality/ Marine Resources

Comment: The Harbor District strongly supports measures to control the volume of material and possible contaminants into the San Luis Creek and/or San Luis Obispo Bay. Erosion and sedimentation into the San Luis Creek potentially affects disposition of material into the boating access improvements at the Port. The health of beach-goers should not be compromised by the presence of toxins or contaminants. Wetlands and riparian habitats

are essential features of the marine ecological system, and should not be compromised by pollution or contamination.

Comment: Appendix D: The section Marinas and Boating Areas has been reviewed and we have the following comments. This appendix was taken from the State's "*Plan for California's Non-Point Source Pollution Control Program*" and is being recommended for incorporation into the County's LCP document. This section is very broad in scope and seems to overlap other regulatory jurisdictions and may add redundancies to the process. The Harbor District is a strong supporter of clean waters, as demonstrated in our past actions that have made improvements in controlling pollutants going into the ocean.

The Local Coastal Plan is just that local. The County's jurisdiction does not go into the state waters or the Commissions original jurisdiction where the marinas and harbors are generally located. Many of the suggested management measures are outside of the jurisdiction of the County and are already enforced by numerous State agencies. We recommend that this section not be made a regulation, but a suggested program, which refers the measures to the responsible regulatory agency.

C.3 – Recreational Boating

Comment: We agree that the LCP should be updated to reflect polluted runoff from marinas and recreational boating areas to reflect new information and best management practices.

Comment: The Harbor District is planning on the construction of a new water quality control measure in the boatyard this fall. Cost of these improvements is currently estimated at $850,000.

Comment: The LCP does state that development plans for Port San Luis "also allow for future offshore oil support facilities." It is important to note and correct the LCP, that the Unocal Pier is being decommissioned, and that the University of Cal-Poly is currently in lease negotiations for a change in use of the facility from oil related to education. The County and Port have ordinances that require the vote of the people to allow any onshore support oil facilities for development. These ordinances should be referenced in the LCP. The potential change in use of the marine pier to education should also be addressed. An offshore oil support facility mixed with an educational use may not be compatible. Clarification of this pier's future use is required in the LCP.

Comment: The issue of water quality and its relationship to the LCP is problematic. The Coastal Commission and State Water Quality Control Board are generally looked upon to regulate ocean water quality and land use issues. We recognize that the County has permit authority landside, but the County does not regulate water quality issues in the ocean. The discussion on this matter does not make it clear on how to better control landside development in marinas and how recreation boating areas will be managed, especially "in the water." We suggest coordination of this section with the County and Water Quality Control Board.

Chapter 4 – Environmental Sensitive Habitat Areas

Policy Framework states:

"...These policies have the potential to conflict with other goals of the Coastal Act, such as maximizing public access and recreational opportunities, increase recreational boating ..."

Comment: We recognize this potential conflict, but it does not seem to be resolved in the preliminary recommendations. The Harbor District has recently completed a FEIR on the Harbor Terrace properties that addresses the habitat issue. Currently, the property is shown on the county maps as being a sensitive habitat area. The analysis and findings of the Port's EIR should be used to update the Port San Luis area map. This recommendation is consistent with your proposed alternatives of updating the Combining Designation maps. Alternative C2 specifically applies to the previous distributed lands known as Harbor Terrace. We support this alternative.

Comment: The preliminary recommendations (4.1, 4.2, and 4.3) are commendable. However, they are potentially very expensive to implement. Grants should be made available to issue timely and comprehensive implementation of map updating.

Comment: We would request excluding the Harbor Terrace lands from the ESHA map (per the recent EIR findings) or include a provision in your recommendations that would further clarify the allowance of coastal dependent and related uses, including visitor-serving uses on the Harbor Terrace properties at Port San Luis.

Comment: We also recommend better (larger scale) maps of the Avila and Port area to better determine the combining designations for each land parcel.

Chapter 5: Agriculture

Comment: We support best management practices and implementation of mitigation resources that protect riparian habitat from sedimentation and its effects on navigation, as well as the control of contaminants from entering into the creeks.

Chapter 6 -- Public Access and Recreation

Comment: This chapter is critical to the Harbor District and is also an essential function of the Port. In order for the District to continue providing and maintaining these types of services and facilities, an economic balance must be found. Visitor-serving land uses at Port San Luis will provide us with revenue to continue to operate and maintain these public facilities. The Harbor Terrace property can provide us with that revenue stream.

Comment: The Pecho Coast Trail is limited in its operational scope for public access to the coast in this area. The Harbor District owns a 25-acre parcel of land (lighthouse) that is surrounded by Pacific Gas and Electric private lands. Limited access to the lighthouse properties results from this privately held land. To improve public access to the lighthouse properties, a replacement pier at the small pocket beach adjacent to the breakwater would be required. Any future development plans on the PG&E lands

should include increased public access improvements. A replacement pier at the lighthouse beach would meet this Coastal Act requirement.

Comment: The Harbor District, in conjunction with the Coastal Conservancy, is preparing to update to our Harbor Master Plan. Included in this update will be a comprehensive San Luis Obispo Bay Access Plan. This Coastal Access Plan should be incorporated into the revised San Luis Bay Planning Area of the LCP.

Comment: We again raise the issue of providing a reserve capacity (road) for the Avila Beach Drive to coastal dependent and related uses in the San Luis Bay area (Avila and Port San Luis). This will protect future public access improvements, recreational, and visitor serving improvements.

Comment: In regards to C.3 – Visitor Serving Access and Recreation, we agree with your statement that low cost visitor serving recreational use is more suitable for areas in the coastal zone where resources are limited and where the sensitive resources need to be protected. This again relates to our request that the Harbor Terrace property at Port San Luis be regarded as a unique situation, and that a road capacity reserve be allocated for future development, as well as requesting re-designation of ESHA map be completed. This will insure and allow for the District to provide future visitor serving and coastal related uses on those properties.

Comment: Preliminary Recommendation G-7 – We strongly support this recommendation, especially the last sentence which would reserve road capacity on (Avila Beach Drive) for priority visitor serving uses in the future.

Chapter 7 – Coastal Hazards

Shoreline erosion -

Comment: This chapter mainly discusses the North Coast Area Plan, with a focus on Cambria and Cayucos. The Harbor District supports the general theory set forth regarding this matter; however, the proposed recommendations could result in negative effects to other planning areas, such as Port San Luis. There is only one road into the harbor, Avila Beach Drive, which has the Pacific Ocean on one side and coastal bluffs on the other. There are portions of this road without shoreline protective devices. Other areas have rip-rap installed. At the intersection of Avila Beach Drive and Diablo Canyon Road, there has been extensive bluff erosion, and the road is in jeopardy of washing out. This would effectively close the Port. Shoreline protection is critical in this area to protect the road. Consideration of moving the road inland is not possible due to a sensitive archeological site. Provisions to allow some type of bluff protection devise to be installed in this area requires that the policies make a provision to allow such improvement. We recommend the sensitive balance of protecting the beach sandy area and the coastal road access importance be addressed in your recommendations. We are also aware of the aesthetic and visual effects of a shoreline protective device. However, we believe this to be an important issue to protect continued access into the harbor. We therefore request you revise the recommendations to allow for shoreline protection in cases that exist on the Avila Beach Drive, as explained above.

Comment: There is a general discussion of the larger littorall cells (sand movement) within the county. It should be noted that a sub-cell exists within San Luis Bay. This sub-cell has been identified by Dr. Craig Everts and extends from the federal breakwater to Fossil Point. The movement of sand within the bay creates a dilemma for the Harbor District, requiring us to perform maintenance dredging on a consistent basis. Provisions should be included in this Plan Review that recognizes this phenomena and the requirements to dredge in order to continue boating access at the Port. There also is potential that a fixed structure may someday be required to alleviate this problem and reduce our dependence of annual dredging. We therefore would request a new recommendation be added that addresses this specific issue.

Chapter 8 – Scenic and Visual Resources

The Coastal Act specifically protects the character of special coastal communities that may have unique characteristics or are a popular visitor destination point (Sections 30251 and 30253).

Comment: Avila Beach is a very popular visitor destination place, which has potential to grow to accommodate future needs. Port San Luis is a protected cove that enjoys sunny days and calm waters. We recognize the need to protect the scenic values of the San Luis Obispo Bay, yet the Coastal Act recognizes the need to accommodate public access and low cost visitor serving uses in existing developed areas such as the Port. Harbor Terrace provides the lands where such additional recreational and visitor serving land uses may be developed in the future. Provisions in the LCP revision should recognize the Harbor Terrace as a place that can be developed for such uses, at the same time protect the resources. The recently completed EIR for the Harbor Terrace included mitigation measures that resolved this paradox. We are generally supportive of view shed protection, but also support mitigations to visual effects of a development when other Coastal Act priority uses are jeopardized. We therefore recommend you review and address the Harbor Terrace property and develop recommendations, which allow for visitor serving improvements, if proper mitigation measures are implemented to reduce the visual impacts.

Chapter 9 – Archeological Resources

Comment: We generally support the recommendations in this chapter and offer no specific comments.

Chapter 10 – Energy & Industrial Development

Comment: The Unocal marine terminal is no longer in operation. The University of Cal-Poly is in lease negotiations with the Harbor District to take over the pier for educational and research work. Unocal has told Cal-Poly they would donate the facility to the University if the details could be worked out. This potential change in use affects the current LCP language as it relates to offshore oil use on the pier. As previously stated, the County and Harbor District have adopted ordinances that would require a vote of the people if an onshore support oil facility was proposed. There also exists the possibility that another oil or gas company may wish to utilize this facility, especially with the energy crisis and a new administration. These issues should be addressed in

detail in the revised LCP, and the current language amended to bring the plan into conformance with the current status of the issues.

Comment: B. Background – fourth paragraph: The LCP specifically states that the County or the State Department of Parks & Recreation or other agency, shall be offered the right of first refusal for piers no longer needed for petroleum operations. This is not what the lease between the Harbor District and Unocal says. As state tidelands administrator of San Luis Obispo Bay, the Harbor District owns the property, and the County or State Parks has no jurisdiction. This statement should be corrected.

Comments: The Harbor District recognizes the importance of including all potential land uses and coastal policies in a single document, the Local Coastal Program. It is, however, crucial that the jurisdiction of the County and Coastal Commission be clearly explained to the reader and in the same document where the offshore (piers, harbors, etc.) land uses are discussed.

Chapter 11 – Commercial Fishing and Recreational Boating

Comment: At the direction of the Coastal Commission, the Harbor District is currently updating the Harbor Master Plan. We support Recommendation 11.3 and strongly urge the County and Commission to assist the Port during this update with their input and advice.

Chapter 12 – Implementation Procedures

Comment: We would request the Commission's consideration of amending the Port San Luis area map and allow the County to have permit jurisdiction on the landfill area. The map is very difficult to interpret, and the "line" currently runs through the middle of the harbor office. This matter could easily be resolved by allowing the County to take over the regulation of land use issues in the landfill area, which is now mostly used as a parking lot.

Comment: As previously stated, we support the inclusion of the pier's land use policies in the LCP. Although this area is within the Coastal Commission's jurisdiction, it is important to have the "tideland development plan" in the same document as the rest of the county. Impacts to the County's jurisdiction are generated by new or changed uses in the state waters. However, it is important that the jurisdiction authority be described so that the reader clearly understands the divisions between the County and State's authority.

Comment: We would also like to formalize the adoption process of the Port's Harbor Master Plan into the County's LCP. As the State, County, and Harbor District informally agreed to in the early 1980's, the Harbor District would develop a Harbor Master Plan and submit it to the County for approval and inclusion into the San Luis Bay Area Plan. We request this informal process be recognized by the parties, which will protect the Harbor District's legal authority for efficient development and services at Port San Luis.

In conclusion, we are pleased to see that your efforts to develop this analysis of the LCP have been successful. The document is well laid out, informative, and easy to read. We generally support your preliminary recommendations, with improvements that have been suggested earlier in this letter.

Please contact Jay K. Elder, Harbor Manager, if you wish to further discuss our comments. We look forward to working with you on concluding this review to our mutual satisfaction. Once again, thank you for allowing us to provide comments on these important matters.

Sincerely,

John Koepf
President, Port San Luis
Harbor District

C: Victor Holanda, Director
San Luis Obispo County Planning Department

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

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CENTRAL COAST AREA

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

RECEIVED
MAY 23 2001
CALIFORNIA
COASTAL COMMISSION

May 17, 2001

Steve Monowitz, Coastal Analyst
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 94105

Re: Comments submitted by United Lot Owners of Cambria (ULOC) concerning Cambria buildout estimates provided by the County

Dear Steve,

We have received a copy of a letter from United Lot Owners of Cambria (ULOC) to you concerning Cambria and the County's buildout estimates. After review, we are concerned with many of the statements and would like to reply to them.

As an overall comment, the letter and attached 'report' rely heavily on a list of owners obtained by ULOC from the County Assessor's Office. On request, the County Assessor provides digital data on ownership in the county. This data is usually used for mailing list purposes, and does not contain information sufficient to estimate buildout. In the letter and 'report' ULOC has characterized that their data is from a "SLO County Assessors Report", and attempts to show that the assessor has sorted the data in various ways. We have met with the Assessor, and can confirm that the County Assessor did not prepare this report, nor do they conduct buildout estimates.

Estimating Buildout in Cambria - the process the County followed

By way of background, one of the first steps in starting the update of the North Coast Area Plan (NCAP) in 1990 was to conduct a land use survey and buildout estimate of the current plan. Together with new population data provided by the 1990 census, we published our surveys as background reports to help inform the community during the issue identification process. Our initial survey was conducted in 1990, and was later expanded and updated in 1995 to include non-residential, motels, and public uses. The reports were widely circulated and subject to substantial scrutiny.

During the drafting of the North Coast Area Plan (NCAP) Update, the County prepared the following 3 reports that are most relevant to the subject: *Draft Background Report - NCAP*

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636
EMAIL: ipcoplng@slonet.org • FAX: (805)781-1242 • WEBSITE: http://www.slonet.org/vv/ipcoplng

Revised Land Use Survey and Buildout Estimates, November 1994, *NCAP Population Characteristics, March 1995*, and *NCAP Revised Plan Alternatives, August 1996.* These reports provided extensive baseline data about existing land use and the amount of developed, partially developed and vacant land located in the 12 land use categories in Cambria.

In 1997 the County hired Hausrath Economic Group to look again at the data and estimate the cost of purchasing some or all of the vacant lots. The data and conclusions may be found in *Economic Analysis - NCAP Update by the Hausrath Economic Group, April 1997* which was also published and circulated. Few if any errors were reported as the conclusions of the surveys were folded into the draft plan that went through public hearings in 1995 and 1996. The data was again updated from building permit activity records prior to publishing the latest draft *North Coast Area Plan, Project Description, January 2000.*

Finally, we provided these background reports upon request to the Coastal Commission as part of the NCAP Update and Periodic Review processes, and are glad to see them used in an accurate and constructive manner. The data has also been used by community groups, the Cambria Community Services District, the Coast Union School District, and County Public Works Department.

Estimating Residential Buildout in Cambria

Prior to beginning a plan update, it is important to have a clear idea of the amount of existing and potential new development that the current plan allows. Together with population characteristics, these existing and potential land use estimates are then compared to the ability of the community to provide essential services, such as water supply, sewage treatment, traffic and school capacity. Only then can sound planning decisions be made in updating the plan.

In Cambria, we estimated buildout for commercial, institutional, motel/overnight rooms, and residential land uses. The residential estimates must consider that dwellings are allowed by the current plan in many land use categories - not just the Residential Single Family (RSF) or small lot areas. For example, we found that about 13% of the 3,783 existing dwellings are not located in the RSF category at all. We estimate that about 21% of the residential buildout capacity is located outside of the RSF category, in the Recreation, Residential Multi-Family, or Commercial categories. In estimating buildout, we follow strict guidelines as follows:

> **Absorption Capacity.** The theoretical maximum development scenario that could occur under the general plan. Obtained by multiplying total net acres times the maximum density or intensity allowed by the existing plans. Expressed in dwelling units, persons, square footage, and overnight units. The result may be considered

possible, but not very probable. Our estimate for Cambria is approximately 13,000 dwellings.

Buildout Capacity. A calculated reduced development scenario that could occur under the general plan. Obtained by multiplying absorption capacity net acres times 90% for residential, and 75% for non-residential. This estimate considers practical limitations of absorption capacity such as market demand, lot retirement, and physical problems with the land supporting the maximum density or intensity of development. Our estimate for Cambria is 11,701 dwellings.

Absorption Capacity should be the simple calculation of acreage times density allowed by the existing plan. Buildout Capacity for residential is that value reduced by 10%. The technical challenge is that a clear estimate of net acreage is necessary, along with the land use designation, existing land use, and density allowed by the existing plan. In Cambria, there are many special standards and regulations affecting density in both land use categories and in neighborhood sub-areas.

Concerns with the Executive Summary

The following addresses some of the comments found on pages 1 and 2, titled "Executive Summary".

1. We agree that existing lots in Cambria should be developed first. Both past and current drafts of the NCAP Update contain this policy. If the last draft of the NCAP had been adopted, an approximate 13% reduction in potential residential buildout would have occurred, without affecting anyone on the water wait list or residential subdivisions. In addition, both past and current drafts of the NCAP Update contain a program called the "Small Lot - Open Space District" to explore the feasibility of beginning to buy-out some of the vacant parcels by the community. The technical basis for considering this was the build-out analysis and the Hausrath Study cited above. (Page 1. Paragraph 4)

2. We take exception to the comment that "The County's estimate of build-out is grossly exaggerated". ULOC has not shown the figures to be incorrect, or presented data that support their conclusion. (Page 1. Paragraph 5)

3. The letter states that "The county is irresponsible for publishing unrealistic projections as this..." The county buildout estimates are careful to **avoid** projections, future scenarios, or other speculative claims. Buildout is a measurement based on finite existing acreage and an adopted plan allowing certain density of development. With good buildout estimates as a baseline, it is possible to answer most land use questions that arise during the plan update, including whether or not additional land should be designated for development. (Page 1. Paragraph 6)

During the public review process for the NCAP, the county was requested to calculate how many years Cambria would take to buildout at a 2.3% rate, and at the 125 permits/per year contained in the existing plan. But we were careful to note that it is very difficult to predict growth rates or exactly where growth will occur.

4. We agree that the Small Lot - Open Space District should be pursued, because even the most conservative 'levels of purchase' will provide meaningful retirement of lots, greater potential yard areas, and accompanying value for owners. Purchase of the small lots will also help reduce demand for expensive new infrastructure, such as water supplies and schools.

   However, we are not yet convinced that the TDC Program should be expanded to other areas of the community. The TDC Program has been successful, but by 1995 (after 10-12 years), only about 7.96 acres of small lots had been retired, with about 84 -100 potential dwelling units removed from the buildout potential of 11,701. TDC has never been effective at substantially reducing buildout. The program will likely continue, but a more direct approach with far greater buildout reduction is needed such as the Small Lot -Open Space District. (Page 2. Paragraph 1)

5. We would like to correct the comment that the "growth rate for Cambria is 2.3%." In the last two years the rate has been reduced to 1%. It was reduced to 1% after careful consideration of many factors, and a clear new threat of MTBE polluting the Santa Rosa Creek water supply. Prior to 1990, the rate was set by the NCAP at a maximum 125 permits per year. From 1990 to 1998 the rate was established by the county's growth management ordinance at 2.3%. (Page 2. Paragraph 5)

6. The letter states that "The problem of too many small lots in Cambria should be dealt with now by the County." We agree, although the responsibility must be shared by the County, California Coastal Commission, Cambria Community Services District, and the community. On behalf of the County, many new changes are proposed in the current draft 'Project Description' for the NCAP Update. First, a 13% reduction by simple zoning category and density changes has been proposed. Second, we did not recommend expanding the Urban Reserve Lines, or intensifying new development within Cambria. Third, we recommend continuance of the TDC Program within limits, and a new open space district to provide more lot retirement. (Page 2. Paragraph 6)

Flaws in the ULOC Report Section of the letter

1. Our first comment is that neither the data presented, or the assessors 'owners list' information provided is sufficient to estimate buildout. Critical information and accompanying analysis is missing. All categories that allow dwelling units must be sorted and analyzed.

2. A quick look at page one of the list shows a number of parcels that are located in the Agriculture category, several miles north or south of Cambria. A spot check shows that other parcels are included regardless of location or land use category. The list is characterized on each page header as being "The Assessors Report of all Vacant Parcels in Cambria". As we noted earlier, this is not correct.

3. A fatal flaw in the ULOC analysis is the confusion between owners, assessors parcels, lots, and potential dwelling units. The extensive list provided contains the names of owners, with corresponding assessors parcel numbers used to organize tax bills. We know that a single assessor's parcel number may not be for a lot at all, or it may contain many legal lots that may be allowed to be built on according to the existing plan. APN's, parcels, lots and potential dwelling units are not the same.

Other Comments on the Report

Our final response is to page 3 of the ULOC Report Section, the last four paragraphs that comment on the Periodic Review.

The comment that: "Assuming that no new development is allowed outside the existing Urban Reserve Line, the County's estimate of ultimate build-out for Cambria is grossly exaggerated". Both the existing and proposed plans allow development outside of the Urban Reserve Line. The count of 2,902 as vacant assessors parcels is meaningless without attributes for existing use, allowable density, size, and location. We have already indicated that the list contains large parcels in the Agriculture category, some distance outside of Cambria. The list of parcels and the analysis do not support ULOC's conclusions. (Page3 of ULOC Report, Paragraph 3)

The comment that: "Parcels that are definite candidates for development: 1,039". While it is useful to know that there may be 1,039 persons on the water waiting list, the plan allows for far greater numbers of dwelling units in a number of land use categories. Again, buildout measures the amount of potential dwelling units allowed by the existing plan - not by the CCSD 's water waiting list. (Page 3 of ULOC Report, Paragraph 4)

The next paragraph cites: "Parcels that are definitely not candidates for development: 303." Later in the report a list of 868 assessor parcel numbers are shown as "Retired per CCSD". We doubt that 868 water meters have been moved, but would like to see more detail on this claim. Regardless, we reduced our absorption capacity estimate in our analysis by 10% (about 1,299 dwelling units) to accommodate these and other similar circumstances.

The last paragraph on the page cites: "Parcels that are legal to develop, but unlikely candidates: 1,574. These include parcels that are to small, forested, or too steep." We have serious reservation about this assumption since the current plan and all other

regulations allow development on these categories of lots. There is no practical observation or other data to support this conclusion.

In summary, we appreciate the concerns of ULOC to reduce potential buildout in a manner that is fair to all. However, we are disappointed that ULOC chose to try and develop their own estimates, rather than building on the estimates and subsequent alternatives that had already been subject to considerable public review. We continue to urge the Commission to rely on the documents already published on these subjects. If there are any questions please contact me directly at (805) 781-5980.

Sincerely,

John Hofschroer, Senior Planner
North Coast Update Program

CC: Chuck Stevenson, Supervising Planner
Bryce Tingle, Assistant Planning Director
Supervisor Shirley Bianchi
Ken Topping, Manager, CCSD
Liz Fuchs, California Coastal Commission

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United Lot Owners of Cambria

April 25, 2001

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APR 2 7 2001

Planning & Bldg

Steve Monowitz
California Coastal Commission
725 Front St., Suite 300
Santa Cruz, CA 94105-2219

Re: Coastal Commission Periodic Review of the San Luis Obispo County LCP

Dear Mr. Monowitz:

United Lot Owners of Cambria is a newly formed association of individual owners of vacant existing subdivided lots within the town of Cambria. We are concerned about the continuing inability of the County of San Luis Obispo, Cambria Community Services District, and the people of Cambria to agree on a workable master plan for the build-out of Cambria. With this concern in mind, we were pleased to learn that the California Coastal Commission (CCC) had conducted an extensive review of the existing certified Local Coastal Plan (LCP). We have now reviewed the review ourselves, and would like to offer the enclosed detailed response for your consideration in preparation of the Final Report to the Commission.

Executive Summary

There is a growing movement, supported by recent U.S. Supreme Court decisions, that supports the notion that where the community needs to protect land from development for environmental or any other reason, the community needs to pay for the land, not balance the cost of environmental protection on the backs of a few property owners. This applies in Cambria. In Cambria there is a great need to retire the development rights of a large number of small residential lots, but there is little or no community support for funding to pay for these rights.

Cambria's growth rate between 1990 and 2000 averaged 1.6% per year (86 persons), while the State and County both grew by 1.4% per year. This is not a significant difference.

Existing lots within the Cambria USL should be the first order to be developed, as they would be infill in an existing subdivided area that is already served by CCSD. These lots should be given priority over any other new development, such as the proposed Hearst project.

The County's estimate of ultimate build-out for Cambria is grossly exaggerated. We have obtained a report from the County Assessor's office that shows that there are only 2,902 vacant single family Assessor's Parcels in Cambria. Of these, only 1,039 have been declared as candidates for construction of a home through inclusion on a wait-list. Most of the rest are either already retired, under ownership of a land conservancy, or too small, too steep, or too forested to be built upon economically. A more reasonable estimate of build-out potential is a total of about 5,600 homes, meaning that Cambria is actually about 68% built out already. This would result in a built-out population of 9,238, not 26,327 as projected in the LCP. This is assuming that there are no active lot reduction measures.

The County is irresponsible in publishing unrealistic projections such as this, as the town of Cambria and the CCSD must plan for services to support the growth envisioned in the LCP. The town is currently paralyzed by the fear of the impact of such growth, and thus nothing at all gets accomplished.

The TDC Program has worked but should be expanded to the entire community, and loaded with incentives for increasing lot sizes and retiring small lots.

An Open Space Assessment District should be created, but the goal for reduction of total dwelling units at build-out should be far more aggressive, with a goal of reducing maximum build-out to 4,800 dwellings, or a total population of about 8,000. The County should act unilaterally and create the district and stop waiting for CCSD to do it. Land planning is not CCSD's responsibility.

The Regional Water Quality Control Board is not enforcing the order it gave Chevron to replace groundwater it contaminated. Instead, it is forcing CCSD to deal with Chevron alone. The State of California should set a deadline for CCSD and Chevron to agree on an arrangement to fully restore the Santa Rosa drinking water supply to its potential before the MtBE contamination. If they fail, then the State should step in and mediate a solution and enforce it on both parties.

Desalination is the best solution to Cambria's water supply concerns, but there must be assurances in the LCP that putting a desalination plant in service will not induce more than acceptable annual or total growth. The Coastal Commission should assume an active role in advocating the desalination plant with other agencies that will be involved, as getting the plant online will ultimately meet CCC's objective of ensuring against overdraft of the aquifers and resulting environmental damage.

The County's Growth Management Ordinance already limits Cambria to maximum annual growth of a very slow 2.3%. Any reduction in the growth rate is taken by CCSD as a license to continue doing nothing. CCC should enact sanctions against the County and existing Cambrians for failing to finalize a workable master plan. A moratorium will only punish the one class of citizens that would do anything to solve the problems, but have no power - the lot owners. Any continuation of a reduced growth rate will be seen by all lot owners as a taking, and is likely to draw legal challenge. Instead of declaring a moratorium, CCC and the County should encourage CCSD to start reducing irrigation and other outdoor consumption. This would be far more fair to all Cambria stakeholders.

The problem of too many small lots in Cambria should be dealt with now by the County. This is not CCSD's responsibility.

The water service problem should be dealt with promptly by CCSD. CCSD can only do this when the County has established an LCP that is acceptable to the community.

We ask that the CCC take the following actions:

1. Require that the County prove its estimate of the total build-out potential, and state the correct number in the NCAP. In addition, the number should be subtotaled to indicate numbers of lots that are in different classes, ie, less than 3,500 sf, over 30% slope, forested, etc.

2. Require that the NCAP contain a net zero new lot policy within the Cambria Urban Reserve Line (URL), and a policy that the existing URL remain fixed.

3. Set a tough deadline for the County to re-submit the revised NCAP, and enforce it. Require that the plan adhere to The Coastal Act.

4. Investigate ways to work with RWQCB and sanction Chevron to encourage immediate action to replace in full the water that should be available from Santa Rosa Creek.

5. Encourage CCSD to enact strict irrigation conservation measures.

6. Strongly support the CCSD desalination plant project and advocate it with the Monterey Bay Marine Sanctuary and other approving agencies.

We appreciate the Coastal Commission's commitment to San Luis Obispo County, and are eager to support your efforts to maintain Coastal Act Standards in the area, while also respecting the rights of all property owners in the area.

Sincerely,

Deryl Robinson
United Lot Owners of Cambria

cc:

Liz Fuchs
California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Ken Topping, General Manager
Cambria Community Services District
PO Box 65
Cambria. Ca 93428

Shirley Bianchi, Supervisor 2nd. District
County Government Center, Rm. 370
San Luis Obispo, CA 93408-2040

Chuck Stevenson
SLO County Dept. of Planning and Building
County Government Center, Rm. 370
San Luis Obispo, CA 93408-2040

Response to Coastal Commission Periodic Review of the San Luis Obispo County LCP
United Lot Owners of Cambria
April 25, 2001

Italicized text is excerpted from the Coastal Commission Periodic Review dated February 2, 2001.

> ***Executive Summary, Page EX-6,*** *Changes since 1988 LCP Certification: Significant changes in 5th Amendment takings jurisprudence.*

The CCC should elaborate on their intent in including this statement, but it is clear to us that the importance of this issue is that the U.S. Supreme Court has been more favorable lately to suits brought by property owners on takings claims. Lucas and Suitum are the best examples. There is a growing movement that supports the notion that where the community needs to protect land from development for environmental or any other reasons, the community needs to pay for the land, not balance the cost of environmental protection on the backs of a few property owners.

> ***Chapter 2: New Development and Public Services; B. Background*** *Population and Development Trends "San Luis Obispo County has experienced significant growth since final certification of the LCP in 1988. According to figures developed by the Department of Finance (DOF), the county had a population of 204,338 at the time of LCP certification. By 2000 the population had grown to 245,025, an increase of almost 20 percent."*

For proper perspective, the growth rate of the county should be correlated with the overall growth that has taken place in the state. This shows that the county has experienced a very reasonable level of growth. This is based on U.S. Census figures that indicate that the State of California's population increased by 14% (1.4%/year) between the 1990 and 2000, while SLO County's population increased from 217,162 in 1990 to 246,681 in 2000, exactly 14%. SLO County's share of the state's overall growth (1990 – 2000) represents less that 1% (0.7%).

> *In and around the coastal zone, most of the population is located in the more urban nodes of Cambria, Cayucos, Morro Bay-Los Osos, and Pismo Beach-Oceano...As shown in Table 2-1, with few exceptions, each of these areas has experienced significant population increases since LCP certification in 1988.*

Table 2-1 shows that Cambria's growth was 16% between 1990 and 2000. That works out to a 1.6% annual growth rate or 86 new residents per year. Compared to the 1.4% growth rates of the County and the State, and considering Cambria's relatively small size, this is not a significant difference.

> **C.1. Concentration of Urban Development: Stable Urban-rural boundaries.** *Overview: Coastal Act 30250(a) requires that new development be concentrated in and around existing development areas that have sufficient public services to support such development.*

The San Luis Obispo County LCP lacks any authority to ensure this policy is carried out in Cambria. The community needs a requirement that mandates that CCSD develop and implement a Public Facilities Plan within a reasonable time frame. This plan would need to identify the types and levels of urban facilities and services appropriate for the needs and requirements of the area and that those facilities and services are provided in a timely, orderly and efficient manner. A good model can be found in Oregon (refer to Oregon

> *residential units in Cambria, supporting a population of 6,242. The County also estimates 11,701 units at build-out (pop. 26,327), meaning that only one-third (32%) of the legally-available development potential of Cambria is built. This assumes full vacancy rate. At the current vacancy rate, build-out would be 19,305. The thousands of vacant lots remaining in Cambria raise a variety of coastal resource and planning issues. First and foremost is the challenge of reducing the build-out potential of the many small lots within the Urban Services Line (USL). The North Coast Area Plan (NCAP) currently limits the maximum annual number of residential permits to 125...Since 1988, a total of approximately 713 new units were reported approved through 2000--an average of almost 55 new residential units per year.*
> *The most important of these [LCP Policies] is the framework of what constitutes a buildable parcel in those areas of Cambria subdivided into the 25x70 foot lots. For a single lot, the maximum allowable Gross Structural Area (GSA) is 1,000 sf. On forested lots or steep lots the GSA restriction may be as much as 600 sf maximum. Reported CDP data also shows that the County's permit process has reduced the build-out potential in Cambria by 83 lots through the consolidation or voluntary merger of residential lots. When compared to the approximately 8,000 units of build-out potential, it is clear that the lot consolidation program has not generated a significant amount of lot reduction relative to the larger problem of build-out potential in Cambria.*
>
> ***C.2. Concentration of Development: Preventing Cumulative Impact to Rural Lands,*** *LCP Implementation, Highway One: Projections in the current NCAP project description indicate that levels of [highway] service between Cayucos and Hearst Castle will deteriorate to Level of Service D and F at build-out. ...Cambria is only one-third built out, and can be expected to continue to grow unless an alternative to the large number of existing vacant lots is found. The projected traffic volumes may, therefore, be rather low.*

Assuming that no new development is allowed outside of the existing Urban Reserve Line, the County's estimate of ultimate build-out for Cambria is grossly exaggerated. We have obtained a report directly from the County Assessor's office that shows that there are only 2,902 vacant single family Assessor's Parcels in Cambria (see Exhibit 1). Careful analysis of the parcels in the report shows that even these are not all likely to be built upon. We have done the research to classify these vacant parcels by their likelihood to be candidates for development. The detailed results are shown in Exhibit 2. In summary:

Parcels that are definite candidates for development: 1,039
These include all properties on the wait lists, those with "grandfathered" water meters, and properties that are already in the permitting process.

Parcels that are definitely not candidates for development: 303
These include properties already retired under a covenant with CCSD, and properties owned by land conservancies or institutions. It also includes properties that are outside the USL or multi-family.

Parcels that are legal to develop, but unlikely candidates: 1,574
These include properties that are too small, too forested, or too steep. Noting the allowable GSA's for these lots are 1,000 and 600 sf respectively, few owners will want to build

The TDC Program should be completely revamped to include the following:

- Expand the program to the entire community, but focus it on sender sites that are under 3,500 sf to encourage retirement of small lots.
- Provide incentives for owners of multiple adjacent lots to consolidate them and retire development rights.
- Provide a positive working program for transfer of retired lots to a public agency.
- Development standards should be revised to ban construction of dwellings of any size on the original single 25'x70' lots, but it must be recognized that this will be seen as a regulatory taking unless owners of these lots are justly compensated.

Other Programs: *As part of its ongoing NCAP Update process, the County has evaluated various levels of lot retirement through establishment of an Open Space Assessment District to provide the funding to acquire lots. Four levels of lot retirement have been studied, including a 17%, 29%, 37%, and 56% reduction in lots. The current submittal of the NCAP includes a program calling for such a district and targeting Alternative III, which has a goal of 7,421 dwelling units at build-out. This would represent a reduction of 4,280 units from current build-out of 11,701.*

Even if very one of the vacant single family parcels that is not already retired were built out, there would only be a total of 6,382 dwellings, less than the desired Alternative III. An Open Space Assessment District should be created, but the goal for reduction of total dwelling units at build-out should be far more aggressive. A goal of 4,800 is achievable, because it only requires the retirement of 1,581 more lots, most of which are not good building sites. The poor building sites should be inexpensive to acquire and retire. A build-out of 4,800 homes at current occupancy rates would yield a population of 7,918.

Cambria Water Supply: *As early as 1977, in a coastal permit to allow the Cambria Community Services District (CCSD) to begin drawing water from San Simeon Creek, the Commission expressed concern about overdrafting this groundwater basin. In that permit, the Commission limited the urban service areas for this new water supply and identified the maximum number of dwelling units that could be served as 3,800.*

According to *Engineering Report on Proposed Water System Improvements and* <u>*Master Plan*</u>, for Cambria County Water District dated February 1976 by Coastal Valley Engineering, "The safe yield for the San Simeon basin is estimated at about 1,040 acre-feet to be withdrawn during the summer and fall months..." and "Based on a consumption rate of 140 gpcd, the basin could accommodate a population of 9,400 persons." According to the Baseline Water Supply Analysis by Kennedy Jenks, Cambria's consumption today is 111 gpcd.

It is unclear from the above CCC quote whether the limitation of 3,800 dwellings was intended for the San Simeon water supply only, or for the entire community. Clearly though, the limitation is very conservative when considering the Master Plan assessment of the basin capacity from just one year earlier.

We have commissioned independent reviews by Navigant Engineering (Exhibits 3 and 4) of both the 1998 USGS report on the Cambria area groundwater basins, and the Kennedy-Jenks Water Supply and Availability Study for CCSD. These reviews concluded that the

Cambria has made excellent progress in reducing per capita demand by reducing indoor consumption, but it has done very little to reduce irrigation consumption. This is a critical area, as it accounts for the dramatic increase in dry-season consumption. According to figures in the Water Conservation and Reuse Study by Boyle Engineering dated January 1999, 40% of Cambria's water consumption is used for irrigation.

> *Over the years, the CCSD has investigated various potential additional water supplies, including importing water from Nacimiento Reservoir, building dams on coastal streams in the Cambria vicinity, and utilizing groundwater recharge. All of these were rejected, due to environmental, financial, or engineering concerns. In 1993, the district began investigating the possibility of desalination of seawater. The CCSD applied for a permit (FLAN 3-SLO-95-037) in 1995 to construct a desalinization plant, which would supply 1129 afy water at full capacity. Although the County approved the permit as well as a subsequent permit for the construction of connecting pipe to San Simeon, to date the plant has not yet been built. The CCSD is still pursuing the desalination plant and has recently received grant funding toward that end.*

The Cambria community elected to stop progress on the original desalination plant design for the simple reason that it feared the growth-inducing impact of the plant. Considering that the County NCAP tells them that Cambria is planned for over 11,000 homes, that fear is understandable. The final build-out numbers need to be reduced to eliminate this fear, or a water project will never be built. CCSD will just keep spending millions of dollars studying and rejecting projects just like they have always done.

> *Most recently, the CSD funded and completed a Baseline Water Supply Analysis that concludes that the District's water supply is marginal to inadequate to provide 90% reliability (in one of ten years there may not be enough water for current customers).*

The Baseline Water Supply Analysis is flawed. See Exhibit 4.

> *In addition, if the recent discovery of MTBE in groundwater near the District's Santa Rosa wells prevents use of this source, the report concludes that the District's supplies are inadequate.*

The RWQCB and Chevron are dragging out the process of getting the water replaced. RWQCB is not forcefully pursuing Chevron, and therefore CCSD's staff and finances are being strained by efforts to deal with the problem. RWQCB is not enforcing the order it gave Chevron on April 17, 2000 (see Exhibit 5), to replace the water it contaminated. Instead, it is stepping back and expecting CCSD to deal with Chevron alone (see Exhibit 6). Chevron has made proposals to replace the water that it feels are fair. CCSD has rejected those proposals as not good enough. Meanwhile, the only citizens being punished are those awaiting water service from the CCSD. Instead of standing back and watching, the State Of California should set one more deadline for CCSD and Chevron to agree on an arrangement to <u>fully</u> restore the Santa Rosa drinking water supply to its potential before the MtBE contamination. If they fail, then the State should step in and mediate a solution and enforce it on both parties.

We strongly agree. The county has been standing back and finger-pointing at CCSD. The County should get involved and do something.

> ***Preliminary Recommendation 2.13. Address Cambria Short-term Development.*** *The short-term problem of water supply in Cambria could be addressed in a number of ways, including limiting short-term growth rates. At a minimum it would seem that the current 1.0% growth should be kept in place, rather than increasing potential new development back to the 2.3% growth rate anticipated by the County's growth management ordinance. However, this would not address the Commission's 1998 findings that would have required a development moratorium by January 2001 unless certain performance standards had been met (which have not). As discussed, the CSD has conducted additional studies, and the County has recently evaluated water supply and demand in Cambria in the NCAP project description. There is a need for the County and CSD to work collaboratively to complete critical information needs. To the extent that this recent study may raise uncertainties about how much water is available, coordination discussion with Commission staff over the next several months would be useful. The habitat and in-stream flow studies that the Commission identified as being necessary in 1998 should be conducted as well. One option, therefore, would be to allow 1.0% until 1/1/02, subject to finishing the resource capacity study. Another option that would be the most precautionary in terms of protecting coastal resources, would be to enact a development moratorium through the RMS system, until such time as the water problems for future development is more definitively resolved.*

The 2.3% annual growth allowed in the Growth Management Ordinance is slow enough. CCSD has had a decade to plan for this growth rate and has accomplished almost nothing. Any reduction in the growth rate is taken by CCSD as a license to continue doing nothing. *Cambria does not want a solution*, so it will not agree to one until it is forced to. If CCC wants to enact sanctions, it should enact sanctions that will punish the County and existing Cambrians. A moratorium will only punish the one class of citizens that would do anything to solve the problems, but have no power - the lot owners. Any continuation of a reduced growth rate will be seen by all lot owners as a taking, and is likely to draw legal challenge. The problem needs to be taken care of <u>now</u>, not later.

> ***Preliminary Recommendation 2.15. Consider Additional Options for Water Conservation*** *As discussed, the CSD has implemented a variety water conservation programs. Additional LCP policies and standards should be considered that would strengthen requirements for minimizing water use, such as xeriscaping and native drought-tolerant landscaping requirements.*

Rather than talk about a development moratorium, CCC and the County should encourage CCSD to start reducing irrigation and other outdoor consumption. It would be far more fair to all Cambria stakeholders to start rationing irrigation water to protect both the groundwater basins and health and safety needs, but continue allow modest growth, than it would to punish lot owners only. If the citizens of Cambria had to start dealing with this problem themselves instead of balancing it all on the backs of the lot owners, they would start encouraging their representatives to take measures to correct the problem.

Problem 2 is the responsibility of CCSD alone. When CCSD has a realistic build-out projection to plan for, it will have the sole responsibility to develop and implement a plan to supply the water necessary to support that plan while minimizing environmental impacts. CCSD will be responsible to balance conservation measures with development of new water sources in order to serve the total build-out. CCSD has authority granted by the legislature to declare a hook-up moratorium if it has exhausted all conservation and augmentation measures and there is still danger of a water shortage. Neither the County nor the Coastal Commission should intervene in CCSD's decision making process on the issue. The County should only focus on ensuring that health and safety are maintained, and CCC should only focus on ensuring that the groundwater basins are not over-drafted.

We ask that the CCC take the following actions:

- Investigate ways to work with RWQCB and sanction Chevron to encourage immediate action to replace in full the water that should be available from Santa Rosa Creek.
- Encourage CCSD to enact strict irrigation conservation measures.
- Set a tough deadline for the County re-submit the revised NCAP and enforce it.
- Require that the County prove its estimate of the total build-out potential, and state the correct number in the NCAP. In addition, the number should be subtotaled to indicate numbers of lots that are in different classes, ie, less than 3,500 sf, over 30% slope, forested, etc.
- Require that the NCAP contain a no net new lot policy.
- Strongly support the CCSD desalination plant project and advocate it with the Monterey Bay Marine Sanctuary.

TURN
THE UTILITY REFORM NETWORK

711 Van Ness Ave.
Suite 350
San Francisco
CA 94102

Rochelle Becker
Board President

415/929-8876
415/929-1132 Fax
beckers@thegrid.net

Energy

In light of current energy crisis in Ca. No new development should proceed without a CQUA review of suppy.

Currently existing ratepayers in the state are being asked to conserve. ~~How~~ What are the odds that we will believe there is an energy shortage if while we are turning off lights doing dishes + laundry after 8 if new development continues.

As in water shortages new dev. should be contingent upon ↓ current demand.

SAN LUIS OBISPO COUNTY CHUMASH COUNCIL
C/O LAW OFFICE OF
TARREN COLLINS
10600 Fuentes Road
Atascadero, CA 93422

Friday, June 10, 1999

Steven McMasters, Environmental Specialist
San Luis Obispo County
Department of Planning and Building
Environmental Division
Fax 805-781-1242

Joe Todd
1550 Post Canyon Rd.
Templeton, CA 93465
Fax 805-434-9782

Larry Myers
Executive Secretary
Native American Heritage commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

SENT VIA FAX AND FRIST CLASS MAIL

Re: Todd Minor Use Permit; ED98-497 (D980201P)

FORMAL CONCERNS AND DRAFT RECOMMENDATIONS REGARDING THIS CHUMASH SACRED BURIAL SITE CA-SLO-177

1. The continued construction and proposed construction on sacred sites which meet the criteria for classification as a "significant cultural and historic resource" under California law **must stop.** This site is a sacred Chumash burial site. Any disturbance of this site not only violates CEQA provisions it also constitutes a felony.

2. This site has been dated over 8,000 years old

3. San Luis Obispo County Chumash Council (hereinafter referred to as "SLOCCC") is of the opinion that the report generated by C.A. SINGER & ASSOCIATES, Inc. dated May 21, 1999 is inaccurate and misleading. Any and all work conducted by C. A. Singer & Associates, Inc. must be

reviewed by a qualified archaeologist. The reviewing archaeologist must be a member of the local Archaeology Society or member of a Statewide or Nationwide Archaeological Society and who is also in good standing with the Chumash People whose heritage flows from San Luis Obispo County. It is believed by the SLOCCC that C.A. Singer & Associates, Inc. does not respect the sacred values of the Chumash People. There have been numerous documented disrespectful incidents against the Chumash People and Elders in San Luis Obispo County by C. A. Singer & Associates, Inc.

4. In the letter to Mr. Larry Myers of the Native American Heritage Commission dated April 26, 1999, C.A. Singer & Associates Inc., is suggesting that a Mr. Burch "**assume**" the position of Most Likely Descendent for this project. The San Luis Obispo County Chumash Council has never heard of such an assumption taking place. This needs to be reviewed thoroughly by the Native American Heritage Commission, the SLOCCC, and the San Luis Obispo County Department of Planning and Building. SLOCCC firmly believes that this site is an ancient Chumash site as stated in Bob Gibson's study on the Chumash territory. All plans and recommendations in the letter dated April 26, 1999 are disputed by the SLOCCC. The SLOCCC will provide the County of San Luis Obispo its recommendations for this site within 10 days of the date of this letter.

5. Any and all recommendations by John Burch are not acceptable to the SLOCCC.

6. Any and all recommendations by Susan Stewart are not acceptable to the SLOCCC.

7. Any and all recommendations by Salinan Monitor Pat Dunton are not acceptable to the SLOCCC.

8. Any and all recommendation by Tracy Dunton are not acceptable to the SLOCCC.

9. Any and all recommendation by C. A. Singer & Associates, Inc. and by any employees of C. A. Singer & Associates, Inc. are not acceptable to the SLOCCC.

10. It is the opinion of the SLOCC that the work conducted by C. A. Singer & Associates, Inc is in direct violation of all that the Chumash People believe in. This company's work most recently has been review by cities, counties and individual Chumash entities at every available opportunity.

Most recently a report by Laurence W. Spanne, Chief Cultural Resources DoD archeologist for the VAFB, requested by the City of Morro Bay, (which I previously faxed to Steve McMasters) will collaborate our most dire concerns that the work C. A. Singer & Associates Inc. is conducting is unacceptable not only to the SLOCCC but also to the archeological community It is the opinion of the SLOCCC that the work of C. A. Singer & Associates Inc. is so far removed from the sacred feeling of the Chumash people that this company should be banned from conducting archeological work in San Luis Obispo County. C. A. Singer & Associates Inc. have caused great emotional pain to the Elders and people of the Chumash Nation. The SLOCCC requests that all projects that C. A. Singer & Associates, Inc. is involved with in San Luis Obispo County be reviewed by a reputable archeologist with respect for the Chumash People.

11. SLOCCC believes that they possess documentation which will prove the allegations made herein to be true, and as well as even more atrocities not mentioned. As an example, Elder Mary Trejo was a witness to Clay Singer spitting on a sacred burial site in Pismo Beach after he was asked to leave the site, for failure to comply with proper CEQA procedures and Chumash recommendations. Additionally, as an second example C. A. Singer & Associates, Inc. refused to pay local Chumash monitors and was chastised by the Labor Board for such conduct. It is the opinion of the SLOCCC that C. A. Singer and Associates Inc. have wrecked havoc on all of the sites he has worked. SLOCCC will appeal any decision that is based on any work that is done by C. A. Singer & Associates without proper documented review by a reputable archeologist.

12. It is the recommendation of the SLOCCC that the County of San Luis Obispo remove C. A. Singer & Associates Inc. from any and all lists of archeologists approved to do archeological work in San Luis Obispo County We will be more than happy to present more information and evidence concerning this company's work. Formal recommendations will follow from the SLOCCC after thorough review of this project

Fred Collins
Mark Vigil
Co-Spokespersons for the San Luis Obispo County Chumash Council

CC: Larry Myers, NAHC
Joe Todd

October 10, 1999

From: John W. Burch
14650 Morro Rd.
Atascadero, CA 93422
805-461-1470

To: Steve McMasters
Dept. of Planning and Building, Environmental Coordinator Division
County Government Center
1035 Palm
San Luis Obispo, CA 93408

cc: Joe Todd, Joseph Todd Construction
San Luis Obispo County Chumash Council
Clay Singer, C.A. Singer and Associates

Re: Todd Minor Use Permit #D980201P, Wales Road, Cambria

I have reviewed the application form, County Notice of Action form, archaeological report, and supporting documents regarding the Wales Road property. I would like to register my agreement with the County's negative declaration, approving the minor use permit. My concerns are with the accompanying archaeological stipulations, and with the manipulative behavior of the SLOCCC, who seem to think they have a monopoly on the concerns of local Native Americans. For the record, the SLOCCC and it's members are not acceptable as stewards and protectors of Salinan cultural resources. Whether they represent the voices of any other Chumash people in the county is not for me to say.

At the meeting on October 1, an eleventh hour Request for Continuance was sent via fax by Tarren Collins (who is, as far as I know, not a local Native American). Although Rhonda Vigil, spouse of Chumash Mark Vigil, was present, this effectively halted the process and wasted the time of all the people who made it their business to attend. Ms. Collins' fax contains the usual distortions and misrepresentations of the facts, which I would like to address.

The Singer archaeological report includes a catalogue of the detailed sampling that was done according to San Luis Obispo County requirements and the recommendations of cultural advisors. (SLOCCC implies that "protocol" was not followed during the archaeological investigation; however, he seems to have followed SLO County requirements as outlined.) Nowhere in that catalogue are any human remains or funerary objects identified. There was no evidence of any burial, sacred or otherwise. Two adjacent lots (the Munson property and the Savage property) which were developed under the archaeological supervision of Thor Conway, and surveyed and monitored by Mark Vigil himself, yielded no human remains, and no such intervention on the part of Chumash legal representation. Does Mr. Vigil now assume that all spiritual qualities in the area are concentrated

on the remaining lot on the edge of the site? The Todd site is in the south-west section of a larger site in which at least five individuals were interred in other areas; a reason for caution and monitoring, not a witch hunt.

Mr. Singer mentioned the project to me in December of 1998, and asked me to provide input. I viewed the site, and offered recommendations to the developer and the archaeologist. My first recommendation was to solicit input from other indigenous Native Americans. The federally recognized Chumash of the Santa Ynez reservation were notified. The NAHC and the SLO County Environmental Department were given copies of these recommendations. The NAHC was also asked by Mr. Singer to notify the Northern Chumash Council and other interested persons or organizations regarding the project. I contacted Mark Vigil, Pilulaw Khus, and Fred and Tarren Collins in February of 1999.

As the SLOCCC representatives did not have time to review the record or even visit the site, I will pass on the information that the whole area has been the subject of perhaps a dozen surveys. No more surveys are needed to disturb what we know is there. More sub-surface investigations will only destroy more intact resources. I agree with Ms. Collins, Attorney, that manipulation into more data recovery will not "mitigate the destruction of this culturally important site by the Chumash" as she stated in her fax. This is why I suggested to Mr. Singer and the county that all footings and utility hook-ups be hand dug, sampled, and examined by an archaeologist with a Salinan monitor, or other Native American who has demonstrated an awareness of the cultural values of Salinan people. Mr. Singer feels that this is a culturally significant site according to CEQA and county guidelines, and to his own areas of scientific inquiry. He feels that the site has yielded a statistically significant sample of bone, shell, lithic debitage, and some worked bone. If the SLOCCC feel that this is also a sacred site, I would ask them to provide physical evidence of the sacred aspects of this section of the site, and to offer specific criteria for the quality of sacredness.

Ms. Collins states that the SLOCCC would not agree to "the displacement or disturbance of burials." This is in contradiction to a very recent incident where human remains were exposed on Victoria Way in Cambria, and Mark Vigil arrived demanding that the remains be exhumed and taken to the sheriff. I told him that this constituted dishonoring through dismemberment in my own culture, and I could not allow that to happen. This occasion, and other incidents during the reinterment of the Victoria Way individuals, reinforced my concerns that Salinan values were not being respected or represented by members of the SLOCCC.

If the San Luis Obispo County Chumash Council are not willing to come to the table and discuss options, having read all the documents, visited the site, and agreed among themselves what constitutes sacred qualities, I would ask that they permit those of us who know the site, and have direct ties to it, to provide for it's protection independently. If the county is forced into bringing in another archaeologist, we will only accept Gary Breschini.

Sincerely,

John W. Burch

December 8, 1999

Taron Collins, Attorney
San Luis Obispo County Chumash Council
10600 Fuentes Road
Atascadero, CA 93422

RE: Todd Minor Use Permit # D980201P/ED98-497
1776 Wales Road, Lodge Hill, Cambria, CA

Dear Ms Collins,

As per your request, I have itemized below the conditions I will agree to enact in return for receiving approval of my project from the Chumash Council.

1) I agree to develop my project utilizing the foundation design that causes the minimum impact on disturbing the soil.

2) I agree to restrict my use of Transfer of Development Credits to cantilivered areas that do not contact the Footprint.

3) I agree to retain Mark Vigil, at a reasonable hourly rate, to monitor all foundation activities. @ 350.00 for an 8 hr. day + 30% overhead + .31 per mile for travel to/from site.

4) I agree to retain a mutually agreeable archaeologist, such as Tor Conway, to complete the balance of archaeological activity required for this project.

I would like to thank you for your assistance in working out a mutually agreeable solution that allows me to proceed with my project.

Sincerely,

Joe Todd, Owner

County of San Luis Obispo
Attn. Steven McMasters
Environmental Division
Department Of Planning And Building
County Government Center, RM. 310
San Luis Obispo, CA 93408-2040

September 23,2000

Dear Mr. McMasters

I am writing you with our concerns about the type of methods being used by Mr. John Parker and Mr. Mark Vigil. The Burch family feels that the work they did at the SLO 177 site showed both disrespect and total disregard for the cultural resources there.

I would like to know if the county asked for a Research Design from Mr. Parker. And if so what did it say? And did he follow his design? If the county did not ask for a Research Design why not? In Phase II the county asked one. If Mr. Parker did not have a Research Design for this project, would protocol be to follow the Research Design from Phase II. If so, did he follow that design?

Also was more testing of the site done? If so was it compatible to the one done in Phase II using 1/16-inch screen. If not, why not? And if there was testing done, was new data found by Mr. Parker in Phase III? If not, than the site would have been unnecessarily and irreversibly damaged for no reason other than monitory gain by Mr. Parker and Mr. Vigil. By doing this Mr. Parker would have violated his own professional standards.

We have worked with Mr. Parker on other sites in the county and he is very disrespectful of the concerns of our family. At the Morro Bay High School site he showed a total disregard for cultural material he dug up during testing with a backhoe. He took a small sample from the sides of the trench wall and left the rest. I screened the material he left to make sure all cultural material was retrieved and documented before the trenches were filled back in. This is one of our standard policies here at Playano Salinan Heritage Services. Being an Archaeological Technician. I know it is a common and important standard for Archaeologists to get the most information from a site with the least damage to that site. We feel Mr. Parker does not follow this standard.

When standards are not being followed by both the Archaeological community and certain Native American Monitors it is of great concern to us. This is the land of our ancestors. Every inch of it is very dear to us, for it holds the secrets to our past. Once standards are not used the secrets can be lost forever. It is important that the county makes sure nothing but the highest standards are being used to ensure cultural resources and the secrets they hold are not lost forever. That's why we have concerns about incompetent people who are suppose to be caring for these resources who are actually destroying them instead. And why should they when it's not the land of their Ancestors. What puzzles me is how Mr. Vigil can say that the site is an ancient burial ground and

should never be developed as he said in a letter to your office. And then stand there and watch, while it is destroyed.

I thank you for listening to the concerns of my family. My father an honored Salinan Elder hopes that this message will fall on listening ears not just ones that hear but ones that really listen to what we are saying.

Sincerely,

Patti Dunton

Patti Dunton, Cultural Specialist
Playano Salinan Heritage Services

To: Doug Alger-SHC President –Salinan Nation
From: Patti Dunton

Subject: Joe Todd Project, 1775 Wales Rd. Cambria. CA SLO 177.

Hi Doug,

Thought I would update you on what Bonnie talked to you about on 9-23-00 concerning the site in Cambria. John Burch was able to get written permission to go on the property from the owner. We waited until 9-26-00 incase the Nation wanted to send someone down to look at the site before we collected material.

I am sending you a copy of my field notes and a copy of Mr. Singers notes, it was nice of him to donate his time and help us identify Material we weren't sure of. Also you will find a copy of the owners Permission.

I feel that a great service was done for the ancestors by collecting and documenting the material before something happened to it. A couple of large piles of building material was covering parts of the site so we weren't able to collect material under these piles until they are removed. The owner said we could come back as many times as we feel we need to, until all the cultural material has been collected and reburied on site. He also ask if we would be interested in helping with the design for the landscaping of the property. We of course told him designs that would not further impact the site would be the best. Any ideas from the Nation if it chooses to, could also be included. Take care, Patti.

CA S.L.O. Site 177
Joe Todd House

Patti Dunton
Field notes for surface and backdirt piles collection.
September 26, 2000

On site 2:30 PM for collection of surface cultural materials. John Burch, Mike Burch and Clay Singer were already on site. Walked area and collected material. Raked thru piles of backdirt and cleaned up area. Washed and documented materials to be reburied on site. List of cultural Material collected below.

1. One piece of bone. Deer or otter.
2. Six pieces of burnt pinecone.
3. Shells:
    a. Six Limpets
    b. Five pieces tequila snails
    c. Small piece abalone
    d. Eleven unknown pieces
4. One Monterey chert scrapper 7cm x 11cm.
5. One broken bottom part of a Monterey chert point 2.5cm x 2cm.
6. One started Monterey chert point 2cm x 3cm.
7. Two large pieces worked chert.
8. Thirty large Monterey chert flakes.
9. Three large lighter flakes.
10. One large Franciscan chert flake.
11. Eighty eight Medium Monterey chert flakes.
12. Two pieces medium light green chert.
13. Forty four small pieces Monterey chert flakes.
14. Five small pieces Franciscan chert flakes
15. One rock tool for breaking open snails 15cm x 13cm x 11cm.
16. Five more similar tool pieces.
17. Seven other large rock pieces.
18. One smooth green rock.
19. Eight Medium pieces burnt rock.
20. Three pieces unknown rock.
21. Two small chert cobbles.
22. One small sandstone cobble.
23. One small polished Monterey chert pebble.
24. Thirteen other small broken pieces of rock.

A total of Two Hundred and Fifty pieces of cultural material was collected.

9-22-00

To whom it may concern,

John Burch and his associates have permission to collect & rebury on site any artifacts that are exposed on the surface of my property @ 1775 Wales Rd. Cambria. Also permission is granted to rake out piles to collect any unseen artifacts. All items collected are to be returned on site.

D-38

ARCHAEOLOGICAL SITE CA-SLO-177

Materials collected from footing trench backdirt piles at Joe Todd's project site on Wales Road in Cambria by John Burch, Patti Dunton, and Mike Burch on September 26, 2000, and analyzed by Clay Singer on September 27, 2000.

GROUNDSTONE

1 Mano - sandstone; fragment, convex/? biface?, edge ground; burned.
1 Metate - sandstone; deep basin, interior fragment.
3 Pitted Anvils - all sandstone; 1 cobble with caliche on base, 1 cobble fragment, 1 block.
1 Pebble Anvil - diabase; 1 face with center roughened, caliche on base.
2 Angular Hammers - 1 Monterey chert block, 1 diabase flake with battered platform.

CHIPPED STONE

6 Flake Cores - 5 Monterey chert, 1 Franciscan chert; polyhedral and multi-platform types.
27 Core fragments - all 27 Monterey chert; angular pieces, block and cobble fragments.
1 Core Scraper - Monterey chert; block with used acute edge.
1 Microblade Core - Monterey chert; biface preform fragment, 2 platforms, keeled.
5 Biface Preforms - all 5 Monterey chert; 3 trimmed tabular pieces, 2 early stage fragments.
2 Trimmed Flakes - both Monterey chert; tabular chalcedonic vein, retouched flake.
1 T-Shaped Drill - Franciscan chert; proximal (base) fragment, asymmetric.
16 Flake Scrapers - all 16 Monterey chert; mostly utilized flakes, 1 retouched beaked.
171 Unmodified Flakes [Debitage]] - Monterey chert (n=159), Franciscan chert (n=10), shale (n=1), sandstone (n=1); most burned, some BTF, some 'orange wedges'.

FLAKE MATERIAL DISTRIBUTION

Flake Form	Monterey Chert	Franciscan Chert	Soft Shale	Hard Sandstone
Tertiary	112	9	1	-
2nd Decort.	32	-	-	1
1st Decort.	15	1	-	-
Totals	159	10	1	1

BURNED ROCKS

16 sandstone cobble fragments and spalls
2 diabase cobble fragments
1 mafic volcanic spall

OTHER STONES

3 Spalls - 2 greenstone, 1 diabase
1 Chlorite Schist Pebble - [dark blue soapstone]

SHELL AND BONE

1 Longbone fragment - probably deer; surface weathered and croded.

Weathered marine shellfish- mussel, abalone, wavy-top turban, black turban, chiton, limpet, crab, sea slug.

Sep. 30 2000 06:16PM P1 FAX NO. : 805 927-0414 FROM : C.A.SINGER&ASSOC

FAX TRANSMISSION

January 18, 2001

From: Patti Dunton, Cultural Specialist
Playano Salinan Heritage Services
Fax (805) 772-7661

To: Mr. Steven McMasters, Environmental Specialist
Environmental Division
Department of Planning and Building
Fax (805) 781-1242

Subject: Removal of burial and cultural material from CA-SLO-177, during grubbing of Property.

Mr. McMasters:

I received a phone call last night from Mr. John Burch. He informed me that, the location of the burial and cultural material, that was removed from CA-SLO-177, during grubbing and hauled away. Has yet to be accounted for. This was done sometime before and while the SLOCCC was monitoring, for the Whales road, Joe Todd project. This greatly concerns us.

Tarren Collins, Attorney for the SLOCCC. Stipulated in all her communications on behalf of the SLOCCC. To all parties that were involved in this project. That they could not agree to, any displacement or disturbance of burials. She mentions this back in October, 1 1999, in a fax to your office.

Mr. Mark Vigil also mentions in his communications. That indeed the SLOCCC believed, the Whales road site to be an ancient burial ground.

The developer agreed to all of SLOCCC stipulations, in order for the project to continue. Yet when Mr. Mark Vigil, from the SLOCCC, along with Archeologist John Parker, working on the above mentioned project. Went against their own recommendations and the law, by allowing displacement of burial and cultural material from the site.

If, at all possible, this material must be located and identified. These people must be kept accountable for their actions. I believe that this was your job, to make sure, that all environmental laws and stipulations agreed upon, were being kept.

We would also like to know, if an occupancy permit, has been given to Mr. Todd, on this Project at 1775 Wales road, Cambria. Also we would like a copy of the final archeological report filed by Mr. Parker. We believe, after speaking with Mr. Parker, that we will find his report to be. Incomplete and inaccurate.

Thank you, Patti Dunton

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

January 25, 2001

Patti Dunton
Playano Salinan Heritage Services
377 Fairview
Morro Bay, CA 93442

Dear Ms. Dunton:

We are in receipt of your letters dated September 23, 2000, and January 18, 2001. In the letters you ask several questions regarding the requirements of a specific project, and you voice opinions on several cultural resource issues and a specific archaeologist. This is in response to the questions you pose in your letters.

The project in question is the Todd Minor Use Permit (D980201P) project. The County required cultural resource mitigation measures for the project, and a copy of the project conditions of approval implementing those measures is enclosed. The applicable conditions addressing archaeological resources are #6 - 11. Also enclosed is a copy of the mitigation and monitoring plan (Parker; 05/07/00) that along with a supplemental letter (Parker; 05/30/00) satisfied conditions of approval # 7 & 9.

The Phase III sampling program was proposed by Dr. Parker to use 1/8-inch screen rather that 1/16-inch screen used in the limited Phase II conducted by Mr. Singer. New data was generated by the Phase III and personal communication with Dr. Parker confirmed that he performed the required monitoring activities as indicated in the approved monitoring plan. A final report has recently been submitted as required by condition #11. On January 8, 2001, Clay Singer obtained a copy of that report and indicated that he would share it with you. If this is not the case, please contact me and we can set up a time for you to review the report at the Department of Planning & Building. The project received its final inspection and sign-off from the County on December 29, 2000.

In your January 18, 2001 letter, you allege that burial and cultural resources from the property was removed along with material "grubbed" from the property as part of the construction activities. This was first brought to my attention in a phone call last week from John Burch. We are currently looking into this situation, and will get back to you

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636
EMAIL: ipcopln g@slonet.org • FAX: (805)781-1242 • WEBSITE: http://www.slonet.org/vv/ipcopln g

when we have more information. Your comments regarding Dr. Parker, the SLOCCC and Mark Vigil have been duly noted.

Sincerely,

STEVEN McMASTERS
Environmental Specialist

cc: Ellen Carroll, Environmental Coordinator

The Cambria Legal Defense Fund
P.O. Box 516 • Cambria, CA 93428
Tel. (805) 927-5800 • Fax (805) 927-FAXX

Suzy Ficker
Founder

James Stotter, II
Vern Kalshan
Legal Counsel

February 14, 2001

TO: California Coastal Commission Staff, et. al.
Sara Wan, Chairman

REF: The Hearst Corporation's most recent proposals for intrusion of commercialization into a pristine coastal area: San Simeon Bay and environs

Dear Friends,

We/I believe the attached letter (Mary Barrett Blake to Daily Pilot) reflects, quite succinctly, many, and most of the thoughts that crowd our consciences when we contemplate any proposals projected (perpetrated?) by the Hearst Corporation, for the utilization of San Simeon Bay (the Point and Lower Beaches) for implementation of their grandiose commercial ventures.

The promise of a "trade" of some 80,000 acres of **other** land held in their possession does in no way assuage our fears as so well conveyed to you at those hearings previously held, relating to this subject in San Luis Obispo.

Like Crystal Cove, the San Simeon Bay area too, must remain unscathed as a naturally endowed recreational area for all Californians, and tourists alike, just as expressed in the attached letter.

The great, and assuring adamancy of those citizens who flocked to oppose the State Parks Departments proposals for Crystal Cove (at a recent meeting in Corona Del Mar, Newport Beach) will continue to be no less present in the indignation voiced by the North (Central) Coast residents as relates to San Simeon Bay in its entirety – and the Hearst Corporations proposed environmental decimation.

The responsibility for protection of those unique precious natural entities which endow the California Coastal area, **are your reasons for being** and, unless you exert your efforts to protect the public's interest in this matter, you are failing in the proper execution of your offices.

Most sincerely,

Suzy Ficker

Suzy Ficker

February 13, 2001

The Daily Pilot
330 Bay Street
Costa Mesa, CA 92627

Dear Editor:

The people of California have been given a great gift. Crystal Cove State Park and Beach will be preserved for our use. We can thank the Irvine Family, Joan Irvine Smith and the State of California.

Crystal Cove State Park and Beach is designated "of biological significance" and as part of the Irvine Coast Marine Park Refuge, is protected under The Coastal Act, to which the California Coastal Commission has been given the mandate to uphold and safeguard.

The Cove is home to Indian dwelling sites, unique tidepools, the Bottlenose Dolphin (where over 17 births of dolphins have been video recorded), countless species of shorebirds, and is where the California Gray Whale traverses on it's pathway to Baja California.

We must be aware of the "biological significance" of the Cove, the delicate balance which once thrown out of balance, means destroying the environment for marine life there forever. When this happens, I feel we as the human race are endangered, as well.

The Irvine Company has taken steps, costing it millions of dollars, to prevent runoff from the development above Pacific Coast Highway, between Cameo Highlands to El Moro, from going in to Crystal Cove State Park and Beach.

Knowing how much Crystal Cove is treasured was made quite clear at the January 18th State Parks Hearing.

As windows to the past, cottages could possibly be preserved and used as a study center.

We now have a legacy we must guard well and assure the use of in it's natural state for future generations.

Mary Barrett Blake

San Luis Obispo County
FARM BUREAU

February 15, 2001

Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca 94105-2219

Dear Commissioners:

Upon reading the *Executive Summary: Preliminary Report on the Periodic Review of the San Luis Obispo County LCP*, I became immediately appalled at the analysis and *Preliminary Alternatives* proposed in the report. Although on page 8 the report would have one believe that impacts on rural agricultural lands was important, by the time I read to page 13, it became abundantly clear that the "viability" of agriculture was the least important concern in the whole report. I will be addressing these points individually in this letter.

Page 8, Environmentally-Sustainable Development: The last sentence *"New policies are needed to address the cumulative impacts of development on rural agricultural lands"*, would lead one to believe that the impacts to agriculture and the operation of agriculture are important.

Beginning on line 4 of paragraph 2, the reality begins to emerge. The report talks about the altering of *"rural viewsheds"* and the *"character of rural lands"*. There is a statement about the undermining of *"agricultural viability"*, but it is already obvious that viewsheds and character are the important issues.

Agriculture is not an operation for the purpose of providing tourists, driving at 55 miles an hour, a viewshed. Agriculture is a business, the business of providing food, fiber and flowers to people. It is nice that agriculture, as a secondary benefit, is providing a viewshed and rural character, but to make this the over-riding purpose of agriculture must be changed. **The production of food, fiber and flowers must be the number one priority, not viewshed and rural character.**

Page 10, Enhanced Water Quality Protection: It is unfortunate that the authors of the report do not recognize, or apparently have not heard about, the many programs, practices and efforts on behalf of agriculture and others in keeping our watersheds healthy. Efforts of the San Luis Coastal RCD, Salinas/Las Tablas RCD, NRCS, Cooperative Extension and Farm Bureau's Watershed Coalition, have created many programs that are being used by agriculture to show that our community is protecting our watersheds and is willing to continue to work on our watersheds. **It would appear important that the LCP review authors look at what efforts are currently underway in the agricultural community. We urge the Coastal Commission to be supportive of the current programs and refrain from government's traditional practices of regulate the unknown.**

Page 10, *Preliminary Alternatives, line 3:* It is obvious that the LCP review authors are unaware of the "variety of non-regulatory and educational programs that are in place and working very effectively. These are programs that have the County Government's approval and support. **It would be a significant step forward if the Coastal Commission recognized and supported these efforts.**

To illustrate, some of the programs are: There are erosion control and rehabilition programs being implemented, many using the NRCS and RCD, as well as communication and cooperation with the MBNEP. There have been, and continue to be Range and Irrigated Agriculture Water Quality Shortcourses put on by Cooperative Extension, which have been completed by landowners, covering over 100,000 acres in this county. Range management plans have been developed and are being implemented. An interesting

651 Tank Farm Road
San Luis Obispo, CA 93401
Website: www.slofarmbureau.org

side note, is that farmers and ranchers are finding out that they are good land managers and are protecting the watershed for their own use and the use of others. **What agriculture needs is the support of the Coastal Commission in our efforts, not complications.**

Page 11, *Preliminary Alternatives,* subsection 2: It is puzzling that the report on page 10 speaks of non-regulatory and educational programs regarding non-point source pollution, then on page 11 is proposing to "*modify the grading and permit exemptions to minimize water quality impacts from agricultural uses*". Why would the report authors propose regulations which would destroy the very cooperative efforts of education and voluntary programs

It is obvious from subsection 2, that regulation is what is important, not cooperation. Why is this? What is the underlying reasoning for this proposal? The San Luis Obispo County Grading Ordinance, as it relates to agriculture is very specific and comprehensive.

What is the reasoning behind the report proposing permits for grazing and other agricultural practices? Obviously, the viability of agriculture is of no importance in any of these considerations. ? **I hope that the Coastal Commission will see the destructive effect of this heavy handed approach and reject it.**

Page 11, *Maintaining Agricultural Lands:* It is ironic, that immediately following a section that appears to propose policies that would impact the viability of agriculture, this report talks about "*keeping viable agricultural lands... ",* What becomes immediately obvious, with the next three words, is that viability is not the point, keeping the lands *"zoned for agriculture"* is the point. On line 4 of the first paragraph the report continues to talk about *"... assessing the viability of continued agricultural use... "* , but this is only important to avoid inappropriate conversions. **The economic continuation of agriculture as an industry unfortunately has no place in this report, yet without a profitable industry, the secondary benefit from having agriculture, viewshed and rural character, will be lost as those in agriculture go out of business. Nothing could look worse than a depressed agricultural industry where farms and ranches fall into disrepair and disuse.**

Page 12, paragraph 1, end of line 4: The report challenges *"... supplemental uses on agricultural lands... "* It is unfortunate that the report authors are unaware of the fact that many agricultural operations have a very thin line between making a profit or a loss. Too often, our agriculturalists find that they don't have a profit at the end of the year. Supplemental uses are exactly what the word says, supplement a declining agricultural income with an activity on the land that allows the landowner to keep his/her land intact and in agriculture. **I hope the Coastal Commission will support supplemental uses on agricultural land, supporting a positive move that will help keep our agriculturalists on their land.**

Page 12, paragraph 2: This paragraph again illustrates the lack of knowledge of today's agricultural needs. There are very few agriculturalists that have the privilege of not intensifying their agricultural land uses. The low intensity uses such as grazing are not supporting our agricultural community. **It would appear that, instead of challenging agricultural intensification as the report authors do, the Coastal Commission needs to look at why this intensification is necessary. First on the list for the intensification is cost of government regulation, regulation that is proposed on the very next page of this report.**

Page 12, *Preliminary Alternatives:* It is almost humorous that the report promotes *"... lot-line adjustments... .if they maintain or enhance agricultural viability... ", "merger... of non-conforming agricultural parcels... ", "... an agricultural viability analysis... "for "... development that would convert agricultural land... ", and "restrict the non-agricultural uses allowed on agricultural lands".* **A picture is emerging that is very negative for the agricultural landowner. Increase the regulation and prohibitions, at the same time, do not allow the use to change, even though it is government itself that has in part caused the economic impact to the agricultural operator. What is the Coastal Commission's real intent? If indeed it is to have open space and viewsheds, whether agriculture can function or not, then be up front. Tell those in agriculture that they will be forced out of business and their land taken for "the public good".**

Page 13, Preliminary Alternatives, subsections 2, 3 and 5: These paragraphs appear to be the core of the attack on agriculture: *"... require coastal development permits for changes in the intensity of use of agricultural lands... "; "... limiting new or expanded crop production to slopes of less than 30%... ", "assuring wildlife travel corridors through limitations on fencing or other mechanisms", "... policies and standards to address potential conversion of rural grazing landscapes to intensive crop production... ".* What more does agriculture need to help its demise? The last subsection of this preliminary alternative clearly states the philosophy of the report's authors toward agriculture. The report promotes disallowing agricultural activities that *"... would impact scenic vistas... ".* In Section 30242 of Article 5, Land Resources, of the Coastal Act states *"... lands suitable for agricultural use shall not be converted to nonagricultural uses unless* ***continued or renewed agricultural use is not feasible...*** *"* Unfortunately the alternatives this report proposes will go a long way to making sure that agriculture is not feasible. Section 30244 of Article 5, Land Resources, of the Coastal Act states, *"... the long-term productivity of soils... shall be protected... ".* We always assumed that this protection of the soils was for agricultural production on agricultural lands. It has become painfully obvious that this is not what this report intends.

Page 13, Preservation of Scenic Rural Character: Once again, this report has made it blatantly clear that the welfare of our agricultural community is of no importance only the preservation of the *"... special character of the County's rural agricultural lands... protecting sensitive viewsheds... and... visual resource overlays".* Does the Coastal Commission really that the coveted "special character" will continue to exist, if the business of agriculture is destroyed? **Is it really the intent of the Coastal Commission to eliminate agriculture and have a coastline of all public land? If so tell those of us in agriculture the truth, so we can be prepared to pack our bags and move.**

Page 14, last line: It is obvious, from the previous pages, that "takings" are of no concern to the report authors. This whole report has outlined a strategy for taking away the management power, profitability and the very land of the agriculturalist. I do hope that the Coastal Commission does not support this philosophy.

Page 16, ***Public Access:*** Although agriculture is not mentioned in this section, it continues to be a grave concern for agriculture that the operations of our farms and ranches will be bisected by trails and accesses. The California Coastal Trail has long been a concern, as there is no promise that agriculture will not become victim to the public tramping through the cows herds and snow peas. **If in no other place the Coastal Commission sees fit to take a positive position for agriculture, protect our farming and ranching operations from the public feet and wheels of accesses and trails.**

I am just now reviewing the 360 plus pages of the complete Review document and am equally appalled by the assumptions and presumptions that the authors of this review have regarding agriculture. Some of my general concerns are as follows:

Chapter 2: In this chapter the report talks about lot line adjustments and certificates of compliance. In agriculture there are numerous reasons why lot line adjustments and certificates of compliance (neither of which create new lots) are a means of making positive adjustments in land planning. To complicate the whole procedure by having to take these to the Coastal Commission creates a negative impact in the flexibility of our agricultural community to function.

Chapter 3: In this chapter the authors show their real dislike and disregard for agriculture. First they attack agriculture as the "greatest source of water pollution in the U.S." Then they individually attack each type of agriculture in succession. The solution? First, agriculture is not the greatest source of water pollution in the U.S.. How does the report address agriculture as it relates to water issues? More regulation, more restrictions and permit procedures. This is not a positive approach to working with agriculture. This is a destructive action.

Chapter 4: In this chapter the report begins the proposal of having to set back agricultural production, 100 feet from the "upland edge of riparian vegetation". How, because in Chapter 5, the report makes

agricultural production a development, requiring a development permit. Chapter 4 expanded the ESHA, adding 1,000s of acres to habitat. Farming (i.e. native vegetation removal) would be prohibited in the expanded areas.

Chapter 5: In this 59 page agricultural chapter, I see more anti-agriculture positioning. The review would require permits for new and expanded farming ; prohibit farming on over 30% slopes, limit fencing, fumigation, pesticides and fertilizers without knowledge of their best uses, and requiare coastal development permits for conversion from grazing to crop production. Supplemental agriculture, no limited to wineries and bed and breakfasts, come under attack.

Chapter 6: In a review of the Abalone farm permit, the report blasts the county for not requiring beach access on the surrounding farmland. The report accuses the County for there being no trails for 10 miles. The area is agricultural land, not open space (as stated in the report). And, with over 250 acres of ocean front land just to the south, this is very irresponsible planning.

Chapter 8: Since crop production is a development per chapter 5, and requires development permits, then in this chapter crop production is not acceptable.. Why? Because in this chapter no new development is to be allowed that would impact sensitive views.

The report is not supportive of continued agricultural viability, so I ask that you give the concerns addressed in this letter serious consideration. Agriculture is at a crossroads. Government can be a positive force or a negative force in the future of our county's farmers and ranchers. Please take the stand that the Coastal Commission supports our farmers and ranchers in the production of food and fiber.

Sincerely,

JOY ANNE FITZHUGH
Legislative Analyst

Coastwalk

RECEIVED
FEB 28 2001
CALIFORNIA
COASTAL COMMISSION

February 15, 2001

Coastal Commission
45 Fremont Street, Suite 2000
San Francisco Ca 94105

Re: San Luis Obispo ReCap

Dear Commissioners,

Coastwalk advocates the completion of the California Coastal Trail. We feel The CCT is the best vehicle for saving and preserving the California coastline while still providing public access. The CCT fulfills the people's intent in passing the Coastal Act.

We would first like to commend staff for their work in preparing the Periodic Review and to thank staff for the public workshops and the cooperative spirit they have established with the people and local government of San Luis Obispo County. We urge a continuation of this relationship.

The executive summary lists resource changes as the motivation for this review. From our point of view one of the biggest changes has to be the funding of the CCT. As the commissioners may know 5 million dollars of Proposition 12 funds have been earmarked for the CCT. The Coastal Conservancy, who will administer these funds, think enough of the trail that they are funding a $600,000 implementation study by Coastwalk.

CW has looked at the Coastal Trail as a County by County effort now for 18 years and realize it must be implemented at the jurisdictional level. All County Local Coastal Plans must include the Coastal Trail as a major component of their Public Access and Recreation plan.

We are surprised and dismayed that the CCT is still an unknown within many counties and until it is included in all LCP's it will remain an obscure dream. We just spoke to a commissioner for trails in the county, who until recently had not heard of the CCT as a viable option . If the state organization that has made this trail a priority cannot get its message to the county through this process, I have concern for a small nonprofit such as ourselves.

We will address the rest of our comments to specific problems in Chapter 6, Public Access and Recreation Component.

Firstly one has to read very carefully to even find reference to the CCT in this 400+ page report. The CCT is covered in one paragraph buried under Distribution of Coastal Access Opportunities. This paragraph says that the Commission has identified the CCT as a public access priority and that the trail has national significance but says nothing about inclusion of the trail in the new San Luis Obispo LCP or even in any County Trails Planning.

Del Norte Humboldt Mendocino Sonoma Marin San Francisco San Mateo Santa Cruz
Monterey San Luis Obispo Santa Barbara Ventura Los Angeles Orange San Diego

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If nothing else this document needs to reflect the Commission's own adopted Public Access Plan language which recommends, "LCP's include specific policies and appropriate implementing ordinances and maps to provide for the California Coastal Trail."

Secondly at the conclusion of 20 some pages on Offers to Dedicate, (which we don't mean to infer are not important) the report reads that "sole reliance on OTD's is inadequate to assure maximum distribution" but it does not go on to say that the CCT should be the vehicle for that distribution. The CCT is an afterthought here, whereas it could act as a conduit for maximizing distribution of coastal access opportunities. While Coastwalk recognizes the importance of OTD's and Historic/Prescriptive rights as opportunities for coastal access, The Coastal Trail Corridor could act as the single most important element in providing that maximum distribution.

Thirdly: the report states "....Concentrating higher intensity commercial recreation uses in nodes while assuring broad distribution of lower intensity pedestrian oriented accessways may be most protective of coastal resources"...Doesn't that sound like the Coastal Trail?... and yet that connection is not made. I believe the intention of staff was to include the Coastal Trail, but it is lost in the rhetoric.

In summary Coastwalk recommends the following:

1) Rewrite Chapter 6 so that the CCT is a more prominent component of public access policy and a viable option for meeting standards of LCP certification.
2) Include the CCT as a Major Component of coastal resource enhancement and protection in formal recommendations to the county.
3) Plug in language already developed in the approved Public Access Plan.

Clearly stated recommendations to the county will be favorably received.

As stated in the report we all share the same goal: Saving the California coastline. The CCT is one of the best ways of achieving that goal.

Sincerely,

Nancy Graves, Coastwalk Board Member, SLO COUNTY COORDINATOR

Richard Nichols

Richard Nichols, Executive director

ACCESS PIEDRAS (Recreational Beach Users)

February 15, 2001

California Coastal Commission
725 Front Street, Suite 3000
Santa Cruz, CA 95060-4508

Received at Commission Meeting
FEB 1 5 2001
From:_____

Dear Coastal Commissioners:

We are writing this letter regarding the proposed Hearst development, just north of San Simeon on the North Coast of San Luis Obispo County. Do not approve the North Coast Plan. The coastal access sections of the plan are inadequate.

The following recommendations will help bring the San Luis Obispo County North Coast Plan into conformance with the California Coastal Act and section 4, Article X, of the California Constitution that require maximum public access to our coast. Adoption of these recommendation will help ensure that historic public access as well as existing and potential public prescriptive rights to coastal access will be protected. They will also make future public coastal access a mandatory and legally binding condition, for both private or public developments along our North Coast.

The following are our recommendations:

1. Declare/Find, for the record, that all land between Highway 1 and the sea from Pico Creek to the Monterey County Line is historical lateral and vertical public access. Recognize the existence of a continuous bluff top tail system along the North Coast.

There are hundreds of trails that have been used by the public get to the beach along this coastline. This is the coastal trail system that been part of the North Coast Plan since it was first certified. This is a historic public trail system. The beaches along this coast have names such as Campers Cove, Castro's Beach, Seal Bay, Driftwood Beach, and Ragged Point, because the public named them. Long before the Corporation took over ownership of the Ranch the public had unrestricted access and use of these beaches.

Public legal rights to coastal access were first challenged by the Hearst Corporation in 1972, when they quietly filed Civil Code Section 813 notice Permission to Pass on all 77,000 acres of the Ranch within the Coastal Zone. This notice has gone unchallenged for almost thirty years.

Received at Commission Meeting
FEB 1 5 2001
From:_____

By finding that a historic lateral and vertical bluff top system exists along this coast you will help protect current public coastal access and potential prescriptive rights. This action will strengthen *the public's legal rights to coastal access.*

2. Please make the meaning and intent of section 30210. (a) #2 of the Coastal Act clear and unequivocal.

Section 3212. (a) 2 currently states:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
>
> > (2) adequate access exists nearby;

Please define adequate access as:

> **access that is publically owned, dedicated, and open for use in perpetuity, or what ever the court defines as " forever ". Furthermore, state that public access will never be given away, swapped, traded, sold , or closed to the public for any reason.** (emphasis added)

Hearst Corporation lawyers have argued, since the 1970's, that adequate public coastal access already exists along the North Coast and their proposed developments should not be required to provide additional formal, publically owned, open accessways. Over the past thirty years their lawyers have written dozens of letters, to the County and the this Commission, claiming that " Permission to Pass is the equivalent and even superior to formally owned public coastal access. Their legal arguments are based on a Notice of Permissive Use (Civic Code 813), that they quietly filed in the San Luis Obispo County Recorders Office in 1972. This notice, in Volume 1673 pages 1-6, covers the entire 77,000 acres of the Hearst Ranch in the Coastal Zone. **In simple terms Permission to Pass gives the public temporary permission to crawl through barbwire fences and over locked gates to get to the beach and publicly owned state tidelands, as well as the dubious privilege of being called a trespasser by unknowing members of our community (this includes County Supervisors, Caltrans employees, Coastal Commissioners, and the Editors of our local newspapers) . *Permission to pass is temporary it can be revoked at any time.*** Permission to pass is not adequate public access. It is not superior public access. It is at best, inferior access. In reality it is a dangerous illusion.
In the opinion of the Commission, in 1997, the purpose of Hearst's Permission to Pass notice is to weaken historic public coastal access rights and prescriptive rights. This does not serve the public interest.

When you adopt an unambiguous definition of adequate public coastal access you will be acting in the interest of the public trust. *Never again, will a member of our Board of Supervisors stand before the Commission and the public, and tell us that the only way to save historic coastal access and save elephant seals, is to give away a formally owned public access. To give away a state beach that was supposed to be open to the public "forever" is a crime.*

3. Require approval of a Coastal Development Permit for any activity, by a public agency or private property owner, that eliminates roadside parking along Highway 1 between Pico Creek and the Monterey County line. If parking is eliminated or restricted it must be replaced with formal public parking measures that allow a continuation of historic lateral and vertical access to the beach.

These measures are necessary because Caltrans' long rage goal is to eliminate all roadside parking along the North Coast and move Highway 1 inland, away from the beach. When roadside parking is eliminated historic public coastal access is also eliminated. Caltrans' claims that parking must be eliminated to maintain and improve highway safety. They also contend that their action are exempt from public coastal access requirements. The Director of Caltrans District 5 claims unilateral authority to eliminate roadside parking with "No Parking Zones" and boulders wherever and whenever it is deemed necessary. When Caltrans needs to realign Highway 1, for "safety reasons", they activate a 1938 easement with the Hearst Corporation. Caltans can no longer realign Highway 1 and meet to modern standards, under conditions specified in the 1938 Hearst easement agreement. Since Caltrans can not adhere to the 1938 agreement, *any Highway 1 realignment project becomes a Hearst Project.* The Hearst Corporation tells Caltrans where to put the road. Since 1977 they have ordered Caltrans to fence off the beach, install a five mile long permanent year round "No Parking Zone", and give away a state beach in order to protect elephant seals. We can no longer allow Caltrans to use pubic money for the benefit of the Hearst Corporation. Caltans must be required to maintain parking and coastal access along Highway 1.

Some may say that these recommendations are harsh, unreasonable, and a violation of private property rights. Yet, they are far more reasonable and just than the demands the Hearst Corporation has made, to you and to our Board of Supervisors. *As you deliberate please consider this: The recreational beach users of our county, and the public, have had continuous access to the North Coast and the publically owned state tidelands for decades, and possibly centuries. When the Hearst Corporation, or any property owner, attempts to eliminate historic coastal access we can no longer use our public property. It is worthless. They have taken our property and we have not been compensated.*

***Therefore,* eliminating our coastal access is an uncompensated taking of public property.**

Please help us defend public coastal access and our right to the beach and the sea.

Sincerely,

Deborah L. K. Barker
ACCESS PIEDRAS (Recreational Beach Users)
P.O. Box 223
Cayucos, Ca. 93430

CC/RS

THE CAMBRIA FORUM

P.O. BOX 762 Cambria, CA 93428 Phone/Fax: (805) 927-2466

February 19, 2001

DIRECTORS-
Bill Allen
Bob Bell
Joan Glassey
Bob McDonnell
George Nedleman
Wayne Ryburn
Rob Trask
Bill Warren
Richard Youngman

ADVISORS-
Jim Buckley
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Joyce Renshaw
Ken Renshaw
Mel Schwimmer
Art Van Rhyn
Pat Van Rhyn

Charles Lester, District Manager (FAX 831 427 4877)
California Coastal Commission, Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Mr. Lester:

The Cambria Community Services District is proceeding with plans and permits to construct a reverse osmosis desa ination plant on the southern edge of the Monterey National Marine Sanctuary. There will be inevitable impacts on sea life as ocean water is drawn into this plant and waste brine is discharged into the ocean.

This plant is planned for a pristine area of our coastal waters, and is planned for construction immediately adjacent to the Monterey Bay National Marine Sanctuary. Therefore, it is imperative that a current, detailed, comprehensive and site specific EIR be completed for public and agency review prior to Coastal Commission approval. This project should also be scrutinized from the point of view of setting a precedent for permitting other desalination plants along the California Coast.

We ask that you include this recommendation in your Periodic Review of San Luis Obispo County's Local Coastal Program

Thank you for your good efforts in maintaining our irreplaceable California coastal areas.

Sincerely,

Wayne Ryburn (mst)

Wayne Ryburn, Director

c: Bill Douras, Manager, Monterey Bay National Marine Sanctuary
FAX 831 647 4250
Matthew Pickett, Manager, Channel Islands National Marine Sanctuary
FAX 568 1582
Mindy Lorenz, Environmental Defense Center
FAX 781 9384
Tarin Collins, Pres, Santa Lucia Chapter Sierra Club, PO Box 15755, SLO 93406

02/19/01 10:39 AM

MORRO COAST AUDUBON SOCIETY, INC.

A NON-PROFIT ORGANIZATION
P.O. BOX 160, MORRO BAY, CALIFORNIA 93443-0160

RECEIVED
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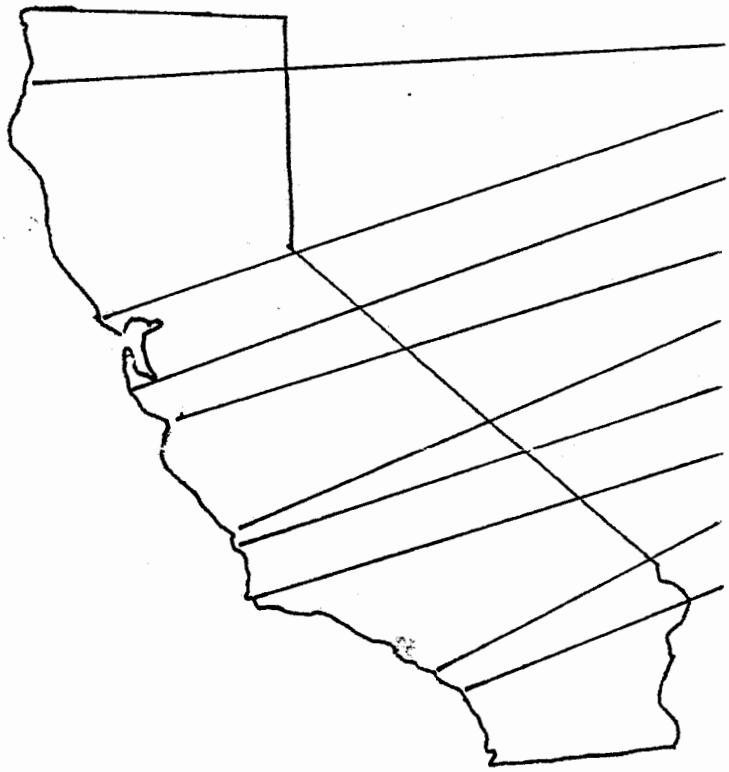
CALIFORNIA
COASTAL COMMISSION

The Breeding Season Has Begun

The Morro Bay Sandspit potentially has the most important Western Snowy Plover (*Charadrius alexandrinus nivosus*) source population on the California coast. The locations listed below all have management programs with the exception of the Sandspit. Moss Landing is intensively managed requiring tremendous effort and resources. With proper protection and management the Sandspit may be able to supply enough birds to bolster the states declining plover population. The population has declined dramatically in the last ten years. Every individual and nest is extremely important. We can no longer afford to overlook what could be essential to Western Snowy Plover recovery.



LOCATION	Nests
Humboldt Bay Area	41
Pt Reyes N.S.	28
Half Moon Bay	6
Moss Landing	175
Morro Bay Sandspit	**115**
Oceano Dunes SVRA	17
Vandenberg AFB	140
Bolsa Chica	39
Camp Pendleton	55

FIG. 1 Selected Western Snowy Plover 2000 breeding season locations and nest numbers.

Morro Coast Audubon Society, Inc.

A Non-Profit Organization

To Whom It May Concern: March 12, 2001

We are writing to bring your attention to an extremely urgent situation concerning the plight of the Western Snowy Plover. The Western Snowy Plover is a small shorebird, which breeds on our sandy beaches. This species was federally listed as threatened under the Endangered Species Act in March 1993 and in December 1999 critical habitat was designated. **Recent statewide surveys estimate the California coast population has declined to less than 1000 individuals.** The year 2000 breeding survey estimated the population to be only 976, down 29% from the 1991 estimate of 1371 birds. The primary reason attributed to this decline is loss of breeding habitat. Habitat degradation caused primarily by expanding beachfront development and recreation has likely been responsible for the significant decline in the breeding population (Page, the Birds of North America, No. 154, 1995).

Vandenberg Air Force Base and Oceano Dunes SVRA, have been in the spotlight recently, but **what may be the most important nesting area, the Morro Bay Sandspit, is being neglected.** Last season 115 nests were found along the approximately 4 miles of the Sandspit compared to 140 nests along approximately 12 miles at Vandenburg Air Force Base and the 17 nests along the approximately 6 miles at Oceano Dunes (see fig. 1).

Recreational use of the Sandspit includes; horseback riding, hiking, beachcombing, surfing and wildlife viewing. **All these activities take place with no restrictions during the breeding season.** Most of the Sandspit falls under the jurisdiction of California State Parks San Luis Obispo Coastal District. The northern end of the Sandspit falls under the jurisdiction of the City of Morro Bay. Between these two trust agencies are some private land holdings. The spit can be accessed by land as well as by boat, some surfers paddle across from Morro Rock.

Efforts are being made at several locations to provide plovers with an opportunity to successfully breed. Vandenberg has been required by the U.S. Fish and Wildlife Service to protect breeding snowy plovers through beach closures. Oceano Dunes SVRA is attempting to determine if it is functioning as **a sink, an area where birds are being attracted to but not able to produce fledglings which may be recruited into the population.** The general consensus among plover biologists is that one fledgling per male is required to sustain the plover population and more than fledgling per male is required for the population to grow. At Moss Landing in Monterey County, extraordinary efforts are being taken to manage the salt ponds for snowy plover breeding. The South San Francisco Bay salt ponds have been proposed as a potential **source, an area capable of producing birds that may be recruited into the population,** but to do so it would require the same intensive management as Moss Landing.

It appears that the Sandspit may have great potential to be a source population without requiring the kind of resources needed to manage the Salt Ponds. **It does require that this critical habitat be protected and that disturbance during the breeding season be minimized.** This requires enforcing current regulations, educating the public, and completing and implementing a comprehensive management plan.

Post Office Box 160 • Morro Bay, California 93443-0160

Morro Coast Audubon Society, Inc.

A Non-Profit Organization

Actions we believe that need to be immediately implemented

1. Enforce current regulations
   - No dogs allowed in un-developed areas of State Park property
   - Direct Ranger patrols to include afternoon and evening, particularly sunset

2. Erect symbolic fencing and signage to encourage visitors away from nesting areas
   - Post signs clearly indicating areas to be avoided

3. Enable volunteer program
   - Provide interpretive info to visitors (think Friends of the Elephant Seals)
   - Conduct visitor usage survey

4. Provide education to public
   - Install interpretive signs describing snowy plovers and their nesting area

5. Complete and implement comprehensive management and monitoring plan
   - Provide timeline indicating when and how
   - Work with other stakeholders to ensure consistency and compliance

As we more fully understand the plight of the Western snowy plover additional action may be required. We are counting on your support to allow for Snowy Plover recovery, before we are too late. Please contact us and let us know how you can support and assist in these efforts.

Sincerely,

Steve Schubert
President
Morro Coast Audubon

Marla Morrissey
Carolina VanStone
Co-Conservation Chairpersons
Morro Coast Audubon

Contact #: 805/528-4955

C.C.

Lois Capps, US Congresswomen
Jack O'Connell, CA State Senator
Abel Maldonado, CA State Assemblyman
Charles Lester, CA Coastal Commission
Steve Monowitz, CA Coastal Commission
Liz Fuchs, CA Coastal Commission
Mary Nichols, CA State Resource Agency
Mary Howe, CA State Lands Commission
Shirley Bianchi, SLO County Supervisor
Jan DiLeo, SLO Cnty Parks & Recreation
Greg Fuz, City of Morro Bay Planning Dept.
Mike Multari, Director MBNEP
Ann Badgely, Reg. Director, USFWS
Lee Ann Carrazza, USFWS
David Perekesta, USFWS
Chris Barr, USFWS Refuge Division
Rusty Areias, Director, CDPR
Joe Mette, Superintendent, CDPR SLO Coast
Vince Cicero, Ecologist, CDPR SLO Coast
Al Wright, CDF&G
Robert Floerke, CDF&G
Bob Stafford, CDF&G
Scott Hennessy, HCP Contractor
John McCaull Audubon CA Legislative Director

Post Office Box 160 • Morro Bay, California 93443-0160

March 23, 2001

VIA FACSIMILE

Mr. Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Periodic Review of the San Luis Obispo County Certified Local Coastal Program

Dear Charles,

Attached please find LOCAC's response to the Periodic Review, approved by a unanimous vote at our meeting of March 22, 2001.

A couple of comments regarding our response:

•It is not, in any way, intended to be critical. On the contrary, as noted in the response, we are very impressed by the Periodic Review both in its content and thoroughness. The questions posed are done so sincerely and without the intent of being judgmental in posing them.

•Our goal in writing the response was, among other things, to open a dialogue which needs to occur with regard to the planning process as it currently exists in San Luis Obispo so that *together* with the County and the other involved agencies we can improve the process and make it more 'user friendly'

•There was some discussion regarding the Costs section among the council members. As you review it please keep in mind that we are referring not only to monetary costs, but to costs to the community in the broader sense. In addition, we would like to be clear that we are not, in this section, asking for or advocating more government, but rather better use of that which we already have.

We are looking forward to our meeting with Coastal Commission Staff next Thursday and hope that our response provides a good basis for our discussions.

Very truly yours,

Maryellen R. Simkins
Chairman
Los Osos Community Advisory Council
P.O. Box 6361
Los Osos CA 93412
MSimkins@amblaw.com

Enclosure
cc: Supervisor Shirley Bianchi

Los Osos Community Advisory Council
Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

Commendation to CCC Staff

The Periodic Review of the San Luis Obispo County LCP, consisting of 366 pages, is a well written, seeming carefully researched and cited documentation of the alleged failure of the County of San Luis Obispo to adequately implement the LCP over the period from certification in 1988 to year 2000.

This is an extraordinary literary effort and CCC staff is commended on the document.

It appears, however, to be an academic exercise without basis in actual evaluation of the field conditions under which decisions were made, or knowledge of the particular and specific circumstances under which the administrators reached decisions at the time the decisions were made.

One wonders about the cost in person-hours and cost of this effort, and whether these resources might have better been employed in providing distinct solution, rather than in raising and identifying problems.

Purpose of the Periodic Review

It appears to be the vision of Coastal Commission Staff, as expressed throughout the Periodic Review, to limit further development and permanent habitation by humans on the Coast of California (other than visitors). If this is the intent, the document should clearly state that mission. What are the long-term impacts to areas outside of the Coastal Zone?

Is it the intent of this document and process to place finite limits on the ultimate growth of coastal communities, individually and collectively?

Is it the intent of this document to remove the permitting and compliance process from the jurisdiction of San Luis Obispo County and restore it to the California Coastal Commission?

Is the ultimate outcome of this process really going to produce better communities, better habitats, or better environment?

How long will it take to resolve the issues raised in the Periodic Review; who is responsible for making resolution; who is to provide funding for the resolution;

what is the defined timeline; who decides the division of responsibility; who provides funding; and what deliverables to be developed?

How is this process to be brought to closure?

Planning Decision Making

The Current System: "Bottom-up Planning"

The present method of planning as described throughout this document might be termed ***"Bottom-up Planning"***. Responsibility is placed on the applicant to do research as might be required by permitting agencies. Unfortunately, those requirements for research and definition of terms and phrases are not adequately defined. The applicant is faced with the dilemma of attempting to satisfy multiple jurisdictions that have authority over the project. Unfortunately, those jurisdictions have not adequately provided guidance to clearly describe all necessary evaluation. The applicant is frequently caught between agency requirements, resulting in costly, time consumptive and frustrating procedures.

The process is site-specific and does not provide adequate consideration of regional overview and coordination. It is piecemeal rather than comprehensive planning. The needed environmental information is accumulated after the fact.

The system is backward, with the responsibility of the applicant confused and at the discretion of the agencies in jurisdiction. The Periodic Review points these problems out repeatedly throughout the document, but offers little in terms of resolution.

A Proposed System: "Top-down Planning"

This process should be reversed. The requirements of the jurisdictional agencies should be clearly defined, accurately mapped (when applicable), coordinated, and systematically updated, if required. It is incumbent upon the jurisdictional agencies to provide the necessary research to reach definition, to evaluate physical criteria, determine the rules of procedure, and provide this information to the public in a form that is accessible and understandable to the public.

Los Osos Community Advisory Council
Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

While formidable, data and mapping systems are currently available and in use to document this data and information. A Geographic Information System (GIS), with relational database could be readily employed to store, map, and correlate the information affecting permit approvals, and tie that information directly to each and every parcel in San Luis Obispo County. A Tracking System for systematic review can be readily correlated with this GIS data base management system.

Much of the geophysical information is already available in data files either at the County or at Cal Poly. Read-only linkages with hardware and software are available to access this information.

A responsible professional can respond adequately to constraints upon a site if the constraints are defined and known. To the extent this definition is lacking or unknown, it is incumbent upon the agency of jurisdiction to define and do the research to provide the constraint data. This data needs to be clearly documented and prioritized in terms of importance by the jurisdictional agencies in cooperation and coordination with each other. It should not be the responsibility of the applicant to do this.

This process might be termed ***"Top-Down Planning"***, in which all applicable constraints affecting the land or a parcel, and pertinent at the time of permitting, are known in advance of the permitting process. The Los Osos Community Advisory Council urged this approach in 1992 with the advent of the Estero Area Plan Update. A partial and cursory Constraints Analysis was begun, but was largely ignored and abandoned in the Estero Area Plan Update process, instead of being totally resolved and implemented as part of that process.

The jurisdictional agencies have the mission, funding and responsibility to provide the necessary research and data. No one else does. Ultimately, these jurisdictional agencies have the final approval of permitting. It only stands to reason and logic that the agencies must provide the criteria to which an applicant will be held accountable and responsive and in a form accessible to the applicant or his/her representative.

If the Top-Down Planning process were implemented, it would speed up the entire permit processing procedure and would likely eliminate most appeals that might be based on responsiveness to constraints, which is one of the stated goals of the Periodic Review.

Los Osos Community Advisory Council
Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

The money and extensive staff time spent in this Periodic Review could most likely have been more profitably expended in defining and producing the constraint data that is repeatedly cited in the report as missing.

Definition of terms and phrases

The following is a selection of many terms and phrases in the Periodic Review need specific definition by the CCC. It is by no means complete. Terms and phrases in the Estero Area Plan need to be defined by the jurisdictional agencies and coordinated by those agencies, not left to definition by the applicant. A glossary of terms applicable to the Estero Area Plan should be included and maintained.

"new development within the habitat shall be limited to those uses that are dependent on the resource." (p. 126)
"wetland" (p. 127)
"reasonable economic use" (p. 131)
"taking" (p. 132)
"significantly degrade" (p. 140)
"agricultural stock pond" (p. 141)
"maximum extent feasible" (p. 142)
"functional capacity of the habitat" (p. 143)
"only feasible alternative" (p. 149)
"no feasible less environmentally damaging alternatives" (p. 151)
"adverse effects are mitigated to the maximum extent possible" (p. 151)
"mitigated to the maximum extent feasible" (p. 151)
"reasonable use of private property" (p. 153)
"necessary water supply project" (p. 155)
"highly scenic areas" (p. 317)

Is there any difference between habitat within an Urban Reserve Line and habitat outside an Urban Reserve Line?

Where citations of the Coastal Act are made, it should be clarified what is being specifically cited or whether it is CCC staff's interpretation of the cited reference. If it is an interpretation, the citation should clearly so state.

Note: nothing is "unfeasible", but it may be "unreasonable".

Los Osos Community Advisory Council
Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

Identification of Defined Areas of Concern

The following is a partial list of areas have been identified in the Periodic Review as needing further, more defined and mapped definition.

More complete ESHA delineation (p. 108)
Coastal scrub mapping (p. 109)
Mapping of all sensitive habitat areas (p. 111)
Habitat maps provided by project-specific biology reports (p. 114)
Biological analysis to determine extent of ESHAs (p. 115)
Require all development to provide specific biological information (p. 118)
Combining designations maps updated and maintained as dynamic geographic database (p. 123)
Update requirements for biological reports and investigations to be formatted in a manner that they can be incorporated into a Geographic Information System (p. 123)
Riparian habitat mapping (p. 139)

Responsibility to define Areas of Concern

The primary jurisdictional agencies involved with permitting in the Estero Area are:

California Coastal Commission
US Fish and Wildlife Service
California Department of Fish and Game
Regional Water Quality Control Board
SLO County Planning Department
SLO County Department of Health Services

among many others that have more limited jurisdiction in the Coastal Area. Whose agency has authority over other agency requirements? It would appear that the California Coastal Commission has the most comprehensive overview. Should it not be the lead agency responsible for identification, coordination and prioritization of the jurisdictional concerns of all affected agencies that have jurisdiction in the Coastal Zone?

Since the CCC is the jurisdiction for appeal, it should lead and be responsible for this effort with the other agencies that are State of California-based.

Los Osos Community Advisory Council
Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

Federal jurisdiction has other, even more complicating, jurisdictional ramifications. However, the CCC should also be the responsible coordinating lead agency with the affected federal agencies, at least in the effort to define data, criteria, mapping and constraints imposed by the federal agencies, and coordinate those constraints with State agency constraints as they affect the Coastal Zone.

Who makes the judgments?

Delegation of responsibility and authority

When the Estero Area Plan was certified in 1988, the responsibility and authority to administer the Plan was delegated to San Luis Obispo County Board of Supervisors and Departments.

It is obvious from many citations and review of over 207 permit cases processed by SLO County over the period from 1988 to 1998 cited in the Periodic Review that CCC staff is not pleased with the execution of the responsibility and authority delegated to the County of SLO.

To the extent that these criticisms can actually be verified based on conditions appropriate and timely at the time permits were issued (with full understanding of the field circumstances and conditions prevailing at the time of determination), they may be justified and valid. To the extent they can't and are based only on the remaining written record, one might place some question upon the validity of this critique. Hindsight is 20-20. Foresight is sometimes less than 20-20.

In any circumstance in which power, responsibility and authority are delegated, the receiving party will not perform exactly as the delegating party would have under the same circumstances (at least under the evaluation of the delegating party). That appears to be the case here. The question is: What is a reasonable resolution of this critique in the Periodic Review? Does the CCC staff really want to suggest restoration of the CCC as the permitting authority under the LCP for San Luis Obispo County? If not, then what closure to this issue would the CCC staff recommend?

What Appeal System is there in place?

The LCP establishes an appeal process to the California Coastal Commission under

certain circumstances and conditions. The Periodic Review appears to be concerned and critical about the number of appeals to the CCC from SLO County.

The Review appears to state that the reason for these appeals to the CCC is because SLO County somehow failed to correctly administer the permitting process under the LCP.

We would submit that anyone could appeal to the CCC any decision by SLO County within the Coastal Zone, whether or not the basis for appeal is well founded. CCC has dealt with many of these unfounded cases. Some appeal decisions have been upheld in the courts; others haven't.

It is the nature of our jurisdictional process to allow appeal, regardless of the foundation of the appeal. Anybody can sue anybody or appeal any decision in our system. Appeals will not go away - they are a way of life in our society.

Costs: Who Pays?

The current system of permit administration is confusing, costly, and placed at the feet of the applicant. The cost of processing continues to escalate. The cost of environmental mitigation continues to escalate. The confusion in the present (bottom-up) system generates additional cost for the applicant.

Where these costs accrue to a single use, the applicant pays.

Where a developer pays costs, the ultimate consumer of the product pays. The developer will not pay costs that cannot be passed on to the ultimate consumer and still maintain a profit margin acceptable to the developer. Nobody really "sticks" a developer -- the "stick" to the developer is only passed on to the ultimate consumer.

While our jurisdictional agencies may think the developer pays, that's wrong. The developer won't be in business if the profit margin goes down. The only real effect is to drive up the price of the product for which the consumer pays.

No one in the jurisdictional agencies appears to care about (or be regulated by) what the cost is for the fulfillment of their mission statement. Whether the cost is to the individual applicant, the developer, or the community as a whole, the cost effect is not recognized. However, that cost affects "affordability" in the community in all cases. In most cases, the cost of satisfying the jurisdictional agencies is cumulative.

Los Osos Community Advisory Council
Response to Periodic Review of California Coastal Commission Staff
dated February 2, 2001

Do any of the jurisdictional agencies care who pays the cost? If they do, it is not apparent in any demands that LOCAC is aware of.

Has there been any evaluation of the effect of cost vs. the long-term benefit or cost to the payers?

Closure

In these comments, LOCAC does not wish to appear to be critical. We feel the Periodic Review has pointed out many substantive issues that need to be resolved. We have suggested methods of resolution. Our interest is in closure to this issue; resolution of the issues raised in the Periodic Review; and positive resolution of a better way to address permit processing in the Coastal Zone, with particular emphasis on our Los Osos jurisdiction.

We look forward to working with the staff of the CCC, the County and all affected jurisdictions in bringing further definition and resolve, a streamlined permitting process, and a much better general plan to guide the development of our Los Osos Community.

We point out that the recommendations stated in our Vision Statement for Los Osos, adopted in 1995 by LOCAC and the Community, still stand and are in effect to guide our future development.

We hope that the comments above will lead to that end and LOCAC stands ready to work diligently with the CCC and SLO County to make that happen.

We want the Estero Area Plan Update finalized timely, with realistic expectations, accurate definitions and mapping of concerns in our area and an accurate and defensible description of the permitting process as it affects Los Osos properties.

Thank you for the opportunity to respond.

Approved by LOCAC, March 22, 2001, yeas 6 nays 0.

Maryellen Simkins, Chair

California Native Plant Society

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APR 12 2001
CALIFORNIA
COASTAL COMMISSION

RECEIVED
APR 09 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

3/24/01

TO: The Members of the California Coastal Commission

FROM: David Chipping, VP Conservation, San Luis Obispo Chapter of the California Native Plant Society, 1530 Bayview Heights Drive, Los Osos, CA 93402

RE: Periodic Review of the SLO County LCP

Dear Commissioners:

The California Native Plant Society (CNPS) consists of over 10,000 people dedicated to the conservation of the California Flora. On behalf of the SLO County Chapter, I have reviewed the Preliminary Report , dated February 2, 2001, and find general agreement with the suggestions for improvement of the LCP. CNPS wrote comments on Chapter 4 to the Commission on 2/13/01, and this letter supersedes the earlier response by addressing the entire document. We would like to make the following requests of the Commission and of San Luis Obispo County. The page references are to the Commission Preliminary Report Document Th5B.

p.17 and following: CNPS is strongly supportive of a well defined urban interface and the CCC recommendations. CNPS concurs that the Los Osos URL and USL were defined in 1988 without full understanding of the effects of buildout on endangered species habitat and conflict with ESHAs that must follow the recognition of this habitat. We recommend a constriction of the URL and USL, particularly because it will also reduce buildout capacity which appears to close to the water resource capacity of the area.

p.22. We agree that the 80 acre minimum lot size per residential unit should be supported, but recognize the problem of underlying "forgotten" lots that may allow a greater density. We would suggest clustering and local TDC programs with limited incentive parcel bonuses may be utilized to minimize these impacts, and that the LCP should address the potential for such conflicts on an area-by-area basis.

p.25-28. We agree that having private water purveyors violate the USL, as along the Pecho Road area of Los Osos, is a problem that needs resolution. We support the Preliminary Recommendations, particularly #2.4 and #2.5 that would pull the USL and URL for Los Osos to the inside of lands defined as Critical Habitat for Listed Species, and considered vital to the Los Osos Greenbelt.

p.56. The section discussing water availability introduces the idea of desalinization. CNPS recommends that this not be considered as an option of urban water production due to the extremely high energy requirements and secondary impacts to atmospheric pollution and global warming.

p.61 The Commission should obtain the latest modeling performed by Cleath and Associates for the Los Osos CSD that may better define the water constraints. The situation appears to show that buildout will stress the supply situation, and thus any conservation efforts that reduce buildout numbers should be encouraged.

pp 89 & 95. CNPS agrees that the 30% slope limitation for subdivisions in Recommendation 3-11 is a good idea. This may require some provisions to balance slope standards with ESHA requirements, as illustrated in the recent appeals to the Cabrillo Associates Plan, in which a preferred alternative moved parcels out of rare manzanita habitat and onto steeper slopes.

p.95 CNPS does not understand criteria (c) of Preliminary Recommendation 3-9. Most stream channels contain sediment, which may be confused with "soil or debris". The language should more clearly express intent.

Dedicated to the preservation of California native flora

p. 112-113 CNPS recommends that the County perform periodic review of biological values of the coastal zone, utilizing all of the resources enumerated in the preliminary report, pages 112-113, utilizing qualified biological consultants that will in turn consult with local resources such as CNPS.

CNPS also requests that the biological value of land be judged not only on the presence of species of concern, but that protection criteria be broadened to include suitable but unoccupied habitat that might be needed for the recovery of species close to jeopardy, or biological populations that are locally rare or which are important in defining the total genetic diversity of a species or ecotype. We are pleased to see this suggested in the preliminary report (as at p.113).

CNPS has no problem with the County implementing protection of ESHAs through Combining Designation overlays, provided that the overlays are updated to reflect current scientific knowledge and current protective status for species. We agree with the Commission that current overlays fail to encompass biological needs. The LCP, for example, protects "dunes", but not all sand substrates that should have been recognized as dune systems (as in Cabrillo Estates case). This also leads to such as aberrations as a TDC program suggested for Los Osos that, while concentrating development toward the urban core (good), transferred it into biologically critical habitat (bad). Similarly, zoning for a hotel was approved by the Commission near Shark Inlet in southern Morro Bay in spite of its position in rare coastal dune scrub, possibly because the impact to habitat was not made evident in mapped overlays.

p.114 CNPS requests that Alternative A-1 be implemented and be subjected to yearly updating based on biological data on the condition of species. Our concern is that the County will not have the resources to keep the mapping overlays current, and will not be responsive to such resources as the CNPS Inventory and its changes in species status. CNPS would consider all CNPS List 1B as candidates for listing under CESA, and would request that the LCP offer them the same consideration. If County resources cannot produce timely mapping updates, then CNPS agrees that Alternative A-2 (p.115) may serve to link species protection with CEQA review, but fear that CEQA-linked protection may too often produce unmitigated Negative Declarations if the knowledge base is not kept current.

p.117 We agree that Alternative B1, while substantially viable, does produce a series of "technical calls" by staff that would be avoided if overlays existed.

p. 118 CNPS finds Alternative B2 does not set up criteria by which a biological review of property would be evaluated, and may be both costly and inefficient. Alternative B3 may work for certain areas, although CNPS finds HCPs, as currently administered by Fish & Wildlife, to be wanting in terms of the protection of non-listed species, and prefer the NCCP process. However the No Surprises clauses of both HCP and NCCP make updating plans on the basis of new information almost impossible.

p.121 CNPS supports Alternative C2. We believe that Alternative C1 will define an ESHA too narrowly. Alternative C3 should be considered in defining habitat under an ESHA provided that restorable unoccupied habitat is sufficiently discounted against occupied habitat in the planning process and in mitigation.

p.122 CNPS supports all of Preliminary Recommendation 4.1, 4.2 and 4.3 (p. 123).

pp 125-132 CNPS is in substantial agreement with the section on minimizing impacts to ESHAs.

p. 132 CNPS agrees that Table O should be modified as suggested (Preliminary Recommendation 4.4.

CNPS agrees with Preliminary Recommendation 4.5. Preliminary Recommendation 4.7 where we are happy to see fire clearance buffers being clearly identified as a biological impact (p. 133), and Preliminary Recommendations 4.4, 4.5, 4.7, 4.8, 4.9, 4.10, 4.11. 4.12, 4.13, 4.14, and 4.16 (p. 132-137). As noted above, we may have some reservations with certain plans that might be developed under Preliminary Recommendation 4.6 (p. 133). CNPS does believe that integrated habitat planning will be necessary in Los Osos, on the North Coast (to protect the Arroyo de la Cruz rare flora, for example), and on the coastal dunes of the south county. The LCP must recognize that an HCP or NCCP will have a primary goal of protecting species, and that land use reconfigurations enabled by the NCCP or HCP may not be able to pass muster with every one of the LCP policies. Some guidelines, such as building into the LCP a requirement to consult the Commission while a habitat plan is being prepared, might be useful.

pp.155-158. In issues associated with riparian protection, CNPS supports all recommendations without reservation.

pp.167-169. In issues associated with wetland protection, CNPS supports all recommendations (4.30 through 4.36,) without reservation.

pp.178-180. In issues associated with upland protection, CNPS supports all recommendations (4.37 through 4.43,) without reservation. However in anticipation of the arrival of Sudden Oak Death into this county, Preliminary Recommendation 4.40 may be expanded.

pp. 181-183 In issues associated with dune, coastal scrub, and maritime chaparral habitat, CNPS supports nearly all recommendations (4.44- through 4.56) without reservation. However Recommendation 4.53 should be modified to prevent off-road vehicle use between areas used by nesting snowy plover and the birds' foraging habitat in the wrack zone of the beach. Recommendation 4.48 might be modified to recognize that dune stabilization between the sand source and the houses will result in increasingly tall dunes, obscuring views and eventually threatening homes. The options of moving some of this sand back to the beach face might be explored due to the geological realities of limited sand storage capacity in this area. It should also be noted support of Recommendations 4.49-4.50 in no way should be interpreted that CNPS supports vehicle activity in the dunes. We don't.

p.232. CNPS believes that Table O uses should be further restricted. We believe the ancillary uses such as tasting rooms have been abused in the inland county, and have become veritable circuses of parties and performances. We would therefore recommend that the uses of such structures as on-site sales places and tasting rooms be restricted.

p.242 Preliminary Recommendation 5-10 might be better achieved through a Watershed Plan, or through consistent application of Farm Plans and Ranch Plans under the oversight of the Regional Water Quality Control Board. Conflicting standards between agencies will be difficult to manage.

p.243. CNPS appreciates the preservation of rural grazing landscapes, but worries about seeking a permit every time a farmer changes a land use. We would suggest a series of thresholds which would allow some land use change to "accumulate" over a particular area until a limit is reached, with a periodic notice of progress to that limit, and possibly exception to a reporting requirement if a Farm or Ranch Plan defines acreages of grazing land that will be preserved.

p. 260 CNPS is angry about the loss of coastal access to quiet title actions, and would like to see this ability to transfer public right-of-way to private ownership banned forthwith.

p.265. CNPS considers the SVRA to be a direct conflict with sensitive habitats, and would like usage to protect bird foraging areas between nest sites and the surfline by banning all vehicle use in that zone. We would also like to see a gradual reduction of the SVRA and its eventual closure, with the exception of special vehicles that would allow the disabled to reach a certain part of the beach and campers to reach camp sites without their own vehicles.

p.267 We would like to see NCCP added to the third paragraph.

p.299 We are strongly supportive of Preliminary Recommendation 7-20, and would like to add that clearance methods that conserve rare species by pruning rather than removal are to be preferred over wholesale clearance.

In conclusion, CNPS believes that the recommended improvements to the SLO County LCP, as suggested by CCC staff, are well conceived. The changes that we respectfully submit for your consideration will, we hope, be implemented by the County.

Sincerely,

David H. Chipping

CL/LF/TP

RECEIVED
APR 12 2001
CALIFORNIA
COMMISSION

San Luis Obispo Co Cattlemen's Assn.

P.O. Box 302 Paso Robles, Ca. 93447

RECEIVED
APR 05 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

3/26/01

To: Steve Monowitz

From: Pat Molnar / President, San Luis Obispo Co Cattlemen's Assn.

The San Luis Obispo County Cattlemen's Association represents over 300 cattle members in San Luis Obispo County, many of whom live and sustain their ranching livelihoods within the coastal zone. Although we appreciate the opportunity to address our concerns relative to agricultural uses of land within the coastal zone, it is our feeling that their review prepared by coastal staff would have been more palatable and productive had staff consulted with the SLO County Farm Bureau and SLO County Cattlemen prior to its conception. The vast majority of the acreage within the coastal zone in SLO County is either owned or operated by a member of these organizations.

The people who generate their livelihoods from production agriculture have not been sleeping over the last thirty years as evidenced by the number of acres under Williamson Act Contract. In addition voluntary programs are already in place with the Water Quality Control Board, Resource Conservation Districts, the Farm Bureau Watershed Co-ordinating Committee, the Morro Bay Estuary Program, are all examples of what SLO County Agriculturist are doing.

The Coastal Act requires the maximum amount of coastal land to be maintained in agricultural production, the retention of agriculture land for the long term sounds easy but is very difficult based on market volatility and development pressures. People who live and work the land should be given some consideration as to what works best for the land before the staff or the regulatory agency attempts to regulate their existence. The periodic review contains many suggested rules, which are unacceptable to the viability of an agricultural orientation. Unless there is a meeting of the minds between agriculture and the regulating agency, a lot of time, effort and money will be expended in order to reach the final resolution.

We look forward to working with your commission to establish rules that we can all live with.

Sincerely,

Patrick S. Molnar

Pat Molnar

NORTH COAST ALLIANCE
P. O. Box 762, Cambria, CA 93428
(805) 927-1341
March 26, 2001

California Coastal Commission:

Last Tuesday, March 20, 2001, the San Luis Obispo County Board of Supervisors took action on a staff proposal to provide funds for approval of a contract for a consultant to assist in preparation of the North Coast Area Plan and EIR. Representatives of the NORTH COAST ALLIANCE (NCA) and other persons spoke for approval of this item; other organization representatives spoke against the measure which was ultimately defeated by the pro-growth members of the Board.

The NCA strongly feels that environmental groups should get behind our North Coast District 2 Supervisor in urging the full Board to reconsider and approve this item and move ahead with the Plan. It has been more than three years since the Coastal Commission in January 1998 rejected the County's seriously flawed update, and little progress has been made since then. NCA believes that the County does not have sufficient staff to develop a Plan of this magnitude, and that most cities and counties hire outside help for major endeavors like this because they cannot afford to maintain a staff of specialists.

In the intervening years since the LCP and NCAP were approved in 1988, there have been significant changes along the North Coast regarding the resources protected by the Coastal Act. Water, traffic, schools, noise, and fire safety are some of the items which have suffered negative impacts because of population growth, increased tourism and natural phenomena such as El Nino/La Nina. These problems need to be addressed, and solutions found, as quickly as possible. It is imperative that the County move ahead and work with the Coastal Commission.

The August 25, 2000, letter from the Coastal Commission to SLO Planning outlines new circumstances and changed conditions since 1998 that require consideration. Delay in recognizing these conditions and including them in a new or updated Plan gives Hearst or other developers more time to act under the old Plan with less stringent requirements. Hiring a consultant now will allow that consultant to immediately begin working with Coastal Commission staff on the periodic review while it is being developed. There is a compelling need for County officials to act now toward saving the communities and ecosystems of the north coast and the whole of San Luis Obispo County!

Sincerely,

Bill Allen

William G. Allen, Chair
NORTH COAST ALLIANCE

NORTH COAST ALLIANCE
P. O. Box 672, Cambria, CA 93428
(805) 927-1341
March 26, 2001

California Coastal Commission:

Twelve years ago the North Coast Advisory Council (NCAC) made a decision to work toward a maximum buildout population of 8,500 for Cambria. This decision was based on a study of the effects of resource constraints such as: Limited water quality and supply for both home usage and fire safety requirements; Overcrowded school facilities; Increased traffic congestion; Destruction/ Removal of native pine forest. Also considered were intangible positive effects of preservation of Cambria's small-town character and the cherished quality of life.

As new NCAC members have been elected in succeeding years, the Council has continued to embrace the concept and confirm the desire to limit build-out to 8,500 residents. Concern over impacts of growth under the existing North Coast Area Plan, particularly in Cambria, led San Luis Obispo County officials to evaluate development of the community under four growth reduction alternatives. On November 12,1996, the County Board of Supervisors directed staff to pursue an action plan to achieve Level Four, which was calculated to provide a growth cap in the range of 8,500-11,500 population. The Hausrath Economics Group was hired to do a lot-reduction study, and resulted in a report to the County in 1977 which indicated the desired growth-cap goal to be feasible.

A lot reduction program has high financial costs, but failure to develop and implement such a program is even more costly. Various studies by several governmental entities have shown that residential development cost for additional infrastructure needs are in the range of $1.15-$1.30 for each $1.00 of additional revenue from property taxes, use taxes, sales taxes, etc.. Conversely, farm, forest and open lands cost only approximately 33¢ for each $1.00 of revenue.

Parcels included in a lot reduction strategy would include four basic categories: 1) Development constraints, primarily parcels that are physically unbuildable because of steep, unstable terrain; 2) Land use regulation through policies controlling rezoning and/or lot-line adjustments; 3) Voluntary density reduction where owners of small size parcels combine two or more in order to build a more spacious home; and 4) Property acquisition by a publicly-funded program to retire development rights. Acquisition costs would be partially offset by a reduction in future costs for infrastructure, with the remainder of funding coming from a special assessment program covering all property owners.

San Luis Obispo County Suggested Modification, LCP Amendment 1-97, number 107 (January 1998) concludes with the statement that - "The County and CCSD shall cooperate to place a lot reduction ballot measure before the Cambria electorate". The NORTH COAST ALLIANCE urges the County and CCSD to immediately move ahead with such a measure.

Sincerely,

Bill Allen

William G. Allen, Chair
NORTH COAST ALLIANCE

NCAC Agriculture Representative

California Coastal Commission
45 Fremont, Suite 2000
San Francisco CA.94105-2219

3/26/01

SUBJECT: Preliminary Report on the Periodic Review Of the San Luis Obispo County LCP.

In reviewing the Preliminary Report on the Periodic Review Of the San Luis Obispo County LCP Coastal Staff has stated that they want agriculture remain viable with in the Coastal Zone. Yet Coastal Staff wants a permit if an agriculturist wants to change from grazing more intensified crops or change crops. Agriculture must be allowed to change what is grown on the land to keep up with the demands for food . The restriction that is proposed would only serve to further reduce the viability of agriculture.
Requiring permits for cattle grazing on private ag. land. Where is the scientific proof that the coastal ranchers are grazing their land wrong? Who is going to set the standards and who is going to count the cattle?
The report limits what slopes agriculture crops may be grown on. Many ag. crops require that they be planted on slopes for drainage. This regulation would penalize only the agriculturist whos land is within the coastal zone, and many of these ag. land have been owned and successfully operated by the same families for over 100 years, long before the California Coastal Commission was here.

The Coastal Staff report goes so far as to say that a permit could be required as to where a crop may be grown, what slope, size and area of use. This could well be a taking of property with out compensation if the ag. land owner is denied the use of his or her property.

The review lacks scientific proof. Articles were taken from environmental activist groups to back their findings, such as the Sonoma County Press Democrat, when suggesting further reducing the use of fumigants, pesticides and fertilizers. These are already regulated by County Ag. Dept. and there are state and federal laws as to when, how and where they may be used, yet the urbanities can use fumigants, pesticides and fertilizers with little or no regulations and allow them to migrate on to ag. land.

The PR by the Coastal Staff suggests that restrictive limitations be placed on fuel/fire hazard modification measures. This would be contrary to what the Federal Government has now realized, which is that fuel/fire hazard modification measures must and will be put in place to protect the urban interface from wildfires. The State has also sponsored FireSafe Council program. Is the Coastal Staff suggesting that they will supercede the Health and Safety Codes and the Uniform Fire Codes that require fire hazard reduction? It would appear that Coastal Staff would like to put habitat and recreation before the health and welfare of people who live with in the Coastal Zone.

In conclusion, it would appear that the Coastal Staff that wrote this review has little or no knowledge of what agriculture is about and what constraints are already in place. Their concerns seem only in keeping the view shed and public access, even advocating trespass for the purposes of gaining prescriptive easements to private land or converting ag. land to public land. As one environmental activist stated in a public meeting-- stop development on agricultural land and regulate agriculture to the point that they give up and sell their land at a cheap price to a conservation group.

Respectably Submitted

Walter J Tyler

I concur with the above statements

San Luis Obispo County
FARM BUREAU

March 28, 2001

Charles Lester, Central Coast District Manager
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, Ca 95060

Dear Dr. Lester,

The San Luis Obispo County Farm Bureau appreciates this opportunity to present our observations and concerns relating to the Coastal Commission's Preliminary Review of the San Luis Obispo County Local Coastal Plan. The Review is a major document that addresses a very complex list of issues. Of primary concern to those of us in agriculture, is the impact the review will have on the health and very future of agriculture in San Luis Obispo County. We will be addressing points from more than just Chapter 5 today, because issues in the Chapter 3 (Water Quality/Marine Resources), Chapter 4 (Environmentally Sensitive Habitat Areas), Chapter 6 (Public Access and Recreation) and Chapter 8 (Scenic and Visual Resources) all impact coastal agriculture.

Number one priority concern with the Review is the classification of agriculture as "development". With this classification, comes not only the "coastal development permit" requirement, but a whole new array of conditions and criteria, just to continue to farm and graze our agricultural lands.

Two quick examples of how the development classification affects agriculture are :

- Page, 118 and 123: The Review would require that all new development have an inventory of the plants and animals identified by a qualified biologist. This costly and time-consuming requirement is not in keeping with the Coastal Act requirement to keep a maximum amount of agricultural land in agricultural production.

- Page 141: The classification of agricultural production as development, now positions agricultural production under a current LCP, requirement that "new development shall be setback from the upland edge of riparian vegetation...100 feet in rural areas. This will actually remove thousands of acres of agricultural land from production, contrary to the Coastal Act's stated purpose to keep agriculture in production.

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The Review recognizes that flexibility is a critical need for agriculture. Unfortunately, the following concerns and issues do not support this need.

Page 70, PR 2-14: There are a number of programs already in effect that work with the landowners of the Central Coast on watershed management programs. Watershed management programs should be left to the Morro Bay National Estuary Program, Cooperative Extension, San Luis Obispo County Farm Bureau Coordinated Watershed Program, California Water Resources Control Board, the Regional Water Quality Control Board and the other agencies and non-profits already involved in watershed management.

Page 78, Pesticides: The authors of the Review need to communicate with the growers and the County Agriculture Department to learn how pesticides are regulated and used. Pesticide use is highly controlled. This section of the Review needs significant revision to reflect what is actually happening within the Coastal Zone of San Luis Obispo County.

Page 81, Paragraph 2: Instead of asking the County to duplicate the watershed management efforts, the Review should support and encourage the County to continue and expand the current support that is given to the various watershed programs.

Page 94, PR 3-7: The Coastal Zone is clearly defined. Jurisdiction of the zone should not extend beyond these boundaries.

Page 95, PR 3-8: We ask that the designation for the "wet season" remain as currently stated in the County LCP and other documents.

Page 118, paragraph 5: We spoke to this concern on page one.

Page 122, PR 4.1: The revision and expansion of the definiton of a Sensitive Resource Area and Endangered Species Habitat Area are contrary to the requirements of the Coastal Act and do not protect agricultural land for agricultural production.

Page 123, PR 4-3: Once again, since agricultural practices are classified as development, lengthy and costly biological reports, by "qualified biologists" will be required. This does not maintain agricultural land in agricultural production.

Page 141, last italicized paragraph: This was addressed on page one.

Page 167, PR 4-31: This recommendation would give County/Coastal Commission biological review on manmade wetlands. It is unfortunate that regulation is proposed, instead of encouraging the creation of possible habitat. Agriculturalists would be more willing to support habitat issues, if such support were not followed by punitive regulation.

Page 213, Bullet 3: Certificates of Compliance are not discretionary, but a matter of evidence before State law that parcels existed prior to certain land use criteria were in place. This is not within the perview of the Coastal Commission.

Page 236, PR 5-8: Limiting rural housing to 3,500 square feet and development envelopes to 5,000 square feet, is an arbitrary figure that has no foundation in fact. In the County today, under the Agricultural Contract program ½ to 1 acre of land is allowed to be dedicated to the non-agricultural development. This is a more realistic direction.

Page 237, full page: It is unfortunate that the Review expresses such a negative image of agriculture, without a clear understanding of the facts about agriculture. We urge the authors of the Review to discuss the issues with those of us in agriculture. What is the reason for this totally negative presentation of agriculture? Why is agriculture being portrayed as the source of all land degradation, without any attempt as presenting a full picture of the advantages of agriculture to the land and people?

Page 242, PR 5-10: Agricultural activity is a development in this Preliminary Recommendation (PR). This PR needs to be removed from the Review. There are numerous agencies that address the concerns that the Review would like to place in a permit condition.

Page 242, PR 5-11: This PR is a continuation of the seriously negative impact that the requirement of development permits will have on agriculture. We ask that this PR be removed from the Review.

Page 243, PR 5-12: We ask that the Review authors look at the various programs that are in force and being introduced that help the agricultural producers and urban dwellers best utilize water and delete this PR.

Page 243, PR 5-13: This PR must be deleted from the Review. Agriculture must not be subjected to this debilitating series of permits and requirements. The Coastal Act requires that the maximum amount of agricultural land remain in agricultural production. This PR will remove thousands of acres from production.

Page 258, PR 6-1: We are concerned about the creation of blufftop trails and the hazards to the public, as well as the property owners, that such trails would create.

Page 262, PR 6-5: This PR is extremely disturbing to those of us in agriculture. This PR encourages trespass and asks the County to document such actions, not because it is illegal, but so that a prescriptive right can be established. This PR must be removed from the Review.

Page 298, Fire Hazards: We urge the Review to rethink the discussion on fuel/fire hazard modification measures. Vegetation removal may impact a small section of habitat in the short term, while preventing wholesale destruction of a watershed through an uncontrolled wildfire.

Page 299, PR 7-20: As in the prior comment, this PR needs to be completely rethought.

The San Luis Obispo County Farm Bureau Board of Directors, ask that you work with us to help the agricultural community remain a viable, productive part of San Luis Obispo County. We urge you to look at the current programs and what agriculture needs to continue to be a part of San Luis Obispo County as we continue on into the twenty-first century.

Sincerely,

HUGH PITTS
President

INNOVATIVE SOLUTIONS TO LAND USE

ROGOWAY PLANNING GROUP

March 28, 2001

Charles Lester, District Director
California Coastal Commission
725 Front Street Suite 300
Santa Cruz, California 95060

SUBJECT: Response to Coastal Commission staff review of the San Luis Obispo County Local Coastal Plan.

Dear Mr. Lester:

This letter is being sent on behalf of the owners of substantial holdings in the Los Osos Planning area. It is been our observation that actions proposed by your staff in your responses to planning efforts of San Luis Obispo County are attempting to destroy years of concerted planning effort achieved by the County. Working closely with the community, these efforts represented some of the most responsive and sensitive planning efforts made by a local jurisdiction. The community consistently responded to challenges to the shortcomings of protecting the habitat and resources. It was about that same time the County prepared its Local Coastal Plan where the coastal policies and standards were deemed consistent with the General Plan and the Coastal Act, a plan which respected and implemented habitat and environmental resources in compliance with the Act, so said the Board and Supervisors upon its adoption and so said the Coastal Commission by certifying those documents. The General Plan and LCP respected the will of the community for development and responded to the threats to environmental resources; it was considered one the of best LCP's at the time of adoption, according to Dave Loomis, the then Santa Cruz District Director

The proposals you have offered will reduce the long standing development rights established from General Plan policy made in compliance with Government Code Section 65,300 et.seq. The zoning standards under which property owners perfected their development rights will be subverted by your punitive and confiscatory recommendations. You are threatening to use the veto authority of the Commission to deprecate the years of concentrated study of these issues by the community, the County staff and the staff of the District office of the Coastal Commission. We believe, rather than redraw development patterns established by the Community, the issues of protecting species and habitat resources can more effectively by managed and positioned to survive by a protective planning response. Wiping out development has not been effective in the past, nor will it effectively protect endangered biological

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(805) 546-9300 (Fax 542-9949)

resources following your suggested sledge hammer approach. We have discussed implementation techniques with representatives of the U.S. Fish and Wildlife Service, who have come to agree with us that the proper approach to resource protection on properties large enough to effectuate meaningful mitigation, is by preparing and implementing site specific Habitat Conservation Plans. We are convinced this is the proper approach to protect endangered and threatened species. This is the way to concentrate government efforts directly at saving the specie.

We ask your Commission reconsider eliminating development densities on properties five acres or larger and instead use the site specific Habitat Conservation Plan requirement to identify specific mitigation and monitoring measures which will ensure the protection of the specie and to determine what portions of the property can be developed and what measures can be taken to ensure the specie will be protected.

The properties we represent have from time to time been designated within critical habitat areas (CHA):

SHORELINE PROPERTY
A seventeen acre parcel fronting on the south end of Morro Bay was not within the Morro Bay Kangaroo Rat CHA and was not considered as suitable habitat for the Rat. No other endangered specie was identified with the property. The County mistakenly designated the shoreline as wetland, but the high tide of Morro Bay runs close to the property line behind which there is a four foot embankment. *There is no wetland on this property and there are no endangered species identified with this property. Fish and Wildlife first included the property in the Shoulderband Snail Critical Habitat but in the end withdrew it from the Critical Habitat Area.*

The County and the Coastal Commission staff have tentatively indicated the property is ESHA. The County retreated from this position to say only one half of the property was ESHA to protect the Shoulderband Snall habitat. We have maintained with concurrence from the community over many years of discussion that the property is suitable to accommodate seventeen units provided they are clustered on high ground and a 100 foot setback from the Bay be retained as open space. The Community desires this development be connected to the community sewer system rather than allow on-site percolation. If there is any question about the sensitivity of this property, we would agree to prepare a Habitat Conservation Plan to ensure its environmental integrity.

We would request the original recommendations of the Community Advisory Council be retained in the Plan with the proviso that a HCP be prepared.

SETTLEMENT PROPERTY

This 42.5 acre property lies west of Pecho Road and is bounded on three sides by Montana de Oro State Park. Costa Azul Road and Seascape Way are direct public rights-of-way leading to the property. Due to its position in relation to the State Park, the Community proposed that eight acres of this property be allowed to develop into a resort lodge of 100 units plus 20 rentable condo units administered by the resort. The remaining 32.5 acres would be dedicated to open space. This proposal was worked out with the State Park administration in 1985 and it has since been reduced in size from the original designation. It is suggested the resort be connected to the community sewer.

The Coastal Commission staff original comments suggested the development, although coastal dependent and encouraged by the Act, was excessive due to visual and habitat sensitivity. The Community Council disagreed with the staff and retained the land use as proposed. It was obvious the Coastal staff was not familiar with the setting. The terrain prevents any visual obstruction from Pecho Road to the Ocean. Although the property was originally included in the Morroband Snail CHA, the Fish and Wildlife Service has since removed the designation from this property.

Both this property and the Shoreline property are serviced by an independent water supply system. *If there are continued concerns about the sensitivity of this property, the owners would agree to prepare a Habitat Conservation Plan.*

MORRO-MONTANA PROPERTY

This seventeen acre parcel abuts Pecho Valley Road. The Community Council agreed to permit seventeen units maximum on this property provided the lots be clustered near Pecho Road and the rear majority of the property adjacent to the open space on the Settlement Property be retained in open space. This property was first made part of the Morroband Snail Habitat proposal but was later removed from the designation. Although there has been evidence of past sitings of the snail on the property, none have been found there. *It is our belief that a Habitat Conservation Plan could ascertain what mitigation measures could be implemented to protect the snail and still indicate what areas on the property*

could be developed up to seventeen units. If the Plan shows development can be achieved on this property, it would be logical that it too be connected to the community sewer.

Your consideration of our recommendations would be appreciated..

Respectfully submitted,

Ned Rogoway, AICP
Agent for Morro Bay and Land Company and Morro Montana Company

Encl: Map of properties

cc: San Luis Obispo County Department of Planning and Building
Los Osos Community Advisory Council
Charles Ogle, Esq.

LOS OSOS URBAN AREA
Neighborhoods

M B & L = Morro Bay and Land Company
M - M = Morro - Montana Company

LEGEND

① DOWNTOWN
- (1a) Central business district

② BAYWOOD PARK AREA
- (2a) Baywood commercial area
- (2b) Tract 40

③ MORRO SHORES AREA

④ SWEET SPRINGS AREA

⑤ CUESTA-BY-THE-SEA
- (5a) Cuesta Inlet

⑥ MARTIN TRACT

⑦ WEST OF PECHO AREA
- (7a) Sunset Terrace
- (7b) Monarch Grove
- (7c) West of Pecho Valley Rd., south of Monarch Grove
- (7d) Western fringe

⑧ REDFIELD WOODS

⑨ VISTA DE ORO AREA

⑩ LOS OSOS HIGHLANDS (Tract 84)

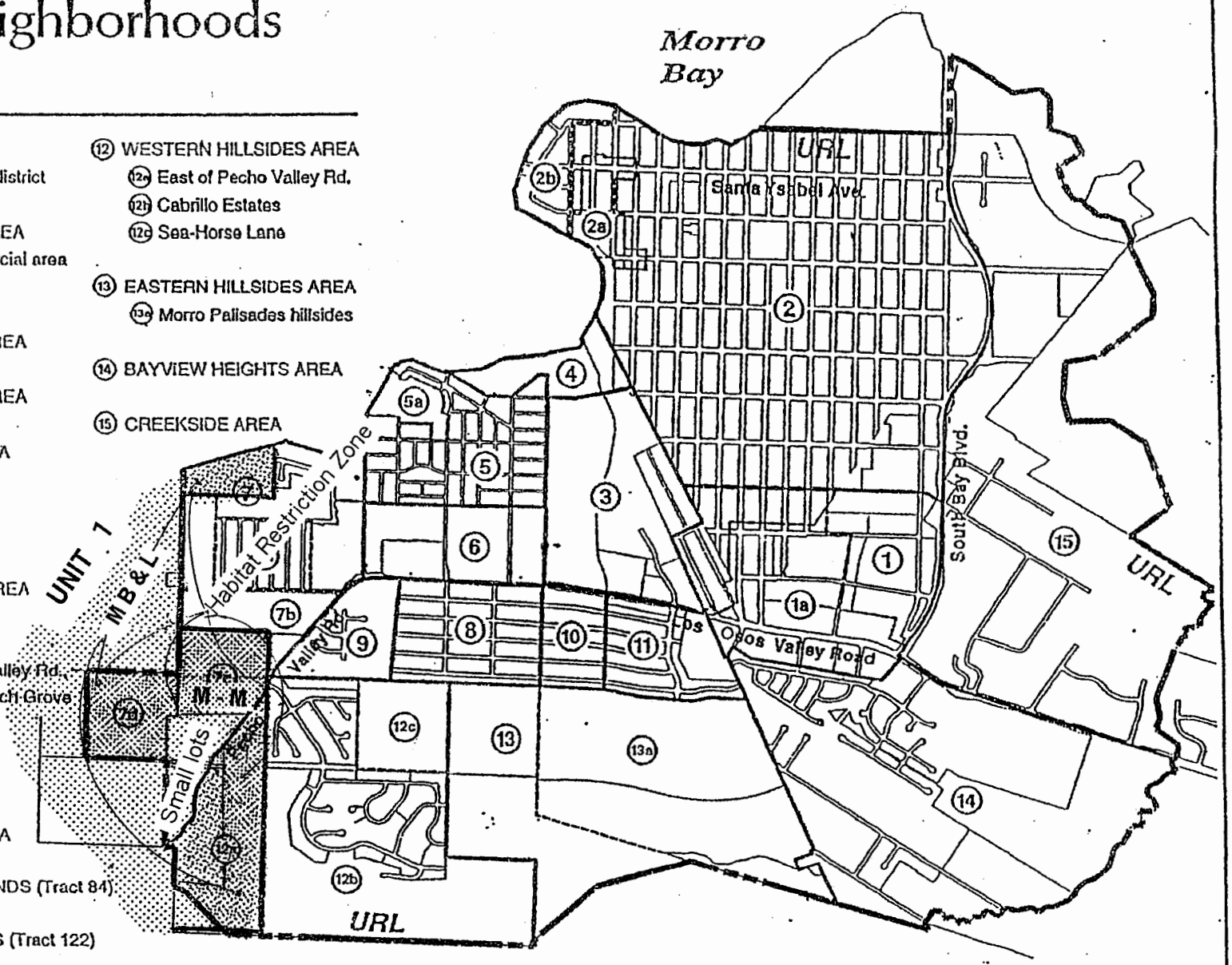
⑪ MORRO PALISADES (Tract 122)

⑫ WESTERN HILLSIDES AREA
- (12a) East of Pecho Valley Rd.
- (12b) Cabrillo Estates
- (12c) Sea-Horse Lane

⑬ EASTERN HILLSIDES AREA
- (13a) Morro Palisades hillsides

⑭ BAYVIEW HEIGHTS AREA

⑮ CREEKSIDE AREA



INNOVATIVE SOLLIONS TO LAND USE

ROGOWAY PLANNING GROUP

RECEIVED

APR 2 1 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 6, 2001

Charles Lester, District Director
California Coastal Commission
725 Front Street Suite 300
Santa Cri, California 95060

Subject: Response to Coastal Commission analysis - 42.5 Acre parcel west of Pecho Road (Called the Settlement Property) - Morro Bay and Land Co.

Dear Mr. Lester:

My recent letter to you discussing the Shoreline property owned by Morro Bay and Land Company, indicated we did not have enough time to state our position at the March 29th meeting of the Los Osos Community Advisory Council, where you took oral comments. We have decided to state our case in letter form for each of the four properties we profess to have an interest.

This property came to be called the 'Settlement' property because it was the last remaining parcel left over from the State purchase of all the land owned by Morro Bay and Land Company between Pecho Road and the ocean. The State really wanted the property but ran out of money to buy it using state Bond Act funds. Consequently, Morro Bay and Land Company struck a deal with the State and the Court entered a settlement judgment (1982) which permitted Morro Bay and Land to keep the property and the State agreed not to interfere with reasonable development plans proposed by the Company (discussed later in this letter). The administrators of Morro Bay and Land continue to audit the County and the State with each change of land use proposed in light of the settlement.

The Settlement property has been the subject of lengthy discussion at the LOCAC meetings.. The issues involving land use on the property varied widely. The original land use designations after the 1985 adoption of the LCP was 1 to 5 residential units per acre, or 42 homes max. By 1990, after attempts to establish the Kangaroo Rat habitat had failed, the County brought the West Pecho area to the Community Council to consider amendments to the Land Use Plan. The State Park administration was in the process of finalizing amendments to the Montana de Oro State Park Master Plan when a suggestion was made that the 42.5 acre M.B. & L. parcel, surrounded on three sides by State Parkland would be an ideal site for the park headquarters, resort, food

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and transient lodging associated with the Park. Morro Bay and Land Company.took to the idea, the Council liked it and the Land Use Plan was changed to permit one residential unit per acre except for eight of the forty two plus acres to be reserved for a resort lodge not to exceed 12 units per acre. The density would be based on a biological study and the 34 residential units clustered adjacent to the 17 acre parcel to the east. The property is within the Urban Reserve Line but outside the Urban Services Line. Two rights-of-way provide access to the property, Costa Azul stubs into the property at the southeast corner and Seascape Place to the center of the property on the east.. That describes the development permitted in the existing Estero Area Land Use Plan.

During the recent deliberations by the Community Councilon the Update, they wanted to cut back the development further. The Council liked the idea of the resort but resisted the clustering of 34 units on the eastern end of the property. It was envisioned that the resort would build at the low west end of the property where it would not be visible from public roads. Where the residential units are proposed to be clustered on the east side of the property is in full view of Pecho Road. The Council worked out a compromise to this situation by eliminating the 34 homes and allowing 20 condominiums to be integrated into the 8 acre resort and rented as resort condos for absentee owners. That would place the entire development out of sight from public roads. The remaining 34 acres on the north and east end of the property would be retained as open space thereby completely surrounding the resort/condo combine with park and open space. The Community Council agreed the Resort should be connected with the community sewer, consequently they recommended placing the resort property within the Urban Services Line. This describes the Community Council's recommendation to the Board of Supervisors.

In response to the allegations that this property is environmentally sensitive, several surveys have been taken to identify species habiting the property. In 1990, the California Fish and Game Department in cooperation with the U.S. Fish and Wildlife Service were attempting to find ways to plant a colony of Morro Bay Kangaroo Rats into this area. They found no Rats to exist on the property; and it was their endeavor to plant a colony of captive Rats to see how they attached to the environment. Mind you, this was an area that had been deep ploughed by the U.S, Army Corps of Engineers three times, denuding the property of any vegetation. The purpose was to remove any ammunition or military debris left from its use as target range. Although there may have been KRats on the property historically, none existed after the Army Corps finished their work. Fish and Game cleared several acres of hostile brush and planted about 20 captive rats within a confined area.. It didn't take long, all rats

escaped confinement, disappeared and have not been seen again anywhere in this area. Even though it is within the Critical Habitat, this area has proven to be hostile to the perpetuation of the Kangaroo Rat.

Although this property was originally included within the proposed Morro Shoulderband Snail Critical Habitat, it was subsequently removed and the property is now adjacent to but outside the Critical Habitat. Several surveys by the Morro Group, Inc. have tried to locate the Morro Shoulderband Snail on this property. No snails have been found nor have any abandoned snail shells been found indicating recent occupancy. That is not to say the property is not snail habitat, some of it may be, and we are ready to concede further study needs to be made of the issue.

Although the Morro Manzanita is threatened as a plant specie, it is being treated as endangered. After the Corps finished their cleanup operations all vegetation was gone. As time passed, dune grass and small shrubs grew back onto the property, but very little tree and large bush vegetation. Consequently, what remains of the manzanita is located at higher elevations; none that we are aware of on this property. If there are manzanita seedlings sprouting they can easily be located and avoided or transplanted..

We raise these issues because environmental sensitivity may be spotty and questionable in the Pecho Road area. Blanketing the area with a Sensitive Resource Area classification and thereby imposing heavy regulations, may be overkill and punitive.

The Coastal Commission staff raised a number of issues which are not founded in fact or logic. They say the proposed development of 120 transient units on ten out of 42.5 acres is 'excessive', yet they seem to imply the use is acceptable if it is reduced. They state there is a lack of public services. a view shed problem and the property is in the Sensitive Resource Area, thereby implying it needs to be heavily restricted. The Community Council was far ahead of the Commission staff in dealing with these concerns; after much dialogue proposed what they agreed was a land use that dealt with these issues. It is obvious the Coastal staff is not as familiar with the property as the Community Council and that is why some statements made by them is in error.

With respect to the view shed, it was agreed the resort would be located in the southwestern corner of the forty two plus acres. That position is below a ridge which shields view to any building built there from any location on Pecho Road. The development design would sensitive, low silhouette, less intrusive to any of its neighbors and completely surrounded by open space and parkland.

With respect to services, the property is tied to a one acre well site, created specifically to serve this property and the seventeen acre Shoreline property. We have moved toward forming a small water company and had prepared a water evaluation by a noted hydrologist who states in his report, sufficient water can be obtained from the well to serve both properties. Recognizing the need to provide services, the Community Council had
recommended in their version of the update, that this property be included within the Urban Services Line in order to be connected to the community sewer system.

With respect to the Sensitive Resource Area (SRA), our earlier comments questioned the impact of the blanket designation of Sensitive Resource. There may be sensitivity within this property, but then, three fourths of the property will be dedicated to open space. It is our response that any sensitivity can be revealed by preparing an on-site Habitat Conservation Plan and establishing mitigation measures that specifically deal with the protection of each sensitive habitat and recommend mitigation measures about how the development can co-exist with the habitat. Coastal Commission staff analysis recommends this approach.

It is important to note that when this property was under negotiation for acquisition (in 1982), the State withdrew its claim on the property because it lacked the money to complete the purchase. When that happened, the two parties came to an agreement that resulted in a court judgment, a copy of which we have enclosed. You will note on page 6 of that Agreement: "the State agrees not to contest or oppose any reasonable development", at the same time conceding that the rights of other governmental agencies have not been abrogated by this agreement. The intent of this judgment is quite clear and it was meant to apply to both the Settlement Property and the seventeen acre Shoreline Property.. What we proposed is a way to achieve this intent without having to test the judgment in court.

The Community Council spent much time deliberating about how to achieve the goals of the County and Coastal Commission staff analysis while considering that these properties lie between an urbanized community and a 3000 acre park. It was our belief that wiping out development in this transition area might be confiscatory and unnecessary when the sensitive habitat could be properly protected with on-site study and mitigation. We have consulted with the Fish and Wildlife Service and with the experts in the Department of Biological Resources at California Polytechnic State University. They agree the best way to protect the habitat is through the preparation of Habitat Conservation Plans on the larger properties (5 acres or more).. In this way, Habitat can be viewed specifically on-site rather than the generalities of an area wide or community wide Habitat Conservation Plan.

We request the County leave the proposed land use as recommended by the Council with the proviso that any development on the property be supported by a Habitat Conservation Plan with mitigation measures and monitoring; what areas are suitable for specie habitat; what measures must be taken to protect the habitat; and what areas are suitable for development up to but no more than set forth in the Councils proposal.. The property should be within the Urban Services Line to be served by community sewer.

Respectfully submitted,

Ned Rogoway, AICP

Enclosure: Setlement Agreement

cc: Mike Wulkan
Charlie Ogle
John Curci
Rob Strong

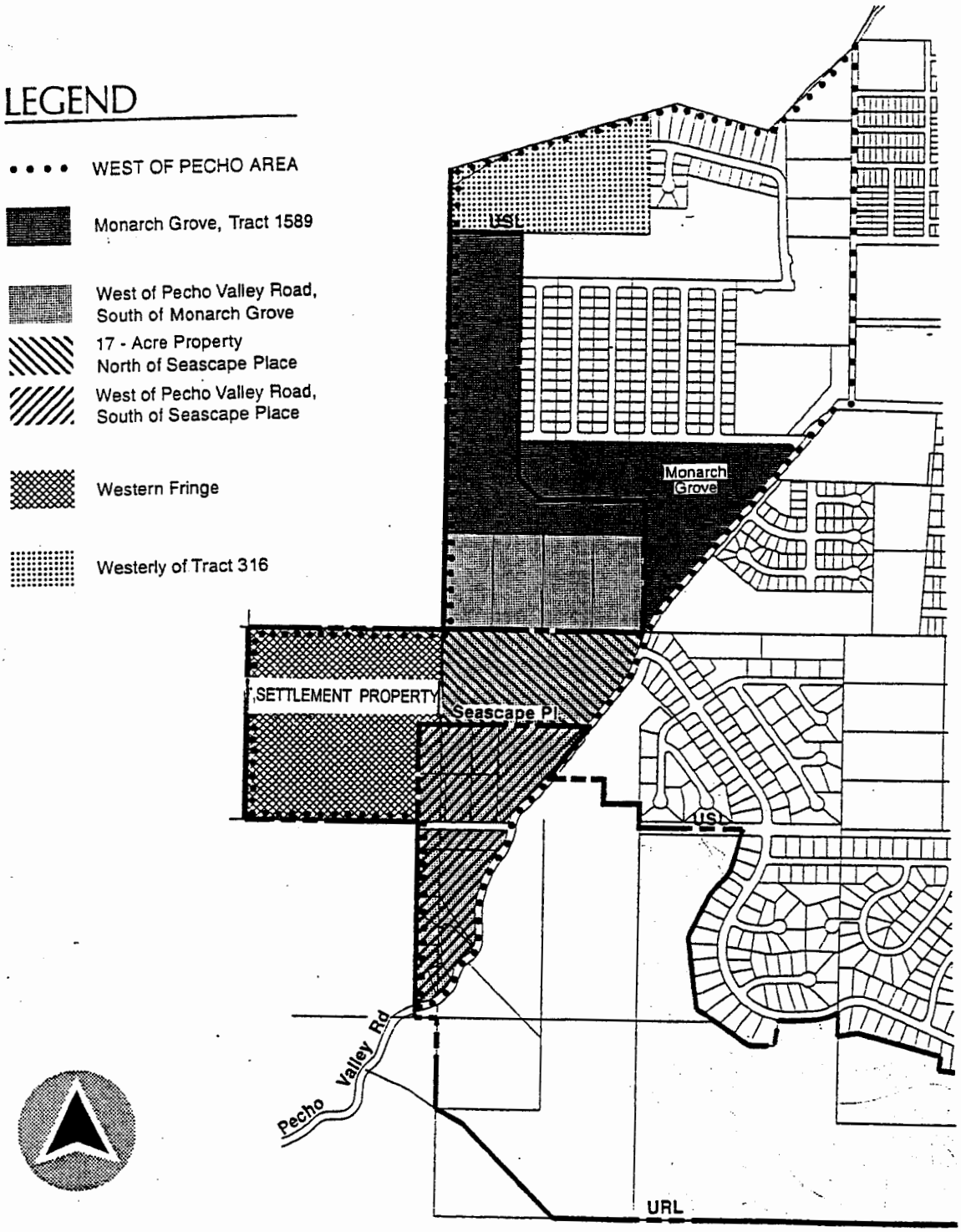

Figure 7-62: West of Pecho Area

SETTLEMENT AGREEMENT

THIS AGREEMENT is made and effective this first day of June, 1982, by and between the PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the State Public Works Board ("State"), and MORRO BAY AND LAND COMPANY, a California partnership ("Owner").

By this document the parties intend to, and do, settle all claims and cross-claims of whatever nature as set forth in the State's condemnation action bearing number 52634 now pending in the Superior Court of San Luis Obispo County, together with Owner's defenses, counterclaims and cross-claims as asserted in such action.

This settlement may be effectuated either by an appropriate amendment to the State's complaint, as heretofore amended, together with a stipulated judgment embodying the terms of this agreement, or, at the State's election, by dismissal with prejudice executed by State and Owner in regard to such action, to be deposited into an appropriate escrow conducted by a San Luis Obispo County title company of the State's choice, to be filed concurrent with the close of escrow, with such escrow to embody the terms of this settlement agreement.

To be valid this settlement must be consummated, including the payment of the sum of $1,500,000 to Owner as hereafter provided, on or before July 1, 1982. If not fully consummated by that date, the settlement agreement shall be void, and either party may then pursue its rights in regard to the pending lawsuit described above.

The parties agree that either by amendment to its present suit or else by an appropriate deed the State will acquire all of the property and rights as presently sought in the action referred to above, EXCEPT there will be reserved to the Owner, and not acquired by the State, an approximate 42.75-acre parcel ("Retained Parcel"), as described in Exhibit A to this agreement and further described in the map attached hereto as Exhibit B. On Exhibit B, such Retained Parcel is outlined in blue, and the water well site and utility easements hereafter provided for are outlined in red. The property to be acquired by the State is marked by diagonal lines. The parties agree that Exhibit B is attached hereto only to schematically outline the properties conveyed and retained and is not meant to be a precise description of the same. The property acquired by the State is specifically described in Exhibit C hereto.

There will also be reserved to the Owner, and not acquired by the State, a one-acre site for the construction, maintenance, and operating of one or more water wells, and for incidental purposes, in the area shown on Exhibit B hereto. Such water well site is described in Exhibit D to this agreement. Owner agrees, in respect to such one-acre water well site, not to build or cause to be built any structures whatever above ground, excepting only any necessary and reasonable pumps, pump apparatus, water lines or pump sheds, so as to extract water from underground and transport the same along the two utility easements hereafter provided for. Owner agrees to execute any

so-called "open space" and/or conservation easement required by the State to effect the intent of the parties in respect to such one-acre site.

There will also be reserved to the Owner a 20-foot wide utility easement contiguous to and running along that portion of the property acquired by the State which borders Section 13 T30S R10E MDM. Such one-acre well site and such utility easement shall provide for the construction, maintenance, and operation, including reasonable ingress and egress as required, for underground cables, conduits and pipelines, specifically including water lines, sewer lines, electrical conduits and telephone conduits. Such easement shall be for the use and benefit of Owner's Retained Parcel as described in Exhibit A hereto, and also Owner's land not the subject of action no. 52634--being Lot 4, Section 13, T30S R10E MDM--and also Owner's tideland holdings, the legal description of which is set forth in quitclaim deed from Charles B. Crinklaw and Elsie Crinklaw to G. L. Morris, dated September 12, 1975 and recorded October 9, 1957 as Document No. 16277, Vol. 911, p. 198, Official Records of San Luis Obispo County, California.

The State and Owner agree that there exists no public prescriptive rights or any other rights in and to the Retained Parcel (except County road rights, as the same may exist in respect to the County road running from Pecho Road #123 through the southerly portion of the Retained Parcel as shown on Exhibit B), acquired in any manner, either through dedication, implied dedication and/or application of the so-called Gion-Dietz doctrine. Specifically the parties agree that although

Owner has heretofore resisted settling on the terms herein provided unless development rights were assured concerning the Retained Parcel. This has proved impractical, because other State agencies, as well as County agencies, exercise control regarding such development. The State, however, in respect to its activities acting by and through the Department of Parks and Recreation, agrees not to contest or oppose any reasonable development in regard to the Retained Parcel. This covenant not to contest or oppose shall not be construed as any implied promise or commitment on behalf of the State, acting by and through any of its agencies, including the Department of Parks and Recreation as to what type of development may be allowed. Owner agrees that development is subject to the control of the proper public planning entities, being the California Coastal Commission and the San Luis Obispo County Planning Department and Planning Commission, and that the State or any such agency may indeed object and/or comment on the type of development allowed.

Owner so agrees to convey to State, without additional consideration, an easement for road and utility purposes over that part of the Retained Parcel described as follows:

> Commencing at a point on the Northerly line of such Retained Parcel 60' from the NE Corner thereof; then proceeding in a straight line to a point on the East line of the Retained Parcel which is 40' South of such NE corner; then North along the East line of such Retained Parcel to such NE Corner thereof; thence West along the Northerly line of such Retained Parcel to the point of beginning.

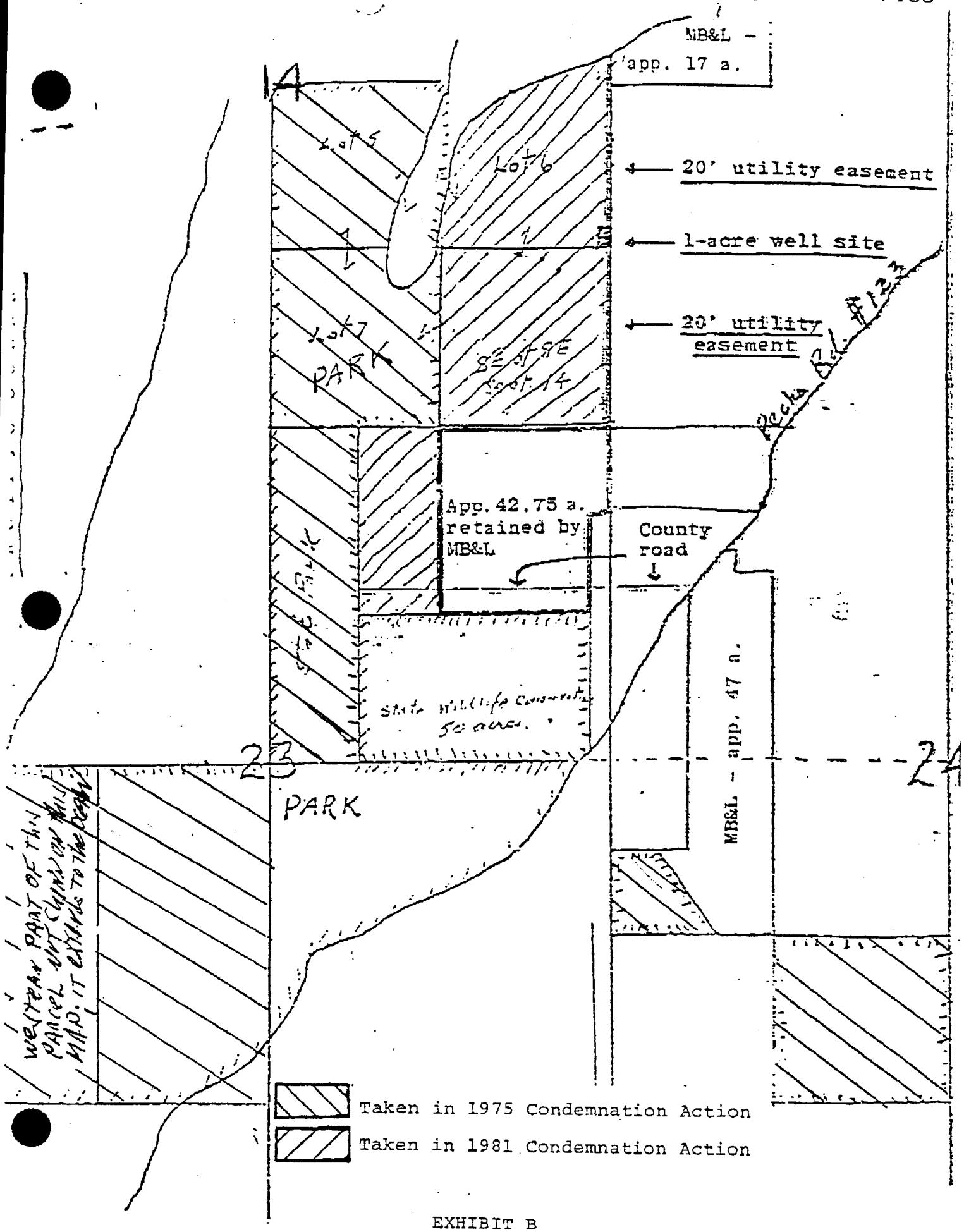
MB&L - app. 17 a.
20' utility easement
1-acre well site
20' utility easement
App. 42.75 a. retained by MB&L
County road
MB&L - app. 47 a.
PARK
PARK
Taken in 1975 Condemnation Action
Taken in 1981 Condemnation Action

EXHIBIT B

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APR 1 1 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Cambria Farm Center
P.O. Box 698
Cambria, CA 93428

April 7, 2001

Dr. Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Dr. Lester:

On April 2 the membership of the Cambria, San Simeon, Cayucos Farm Center voted to join the San Luis Obispo County Farm Bureau, the San Luis Obispo County Cattlemen's Association and other Central Coast agriculturists in a challenge of the agricultural elements in the Coastal Commission's review of the San Luis Obispo County Local Coastal Plan.

While most all of the agricultural references in the review are disturbing, the Farm Center membership is most concerned with the categorization of agriculture, agricultural practices and agricultural adjustments as "development." This labeling subjects agriculture to a mass of regulations and restrictions that are in direct conflict with the Commission's supposed intent to preserve agriculture as a viable industry.

There are numerous terms in the review that should not be used without clear and detailed definitions. Some of these are:

Agricultural development
Grading and substantial grading
Landform alteration and significant landform alteration
Agricultural protection easement
Vegetation clearance
Adjacent to a stream and top of the stream bank

Without precise definitions, there is a risk that the LCP could be interpreted according to the whims of the individual enforcement officials.

Setback proposals in the current draft are clearly unreasonable. If enforced, these provisions would result in the loss of thousands of acres of very productive farm land. The setback sections appear to have been based on erroneous assumption about the degree to which agriculture contributes to stream problems.

In discussing pesticides, the review sacrifices its credibility by utilizing totally biased and unreliable sources such as newspaper clippings and Californians for Pesticide

Reform. In stating that pesticide use on avocados increased 885% percent between 1993 and 1998 the review fails to recognize the fact that in 1993 avocados were generally grown organically with pesticide use near zero. While an invasion of insect pests from Mexico has now made it necessary for growers to use chemical controls, over 90% of the materials used are harmless organic substances such as light oil and sugar. In California, agricultural pesticide use is already rigidly controlled. This state has the nation's strictest pesticide standards. It would seem most reasonable to leave the complicated matter of pesticide regulation in the hands of the federal, state and county agencies that have the most knowledge and experience in this area.

It would be ill advised and counter productive to place a limit [3,500 square feet] on the size of home that one might build on a coastal ranch. Such an action would drive away the only segment of our society that can still afford to restore and preserve ranches that are not now profitable and will likely never be profitable.

Farmers and ranchers have a critical interest in proposals dealing with public trails and other types of public access. Trespass, whether for the establishment of prescriptive rights or not, is a crime and a direct attack on private property rights. Trespass proposals have no place in a legitimate land use document.

There is a constant and deadly threat of wildfires in San Luis Obispo County. By prohibiting the removal of vegetation for fire protection purposes, the review invites the massive destruction of wildlife, habitat and private property. This section should be rewritten by someone with a better understanding of rural and urban fire prevention practices.

The above concerns are simply an indication of the general disagreement that farmers and ranchers have with the agricultural provisions in the draft review. The best hope for a reasonable, workable final document lies in an ongoing, thoughtful dialog between the Commission staff and coastal agriculturists. Our Farm Center members stand ready to take part in such discussions.

Sincerely,

Dave Crowther

Dave Crowther
Chairman

INNOVATIVE SOLUTIONS TO LAND USE

ROGOWAY PLANNING GROUP

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APR 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 9, 2001

Charles Lester, District Director
California Coastal Commission
725 Front Street Suite 300
Santa Cruz, California 95060

Subject: Response to Coastal Commission Analysis - 17 Acre parcel on the shoreline of Morro Bay - Morro Bay and Land Company

Dear Mr. Lester:

Although I attempted to speak to your Estero Planning Area analysis and your County LCP analysis related to the area west of Pecho road in the Los Osos section of the Estero Planning Area update on the evening of March 29th, it was not possible for me to explain the position of my clients in two minutes. There are four separate parcels about which we have an interest and they have consumed much time from the Los Osos Advisory Council and the County staff. These issues are too complex for me to do justice to our position in that short presentation period. Consequently, the effect diluted my presentation into generalities and abstractions which are difficult to translate into substance. Almost all of the testimony that evening was in generalities and I wanted to talk specifically about the comments you raised in the Estero Plan Update and the County LCP as it relates to these properties.

We have concluded the best way to respond is to reduce our comments into a separate letter about each of the properties in which we have an interest.

The first property is seventeen acres on the Shore of Morro Bay adjacent to Sea Pines Golf course. The current Land Use Plan shows this property to be Suburban Residential, one to five acres per unit. We requested the County encircle the property with the Urban Services Line in order to facilitate connection to the community sewer system. In addition, a request had been made by the owners to annex to the Sewer assessment district which the County was in the process of forming. That request has not been acted upon. A planning area standard was incorporated into the text which said the extension of Butte Drive into the seventeen acres would be far enough back from the shoreline to leave a broad band of open space between the road and the shoreline. We agree with that.

412 Marsh Street
San Luis Obispo, CA 93401
(805) 546-9300 (Fax 542-9949)

There are some important facts to consider that refutes some of the judgements made on this property:

1. The property was never within the Kangaroo Rat Critical Habitat nor was it ever considered essential to the KRAT habitat.

2. The property was originally within the proposed Morro Shoulderband Dune Snail Critical Habit but upon final determination the property was removed from the Critical Habitat (50 CFR Part 17, Page 9236). The official boundaries of that Critical habitat does not include any private property in the west Pecho unit. None of the snail surveys have found evidence of the snail on this property, although it is possible they may have been there. A thorough review would be needed to determine what areas on the property have been habitat.

3. The property is outside the boundaries of the Red Legged Frog Critical Habitat and there is no evidence the property has suitable habitat for the Frog.

4. Map 25 - Los Osos Urban Area Combining Designations shows the property to have wetlands along substantial areas of the shoreline of Morro Bay. The high tide line of Morro Bay approximates the northern boundary of this property. Behind the tideline exists a four foot embankment which separates the bay from the upland of this property. Behind this embankment there is no wetland, consequently, the designation on the map is not correct.

5. The property is not within the designated Sensitive Resource Area on MAP 25.

6. The property is not within the designated Terrestrial Habitat Area on MAP 25.

7. The property is not within the individual sewage disposal prohibition area.

8. The property is within the Archaeological Sensitive Area, as is most of Los Osos.

9. The property has its own water from a well on a one acre parcel located south of the property

The Company has moved to perfect the water supply by forming a small water company and having prepared a water analysis report by a respected hydrologist. The report claims there is an adequate water supply to serve development on the Shoreline and the 42.5 acre Settlement properties.

Except for the immediate shoreline of Morro Bay there is no environmental sensitivity. The owners are willing to respect the special value of the shoreline and take appropriate measures if cultural resources or snail habitat is found to exist. According to your comments in other parts of Los Osos Planning Area Update, those circumstances apply to any area of Los Osos.

Recent conversations with the County staff has concluded that most of the property is not considered Environmentally Sensitive Habitat (ESH) and the County was willing to consider up to one half of the property for development. It is our contention that the sensitive nature of the property can only be determined if a proper analysis is made of the habitat through the preparation of an on-site Habitat Conservation Plan. At the same time such an analysis is needed to determine under what circumstances the property could be developed, up to seventeen units. This was the point we were trying to make at the March 29th. meeting.

The property is almost surrounded by high density human activity, with single family subdivision in the immediate area, multifamily apartments adjacent to the east and a popular golf course on two sides. The property is in the "slice zone" which brings many people tromping through and disrupting the shrubs and debris lying on the ground. There is little opportunity for any creature to find a safe home here. Consequently, consideration of some development is appropriate. If that be the case, it is our contention that a Habitat Conservation Plan be prepared to make sure that any snails are protected and the plan shows under what conditions homes can be developed there.

The owners agree that a broad band of open space separate the shoreline from the parallel extension of Butte Drive. The height of buildings is restricted to fourteen feet. Whatever development is suggested by the Habitat Plan should be annexed to the sewer district and the property brought into the Urban Services Line. The property should either be annexed to the water purveyor or water be supplied from its own well

When the Morro Bay and Land Company was negotiating the sale of its extensive holdings at the south end of of Morro Bay in 1982, two properties under consideration for purchase buy the State were the 42.5 Acre Settlement property and this 17 acre Shoreline property. Although the Settlement property to the south was included within the condemnation action, the State made it known that they wanted the seventeen acre Shoreline property

also, but they did not have enough State Bond Act money to include it in the condemnation. The State fell short of financing acquisition of both properties. When that happened, the two parties came to an agreement that resulted in a court judgment, a copy of which; is enclosed. You will note on page 6 of that Agreement "the State agrees not to contest or oppose any reasonable development", at the same time conceding that the rights of other governmental agencies have not been abrogated by this Agreement. The intent of this judgment is quite clear and it was meant to apply to both the Settlement property and the seventeen acre Shoreline property

We would hope you consider our analysis and recommend our suggestions be implemented.

Respectfully submitted,

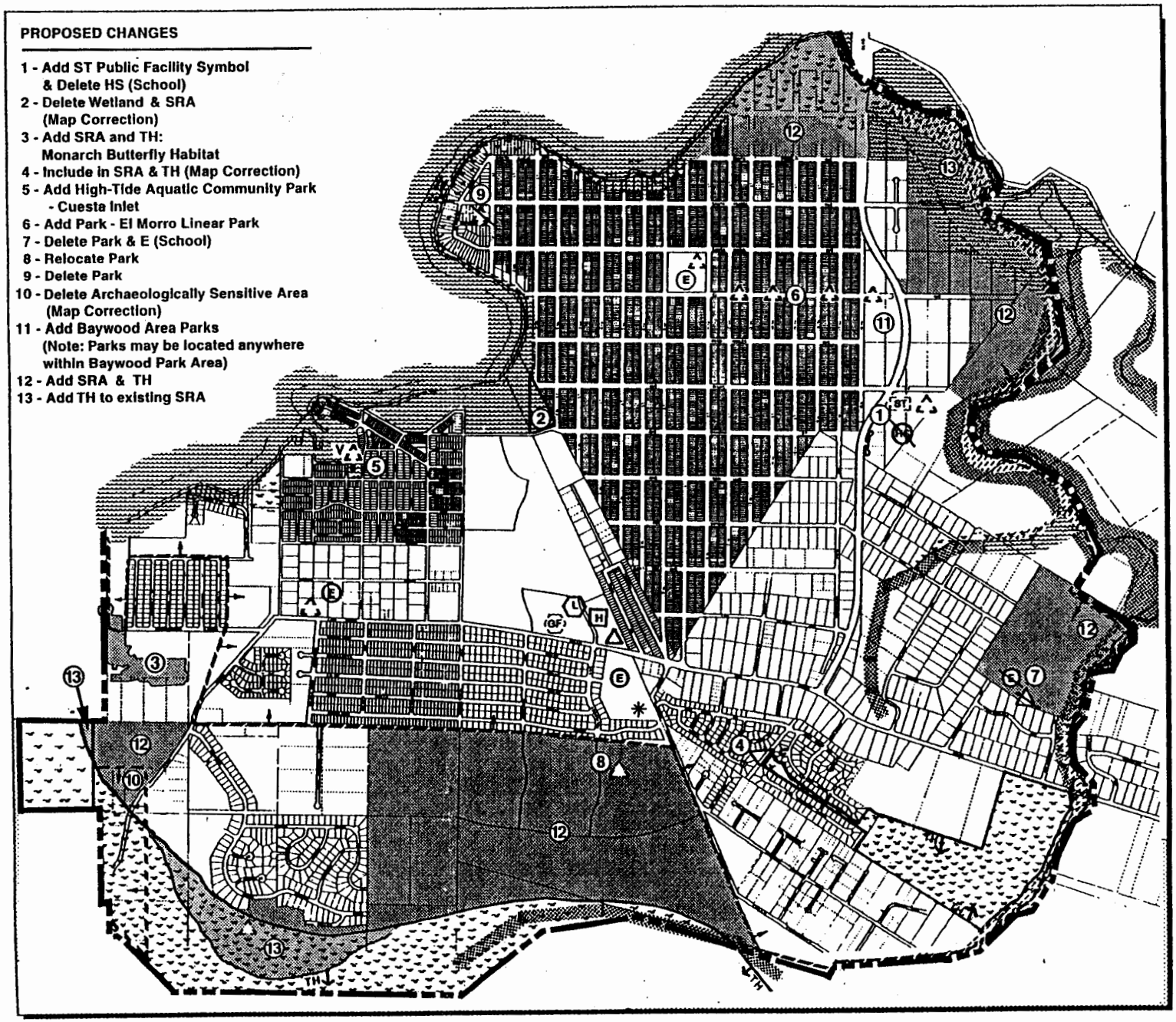
Ned Rogoway, AICP
Agent for Morro Bay and Company

Encl: Settlement Agreement

cc; Mike Wulkan
Charlie Ogle
John Curci
Rob Strong

PROPOSED CHANGES

1 - Add ST Public Facility Symbol & Delete HS (School)
2 - Delete Wetland & SRA (Map Correction)
3 - Add SRA and TH: Monarch Butterfly Habitat
4 - Include in SRA & TH (Map Correction)
5 - Add High-Tide Aquatic Community Park - Cuesta Inlet
6 - Add Park - El Morro Linear Park
7 - Delete Park & E (School)
8 - Relocate Park
9 - Delete Park
10 - Delete Archaeologically Sensitive Area (Map Correction)
11 - Add Baywood Area Parks (Note: Parks may be located anywhere within Baywood Park Area)
12 - Add SRA & TH
13 - Add TH to existing SRA



LEGEND

COMBINING DESIGNATIONS

- Airport Review Area
- Archaeologically Sensitive Area
- GSA - Geological Study Area
- GSA - Earthquake Fault Zone
- Flood Hazard
- H — Historic
- EX — Energy & Extractive Area
- EX — Extractive Area
- LCP — Local Coastal Plan
- V — Visitor Serving Area
- Sensitive Resource Area

PUBLIC FACILITIES

EXISTING		PROPOSED
HS	High School	HS
JHS	Jr. High School	JHS
E	Elementary School	E
△	Park	△
✳	Police / Public Safety Facility Station	✳
WT	Water Treatment Facility	WT
ST	Sewage Treatment Facility	ST
SW	Solid Waste Facility	SW
GF	Government Facility	GF
L	Library	L

SRA'S THAT ARE ENVIRONMENTALLY SENSITIVE HABITATS

- TH — Terrestrial Habitats
- Coastal Streams & Riparian Vegetation
- Wetlands
- ✳ Marine Habitat

0 800'

NORTH

Los Osos Urban Area
COMBINING DESIGNATIONS
Proposed Changes

San Luis Obispo County Department of Planning and Building

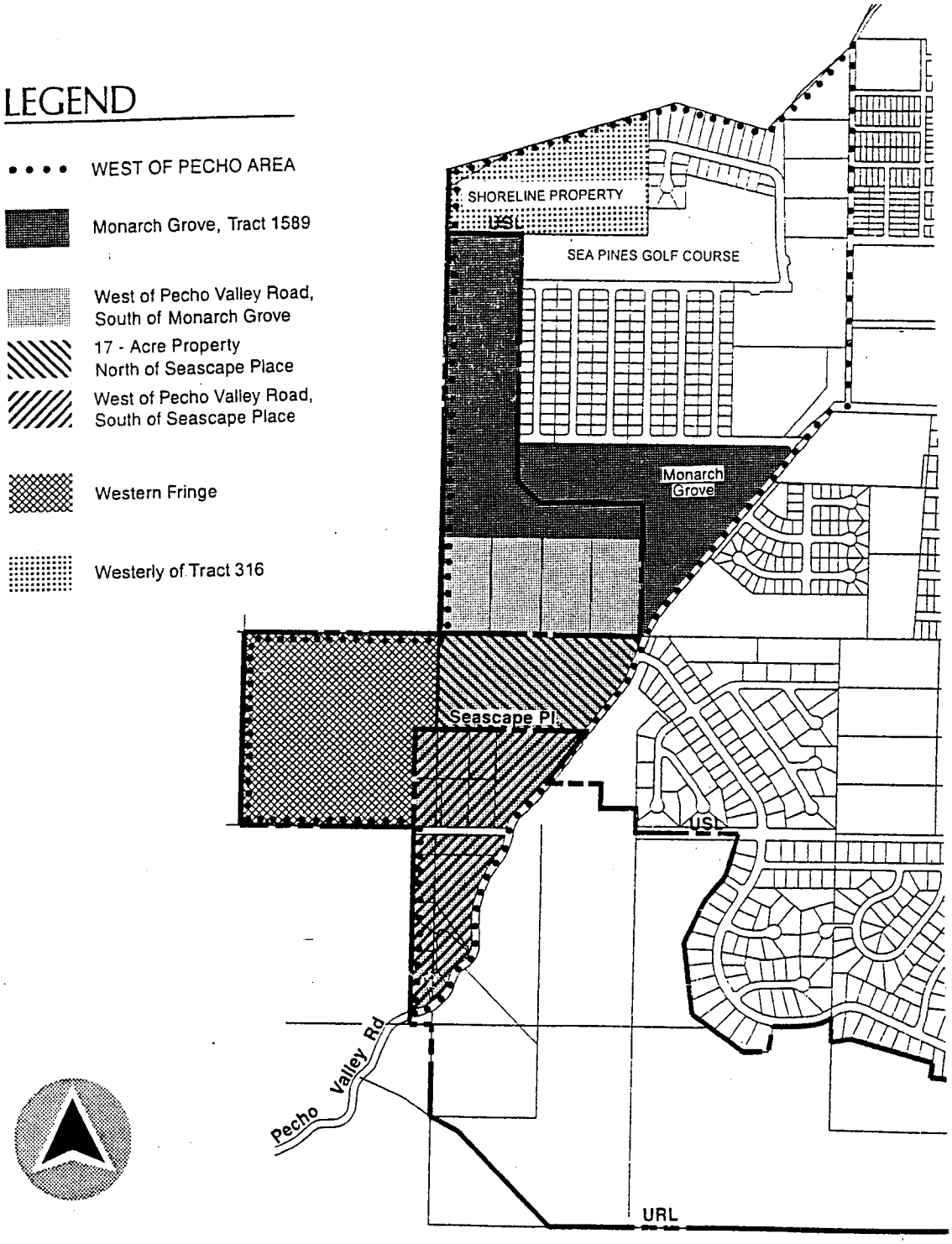


Figure 7-62: West of Pecho Area

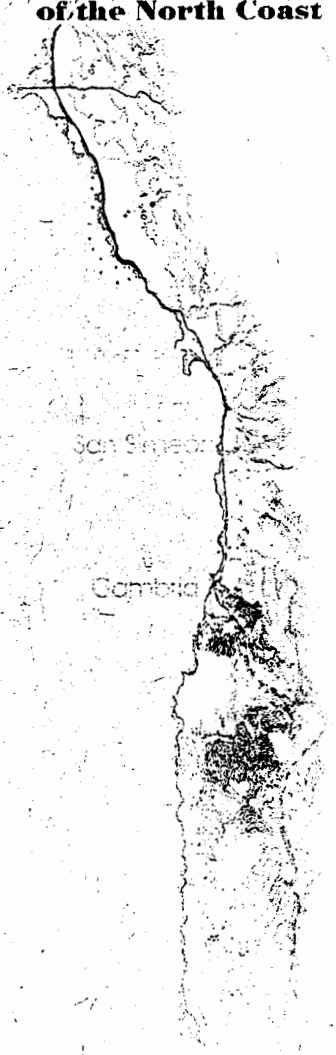
SM/CL

NORTH COAST ALLIANCE

Post Office Box 762
Cambria, California 93428

(805) 927 - 3392

Preserving the Heart of the North Coast



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CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

RECEIVED
JUN 12 2001
CALIFORNIA COASTAL COMMISSION

April 10, 2001

Mr. Peter Douglas, Executive Director
California Coastal Commission
725 Front Street, Ste. 300
Santa Cruz, CA 95060

Re: Periodic Review

Dear ~~Mr. Douglas~~ Peter:

The NORTH COAST ALLIANCE (NCA) wants to thank the Coastal Commission for providing follow-up to the February meetings in San Luis Obispo County by arranging for staff visits/hearings to the central coast area from March 26 through March 29. The March 26 meeting in Cambria was very successful, with 125-150 people in attendance, eager to share their feelings and comments. Mr. Charles Lester and other staff members listened very attentively, and appeared to be taking copious notes. At the conclusion of the meeting the crowd expressed their great appreciation for the visit.

Many Cambria agriculturists also attended the Wednesday meeting in San Luis Obispo to discuss this very important item there. A number of Cambrians were also able to attend the Estero meeting the next night. All in all it was a very satisfactory week. NCA again wants to thank all the Coastal Commission participants, and hope that they benefited as much from this exchange of information as we did.

Sincerely,

Bill

William G. Allen, President
NORTH COAST ALLIANCE

P.S. Please give Charles Lester our special thanks and appreciation

B.

INNOVATIVE SOLUTIONS TO LAND US

ROGOWAY PLANNING GROUP

RECEIVED
APR 25 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 12, 2001

Charles Lester, District Director
California Coastal Commission
725 Front Street Suite 300
Santa Cruz, California 95060

Subject: Response to Coastal Commission analysis - 17 acre parcel west of Pecho Road - Owned by Morro-Montana Company

Dear Mr. Lester:

This property has consistently been considered a stepchild of properties owned by Morro Bay and Land Company. Recommendations made by the County, the Los Osos Community Advisory Council and the Coastal Commission staff have tied development of this property to development on Morro Bay and Land Company property. Morro Bay and Land company has consistently responded by explaining the two Companies are completely independent of each other and the Boards of Directors have expressed no desire to coordinate their land development nor be forced to trade development rights. Both Companies want to be treated separately and on their own merits.

This is seventeen acres fronting on the west side of Pecho Road and stretching westward as a rectangle backing up to the M.B.& L. Settlement Property. The property was within the search area covered by the Army Corps of Engineers, consequently it is now covered with dune grasses and with low lying shrubs and no trees. The property is within the Kangaroo Rat Critical Habitat, but it contains the same vegetation that proved hostile to the Kangaroo Rat when the State tried to introduce a captive colony of rats on nearby property. The are no Kangaroo Rats existing on the property.

Since the Fish and Wildlife Service was ordered by the courts to establish a Critical Habitat for the Morro Shoulderband Snail, the boundaries of the proposed preserve originally included the Morro Montana property as part of Unit 1 (West of Pecho Road). However the final reading of Article 50 of the Federal Register Part 17 excludes the Morro -Montana Corp. property from the Critical Habitat. Only Montana de Oro State Park and holdings of the City of Morro Bay on the sand spit comprise Unit 1. A number of private properties were surveyed in this area by the Morro Group Inc. They were attempting to find snail habitat. and colonies. None were found on Morro Montana property. One abandoned snail shell was located on property to the South, and

412 Marsh Street
San Luis Obispo, CA 93401
(805) 546-9300 (Fax 542-9949)

colonies were found east of Pecho drive in populated areas. The conclusion seems to point to most of the snail habitat located east of Pecho Road, scattered closer to subdivided areas. Without evidence identifying habitat on the property, one could rightly conclude, there is not much evidence of resource sensitivity. Although we are willing to concede some habitat might be there. Certainly further study is wanting.

There is no evidence any Morro Manzanita exists on the property. There are several bushes located on property south of Morro Montana at higher elevations and there might be seedlings existing sprouting on the property. Those could be easily located and relocated.

While we can find Resource Sensitivity on other properties in the West Pecho area, there doesn't seem to be much to speak about on the Morro Montana seventeen acres. It was heavily deep plowed by the Corps of Engineers and not much in the way of - animal or plant life has returned to make it flourish. The original Estero Plan update did not include this property in the Sensitive Resource Area but was added later as an after thought. I don't think that was justified.

It is our belief five houses could be strategically located on sites designated after the completion of a Habitat Conservation Plan, without lot lines or streets on this seventeen acres, where the details of property in common management, monitoring and oversight would be defined by the Plan. The houses would be low lying, unobtrusive and oriented away from any suspected habitat. We believe this to be the best use of the seventeen acres.

If it can be justified to bring community sewer to the Resort on the Settlement Property, then this seventeen acre parcel would also have to be included in the Urban Services Line (see the Map) .

We would hope you consider our analysis and recommend our suggestions be implemented.

Respectfully submitted,

Ned Rogoway, AICP

Encl: Maps

cc: Mike Wulkan
Charlie Ogle
John Curci
Rob Strong

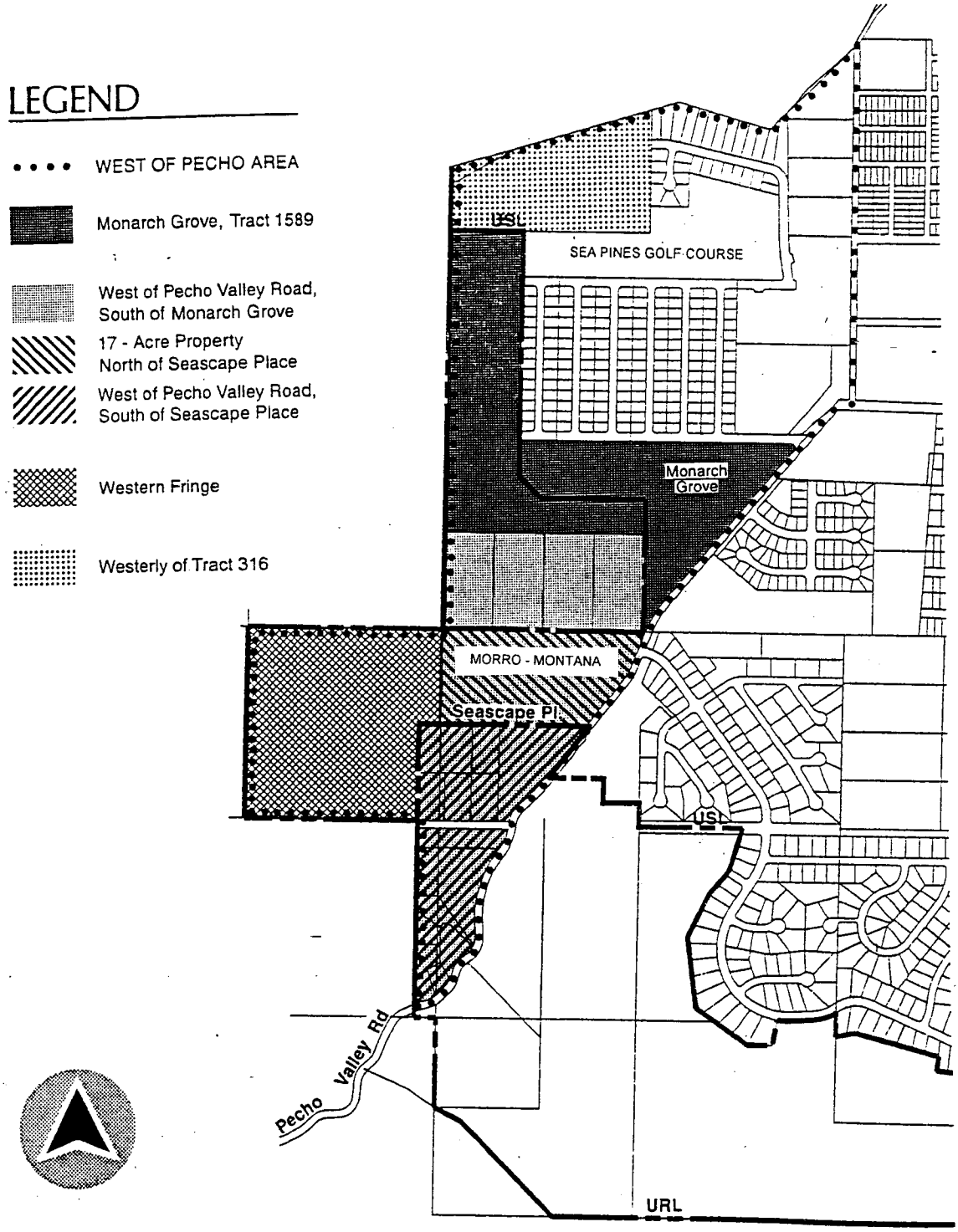

Figure 7-62: West of Pecho Area

GM / CL / LF

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APR 18 2001

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Cayucos

CITIZENS ADVISORY COUNCIL
P.O. BOX 781 • CAYUCOS, CA 93430

April 15, 2001

California Coastal Commission
Central Coast Office
725 Front St., Suite 3000
Santa Cruz, CA 95060

RE: Periodic Review of the San Luis Obispo County Certified LCP

The Cayucos Citizens Advisory Council has reviewed the Preliminary Report on the Periodic Review of our county's Local Coastal Program (LCP). At our April 4 meeting, the Council held public discussion on those portions of the report that directly affect the Cayucos urban area. Our discussion is complete for Chapters 2, 3, 4, 6, 7, and the Small Scale Neighborhood issue in Chapter 8. At our next regular meeting, May 2, we will discuss the remaining scenic and visual resource issues in Chapter 8 and consider the agricultural issues of Chapter 5. We will fax those comments to you on May 3.

The following comments represent the consensus of the Council (except as noted).

General. Many issues raised in the Report are the same as those raised in your staff review of the Draft Estero Area Plan (letter dated February 25, 2000). The Advisory Council worked with Mike Wulkan of County Planning to develop proposed solutions to those concerns (forwarded to your staff in October, 2000). The Council reaffirms those proposals as our current response to the relevant issues raised in the Periodic Review.

In the sections below, we provide more detailed responses on specific issues. Note, for instance, that our comments regarding shoreline armoring have changed slightly from the October proposals.

Chapter 2: New Development and Public Services. We endorse Preliminary Recommendations (PR) 2.1 - 2.6 to contain development within the existing Urban Reserve/ Urban Services Line (URL/USL). We do, however, recommend extending the URL/USL specifically to include a new school site, as noted in the Draft Estero Area Plan. We also endorse PR 2.12 and 2.15. We believe that a well-run Resource Management System (RMS) is a workable means to control the timing of new development in Cayucos.

Chapter 3. Water Quality/Marine Resources. We endorse PR 3.5, addressing closer control of post-construction runoff. We also endorse PR 3.8, redefining the "wet season."

Chapter 4: Environmentally Sensitive Habitat Areas (ESHA). In general, the Council agrees that the definition and delineation of ESHA should reflect conditions on the ground, rather than be determined solely by the current map-based system. We believe, however, that several proposals in the Report are overly broad, and would be either unfair or unworkable if applied within the Cayucos URL:

a) Some proposed definitions of ESHA are too broad. For instance, the federally-designated Critical Habitat of the red-legged frog includes the entire Cayucos urban area. Clearly, given the level of existing development, ESHA within Cayucos (including red-legged frog habitat) are confined to a few small riparian areas.

b) Within Cayucos, we agree with your statement (e.g., bottom pg. 118) that some of your ESHA proposals may be unnecessary and burdensome. We believe that ESHA within Cayucos could be accurately identified with a review of the current map-based system. The area plan maps (updated periodically) would then free property owners from the biological surveys and reports proposed.

c) The 100-ft setback from ESHA is arbitrary and unworkable; if applied, it would make most parcels near creeks unbuildable. We believe current setbacks from ESHA are adequate and appropriate. These setbacks should be strictly enforced, so that further impacts are avoided. For development near creeks, the LCP should detail mitigation measures (onsite, and possible offsite).

We believe that the LCP should reflect the special circumstances of Cayucos: a small urban area with minimal ESHA, intensely developed within the URL and unlikely, given resource constraints, to expand the URL. We would support a program to clearly delineate ESHA (mostly riparian areas), so that the burden does not fall to individual property owners.

Chapter 6: Public Access and Recreation. Blufftop access easements are unnecessary and unworkable (PR 6.2). Lateral beach access in Cayucos is interrupted only in limited areas at high tide. Easements for access between the toe of bluff and Mean High Tide Line should be uniformly required.

Chapter 7: Coastal Hazards. After discussion, the Council reaffirmed its long-standing position on seawalls (which differs slightly from that given in the Draft Estero Area Plan response): Seawalls should be permitted on undeveloped property if adjacent properties have seawalls. The string line method of determining setback is acceptable, if neighboring properties agree. The permitting process should be simple and efficient. Seawalls should be properly engineered, constructed of appropriate materials (rip rap), and should not encroach on public property.

The Council's position is based on the fact that most of the erodable bluff area in Cayucos is already armored and few undeveloped lots remain. Further, the Commission currently allows seawall placement to protect threatened structures. Thus, the Council does not see the point of allowing significant erosion to occur on a property before a seawall is allowed. We do not believe that the remaining erodable material on the bluffs constitutes a significant sand source or that current seawalls have significantly damaged the beach. Note also that shoreline armoring exists only in extremly limited areas of the county.

The Report appears to propose the eventual elimination of seawalls along the Cayucos shoreline, leaving beach front properties to erode naturally. If true, this would represent a

Se

major change from the current policy above. Rather than removing seawalls, we suggest that as redevelopment occurs, nonconforming seawalls be replaced with ones properly engineered and sited. While we understand the general policies of the Commission regarding seawalls, we believe Cayucos represents a limited special case that should be treated accordingly.

Chapter 8: Scenic and Visual Resources. The Council generally agrees (12 for, 1 against) that the Small Scale Neighborhood SRA should *not* be restored to Cayucos. We believe that the benefits of allowing plot plan permits for small projects outweigh those of allowing appeals beyond the Board of Supervisors. We do recommend, however, that any projects requesting variances within the Small Scale Neighborhood should be appealable to the Commission. We would like to work with County and Commission staff to develop the details of that proposal. Other issues in Chap. 8 will be discussed at our May 2 meeting.

Thank you for the opportunity to comment on this Report. If you have any questions, please don't hesitate to contact me at 805-995-3059.

Sincerely yours,

Bruce S. Gibson

Bruce S. Gibson
President (Pro Tem)

CC: Supervisor Shirley Bianchi
Pat Beck, Planning Dept.

CL/LO/SM

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APR 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SLO Coast Alliance

Post Office Box 14422 • San Luis Obispo, CA 93406 • (805) 782-4012

California Coastal Commission
725 Front Street, SUite 3000
Santa Cruz, CA 95060-4508

The SLO Coast Alliance, a consortium of a growing number of concerned environmental organizations in San Luis Obispo County, and particularly those dedicated to the preservation of the county's coast, requests a full, 100% conservation of the Hearst Ranch.

The Hearst Corporation, Sunical Division, began wooing politicians, planners, and various "community leaders" in 2000, seeking to pave the way for what Steve Hearst hopes will be an easier path towards building the five-star resort which was unanimously rejected by the California Coastal Commission in January, 1998.

Some in the local community, including a few environmentalists, have suggested a wait and see approach since no Hearst Ranch plan has been submitted to the county. However, SLO Coast Alliance believes now, when the Hearst Corporation is courting several land conservancies for the best possible arrangement—read: maximum profit to Hearst—it is important to demand full protection.

In 1984, when the Hearst Ranch received generous upzoning on 257 acres of land on and adjacent to San Simeon Point—the absolute jewel of the North Coast—the law indicated that the rest of the 83,000 acres had to be placed in a conservation easement. There was no choice, no need to agree. The landowner benefiting from a partial upzoning is required to put the rest of his property in such as easement.

For the next four years, Hearst put pressure on the county, the California Coastal Commission, and finally, Sacramento, to void that requirement. Did they lose the upzoning? Of course not. This is patently unfair and the epitome of corporate greed.

SLO Coast Alliance believes, now that Highway 1 is designated a California Scenic Highway, there must be no construction in the viewshed from Harmony Ranch north to the Monterey County border. Therefore, we are requesting that county, state, and federal authorities conserve the entire ranch for the benefit of the public trust, for the benefit of all, forever.

Sincerely,

Tarren Collins, Co-Chair

Pam Marshall Heatherington, Co-Chair

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

FAX COVER PAGE
LONG RANGE PLANNING
COASTAL ZONE MANAGEMENT
INFORMATION SERVICES

DATE: 5/7/01

TO: Steve Monowitz

FROM: JOAN BURKHART

FIRM: Coastal Com.

FAX# (805) 781-5624

FAX#: 831.427.4877

PHONE#

pages, including cover page: 3

SUBJECT: SLO County Periodic Review

COMMENTS: Comments from LCP.

FYI & consideration

COUNTY GOVERNMENT CENTER · SAN LUIS OBISPO · CALIFORNIA 93408 · (805)781-5600 · 1-800-834-4636
EMAIL: ipcoping@slonet.org · FAX: (805)781-1242 · WEBSITE: http://www.slonet.org/vv/lpcoping

San Luis Obispo County
Visitors & Conference Bureau

April 16, 2001

TO: Coastal Commissioners and Staff

FR: Jonni Biaggini, San Luis Obispo County Visitors & Conference Bureau

RE: San Luis Obispo County LCP Review Update

****

As the leading organization representing the largest industry in the county of San Luis Obispo, I'd like to take this opportunity to comment on issues regarding public access and recreation or primarily Chapter 6 of the Periodic Review of the San Luis Obispo County LCP.

The San Luis Obispo County Visitors & Conference Bureau (VCB)has been devoted to promoting the natural assets of this county since its inception by promoting its scenic beauty, wide-open spaces, and variety of outdoor activities. These are the assets that differentiate our product from other destinations and we agree that its preservation is key to the economic well being of this county.

Since our beginning in 1986, we have seen this county grow into a more complete destination, providing a full scale of accommodations, activities and attractions which enables the county to be better prepared and more resilient to negative weather or economic conditions that affect our tourism business. For instance, by providing a full range of accommodation types, from bed and breakfast inns to full service resort hotels, we are able to attract the kind of market that is more likely to visit in spite of economic downturns or inclement weather. Full service resort hotels may provide meeting space that will attract groups who are more likely to visit during the rainy season just as B&B's may attract weekend visitors at a time of year when our occupancies are low. Our camping facilities attract a certain segment of the market that should not be overlooked either, strengthening our international market and seniors as well. The point is, this county needs a balance of all types of accommodations to successfully weather any storm, a point that is not evident in the LCP Review recommendations.

In fact, some of the recommendations made in the Periodic Review appear to be made on misinformation or incorrect facts. Occupancy statistics are often used when determining the feasibility of tourism development, but it is by no means the only factor. Other considerations include average daily rates, or the revenue generated per room occupied, and whether or not there

1037 Mill Street, San Luis Obispo, California 93401 (805) 541-8000 FAX: (805) 543-9498 Web: SanLuisObispoCounty.com

is a void in the local market of the type of product offered. The annual occupancy rate at 54% sited for Morro Bay in 1998 is far below the actual level of 65% (FY 1998/99) as reported by the City of Morro Bay Finance Department. Occupancy levels in Morro Bay have not been in the 50's since 1996/97 when Highway 1 above Ragged Point was closed for several months. The occupancy rate in 1997 sited for North Coast is also questionable. While this occupancy rate is more difficult to determine, the research firm, Smith Travel Research, reports occupancies of 62.7% for the entire county during 1997, and it would be difficult for the North Coast to maintain a level of only 55% annually if the rest of the county is averaging 7 points higher. The statement that "despite this apparent lack of need for additional hotel development..." is simply unfounded.

I would also like to correct the reported number of visitor-serving accommodations in the North Coast. The Periodic Review states "a greater than 100% increase in the number of visitor serving accommodations". Current room count in the North Coast area is at 1,414 rooms which would mean that there would have to have been over 700 rooms built since 1982. While County historic records are unavailable, there was a building moratorium in San Simeon in 1986. Our records indicate a decrease in the number of rooms since 1992 when there were 1,710 rooms in the same area according to the UCSB Economic Forecast Project.

We are very proud of the conservation efforts of our natural resources that the lodging industry undertakes consistently. Room after room posts notices to our visitors to conserve water or limit the need to clean towels every day, a program that has worked well. It is also not uncommon for landscaping to be watered by recycled or effluent water. Clearly, the lodging industry takes a leading role in these efforts.

The purpose of this letter is to correct any facts that may have had some bearing on the recommendations made in the Periodic Review. It should also make evident that there is a need to work in tandem with the tourism industry when recommendations are made regarding the county's number one industry.

Thank you for your consideration, and I am happy to answer any questions you or staff may have.

ROGOWAY PLANNING GROUP

INNOVATIVE SOLUTIONS TO LAND US

APR 3 0 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 17, 2001

Charles Lester, District Director
California Coastal Commission
725 Front Street Suite 300
Santa Cruz, California 95060

Subject: Response to Coastal Commission Analysis - 47.2 Hillside parcel on the east side of Pecho Road

Dear Mr. Lester:

The Morro Bay and Land Company owns a narrow property which ascends the hillside and reaches back to the ridge adjoining Montana de Oro State Park.. It has a narrow frontage on Pecho Road just north of Costa Azul and abuts the Cabrillo Estates subdivision on its east side. The property slope gradually increases up the hill until about midway where it exceeds 30 percent. The existing Land Use Plan shows this property to be Residential Suburban, 1 to 5 acres. During the formulation of land use update by the Los Osos Community Advisory Council, it was agreed all of the development would be located on the lower half. Not only does the upper slope inhibit development but in the upper reaches there are significant groupings of Morro Manzanita present. The Council agreed to limit the gross density to one unit per three acres, which totals fifteen residential units clustered on the lower half of the lot, while leaving the upper half in an open space easement..

The owners agree the upper one half of the property would be difficult to develop. The Council deliberated on this issue for some time before concluding residential use on the lower more level portion of the property would be acceptable based on the gross density, and that the upper half of the property be placed in an environmental easement to preserve the habitat. The property lies within the Urban Reserve Line but is outside the proposed Urban Services Line. Development would be served by the California Water Company (Cal Cities). The upper half of the property intended to be placed in a conservation easement, lies within the Sensitive Resource Area and the Terrestrial Habitat designations. The lower half is not included in environmentally sensitive combining designations.

The Coastal Commission staff did not address any specific recommendations for change on this property. It is clear the lower portions of this property do not have environmental sensitivity; there should be little concern about the development.

Here are some facts to consider that should affect the considerations for land use:

412 Marsh Street
San Luis Obispo, CA 93401
(805) 546-9300 (Fax 542-9994)

1. The property was never within the Kangaroo Rat Critical Habitat nor was it ever considered essential to the KRAT Habitat.

2. The property was originally within the proposed Morro Shoulderband Snail Critical Habitat but upon final determination, the property was removed from the Critical Habitat (50 CFR Part 17.Page 9236). The official boundaries of that Critical Habitat does not include any private property in the West Pecho Unit. After a review of the current snail surveys in the Pecho area, no snails have been found on this property. This is not to say that this is not snail habitat. A review would be needed to determine what parts of this property could sustain the Shoulderband Snail.

3. The property is outside the boundaries of the Red Legged Frog Critical Habitat and there is no evidence the property has suitable habitat for the Frog.

4. The southern (upper) one-half of the property is designated Sensitive Resource Area on MAP 25.

5. The southern (upper) one-half of the property is designated Terrestrial Habitat Area on MAP25.

6. The property is not within the individual sewage disposal prohibition area.

7. The property is not with the Archaeological Sensitive Area

8. Property is within the California Water Company (Cal Cities) service area.

It is our contention that the sensitive nature of the property can only be determined if a proper analysis is made of the habitat through the preparation of an on-site Habitat Conservation Plan. At the same time , such an analysis is needed to determine under what circumstances the property could be developed up to fifteen residential units.

We would hope you consider our analysis and recommend our suggestions be implemented.

Respectfully submitted,

Ned Rogoway, AICP

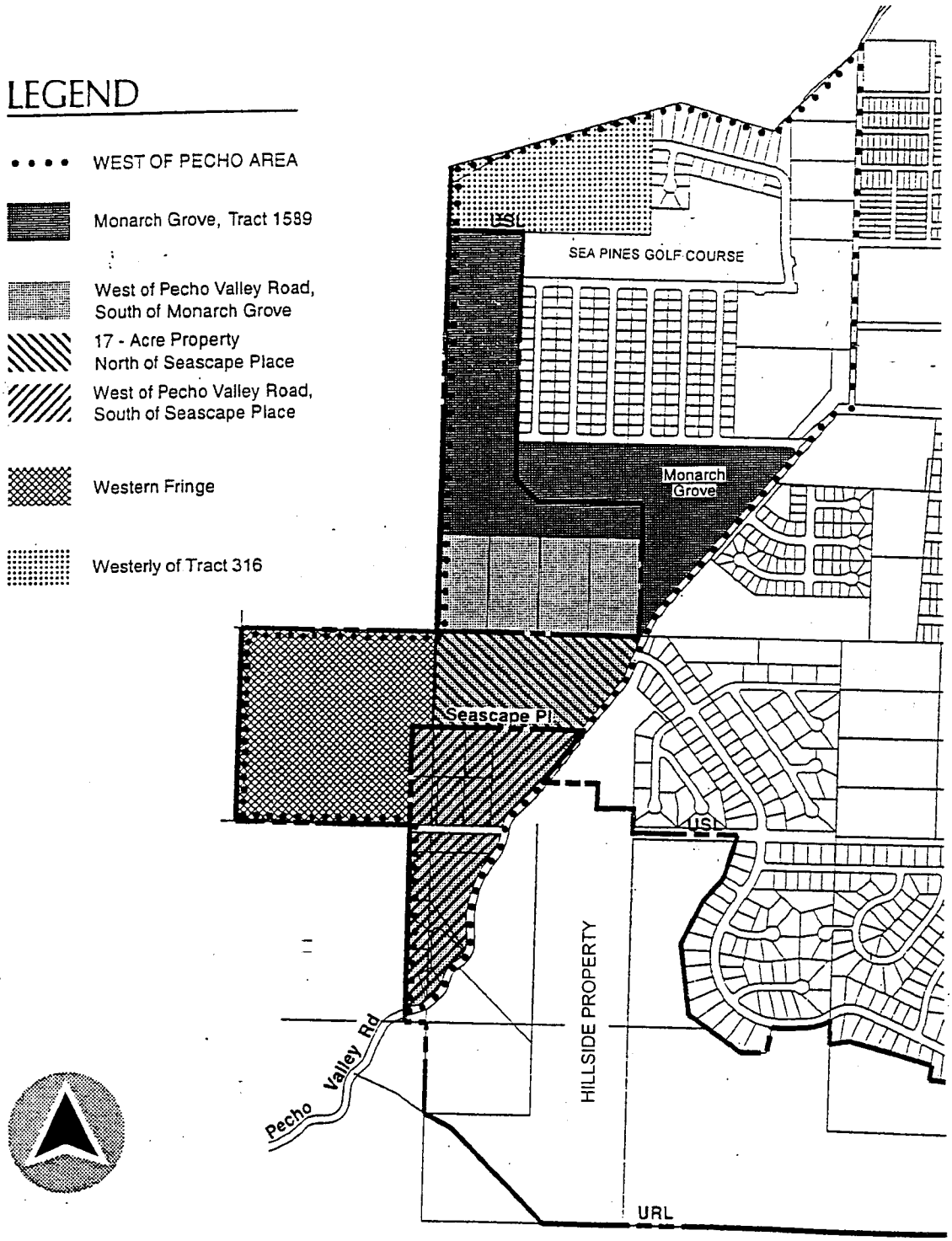

Figure 7-62: West of Pecho Area

United Lot Owners of Cambria

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APR 30 2001
CALIFORNIA
COASTAL COMMISSION

April 25, 2001

Steve Monowitz
California Coastal Commission
725 Front St., Suite 300
Santa Cruz, CA 94105-2219

Re: Coastal Commission Periodic Review of the San Luis Obispo County LCP

Dear Mr. Monowitz:

United Lot Owners of Cambria is a newly formed association of individual owners of vacant existing subdivided lots within the town of Cambria. We are concerned about the continuing inability of the County of San Luis Obispo, Cambria Community Services District, and the people of Cambria to agree on a workable master plan for the build-out of Cambria. With this concern in mind, we were pleased to learn that the California Coastal Commission (CCC) had conducted an extensive review of the existing certified Local Coastal Plan (LCP). We have now reviewed the review ourselves, and would like to offer the enclosed detailed response for your consideration in preparation of the Final Report to the Commission.

Executive Summary

There is a growing movement, supported by recent U.S. Supreme Court decisions, that supports the notion that where the community needs to protect land from development for environmental or any other reason, the community needs to pay for the land, not balance the cost of environmental protection on the backs of a few property owners. This applies in Cambria. In Cambria there is a great need to retire the development rights of a large number of small residential lots, but there is little or no community support for funding to pay for these rights.

Cambria's growth rate between 1990 and 2000 averaged 1.6% per year (86 persons), while the State and County both grew by 1.4% per year. This is not a significant difference.

Existing lots within the Cambria USL should be the first order to be developed, as they would be infill in an existing subdivided area that is already served by CCSD. These lots should be given priority over any other new development, such as the proposed Hearst project.

The County's estimate of ultimate build-out for Cambria is grossly exaggerated. We have obtained a report from the County Assessor's office that shows that there are only 2,902 vacant single family Assessor's Parcels in Cambria. Of these, only 1,039 have been declared as candidates for construction of a home through inclusion on a wait-list. Most of the rest are either already retired, under ownership of a land conservancy, or too small, too steep, or too forested to be built upon economically. A more reasonable estimate of build-out potential is a total of about 5,600 homes, meaning that Cambria is actually about 68% built out already. This would result in a built-out population of 9,238, not 26,327 as projected in the LCP. This is assuming that there are no active lot reduction measures.

The County is irresponsible in publishing unrealistic projections such as this, as the town of Cambria and the CCSD must plan for services to support the growth envisioned in the LCP. The town is currently paralyzed by the fear of the impact of such growth, and thus nothing at all gets accomplished.

The TDC Program has worked but should be expanded to the entire community, and loaded with incentives for increasing lot sizes and retiring small lots.

An Open Space Assessment District should be created, but the goal for reduction of total dwelling units at build-out should be far more aggressive, with a goal of reducing maximum build-out to 4,800 dwellings, or a total population of about 8,000. The County should act unilaterally and create the district and stop waiting for CCSD to do it. Land planning is not CCSD's responsibility.

The Regional Water Quality Control Board is not enforcing the order it gave Chevron to replace groundwater it contaminated. Instead, it is forcing CCSD to deal with Chevron alone. The State of California should set a deadline for CCSD and Chevron to agree on an arrangement to fully restore the Santa Rosa drinking water supply to its potential before the MtBE contamination. If they fail, then the State should step in and mediate a solution and enforce it on both parties.

Desalination is the best solution to Cambria's water supply concerns, but there must be assurances in the LCP that putting a desalination plant in service will not induce more than acceptable annual or total growth. The Coastal Commission should assume an active role in advocating the desalination plant with other agencies that will be involved, as getting the plant online will ultimately meet CCC's objective of ensuring against overdraft of the aquifers and resulting environmental damage.

The County's Growth Management Ordinance already limits Cambria to maximum annual growth of a very slow 2.3%. Any reduction in the growth rate is taken by CCSD as a license to continue doing nothing. CCC should enact sanctions against the County and existing Cambrians for failing to finalize a workable master plan. A moratorium will only punish the one class of citizens that would do anything to solve the problems, but have no power - the lot owners. Any continuation of a reduced growth rate will be seen by all lot owners as a taking, and is likely to draw legal challenge. Instead of declaring a moratorium, CCC and the County should encourage CCSD to start reducing irrigation and other outdoor consumption. This would be far more fair to all Cambria stakeholders.

The problem of too many small lots in Cambria should be dealt with now by the County. This is not CCSD's responsibility.

The water service problem should be dealt with promptly by CCSD. CCSD can only do this when the County has established an LCP that is acceptable to the community.

We ask that the CCC take the following actions:

1. Require that the County prove its estimate of the total build-out potential, and state the correct number in the NCAP. In addition, the number should be subtotaled to indicate numbers of lots that are in different classes, ie, less than 3,500 sf, over 30% slope, forested, etc.

2. Require that the NCAP contain a net zero new lot policy within the Cambria Urban Reserve Line (URL), and a policy that the existing URL remain fixed.

3. Set a tough deadline for the County to re-submit the revised NCAP, and enforce it. Require that the plan adhere to The Coastal Act.

4. Investigate ways to work with RWQCB and sanction Chevron to encourage immediate action to replace in full the water that should be available from Santa Rosa Creek.

5. Encourage CCSD to enact strict irrigation conservation measures.

6. Strongly support the CCSD desalination plant project and advocate it with the Monterey Bay Marine Sanctuary and other approving agencies.

We appreciate the Coastal Commission's commitment to San Luis Obispo County, and are eager to support your efforts to maintain Coastal Act Standards in the area, while also respecting the rights of all property owners in the area.

Sincerely,

Deryl Robinson
United Lot Owners of Cambria

cc:

Liz Fuchs
California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Ken Topping, General Manager
Cambria Community Services District
PO Box 65
Cambria. Ca 93428

Shirley Bianchi, Supervisor 2nd. District
County Government Center, Rm. 370
San Luis Obispo, CA 93408-2040

Chuck Stevenson
SLO County Dept. of Planning and Building
County Government Center, Rm. 370
San Luis Obispo, CA 93408-2040

Response to Coastal Commission Periodic Review of the San Luis Obispo County LCP
United Lot Owners of Cambria
April 25, 2001

Italicized text is excerpted from the Coastal Commission Periodic Review dated February 2, 2001.

> ***Executive Summary, Page EX-6,*** *Changes since 1988 LCP Certification: Significant changes in 5th Amendment takings jurisprudence.*

The CCC should elaborate on their intent in including this statement, but it is clear to us that the importance of this issue is that the U.S. Supreme Court has been more favorable lately to suits brought by property owners on takings claims. Lucas and Suitum are the best examples. There is a growing movement that supports the notion that where the community needs to protect land from development for environmental or any other reasons, the community needs to pay for the land, not balance the cost of environmental protection on the backs of a few property owners.

> ***Chapter 2: New Development and Public Services; B. Background*** *Population and Development Trends "San Luis Obispo County has experienced significant growth since final certification of the LCP in 1988. According to figures developed by the Department of Finance (DOF), the county had a population of 204,338 at the time of LCP certification. By 2000 the population had grown to 245,025, an increase of almost 20 percent."*

For proper perspective, the growth rate of the county should be correlated with the overall growth that has taken place in the state. This shows that the county has experienced a very reasonable level of growth. This is based on U.S. Census figures that indicate that the State of California's population increased by 14% (1.4%/year) between the 1990 and 2000, while SLO County's population increased from 217,162 in 1990 to 246,681 in 2000, exactly 14%. SLO County's share of the state's overall growth (1990 – 2000) represents less that 1% (0.7%).

> *In and around the coastal zone, most of the population is located in the more urban nodes of Cambria, Cayucos, Morro Bay-Los Osos, and Pismo Beach-Oceano...As shown in Table 2-1, with few exceptions, each of these areas has experienced significant population increases since LCP certification in 1988.*

Table 2-1 shows that Cambria's growth was 16% between 1990 and 2000. That works out to a 1.6% annual growth rate or 86 new residents per year. Compared to the 1.4% growth rates of the County and the State, and considering Cambria's relatively small size, this is not a significant difference.

> **C.1. Concentration of Urban Development: Stable Urban-rural boundaries.** *Overview: Coastal Act 30250(a) requires that new development be concentrated in and around existing development areas that have sufficient public services to support such development.*

The San Luis Obispo County LCP lacks any authority to ensure this policy is carried out in Cambria. The community needs a requirement that mandates that CCSD develop and implement a Public Facilities Plan within a reasonable time frame. This plan would need to identify the types and levels of urban facilities and services appropriate for the needs and requirements of the area and that those facilities and services are provided in a timely, orderly and efficient manner. A good model can be found in Oregon (refer to Oregon

Administrative Rules, Division 11, 660-011-0000, Public Facilities Planning
www.lcd.state.or.us/goalhtml/rules.html)

A Public Facilities Plan requirement would be a major step toward ending CCSD's failure to provide the Cambria community with an adequate water supply. It would also facilitate the implementation of the Coastal Act 30250(a), to concentrate development in communities such as Cambria and help to relieve development pressures in the rural areas that are in much more need of protection. The Cambria CSD has a twenty year history of not implementing measures to provide the community with a reliable and adequate water supply. In other words, they are effectively impeding County compliance with section 30250(a).

> *LCP Implementation: [LCP Public Works Policy 1] requires that priority be given to new development that would infill existing subdivided areas, and that development outside of the USL only be allowed where private [onsite] water and waste disposal can be provided. ...given the already outstanding commitment to existing lots within the USL for which services will be needed...*
>
> ***North Cambria Rural Lands:*** *This [Brown, A-3-SLO-00-045] project also involves provision of urban services by the Cambria CSD, as part of an independent agreement between the property owner and the CSD, even though it is outside of the USL/URL.*

The LCP Public Works Policy 1 as quoted above clearly places the existing lots in Cambria as the first order to be developed, as they would be infill in an existing subdivided area. Under this rule, projects such as Brown and Hearst should only be allowed after existing Cambria is built out and then only if they can supply their own private water and sewer systems onsite.

> ***C.3. Availability of Services:*** *Environmentally-Sustainable New Development*
> *Overview: In the longer term, LCP programs and policies will be needed to reduce buildout potential, particularly in communities [Cambria] where there are antiquated small-lot subdivisions.*
> *These [RMS] measures include such things as identifying and funding new capital improvements, imposing conservation measures, or even enacting development moratoriums.*

The County should focus on it's responsibility for land planning and develop a plan for Cambria that addresses the concerns of the existing residents about too much growth, while recognizing the value of the development rights that flow with the remaining subdivided vacant lots. Where capital improvements within the County's purview (roads) are necessary to implement this plan, the County should make them. Where conservation measures or development moratoriums (due to water) are necessary, the County should defer to CCSD, which is fully empowered by the state legislature to make such decisions and take necessary action. The County's responsibility stops with completing and certifying the NCAP and putting Cambria on notice of how many more connections to plan for and at what annual rate.

> ***Services Overview, Water Supplies in the San Luis Obispo County Coastal Zone, Cambria.*** *According to the County, there are approximately 3,783 existing*

> *residential units in Cambria, supporting a population of 6,242. The County also estimates 11,701 units at build-out (pop. 26,327), meaning that only one-third (32%) of the legally-available development potential of Cambria is built. This assumes full vacancy rate. At the current vacancy rate, build-out would be 19,305. The thousands of vacant lots remaining in Cambria raise a variety of coastal resource and planning issues. First and foremost is the challenge of reducing the build-out potential of the many small lots within the Urban Services Line (USL). The North Coast Area Plan (NCAP) currently limits the maximum annual number of residential permits to 125...Since 1988, a total of approximately 713 new units were reported approved through 2000--an average of almost 55 new residential units per year.*
> *The most important of these [LCP Policies] is the framework of what constitutes a buildable parcel in those areas of Cambria subdivided into the 25x70 foot lots. For a single lot, the maximum allowable Gross Structural Area (GSA) is 1,000 sf. On forested lots or steep lots the GSA restriction may be as much as 600 sf maximum. Reported CDP data also shows that the County's permit process has reduced the build-out potential in Cambria by 83 lots through the consolidation or voluntary merger of residential lots. When compared to the approximately 8,000 units of build-out potential, it is clear that the lot consolidation program has not generated a significant amount of lot reduction relative to the larger problem of build-out potential in Cambria.*
>
> ***C.2. Concentration of Development: Preventing Cumulative Impact to Rural Lands,*** *LCP Implementation, Highway One: Projections in the current NCAP project description indicate that levels of [highway] service between Cayucos and Hearst Castle will deteriorate to Level of Service D and F at build-out. ...Cambria is only one-third built out, and can be expected to continue to grow unless an alternative to the large number of existing vacant lots is found. The projected traffic volumes may, therefore, be rather low.*

Assuming that no new development is allowed outside of the existing Urban Reserve Line, the County's estimate of ultimate build-out for Cambria is grossly exaggerated. We have obtained a report directly from the County Assessor's office that shows that there are only 2,902 vacant single family Assessor's Parcels in Cambria (see Exhibit 1). Careful analysis of the parcels in the report shows that even these are not all likely to be built upon. We have done the research to classify these vacant parcels by their likelihood to be candidates for development. The detailed results are shown in Exhibit 2. In summary:

Parcels that are definite candidates for development: 1,039
These include all properties on the wait lists, those with "grandfathered" water meters, and properties that are already in the permitting process.

Parcels that are definitely not candidates for development: 303
These include properties already retired under a covenant with CCSD, and properties owned by land conservancies or institutions. It also includes properties that are outside the USL or multi-family.

Parcels that are legal to develop, but unlikely candidates: 1,574
These include properties that are too small, too forested, or too steep. Noting the allowable GSA's for these lots are 1,000 and 600 sf respectively, few owners will want to build

homes that small. Many others are adjacent to properties in the same ownership that are already developed or definitely planned for development. Many of these property owners intend to hold these properties as private open space, but they simply have not done the legal work to consolidate them with their adjoining lots. Many lots in this group are almost two years delinquent on payment of property taxes. Twelve vacant lots were auctioned off to the public in March for redemption of un-paid property taxes. Even though the State requires that tax delinquent properties be auctioned in this way, it seems like the County could, if it was intent on reducing potential build-out in Cambria, find a way to permanently retire development rights on these parcels before auctioning them off. Many of these lots are surely already candidates for retirement under the CCSD's incentive program, which has retired 169 lots in less than 10 years. It would be very reasonable to predict that only 50% or less of all of these lots will be developed, even without additional active lot-reduction measures.

Using these figures, we see that a more reasonable estimate of build-out potential is 1,800 more homes, for a total of about 5,600 homes, meaning that Cambria is actually about 68% built out already. This would result in a population of 9,238 at current occupancy rates. At the maximum allowable growth rate of 2.3% per the Growth Management Ordinance, this build-out would take 38 years to reach. This is if *nothing* is done to actively retire lots!

It is true that the county's lot consolidation program has not generated a significant amount of lot reduction to date, but in light of the foregoing the challenge of reducing the build-out potential of the many small lots within the Urban Services Line (USL) becomes much less daunting. The simple truth is that almost all the parcels that are economically feasible for construction of a home are already on either the CCSD wait-list or the County wait-list. That some 1,800 parcels have not been placed on a wait-list is obviously because their owners are not interested in pursuing construction of a home.

> ***Page EX-9, Environmentally Sustainable Development, Urban Areas:*** *Expand the TDC Program to allow more sending sites...; Encourage urban redevelopment inside the USL prior to authorizing development outside of USL boundaries.*
>
> ***The TDC Program:*** *The Land Conservancy has expressed concern that continued success of the [TDC] Program may depend on expansion into other areas of Cambria. While funds are available to purchase additional lots, this funding originally made available by the Coastal Conservancy is currently restricted to the purchase of lots within the Special Project Area #1 only; the Land Conservancy is having a difficult time finding sellers for the remaining sites within Fern Canyon.*
> *Success of the TDC Program is also dependent on the longterm preservation and management of lots retired through the program. To date, the Land Conservancy has not been successful in transferring title to any public agency. This places the burden of land maintenance on the non-profit, which impacts the ability of the agency to focus on land acquisition. Currently, the Land Conservancy is having discussions with CCSD about transfer of title of the retired lots.*
> *Inasmuch as the TDC Program may be having unintended effects, it may be necessary to revise the allowable development standards downward for small lots in Cambria. This would have the dual effect of addressing potential impacts from larger development, and provide a great incentive to use the TDC program and/or consolidate more small lots.*

The TDC Program should be completely revamped to include the following:

- Expand the program to the entire community, but focus it on sender sites that are under 3,500 sf to encourage retirement of small lots.
- Provide incentives for owners of multiple adjacent lots to consolidate them and retire development rights.
- Provide a positive working program for transfer of retired lots to a public agency.
- Development standards should be revised to ban construction of dwellings of any size on the original single 25'x70' lots, but it must be recognized that this will be seen as a regulatory taking unless owners of these lots are justly compensated.

Other Programs: *As part of its ongoing NCAP Update process, the County has evaluated various levels of lot retirement through establishment of an Open Space Assessment District to provide the funding to acquire lots. Four levels of lot retirement have been studied, including a 17%, 29%, 37%, and 56% reduction in lots. The current submittal of the NCAP includes a program calling for such a district and targeting Alternative III, which has a goal of 7,421 dwelling units at build-out. This would represent a reduction of 4,280 units from current build-out of 11,701.*

Even if very one of the vacant single family parcels that is not already retired were built out, there would only be a total of 6,382 dwellings, less than the desired Alternative III. An Open Space Assessment District should be created, but the goal for reduction of total dwelling units at build-out should be far more aggressive. A goal of 4,800 is achievable, because it only requires the retirement of 1,581 more lots, most of which are not good building sites. The poor building sites should be inexpensive to acquire and retire. A build-out of 4,800 homes at current occupancy rates would yield a population of 7,918.

Cambria Water Supply: *As early as 1977, in a coastal permit to allow the Cambria Community Services District (CCSD) to begin drawing water from San Simeon Creek, the Commission expressed concern about overdrafting this groundwater basin. In that permit, the Commission limited the urban service areas for this new water supply and identified the maximum number of dwelling units that could be served as 3,800.*

According to *Engineering Report on Proposed Water System Improvements and* *Master Plan*, for Cambria County Water District dated February 1976 by Coastal Valley Engineering, "The safe yield for the San Simeon basin is estimated at about 1,040 acre-feet to be withdrawn during the summer and fall months..." and "Based on a consumption rate of 140 gpcd, the basin could accommodate a population of 9,400 persons." According to the Baseline Water Supply Analysis by Kennedy Jenks, Cambria's consumption today is 111 gpcd.

It is unclear from the above CCC quote whether the limitation of 3,800 dwellings was intended for the San Simeon water supply only, or for the entire community. Clearly though, the limitation is very conservative when considering the Master Plan assessment of the basin capacity from just one year earlier.

We have commissioned independent reviews by Navigant Engineering (Exhibits 3 and 4) of both the 1998 USGS report on the Cambria area groundwater basins, and the Kennedy-Jenks Water Supply and Availability Study for CCSD. These reviews concluded that the

two groundwater basins currently utilized by CCSD have capacity for an increase in production of 10%, without overdrafting and while maintaining above a 90% reliability for Cambria's water supply. These reports raise legitimate questions about the factual evidence of a water shortage, and are subject to judicial review. The Coastal Commission should exclude itself from the debate over the production capacity of these basins, and limit its focus to ensuring that the basins are not overdrafted and that the environment is protected.

> *Most recently, the Commission evaluated available water supply for Cambria in its review of the County's North Coast Area Plan update. After evaluating the availability of water in San Simeon and Santa Rosa Creek, the Coastal Commission adopted findings and a suggested modification that would require completion of three performance standards prior to January 1, 2001: completion of an instream flow management study for Santa Rosa and San Simeon Creek; completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply, and potential off stream impoundments; and cooperation of the County and CCSD to place a lot reduction ballot measure before the Cambria electorate. If these standards were not performed by January 1, 2001, the modification required a moratorium on further withdrawals from San Simeon and Santa Rosa Creeks.*

The County and CCSD have made precious little progress on the recommended projects. The two agencies seem incapable of even communicating at all, let alone actually cooperating to place a lot reduction ballot measure before the Cambria electorate. We urge the Coastal Commission to consider that the current political regime running the CCSD is not afraid of threats of a moratorium. In fact, a moratorium is exactly what they want. They would like to have CCC or the County force a moratorium so that they can deflect the blame away from themselves. Placing a moratorium deadline in the LCP will not help. It will ensure that CCSD accomplishes nothing. As noted by CCC, Cambria's per capita consumption will continue to increase. If an additional water supply is not developed, then when a drought comes the groundwater basins will be overdrafted, even if there is a moratorium.

The idea of a lot reduction ballot measure is not even part of the discourse in Cambria. The whole idea of the no-growth political movement in Cambria is to take the lots by *not providing any water*. Their idea of fixing the problem is to have all the lot owners just donate their property for community open space and then quietly go away. This will not happen, and planning on it is a self-defeating course for Cambria.

> *<u>Implementation:</u> While the retrofit program has been somewhat successful in reducing per capita demand, it has been less effective than originally envisioned, because it allows the payment of an "in-lieu" fee rather than an actual retrofit of older existing development; and because it was not designed to reduce the amount of water used to irrigate residential landscapes.*

Wise spending of the in-lieu fee payments has the potential of doing much to reduce per capita demand, if CCSD would only take action. Even though hundreds of thousands of dollars have been accumulated in the account, there are no projects underway. There are numerous projects pending, such as expansion of the program to fill cisterns with reclaimed water, and completion of the reclaimed water irrigation system along Moonstone Beach Dr.

Cambria has made excellent progress in reducing per capita demand by reducing indoor consumption, but it has done very little to reduce irrigation consumption. This is a critical area, as it accounts for the dramatic increase in dry-season consumption. According to figures in the Water Conservation and Reuse Study by Boyle Engineering dated January 1999, 40% of Cambria's water consumption is used for irrigation.

> *Over the years, the CCSD has investigated various potential additional water supplies, including importing water from Nacimiento Reservoir, building dams on coastal streams in the Cambria vicinity, and utilizing groundwater recharge. All of these were rejected, due to environmental, financial, or engineering concerns. In 1993, the district began investigating the possibility of desalination of seawater. The CCSD applied for a permit (FLAN 3-SLO-95-037) in 1995 to construct a desalinization plant, which would supply 1129 afy water at full capacity. Although the County approved the permit as well as a subsequent permit for the construction of connecting pipe to San Simeon, to date the plant has not yet been built. The CCSD is still pursuing the desalination plant and has recently received grant funding toward that end.*

The Cambria community elected to stop progress on the original desalination plant design for the simple reason that it feared the growth-inducing impact of the plant. Considering that the County NCAP tells them that Cambria is planned for over 11,000 homes, that fear is understandable. The final build-out numbers need to be reduced to eliminate this fear, or a water project will never be built. CCSD will just keep spending millions of dollars studying and rejecting projects just like they have always done.

> *Most recently, the CSD funded and completed a Baseline Water Supply Analysis that concludes that the District's water supply is marginal to inadequate to provide 90% reliability (in one of ten years there may not be enough water for current customers).*

The Baseline Water Supply Analysis is flawed. See Exhibit 4.

> *In addition, if the recent discovery of MTBE in groundwater near the District's Santa Rosa wells prevents use of this source, the report concludes that the District's supplies are inadequate.*

The RWQCB and Chevron are dragging out the process of getting the water replaced. RWQCB is not forcefully pursuing Chevron, and therefore CCSD's staff and finances are being strained by efforts to deal with the problem. RWQCB is not enforcing the order it gave Chevron on April 17, 2000 (see Exhibit 5), to replace the water it contaminated. Instead, it is stepping back and expecting CCSD to deal with Chevron alone (see Exhibit 6). Chevron has made proposals to replace the water that it feels are fair. CCSD has rejected those proposals as not good enough. Meanwhile, the only citizens being punished are those awaiting water service from the CCSD. Instead of standing back and watching, the State Of California should set one more deadline for CCSD and Chevron to agree on an arrangement to <u>fully</u> restore the Santa Rosa drinking water supply to its potential before the MtBE contamination. If they fail, then the State should step in and mediate a solution and enforce it on both parties.

> *Notwithstanding the efforts being made by the CSD, water production in Cambria continues to increase. As shown in Figure 2-10, while the rate of increase since 1990 is not as great as previous years, water withdrawals from San Simeon and Santa Rosa Creeks nonetheless are still climbing.*

The referenced figure in the CCC document indicates that current consumption is less than it was in 1989, before the last major drought. This is in spite of the population increasing 16% during the period (from Table 2-1). It is true that consumption has steadily increased since the drought ended in 1992-93, but that is because irrigation has increased, due to there being no significant mandatory conservation in this area.

> *The County projects the need for more than a doubling of current water production (approx. 1500 AFY) in Cambria by 2020 (3-24 NCAP).*

Again, this is based on an unrealistic estimate of the number of remaining buildable lots. It also assumes *zero* lot reduction.

> ***General Conclusions**...in Cambria, in the event that desalination comes online as an additional water source, it will be important to have an aggressive buildout reduction program in place in order to address other limitations in Cambria, such as road capacity, Monterey Pine forest protection, and nonpoint source pollution.*

We strongly agree.

> *Consistency Analysis: Groundwater basins in both [Cambria and Los Osos] communities are under severe stress.*

Since CCSD has not completed the studies recommended by the CCC, this is not a proven fact. If San Simeon Creek is under stress it is due to the fact that CCSD is not utilizing Santa Rosa.

> ***Preliminary Recommendation 2.12. Strengthen Implementation of the RMS System and ISCA.***
> *The RMS monitoring reports have not always been translated into decisions about managing development that meet the requirements of the Coastal Act. The theory of the RMS is to base new development levels on scientific assessment of resource capacities to support such development. Alternative approaches are needed to better ensure that this will happen. One possible approach is to move into the second phase of RMS implementation anticipated in the Framework of the current LCP. This phase would establish an expanded RMS task force,*
> *including participation by Coastal Commission staff and other resource agencies, to facilitate technical assessment, coordination, and consideration of resource management options. For example, there is a need for coordinated assessment and action on the part of the County, the Commission, and the Cambria CSD with respect to water supply in Cambria. Without such coordination and responsibility, it is more likely that difficult resource management decisions*
> *will not be made, or that they will continue to be debated on an incremental, case-by-case basis, instead of through comprehensive planning and regulatory responses. Enhanced joint decision making and interagency stakeholder problem-solving could advance efforts to address this problem.*

We strongly agree. The county has been standing back and finger-pointing at CCSD. The County should get involved and do something.

> ***Preliminary Recommendation 2.13. Address Cambria Short-term Development.*** *The short-term problem of water supply in Cambria could be addressed in a number of ways, including limiting short-term growth rates. At a minimum it would seem that the current 1.0% growth should be kept in place, rather than increasing potential new development back to the 2.3% growth rate anticipated by the County's growth management ordinance. However, this would not address the Commission's 1998 findings that would have required a development moratorium by January 2001 unless certain performance standards had been met (which have not). As discussed, the CSD has conducted additional studies, and the County has recently evaluated water supply and demand in Cambria in the NCAP project description. There is a need for the County and CSD to work collaboratively to complete critical information needs. To the extent that this recent study may raise uncertainties about how much water is available, coordination discussion with Commission staff over the next several months would be useful. The habitat and in-stream flow studies that the Commission identified as being necessary in 1998 should be conducted as well. One option, therefore, would be to allow 1.0% until 1/1/02, subject to finishing the resource capacity study. Another option that would be the most precautionary in terms of protecting coastal resources, would be to enact a development moratorium through the RMS system, until such time as the water problems for future development is more definitively resolved.*

The 2.3% annual growth allowed in the Growth Management Ordinance is slow enough. CCSD has had a decade to plan for this growth rate and has accomplished almost nothing. Any reduction in the growth rate is taken by CCSD as a license to continue doing nothing. *Cambria does not want a solution*, so it will not agree to one until it is forced to. If CCC wants to enact sanctions, it should enact sanctions that will punish the County and existing Cambrians. A moratorium will only punish the one class of citizens that would do anything to solve the problems, but have no power - the lot owners. Any continuation of a reduced growth rate will be seen by all lot owners as a taking, and is likely to draw legal challenge. The problem needs to be taken care of <u>now</u>, not later.

> ***Preliminary Recommendation 2.15. Consider Additional Options for Water Conservation*** *As discussed, the CSD has implemented a variety water conservation programs. Additional LCP policies and standards should be considered that would strengthen requirements for minimizing water use, such as xeriscaping and native drought-tolerant landscaping requirements.*

Rather than talk about a development moratorium, CCC and the County should encourage CCSD to start reducing irrigation and other outdoor consumption. It would be far more fair to all Cambria stakeholders to start rationing irrigation water to protect both the groundwater basins and health and safety needs, but continue allow modest growth, than it would to punish lot owners only. If the citizens of Cambria had to start dealing with this problem themselves instead of balancing it all on the backs of the lot owners, they would start encouraging their representatives to take measures to correct the problem.

Preliminary Recommendation 2.16. Cambria Long-term development (Buildout Reduction)
The LCP needs to be amended to address long-term development potential in Cambria. The County should work to expand the TDC program by identifying other sensitive areas that would benefit from transfer of potential development to more suitable locations. Expansion should include Special Project Area #2, as well as watershed areas, other scenic corridors and other small lot tracts in undeveloped areas that support significant coastal resources, particularly contiguous blocks of sensitive pine forest habitat. More aggressive policy options should be considered as well, including development of an Assessment District to retire lots/create open space and promote forest protection. Other mechanisms should be evaluated such as the ability to use mitigation fees or erosion control fees to address long-term buildout. Further attention could be focused on alternatives for reducing development potential on single and double lots and creating incentives for the minimum lot size of 7000 square feet.

We strongly agree, but the County should pursue the lot reduction measures unilaterally, and stop waiting for CCSD to do it.

Preliminary Recommendation 2.15. Prohibit Creation of New Development Potential in Cambria and Los Osos.
The County should consider prohibiting subdivisions that create new development potential in the communities of Cambria and Los Osos. Subdivisions that include no net gain in development potential (e.g. includes lot retirement) might be considered. In 1998, the Commission recommended a modification that would have required lot reduction in order to subdivide in Cambria.

We strongly agree, but subdivisions that result in no net gain in development potential should be encouraged, if they also deliver the desired lower densities and minimize impact to forest habitat.

General Conclusions:

Cambria has two separate and distinct problems: 1. There are too many small lots, and 2. It relies on a finite water source that is subject to reductions during droughts. Each problem would exist without the other. Problem 1 is the responsibility of the County of San Luis Obispo alone. The lots were created with County approval, long before CCSD ever existed. CCSD is not empowered or authorized to effect land or growth management, so the County should not be relying on CCSD to rectify the problem of too many lots. The County should take swift and decisive action to reduce build-out potential to a level that is acceptable to the Cambria community, and ensure that owners of the lots that are retired are fairly reimbursed. There are several vehicles that can be utilized to accomplish this. Many of them are discussed in the CCC recommendations. The County should pursue these measures unilaterally, not wait for CCSD to initiate them. The acceptable build-out level should be incorporated into the NCAP as soon as possible, and then be strictly enforced. Only then will CCSD be able to complete a Master Water Plan.

Problem 2 is the responsibility of CCSD alone. When CCSD has a realistic build-out projection to plan for, it will have the sole responsibility to develop and implement a plan to supply the water necessary to support that plan while minimizing environmental impacts. CCSD will be responsible to balance conservation measures with development of new water sources in order to serve the total build-out. CCSD has authority granted by the legislature to declare a hook-up moratorium if it has exhausted all conservation and augmentation measures and there is still danger of a water shortage. Neither the County nor the Coastal Commission should intervene in CCSD's decision making process on the issue. The County should only focus on ensuring that health and safety are maintained, and CCC should only focus on ensuring that the groundwater basins are not over-drafted.

We ask that the CCC take the following actions:

- Investigate ways to work with RWQCB and sanction Chevron to encourage immediate action to replace in full the water that should be available from Santa Rosa Creek.
- Encourage CCSD to enact strict irrigation conservation measures.
- Set a tough deadline for the County re-submit the revised NCAP and enforce it.
- Require that the County prove its estimate of the total build-out potential, and state the correct number in the NCAP. In addition, the number should be subtotaled to indicate numbers of lots that are in different classes, ie, less than 3,500 sf, over 30% slope, forested, etc.
- Require that the NCAP contain a no net new lot policy.
- Strongly support the CCSD desalination plant project and advocate it with the Monterey Bay Marine Sanctuary.

Fee Parcel	Owner
13,021,005	DERBY RAYMOND C TRE ETAL
13,021,007	DERBY RAYMOND C & PAMELA J
13,031,025	GERBER ELMER C TRE ETAL
13,031,026	GERBER ELMER C TRE
13,031,042	MUSHINES LYNNE TRE ETAL
13,041,003	RUSSELL JOHN K
13,041,006	SAN SIMEON ACRES CSD
13,051,019	LA COUNT LYNN
13,061,009	WARREN MARIA A TRE ETAL
13,071,025	DRAKE CLARINDA TR
13,081,010	COVELL RALPH M
13,081,019	VOLLMER AR ETAL
13,081,021	COVELL RALPH M
13,081,051	TOWNSEND JAMES W TRE ETAL
13,081,054	PRIAN JOHN L TRE ETAL
13,081,055	ADELSON MICHAEL G & LYNDA O
13,081,056	KENNEDY THOMAS P ETUX
13,081,058	WILLIAMS JOYCE TRE ETAL
13,081,059	WILLIAMS JOYCE TRE ETAL
13,084,005	CLARK MICHAEL B
13,084,006	KASSEBAUM JAMES W TRE ETAL
13,084,009	KOMAN JOEL S & LINDA ES
13,084,011	SWANSON PETER W & DEBORAH A
13,084,017	METZ DENNIS & CASSANDRA
13,084,018	ROSLING REED V TRE ETAL
13,084,021	PECK SAM & MAE
13,084,022	MITTON RL TRE ETAL
13,084,024	POSEMSKY JACK E TRE ETAL
13,084,028	BREWER SILAS H TRE ETAL
13,084,032	OVERTURF R GRAIG & ROSALIE H
13,084,035	LEIMERT INVESTMENT COMPANY A
13,084,036	LEIMERT INVESTMENT COMPANY A
13,084,039	LEIMERT INVESTMENT COMPANY A
13,084,040	TIBBETT THOMAS W TRE ETAL
13,084,041	ZARGHAM MEHDI R & TOMOKO ETA
13,084,042	LAMPARTER EUGENE H TRE ETAL
13,084,044	MAHER EDWARD T & DIANE MC
13,084,046	BRUGALETTA JOHN J & CLAUDIA
13,084,050	SYRJANEN PERTTI K TRE ETAL
13,084,051	PHILLIPS DANE
13,084,052	PHILLIPS DANE
13,101,054	COYLE JOHN M & SUSAN A
13,101,058	SHAMEL BARBARA K
13,101,060	LENZ RICHARD & ADIAN
13,101,061	SHAMEL BARBARA K
13,101,063	WOOLUM JOHN C & DOROTHY S
13,121,014	AMERICAN LAND CONSERVANCY
13,121,023	TANG HOONG-YEE ETAL
13,121,024	AMERICAN LAND CONSERVANCY
13,122,002	STERLING WALTER V TR ETAL
13,131,037	SEABERG CHRISTOPHER A TRE ET AL
13,141,002	PELLE STEVEN J
13,141,008	CITEK PHILIP ETUX
13,141,018	MYERS MECHTILDE
13,141,019	STEWART BENTON A & LINDA D

Fee Parcel	Owner
13,151,003	CHEN WEI-TZUOH TRE ETAL
13,151,020	LAWRENCE CLEONE F
13,151,022	BROOKS WT ETAL TRE
13,151,023	VICTOR WINTON R & JOAN A
13,151,024	VICTOR WINTON R & JOAN A
13,151,025	FITZHUGH WALTER H & JUDITH
13,151,041	CLARKE JULIUS F TRE ETAL
13,151,045	WILLIAMS JOYCE TRE ETAL
13,181,016	MARTIN & HOBBS LLC
13,181,020	TOWNSEND JAMES W TRE ETAL
13,181,021	DIAMOND K RANCH A LLC
13,193,003	TAYLOR LESLIE A TRE ETAL
13,201,030	DIAMOND K RANCH A LLC
13,292,009	CAROL K STEELE
13,292,012	OBENAUER JOHN P & MARSHA A
13,292,018	SCHLITZ GORDON M & DAWNA M
13,294,005	NELSON HENRY E TR ETAL
13,294,021	DUNN KENNETH E & LINDA F
13,301,033	BALDWIN MARY A TRE ETAL
13,301,047	DUNLEVIE JON T & DONNA SH
13,301,049	HODGES DONALD G TRE ETAL
13,311,001	GONZALEZ MANUEL D
13,311,008	RUTHERFORD DALE & BRENDA
13,311,011	WOELFEL WILLIAM H TRE ETAL
13,321,001	LEE CARL & LINNIE B
13,321,009	LANDGREEN CHRISTINE L ETAL
13,321,010	LANDGREEN CHRISTINE L ETAL
13,323,007	SANI JAVAD N ETUX
13,323,008	GARRETT ED JR TRE ETAL
13,323,009	LEE DORIS H TRE
13,324,001	FELICE ROLAND M TRE ETAL
13,331,007	BRYANT WK & VJ TRE ETAL
13,331,010	TAYLOR PEGGY M TRE
13,331,012	NELSON BONNIE
13,331,014	WARRICK STUART C JR TRE ETAL
13,331,023	ROMANOWSKI WILLIAM T & JULIE
13,331,041	ETZ RUTHANN M TRE
13,341,003	BRIGLIO ANTHONY JR TRE ETAL
13,341,006	KUETER KLAUS & CARMEN
13,341,011	GONZALEZ MANUEL D
13,341,013	PETERSON TERRY J TRE ETAL
13,341,022	LIPARI MITCHELL & PHOEBE T
13,341,023	OLAIS HENRY ETUX
13,341,025	WALTER H LEIMERT CO ETAL
13,351,005	EWING JUDITH L ETAL
13,351,010	SONDAY MG & R
13,351,012	LONG ALLAN W & NANCY
13,351,014	MADNICK RENEE TRE
13,351,039	FELICH DONALD L TRE ETAL
13,351,043	HITCH JUANITA L
13,351,046	BLOOM ROBERT TRE ETAL
13,351,052	GALAID RC
13,371,021	NOELL JOAN TRE
13,371,026	CLEMENTS HAROLD D TRE ETAL
13,381,025	KHOSRO KHALOGHLI

Fee Parcel	Owner
13,141,020	GREENSPACE THE CAMBRIA LAND TRUST
13,141,021	GREENSPACE THE CAMBRIA LAND TRUST
22,014,016	HIGH RICHARD R TRE ETAL
22,014,041	CLARKE SOPHIA B TRE
22,014,044	BERRY CARL J TRE ETAL
22,022,037	SMITH CRAIG A
22,023,007	GEDIMAN GERALD & WALLITA A
22,023,008	GEDIMAN GERALD & WALLITA A
22,023,012	ZAROWITZ MICHAEL A
22,023,025	ZANETTI ROGER G ETAL
22,023,028	GEDIMAN GERALD & WALLITA A
22,023,031	COVEY ROBERT M TRE ETAL
22,026,035	MALAKAN NADER ETAL
22,026,038	LOWELL THOMAS A TRE ETAL
22,031,020	STEDDON MARY B ETAL
22,031,021	STEDDOM MARY B
22,032,032	ATENCIO ADOLPH & SUSAN B
22,032,040	HARRIS DAVID L TRE ETAL
22,033,040	WEST RICHARD & BARBARA
22,034,013	KURTICH JOHN W
22,034,025	GUENZEL VA
22,034,028	NORMAN E CHURCHILL
22,035,004	MATTHEWS COURTNEY & PATRICIA
22,041,002	CRAWLEY JAMES C & ROXANA P
22,041,015	MAURER JOHN & LOUISE
22,042,014	CAMPAGNOLO DAVID R & CORALEE
22,042,027	HALL LEONARD D TRE ETAL
22,042,044	WILSON ROBERT & BARBARA
22,042,046	KOMAN JOEL S & LINDA ES
22,042,047	KOMAN JOEL S & LINDA ES
22,042,048	NASH CLEVE C III & ANNE E
22,043,004	REINKING GEORGE H III TRE ET AL
22,043,005	HAMBLET BRIAN I ETUX
22,043,006	HALSTEAD ROBERT & NANCY A
22,044,005	BERRY BRENT & SUSAN
22,044,042	PAWLEY LONNIE & PAT
22,045,002	BROWN GEOFFREY E & LYNDA L
22,046,001	RECTOR GARY
22,052,021	RMP INC A CA CORP
22,052,028	EMILY CLARK FAMILY PTP A LTD
22,052,041	KAREN KALPAKOFF
22,052,043	HALL LEONARD D TRE ETAL
22,053,008	STARK BETTY A TRE
22,053,009	ZANETTI ROGER G ETAL
22,053,034	COOK WILLIAM G TRE ETAL
22,053,037	MCLAUCHIAN IAN M & LUCIE R
22,053,041	HANSEN GORDON D
22,053,054	SWIFT DEVELOPMENT INC
22,071,001	WITMER GLEN A TRE ETAL
22,071,002	SLAYMAN VICTOR J & LUCILE
22,071,021	WITMER GLEN A TRE ETAL
22,071,027	JOHN A CAMBIANCA
22,071,041	LENGSON MELODY
22,071,042	MARAGONI NATHAN E
22,071,043	MANKEY AUDREY M TRE ETAL

Fee Parcel	Owner
22,014,002	PORTER JEAN G TRE
22,014,009	STOECKEL WAYNE & KAREN
22,071,064	TIERNEY THOMAS J
22,071,067	ANDERSON L JAMES & BI TRE
22,071,068	SLAYMAN VICTOR J & LUCILE
22,071,073	SLAYMAN VICTOR J & LUCILE
22,071,078	ROYSTON WILL TRE
22,072,034	MCCOLLOCH MELVIN
22,072,036	MCCOLLOCH MELVIN
22,083,014	DOUGHTY DOUGLAS H TRE
22,083,025	DOYLE RICHARD E & CARMEN L
22,083,030	DEMPSTER ANTHONY J TRE ETAL
22,083,031	STERN RICHARD A TRE ETAL
22,083,033	ENKOJI RENSO & MABEL
22,083,034	PILKINGTON DONALD M & CAROLYN
22,083,036	SHIVAROFF S
22,083,040	PARRACK WAYNE M & JENNIFRED
22,083,045	ZIRRETTA MARY A
22,083,055	CROSS RALPH S TRE ETAL
22,084,008	KRYSTIAN RICHARD & MARGO
22,084,015	DIGNAM DAVID C & DOREEN L
22,084,017	BALLARD PATRICIA L TRE
22,084,020	HOLLIS DOUGLAS R & BETTY L
22,084,030	TROMBLEY DOREEN P TRE
22,084,034	JONES ROBERT B TRE ETAL
22,084,037	OHLENDORF GLORIA
22,084,041	WOLFF PETER H TRE ETAL
22,084,044	WOLFF PETER H TRE ETAL
22,084,046	SMALL PL TR ETAL
22,084,047	SMALL PL TR ETAL
22,084,051	EWING JUDITH L ETAL
22,084,052	JOHNSON KENNETH E TRE ETAL
22,084,055	PARENTI NICHOLAS J TRE ETAL
22,084,056	JONES ROBERT TRE ETAL
22,091,001	VINEY DAVID J ETUX
22,091,015	BOWLEN BUFORD TRE ETAL
22,091,017	SCOTT GARRY L & ANNETTE M
22,091,019	CRILL M & E
22,091,036	ELLITHORPE LARRY R TRE ETAL
22,091,038	MESSARRA JF & Y
22,091,048	FEDOROFF SUZANNE & IGOR V
22,093,004	TIPTON TIMOTHY D ETUX
22,093,006	BEITNES PHILIP M & ANNE O
22,093,007	HERRING CAROL A
22,093,009	ARNOLD JESSE T
22,093,012	WALKER STEPHEN R & RAE ETAL
22,093,013	CULP JACK JR & NANCY A
22,093,014	KIOUS CAROL
22,093,015	NETHING PEGGY J
22,093,016	PACHECO LYNN ETAL
22,093,018	RAMIREZ ESTHER
22,093,019	ECK A
22,093,023	BLACK BRUCE
22,093,024	MORTON RAY H TRE ETAL
22,093,025	SCOTT GARRY L & ANNETTE M

Fee Parcel	Owner
22,071,046	MANKEY AUDREY M TRE ETAL
22,071,047	JOHNSON KENNETH E TRE ETAL
22,071,055	WALSH MICHAEL J
22,071,057	MORRIS S DAVID ETAL
22,071,059	LENGSON MELODY
22,093,038	BIGARANI EDWARD W TRE
22,093,039	MACKEL NEALAN D & VALERIE L
22,093,042	LIU PAUL I TRE ETAL
22,093,043	REDWOOD JE & EL
22,131,001	SCOTT GARRY L & ANNETTE M
22,131,002	SCOTT GARRY L & ANNETTE M
22,131,003	SCOTT GARRY L & ANNETTE M
22,131,009	OMALLEY MICHAEL J & STACEY A
22,131,016	OMALLEY MICHAEL J & STACEY A
22,131,017	OMALLEY MICHAEL J & STACEY A
22,131,018	KKB ENTERPRISES A PTP %BEALS
22,131,019	OGRADY PATRICK J
22,131,020	BARKER ANDY R & ANNA M
22,131,022	NELSON DON D ETUX
22,131,029	CAREY HELEN J
22,131,032	HERNANDEZ ADRIAN & TRACY
22,131,038	NEGLEY SCOTT F & AUDREY S
22,131,044	BARKER ANDY R & ANNA M
22,131,045	SUMMERS WE & PA
22,131,047	PALMER SAMUEL C III TRE
22,131,049	HERNANDEZ ADRIAN & TRACY
22,131,051	MACLEAN MARTIN K & HELEN L
22,131,054	YATES REGINALD & KAE R
22,131,055	HALLIDAY DOUGLAS S ETAL
22,131,056	MERMELSTEIN ELAINE C
22,131,057	MCEVOY MAURICE B & SALLY
22,131,058	OMALLEY MICHAEL J & STACEY A
22,141,002	MADIGAN MARIS ETAL
22,141,007	KOEHLER VICTOR H & SARAH A
22,141,012	ZACHER JOSEPH M JR
22,141,036	GATTO BETTY D TRE
22,141,037	SANNELLA PATRICK J & PJ
22,151,010	PEREZ JOHN & OLIVIA M
22,151,012	ODONNELL WC & MG
22,151,013	THOMAS LEONORA P TRE
22,151,014	STEFAN EVELYN R TRE
22,151,015	PERRY TRINKLE
22,151,017	THOMAS LEONORA P TRE
22,151,027	CHAO LANCE L TRE ETAL
22,151,030	MR & MRS EDWARD M BAUER ETA
22,151,033	GA DRESCHER
22,151,034	GA DRESCHER
22,151,040	PILLOW HAROLD E TRE ETAL
22,151,043	JENSEN RG
22,151,045	CAREY HELEN J
22,151,050	GUZMAN P JR & P
22,151,058	LINDSEY, JE INC A CA CORP
22,151,061	JOHNSON ROLAND W & VIRGINIA
22,151,062	BARRISH PAUL D TRE ETAL
22,151,065	MONTEVERDE RONALD & PATRICIA

Fee Parcel	Owner
22,093,027	BILLINGSLEY DAVID B TRE ETAL
22,093,028	BILLINGSLEY DAVID B TRE ETAL
22,093,029	BILLINGSLEY DAVID B TRE ETAL
22,093,030	BILLINGSLEY DAVID B TRE ETAL
22,093,035	MACPHERSON CALVIN A TRE ETAL
22,171,027	KUGLER KAREN L
22,171,031	VAVRA RANDY J & ADRIANA
22,171,045	AUTH GARY L & CLAUDIA S
22,171,046	POPE RALPH ETUX
22,172,008	KINGSLEY D & K
22,172,024	THOMPSON PAMELA C TRE ETAL
22,172,032	FILIPPINI WILLIAM J & SUSAN
22,172,035	MCDONOUGH JOSEPH P TRE ETAL
22,181,008	GREENWOOD ER
22,181,022	RINGWALD LYDIA E
22,181,031	HERRELL JAMES G & LAURA C
22,181,038	RAYMOND ELINOR TRE ETAL
22,182,004	OSBORNE ROY S & PATRICIA
22,182,005	OSBORNE ROY S & PATRICIA A
22,182,054	HUBER GREGORY A & ANNA S
22,182,060	COLLIER AW & ROSIE
22,191,007	WHITE ALLAN H ETAL
22,191,025	WHITE ALLAN H ETAL
22,191,028	LEVESQUE RONALD R & KATHRYN
22,191,031	LARSON CH
22,191,032	COOMBS ROBERT L
22,191,033	HOLSOPPLE ENID T
22,192,010	ELIZBETH B HARDING TRE
22,192,011	EVANS FREDERICK & LYNDA S
22,192,025	BUSSELL DAVID M & JODY A
22,192,031	PARKER THOMAS & LINDA
22,192,038	WALKER FAYE A
22,192,042	ROBINSON DERYL & WENDOLYN S
22,192,046	SELNA JAMES V TRE ETAL
22,193,012	DAVID SANSONE CO INC
22,193,020	SPORNICK GEORGE G & ELENA
22,193,032	NOBLE TERESA
22,193,035	MODICA APRIL TRE ETAL
22,201,002	PHILLIPS JAY & BEVERLY
22,201,015	FORRESTER DONALD R TRE ETAL
22,201,022	POPKEN COLLEEN Y TRE
22,201,025	SLONE DAVID N & BARBARA J
22,201,031	ELK GILDA G
22,201,037	COLLINS CAROLYN K
22,201,038	LEE GARY E & CYNTHIA L
22,201,052	MORRISON RICHARD H TRE ETAL
22,201,065	LUEKEN WILLIAM J & DOROTHY K
22,201,066	LAY EE ETAL
22,201,067	FORRESTER DONALD R TRE ETAL
22,202,001	MARCOTTE SUSAN
22,202,002	MOLINARI JOHN V & BONNIE B
22,202,003	BUTLER DANEN T & MICHELLE Z
22,202,004	CUMMINGS G PATRICIA ETAL
22,202,005	SMITH ROSA H TRE
22,202,008	MAY JOHN H ETAL

Fee Parcel	Owner
22,151,066	KEGEORGE KAREN A TRE
22,151,068	PAPAGNI TERI L TRE ETAL
22,151,074	THOMAS LEONORA P TRE
22,151,079	LAMBORN JOHN P JR TRE ETAL
22,151,080	FORD KEITH B TRE ETAL
22,161,007	HERNANDEZ ADRIAN & TRACY M
22,171,020	STEVENS JOSEPH B TRE ETAL
22,171,024	MCDONNELL PAUL C JR & ROBIN
22,211,012	OGRADY PATRICK J
22,211,019	POLIN BURT W TRE ETAL
22,211,028	SALWASSER MARVIN R
22,211,045	SALWASSER MARVIN R
22,211,047	LUDVICKSON WAYNE E & ELIZABETH
22,211,049	POLIN BURT W TRE ETAL
22,211,056	PINTO THOMAS M JR TRE ETAL
22,211,059	POLIN BURT W TRE ETAL
22,211,061	GREENSPACE THE CAMBRIA LAND TRUST
22,211,063	AUTEN WILLIAM E & JACQUELINE
22,211,064	FOSTER BRUCE & LISA
22,211,065	FOSTER BRUCE & LISA
22,211,066	RIETA JULIO Z JR TRE ETAL
22,211,067	WENGELER ROBERT E & DAYNA L
22,211,068	PHILLIPS JERRY TRE ETAL
22,211,069	GREENSPACE THE CAMBRIA LAND TRUST
22,211,074	KOMAN JOEL S & LINDA ES
22,211,077	SALWASSER MARVIN R
22,211,078	GREENSPACE THE CAMBRIA LAND TRUST
22,211,079	SALWASSER MARVIN R
22,211,080	GRAY RONALD & VIRGINIA
22,211,086	HUGHES EDWIN A JR & LINDA L
22,223,005	STEFAN MARGO E
22,223,009	HUTTO PETER & KATHRYN S
22,225,001	STURDY MARY M
22,225,002	SMITH DEAN C & BONNIE J
22,225,004	ROCHE GARY D & PATRICIA L
22,225,011	HUBAL BRUCE R TRE ETAL
22,225,012	BOOMSMA RICHARD J TRE ETAL
22,226,003	DUPERRON D&H
22,226,009	CRIVELLO ROBERT V & MR
22,226,016	BLISS BETTY A TRE ETAL
22,226,017	LISTER WANDA J TRE
22,226,020	CLEVENGER WILLIAM G& BARBARA
22,227,001	OHMERT JW & LF
22,227,005	GRAYDON JAY J
22,227,016	OHAUGE ROSALIA
22,227,022	LOCKHART LEE M ETAL
22,227,027	MICHAS NICHOLAS A & KATHRYN
22,231,008	GRIER DW
22,231,019	BOLGER RICHARD G TRE ETAL
22,231,022	KOTARY JJ & BA
22,231,027	REBUCK RANDY & KATHY
22,232,016	MTM DEVELOPMENT INC
22,232,039	KAPLAN AARON P TRE ETAL
22,232,045	SIEGELE RAYMOND H & THEODORA
22,233,031	GIBSON JOHN C TRE ETAL

Fee Parcel	Owner
22,202,015	AKEY JUDD ETAL
22,202,017	AKEY JUDD ETAL
22,202,018	STEINMANN EK
22,202,022	WILLIAMS MICHAEL A & JOAN A
22,202,025	JONES W MONTGOMERY
22,211,009	ARMSTRONG MICHAEL
22,211,010	REESE AMY M TRE
22,211,011	REESE AMY M TRE
22,261,017	HILBE THOMAS
22,261,028	MACLEOD HE & GM
22,261,054	ELEANORE B MOLNAR
22,261,067	LINZEY TAYLOR J TRE ETAL
22,261,068	HALES RICHARD W & VICTORIA A
22,271,001	HATCHER CRAIG A TRE ETAL
22,271,004	BOLZ JAMES A TRE
22,271,008	DOI MILDRED P TRE
22,271,011	GOLDFLAM S & M ETAL
22,271,015	ERB ROD
22,271,023	JCH FAMILY LIMITED PARTNERSHIP
22,271,024	GILES DAVID L & MARGARET
22,271,031	SWIFT DEVELOPMENT INC
22,271,036	WOOLUM JOHN C & DOROTHY S
22,271,041	ATTERBURY JULIE M
22,271,042	KOMAN JOEL S & LINDA ES
22,271,043	REAGLE JIM M & MARY E
22,271,044	REAGLE JIM M & MARY E
22,271,045	PARKS JOHN D TRE ETAL
22,271,046	PARKS JOHN D TRE ETAL
22,271,047	WENGELER ROBERT E & DAYNA L
22,271,048	CAMPOS RL ETAL
22,271,049	RESCH FLORA B TRE
22,271,050	MCAULAY MARIE P
22,282,011	FURR ARTHUR F TRE ETAL
22,283,017	REED JEANINE R TRE
22,291,024	ADAMS KATHERINE TRE
22,291,028	RUTT DAVID E TRE ETAL
22,291,032	BASTIERI GARY R TRE ETAL
22,292,003	KARABIAN RONALD F & CA TRES
22,292,022	MALIAN MICHAEL & MARTHA
22,292,023	ROBINETTE GAIL ETAL
22,292,024	HARRIS KENNETH L & JUANITA L
22,292,031	TACKER LORAN F & VALERIE
22,302,005	NULL LARRY TRE ETAL
22,311,002	HIBERT THOMAS J & LAURA E
22,312,006	BOISEN MELVA L
22,312,007	ROSS GORDON H ETAL
22,312,012	MORRIS HA ETAL
22,312,013	MORRIS HENRY A TRE ETAL
22,312,026	TOWNSEND JAMES W TRE ETAL
22,312,033	GONELLA NEIL ETAL
22,312,035	HARTLING DONALD C TRE ETAL
22,312,036	HORVATH ROBERT W & M ALMA
22,312,037	HORVATH ROBERT W & M ALMA
22,313,032	STEWART LINDA D
22,313,033	SOBEL JUDY TRE

Fee Parcel	Owner
22,233,039	ABKIN IRVING A TRE ETAL
22,241,036	COLLINS CAROLYN K
22,241,042	CANNON ALENE W TRE
22,242,017	GRISE E
22,242,031	FORTENBERRY ELSIE H ETAL
22,243,005	HOPKINS PATRICIA M
22,243,012	SHERICK JOHN R ETAL
22,243,022	APPLEGARTH ARNOLD G TRE
22,251,013	MACLEOD HE & GM
22,261,002	MOLNAR MICHAEL J
22,261,011	CAREY HELEN J
22,333,010	AMERICAN LAND CONSERVANCY
22,341,011	KIMMEY JULIE R
22,341,031	PANTOJA HARRY V & MARY T
22,341,035	ANDERSON MAURICE E TRE ETAL
22,341,037	PANTOJA HARRY V & MARY T
22,341,040	MILLIKEN ROBERT G & YW
22,342,008	CHENEY ELLIS S ETAL
22,342,016	LAKE MICHAEL A & WANDA J
22,342,021	DS DEVELOPMENT
22,342,022	FINCH J MICHAEL TRE ETAL
22,342,028	FUNKE-BILU ILAN TRE ETAL
22,342,031	MAZZOLA FRANK A TRE ETAL
22,343,002	ROBINSON GA
22,343,006	KEENEY CHRISTINE E ETAL
22,343,010	TARTAGLIA-MCKENZIE ANN L
22,343,011	COSCETTI RHODA M TRE
22,343,013	FREY WINTON H JR TRE ETAL
22,343,020	SANDERS RAYMOND C & LYNDA J
22,343,026	MOFFETT JB JR
22,343,030	WOOD WR & BJ
22,343,035	FICKER SUE L TRE ETAL
22,343,037	RICE SHIRLEY A
22,351,003	HILL KENNETH A & JUDITH L
22,351,008	ROSENWALD ANTHONY R TRE ETAL
22,351,014	BECKMANN JAMES A TRE ETAL
23,013,002	MAGRO ALEXANDER F
23,013,013	SZILLINSKY PAUL G TRE ETAL
23,013,019	GREENELSH MICHAEL A TRE ETAL
23,013,021	MAGRO ALEXANDER F
23,014,008	DEWITT BEVERLY W
23,014,011	MARSHALL DAVID N & AMY
23,014,013	WESTLAKE ANNIE M ETAL
23,014,020	ANDERSON MARK A & CATHEY A
23,014,021	GEARHART KELLY V
23,014,023	GEARHART KELLY V ETAL
23,015,018	KLEIN DOROTHY C ETAL
23,015,019	BLUSKE RUTH A TRE
23,015,020	THREADGOLD ERIC RJ
23,015,021	COPELAND JIMMY & MARSHA
23,015,022	ESCONTRIAS HA JR ETAL
23,016,019	ALLEN JOHN R TRE
23,016,024	GREENBERG HENRY F TRE ETAL
23,016,026	DUNDAS NEAL C TRE
23,016,033	GLUSOVICH BRIAN C TRE ETAL

Fee Parcel	Owner
22,321,001	SCHROEDER ALLEN R
22,321,010	HENCH CHARLES E
22,321,016	BISCHOFF CONCETTA C
22,322,020	ESTABROOK KENT S TRE ETAL
22,322,021	GROSSE SVEN
22,323,032	PENDLETON RD & VR
22,331,001	PHILLIPS JAY & BEVERLY
22,331,022	STEELE JM
22,331,032	MONK LARRY W & LINDA A
22,332,001	MAIN HOWARD V & JANET Y
22,332,004	MOTTA MICHAEL A & DOROTHY
23,017,027	DAREHSHORI MF & CHARLOTTE
23,017,036	CAREY GLEN D & CARLA S
23,017,041	DUNCAN GORDON C
23,018,003	CAMPBELL PAMELA A
23,018,005	PINOS JORGE E TRE ETAL
23,018,006	KNOCHEL THERESA M TRE ETAL
23,018,023	CAMPBELL PAMELA A
23,018,026	AYDELOTT JERRY & BARBARA
23,018,029	MILLER STANLEY E TRE ETAL
23,019,005	GORDON ANDREW & JILL
23,019,006	GORDON ANDREW & JILL
23,019,011	MURPHY JAMES W
23,019,022	OWENS BRUCE P TRE ETAL
23,019,023	ALLAN JOHN TRE
23,019,030	KRUEGER DANIEL J
23,019,036	ALKUS STEPHEN
23,021,011	CARLSON AUDREY R TRE ETAL
23,021,019	WINGATE KURT T & STACY B
23,021,023	CARLSON AUDREY R TRE ETAL
23,021,025	KENT JOHN C & JUDITH W
23,022,002	HORN GREGORY C & KATHERINE M
23,022,015	BRYANT OPAL TRE ETAL
23,022,021	HANAOKA NORI TRE ETAL
23,023,020	TRAPP JAMES D TRE ETAL
23,025,001	SELNA JAMES V TRE ETAL
23,025,002	BETH ALUYON
23,025,010	SUTHERLAND GORDON P TRE ETAL
23,025,013	MOHR PETER & CHRISTINA
23,025,019	BRESSLER HAROLD L & KAY L
23,025,020	JENKINS MARGAREE TRE
23,025,022	SHORE ROBERT A TRE ETAL
23,025,027	JAMESON RICHARD M & JE TRE
23,025,031	JAMES LEONARD A & JUDITH A
23,025,034	RISQUE J PAGE TRE ETAL
23,026,007	BUCKLEY JAMES D TRE ETAL
23,026,008	SUSOEFF MORRIS
23,031,003	GEARHART KELLY V
23,032,004	GONG ROBERT L & KAREN L
23,032,005	SATAVA RICHARD D & CN
23,033,007	HOCHSTEIN PAUL TRE ETAL
23,033,016	SINGER CLAY A & LYNNE F
23,034,004	ANDERSON JOHN P TRE ETAL
23,034,008	KELTER LEANDER M TR ETAL
23,034,012	REED WILLIAM L & CAROLE E

Fee Parcel	Owner
23,016,035	STORMS SAMUEL S TRE ETAL
23,016,037	SPITZ ALLAN C & LANA S
23,016,040	MAZZOLA FRANK A JR & DIANA J
23,016,041	GREENBERG HENRY F TRE ETAL
23,016,043	GREENBERG HENRY F TRE ETAL
23,016,044	MIKLESH JOHN D & CINDY L
23,016,045	ALLEN JOHN R TRE
23,017,003	BURRISS RONALD D & FRANCES A
23,017,004	BURRISS RONALD D & FRANCES A
23,017,005	DAREHSHORI MF & CHARLOTTE
23,017,011	NIELSON MICHAEL G
23,017,014	NAGANO WARREN & ELAINE
23,017,020	SMITH BRUCE G ETUX
23,017,026	DAREHSHORI MF & CHARLOTTE
23,036,022	HICKAM LOUIS E JR TRE ETAL
23,036,023	LOWRY MICHAEL J & CA
23,036,030	BROWN DAVID M & KRISTINE M
23,036,031	NELSON VIRGINIA L TRE
23,041,027	HERZOG DOLORES E TRE
23,041,029	KORPIEL JOSEPH V TRE ETAL
23,041,045	VAUGHAN RONALD F TRE ETAL
23,042,005	TIETZ CHRISTOPHER A
23,042,006	ISAAK LEWIS W TRE ETAL
23,042,016	HAVLISCH HAL B
23,043,012	GREEN NEAL C & DIANE
23,043,015	GREEN NEAL C & DIANE
23,044,002	MULLER RONALD R & SHAROLYN R
23,044,018	CHOW CINDY ETAL
23,045,001	CASTLE HOLLY
23,045,006	MAST D
23,045,007	MAST CG ETAL
23,045,009	HOFFMAN RICHARD H TRE ETAL
23,045,010	CANNADAY GREG W ETUX
23,045,014	MOORE RONALD L
23,045,015	TARTAGLIA-MCKENZIE ANN L
23,045,020	LAGRAND DONALD M & BARBARA
23,045,025	LEWIS GEORGE B JR TRE ETAL
23,045,028	VIOLET F VANDERLINDEN
23,045,034	BARBARA K FALCONER
23,045,035	KNIPE JOHN F TRE ETAL
23,045,036	HARKNESS JENNY M
23,046,005	PAYNE HOWARD H
23,046,009	BERGMAN GREGORY M TRE ETAL
23,046,013	SKINNER STANLEY T & MARGARET
23,046,017	IRVIN ROBERT J JR TRE ETAL
23,046,018	IRVIN ROBERT J TRE ETAL
23,046,039	SK TRUST
23,046,040	PACHTMAN ALLEN H TRE
23,046,041	PEKIN JAMES & EVELIN
23,047,001	BRYANT HARVEY L TRE ETAL
23,047,007	GREENSPAN EDWARD E TRE ETAL
23,047,009	YORK FAY L
23,047,010	SLAYMAN VICTOR J & LUCILE
23,047,015	GOLDEN GARY J & RENAY
23,047,017	TALBERT MARSHA E ETAL

Fee Parcel	Owner
23,034,013	DEAN WF & DH
23,035,002	CHETTA JOSEPH TRE
23,035,005	BRAUCH FRANK W TRE ETAL
23,035,008	DUCKETT CM JR & MS
23,035,012	EBER DAVID G TRE ETAL
23,035,013	SCHANGE AUGUST R TRE ETAL
23,035,014	CLEARWATER LOUIS L TRE ETAL
23,035,021	MILLER JOHN W & POPPY B
23,036,004	HILLERS RALPH D & MARGARET M
23,036,009	STOLTZE TONY & GAIL
23,036,010	ZIEL ROBERT A & BARBARA B
23,036,017	ROGERS MARTIN A & BARBARA B
23,036,020	ROGERS BARBARA & MARTIN
23,036,021	REYES VIRGILIO A & DULCE S
23,048,030	DESANTIS PATRICK TRE
23,048,031	DESANTIS PATRICK TRE
23,048,032	BRADLEY HOWARD D TRE ETAL
23,048,039	HORACEK BOBBY D & SHIRLEY E
23,048,040	HORACEK BOBBY D & SHIRLEY E
23,048,042	MILLER SCOTT E
23,049,008	BURGESS JAMES D & SARA E
23,049,010	BRENNAN CAROL A
23,049,011	DUTY RAYMOND M TRE ETAL
23,049,012	SKARE JAMES E TRE ETAL
23,049,015	MENGHINI MERLE A
23,049,022	VAGUE RUSSELL H & SUSAN M
23,049,032	CHIADO EUGENE C TRE ETAL
23,049,034	BUDICIN FRANK & PATRICIA A
23,049,036	BROWN BH
23,051,001	GRAHAM GERALDINE M TRE
23,051,011	FISCALINI O
23,051,013	DUNHAM CHARLES H TRE ETAL
23,051,021	GAY WARREN TRE ETAL
23,051,025	MARINA CARLOS & JENNIFER B
23,052,002	INGRAHAM RODNEY H TRE ETAL
23,052,003	PARSONS THOMAS R & VB
23,052,006	SCOTT FORREST N TRE ETAL
23,052,017	BIERER WILLIAM TRE ETAL
23,052,023	LEE ALBERT J JR TRE ETAL
23,052,025	FERENSTEIN GERALD S & NANCY
23,062,004	HAGGLADE BERLE
23,062,013	RHONE WILLIAM C JR TRE ETAL
23,062,015	DOUGLAS DOROTHY L
23,062,022	BOWE ROBERT L & DARLENE LJ
23,063,004	BUTLER WG & DM
23,063,022	GRAVEN CAROLYN L
23,064,006	EL BISSAT HASSAN ETAL
23,064,010	NEEPER ROBERT K & CHRIS
23,064,011	AFIFI AA & MARIANNE
23,064,012	VANJUDAH NELSON TRE
23,064,014	COLLINS CAROLYN K
23,064,016	TESCHER THOMAS W
23,064,018	STANSBERRY TONY L & MARY C
23,064,020	BORGES JEFFREY & MICHELE ETAL
23,065,002	DEGROOT TERRANCE A TRE ETAL

Fee Parcel	Owner
23,047,020	ROWE JAMES M & KATHRYN S
23,047,021	BRYANT HARVEY L & JOANNE C
23,047,026	MADIGAN MARIS ETAL
23,047,030	BROWNHILL ROBERT J
23,047,031	BROWNHILL ROBERT J
23,047,032	SLAYMAN VICTOR J & LUCILE
23,047,033	COUTURE PAUL & CHARLOTTE
23,048,007	MAXTED ALBERT M
23,048,008	PETRELLA GC & LD TRUST
23,048,010	COBURN GARY A
23,048,012	MCNABB WAYNE E & LINDA C
23,048,016	MILLER SCOTT E ETAL
23,048,018	SHAHAN RONALD & THERESA R
23,048,022	HORACEK BOBBY D & SHIRLEY E
23,048,024	TROUTMAN ARTHUR F TRE ETAL
23,048,026	TROUTMAN ARTHUR F TRE ETAL
23,048,027	SHAHAN RONALD & THERESA R
23,068,018	LEWIS MARSHALL & LESLIE
23,068,019	LEWIS MARSHALL & LESLIE J
23,068,020	LEHNER ROBERT H ETAL
23,068,027	KASULKA DUANE A & ELIZABETH
23,068,028	SHELDON FAMILY
23,071,005	BOULIAN PHILIP TRE ETAL
23,071,009	CALLAHAN GLENN H TRE ETAL
23,071,011	HOAK WILLIAM D TRE ETAL
23,071,012	JOHNSON RICHARD G TRE ETAL
23,071,013	HAZEN WILLIAM A ETAL
23,071,014	EDDY EDNA M TRE
23,071,015	JOHNSON RICHARD G TRE ETAL
23,071,016	SIGMUND MARY C
23,071,017	TWISSELMAN ERIC C ETAL
23,071,024	LOAR BILL R & BRENDA L
23,072,007	MACLEON PEGGY A
23,072,017	OLIVEIRA RICHARD N & ELAINE
23,072,019	TUCKER RICHARD ETUX
23,072,020	BAKAN PAUL R & VIRGINIA L
23,072,021	BACA ENRIQUE I & DEBORAH A
23,072,022	TUCKER RICHARD ETUX
23,073,003	WRIGHT DM
23,073,008	POSTON JEANETTE M
23,073,009	SUNADA R & SA
23,073,012	BAROSKO THERESA MJ ETAL
23,073,014	AGUIRRE MARIA E ETAL
23,073,016	EMPARAN PHYLLIS R TRE
23,073,018	WRIGHT DM
23,073,021	BROWN DANIEL L & CARMEN R
23,073,022	KELSEY DAVID N TRE
23,073,023	FANUCCHI J ETAL
23,073,024	HARRIS RONALD C ETAL
23,073,025	FISHMAN STEVEN B ETUX
23,073,026	MORRIS CHARLES D TRE ETAL
23,073,027	CLARK DAVID C TRE ETAL
23,074,006	VITOLS VISVALDIS A & ROBERTA
23,074,008	ADAMS RONALD D & JUDY L
23,074,010	ANGEL NICHOLAS G

Fee Parcel	Owner
23,065,010	FRIZZELL RUTH A TRE
23,065,013	FRIZZELL RUTH A TRE
23,065,014	REDWOOD JE & EL
23,066,010	SALERNI JA
23,066,011	MCCONNELL JANIS L
23,066,019	SHEA GERALD F TRE ETAL
23,066,021	CUDE LESLIE M TRE ETAL
23,066,022	GEARHART KELLY V
23,067,008	EICHERT ROBERT A & KATHLEEN
23,067,009	DAUGHHETTEE DAWN L & MARTHA
23,067,010	WARREN WILLIAM B TRE ETAL
23,067,016	LAMB GARY D TRE ETAL
23,067,018	JENNER CHARLES W ETAL
23,068,003	LEWIS MARSHALL & LESLIE J
23,068,004	OBER MARK A
23,068,010	DUSTON PAUL TRE ETAL
23,068,017	BECK LARRY W & MAUREEN F
23,075,035	LEWIS GLEN C TRE ETAL
23,075,036	GALLION MARY M
23,076,006	MUNN IAN G & JOAN E
23,076,008	MORAN TE
23,076,013	RAMIREZ EVELYN H HEIRS OF
23,076,015	WILKINS ANITA F TRE ETAL
23,076,021	CORBET CHRISTOPHER D & TAMARA
23,076,025	MORIKAWA KIYOSHI TRE ETAL
23,076,026	NEWTON JAMES W & JUDITH A
23,076,027	EXOLA LELAND S JR & DEBORAH
23,076,035	BENSON ALLEN M & MARY E
23,076,036	SCHADE ALFRED H & BARBARA
23,083,006	MASIN RICHARD C & SUSAN
23,083,015	MAHANEY BYRON P
23,083,017	GROEFSEMA N KENNETH TRE ETAL
23,084,002	ACEVEDO AMOS B & KAREN M
23,084,006	FURST PETER G & KATHRYN C
23,085,009	TAYLOR MEREDITH G TRE ETAL
23,085,014	WOLFE ALEXANDER W TRE ETAL
23,085,016	MCMURTREY DONALD W & SHERRIE
23,085,017	CONGER JIMMY O & CATHERINE
23,086,001	GRAY GEOFFREY
23,086,002	ROSE OWEN L TRE ETAL
23,086,003	CRIST DOUGLAS V & RONDA P
23,086,004	CRIST DOUGLAS V & RONDA P
23,086,006	WANNINGER DONALD J & ALIS L
23,086,007	MOORE CLARENCE L TRE ETAL
23,086,013	LOFTUS GF
23,086,014	HINSON PAUL E & STEPHANIE L
23,086,015	HINSON PAUL E & STEPHANIE L
23,086,018	HALLMARK JM & CS
23,086,026	SCHANGE AUGUST R TRE ETAL
23,086,027	SLICK EUGENE ETAL
23,086,028	TAHARA RANDI S ETAL
23,086,033	THOMPSON JJ & DH
23,086,037	LAWLER MARY
23,086,039	COULTER DORRIS L
23,086,041	ELLINGTON GARY & SHARON

Fee Parcel	Owner
23,074,019	KWIATKOWSKI R & C
23,074,020	HARRIS LLOYD ETUX
23,074,021	VITOLS VISVALDIS A & ROBERTA
23,074,023	SIMONS RICHARD A & PATRICIA
23,074,028	ROEMER OLIVER P III
23,074,030	HARRIS LLOYD & MELINDA J
23,074,031	SIMONS RICHARD A & PATRICIA
23,074,032	RMP INC A CA CORP
23,074,037	HOLLINGSHEAD JAMES L TRE ETAL
23,075,003	FERGUSON JAMES R & ALEXANDRA
23,075,007	BELLMAN ERIC ETAL
23,075,010	BRUCE LAVERNE H ETAL
23,075,018	MCCOY JOYCE M TRE ETAL
23,075,019	DECKER WILLIAM K TRE ETAL
23,075,022	FLANAGAN GARY J TRE ETAL
23,075,024	MACKELLAR ANGAGH K TRE
23,075,026	SPLIVALO MICHAEL N & LINDA A
23,075,027	BEHM CW ETAL
23,075,030	SHULTZ GREGORY & KERRY
23,075,034	CUMMINS FRANCIS G TRE ETAL
23,088,014	RUTH JOHN C
23,088,015	RUTH JOHN C
23,088,016	SCHWARTZ ROBERT A
23,088,017	SCHWARTZ ROBERT A
23,088,023	LIU PAUL I TRE ETAL
23,088,026	SMITH ROBERT C TRE ETAL
23,088,028	SUHOVY BILL W & DOROTHY H
23,088,034	DWYER JOSEPH J & AURELIA MV
23,088,040	JORDAN NORMAN R & LORRIE S
23,088,042	SMITH STEVEN R & SUSAN R
23,088,043	MCLACHLAN HARRY F & JOAN M
23,088,044	FAILLA CHARLES A & ANN V
23,089,003	MARES NICK J TRE ETAL
23,089,004	GRADY DC & EM
23,089,006	DOUGHERTY HARRY M III & DOLORES
23,089,008	RICHES KARIN S
23,089,018	MOTLAGH ABBAS ETUX
23,089,027	DI UBALDO C
23,089,028	BATHKE JESS W & PATRICIA E
23,089,031	CZERWIEC FRANK & VICTORIA L
23,089,033	NAVARRO RICHARD D ETAL
23,090,002	VARTANIAN DENNIS TRE ETAL
23,090,003	PICKERING HERSCHEL A
23,090,014	HANDLEY GARY C
23,090,016	JOHNSTON VICTOR L
23,091,002	HENDERSON RICHARD & SHARON L
23,091,009	ROTHMANN ROBERT ETAL
23,091,010	CATUTO BEVERLY J
23,091,015	LOZA LANA L
23,091,020	LANSKA MICHAEL J TRE ETAL
23,091,023	KAWAGUCHI IKE I & CHIZUKO E
23,091,029	KEENEY CHRISTINE E ETAL
23,091,031	WESTFALL ANTHONY L ETAL
23,091,039	SIMON SAM
23,092,002	BLACK WILLIAM M TRE ETAL
23,086,042	VOELKER KURT K & DEANNA C
23,087,002	KARAGOZIAN MIRON A TRE ETAL
23,087,003	SNOW CHRISTINA L
23,087,013	JOHNSON WALTER R ETAL
23,087,019	FARLEY ARTHUR E TRE ETAL
23,087,027	BRYANT MATTHEW N & MAHVASH A
23,087,032	FOOTE RONALD D & CARI G
23,087,033	FOOTE RONALD D & CARI G
23,087,034	KULCZYK EUGENE & SANDRA T
23,087,038	OVERSTREET MARK L ETUX
23,087,040	ELIZONDO TONATIUH & ROSEMARIE
23,087,041	JORDAN RANDALL V TRE ETAL
23,087,044	CUMINGS KENNETH W TRE ETAL
23,087,045	KRUEGER DANIEL J
23,087,046	TOMAS DENNIS & SHEILA
23,087,047	TURNER GARY A
23,088,006	JORDAN NORMAN & LORRIE
23,088,007	JORDAN NORMAN R & LORRIE S
23,088,011	FREEMAN MARK
23,088,012	WASHBURN WILLIAM E & LINDA D
23,095,027	JOHNSON DAVID M & LINDA J
23,095,036	SIINO JAMES A & PATRICIA H
23,096,008	EVANS STEVEN D & DEBORAH C
23,096,011	CURTIS LEE A TRE
23,096,041	EVANS STEVEN D & DEBORAH C
23,096,042	EVANS STEVEN D & DEBORAH C
23,096,043	EVANS STEVEN D & DEBORAH C
23,096,044	DENTON MICHELLE A ETAL
23,096,049	DAVIS JEFFREY B ETUX
23,101,041	MOSS STEVEN D ETUX
23,102,002	MOLINARI JOHN V & BONNIE B
23,103,007	HARRISON RAYMOND A ETAL
23,103,012	REAMES ANDREW J TRE ETAL
23,103,014	MARTINEZ JOHN L & BARBARA B
23,104,002	NICHOLS MARK & KAREN
23,104,003	WHITE DEWEY D TRE ETAL
23,104,004	BELMONTE DANA L ETAL
23,104,010	EL-BISSAT HM & MJ
23,104,011	WOESTE KEITH W
23,104,015	KECK EVALYN L ETAL
23,104,016	HANSON SHALE & TERRY
23,104,021	HUDZINSKI ROBERT A & FRANCES
23,104,023	ANDRADE JOSE L & JENNIE L
23,105,001	GALLAMORE NANCY L
23,105,002	GEARHART KELLY V
23,105,003	MAHELONA ARNOLD N TRE ETAL
23,105,004	MAHELONA ARNOLD N TRE ETAL
23,105,007	ERICKSON PATRICIA A
23,105,016	DAVID SANSONE CO INC
23,106,006	RAYNER JOHN H TRE ETAL
23,106,007	UBER ED & MA
23,106,012	DALY HATTIE C
23,106,013	HARLAND ROBERT J TRE ETAL
23,106,019	ESHELMAN DAVID R TRE ETAL
23,107,002	FORTIER TOM M & ROSALIA

Fee Parcel	Owner
23,092,020	ELLES CHARLES R & MARY A
23,092,026	CURAVO STEVEN W
23,092,028	PETERSON JOHN L & WILMA C
23,092,036	PARFETT THELMA
23,093,003	NAVA PHILLIP & JEANNE L
23,093,011	SIVAS EDWARD TRE ETAL
23,093,013	NISWANDER GLENN V JR & SANDRA
23,093,015	REHDER HENRY H HEIRS OF ETUX
23,093,028	ADAMS LAWRENCE S TRE ETAL
23,093,036	KAMMANN AM
23,094,007	MANALIO ERNEST TRE ETAL
23,094,012	CADMAN NORMAN L TRE ETAL
23,094,023	BROWNHILL RICHARD R & PATRICIA
23,094,028	SHUBERT NEAL A TRE ETAL
23,094,032	SANDBERG ANDRA TRE ETAL
23,094,036	NETTLES LESLEY D
23,094,041	BOROWICK JEROME N TRE ETAL
23,095,002	CLEMCIUC JONATHAN ETUX
23,095,007	HAYWARD JAMES F TRE
23,095,011	TRIMBERGER LAWRENCE J HEIRS OF
23,095,015	KEITH WARREN H & CATHIE L
23,095,020	WEST WH & KG
23,095,024	HAYWARD JAMES F TRE ETAL
23,114,028	SHERRATT DAVID M & BE
23,115,003	RENTLER RICHARD R TRE ETAL
23,115,007	HOLT J
23,115,009	ARMSTRONG JAMES M III & JULIE
23,115,010	PARKINSON JAMES W TRE ETAL
23,115,011	GRAVEN MARY L TRE
23,115,012	FOX KENNETH C & CATHERINE H
23,115,013	DABNEY FRANK Y & SANDRA J
23,115,014	VAGUE RUSSELL H & SUSAN M
23,115,016	PENA DOLORES H TRE
23,115,018	5340 LOS ROBLES A CA PTP
23,115,019	REID ANNE E
23,115,020	WARREN H LINDA TRE
23,115,024	ANDREASEN LEO C & DOROTHA E
23,115,025	LEAVITT ANDREW W & KAREN
23,115,027	DE CARLO L
23,116,003	CHARLTON ROBERT
23,116,004	COLLINS CAROLYN K
23,116,010	HERNSTEDT JE ETAL
23,116,011	DEL RIO R & L
23,116,012	EMERLING JOAN K TRUST
23,116,013	ENNIS GARY
23,116,015	BENZLER THOMAS F ETAL
23,116,016	SKEEN JASON A
23,116,017	BRICE CLIFFORD C TRE ETAL
23,116,019	NRLL INC A CA CORP
23,116,020	LEKAVICH FL & L
23,116,021	KNUDSEN ERIK & KAREN
23,116,022	HANLE LAWRENCE W JR HEIRS OF
23,116,025	NEILL GOLDIA A ETAL
23,116,026	FEDELE JAMES J & MELINA
23,116,027	BENZLER THOMAS F ETAL

Fee Parcel	Owner
23,107,004	STEPHENSON JOHN R & DAPHNE G
23,107,007	WYSS STEPHEN E ETAL
23,107,011	OWEN RJ & ANGELA P TRE
23,107,013	GORDON STEVEN & BONNIE
23,107,015	SONDENO DUDLEY J & CYNTHIA J
23,107,018	TOTH A & C
23,107,020	GORDON STEVEN & BONNIE
23,107,025	WRIGHT RICHARD J TRE ETAL
23,107,027	DANIELS ROBBY L & BARBARA A
23,111,005	BARBIER LAURENCE L TRE ETAL
23,111,024	BARNES ROBERT D TRE ETAL
23,111,029	BRAJKOVICH THOMAS G ETAL
23,111,030	SMITH SCOTTY J & ROBIN L
23,111,032	SAMP JAMES C
23,111,035	DONDANVILLE JEFFREY W & ANGELA
23,112,029	BEDELL DOUGLAS V TRE ETAL
23,113,001	SUTCLIFFE WILMA C ETAL
23,113,015	BOSTROM ROBERT M TRE ETAL
23,113,031	DAY G & M ETAL
23,114,008	STEVENSON GEORGE W TRE
23,114,012	TROWBRIDGE GUY N & LAURA M
23,114,017	MCRAE ALAN R & JUDITH A
23,114,023	DILL MICHAEL B & DEBRA D
23,121,003	GREENFIELD JENNIFER S TRE
23,121,005	FISHER LAVERNE TRE
23,121,011	TUTTLE JAMES L & JOYCE L
23,121,013	SMITH BEATRICE E TRE ETAL
23,121,016	BATTLES JAMES W TRE ETAL
23,121,024	ANGINO RICHARD C II & CHARMAINE
23,122,009	REDDISH GARY E TRE ETAL
23,122,014	ALLESCO MANAGEMENT SERVICES INC
23,122,018	MONACO STEPHEN A & SUSAN M
23,131,014	FINLINSON DAVID B HEIRS OF
23,131,015	TRIPI ANTHONY J TRE
23,131,020	LANGLOIS WILLIAM H TRE
23,132,008	TALALLA ROHINI S ETAL
23,132,012	SMITH KENNETH & GAYLE
23,132,013	MCDONOUGH LIVING TRUST
23,132,014	BERINGER DONALD P TRE ETAL
23,133,002	THORNBURG LAMONTE F TRE ETAL
23,133,010	HUCHTHAUSEN JAMES P ETUX
23,133,011	ROMAN CATHOLIC BISHOP OF MONTEREY
23,133,017	WALTON DG & BT
23,134,001	DEANE JOHN P ETAL
23,134,016	SEIDEL MARK TRE ETAL
23,134,017	SEYRANIAN LEON G TRE ETAL
23,134,018	FUJITANI SHARON H
23,134,019	CALISTRO FRANK & ADORA A
23,134,020	VAI BH
23,134,021	LENNON WILLIAM C & CYNTHIA A
23,141,017	LINDSAY KATHARINE TRE
23,141,018	HESSE MARCIA A ETAL
23,141,028	JONES THERESA V TRE
23,141,030	LOVEN JOSEPH S & SUSAN M
23,141,038	KNOBLOCH EARL P TRE ETAL

Fee Parcel	Owner
23,116,030	THOMPSON LYNDA L ETAL
23,117,006	BOES RICHARD W & MARGARET
23,117,007	STARRENBURG KATHY L
23,117,008	RENSCH JOHN R & VICKI J
23,117,009	STARRENBURG KATHY L
23,117,010	VICTORINO RL
23,118,006	CHAO ANDREW J
23,118,007	KENNY MICHAEL J & KATHRYN N
23,118,008	KENNY MICHAEL J & KATHRYN N
23,118,014	CATTANEO SHERYL
23,118,016	JONES JOHN S & CAROLYN M
23,118,019	TAMELIER JERRY J TRE ETAL
23,118,020	GORDINIER BRIAN R & LEA F
23,118,021	HUG CLIFTON I ETAL
23,118,022	STERLING DAVID L
23,119,003	JENKINS MARGAREE R TRE
23,119,005	CARROLL TJ
23,119,010	KENT LEON H ETUX
23,119,011	LEBOVITS JOHN & DEBORAH S
23,119,014	MCAVOY JAMES K & PATRICIA A
23,119,017	KIMURA MASAYUKI TRE ETAL
23,119,018	SIGLER RONALD W
23,119,022	LUYTIES WILLIAM H & CLAUDIA
23,119,023	JENKINS MARGAREE R TRE
23,119,024	VANVORST WILLIAM G TRE ETAL
23,119,025	BEETLE HARVEY J
23,151,046	GREER C & MC
23,151,048	SUTHERLAND RONALD K TRE ETAL
23,161,004	GASPARRE JM & PM
23,161,006	BECKETT MARJORIE S ETAL
23,161,018	MONTEVERDE RONALD & PATRICIA
23,161,027	PROCTOR CT
23,161,034	BURTON CHRISTOPHER L & ELIZABETH
23,161,042	GONYER R JOHN & KARY L ETAL
23,161,043	MAN PATRICK P TRE ETAL
23,161,046	REITZ PJ & HM
23,161,047	TRIPI ANTHONY J TRE ETAL
23,161,048	STERNER DOLORES M TRE
23,162,002	KLUCK HENRY C TRE ETAL
23,162,021	LUCY CASADO
23,163,004	SEIDEL MARK TRE ETAL
23,163,005	HORNER JOHN D & EL ETAL
23,163,007	STONE RANDY G TRE ETAL
23,163,014	BARKER GLENN P ETAL
23,163,023	BRIGLIO ANTHONY JR TRE ETAL
23,163,026	WELSH DAVID B TRE ETAL
23,163,028	REDWOOD JE & EL
23,163,029	TIZIANI ERWIN J & MARY A
23,163,030	ROBERTSON REBECCA J TRE ETAL
23,163,031	BARKER GLEN P ETUX
23,163,033	SPRAYBERRY KIMBERLY A
23,171,011	KINIKIN J & L
23,171,015	CONROY JAMES B
23,171,028	TAYLOR IRENE ETAL
23,171,030	PINION JESSE W TRE ETAL

Fee Parcel	Owner
23,142,005	YENSHAW EDWARD & JOANNE A
23,142,009	BRANDT DEBORAH K
23,142,011	WALKER MONA
23,142,015	CARROLL PHILLIP J TRE ETAL
23,142,018	ADLER GARY R & MELANIE R
23,142,022	HUMPHREY GB & MA TRES
23,142,023	KANARIK EDGAR TRE ETAL
23,142,026	KOEPP WILLIAM E TRE ETAL
23,142,028	ROSTAM-KOLAYI AHMAD & KAAREN
23,142,029	DALBY GLENDA
23,142,030	KIRKLAND ALAN G & SUSAN
23,143,003	LLOYD J GAIL
23,143,004	1700 BERWICK LTD PTP
23,143,008	WARNER LANCE N ETUX
23,143,020	SADLER TC & HM
23,143,025	GARCIA RAYMOND L & NANCY H
23,143,026	BUCK MICHAEL TRE ETAL
23,143,041	ZANE BRADLEY & REGINA
23,151,007	MOUNTS KEVIN L & AMY S
23,151,022	MAYBERRY ROBERT M & BARBARA
23,151,029	KOMMER JOEN B
23,151,031	KOMMER JOEN B
23,151,039	CASTELLANOS WL & SL
23,151,043	ETTER TROY & SYRIE
23,151,044	SLACK WILLIAM R
23,151,045	STEWART BENTON A & LINDA D
23,182,039	GOODRICH EDWARD A TRE ETAL
23,182,044	ZWEEMER NEIL & MARY
23,191,005	LAVIN JEFF & LISA L
23,191,008	SCHULTZE CHERYL K
23,191,021	KOEPP DONALD W & KATHLEEN R
23,191,029	PENN WAYNE P
23,191,030	WINTERBERG SR
23,191,031	KOEPP DONALD W & KR
23,192,003	GROSSMAN BERNARD I TRE ETAL
23,192,004	L PIEROTTI
23,192,010	ABRENICA EPITACIO TRE
23,192,020	BRANDENBURG GARY L ETAL
23,192,021	BOLDA PAUL M TRE ETAL
23,192,023	HUBAL BRUCE R TRE ETAL
23,192,026	ADELSON MICHAEL G TRE ETAL
23,192,027	HARDEN THOMAS L TRE ETAL
23,192,029	QUACKENBUSH JOSEPH F TRE ETAL
23,192,030	HAIGLER HARRY
23,192,032	ALLAN JOHN TRE ETAL
23,192,036	GROSSMAN BERNARD I TRE ETAL
23,192,037	ROWLANDS MADELYN TRE
23,201,001	TO CAROLINE L ETAL, % EAST WEST RANCH
23,201,002	SILVAGGIO LORILEE M
23,201,035	CULLIMORE CLARENCE JR TRE ETAL
23,201,038	ANDERSON LONNA
23,201,039	LAND CONSERVANCY OF SLO
23,201,040	EDWARDS AC III & SL
23,201,041	HALLSTROM ADELE S TRE
23,201,042	THOMPSON GEORGE

Fee Parcel	Owner
23,172,010	WONG TYRUS Y TRE
23,172,013	CARTER WILLIAM & JEAN
23,172,014	STEPHENS FAMILY TRUST ETAL
23,172,023	THOMPSON SOPHIA TRE
23,172,026	MUNOZ PAUL & JAN
23,172,039	KENRICK JOSEPH F TRE ETAL
23,172,043	LUND STEVEN P TRE ETAL
23,172,050	PROFFITT DAN TRE ETAL
23,172,051	SILICATO MARTIN J & ERLEENE
23,172,053	BARRICKLOW MICHAEL G ETAL
23,181,003	BRICE CLIFFORD C TRE ETAL
23,181,013	BRICE CLIFFORD C TRE ETAL
23,181,020	ODENWALD LEE E & SHERI J
23,181,022	CABRAL LINDA R
23,181,023	CORRIGAN KEVIN T & CINDY S
23,181,033	GRAVISS ARTHUR L & JUDY
23,181,037	IZUMO GARY M TRE ETAL
23,181,038	SCHNEIDER HENRY A JR TRE ETAL
23,182,004	THOMAS LEONORA P TRE
23,182,006	HARLEY JAMES
23,182,013	F & S PTP A GEN PTP
23,182,017	GOODRICH EDWARD A TRE ETAL
23,182,019	HARLEY JAMES
23,182,027	HARLEY JAMES
23,182,028	HODGKIN GEORGE B JR TRE ETAL
23,182,030	RANDALL MARK TRE ETAL
23,182,032	WALLACE BRYAN & KATHY
23,182,036	FLETCHER HAROLD A TRE ETAL
23,182,037	ORELLANA TIMOTHY S & TARYN M
23,203,001	PALMER EVELYN E TRE ETAL
23,203,002	MAGRO ALEXANDER F
23,203,003	CARPENTER RC & BS
23,203,004	GEEVER JOHN & MARGARET H
23,203,011	PASS MORRIS
23,203,015	CAMACHO DA & SC
23,203,020	EASTON JOY O TRE
23,203,021	COWAN ROBERT
23,203,024	YOUNGER ROLLIE R & LAUREN Z
23,203,027	MAKHANIAN EDWARD
23,204,012	NECHAK MARY J HEIRS
23,204,018	WEITKUM GE & SA
23,204,022	REGIER KATHRYN J
23,204,033	SPEEGLE DORIS HEIRS OF ETAL
23,204,039	CELONA STEPHEN A & LINDA L
23,204,058	HARTMANN PAMELA
23,204,060	COOL STEPHEN N TRE ETAL
23,204,062	SPEEGLE DORIS J HEIRS OF ETAL
23,204,068	JACKSON WILBERT C
23,204,072	ROSE MARIE T ETAL
23,204,075	SHALHOUB RAYMOND A & HELEN M
23,204,076	WORDEMAN JOHN B & ERIN M
23,204,081	CHAPMAN CORNELIA TRE
23,205,002	BROWNHILL RICHARD R & PATRICIA
23,205,012	VANDUZER ASHLEY M & MARY E
23,205,019	CLOW DOUGLAS A

Fee Parcel	Owner
23,201,043	THOMPSON GEORGE
23,201,044	THOMPSON GEORGE
23,201,047	LAND CONSERVANCY OF SLO
23,201,048	MCLAUGHLAN JOHN J
23,201,052	SCM TRADING
23,201,053	MADONNA CONSTRUCTION CO
23,202,004	BLANKENSHIP STEVEN L & PATTY
23,202,008	PANERO DANIEL E TRE ETAL
23,202,009	REDFIELD ROGER A TRE ETAL
23,202,011	HENDRIX JAMES L HEIRS OF
23,202,016	LAND CONSERVANCY OF SLO
23,202,017	LAND CONSERVANCY OF SLO
23,202,018	WINDELER MICHAEL & KC
23,202,019	PARTIDA RICHARD C ETAL
23,202,021	HANDGIS GEORGE J & SHARON
23,202,030	LYNCH DENIS-DAMIAN & YVONNE
23,202,031	TWISSELMAN ERIC C ETAL
23,202,038	KING HARVEY TRE
23,202,039	OHANNESIAN RICHARD L & AR
23,202,040	MOSER KEITH M
23,202,044	LAND CONSERVANCY OF SLO
23,202,052	PITT RONALD D
23,202,055	OGRADY PATRICK J
23,202,060	MOSER KEITH M
23,202,062	FOSTER WILLIS H & CHARLENE F
23,202,065	BOUGHTER JAN
23,202,067	BOUGHTER JAN M
23,202,068	HANSEN KATHERINE J
23,202,069	LYNCH DENIS-DAMIAN & YVONNE
23,211,008	MCDANIEL DANIEL S
23,211,009	LYON JUDY W
23,211,010	LYON JUDY W
23,211,012	MATHER-WHITE BONNIE
23,211,013	PALMER DAVID A & SHELLEY E
23,211,014	PALMER DAVID A & SHELLEY E
23,211,016	RAVATT GREGORY
23,211,035	EASTON JOY O TRE
23,211,052	EASTON JOY
23,211,053	CAMBRIA RANCH INC
23,211,054	MATHER-WHITE BONNIE
23,211,059	EASTON JOY O TRE
23,213,001	SMITH LAWRENCE S ETAL
23,213,002	MORRIS S DAVID
23,213,003	TURK DEBORAH ETAL
23,213,004	KOERNER F
23,213,007	NEISWANDER ROBERT S TRE ETAL
23,213,008	QUIGLEY RAYMOND L TR ETAL
23,213,012	MEYERS JOHN J ETUX
23,213,013	HERNANDEZ ADRIAN & TRACY
23,213,014	LANGEN INGRID ETAL
23,213,015	NAHMIAS JACK TRE ETAL
23,213,016	THORSEN RICHARD M & MARY J
23,213,021	HEATH CAROL A
23,213,023	BANNISTER DAVID F & CLAUDIA
23,213,027	MOE DAVID E

Fee Parcel	Owner
23,205,020	MCLAUGHLAN JOHN J
23,205,031	FISHER EUGENE L & PARTICIA M
23,205,032	GOSS ROBERT E & MARSHA A
23,205,037	RUSSO JOHN P & SARAH G
23,205,054	MUNDT BRUCE L ETUX
23,205,055	MITCHELL WILLIAM E TRE ETAL
23,205,056	BORDER RICHARD P TRE ETAL
23,205,057	ASHLOCK THEODORE
23,205,058	COOKS ADRIAN
23,206,031	FONTES LOUIE TRE ETAL
23,206,037	GEGES NICHOLAS J TRE ETAL
23,206,041	LAVELLE ROBERT P TRE
23,206,042	GEMINI FRAMING CORP
23,206,045	GARNEY MARTIN T
23,206,048	SPERBECK JOHN E SR & JUDITH
23,206,049	SPERBECK JOHN E SR & JUDITH
23,207,003	LALUZ WILLIAM M
23,207,008	VIGIL DOLORES C
23,207,028	DAPELO DONALD D TRE ETAL
23,208,023	KNOWLTON ER
23,208,024	LAND CONSERVANCY OF SLO
23,208,025	LAND CONSERVANCY OF SLO
23,208,026	CLARKE BM
23,208,027	LAND CONSERVANCY OF SLO
23,208,028	POLIN BURT W TRE ETAL
23,208,034	LAND CONSERVANCY OF SLO
23,208,035	LAND CONSERVANCY OF SLO
23,208,036	LAND CONSERVANCY OF SLO
23,208,037	MADONNA CONSTRUCTION CO
23,208,039	LAND CONSERVANCY OF SLO
23,208,040	LAND CONSERVANCY OF SLO
23,211,001	KIRCHNER VIVIAN A TRE ETAL
23,215,010	MILLER KEVIN P & SHARYN S
23,215,011	PECKENPAUGH THELMA O TRE
23,215,013	PECKENPAUGH THELMA O TRE
23,215,015	KIMES DAVID & NANCY L
23,215,016	LARSON HOLLY
23,215,017	PARSONS JJ
23,215,018	GREENSPACE THE CAMBRIA LAND TRUST
23,215,019	MATTHEWS JACKLYN
23,215,020	KRUEGER GARY W & BARBARA D
23,215,021	EL-BISSAT HM & MJ
23,215,022	TESCHER THOMAS W
23,215,024	JOHANSSON KERMIT L ETAL
23,215,030	BAUERS WAYNE & MIKELYN
23,215,032	MATTHEWS JACKLYN M
23,215,034	HIBBARD CHARLES S & ESTELLA
23,215,035	HIBBARD CHARLES S & ESTELLA
23,215,036	SAWYER JEANNETTE B
23,215,038	HARMON RUSSELL A III
23,215,043	WALTMAN RONALD E TRE ETAL
23,215,045	WATTERSON THOMAS S & DEBORAH
23,215,048	ORBOM JAN C & BARBARA S
23,215,049	VINATIERI DARLENE A TRE ETAL
23,215,050	VINATIERI DARLENE A TRE ETAL

Fee Parcel	Owner
23,213,028	GROFF ALICE E TRE
23,213,029	WILLIS CHARLES M & MARIAN L
23,213,031	CRAIN JAMES S & CYNTHIA A
23,213,033	WALKER STEPHEN R & RAE ETAL
23,213,034	GOTT MICHAEL & JAMI K
23,213,037	NEISWANDER ROBERT S TRE ETAL
23,213,038	NEISWANDER ROBERT S TRE ETAL
23,213,039	WAGNER ERIC A ETAL
23,213,040	ROONEY RH
23,213,044	KANE ARTHUR C ETAL
23,214,002	WILLARD FOREST E & RAYE L
23,214,009	HUMPHREY TINA M
23,214,010	DUNSTAN EARL A ETAL
23,214,017	MCCOLLUM CRAIG R & CHERYL L
23,214,022	CTS A CA CORP, WHITERIVER INTERNATIONAL
23,214,023	CARPENTER RC & BS
23,214,028	SHEPARD JAMES H ETUX
23,214,029	EVENSON DONALD E & SANAYE
23,214,030	HAMMER KEN & CAROLYN
23,214,032	FEDELE JOHN M & CYNTHIA L
23,214,033	HATTON LYN L
23,214,039	GREENSPACE THE CAMBRIA LAND TRUST
23,214,040	MASON MARC & NANCY, MTM DEVELOPMENT
23,214,041	SMITH BEATRICE E TRE ETAL
23,214,046	MORAN AMANDA K
23,214,047	FEDELE JAMES J & MELINA
23,215,001	CHRISTENSEN DONALD G TR ETAL
23,215,002	SALE EARL TRE ETAL
23,215,003	PAVELKO BRIAN N ETAL
23,215,004	CHRISTENSEN DONALD G TR ETAL
23,215,007	LOS OSOS/MB CHAPTR SMALL WILDERNESS (SWAP)
23,215,008	MILLER KEVIN P & SHARYN S
23,223,005	WHITE VIVIAN
23,223,006	WHITE VIVIAN
23,223,012	WAHLBERG TERENCE M & LYDIA C
23,223,013	CANTWELL JOY D TRE
23,223,017	KRAMAN DONALD E TRE ETAL
23,223,024	TARVERS MARY A ETAL
23,223,025	TONER ERIC D & KATHRYN I
23,233,001	WILLARD FOREST E & RAYE L
23,233,002	MCBRATNEY SANDRA A TRE ETAL
23,233,003	JOHNS OLIVER R TRE ETAL
23,233,006	CHATOIAN EDWARD B SOLE PROP
23,233,017	LAND CONSERVANCY OF SLO
23,233,018	VOLLMER HOWARD M ETAL
23,233,019	PHILLIPS PETER A & VICKI J
23,233,020	LAND CONSERVANCY OF SLO
23,233,021	CARSON WJ & MARY A
23,233,022	MCNEILL DONELDA F, NORTH COUNTY LIGHTING
23,233,023	LAND CONSERVANCY OF SLO
23,233,026	LAND CONSERVANCY OF SLO
23,233,027	LAND CONSERVANCY OF SLO
23,233,028	LAND CONSERVANCY OF SLO
23,233,029	NRLL INC A CAL CORP, MIKE RICHARD
23,233,038	MARSHALL SHERI L

Fee Parcel	Owner
23,215,051	VINATIERI DARLENE A TRE ETAL
23,215,054	WURSTER CLIFFORD P TRE ETAL
23,215,055	WURSTER CLIFFORD P TRE ETAL
23,215,057	LITTLEJOHN WILLIAM M & JANICE
23,215,058	WISE JAMES M & LOIS G
23,215,059	KIMES DAVID & NANCY L
23,221,028	LAND CONSERVANCY OF SLO
23,221,029	LAND CONSERVANCY OF SLO
23,221,030	GRIMES JEFFREY M ETAL
23,221,033	MACLEOD PEGGY A
23,221,034	TO CAROLINE L ETAL, % EAST WEST RANCH
23,221,035	TO CAROLINE L ETAL, % EAST WEST RANCH
23,221,036	TO CAROLINE L ETAL, % EAST WEST RANCH
23,221,037	FORGIE DJ & OI
23,221,040	MEYER JOHN A & STEPHANIE L TRUST
23,221,041	MORRIS ERNEST R TRE ETAL
23,221,042	TO CAROLINE L ETAL, % EAST WEST RANCH
23,221,056	TO CAROLINE L ETAL, % EAST WEST RANCH
23,221,057	TO CAROLINE L ETAL, % EAST WEST RANCH
23,221,058	FRISH CONNIE
23,221,059	LAND CONSERVANCY OF SLO
23,222,005	BIMBER HARRY & BARBARA L
23,222,006	LAMBERT WILLIAM H TRE ETAL
23,222,008	HUDSON M, CP THORSELL
23,222,009	BAILEY REGINA M
23,222,013	OLDEN DWIGHT O
23,222,014	OLDEN DWIGHT O
23,222,026	NOFZIGER BD & SJ
23,222,029	CLIFFORD DORA
23,222,031	BIMBER HARRY & BARBARA L
23,222,034	LAND CONSERVANCY OF SLO
23,222,047	CONRAD DAWN M
23,222,051	NOFZIGER BD & SJ
23,222,052	LAND CONSERVANCY OF SLO
23,222,054	JOHNSON ERIC A & NANCY K
23,241,039	LAND CONSERVANCY OF SLO
23,241,042	BILLINGSLEY DAVID B TRE ETAL
23,241,044	LAND CONSERVANCY OF SLO
23,241,045	LAND CONSERVANCY OF SLO
23,241,046	LAND CONSERVANCY OF SLO
23,242,033	SIVAS EDWARD TRE ETAL
23,242,045	NEWCOMER BILL ETAL
23,242,047	PACIFIC CAMBRIA INC, DIRK WINTER
23,242,048	SILVAGGIO LORI L
23,242,061	LAND CONSERVANCY OF SLO
23,242,065	BRAGG GM
23,242,068	CRESTON AK & CT
23,242,074	LAND CONSERVANCY OF SLO
23,242,079	LAND CONSERVANCY OF SLO
23,242,087	LAND CONSERVANCY OF SLO
23,243,001	CUTTER FRED TRE ETAL
23,243,003	WILLHOITE FRED C & JOAN M
23,243,004	LAND CONSERVANCY OF SLO
23,243,007	PINKLEY CHARLES R & NORMA J
23,243,008	KRANTHER HOWARD P

Fee Parcel	Owner
23,233,040	STRACHAN STEVEN W ETAL
23,233,046	HUBBARD BJ
23,233,050	BREWER VERNA
23,233,054	CLIFFORD RUTHANNE
23,233,055	WILLIS CHARLES M & MARIAN L
23,233,056	CHAVEZ FREDDIE R
23,233,058	DULL KENNETH H SR ETAL
23,233,062	CHATOIAN EDWARD B SOLE PROP
23,233,063	LAND CONSERVANCY OF SLO
23,233,064	POLIN BURT W TRE ETAL
23,233,067	CHAVEZ FREDDIE R
23,233,068	GOLSTON RANDOLPH & BETTY
23,234,001	LAND CONSERVANCY OF SLO
23,234,002	HANDGIS GEORGE & SHARON
23,234,003	HANDGIS GEORGE & SHARON
23,234,005	CRESTON AK & CT
23,234,007	DAVID SANSONE COMPANY INC
23,234,008	LAND CONSERVANCY OF SLO
23,234,009	SHEPARD STANLEY L
23,234,056	LAND CONSERVANCY OF SLO
23,234,057	LAND CONSERVANCY OF SLO
23,234,062	MADONNA CONSTRUCTION CO
23,234,068	LAND CONSERVANCY OF SLO
23,235,002	GALANTE GILBERT TRE ETAL
23,235,008	PLASENCIA LUIS ETAL
23,235,022	MORA FRANCISCO & TERE A
23,235,025	CAINS CAMBRIA CABIN LLC, JH PERKINS
23,235,030	KUYKENDALL MICHAEL & CARYLE
23,235,034	GREENSPACE THE CAMBRIA LAND TRUST
23,235,036	DITMORE DANA C TRE ETAL
23,235,038	JENNY MARK & KATHRINE
23,235,039	BITTO JOHN S & CYNTHIA G
23,241,034	LAND CONSERVANCY OF SLO
23,241,035	LAND CONSERVANCY OF SLO
23,241,037	WENGELER ROBERT E & DAYNA L
23,271,021	RED ARTHUR L JR TRE ETAL
23,271,022	LAND CONSERVANCY OF SLO
23,271,023	LOVERNICH MIKE D
23,271,025	HARSH LT ETAL
23,271,027	DUVERNET DEAN H
23,271,028	MAURSETH MILFRED A TRE ETAL
23,271,033	CAMPBELL JAMES L TRE ETAL
23,271,034	RED ARTHUR L JR TRE ETAL
23,271,035	CAMPBELL JAMES L TRE ETAL
23,271,036	VELTMAN FERDINAND Z & GLADYS
23,271,037	JENKINS CG ETAL
23,271,039	CRAIGHEAD WILLIAM D & ME
23,271,041	SEABERG CHRISTOPHER A
23,271,042	DARRELL KELLOGG & RICHARD MUNOZ
23,271,043	REBOLLAL AMADEO & MARGARITA
23,271,044	REBOLLAL AMADEO & MARGARITA
23,271,045	PISCIONERI JOSEPH D JR
23,271,046	JACQUEZ DOREEN B TRE ETAL
23,271,047	WILLEMS LEE C ETAL
23,271,049	HARSH LT & CAROLYN

Fee Parcel	Owner
23,243,012	MCKINNON JERRY L ETAL
23,243,013	SCHROEDER JACK J TRUST
23,243,014	ANDERSON GARY & PATRICIA
23,243,016	PRICE KENNETH R & SUZANNE J
23,243,020	O'CONNOR PAUL R & RITA M
23,243,024	RYMUT JAMES J & MATALIE
23,243,030	MATTOS JA
23,243,037	WILLIAMS BRIDGET
23,243,038	JENKINS MARGAREE R TRE
23,243,039	STARK RAYMOND A & CAROLINE J
23,243,040	CUTTER FRED TRE ETAL
23,243,041	CUTTER FRED TRE ETAL
23,251,002	CASHDAN DANIEL F TRE ETAL
23,251,005	HEATH ROBERTA K TRE
23,251,021	TIVON MICHAEL C TRE
23,251,026	SIAMON AL
23,251,045	COMMUNITY PRESBYTERIAN CHURCH
23,251,046	PAYNE NORMA E TRE ETAL
23,251,047	PAYNE NORMA E TRE ETAL
23,261,003	SHIFFRAR G
23,261,006	NELSON ROLAND W & SONJA A
23,261,011	KOURAKIS JOSEPH M TRE ETAL
23,261,014	GORDON REX B TRE ETAL
23,261,015	SHIINE RICK M
23,261,028	WARREN MICHAEL S
23,261,030	FROSCH TED W TRE
23,261,031	GERHARD RA & NL
23,261,032	CHIVENS DANIEL P & KRYSTALYN
23,261,033	KRETZ DANIEL J & MARY T
23,261,039	NEWBY RONALD F
23,261,040	DAVIES WILLIAM S
23,271,002	REBOLLAL AMADEO & MARGARITA
23,271,006	LYNCH DENIS-DAMIAN & YVONNE
23,271,010	HALE LEONARD G
23,271,011	HALE LEONARD G
23,271,013	HALE LEONARD G
23,271,014	LAND CONSERVANCY OF SLO
23,271,017	SHUBIN MJ & SA
23,282,040	STANTON RHEA I TRE
23,282,042	FRUMENTO JOSEPHINE V ETAL, c/o M STARR
23,282,051	LAND CONSERVANCY OF SLO
23,282,052	OPPEL CHARLES & KATHLEEN
23,282,055	LAND CONSERVANCY OF SLO
23,282,064	BONIO DONNA D TRE
23,282,065	ELMS RICHARD A TRE ETAL
23,282,069	LAND CONSERVANCY OF SLO
23,291,003	SMITH DAVID W c/o CHARLES MORGAN
23,291,014	WHITEHOUSE CM & AE, c/o MRS ER JENKS
23,291,016	GERMANO CA & BJ
23,291,031	GODINEZ ISIDRO ETUX
23,291,032	BENNETT JACK W
23,291,039	HANNA WILLIAM C & SYLVIA A
23,291,062	GODINEZ ISIDRO ETUX
23,291,064	MALONEY CLARENCE H TRE ETAL
23,291,065	KRENKEL JAMES R & SANDRA A

Fee Parcel	Owner
23,271,050	MARTIN TWILA M
23,271,051	BIDGOLI RAHIM & ARMINOOKHI
23,271,052	TOUBIAN BEHZAD & ELHAM
23,272,001	ELLER DANNY H ETUX
23,272,002	ELLER DANNY H ETUX
23,272,008	SHERBON JON & KATHLEEN
23,272,012	COCKE HUGH D & PAULINA ETAL
23,272,013	ELLER DANNY H ETUX
23,272,014	BARKER ME ETAL
23,272,015	HOOPES DOUGLAS M
23,272,016	BOONE RICHARD & SUSANA P
23,272,017	HEINEMAN RE & PL
23,272,021	HOUSE E WAYNE & BARBARA R ET AL
23,272,022	JOHNSON ERMA R HEIRS OF, c/o JAMES LARSON
23,272,029	SHERBON JON & KATHLEEN
23,272,033	BOONE RICHARD & SUSANA P
23,272,035	MOONEYHAM DAVID E TRE ETAL
23,272,037	NIMMO THOMAS E & JORETTA
23,272,042	SHERBON JON & KATHLEEN
23,281,012	BAIN LOLA M TRE
23,281,013	NORTON JAMES R & BARBARA G
23,281,017	SCHUYLER CHERYL A TRE ETAL
23,281,021	OBRIEN DANIEL J ETAL
23,281,029	DAHL JEFFERY
23,281,033	KELLY JAMES H & MARIA G
23,282,003	BAKER LUCILLE J TRE
23,282,004	LOPEZ MANUEL A & SUSAN R
23,282,007	STEVENS MICHAELS A/ c/o HEWITT MA
23,282,009	LIMONICK DAVEENA TRE ETAL
23,282,011	DAGHER SAMI TRE ETAL
23,282,016	LAND CONSERVANCY OF SLO
23,282,017	LAND CONSERVANCY OF SLO
23,282,018	LAND CONSERVANCY OF SLO
23,282,019	BOYLE ELAINE L TRE
23,282,027	ELMS RICHARD A TRE ETAL
23,282,033	LEE ALBERT J JR TRE ETAL
23,282,034	LAND CONSERVANCY OF SLO
23,282,036	CADGER BARBARA
23,313,002	HABITAT FOR HUMANITY FOR SLO
23,313,007	SEIFRIED MARY L TRE
23,313,008	DANDURAND ERIC L ETAL
23,313,012	REESE MARK & LAURIE
23,313,018	SALE EARL TRE ETAL
23,313,020	HOLT JOHN C & LEDONNA
23,321,001	MENTZER LLOYD W & EILEEN L
23,321,002	SAWYER GINA R
23,321,009	HOLBROOK GERALD W ETAL
23,321,012	TRAMMELL GENEVA I TRE ETAL
23,321,013	MORGAN JIMMY R JR
23,321,014	CARLSON AUDREY R TRE ETAL
23,321,019	MILLER WILLIAM C TRE ETAL
23,321,020	PRICCO JS
23,322,001	LUMPKIN WYETH B HEIRS OF
23,322,006	KESSLER ELIZABETH E TRE
23,322,010	MORRIS JW

Fee Parcel	Owner
23,292,003	STEVENS PRISCILLA C
23,292,013	REDMOND HARRY A & SANDRA LD
23,292,018	REDMOND HARRY A & SANDRA LD
23,292,024	WILSON GREGORY L & CATHERINE
23,292,032	REAGLE JIM M & MARY E
23,292,042	KNOWLTON JOHN A JR & JT
23,292,050	REDMOND HARRY A & SANDRA LD
23,293,008	MENDOZA TITO H & ILLANOR I
23,293,026	HARGER RONALD Q & BEVERLY A
23,293,043	KISPERSKY PHIL & MAUREEN
23,293,045	DAY GEORGE E & MARY J
23,293,050	DAY GEORGE E & MARY J
23,293,051	MITCHELL SANDRA L TRE ETAL
23,293,055	MITCHELL SANDRA L TRE ETAL
23,301,001	AYER ROBERT S
23,301,011	BENDER ALAN P & GAIL P
23,301,012	BIBEE HUBERT F TRE ETAL
23,301,018	STUART KEITH & CAROL ETAL
23,302,001	TARLOW ELEANOR
23,302,010	BENTON THOMAS G TRE ETAL
23,302,037	BENTON THOMAS G TRE ETAL
23,303,028	BROME ROBERT H
23,303,034	SMITH EUGENE F
23,303,035	SMITH EUGENE
23,303,042	FIELDS DEBBIE
23,303,045	ANDERSON JOSEPH B III TRE ETAL
23,311,006	CARLSEN GERHARD & IRMA
23,311,009	BROWN GEOFFREY E& LYNDA L
23,311,022	SOTO ROBERT V & DEBRA M
23,311,026	SCHMIDT BARBARA A
23,311,027	ZELLMER KEVIN P & PEGGY S
23,311,028	SCHMIDT BARBARA A
23,312,007	BOSINOFF RONALD I TRE ETAL
23,312,012	FARGO NJ ETAL
23,312,014	FERRIS ELIZABETH M
23,312,018	MCCULLOUGH LT & BJ
23,312,020	MORRISON RICHARD H TRE ETAL
23,312,021	MORRISON RICHARD H TRE ETAL
23,312,024	BELLE JUNE TRE
23,312,026	PEKAR ML
23,312,028	GREGO OSCAR
23,333,034	FREY WINTON H JR TRE ETAL
23,333,035	ARATA TAKEO D TRE ETAL
23,333,036	GONZALES ELIAS D HEIRS OF
23,333,037	GREENSPACE THE CAMBRIA LAND TRUST
23,333,038	FOX FREDERICK N
23,333,042	DAMOUR ADELE M, ADELE SANDERSON
23,341,001	LAND CONSERVANCY OF SLO
23,341,007	LAND CONSERVANCY OF SLO
23,341,008	LAND CONSERVANCY OF SLO
23,341,009	LAND CONSERVANCY OF SLO
23,341,012	HINES KINGSLEY B TRE ETAL
23,341,013	SCIFRES FRANK H TRE ETAL
23,341,019	CUDE KATHY E
23,341,020	CUDE KATHY E

Fee Parcel	Owner
23,322,016	JORDAN PATRICK L TRE ETAL
23,322,018	PRYCHODA DOROTHY M
23,322,021	LAMMI MILDRED S TRE
23,322,024	SMITH NONA M TRE
23,322,025	MORRIS HENRY A TRE ETAL
23,322,027	DUNN JOHN P ETUX
23,322,035	CRISTANDO RONALD J & ALICE M
23,331,001	DAVIES WILLIAM S
23,331,002	SAMUEL JOHN
23,331,006	WIGGINS BARBARA S
23,331,007	STONE RICHARD M & LINDA J
23,331,008	RAGAN ROBERT E & MARLENE G
23,331,014	GROVES JEAN H TRE
23,331,015	WILSON RAYMOND O TRE ETAL
23,331,017	MADRID TORBIO JR ETAL
23,331,018	WOODS RONALD C & KATHY L, WILLIAM LYNCH
23,331,020	WIGGINS BARBARA S
23,331,023	APPLEGATE WA & RE
23,331,030	PACE QUIDA W, c/o OR PACE
23,331,031	BONIO DONNA D TRE
23,331,032	ELMS RICHARD A TRE ETAL
23,331,037	AGAWA JAMES & RACHEL N ETL
23,331,050	NEWMAN RITA S
23,331,051	MCINTYRE DEAN R TRE ETAL
23,331,052	WIGGINS BARBARA S
23,331,053	MCINTYRE DEAN R TRE ETAL
23,332,007	IVICEVICH MARGIE ETAL
23,332,013	BOYD EE & PF
23,332,017	WHITLOCK JAMES D TRE ETAL
23,332,020	RICE WALTER E & LAURETTA A
23,332,023	LAND CONSERVANCY OF SLO
23,332,024	WAYNER DELWYN G TRE ETAL
23,332,027	KENNEDY TIMOTHY J & NICOLLETA
23,332,028	RATHBONE MARY J ETAL
23,333,002	HOLDEN WILLIAM E & MINERVA M
23,333,007	GROVER WILLIAM J TRE
23,333,008	PECK MARILYN L
23,333,019	FLASH CAROL
23,333,024	MCCLELLAND JOHN
23,333,028	LINK HOWARD D TRE ETAL
23,333,029	ABRENICA EPITACIO TRE
23,353,017	LAND CONSERVANCY OF SLO
23,353,018	BENNETT SONYA K
23,353,023	HUNT C
23,353,024	LAND CONSERVANCY OF SLO
23,353,025	LOVETT FM, MRS C HUNT
23,353,027	LAND CONSERVANCY OF SLO
23,353,033	EDWARDS MARCIA K
23,353,034	DALEY MICHAEL G & JOANNE
23,353,035	SILVAGGIO LM
23,353,036	SILVAGGIO LM
23,353,040	LAND CONSERVANCY OF SLO
23,353,045	OBALLES LAWRENCE & BEATRICE
23,353,050	LAND CONSERVANCY OF SLO
23,353,057	LAND CONSERVANCY OF SLO

Fee Parcel	Owner
23,341,021	LAND CONSERVANCY OF SLO
23,341,022	GRAHAM DORETTA F TRE ETAL
23,341,023	ZURA ROBERT TRE ETAL
23,341,024	ZURA ROBERT TRE ETAL
23,341,027	CAMPBELL PAMELA A
23,341,028	CAMPBELL PAMELA A
23,341,029	PHELAN THOMAS E TRE ETAL
23,341,030	STICKEVER LAWRENCE V TRE ETAL
23,341,031	BONNET DON J
23,341,032	BONNET DON J
23,341,033	EKHOLM BARBARA
23,341,038	KAY DC
23,341,041	CRANE CC, C MARRINER
23,341,055	GARNER OFELIA C
23,341,056	MACLEOD PEGGY A
23,341,057	KALBAUGH FRANK & CHRISTINA
23,341,064	LAND CONSERVANCY OF SLO
23,341,065	FIALHO MARY E ETAL
23,341,069	LAND CONSERVANCY OF SLO
23,341,070	IDRIS FAROUK & NINA D
23,341,074	MICELI RJ & AM
23,341,077	GRANT GORDON W & BETTY L
23,341,078	WEBB MICHAEL J & SUSAN E
23,341,084	LAND CONSERVANCY OF SLO
23,351,020	JOCHIM IRENE M TRE, MATTHEW JOCHIM
23,351,025	HOWE EDWARD R & SANDRA L
23,352,001	SCHUERGER REIN J & MICKIE D
23,352,007	VITALI MILDRED R
23,352,011	MARTIN JAMES W & SANDRA J
23,352,012	MARTIN JAMES W & SANDRA J
23,352,018	HALVERSON JANICE K
23,352,021	GREENE RICHARD E & VICTORIA
23,352,030	LEE DIANE J
23,352,034	NAYLOR N GISELLE
23,353,002	LAND CONSERVANCY OF SLO
23,353,003	FORT KELLY K TRE ETAL
23,353,004	MAY EARL
23,353,006	LAND CONSERVANCY OF SLO
23,353,007	LA MOTTE RUTH J TRE
23,353,012	LAND CONSERVANCY OF SLO
23,353,013	DAVIS JULIE F ETAL, RHODES TRUST
23,353,014	BOUKIDIS ANNE P TRE
23,353,015	LAND CONSERVANCY OF SLO
23,353,016	LAND CONSERVANCY OF SLO
23,381,042	GILLIO ELSIE E TRUST
23,381,045	BORGES JEFFREY & MICHELE ETAL
23,381,050	BORGES JEFFREY & MICHELE
23,382,005	TONEY EDMOND & GLORIA A
23,382,016	BEDDINGFIELD SHAWN & GRETCHEN
23,382,018	DOLLMAN NORBERT J TRE ETAL
23,382,020	DEBOARD JOSEPH & JO CAROL
23,382,021	DEBOARD JOSEPH ETUX
23,382,028	KEMPENAAR EVERT TR ETAL
23,382,031	PEREZ SENDEJAS LINDA M
23,382,032	HOSHI G ETAL, JW LUM

Fee Parcel	Owner
23,353,058	LAND CONSERVANCY OF SLO
23,361,009	LYONS NICHOLAS ETUX
23,361,010	LYONS NICHOLAS ETUX
23,361,020	BERRY DONALD C
23,361,021	PIERSZALOWSKI WILLIAM J
23,361,041	SULLIVAN ANGELA P
23,361,052	CRUSHA MICHAEL & JACALYN
23,361,054	POZAR TIM
23,362,001	COE DANE B TRE
23,362,008	MARCANTONIO K & D
23,362,030	ARNOLD JESSE T
23,362,035	BOLES DARREL G & DIANA K
23,362,036	PITTON JAMES & HELEN M
23,363,001	GURGIOLO SALVADOR V TRE ETAL
23,363,002	REIFER DAVID J TRE ETAL
23,363,003	WHITE AE & BL
23,363,015	HATTON CURTIS J TRE ETAL
23,363,020	BURNS MICHELLE
23,363,027	HOLMES BRADFORD H
23,364,004	PARRIS WILLIAM R
23,364,010	PARRIS WILLIAM R
23,364,022	SKARE J & JA
23,371,005	PEARSON ARTHUR R & MARY N
23,371,012	BORSODY ALEX G TRE ETAL
23,371,020	OSULLIVAN MICHAEL J & CAROLYN
23,371,021	DIETDERICH DAVID S & ALICE
23,372,004	ZEGOURES PAUL
23,372,006	DURBANO DONALD S & DESIREE
23,372,008	NETHING PEGGY J
23,372,009	PEARSON ARTHUR R TRE ETAL
23,372,010	LARSEN V ROBERT TRE ETAL
23,373,005	GRAY GERALD E & BARBARA J
23,373,008	MAKOSKY DE TR
23,373,009	GREENSPACE THE CAMBRIA LAND TRUST
23,373,010	CALDWELL LES C & JOAN E
23,373,011	STEVER RONDA L
23,373,012	KOLLER NOEL S
23,373,021	CHRISTIANSEN JS ETAL
23,373,034	GILLIO ELSIE E TRUST, ELSIE GILLIO
23,373,035	JONES DOUGLAS A & KIM L
23,373,039	GRAY GERALD H TRE ETAL
23,373,040	SANDERS RONALD G & SANDRA L
23,373,041	SANDERS RONALD G & SANDRA L
23,381,028	BORGES JEFFREY & MICHELE
23,392,013	WOLFORD RAYMOND G ETAL
23,392,020	QUIMBY BARRY ETUX
23,401,005	WIGGINS JD
23,401,013	NUNN KENNETH E & LORRAINE C
23,401,016	GRADY LAWRENCE W TRE ETAL
23,401,019	MCALPINE TIM & GINA
23,401,020	MERCADO ROBERTO M & JOSEFINA
23,401,023	MANCILLA ROBERTO M TRE ETAL
23,401,024	MANCILLA ROBERTO M TRE ETAL
23,402,001	SLAYMAN VICTOR J & LUCILE
23,402,006	BRITTON PATRICIA A TRE

Fee Parcel	Owner
23,382,033	POLLARD ELIZABETH B TRE ETAL
23,382,034	KEMPENAAR EVERT TR ETAL
23,382,037	LOMBARDI FAMILY TRUST ETAL
23,382,038	POLLARD ELIZABETH B TRE ETAL
23,382,039	TONEY EDMOND & GLORIA A
23,382,044	CULLIMORE CLARENCE & LILLIAN
23,382,046	LANE LINDA M ETAL
23,382,049	REDMOND HARRY A & SANDRA LD
23,382,050	EPPERT THOMAS A HEIRS OF ETAL
23,382,051	REDMOND HARRY A & SANDRA LD
23,383,011	GALLAGHER ERIN C
23,383,012	GALLAGHER ERIN
23,383,013	5340 LOS ROBLES A CA PTP
23,383,014	5340 LOS ROBLES A CA PTP
23,383,028	NINOS EPAMINONDAS J
23,383,039	SANDLIN DL & BJ
23,383,041	RECKTENWALD M ROBERT & PATRICIA
23,383,048	RHOADES STERLING W ETAL
23,383,054	HARSTEN ROBERT E & JENNIFER
23,391,001	HAVLISCH HAL B
23,391,002	ROBINSON WILLIAM G
23,391,004	KIRSCHNER MICHAEL
23,391,009	ELDRED JOHN C
23,391,011	MCINTYRE ROBBIE L TRE
23,391,016	GEER CAROL A
23,391,018	SMITH DARRELL T TRE ETAL
23,391,019	BENNETT JACK W
23,391,021	WARNELL DONALD E & DORIS MS
23,391,026	PAKOS PRODROMOS & FOTINI
23,391,027	HIRSHFELD JOHN H TRE ETAL
23,391,028	ROSCOE NELSON J JR ETAL
23,391,029	ROBINSON WILLIAM G
23,391,033	LEICHTY IRENE E TRE
23,391,035	LAZAGA ROBERT D TRE ETAL, CAROL LAZAGA
23,391,036	BLOCK LEE H ETUX
23,391,048	DAVIS NORMAN L ETAL, LEE DAVIS
23,391,049	KIRSCHNER MICHAEL N
23,391,050	KIRSCHNER MICHAEL N
23,391,051	DAY PATRICK T ETAL
23,391,052	DAY PATRICK T ETAL
23,391,053	KNIGHT KENTON L & BARBARA J
23,391,054	WAXMAN MEL & CHERRI R
23,391,058	LEICHTY IRENE E TRE ETAL
23,392,001	IRVIN ROBERT J JR TRE ETAL
23,392,008	WICKETT WILLIAM H JR TRE
23,392,009	REPUBLIC PROPERTIES INC
23,392,010	REPUBLIC PROPERTIES INC
23,423,033	TAMOUSH RICHARD & NORA ETAL, PHILIP TAMO
23,423,034	VALENTINE BENJAMIN J TRE ETAL
23,424,003	WARREN H LINDA TRE
23,424,004	CLIFTON JOHN W
23,424,005	OLTMAN ROBERT L TRE ETAL
23,424,006	OLTMAN ROBERT L TRE ETAL
23,424,007	OLTMAN ROBERT L TRE ETAL
23,424,008	OLTMAN ROBERT L TRE ETAL

Fee Parcel	Owner
23,402,007	WARNELL DONALD E & DORIS
23,402,012	WARNELL DONALD E & DORIS
23,402,014	KEENE LISA L
23,402,015	BELT K ETAL
23,402,018	BRITTON JOSEPH M
23,402,022	WARNELL DONALD E & DORIS
23,403,008	OGLE CHARLES E
23,403,013	WOLFE MICHAEL B & KAREN L
23,403,019	MATSUOKA IWAO TRE ETAL
23,403,024	ROMEY MD & BR
23,403,026	DISANDRO DEAN TRE
23,411,002	LYONS MONICA TRE ETAL
23,411,003	ABRENICA GRACE L, GL WOLFE
23,411,004	LEE JOHN B & VIVA E
23,411,005	WEISSENBERGER DAVID A
23,411,006	MOORE EDWARD C TRE
23,411,007	LEUNG MONICA
23,411,008	HARRIS CAREN L TRE
23,411,009	MOORE EDWARD C TRE
23,411,019	SEIFRIED MARY L TRE
23,411,020	PUTNAM KENNETH A & MANDI M
23,411,025	TANG HOONG-YEE & ANNI Y
23,411,026	TANG HOONG-YEE & ANNI Y
23,422,003	ABRENICA EPITACIO TRE
23,422,012	HERNANDEZ ADRIAN & TRACY
23,422,023	DILL MICHAEL B & DEBRA D
23,422,028	HINES NELL W TRE ETAL
23,422,029	PUTNAM LEE & ERLENE
23,422,032	HARRIS JAMES R TRE ETAL
23,423,001	BREY GERARD J TRE ETAL
23,423,002	DEPAOLA BRUCE & TERRI
23,423,003	TOMASSIAN JOSEPH G TRE ETAL
23,423,004	SMITH EDWARD A JR TRE ETAL
23,423,005	WISENER IRMA L
23,423,006	PAVELKO BRIAN N ETAL
23,423,007	ALLAN JOHN TRE
23,423,008	ALLAN JOHN TRE
23,423,009	KRAKAUER RICHARD L TRE ETAL
23,423,016	IZUMO GARY M TRE ETAL
23,423,017	IZUMO GARY M TRE ETAL
23,423,018	FERGUSON KATHLEEN A
23,423,019	DAVIES BEVERLY J TRE
23,423,020	GILMARTIN KEVIN & CARLA
23,423,021	COBURN GARY
23,423,024	MCKEE JOAN
23,423,030	SCWENNICKE WILLIAM O & CHRISTINA
23,423,032	TAMOUSH RONALD & GEORGIA, PHILIP TAMOUSH
23,462,009	YLARREGUI R & DB
23,462,012	JENNINGS ROBERT R & CLARICE
23,462,013	GEARHART KELLY V
23,462,015	GALLION MARY M
23,462,016	CARSON WJ & MARY A
23,462,022	WIGGINS BARBARA S
23,471,001	PETRUCCI GINO J JR & JILL L
23,471,002	MUTTART LD & K

Fee Parcel	Owner
23,424,009	BROOKS ELIZABETH D TRE
23,424,025	RIGG JEAN C
23,425,002	LINDSEY, JE INC A CAL CORP
23,425,020	LINDSEY, JE INC A CAL CORP
23,425,025	PECKENPAUGH THELMA O TRE
23,425,032	JE LINDSEY INC A CA CORP
23,426,001	COMMUNITY PRESBYTERIAN CHURCH
23,426,002	COMMUNITY PRESBYTERIAN CHURCH
23,426,011	RADSHAW ELLEN D ETAL
23,432,004	OCONNOR ANN T
23,432,005	MONTOYA MANUEL JR & ER TRE
23,432,011	BANIQUED SILVESTRE B JR & CYNTHIA
23,432,019	JE LINDSEY INC A CA CORP
23,432,020	MAKHANIAN EDWARD
23,432,022	LINDSEY, JE INC A CAL CORP
23,441,008	MACLEOD HE & GM
23,451,005	STUART KEITH & CAROL ETAL
23,451,006	MCCANN ELVIN E TRE
23,451,008	BOYDSTUN JOHN D SR & JULIE K
23,451,009	DAVIES WILLIAM S
23,451,011	SUNDQUIST OSCAR E & LORRAINE
23,451,013	GOUGE RICHARD E & DIANNA M
23,451,015	WALTER RONALD N TRE ETAL
23,451,016	MACKELLAR ANGAGH K TRE
23,451,019	WARREN H LINDA TRE
23,451,020	SPITTLER FREDERICK L HEIRS OF
23,451,021	SPITTLER IRENE TRE ETAL
23,451,023	MAIBAUM E
23,451,026	COVEY SHANNY S TRE
23,451,027	SPERBECK JOHN E SR & JUDITH
23,451,028	VALENZUELA MARY C ETAL
23,451,029	VALENZUELA MARY C ETAL
23,451,031	STEFAN EVELYN R TRE
23,451,032	STEFAN EVELYN R TRE
23,452,008	PRICE BOBBY D & KATHLEEN E
23,452,013	MADLE PETER J
23,452,016	VIGUE JAMES D
23,452,017	HARDING KEITH E TRE ETAL
23,453,002	WALTON RICHARD H JR & CA
23,453,004	FUJITANI SHARON H
23,453,007	STEBBINS MICHAEL W & MARGARET
23,461,002	MILLER BRUCE S TRE ETAL
23,461,005	TURNER A WAYNE TRE ETAL
23,461,006	MCCALLUM DAVID L TRE ETAL
23,461,012	CONTRERAS RUDOLPHO D TRE ETA
23,461,020	PALEWICZ HELEN R TRE ETAL
23,461,021	LUNA PETER J & MARGARET C
23,461,022	DRENNAN JAMES & CATHY ETAL
23,461,024	MICHAEL PETER A & SUSAN J
23,461,028	BENNETT GLEN R & ANNE R
24,011,049	PETERSON CATHY A ETAL
24,011,055	MILES LINDA N
24,011,056	BIOLA UNIVERSITY INC
24,011,057	BIOLA UNIVERSITY INC
24,011,060	GREGO OSCAR

Fee Parcel	Owner
23,471,007	SOUZA DAVID TRE ETAL
23,471,008	SOUZA DAVID TRE ETAL
23,471,018	STEFAN EVELYN R TRE
23,471,027	THOMAS KENNETH H TRE ETAL
23,481,001	OCONNOR THOMAS R TRE ETAL
23,481,010	JACKSON RG
23,481,015	MACLEOD HE & GM
23,482,004	EVANS CHARLES T JR
23,492,001	LINDSEY JOSEPH E JR & MARY H
23,492,002	LINDSEY JOSEPH S JR & MARY H
23,492,003	KREPS MICHAEL ETUX
23,492,004	BROWN BARBARA A HEIRS OF
23,492,005	LEONI MICHAEL A ETAL
23,492,006	GORDON SD
23,492,007	LINDSEY JOSEPH E JR & MARY H
23,492,008	ROBB WILLIAM W
23,492,009	JE LINDSEY INC A CA CORP
23,492,011	SHIPPIE GREGORY & BARBARA ET AL
23,492,012	ALVILLAR DENNIS G ETAL
23,492,013	GARDINER WILLIAM A TRE
23,492,014	JE LINDSEY INC A CA CORP
23,492,015	JE LINDSEY INC A CA CORP
23,492,016	JE LINDSEY INC A CA CORP
23,492,017	DAGAY JEAN G TRE ETAL
23,492,018	LINDSEY, JE INC A CAL CORP
23,492,019	JE LINDSEY INC A CA CORP
23,492,022	KREPS KERRY, c/o K RIBEIRO
23,492,023	SAMARAS WILLIAM F & MARY E
23,492,024	KREPS MICHAEL ETUX
23,492,025	JAMESON LES ETAL
23,492,026	LINDSEY JOSEPH E JR & MARY H
23,492,027	LINDSEY JOSPEH E JR & MARY H
23,492,028	KREPS MICHAEL ETUX
23,492,029	MACLEOD HE & GM
23,492,030	MACLEOD HE & GM
23,492,031	NAKASHIMA ELLEN ETAL
23,492,032	LINDSEY JOSEPH E JR & MARY H
23,492,033	SANDELL MARY E ETAL
24,011,001	HAMADA HARRY S TRE ETAL
24,011,003	HAMADA HARRY S TRE ETAL
24,011,007	ADAMS MABEL E TRE ETAL
24,011,008	BIOLA UNIVERSITY INC
24,011,017	HOSLER RON C & PATRICIA A
24,011,019	MAZZOLA FRANK A & DIANA J
24,011,021	CURTIS CHARLES W & MARY L
24,011,035	DELPHENICH GARY M TRE ETAL
24,011,037	CARLSON AUDREY R TRE ETAL
24,011,043	BAKER DALE B & TERRYE L
24,011,044	HARRIS MARTHA B
24,011,047	BROOKS BARRY E & EVA K
24,032,011	GALAN DANIEL G & CG ETAL
24,032,012	MOREFIELD CRAIG C & SUE
24,032,016	CHIVERS HAROLD R ETAL TRE
24,032,017	MADIGAN MARIS ETAL
24,033,003	LOCHHEAD RAYMOND R & EMILIE

Fee Parcel	Owner
24,011,061	WARNER LANCE N
24,011,062	MOCHIZUKI MARY NP TRE
24,012,004	HEDGE MELVIN D TRE ETAL
24,012,005	TILLINGHAST DONALD R JR ETUX
24,012,008	IZUMO GARY M TRE ETAL
24,012,009	COLLINS CAROLYN K
24,012,010	AVERSANO PC
24,012,013	VANDERVOORT KARL
24,012,014	CULCASI MICHAEL A & JUDY L
24,012,015	IZUMO GARY M TRE ETAL
24,012,018	BERNABE DONNE
24,013,016	ZDROY FRANK & LESLIE
24,013,022	HENG MING K TRE ETAL
24,013,023	ZDROY FRANK & LESLIE
24,013,025	HOWE PATRICK H & LINDA H
24,013,027	BROWNHILL ROBERT
24,013,032	CHOW GERRY TRE ETAL
24,013,039	NORTON JERRY W & CAROLE A
24,013,040	GLENNY JAMES P ETAL
24,013,042	COVEY ROBIN H
24,013,048	HOPKINSON ERNEST I
24,013,049	HOPKINSON PETER R
24,013,050	COVEY ROBIN H
24,013,051	PARTRIDGE SHIRLEY C TRE
24,021,007	GRAY JOHN J TRE ETAL
24,021,015	GUSTAFSON LEE E TRE ETAL
24,021,017	FEDELE JAMES J & MELINA
24,021,021	BEATIE RICHARD L TRE ETAL
24,021,030	NORMAN SE & JG
24,021,031	CARUTH MARIE A TRE
24,021,034	CRAIG THOMAS L ETAL
24,021,043	FEDELE JAMES J & MELINA
24,021,047	REGO ANTONIO F & MARGARIDA C
24,022,014	DESPAIN WJ & JM
24,022,025	GORDON KENNETH W TRE ETAL
24,022,038	SHIELDS GB, GS BARTLETT
24,022,039	SHIELDS LA
24,022,049	CICHOWSKI ROBERT S ETAL
24,022,053	MCMANUS JOHN B IV & KAREN H
24,022,054	MILLER ROBERT N & JUDI A
24,022,055	MILLER ROBERT N & JUDI A
24,031,003	LONG RAYMOND
24,031,004	WILLARD FOREST E
24,031,005	WILLARD FOREST E TRE
24,031,008	GINGG LORETTA J TRE
24,031,009	THOMPSON DALE H
24,031,012	COLLINS CAROLYN K
24,031,019	ABERCROMBIE DARREL L & JILL
24,031,020	ABERCROMBIE DARREL L & JILL
24,031,021	HAMILTON DONALD G & ILA M
24,031,023	GREENSPACE THE CAMBRIA LAND TRUST
24,031,024	HOMSY JD
24,032,009	LOPEZ OSWALDO D
24,042,048	BRUNSCHWILER JENNIFER R
24,043,004	ASHLOCK THOMAS E TRE ETAL

Fee Parcel	Owner
24,033,004	LOCHHEAD RAYMOND R & EMILIE
24,033,005	LOCHHEAD RAYMOND R & EMILIE
24,033,009	WILLARD FOREST E
24,033,010	JAMES JONI
24,033,012	FRANK ROBERT & MARISA
24,033,014	CLARKE SB ETAL
24,033,015	MURROW DONALD TRE ETAL
24,033,021	CONOVER SANDY R
24,033,027	GINGG LORETTA J TRE
24,033,028	GINGG LORETTA J TRE
24,033,034	IZUMO GARY M TRE ETAL
24,033,036	PATRICK DW & PG
24,033,037	ROBRECHT RF ETAL
24,033,042	ANDERSON HJ & RB
24,033,043	NETHING PEGGY J
24,033,045	READING LLOYD A TRE ETAL
24,033,047	RICHARDSON DORIS ETAL, RAY POOL
24,033,048	CAMPBELL PATRICK S & KARIN L
24,034,012	HOPKINS JAMES R
24,034,013	GOSHGARIAN PAMELA G
24,034,018	FERREIRA PAUL A TRE ETAL
24,034,035	CAMBRIA LAND CONSERVANCY
24,034,037	LEWIS GLEN C TRE ETAL
24,034,040	DAWSON CLINTON A & MARY R
24,034,041	DAWSON CLINTON A & MARY R
24,034,043	CITEK PHILIP J TRE ETAL
24,034,044	BRAGA NORMAN & DIANE
24,034,045	DEITCH ALEXANDER K & JULIE R
24,034,048	JONES MARGARET A TRE ETAL
24,034,049	JONES MARGARET A TRE ETAL
24,034,050	DICKERSON SANDRA K
24,041,003	PAYNE DG & LT
24,041,005	MEYER MAUREEN M ETAL
24,041,007	LANGWORTH CAROLE A ETAL
24,041,011	ZIPPWALD PAUL R TRE ETAL
24,041,016	AUSTIN TE & MK
24,041,021	HORWITZ ROBERT TRE
24,041,022	BORGES JEFFREY & MICHELE ETA
24,041,023	HENDRICKSON JOSEPH H TRE ETA
24,041,025	ROBERT HORWITZ TRUST
24,041,028	HENDRICKSON JOSEPH H TR ETAL
24,042,016	HOBART P ETAL, SC PHELPS
24,042,017	NEUMAN ALICE R
24,042,019	SNEED HARRIET S TRE
24,042,022	BOGUSCH DARLENE W
24,042,024	SYLVESTER SUSAN J ETAL
24,042,025	SNEED HARRIET S TRE
24,042,030	ROYBAL RICHARD J ETAL
24,042,032	OAKES PAULA I
24,042,039	TARR WILLIAM W JR ETUX
24,042,045	KITAY MITCHELL A
24,042,046	KITAY MITCHELL A
24,042,047	KITAY MITCHELL A
24,062,038	SOTO VERNON E TRE ETAL
24,062,040	BIMBO JOYCE M

Fee Parcel	Owner
24,043,007	GIBSON JERRY D
24,043,008	DELARIOS KATHERINE
24,043,009	GARNER BONNIE
24,043,014	ASHLOCK THOMAS TRE ETAL
24,043,017	MITCHELL SANDRA L TRE ETAL
24,043,018	SLAYMAN VICTOR J & LUCILE
24,043,019	COLLINS CAROLYN K
24,043,021	HELGREN RICHARD F TRE ETAL
24,043,023	ROTT GERRY L
24,043,024	JAWORSKI MARY L TRE
24,051,005	SEBERN THEODORE W TRE
24,052,004	DOWNING TERRY L
24,052,010	BUCHANAN ROBERT L & BARBARA
24,053,002	OLSON JAMES S & ANN T
24,053,003	BERNASCONI JAMES E
24,053,005	JEPSEN DAVID B TRE ETAL
24,053,006	OLSON JAMES S & ANN T
24,053,010	FARBER EMANUEL & LOIS M FAMILY TRUST
24,053,011	OLSON JAMES S & ANN T
24,054,010	CHURCH ANTHONY & PENNY
24,054,030	MCCAULEY DANIEL G
24,061,009	SILVA BRADLEY A & JULIE K
24,061,010	SANDERS WILLIAM G & JEAN M
24,061,011	DEAL BRYAN R
24,061,013	HUGHES ELTON T TRE ETAL
24,061,015	DOMINGO JAYNE BM TRE ETAL
24,061,017	MORENO FRED A TRE
24,061,019	ALLEN RUTH B TRE
24,061,022	SCHNEIDER JOHN J & KAREN M
24,061,023	HUGHES ELTON T TRE ETAL
24,061,025	RADECKI BERT F & MARION M
24,061,027	MCDONEL VERALEE E TRE
24,061,028	MCDONEL VERALEE E TRE
24,061,030	JOHNSON MICHAEL O
24,061,031	FAIRBURN DARRELL J TRE
24,061,032	VILLANE ANDREA D ETAL
24,061,033	BAGDIKIAN C ETAL
24,061,042	BOULDING CHRISTOPHER A
24,061,044	BOYD EE & PF
24,061,045	LEE J DOUGLAS
24,061,046	WALKER SHIRLEY H
24,061,049	HAWTHORNE DANIEL & MARCIE
24,062,001	PENROD GEORGE & THERESA
24,062,002	PENROD GEORGE P & THERESA J
24,062,003	AKEY CLAY M
24,062,005	PETERS DARLENE L
24,062,006	LAMB JEANNE M TRE
24,062,007	PETERS DARLENE L
24,062,009	BIMBO JOYCE M
24,062,012	COPELAND JIMMY & MARSHA
24,062,014	FISCHER STEPHEN C & DEBRA A
24,062,021	OCONNELL VICTORIA
24,062,023	NORTON MICHAEL W ETAL
24,062,029	FEIST JACK A & MARIE A ETAL
24,062,033	BIMBO JOYCE M
24,062,042	EXON LAURENCE H TRE ETAL
24,062,043	SCHNEIDER JEFFREY L TRE ETAL
24,063,006	HEPNER RICHARD JR
24,063,032	MARKHAM CM III & KM
24,063,049	SCHADE ALFRED H & BARBARA A
24,063,051	EHLERS FRED E JR TRE ETAL
24,063,052	SAWYER EDMUND V & JEANNETTE
24,063,053	MAIN ROY G TRE ETAL
24,063,055	WOLF ALAN W MD TRE
24,063,067	MARTIN BRIAN J & DEBRA M
24,063,069	CHRISTMAN SHERRY L ETAL
24,063,070	KOMAN JOEL S & LINDA ES
24,063,073	ADAMS ICA
24,063,074	COWAN CHARLENE
24,071,035	BURCH JANETA L
24,081,002	KUHN MURPHY & BARBARA
24,081,005	ROGOWAY SCOTT & ROXANNE
24,081,014	KUHN MURPHY & BARBARA
24,081,015	ROWLAND WD & PJ
24,081,016	STRASEN C WILLIAM TRE ETAL
24,081,017	KUHN MURPHY P & BARBARA M
24,081,018	POULOS RON J & JILL E
24,081,020	ESAU RONALD L & PATRICIA A
24,081,021	REDWOOD JE & EL
24,081,023	EDWARDS MARCIA K
24,081,028	VARNER PAUL D
24,081,029	STRASEN C WILLIAM TRE ETAL
24,081,030	POLLOCK A
24,081,032	JOBLING JOHN C & SUZANNE K
24,081,033	CROZIER ROBERT N TRE ETAL
24,081,034	CARR BRIAN S ETAL
24,081,035	CARR BRIAN S ETAL
24,081,047	POULOS RON J & JILL E
24,081,049	SMITH ARTHUR ETAL
24,082,002	MILLER BRUCE S TRE ETAL
24,082,003	MCNAMARA CHARLES W ETAL
24,082,008	HARMON JOHN A & SHANNON A
24,082,010	BOHLIN RD ETAL, RENA VUKADINOVICH
24,082,011	FREER NITA D
24,082,013	JOHNSON MARK D & KELLY J
24,082,016	BOHLIN RD ETAL, RENA VUKADINOVICH
24,082,018	GATES ROGER A
24,082,019	COLLINS CAROLYN K
24,082,020	BARBIER LAURENCE L TRE ETAL
24,091,002	ROYSTON WILL TRE
24,091,004	MORRIS CHARLES G & ALICE H
24,091,010	ELBISSAT JAMAL
24,091,014	TOMASSO RAYMOND N & PEGGY A
24,091,015	ROYSTON WILL TRE
24,091,016	MORRIS CHARLES G & ALICE H
24,091,018	BUETTNER MICHAEL M & JAMIE L
24,091,020	WRIGHT EILEEN
24,091,022	GARDENHIRE BOB & VIRGINIA
24,091,025	ROYSTON WILL TRE
24,091,027	BAINS WILLIAM H & ROBIN B

Fee Parcel	Owner
24,062,035	RICARD PA & JE
24,092,003	WOLF ALAN W ETAL
24,092,004	MUSTONE JJ & RACHELA
24,092,007	LANE BARBARA M
24,092,009	CASTANEDA JOSEPH S & JENNY
24,092,012	POWNE THEODORE C TRE ETAL
24,092,013	HEAPY GREGORY R TRE
24,092,019	POWNE THEODORE C TRE ETAL
24,092,024	CASTANEDA JOSEPH S & JENNY
24,092,026	KOSHAREK TIMOTHY L & BEVERLY
24,093,007	WOLF CAROL L TRE
24,093,011	JANES DAVID A
24,093,012	HYDE CATHERINE R TRE
24,093,022	ZOE FERRIS
24,093,032	JANES DAVID A
24,101,001	NIX BARRY & PAMELA
24,101,003	ARMITAGE LELAND S
24,101,008	BIELER JANET
24,101,017	PAPAGNI TERI L TRE ETAL
24,101,020	MORRIS GEORGE P & CHRISTINE
24,101,023	LOPEZ CYNTHIA M
24,101,024	DIKE PHILIP W
24,101,035	MORRIS GEORGE P & CHRISTINE
24,101,041	DIKE PHILIP W
24,101,042	DIKE PHILIP W
24,101,044	DIKE PHILIP W
24,101,046	DIKE PHILIP W
24,101,047	ARMITAGE LELAND S
24,101,048	ARMITAGE LELAND S
24,102,007	STEINMANN E KURT
24,102,008	CALVERT ROBERT ELLIS
24,102,014	CLIFFORD DORA
24,102,017	BENSON G & K
24,102,023	HENEGAR MARC K ETAL, HELEN RABSON
24,102,024	ISOM MARY E TRE ETAL
24,102,026	WITHERS DONALD O TRE
24,102,028	WARSAW JAMES H
24,102,029	KOHLMOOS JAN M TRE
24,102,031	FOX PATRICIA A
24,103,002	BOVESVANG JOHN ETAL, DONALD BRAUER
24,103,006	CRENSHAW PHILIP E & CINDI A
24,103,007	HULL BEATRICE A TRE ETAL
24,103,009	BOVESVANG JOHN ETAL, DONALD BRAUER
24,103,010	GREINER PEGGY A ETAL
24,103,015	COLBURN TONIA L
24,103,018	ANDRUS WALTER W & LORETTA
24,111,002	HALL-ATIYEH STARR
24,111,015	SVENSON EW
24,111,017	CALOROSO ELIZABETH E
24,112,005	KNOBLOCH EARL P TRE ETAL
24,112,012	STANOFF SAUL & MARSHA TRE
24,112,015	VIVEROS BONIFACIO & GUADALUPE
24,112,016	CASAS ELISEO & NORMA
24,112,021	HERIFORD GD & E
24,112,023	CASTILLO JOSEPH A & BARBARA
24,092,002	RAMIREZ DEBRA S, DEBRA SIMON
24,122,004	ARELLANOS OLINDA E ETAL
24,122,006	THIEBAUD HEIDI M
24,122,012	HURLEY RUSSELL F
24,122,015	THIEBAUD HEIDI M
24,122,020	HURLEY RUSSELL F & JOANNE M
24,122,021	BLAKEMORE JOHN & KATHERINE
24,122,022	MARTENS PAMELA A
24,123,002	ALBRIGHT ELIZABETH M
24,123,004	KELSAY ANNE S ETAL
24,123,005	KNIGHT RA TRE
24,123,009	LINK MICHAEL E, LUCITA BRIGOLI
24,123,013	BRYANT WILLIAM TRE ETAL
24,123,017	CAMBRIA LAND CONSERVANCY
24,123,018	CAMBRIA LAND CONSERVANCY
24,123,019	ASBURY DOUGLAS ETAL
24,123,020	WILLIAMS MARTHA C
24,123,022	WILLIAMS MARTHA C ETAL
24,123,024	GARNEY FOX A JR & LOIS JT
24,123,028	COTTON ROY W & FLORENCE D
24,123,034	STEVENS SHELLEY A & WARREN R
24,123,035	STEVENS WARREN R & SHELLEY A
24,123,037	WRIGHT WE & Y
24,123,042	DOMASZEWICZ ALEXANDER C
24,131,002	PATMORE MARGARET J TRE ETAL
24,131,005	DALTON MARTHA L
24,131,006	FLANNELL KENNETH ETUX
24,131,007	FLANNELL KENNETH G
24,131,009	ACKERMAN DALE T TRE ETAL
24,131,010	JACKSON MEDELEINE S HEIRS OF, AUBREY WILSON
24,131,011	MACLEOD JOSEPH J
24,131,013	STALIS A & B
24,131,016	COLLINSWORTH GERALD L &NANCY
24,131,017	STELLA M & KM
24,131,024	STRAUTMAN RICHARD L
24,131,025	HIRSCH HELEN M TRE
24,131,034	FLANNELL KENNETH G
24,131,035	KAPITANCHUK WALT
24,132,002	STRASEN C WILLIAM TRE ETAL
24,132,005	KWASNY JEFFREY J & SUSAN E
24,132,015	CROSS DONALD E & DONNA R
24,132,016	JOHNSON WALTER R & ETAL
24,132,018	CROSS DE & DR
24,132,025	KWASNY JEFFREY J & SUSAN E
24,132,031	YAGHLEGIAN NIEVES C ETAL
24,132,036	SANDER STEPHEN I & GERI G
24,132,038	DONOHUE TIMOTHY J & DIANE ET
24,132,039	SIEBENALER JEFFREY & DINA
24,141,002	WONG RICHARD H & CAROL TRE
24,141,004	BROOKER GARY J & GERRY LA
24,141,007	DAVIES WILLIAM S
24,141,009	OBRYAN MARK D & MARGARET M
24,141,016	GOLDMAN HARRIS & MARILYN W
24,141,017	ROUSELLE GERALD & SUSAN M
24,141,018	BOHLIN RD ETAL, RENA VUKADINOVICH

Fee Parcel	Owner
24,112,029	WICKSTROM JON & TAMARA L
24,112,030	MOTLAGH ABBAS & OFELIA
24,122,001	HUNTER DD
24,122,003	KILGORE HELEN M TRE
24,141,032	STEEB GEORGE W TRE ETAL
24,141,038	WILLIAMS JOHN H TRE ETAL
24,141,041	WILLSON M
24,141,042	PALMER KATHRYN L TRE ETAL
24,142,007	SUNDQUIST OSCAR E & LORRAINE
24,142,008	FLESIA TERENCE R
24,142,019	SPEAKER HA ETAL
24,142,021	BUCKINGHAM DUKE W & MARGARET
24,142,031	STAFFORD BARBARA A
24,142,032	WOOD-TAYLOR GARRY & CAROL A
24,142,034	MATHEIN GLORIA
24,142,035	PHALEN DON & LILY
24,142,037	SCHAEFER GARY W & PW
24,142,038	PRESLEY JOHN L TRE ETAL
24,142,039	PENDLETON ROBERT D & VR
24,142,041	DAVIES WILLIAM S
24,143,006	CUNNINGHAM PATRICK J TRE
24,143,015	VINATIERI DARLENE A TRE ETAL
24,143,016	BURTT WAYNE E TRE ETAL
24,143,018	PIESTER A EUGENE TRE ETAL
24,143,019	EQUINOA RICHARD M TRE ETAL
24,143,020	SMITH RODERICK C & KATHY D
24,143,021	THOLEN EDLEEN L HEIRS OF, JOHN THOLEN
24,143,022	OCALLAGHAN JEFFREY G TRE
24,143,023	GULLOTTA ELAINE M
24,143,024	DRUM EH
24,143,027	MORRISON RICHARD H TRE ETAL
24,143,030	FOSTER JE & LK
24,151,002	SITTINGER RICHARD A & CHERYL
24,151,005	FORRESTER ELOISE G TRE
24,151,009	PORTILLO LEANDRO J & LINDA
24,151,010	SUMROW GARY E
24,151,011	SUMROW GARY
24,151,014	GILLINGHAM HENRY B TRE ETAL
24,151,020	PORTILLO LEANDRO J & LINDA
24,151,021	PORTILLO LEANDRO J & LINDA
24,151,024	LOGSDON ROY T JR & CHARIE L
24,151,025	WIGG DUNCAN S ETUX
24,151,028	RICHARDSON CALVIN & JUDY
24,151,031	SUMROW GARY E
24,152,003	MCELHOE GEORGE C JR & ALMA M
24,152,006	RECENDEZ JENNIFER F ETAL
24,152,007	MAERTENS AR
24,152,009	BOGART MARK C ETAL
24,152,012	KRAHFORST H ETAL
24,152,014	ROBERTSON RICHARD G III & DONNA
24,152,019	SMITH BEATRICE E TRE ETAL
24,152,021	MAICHROWICZ MICHAEL A & JULIE
24,152,023	VAWTER STEVE
24,152,024	CONSIDINE PATRICK TRE ETAL
24,152,025	TRAN LONI T

Fee Parcel	Owner
24,141,022	GRIFFITH WOODROW A TRE ETAL
24,141,023	ELLIS BURL J TRE ETAL
24,141,024	CADY LORRAINE A ETAL
24,141,025	STOCK MALCOLM DR & ROSALYN L
24,161,014	ALAN JOHN TRE
24,161,016	MARTIN ARGIE TRE ETAL
24,161,022	LONDON SUSAN
24,161,023	SPEED EVERETT P ETAL
24,161,025	SEGAL JOEL TRE ETAL
24,161,026	BROOMBAUGH DR & GE
24,162,005	NOTTINGHAM WILLIAM TRE ETAL
24,162,010	PAYNE HOWARD H
24,162,011	GRAHAM DORETTA F TRE
24,162,013	JOINES LLOYD R TRE ETAL
24,162,014	JOINES LLOYD R TRE ETAL
24,162,016	KRAY JOHN S ETAL
24,162,018	HOMSY GEORGE M
24,162,019	HOMSY GEORGE M & BARBARA L
24,162,020	HICKS PROPERTIES CA GEN PTP
24,162,021	PEDIATRIC MEDICAL GROUP INC
24,162,023	GLAAB GEORGE H & KARIN TRE
24,162,027	ALLEN CECILIA M
24,162,029	TILLMAN JOHN D & CAROL J
24,162,030	SEABERG CHRISTOPHER A TRE
24,162,031	MIYAGISHIMA BT
24,162,032	TAK MIYAGISHIMA
24,171,004	MOORE EDWARD C TRE
24,171,009	RAKOCZY THOMAS W & PENELOPE
24,171,015	VOKES LEE S TRE ETAL
24,171,017	KIEDAISCH JOHN F & PATRICE R
24,171,021	RAUEN DAVID P & ANN E
24,171,025	RAUEN DAVID P & ANN E
24,171,026	KIEDAISCH JOHN F & PATRICE R
24,171,027	GULNEY RICHARD A & PAULA
24,171,028	REESE CARY D & MARTHA C
24,172,005	WALSH PATRICIA E
24,172,014	PIESTER DINAH W
24,172,023	SATOU ALAN & HELENA
24,172,031	HANSON SHALE & TERRY
24,181,001	BECKWELL CARYL Y ETAL
24,181,007	GRAUMAN LYNETTE G TRE
24,181,010	RMP INC A CA CORP
24,181,011	TSELIKOVA NADEZHDA A
24,181,016	CAMBRIA LAND CONSERVANCY
24,181,017	APPLEGARTH AG ETAL
24,181,018	APPLEGARTH AG
24,181,019	LAND CONSERVANCY OF SLO
24,181,028	LINDQUIST LARRY V & PM
24,181,031	BORGES JEFFREY & MICHELE ETA
24,181,033	NINOS EPAMINONDAS J
24,181,036	LAND CONSERVANCY OF SLO
24,181,037	GRAUMAN LYNETTE G TRE
24,181,039	ROTHGEB CLIFFORD K
24,181,040	REUTTER JOYCE J TRE
24,181,041	MORTON WILLIAM R

Fee Parcel	Owner
24,152,026	SMITH BEATRICE E TRE ETAL
24,152,027	DOUBRAVA FRANCIS A & DANIELLE
24,161,004	WITT RANDALL & CAROLYN
24,161,006	MORRISSEY PHILLIP J TRE ETAL
24,161,007	DEFIRMIAN CHRIS & LISA
24,161,009	BONTHIUS STEVEN TRE ETAL
24,161,011	TRUNG PATRICK ETUX
24,182,013	MORTENSON ERIC W ETAL, DEBORAH LOKTEFF
24,182,014	BANK OF AMERICA NT & SA TRE
24,182,024	ROSE SHELLY M
24,182,025	HAGLE DECOU LUMBER CO ETAL
24,182,027	ANDERSON CHRISTOPHER R
24,182,028	FORMHALS ELAINE M TRE ETAL
24,182,029	MCLAIN BENNIE & MARILOU
24,182,035	CHERNOFF JAMES A & SHARON
24,182,036	WOLF LJ
24,182,037	MORTENSON ERIC W ETAL, DEBORAH LOKTEFF
24,182,040	LARANJO MARILIO S
24,182,041	DEGROOT TERRANCE A TRE ETAL
24,182,042	WEST SS
24,182,043	ROSSI A & M
24,182,044	THORNTON CURTIS A TRE ETAL
24,182,045	GARTON DONALD R TRE ETAL
24,182,046	FAIRCHILD DW & LD
24,182,048	GARTON DONALD R TRE ETAL
24,191,005	HUNT M
24,191,006	PATRICK DW & PG
24,191,007	GURZI RICK ETAL
24,191,013	TAYLOR DENNIS M TRE ETAL
24,191,024	STORNI STANLEY M TRE ETAL
24,191,037	LEVY MICHEAL A & JUDITH M
24,191,038	PATELLA DARYL C
24,201,004	PARKER SHARON L
24,201,005	NICHOLS CL ETAL
24,201,006	JONES DOUGLAS A & KIM L
24,201,007	KROM DAMON A
24,201,011	JENKINS MARGAREE R TRE
24,201,012	HERNANDEZ ADRIAN & TRACY
24,201,016	KNAPP ERIC A & SUZANNE O
24,201,019	JORDAN SEAN
24,201,020	KOON RICHARD ETAL
24,201,021	HAGLE DECOU LUMBER CO ETAL
24,202,006	PARKER SHARON L ETAL
24,202,010	WRIGHT MICHAEL T & MELISSA I
24,202,011	OWEN DANIEL J & KELLEY E
24,202,012	WARREN SUSAN L
24,202,014	PELLE STEVEN J
24,202,015	SCARBOROUGH PATRICIA
24,202,016	KIMES WILLIAM F TRE
24,202,019	KIMES DAVID & NANCY L
24,202,020	KIMES DAVID & NANCY L
24,202,023	PELLE STEVEN J
24,202,024	PELLE STEVEN J
24,211,013	BENSON TONY ETUX
24,211,021	BIVENS DAVID G & MARGARET A
24,181,042	CARR BRETON
24,181,044	LOVELACE JB JR & LP
24,181,048	LAND CONSERVANCY OF SLO
24,181,049	CARUSO LOUIS H & DOREEN
24,181,050	CARUSO LOUIS H & DOREEN
24,182,003	SMITH DIANNE E
24,182,008	JONES RICHARD B TRE ETAL
24,212,006	GEHLE WILLIAM R & GRACE L
24,212,007	STONE RICHARD M & LINDA J
24,212,009	ABBOTT WILBUR R & ARLINE E
24,212,011	VOTH FF
24,212,013	YANAGIOKA S & M
24,212,015	JENKINS MARGAREE R TRE
24,212,017	SLAYMAN VICTOR J & LUCILE
24,212,019	STEVENTON R BRUCE TRE ETAL
24,212,020	JONES AVA J TRE ETAL
24,212,021	EVANS CAROLYNN J TRE
24,212,023	KULPA TED M & MARYROSE
24,221,007	BRESCIA JAMES J & CAROLYN M
24,221,013	GONZALES VIRIGINIA TRE ETAL
24,221,014	BORGES JEFFREY & MICHELE
24,221,015	ROGERS GEORGE W TRE ETAL
24,221,016	DOHERTY JOSEPH W ETUX
24,221,018	DESMET ROBERT F ETUX
24,221,021	BROWN PAULA R
24,221,025	NAVA CAROL D ETAL
24,221,029	HASTINGS JOSEPH K & KATHY M
24,221,030	ROGERS GEORGE W TRE ETAL
24,221,031	SANDERS BRUCE R
24,221,035	GONZALES VIRGINIA TRE
24,222,007	COLLINS CAROLYN K
24,222,013	PARTIE WILLIAM R & ARLENE E
24,222,014	SPEER RANDY M & MERLINDA D
24,222,017	HAASE FREDERICK H TRE ETAL
24,222,020	KNIGHT JOAN M
24,222,023	PHILLIPS PETER A & VICKI J
24,231,001	PROFANT CAROL
24,231,016	JENSEN LN
24,231,017	SNYDER ELEANOR G TRE
24,231,020	GASTON CHARLES R
24,231,021	DAMRON CLIFFORD L TRE ETAL
24,231,022	GREENELSH MICHAEL A TRE ETAL
24,231,023	ALLAN STEVEN & ALEXANDRIA
24,231,028	MCGILL JAMES B & JANICE D
24,231,035	FISCALINI OLIMPIO
24,231,037	CORIPPO MATTHEW S & JULIE A
24,231,038	MCDONALD ROBERT TRE ETAL
24,231,042	GOLDER IRVING D TRE ETAL
24,231,045	DILLEY EDWARD M III & DIANNE
24,231,046	ABRECHT MARIAN G TRE
24,241,004	KAESSINGER GERTRUDE E TRE, PAUL KAESSINGER
24,241,008	NOONE CASANDRA M
24,241,015	PATTERSON FRANKLIN D & LANNETTE
24,241,017	HEDGES J PATRICK ETAL
24,241,019	HOUGHTON GE, c/o JE PARMER

Fee Parcel	Owner
24,211,023	CRUISE STEPHEN S TRE ETAL
24,211,024	MATHEIN GLORIA
24,211,025	REAGAN JOSEPH I TRE ETAL
24,211,026	CRUISE STEPHEN S TRE ETAL
24,211,028	TRIGGS GEORGE T & ALICE J
24,211,029	FLETCHER GREGORY K & CYNTHIA
24,211,032	EXON LAWRENCE H TRE ETAL
24,211,034	OTTO DENNIS R & MYRA A
24,212,002	GRIMES WENDY A
24,212,003	INGERSOLL TS & M
24,242,040	LOPEZ JOE S
24,242,041	FINE JANE E
24,242,042	TEDDER GINA TRE
24,242,044	GRDOVIC PETAR & EDDA ETAL
24,242,048	YLARREGUI R & DB
24,243,008	MILLER LAURA K
24,243,009	COLON THOMAS TRE ETAL
24,243,010	SWANSON PETER W & DEBORAH A
24,243,011	SHERMAN ROGER & SALLY A
24,243,012	SHERMAN ROGER & SALLY A
24,243,021	HERZOG ROBERT & LINDA
24,243,022	HERZOG ROBERT & LINDA
24,243,025	WENT BARRY RL & LEEANNE
24,243,043	SWANSON PETER W & DEBORAH A
24,243,045	ISHIKAWA TOMOAKI & HATSUYO
24,243,050	WENT BARRY RL & LEE A
24,243,054	REILLY JANIE C
24,243,056	OLEY JARLATH TRE ETAL
24,243,058	PANIS C & I
24,243,059	MORRIS HENRY A TRE ETAL
24,243,061	MAGGIO BRUCE A TRE ETAL
24,252,001	ANDERSON WILLIAM S ETAL
24,252,002	ANDERSON WILLIAM S ETAL
24,252,003	PEARSON PRISCILLA M
24,252,004	LOPRESTI KRISTEN L
24,252,005	PADGETT ANN L
24,252,006	SMITH HOWARD C TRE
24,252,007	SMITH HOWARD C TRE
24,252,008	RINALDI MICHAEL J TRE
24,252,009	JOHNSON LARRY E & KAREN E
24,252,013	QUESADA DAVID A ETAL
24,252,016	COLGAN JOHN & SUSAN
24,252,019	HEARSUM ALFRED & GRACE
24,252,021	KENNEDY DAN, MG KEECH
24,252,022	TUCKER NANCY B
24,252,023	LEE ALBERT J JR TRE ETAL
24,252,024	LEE ALBERT J JR TRE ETAL
24,252,030	HANEY JAMES B & JILL
24,252,031	BURKE BRADLEY J & CYNTHIA A
24,252,032	VANO MICHAEL E TR ETAL
24,252,035	FRANK STEVEN A TRE ETAL
24,252,037	COLQUEHOUN CAROLE L
24,252,038	HRICZ WJ
24,253,001	BOWMAN GORDON L & SUELLEN W
24,253,002	SAWYER EDMUND V & JEANNETTE
24,241,025	SIINO JAMES A & PATRICIA H
24,241,026	GRIMSHAW ALAN ETAL, LEE GRIMSHAW
24,242,010	MORALES LANCE & TIGG
24,242,017	DUTRA KENNETH J ETAL
24,242,022	DIOMEDE JOSEPH N
24,242,023	NOBLE ROBERT E & COTTA D
24,242,030	PROCHARZKA KENNETH R & CAROL
24,242,031	PROCHARZKA KENNETH R & CAROL
24,242,037	TIERNEY TOM ETAL
24,242,039	GRDOVIC PETAR & EDDA ETAL
24,261,003	MARGOLIS SHALOM E & ME
24,261,007	IZUMO GARY M TRE ETAL
24,261,010	PEREZ GERARDO
24,261,013	LEMAR KAREN T
24,261,016	WALLACE BRUCE
24,261,017	HOGAN BOYD I & JACQUELINE
24,261,018	WALLACE BRUCE
24,261,025	PITT RONALD D
24,261,026	BENNETT PW & RM
24,261,027	RAWLINSON JANET L
24,261,029	HUDZINSKI ROBERT A & FRANCES
24,261,030	BOWMAN DONALD L & CHRISTINE
24,261,031	HOLLOWAY JAMES R
24,261,033	MARGOLIS SHALOM E & MARJORIE
24,261,034	ALBERT DAVID E III & PHYLLIS
24,262,003	MADDELEIN DENNIS L & MARION
24,262,006	MCCANN ELVIN E TRE
24,262,011	BLACK DEBORA N
24,262,014	NAKAMURA RUBY
24,262,016	DUDZIK DENNIS A & PAMELA R
24,262,017	HUMPHREY EVAN H ETAL
24,262,018	PEARSON DAVID C & KAREN A
24,262,020	WEST SS & PJ
24,262,021	PLYLEY GM & BH
24,262,022	BLACK DEBORA N
24,262,023	LEES HERMINE A TRE ETAL
24,262,024	COLLINS CAROLYN K
24,262,025	FROST PATRICIA M
24,262,028	CLARK MICHAEL B
24,262,030	PEARSON DAVID C & KAREN A
24,262,032	WILSON STEPHEN E & BARBARA
24,262,035	ELLSWORTH JL
24,262,036	BOYS JOHN H & GAIL M ETUX
24,262,037	MCKAY E ROLAN & VIRGINIA
24,262,038	HUTTON JAMES B TRE ETAL
24,271,005	WEBER ROBERT & ARLETTA
24,271,006	ADMIRAL E
24,271,010	GOSS ROBERT E & MARSHA A
24,271,011	DAVIES WILLIAM S
24,271,014	WAUGH DAVID & LYNN
24,271,015	WEBER ROBERT & ALETTA
24,271,018	SCHUMAKER GEORGE B & NEVENKA
24,271,019	SERVEDIO FRANK M & NADINE M
24,271,020	OSMAN JOHN L
24,271,021	RECKEFUS S SCOTT III

Fee Parcel	Owner
24,253,003	ANDREWS PATRICK A & LORI-ANNE
24,253,004	HORN STEVEN J TRE ETAL
24,253,005	KEENAN RK
24,253,006	OKAMURA LESLIE G ETAL
24,253,007	SCHULTZ RICHARD D & BONNIE J
24,253,008	PEREZ ELAINE M ETAL
24,253,010	STOECKEL V WAYNE & KAREN A
24,253,011	CARAMICO JOSEPH
24,253,012	CAREY HELEN J
24,253,014	LONG KORY & BONNIE
24,253,016	JCH FAMILY LIMITED PARTNERSHIP
24,253,017	ZIMMER RICHARD & GERALDINE
24,253,019	SMITH JAMES S & JOYCE C
24,273,025	HERMANN HEATHER M ETAL
24,273,026	HILLARY RONALD C TRE ETAL
24,273,027	SORIANO DAN A & NANCY S
24,273,028	HERMANN HEATHER M ETAL
24,281,003	DEEM NORMA ETAL
24,281,005	FISCHER DAVID W & A FAYE
24,281,008	KIRCHNER VIVIAN A TRE ETAL
24,281,010	RANELLETTI BILL A TRE ETAL
24,281,013	KELSEY DAVID N TRE
24,281,014	HOLT JOHN C & LADONNA
24,281,017	WINDISCH CHARLES C & LOUISE
24,281,020	ELLIS RUTH E TRE
24,281,021	RENALDO MICHAEL K & SHERI M
24,281,022	AMES SALLY I TRE
24,281,024	MOORE RONALD N & SARAH J
24,281,025	FISCHER DAVID W & A FAYE
24,281,026	PATTERSON DAVID G
24,281,027	KOMOTO HIRAM & JACQULYN
24,282,003	NETHING PEGGY J
24,282,007	WANG CHIANG ETUX
24,282,010	SCHARINGSON JAMES M TRE ETAL
24,282,015	SEARBY JIM ETAL
24,282,019	TURNER A WAYNE TRE ETAL
24,282,020	SPENCER NANCY J TRE
24,282,025	WIGLEY ROY L & KATHLEEN
24,282,032	PAL BK & N
24,282,042	SORENSEN RICHARD L & ANN M
24,291,006	VERLANGIERI VINCENT & FLORENCE
24,291,007	VERLANGIERI MICHAEL & VICTORIA
24,291,010	CRESTON AK & CT
24,291,011	DENNY SHAWN M & CLAUDIA E
24,291,012	GONZALES FRANCES F
24,291,013	DOUGLAS ROBERT B & KATHLEEN
24,291,015	CAMBRIA DEVELOPMENT CO, c/o WILSON
24,291,017	NAVA PHIL & JEANNE
24,291,020	GARCIA KATHLEEN M TRE ETAL
24,291,021	SMITH ROBERT A & MORINE A
24,291,025	OREGAN JOHN CK & DIANA D
24,291,028	CASHIN JAMES A TRE ETAL
24,291,029	OMAN PPHYLLIS G TRE
24,291,030	TANIMOTO JERRY H
24,291,031	ZAPPATERRENO CASSANDRA J

Fee Parcel	Owner
24,271,022	GOSS ROBERT E & MARSHA A
24,272,003	CHAPMAN ABBIE
24,272,013	CAMBRIA LAND CONSERVANCY
24,272,014	DAVIES WILLIAM S
24,272,017	WATT JAMS B & MARY E
24,272,024	MITACEK EVELYN C
24,272,025	ALLAN JOHN TRE
24,273,006	LAND CONSERVANCY OF SLO
24,273,013	DURAN MARY EA
24,273,016	FEASEL DENNIS G & SHIRLEY J
24,273,017	REPUBLIC INVESTMENTS INC
24,273,019	DALTON DESIDERIA D
24,273,020	GAY WARREN TRE ETAL
24,311,003	CAREY HELEN J
24,311,004	PADGETT ANN L
24,311,005	STECK R & C ETAL
24,311,006	WATSON THEODORA E
24,311,007	WATSON THEODORA E
24,311,008	KROLL JAMES H TRE ETAL
24,311,009	JONES MARGARET A TRE ETAL
24,311,010	JONES MARGARET A TRE ETAL
24,311,011	CARSEY KEVIN S & REBECCA G
24,311,012	CARSEY KEVIN ETAL
24,311,015	HARKINS LYNNE M
24,311,019	BOHEY RICHARD P & BRANDI E
24,311,029	FRISH CONNIE
24,311,033	LEONARD JERRY J & HEATHER L
24,311,034	SMITH PAUL B
24,311,035	BENJAMIN ARTHUR N JR & JOAN
24,311,036	UTT ERNEST A & CJ ETAL
24,311,037	MCCOLLOCH MELVIN
24,312,001	MID STATE PROPERTIES LLC
24,312,002	CONTINO SANDRA L
24,312,003	SHAPIRO SCOTT
24,312,016	MID-STATE PROPERTIES LLC
24,312,018	PRICKETT CLYDE A & JUNE J
24,312,022	MCKINNEY GOLA F
24,312,023	KARGL RAYMOND C & EVELYN H
24,312,026	SWIFT DONALD P & LANA J
24,312,029	SNUR WILLIAM L TRE
24,312,030	THOMASSET WILLIAM K TRE ETAL
24,312,032	ANDERSON JOHN W TRE ETAL
24,312,034	GRANATINO MICHAEL & MENA
24,312,035	GRANATINO MICHAEL & MENA
24,312,037	PETERSON CATHY A
24,321,003	SNOW AA
24,321,004	WEIR THOMAS W & ELEANOR
24,321,005	POPPLEWELL MART B
24,321,006	POPPLEWELL MART B
24,321,010	SAWYER JEANNETTE B
24,321,012	CANTU MARTIN B
24,321,017	KLEINHAMMER LESLIE K & MERLE
24,321,019	POPPLEWELL MART B
24,321,022	KLEINHAMMER LESLIE K & MERLE
24,321,024	SWICK MARGUERITE ET TRE ETAL

Fee Parcel	Owner
24,291,032	FLEMING NORMAN & RUTH
24,291,035	PICKER WALTER J TRE ETAL
24,291,036	PICKER WALTER J TRE ETAL
24,301,004	LAND CONSERVANCY OF SLO
24,301,005	BECWAR ANDREW J & MARY L
24,301,009	BISHOP STEVEN D ETUX
24,301,010	BISHOP STEVEN D ETUX
24,301,015	RUBIN SHERWIN P TRE ETAL
24,301,017	ESPINEL JAMES
24,301,018	EWING DAVID C TRE ETAL
24,301,024	BURBANK JAY F & PATRICIA H
24,301,029	FITZWATER HAROLD L TRE ETAL
24,301,030	OUTWATER ROBERT M & SUSAN E
24,301,031	FITZWATER HAROLD L TRE ETAL
24,301,032	DEMPWOLF KARL H & DIANE H
24,311,002	CAREY HELEN J
24,322,018	DAREHSHORI MF & CHARLOTTE
24,322,019	BORGES JEFFREY & MICHELE
24,322,020	BORGES JEFFREY & MICHELE
24,331,005	MCGORMLEY RC
24,331,009	MCMILLEN DARWIN W & ANN
24,331,011	GALVIN TM & MA
24,331,013	LEMMING RUNO J TRE ETAL
24,331,017	SHEPARD JAMES H ETUX
24,331,019	GALVIN TERRY M & MARILYN A
24,331,023	LEUER MARY M ETAL
24,331,024	GILRAY JOHN F
24,331,025	WALKER JAMES A TRE ETAL
24,331,026	WALKER JAMES A TRE ETAL
24,331,028	LEMMING RUNO J TRE ETAL
24,332,006	WILSON JAMES TRE ETAL
24,332,009	PATTERSON ROBERT A TRE ETAL
24,332,011	GUINN TOMMIE F & GWEN M
24,332,013	DRAKE ROBERT M TRE ETAL
24,332,015	LUCKOW KATJA
24,332,019	HARPAINTER THEODORE A
24,332,024	ORTLIEF JAMES J & JOAN W
24,332,026	GUIDRY KENNETH D & YVETTE M
24,341,008	CLARK BRADFORD M
24,341,022	GRIBBEN KENNETH R
24,341,025	KARLE DENNIS W TRE ETAL
24,341,029	DAVIES WILLIAM S
24,341,033	ULREY ROBERT D TRE
24,341,034	BLAKE DANNIE M TRE
24,341,036	SCHIMBERG MICHAEL C TRE ETAL
24,342,009	HALOPOFF LUBA
24,342,010	MCCARTHY DANIEL T & BOZENA
24,342,011	LEONARD JERRY J & HEATHER L
24,342,016	MOORE BEATRICE C TRE
24,342,017	GUIDI JOHN ETAL
24,342,022	KENNEDY KATHLEEN M
24,342,023	SIMERAL ROBERT L & JANE E
24,351,003	BEZZINA AK ETAL
24,352,005	CLARK BRAD
24,352,006	WETZLER JOSEPH P TRE ETAL

Fee Parcel	Owner
24,321,025	HAWLEY SONJA
24,321,026	CANTU MARTIN B
24,321,028	CANTU MARTIN B
24,321,029	KOMAN JOEL S & LINDA ES
24,321,032	ELLIS ROBERT K
24,321,033	PARRY BRIAN S
24,321,034	HILLMANN DEBBIE
24,322,002	BORGES JEFFREY & MICHELE
24,322,004	HOFF BEN III & JANA R ETAL
24,322,008	MCINTYRE EDWARD J
24,322,010	CHRISTIE PHILIP A TRE ETAL
24,322,012	DESHOTEL R & MA
24,322,013	FRISH CONNIE
24,322,014	MCCARTHY DANIEL T & BOZENA
24,322,015	BORGES JEFFREY & MICHELE
24,322,017	DENT WILLIAM F
24,354,012	HARKINS JOSEPH M TRE
24,354,013	SHIROMIZU JUNICHI TRE ETAL
24,354,014	SHEPHERD MARY H
24,354,015	RAMSDEN CHARLOTTE TRE
24,354,016	HARRISON RUTH I TRE
24,354,018	HOMSY ROBERT V
24,354,019	BATTAGLIA GARY W
24,354,020	WUNDERLICH JACK W TRE ETAL
24,354,021	SUNADA R & SA
24,354,022	CLINE ROBERT B TRE ETAL
24,361,003	ANDERSON AUDREY J ETAL
24,361,005	RATHBUN GALEN B TRE ETAL
24,361,006	MORRISON RICHARD H TRE ETAL
24,361,007	RATHBUN GALEN B TRE ETAL
24,361,008	CURRAN ADELE F HEIRS OF ETAL, SHARON CURRAN
24,361,011	SLAYMAN VICTOR J & LUCILE
24,361,015	ROZNOVSKY VICTOR J & BERNIE
24,361,016	ALLEN KENNETH L & KATHLEEN M
24,361,018	IZUMO GARY M TRE ETAL
24,361,021	SANTENS PHILLIP C & MICHAELENE
24,361,025	JAMIESON PERRY M
24,361,026	IZUMO GARY M TRE ETAL
24,361,027	ANDERTON DR & NANCY A
24,361,028	SANTENS PHILLIP C & MICHAELENE
24,361,029	MCCURDY RM & LA
24,362,012	RATHBUN GALEN B TRE ETAL
24,362,013	MOSS HERBERT H & NANCY A
24,362,018	CHRISTOPOULO PADELIS C
24,362,019	CHRISTOPOULO PADELIS C
24,362,020	PROCTOR GEORGE L TRE ETAL
24,363,007	STERLING WALTER V JR ETAL
24,371,004	SHENSON DAVID A & BROOKE P
24,371,006	MAX M VICTOR TRE ETAL
24,371,009	MORITA LH & M

Fee Parcel	Owner
24,352,008	KOERBER DIANA BLACK
24,352,013	BENZINO SARAH J TRE
24,353,005	MILLER MICHAEL ETUX
24,353,009	QUINONEZ EDWARD E & SALLY O
24,353,010	SORENSON JON E
24,353,014	GILLINGHAM HENRY B TRE ETAL
24,353,022	COMEN CRAIG
24,353,023	HILDEN JOSEPH R TRE ETAL
24,353,025	MILLER MICHAEL A ETAL
24,353,029	CAMBRIA LAND CONSERVANCY
24,353,030	GILDEHAUS DENNIS F
24,353,031	GILLINGHAM HENRY B TRE ETAL
24,353,041	DODD CM
24,353,046	ROBERTS RONALD E ETAL
24,353,053	SORENSON JAMES D ETAL
24,353,054	FITZGERALD ELIZABETH A
24,354,002	REDMOND HARRY A & SANDRA LD
24,354,006	MORGAN THOMAS & MARY J
24,354,011	HOMSY ROBERT V
24,371,012	KLEIN ROBERT R TRE ETAL
24,371,020	ROBINSON MIKE
24,371,021	GALLOCK RL & VF
24,371,022	JENKINS ROBERT H & FRANCES
24,371,024	GREENSPACE THE CAMBRIA LAND TRUST
24,371,025	GALLOCK RL & VF
24,372,005	SHOEMAKER GLORIA M
24,372,008	SHOEMAKER GLORIA M
24,372,010	CHUA ANTHONY ETUX
24,372,013	HABITAT FOR HUMANITY FOR SLO
24,372,015	NOSSAMAN CHRISTOPHER A & JENNIFER
24,372,016	LARANJO MARILIO S
24,372,017	NOSSAMAN CHRISTOPHER A & JENNIFER
24,381,008	SAUERS DAVID L & MARGIE J
24,381,016	BUDGE DUANE & SHARON
24,382,002	MORLEY BO
24,382,003	MCGURRIN MATT D & LISA P
24,382,010	MCGURRIN MATT D & LISA P
24,382,014	FOWLE DH & G
24,382,019	RODRIGUEZ JOHN
24,383,005	PAINE GORDON & SHERRY
24,383,006	PAINE STEVEN L TRE ETAL
24,383,009	MORRISON RICHARD H TRE ETAL
24,383,011	KALPAKOFF JOHN J ETAL
24,383,012	MORRISON RICHARD H TRE ETAL
24,383,014	DANELL HILAH C
24,383,015	STEIGER MATTHEW J & VIVIAN E
24,383,016	HUGHELL JAMES E TRE ETAL

Fee Parcel	Owner

SLO County Assessor's List of Vacant Cambria Parcels
Sorted and Classified

Exhibit 2

	Fee Parcel	Owner
Past years allocations, not yet built		
1	13,084,005	CLARK MICHAEL B
2	13,084,022	MITTON RL TRE ETAL
3	13,084,044	MAHER EDWARD T & DIANE MC
4	13,294,021	DUNN KENNETH E & LINDA F
5	13,324,001	FELICE ROLAND M TRE ETAL
6	22,052,021	RMP INC A CA CORP
7	22,053,037	MCLAUCHIAN IAN M & LUCIE R
8	22,053,054	SWIFT DEVELOPMENT INC
9	22,131,038	NEGLEY SCOTT F & AUDREY S
10	22,292,022	MALIAN MICHAEL & MARTHA
11	22,313,032	STEWART LINDA D
12	22,351,014	BECKMANN JAMES A TRE ETAL
13	23,014,021	GEARHART KELLY V
14	23,019,030	KRUEGER DANIEL J
15	23,025,031	JAMES LEONARD A & JUDITH A
16	23,068,027	KASULKA DUANE A & ELIZABETH
17	23,087,047	TURNER GARY A
18	23,105,002	GEARHART KELLY V
19	23,161,042	GONYER R JOHN & KARY L ETAL
20	23,161,043	MAN PATRICK P TRE ETAL
21	23,163,014	BARKER GLENN P ETAL
22	23,163,026	WELSH DAVID B TRE ETAL
23	23,181,020	ODENWALD LEE E & SHERI J
24	23,203,002	MAGRO ALEXANDER F
25	23,392,010	REPUBLIC PROPERTIES INC
26	24,221,030	ROGERS GEORGE W TRE ETAL
27	24,271,018	SCHUMAKER GEORGE B & NEVENKA
28	24,272,025	ALLAN JOHN TRE
29	24,342,017	GUIDI JOHN ETAL
2000 Allocations		
1	13,084,021	PECK SAM & MAE
2	13,084,040	TIBBETT THOMAS W TRE ETAL
3	13,084,050	SYRJANEN PERTTI K TRE ETAL
4	13,341,003	BRIGLIO ANTHONY JR TRE ETAL
5	13,341,013	PETERSON TERRY J TRE ETAL
6	22,141,036	GATTO BETTY D TRE
7	22,271,036	WOOLUM JOHN C & DOROTHY S
8	22,312,026	TOWNSEND JAMES W TRE ETAL
9	22,322,021	GROSSE SVEN
10	23,073,014	AGUIRRE MARIA E ETAL
11	23,075,035	LEWIS GLEN C TRE ETAL
12	23,085,014	WOLFE ALEXANDER W TRE ETAL
13	23,086,039	COULTER DORRIS L
14	23,087,045	KRUEGER DANIEL J
15	23,115,018	5340 LOS ROBLES A CA PTP
16	23,133,010	HUCHTHAUSEN JAMES P ETUX

17	23,134,016	SEIDEL MARK TRE ETAL
18	23,172,050	PROFFITT DAN TRE ETAL
19	23,191,031	KOEPP DONALD W & KR
20	23,234,007	DAVID SANSONE COMPANY INC
21	23,293,051	MITCHELL SANDRA L TRE ETAL
22	23,451,027	SPERBECK JOHN E SR & JUDITH
23	24,063,070	KOMAN JOEL S & LINDA ES
24	24,202,014	PELLE STEVEN J
25	24,341,008	CLARK BRADFORD M
26	24,353,046	ROBERTS RONALD E ETAL

Grandfathered meters

1	13,101,054	COYLE JOHN M & SUSAN A
2	13,122,002	STERLING WALTER V TR ETAL
3	13,321,010	LANDGREEN CHRISTINE L ETAL
4	13,331,014	WARRICK STUART C JR TRE ETAL
5	13,331,023	ROMANOWSKI WILLIAM T & JULIE
6	13,331,041	ETZ RUTHANN M TRE
7	13,351,012	LONG ALLAN W & NANCY
8	22,083,033	ENKOJI RENSO & MABEL
9	22,151,061	JOHNSON ROLAND W & VIRGINIA
10	22,283,017	REED JEANINE R TRE
11	22,292,003	KARABIAN RONALD F & CA TRES
12	23,014,023	GEARHART KELLY V ETAL
13	23,019,023	ALLAN JOHN TRE
14	23,041,045	VAUGHAN RONALD F TRE ETAL
15	23,048,007	MAXTED ALBERT M
16	23,090,014	HANDLEY GARY C

CCSD Wait list lots

1	13,084,006	KASSEBAUM JAMES W TRE ETAL
2	13,084,009	KOMAN JOEL S & LINDA ES
3	13,084,011	SWANSON PETER W & DEBORAH A
4	13,084,017	METZ DENNIS & CASSANDRA
5	13,084,018	ROSLING REED V TRE ETAL
6	13,084,024	POSEMSKY JACK E TRE ETAL
7	13,084,028	BREWER SILAS H TRE ETAL
8	13,084,032	OVERTURF R GRAIG & ROSALIE H
9	13,084,035	LEIMERT INVESTMENT COMPANY A
10	13,084,036	LEIMERT INVESTMENT COMPANY A
11	13,084,039	LEIMERT INVESTMENT COMPANY A
12	13,084,041	ZARGHAM MEHDI R & TOMOKO ETA
13	13,084,042	LAMPARTER EUGENE H TRE ETAL
14	13,084,046	BRUGALETTA JOHN J & CLAUDIA
15	13,084,051	PHILLIPS DANE
16	13,084,052	PHILLIPS DANE
17	13,101,063	WOOLUM JOHN C & DOROTHY S

18	13,141,008	CITEK PHILIP ETUX
19	13,141,019	STEWART BENTON A & LINDA D
20	13,292,012	OBENAUER JOHN P & MARSHA A
21	13,301,047	DUNLEVIE JON T & DONNA SH
22	13,311,001	GONZALEZ MANUEL D
23	13,311,008	RUTHERFORD DALE & BRENDA
24	13,321,001	LEE CARL & LINNIE B
25	13,323,007	SANI JAVAD N ETUX
26	13,323,008	GARRETT ED JR TRE ETAL
27	13,331,007	BRYANT WK & VJ TRE ETAL
28	13,341,006	KUETER KLAUS & CARMEN
29	13,341,011	GONZALEZ MANUEL D
30	13,341,023	OLAIS HENRY ETUX
31	13,341,025	WALTER H LEIMERT CO ETAL
32	13,351,039	FELICH DONALD L TRE ETAL
33	13,351,046	BLOOM ROBERT TRE ETAL
34	22,022,037	SMITH CRAIG A
35	22,023,012	ZAROWITZ MICHAEL A
36	22,023,028	GEDIMAN GERALD & WALLITA A
37	22,026,035	MALAKAN NADER ETAL
38	22,034,028	NORMAN E CHURCHILL
39	22,041,002	CRAWLEY JAMES C & ROXANA P
40	22,042,014	CAMPAGNOLO DAVID R & CORALEE
41	22,042,044	WILSON ROBERT & BARBARA
42	22,042,046	KOMAN JOEL S & LINDA ES
43	22,042,047	KOMAN JOEL S & LINDA ES
44	22,043,006	HALSTEAD ROBERT & NANCY A
45	22,053,034	COOK WILLIAM G TRE ETAL
46	22,071,001	WITMER GLEN A TRE ETAL
47	22,071,042	MARAGONI NATHAN E
48	22,071,078	ROYSTON WILL TRE
49	22,083,014	DOUGHTY DOUGLAS H TRE
50	22,083,031	STERN RICHARD A TRE ETAL
51	22,083,040	PARRACK WAYNE M & JENNIFRED
52	22,083,055	CROSS RALPH S TRE ETAL
53	22,084,008	KRYSTIAN RICHARD & MARGO
54	22,084,020	HOLLIS DOUGLAS R & BETTY L
55	22,091,017	SCOTT GARRY L & ANNETTE M
56	22,093,004	TIPTON TIMOTHY D ETUX
57	22,093,007	HERRING CAROL A
58	22,093,015	NETHING PEGGY J
59	22,093,024	MORTON RAY H TRE ETAL
60	22,093,025	SCOTT GARRY L & ANNETTE M
61	22,093,043	REDWOOD JE & EL
62	22,131,019	OGRADY PATRICK J
63	22,131,020	BARKER ANDY R & ANNA M
64	22,131,029	CAREY HELEN J
65	22,131,032	HERNANDEZ ADRIAN & TRACY
66	22,131,054	YATES REGINALD & KAE R

67	22,151,010	PEREZ JOHN & OLIVIA M
68	22,151,012	ODONNELL WC & MG
69	22,151,027	CHAO LANCE L TRE ETAL
70	22,151,045	CAREY HELEN J
71	22,151,066	KEGEORGE KAREN A TRE
72	22,151,079	LAMBORN JOHN P JR TRE ETAL
73	22,151,080	FORD KEITH B TRE ETAL
74	22,171,020	STEVENS JOSEPH B TRE ETAL
75	22,171,024	MCDONNELL PAUL C JR & ROBIN
76	22,171,031	VAVRA RANDY J & ADRIANA
77	22,171,045	AUTH GARY L & CLAUDIA S
78	22,171,046	POPE RALPH ETUX
79	22,172,032	FILIPPINI WILLIAM J & SUSAN
80	22,182,054	HUBER GREGORY A & ANNA S
81	22,191,028	LEVESQUE RONALD R & KATHRYN
82	22,191,032	COOMBS ROBERT L
83	22,192,011	EVANS FREDERICK & LYNDA S
84	22,192,025	BUSSELL DAVID M & JODY A
85	22,192,031	PARKER THOMAS & LINDA
86	22,192,042	ROBINSON DERYL & WENDOLYN S
87	22,192,046	SELNA JAMES V TRE ETAL
88	22,193,012	DAVID SANSONE CO INC
89	22,193,020	SPORNICK GEORGE G & ELENA
90	22,201,015	FORRESTER DONALD R TRE ETAL
91	22,211,012	OGRADY PATRICK J
92	22,211,080	GRAY RONALD & VIRGINIA
93	22,223,005	STEFAN MARGO E
94	22,223,009	HUTTO PETER & KATHRYN S
95	22,225,002	SMITH DEAN C & BONNIE J
96	22,225,004	ROCHE GARY D & PATRICIA L
97	22,225,011	HUBAL BRUCE R TRE ETAL
98	22,225,012	BOOMSMA RICHARD J TRE ETAL
99	22,226,020	CLEVENGER WILLIAM G& BARBARA
100	22,227,027	MICHAS NICHOLAS A & KATHRYN
101	22,232,016	MTM DEVELOPMENT INC
102	22,241,036	COLLINS CAROLYN K
103	22,243,012	SHERICK JOHN R ETAL
104	22,261,011	CAREY HELEN J
105	22,261,054	ELEANORE B MOLNAR
106	22,291,024	ADAMS KATHERINE TRE
107	22,291,028	RUTT DAVID E TRE ETAL
108	22,292,023	ROBINETTE GAIL ETAL
109	22,312,007	ROSS GORDON H ETAL
110	22,312,033	GONELLA NEIL ETAL
111	22,312,035	HARTLING DONALD C TRE ETAL
112	22,312,037	HORVATH ROBERT W & M ALMA
113	22,313,033	SOBEL JUDY TRE
114	22,321,010	HENCH CHARLES E
115	22,323,032	PENDLETON RD & VR

116	22,331,032	MONK LARRY W & LINDA A
117	22,332,004	MOTTA MICHAEL A & DOROTHY
118	22,341,037	PANTOJA HARRY V & MARY T
119	22,342,016	LAKE MICHAEL A & WANDA J
120	22,342,031	MAZZOLA FRANK A TRE ETAL
121	22,351,003	HILL KENNETH A & JUDITH L
122	23,014,013	WESTLAKE ANNIE M ETAL
123	23,014,020	ANDERSON MARK A & CATHEY A
124	23,015,019	BLUSKE RUTH A TRE
125	23,015,022	ESCONTRIAS HA JR ETAL
126	23,016,019	ALLEN JOHN R TRE
127	23,016,037	SPITZ ALLAN C & LANA S
128	23,016,040	MAZZOLA FRANK A JR & DIANA J
129	23,016,044	MIKLESH JOHN D & CINDY L
130	23,017,003	BURRISS RONALD D & FRANCES A
131	23,017,011	NIELSON MICHAEL G
132	23,017,020	SMITH BRUCE G ETUX
133	23,017,041	DUNCAN GORDON C
134	23,018,005	PINOS JORGE E TRE ETAL
135	23,018,026	AYDELOTT JERRY & BARBARA
136	23,018,029	MILLER STANLEY E TRE ETAL
137	23,019,005	GORDON ANDREW & JILL
138	23,019,006	GORDON ANDREW & JILL
139	23,019,036	ALKUS STEPHEN
140	23,021,019	WINGATE KURT T & STACY B
141	23,021,023	CARLSON AUDREY R TRE ETAL
142	23,023,020	TRAPP JAMES D TRE ETAL
143	23,025,001	SELNA JAMES V TRE ETAL
144	23,025,002	BETH ALUYON
145	23,025,013	MOHR PETER & CHRISTINA
146	23,025,019	BRESSLER HAROLD L & KAY L
147	23,025,022	SHORE ROBERT A TRE ETAL
148	23,025,027	JAMESON RICHARD M & JE TRE
149	23,032,004	GONG ROBERT L & KAREN L
150	23,032,005	SATAVA RICHARD D & CN
151	23,034,004	ANDERSON JOHN P TRE ETAL
152	23,034,008	KELTER LEANDER M TR ETAL
153	23,034,013	DEAN WF & DH
154	23,035,002	CHETTA JOSEPH TRE
155	23,035,005	BRAUCH FRANK W TRE ETAL
156	23,035,012	EBER DAVID G TRE ETAL
157	23,035,021	MILLER JOHN W & POPPY B
158	23,036,004	HILLERS RALPH D & MARGARET M
159	23,036,009	STOLTZE TONY & GAIL
160	23,036,017	ROGERS MARTIN A & BARBARA B
161	23,036,031	NELSON VIRGINIA L TRE
162	23,041,029	KORPIEL JOSEPH V TRE ETAL
163	23,042,005	TIETZ CHRISTOPHER A
164	23,042,016	HAVLISCH HAL B

165	23,043,015	GREEN NEAL C & DIANE
166	23,044,018	CHOW CINDY ETAL
167	23,045,009	HOFFMAN RICHARD H TRE ETAL
168	23,045,010	CANNADAY GREG W ETUX
169	23,045,020	LAGRAND DONALD M & BARBARA
170	23,045,036	HARKNESS JENNY M
171	23,046,009	BERGMAN GREGORY M TRE ETAL
172	23,046,018	IRVIN ROBERT J TRE ETAL
173	23,046,041	PEKIN JAMES & EVELIN
174	23,047,017	TALBERT MARSHA E ETAL
175	23,047,020	ROWE JAMES M & KATHRYN S
176	23,048,010	COBURN GARY A
177	23,048,016	MILLER SCOTT E ETAL
178	23,048,032	BRADLEY HOWARD D TRE ETAL
179	23,048,039	HORACEK BOBBY D & SHIRLEY E
180	23,048,042	MILLER SCOTT E
181	23,049,012	SKARE JAMES E TRE ETAL
182	23,049,022	VAGUE RUSSELL H & SUSAN M
183	23,049,034	BUDICIN FRANK & PATRICIA A
184	23,051,025	MARINA CARLOS & JENNIFER B
185	23,052,023	LEE ALBERT J JR TRE ETAL
186	23,052,025	FERENSTEIN GERALD S & NANCY
187	23,064,006	EL BISSAT HASSAN ETAL
188	23,064,010	NEEPER ROBERT K & CHRIS
189	23,065,002	DEGROOT TERRANCE A TRE ETAL
190	23,065,014	REDWOOD JE & EL
191	23,066,011	MCCONNELL JANIS L
192	23,066,019	SHEA GERALD F TRE ETAL
193	23,066,021	CUDE LESLIE M TRE ETAL
194	23,067,008	EICHERT ROBERT A & KATHLEEN
195	23,067,009	DAUGHHETTEE DAWN L & MARTHA
196	23,067,018	JENNER CHARLES W ETAL
197	23,068,004	OBER MARK A
198	23,068,010	DUSTON PAUL TRE ETAL
199	23,068,017	BECK LARRY W & MAUREEN F
200	23,068,018	LEWIS MARSHALL & LESLIE
201	23,068,020	LEHNER ROBERT H ETAL
202	23,068,028	SHELDON FAMILY
203	23,071,013	HAZEN WILLIAM A ETAL
204	23,071,024	LOAR BILL R & BRENDA L
205	23,072,017	OLIVEIRA RICHARD N & ELAINE
206	23,072,019	TUCKER RICHARD ETUX
207	23,072,021	BACA ENRIQUE I & DEBORAH A
208	23,073,008	POSTON JEANETTE M
209	23,073,021	BROWN DANIEL L & CARMEN R
210	23,073,022	KELSEY DAVID N TRE
211	23,074,006	VITOLS VISVALDIS A & ROBERTA
212	23,074,010	ANGEL NICHOLAS G
213	23,074,037	HOLLINGSHEAD JAMES L TRE ETAL

214	23,075,003	FERGUSON JAMES R & ALEXANDRA
215	23,075,007	BELLMAN ERIC ETAL
216	23,075,019	DECKER WILLIAM K TRE ETAL
217	23,075,036	GALLION MARY M
218	23,076,021	CORBET CHRISTOPHER D & TAMARA
219	23,076,026	NEWTON JAMES W & JUDITH A
220	23,076,027	EXOLA LELAND S JR & DEBORAH
221	23,083,015	MAHANEY BYRON P
222	23,084,002	ACEVEDO AMOS B & KAREN M
223	23,085,016	MCMURTREY DONALD W & SHERRIE
224	23,085,017	CONGER JIMMY O & CATHERINE
225	23,086,002	ROSE OWEN L TRE ETAL
226	23,086,006	WANNINGER DONALD J & ALIS L
227	23,086,015	HINSON PAUL E & STEPHANIE L
228	23,086,028	TAHARA RANDI S ETAL
229	23,086,037	LAWLER MARY
230	23,086,041	ELLINGTON GARY & SHARON
231	23,086,042	VOELKER KURT K & DEANNA C
232	23,087,002	KARAGOZIAN MIRON A TRE ETAL
233	23,087,003	SNOW CHRISTINA L
234	23,087,013	JOHNSON WALTER R ETAL
235	23,087,027	BRYANT MATTHEW N & MAHVASH A
236	23,087,032	FOOTE RONALD D & CARI G
237	23,087,034	KULCZYK EUGENE & SANDRA T
238	23,087,038	OVERSTREET MARK L ETUX
239	23,087,040	ELIZONDO TONATIUH & ROSEMARIE
240	23,087,046	TOMAS DENNIS & SHEILA
241	23,088,007	JORDAN NORMAN R & LORRIE S
242	23,088,011	FREEMAN MARK
243	23,088,034	DWYER JOSEPH J & AURELIA MV
244	23,088,042	SMITH STEVEN R & SUSAN R
245	23,088,043	MCLACHLAN HARRY F & JOAN M
246	23,089,006	DOUGHERTY HARRY M III & DOLORES
247	23,089,008	RICHES KARIN S
248	23,089,018	MOTLAGH ABBAS ETUX
249	23,089,027	DI UBALDO C
250	23,089,031	CZERWIEC FRANK & VICTORIA L
251	23,090,002	VARTANIAN DENNIS TRE ETAL
252	23,090,016	JOHNSTON VICTOR L
253	23,091,002	HENDERSON RICHARD & SHARON L
254	23,091,009	ROTHMANN ROBERT ETAL
255	23,091,020	LANSKA MICHAEL J TRE ETAL
256	23,091,031	WESTFALL ANTHONY L ETAL
257	23,092,036	PARFETT THELMA
258	23,093,003	NAVA PHILLIP & JEANNE L
259	23,093,011	SIVAS EDWARD TRE ETAL
260	23,093,028	ADAMS LAWRENCE S TRE ETAL
261	23,094,007	MANALIO ERNEST TRE ETAL
262	23,094,036	NETTLES LESLEY D

263	23,094,041	BOROWICK JEROME N TRE ETAL
264	23,095,002	CLEMCIUC JONATHAN ETUX
265	23,095,036	SIINO JAMES A & PATRICIA H
266	23,096,011	CURTIS LEE A TRE
267	23,096,041	EVANS STEVEN D & DEBORAH C
268	23,096,044	DENTON MICHELLE A ETAL
269	23,096,049	DAVIS JEFFREY B ETUX
270	23,101,041	MOSS STEVEN D ETUX
271	23,102,002	MOLINARI JOHN V & BONNIE B
272	23,103,014	MARTINEZ JOHN L & BARBARA B
273	23,104,002	NICHOLS MARK & KAREN
274	23,104,004	BELMONTE DANA L ETAL
275	23,104,010	EL-BISSAT HM & MJ
276	23,104,011	WOESTE KEITH W
277	23,104,021	HUDZINSKI ROBERT A & FRANCES
278	23,104,023	ANDRADE JOSE L & JENNIE L
279	23,105,016	DAVID SANSONE CO INC
280	23,107,015	SONDENO DUDLEY J & CYNTHIA J
281	23,107,025	WRIGHT RICHARD J TRE ETAL
282	23,111,024	BARNES ROBERT D TRE ETAL
283	23,111,029	BRAJKOVICH THOMAS G ETAL
284	23,111,032	SAMP JAMES C
285	23,111,035	DONDANVILLE JEFFREY W & ANGELA
286	23,114,012	TROWBRIDGE GUY N & LAURA M
287	23,114,017	MCRAE ALAN R & JUDITH A
288	23,114,023	DILL MICHAEL B & DEBRA D
289	23,114,028	SHERRATT DAVID M & BE
290	23,115,003	RENTLER RICHARD R TRE ETAL
291	23,115,009	ARMSTRONG JAMES M III & JULIE
292	23,115,014	VAGUE RUSSELL H & SUSAN M
293	23,115,020	WARREN H LINDA TRE
294	23,115,025	LEAVITT ANDREW W & KAREN
295	23,116,013	ENNIS GARY
296	23,116,021	KNUDSEN ERIK & KAREN
297	23,116,026	FEDELE JAMES J & MELINA
298	23,117,007	STARRENBURG KATHY L
299	23,117,008	RENSCH JOHN R & VICKI J
300	23,117,009	STARRENBURG KATHY L
301	23,118,006	CHAO ANDREW J
302	23,118,014	CATTANEO SHERYL
303	23,119,011	LEBOVITS JOHN & DEBORAH S
304	23,119,018	SIGLER RONALD W
305	23,119,022	LUYTIES WILLIAM H & CLAUDIA
306	23,121,005	FISHER LAVERNE TRE
307	23,121,011	TUTTLE JAMES L & JOYCE L
308	23,121,013	SMITH BEATRICE E TRE ETAL
309	23,122,018	MONACO STEPHEN A & SUSAN M
310	23,131,015	TRIPI ANTHONY J TRE
311	23,132,012	SMITH KENNETH & GAYLE

312	23,132,013	MCDONOUGH LIVING TRUST (Nancy McDonough)
313	23,133,017	WALTON DG & BT
314	23,134,017	SEYRANIAN LEON G TRE ETAL
315	23,134,019	CALISTRO FRANK & ADORA A
316	23,134,021	LENNON WILLIAM C & CYNTHIA A
317	23,141,018	HESSE MARCIA A ETAL
318	23,141,028	JONES THERESA V TRE
319	23,141,038	KNOBLOCH EARL P TRE ETAL
320	23,142,009	BRANDT DEBORAH K
321	23,142,018	ADLER GARY R & MELANIE R
322	23,142,026	KOEPP WILLIAM E TRE ETAL
323	23,142,028	ROSTAM-KOLAYI AHMAD & KAAREN
324	23,142,030	KIRKLAND ALAN G & SUSAN
325	23,143,004	1700 BERWICK LTD PTP
326	23,143,026	BUCK MICHAEL TRE ETAL
327	23,143,041	ZANE BRADLEY & REGINA
328	23,151,007	MOUNTS KEVIN L & AMY S
329	23,151,031	KOMMER JOEN B
330	23,151,039	CASTELLANOS WL & SL
331	23,151,045	STEWART BENTON A & LINDA D
332	23,161,046	REITZ PJ & HM
333	23,161,047	TRIPI ANTHONY J TRE ETAL
334	23,163,028	REDWOOD JE & EL
335	23,163,029	TIZIANI ERWIN J & MARY A
336	23,163,033	SPRAYBERRY KIMBERLY A
337	23,171,011	KINIKIN J & L
338	23,172,013	CARTER WILLIAM & JEAN
339	23,172,014	STEPHENS FAMILY TRUST ETAL
340	23,172,026	MUNOZ PAUL & JAN
341	23,172,039	KENRICK JOSEPH F TRE ETAL
342	23,172,043	LUND STEVEN P TRE ETAL
343	23,181,022	CABRAL LINDA R
344	23,181,033	GRAVISS ARTHUR L & JUDY
345	23,182,019	HARLEY JAMES
346	23,182,030	RANDALL MARK TRE ETAL
347	23,182,032	WALLACE BRYAN & KATHY
348	23,182,037	ORELLANA TIMOTHY S & TARYN M
349	23,182,044	ZWEEMER NEIL & MARY
350	23,191,029	PENN WAYNE P
351	23,191,030	WINTERBERG SR
352	23,192,030	HAIGLER HARRY
353	23,201,001	TO CAROLINE L ETAL, c/o EAST WEST RANCH
354	23,202,055	OGRADY PATRICK J
355	23,203,020	EASTON JOY O TRE
356	23,204,072	ROSE MARIE T ETAL
357	23,205,002	BROWNHILL RICHARD R & PATRICIA
358	23,205,012	VANDUZER ASHLEY M & MARY E
359	23,205,019	CLOW DOUGLAS A
360	23,205,056	BORDER RICHARD P TRE ETAL

361	23,206,048	SPERBECK JOHN E SR & JUDITH
362	23,211,016	RAVATT GREGORY
363	23,213,013	HERNANDEZ ADRIAN & TRACY
364	23,213,016	THORSEN RICHARD M & MARY J
365	23,213,029	WILLIS CHARLES M & MARIAN L
366	23,213,031	CRAIN JAMES S & CYNTHIA A
367	23,214,032	FEDELE JOHN M & CYNTHIA L
368	23,214,047	FEDELE JAMES J & MELINA
369	23,215,020	KRUEGER GARY W & BARBARA D
370	23,215,021	EL-BISSAT HM & MJ
371	23,215,049	VINATIERI DARLENE A TRE ETAL
372	23,221,040	MEYER JOHN A & STEPHANIE L TRUST
373	23,221,042	TO CAROLINE L ETAL, c/o EAST WEST RANCH
374	23,221,056	TO CAROLINE L ETAL, c/o EAST WEST RANCH
375	23,222,047	CONRAD DAWN M
376	23,223,006	WHITE VIVIAN
377	23,223,017	KRAMAN DONALD E TRE ETAL
378	23,233,006	CHATOIAN EDWARD B SOLE PROP
379	23,233,019	PHILLIPS PETER A & VICKI J
380	23,243,024	RYMUT JAMES J & MATALIE
381	23,243,037	WILLIAMS BRIDGET
382	23,251,026	SIAMON AL
383	23,261,014	GORDON REX B TRE ETAL
384	23,261,030	FROSCH TED W TRE
385	23,261,032	CHIVENS DANIEL P & KRYSTALYN
386	23,261,040	DAVIES WILLIAM S
387	23,271,041	SEABERG CHRISTOPHER A
388	23,271,043	REBOLLAL AMADEO & MARGARITA
389	23,271,045	PISCIONERI JOSEPH D JR
390	23,272,002	ELLER DANNY H ETUX
391	23,281,029	DAHL JEFFERY
392	23,281,033	KELLY JAMES H & MARIA G
393	23,282,004	LOPEZ MANUEL A & SUSAN R
394	23,291,031	GODINEZ ISIDRO ETUX
395	23,292,050	REDMOND HARRY A & SANDRA LD
396	23,301,011	BENDER ALAN P & GAIL P
397	23,303,028	BROME ROBERT H
398	23,303,045	ANDERSON JOSEPH B III TRE ETAL
399	23,322,016	JORDAN PATRICK L TRE ETAL
400	23,331,006	WIGGINS BARBARA S
401	23,333,002	HOLDEN WILLIAM E & MINERVA M
402	23,341,028	CAMPBELL PAMELA A
403	23,341,031	BONNET DON J
404	23,341,070	IDRIS FAROUK & NINA D
405	23,352,030	LEE DIANE J
406	23,361,052	CRUSHA MICHAEL & JACALYN
407	23,363,002	REIFER DAVID J TRE ETAL
408	23,363,003	WHITE AE & BL
409	23,363,020	BURNS MICHELLE

410	23,372,004	ZEGOURES PAUL
411	23,372,008	NETHING PEGGY J
412	23,373,005	GRAY GERALD E & BARBARA J
413	23,373,011	STEVER RONDA L
414	23,373,040	SANDERS RONALD G & SANDRA L
415	23,381,042	GILLIO ELSIE E TRUST
416	23,382,021	DEBOARD JOSEPH ETUX
417	23,382,039	TONEY EDMOND & GLORIA A
418	23,382,051	REDMOND HARRY A & SANDRA LD
419	23,383,012	GALLAGHER ERIN
420	23,383,054	HARSTEN ROBERT E & JENNIFER
421	23,391,016	GEER CAROL A
422	23,391,026	PAKOS PRODROMOS & FOTINI
423	23,392,013	WOLFORD RAYMOND G ETAL
424	23,392,020	QUIMBY BARRY ETUX
425	23,401,013	NUNN KENNETH E & LORRAINE C
426	23,401,024	MANCILLA ROBERTO M TRE ETAL
427	23,402,014	KEENE LISA L
428	23,411,004	LEE JOHN B & VIVA E
429	23,411,005	WEISSENBERGER DAVID A
430	23,411,007	LEUNG MONICA
431	23,411,019	SEIFRIED MARY L TRE
432	23,411,020	PUTNAM KENNETH A & MANDI M
433	23,422,023	DILL MICHAEL B & DEBRA D
434	23,423,004	SMITH EDWARD A JR TRE ETAL
435	23,423,007	ALLAN JOHN TRE
436	23,423,008	ALLAN JOHN TRE
437	23,423,020	GILMARTIN KEVIN & CARLA
438	23,423,034	VALENTINE BENJAMIN J TRE ETAL
439	23,432,022	LINDSEY, JE INC A CAL CORP
440	23,451,008	BOYDSTUN JOHN D SR & JULIE K
441	23,451,009	DAVIES WILLIAM S
442	23,451,011	SUNDQUIST OSCAR E & LORRAINE
443	23,451,013	GOUGE RICHARD E & DIANNA M
444	23,451,015	WALTER RONALD N TRE ETAL
445	23,451,020	SPITTLER FREDERICK L HEIRS OF
446	23,451,026	COVEY SHANNY S TRE
447	23,451,028	VALENZUELA MARY C ETAL
448	23,451,029	VALENZUELA MARY C ETAL
449	23,451,031	STEFAN EVELYN R TRE
450	23,451,032	STEFAN EVELYN R TRE
451	23,452,008	PRICE BOBBY D & KATHLEEN E
452	23,452,016	VIGUE JAMES D
453	23,453,002	WALTON RICHARD H JR & CA
454	23,461,006	MCCALLUM DAVID L TRE ETAL
455	23,462,012	JENNINGS ROBERT R & CLARICE
456	23,462,013	GEARHART KELLY V
457	23,462,015	GALLION MARY M
458	23,462,022	WIGGINS BARBARA S

459	23,471,007	SOUZA DAVID TRE ETAL
460	24,011,017	HOSLER RON C & PATRICIA A
461	24,011,019	MAZZOLA FRANK A & DIANA J
462	24,011,037	CARLSON AUDREY R TRE ETAL
463	24,011,047	BROOKS BARRY E & EVA K
464	24,011,061	WARNER LANCE N
465	24,011,062	MOCHIZUKI MARY NP TRE
466	24,012,004	HEDGE MELVIN D TRE ETAL
467	24,012,009	COLLINS CAROLYN K
468	24,012,015	IZUMO GARY M TRE ETAL
469	24,013,016	ZDROY FRANK & LESLIE
470	24,013,022	HENG MING K TRE ETAL
471	24,013,027	BROWNHILL ROBERT J
472	24,021,017	FEDELE JAMES J & MELINA
473	24,022,054	MILLER ROBERT N & JUDI A
474	24,022,055	MILLER ROBERT N & JUDI A
475	24,031,004	WILLARD FOREST E
476	24,031,019	ABERCROMBIE DARREL L & JILL
477	24,032,012	MOREFIELD CRAIG C & SUE
478	24,033,009	WILLARD FOREST E
479	24,033,015	MURROW DONALD TRE ETAL
480	24,033,048	CAMPBELL PATRICK S & KARIN L
481	24,034,012	HOPKINS JAMES R
482	24,034,041	DAWSON CLINTON A & MARY R
483	24,034,044	BRAGA NORMAN & DIANE
484	24,041,021	HORWITZ ROBERT TRE
485	24,041,022	BORGES JEFFREY & MICHELE
486	24,042,046	KITAY MITCHELL A
487	24,043,019	COLLINS CAROLYN K
488	24,052,004	DOWNING TERRY L
489	24,053,005	JEPSEN DAVID B TRE ETAL
490	24,053,006	OLSON JAMES S & ANN T
491	24,061,031	FAIRBURN DARRELL J TRE
492	24,061,045	LEE J DOUGLAS
493	24,061,046	WALKER SHIRLEY H
494	24,061,049	HAWTHORNE DANIEL & MARCIE
495	24,062,009	BIMBO JOYCE M
496	24,062,012	COPELAND JIMMY & MARSHA
497	24,062,029	FEIST JACK A & MARIE A ETAL
498	24,062,033	BIMBO JOYCE M
499	24,062,040	BIMBO JOYCE M
500	24,063,032	MARKHAM CM III & KM
501	24,063,055	WOLF ALAN W MD TRE
502	24,063,067	MARTIN BRIAN J & DEBRA M
503	24,081,002	KUHN MURPHY & BARBARA
504	24,081,021	REDWOOD JE & EL
505	24,081,034	CARR BRIAN S ETAL
506	24,082,010	BOHLIN RD ETAL, RENA VUKADINOVICH
507	24,091,010	ELBISSAT JAMAL

508	24,091,014	TOMASSO RAYMOND N & PEGGY A
509	24,091,027	BAINS WILLIAM H & ROBIN B
510	24,092,003	WOLF ALAN W ETAL
511	24,092,013	HEAPY GREGORY R TRE
512	24,092,026	KOSHAREK TIMOTHY L & BEVERLY
513	24,093,011	JANES DAVID A
514	24,101,001	NIX BARRY & PAMELA
515	24,102,029	KOHLMOOS JAN M TRE
516	24,103,018	ANDRUS WALTER W & LORETTA
517	24,112,005	KNOBLOCH EARL P TRE ETAL
518	24,122,001	HUNTER DD
519	24,122,006	THIEBAUD HEIDI M
520	24,122,020	HURLEY RUSSELL F & JOANNE M
521	24,122,021	BLAKEMORE JOHN & KATHERINE
522	24,123,004	KELSAY ANNE S ETAL
523	24,123,013	BRYANT WILLIAM TRE ETAL
524	24,123,019	ASBURY DOUGLAS ETAL
525	24,123,022	WILLIAMS MARTHA C ETAL
526	24,123,028	COTTON ROY W & FLORENCE D
527	24,123,037	WRIGHT WE & Y
528	24,131,013	STALIS A & B
529	24,131,016	COLLINSWORTH GERALD L &NANCY
530	24,132,036	SANDER STEPHEN I & GERI G
531	24,132,038	DONOHUE TIMOTHY J & DIANE ET
532	24,132,039	SIEBENALER JEFFREY & DINA
533	24,141,007	DAVIES WILLIAM S
534	24,141,017	ROUSELLE GERALD & SUSAN M
535	24,141,023	ELLIS BURL J TRE ETAL
536	24,141,042	PALMER KATHRYN L TRE ETAL
537	24,142,007	SUNDQUIST OSCAR E & LORRAINE
538	24,142,031	STAFFORD BARBARA A
539	24,142,038	PRESLEY JOHN L TRE ETAL
540	24,142,041	DAVIES WILLIAM S
541	24,143,006	CUNNINGHAM PATRICK J TRE
542	24,143,015	VINATIERI DARLENE A TRE ETAL
543	24,143,016	BURTT WAYNE E TRE ETAL
544	24,143,019	EQUINOA RICHARD M TRE ETAL
545	24,143,023	GULLOTTA ELAINE M
546	24,143,027	MORRISON RICHARD H TRE ETAL
547	24,151,020	PORTILLO LEANDRO J & LINDA
548	24,152,025	TRAN LONI T
549	24,161,006	MORRISSEY PHILLIP J TRE ETAL
550	24,161,014	ALAN JOHN TRE
551	24,161,025	SEGAL JOEL TRE ETAL
552	24,171,009	RAKOCZY THOMAS W & PENELOPE
553	24,171,015	VOKES LEE S TRE ETAL
554	24,171,025	RAUEN DAVID P & ANN E
555	24,171,026	KIEDAISCH JOHN F & PATRICE R
556	24,171,027	GULNEY RICHARD A & PAULA

557	24,172,005	WALSH PATRICIA E
558	24,172,031	HANSON SHALE & TERRY
559	24,181,037	GRAUMAN LYNETTE G TRE
560	24,181,041	MORTON WILLIAM R
561	24,182,003	SMITH DIANNE E
562	24,182,008	JONES RICHARD B TRE ETAL
563	24,182,037	MORTENSON ERIC W ETAL, DEBORAH LOKTEFF
564	24,182,040	LARANJO MARILIO S
565	24,182,045	GARTON DONALD R TRE ETAL
566	24,191,024	STORNI STANLEY M TRE ETAL
567	24,201,004	PARKER SHARON L
568	24,201,006	JONES DOUGLAS A & KIM L
569	24,201,012	HERNANDEZ ADRIAN & TRACY
570	24,202,006	PARKER SHARON L ETAL
571	24,202,015	SCARBOROUGH PATRICIA
572	24,202,019	KIMES DAVID & NANCY L
573	24,211,013	BENSON TONY ETUX
574	24,211,021	BIVENS DAVID G & MARGARET A
575	24,211,023	CRUISE STEPHEN S TRE ETAL
576	24,211,034	OTTO DENNIS R & MYRA A
577	24,212,002	GRIMES WENDY A
578	24,212,007	STONE RICHARD M & LINDA J
579	24,212,021	EVANS CAROLYNN J TRE
580	24,221,014	BORGES JEFFREY & MICHELE
581	24,221,018	DESMET ROBERT F ETUX
582	24,221,035	GONZALES VIRGINIA TRE
583	24,222,007	COLLINS CAROLYN K
584	24,222,014	SPEER RANDY M & MERLINDA D
585	24,222,023	PHILLIPS PETER A & VICKI J
586	24,231,037	CORIPPO MATTHEW S & JULIE A
587	24,231,045	DILLEY EDWARD M III & DIANNE
588	24,241,015	PATTERSON FRANKLIN D & LANNETTE
589	24,242,031	PROCHARZKA KENNETH R & CAROL
590	24,242,041	FINE JANE E
591	24,243,008	MILLER LAURA K
592	24,243,061	MAGGIO BRUCE A TRE ETAL
593	24,252,002	ANDERSON WILLIAM S ETAL
594	24,252,009	JOHNSON LARRY E & KAREN E
595	24,252,019	HEARSUM ALFRED & GRACE
596	24,252,022	TUCKER NANCY B
597	24,253,007	SCHULTZ RICHARD D & BONNIE J
598	24,253,010	STOECKEL V WAYNE & KAREN A
599	24,253,012	CAREY HELEN J
600	24,253,014	LONG KORY & BONNIE
601	24,253,017	ZIMMER RICHARD & GERALDINE
602	24,261,016	WALLACE BRUCE
603	24,261,017	HOGAN BOYD I & JACQUELINE
604	24,261,025	PITT RONALD D
605	24,261,027	RAWLINSON JANET L

606	24,261,029	HUDZINSKI ROBERT A & FRANCES
607	24,262,003	MADDELEIN DENNIS L & MARION
608	24,262,022	BLACK DEBORA N
609	24,262,038	HUTTON JAMES B TRE ETAL
610	24,271,010	GOSS ROBERT E & MARSHA A
611	24,271,011	DAVIES WILLIAM S
612	24,271,014	WAUGH DAVID & LYNN
613	24,271,021	RECKEFUS S SCOTT III
614	24,271,022	GOSS ROBERT E & MARSHA A
615	24,272,014	DAVIES WILLIAM S
616	24,273,013	DURAN MARY EA
617	24,273,020	GAY WARREN TRE ETAL
618	24,273,027	SORIANO DAN A & NANCY S
619	24,281,013	KELSEY DAVID N TRE
620	24,281,021	RENALDO MICHAEL K & SHERI M
621	24,281,025	FISCHER DAVID W & A FAYE
622	24,282,003	NETHING PEGGY J
623	24,282,007	WANG CHIANG ETUX
624	24,282,015	SEARBY JIM ETAL
625	24,291,011	DENNY SHAWN M & CLAUDIA E
626	24,291,017	NAVA PHIL & JEANNE
627	24,291,028	CASHIN JAMES A TRE ETAL
628	24,291,029	OMAN PPHYLLIS G TRE
629	24,291,031	ZAPPATERRENO CASSANDRA J
630	24,301,009	BISHOP STEVEN D ETUX
631	24,301,015	RUBIN SHERWIN P TRE ETAL
632	24,301,024	BURBANK JAY F & PATRICIA H
633	24,301,030	OUTWATER ROBERT M & SUSAN E
634	24,301,032	DEMPWOLF KARL H & DIANE H
635	24,311,002	CAREY HELEN J
636	24,311,006	WATSON THEODORA E
637	24,311,010	JONES MARGARET A TRE ETAL
638	24,311,033	LEONARD JERRY J & HEATHER L
639	24,311,036	UTT ERNEST A & CJ ETAL
640	24,311,037	MCCOLLOCH MELVIN
641	24,312,034	GRANATINO MICHAEL & MENA
642	24,321,019	POPPLEWELL MART B
643	24,321,022	KLEINHAMMER LESLIE K & MERLE
644	24,321,026	CANTU MARTIN B
645	24,321,028	CANTU MARTIN B
646	24,321,029	KOMAN JOEL S & LINDA ES
647	24,321,032	ELLIS ROBERT K
648	24,322,010	CHRISTIE PHILIP A TRE ETAL
649	24,322,018	DAREHSHORI MF & CHARLOTTE
650	24,331,017	SHEPARD JAMES H ETUX
651	24,331,023	LEUER MARY M ETAL
652	24,332,026	GUIDRY KENNETH D & YVETTE M
653	24,341,025	KARLE DENNIS W TRE ETAL
654	24,341,029	DAVIES WILLIAM S

655	24,341,033	ULREY ROBERT D TRE
656	24,342,010	MCCARTHY DANIEL T & BOZENA
657	24,342,022	KENNEDY KATHLEEN M
658	24,342,023	SIMERAL ROBERT L & JANE E
659	24,352,005	CLARK BRAD
660	24,352,008	KOERBER DIANA BLACK
661	24,353,005	MILLER MICHAEL ETUX
662	24,353,010	SORENSON JON E
663	24,353,023	HILDEN JOSEPH R TRE ETAL
664	24,354,002	REDMOND HARRY A & SANDRA LD
665	24,354,022	CLINE ROBERT B TRE ETAL
666	24,361,011	SLAYMAN VICTOR J & LUCILE
667	24,361,016	ALLEN KENNETH L & KATHLEEN M
668	24,361,021	SANTENS PHILLIP C & MICHAELENE
669	24,371,004	SHENSON DAVID A & BROOKE P
670	24,372,010	CHUA ANTHONY ETUX
671	24,372,015	NOSSAMAN CHRISTOPHER A & JENNIFER
672	24,372,016	LARANJO MARILIO S
673	24,383,005	PAINE GORDON & SHERRY
674	24,383,006	PAINE STEVEN L TRE ETAL

Parcels on CCSD list, not on Assessor's

675	13,084,015	COLLINGE CHARLES
676	13,010,070	SUTHERLAND LARRY
677	13,313,014	
678	13,331,009	LORENZ MICHAEL
679	22,013,047	IRVING JAMES
680	22,032,026	DONE RAYMOND
681	23,013,023	YATES STEVEN
682	23,067,005	COFFIE LONNIE
683	23,109,011	
684	23,133,022	
685	23,113,022	
686	23,171,034	CARTER WILLIAM
687	23,172,061	
688	23,411,024	BORCHART TOM
689	24,123,012	
690	24,123,014	
691	23,301,021	DODD THOMAS
692	24,123,016	
693	24,123,023	
694	24,151,007	BURRIS RONALD
695	24,151,018	BURRIS RONALD
696	24,151,029	BURRIS RONALD
697	24,161,021	SCOZZARI FRANK
698	24,191,010	LINDSEY JE

County wait list

1	13,141,018	MYERS MECHTILDE

2	13,341,022	LIPARI MITCHELL & PHOEBE T
3	22,014,016	HIGH RICHARD R TRE ETAL
4	22,043,004	REINKING GEORGE H III TRE ET AL
5	22,052,041	KALPAKOFF KAREN
6	22,053,008	STARK BETTY A TRE
7	22,071,041	LENGSON MELODY
8	22,071,068	SLAYMAN VICTOR J & LUCILE
9	22,083,036	SHIVAROFF S
10	22,091,038	MESSARRA JOHN F
11	22,093,042	LIU PAUL I TRE ETAL
12	22,131,056	MERMELSTEIN ELAINE C
13	22,151,033	GA DRESCHER
14	22,172,035	MCDONOUGH JOSEPH P TRE ETAL
15	22,181,022	RINGWALD LYDIA E
16	22,201,052	MORRISON RICHARD H TRE ETAL
17	22,211,009	ARMSTRONG MICHAEL
18	22,211,064	FOSTER BRUCE & LISA
19	22,211,065	FOSTER BRUCE & LISA
20	22,231,027	REBUCK RANDY & KATHY
21	22,241,042	CANNON ALENE W TRE
22	22,271,048	CAMPOS RL ETAL
23	22,282,011	FURR ARTHUR F TRE ETAL
24	22,341,011	KIMMEY JULIE R
25	23,013,013	SZILLINSKY PAUL G TRE ETAL
26	23,013,019	GREENELSH MICHAEL A TRE ETAL
27	23,015,021	COPELAND JIMMY & MARSHA
28	23,017,005	DAREHSHORI MF & CHARLOTTE
29	23,017,027	DAREHSHORI MF & CHARLOTTE
30	23,018,003	CAMPBELL PAMELA A
31	23,018,006	KNOCHEL THERESA M TRE ETAL
32	23,019,022	OWENS BRUCE P TRE ETAL
33	23,021,011	CARLSON AUDREY R TRE ETAL
34	23,022,002	HORN GREGORY C & KATHERINE M
35	23,022,021	HANAOKA NORI TRE ETAL
36	23,026,008	SUSOEFF MORRIS
37	23,035,014	CLEARWATER LOUIS L TRE ETAL
38	23,036,022	HICKAM LOUIS E JR TRE ETAL
39	23,046,039	SK TRUST
40	23,046,040	PACHTMAN ALLEN H TRE
41	23,047,010	SLAYMAN VICTOR J & LUCILE
42	23,047,032	SLAYMAN VICTOR J & LUCILE
43	23,048,012	MCNABB WAYNE E & LINDA C
44	23,048,018	SHAHAN RONALD & THERESA R
45	23,049,011	DUTY RAYMOND M TRE ETAL
46	23,049,032	CHIADO EUGENE C TRE ETAL
47	23,051,001	GRAHAM GERALDINE M TRE
48	23,051,011	FISCALINI OLIMPIO
49	23,062,022	BOWE ROBERT L & DARLENE LJ
50	23,063,004	BUTLER WG & DM

51	23,064,011	AFIFI AA & MARIANNE
52	23,071,009	CALLAHAN GLENN H TRE ETAL
53	23,071,012	JOHNSON RICHARD G TRE ETAL
54	23,071,015	JOHNSON RICHARD G TRE ETAL
55	23,074,023	SIMONS RICHARD A & PATRICIA
56	23,075,022	FLANAGAN GARY J TRE ETAL
57	23,075,024	MACKELLAR ANGAGH K TRE
58	23,075,026	SPLIVALO MICHAEL N & LINDA A
59	23,075,030	SHULTZ GREGORY & KERRY
60	23,075,034	CUMMINS FRANCIS G TRE ETAL
61	23,084,006	FURST PETER G & KATHRYN C
62	23,085,009	TAYLOR MEREDITH G TRE ETAL
63	23,086,001	GRAY GEOFFREY
64	23,086,004	CRIST DOUGLAS V & RONDA P
65	23,086,033	THOMPSON JJ & DH
66	23,087,019	FARLEY ARTHUR E TRE ETAL
67	23,087,041	JORDAN RANDALL V TRE ETAL
68	23,088,006	JORDAN NORMAN & LORRIE
69	23,088,012	WASHBURN WILLIAM E & LINDA D
70	23,088,014	RUTH JOHN C
71	23,088,016	SCHWARTZ ROBERT A
72	23,088,023	LIU PAUL I TRE ETAL
73	23,088,028	SUHOVY BILL W & DOROTHY H
74	23,088,044	FAILLA CHARLES A & ANN V
75	23,089,033	NAVARRO RICHARD D ETAL
76	23,091,029	KEENEY CHRISTINE E ETAL
77	23,092,026	CURAVO STEVEN W
78	23,093,036	KAMMANN AM
79	23,094,028	SHUBERT NEAL A TRE ETAL
80	23,094,032	SANDBERG ANDRA TRE ETAL
81	23,095,027	JOHNSON DAVID M & LINDA J
82	23,096,008	EVANS STEVEN D & DEBORAH C
83	23,106,019	ESHELMAN DAVID R TRE ETAL
84	23,107,002	FORTIER TOM M & ROSALIA
85	23,107,004	STEPHENSON JOHN R & DAPHNE G
86	23,107,004.1	STEPHENSON JOHN R & DAPHNE G
87	23,107,011	OWEN RJ & ANGELA P TRE
88	23,107,013	GORDON STEVEN & BONNIE
89	23,107,027	DANIELS ROBBY L & BARBARA A
90	23,111,005	BARBIER LAURENCE L TRE ETAL
91	23,115,007	HOLT J
92	23,115,012	FOX KENNETH C & CATHERINE H
93	23,115,013	DABNEY FRANK Y & SANDRA J
94	23,116,004	COLLINS CAROLYN K
95	23,116,016	SKEEN JASON A
96	23,118,016	JONES JOHN S & CAROLYN M
97	23,118,019	TAMELIER JERRY J TRE ETAL
98	23,118,021	HUG CLIFTON I ETAL
99	23,119,014	MCAVOY JAMES K & PATRICIA A

100	23,119,024	VANVORST WILLIAM G TRE ETAL
101	23,121,003	GREENFIELD JENNIFER S TRE
102	23,121,024	ANGINO RICHARD C II & CHARMAINE
103	23,122,009	REDDISH GARY E TRE ETAL
104	23,134,001	DEANE JOHN P ETAL
105	23,142,005	YENSHAW EDWARD & JOANNE A
106	23,142,022	HUMPHREY GB & MA TRES
107	23,143,008	WARNER LANCE N ETUX
108	23,163,030	ROBERTSON REBECCA J TRE ETAL
109	23,171,028	TAYLOR IRENE ETAL
110	23,172,023	THOMPSON SOPHIA TRE
111	23,181,037	IZUMO GARY M TRE ETAL
112	23,181,038	SCHNEIDER HENRY A JR TRE ETAL
113	23,192,027	HARDEN THOMAS L TRE ETAL
114	23,201,035	CULLIMORE CLARENCE JR TRE ETAL
115	23,201,038	ANDERSON LONNA
116	23,202,011	HENDRIX JAMES L HEIRS OF
117	23,202,018	WINDELER MICHAEL & KC
118	23,202,030	LYNCH DENIS-DAMIAN & YVONNE
119	23,203,015	CAMACHO DA & SC
120	23,204,060	COOL STEPHEN N TRE ETAL
121	23,204,075	SHALHOUB RAYMOND A & HELEN M
122	23,207,008	VIGIL DOLORES C
123	23,213,002	MORRIS S DAVID
124	23,213,014	LANGEN INGRID ETAL
125	23,213,039	WAGNER ERIC A ETAL
126	23,214,046	MORAN AMANDA K
127	23,215,002	SALE EARL TRE ETAL
128	23,215,019	MATTHEWS JACKLYN
129	23,215,043	WALTMAN RONALD E TRE ETAL
130	23,233,002	MCBRATNEY SANDRA A TRE ETAL
131	23,233,040	STRACHAN STEVEN W ETAL
132	23,233,046	HUBBARD BARBARA
133	23,235,008	PLASENCIA LUIS ETAL
134	23,243,001	CUTTER FRED TRE ETAL
135	23,243,013	SCHROEDER JACK J TRUST
136	23,243,041	CUTTER FRED TRE ETAL
137	23,271,006	LYNCH DENIS-DAMIAN & YVONNE
138	23,272,008	SHERBON JON & KATHLEEN
139	23,272,016	BOONE RICHARD & SUSANA P
140	23,272,042	SHERBON JON & KATHLEEN
141	23,282,064	BONIO DONNA D TRE
142	23,282,065	ELMS RICHARD A TRE ETAL
143	23,291,016	GERMANO CA & BJ
144	23,292,042	KNOWLTON JOHN A JR & JT
145	23,311,026	SCHMIDT BARBARA A
146	23,312,020	MORRISON RICHARD H TRE ETAL
147	23,312,021	MORRISON RICHARD H TRE ETAL
148	23,313,018	SALE EARL TRE ETAL

149	23,321,012	TRAMMELL GENEVA I TRE ETAL
150	23,322,006	KESSLER ELIZABETH E TRE
151	23,331,001	DAVIES WILLIAM S
152	23,331,002	SAMUEL JOHN
153	23,331,031	BONIO DONNA D TRE
154	23,331,032	ELMS RICHARD A TRE ETAL
155	23,331,037	AGAWA JAMES & RACHEL N ETL
156	23,333,024	MCCLELLAND JOHN
157	23,341,012	HINES KINGSLEY B TRE ETAL
158	23,341,019	CUDE KATHY E
159	23,341,020	CUDE KATHY E
160	23,341,023	ZURA ROBERT TRE ETAL
161	23,361,041	SULLIVAN ANGELA P
162	23,363,001	GURGIOLO SALVADOR V TRE ETAL
163	23,373,035	JONES DOUGLAS A & KIM L
164	23,382,044	CULLIMORE CLARENCE & LILLIAN
165	23,382,046	LANE LINDA M ETAL
166	23,391,036	BLOCK LEE H ETUX
167	23,401,005	WIGGINS JERRY D
168	23,402,001	SLAYMAN VICTOR J & LUCILE
169	23,411,008	HARRIS CAREN L TRE
170	23,423,005	WISENER IRMA L
171	23,423,016	IZUMO GARY M TRE ETAL
172	23,423,017	IZUMO GARY M TRE ETAL
173	23,423,021	COBURN GARY
174	23,426,011	RADSHAW ELLEN D ETAL
175	23,432,011	BANIQUED SILVESTRE B JR & CYNTHIA
176	23,451,016	MACKELLAR ANGAGH K TRE
177	23,451,019	WARREN H LINDA TRE
178	23,461,002	MILLER BRUCE S TRE ETAL
179	23,461,005	TURNER A WAYNE TRE ETAL
180	23,461,012	CONTRERAS RUDOLPHO D TRE ETA
181	23,461,022	DRENNAN JAMES & CATHY ETAL
182	23,462,009	YLARREGUI R & DB
183	23,471,002	MUTTART LD & K
184	23,471,027	THOMAS KENNETH H TRE ETAL
185	24,011,043	BAKER DALE B & TERRYE L
186	24,011,049	PETERSON CATHY A ETAL
187	24,012,008	IZUMO GARY M TRE ETAL
188	24,013,039	NORTON JERRY W & CAROLE A
189	24,021,030	NORMAN SCOTT E
190	24,022,038	SHIELDS GB, GS BARTLETT
191	24,031,008	GINGG LORETTA J TRE
192	24,031,021	HAMILTON DONALD G & ILA M
193	24,031,024	HOMSY JD
194	24,032,016	CHIVERS HAROLD R ETAL TRE
195	24,033,027	GINGG LORETTA J TRE
196	24,033,034	IZUMO GARY M TRE ETAL
197	24,033,045	READING LLOYD A TRE ETAL

198	24,041,003	PAYNE DG & LT
199	24,043,007	GIBSON JERRY D
200	24,043,009	GARNER BONNIE
201	24,043,018	SLAYMAN VICTOR J & LUCILE
202	24,053,003	BERNASCONI JAMES E
203	24,061,009	SILVA BRADLEY A & JULIE K
204	24,061,013	HUGHES ELTON T TRE ETAL
205	24,062,006	LAMB JEANNE M TRE
206	24,062,014	FISCHER STEPHEN C & DEBRA A
207	24,063,051	EHLERS FRED E JR TRE ETAL
208	24,063,069	CHRISTMAN SHERRY L ETAL
209	24,081,016	STRASEN C WILLIAM TRE ETAL
210	24,081,020	ESAU RONALD L & PATRICIA A
211	24,081,029	STRASEN C WILLIAM TRE ETAL
212	24,081,032	JOBLING JOHN C & SUZANNE K
213	24,082,013	JOHNSON MARK D & KELLY J
214	24,082,020	BARBIER LAURENCE L TRE ETAL
215	24,101,008	BIELER JANET
216	24,103,007	HULL BEATRICE A TRE ETAL
217	24,123,009	LINK MICHAEL E, LUCITA BRIGOLI
218	24,123,034	STEVENS SHELLEY A & WARREN R
219	24,123,042	DOMASZEWICZ ALEXANDER C
220	24,131,006	FLANNELL KENNETH ETUX
221	24,131,035	KAPITANCHUK WALT
222	24,142,035	PHALEN DON & LILY
223	24,151,014	GILLINGHAM HENRY B TRE ETAL
224	24,151,024	LOGSDON ROY T JR & CHARIE L
225	24,161,007	DEFIRMIAN CHRIS & LISA
226	24,161,011	TRUNG PATRICK ETUX
227	24,161,022	LONDON SUSAN
228	24,162,018	HOMSY GEORGE M
229	24,162,023	GLAAB GEORGE H & KARIN TRE
230	24,162,029	TILLMAN JOHN D & CAROL J
231	24,181,001	BECKWELL CARYL Y ETAL
232	24,181,040	REUTTER JOYCE J TRE
233	24,182,036	WOLF LJ
234	24,182,041	DEGROOT TERRANCE A TRE ETAL
235	24,191,037	LEVY MICHEAL A & JUDITH M
236	24,212,017	SLAYMAN VICTOR J & LUCILE
237	24,212,020	JONES AVA J TRE ETAL
238	24,212,023	KULPA TED M & MARYROSE
239	24,221,016	DOHERTY JOSEPH W ETUX
240	24,221,029	HASTINGS JOSEPH K & KATHY M
241	24,231,016	JENSEN LAURINE N
242	24,231,021	DAMRON CLIFFORD L TRE ETAL
243	24,231,022	GREENELSH MICHAEL A TRE ETAL
244	24,231,022.1	GREENELSH MICHAEL A TRE ETAL
245	24,231,035	FISCALINI OLIMPIO
246	24,241,008	NOONE CASANDRA M

247	24,241,026	GRIMSHAW ALAN ETAL, LEE GRIMSHAW
248	24,242,040	LOPEZ JOE S
249	24,242,048	YLARREGUI R & DB
250	24,243,009	COLON THOMAS TRE ETAL
251	24,243,045	ISHIKAWA TOMOAKI & HATSUYO
252	24,252,037	COLQUEHOUN CAROLE L
253	24,253,001	BOWMAN GORDON L & SUELLEN W
254	24,253,004	HORN STEVEN J TRE ETAL
255	24,253,011	CARAMICO JOSEPH
256	24,261,007	IZUMO GARY M TRE ETAL
257	24,261,013	LEMAR KAREN T
258	24,261,018	WALLACE BRUCE
259	24,262,011	BLACK DEBORA N
260	24,262,017	HUMPHREY EVAN H ETAL
261	24,262,021	PLYLEY GM & BH
262	24,262,024	COLLINS CAROLYN K
263	24,262,036	BOYS JOHN H & GAIL M ETUX
264	24,262,037	MCKAY E ROLAN & VIRGINIA
265	24,273,016	FEASEL DENNIS G & SHIRLEY J
266	24,273,028	HERMANN HEATHER M ETAL
267	24,281,010	RANELLETTI BILL A TRE ETAL
268	24,281,014	HOLT JOHN C & LADONNA
269	24,281,027	KOMOTO HIRAM & JACQULYN
270	24,282,019	TURNER A WAYNE TRE ETAL
271	24,282,025	WIGLEY ROY L & KATHLEEN
272	24,312,018	PRICKETT CLYDE A & JUNE J
273	24,312,037	PETERSON CATHY A
274	24,321,025	HAWLEY SONJA
275	24,322,020	BORGES JEFFREY & MICHELE
276	24,331,005	MCGORMLEY RC
277	24,341,022	GRIBBEN KENNETH R
278	24,341,034	BLAKE DANNIE M TRE
279	24,353,014	GILLINGHAM HENRY B TRE ETAL
280	24,353,031	GILLINGHAM HENRY B TRE ETAL
281	24,353,053	SORENSON JAMES D ETAL
282	24,354,016	HARRISON RUTH I TRE
283	24,354,018	HOMSY ROBERT V
284	24,361,006	MORRISON RICHARD H TRE ETAL
285	24,361,018	IZUMO GARY M TRE ETAL
286	24,361,026	IZUMO GARY M TRE ETAL
287	24,371,020	ROBINSON MIKE
288	24,372,013	HABITAT FOR HUMANITY FOR SLO
289	24,382,003	MCGURRIN MATT D & LISA P
290	24,382,014	FOWLE DH & G
291	24,383,009	MORRISON RICHARD H TRE ETAL
292	24,383,012	MORRISON RICHARD H TRE ETAL

Defaulted on property taxes, resold at auction March 29, 2001. Some of these were sold to neighboring

homeowners, apparently for use as additional open space.

1	22,093,039	MACKEL NEALAN D & VALERIE L
2	23,201,052	SCM TRADING
3	23,214,010	DUNSTAN EARL A ETAL
4	23,242,047	PACIFIC CAMBRIA INC, DIRK WINTER
5	23,271,023	LOVERNICH MIKE D
6	23,272,014	BARKER ME ETAL
7	23,282,042	FRUMENTO JOSEPHINE V ETAL, c/o M STARR
8	23,291,003	SMITH DAVID W c/o CHARLES MORGAN
9	23,332,027	KENNEDY TIMOTHY J & NICOLLETA
10	23,353,004	MAY EARL
11	23,492,025	JAMESON LES ETAL
12	24,261,010	PEREZ GERARDO

Lots owned by existing Cambria residents, not on any wait list. Most of these lots can be assumed to be used for private open space and not planned for development.

1	13,131,037	SEABERG CHRISTOPHER A TRE ET AL
2	13,141,002	PELLE STEVEN J
3	13,193,003	TAYLOR LESLIE A TRE ETAL
4	13,301,033	BALDWIN MARY A TRE ETAL
5	13,301,049	HODGES DONALD G TRE ETAL
6	13,311,011	WOELFEL WILLIAM H TRE ETAL
7	13,331,010	TAYLOR PEGGY M TRE
8	13,351,043	HITCH JUANITA L
9	22,023,007	GEDIMAN GERALD & WALLITA A
10	22,023,008	GEDIMAN GERALD & WALLITA A
11	22,023,031	COVEY ROBERT M TRE ETAL
12	22,042,048	NASH CLEVE C III & ANNE E
13	22,044,005	BERRY BRENT & SUSAN
14	22,071,043	MANKEY AUDREY M TRE ETAL
15	22,071,046	MANKEY AUDREY M TRE ETAL
16	22,071,047	JOHNSON KENNETH E TRE ETAL
17	22,071,064	TIERNEY THOMAS J
18	22,071,067	ANDERSON L JAMES & BI TRE
19	22,072,034	MCCOLLOCH MELVIN
20	22,072,036	MCCOLLOCH MELVIN
21	22,083,034	PILKINGTON DONALD M & CAROLYN
22	22,084,055	PARENTI NICHOLAS J TRE ETAL
23	22,091,001	VINEY DAVID J ETUX
24	22,131,017	OMALLEY MICHAEL J & STACEY A
25	22,131,057	MCEVOY MAURICE B & SALLY
26	22,141,037	SANNELLA PATRICK J & PJ
27	22,151,014	STEFAN EVELYN R TRE
28	22,151,062	BARRISH PAUL D TRE ETAL
29	22,172,024	THOMPSON PAMELA C TRE ETAL
30	22,182,004	OSBORNE ROY S & PATRICIA
31	22,182,005	OSBORNE ROY S & PATRICIA A
32	22,182,060	COLLIER AW & ROSIE
33	22,191,007	WHITE ALLAN H ETAL

34	22,191,025	WHITE ALLAN H ETAL
35	22,192,010	ELIZBETH B HARDING TRE
36	22,192,038	WALKER FAYE A
37	22,193,032	NOBLE TERESA
38	22,201,002	PHILLIPS JAY & BEVERLY
39	22,201,065	LUEKEN WILLIAM J & DOROTHY K
40	22,211,010	REESE AMY M TRE
41	22,211,047	LUDVICKSON WAYNE E & ELIZABETH
42	22,211,063	AUTEN WILLIAM E & JACQUELINE
43	22,261,067	LINZEY TAYLOR J TRE ETAL
44	22,292,031	TACKER LORAN F & VALERIE
45	22,321,001	SCHROEDER ALLEN R
46	22,331,001	PHILLIPS JAY & BEVERLY
47	22,332,001	MAIN HOWARD V & JANET Y
48	22,341,035	ANDERSON MAURICE E TRE ETAL
49	22,341,040	MILLIKEN ROBERT G & YW
50	22,343,020	SANDERS RAYMOND C & LYNDA J
51	22,343,035	FICKER SUE L TRE ETAL
52	23,013,002	MAGRO ALEXANDER F
53	23,013,021	MAGRO ALEXANDER F
54	23,014,008	DEWITT BEVERLY W
55	23,016,024	GREENBERG HENRY F TRE ETAL
56	23,016,033	GLUSOVICH BRIAN C TRE ETAL
57	23,016,035	STORMS SAMUEL S TRE ETAL
58	23,016,041	GREENBERG HENRY F TRE ETAL
59	23,016,043	GREENBERG HENRY F TRE ETAL
60	23,017,036	CAREY GLEN D & CARLA S
61	23,025,010	SUTHERLAND GORDON P TRE ETAL
62	23,025,034	RISQUE J PAGE TRE ETAL
63	23,026,007	BUCKLEY JAMES D TRE ETAL
64	23,033,016	SINGER CLAY A & LYNNE F
65	23,044,002	MULLER RONALD R & SHAROLYN R
66	23,046,005	PAYNE HOWARD H
67	23,049,010	BRENNAN CAROL A
68	23,052,003	PARSONS THOMAS R & VB
69	23,052,006	SCOTT FORREST N TRE ETAL
70	23,062,013	RHONE WILLIAM C JR TRE ETAL
71	23,064,012	VANJUDAH NELSON TRE
72	23,065,010	FRIZZELL RUTH A TRE
73	23,065,013	FRIZZELL RUTH A TRE
74	23,067,010	WARREN WILLIAM B TRE ETAL
75	23,067,016	LAMB GARY D TRE ETAL
76	23,068,019	LEWIS MARSHALL & LESLIE J
77	23,071,005	BOULIAN PHILIP TRE ETAL
78	23,074,020	HARRIS LLOYD ETUX
79	23,074,030	HARRIS LLOYD & MELINDA J
80	23,086,007	MOORE CLARENCE L TRE ETAL
81	23,087,033	FOOTE RONALD D & CARI G
82	23,092,020	ELLES CHARLES R & MARY A

83	23,103,012	REAMES ANDREW J TRE ETAL
84	23,104,015	KECK EVALYN L ETAL
85	23,105,007	ERICKSON PATRICIA A
86	23,106,012	DALY HATTIE C
87	23,116,017	BRICE CLIFFORD C TRE ETAL
88	23,118,007	KENNY MICHAEL J & KATHRYN N
89	23,118,008	KENNY MICHAEL J & KATHRYN N
90	23,119,010	KENT LEON H ETUX
91	23,119,025	BEETLE HARVEY J
92	23,121,016	BATTLES JAMES W TRE ETAL
93	23,131,020	LANGLOIS WILLIAM H TRE
94	23,141,017	LINDSAY KATHARINE TRE
95	23,141,030	LOVEN JOSEPH S & SUSAN M
96	23,142,011	WALKER MONA
97	23,142,023	KANARIK EDGAR TRE ETAL
98	23,151,022	MAYBERRY ROBERT M & BARBARA
99	23,161,048	STERNER DOLORES M TRE
100	23,162,002	KLUCK HENRY C TRE ETAL
101	23,163,005	HORNER JOHN D & EL ETAL
102	23,163,007	STONE RANDY G TRE ETAL
103	23,171,030	PINION JESSE W TRE ETAL
104	23,172,051	SILICATO MARTIN J & ERLEENE
105	23,181,003	BRICE CLIFFORD C TRE ETAL
106	23,181,013	BRICE CLIFFORD C TRE ETAL
107	23,182,006	HARLEY JAMES
108	23,182,028	HODGKIN GEORGE B JR TRE ETAL
109	23,191,005	LAVIN JEFF & LISA L
110	23,191,008	SCHULTZE CHERYL K
111	23,192,003	GROSSMAN BERNARD I TRE ETAL
112	23,192,029	QUACKENBUSH JOSEPH F TRE ETAL
113	23,192,032	ALLAN JOHN TRE ETAL
114	23,192,036	GROSSMAN BERNARD I TRE ETAL
115	23,192,037	ROWLANDS MADELYN TRE
116	23,202,052	PITT RONALD D
117	23,202,067	BOUGHTER JAN M
118	23,204,068	JACKSON WILBERT C
119	23,204,076	WORDEMAN JOHN B & ERIN M
120	23,205,031	FISHER EUGENE L & PARTICIA M
121	23,205,032	GOSS ROBERT E & MARSHA A
122	23,205,037	RUSSO JOHN P & SARAH G
123	23,206,042	GEMINI FRAMING CORP
124	23,206,045	GARNEY MARTIN T
125	23,211,009	LYON JUDY W
126	23,211,010	LYON JUDY W
127	23,211,035	EASTON JOY O TRE
128	23,211,052	EASTON JOY
129	23,211,059	EASTON JOY O TRE
130	23,213,007	NEISWANDER ROBERT S TRE ETAL
131	23,213,037	NEISWANDER ROBERT S TRE ETAL

132	23,213,038	NEISWANDER ROBERT S TRE ETAL
133	23,213,044	KANE ARTHUR C ETAL
134	23,215,011	PECKENPAUGH THELMA O TRE
135	23,215,013	PECKENPAUGH THELMA O TRE
136	23,215,045	WATTERSON THOMAS S & DEBORAH
137	23,215,048	ORBOM JAN C & BARBARA S
138	23,215,050	VINATIERI DARLENE A TRE ETAL
139	23,215,051	VINATIERI DARLENE A TRE ETAL
140	23,222,005	BIMBER HARRY & BARBARA L
141	23,222,009	BAILEY REGINA M
142	23,222,013	OLDEN DWIGHT O
143	23,222,014	OLDEN DWIGHT O
144	23,222,031	BIMBER HARRY & BARBARA L
145	23,223,012	WAHLBERG TERENCE M & LYDIA C
146	23,233,021	CARSON WJ & MARY A
147	23,235,022	MORA FRANCISCO & TERE A
148	23,235,030	KUYKENDALL MICHAEL & CARYLE
149	23,235,038	JENNY MARK & KATHRINE
150	23,235,039	BITTO JOHN S & CYNTHIA G
151	23,242,045	NEWCOMER BILL ETAL
152	23,243,012	MCKINNON JERRY L ETAL
153	23,243,020	O'CONNOR PAUL R & RITA M
154	23,251,002	CASHDAN DANIEL F TRE ETAL
155	23,272,017	HEINEMAN RE & PL
156	23,281,012	BAIN LOLA M TRE
157	23,281,021	OBRIEN DANIEL J ETAL
158	23,282,003	BAKER LUCILLE J TRE
159	23,282,052	OPPEL CHARLES & KATHLEEN
160	23,291,039	HANNA WILLIAM C & SYLVIA A
161	23,291,064	MALONEY CLARENCE H TRE ETAL
162	23,291,065	KRENKEL JAMES R & SANDRA A
163	23,292,013	REDMOND HARRY A & SANDRA LD
164	23,292,018	REDMOND HARRY A & SANDRA LD
165	23,293,043	KISPERSKY PHIL & MAUREEN
166	23,301,018	STUART KEITH & CAROL ETAL
167	23,302,001	TARLOW ELEANOR
168	23,302,010	BENTON THOMAS G TRE ETAL
169	23,302,037	BENTON THOMAS G TRE ETAL
170	23,303,034	SMITH EUGENE F
171	23,303,035	SMITH EUGENE
172	23,303,042	FIELDS DEBBIE
173	23,311,022	SOTO ROBERT V & DEBRA M
174	23,311,027	ZELLMER KEVIN P & PEGGY S
175	23,312,028	GREGO OSCAR
176	23,313,007	SEIFRIED MARY L TRE
177	23,313,012	REESE MARK & LAURIE
178	23,322,001	LUMPKIN WYETH B HEIRS OF
179	23,322,010	MORRIS JW
180	23,322,018	PRYCHODA DOROTHY M

181	23,322,021	LAMMI MILDRED S TRE
182	23,322,027	DUNN JOHN P ETUX
183	23,331,015	WILSON RAYMOND O TRE ETAL
184	23,331,017	MADRID TORBIO JR ETAL
185	23,333,019	FLASH CAROL
186	23,333,028	LINK HOWARD D TRE ETAL
187	23,351,020	JOCHIM IRENE M TRE, MATTHEW JOCHIM
188	23,351,025	HOWE EDWARD R & SANDRA L
189	23,352,012	MARTIN JAMES W & SANDRA J
190	23,352,021	GREENE RICHARD E & VICTORIA
191	23,352,034	NAYLOR N GISELLE
192	23,361,021	PIERSZALOWSKI WILLIAM J
193	23,362,001	COE DANE B TRE
194	23,362,030	ARNOLD JESSE T
195	23,362,035	BOLES DARREL G & DIANA K
196	23,363,015	HATTON CURTIS J TRE ETAL
197	23,364,004	PARRIS WILLIAM R
198	23,364,010	PARRIS WILLIAM R
199	23,371,005	PEARSON ARTHUR R & MARY N
200	23,371,021	DIETDERICH DAVID S & ALICE
201	23,373,039	GRAY GERALD H TRE ETAL
202	23,382,016	BEDDINGFIELD SHAWN & GRETCHEN
203	23,382,033	POLLARD ELIZABETH B TRE ETAL
204	23,382,038	POLLARD ELIZABETH B TRE ETAL
205	23,383,048	RHOADES STERLING W ETAL
206	23,391,021	WARNELL DONALD E & DORIS MS
207	23,391,054	WAXMAN MEL & CHERRI R
208	23,401,019	MCALPINE TIM & GINA
209	23,401,020	MERCADO ROBERTO M & JOSEFINA
210	23,401,023	MANCILLA ROBERTO M TRE ETAL
211	23,402,007	WARNELL DONALD E & DORIS
212	23,402,012	WARNELL DONALD E & DORIS
213	23,402,022	WARNELL DONALD E & DORIS
214	23,403,013	WOLFE MICHAEL B & KAREN L
215	23,422,028	HINES NELL W TRE ETAL
216	23,422,029	PUTNAM LEE & ERLENE
217	23,425,025	PECKENPAUGH THELMA O TRE
218	23,432,004	OCONNOR ANN T
219	23,451,005	STUART KEITH & CAROL ETAL
220	23,452,013	MADLE PETER J
221	23,452,017	HARDING KEITH E TRE ETAL
222	23,462,016	CARSON WJ & MARY A
223	23,492,011	SHIPPIE GREGORY & BARBARA ET AL
224	24,011,007	ADAMS MABEL E TRE ETAL
225	24,011,055	MILES LINDA N
226	24,011,060	GREGO OSCAR
227	24,012,014	CULCASI MICHAEL A & JUDY L
228	24,013,042	COVEY ROBIN H
229	24,013,050	COVEY ROBIN H

230	24,013,051	PARTRIDGE SHIRLEY C TRE
231	24,021,047	REGO ANTONIO F & MARGARIDA C
232	24,022,049	CICHOWSKI ROBERT S ETAL
233	24,022,053	MCMANUS JOHN B IV & KAREN H
234	24,034,018	FERREIRA PAUL A TRE ETAL
235	24,034,050	DICKERSON SANDRA K
236	24,042,048	BRUNSCHWILER JENNIFER R
237	24,043,004	ASHLOCK THOMAS E TRE ETAL
238	24,052,010	BUCHANAN ROBERT L & BARBARA
239	24,062,038	SOTO VERNON E TRE ETAL
240	24,063,049	SCHADE ALFRED H & BARBARA A
241	24,071,035	BURCH JANETA L
242	24,081,018	POULOS RON J & JILL E
243	24,081,047	POULOS RON J & JILL E
244	24,082,008	HARMON JOHN A & SHANNON A
245	24,091,002	ROYSTON WILL TRE
246	24,091,015	ROYSTON WILL TRE
247	24,091,016	MORRIS CHARLES G & ALICE H
248	24,091,025	ROYSTON WILL TRE
249	24,101,003	ARMITAGE LELAND S
250	24,101,047	ARMITAGE LELAND S
251	24,101,048	ARMITAGE LELAND S
252	24,102,017	BENSON G & K
253	24,102,031	FOX PATRICIA A
254	24,112,016	CASAS ELISEO & NORMA
255	24,122,022	MARTENS PAMELA A
256	24,123,002	ALBRIGHT ELIZABETH M
257	24,123,024	GARNEY FOX A JR & LOIS JT
258	24,131,002	PATMORE MARGARET J TRE ETAL
259	24,131,005	DALTON MARTHA L
260	24,131,007	FLANNELL KENNETH G
261	24,131,034	FLANNELL KENNETH G
262	24,132,025	KWASNY JEFFREY J & SUSAN E
263	24,141,009	OBRYAN MARK D & MARGARET M
264	24,141,022	GRIFFITH WOODROW A TRE ETAL
265	24,141,025	STOCK MALCOLM DR & ROSALYN L
266	24,141,038	WILLIAMS JOHN H TRE ETAL
267	24,142,021	BUCKINGHAM DUKE W & MARGARET
268	24,142,037	SCHAEFER GARY W & PW
269	24,151,002	SITTINGER RICHARD A & CHERYL
270	24,151,010	SUMROW GARY E
271	24,151,031	SUMROW GARY E
272	24,152,027	DOUBRAVA FRANCIS A & DANIELLE
273	24,162,010	PAYNE HOWARD H
274	24,181,011	TSELIKOVA NADEZHDA A
275	24,181,042	CARR BRETON
276	24,182,027	ANDERSON CHRISTOPHER R
277	24,201,007	KROM DAMON A
278	24,201,016	KNAPP ERIC A & SUZANNE O

279	24,202,012	WARREN SUSAN L
280	24,211,028	TRIGGS GEORGE T & ALICE J
281	24,211,029	FLETCHER GREGORY K & CYNTHIA
282	24,221,025	NAVA CAROL D ETAL
283	24,222,020	KNIGHT JOAN M
284	24,231,028	MCGILL JAMES B & JANICE D
285	24,231,038	MCDONALD ROBERT TRE ETAL
286	24,242,042	TEDDER GINA TRE
287	24,252,016	COLGAN JOHN & SUSAN
288	24,253,019	SMITH JAMES S & JOYCE C
289	24,261,003	MARGOLIS SHALOM E & ME
290	24,261,031	HOLLOWAY JAMES R
291	24,261,033	MARGOLIS SHALOM E & MARJORIE
292	24,261,034	ALBERT DAVID E III & PHYLLIS
293	24,273,026	HILLARY RONALD C TRE ETAL
294	24,281,003	DEEM NORMA ETAL
295	24,281,017	WINDISCH CHARLES C & LOUISE
296	24,281,022	AMES SALLY I TRE
297	24,281,024	MOORE RONALD N & SARAH J
298	24,282,010	SCHARINGSON JAMES M TRE ETAL
299	24,291,007	VERLANGIERI MICHAEL & VICTORIA
300	24,291,021	SMITH ROBERT A & MORINE A
301	24,291,032	FLEMING NORMAN & RUTH
302	24,291,036	PICKER WALTER J TRE ETAL
303	24,301,017	ESPINEL JAMES
304	24,301,018	EWING DAVID C TRE ETAL
305	24,301,029	FITZWATER HAROLD L TRE ETAL
306	24,301,031	FITZWATER HAROLD L TRE ETAL
307	24,311,007	WATSON THEODORA E
308	24,311,015	HARKINS LYNNE M
309	24,311,019	BOHEY RICHARD P & BRANDI E
310	24,312,032	ANDERSON JOHN W TRE ETAL
311	24,331,013	LEMMING RUNO J TRE ETAL
312	24,331,028	LEMMING RUNO J TRE ETAL
313	24,332,006	WILSON JAMES TRE ETAL
314	24,332,019	HARPAINTER THEODORE A
315	24,341,036	SCHIMBERG MICHAEL C TRE ETAL
316	24,342,016	MOORE BEATRICE C TRE
317	24,353,022	COMEN CRAIG
318	24,353,054	FITZGERALD ELIZABETH A
319	24,362,013	MOSS HERBERT H & NANCY A
320	24,362,018	CHRISTOPOULO PADELIS C
321	24,363,007	STERLING WALTER V JR ETAL
322	24,382,010	MCGURRIN MATT D & LISA P
323	24,383,016	HUGHELL JAMES E TRE ETAL

Non-wait-listed parcels adjoining wait-listed parcels, same ownership. Most of these can be assumed to be planned for private open space, and not for an additional home.

SLO County Assessor's List of Vacant Cambria Parcels
Sorted and Classified

Exhibit 2

1	22,071,021	WITMER GLEN A TRE ETAL
2	22,071,059	LENGSON MELODY
3	22,071,073	SLAYMAN VICTOR J & LUCILE
4	22,131,044	BARKER ANDY R & ANNA M
5	22,151,034	GA DRESCHER
6	22,312,036	HORVATH ROBERT W & M ALMA
7	23,017,004	BURRISS RONALD D & FRANCES A
8	23,017,026	DAREHSHORI MF & CHARLOTTE
9	23,018,023	CAMPBELL PAMELA A
10	23,043,012	GREEN NEAL C & DIANE
11	23,046,017	IRVIN ROBERT J JR TRE ETAL
12	23,048,027	SHAHAN RONALD & THERESA R
13	23,048,040	HORACEK BOBBY D & SHIRLEY E
14	23,068,003	LEWIS MARSHALL & LESLIE J
15	23,074,031	SIMONS RICHARD A & PATRICIA
16	23,086,003	CRIST DOUGLAS V & RONDA P
17	23,088,015	RUTH JOHN C
18	23,096,042	EVANS STEVEN D & DEBORAH C
19	23,096,043	EVANS STEVEN D & DEBORAH C
20	23,107,020	GORDON STEVEN & BONNIE
21	23,206,049	SPERBECK JOHN E SR & JUDITH
22	23,223,005	WHITE VIVIAN
23	23,233,001	WILLARD FOREST E & RAYE L
24	23,243,040	CUTTER FRED TRE ETAL
25	23,271,044	REBOLLAL AMADEO & MARGARITA
26	23,272,033	BOONE RICHARD & SUSANA P
27	23,311,028	SCHMIDT BARBARA A
28	23,341,024	ZURA ROBERT TRE ETAL
29	23,341,027	CAMPBELL PAMELA A
30	23,341,032	BONNET DON J
31	23,383,011	GALLAGHER ERIN C
32	23,432,019	LINDSEY, JE INC A CA CORP
33	23,451,021	SPITTLER IRENE TRE ETAL
34	23,471,008	SOUZA DAVID TRE ETAL
35	24,013,023	ZDROY FRANK & LESLIE
36	24,031,005	WILLARD FOREST E TRE
37	24,031,020	ABERCROMBIE DARREL L & JILL
38	24,033,028	GINGG LORETTA J TRE
39	24,042,045	KITAY MITCHELL A
40	24,042,047	KITAY MITCHELL A
41	24,053,011	OLSON JAMES S & ANN T
42	24,061,023	HUGHES ELTON T TRE ETAL
43	24,081,014	KUHN MURPHY & BARBARA
44	24,081,017	KUHN MURPHY P & BARBARA M
45	24,081,035	CARR BRIAN S ETAL
46	24,082,016	BOHLIN RD ETAL, RENA VUKADINOVICH
47	24,093,032	JANES DAVID A
48	24,122,012	HURLEY RUSSELL F
49	24,122,015	THIEBAUD HEIDI M

50	24,123,020	WILLIAMS MARTHA C
51	24,162,019	HOMSY GEORGE M & BARBARA L
52	24,182,013	MORTENSON ERIC W ETAL, DEBORAH LOKTEFF
53	24,182,048	GARTON DONALD R TRE ETAL
54	24,211,026	CRUISE STEPHEN S TRE ETAL
55	24,242,030	PROCHARZKA KENNETH R & CAROL
56	24,252,001	ANDERSON WILLIAM S ETAL
57	24,273,025	HERMANN HEATHER M ETAL
58	24,301,010	BISHOP STEVEN D ETUX
59	24,311,003	CAREY HELEN J
60	24,312,035	GRANATINO MICHAEL & MENA
61	24,321,005	POPPLEWELL MART B
62	24,321,006	POPPLEWELL MART B
63	24,322,015	BORGES JEFFREY & MICHELE
64	24,372,017	NOSSAMAN CHRISTOPHER A & JENNIFER

Non-listed parcels adjacent to non-listed parcels, same ownership. Most of these lots can be assumed to be planned for private open space.

1	13,321,009	LANDGREEN CHRISTINE L ETAL
2	22,031,020	STEDDON MARY B ETAL
3	22,084,046	SMALL PL TR ETAL
4	22,093,027	BILLINGSLEY DAVID B TRE ETAL
5	22,093,028	BILLINGSLEY DAVID B TRE ETAL
6	22,093,029	BILLINGSLEY DAVID B TRE ETAL
7	22,131,001	SCOTT GARRY L & ANNETTE M
8	22,131,002	SCOTT GARRY L & ANNETTE M
9	22,211,077	SALWASSER MARVIN R
10	22,271,043	REAGLE JIM M & MARY E
11	22,271,045	PARKS JOHN D TRE ETAL
12	22,312,012	MORRIS HA ETAL
13	23,045,006	MAST D
14	23,047,030	BROWNHILL ROBERT J
15	23,105,003	MAHELONA ARNOLD N TRE ETAL
16	23,201,042	THOMPSON GEORGE
17	23,201,043	THOMPSON GEORGE
18	23,211,013	PALMER DAVID A & SHELLEY E
19	23,215,008	MILLER KEVIN P & SHARYN S
20	23,215,010	MILLER KEVIN P & SHARYN S
21	23,215,034	HIBBARD CHARLES S & ESTELLA
22	23,215,054	WURSTER CLIFFORD P TRE ETAL
23	23,234,002	HANDGIS GEORGE & SHARON
24	23,251,046	PAYNE NORMA E TRE ETAL
25	23,271,010	HALE LEONARD G
26	23,271,011	HALE LEONARD G
27	23,293,045	DAY GEORGE E & MARY J
28	23,353,035	SILVAGGIO LM
29	23,361,009	LYONS NICHOLAS ETUX
30	23,391,051	DAY PATRICK T ETAL

31	23,411,006	MOORE EDWARD C TRE
32	23,424,005	OLTMAN ROBERT L TRE ETAL
33	23,424,006	OLTMAN ROBERT L TRE ETAL
34	23,424,007	OLTMAN ROBERT L TRE ETAL
35	23,492,022	KREPS KERRY, c/o K RIBEIRO
36	23,492,029	MACLEOD HE & GM
37	24,011,001	HAMADA HARRY S TRE ETAL
38	24,013,048	HOPKINSON ERNEST I
39	24,033,003	LOCHHEAD RAYMOND R & EMILIE
40	24,033,004	LOCHHEAD RAYMOND R & EMILIE
41	24,034,048	JONES MARGARET A TRE ETAL
42	24,062,001	PENROD GEORGE & THERESA
43	24,062,005	PETERS DARLENE L
44	24,092,012	POWNE THEODORE C TRE ETAL
45	24,101,024	DIKE PHILIP W
46	24,101,041	DIKE PHILIP W
47	24,101,042	DIKE PHILIP W
48	24,101,044	DIKE PHILIP W
49	24,162,013	JOINES LLOYD R TRE ETAL
50	24,181,017	APPLEGARTH AG ETAL
51	24,181,049	CARUSO LOUIS H & DOREEN
52	24,252,023	LEE ALBERT J JR TRE ETAL
53	24,311,011	CARSEY KEVIN S & REBECCA G
54	24,331,011	GALVIN TM & MA
55	24,331,025	WALKER JAMES A TRE ETAL
56	24,372,005	SHOEMAKER GLORIA M

Parcels delinquent on taxes more than 18 months. The County should start an initiative to resell these lots without development rights when they go to redemption.

1	13,292,018	SCHLITZ GORDON M & DAWNA M
2	22,044,042	PAWLEY LONNIE & PAT
3	22,093,018	RAMIREZ ESTHER
4	22,202,001	MARCOTTE SUSAN
5	22,226,016	BLISS BETTY A TRE ETAL
6	22,271,015	ERB ROD
7	22,312,006	BOISEN MELVA L
8	23,076,013	RAMIREZ EVELYN H HEIRS OF
9	23,205,058	COOKS ADRIAN
10	23,214,002	WILLARD FOREST E & RAYE L
11	23,214,022	CTS A CA CORP, WHITERIVER INTERNATIONAL
12	23,233,022	MCNEILL DONELDA F, NORTH COUNTY LIGHTING
13	23,233,062	CHATOIAN EDWARD B SOLE PROP
14	23,331,018	WOODS RONALD C & KATHY L, WILLIAM LYNCH
15	23,382,005	TONEY EDMOND & GLORIA A
16	23,492,001	LINDSEY JOSEPH E JR & MARY H
17	23,492,002	LINDSEY JOSEPH S JR & MARY H
18	23,492,007	LINDSEY JOSEPH E JR & MARY H
19	23,492,014	LINDSEY, JE INC A CA CORP
20	23,492,015	LINDSEY, JE INC A CA CORP

21	23,492,018	LINDSEY, JE INC A CAL CORP
22	23,492,026	LINDSEY JOSEPH E JR & MARY H
23	24,062,021	OCONNELL VICTORIA
24	24,092,002	RAMIREZ DEBRA S, DEBRA SIMON
25	24,103,002	BOVESVANG JOHN ETAL, DONALD BRAUER
26	24,103,009	BOVESVANG JOHN ETAL, DONALD BRAUER
27	24,112,029	WICKSTROM JON & TAMARA L
28	24,162,027	ALLEN CECILIA M
29	24,162,032	TAK MIYAGISHIMA
30	24,182,042	WEST SS
31	24,242,022	DIOMEDE JOSEPH N
32	24,252,003	PEARSON PRISCILLA M
33	24,273,019	DALTON DESIDERIA D
34	24,312,026	SWIFT DONALD P & LANA J
35	24,322,004	HOFF BEN III & JANA R ETAL
36	24,354,006	MORGAN THOMAS & MARY J
37	24,361,003	ANDERSON AUDREY J ETAL

Outside Urban Services Line or not zoned residential single family

1	13,021,005	DERBY RAYMOND C TRE ETAL
2	13,021,007	DERBY RAYMOND C & PAMELA J
3	13,031,025	GERBER ELMER C TRE ETAL
4	13,031,026	GERBER ELMER C TRE
5	13,031,042	MUSHINES LYNNE TRE ETAL
6	13,041,003	RUSSELL JOHN K
7	13,041,006	SAN SIMEON ACRES CSD
8	13,051,019	LA COUNT LYNN
9	13,061,009	WARREN MARIA A TRE ETAL
10	13,071,025	DRAKE CLARINDA TR
11	13,081,010	COVELL RALPH M
12	13,081,019	VOLLMER AR ETAL
13	13,081,021	COVELL RALPH M
14	13,081,051	TOWNSEND JAMES W TRE ETAL
15	13,081,054	PRIAN JOHN L TRE ETAL
16	13,081,055	ADELSON MICHAEL G & LYNDA O
17	13,081,056	KENNEDY THOMAS P ETUX
18	13,081,058	WILLIAMS JOYCE TRE ETAL
19	13,081,059	WILLIAMS JOYCE TRE ETAL
20	13,151,003	CHEN WEI-TZUOH TRE ETAL
21	13,151,020	LAWRENCE CLEONE F
22	13,151,041	CLARKE JULIUS F TRE ETAL
23	13,151,022	BROOKS WT ETAL TRE
24	13,151,024	VICTOR WINTON R & JOAN A
25	13,151,025	FITZHUGH WALTER H & JUDITH

Institutional owner. No reason to assume plans for building a dwelling.

SLO County Assessor's List of Vacant Cambria Parcels
Sorted and Classified

Exhibit 2

1	24,011,008	BIOLA UNIVERSITY INC
2	24,011,056	BIOLA UNIVERSITY INC
3	24,011,057	BIOLA UNIVERSITY INC
4	23,251,045	COMMUNITY PRESBYTERIAN CHURCH
5	23,426,001	COMMUNITY PRESBYTERIAN CHURCH
6	23,426,002	COMMUNITY PRESBYTERIAN CHURCH
7	23,133,011	ROMAN CATHOLIC BISHOP OF MONTEREY

Held by Land Conservancy

1	13,121,014	AMERICAN LAND CONSERVANCY
2	13,121,024	AMERICAN LAND CONSERVANCY
3	13,141,020	GREENSPACE THE CAMBRIA LAND TRUST
4	13,141,021	GREENSPACE THE CAMBRIA LAND TRUST
5	22,211,061	GREENSPACE THE CAMBRIA LAND TRUST
6	22,211,069	GREENSPACE THE CAMBRIA LAND TRUST
7	22,211,078	GREENSPACE THE CAMBRIA LAND TRUST
8	22,333,010	AMERICAN LAND CONSERVANCY
9	23,201,039	LAND CONSERVANCY OF SLO
10	23,201,047	LAND CONSERVANCY OF SLO
11	23,202,016	LAND CONSERVANCY OF SLO
12	23,202,017	LAND CONSERVANCY OF SLO
13	23,202,044	LAND CONSERVANCY OF SLO
14	23,208,024	LAND CONSERVANCY OF SLO
15	23,208,025	LAND CONSERVANCY OF SLO
16	23,208,027	LAND CONSERVANCY OF SLO
17	23,208,034	LAND CONSERVANCY OF SLO
18	23,208,035	LAND CONSERVANCY OF SLO
19	23,208,036	LAND CONSERVANCY OF SLO
20	23,208,039	LAND CONSERVANCY OF SLO
21	23,208,040	LAND CONSERVANCY OF SLO
22	23,214,039	GREENSPACE THE CAMBRIA LAND TRUST
23	23,215,007	LOS OSOS/MB CHAPTR SMALL WILDERNESS (SWAP)
24	23,215,018	GREENSPACE THE CAMBRIA LAND TRUST
25	23,221,028	LAND CONSERVANCY OF SLO
26	23,221,029	LAND CONSERVANCY OF SLO
27	23,221,034	TO CAROLINE L ETAL, c/o EAST WEST RANCH
28	23,221,035	TO CAROLINE L ETAL, c/o EAST WEST RANCH
29	23,221,036	TO CAROLINE L ETAL, c/o EAST WEST RANCH
30	23,221,057	TO CAROLINE L ETAL, c/o EAST WEST RANCH
31	23,221,059	LAND CONSERVANCY OF SLO
32	23,222,034	LAND CONSERVANCY OF SLO
33	23,222,052	LAND CONSERVANCY OF SLO
34	23,233,017	LAND CONSERVANCY OF SLO
35	23,233,020	LAND CONSERVANCY OF SLO
36	23,233,023	LAND CONSERVANCY OF SLO
37	23,233,026	LAND CONSERVANCY OF SLO
38	23,233,027	LAND CONSERVANCY OF SLO
39	23,233,028	LAND CONSERVANCY OF SLO

40	23,233,063	LAND CONSERVANCY OF SLO
41	23,234,001	LAND CONSERVANCY OF SLO
42	23,234,008	LAND CONSERVANCY OF SLO
43	23,234,056	LAND CONSERVANCY OF SLO
44	23,234,057	LAND CONSERVANCY OF SLO
45	23,234,068	LAND CONSERVANCY OF SLO
46	23,235,034	GREENSPACE THE CAMBRIA LAND TRUST
47	23,241,034	LAND CONSERVANCY OF SLO
48	23,241,035	LAND CONSERVANCY OF SLO
49	23,241,039	LAND CONSERVANCY OF SLO
50	23,241,044	LAND CONSERVANCY OF SLO
51	23,241,045	LAND CONSERVANCY OF SLO
52	23,241,046	LAND CONSERVANCY OF SLO
53	23,242,061	LAND CONSERVANCY OF SLO
54	23,242,074	LAND CONSERVANCY OF SLO
55	23,242,079	LAND CONSERVANCY OF SLO
56	23,242,087	LAND CONSERVANCY OF SLO
57	23,243,004	LAND CONSERVANCY OF SLO
58	23,271,014	LAND CONSERVANCY OF SLO
59	23,271,022	LAND CONSERVANCY OF SLO
60	23,282,016	LAND CONSERVANCY OF SLO
61	23,282,017	LAND CONSERVANCY OF SLO
62	23,282,018	LAND CONSERVANCY OF SLO
63	23,282,034	LAND CONSERVANCY OF SLO
64	23,282,051	LAND CONSERVANCY OF SLO
65	23,282,055	LAND CONSERVANCY OF SLO
66	23,282,069	LAND CONSERVANCY OF SLO
67	23,332,023	LAND CONSERVANCY OF SLO
68	23,333,037	GREENSPACE THE CAMBRIA LAND TRUST
69	23,341,001	LAND CONSERVANCY OF SLO
70	23,341,007	LAND CONSERVANCY OF SLO
71	23,341,008	LAND CONSERVANCY OF SLO
72	23,341,009	LAND CONSERVANCY OF SLO
73	23,341,021	LAND CONSERVANCY OF SLO
74	23,341,064	LAND CONSERVANCY OF SLO
75	23,341,069	LAND CONSERVANCY OF SLO
76	23,341,084	LAND CONSERVANCY OF SLO
77	23,353,002	LAND CONSERVANCY OF SLO
78	23,353,006	LAND CONSERVANCY OF SLO
79	23,353,012	LAND CONSERVANCY OF SLO
80	23,353,015	LAND CONSERVANCY OF SLO
81	23,353,016	LAND CONSERVANCY OF SLO
82	23,353,017	LAND CONSERVANCY OF SLO
83	23,353,024	LAND CONSERVANCY OF SLO
84	23,353,027	LAND CONSERVANCY OF SLO
85	23,353,040	LAND CONSERVANCY OF SLO
86	23,353,050	LAND CONSERVANCY OF SLO
87	23,353,057	LAND CONSERVANCY OF SLO
88	23,353,058	LAND CONSERVANCY OF SLO

89	23,373,009	GREENSPACE THE CAMBRIA LAND TRUST
90	24,031,023	GREENSPACE THE CAMBRIA LAND TRUST
91	24,034,035	CAMBRIA LAND CONSERVANCY
92	24,123,017	CAMBRIA LAND CONSERVANCY
93	24,123,018	CAMBRIA LAND CONSERVANCY
94	24,181,016	CAMBRIA LAND CONSERVANCY
95	24,181,019	LAND CONSERVANCY OF SLO
96	24,181,036	LAND CONSERVANCY OF SLO
97	24,181,048	LAND CONSERVANCY OF SLO
98	24,272,013	CAMBRIA LAND CONSERVANCY
99	24,273,006	LAND CONSERVANCY OF SLO
100	24,301,004	LAND CONSERVANCY OF SLO
101	24,353,029	CAMBRIA LAND CONSERVANCY
102	24,371,024	GREENSPACE THE CAMBRIA LAND TRUST

Multi family

1	13,151,023	VICTOR WINTON R & JOAN A
2	13,151,045	WILLIAMS JOYCE TRE ETAL
3	13,371,021	NOELL JOAN TRE
4	13,371,026	CLEMENTS HAROLD D TRE ETAL
5	23,211,053	CAMBRIA RANCH INC
6	23,381,045	BORGES JEFFREY & MICHELE
7	23,424,003	WARREN H LINDA TRE
8	23,471,018	STEFAN EVELYN R TRE

Retired per CCSD

1	22,026,038	LOWELL THOMAS A TRE ETAL
2	22,071,055	WALSH MICHAEL J
3	22,071,057	MORRIS S DAVID ETAL
4	22,084,034	JONES ROBERT B TRE ETAL
5	22,084,041	WOLFF PETER H TRE ETAL
6	22,091,048	FEDOROFF SUZANNE & IGOR V
7	22,131,009	OMALLEY MICHAEL J & STACEY A
8	22,131,016	OMALLEY MICHAEL J & STACEY A
9	22,131,049	HERNANDEZ ADRIAN & TRACY
10	22,131,058	OMALLEY MICHAEL J & STACEY A
11	22,201,038	LEE GARY E & CYNTHIA L
12	22,202,002	MOLINARI JOHN V & BONNIE B
13	22,202,022	WILLIAMS MICHAEL A & JOAN A
14	22,211,074	KOMAN JOEL S & LINDA ES
15	22,233,039	ABKIN IRVING A TRE ETAL
16	22,271,041	ATTERBURY JULIE M
17	22,271,042	KOMAN JOEL S & LINDA ES
18	22,342,028	FUNKE-BILU ILAN TRE ETAL
19	22,343,006	KEENEY CHRISTINE E ETAL
20	22,343,011	COSCETTI RHODA M TRE
21	23,021,025	KENT JOHN C & JUDITH W
22	23,033,007	HOCHSTEIN PAUL TRE ETAL

23	23,036,030	BROWN DAVID M & KRISTINE M
24	23,042,006	ISAAK LEWIS W TRE ETAL
25	23,045,028	VIOLET F VANDERLINDEN
26	23,047,033	COUTURE PAUL & CHARLOTTE
27	23,048,031	DESANTIS PATRICK TRE
28	23,051,021	GAY WARREN TRE ETAL
29	23,064,020	BORGES JEFFREY & MICHELE
30	23,066,022	GEARHART KELLY V
31	23,071,011	HOAK WILLIAM D TRE ETAL
32	23,072,022	TUCKER RICHARD ETUX
33	23,074,008	ADAMS RONALD D & JUDY L
34	23,074,032	RMP INC A CA CORP
35	23,076,006	MUNN IAN G & JOAN E
36	23,083,017	GROEFSEMA N KENNETH TRE ETAL
37	23,089,028	BATHKE JESS W & PATRICIA E
38	23,116,019	NRLL INC A CA CORP
39	23,116,027	BENZLER THOMAS F ETAL
40	23,151,029	KOMMER JOEN B
41	23,161,034	BURTON CHRISTOPHER L & ELIZABETH
42	23,163,004	SEIDEL MARK TRE ETAL
43	23,163,031	BARKER GLEN P ETUX
44	23,182,027	HARLEY JAMES
45	23,192,023	HUBAL BRUCE R TRE ETAL
46	23,192,026	ADELSON MICHAEL G TRE ETAL
47	23,202,062	FOSTER WILLIS H & CHARLENE F
48	23,203,024	YOUNGER ROLLIE R & LAUREN Z
49	23,204,039	CELONA STEPHEN A & LINDA L
50	23,204,058	HARTMANN PAMELA
51	23,204,062	SPEEGLE DORIS J HEIRS OF ETAL
52	23,213,012	MEYERS JOHN J ETUX
53	23,213,023	BANNISTER DAVID F & CLAUDIA
54	23,213,027	MOE DAVID E
55	23,214,009	HUMPHREY TINA M
56	23,214,028	SHEPARD JAMES H ETUX
57	23,214,033	HATTON LYN L
58	23,214,040	MASON MARC & NANCY, MTM DEVELOPMENT
59	23,233,055	WILLIS CHARLES M & MARIAN L
60	23,243,003	WILLHOITE FRED C & JOAN M
61	23,243,008	KRANTHER HOWARD P
62	23,271,021	RED ARTHUR L JR TRE ETAL
63	23,281,017	SCHUYLER CHERYL A TRE ETAL
64	23,292,024	WILSON GREGORY L & CATHERINE
65	23,293,008	MENDOZA TITO H & ILLANOR I
66	23,293,026	HARGER RONALD Q & BEVERLY A
67	23,321,002	SAWYER GINA R
68	23,321,014	CARLSON AUDREY R TRE ETAL
69	23,321,019	MILLER WILLIAM C TRE ETAL
70	23,321,020	PRICCO JS
71	23,331,051	MCINTYRE DEAN R TRE ETAL

72	23,331,053	MCINTYRE DEAN R TRE ETAL
73	23,332,028	RATHBONE MARY J ETAL
74	23,333,038	FOX FREDERICK N
75	23,352,007	VITALI MILDRED R
76	23,352,011	MARTIN JAMES W & SANDRA J
77	23,353,007	LA MOTTE RUTH J TRE
78	23,363,027	HOLMES BRADFORD H
79	23,364,022	SKARE J & JA
80	23,371,020	OSULLIVAN MICHAEL J & CAROLYN
81	23,372,006	DURBANO DONALD S & DESIREE
82	23,372,009	PEARSON ARTHUR R TRE ETAL
83	23,372,010	LARSEN V ROBERT TRE ETAL
84	23,373,041	SANDERS RONALD G & SANDRA L
85	23,382,020	DEBOARD JOSEPH & JO CAROL
86	23,382,049	REDMOND HARRY A & SANDRA LD
87	23,383,013	5340 LOS ROBLES A CA PTP
88	23,391,002	ROBINSON WILLIAM G
89	23,391,029	ROBINSON WILLIAM G
90	23,392,001	IRVIN ROBERT J JR TRE ETAL
91	23,392,009	REPUBLIC PROPERTIES INC
92	23,411,025	TANG HOONG-YEE & ANNI Y
93	23,422,032	HARRIS JAMES R TRE ETAL
94	23,423,003	TOMASSIAN JOSEPH G TRE ETAL
95	23,423,006	PAVELKO BRIAN N ETAL
96	23,423,030	SCWENNICKE WILLIAM O & CHRISTINA
97	23,453,007	STEBBINS MICHAEL W & MARGARET
98	24,011,021	CURTIS CHARLES W & MARY L
99	24,021,043	FEDELE JAMES J & MELINA
100	24,022,025	GORDON KENNETH W TRE ETAL
101	24,031,012	COLLINS CAROLYN K
102	24,034,040	DAWSON CLINTON A & MARY R
103	24,034,043	CITEK PHILIP J TRE ETAL
104	24,042,032	OAKES PAULA I
105	24,043,014	ASHLOCK THOMAS TRE ETAL
106	24,043,017	MITCHELL SANDRA L TRE ETAL
107	24,043,024	JAWORSKI MARY L TRE
108	24,053,002	OLSON JAMES S & ANN T
109	24,061,027	MCDONEL VERALEE E TRE
110	24,061,028	MCDONEL VERALEE E TRE
111	24,063,053	MAIN ROY G TRE ETAL
112	24,091,004	MORRIS CHARLES G & ALICE H
113	24,093,007	WOLF CAROL L TRE
114	24,101,035	MORRIS GEORGE P & CHRISTINE
115	24,111,002	HALL-ATIYEH STARR
116	24,112,015	VIVEROS BONIFACIO & GUADALUPE
117	24,112,030	MOTLAGH ABBAS & OFELIA
118	24,132,002	STRASEN C WILLIAM TRE ETAL
119	24,132,005	KWASNY JEFFREY J & SUSAN E
120	24,141,032	STEEB GEORGE W TRE ETAL

121	24,143,020	SMITH RODERICK C & KATHY D
122	24,151,009	PORTILLO LEANDRO J & LINDA
123	24,151,011	SUMROW GARY
124	24,151,021	PORTILLO LEANDRO J & LINDA
125	24,162,011	GRAHAM DORETTA F TRE
126	24,162,030	SEABERG CHRISTOPHER A TRE
127	24,171,017	KIEDAISCH JOHN F & PATRICE R
128	24,171,021	RAUEN DAVID P & ANN E
129	24,172,023	SATOU ALAN & HELENA
130	24,181,010	RMP INC A CA CORP
131	24,181,031	BORGES JEFFREY & MICHELE
132	24,202,020	KIMES DAVID & NANCY L
133	24,202,023	PELLE STEVEN J
134	24,202,024	PELLE STEVEN J
135	24,212,006	GEHLE WILLIAM R & GRACE L
136	24,221,013	GONZALES VIRIGINIA TRE ETAL
137	24,221,015	ROGERS GEORGE W TRE ETAL
138	24,231,042	GOLDER IRVING D TRE ETAL
139	24,241,025	SIINO JAMES A & PATRICIA H
140	24,242,010	MORALES LANCE & TIGG
141	24,242,037	TIERNEY TOM ETAL
142	24,243,011	SHERMAN ROGER & SALLY A
143	24,243,012	SHERMAN ROGER & SALLY A
144	24,243,021	HERZOG ROBERT & LINDA
145	24,243,022	HERZOG ROBERT & LINDA
146	24,252,006	SMITH HOWARD C TRE
147	24,252,031	BURKE BRADLEY J & CYNTHIA A
148	24,262,018	PEARSON DAVID C & KAREN A
149	24,262,023	LEES HERMINE A TRE ETAL
150	24,262,028	CLARK MICHAEL B
151	24,262,030	PEARSON DAVID C & KAREN A
152	24,271,015	WEBER ROBERT & ALETTA
153	24,272,003	CHAPMAN ABBIE
154	24,272,017	WATT JAMS B & MARY E
155	24,281,005	FISCHER DAVID W & A FAYE
156	24,282,042	SORENSEN RICHARD L & ANN M
157	24,291,025	OREGAN JOHN CK & DIANA D
158	24,291,035	PICKER WALTER J TRE ETAL
159	24,321,012	CANTU MARTIN B
160	24,321,017	KLEINHAMMER LESLIE K & MERLE
161	24,322,014	MCCARTHY DANIEL T & BOZENA
162	24,322,019	BORGES JEFFREY & MICHELE
163	24,342,009	HALOPOFF LUBA
164	24,353,025	MILLER MICHAEL A ETAL
165	24,354,011	HOMSY ROBERT V
166	24,361,015	ROZNOVSKY VICTOR J & BERNIE
167	24,362,012	RATHBUN GALEN B TRE ETAL
168	24,362,019	CHRISTOPOULO PADELIS C
169	24,381,016	BUDGE DUANE & SHARON

170	24,383,014	DANELL HILAH C

Unknown Status

1	13,101,058	SHAMEL BARBARA K
2	13,101,060	LENZ RICHARD & ADIAN
3	13,101,061	SHAMEL BARBARA K
4	13,121,023	TANG HOONG-YEE ETAL
5	13,181,016	MARTIN & HOBBS LLC
6	13,181,020	TOWNSEND JAMES W TRE ETAL
7	13,181,021	DIAMOND K RANCH A LLC
8	13,201,030	DIAMOND K RANCH A LLC
9	13,292,009	CAROL K STEELE
10	13,294,005	NELSON HENRY E TR ETAL
11	13,323,009	LEE DORIS H TRE
12	13,331,012	NELSON BONNIE
13	13,351,005	EWING JUDITH L ETAL
14	13,351,010	SONDAY MG & R
15	13,351,014	MADNICK RENEE TRE
16	13,351,052	GALAID RC
17	13,381,025	KHOSRO KHALOGHLI
18	22,014,002	PORTER JEAN G TRE
19	22,014,009	STOECKEL WAYNE & KAREN
20	22,014,041	CLARKE SOPHIA B TRE
21	22,014,044	BERRY CARL J TRE ETAL
22	22,023,025	ZANETTI ROGER G ETAL
23	22,031,021	STEDDOM MARY B
24	22,032,032	ATENCIO ADOLPH & SUSAN B
25	22,032,040	HARRIS DAVID L TRE ETAL
26	22,033,040	WEST RICHARD & BARBARA
27	22,034,013	KURTICH JOHN W
28	22,034,025	GUENZEL VA
29	22,035,004	MATTHEWS COURTNEY & PATRICIA
30	22,041,015	MAURER JOHN & LOUISE
31	22,042,027	HALL LEONARD D TRE ETAL
32	22,043,005	HAMBLET BRIAN I ETUX
33	22,045,002	BROWN GEOFFREY E & LYNDA L
34	22,046,001	RECTOR GARY
35	22,052,028	EMILY CLARK FAMILY PTP A LTD
36	22,052,043	HALL LEONARD D TRE ETAL
37	22,053,009	ZANETTI ROGER G ETAL
38	22,053,041	HANSEN GORDON D
39	22,071,002	SLAYMAN VICTOR J & LUCILE
40	22,071,027	JOHN A CAMBIANCA
41	22,083,025	DOYLE RICHARD E & CARMEN L
42	22,083,030	DEMPSTER ANTHONY J TRE ETAL
43	22,083,045	ZIRRETTA MARY A
44	22,084,047	SMALL PL TR ETAL
45	22,084,051	EWING JUDITH L ETAL
46	22,084,056	JONES ROBERT TRE ETAL

47	22,091,015	BOWLEN BUFORD TRE ETAL
48	22,091,019	CRILL M & E
49	22,091,036	ELLITHORPE LARRY R TRE ETAL
50	22,093,006	BEITNES PHILIP M & ANNE O
51	22,093,012	WALKER STEPHEN R & RAE ETAL
52	22,093,013	CULP JACK JR & NANCY A
53	22,093,014	KIOUS CAROL
54	22,093,016	PACHECO LYNN ETAL
55	22,093,019	ECK A
56	22,093,030	BILLINGSLEY DAVID B TRE ETAL
57	22,093,035	MACPHERSON CALVIN A TRE ETAL
58	22,093,038	BIGARANI EDWARD W TRE
59	22,131,018	KKB ENTERPRISES A PTP %BEALS
60	22,131,022	NELSON DON D ETUX
61	22,131,047	PALMER SAMUEL C III TRE
62	22,131,051	MACLEAN MARTIN K & HELEN L
63	22,131,055	HALLIDAY DOUGLAS S ETAL
64	22,141,002	MADIGAN MARIS ETAL
65	22,141,007	KOEHLER VICTOR H & SARAH A
66	22,141,012	ZACHER JOSEPH M JR
67	22,151,013	THOMAS LEONORA P TRE
68	22,151,015	PERRY TRINKLE
69	22,151,030	MR & MRS EDWARD M BAUER ETA
70	22,151,050	GUZMAN P JR & P
71	22,151,065	MONTEVERDE RONALD & PATRICIA
72	22,151,068	PAPAGNI TERI L TRE ETAL
73	22,151,074	THOMAS LEONORA P TRE
74	22,161,007	HERNANDEZ ADRIAN & TRACY M
75	22,171,027	KUGLER KAREN L
76	22,172,008	KINGSLEY D & K
77	22,181,008	GREENWOOD ER
78	22,181,031	HERRELL JAMES G & LAURA C
79	22,181,038	RAYMOND ELINOR TRE ETAL
80	22,191,031	LARSON CH
81	22,191,033	HOLSOPPLE ENID T
82	22,193,035	MODICA APRIL TRE ETAL
83	22,201,022	POPKEN COLLEEN Y TRE
84	22,201,037	COLLINS CAROLYN K
85	22,202,004	CUMMINGS G PATRICIA ETAL
86	22,202,005	SMITH ROSA H TRE
87	22,202,025	JONES W MONTGOMERY
88	22,211,049	POLIN BURT W TRE ETAL
89	22,211,056	PINTO THOMAS M JR TRE ETAL
90	22,211,059	POLIN BURT W TRE ETAL
91	22,211,066	RIETA JULIO Z JR TRE ETAL
92	22,211,067	WENGELER ROBERT E & DAYNA L
93	22,211,068	PHILLIPS JERRY TRE ETAL
94	22,211,086	HUGHES EDWIN A JR & LINDA L
95	22,225,001	STURDY MARY M

96	22,226,003	DUPERRON D&H
97	22,226,009	CRIVELLO ROBERT V & MR
98	22,227,001	OHMERT JW & LF
99	22,227,005	GRAYDON JAY J
100	22,227,016	OHAUGE ROSALIA
101	22,227,022	LOCKHART LEE M ETAL
102	22,231,008	GRIER DW
103	22,231,019	BOLGER RICHARD G TRE ETAL
104	22,231,022	KOTARY JJ & BA
105	22,232,039	KAPLAN AARON P TRE ETAL
106	22,232,045	SIEGELE RAYMOND H & THEODORA
107	22,233,031	GIBSON JOHN C TRE ETAL
108	22,242,017	GRISE E
109	22,242,031	FORTENBERRY ELSIE H ETAL
110	22,243,005	HOPKINS PATRICIA M
111	22,243,022	APPLEGARTH ARNOLD G TRE
112	22,251,013	MACLEOD HE & GM
113	22,261,002	MOLNAR MICHAEL J
114	22,261,017	HILBE THOMAS
115	22,261,028	MACLEOD HE & GM
116	22,261,068	HALES RICHARD W & VICTORIA A
117	22,271,008	DOI MILDRED P TRE
118	22,271,011	GOLDFLAM S & M ETAL
119	22,271,023	JCH FAMILY LIMITED PARTNERSHIP
120	22,271,024	GILES DAVID L & MARGARET
121	22,271,031	SWIFT DEVELOPMENT INC
122	22,271,044	REAGLE JIM M & MARY E
123	22,271,046	PARKS JOHN D TRE ETAL
124	22,271,049	RESCH FLORA B TRE
125	22,291,032	BASTIERI GARY R TRE ETAL
126	22,292,024	HARRIS KENNETH L & JUANITA L
127	22,302,005	NULL LARRY TRE ETAL
128	22,312,013	MORRIS HENRY A TRE ETAL
129	22,321,016	BISCHOFF CONCETTA C
130	22,322,020	ESTABROOK KENT S TRE ETAL
131	22,331,022	STEELE JM
132	22,341,031	PANTOJA HARRY V & MARY T
133	22,342,008	CHENEY ELLIS S ETAL
134	22,342,022	FINCH J MICHAEL TRE ETAL
135	22,343,002	ROBINSON GA
136	22,343,013	FREY WINTON H JR TRE ETAL
137	22,343,026	MOFFETT JB JR
138	22,343,030	WOOD WR & BJ
139	22,343,037	RICE SHIRLEY A
140	22,351,008	ROSENWALD ANTHONY R TRE ETAL
141	23,014,011	MARSHALL DAVID N & AMY
142	23,015,018	KLEIN DOROTHY C ETAL
143	23,015,020	THREADGOLD ERIC RJ
144	23,016,026	DUNDAS NEAL C TRE

145	23,016,045	ALLEN JOHN R TRE
146	23,017,014	NAGANO WARREN & ELAINE
147	23,019,011	MURPHY JAMES W
148	23,022,015	BRYANT OPAL TRE ETAL
149	23,025,020	JENKINS MARGAREE TRE
150	23,031,003	GEARHART KELLY V
151	23,034,012	REED WILLIAM L & CAROLE E
152	23,035,008	DUCKETT CM JR & MS
153	23,035,013	SCHANGE AUGUST R TRE ETAL
154	23,036,010	ZIEL ROBERT A & BARBARA B
155	23,036,020	ROGERS BARBARA & MARTIN
156	23,036,021	REYES VIRGILIO A & DULCE S
157	23,036,023	LOWRY MICHAEL J & CA
158	23,041,027	HERZOG DOLORES E TRE
159	23,045,001	CASTLE HOLLY
160	23,045,007	MAST CG ETAL
161	23,045,014	MOORE RONALD L
162	23,045,034	BARBARA K FALCONER
163	23,045,035	KNIPE JOHN F TRE ETAL
164	23,047,001	BRYANT HARVEY L TRE ETAL
165	23,047,007	GREENSPAN EDWARD E TRE ETAL
166	23,047,009	YORK FAY L
167	23,047,021	BRYANT HARVEY L & JOANNE C
168	23,047,026	MADIGAN MARIS ETAL
169	23,047,031	BROWNHILL ROBERT J
170	23,048,008	PETRELLA GC & LD TRUST
171	23,049,008	BURGESS JAMES D & SARA E
172	23,049,015	MENGHINI MERLE A
173	23,049,036	BROWN BH
174	23,051,013	DUNHAM CHARLES H TRE ETAL
175	23,052,002	INGRAHAM RODNEY H TRE ETAL
176	23,052,017	BIERER WILLIAM TRE ETAL
177	23,062,004	HAGGLADE BERLE
178	23,062,015	DOUGLAS DOROTHY L
179	23,063,022	GRAVEN CAROLYN L
180	23,064,014	COLLINS CAROLYN K
181	23,064,016	TESCHER THOMAS W
182	23,064,018	STANSBERRY TONY L & MARY C
183	23,066,010	SALERNI JA
184	23,071,014	EDDY EDNA M TRE
185	23,071,016	SIGMUND MARY C
186	23,071,017	TWISSELMAN ERIC C ETAL
187	23,072,007	MACLEON PEGGY A
188	23,072,020	BAKAN PAUL R & VIRGINIA L
189	23,073,003	WRIGHT DM
190	23,073,009	SUNADA R & SA
191	23,073,012	BAROSKO THERESA MJ ETAL
192	23,073,016	EMPARAN PHYLLIS R TRE
193	23,073,018	WRIGHT DM

194	23,073,023	FANUCCHI J ETAL
195	23,073,024	HARRIS RONALD C ETAL
196	23,073,025	FISHMAN STEVEN B ETUX
197	23,073,026	MORRIS CHARLES D TRE ETAL
198	23,073,027	CLARK DAVID C TRE ETAL
199	23,074,019	KWIATKOWSKI R & C
200	23,075,010	BRUCE LAVERNE H ETAL
201	23,075,018	MCCOY JOYCE M TRE ETAL
202	23,075,027	BEHM CW ETAL
203	23,076,008	MORAN TE
204	23,076,015	WILKINS ANITA F TRE ETAL
205	23,076,025	MORIKAWA KIYOSHI TRE ETAL
206	23,083,006	MASIN RICHARD C & SUSAN
207	23,086,013	LOFTUS GF
208	23,086,014	HINSON PAUL E & STEPHANIE L
209	23,086,018	HALLMARK JM & CS
210	23,086,026	SCHANGE AUGUST R TRE ETAL
211	23,086,027	SLICK EUGENE ETAL
212	23,087,044	CUMINGS KENNETH W TRE ETAL
213	23,088,017	SCHWARTZ ROBERT A
214	23,088,026	SMITH ROBERT C TRE ETAL
215	23,088,040	JORDAN NORMAN R & LORRIE S
216	23,089,003	MARES NICK J TRE ETAL
217	23,089,004	GRADY DC & EM
218	23,090,003	PICKERING HERSCHEL A
219	23,091,010	CATUTO BEVERLY J
220	23,091,015	LOZA LANA L
221	23,091,023	KAWAGUCHI IKE I & CHIZUKO E
222	23,091,039	SIMON SAM
223	23,092,002	BLACK WILLIAM M TRE ETAL
224	23,092,028	PETERSON JOHN L & WILMA C
225	23,093,013	NISWANDER GLENN V JR & SANDRA
226	23,093,015	REHDER HENRY H HEIRS OF ETUX
227	23,094,012	CADMAN NORMAN L TRE ETAL
228	23,094,023	BROWNHILL RICHARD R & PATRICIA
229	23,095,007	HAYWARD JAMES F TRE
230	23,095,011	TRIMBERGER LAWRENCE J HEIRS OF
231	23,095,015	KEITH WARREN H & CATHIE L
232	23,095,020	WEST WH & KG
233	23,095,024	HAYWARD JAMES F TRE ETAL
234	23,103,007	HARRISON RAYMOND A ETAL
235	23,104,003	WHITE DEWEY D TRE ETAL
236	23,104,016	HANSON SHALE & TERRY
237	23,105,001	GALLAMORE NANCY L
238	23,105,004	MAHELONA ARNOLD N TRE ETAL
239	23,106,006	RAYNER JOHN H TRE ETAL
240	23,106,007	UBER ED & MA
241	23,106,013	HARLAND ROBERT J TRE ETAL
242	23,107,007	WYSS STEPHEN E ETAL

243	23,107,018	TOTH A & C
244	23,111,030	SMITH SCOTTY J & ROBIN L
245	23,112,029	BEDELL DOUGLAS V TRE ETAL
246	23,113,001	SUTCLIFFE WILMA C ETAL
247	23,113,015	BOSTROM ROBERT M TRE ETAL
248	23,113,031	DAY G & M ETAL
249	23,114,008	STEVENSON GEORGE W TRE
250	23,115,010	PARKINSON JAMES W TRE ETAL
251	23,115,011	GRAVEN MARY L TRE
252	23,115,016	PENA DOLORES H TRE
253	23,115,019	REID ANNE E
254	23,115,024	ANDREASEN LEO C & DOROTHA E
255	23,115,027	DE CARLO L
256	23,116,003	CHARLTON ROBERT
257	23,116,010	HERNSTEDT JE ETAL
258	23,116,011	DEL RIO R & L
259	23,116,012	EMERLING JOAN K TRUST
260	23,116,015	BENZLER THOMAS F ETAL
261	23,116,020	LEKAVICH FL & L
262	23,116,022	HANLE LAWRENCE W JR HEIRS OF
263	23,116,025	NEILL GOLDIA A ETAL
264	23,116,030	THOMPSON LYNDA L ETAL
265	23,117,010	VICTORINO RL
266	23,118,020	GORDINIER BRIAN R & LEA F
267	23,118,022	STERLING DAVID L
268	23,119,003	JENKINS MARGAREE R TRE
269	23,119,005	CARROLL TJ
270	23,119,017	KIMURA MASAYUKI TRE ETAL
271	23,119,023	JENKINS MARGAREE R TRE
272	23,122,014	ALLESCO MANAGEMENT SERVICES INC
273	23,131,014	FINLINSON DAVID B HEIRS OF
274	23,132,008	TALALLA ROHINI S ETAL
275	23,132,014	BERINGER DONALD P TRE ETAL
276	23,133,002	THORNBURG LAMONTE F TRE ETAL
277	23,134,018	FUJITANI SHARON H
278	23,134,020	VAI BH
279	23,142,015	CARROLL PHILLIP J TRE ETAL
280	23,142,029	DALBY GLENDA
281	23,143,003	LLOYD J GAIL
282	23,143,020	SADLER TC & HM
283	23,143,025	GARCIA RAYMOND L & NANCY H
284	23,151,043	ETTER TROY & SYRIE
285	23,151,044	SLACK WILLIAM R
286	23,151,046	GREER C & MC
287	23,151,048	SUTHERLAND RONALD K TRE ETAL
288	23,161,004	GASPARRE JM & PM
289	23,161,006	BECKETT MARJORIE S ETAL
290	23,161,018	MONTEVERDE RONALD & PATRICIA
291	23,161,027	PROCTOR CT

292	23,162,021	LUCY CASADO
293	23,163,023	BRIGLIO ANTHONY JR TRE ETAL
294	23,171,015	CONROY JAMES B
295	23,172,010	WONG TYRUS Y TRE
296	23,172,053	BARRICKLOW MICHAEL G ETAL
297	23,181,023	CORRIGAN KEVIN T & CINDY S
298	23,182,004	THOMAS LEONORA P TRE
299	23,182,013	F & S PTP A GEN PTP
300	23,182,017	GOODRICH EDWARD A TRE ETAL
301	23,182,036	FLETCHER HAROLD A TRE ETAL
302	23,182,039	GOODRICH EDWARD A TRE ETAL
303	23,191,021	KOEPP DONALD W & KATHLEEN R
304	23,192,004	L PIEROTTI
305	23,192,010	ABRENICA EPITACIO TRE
306	23,192,020	BRANDENBURG GARY L ETAL
307	23,192,021	BOLDA PAUL M TRE ETAL
308	23,201,002	SILVAGGIO LORILEE M
309	23,201,053	MADONNA CONSTRUCTION CO
310	23,202,004	BLANKENSHIP STEVEN L & PATTY
311	23,202,009	REDFIELD ROGER A TRE ETAL
312	23,202,019	PARTIDA RICHARD C ETAL
313	23,202,031	TWISSELMAN ERIC C ETAL
314	23,202,038	KING HARVEY TRE
315	23,202,060	MOSER KEITH M
316	23,202,069	LYNCH DENIS-DAMIAN & YVONNE
317	23,203,001	PALMER EVELYN E TRE ETAL
318	23,203,003	CARPENTER RC & BS
319	23,203,004	GEEVER JOHN & MARGARET H
320	23,203,011	PASS MORRIS
321	23,203,021	COWAN ROBERT
322	23,203,027	MAKHANIAN EDWARD
323	23,204,012	NECHAK MARY J HEIRS
324	23,204,018	WEITKUM GE & SA
325	23,204,022	REGIER KATHRYN J
326	23,204,033	SPEEGLE DORIS HEIRS OF ETAL
327	23,204,081	CHAPMAN CORNELIA TRE
328	23,205,055	MITCHELL WILLIAM E TRE ETAL
329	23,205,057	ASHLOCK THEODORE
330	23,206,031	FONTES LOUIE TRE ETAL
331	23,206,037	GEGES NICHOLAS J TRE ETAL
332	23,206,041	LAVELLE ROBERT P TRE
333	23,207,003	LALUZ WILLIAM M
334	23,207,028	DAPELO DONALD D TRE ETAL
335	23,208,023	KNOWLTON ER
336	23,211,001	KIRCHNER VIVIAN A TRE ETAL
337	23,211,008	MCDANIEL DANIEL S
338	23,211,012	MATHER-WHITE BONNIE
339	23,211,014	PALMER DAVID A & SHELLEY E
340	23,211,054	MATHER-WHITE BONNIE

341	23,213,001	SMITH LAWRENCE S ETAL
342	23,213,003	TURK DEBORAH ETAL
343	23,213,004	KOERNER F
344	23,213,008	QUIGLEY RAYMOND L TR ETAL
345	23,213,015	NAHMIAS JACK TRE ETAL
346	23,213,021	HEATH CAROL A
347	23,213,028	GROFF ALICE E TRE
348	23,213,033	WALKER STEPHEN R & RAE ETAL
349	23,213,034	GOTT MICHAEL & JAMI K
350	23,213,040	ROONEY RH
351	23,214,017	MCCOLLUM CRAIG R & CHERYL L
352	23,214,023	CARPENTER RC & BS
353	23,214,029	EVENSON DONALD E & SANAYE
354	23,214,030	HAMMER KEN & CAROLYN
355	23,215,015	KIMES DAVID & NANCY L
356	23,215,022	TESCHER THOMAS W
357	23,215,024	JOHANSSON KERMIT L ETAL
358	23,215,055	WURSTER CLIFFORD P TRE ETAL
359	23,215,059	KIMES DAVID & NANCY L
360	23,221,030	GRIMES JEFFREY M ETAL
361	23,221,033	MACLEOD PEGGY A
362	23,221,037	FORGIE DJ & OI
363	23,221,041	MORRIS ERNEST R TRE ETAL
364	23,221,058	FRISH CONNIE
365	23,222,006	LAMBERT WILLIAM H TRE ETAL
366	23,222,008	HUDSON M, CP THORSELL
367	23,222,026	NOFZIGER BD & SJ
368	23,222,029	CLIFFORD DORA
369	23,222,051	NOFZIGER BD & SJ
370	23,222,054	JOHNSON ERIC A & NANCY K
371	23,223,013	CANTWELL JOY D TRE
372	23,223,024	TARVERS MARY A ETAL
373	23,223,025	TONER ERIC D & KATHRYN I
374	23,233,003	JOHNS OLIVER R TRE ETAL
375	23,233,018	VOLLMER HOWARD M ETAL
376	23,233,029	NRLL INC A CAL CORP, MIKE RICHARD
377	23,233,050	BREWER VERNA
378	23,233,054	CLIFFORD RUTHANNE
379	23,233,056	CHAVEZ FREDDIE R
380	23,233,058	DULL KENNETH H SR ETAL
381	23,233,064	POLIN BURT W TRE ETAL
382	23,233,068	GOLSTON RANDOLPH & BETTY
383	23,234,062	MADONNA CONSTRUCTION CO
384	23,235,002	GALANTE GILBERT TRE ETAL
385	23,235,025	CAINS CAMBRIA CABIN LLC, JH PERKINS
386	23,235,036	DITMORE DANA C TRE ETAL
387	23,241,037	WENGELER ROBERT E & DAYNA L
388	23,241,042	BILLINGSLEY DAVID B TRE ETAL
389	23,242,033	SIVAS EDWARD TRE ETAL

390	23,243,007	PINKLEY CHARLES R & NORMA J
391	23,243,014	ANDERSON GARY & PATRICIA
392	23,243,016	PRICE KENNETH R & SUZANNE J
393	23,243,030	MATTOS JA
394	23,243,038	JENKINS MARGAREE R TRE
395	23,243,039	STARK RAYMOND A & CAROLINE J
396	23,251,005	HEATH ROBERTA K TRE
397	23,251,021	TIVON MICHAEL C TRE
398	23,251,047	PAYNE NORMA E TRE ETAL
399	23,261,003	SHIFFRAR G
400	23,261,006	NELSON ROLAND W & SONJA A
401	23,261,011	KOURAKIS JOSEPH M TRE ETAL
402	23,261,015	SHIINE RICK M
403	23,261,028	WARREN MICHAEL S
404	23,261,031	GERHARD RA & NL
405	23,261,033	KRETZ DANIEL J & MARY T
406	23,261,039	NEWBY RONALD F
407	23,271,017	SHUBIN MJ & SA
408	23,271,027	DUVERNET DEAN H
409	23,271,028	MAURSETH MILFRED A TRE ETAL
410	23,271,035	CAMPBELL JAMES L TRE ETAL
411	23,271,039	CRAIGHEAD WILLIAM D & ME
412	23,271,046	JACQUEZ DOREEN B TRE ETAL
413	23,271,047	WILLEMS LEE C ETAL
414	23,271,049	HARSH LT & CAROLYN
415	23,271,050	MARTIN TWILA M
416	23,271,051	BIDGOLI RAHIM & ARMINOOKHI
417	23,271,052	TOUBIAN BEHZAD & ELHAM
418	23,272,012	COCKE HUGH D & PAULINA ETAL
419	23,272,015	HOOPES DOUGLAS M
420	23,272,021	HOUSE E WAYNE & BARBARA R ET AL
421	23,272,022	JOHNSON ERMA R HEIRS OF, c/o JAMES LARSON
422	23,272,029	SHERBON JON & KATHLEEN
423	23,272,035	MOONEYHAM DAVID E TRE ETAL
424	23,272,037	NIMMO THOMAS E & JORETTA
425	23,282,007	STEVENS MICHAELS A/ c/o HEWITT MA
426	23,282,009	LIMONICK DAVEENA TRE ETAL
427	23,282,011	DAGHER SAMI TRE ETAL
428	23,282,019	BOYLE ELAINE L TRE
429	23,282,033	LEE ALBERT J JR TRE ETAL
430	23,282,040	STANTON RHEA I TRE
431	23,292,003	STEVENS PRISCILLA C
432	23,292,032	REAGLE JIM M & MARY E
433	23,293,050	DAY GEORGE E & MARY J
434	23,293,055	MITCHELL SANDRA L TRE ETAL
435	23,301,001	AYER ROBERT S
436	23,301,012	BIBEE HUBERT F TRE ETAL
437	23,311,006	CARLSEN GERHARD & IRMA
438	23,311,009	BROWN GEOFFREY E& LYNDA L

439	23,312,007	BOSINOFF RONALD I TRE ETAL
440	23,312,012	FARGO NJ ETAL
441	23,312,014	FERRIS ELIZABETH M
442	23,312,018	MCCULLOUGH LT & BJ
443	23,312,024	BELLE JUNE TRE
444	23,312,026	PEKAR ML
445	23,313,002	HABITAT FOR HUMANITY FOR SLO
446	23,313,008	DANDURAND ERIC L ETAL
447	23,313,020	HOLT JOHN C & LEDONNA
448	23,321,001	MENTZER LLOYD W & EILEEN L
449	23,321,009	HOLBROOK GERALD W ETAL
450	23,321,013	MORGAN JIMMY R JR
451	23,322,024	SMITH NONA M TRE
452	23,322,025	MORRIS HENRY A TRE ETAL
453	23,322,035	CRISTANDO RONALD J & ALICE M
454	23,331,007	STONE RICHARD M & LINDA J
455	23,331,023	APPLEGATE WA & RE
456	23,331,030	PACE QUIDA W, c/o OR PACE
457	23,331,050	NEWMAN RITA S
458	23,331,052	WIGGINS BARBARA S
459	23,332,007	IVICEVICH MARGIE ETAL
460	23,332,013	BOYD EE & PF
461	23,332,017	WHITLOCK JAMES D TRE ETAL
462	23,332,020	RICE WALTER E & LAURETTA A
463	23,332,024	WAYNER DELWYN G TRE ETAL
464	23,333,029	ABRENICA EPITACIO TRE
465	23,333,034	FREY WINTON H JR TRE ETAL
466	23,333,035	ARATA TAKEO D TRE ETAL
467	23,333,036	GONZALES ELIAS D HEIRS OF
468	23,333,042	DAMOUR ADELE M, ADELE SANDERSON
469	23,341,065	FIALHO MARY E ETAL
470	23,341,074	MICELI RJ & AM
471	23,341,077	GRANT GORDON W & BETTY L
472	23,341,078	WEBB MICHAEL J & SUSAN E
473	23,352,018	HALVERSON JANICE K
474	23,353,013	DAVIS JULIE F ETAL, RHODES TRUST
475	23,353,025	LOVETT FM, MRS C HUNT
476	23,353,033	EDWARDS MARCIA K
477	23,353,034	DALEY MICHAEL G & JOANNE
478	23,361,010	LYONS NICHOLAS ETUX
479	23,361,020	BERRY DONALD C
480	23,361,054	POZAR TIM
481	23,362,008	MARCANTONIO K & D
482	23,362,036	PITTON JAMES & HELEN M
483	23,371,012	BORSODY ALEX G TRE ETAL
484	23,373,008	MAKOSKY DE TR
485	23,373,010	CALDWELL LES C & JOAN E
486	23,373,012	KOLLER NOEL S
487	23,373,021	CHRISTIANSEN JS ETAL

488	23,373,034	GILLIO ELSIE E TRUST, ELSIE GILLIO
489	23,382,018	DOLLMAN NORBERT J TRE ETAL
490	23,382,028	KEMPENAAR EVERT TR ETAL
491	23,382,031	PEREZ SENDEJAS LINDA M
492	23,382,032	HOSHI G ETAL, JW LUM
493	23,382,034	KEMPENAAR EVERT TR ETAL
494	23,382,037	LOMBARDI FAMILY TRUST ETAL
495	23,382,050	EPPERT THOMAS A HEIRS OF ETAL
496	23,383,028	NINOS EPAMINONDAS J
497	23,383,039	SANDLIN DL & BJ
498	23,383,041	RECKTENWALD M ROBERT & PATRICIA
499	23,391,001	HAVLISCH HAL B
500	23,391,011	MCINTYRE ROBBIE L TRE
501	23,391,027	HIRSHFELD JOHN H TRE ETAL
502	23,391,028	ROSCOE NELSON J JR ETAL
503	23,391,033	LEICHTY IRENE E TRE
504	23,391,048	DAVIS NORMAN L ETAL, LEE DAVIS
505	23,391,049	KIRSCHNER MICHAEL N
506	23,391,053	KNIGHT KENTON L & BARBARA J
507	23,391,058	LEICHTY IRENE E TRE ETAL
508	23,392,008	WICKETT WILLIAM H JR TRE
509	23,401,016	GRADY LAWRENCE W TRE ETAL
510	23,402,006	BRITTON PATRICIA A TRE
511	23,402,015	BELT K ETAL
512	23,402,018	BRITTON JOSEPH M
513	23,403,008	OGLE CHARLES E
514	23,403,019	MATSUOKA IWAO TRE ETAL
515	23,403,024	ROMEY MD & BR
516	23,403,026	DISANDRO DEAN TRE
517	23,411,002	LYONS MONICA TRE ETAL
518	23,411,003	ABRENICA GRACE L, GL WOLFE
519	23,411,009	MOORE EDWARD C TRE
520	23,411,026	TANG HOONG-YEE & ANNI Y
521	23,422,003	ABRENICA EPITACIO TRE
522	23,422,012	HERNANDEZ ADRIAN & TRACY
523	23,423,001	BREY GERARD J TRE ETAL
524	23,423,002	DEPAOLA BRUCE & TERRI
525	23,423,009	KRAKAUER RICHARD L TRE ETAL
526	23,423,018	FERGUSON KATHLEEN A
527	23,423,019	DAVIES BEVERLY J TRE
528	23,423,024	MCKEE JOAN
529	23,423,032	TAMOUSH RONALD & GEORGIA, PHILIP TAMOUSH
530	23,423,033	TAMOUSH RICHARD & NORA ETAL, PHILIP TAMOUSH
531	23,424,004	CLIFTON JOHN W
532	23,424,008	OLTMAN ROBERT L TRE ETAL
533	23,424,009	BROOKS ELIZABETH D TRE
534	23,424,025	RIGG JEAN C
535	23,425,002	LINDSEY, JE INC A CAL CORP
536	23,425,020	LINDSEY, JE INC A CAL CORP

537	23,425,032	LINDSEY, JE INC A CA CORP
538	23,432,005	MONTOYA MANUEL JR & ER TRE
539	23,432,020	MAKHANIAN EDWARD
540	23,441,008	MACLEOD HE & GM
541	23,451,006	MCCANN ELVIN E TRE
542	23,451,023	MAIBAUM E
543	23,453,004	FUJITANI SHARON H
544	23,461,020	PALEWICZ HELEN R TRE ETAL
545	23,461,021	LUNA PETER J & MARGARET C
546	23,461,024	MICHAEL PETER A & SUSAN J
547	23,461,028	BENNETT GLEN R & ANNE R
548	23,471,001	PETRUCCI GINO J JR & JILL L
549	23,481,001	OCONNOR THOMAS R TRE ETAL
550	23,481,010	JACKSON RG
551	23,481,015	MACLEOD HE & GM
552	23,482,004	EVANS CHARLES T JR
553	23,492,003	KREPS MICHAEL ETUX
554	23,492,004	BROWN BARBARA A HEIRS OF
555	23,492,005	LEONI MICHAEL A ETAL
556	23,492,006	GORDON SD
557	23,492,008	ROBB WILLIAM W
558	23,492,009	LINDSEY, JE INC A CA CORP
559	23,492,012	ALVILLAR DENNIS G ETAL
560	23,492,013	GARDINER WILLIAM A TRE
561	23,492,016	LINDSEY, JE INC A CA CORP
562	23,492,017	DAGAY JEAN G TRE ETAL
563	23,492,019	LINDSEY, JE INC A CA CORP
564	23,492,023	SAMARAS WILLIAM F & MARY E
565	23,492,024	KREPS MICHAEL ETUX
566	23,492,027	LINDSEY JOSPEH E JR & MARY H
567	23,492,028	KREPS MICHAEL ETUX
568	23,492,030	MACLEOD HE & GM
569	23,492,031	NAKASHIMA ELLEN ETAL
570	23,492,032	LINDSEY JOSEPH E JR & MARY H
571	23,492,033	SANDELL MARY E ETAL
572	24,011,003	HAMADA HARRY S TRE ETAL
573	24,011,035	DELPHENICH GARY M TRE ETAL
574	24,011,044	HARRIS MARTHA B
575	24,012,005	TILLINGHAST DONALD R JR ETUX
576	24,012,010	AVERSANO PC
577	24,012,013	VANDERVOORT KARL
578	24,012,018	BERNABE DONNE
579	24,013,025	HOWE PATRICK H & LINDA H
580	24,013,032	CHOW GERRY TRE ETAL
581	24,013,040	GLENNY JAMES P ETAL
582	24,013,049	HOPKINSON PETER R
583	24,021,007	GRAY JOHN J TRE ETAL
584	24,021,015	GUSTAFSON LEE E TRE ETAL
585	24,021,021	BEATIE RICHARD L TRE ETAL

586	24,021,031	CARUTH MARIE A TRE
587	24,021,034	CRAIG THOMAS L ETAL
588	24,022,014	DESPAIN WJ & JM
589	24,022,039	SHIELDS LA
590	24,031,003	LONG RAYMOND
591	24,031,009	THOMPSON DALE H
592	24,032,009	LOPEZ OSWALDO D
593	24,032,011	GALAN DANIEL G & CG ETAL
594	24,032,017	MADIGAN MARIS ETAL
595	24,033,005	LOCHHEAD RAYMOND R & EMILIE
596	24,033,010	JAMES JONI
597	24,033,012	FRANK ROBERT & MARISA
598	24,033,014	CLARKE SB ETAL
599	24,033,021	CONOVER SANDY R
600	24,033,036	PATRICK DW & PG
601	24,033,037	ROBRECHT RF ETAL
602	24,033,042	ANDERSON HJ & RB
603	24,033,043	NETHING PEGGY J
604	24,033,047	RICHARDSON DORIS ETAL, RAY POOL
605	24,034,013	GOSHGARIAN PAMELA G
606	24,034,037	LEWIS GLEN C TRE ETAL
607	24,034,045	DEITCH ALEXANDER K & JULIE R
608	24,034,049	JONES MARGARET A TRE ETAL
609	24,041,005	MEYER MAUREEN M ETAL
610	24,041,007	LANGWORTH CAROLE A ETAL
611	24,041,011	ZIPPWALD PAUL R TRE ETAL
612	24,041,016	AUSTIN TE & MK
613	24,041,023	HENDRICKSON JOSEPH H TRE ETA
614	24,041,025	ROBERT HORWITZ TRUST
615	24,041,028	HENDRICKSON JOSEPH H TR ETAL
616	24,042,016	HOBART P ETAL, SC PHELPS
617	24,042,017	NEUMAN ALICE R
618	24,042,019	SNEED HARRIET S TRE
619	24,042,022	BOGUSCH DARLENE W
620	24,042,024	SYLVESTER SUSAN J ETAL
621	24,042,025	SNEED HARRIET S TRE
622	24,042,030	ROYBAL RICHARD J ETAL
623	24,042,039	TARR WILLIAM W JR ETUX
624	24,043,008	DELARIOS KATHERINE
625	24,043,021	HELGREN RICHARD F TRE ETAL
626	24,043,023	ROTT GERRY L
627	24,051,005	SEBERN THEODORE W TRE
628	24,053,010	FARBER EMANUEL & LOIS M FAMILY TRUST
629	24,054,010	CHURCH ANTHONY & PENNY
630	24,054,030	MCCAULEY DANIEL G
631	24,061,030	JOHNSON MICHAEL O
632	24,061,032	VILLANE ANDREA D ETAL
633	24,061,033	BAGDIKIAN C ETAL
634	24,061,042	BOULDING CHRISTOPHER A

635	24,061,044	BOYD EE & PF
636	24,062,035	RICARD PA & JE
637	24,062,042	EXON LAURENCE H TRE ETAL
638	24,062,043	SCHNEIDER JEFFREY L TRE ETAL
639	24,063,052	SAWYER EDMUND V & JEANNETTE
640	24,081,005	ROGOWAY SCOTT & ROXANNE
641	24,081,015	ROWLAND WD & PJ
642	24,081,023	EDWARDS MARCIA K
643	24,081,028	VARNER PAUL D
644	24,081,030	POLLOCK A
645	24,081,033	CROZIER ROBERT N TRE ETAL
646	24,081,049	SMITH ARTHUR ETAL
647	24,082,002	MILLER BRUCE S TRE ETAL
648	24,082,003	MCNAMARA CHARLES W ETAL
649	24,082,011	FREER NITA D
650	24,082,018	GATES ROGER A
651	24,082,019	COLLINS CAROLYN K
652	24,091,018	BUETTNER MICHAEL M & JAMIE L
653	24,091,020	WRIGHT EILEEN
654	24,092,007	LANE BARBARA M
655	24,092,019	POWNE THEODORE C TRE ETAL
656	24,101,017	PAPAGNI TERI L TRE ETAL
657	24,101,023	LOPEZ CYNTHIA M
658	24,101,046	DIKE PHILIP W
659	24,102,023	HENEGAR MARC K ETAL, HELEN RABSON
660	24,102,024	ISOM MARY E TRE ETAL
661	24,102,028	WARSAW JAMES H
662	24,103,015	COLBURN TONIA L
663	24,111,015	SVENSON EW
664	24,111,017	CALOROSO ELIZABETH E
665	24,112,012	STANOFF SAUL & MARSHA TRE
666	24,112,021	HERIFORD GD & E
667	24,112,023	CASTILLO JOSEPH A & BARBARA
668	24,122,003	KILGORE HELEN M TRE
669	24,122,004	ARELLANOS OLINDA E ETAL
670	24,123,005	KNIGHT RA TRE
671	24,123,035	STEVENS WARREN R & SHELLEY A
672	24,131,009	ACKERMAN DALE T TRE ETAL
673	24,131,010	JACKSON MEDELEINE S HEIRS OF, AUBREY WILSON
674	24,131,011	MACLEOD JOSEPH J
675	24,131,017	STELLA M & KM
676	24,131,024	STRAUTMAN RICHARD L
677	24,131,025	HIRSCH HELEN M TRE
678	24,132,015	CROSS DONALD E & DONNA R
679	24,132,016	JOHNSON WALTER R & ETAL
680	24,132,018	CROSS DE & DR
681	24,132,031	YAGHLEGIAN NIEVES C ETAL
682	24,141,002	WONG RICHARD H & CAROL TRE
683	24,141,004	BROOKER GARY J & GERRY LA

684	24,141,016	GOLDMAN HARRIS & MARILYN W
685	24,141,018	BOHLIN RD ETAL, RENA VUKADINOVICH
686	24,141,024	CADY LORRAINE A ETAL
687	24,141,041	WILLSON M
688	24,142,008	FLESIA TERENCE R
689	24,142,019	SPEAKER HA ETAL
690	24,142,032	WOOD-TAYLOR GARRY & CAROL A
691	24,142,034	MATHEIN GLORIA
692	24,142,039	PENDLETON ROBERT D & VR
693	24,143,018	PIESTER A EUGENE TRE ETAL
694	24,143,021	THOLEN EDLEEN L HEIRS OF, JOHN THOLEN
695	24,143,022	OCALLAGHAN JEFFREY G TRE
696	24,143,024	DRUM EH
697	24,143,030	FOSTER JE & LK
698	24,151,005	FORRESTER ELOISE G TRE
699	24,151,025	WIGG DUNCAN S ETUX
700	24,151,028	RICHARDSON CALVIN & JUDY
701	24,152,003	MCELHOE GEORGE C JR & ALMA M
702	24,152,006	RECENDEZ JENNIFER F ETAL
703	24,152,007	MAERTENS AR
704	24,152,009	BOGART MARK C ETAL
705	24,152,012	KRAHFORST H ETAL
706	24,152,014	ROBERTSON RICHARD G III & DONNA
707	24,152,019	SMITH BEATRICE E TRE ETAL
708	24,152,021	MAICHROWICZ MICHAEL A & JULIE
709	24,152,023	VAWTER STEVE
710	24,152,024	CONSIDINE PATRICK TRE ETAL
711	24,152,026	SMITH BEATRICE E TRE ETAL
712	24,161,004	WITT RANDALL & CAROLYN
713	24,161,009	BONTHIUS STEVEN TRE ETAL
714	24,161,016	MARTIN ARGIE TRE ETAL
715	24,161,023	SPEED EVERETT P ETAL
716	24,161,026	BROOMBAUGH DR & GE
717	24,162,005	NOTTINGHAM WILLIAM TRE ETAL
718	24,162,014	JOINES LLOYD R TRE ETAL
719	24,162,016	KRAY JOHN S ETAL
720	24,162,020	HICKS PROPERTIES CA GEN PTP
721	24,162,021	PEDIATRIC MEDICAL GROUP INC
722	24,171,004	MOORE EDWARD C TRE
723	24,171,028	REESE CARY D & MARTHA C
724	24,172,014	PIESTER DINAH W
725	24,181,033	NINOS EPAMINONDAS J
726	24,181,039	ROTHGEB CLIFFORD K
727	24,181,044	LOVELACE JB JR & LP
728	24,182,029	MCLAIN BENNIE & MARILOU
729	24,182,043	ROSSI A & M
730	24,182,044	THORNTON CURTIS A TRE ETAL
731	24,182,046	FAIRCHILD DW & LD
732	24,191,005	HUNT M

733	24,191,006	PATRICK DW & PG
734	24,191,007	GURZI RICK ETAL
735	24,191,013	TAYLOR DENNIS M TRE ETAL
736	24,191,038	PATELLA DARYL C
737	24,201,005	NICHOLS CL ETAL
738	24,201,011	JENKINS MARGAREE R TRE
739	24,201,019	JORDAN SEAN
740	24,201,020	KOON RICHARD ETAL
741	24,201,021	HAGLE DECOU LUMBER CO ETAL
742	24,202,010	WRIGHT MICHAEL T & MELISSA I
743	24,202,011	OWEN DANIEL J & KELLEY E
744	24,202,016	KIMES WILLIAM F TRE
745	24,211,024	MATHEIN GLORIA
746	24,211,025	REAGAN JOSEPH I TRE ETAL
747	24,211,032	EXON LAWRENCE H TRE ETAL
748	24,212,003	INGERSOLL TS & M
749	24,212,009	ABBOTT WILBUR R & ARLINE E
750	24,212,011	VOTH FF
751	24,212,013	YANAGIOKA S & M
752	24,212,015	JENKINS MARGAREE R TRE
753	24,212,019	STEVENTON R BRUCE TRE ETAL
754	24,221,007	BRESCIA JAMES J & CAROLYN M
755	24,221,021	BROWN PAULA R
756	24,221,031	SANDERS BRUCE R
757	24,222,013	PARTIE WILLIAM R & ARLENE E
758	24,222,017	HAASE FREDERICK H TRE ETAL
759	24,231,001	PROFANT CAROL
760	24,231,017	SNYDER ELEANOR G TRE
761	24,231,020	GASTON CHARLES R
762	24,231,023	ALLAN STEVEN & ALEXANDRIA
763	24,231,046	ABRECHT MARIAN G TRE
764	24,241,017	HEDGES J PATRICK ETAL
765	24,242,017	DUTRA KENNETH J ETAL
766	24,242,039	GRDOVIC PETAR & EDDA ETAL
767	24,242,044	GRDOVIC PETAR & EDDA ETAL
768	24,243,010	SWANSON PETER W & DEBORAH A
769	24,243,054	REILLY JANIE C
770	24,243,056	OLEY JARLATH TRE ETAL
771	24,243,058	PANIS C & I
772	24,243,059	MORRIS HENRY A TRE ETAL
773	24,252,008	RINALDI MICHAEL J TRE
774	24,252,013	QUESADA DAVID A ETAL
775	24,252,024	LEE ALBERT J JR TRE ETAL
776	24,252,038	HRICZ WJ
777	24,253,002	SAWYER EDMUND V & JEANNETTE
778	24,253,003	ANDREWS PATRICK A & LORI-ANNE
779	24,253,005	KEENAN RK
780	24,253,006	OKAMURA LESLIE G ETAL
781	24,253,008	PEREZ ELAINE M ETAL

782	24,253,016	JCH FAMILY LIMITED PARTNERSHIP
783	24,261,026	BENNETT PW & RM
784	24,261,030	BOWMAN DONALD L & CHRISTINE
785	24,262,006	MCCANN ELVIN E TRE
786	24,262,014	NAKAMURA RUBY
787	24,262,016	DUDZIK DENNIS A & PAMELA R
788	24,262,020	WEST SS & PJ
789	24,262,025	FROST PATRICIA M
790	24,262,032	WILSON STEPHEN E & BARBARA
791	24,262,035	ELLSWORTH JL
792	24,271,005	WEBER ROBERT & ARLETTA
793	24,271,006	ADMIRAL E
794	24,271,020	OSMAN JOHN L
795	24,272,024	MITACEK EVELYN C
796	24,273,017	REPUBLIC INVESTMENTS INC
797	24,281,008	KIRCHNER VIVIAN A TRE ETAL
798	24,281,020	ELLIS RUTH E TRE
799	24,281,026	PATTERSON DAVID G
800	24,282,020	SPENCER NANCY J TRE
801	24,282,032	PAL BK & N
802	24,282,042	SORENSEN RICHARD L & ANN M
803	24,291,006	VERLANGIERI VINCENT & FLORENCE
804	24,291,010	CRESTON AK & CT
805	24,291,012	GONZALES FRANCES F
806	24,291,013	DOUGLAS ROBERT B & KATHLEEN
807	24,291,015	CAMBRIA DEVELOPMENT CO, c/o WILSON
808	24,291,020	GARCIA KATHLEEN M TRE ETAL
809	24,291,030	TANIMOTO JERRY H
810	24,301,005	BECWAR ANDREW J & MARY L
811	24,311,029	FRISH CONNIE
812	24,311,034	SMITH PAUL B
813	24,311,035	BENJAMIN ARTHUR N JR & JOAN
814	24,312,001	MID STATE PROPERTIES LLC
815	24,312,022	MCKINNEY GOLA F
816	24,312,023	KARGL RAYMOND C & EVELYN H
817	24,312,029	SNUR WILLIAM L TRE
818	24,312,030	THOMASSET WILLIAM K TRE ETAL
819	24,321,003	SNOW AA
820	24,321,024	SWICK MARGUERITE ET TRE ETAL
821	24,321,033	PARRY BRIAN S
822	24,321,034	HILLMANN DEBBIE
823	24,322,002	BORGES JEFFREY & MICHELE
824	24,322,008	MCINTYRE EDWARD J
825	24,322,012	DESHOTEL R & MA
826	24,322,013	FRISH CONNIE
827	24,322,017	DENT WILLIAM F
828	24,331,009	MCMILLEN DARWIN W & ANN
829	24,331,019	GALVIN TERRY M & MARILYN A
830	24,331,024	GILRAY JOHN F

831	24,331,026	WALKER JAMES A TRE ETAL
832	24,332,009	PATTERSON ROBERT A TRE ETAL
833	24,332,011	GUINN TOMMIE F & GWEN M
834	24,332,013	DRAKE ROBERT M TRE ETAL
835	24,332,015	LUCKOW KATJA
836	24,332,024	ORTLIEF JAMES J & JOAN W
837	24,342,011	LEONARD JERRY J & HEATHER L
838	24,351,003	BEZZINA AK ETAL
839	24,352,006	WETZLER JOSEPH P TRE ETAL
840	24,352,013	BENZINO SARAH J TRE
841	24,353,009	QUINONEZ EDWARD E & SALLY O
842	24,353,030	GILDEHAUS DENNIS F
843	24,353,041	DODD CM
844	24,354,012	HARKINS JOSEPH M TRE
845	24,354,013	SHIROMIZU JUNICHI TRE ETAL
846	24,354,014	SHEPHERD MARY H
847	24,354,015	RAMSDEN CHARLOTTE TRE
848	24,354,019	BATTAGLIA GARY W
849	24,354,020	WUNDERLICH JACK W TRE ETAL
850	24,354,021	SUNADA R & SA
851	24,361,008	CURRAN ADELE F HEIRS OF ETAL, SHARON CURRAN
852	24,361,025	JAMIESON PERRY M
853	24,361,027	ANDERTON DR & NANCY A
854	24,361,028	SANTENS PHILLIP C & MICHAELENE
855	24,361,029	MCCURDY RM & LA
856	24,362,020	PROCTOR GEORGE L TRE ETAL
857	24,371,006	MAX M VICTOR TRE ETAL
858	24,371,009	MORITA LH & M
859	24,371,012	KLEIN ROBERT R TRE ETAL
860	24,371,021	GALLOCK RL & VF
861	24,371,022	JENKINS ROBERT H & FRANCES
862	24,371,025	GALLOCK RL & VF
863	24,372,008	SHOEMAKER GLORIA M
864	24,381,008	SAUERS DAVID L & MARGIE J
865	24,382,002	MORLEY BO
866	24,382,019	RODRIGUEZ JOHN
867	24,383,011	KALPAKOFF JOHN J ETAL
868	24,383,015	STEIGER MATTHEW J & VIVIAN E

Non-conforming, under 3,500 sf, steep, heavily wooded (partial list)

1	22,084,015	DIGNAM DAVID C & DOREEN L
2	22,084,017	BALLARD PATRICIA L TRE
3	22,084,030	TROMBLEY DOREEN P TRE
4	22,084,037	OHLENDORF GLORIA
5	22,084,044	WOLFF PETER H TRE ETAL
6	22,084,052	JOHNSON KENNETH E TRE ETAL
7	22,093,009	ARNOLD JESSE T
8	22,093,023	BLACK BRUCE
9	22,131,003	SCOTT GARRY L & ANNETTE M

10	22,131,045	SUMMERS WE & PA
11	22,151,017	THOMAS LEONORA P TRE
12	22,151,040	PILLOW HAROLD E TRE ETAL
13	22,151,043	JENSEN RG
14	22,151,058	LINDSEY, JE INC A CA CORP
15	22,201,025	SLONE DAVID N & BARBARA J
16	22,201,031	ELK GILDA G
17	22,201,066	LAY EE ETAL
18	22,201,067	FORRESTER DONALD R TRE ETAL
19	22,202,003	BUTLER DANEN T & MICHELLE Z
20	22,202,008	MAY JOHN H ETAL
21	22,202,015	AKEY JUDD ETAL
22	22,202,017	AKEY JUDD ETAL
23	22,202,018	STEINMANN EK
24	22,211,011	REESE AMY M TRE
25	22,211,019	POLIN BURT W TRE ETAL
26	22,211,028	SALWASSER MARVIN R
27	22,211,045	SALWASSER MARVIN R
28	22,211,079	SALWASSER MARVIN R
29	22,226,017	LISTER WANDA J TRE
30	22,271,001	HATCHER CRAIG A TRE ETAL
31	22,271,004	BOLZ JAMES A TRE
32	22,271,047	WENGELER ROBERT E & DAYNA L
33	22,271,050	MCAULAY MARIE P
34	22,311,002	HIBERT THOMAS J & LAURA E
35	22,342,021	DS DEVELOPMENT
36	22,343,010	TARTAGLIA-MCKENZIE ANN L
37	23,045,015	TARTAGLIA-MCKENZIE ANN L
38	23,045,025	LEWIS GEORGE B JR TRE ETAL
39	23,046,013	SKINNER STANLEY T & MARGARET
40	23,047,015	GOLDEN GARY J & RENAY
41	23,048,022	HORACEK BOBBY D & SHIRLEY E
42	23,048,024	TROUTMAN ARTHUR F TRE ETAL
43	23,048,026	TROUTMAN ARTHUR F TRE ETAL
44	23,048,030	DESANTIS PATRICK TRE
45	23,074,021	VITOLS VISVALDIS A & ROBERTA
46	23,074,028	ROEMER OLIVER P III
47	23,076,035	BENSON ALLEN M & MARY E
48	23,076,036	SCHADE ALFRED H & BARBARA
49	23,117,006	BOES RICHARD W & MARGARET
50	23,201,040	EDWARDS AC III & SL
51	23,201,041	HALLSTROM ADELE S TRE
52	23,201,044	THOMPSON GEORGE
53	23,201,048	MCLAUGHLAN JOHN J
54	23,202,008	PANERO DANIEL E TRE ETAL
55	23,202,021	HANDGIS GEORGE J & SHARON
56	23,202,039	OHANNESIAN RICHARD L & AR
57	23,202,040	MOSER KEITH M
58	23,202,065	BOUGHTER JAN

59	23,202,068	HANSEN KATHERINE J
60	23,205,020	MCLAUGHLAN JOHN J
61	23,205,054	MUNDT BRUCE L ETUX
62	23,208,026	CLARKE BM
63	23,208,028	POLIN BURT W TRE ETAL
64	23,208,037	MADONNA CONSTRUCTION CO
65	23,214,041	SMITH BEATRICE E TRE ETAL
66	23,215,001	CHRISTENSEN DONALD G TR ETAL
67	23,215,003	PAVELKO BRIAN N ETAL
68	23,215,004	CHRISTENSEN DONALD G TR ETAL
69	23,215,016	LARSON HOLLY
70	23,215,017	PARSONS JJ
71	23,215,030	BAUERS WAYNE & MIKELYN
72	23,215,032	MATTHEWS JACKLYN M
73	23,215,035	HIBBARD CHARLES S & ESTELLA
74	23,215,036	SAWYER JEANNETTE B
75	23,215,038	HARMON RUSSELL A III
76	23,215,057	LITTLEJOHN WILLIAM M & JANICE
77	23,215,058	WISE JAMES M & LOIS G
78	23,233,038	MARSHALL SHERI L
79	23,233,067	CHAVEZ FREDDIE R
80	23,234,003	HANDGIS GEORGE & SHARON
81	23,234,005	CRESTON AK & CT
82	23,234,009	SHEPARD STANLEY L
83	23,242,048	SILVAGGIO LORI L
84	23,242,065	BRAGG GM
85	23,242,068	CRESTON AK & CT
86	23,271,002	REBOLLAL AMADEO & MARGARITA
87	23,271,013	HALE LEONARD G
88	23,271,025	HARSH LT ETAL
89	23,271,033	CAMPBELL JAMES L TRE ETAL
90	23,271,034	RED ARTHUR L JR TRE ETAL
91	23,271,036	VELTMAN FERDINAND Z & GLADYS
92	23,271,037	JENKINS CG ETAL
93	23,271,042	KELLOGG DARREL & MUNOZ RICHARD
94	23,272,001	ELLER DANNY H ETUX
95	23,272,013	ELLER DANNY H ETUX
96	23,281,013	NORTON JAMES R & BARBARA G
97	23,282,027	ELMS RICHARD A TRE ETAL
98	23,282,036	CADGER BARBARA
99	23,291,014	WHITEHOUSE CM & AE, c/o MRS ER JENKS
100	23,291,032	BENNETT JACK W
101	23,291,062	GODINEZ ISIDRO ETUX
102	23,331,008	RAGAN ROBERT E & MARLENE G
103	23,331,014	GROVES JEAN H TRE
104	23,331,020	WIGGINS BARBARA S
105	23,333,007	GROVER WILLIAM J TRE
106	23,333,008	PECK MARILYN L
107	23,341,013	SCIFRES FRANK H TRE ETAL

108	23,341,022	GRAHAM DORETTA F TRE ETAL
109	23,341,029	PHELAN THOMAS E TRE ETAL
110	23,341,030	STICKEVER LAWRENCE V TRE ETAL
111	23,341,033	EKHOLM BARBARA
112	23,341,038	KAY DC
113	23,341,041	CRANE CC, C MARRINER
114	23,341,055	GARNER OFELIA C
115	23,341,056	MACLEOD PEGGY A
116	23,341,057	KALBAUGH FRANK & CHRISTINA
117	23,352,001	SCHUERGER REIN J & MICKIE D
118	23,353,003	FORT KELLY K TRE ETAL
119	23,353,014	BOUKIDIS ANNE P TRE
120	23,353,018	BENNETT SONYA K
121	23,353,023	HUNT C
122	23,353,036	SILVAGGIO LM
123	23,353,045	OBALLES LAWRENCE & BEATRICE
124	23,381,028	BORGES JEFFREY & MICHELE
125	23,381,050	BORGES JEFFREY & MICHELE
126	23,383,014	5340 LOS ROBLES A CA PTP
127	23,391,004	KIRSCHNER MICHAEL
128	23,391,009	ELDRED JOHN C
129	23,391,018	SMITH DARRELL T TRE ETAL
130	23,391,019	BENNETT JACK W
131	23,391,035	LAZAGA ROBERT D TRE ETAL, CAROL LAZAGA
132	23,391,050	KIRSCHNER MICHAEL N
133	23,391,052	DAY PATRICK T ETAL
134	24,061,010	SANDERS WILLIAM G & JEAN M
135	24,061,011	DEAL BRYAN R
136	24,061,015	DOMINGO JAYNE BM TRE ETAL
137	24,061,017	MORENO FRED A TRE
138	24,061,019	ALLEN RUTH B TRE
139	24,061,022	SCHNEIDER JOHN J & KAREN M
140	24,061,025	RADECKI BERT F & MARION M
141	24,062,002	PENROD GEORGE P & THERESA J
142	24,062,003	AKEY CLAY M
143	24,062,007	PETERS DARLENE L
144	24,062,023	NORTON MICHAEL W ETAL
145	24,063,006	HEPNER RICHARD JR
146	24,063,073	ADAMS ICA
147	24,063,074	COWAN CHARLENE
148	24,091,022	GARDENHIRE BOB & VIRGINIA
149	24,092,004	MUSTONE JJ & RACHELA
150	24,092,009	CASTANEDA JOSEPH S & JENNY
151	24,092,024	CASTANEDA JOSEPH S & JENNY
152	24,093,012	HYDE CATHERINE R TRE
153	24,093,022	ZOE FERRIS
154	24,101,020	MORRIS GEORGE P & CHRISTINE
155	24,102,007	STEINMANN E KURT
156	24,102,008	CALVERT ROBERT ELLIS

157	24,102,014	CLIFFORD DORA
158	24,102,026	WITHERS DONALD O TRE
159	24,103,006	CRENSHAW PHILIP E & CINDI A
160	24,103,010	GREINER PEGGY A ETAL
161	24,162,031	MIYAGISHIMA BT
162	24,181,007	GRAUMAN LYNETTE G TRE
163	24,181,018	APPLEGARTH AG
164	24,181,028	LINDQUIST LARRY V & PM
165	24,181,050	CARUSO LOUIS H & DOREEN
166	24,182,014	BANK OF AMERICA NT & SA TRE, c/o INDUSTRIAL CONSULTING
167	24,182,024	ROSE SHELLY M
168	24,182,025	HAGLE DECOU LUMBER CO ETAL
169	24,182,028	FORMHALS ELAINE M TRE ETAL
170	24,182,035	CHERNOFF JAMES A & SHARON
171	24,241,004	KAESSINGER GERTRUDE E TRE, PAUL KAESSINGER
172	24,241,019	HOUGHTON GE, c/o JE PARMER
173	24,242,023	NOBLE ROBERT E & COTTA D
174	24,243,025	WENT BARRY RL & LEE A
175	24,243,043	SWANSON PETER W & DEBORAH A
176	24,243,050	WENT BARRY RL & LEE A
177	24,252,004	LOPRESTI KRISTEN L
178	24,252,005	PADGETT ANN L
179	24,252,007	SMITH HOWARD C TRE
180	24,252,021	KENNEDY DAN, MG KEECH
181	24,252,030	HANEY JAMES B & JILL
182	24,252,032	VANO MICHAEL E TR ETAL
183	24,252,035	FRANK STEVEN A TRE ETAL
184	24,271,019	SERVEDIO FRANK M & NADINE M
185	24,311,004	PADGETT ANN L
186	24,311,005	STECK R & C ETAL
187	24,311,008	KROLL JAMES H TRE ETAL
188	24,311,009	JONES MARGARET A TRE ETAL
189	24,311,012	CARSEY KEVIN ETAL
190	24,312,002	CONTINO SANDRA L
191	24,312,003	SHAPIRO SCOTT
192	24,312,016	MID-STATE PROPERTIES LLC
193	24,321,004	WEIR THOMAS W & ELEANOR
194	24,321,010	SAWYER JEANNETTE B
195	24,361,005	RATHBUN GALEN B TRE ETAL
196	24,361,007	RATHBUN GALEN B TRE ETAL

EXHIBIT 3

November 30, 2000

John Hand
San Luis Obispo County Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

Re: Review of USGS Water Supply Report

Dear Mr. Hand:

Out of the desire for a fair analysis of the water supply situation in Cambria, a group of lot owners on the Cambria Community Services District water wait list has commissioned an independent expert to review the USGS Water Supply Report. Bookman Edmonston/Navigant Consulting is one of the most respected water resources consulting firms in California. A copy of their report and company qualifications is enclosed.

The report concludes that Cambria's water supply is not at a Level III Severity as defined by County of San Luis Obispo, as it currently has safe access to enough water from it's ground-water sources to serve an approximate 10% increase in demand. With the available retrofit program and much more stringent water use standards for new homes, there is not a direct relationship between growth in connections and growth in demand. In other words, 10% water availability would be more than 10% growth in new connections. Using CCSD's average annual demand increase of 1.8% since 1993, it would take over 5 years to increase total demand by 10%. That places Cambria clearly in Level II. If CCSD gets serious and does something, 5 years should be enough time to remedy the problem.

There has never been any report published that concludes that Cambria's water supply and system have reached their design capacity.

The 1998 USGS study presented no conclusions, it only presented data.

CCSD commissioned a water availability study from Kennedy Jenks Consultants. The first draft of this report dated May 3, 2000 stated in clear language that CCSD has enough water to serve it's entire water wait list.

CCSD rejected this report and required it be re-written with a more stringent list of un-provable assumptions.

Kennedy Jenks re-issued their report on July 24, 2000. This revised draft still concludes that Cambria has enough water to meet a 10% increase in demand. CCSD still has not accepted and published this report almost four months later.

CCSD is not out of water, Cambria is at Level II, not at Level III Severity in Water Supply or System, and there is no good reason to restrict growth in Cambria more than it is already restricted by the County's 2.3% maximum.

We are asking that you reflect these facts in the 2000 Annual Resource Summary Report.

Sincerely

Deryl Robinson

Navigant™
CONSULTING, INC.

November 28, 2000

Mr. Deryl Robinson
10101 El Capitan Drive
Huntington Beach, CA 92646

Subject: WATER SUPPLY AVAILABILITY

Dear Mr. Robinson:

As you requested we have reviewed the USGS Report entitled "Hydrogeology, Water Quality, Water Budgets, and Simulated Responses to Hydrologic Changes in Santa Rosa and San Simeon Creek Ground-Water Basins, San Luis Obispo County, California," dated 1998. Our effort was directed towards determining the status of the water supply level of severity. It appears from the USGS report that the water supply can be managed to support an approximate 10 percent increase in use.

Water supply is provided by Cambria Community Services District (CCSD) from wells located in two long, shallow groundwater basins; the San Simeon Basin and the Santa Rosa Basin. The normal yearly cycle finds that while the creeks are flowing there is an adequate water supply and water levels in wells remain high. The creeks cease to flow sometime in the year, usually the late spring or early summer. When the streams cease to flow then water levels in wells decline with some wells going dry. With the following rainy season the basins quickly refill. The CCSD wells and others are constructed to depths, which are below sea level so seawater intrusion is a concern.

Items of note from the USGS report are shown below:

1. (Pg. 19) Water level response to the onset of surface flow is almost immediate with most wells recovering 90 percent within two weeks.

2. A summary of the combined creek annual water balance shows:

	Inflow	Outflow
Basin Recharge	2260 AF	
Creek Seepage		1060 AF
Subsurface Flow	520	380

(2) a single dry year when basins do not fully recharge, and;
(3) two or more successive winters of incomplete recharge.

6. Regarding a long dry season, the length of the dry season can be determined with a relative degree of accuracy based on the date that stream flow ceases. The affect of a long dry season will effect the up valley wells more than those in the down valley because of the natural down valley drainage. In fact, some down valley wells modeled under long term dry periods show very little increase in depth to water. USGS performed the model by starting a dry period one and two months earlier in a year to create a long dry period.

7. Subsidence has occurred in the Santa Rosa Basin but has not been reported to have occurred in the San Simeon Basin. It is suspected that the material in the San Simeon Basin is more granular and will not be influenced by changing water levels. The allowable pumpage in the Santa Rosa Basin of 260 AF from May 1 to October 31 is an amount which has occurred in the past so future pumping in that Basin should not cause any significant increase in subsidence

8. The incomplete filling of the two basins in a dry year is estimated by the USGS to have an 18-year recurrence interval on Santa Rosa Basin and 25 years in San Simeon Basin. That is to say that in nearly 95 percent of the years there would be complete filling of the basins. Santa Rosa Basin would fill in 17 out of 18 years or 94 percent of the time and San Simeon Basin would fill in 24 out of 25 years or 96 percent of the time. The analysis used 120 years of rainfall record measurement at San Luis Obispo from 1870 to 1989 for the analysis.

9. The USGS estimated that the probability of two extremely dry years in a row causing incomplete recharge was 210 years in the Santa Rosa Basin and 430 years in the San Simeon Basin. Data used included 400 years of tree ring data. This data showed that the last 100 years of rainfall was not unlike that of the previous 300 years.

10. The USGS modeled a new municipal well below 27S/8E-26 D1 in the lower Santa Rosa Basin. This well was arbitrarily assigned an annual extraction rate of 100 AFY. The production decreased outflow to the ocean but did not result in seawater intrusion. A small amount of subsidence could occur. The assumed yield would increase municipal production by 12 percent.

11. The redistribution of some of the spray field water to upstream percolation or upstream irrigation use would not significantly affect sea water intrusion.

12. The USGS analyzed a water marketing scenario between agricultural users and CCSD and found a beneficial conclusion.

	Inflow	Outflow
Agricultural Pumpage		1340
Agricultural Return Flow	490	
Non-agricultural Water Use		
Municipal Pumpage		760 (*)
Rural Pumpage		20
Wastewater Recharge		
CCSD Spray Field	440	
Septic Tank and Irrigation Recharge	30	
Phreatophyte Transpiration		190
Total	3740	3750

(*) maximum annual pumpage by CCSD reported for the period 1979-1999(from "Water Supply and Availability Report Working Draft #2A dated July 24, 2000, page A-4, Kennedy/Jenks Consultants).

The above tabulation indicates the current hydrologic system is in balance given the margin of error in the inflow/outflow estimates. From a groundwater management standpoint, an increase in municipal pumpage of approximately ten percent is considered reasonable and should have a minimal impact on the local hydrologic system.

3. Stream gaging stations were in use since 1959. Rainfall records are available since 1870 with tree ring rainfall correlation from the 1500's. The overlap of rainfall stations and stream gages over the last few decades is a period of wetter than normal conditions. Care must be taken to correct recent records to reflect long term conditions. The USGS has noted this fact and has adjusted calculations to a long-term period.

4. The USGS developed and calibrated a groundwater model. The model is based on FEMFLOW 3D, which represents the current state of the art on modeling (Durbin 1998). The model allowed the USGS to determine the affect on water levels of different pumping scenarios. One finding of the model is that water levels will decline in the dry season even without any groundwater pumpage as water drains down valley as subsurface flow (page 82).

5. When surface water is flowing in the streams the basins are full. A decline in water levels begins when the flow stops. Water levels rapidly rebound when stream flow begins. As such the USGS looked at three types of drought. These are:
   (1) long dry season between two winters where there is complete recharge;

Summary

The USGS report indicates that dry years will affect Cambria in a manner similar to most California communities, say once in 20 years. The study included water from both Santa Rosa and San Simeon basins. We understand that minimal use is currently made of Santa Rosa Basin because of MTBE contamination. This contamination is something that other areas are facing but is an issue to be dealt with by changing pumping patterns and by treatment. We understand that CCSD has drilled a well or wells upstream of the area of contamination. We further note that limited use has been made of Santa Rosa Basin groundwater for the last several years.

The USGS report provides a good basis for known water supplies based on the date each year when the creeks go dry. This provides the CCSD with a better sense of knowledge regarding the year's supplies.

Our review of the data indicates that Cambria is certainly not in a Level III severity water supply situation. Using the USGS report and other available data the water supply can be managed to support a modest increase in use. The area will be subject to reductions in availability of roughly once every 18 years in the Santa Rosa Basin and once every 25 years in the San Simeon Basin. This is nearly equivalent to a 95% dependable water supply for the Cambria area, which is similar, or better, than other areas of California.

Sincerely,

Richard A. Rhone, P.E.
Director

REGISTERED PROFESSIONAL ENGINEER
RICHARD A. RHONE
No. 13713
Exp 3/31/01
CIVIL
STATE OF CALIFORNIA

EXHIBIT 4

January 19, 2001

Ken Topping
General Manager
Cambria Community Services District
1316 Tamson
Cambria, CA 93428

Re: Baseline Water Supply Analysis

Dear Mr. Topping:

Many owners of individual residential lots in Cambria have become concerned that the final Baseline Water Supply Analysis is overly conservative in it's assessment of Cambria's water supply, resulting in the increased potential for a reduction in issuance of new water connections. Accordingly, we have asked Richard Rhone at the firm of Navigant Consulting, Inc to conduct a peer review on the Kennedy Jenks work.

In his review, Mr. Rhone finds a couple of key discrepancies in the Kennedy Jenks analysis of the facts. In adjusting for these discrepancies and then re-calculating the reliability factor, using the same data, Mr. Rhone concludes that Cambria CSD actually will still have a 95% reliability factor even after a 10% growth in production from it's existing facilities.

In addition to Mr. Rhone's points, we are concerned that with all the models that Kennedy Jenks developed, there is no scenario played out to illustrate what would happen if there was a drought and CCSD declared a water shortage emergency under it's new ordinances. Clearly, it would be easy for Kennedy Jenks to calculate the revised demands under each of the three stages of water shortage. If these figures were input to the models for various levels of drought severity, then the community would have an honest idea of it's ability to make it through a drought and how severe the cut-backs would be. The study should show the community how often it should anticipate a Stage 1 condition, how often it should expect a Stage 2, condition, and so on.

The Kennedy Jenks study also ignores the potential impact of the numerous water conservation projects that have been studied and not implemented. For example, the project to provide reclaimed water for commercial irrigation along Moonstone Beach Dr. will save a significant amount of potable water. Kennedy Jenks should re-run the model to evaluate the overall system reliability after that project is implemented. Since that project can be in service in less than a year, this clearly should be a consideration in lieu of withholding any Intent to Serve letters for 2001.

To refuse to explore such alternatives would be arbitrary and capricious, and could only lead to the conclusion that CCSD is more interested in controlling growth than serving it's customers.

Since the Baseline Water Supply Analysis was already used by the county Board of Supervisors as it's primary finding in support of the 2001 growth rate reduction from 2.3% to 1%, this is a very serious issue. It has caused about thirty property owners to lose their property rights for another year. Therefore, we ask that CCSD direct it's staff and consultants to respond publicly to these issues.

Mr. Rhone's analysis of the report is enclosed for your review.

Sincerely,

Deryl Robinson
On behalf of dozens of interested Cambria property owners

cc: San Luis Obispo County Board of Supervisors
San Luis Obispo County Planning Dept.
Kennedy Jenks Consultants
Gus Yates

Navigant™
CONSULTING, INC.

January 18, 2001

Mr. Deryl Robinson
10101 El Capitan Drive
Huntington Beach, CA 92646

Subject: REVIEW OF KENNEDY JENKS FINAL REPORT ON BASELINE WATER SUPPLY ANALYSIS FOR CAMBRIA CSD DATED 8, DECEMBER 2000

Dear Mr. Robinson:

As you have requested, I have reviewed both the Kennedy Jenks report and a previously issued report by the U.S. Geologic Survey on water supplies for Cambria. A number of items were noted in making this review. The major significant points are:

1. Cambria CSD is very concerned about droughts and loss of water supply and has in place both a high level of knowledge regarding the real time condition of the water supply and ordinances to deal with shortages.

2. After reviewing the text and relying on the calculations therein it appears that the Executive Summary overstates probability of a drought. My conclusion is based on the following:

   A. Referring to Table 3-3, which is based on a 10 percent increase in water demand and starting with a full basin the groundwater criteria are within one foot of minimum water levels under the most severe calculation of water demands. This severe calculation of water demands assumes no restriction or voluntary reduction in water use. It further assumes increases in water use caused by dry weather.
   B. The recurrence interval of basins being fully recharged is one in 18 years for Santa Rosa and one in 25 years for San Simeon (USGS page 91). This indicates that full basin recharge has a combined frequency of about one in 20 years or 95 percent reliability.
   C. The third set of numbers in Table 3-3 apply to the five percent when full basin recharge does not occur. The right hand column was derived from Table A-3. Table A-3 was developed to determine water level elevations at

the beginning of the dry season. It is only the lower points in the Table (Beginning Dry Season groundwater elevation) that are important. These define the starting water level after incomplete refill. However, the last point used to define the lowest starting point is for 1983. In actuality, 1983 is one of the wettest years of record at many stations. The use of a point from this year as the beginning of a dry season is erroneous. Placing 1983 in its proper place redefines the curve.

Even using the data shown in Table 3-3, Group 3, shows that there is a better than 50 percent frequency the starting levels will be sufficiently high to provide the supply. Remember that in Group 3 we are only dealing with the five percent frequency of incomplete basin fill.

Based on the available data it is clear that a supply increase of 10 percent can be met without reduction better than 95 percent of the years.

The above discussion does not consider conservation measures, either voluntary or by District action to reduce water use in very dry conditions. A frequency of reduced supply of one in 20 years (95 percent) or even one in 10 years (90 percent) is not unreasonable.

Other points noted include:

5. An additional well is to come on line in February 2001.

6. Losses of 14 to 17 percent are more than twice the normal loss for a domestic system. Has correction of this condition been investigated?

7. The use of SOI values presents an early but unsure warning. By far the better warning is the timing of the creeks going dry. Even so it is noted that from the SOI values a critically dry year only occurs 8 percent of the time and normal or wet years occur 79 percent of the time. Based on the discussion above and using the data in the K-J report it appears that Cambria with a 10 percent increase in demand has better than a 95 percent frequency of meeting the unrestricted supply.

Sincerely,

Richard A. Rhone
Director

j:\cambria\usgs letter (5).doc 12883.10

EXHIBIT 5

California Regional Water Quality Control Board

Central Coast Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: http://www.rwqcb.ca.gov/~rwqcb3
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

April 17, 2000

Mr. Mark Sigler
Chevron Products Company
P.O. Box 2833
La Habra, CA 90632-2833

Dear Mr. Sigler:

UGT: 2194 MAIN STREET, CAMBRIA; CHEVRON #9-0919: ISSUANCE OF CLEANUP OR ABATEMENT ORDER NO. 00-28

Enclosed for your implementation is Cleanup or Abatement Order (CAO) No. 00-28. This Order directs you to provide an alternative source of water for the Community of Cambria parallel to your investigation and remedial efforts for the above referenced site. The CAO shall remain in effect until case closure is granted by this agency.

If you have questions, please call Sheila Soderberg at (805) 549-3592 or Jay Cano at (805)549-3659.

Sincerely,

for Roger W. Briggs
Executive Officer

ICEWUS\A\Sheila\Cambria\2194 Main\Chevron\CAOletter

cc:
Ms. Jennifer Soloway
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100

Mr. Curt Batson
San Luis Obispo County
Division of Environmental Health
P.O. Box 1489
San Luis Obispo, CA 93406

Ms. Shirley Bianchi
District Two Supervisor
County of San Luis Obispo
County Government Center, Room 370
San Luis Obispo, CA 93408-2040

Mr. Steven von Dohlen
Deputy District Attorney
Consumer Protection & Environmental
Crimes Investigation Unit
1035 Palm Street, Room 460
San Luis Obispo, CA 93408

Ms. Caryn Maddalena
Department of General Services
1087 Santa Rosa Street
San Luis Obispo, CA 93408

Mr. Ken Topping
General Manager
Cambria Community Service District
P.O. Box 65
Cambria, CA 93428

Ms. Margaret Sohagi, esq.
Fox & Sohagi
10060 Wilshire Blvd, Suite 1270
Los Angeles, CA 90024

Ms. Karen Brooks
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Mr. Lynn Tukaichi
Kennedy-Jenks Consultants
1000 Hill Road
Ventura, CA 93003

Mr. Todd Porter
SECOR International, Inc.
3437 Empresa Dr., Suite A
San Luis Obispo, CA 93401-7355

Mr. Jeff Delgado
State Water Resources Control Board
Division of Clean Water Programs
P.O. Box 944212
Sacramento, CA 95814

Mr. David Thompson
Chevron Service Station
2194 Main Street
Cambria, CA 93428

Mr. Phillip Wit
#1 Pinecrest Circle
Chico, CA 95926

Ms. Mary Lee Schilling
4 Kristin Lane
Novato, CA 94947

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
81 Higuera Street, Suite 200
San Luis Obispo, California 93401-5427

CLEANUP OR ABATEMENT ORDER NO. 00-28

Concerning

Chevron Products Company
1300 Beach Boulevard
La Habra, CA 90632-2833

The California Regional Water Quality Control Board, Central Coast Region (hereafter Board) finds:

1. Chevron Products Company (hereafter Chevron), operated Chevron Service Station #9-0919 located at 2194 Main Street, Cambria (hereafter Property) where it discharged or caused or permitted petroleum products to be discharged to soil and ground water. Chevron operated the Property in 1993 when an unauthorized release of petroleum products was discovered to be discharged to the subsurface environment. Chevron's discharge to soil and ground water included the fuel additive methyl-tertiary-butyl-ether (MTBE).

2. A groundwater assessment report prepared by SECOR International, Inc. dated February 17, 2000 indicates that the maximum concentration of MTBE discharged to ground water is 25,000 micrograms per liter (µg/L). The Water Quality Control Plan, Central Coast Region (Basin Plan) provides that "Wastes discharged to ground waters shall be free of toxic substances in excess of accepted drinking water standards; taste, odor, or color producing substances...." (Basin Plan p. V-10.) Concentrations of MTBE in excess of 5 µg/L in drinking water supplies cause offensive tastes and odors making the water unsuitable for drinking. The Department of Health Services has established a secondary maximum contaminant level of 5 µg/l and a health-based advisory level (Drinking Water Action Level) of 13 µg/L.

3. Pursuant to Chapter 2 of the Basin Plan, present and potential beneficial uses of ground water beneath the site and vicinity areas include domestic and municipal supply, agricultural water supply, and industrial use.

4. Chevron's discharge to ground water is within 700 feet of Cambria Community Service District Wells (CCSD) Nos. 1 and 3 which provide approximately 1/2 of the Community of Cambria's drinking water supply. If ground water is pumped from these threatened CCSD wells, petroleum hydrocarbon contaminants, including MTBE will likely be drawn into these wells and contaminate the Community of Cambria's water supply.

5. Chevron is responsible for contaminants discharged on-site and for the contaminant clean-up. This order is intended to direct the above named parties to provide an alternate source of water for the Community of Cambria during Chevron's investigation and cleanup of the site.

6. This enforcement action is being taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Sections 15307 and 15308, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the Porter-Cologne Water Quality Control Act, Chevron its successors, agents, or assigns, shall provide an alternate water supply for the Community of Cambria as follows:

1. Immediately take all actions necessary to identify and secure an alternative water supply for the Community of Cambria by September 1, 2000 in the quantity required by this Order.

2. By September 1, 2000, provide the Community of Cambria with a potable water supply equal in quantity to water pumped from CCSD Well Nos. 1 and 3. Chevron shall provide the Community of Cambria this alternative water supply during Chevron's investigation and cleanup of petroleum hydrocarbon contamination in the subsurface environment.

3. Beginning on May 1, 2000 and the first day of each month thereafter unless compliance with this order is complete, submit to the Regional Board a progress report documenting all efforts Chevron is taking to provide the required alternative water supply and a final report to document that the required alternative water supply is in place.

All technical and monitoring reports (including progress and final reports) required in conjunction with this order are required pursuant to Section 13267 of the Porter-Cologne Water Quality Control Act and shall include a statement by the Discharger certifying under penalty of perjury under the laws of the State of California that the report is true, complete, and accurate. Hydrogeological reports and plans shall be prepared by, or under the direct supervision of, and signed and stamped by a Registered Geologist and or an appropriately Registered Engineer.

FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY SUBJECT YOU TO FURTHER ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO, ASSESSMENT OF CIVIL LIABILITY UNDER SECTIONS 13268 AND 13350 OF THE PORTER-COLOGNE WATER QUALITY CONTROL ACT AND REFERRAL TO THE DISTRICT ATTORNEY OR ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.

Roger W. Briggs, Executive Officer

4-17-00

Date:

[illegible]

EXHIBIT 6

California Regional Water Quality Control Board

Central Coast Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: hhttp://www.swrcb.ca.gov/~rwqcb3
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

April 10, 2001

Dear Cambria Property Owner:

UGT: 2194 MAIN STREET, CAMBRIA; CHEVRON #9-0919: LETTER RESPONSE

Thank you for your recent letter to the Board requesting the Regional Board enforce its April 17, 2000, Cleanup or Abatement Order No. 00-28 (Order) issued to Chevron Products Company (Chevron) to provide an alternative water supply for Cambria. The Regional Board received numerous letters from property owners, many in support of Mr. Deryl Robinson's February 6, 2001 letter to the Regional Board. As noted in Mr. Robinson's and your letter, hundreds of owners of existing residential lots in Cambria are on a multi-year wait-list for water service.

Regional Board staff recognizes that all property owners are stakeholders in Cambria's water supply. Because issues related to replacement water are very complex, Regional Board staff encourages the Cambria Community Service District (CCSD) and Chevron, independently or through mediation, to resolve Cambria's replacement water issues. The CCSD has recently advised us that negotiations are progressing. The recent agreement between Chevron and CCSD for wellhead treatment for fire emergencies is promising.

Please be assured that the Regional Board considers the Chevron case, as well as three other cases in Cambria, are some of the highest priority investigation and cleanup sites under our purview. Regional Board staff is directing the responsible parties for all these cases to investigate and cleanup discharges of petroleum hydrocarbon constituents to ground water from leaking underground storage tanks (UGT) as quickly as is feasible. However, we agree that the water supply issue needs to be resolved concurrently, not after cleanup.

The Regional Board appreciates your concern in this matter. If you have questions regarding the investigation and cleanup of UGT cases in Cambria, please call **Sheila Soderberg at (805) 549-3592** or Jay Cano at (805) 549-3699.

Sincerely,

for Roger W. Briggs
Executive Officer

Attachment: List of Addresses

S:\ICB\USA\Sheila\Cambria\2194 Main\misc\03-30-01 ltr to prop owners.doc

cc:

Mr. Curt Batson
San Luis Obispo County
Division of Environmental Health
P.O. Box 1489
San Luis Obispo, CA 93406

Ms. Shirley Bianchi
District Two Supervisor
County of San Luis Obispo
County Government Center, Room 370
San Luis Obispo, CA 93408-2040

Mr. Steven von Dohlen
Deputy District Attorney
Consumer Protection & Environmental
Crimes Investigation Unit
County of San Luis Obispo
1035 Palm Street, Room 460
San Luis Obispo, CA 93408

Ms. Caryn Maddalena
Department of General Services
County of San Luis Obispo
1087 Santa Rosa Street
San Luis Obispo, CA 93408

Mr. Ken Topping
General Manager
Cambria Community Service District
P.O. Box 65
Cambria, CA 93428

Ms. Margaret Sohagi, esq.
Fox & Sohagi
19060 Wilshire Blvd, Suite 1270
Los Angeles, CA 90024

Ms. Karen Brooks
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Mr. Kurt Souza
DHS – Drinking Water Field Operations
1180 Eugenia Place, Suite 200
Carpinteria, CA 93013

Mr. Mark Sigler
Chevron Products Company
P.O. Box 2292
Brea, CA 92822-2292

Mr. Todd Littleworth
Chevron Products Company
P.O. Box 2292
Brea, CA 92822-2292

Mr. Deryl Robinson
10101 El Capitan Drive
Huntington Beach, CA 92646

Ms. Jennifer Soloway
State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100

Ms. Liz Haven
State Water Resources Control Board
Division of Clean Waters Programs
P.O. Box 944212
Sacramento, CA 94244-2120

Mr. Tom Jones
State Water Resources Control Board
Office of Legislative & Public Affairs
P.O. Box 100
Sacramento, CA 95812-0100

Senator Jack O' Connell
18th District
1260 Chorro Street, Ste. A
San Luis Obispo, CA 93401

Assemblymen Abel Maldonado
33rd District
1302 Marsh Street
San Luis Obispo, CA 93401

U.S. Representative Lois Capps
22nd District
1411 Marsh Street, Ste. 205
San Luis Obispo, CA 93401

CL/LF/SM

FIRE CHIEFS ASSOCIATION OF SAN LUIS OBISPO COUNTY

In association with the California Fire Chiefs Association

RECEIVED

MAY 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 2,2001

Mrs. Sara Wan, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Dear Mrs. Wan:

The Coastal Commission staff is currently involved in a periodic review of the San Luis Obispo County Local Coastal Plan (LCP). Chapter 7 of the Preliminary Report dated February 2, 2001 addresses Coastal Hazards. On page 298 your report suggests a need for the " LCP to reflect stronger protections for habitat and recreation areas from fire hazard management measures". The reality is that many urbanized areas have been developed in Environmentally Sensitive Habitat Areas (ESHA). Both current and proposed development requires sufficient separation from the wildland fuels to provide a defensible space to protect the structure from wildfires. Additionally, adequate defensible space around structures may provide the ability to use fire as a tool to manage some ESHA areas that are fire dependant.

The report cites particular problems at the "urban/interface where the required area of vegetation clearance can be significant, often 200 feet or more". We are not aware of any projects on the Central Coast that have required vegetation clearance of more than 100 feet. The standard in most areas is 30 feet from the building. The "clearance" around structures is intended to prevent the spread of fire. It does not require the removal of all vegetation.

Chapter 4 of the report details the potential impacts to sensitive habitats from vegetation clearance and other fire safety requirements such as roadway improvements. A common factor in most large wildfires that have resulted in significant loss of structures is an inadequate road network. Roads that are too narrow to allow fire equipment adequate access and areas without adequate ingress and egress contribute to an increased loss of structures. Poor access often contributes to increased damage to adjacent wildland (and frequently ESHA), as more extensive and invasive fire suppression tactics are required.

The continued emphasis on requiring and maintaining defensible space around structures and providing adequate roads is integral to life and property safety on the Central Coast.

Under "Pursuing Development Alternatives that Avoid Impacts to ESHA" in Chapter 4 the report encourages County and Commission staff to work with fire agencies and other parties to explore alternative fire safety solutions. The Fire Chiefs Association of San Luis Obispo County would welcome the opportunity to work with the County and the Commission on developing further recommendations concerning fire safety issues in the Local Coastal Plan.

Sincerely,

Greg O'Sullivan
President

C.
Charles Lester, Central Coast District Manager
Senator Jack O'Connell
Representative Abel Maldonado

SL/LF/TP/AH/SM

RECEIVED
MAY 09 2001
CALIFORNIA
COASTAL COMMISSION

Cayucos

CITIZENS ADVISORY COUNCIL
P.O. BOX 781 • CAYUCOS, CA 93430

RECEIVED
MAY 07 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 3, 2001

California Coastal Commission
Central Coast Office
725 Front St., Suite 3000
Santa Cruz, CA 95060

RE: Periodic Review of the San Luis Obispo County Certified LCP

The Cayucos Citizens Advisory Council has completed its consideration of the Preliminary Report on the Periodic Review of our county's Local Coastal Program (LCP). At our May 2 meeting, the Council held public discussion on the remaining scenic and visual resource issues in Chapter 8 and briefly considered the agricultural issues of Chapter 5.

The following comments represent the consensus of the Council:

Chapter 8: Scenic and Visual Resources. Preliminary Recommendations (PR) 8.1 and 8.6: We support the protection of critical viewsheds. We believe such viewsheds should be carefully defined and supported by detailed visual resource analysis. Siting requirements for development within such viewsheds should be reasonable, and mitigation measures should be available. The Council is concerned that viewshed protection measures could be so strict as to unreasonably restrict residential and agricultural buildings.

PR 8.2: A scenic SRA is proposed in the draft Estero Area Plan for the Highway 1-Cayucos viewshed.

PR 8.3: We support strengthening the County Planning Department's project monitoring and enforcement efforts.

PR 8.4 We support consideration of an open space funding mechanism.

PR 8.5 Efforts to gain National Scenic Byway designation for Highway 1 are underway.

Chapter 5. Agriculture. The Council did not complete a detailed analysis of Chapter 5. Supervisor Bianchi, however, reported on the Board of Supervisors workshop held May 1. The Council endorses the recommendations made by our Supervisors at that workshop.

Thank you for the opportunity to comment on this report. If you have any questions, please don't hesitate to contact me at 805-995-3059.

Sincerely yours,

Bruce S. Gibson

Bruce S. Gibson
President (Pro Tem)

CC: Supervisor Shirley Bianchi
Pat Beck, Planning Dept.

San Luis Obispo County CattleWomen

May 10, 2001

RECEIVED

Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Dr. Lester,

The San Luis Obispo County CattleWomen would like to address a number of issues concerning agriculture in San Luis Obispo County, as they relate to the Coastal Review of the San Luis Obispo County Local Coastal Plan. A fundamental issue we have with the Review is, The Coastal Act requires that the maximum amount of agricultural land be maintained in agricultural production, yet the Review has systematically developed the foundation for the destruction of the very industry the Coastal Act supports. In the opening pages of Chapter 5, the Review recognizes that maintaining the long-term viability of agricultural land is extremely difficult and that flexibility to change practices to respond to changing economic situations is critical, yet the policies and policy changes the Review recommends through-out the document will ultimately result in the loss of agriculture and productive agricultural land.

Agricultural production and changes in intensity of agriculture is <u>not development</u>. If classified as development, then numerous permit procedures that will be time consuming and costly will impact our agricultural cultural activities, causing major disruption and loss to the industry. At the same time, the procedures will not produce the results that it appears the Review is trying to create. *Although representatives of the Coastal Commission have stated that the following types of requirements will not apply to ongoing agricultural production, the Review does not state this. But, assuming that the following requirement apply to new agricultural practices, the ultimate results of these requirements will have a seriously negative impact on our industry.* For example if agriculture were to be defined as development the Review as written would require the following for new and ongoing production:

A. If we were to farm in or near an "endangered species habitat areas" (esha), and the policies of the Review prevailed, we would have to have a plant and animal inventory by a qualified biologist.

B. As development, our agricultural activities would have to be set back from riparian vegetation a minimum of 100 feet in rural areas. This is because of existing LCP policies for development. Through the Ranch and Farm Water Quality Short Courses, which many ranchers have completed in our efforts to protect our agricultural land and watersheds, we have learned that arbitrary

setbacks are not logical. We know that the need for buffering activities varies with the type of activity, the slope and type of land.

C. A very serious concern to those of us in ranching is the Review's proposal for a biological review on manmade wetlands. We utilize stockponds and irrigation ponds for livestock water and crop production. These would fall into the Review's classification of wetlands. Some of these ponds are on-stream and many are off-stream. To require a biological review addressing competing resource protection interests and the biological significance of theses wetlands is actually punishing the agriculturalist for a positive activity, providing water and water related habitat that the surrounding wildlife. Would it not be better to have a positive approach to the issue, encouraging agriculture to continue the development of stock and irrigation ponds, thus assuring that there will continue to be water and habitat year-round for not only the livestock and crops but also the wildlife?

D. As development, under Preliminary Recommendation 8–1, agricultural production could be prohibited because a tourist, driving 55 miles an hour or more, could see our agricultural activities. This is a particularly galling recommendation, as the Review is giving a transient activity (30 second view) top priority over those of us who have to live, work and try to make a living in San Luis Obispo County. Why should a drive-by have priority over those of us who have been here, often for many generations?

E. In chapter 5 , PR 5-13, the Review justifies requiring a permit to change from grazing to crop production, by claiming that it protects scenic viewsheds. As mentioned in D above, this type of logic is particularly galling.

F. As ranchers and farmers, we wonder where the Review developed the idea that a 30% slope no longer constitutes appropriate agricultural production land? Many of us in the livestock industry are diversified, including orchards or other crops in our practices. There are places where grazing is not appropriate and sometimes that is on land that is over a 30% slope. We urge the Reviewers to look at some of our County's very successful orchard and crop operations on land with slopes over 30%.

The Review, in Preliminary Recommendation 6-5, blatantly encourages the County to document trespass over agricultural land, not because it is illegal, but so that after the proper number of years of trespass it can legally become a prescriptive easement. Those of us in agriculture have our hands full every day, with those that don't understand that our land is our business. We can not protect every inch of our land from those who try to sneak through and here, by the very wording of this recommendation, the Review is encouraging that very activity, so that, after a sufficient period of time we will be forced to allow the public to trample and destroy our grazing or cropland. Trespass and prescriptive easements may seem like a very small matter to those who don't have to

work on the land, but the cost, not just in dollars, but in liability and damage, to the land, the agricultural operation and our business is significant.

Another, major concern to those of us in grazing is the Review's position on fire prevention. We are the people that loose our land and business in wildfires. We live the with the devastation left behind. It is because of this that we are concerned over the logic that would prohibit removal of vegetation for fire protection in sensitive habitat, park and recreation areas. Would not a few acres of lost habitat be far preferable to the wholesale loss of tens of thousands of acres of land, the loss of life of citizens and firefighters from a wildfire, such as has happened in the 41, 58 and Painted Cave fires? In addition, often the vegetation removal for fire protection actually improves the habitat, because it opens the brush to the degree that the birds and other animals can actually get into the area. Whether we have a small burn or use equipment to cut a trail through the brush, we see deer, rabbits, birds and other animals coming in and eating the new sprouts, building nests in the edges of the areas and feeding where they could not get to before.

It appears that the Review was not based upon full knowledge of agriculture, the needs and activities in the industry. We encourage the Coastal Staff to continue their contact and discussions with the agricultural community and become more knowledgeable about our industry.

Those of us in agriculture in San Luis Obispo County have been in the forefront of land protection, participating in land conservation programs and organizations, yet we see the above types of policy recommendations and question that whether Coastal Review is interested in maintaining agricultural production in San Luis Obispo County, or is interested only in seeing how much agricultural land will be lost, so it can be added to the public acquisition list for recreation and other non-agricultural uses, as one conservationist publically advocated?

The San Luis Obispo County CattleWomen hope that you will look at all the comments from agriculture and give our concerns serious consideration and made positive changes to LCP Review.

Sincerely,

Susan Hermrick

Susan Hermrick
President

cc: San Luis Obispo County Board of Supervisors

Upper Salinas-Las Tablas Resource Conservation District

65 Main Street Suite 108 • Templeton, California 93465 • (805) 434-0396 • Fax 434-0284

May 10, 2001

RECEIVED
MAY 3 0 2001
Planning & Bldg

Peter Douglas
Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Subject: Comments on the Periodic Review of the San Luis Obispo County LCP

Dear Mr. Douglas,

The Upper Salinas/Las Tablas Resource Conservation District (USLT-RCD) covers over 1.5 million acres in San Luis Obispo County, including approximately 44 miles of coastline between Cayucos and the Monterey county line. The USLT-RCD works in close partnership with the USDA Natural Resources Conservation Service (NRCS) in providing free technical assistance to land owners and resource users for the protection of natural resources through voluntary participation in conservation Best Management Practices. The USLT-RCD also has a contractual arrangement with the County Planning and Building Department to review projects for erosion potential through the Erosion Control Assistance Program (ECAP) and to assist the County by reviewing the grading for agricultural roads and ponds through the Alternative Review Program (ARP) for inland grading projects.

We have reviewed the Preliminary Report for the San Luis Obispo County Local Coastal Program and wish to offer the following comments for your consideration:

- We support many of the goals contained in the Preliminary Report. However, we do not concur that "agriculture" should be defined as development. We are committed to sustaining the viability of agriculture through a holistic decision making process that equally addresses economic, social and ecological elements.

- We support voluntary compliance of California's Nonpoint Source Pollution Program through the use of Best Management Practices (BMP's).

- We recommend that the Alternative Review Program (ARP) be instituted in the Coastal Zone. The Alternative Review process has been used successfully in the inland portion of the county by assisting landowners in implementing BMP's. We also request that the RCD be described as a project review agency in the Coastal Zone for potential erosion and sedimentation issues under the Erosion Control Assistance Program (ECAP).

- Existing programs already cover many of the recommendations in your report. For example, the proposed preliminary alternatives in your report are comparable to practices found in the USDA NRCS Technical Field Guide, which are designed to prevent unnecessary erosion and sedimentation. We have linked these practices with current NRCS/RCD programs.

- The above programs, as well as other efforts, are presently being intensified to assist agricultural producers to comply with the voluntary non-point source pollution program and anticipated TMDL's. We recommend that these programs, which are already in place, be allowed to succeed in a voluntary manner to protect and enhance the resources.

For over 50 years, we have worked directly with landowners in applying management practices and providing measures to protect our resources. We respectfully ask for the support of the Coastal Commission and its staff in gaining the needed state and local financial support to implement voluntary acceptance of Best Management Practices for resource conservation.

Thank you for giving this your serious consideration.

Sincerely,

Chuck Pritchard

Chuck Pritchard
President of the Board

CC: County Board of Supervisors
Victor Holanda, Co. Planning Director
Richard Greek, Agriculture Commissioner
Margy Lindquist, District Conservationist, NRCS

Practices	RCD/NRCS Programs
Grading and land form alterations	County/RCD Alternative Review Program (ARP) County/RCD Erosion Control Assistance Program (ECAP) NRCS Technical Assistance
Drainage and run off alterations	County/RCD Alternative Review (ARP) County/RCD Erosion Control Assistance Program (ECAP) County/RCD Lodge Hill Drainage Plan NRCS Technical Assistance

Practices	RCD/NRCS Programs
Wildlife enhancement/habitat protection Stream & water body protection Vineyard cover cropping Hedgerow provisions Native tree & vegetation protection	NRCS EQIP (Environ. Quality Incentive Program) NRCS WHIP (Wildlife Habitat Incentives Program) NRCS CRP (Conservation Reserve Program) NRCS Buffer Program NRCS Farmland Protection Program RCD/RC&D Toro Creek Steelhead Enhancement RCD Salinas River Management Plan CSL RCD Chorro Flats Enhancement Plan Non-NRCS/RCD programs: UC Extension Ranch Water Quality Short Course Farm Bureau Rural Action Plan Central Coast Sustainable Vineyard Team Land Conservancy Salmon Enhancement Team CSL RCD Chorro Flats Enhancement Plan

Cambria Focus Group
San Luis Obispo County Community

FireSafe

2850 Burton Dr. Cambria CA. 93428
Phone 805- 927-6240 Fax 805-927-6242

RECEIVED
MAY 2 4 2001
CALIFORNIA COASTAL COMMISSION

California Coastal Commission
45 Fremont, Suite 2000
San Francisco CA.94105-2219

5/13/01

SUBJECT: Preliminary Report on the Periodic Review Of the San Luis Obispo County LCP. Fire Hazards

Coastal Staff has indicated on page 298 that the LCP may need to be strengthened to reflect stronger protection for habitat and recreation areas from fire hazard management measures. It would appear that Coastal Staff has placed habitat and recreation protection as a higher priority than the protection of life. Staff should be placing a higher emphasis on vegetation management plans and hazard reduction, in concert with the county and area vegetation management plans that already exist. This would benefit better protection of life and of the environment, without establishing another set of rules which could compromise existing vegetation management requirements. By creating fuel modification/fire hazard projects in the urban/rural interface area, the threat of a wildfire from either the urban area or rural area is greatly reduced. The fuel modification/fire hazard breaks actually create corridors for wild life to move from one area to another. The erosion, fire extinguishment run-off and lack of habitat after a wildfire would be far more devastating to the environment, than a scientifically balanced and environmentally proven vegetation management program and fuel reduction guidelines and regulations. The Coastal Staff in the PR are suggesting that they supersede the Health and Safety Code and Uniform Fire Code that require many of the fire hazard reduction measures. This is also contrary to what the Federal Government has now realized, which is that fuel/fire hazard modification measures must and will be put in place to try to stop these devastating urban interface wildfires. Large wildfires, such as the 1985 Las Pilitas fire (75,000 acres 12 homes) , the 1994 Hwy 41 fire (49,000 acres 42 homes), the 1996 Hwy 58 fire (106,000 acres 13 homes), all in San Luis Obispo County had devastating effects on the habitat in and around these fire areas. By creation of fuel/fire hazard modification breaks and the prescribed burns on agricultural lands, we may be able to stop a wildfire before it could consume large amounts of habitat and/or homes not to mention the possibility of loss of life. The California Dept. of Forestry and Fire Protection, San Luis Obispo County Fire Dept., San Luis Obispo County Community FireSafe Council, Cambria Fire Dept. and Cambria Focus Group have put to gather a Pre-Fire Management Plan that details how we can better protect the lives of the people in our communities and yet be sensitive to the environment
We would urge you to look at this Pre-Fire Management Plan and incorporate it into the LCP.

Respectfully submitted Cambria Focus Group Members.

Walter Fitzhugh
Alan McFadd
Doyle Fitzhugh
Curtis J Hatton
H.W. Pebley
Barbara Wellington
Bill Warren
Bob Berg

INNOVATIVE SOLUTIONS TO LAND USE

ROGOWAY PLANNING GROUP

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MAY 21 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 14, 2001

Chairman and Members of the Board of Supervisors
San Luis Obispo County
County Government Center
San Luis Obispo, California 93408

Mr. Chairman and Members of the Board:

I am writing this letter to your board in the aftermath of your considerations of the Coastal Commission Staff review of the San Luis Obispo County Local Coastal Plan. The companies I have represented in this series of updating the General Plan and the Local Coastal Plan comprise most of the vacant undeveloped and unsubdivided property within the Urban Reserve Line in Los Osos. There are seven different, independent properties which came before the review agencies, each of which had different factors affecting the decisions about acceptable land uses. Since the beginning, part of one had been acquired and another is earmarked for the sewer ponds.

It would have been futile for me to try to explain our position in two minutes during your study session. We tried to state our position in the two minutes allotted during the study sessions conducted by the Coastal Commission staff, but our story came out too generalized and disjointed to be understood. Consequently, we wrote more detailed letters about each one of four separate parcels to the Coastal and County staffs.

I listened to your Board session over the radio and came away thinking the majority of the Board members expressed the same conclusions that our clients and I have about the Coastal Commission staff review. I attended most of the meetings of the Los Osos Community Advisory Council held over the last several years and I consulted with the County staff frequently about the recommendations they were formulating to present the Planning Commission and your Board. Both the County staff and the Los Osos Council have been very deliberate and dedicated in their efforts to protect the environment of their community. They were tough players and we were receivers anxious to find fairness and closure, the result evolving in recommendations that diminished our development opportunities, but in the end fair judgment and effective conservation. At their last meeting, the Council was deliberating over several of our properties and settled on recommendations which did not comply with the recommendations of the Commission staff. They almost unanimously proclaimed 'this is our plan and we will not let the Coastal staff dictate to us what our plan should be'.

412 Marsh Street
San Luis Obispo, CA 93401
(805) 546-9300 (Fax 542-9949)

It is not a question that the Commission Staff recommendations comply with the Coastal act and the Los Osos Council does not; the same objectives can be achieved by finding different solutions. As a planner having served forty two years in this County advocating environmental solutions and with the combined talents of the membership of the Los Osos Council, many of whom are professionals, there is infinite more knowledge coming forth locally than has been suggested by a third level Coastal employee sitting at a desk in Santa Cruz. As the Coastal Act was founded, the preparation of the Local Coastal Plans are the primary responsibility of the local authority and that is the way it should be and stay..

In this atmosphere of fear of reprisal, the County staff kept insisting the recommendations to your Board be changed to more nearly comply with the recommendations of the Coastal staff. Many of the basic principals of the Plan were changed as a result of the threat that the Coastal staff would declare the plan not to be in compliance with the Coastal Act. When the local authority sets out to prepare a plan to fulfill the mandate and in the end is put upon by the reviewing authority because in its opinion it is not in compliance with they think the mandate says, and they use their veto authority to force compliance, something is terribly wrong with the system. The system must allow the authority preparing the plan much more leeway in fulfilling the mandate than is now given by the Coastal Commission staff. The Commissions responsibility should be oversight and instructional, not autocratic. They must learn to recognize there is more than one way to fulfill the mandate to achieve compliance with the Act.

Let me explain a critical example of this issue resulting from their very narrow interpretation and absolute solutions. Most of the land I represented was, in some way described as environmentally sensitive. The Los Osos Council spent hours deliberating about how to retain reasonable development rights and at the same time protect the environmental resource associated with each one of these properties. Some of the issues raised by the Coastal staff might involve endangered species and plant life, others were generally described in a sweeping declarations of threat to a suspected resource. In each case, the Council, thoughtfully considered what the current Land Use Plan permits and what the endangered resource required. Each property had significantly different factors effecting their deliberation. There were arguments on both sides of the environmental aisle and as a result the Los Osos Council came to a consensus on each of the properties, recommendations that were in sharp contrast to the Coastal Staff proposals. It was at this point that the Council stoutly defended their recommendations in spite of the contrary opinions of the Coastal Staff. I will attempt to explain this disparity in a subsequent letter, but the conclusion

must be reached the recommendations proposed by the Los Osos Council is another valid opinion about how to comply with the provisions of the Coastal Act. I hope your board will be firm in standing for the principals of local controls over Planning issues, after all the shoreline is only part of the big picture that your board must consider in its deliberations. There is a lot more at stake than just the shoreline in a vacuum.

Respectfully submitted,

Ned Rogoway, AICP

Original to each Board member
cc: District Office, California Coastal Commission
County Department of Planning: Mike Wulkan
Chairperson and members: Los Osos Community Advsory Council (12)
Charles Ogle, Esq. - Morro Bay and Land company
John Curci, Morro Palisades Company

COAST UNIFIED SCHOOL DISTRICT

2950 Santa Rosa Creek Road
Cambria, CA 93428

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MAY 2 2 2001
CALIFORNIA
COASTAL COMMISSION

May 15, 2001

Steve Monowitz
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA. 95060

RECEIVED
MAY 2 2 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Periodic Review of the LCP

Dear Mr. Monowitz:

During the public hearing on the Periodic Review of the LCP in Cambria on March 26, 2001, I stressed the need for adequate planning for school sites in the LCP. Currently, the LCP calls out two possible locations for elementary schools in Cambria. The first of these sites is located on the West Side of Highway One in the middle of what is commonly referred to as the East-West Ranch. The second location is in the area of the Cambria Pines Lodge located on Burton Drive, an area already built out.

It becomes fairly obvious that locating an adequate size parcel within the Urban Services Line is impossible. The Coast Unified School District has been researching and studying, with the assistance of community committees, possible sites for over fifteen years and has reviewed a total of twenty-four different sites.

The San Luis Obispo County Annual Resource Management Report has for years listed the elementary and middle schools overcrowding at a level three: the most severe condition that the report can identify a resource. The LCP must take into account the need to provide an adequate infrastructure to meet the needs of its citizens. Planning should only be a guide. Setting hard fast rules as to where every line will be drawn does not provide the flexibility needed for good long term planning.

The communities along the North Coast recognize the need for adequate schools for our children now and in the future. I urge the Coastal staff to continue working with the school district to provide appropriate sites in the LCP to meet today's critical needs for an elementary school, as well as the long-term needs for the future students of the area.

Sincerely,

Denis M. de Clercq
Director of Facilities

RECEIVED
MAY 23 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

The Hearst Corporation

Stephen T. Hearst
Vice President and General Manager
Sunical/S.F. Realties

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MAY 21 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

County of San Luis Obispo
Board of Supervisors
County Government Center
San Luis Obispo, CA 93408

May 17, 2001

Re: Coastal Commission's Preliminary Periodic Review Staff Report

Honorable Supervisors:

As part of the County's review of the Coastal Commission's Preliminary Periodic Review Staff Report, we submit the attached comments for your consideration. The Hearst Corporation is currently engaged in a conservation effort for the Hearst Ranch property in addition to working with the community, County, and Coastal Commission in an attempt to find "common ground" on compatible visitor serving uses. We are in discussions with potential conservation organizations and will shortly choose one or more to spearhead the conservation process.

Unfortunately, the timing of the Periodic Review comes in the middle of Hearst's outreach for public input and our conservation effort. We are concerned that the timing of the Coastal Commission's recommendations for a North Coast Area Plan update may be at odds with Hearst's efforts to consider a conservation solution for the bulk of the Ranch. If adopted by the County, many of the Periodic Review recommendations could potentially jeopardize these efforts by pushing Hearst into a development posture before the conservation process has had an opportunity to be effective.

In addition to the premature timing of the Periodic Review, we are specifically concerned that the substance of the Coastal Staff's preliminary recommendations go beyond the scope of what the Coastal Act contemplates for purposes of a periodic review. Certain recommendations appear to be overly broad and aggressive, potentially asserting state jurisdiction over what should be local planning decisions, and requiring broad-based prohibitions that are not backed by supporting data and not based on site-specific determinations.

We commend County Staff for its thorough review of these voluminous recommendations. However, Hearst believes that the Periodic Review raises additional issues that would have far reaching impact on the County's decision-making authority, the rights of property owners, and agricultural operations on the Central Coast. In order to assist the County with its analysis of the

Periodic Review, we have attached specific comments prepared by our legal counsel for consideration as the County continues to prepare responses to the Coastal Commission Staff's draft Periodic Review.

We ask that the County incorporate these comments into its analysis of the Periodic Review. In addition, we request that the County ask the Coastal Commission to make a demonstration, based upon sound data, that specific changes to the certified LCP are in fact necessary for the County to remain in compliance with the Coastal Act.

Thank you for your consideration of these comments. We look forward to continuing to work with you.

Regards,

Steve

Stephen T. Hearst

Attachment

cc: Vic Holanda, Director, County of San Luis Obispo Department of Planning and Building
Chuck Stevenson, Supervising Planner, County of San Luis Obispo Department of Planning and Building
Robert Lilley, Assistant Agricultural Commissioner, County of San Luis Obispo
California Coastal Commission ✓
Roger Lyon, Esq.
Lucinda Starrett, Esq.

COMMENTS TO PERIODIC REVIEW STAFF REPORT

In response to the Preliminary Staff Report for the Coastal Commission's Periodic Review of the San Luis Obispo County Certified Local Coastal Plan ("Periodic Review") released on February 2, 2001, Hearst offers the following specific comments for consideration by the County of San Luis Obispo ("County"). These comments are organized by chapter of the Periodic Review and address the Preliminary Recommendations ("PR") proposed by Coastal Commission Staff ("Coastal Staff") that we believe are most critical. Each comment on the Periodic Review is followed by a summary of County Staff's comments (May 1, 2001) along with Hearst's response to County Staff's comments.

A. OVERVIEW

Hearst's overarching concern with the draft Periodic Review revolves around the attempt by Coastal Staff to substitute its judgment for the County's as to the content of the certified LCP. The primary purpose of a periodic review is for the Coastal Commission to provide a report card to the County on the County's implementation of its certified LCP. (Coastal Act section 30519.5). Instead, the 350+ page draft Periodic Review recommends wholesale modifications to the certified LCP that are not substantiated with supporting data. This approach ignores the mandate of the Coastal Act that any recommended changes must be linked to a specific Coastal Act policy that is not being properly met by the County. (Coastal Act 30519.5). This approach also ignores the mandate of the Coastal Act that the content of the LCP is ultimately determined by the County, not the Coastal Commission. (Coastal Act sections 30500(c), 30512.2(a), and 30513). In approving or disapproving an LCP, the Coastal Commission does not create or originate land use rules or regulations – it can approve or disapprove a County's suggested changes, but it cannot itself draft any part of the plan. Yost v Thomas, 36 Cal 3d 561, 572 (1984); San Mateo Landowners Assn. v County of San Mateo, 38 Cal App 4th 523, 538-539 (1995).

The Coastal Commission has previously certified the current LCP to be in conformity with the policies of the Coastal Act. It is incumbent on the Coastal Commission to assume the burden of demonstrating the specific justification for each and every recommendation that the County's certified LCP is not now consistent with the same Coastal Act policies. As further discussed below, Hearst is primarily concerned with the following eight (8) topics covered in the Periodic Review.

1. VIEWSHED PROTECTIONS: Coastal Staff proposes to extend viewshed protections to cover views from Hearst Castle and even ocean areas. Currently, views from Highway One are protected. Given that Hearst gifted the Castle to the State and, at that time, gifted a view easement that was limited in scope, we strongly oppose Coastal Staff's proposed broad expansion of viewshed protections.

2. ESHA DETERMINATIONS: The ESHA recommendations would allow automatic designation of areas as ESHAs, without site-specific support and studies. For example, Coastal Staff would allow federal Endangered Species Act (ESA) designations to be elevated to

the status of ESHAs. Such federal designations, however, are broad-brush categories that are not based on site-specific studies and, under the ESA, do not in and of themselves preclude development. If these designations were to automatically trigger ESHA status, any future development of these areas would be prohibited. The ESA was not intended to automatically trigger such broad prohibitions on development and should not be used to circumvent case-by-case consideration of the actual resource value of the land areas in question. Resource determinations should be based on site-specific habitat data and not broad-scale overlays from state and national agencies whose authority is derived from sources other than the Coastal Act.

3. WATER RESOURCES: Coastal Staff draws conclusions about the lack of water and other resources to support development without accurate data to support the underlying assumptions. For example, we know that there are numerous on-site water resources on Hearst's property; a fact confirmed by the County Water Master Plan. Hearst will work with Coastal and County Staff to provide the necessary Resource Management System and CEQA studies to ensure that any development will be self-sustaining with respect to infrastructure and resources, including water.

4. NEED FOR VISITOR-SERVING USES: Coastal Staff concludes in the text of the document that there is no need for additional visitor-serving hotels in the area, despite the fact that they concede that tourism to the area is on the rise and despite the fact that the Coastal Act gives priority to visitor-serving uses. In addition, State Parks has publicly stated that it expects and encourages an increase of 500,000 visitors per year to the Hearst Castle. The Hearst Castle was recently designated as a museum and is one of the most popular tourist destinations in the country. Hearst and other members of the community believe the local coastal plan should provide the County with flexibility to determine the appropriate mix and location of visitor-serving uses.

5. BROAD RESTRICTIONS ON NEW DEVELOPMENT: The Periodic Review recommendations contain sweeping restrictions on new development, including limitations on the square footage of new home and of building pads. Such restrictions are not based on a project-by-project analysis and, as recommended, have no demonstrated nexus to the resource protection policies contained in the Coastal Act.

6. AGRICULTURAL LIMITATIONS: Hearst supports the agricultural community in strongly opposing blanket restrictions on agricultural operations that would further impair the future viability of ranching operations. Such onerous restrictions, as written, include required permits for changes in agricultural use, fencing requirements, limitations of cattle access to water, and the imposition of further regulatory permits for ranch operations, and structure size, among others.

7. PUBLIC ACCESS RIGHTS: The Periodic Review makes numerous allegations about potential prescriptive rights over Hearst's property. Hearst strongly denies the existence of such rights and objects to public funding of prescriptive rights studies.

8. SUBDIVISION MAP ACT: Coastal Staff seeks new policies that can only be made through legislative changes to the Subdivision Map Act processes for certificates of compliance,

lot line adjustments, and lot mergers. Such recommended changes conflict with existing State law, which has preempted the field in this area, and defines the maximum restrictions allowed. Suggestions to amend the Subdivision Map Act are statewide issues that are inappropriate to include in the periodic review of an individual county's LCP. Hearst also believes that the filing of certificates of compliance is an appropriate tool to preserve and memorialize existing property values for legal lots.

COMMENTS

B. NEW DEVELOPMENT (CHAPTER 2)

1. Development on Urban Edges (PR 2.1, 2.3 & 2.4)

The Periodic Review recommendations regarding new development outside the Urban Services Line should be carefully considered. As written, they are overly broad and vague, and may impact the ability to provide appropriate visitor-serving uses in the County. Development limitations should be based on analysis of existing resources and needs. More information is needed to adequately evaluate the recommendations.

County Staff Response: The County Staff response generally agrees with the adoption of these provisions; recommending adoption/more information for 2.1 and modifications for 2.3 & 2.4. As stated above, we believe that the County should carefully consider these provisions since the proposals do not allow for parcel-by-parcel determinations on development and would erode County flexibility and control.

2. Standards for Non-Conforming Lots: Lot Line Adjustments and Lot Mergers (PR 2.7 & 2.8)

The Periodic Review recommends substantial changes to existing state laws regarding lot line adjustments and lot mergers. Policy Recommendation 2.7 would prohibit unbuildable lots from being lot line adjusted so as to become buildable. (p. 38). This recommendation should be carefully studied as it likely conflicts with the State Subdivision Map Act ("Map Act") which already controls the legal parameters for lot line adjustments. In areas such as this where state law has preempted the field, local regulations cannot conflict with those laws. See San Dieguito Partnership, L.P. v. City of San Diego, 7 Cal. App. 4th 748 (1992) (local ordinance stricken as inconsistent with the Map Act requirements for lot line adjustments).

Similarly, PR 2.8 proposes that the County "evaluate options for processing non-conforming parcels in a single ownership, including legal options for lot merger. . ." (pp. 38-39). Like lot line adjustments, legal requirements for lot mergers are controlled by the Map Act, which states that contiguous parcels owned by one individual do not automatically merge by virtue of that common possession. Case law states that local ordinances that force merger beyond the provisions of the Map Act are specifically prohibited. See Morehart v. County of Santa Barbara, 7 Cal. 4th 725, 732 (1994) ("[T]he act does *impliedly* preempt any local zoning ordinance provision that purports to require, as a condition to issuance of a development permit, a merger or parcels that the County could not compel under section 66451.11."(overruled on other grounds)). See also 74 Ops. Cal. Atty Gen. 149 (1991) ("As long as the parcels 'have been created under . . . any

prior law regulating the division of land . . . no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required . . .'"). Any proposed lot merger provision, therefore, must comply with state law, and it is important to carefully consider whether Coastal Staff's recommendations would conflict with the State legislative scheme.

Further, such provisions would penalize property owners who own property that is currently comprised of separate legal parcels. By law, such parcels have value in that they may be sold or distributed to heirs. The suggested lot line adjustment and lot merger provisions would have a disproportionate and detrimental effect on agricultural landowners, whose large properties are generally comprised of separate legal parcels that have significant value.

County Staff Response: The County Staff response generally agrees with Coastal Staff's conclusions, recommending adoption of 2.8 and modification of 2.7. We believe that the County should carefully consider these provisions as they appear to violate the Map Act and contradict case law precedent on lot mergers. PRs 2.7 and 2.8 address statewide issues that should be considered generally and not in the context of an individual local agency periodic review. These recommendations also could potentially open the County to takings claims and other legal challenges. We request that the Board of Supervisors disagree with PR 2.7 and 2.8.

3. Concentration of Development / Zoning Restrictions (PR 2.9)

As part of Coastal Staff's general recommendation to preserve the urban/rural boundary and minimize expansion of development along the North Coast, the Periodic Review recommends the downzoning of unspecified recreational lands to agricultural. (See discussion at pp. 31-35 and PR 2.9, at p. 39). Further, PR 2.9 recommends limiting new visitor-serving uses in the NCAP update to the existing commercial nodes at San Simeon Village and in or adjacent to San Simeon Acres. Even as it currently stands under the existing NCAP, less than ½ of one percent of Hearst's land is zoned for non-agricultural uses. The remaining land is already entirely within an "agricultural" zoning designation. The development that is allowed is limited to visitor-serving functions that would serve the general public in furtherance of Coastal Act sections 30221, 30222, and 30255, which encourage prioritizing visitor-serving facilities. No showing has been made by Coastal Staff that reducing zoning for visitor-serving uses on Hearst Ranch is necessary to make the existing certified LCP consistent with the Coastal Act.

The recommendation that any development should be concentrated adjacent to the existing San Simeon Village or San Simeon Acres does not fully consider that the existing zoning in the current NCAP is already consistent with Coastal Act section 30250 because it is "...located within, contiguous with or in close proximity to..." existing development. For example, Phase I (Staging Area Hotel and Limited Commercial) would be directly adjacent to the existing State Parks Visitors Center; Phase II (San Simeon Village) is adjacent to the existing State Beach and Old San Simeon Village; Phase III (Resort) is also adjacent to the Old San Simeon Village; and

Phase IV (Pine Forest Equestrian Lodge) is in close proximity to San Simeon Acres, separated only by Pico Creek.[1]

The Periodic Review addresses preliminary recommendations for the Countywide Local Coastal Plan and is not intended to supercede the process of updating individual components such as the North Coastal Area Plan. The Hearst Ranch property is currently the subject of negotiations with conservation organizations and actively engaged in a community dialogue process. Because the Coastal Commission's 1998 recommendation, together with other options, will be reviewed in the context of the NCAP update process, the County should reserve comment on the Hearst Ranch visitor-serving zoning until such time as this data is available, allowing the conservation and community process time to work out a win-win solution for all involved parties.

County Staff Response: The County Staff response recommends modification of this item, but does not specify how it should be modified. We suggest that the County challenge PR 2.9. Locating visitor-serving uses on the Hearst Ranch is best accomplished with community and property owner participation in the NCAP update process. This is a local governmental decision that requires community input.

4. Resource Capacity Studies (PR 2.10, 2.12)

The Periodic Review makes certain assumptions about resources without supporting data. For example, the Periodic Review states that the rural North Coast is currently at or beyond Level of Service ("LOS") III (demand for resources equals or meets supply) but does not analyze the potential resources throughout the North Coast planning area properties. See PR 2.10. For example, the Periodic Review does not address the fact that the Hearst Ranch property has vast water supplies that are markedly greater than those of the constrained communities of San Simeon Acres, Cambria, and Los Osos. In contrast to the Periodic Review assumptions, we have evidence that there is, in fact, ample water at the Hearst Ranch property – as confirmed by the County Master Plan. In addition, the Periodic Review does not provide for property owners such as Hearst who possess water rights permits issued by the State Water Resources Control Board ("SWRCB").

Any development on the Hearst Ranch property would be supported by adequate and sustainable on-site resources. Any Hearst development would be structured in phases, with each subsequent phase required to demonstrate the availability of adequate resources. Hearst will, of course, be required to provide evidence and data regarding water availability and other resources to support any future development, including Hearst's 13-year water monitoring efforts at Arroyo de la Cruz.

The Periodic Review should not draw conclusions without supporting evidence and should not impose broad-based limitations on development without site-specific evidence that such limitations are warranted. Coastal Act section 30412 provides that the SWRCB, not the

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[1] Coastal Act section 30250(c) also allows visitor-serving facilities that cannot feasibly be located elsewhere to be at "...selected points of attraction for visitors".

Commission, has primary authority over water quality and water rights and the Commission can not take actions that conflict with decisions of the SWRCB.

County Staff Response: The County Staff response recommends that PR 2.10 be modified and 2.12 be adopted. We believe that the County should carefully consider disagreeing with these provisions as they relate to Hearst Ranch since the proposals do not allow for property-specific determinations on development and would erode County flexibility and control. Properties that are able to demonstrate the availability of adequate resources should not be constrained by regional LOS levels.

C. WATER QUALITY / MARINE RESOURCES (CHAPTER 3)

Hearst understands that the Periodic Review aims to create policies that limit harmful runoff and protect against potential significant impacts from urban and rural development. There are certain recommended policies, however, that would have the unintended consequence of hampering existing agricultural operations that, as stated elsewhere in the Periodic Review, are so vital to the rural character of the North Coast.

1. Agricultural Water Quality Standards (PR 3.1, 3.2, 3.9)

The agricultural community has already expressed concern with these and other recommendations that would have an adverse impact on agricultural operations, and Hearst supports these comments. However, because these issues are so important, we want to stress that any new standards for non-point source management should be carefully analyzed for their potential to negatively impact existing agricultural operations and for their consistency with governing SWRCB standards. Some of the measures attached in Appendix D to the Periodic Review would materially harm the agricultural viability of rural North Coast agricultural practices. For example, standards that require the fencing of creeks, wetlands, estuaries, and riparian areas would have a crippling affect on grazing operations. Requirements that grazing shall not occur adjacent to an ESHA or within 50-feet of a riparian corridor could similarly have a debilitating effect on agriculture.

Further, Appendix D and PR 3.9 would expand the definition of a stream to be broader than the current definition identified on USGS maps. Coastal Staff recommends that the definition of a watercourse be expanded to include any water or drainage system that meets any of the following criteria: (a) supports fish; (b) has significant flow 30 days after significant storms; *or* (c) has a channel, free of soil or debris. PR 3.9. This new definition would create a lack of certainty and cause undue confusion as it may conflict with definitions of watercourses provided by other governing agencies.

Finally, Coastal Staff relies upon erroneous data to support its position regarding the impact of agricultural operations on water quality. For example, Coastal Staff states that "agriculture and grazing are the suspected sources of siltation to San Carpoforo Creek . . ." PR, at p. 77. In fact, it is well established that siltation of the Creek was not caused by grazing or other agricultural practices, but rather by heavy seasonal rains and a large naturally occurring landslide that took place on US Forest Service property.

Overall it is Hearst's belief that the Coastal Act accommodates the competing desires of assuring future water resources while meeting other Coastal Act priorities. The County should not accept any Periodic Review recommendation that unduly imposes additional levels of regulation and takes away from the County's planning flexibility.

County Response: The County Staff response generally agrees with these provisions and recommends the adoption of 3.1, modification of 3.2 and seeks additional information on 3.9. As stated above, we believe that the County should carefully consider disagreeing with these provisions since the proposals would unduly impact the economic viability of agriculture and may contradict other government agencies' definitions.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (CHAPTER 4)

Although Hearst understands the Coastal Act intent to protect certain habitat, there is a concern that the recommendations in the Periodic Review go too far in protecting generalized areas, rather than specific habitat. The unintended effects of such broad prohibitions could, in certain instances, render entire areas without value and use, without site-specific evidence to support these conclusions.

1. Revise Definition of ESHA/Update ESHA Designations (PR 4.1- 4.3)

The Periodic Review would revise the current County definition of Sensitive Resource Area ("SRA") and Environmentally Sensitive Habitat Area ("ESHA") to include areas that are not mapped and identified in the LCP. While Hearst supports periodically studying and updating ESHA maps to reflect actual site conditions, eliminating the mapping concept would create hardship and uncertainty, as there would be no discernible standard in the LCP to identify where ESHAs are located.

The Periodic Review recommends periodically updating the ESHA areas to reflect any recent listings of habitats. ESHA determinations based on State and Federal databases are not reliable, however, as State and Federal listing programs are usually broad-brushed and are not intended to carry the same restrictive, "no-development" consequences as an ESHA determination. Such Federal and State program characterizations are not intended to be site-specific, while ESHA determinations must be specifically mapped, located and studied as they bring with them onerous limitations.

Specifically, the Periodic Review recommends relying on US Fish and Wildlife Service ("USFWS"), California Department of Fish and Game ("DFG") and California Native Plan Society ("CNP") listings and databases for ESHA determinations (p. 111-113). An example of how overly broad these determinations would be as indicators of ESHA is the recent listing by the USFWS of red-legged frog habitat as "critical." The broad-brush maps circulated by this federal agency cover almost the entire North Coast area including streets and previously developed lands. If this designation were given ESHA status, entire swaths of the coast would be rendered undevelopable, though site-specific analysis would show that only a small fraction of the designated territory is actually critical habitat for red-legged frogs. Designations by other agencies are designed to cover broad areas. In creating a local coastal plan, however, the Commission and County must have accurate site-specific data.

Further, the Periodic Review recommends biological inventories for all projects that may have any impact to habitat, including those adjacent to identified ESHAs. PR 4.3. Where such inventories evidence the need for a biological report, the Periodic Review would require that a study be prepared to identify potential new ESHA areas. Such study, and subsequent mapping, however, must be consistently monitored. The effect of the Periodic Review is that anything may be subject to an ESHA determination at any time, leaving property owners with no certainty. Also, various determinations may potentially be made according to differing standards, creating inconsistencies in the County's ESHA identification system.

County Staff Response: The County Staff response generally states that these recommendations should be adopted. Hearst believes, however, that the County should disagree with these Preliminary Recommendations because: 1) The provisions are amorphous, vague, and do not provide landowners with adequate notice of whether property is designated ESHA; 2) defining all riparian habitats as ESHA is unduly burdensome to property owners and unnecessary for the protection of endangered species; and 3) the provisions would erode local government control and flexibility over the development process. Taken in the aggregate, the provisions do not provide for site specific assessments but rely too heavily on broad-brushed portraits of ESHA that may not resemble the actual conditions.

The County Staff response also suggests a process change to "front load" review of projects to determine if a project is within an ESHA and therefore subject to discretionary review. Such a proposed process needs careful public review, including the input of the agricultural community, before the Board of Supervisors considers endorsing such a process.

2. Impacts to ESHA (PR 4.4 –4.9)

Preliminary Recommendations 4.4 – 4.9 contain substantial limitations that are aimed at avoiding impacts to ESHA. For example PR 4.4 and 4.5 would allow only "resource dependent" or "open space" uses within ESHA or ESHA setbacks, and PR 4.8 would require that an overall development plan be submitted for all parcels under common ownership. For property owners with significant tracts of land, these requirements would severely constrain any and all development rights and flexibility for property. Given the impact that these recommendations would have on property uses within or near an ESHA, it is particularly important that ESHAs are carefully mapped and identified on a site-specific basis. Otherwise, the recommendations would render much of the coastal property without any economic value, and needlessly subject the County to takings claims.

County Staff Response: The County Staff response generally agrees with these recommendations or suggests unspecified modifications. We request that the County disagree with PR 4.4-4.9 since the expanded definitions of ESHA proposed would substantially constrain all but resource dependent uses on significant tracts of land within the County without a correlating environmental benefit.

3. Takings Claims (PR 4.10)

Policy Recommendation 4.10 would require that economic-backed expectations be evaluated before concluding that applying the ESHA rules would amount to a takings claim. Coastal Staff recommends that the County take into account purchase price and date of purchase as part of a detailed checklist to identify potential takings issues. The Coastal Staff recommendations appear to be an attempt to by-pass the strictures of takings rules in order to evade potential claims. The County should recognize that property rights are protected by the Coastal Act, and that decisions that impact property values should be premised on good policy – not merely an attempt to evade rules regarding takings. The County should be concerned about any policies that would effectively erode property owners' constitutional rights.

County Staff Response: In its response, County Staff disagrees with this proposed recommendation. Instead, County Staff recommends that "at least one design alternative with a reduced footprint" be submitted by proposed developers. Hearst disagrees with both the Commission Staff and County Staff recommended approaches. Development permits should be based on site-specific analysis and the needs of the community, County, and landowner – not a pre-determined decision to limit or reduce the scope of proposed development.

4. Require Conservation Easements or Deed Restrictions Over All ESHA Outside Development Envelope. (PR 4.13)

The Periodic Review recommends that deed restrictions or conservation easements be required on all ESHA on project sites outside of the development envelope. This requirement would force an exaction of all areas marked as ESHA (and their envelopes) if a property owner wished to develop within or adjacent to ESHA. Hearst disagrees with this recommendation, particularly in light of the expanded and broad-based definition of ESHA proposed by the Coastal Staff. Adoption of this recommendation would require that extensive tracts of ESHA be dedicated as open space or conservation without the showing of the required nexus between such dedications and the proposed development.

County Staff Response: The County Staff recommends that this provision be adopted. Hearst disagrees with the County Staff's position. The necessity of a deed restriction should be predicated on an analysis of particular parcels. To avoid takings claims, deed restrictions and conservation easements should not be required unless it is determined that a sufficient nexus exists between the restrictions sought and development permitted.

5. Stream Alterations and Setbacks (PR 4.18, 4.22)

The Periodic Review recommends deleting the County exemption that allows limited stream diversion structures if associated with certain agricultural stock ponds under 10 acre feet. PR 4.18. This recommendation may have the unintended consequences of harming agricultural operations and economically impacting area ranchers who depend upon such diversions. Furthermore, this recommendation intrudes upon the jurisdiction of the Department of Agriculture, which has oversight authority over stock ponds. Additional administrative supervision of the ponds by the Coastal Commission appears to be unwarranted.

County Staff Response: The County Staff response recommends that both of these recommendations be adopted. We request that the County disagree with PR 18 and 22 since these provisions may unduly impact ranching operations without concomitant environmental benefit and may intrude on the province of other government agencies.

6. Additional Stream Diversion And Development Standards (PR 4.26)

The Periodic Review recommends significant new control standards for stream diversions to protect riparian resources. Some of these standards appear to go beyond existing permitted uses under the jurisdiction of the SWRCB. Coastal Staff's recommendation would create a new level of review and potentially harm users who are operating under existing permits. Such recommendations should be closely considered by the County and the jurisdictional issues should be resolved so as to avoid potential conflict and confusion.

County Staff Response: The County Staff response recommends that PR 4.26 be modified. Hearst requests that the County disagree with PR 4.26.

7. Man-Made Wetlands (PR 4.31)

The Periodic Review seeks to expand the delineation of wetlands. For example, the Periodic Review would expand the definition of wetlands to include some artificial stock ponds used for ranching. Such a designation would trigger the 100' set back requirement. Such designations could potentially have a significant adverse effect on cattle operations that are dependent upon access to such stock ponds for ranching. In addition, such designations would not necessarily recognize existing conditions that have evolved from legitimate long-term and on-going agricultural practices.

County Staff Response: The County Staff response recommends that PR 4.31 be adopted. Hearst requests that the County disagree with PR 4.31

8. Terrestrial Habitats (PR 4.37-4.56)

Preliminary recommendations 4.37-4.56 contain numerous recommendations that provide for ESHA protections for the pine forest, coastal dunes, coastal shrub, western snowy plover, least tern, and elephant seal habitats. Again, it is important for the County to specifically study the biological properties of each habitat, rather than accept across-the-board restrictions and protections.

County Staff Response: The County Staff response generally recommends adoption of provisions 4.37 – 4.56. Hearst believes that these recommendations should be carefully balanced against the needs of the community, the desire for local control and flexibility, and the rights of private property owners. Recommendations that unduly restrict development based on over-inclusive portraits of ESHA and habitat without site specific analysis and study should be denied.

Overall, Hearst is concerned that Coastal Staff proposes to protect non-existent or potentially marginal resources as "ESHA" at the expense of striking the proper balance with other important policies contained in the Coastal Act.

E. AGRICULTURE (CHAPTER FIVE)

Hearst generally supports the comments that have been described and submitted by the agricultural community. There are numerous economic factors that make it difficult to run a profitable agricultural operation on the Central Coast, and the Coastal Commission should not impose restrictions that would cause or exacerbate economic hardship. Despite the stated objective to prioritize and maintain existing agricultural operations, the Periodic Review contains policies that are in conflict with the goal of the Coastal Act to maintain agricultural lands, and, if implemented, would have the effect of deterring agricultural land uses by imposing costly constraints, such as expanding ESHAs to prohibit livestock from using watering sources. It is crucial to weigh these competing interests and not inadvertently eliminate the very same agricultural uses that are sought to be protected.

1. Land Divisions, Certificates of Compliance, Lot Line Adjustments, and Mergers (PR 5.1 – 5.7)

We object to PR 5.1 to 5.7 as being beyond the intended scope of Periodic Review of an individual County's LCP and beyond the jurisdiction of the Commission to mandate. Hearst does not support amendments to the Map Act that would strip a property owner of the existing value of underlying legal lots. By State law, these lots can be certified through a certificate of compliance process and adjusted through the lot line adjustment process, so long as certain express conditions are met. Coastal Staff recommends changes to existing State law parameters. These changes would have a substantial negative effect on agricultural land values. The processes contained in the Map Act were intended by the Legislature to provide tools for preserving property rights and maintaining flexibility in the planning process. Changes to State lot line adjustment and merger rules would eliminate a property owner's right to rely upon historic legal parcels and may be in violation of the Map Act.

Coastal Staff also recommends that a "written staff report" be approved by the planning director for the issuance of each certificate of compliance ("COC"). (PR 5-7.) This recommendation violates the Map Act since the sole prerequisite to obtain a certificate of compliance is the determination that the property complies with the provisions of the Map Act and local subdivision ordinances enacted pursuant thereto. California Government Code section 66499.35. See also Lakeview Meadows Ranch v. County of Santa Clara, 27 Cal. App. 4th 593, 598 (1994).

County Staff Response: The County Staff agrees with some of these recommendations, disagrees with others and suggests modifications to others. Based upon these preliminary recommendations involving statewide issues and recommended legislative amendments to the Map Act, Hearst requests that the County disagree with PR 5.1 to 5.7. These PRs are beyond the scope of an individual county periodic review.

2. Agricultural Viability Studies (PR 5.2 – 5.3)

The requirement that all agricultural users obtain more expansive viability reports prior to changing use of or developing land is particularly onerous and goes beyond the requirements contemplated by the Coastal Act.[2] This provision forces farmers to collect and collate a significant body of technical, economical and geographical data – conditions that may be a substantial financial burden on San Luis Obispo's agricultural property owners. The technical requirements of such a report would force private property owners to hire experts to comply with this provision. This provision would be unduly burdensome to the average farmer, given that Coastal Staff later recommends that changes in intensity of agricultural use be defined as "development." (See 5-11).

County Staff Response: The County Staff response recommends that PR 5.2 & 5.3 be modified to differentiate between requirements for rezoning and individual development projects. As stated above, however, we believe that the requirement of an agricultural viability report is overly broad, conflicts with specific provisions of the Coastal Act, lacks precedent, and is not based on site-specific data or resources. The need for such a report should not be mandated but required only where necessary to assess the impact of an individual project through the CEQA and application processes.

3. Non-Agricultural Uses in Agricultural Areas (PR 5.8, 5.9)

The Periodic Review recommends strict development standards for residential developments on agricultural lots. Specifically, PR 5.8 would limit single family homes to a maximum of 3,500 square feet on a 5,000 square foot development envelope. Hearst feels that any such blanket restrictions on the size of homes is beyond the scope of the Coastal Act. Coastal Staff and the Commission should review Coastal Act-based factors on a site-by-site basis such as potential environmental harm to habitat, rather than blanket prohibitions on square footage designed to ensure that only agriculture-dependent housing is developed. Hearst does not support overly broad policies and prohibitions that do not leave room to specifically address the needs of each agricultural parcel. Such broad policies would strip a property owner of rights, without a nexus and proper site-specific justification. Further, PR 5.9 would make all residences that do not support a bona fide agricultural operation to be considered conditional uses that require special approval. This would put a disproportionate burden on owners of agricultural lands. PR 5.9 also requires agricultural protection easements on the parcel in conjunction with residential development. This would unduly infringe upon a property owner's rights.

County Staff Response: The County Staff response recommends that PR 5.8 be denied and 5.9 be adopted. We agree with County Staff's position on 5.8 but believe that 5.9 should be denied as well. In addition to the above concerns, 5.9 is unduly vague. For example, there is no concrete definition of what constitutes a "bona fide agricultural use" in the Coastal Act. In addition, this provision would vastly diminish County authority and control.

4. Intensification of Agricultural Uses (PR 5.10 – 5.11, 5.13)

Although the Periodic Review states the importance of protecting agricultural uses, it includes recommendations that would severely hamper agricultural operations. For example, PR 5.10 includes a new permit review process for agricultural development. PR 5.11 would impose limitations to operations in conjunction with the new review process, such as fencing and other requirements that would be harmful to cattle grazing operations. (See PR, at 242). PR 5.13 requires coastal development permits where grazing land is converted to a different agricultural use. Such requirements would make agricultural uses even more economically infeasible and difficult, thus deterring a use that is a stated priority under the Coastal Act.

County Staff Response: The County Staff response generally disagrees with recommendation 5.10, 5.11 and 5.13, but agrees to expanded review procedures for agricultural uses. Hearst objects to expansion of the permit review process for agricultural uses.

F. PUBLIC ACCESS AND RECREATION (CHAPTER 6)

1. Maximizing Public Access (PR 6.2)

Coastal Act section 30210 sets forth a policy of public access along the shoreline that requires dedications and other exactions to be commensurate with development and to not infringe on property rights. The Periodic Review proposes blufftop pathways for lateral access in places where the rocky shoreline does not allow for realistic beach-level access. Hearst is concerned that such an expansion of public access to blufftops could interfere with a property owner's private use of property, such as maintaining on-going grazing operations.[3] Further, blufftop accessways may have inherent safety and erosion concerns that would need to be studied and addressed.

County Staff Response: The County Staff report disagrees with recommendation 6.2. We support the County Staff's position.

2. Protecting Existing Access (PR 6.5)

Hearst has a history of providing permissive public access. Hearst intends to continue this policy, but disagrees strongly with Coastal Staff's allegations that the public may have prescriptive rights to its property (p. 261). Through the years, Hearst has permissively allowed the public to access areas of its property west of Highway One. Hearst has done so of its own volition as a public benefit, and in conformance with California Civil Code sections 813 and 846. Such access does not give the public prescriptive rights over private property. PR 6.5

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[2] The Coastal Act calls for agricultural viability studies only for the conversion of prime agricultural land and only in conjunction with adoption or amendment of LCPs, not coastal development permits. Coastal Act sections 30241 and 30241.5.

[3] Coastal Act section 30212(a) provides that access from a new development is not required if it would adversely affect agriculture.

encourages the County to initiate a study of potential prescriptive rights claims. Hearst objects to such attempts to take its property. Coastal Staff's assertion of prescriptive rights lacks any legitimate foundation.

Hearst has always made clear that ingress and egress to Hearst coastal properties is by Hearst's permission. An attempt by Coastal Staff to aggressively pursue prescriptive easements may force Hearst (as well as similarly situated property owners) to close such access points to the public entirely. Coastal Staff's proposal may well result in an actual loss to the public use of these areas.

County Staff Response: The County Staff response disagrees with recommendation 6.5. We agree with the County Staff's position.

3. Visitor-Serving Uses (PR 6.7)

The Periodic Review states that visitor-serving use of the coast has increased dramatically since the LCP was approved in 1988. As an example, recent visitor numbers (and State of California projections) project that tourism to the North Coast will increase dramatically in upcoming years. In fact, attendance at Hearst Castle was up more than 6% over last year. These numbers are certain to increase in light of the fact that the Castle was recently accredited by the American Association of Museums – "the highest honor bestowed on museums in America." Kathe Tanner, *Hearst Castle Wins a National Nod*, San Diego Union Tribune, April 17, 2001, at A-3. This increase in tourism should be encouraged in light of Coastal Act section 30213, which states that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Hearst Castle, with its' $10 admission fee, furthers this provision of the Coastal Act.

Contrary to this evidence, the Periodic Review states that current occupancy rates of hotels are not high enough to support additional visitor-serving uses (p. 264). Hearst believes that this finding is not based on accurate, current economic data and needs assessments, and does not reflect realities along the entire coast. Near the Hearst Castle and the general coastline north of San Simeon Acres, there appears to be an inadequate supply of quality hotel accommodations. Because it appears that the region could support an increase of all types and prices of accommodations, Hearst believes that Coastal Staff's conclusions should be compared against a current needs assessment.

County Staff Response: The County Staff response recommends that PR 6.7 be adopted. We agree with this recommendation to the extent it encourages gathering of accurate and complete data concerning needs for visitor-serving uses. We disagree, however, with the Coastal Staff text that states that additional visitor-serving uses are not needed. We believe that a range of additional visitor-serving accommodations and services are needed throughout the North Coast at *all* price levels.

G. COASTAL HAZARDS (CHAPTER 7)

Highway 1 Realignment (PR 7.13, 7.14)

Hearst understands the Coastal Act section 30253 objective to minimize risk to life and property. Because a large stretch of Highway One runs across Hearst property, we make the following comment. PRs 7.13 and 7.14 request that the NCAP provide for realignment of Highway One within certain minimum setbacks to avoid the need to armor for 100 years. It is important that any realignment plans be consistent with agreements between Hearst and Caltrans and that Hearst, as the property owner, be justly compensated for any future takings of property. Any realignment will have a significant impact on existing ranching operations and Hearst Ranch property holdings in general.

Hearst is aware of Coastal Act section 30210, which addresses public access along the shoreline. However, dedications and other exactions that are imposed on landowners to enhance public access opportunities must not infringe on property rights.

County Staff Response: The County Staff response recommends that PRs 7.13 and 7.14 be further evaluated and/or modified. With regard to both provisions, we believe that relocation of Highway One should be based on specific evaluations and recommendations of Caltrans and that just compensation be paid for all property impacted by this move. Furthermore, we believe that the County should determine what mix of realignment and armoring is preferable, as discussed at the May 7, 2001 Caltrans public meeting regarding the realignment of Highway One north at the Piedras Blancas Lighthouse.

H. SCENIC AND VISUAL RESOURCES (CHAPTER 8)

Protection of Scenic Viewsheds (PR 8.1 – 8.6)

While Hearst understands the importance of visual protection policies, Coastal Staff's recommendations in some places go too far. Periodic Review PR 8.1 recommends a critical viewshed policy that would preclude development from all public viewing areas within critical viewsheds, including the entire North Coastal rural area. Further, PR 8.2 would require that a specific Scenic SRA be created that would encompass most of Hearst's property. Finally, PR 8.6 would broaden coastal viewshed protections by expanding the definition to include all public viewing areas from state coastal waters and Hearst owned property donated to the state.

Together, these policies would in effect prohibit future coastal development that could be seen from the water, Hearst Castle, Highway One, or any public park or turnout within the North Coast Plan Area. Such an expansion severely limits Hearst's potential future use of the property, despite the fact that Hearst gifted the Castle, the access easement to Hearst Castle, the State Beach, and other public viewing areas to the State. These limitations would in effect punish Hearst for its generosity. Further, the gift of the Hearst Castle to the State contained a viewshed easement that represents the extent of view limitations that were agreed to at the time of the gift.

County Staff Response: The County Staff generally agrees and/or suggests slight modifications to these provisions. We believe that this is a mistake. As stated above, denial of development based upon the fact that a project may be viewable from public spaces (including the Ocean) is overly broad and unnecessary under the Coastal Act. There is no precedent for the position that all development be sited so as to be invisible from such broadly defined viewsheds. This provision would impact County control and flexibility over development, severely harm private property land values, and open the County to potential legal challenges.

I. IMPLEMENTATION PROCEDURES (CHAPTER 12)

1. Land Divisions, Lot Line Adjustments and Certificates of Compliance as Conditionally Permitted Uses. (PR 12.8)

PR 12.8 proposes that land divisions, certificates of compliance, and lot line adjustments be defined as conditionally permitted development. The consequence of defining these land use devices as "conditional" is that it allows them to be appealed to the Coastal Commission. Hearst disagrees with this provision since (under the Map Act) these devices are intended to be non-discretionary, ministerial functions. This recommendation appears to conflict with the Map Act. See San Dieguito (striking down local ordinance that is inconsistent with the Map Act requirements for lot line adjustments).

County Staff Response: The County Staff generally disagrees with the recommendation issued by the Coastal Staff. However, the County Staff states that "more information" is necessary in order to make a recommendation with respect to whether these devices should be characterized as conditional if within ESHA. County Staff's position contradicts San Dieguito which held that the fact that land was defined as "environmentally sensitive" did not impact the question of whether the Map Act controls. San Dieguito, at 761.

2. Clarification of Appealability of Conditional Uses. (PR 12.11)

PR 12.11 would alter County language so that if *any* portion of a project involves a conditional use, the *entire* project would be appealable to the Coastal Commission. Hearst disagrees with this provision as it would interfere with local control and make even the most minor of conditional uses a basis for an appeal and reconsideration by the Commission. This does not comport with the intent of the Coastal Act and is not supported by precedent or case law.

County Staff Response: The County Staff agrees with this provision. We do not. This proposal would remove County approval authority from a significant percentage of development projects. Only the portion of a project deemed to be a conditional use should be appealable to the Coastal Commission per the Coastal Act.

ROGOWAY PLANNING GROUP

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 30, 2001

Honorable Chairperson
and members of the Board of Supervisors
San Luis Obispo County
County Government Center
San Luis Obispo, California 93408

Subject: Recommendations for consideration in the review of the San Luis Obispo County Local Coastal Plan - Land Use and Resources.

Dear members of the Board:

It would appear from news stories that your Board is struggling with the Coastal Commission over the balance of power in the planning process. And this struggle has manifest itself into land use decisions and decisions relating to major public policy about the regional planning issues. As the professional City Planner and in this case, agent representing several property owners in the Pecho Road area of Los Osos (Morro Bay and Land Company and Morro-Montana Company), I have tried to point out in previous letters to your Board, the General Plan and its eight elements are the sole responsibility of the local legislators. You should not abrogate your responsibilities in the coastal Zone by allowing the Commission staff (and the Commission) to dictate land use decisions and prevent you from preparing long range programs to fulfill the growing needs of the communities and region. When the Commission staff recommends, ' we want more tourist commercial here' or 'we don't want development in this area' they are abrogating your powers. Most of the time the recommendations they make are accompanied by an arguable and unsupported statement 'your proposal is inconsistent with the Act'. Land Use proposals made by the local jurisdiction should never be challenged by the Commission unless the proposal is clearly shown to be a violation of a specific provision of the Coastal act.

The Commission staff has repeatedly stated they cannot rely on long range planning programs because they are only abstractions which have no basis in reality. And yet the whole basis for the General Plan is to plan programs that will keep pace with the needs of the community. The attitude of the Commission has evolved to say that the Local Coastal Plan must not allow the build out development to exceed the limits of existing resources which is a contradiction to the General Plan processes. The Local Coastal Plan cannot be conceived independent from the General Plan, the two must coexist as a common body. So the approach must be to devise programs that will anticipate growth in keeping with the development of resources. This is the way all

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General Plans are conceived, and so should the Local Coastal Plan; and this is in the spirit of our own Resource Management System

Over the course of time and more specifically with the advent of the Coastal staff recommendations, standards have accumulated and more are suggested by the Coastal staff that arbitrarily and without purpose interfere with the normal growth trends advocated by the General and Local Coastal Plan. Many of the current recommendations offered by the Coastal staff further complicate the ability of the community to have normal growth and it seems this is a deliberate objective using the reasoning there is a lack of sufficient water supply or there are environmentally sensitive areas that are inviolate. This despite the fact that water enhancement projects in progress are intended to provide additional water resources and there are more effective ways to protect sensitive environmental resources than prohibiting development on vacant land.

Let me cite an example of this contradiction of purposes. Cabrillo Estates, Unit 2, is shown on the Estero plan to be Residential Suburban, with a density of one unit per 3 acres . The property is inside the Urban Reserve Line and outside the Urban Services Line. The County Ordinance Code now prohibits extension of water and sewer lines outside the Urban Services Area except to one house (Section 23.04.430b0. The property is in sensitive habitat and Monro Manzanita is prevalent. The owners submitted a proposal to subdivide using a density of one unit per three acres The Board overrode the sewer and water extension prohibition and granted approval to the entire development. How could they do that? The County Ordinance Code is internally inconsistent with the General Plan!! Your Board granted a variance for every lot over one. That's against every principal in the how-to planning book. It is these types of contradictions existing in the Code and proposals made in the L.P. update that are so vicious. They are created as a result of the big push to downsize the community to fit existing resources, rather than formulating a practical long range program to develop water resources to keep pace with growth. The later approach is the true spirit of the Resource Management System program. There has not been any attempt by the County to search through existing and proposed language to eliminate these terrible contradictions, and there are many. Left alone, these contradictions will increase and it's just going to get worse. *Ordinances and General Plan policies and standards that override statements in the General Plan constitute internal inconsistencies serious enough to invalidate those documents.*

Not to long ago I sent a letter to your Board warning of the complexities evolving in these Land Use up-dates, wherein your Board has been willing to accept language that mixes up matters more properly discussed to the other elements of the General Plan.

And it is being brought about in part by demands of the Coastal Commissions and partly by the inexperience of the County Staff. For instance, the Land Use Element is not the place where you talk about the adequacy of the water supply or the protection of the habitat, these are issues the Government Code relegates to the Conservation Element and the Open Space Element. It is there you formulate a program to develop water supplies to meet the progressive growth demands of the Land Use Element. Discussion of sensitive habitat and the protection of animal and plant life including Critical Habitats is more properly located in the Conservation Element and the Open Space Element, so says the Government Code.

The Land Use Element should be confined to a very simple format, that is, the distribution and location of the various land uses which embodies the future urban unit. (Some say 20 years into the future) It should discuss the population density and the building intensity as well as areas subject to flooding. Since the streets and highways system is so closely allied to the land use plan, it is proper to illustrate them together. All these other things that are being pushed into the Land Use Element makes it into a mutation which and fully discussed in the other six elements of the General Plan. The catalyst which seems to be driving this mixed bag is the Local Coastal Plan. That is why, several months ago I wrote to your Board to urge you to separate the Land Use and Circulation Element from the Local Coastal Plan policies. Make two separate documents and incorporate both into the General Plan.

Analyzing each paragraph of this lette, tthe following recommendations are offered for your consideration:

Paragraph 1 The Coastal Commission staff should be held accountable when they say a proposal is 'not in compliance with the Act' They should cite the section or the Coastal Plan Policy and state why it is not in compliance.

Paragraph 2 The County must be permitted to develop legitimate program proposals. and formulate progressive plans intended to increase resources to accommodate growth in the community

Paragraph 3 and 4 A review of the Ordinance Code and the Local Coastal Plan policies should be made to find any conflicting language or language that overrides other statements in the proposed Local Coastal Plan update.. Action should be initiated to eliminate these internal inconsistencies before the Local Coastal Plan update and the Estero Land Use Plan update are approved.

Paragraph 5 and 6 It is time to take a new look at this Local Coastal Plan process. The methods used to formulate the Land Use Element in combination with the Local Coastal Plan was a decision made at the outset of the LCP preparation in the mid 70's. I can see now that was a mistake. The Coastal policies should be removed from the Land Use Element and published as a separate document. That is the way most jurisdiction's do it). Then the Land Use and Circulation Elements could be published in a much more simplified form as the Government Code intends them to be.

Your consideration of these recommendations would be appreciated.

Respectfully submitted

Ned Rogoway, AICP

cc: Morro Bay and Land Company
Morro-Montana Company
County Planning Department - Mike Wulkan
Coastal Commission, Santa Cruz
John Curci
Rob Strong

EcoSlo
ENVIRONMENTAL CENTER
OF SAN LUIS OBISPO COUNTY

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CENTRAL COAST AREA

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Carmel Day
John Schutz

June 1, 2001

Steve Monowitz, Lead Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: San Luis Obispo Local Coastal Plan Review

Dear Mr. Monowitz:

Following are comments submitted on behalf of the Board of Trustees of the Environmental Center of San Luis Obispo relating to the Preliminary Recommendations contained in the Periodic Review of San Luis Obispo's Local Coastal Plan.

The coastline of San Luis Obispo County is remarkable in many different ways. One of the most important being, that we have one of the last stretches of pristine coastline in the State of California, if not the nation. It is of the utmost importance that the Coastal Commission considers any changes along our coastline as to their impact on the natural environment and available public services.

CHAPTER 2
New Development and Public Services

The Coastal Act requires that new development be concentrated in existing developed areas and that it be environmentally-sustainable, both in terms of available infrastructure such as water supply, and in terms of potential impacts to environmental resources. Coastal development tends to be incremental with cumulative negative impacts. Resource constraints in areas such as Cambria, San Simeon and Los Osos exemplify this.

Available public services cannot support development in the rural North Coast areas. The Coastal Act requires that new development have adequate water and other infrastructure in place, as well as not result in adverse impacts to sensitive coastal resources. Given limitations of sustainable water supplies, many now threatened with MTBE contamination, new listings of endangered species, the continuing emergence of sensitive habitats, an already increasing visitor population, any new development aimed at attracting more visitors will have serious impacts on already stressed resources.

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Printed on Reclaimed Paper

We continually face the threat of incremental cumulative negative impacts by the increase in visitors to the Hearst Castle area. There is an aggressive campaign to increase visitors to Hearst Castle. What type of impact studies will you require to be done? In order to stave off incremental cumulative negative impacts we must know the immediate and long-term effects of increasing numbers of people visiting our pristine rural coastline An aggressive campaign to increase visitorship to Hearst Castle was done without regard to impacts on existing resources. State Parks proceeded without an Environmental

Impact Report or Resource Capacity Study to show what impacts this increase would likely have on already strained resources. With a "new" Hearst project potentially looming in the background it is of the utmost importance that the Coastal Commission stand firm in helping the citizens of San Luis Obispo protect the North Coast from development outside existing nodes, and preserve the natural resources of our coastline for future generations.

CHAPTER 3
Water Quality/Marine Resources
Section 30230 of the Coastal Act requires that marine resources be protected, maintained, and where feasible, restored. Requirements for maintaining the biological productivity of coastal waters include the attendant watershed areas. Of importance is the controlling of run-off and waste discharges, the protection of water quality, maintaining stream flows as well as maintaining groundwater supplies. The Central Coast Watershed encompasses 19 rivers, including Arroyo de la Cruz, Arroyo Grande, Moro Creek, Pismo Creek, Santa Rosa Creek and San Luis Obispo Creek.

Very little testing has taken place in these waterways over time. The Regional Water Quality Control Board recently started testing Total Maximum Daily Load (TMDL) limits in certain areas for certain items. The last item on the TMDL list is pesticides. To date there is little information available regarding the quality of rivers, streams and creeks in the Central Coast Watershed. Because San Luis Obispo is heavily vested in agriculture, testing of waterways in agricultural areas should be required immediately. The Coastal Commission is prudent in holding to strict water quality standards and should subsequently request that water testing in all rivers and streams leading to the ocean be, at the least, tested for pesticides and harmful bacteria.

Not only are additional standards required for human health but also for the health of other species and the environment we all inhabit.

It has been stated that the Coastal Commission jurisdiction ends at the Coastal Zone. It is nonetheless equally important to understand that the watersheds feeding into the coastal zone transgress both public and private lands. Those persons entrusted with guarding

waterways should be held to equal standards regarding watershed and basin testing, monitoring and multi-agency planning.

Identification of various agency meeting requirements with other agencies may be telling. Are quarterly meetings between the Agricultural Commissioner's office and the Regional Water Quality Control Board mandated or suggested? Are other agency requirements being fulfilled?

It is incumbent upon you, the Coastal Commission, to protect our coastal resources without cost benefit compromise.

CHAPTER 4
Environmentally Sensitive Habitat Areas (ESHA)
The 1988 San Luis Obispo Local Coastal Plan has not been adjusted to take into account thirteen years of information on Environmentally Sensitive Habitat Areas. A thorough inventory of environmentally sensitive habitat areas in the San Luis Obispo Coastal Zone is in order. To do less is a misuse of the public's funds and an ignorance of local concerns for sensitive habitats.

The recommendations of the Coastal Commission should be held to their strictest interpretation. Other agencies must be held accountable for failure to present required updates and documentation about ESHA's in current development approved in the coastal zone.

A recent Grand Jury Report cited San Luis Obispo County for numerous CEQA shortcomings. Protecting San Luis Obispo's unique ecology requires many agencies attention. A biological study of the Environmentally Sensitive Habitat Area at the Pismo Dunes, ordered many years ago, never materialized. Evidence in the decline of snowy plover fledgling survival is clear indication that one agency, State Parks, is not doing their job.

Preliminary Recommendations 4.9 and 4.10 should be immediately embraced. Impacts to environmentally sensitive habitat areas should be avoided at all costs. Evaluating economic expectations in relation to ESHA is short sighted and injurious to the wishes of the people of this County.

CHAPTER 5
Agriculture
The Coastal Act, Sections 30241, 30241.5, 30242, and 30243 requires the long-term viability of soils must be protected and conversions of agricultural land to other uses strictly limited.

The agricultural community, for the most part, has resisted Coastal Commission recommendations. Although a general trend noted in the County appears to be towards more water intensive crops, attention to the impacts of this in the County, particularly the Nipomo area, are particularly deficient. One of the biggest changes in agriculture in the County has been in the growth in vineyards. Such changes in intensity should be noticed and permitted. The impacts on natural resources should be known and evaluated. Connecting the importance of water supplies to land use and public resources, confirms the significance of keeping the standard of development consistent with the coastal zone mandate of deliberate control of natural resources.

The Coastal Commission recommendations concerning agriculture should be acted upon. San Luis Obispo's LCP needs to be strengthened in the area of agricultural practices within the coastal zone. Given the many different land use trends and planning aspects that could be combined to undermine agricultural protections we strongly agree with recommendation 5-4, by Coastal Commission staff. A new policy/ordinance to address development in agricultural areas is needed. Land divisions, Lot Line Adjustments and Certificates of Compliance have the potential to alter agricultural viability. Changes in agricultural practices, especially intensification of agricultural operations, may likely affect more than the property owner. Such changes should be noticed and subject to potential impact review.

Water management requirements in agricultural settings should be strengthened. Although pesticide use is regulated cumulative impacts in large agricultural areas are not studied. Presently agriculture regulations do not require routine water testing for waterways flowing through agricultural lands. Farmers who do test local waterways are not required to share testing results with the public. San Luis Obispo County does not test for pesticides in the creeks, streams and rivers and the Regional Water Quality Control Board is only now beginning to test for certain substances. Pesticide testing is a future project.

The recommendations by staff should be looked at seriously. They point out some serious shortcomings in the present LCP. That the agricultural community and the Hearst Corporation have spoken against most recommendations found in Chapter 5 should indicate the need for extra vigilance in any compromise that could potentially affect the natural resources of San Luis Obispo County.

CHAPTER 8
Scenic/Visual Resources

Many people come to San Luis Obispo to enjoy our pristine coastline and natural resources. It is evident that San Luis Obispo County is not committed to protecting scenic resources along the coastline. The natural beauty of the San Luis Obispo coastal area needs stalwart protection in order for us to continue to draw visitors that are the very

livelihood of many local businesses. Protecting and keeping the unique and attractive visual resources along our coast may well prohibit future coastal development but few visitors come to San Luis Obispo County to see development. We urge you to stand firm regarding the protection of our visual resources.

CHAPTER 10
Energy/Industrial Development
Fiber-optic cable landed on the shores of San Luis Obispo County without a warning. It is incumbent upon this County to inventory and identify cable corridors/landing sites. Monitoring and mitigation of these sites need to be addressed in the LCP because they have direct negative impacts in the coastal zone. The same is true regarding new energy facilities. The LCP needs to be updated to provide guidance for locating and mitigating new energy facilities. San Luis Obispo County is home to two energy-producing facilities. Both have significant negative impacts to the coastal zone. We also have a string of major petroleum contamination sites in the coastal zone of San Luis Obispo County. The Coastal Commission is often the one agency that understands the citizens concerns regarding future potential contaminations.

CHAPTER 12
Implementation
As stated in the Periodic Review, a core value of the Coastal Act is to maximize the public's ability to participate in the planning and regulatory decisions. It is important that the review process for potential development provides adequate information identifying possible impacts to coastal resources. A clear and distinct definition of development is provided for in the Coastal Act Section 30106. The Coastal Commission staff has made 17 recommendations regarding implementation procedures. We concur that these recommendations are needed to strengthen the Coastal Commission's commitment to the people of the State of California that coastal development will only occur under the strictest permitting processes allowed. Development up and down the coast of California is proof of the importance of implementation procedures. Without investigating current practices of coastal development along the shores of San Luis Obispo County, we are in jeopardy of losing what has already been lost up and down the coast of California. Local control in San Luis Obispo County is not sufficient to protect our coastal resources.

We need you, the Coastal Commission, to define every land division; certificate of compliance and lot line adjustment as conditionally permitted development. ESHA surveys should be done routinely in all coastal zone areas and the true spirit of conditionally permitted development must be upheld.

In closing, the people of California care about viewsheds, ESHA's, water quality and availability, environmentally sensitive tourism, limited development in the coastal zone, accountable agricultural practices and prescriptive rights where appropriate. The periodic review of San Luis Obispo County's Local Coastal Plan was right on the mark.

Thank you for your dedication to saving our precious coastal resources. Natural resources belong to all of us.

The Environmental Center of San Luis Obispo strongly supports AB 640. Its passage would provide the Coastal Commission with the clout needed to deal with a noncompliant county.

Sincerely,

Pamela Marshall Heatherington

Pamela Marshall Heatherington
Executive Director

cc: Board of Supervisors

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SLO Coast Alliance

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COASTAL COMMISSION

June 1, 2001

Steve Monowitz, Lead Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

re: SLO County LCP Review

Dear Mr. Monowitz:

Following are the comments of the SLO Coast Alliance (SCA) relating to the Local Coastal Plan Review of San Luis Obispo County. For your information, the SCA is a new coalition, already comprising 18 environmental groups active along the Central Coast and mostly in San Luis Obispo County. We represent more than 5,000 supporters -- and voters.

We are indebted to your staff for the superb Preliminary Report, dated February 2, 2001. Our County Planning and Building Department and our elected Board of Supervisors have been implored repeatedly to accept these recommendations. We appreciate being allowed additional time to respond in writing.

The SCA strongly supports AB 640, hoping that its passage would provide the Coastal Commission with the clout it needs to deal with a recalcitrant county. Our specific comments follow:

1. Piedras Blancas Lighthouse -- The LCP should have language inserted which addresses this historic facility, reflecting permitted uses for the future. Our major concerns include the need for reasonable public access, but not at the expense of wildlife or other sensitive resources; access for surfers; protection for the birds on the offshore rocks as well as for the growing elephant seal population; protection for Native American sites; no new buildings; no interruption of wildlife research; no major parking areas be created; and that no construction be visible from Highway 1 or from state waters.

2. Snowy plovers. The sad state of the endangered snowy plover must be addressed. We would recommend similar protection at any nesting site along the coast to that which has been tried at Surf -- no public access -- yet even there we have learned of a stolen egg.) No vehicles, no equestrians, no hikers should be allowed near the nesting areas during the crucial breeding/nesting/fledging season. There should be no exceptions.

3. Viewshed -- We do not believe San Luis Obispo County is committed to protecting scenic resources along the coast. We applaud the entrance of the federal government to add its level of protection for the new Scenic Highway 1. The natural beauty of this coastal area requires very strong protection so that it will continue to draw visitors who are the very lifeblood of most of our businesses. There must be a prohibition of new development

along Highway 1 which in any way is visible from both the highway and from the sea. We ask that a Sensitive Resource Area Combining Designation specific to scenic values be created and imposed upon the entire viewshed from Villa Creek north to the Monterey County line, including all of the Hearst Ranch. Currently, there is no provision in San Luis Obispo County for heightened levels of review for projects which degrade the viewshed. (In fact, County Planners say they have never denied a project which intrudes on the viewshed or in a neighborhood.)

The same protection which is enjoyed in the Big Sur area should be extended south to Villa Creek. The Coastal Act gives habitat protection equal status with viewshed issues and we would like to see that standard applied in San Luis Obispo County as well.

4. Growth -- New development to attract even more visitors will create an unacceptable drain of already stressed resources such as water, water treatment facilities, schools, roads (particularly Hwy 1), and what loosely has been referred to as "affordable housing." At this time we have not seen the "new" Hearst Ranch Resorts plan. However, several sources including Steve Hearst himself in the press, indicate it is the same four-phased plan as before. Such an excessive development in such a constrained and isolated area as the North Coast of San Luis Obispo County will have devastating impacts far in excess of comparable development in a more accessible, less fragile area elsewhere. There should be no leapfrogging development allowed north of Cambria. No more agricultural lands should be converted to resort-type activity long the coast.

5. Lot Retirement and Forest Protection -- In Cambria, the County needs to be part of the solution instead of the problem in relation to the retirement of buildable lots. The 1929-30 subdivision plan created more than 10,000 substandard lots, mostly only 25 feet wide. For at least 10 years, the community repeatedly has asked the County to create a population cap of 8,500. These pleas have fallen on deaf ears while the population has doubled. A Transfer Development Credits (TDC) program was stimulated by the California Coastal Conservency. TDCs have helped to retire just over 200 lots, but the program needs to be expanded. (Controls also need to be placed on the abuse of TDCs to build statement or monster houses, and particularly those which take or threaten Monterey pines or oak trees.)

An Open Space District should be created in Cambria to assist in reducing building sites and saving the threatened pine forest as part of an overall forest habitat management and protection program. There is major concern not only about the heavily-publicized pine pitch canker problem, but also sudden oak death syndrome which appears to be making its way down the coast towards San Luis Obispo County. This county needs to create and then enforce a strong ordinance to protect oak trees from damage or removal, both in the coastal zone as well as in the interior. Historically, enforcement has been almost non-existant.

6. Creek Protection -- Additional standards are required to protect streams which historically provided habitat for steelhead trout. These standards should apply to all construction and grading for development in an adjacent to streams along the North Coast. Preventable erosion is degrading streams. Pollution is discouraging riparian wildlife and vegetation. What is good for steelhead also will be valuable for the red-legged frog, tidewater goby, and Western pond turtle.

There is a serious lack of information regarding the steelhead trout fishery along the Nroth Coast, yet many remember when it was substantial. The Coastal Commission could be extremely helpful in remedying this problem through sponsorship of study sessions on the subject.

7. Beach Access -- No further construction should be allowed on the ocean side of Hwy 1 from Villa Creek north to the Monterey County line. No reduction of public beach access should be permitted in that same area. On the contrary, public access to the beach should be increased and enhanced. Provisions should be made in the LCP to recognize the need for and value of the California Coastal Trail along the entire San Luis Obispo County coast and encourage its completion.

The above completes the submitted written comments of SLO Coast Alliance on the LCP Review. The Alliance strongly supports the California Coastal Commission in its efforts to encourage San Luis Obispo County to participate in good faith in the LCP Review process. We intend to participate in all hearings touching on the LCP, both locally and in other cities as necessary.

Sincerely,

Doug Buckmaster

Doug Buckmaster
Secretary-Treasurer

SIERRA CLUB ~ SANTA LUCIA CHAPTER

June 3, 2001

To: California Coastal Commission

Sent via email and fax

Re: **San Luis Obispo County LCP Periodic Review**

Current Agenda date: July 11, 2001

Dear Chair Sara Wan and All Coastal Commissioners:

As the Chair of the Santa Lucia Chapter of the Sierra Club, I urge you to adopt the excellent recommendations of your staff contained in the Periodic Review of San Luis Obispo County's Local Coastal Plan.

Thank you for making San Luis Obispo County your first priority for a Periodic Review of the Local Coastal Program. As you know, the LCP was certified in 1987, and is 9 years overdue for a comprehensive review by your commission. Because of the outdated nature of the LCP, and the county's permissive approach to permitting and lack of enforcement, the residents of this area are witnessing a steady degradation of our spectacular coast. This is evidenced by the fact that San Luis Obispo generates the highest number of appeals of any local government by a margin of almost 50%.

Your staff faced a task of great magnitude, and their remarkable work is impressive. I have reviewed the periodic review and attended the many workshops which your staff held in San Luis Obispo County to gather public input. I was glad to see that the citizens of San Luis Obispo County overwhelmingly agree with your staff's recommendations. The few in opposition either represent special interests who hope to continue to destroy our precious coast with their violations of the Coastal Act and CEQA,, or people who fail to comprehend the impacts to our coast from their chosen activities.

* The County is growing at a rate of 2.5%, outpacing the State average of 1.7%, and making it the 8th fastest growing County in the State.

* Population has increased almost 20% since 1988 and is projected to increase 57.8% over the 1988 population by 2020. In coastal area, growth has been in Cambria, Cayucos, Morro Bay-Los Osos and Pismo Beach-Oceano.

* The population on the Rural North Coast has doubled. Population has more than doubled in Cayucos since 1988 and projected to increase another 28%.

* Approximately 812 acres of agricultural land lost in the coastal zone between 1988-1996.

* The County has approved 32 new residential subdivisions authorizing 446 additional lots out of 23 existing lots, mostly in and around Cambria and Los Osos.

* Only 1/3 of the development potential of Cambria is built out. Although growth rate has been held to 1%, development of new residential units has increased steadily each year since 1991 which raises concerns about availability of services to support this development. There are an estimated 8000 units of buildout potential remaining.

* Since certification of the LCP in 1988, the County has approved approximately 190 permits for shorefront development.

Of the 56 statewide enforcement cases identified in SLO since 1980, close to half (46%) involved shoreline armoring. (Seawalls). These structures diminish public access and contribute to erosion on neighboring bluffs, creating the need for still more sea walls.

I write today to express my support for the staff recommendations made in the report. Specifically,

* Enact a "Critical Viewshed" policy for the North Coast, essentially extending Monterey County's Big Sur Critical Viewshed Policy. This would preclude ANY new development which is visible from Highway One along the Harmony Coast and Hearst Ranch.

* Amend LCP to include a comprehensive Public Access Component. The Access component should include a complete inventory of existing and potential access.

* The County should work with the Commission to limit the issuance of Certificates of Compliance. Hearst Corporation is using this method to subdivide the ranch and build aver 1,100 new homes.

* The Commission should urge the County to adopt a Lot Line Adjustment ordinance, preventing LLAs from creating buildable lots from unbuildable lots.

* The Commission should urge the County to get more aggressive in efforts to limit development in Cambria by identifying additional methods for lot retirement and ways to reduce buildout potential

* Delete the grading exemptions for agricultural activities. This loophole allows 'farmers' to grade 'ag roads' on steep slopes to access parcels for sale as ranchettes, allows massive landform alterations without permits, and deep ripping of fragile soils for vineyard preparation.

* Update ESHA maps to include endangered species habitat and wetlands. Snowy Plover, Least Tern, red legged frogs and Steelhead have all been listed as threatened or endangered species within the last few years. Their habitat has been mapped by USFWS, and this should be recognized in the LCP.

* Strengthen the County's Enforcement Program and Condition Compliance Monitoring. As few as 10% of all permits get any follow-up for condition compliance. The Commission should urge the county to establish a monitoring unit within the enforcement division, to make sure projects get built as conditioned.

* Urge the County to create a Funding Mechanism for an Open Space District to purchase scenic properties and retire development rights to protect scenic and visual resources.

The LCP Periodic Review allows the County of San Luis Obispo to come into compliance with the Coastal Act, and if adopted, will allow a greater measure of assurance of compliance with applicable laws. The periodic review takes into account the cumulative impacts of development and activities to the entire coast, a view often overlooked by some our local officials.

On behalf of the Santa Lucia Chapter of the Sierra Club, and the seven generations of my family to live in San Luis Obispo County, I applaud your staff's dedication, the fine quality of their work, and the outstanding recommendations set forth in the LC Periodic Review for San Luis Obispo County. I also concur with the comment submitted on behalf of the SLO Coast Alliance, of which I am co-chair.

Please enhance and preserve the quality of the San Luis Obispo County Coast by adopting your staff's recommendations.

Thank you for all that you do to protect our magnificent California coast.

Sincerely,

Tarren Collins
Chair, Santa Lucia Chapter of the Sierra Club

United Lot Owners of Cambria
"UnLOC"

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JUN 05 2001

CALIFORNIA
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CENTRAL COAST AREA

June 4, 2001

John Hofschroer, Senior Planner
San Luis Obispo County Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Re: Cambria Build-out Estimates
Dept. of Planning and Building Letter dated May 17, 2001

Dear John,

It was good to speak with you last Friday. I was glad to learn that we agree on many issues concerning planning in Cambria, even though we do not agree on how the Cambria build-out estimate should be stated. For the benefit of all those who read our recent letters on the subject, I would like to respond to some points in your letter and document some of our discussion.

Most importantly, we did not attempt to show that the data in our sorted and classified report was the work of the Assessor's office or anyone other than ourselves. We state on page 3 of our report that, "We have done the research to classify these vacant parcels..." to make it clear that it was our work. The raw list did in fact come from the Assessor's office, and was characterized by that office as a complete list of unimproved parcels for map books 13, 22, 23, and 24 in the single family, urban, and rural categories. A copy of the letter describing the report is enclosed. The Assessor's report was accurately reproduced in our Exhibit 1.

We are encouraged to learn that there are three reports available to explain how your department arrived at its estimated build-out numbers. We would have reviewed them before making any comments, but when I telephoned you to question the estimate after reading the January 2000 NCAP Update you did not tell me about these reports, and they are not referenced in the body of the NCAP. After obtaining the Assessor's Parcel list, I telephoned Chuck Stevenson in your department to inquire about the discrepancy. He could not explain, and said he would look into it and get back to me. He never called me back, and he didn't tell me about the reports either. We interpreted this to mean that the County wasn't interested in discussing the issue, so we decided to conduct our own review of the parcel list. If we had known about the reports it might have saved us all a lot of time. Now that we have spoken, I understand that the reports are out of print, so we will wait until you have them re-printed to obtain copies. We would suggest that these reports (better still, updated versions of them) be referenced in the main body of the NCAP Update, and that they be kept on hand for the public to obtain and read.

United Lot Owners of Cambria
"UnLOC"

You state in your May 17, 2001 letter that the county build-out estimates are careful to avoid projections, future scenarios, or other speculative claims. My understanding from our conversation is that your formula for build out is:

X acres x Y houses/acre = Z Absorption Capacity
90% of Absorption Capacity = Build-out estimate

We believe that a plan is a strategy to achieve a desired outcome. The outcome described in the NCAP is not the community's or the Coastal Commission's desired outcome.

We believe that an estimate is a *judgment* as to a *likely* quantity. By this definition, your "build-out estimate" not an estimate. It is a quantity take-off and simple arithmetic, adjusted by a 90% factor that you make no attempt to justify.

A true plan for Cambria would start with a consensus between the community, the property owners, CCSD, the Coastal Commission, and any other stakeholders on what is the desired outcome. Then there would be a strategy for how to achieve that vision. The strategy would include *action* by all the above parties.

Your approach might be acceptable for a new subdivision by a developer/builder who is obtaining a vested tract map. You can count on them building on every lot. It must be different for Cambria, an antiquated subdivision that needs to be updated.

Given all the complexities of Cambria, we do not believe that it is possible to develop a realistic build-out estimate without addressing the various trends and forces at work and accounting for them. We have attempted to do this, and the conclusions we arrive at suggest that your 90% factor is overstated. There is no plan for water to support your estimate, there is no community support, and there is no support from the CCC. Why not focus on a build-out scenario that can work and abandon your worst-case scenario?

From our discussion, we now understand that your definition of Absorption Capacity states that every lot that can legally be built upon will be built upon. This means that if there is an existing home site that contains more than three original 25 foot wide lots, that that site could be split so that a new building site would be created. Your total building site count is based on an average of 2.1 original 25 foot wide lots per home. You also are still counting all the lots that have been retired by the various Land Conservancies and CCSD, even East West Ranch, because they have not been re-zoned or otherwise legally and permanently retired. While we must agree that this would represent the true *worst case* scenario, we maintain that good planning demands that *realistic* scenarios be developed. Simply writing off a 10% factor and calling it done is not enough. Our efforts here are meant to suggest a more realistic scenario. We believe it is irresponsible to give the community such worst case estimates without adequate qualification.

We are clear on the difference between an Assessor's Parcel and a building site, but virtually every Assessor's Parcel in the developed sections of Cambria includes a whole number of lots. This makes it a pretty simple matter to look at a parcel map and determine how many building sites a given parcel might be divided into. Since completing our original report, we have had the time to complete a review of all the parcel maps and update our report based on a more thorough

understanding of the location and characteristics of each parcel. We are enclosing copies of the updated report and a summary. The summary indicates a remaining build-out estimate of 3,093. Our suggested scenario is that most owners of parcels with more than three lots will want to keep them that way. Recent market trends would support this idea. The main reasons for increasing our estimate are that we now include your figures for multi-family and commercial retail, and we have accounted for potential new subdivisions and parcel splits.

As we discussed, there have been many suggestions of how this build-out potential could be even further reduced. Many of the ideas would cost the community little or nothing. All it would take is initiative by the County. Some of them are as follows:

- Allow 1,000 new dwellings to be built at a predictable dependable 2.3% rate and leverage the value of these lots to help with lot retirement.
- Net zero new lot policy. This has already been proposed by your department for inclusion in the NCAP Update. According to our estimate, this would eliminate 501 potential dwellings.
- Provide incentives for permanent consolidation of small lots.
- Consolidate strategically located small lots and resell them at a profit, and invest the profits in more lot retirement.
- Stricter standards for building on excessively steep sites. These are already being contemplated in the new Cambria Design Standards.

We suggest that no funds need to be devoted at this time to dissuade property owners from dividing their existing parcels into more 1,750 sf or 3,500 sf lots. The trend in Cambria is toward larger homesites and homes. People that own two parcels with only one water wait-list position are not going to sell off one lot with no water position. There is no market for that.

We are left with the following questions concerning how the potential build-out should be estimated:

1. In various parts of your documents, you are inconsistent in whether Cambria is defined by the Urban Services Line (USL) or the Urban Reserve Line (URL). It is critical that you provide a separate estimate for within the USL, as this is the area that CCSD will be responsible to plan for.

2. What do you estimate as the impact of the various modifications that you are contemplating in the NCAP?

3. How will the new Design Standards being considered impact the build-out potential?

4. When calculating build-out potential of property outside the USL, do you account for the ability of the property owner to provide enough water to support the development?

5. How does development of infrastructure support impact the build-out plan?

6. Of lot line adjustments and Assessor's Parcel revisions the past 10 years, how many were consolidations and how many were divisions?

7. Do historic trends indicate less than 1 home per 2.1 lots?

We understand that CCSD is conducting their own survey to estimate build-out within their district and that their number may also be lower than your number. By copy of this letter we are asking the Coastal Commission staff to delay their final report to the Commission until CCSD completes its survey and we can all agree on a realistic build-out estimate, along with a thorough analysis of market trends and strategies for reducing build-out potential. Although we strongly support the formation of a Small Lot Open Space District, the County continues to await CCSD's active participation in this endeavor. CCSD held a planning session on May 4, 2001 to set issue priorities and creating such a district is not on the agenda until 2003-2004. By then there will be new Directors, so there's no predicting when they will do this.

One other minor correction is that our report indicated that there are 170 lots that have been retired by CCSD. A list of these retired lots is enclosed. The 868 total noted in your letter was of a different classification.

Our purpose in submitting our report was to focus attention on the subject of build-out potential and to get a dialogue started. Our hope is that the dialogue will lead to more study and eventually a build-out estimate and a true plan that all stakeholders believe in and that can be used to support sound planning decisions.

Cambria needs a new water supply. Desalination is the best alternative. Many in the Cambria community fear desalination because of growth inducement. As long as the NCAP allows excessive growth, that fear will remain and there will be no solutions.

Thank you for your time in responding to our concerns.

Sincerely,

Deryl Robinson
UnLOC

cc:

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Office of Dick Frank, County Assessor

COUNTY GOVERNMENT CENTER, ROOM 100, SAN LUIS OBISPO, CA 93408 • (805)781-5643

March 5, 2001

Deryl Robinson
17962 Cowan
Irvine, CA 92614

Dear Mr. Robinson:

The report was produced by searching our database for assessments in books 13, 22, 23 or 24, which did not have an improvement value and had a land use code for a vacant residential use. The land codes were 100-109 and included single family, urban and rural sites.

Very Truly Yours,

Sam Leonard
Deputy County Assessor

SL:mb

RETIRED LOTS STATUS AS OF 3/2/2001

* Lot size assumed to be 50 x 70' unless otherwise denoted: #1 – under 2,000 sq. ft. #2 – lot over 4,000 sq. ft.

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
013.084.014	Cam. Pines Rd	2						x	new apn tk
013.141.020	Strawberry Cyn	2			x	x			
013.151.036	Schoolhouse	2							13.151.042
013.292.021	PineKnolls	2			x	x	x		13.292.023
013.324.010	Windsor	2				x	x		13.324.021
013.351.003	Chiswick	2			x	x	x		13.351.054
022.026.038	Moonstone	1			x	x			
022.047.002	Sunbury				x	x	x		22.047.04
022.053.038	Moonstone						x		TK
022.053.046	Moonstone	2			x	x			
022.071.055	Croyden				x	x			
022.071.057	Croyden	2							
022.084.032	Canterbury	2			x	x		x	22.084.055/56
022.084.034	Canterbury				x	x			
022.084.041	Canterbury	1			x	x			
022.084.048	Croyden	1				x	x		22.084.054
022.091.043	Sunbury	2			x	x	x		22.091.056
022.091.048	Sunbury				x	x			
022.093.047	Cornwall	2			x	x	x		022.093.052
022.131.09/42	Suffolk	2			x	x		x	
022.131.016	Suffolk				x	x			
022.131.049	Suffolk	2			x	x			
022.151.058	Pembrook								
022.181.057	Pembrook	2			x	x			
022.201.038	Plymouth	1			x				
022.202.002	Plymouth								
022.202.022	Plymouth				x	x			
022.211.15/54	Hillcrest	2			x	x	x (15 & 75)		022.211.086
022.211.024	Suffolk				x	x	x		022.211.085
022.211.074	Hillcrest	2							
022.233.039	Lancaster				x	x			
022.242.014	Lancaster				x	x	x		22.242.36
022.261.044	Madison				x	x		x	Lt 40: Corder/Lt 41-42: Linzey
022.271.041	Sheffield	2							
022.271.042	Sheffield	2							
022.291.033	Dorset				x				

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
022.301.010	Huntington	2			x	x	x		22.301.026
022.313.036	Huntington					x	x		22.313.037
022.342.028	Huntington								
022.343.006	Huntington								
022.343.011	Huntington	1			x	x			
023.014.004	Orlando				x	x		x	023.014.024/25
023.021.025	Victoria	2			x	x			
023.033.007	Kenneth	2			x	x			
023.036.030	Ardath	2							
023.042.006	Windsor				x	x			
023.042.018	Castle	2			x	x	x		23.042.019
023.043.006	Drake				x	x	x		23.043.010
023.045.019	Drake	1			x	x			
023.045.028	Drake					x			
023.046.023	Emmons				x	x	x		023.046.043
023.047.033	Fallbrook				x	x			
023.048.031	Gaines	1			x	x			
023.051.021	Marlborough				x	x			
023.064.003	Avon				x	x	x		023.064.022
023.064.020	Avon								
023.066.022	Ardath				x	x			
023.071.011	Tully	2			x	x			
023.072.022	Tully	2			x	x			
023.074.008	Haddon				x	x			
023.074.032	Haddon								
023.076.006	Norwich				x	x			
023.083.017	Windsor				x	x			
023.089.028	Lampton				x	x			
023.116.019	Chester				x				
023.116.027	Chester				x	x			
023.116.029	Chester				x	x	x		023.116.030
023.151.029	Chester				x	x			
023.161.034	Randall	2			x	x			
023.163.004	Wales								
023.163.031	St Thomas	2							
023.182.027	St James				x	x			
023.192.023	Norwich								
023.192.026	Norwich								
023.192.034	Dreydon				x			x	23.192.036/37
023.202.013	Ramsey				x	x	x		023.202.069

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
023.202.062	Ramsey	1							
023.203.005	Wilton				x	x	x		23.203.036
023.203.024	Wilton				x	x			
023.204.039	Andover				x	x			
023.204.058	Andover				x	x			
023.204.062	Andover				x	x			
023.206.033	Orme				x	x	x		023.206.048
023.207.001	Orme/Newton				x	x			
023.208.035/36	Ramsey	2			x	x			
023.213.012	Burton Cir				x	x			
023.213.023	Wilton	2			x	x			
023.213.027	Wilton	2							
023.214.006	Burton Cir				x	x	x		23.214.46 Cty WL
023.214.009	Burton Cir	2			x	x			
023.214.028	Burton Cir								
023.214.033	Wilton	2			x	x			
023.214.036	Wilton	2			x	x	x		023.214.047
023.214.040	Burton Cir								
023.233.017	Latham	2			x				
023.233.023	Ramsey				x	x			
023.233.055	Ramsey				x	x			
023.235.034	Wilton	2			x				Pocahontas Park
023.235.008	Wilton								
023.242.074	Fern				x				
023.242.079	Fern	2			x	x			
023.243.003	Fern				x	x			
023.243.004	Fern	2			x				
023.243.008	Fern	2			x	x			
023.271.021	Romney	1				x			
023.271.022	Romney	1			x				
023.272.006	Romney				x	x	x		23.272.42 Cty WL
023.281.017	Camborne				x	x			
023.282.30/31	Sandown								
023.282.068	Fern				x	x	x		023.282.069
023.292.024	Burton				x	x			
023.292.043	Leona				x	x	x		023.292.060
023.293.008	Burton Dr				x	x			
023.293.019	Camborne	1			x	x	x		023.293.055
023.293.026	Camborne	2			x	x			
023.303.029	Wilcombe	1			x	x	x\		23.303.058
023.303.030	Wilcombe	1			x	x	x/		23.303.058

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
023.313.012	Trenton	1			x	x			
023.321.002	Romney	1			x	x			
023.321.003	Romney				x	x			
023.321.014	Langton								
023.321.019	Langton				x	x			
023.331.020	Sandown					x			
023.331.051	Sandown				x	x			
023.331.053	Ludlow				x	x			
023.332.023	Ludlow	2			x				
023.333.028	Emerson				x	x			
023.333.038	Romney	2			x				
023.341.059	Sandown				x	x	x		023.341.084
023.341.079	Sandown				x	x	x		023.341.083
023.352.007	Leona				x	x			
023.352.011	Leona				x	x			
023.353.017	Camborne				x				
023.362.032	Pierce				x	x		x	23.362.35/36
023.363.027	Pierce				x	x			
023.364.012	Pierce				x	x	x		023.364.026
023.364.022	Pierce				x	x			
023.371.020	Pineridge	2			x				
023.372.006	Marjorie	1			x	x			
023.372.009	Wallace	2			x	x			
023.372.010	Malvern				x	x			
023.373.009	Marjorie				x				
023.373.041	Ernest				x	x			
023.381.049	Green				x	x			
023.382.020	McCabe				x	x			
023.382.049	Adams				x	x			
023.383.013	Malvern								
023.391.002	Haddon	1			x	x			
023.391.029	Haddon				x	x			
023.392.001	Dreydon								
023.392.009	Norwich	1			x	x			
023.402.020	Cowper	1			x	x	x		023.402.024
023.411.017	Pine Ct	2			x	x	x		023.411.027
023.411.025	Pine Ct	2			x	x			
023.421.002	Patterson-Martindale				x				
023.422.019	Rogers	2			x	x	x		023.422.033
023.422.031	Rogers	2			x	x	x		023.422.032
023.422.032	Rogers	2			x				

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
023.423.003	Pine Ct	2							
023.423.006	Rogers	2							
023.423.030	Rogers	2			x	x			
023.426.001	Burton/Leona	2			x	x			
023.453.007	Malvern				x	x			
023.481.019	Wood	2				x	x		023.481.022
023.482.008	Wood	2			x	x	x		023.482.014
024.011.021	Dovedale				x				
024.011.040	Langton				x	x	x		24.011.063
024.012.003	Langton				x	x	x		024.012.020
024.013.041	Dreydon				x	x		x	24.013.050/051
024.013.047	Radcliff	1			x	x			
024.021.033	Dovedale				x	x	x		024.021.050
024.021.041	Dovedale				x	x			
024.021.043	Downing				x	x			
024.022.025	Downing				x	x			
024.031.012	Ardath	2			x				
024.031.023	Dorking				x				
024.034.035	Sandown				x				
024.034.040	Sandown	1			x	x			
024.034.043	Sandown					x			
024.042.032	Wilcombe				x	x			
024.043.014	Burton Dr				x	x			
024.043.017	Leona				x	x			
024.043.024	Leona								
024.053.002	Lawson				x	x			
024.061.27/28	Ardath/McCabe				x	x			
024.063.053	Pineridge				x	x			
024.071.040	McCabe				x	x	x		024.071.053/58
024.071.041	McCabe				x	x	x	x	024.071.058/59
024.071.049	Green					x			
024.082.015	Dreydon	1			x	x	x		23.82.20 Cty WL
024.091.004	Dovedale				x	x			
024.093.007	Berwick				x	x			
024.101.010	Sandown	2						x	024.101.047/048
024.101.035	Burton Dr	2			x	x			
024.111.002	Wilcombe	1			x				
024.112.015	Leona				x	x			
024.112.030	Ross								
024.121.072/31	Pierce				x				24.123.17/18

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
024.121.084	Orville	2			x	x	x		24.123.004
024.121.088	Pierce	1			x	x			24.123.020
024.122.016	Pierce-Richard				x	x		x	024.122.022/023/24
024.132.002	Melrose				x	x			
024.132.005	Melrose				x	x			
024.141.032	Stuart				x	x			
024.142.033	Stuart				x	x	x		024.142.041
024.143.020	Pierce	2			x	x			
024.151.009	Bradford				x	x			
024.151.021	Orville								
024.151.011	Bradford					x			
024.151.021	Bradford				x	x			
024.152.011	Burton				x	x	x		024.152.026
024.162.011	Bradford								
024.162.030	Bradford				x				
024.171.017	Pineridge								
024.171.021	Pineridge				x	x			
024.172.016	Richard				x	x			024.172.33
024.172.023	Stuart				x	x			
024.181.010	London								
024.181.016	Spencer				x				
024.181.019/36	Spencer	2			x				
024.181.031	Spencer	1							
024.181.048	Londonderry				x				
024.191.014	Arliss	1			x	x			
024.191.030	Green	2			x	x			
024.202.020	Burton				x	x			
024.202.023	Burton				x	x			
024.202.024	Burton				x	x			
024.211.017	Pierce				x	x	x		024.211.036
024.212.006	Pierce				x	x			
024.221.013	Pineridge				x	x			
024.221.015	Pineridge				x	x			x
024.231.042	Pineridge				x	x			
024.241.025	Arliss								
024.241.028	Londonderry				x	x	x		024.241.029
024.242.010	Arliss	1							
024.242.037	Hudson								
024.243.011/12	Hudson				x	x			
024.243.021/22	Spencer				x	x			
024.252.006	Pickwick				x				

RETIRED APN	LOCATION	LOT SIZE*	ORIGINAL OWNER	CURRENT OWNER (if different)	NEW OWNER	ADJOINS OTHER	LOTS CONSOL'D	LOTS SPLIT	NEW APNS
024.252.028	Arliss				x	x	x		024.252.040
024.252.031	Arliss				x				
024.261.023	Bradford				x	x		x	024.261.33/34
024.262.018	Burton	2			x	x			
024.262.023	Bradford	2			x	x			
024.262.028	Kay								
024.262.030	Burton Dr				x	x			
024.271.015	Pierce				x	x			
024.272.003	Richard				x	x			
024.272.013	Stuart				x				
024.273.017	Pineridge								
024.281.005	Preston				x	x			
024.282.042	Spencer								
024.291.025	Pickwick	2			x	x			
024.291.035	Pickwick	1			x	x			
024.301.004	Pickwick	1			x				
024.311.011	Londonderry				x	x			
024.321.012	Gleason	2			x	x			
024.321.017	London	2			x	x			
024.322.014	Gleason	2							
024.322.019	Gleason	2			x	x			
024.342.009	Burton				x	x			
024.353.025	Norton				x	x			
024.353.029	Norton				x				
024.354.011	Ellis	2			x	x			
024.361.015	Pineridge								
024.362.011	Pineridge				x	x			
024.362.012	Pineridge	2							
024.362.019	Pineridge	2			x	x			
024.381.010	Bradford				x	x	x		024.381.019
024.381.016	Spencer				x	x			
024.383.014	Bradford	2			x	x			
278 parcels RETIRED					216	194	51	12	

UnLOC Exhibit 1

	Fee Parcel		Owner
Past years allocations, not yet built			
1	13,084,005	p	CLARK MICHAEL B
2	13,084,022	p	MITTON RL TRE ETAL
3	13,084,044	p	MAHER EDWARD T & DIANE MC
4	13,294,021	p	DUNN KENNETH E & LINDA F
5	13,324,001	p	FELICE ROLAND M TRE ETAL
6	22,052,021	p	RMP INC A CA CORP
7	22,053,037	p	MCLAUCHIAN IAN M & LUCIE R
8	22,053,054	p	SWIFT DEVELOPMENT INC
9	22,131,038	p	NEGLEY SCOTT F & AUDREY S
10	22,292,022	p	MALIAN MICHAEL & MARTHA
11	22,313,032	p	STEWART LINDA D
12	22,351,014	p	BECKMANN JAMES A TRE ETAL
13	23,014,021	p	GEARHART KELLY V
14	23,019,030	p	KRUEGER DANIEL J
15	23,025,031	p	JAMES LEONARD A & JUDITH A
16	23,068,027	p	KASULKA DUANE A & ELIZABETH
17	23,087,047	p	TURNER GARY A
18	23,105,002	p	GEARHART KELLY V
19	23,161,042	p	GONYER R JOHN & KARY L ETAL
20	23,161,043	p	MAN PATRICK P TRE ETAL
21	23,163,014	p	BARKER GLENN P ETAL
22	23,163,026	p	WELSH DAVID B TRE ETAL
23	23,181,020	p	ODENWALD LEE E & SHERI J
24	23,203,002	p	MAGRO ALEXANDER F
25	23,392,010	p	REPUBLIC PROPERTIES INC
26	24,221,030	p	ROGERS GEORGE W TRE ETAL
27	24,271,018	p	SCHUMAKER GEORGE B & NEVENKA
28	24,272,025	p	ALLAN JOHN TRE
29	24,342,017	p	GUIDI JOHN ETAL
2000 Allocations			
1	13,084,021	###	PECK SAM & MAE
2	13,084,040	###	TIBBETT THOMAS W TRE ETAL
3	13,084,050	###	SYRJANEN PERTTI K TRE ETAL
4	13,341,003	###	BRIGLIO ANTHONY JR TRE ETAL
5	13,341,013	###	PETERSON TERRY J TRE ETAL
6	22,141,036	###	GATTO BETTY D TRE
7	22,271,036	###	WOOLUM JOHN C & DOROTHY S
8	22,312,026	###	TOWNSEND JAMES W TRE ETAL
9	22,322,021	###	GROSSE SVEN
10	23,073,014	###	AGUIRRE MARIA E ETAL
11	23,075,035	###	LEWIS GLEN C TRE ETAL
12	23,085,014	###	WOLFE ALEXANDER W TRE ETAL
13	23,086,039	###	COULTER DORRIS L
14	23,087,045	###	KRUEGER DANIEL J
15	23,115,018	###	5340 LOS ROBLES A CA PTP

UnLOC Exhibit 1

	Fee Parcel	Owner
16	23,133,010	### HUCHTHAUSEN JAMES P ETUX
17	23,134,016	### SEIDEL MARK TRE ETAL
18	23,172,050	### PROFFITT DAN TRE ETAL
19	23,191,031	### KOEPP DONALD W & KR
20	23,234,007	### DAVID SANSONE COMPANY INC
21	23,293,051	### MITCHELL SANDRA L TRE ETAL
22	23,451,027	### SPERBECK JOHN E SR & JUDITH
23	24,063,070	### KOMAN JOEL S & LINDA ES
24	24,202,014	### PELLE STEVEN J
25	24,341,008	### CLARK BRADFORD M
26	24,353,046	### ROBERTS RONALD E ETAL

Grandfathered meters

1	13,101,054	g	COYLE JOHN M & SUSAN A
2	13,122,002	g	STERLING WALTER V TR ETAL
3	13,321,010	g	LANDGREEN CHRISTINE L ETAL
4	13,331,014	g	WARRICK STUART C JR TRE ETAL
5	13,331,023	g	ROMANOWSKI WILLIAM T & JULIE
6	13,331,041	g	ETZ RUTHANN M TRE
7	13,351,012	g	LONG ALLAN W & NANCY
8	22,083,033	g	ENKOJI RENSO & MABEL
9	22,151,061	g	JOHNSON ROLAND W & VIRGINIA
10	22,283,017	g	REED JEANINE R TRE
11	22,292,003	g	KARABIAN RONALD F & CA TRES
12	23,014,023	g	GEARHART KELLY V ETAL
13	23,019,023	g	ALLAN JOHN TRE
14	23,041,045	g	VAUGHAN RONALD F TRE ETAL
15	23,048,007	g	MAXTED ALBERT M
16	23,090,014	g	HANDLEY GARY C

CCSD Wait List, No map

1	23,096,049	?	DAVIS JEFFREY B ETUX
2	24,081,034	?	CARR BRIAN S ETAL
3	24,181,037	?	GRAUMAN LYNETTE G TRE
4	24,321,028	?	CANTU MARTIN B

CCSD Wait List, Steep lots

1	22,093,004	dp	TIPTON TIMOTHY D ETUX
2	22,093,007	dp	HERRING CAROL A
3	22,131,019	dp	OGRADY PATRICK J
4	22,131,020	dp	BARKER ANDY R & ANNA M
5	22,131,032	dp	HERNANDEZ ADRIAN & TRACY
6	23,094,007	dp	MANALIO ERNEST TRE ETAL
7	23,373,040	dp	SANDERS RONALD G & SANDRA L
8	24,123,037	dp	WRIGHT WE & Y

UnLOC Exhibit 1

	Fee Parcel		Owner
9	24,143,015	dp	VINATIERI DARLENE A TRE ETAL
10	24,171,026	dp	KIEDAISCH JOHN F & PATRICE R
11	24,171,027	dp	GULNEY RICHARD A & PAULA
12	24,231,045	dp	DILLEY EDWARD M III & DIANNE
13	24,253,007	dp	SCHULTZ RICHARD D & BONNIE J
14	24,253,010	dp	STOECKEL V WAYNE & KAREN A
15	24,273,013	dp	DURAN MARY EA
16	24,273,020	dp	GAY WARREN TRE ETAL
17	24,273,027	dp	SORIANO DAN A & NANCY S
18	24,291,029	dp	OMAN PPHYLLIS G TRE
19	24,291,031	dp	ZAPPATERRENO CASSANDRA J
20	24,322,010	dp	CHRISTIE PHILIP A TRE ETAL
21	24,322,018	dp	DAREHSHORI MF & CHARLOTTE
22	24,331,017	dp	SHEPARD JAMES H ETUX
23	24,332,026	dp	GUIDRY KENNETH D & YVETTE M

CCSD Wait List, Non-conforming lots, under 3,500 sf

1	22,193,012	f	DAVID SANSONE CO INC
2	22,026,035	f	MALAKAN NADER ETAL
3	22,084,020	f	HOLLIS DOUGLAS R & BETTY L
4	22,093,015	f	NETHING PEGGY J
5	22,093,024	f	MORTON RAY H TRE ETAL
6	22,131,029	f	CAREY HELEN J
7	22,151,027	f	CHAO LANCE L TRE ETAL
8	22,151,045	f	CAREY HELEN J
9	22,172,032	f	FILIPPINI WILLIAM J & SUSAN
10	22,201,015	f	FORRESTER DONALD R TRE ETAL
11	22,261,011	f	CAREY HELEN J
12	22,351,003	f	HILL KENNETH A & JUDITH L
13	23,016,019	f	ALLEN JOHN R TRE
14	23,016,040	f	MAZZOLA FRANK A JR & DIANA J
15	23,052,023	f	LEE ALBERT J JR TRE ETAL
16	23,066,019	f	SHEA GERALD F TRE ETAL
17	23,066,021	f	CUDE LESLIE M TRE ETAL
18	23,074,006	f	VITOLS VISVALDIS A & ROBERTA
19	23,091,009	f	ROTHMANN ROBERT ETAL
20	23,096,041	f	EVANS STEVEN D & DEBORAH C
21	23,116,026	f	FEDELE JAMES J & MELINA
22	23,213,013	f	HERNANDEZ ADRIAN & TRACY
23	23,213,016	f	THORSEN RICHARD M & MARY J
24	23,213,029	f	WILLIS CHARLES M & MARIAN L
25	23,213,031	f	CRAIN JAMES S & CYNTHIA A
26	23,215,020	f	KRUEGER GARY W & BARBARA D
27	23,223,006	f	WHITE VIVIAN
28	23,233,006	f	CHATOIAN EDWARD B SOLE PROP
29	23,272,002	f	ELLER DANNY H ETUX
30	23,291,031	f	GODINEZ ISIDRO ETUX

UnLOC Exhibit 1

	Fee Parcel		Owner
31	23,303,045	f	ANDERSON JOSEPH B III TRE ETAL
32	23,331,006	f	WIGGINS BARBARA S
33	23,333,002	f	HOLDEN WILLIAM E & MINERVA M
34	23,341,028	f	CAMPBELL PAMELA A
35	23,341,031	f	BONNET DON J
36	23,391,016	f	GEER CAROL A
37	23,036,017	f	ROGERS MARTIN A & BARBARA B
38	24,011,019	f	MAZZOLA FRANK A & DIANA J
39	24,011,061	f	WARNER LANCE N
40	24,012,009	f	COLLINS CAROLYN K
41	24,042,046	f	KITAY MITCHELL A
42	24,062,009	f	BIMBO JOYCE M
43	24,062,033	f	BIMBO JOYCE M
44	24,081,002	f	KUHN MURPHY & BARBARA
45	24,081,021	f	REDWOOD JE & EL
46	24,122,006	f	THIEBAUD HEIDI M
47	24,123,022	f	WILLIAMS MARTHA C ETAL
48	24,131,016	f	COLLINSWORTH GERALD L &NANCY
49	24,161,006	f	MORRISSEY PHILLIP J TRE ETAL
50	24,182,008	f	JONES RICHARD B TRE ETAL
51	24,182,037	f	MORTENSON ERIC W ETAL, DEBORAH LOKTEFF
52	24,222,014	f	SPEER RANDY M & MERLINDA D
53	24,242,031	f	PROCHARZKA KENNETH R & CAROL
54	24,243,008	f	MILLER LAURA K
55	24,253,012	f	CAREY HELEN J
56	24,253,017	f	ZIMMER RICHARD & GERALDINE
57	24,291,011	f	DENNY SHAWN M & CLAUDIA E
58	24,301,009	f	BISHOP STEVEN D ETUX
59	24,311,002	f	CAREY HELEN J
60	24,311,006	f	WATSON THEODORA E
61	24,311,010	f	JONES MARGARET A TRE ETAL

CCSD Wait List, Conforming lots

1	13,084,006	std	KASSEBAUM JAMES W TRE ETAL
2	13,084,009	std	KOMAN JOEL S & LINDA ES
3	13,084,011	std	SWANSON PETER W & DEBORAH A
4	13,084,017	std	METZ DENNIS & CASSANDRA
5	13,084,018	std	ROSLING REED V TRE ETAL
6	13,084,024	std	POSEMSKY JACK E TRE ETAL
7	13,084,028	std	BREWER SILAS H TRE ETAL
8	13,084,032	std	OVERTURF R GRAIG & ROSALIE H
9	13,084,035	std	LEIMERT INVESTMENT COMPANY A
10	13,084,036	std	LEIMERT INVESTMENT COMPANY A
11	13,084,039	std	LEIMERT INVESTMENT COMPANY A
12	13,084,041	std	ZARGHAM MEHDI R & TOMOKO ETA
13	13,084,042	std	LAMPARTER EUGENE H TRE ETAL
14	13,084,046	std	BRUGALETTA JOHN J & CLAUDIA

UnLOC Exhibit 1

	Fee Parcel		Owner
15	13,084,051	std	PHILLIPS DANE
16	13,084,052	std	PHILLIPS DANE
17	13,101,063	std	WOOLUM JOHN C & DOROTHY S
18	13,141,008	std	CITEK PHILIP ETUX
19	13,141,019	std	STEWART BENTON A & LINDA D
20	13,292,012	std	OBENAUER JOHN P & MARSHA A
21	13,301,047	std	DUNLEVIE JON T & DONNA SH
22	13,311,001	std	GONZALEZ MANUEL D
23	13,311,008	std	RUTHERFORD DALE & BRENDA
24	13,321,001	std	LEE CARL & LINNIE B
25	13,323,007	std	SANI JAVAD N ETUX
26	13,323,008	std	GARRETT ED JR TRE ETAL
27	13,331,007	std	BRYANT WK & VJ TRE ETAL
28	13,341,006	std	KUETER KLAUS & CARMEN
29	13,341,011	std	GONZALEZ MANUEL D
30	13,341,023	std	OLAIS HENRY ETUX
31	13,341,025	std	WALTER H LEIMERT CO ETAL
32	13,351,039	std	FELICH DONALD L TRE ETAL
33	13,351,046	std	BLOOM ROBERT TRE ETAL
34	22,022,037	std	SMITH CRAIG A
35	22,023,012	std	ZAROWITZ MICHAEL A
36	22,023,028	std	GEDIMAN GERALD & WALLITA A
37	22,034,028	std	NORMAN E CHURCHILL
38	22,041,002	std	CRAWLEY JAMES C & ROXANA P
39	22,042,014	std	CAMPAGNOLO DAVID R & CORALEE
40	22,042,044	std	WILSON ROBERT & BARBARA
41	22,042,046	std	KOMAN JOEL S & LINDA ES
42	22,042,047	std	KOMAN JOEL S & LINDA ES
43	22,043,006	std	HALSTEAD ROBERT & NANCY A
44	22,053,034	std	COOK WILLIAM G TRE ETAL
45	22,071,001	std	WITMER GLEN A TRE ETAL
46	22,071,042	std	MARAGONI NATHAN E
47	22,071,078	std	ROYSTON WILL TRE
48	22,083,014	std	DOUGHTY DOUGLAS H TRE
49	22,083,031	std	STERN RICHARD A TRE ETAL
50	22,083,040	std	PARRACK WAYNE M & JENNIFRED
51	22,083,055	std	CROSS RALPH S TRE ETAL
52	22,084,008	std	KRYSTIAN RICHARD & MARGO
53	22,091,017	std	SCOTT GARRY L & ANNETTE M
54	22,093,025	std	SCOTT GARRY L & ANNETTE M
55	22,093,043	std	REDWOOD JE & EL
56	22,131,054	std	YATES REGINALD & KAE R
57	22,151,010	std	PEREZ JOHN & OLIVIA M
58	22,151,012	std	ODONNELL WC & MG
59	22,151,066	std	KEGEORGE KAREN A TRE
60	22,151,079	std	LAMBORN JOHN P JR TRE ETAL
61	22,151,080	std	FORD KEITH B TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
62	22,171,020	std	STEVENS JOSEPH B TRE ETAL
63	22,171,024	std	MCDONNELL PAUL C JR & ROBIN
64	22,171,031	std	VAVRA RANDY J & ADRIANA
65	22,171,045	std	AUTH GARY L & CLAUDIA S
66	22,171,046	std	POPE RALPH ETUX
67	22,182,054	std	HUBER GREGORY A & ANNA S
68	22,191,028	std	LEVESQUE RONALD R & KATHRYN
69	22,191,032	std	COOMBS ROBERT L
70	22,192,011	std	EVANS FREDERICK & LYNDA S
71	22,192,025	std	BUSSELL DAVID M & JODY A
72	22,192,031	std	PARKER THOMAS & LINDA
73	22,192,042	std	ROBINSON DERYL & WENDOLYN S
74	22,192,046	std	SELNA JAMES V TRE ETAL
75	22,193,020	std	SPORNICK GEORGE G & ELENA
76	22,211,012	std	OGRADY PATRICK J
77	22,211,080	std	GRAY RONALD & VIRGINIA
78	22,223,005	std	STEFAN MARGO E
79	22,223,009	std	HUTTO PETER & KATHRYN S
80	22,225,002	o	SMITH DEAN C & BONNIE J
81	22,225,004	o	ROCHE GARY D & PATRICIA L
82	22,225,011	std	HUBAL BRUCE R TRE ETAL
83	22,225,012	o	BOOMSMA RICHARD J TRE ETAL
84	22,226,020	std	CLEVENGER WILLIAM G& BARBARA
85	22,227,027	std	MICHAS NICHOLAS A & KATHRYN
86	22,232,016	std	MTM DEVELOPMENT INC
87	22,241,036	std	COLLINS CAROLYN K
88	22,243,012	std	SHERICK JOHN R ETAL
89	22,261,054	std	ELEANORE B MOLNAR
90	22,291,024	std	ADAMS KATHERINE TRE
91	22,291,028	std	RUTT DAVID E TRE ETAL
92	22,292,023	std	ROBINETTE GAIL ETAL
93	22,312,007	std	ROSS GORDON H ETAL
94	22,312,033	std	GONELLA NEIL ETAL
95	22,312,035	std	HARTLING DONALD C TRE ETAL
96	22,312,037	std	HORVATH ROBERT W & M ALMA
97	22,313,033	std	SOBEL JUDY TRE
98	22,321,010	std	HENCH CHARLES E
99	22,323,032	std	PENDLETON RD & VR
100	22,331,032	lg	MONK LARRY W & LINDA A
101	22,332,004	std	MOTTA MICHAEL A & DOROTHY
102	22,341,037	std	PANTOJA HARRY V & MARY T
103	22,342,016	std	LAKE MICHAEL A & WANDA J
104	22,342,031	std	MAZZOLA FRANK A TRE ETAL
105	23,014,013	std	WESTLAKE ANNIE M ETAL
106	23,014,020	std	ANDERSON MARK A & CATHEY A
107	23,015,019	std	BLUSKE RUTH A TRE
108	23,015,022	std	ESCONTRIAS HA JR ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
109	23,016,037	std	SPITZ ALLAN C & LANA S
110	23,016,044	std	MIKLESH JOHN D & CINDY L
111	23,017,003	o	BURRISS RONALD D & FRANCES A
112	23,017,011	std	NIELSON MICHAEL G
113	23,017,020	o	SMITH BRUCE G ETUX
114	23,017,041	std	DUNCAN GORDON C
115	23,018,005	std	PINOS JORGE E TRE ETAL
116	23,018,026	std	AYDELOTT JERRY & BARBARA
117	23,018,029	std	MILLER STANLEY E TRE ETAL
118	23,019,005	std	GORDON ANDREW & JILL
119	23,019,006	std	GORDON ANDREW & JILL
120	23,019,036	std	ALKUS STEPHEN
121	23,021,019	std	WINGATE KURT T & STACY B
122	23,021,023	std	CARLSON AUDREY R TRE ETAL
123	23,023,020	std	TRAPP JAMES D TRE ETAL
124	23,025,001	std	SELNA JAMES V TRE ETAL
125	23,025,002	std	BETH ALUYON
126	23,025,013	std	MOHR PETER & CHRISTINA
127	23,025,019	std	BRESSLER HAROLD L & KAY L
128	23,025,022	std	SHORE ROBERT A TRE ETAL
129	23,025,027	std	JAMESON RICHARD M & JE TRE
130	23,032,004	std	GONG ROBERT L & KAREN L
131	23,032,005	std	SATAVA RICHARD D & CN
132	23,034,004	std	ANDERSON JOHN P TRE ETAL
133	23,034,008	std	KELTER LEANDER M TR ETAL
134	23,034,013	std	DEAN WF & DH
135	23,035,002	std	CHETTA JOSEPH TRE
136	23,035,005	std	BRAUCH FRANK W TRE ETAL
137	23,035,012	std	EBER DAVID G TRE ETAL
138	23,035,021	std	MILLER JOHN W & POPPY B
139	23,036,004	std	HILLERS RALPH D & MARGARET M
140	23,036,009	std	STOLTZE TONY & GAIL
141	23,036,031	std	NELSON VIRGINIA L TRE
142	23,041,029	std	KORPIEL JOSEPH V TRE ETAL
143	23,042,005	std	TIETZ CHRISTOPHER A
144	23,042,016	std	HAVLISCH HAL B
145	23,043,015	lg	GREEN NEAL C & DIANE
146	23,044,018	std	CHOW CINDY ETAL
147	23,045,009	o	HOFFMAN RICHARD H TRE ETAL
148	23,045,010	std	CANNADAY GREG W ETUX
149	23,045,020	std	LAGRAND DONALD M & BARBARA
150	23,045,036	std	HARKNESS JENNY M
151	23,046,009	std	BERGMAN GREGORY M TRE ETAL
152	23,046,018	std	IRVIN ROBERT J TRE ETAL
153	23,046,041	std	PEKIN JAMES & EVELIN
154	23,047,017	std	TALBERT MARSHA E ETAL
155	23,047,020	std	ROWE JAMES M & KATHRYN S

UnLOC Exhibit 1

	Fee Parcel		Owner
156	23,048,010	o	COBURN GARY A
157	23,048,016	o	MILLER SCOTT E ETAL
158	23,048,032	o	BRADLEY HOWARD D TRE ETAL
159	23,048,039	o	HORACEK BOBBY D & SHIRLEY E
160	23,048,042	o	MILLER SCOTT E
161	23,049,012	std	SKARE JAMES E TRE ETAL
162	23,049,022	std	VAGUE RUSSELL H & SUSAN M
163	23,049,034	std	BUDICIN FRANK & PATRICIA A
164	23,051,025	std	MARINA CARLOS & JENNIFER B
165	23,052,025	std	FERENSTEIN GERALD S & NANCY
166	23,064,006	std	EL BISSAT HASSAN ETAL
167	23,064,010	std	NEEPER ROBERT K & CHRIS
168	23,065,002	std	DEGROOT TERRANCE A TRE ETAL
169	23,065,014	std	REDWOOD JE & EL
170	23,066,011	std	MCCONNELL JANIS L
171	23,067,008	std	EICHERT ROBERT A & KATHLEEN
172	23,067,009	std	DAUGHHETTEE DAWN L & MARTHA
173	23,067,018	std	JENNER CHARLES W ETAL
174	23,068,004	std	OBER MARK A
175	23,068,010	std	DUSTON PAUL TRE ETAL
176	23,068,017	std	BECK LARRY W & MAUREEN F
177	23,068,018	std	LEWIS MARSHALL & LESLIE
178	23,068,020	std	LEHNER ROBERT H ETAL
179	23,068,028	std	SHELDON FAMILY
180	23,071,013	std	HAZEN WILLIAM A ETAL
181	23,071,024	std	LOAR BILL R & BRENDA L
182	23,072,017	std	OLIVEIRA RICHARD N & ELAINE
183	23,072,019	std	TUCKER RICHARD ETUX
184	23,072,021	std	BACA ENRIQUE I & DEBORAH A
185	23,073,008	std	POSTON JEANETTE M
186	23,073,021	std	BROWN DANIEL L & CARMEN R
187	23,073,022	std	KELSEY DAVID N TRE
188	23,074,010	std	ANGEL NICHOLAS G
189	23,074,037	std	HOLLINGSHEAD JAMES L TRE ETAL
190	23,075,003	std	FERGUSON JAMES R & ALEXANDRA
191	23,075,007	std	BELLMAN ERIC ETAL
192	23,075,019	std	DECKER WILLIAM K TRE ETAL
193	23,075,036	std	GALLION MARY M
194	23,076,021	std	CORBET CHRISTOPHER D & TAMARA
195	23,076,026	std	NEWTON JAMES W & JUDITH A
196	23,076,027	std	EXOLA LELAND S JR & DEBORAH
197	23,083,015	std	MAHANEY BYRON P
198	23,084,002	o	ACEVEDO AMOS B & KAREN M
199	23,085,016	std	MCMURTREY DONALD W & SHERRIE
200	23,085,017	std	CONGER JIMMY O & CATHERINE
201	23,086,002	o	ROSE OWEN L TRE ETAL
202	23,086,006	std	WANNINGER DONALD J & ALIS L

UnLOC Exhibit 1

	Fee Parcel		Owner
203	23,086,015	o	HINSON PAUL E & STEPHANIE L
204	23,086,028	o	TAHARA RANDI S ETAL
205	23,086,037	std	LAWLER MARY
206	23,086,041	std	ELLINGTON GARY & SHARON
207	23,086,042	std	VOELKER KURT K & DEANNA C
208	23,087,002	std	KARAGOZIAN MIRON A TRE ETAL
209	23,087,003	std	SNOW CHRISTINA L
210	23,087,013	std	JOHNSON WALTER R ETAL
211	23,087,027	std	BRYANT MATTHEW N & MAHVASH A
212	23,087,032	o	FOOTE RONALD D & CARI G
213	23,087,034	std	KULCZYK EUGENE & SANDRA T
214	23,087,038	std	OVERSTREET MARK L ETUX
215	23,087,040	std	ELIZONDO TONATIUH & ROSEMARIE
216	23,087,046	std	TOMAS DENNIS & SHEILA
217	23,088,007	o	JORDAN NORMAN R & LORRIE S
218	23,088,011	std	FREEMAN MARK
219	23,088,034	std	DWYER JOSEPH J & AURELIA MV
220	23,088,042	lg	SMITH STEVEN R & SUSAN R
221	23,088,043	std	MCLACHLAN HARRY F & JOAN M
222	23,089,006	std	DOUGHERTY HARRY M III & DOLORES
223	23,089,008	std	RICHES KARIN S
224	23,089,018	o	MOTLAGH ABBAS ETUX
225	23,089,027	std	DI UBALDO C
226	23,089,031	std	CZERWIEC FRANK & VICTORIA L
227	23,090,002	std	VARTANIAN DENNIS TRE ETAL
228	23,090,016	std	JOHNSTON VICTOR L
229	23,091,002	std	HENDERSON RICHARD & SHARON L
230	23,091,020	std	LANSKA MICHAEL J TRE ETAL
231	23,091,031	std	WESTFALL ANTHONY L ETAL
232	23,092,036	std	PARFETT THELMA
233	23,093,003	std	NAVA PHILLIP & JEANNE L
234	23,093,011	std	SIVAS EDWARD TRE ETAL
235	23,093,028	std	ADAMS LAWRENCE S TRE ETAL
236	23,094,036	std	NETTLES LESLEY D
237	23,094,041	std	BOROWICK JEROME N TRE ETAL
238	23,095,002	std	CLEMCIUC JONATHAN ETUX
239	23,095,036	std	SIINO JAMES A & PATRICIA H
240	23,096,011	std	CURTIS LEE A TRE
241	23,096,044	std	DENTON MICHELLE A ETAL
242	23,101,041	std	MOSS STEVEN D ETUX
243	23,102,002	std	MOLINARI JOHN V & BONNIE B
244	23,103,014	std	MARTINEZ JOHN L & BARBARA B
245	23,104,002	std	NICHOLS MARK & KAREN
246	23,104,004	std	BELMONTE DANA L ETAL
247	23,104,010	std	EL-BISSAT HM & MJ
248	23,104,011	std	WOESTE KEITH W
249	23,104,021	std	HUDZINSKI ROBERT A & FRANCES

UnLOC Exhibit 1

	Fee Parcel		Owner
250	23,104,023	std	ANDRADE JOSE L & JENNIE L
251	23,105,016	std	DAVID SANSONE CO INC
252	23,107,015	std	SONDENO DUDLEY J & CYNTHIA J
253	23,107,025	std	WRIGHT RICHARD J TRE ETAL
254	23,111,024	std	BARNES ROBERT D TRE ETAL
255	23,111,029	std	BRAJKOVICH THOMAS G ETAL
256	23,111,032	std	SAMP JAMES C
257	23,111,035	std	DONDANVILLE JEFFREY W & ANGELA
258	23,114,012	std	TROWBRIDGE GUY N & LAURA M
259	23,114,017	std	MCRAE ALAN R & JUDITH A
260	23,114,023	std	DILL MICHAEL B & DEBRA D
261	23,114,028	std	SHERRATT DAVID M & BE
262	23,115,003	std	RENTLER RICHARD R TRE ETAL
263	23,115,009	std	ARMSTRONG JAMES M III & JULIE
264	23,115,014	std	VAGUE RUSSELL H & SUSAN M
265	23,115,020	std	WARREN H LINDA TRE
266	23,115,025	std	LEAVITT ANDREW W & KAREN
267	23,116,013	std	ENNIS GARY
268	23,116,021	std	KNUDSEN ERIK & KAREN
269	23,117,007	std	STARRENBURG KATHY L
270	23,117,008	std	RENSCH JOHN R & VICKI J
271	23,117,009	std	STARRENBURG KATHY L
272	23,118,006	std	CHAO ANDREW J
273	23,118,014	std	CATTANEO SHERYL
274	23,119,011	std	LEBOVITS JOHN & DEBORAH S
275	23,119,018	std	SIGLER RONALD W
276	23,119,022	std	LUYTIES WILLIAM H & CLAUDIA
277	23,121,005	std	FISHER LAVERNE TRE
278	23,121,011	std	TUTTLE JAMES L & JOYCE L
279	23,121,013	std	SMITH BEATRICE E TRE ETAL
280	23,122,018	std	MONACO STEPHEN A & SUSAN M
281	23,131,015	std	TRIPI ANTHONY J TRE
282	23,132,012	std	SMITH KENNETH & GAYLE
283	23,132,013	std	MCDONOUGH LIVING TRUST (Nancy McDonough)
284	23,133,017	std	WALTON DG & BT
285	23,134,017	std	SEYRANIAN LEON G TRE ETAL
286	23,134,019	std	CALISTRO FRANK & ADORA A
287	23,134,021	std	LENNON WILLIAM C & CYNTHIA A
288	23,141,018	std	HESSE MARCIA A ETAL
289	23,141,028	std	JONES THERESA V TRE
290	23,141,038	std	KNOBLOCH EARL P TRE ETAL
291	23,142,009	std	BRANDT DEBORAH K
292	23,142,018	std	ADLER GARY R & MELANIE R
293	23,142,026	std	KOEPP WILLIAM E TRE ETAL
294	23,142,028	std	ROSTAM-KOLAYI AHMAD & KAAREN
295	23,142,030	std	KIRKLAND ALAN G & SUSAN
296	23,143,004	std	1700 BERWICK LTD PTP

UnLOC Exhibit 1

	Fee Parcel		Owner
297	23,143,026	std	BUCK MICHAEL TRE ETAL
298	23,143,041	std	ZANE BRADLEY & REGINA
299	23,151,007	std	MOUNTS KEVIN L & AMY S
300	23,151,031	std	KOMMER JOEN B
301	23,151,039	std	CASTELLANOS WL & SL
302	23,151,045	std	STEWART BENTON A & LINDA D
303	23,161,046	std	REITZ PJ & HM
304	23,161,047	lg	TRIPI ANTHONY J TRE ETAL
305	23,163,028	std	REDWOOD JE & EL
306	23,163,029	std	TIZIANI ERWIN J & MARY A
307	23,163,033	std	SPRAYBERRY KIMBERLY A
308	23,171,011	std	KINIKIN J & L
309	23,172,013	std	CARTER WILLIAM & JEAN
310	23,172,014	std	STEPHENS FAMILY TRUST ETAL
311	23,172,026	std	MUNOZ PAUL & JAN
312	23,172,039	std	KENRICK JOSEPH F TRE ETAL
313	23,172,043	std	LUND STEVEN P TRE ETAL
314	23,181,022	std	CABRAL LINDA R
315	23,181,033	std	GRAVISS ARTHUR L & JUDY
316	23,182,019	std	HARLEY JAMES
317	23,182,030	std	RANDALL MARK TRE ETAL
318	23,182,032	std	WALLACE BRYAN & KATHY
319	23,182,037	std	ORELLANA TIMOTHY S & TARYN M
320	23,182,044	lg	ZWEEMER NEIL & MARY
321	23,191,029	std	PENN WAYNE P
322	23,191,030	std	WINTERBERG SR
323	23,192,030	std	HAIGLER HARRY
324	23,202,055	std	OGRADY PATRICK J
325	23,203,020	std	EASTON JOY O TRE
326	23,204,072	std	ROSE MARIE T ETAL
327	23,205,002	std	BROWNHILL RICHARD R & PATRICIA
328	23,205,012	std	VANDUZER ASHLEY M & MARY E
329	23,205,019	std	CLOW DOUGLAS A
330	23,205,056	std	BORDER RICHARD P TRE ETAL
331	23,206,048	std	SPERBECK JOHN E SR & JUDITH
332	23,211,016	std	RAVATT GREGORY
333	23,214,032	std	FEDELE JOHN M & CYNTHIA L
334	23,214,047	std	FEDELE JAMES J & MELINA
335	23,215,021	std	EL-BISSAT HM & MJ
336	23,215,049	std	VINATIERI DARLENE A TRE ETAL
337	23,221,040	std	MEYER JOHN A & STEPHANIE L TRUST
338	23,221,042	std	TO CAROLINE L ETAL, c/o EAST WEST RANCH
339	23,222,047	std	CONRAD DAWN M
340	23,223,017	std	KRAMAN DONALD E TRE ETAL
341	23,233,019	std	PHILLIPS PETER A & VICKI J
342	23,243,024	std	RYMUT JAMES J & MATALIE
343	23,243,037	std	WILLIAMS BRIDGET

UnLOC Exhibit 1

	Fee Parcel		Owner
344	23,251,026	std	SIAMON AL
345	23,261,014	std	GORDON REX B TRE ETAL
346	23,261,030	std	FROSCH TED W TRE
347	23,261,032	std	CHIVENS DANIEL P & KRYSTALYN
348	23,261,040	std	DAVIES WILLIAM S
349	23,271,041	std	SEABERG CHRISTOPHER A
350	23,271,043	std	REBOLLAL AMADEO & MARGARITA
351	23,271,045	std	PISCIONERI JOSEPH D JR
352	23,281,029	std	DAHL JEFFERY
353	23,281,033	std	KELLY JAMES H & MARIA G
354	23,282,004	std	LOPEZ MANUEL A & SUSAN R
355	23,292,050	std	REDMOND HARRY A & SANDRA LD
356	23,301,011	std	BENDER ALAN P & GAIL P
357	23,303,028	std	BROME ROBERT H
358	23,322,016	std	JORDAN PATRICK L TRE ETAL
359	23,341,070	std	IDRIS FAROUK & NINA D
360	23,352,030	std	LEE DIANE J
361	23,361,052	std	CRUSHA MICHAEL & JACALYN
362	23,363,002	std	REIFER DAVID J TRE ETAL
363	23,363,003	std	WHITE AE & BL
364	23,363,020	std	BURNS MICHELLE
365	23,372,004	std	ZEGOURES PAUL
366	23,372,008	std	NETHING PEGGY J
367	23,373,005	std	GRAY GERALD E & BARBARA J
368	23,373,011	std	STEVER RONDA L
369	23,381,042	lg	GILLIO ELSIE E TRUST
370	23,382,021	std	DEBOARD JOSEPH ETUX
371	23,382,039	std	TONEY EDMOND & GLORIA A
372	23,382,051	std	REDMOND HARRY A & SANDRA LD
373	23,383,012	std	GALLAGHER ERIN
374	23,383,054	std	HARSTEN ROBERT E & JENNIFER
375	23,391,026	std	PAKOS PRODROMOS & FOTINI
376	23,392,013	std	WOLFORD RAYMOND G ETAL
377	23,392,020	std	QUIMBY BARRY ETUX
378	23,401,013	std	NUNN KENNETH E & LORRAINE C
379	23,401,024	std	MANCILLA ROBERTO M TRE ETAL
380	23,402,014	std	KEENE LISA L
381	23,411,004	std	LEE JOHN B & VIVA E
382	23,411,005	std	WEISSENBERGER DAVID A
383	23,411,007	std	LEUNG MONICA
384	23,411,019	std	SEIFRIED MARY L TRE
385	23,411,020	std	PUTNAM KENNETH A & MANDI M
386	23,422,023	std	DILL MICHAEL B & DEBRA D
387	23,423,004	std	SMITH EDWARD A JR TRE ETAL
388	23,423,007	std	ALLAN JOHN TRE
389	23,423,008	std	ALLAN JOHN TRE
390	23,423,020	std	GILMARTIN KEVIN & CARLA

UnLOC Exhibit 1

	Fee Parcel		Owner
391	23,423,034	std	VALENTINE BENJAMIN J TRE ETAL
392	23,432,022	std	LINDSEY, JE INC A CAL CORP
393	23,451,008	std	BOYDSTUN JOHN D SR & JULIE K
394	23,451,009	std	DAVIES WILLIAM S
395	23,451,011	std	SUNDQUIST OSCAR E & LORRAINE
396	23,451,013	std	GOUGE RICHARD E & DIANNA M
397	23,451,015	std	WALTER RONALD N TRE ETAL
398	23,451,020	std	SPITTLER FREDERICK L HEIRS OF
399	23,451,026	std	COVEY SHANNY S TRE
400	23,451,028	std	VALENZUELA MARY C ETAL
401	23,451,029	std	VALENZUELA MARY C ETAL
402	23,451,031	std	STEFAN EVELYN R TRE
403	23,451,032	std	STEFAN EVELYN R TRE
404	23,452,008	std	PRICE BOBBY D & KATHLEEN E
405	23,452,016	std	VIGUE JAMES D
406	23,453,002	std	WALTON RICHARD H JR & CA
407	23,461,006	std	MCCALLUM DAVID L TRE ETAL
408	23,462,012	std	JENNINGS ROBERT R & CLARICE
409	23,462,013	std	GEARHART KELLY V
410	23,462,015	std	GALLION MARY M
411	23,462,022	std	WIGGINS BARBARA S
412	23,471,007	std	SOUZA DAVID TRE ETAL
413	24,011,017	std	HOSLER RON C & PATRICIA A
414	24,011,037	std	CARLSON AUDREY R TRE ETAL
415	24,011,047	lg	BROOKS BARRY E & EVA K
416	24,011,062	std	MOCHIZUKI MARY NP TRE
417	24,012,004	std	HEDGE MELVIN D TRE ETAL
418	24,012,015	std	IZUMO GARY M TRE ETAL
419	24,013,016	std	ZDROY FRANK & LESLIE
420	24,013,022	std	HENG MING K TRE ETAL
421	24,013,027	std	BROWNHILL ROBERT J
422	24,021,017	std	FEDELE JAMES J & MELINA
423	24,022,054	std	MILLER ROBERT N & JUDI A
424	24,022,055	std	MILLER ROBERT N & JUDI A
425	24,031,004	std	WILLARD FOREST E
426	24,031,019	std	ABERCROMBIE DARREL L & JILL
427	24,032,012	std	MOREFIELD CRAIG C & SUE
428	24,033,009	std	WILLARD FOREST E
429	24,033,015	std	MURROW DONALD TRE ETAL
430	24,033,048	std	CAMPBELL PATRICK S & KARIN L
431	24,034,012	std	HOPKINS JAMES R
432	24,034,041	std	DAWSON CLINTON A & MARY R
433	24,034,044	std	BRAGA NORMAN & DIANE
434	24,041,021	std	HORWITZ ROBERT TRE
435	24,041,022	std	BORGES JEFFREY & MICHELE
436	24,043,019	std	COLLINS CAROLYN K
437	24,052,004	std	DOWNING TERRY L

UnLOC Exhibit 1

	Fee Parcel		Owner
438	24,053,005	std	JEPSEN DAVID B TRE ETAL
439	24,053,006	std	OLSON JAMES S & ANN T
440	24,061,031	std	FAIRBURN DARRELL J TRE
441	24,061,045	std	LEE J DOUGLAS
442	24,061,046	std	WALKER SHIRLEY H
443	24,061,049	std	HAWTHORNE DANIEL & MARCIE
444	24,062,012	std	COPELAND JIMMY & MARSHA
445	24,062,029	std	FEIST JACK A & MARIE A ETAL
446	24,062,040	std	BIMBO JOYCE M
447	24,063,032	std	MARKHAM CM III & KM
448	24,063,055	std	WOLF ALAN W MD TRE
449	24,063,067	std	MARTIN BRIAN J & DEBRA M
450	24,082,010	std	BOHLIN RD ETAL, RENA VUKADINOVICH
451	24,091,010	std	ELBISSAT JAMAL
452	24,091,014	std	TOMASSO RAYMOND N & PEGGY A
453	24,091,027	std	BAINS WILLIAM H & ROBIN B
454	24,092,003	std	WOLF ALAN W ETAL
455	24,092,013	std	HEAPY GREGORY R TRE
456	24,092,026	std	KOSHAREK TIMOTHY L & BEVERLY
457	24,093,011	std	JANES DAVID A
458	24,101,001	std	NIX BARRY & PAMELA
459	24,102,029	std	KOHLMOOS JAN M TRE
460	24,103,018	std	ANDRUS WALTER W & LORETTA
461	24,112,005	std	KNOBLOCH EARL P TRE ETAL
462	24,122,001	std	HUNTER DD
463	24,122,020	std	HURLEY RUSSELL F & JOANNE M
464	24,122,021	std	BLAKEMORE JOHN & KATHERINE
465	24,123,004	lg	KELSAY ANNE S ETAL
466	24,123,013	std	BRYANT WILLIAM TRE ETAL
467	24,123,019	std	ASBURY DOUGLAS ETAL
468	24,123,028	std	COTTON ROY W & FLORENCE D
469	24,131,013	std	STALIS A & B
470	24,132,036	std	SANDER STEPHEN I & GERI G
471	24,132,038	std	DONOHUE TIMOTHY J & DIANE ET
472	24,132,039	std	SIEBENALER JEFFREY & DINA
473	24,141,007	std	DAVIES WILLIAM S
474	24,141,017	std	ROUSELLE GERALD & SUSAN M
475	24,141,023	std	ELLIS BURL J TRE ETAL
476	24,141,042	std	PALMER KATHRYN L TRE ETAL
477	24,142,007	std	SUNDQUIST OSCAR E & LORRAINE
478	24,142,031	std	STAFFORD BARBARA A
479	24,142,038	std	PRESLEY JOHN L TRE ETAL
480	24,142,041	std	DAVIES WILLIAM S
481	24,143,006	std	CUNNINGHAM PATRICK J TRE
482	24,143,016	std	BURTT WAYNE E TRE ETAL
483	24,143,019	std	EQUINOA RICHARD M TRE ETAL
484	24,143,023	std	GULLOTTA ELAINE M

UnLOC Exhibit 1

	Fee Parcel		Owner
485	24,143,027	std	MORRISON RICHARD H TRE ETAL
486	24,151,020	std	PORTILLO LEANDRO J & LINDA
487	24,152,025	std	TRAN LONI T
488	24,161,014	std	ALAN JOHN TRE
489	24,161,025	std	SEGAL JOEL TRE ETAL
490	24,171,009	std	RAKOCZY THOMAS W & PENELOPE
491	24,171,015	std	VOKES LEE S TRE ETAL
492	24,171,025	std	RAUEN DAVID P & ANN E
493	24,172,005	std	WALSH PATRICIA E
494	24,172,031	std	HANSON SHALE & TERRY
495	24,181,041	std	MORTON WILLIAM R
496	24,182,003	std	SMITH DIANNE E
497	24,182,040	std	LARANJO MARILIO S
498	24,182,045	std	GARTON DONALD R TRE ETAL
499	24,191,024	std	STORNI STANLEY M TRE ETAL
500	24,201,004	std	PARKER SHARON L
501	24,201,006	std	JONES DOUGLAS A & KIM L
502	24,201,012	std	HERNANDEZ ADRIAN & TRACY
503	24,202,006	std	PARKER SHARON L ETAL
504	24,202,015	std	SCARBOROUGH PATRICIA
505	24,202,019	std	KIMES DAVID & NANCY L
506	24,211,013	std	BENSON TONY ETUX
507	24,211,021	std	BIVENS DAVID G & MARGARET A
508	24,211,023	std	CRUISE STEPHEN S TRE ETAL
509	24,211,034	std	OTTO DENNIS R & MYRA A
510	24,212,002	std	GRIMES WENDY A
511	24,212,007	std	STONE RICHARD M & LINDA J
512	24,212,021	std	EVANS CAROLYNN J TRE
513	24,221,014	std	BORGES JEFFREY & MICHELE
514	24,221,018	std	DESMET ROBERT F ETUX
515	24,221,035	std	GONZALES VIRGINIA TRE
516	24,222,007	std	COLLINS CAROLYN K
517	24,222,023	std	PHILLIPS PETER A & VICKI J
518	24,231,037	std	CORIPPO MATTHEW S & JULIE A
519	24,241,015	std	PATTERSON FRANKLIN D & LANNETTE
520	24,242,041	std	FINE JANE E
521	24,243,061	std	MAGGIO BRUCE A TRE ETAL
522	24,252,002	std	ANDERSON WILLIAM S ETAL
523	24,252,009	std	JOHNSON LARRY E & KAREN E
524	24,252,019	std	HEARSUM ALFRED & GRACE
525	24,252,022	std	TUCKER NANCY B
526	24,253,014	std	LONG KORY & BONNIE
527	24,261,016	std	WALLACE BRUCE
528	24,261,017	std	HOGAN BOYD I & JACQUELINE
529	24,261,025	std	PITT RONALD D
530	24,261,027	std	RAWLINSON JANET L
531	24,261,029	std	HUDZINSKI ROBERT A & FRANCES

UnLOC Exhibit 1

	Fee Parcel		Owner
532	24,262,003	std	MADDELEIN DENNIS L & MARION
533	24,262,022	std	BLACK DEBORA N
534	24,262,038	std	HUTTON JAMES B TRE ETAL
535	24,271,010	std	GOSS ROBERT E & MARSHA A
536	24,271,011	std	DAVIES WILLIAM S
537	24,271,014	std	WAUGH DAVID & LYNN
538	24,271,021	std	RECKEFUS S SCOTT III
539	24,271,022	std	GOSS ROBERT E & MARSHA A
540	24,272,014	std	DAVIES WILLIAM S
541	24,281,013	std	KELSEY DAVID N TRE
542	24,281,021	std	RENALDO MICHAEL K & SHERI M
543	24,281,025	std	FISCHER DAVID W & A FAYE
544	24,282,003	std	NETHING PEGGY J
545	24,282,007	lg	WANG CHIANG ETUX
546	24,282,015	std	SEARBY JIM ETAL
547	24,291,017	std	NAVA PHIL & JEANNE
548	24,291,028	std	CASHIN JAMES A TRE ETAL
549	24,301,015	std	RUBIN SHERWIN P TRE ETAL
550	24,301,024	std	BURBANK JAY F & PATRICIA H
551	24,301,030	lg	OUTWATER ROBERT M & SUSAN E
552	24,301,032	std	DEMPWOLF KARL H & DIANE H
553	24,311,033	std	LEONARD JERRY J & HEATHER L
554	24,311,036	std	UTT ERNEST A & CJ ETAL
555	24,311,037	std	MCCOLLOCH MELVIN
556	24,312,034	std	GRANATINO MICHAEL & MENA
557	24,321,019	std	POPPLEWELL MART B
558	24,321,022	std	KLEINHAMMER LESLIE K & MERLE
559	24,321,026	std	CANTU MARTIN B
560	24,321,029	std	KOMAN JOEL S & LINDA ES
561	24,321,032	std	ELLIS ROBERT K
562	24,331,023	std	LEUER MARY M ETAL
563	24,341,025	std	KARLE DENNIS W TRE ETAL
564	24,341,029	std	DAVIES WILLIAM S
565	24,341,033	std	ULREY ROBERT D TRE
566	24,342,010	std	MCCARTHY DANIEL T & BOZENA
567	24,342,022	std	KENNEDY KATHLEEN M
568	24,342,023	std	SIMERAL ROBERT L & JANE E
569	24,352,005	std	CLARK BRAD
570	24,352,008	std	KOERBER DIANA BLACK
571	24,353,005	std	MILLER MICHAEL ETUX
572	24,353,010	std	SORENSON JON E
573	24,353,023	std	HILDEN JOSEPH R TRE ETAL
574	24,354,002	std	REDMOND HARRY A & SANDRA LD
575	24,354,022	std	CLINE ROBERT B TRE ETAL
576	24,361,011	std	SLAYMAN VICTOR J & LUCILE
577	24,361,016	std	ALLEN KENNETH L & KATHLEEN M
578	24,361,021	std	SANTENS PHILLIP C & MICHAELENE

UnLOC Exhibit 1

	Fee Parcel		Owner
579	24,371,004	std	SHENSON DAVID A & BROOKE P
580	24,372,010	std	CHUA ANTHONY ETUX
581	24,372,015	std	NOSSAMAN CHRISTOPHER A & JENNIFER
582	24,372,016	std	LARANJO MARILIO S
583	24,383,005	std	PAINE GORDON & SHERRY
584	24,383,006	std	PAINE STEVEN L TRE ETAL

Parcels on CCSD list, not on Assessor's

1	13,010,070	?	SUTHERLAND LARRY
2	13,084,015	?	COLLINGE CHARLES
3	13,313,014	std	
4	13,331,009	std	LORENZ MICHAEL
5	22,013,047	o	IRVING JAMES
6	22,032,026	std	DONE RAYMOND
7	23,013,023	std	YATES STEVEN
8	23,067,005	std	COFFIE LONNIE
9	23,109,011	?	
10	23,113,022	std	
11	23,133,022	std	
12	23,171,034	lg	CARTER WILLIAM
13	23,172,061	?	
14	23,301,021	std	DODD THOMAS
15	23,411,024	std	BORCHART TOM
16	24,123,012	std	
17	24,123,014	std	
18	24,123,016	std	
19	24,123,023	std	
20	24,151,007	std	BURRIS RONALD
21	24,151,018	std	BURRIS RONALD
22	24,151,029	std	BURRIS RONALD
23	24,161,021	?	SCOZZARI FRANK
24	24,191,010	?	LINDSEY JE

County wait list

1	13,141,018	191	MYERS MECHTILDE
2	13,341,022	317	LIPARI MITCHELL & PHOEBE T
3	22,014,016	211	HIGH RICHARD R TRE ETAL
4	22,043,004	119	REINKING GEORGE H III TRE ET AL
5	22,052,041	86	KALPAKOFF KAREN
6	22,053,008	105	STARK BETTY A TRE
7	22,071,041	130	LENGSON MELODY
8	22,071,068	244	SLAYMAN VICTOR J & LUCILE
9	22,083,036	176	SHIVAROFF S
10	22,091,038	111	MESSARRA JOHN F
11	22,093,042	17	LIU PAUL I TRE ETAL
12	22,131,056	143	MERMELSTEIN ELAINE C
13	22,151,033	90	GA DRESCHER

UnLOC Exhibit 1

	Fee Parcel		Owner
14	22,172,035	112	MCDONOUGH JOSEPH P TRE ETAL
15	22,181,022	108	RINGWALD LYDIA E
16	22,201,052	168	MORRISON RICHARD H TRE ETAL
17	22,211,009	298	ARMSTRONG MICHAEL
18	22,211,064	293	FOSTER BRUCE & LISA
19	22,211,065	294	FOSTER BRUCE & LISA
20	22,231,027	188	REBUCK RANDY & KATHY
21	22,241,042	226	CANNON ALENE W TRE
22	22,271,048	221	CAMPOS RL ETAL
23	22,282,011	98	FURR ARTHUR F TRE ETAL
24	22,341,011	271	KIMMEY JULIE R
25	23,013,013	307	SZILLINSKY PAUL G TRE ETAL
26	23,013,019	217	GREENELSH MICHAEL A TRE ETAL
27	23,015,021	41	COPELAND JIMMY & MARSHA
28	23,017,005	295	DAREHSHORI MF & CHARLOTTE
29	23,017,027	242	DAREHSHORI MF & CHARLOTTE
30	23,018,003	32	CAMPBELL PAMELA A
31	23,018,006	116	KNOCHEL THERESA M TRE ETAL
32	23,019,022	101	OWENS BRUCE P TRE ETAL
33	23,021,011	69	CARLSON AUDREY R TRE ETAL
34	23,022,002	72	HORN GREGORY C & KATHERINE M
35	23,022,021	196	HANAOKA NORI TRE ETAL
36	23,026,008	183	SUSOEFF MORRIS
37	23,035,014	100	CLEARWATER LOUIS L TRE ETAL
38	23,036,022	172	HICKAM LOUIS E JR TRE ETAL
39	23,046,039	82	SK TRUST
40	23,046,040	194	PACHTMAN ALLEN H TRE
41	23,047,010	141	SLAYMAN VICTOR J & LUCILE
42	23,047,032	142	SLAYMAN VICTOR J & LUCILE
43	23,048,012	318	MCNABB WAYNE E & LINDA C
44	23,048,018	207	SHAHAN RONALD & THERESA R
45	23,049,011	165	DUTY RAYMOND M TRE ETAL
46	23,049,032	291	CHIADO EUGENE C TRE ETAL
47	23,051,001	149	GRAHAM GERALDINE M TRE
48	23,051,011	135	FISCALINI OLIMPIO
49	23,062,022	56	BOWE ROBERT L & DARLENE LJ
50	23,063,004	199	BUTLER WG & DM
51	23,064,011	236	AFIFI AA & MARIANNE
52	23,071,009	161	CALLAHAN GLENN H TRE ETAL
53	23,071,012	310	JOHNSON RICHARD G TRE ETAL
54	23,071,015	311	JOHNSON RICHARD G TRE ETAL
55	23,074,023	144	SIMONS RICHARD A & PATRICIA
56	23,075,022	35	FLANAGAN GARY J TRE ETAL
57	23,075,024	24	MACKELLAR ANGAGH K TRE
58	23,075,026	27	SPLIVALO MICHAEL N & LINDA A
59	23,075,030	127	SHULTZ GREGORY & KERRY
60	23,075,034	289	CUMMINS FRANCIS G TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
61	23,084,006	4	FURST PETER G & KATHRYN C
62	23,085,009	232	TAYLOR MEREDITH G TRE ETAL
63	23,086,001	109	GRAY GEOFFREY
64	23,086,004	29	CRIST DOUGLAS V & RONDA P
65	23,086,033	166	THOMPSON JJ & DH
66	23,087,019	218	FARLEY ARTHUR E TRE ETAL
67	23,087,041	238	JORDAN RANDALL V TRE ETAL
68	23,088,006	75	JORDAN NORMAN & LORRIE
69	23,088,012	5	WASHBURN WILLIAM E & LINDA D
70	23,088,014	59	RUTH JOHN C
71	23,088,016	173	SCHWARTZ ROBERT A
72	23,088,023	18	LIU PAUL I TRE ETAL
73	23,088,028	186	SUHOVY BILL W & DOROTHY H
74	23,088,044	113	FAILLA CHARLES A & ANN V
75	23,089,033	309	NAVARRO RICHARD D ETAL
76	23,091,029	267	KEENEY CHRISTINE E ETAL
77	23,092,026	74	CURAVO STEVEN W
78	23,093,036	33	KAMMANN AM
79	23,094,028	181	SHUBERT NEAL A TRE ETAL
80	23,094,032	222	SANDBERG ANDRA TRE ETAL
81	23,095,027	55	JOHNSON DAVID M & LINDA J
82	23,096,008	300	EVANS STEVEN D & DEBORAH C
83	23,106,019	261	ESHELMAN DAVID R TRE ETAL
84	23,107,002	288	FORTIER TOM M & ROSALIA
85	23,107,004	67	STEPHENSON JOHN R & DAPHNE G
86	23,107,004.1	68	STEPHENSON JOHN R & DAPHNE G
87	23,107,011	52	OWEN RJ & ANGELA P TRE
88	23,107,013	182	GORDON STEVEN & BONNIE
89	23,107,027	151	DANIELS ROBBY L & BARBARA A
90	23,111,005	122	BARBIER LAURENCE L TRE ETAL
91	23,115,007	89	HOLT J
92	23,115,012	91	FOX KENNETH C & CATHERINE H
93	23,115,013	277	DABNEY FRANK Y & SANDRA J
94	23,116,004	128	COLLINS CAROLYN K
95	23,116,016	206	SKEEN JASON A
96	23,118,016	136	JONES JOHN S & CAROLYN M
97	23,118,019	138	TAMELIER JERRY J TRE ETAL
98	23,118,021	213	HUG CLIFTON I ETAL
99	23,119,014	256	MCAVOY JAMES K & PATRICIA A
100	23,119,024	129	VANVORST WILLIAM G TRE ETAL
101	23,121,003	118	GREENFIELD JENNIFER S TRE
102	23,121,024	257	ANGINO RICHARD C II & CHARMAINE
103	23,122,009	97	REDDISH GARY E TRE ETAL
104	23,134,001	184	DEANE JOHN P ETAL
105	23,142,005	198	YENSHAW EDWARD & JOANNE A
106	23,142,022	203	HUMPHREY GB & MA TRES
107	23,143,008	156	WARNER LANCE N ETUX

UnLOC Exhibit 1

	Fee Parcel		Owner
108	23,163,030	296	ROBERTSON REBECCA J TRE ETAL
109	23,171,028	43	TAYLOR IRENE ETAL
110	23,172,023	264	THOMPSON SOPHIA TRE
111	23,181,037	39	IZUMO GARY M TRE ETAL
112	23,181,038	40	SCHNEIDER HENRY A JR TRE ETAL
113	23,192,027	284	HARDEN THOMAS L TRE ETAL
114	23,201,035	20	CULLIMORE CLARENCE JR TRE ETAL
115	23,201,038	124	ANDERSON LONNA
116	23,202,011	243	HENDRIX JAMES L HEIRS OF
117	23,202,018	96	WINDELER MICHAEL & KC
118	23,202,030	272	LYNCH DENIS-DAMIAN & YVONNE
119	23,203,015	174	CAMACHO DA & SC
120	23,204,060	106	COOL STEPHEN N TRE ETAL
121	23,204,075	64	SHALHOUB RAYMOND A & HELEN M
122	23,207,008	285	VIGIL DOLORES C
123	23,213,002	126	MORRIS S DAVID
124	23,213,014	204	LANGEN INGRID ETAL
125	23,213,039	314	WAGNER ERIC A ETAL
126	23,214,046	125	MORAN AMANDA K
127	23,215,002	47	SALE EARL TRE ETAL
128	23,215,019	179	MATTHEWS JACKLYN
129	23,215,043	167	WALTMAN RONALD E TRE ETAL
130	23,233,002	239	MCBRATNEY SANDRA A TRE ETAL
131	23,233,040	6	STRACHAN STEVEN W ETAL
132	23,233,046	3	HUBBARD BARBARA
133	23,235,008	114	PLASENCIA LUIS ETAL
134	23,243,001	99	CUTTER FRED TRE ETAL
135	23,243,013	164	SCHROEDER JACK J TRUST
136	23,243,041	137	CUTTER FRED TRE ETAL
137	23,271,006	273	LYNCH DENIS-DAMIAN & YVONNE
138	23,272,008	249	SHERBON JON & KATHLEEN
139	23,272,016	21	BOONE RICHARD & SUSANA P
140	23,272,042	189	SHERBON JON & KATHLEEN
141	23,282,064	312	BONIO DONNA D TRE
142	23,282,065	210	ELMS RICHARD A TRE ETAL
143	23,291,016	262	GERMANO CA & BJ
144	23,292,042	177	KNOWLTON JOHN A JR & JT
145	23,311,026	225	SCHMIDT BARBARA A
146	23,312,020	280	MORRISON RICHARD H TRE ETAL
147	23,312,021	279	MORRISON RICHARD H TRE ETAL
148	23,313,018	46	SALE EARL TRE ETAL
149	23,321,012	180	TRAMMELL GENEVA I TRE ETAL
150	23,322,006	214	KESSLER ELIZABETH E TRE
151	23,331,001	254	DAVIES WILLIAM S
152	23,331,002	224	SAMUEL JOHN
153	23,331,031	313	BONIO DONNA D TRE
154	23,331,032	209	ELMS RICHARD A TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
155	23,331,037	274	AGAWA JAMES & RACHEL N ETL
156	23,333,024	178	MCCLELLAND JOHN
157	23,341,012	1	HINES KINGSLEY B TRE ETAL
158	23,341,019	268	CUDE KATHY E
159	23,341,020	269	CUDE KATHY E
160	23,341,023	9	ZURA ROBERT TRE ETAL
161	23,361,041	163	SULLIVAN ANGELA P
162	23,363,001	212	GURGIOLO SALVADOR V TRE ETAL
163	23,373,035	281	JONES DOUGLAS A & KIM L
164	23,382,044	19	CULLIMORE CLARENCE & LILLIAN
165	23,382,046	193	LANE LINDA M ETAL
166	23,391,036	30	BLOCK LEE H ETUX
167	23,401,005	7	WIGGINS JERRY D
168	23,402,001	190	SLAYMAN VICTOR J & LUCILE
169	23,411,008	275	HARRIS CAREN L TRE
170	23,423,005	15	WISENER IRMA L
171	23,423,016	42	IZUMO GARY M TRE ETAL
172	23,423,017	246	IZUMO GARY M TRE ETAL
173	23,423,021	102	COBURN GARY
174	23,426,011	66	RADSHAW ELLEN D ETAL
175	23,432,011	171	BANIQUED SILVESTRE B JR & CYNTHIA
176	23,451,016	23	MACKELLAR ANGAGH K TRE
177	23,451,019	235	WARREN H LINDA TRE
178	23,461,002	240	MILLER BRUCE S TRE ETAL
179	23,461,005	237	TURNER A WAYNE TRE ETAL
180	23,461,012	155	CONTRERAS RUDOLPHO D TRE ETA
181	23,461,022	152	DRENNAN JAMES & CATHY ETAL
182	23,462,009	202	YLARREGUI R & DB
183	23,471,002	81	MUTTART LD & K
184	23,471,027	38	THOMAS KENNETH H TRE ETAL
185	24,011,043	270	BAKER DALE B & TERRYE L
186	24,011,049	58	PETERSON CATHY A ETAL
187	24,012,008	259	IZUMO GARY M TRE ETAL
188	24,013,039	283	NORTON JERRY W & CAROLE A
189	24,021,030	162	NORMAN SCOTT E
190	24,022,038	71	SHIELDS GB, GS BARTLETT
191	24,031,008	297	GINGG LORETTA J TRE
192	24,031,021	316	HAMILTON DONALD G & ILA M
193	24,031,024	140	HOMSY JD
194	24,032,016	28	CHIVERS HAROLD R ETAL TRE
195	24,033,027	319	GINGG LORETTA J TRE
196	24,033,034	45	IZUMO GARY M TRE ETAL
197	24,033,045	229	READING LLOYD A TRE ETAL
198	24,041,003	44	PAYNE DG & LT
199	24,043,007	88	GIBSON JERRY D
200	24,043,009	150	GARNER BONNIE
201	24,043,018	145	SLAYMAN VICTOR J & LUCILE

UnLOC Exhibit 1

	Fee Parcel		Owner
202	24,053,003	303	BERNASCONI JAMES E
203	24,061,009	13	SILVA BRADLEY A & JULIE K
204	24,061,013	107	HUGHES ELTON T TRE ETAL
205	24,062,006	175	LAMB JEANNE M TRE
206	24,062,014	95	FISCHER STEPHEN C & DEBRA A
207	24,063,051	120	EHLERS FRED E JR TRE ETAL
208	24,063,069	290	CHRISTMAN SHERRY L ETAL
209	24,081,016	230	STRASEN C WILLIAM TRE ETAL
210	24,081,020	228	ESAU RONALD L & PATRICIA A
211	24,081,029	231	STRASEN C WILLIAM TRE ETAL
212	24,081,032	252	JOBLING JOHN C & SUZANNE K
213	24,082,013	73	JOHNSON MARK D & KELLY J
214	24,082,020	121	BARBIER LAURENCE L TRE ETAL
215	24,101,008	139	BIELER JANET
216	24,103,007	53	HULL BEATRICE A TRE ETAL
217	24,123,009	192	LINK MICHAEL E, LUCITA BRIGOLI
218	24,123,034	93	STEVENS SHELLEY A & WARREN R
219	24,123,042	287	DOMASZEWICZ ALEXANDER C
220	24,131,006	282	FLANNELL KENNETH ETUX
221	24,131,035	78	KAPITANCHUK WALT
222	24,142,035	159	PHALEN DON & LILY
223	24,151,014	320	GILLINGHAM HENRY B TRE ETAL
224	24,151,024	200	LOGSDON ROY T JR & CHARIE L
225	24,161,007	10	DEFIRMIAN CHRIS & LISA
226	24,161,011	84	TRUNG PATRICK ETUX
227	24,161,022	48	LONDON SUSAN
228	24,162,018	147	HOMSY GEORGE M
229	24,162,023	16	GLAAB GEORGE H & KARIN TRE
230	24,162,029	31	TILLMAN JOHN D & CAROL J
231	24,181,001	154	BECKWELL CARYL Y ETAL
232	24,181,040	83	REUTTER JOYCE J TRE
233	24,182,036	51	WOLF LJ
234	24,182,041	208	DEGROOT TERRANCE A TRE ETAL
235	24,191,037	117	LEVY MICHEAL A & JUDITH M
236	24,212,017	247	SLAYMAN VICTOR J & LUCILE
237	24,212,020	286	JONES AVA J TRE ETAL
238	24,212,023	79	KULPA TED M & MARYROSE
239	24,221,016	77	DOHERTY JOSEPH W ETUX
240	24,221,029	187	HASTINGS JOSEPH K & KATHY M
241	24,231,016	227	JENSEN LAURINE N
242	24,231,021	263	DAMRON CLIFFORD L TRE ETAL
243	24,231,022	215	GREENELSH MICHAEL A TRE ETAL
244	24,231,022.1	216	GREENELSH MICHAEL A TRE ETAL
245	24,231,035	134	FISCALINI OLIMPIO
246	24,241,008	185	NOONE CASANDRA M
247	24,241,026	276	GRIMSHAW ALAN ETAL, LEE GRIMSHAW
248	24,242,040	302	LOPEZ JOE S

UnLOC Exhibit 1

	Fee Parcel		Owner
249	24,242,048	201	YLARREGUI R & DB
250	24,243,009	61	COLON THOMAS TRE ETAL
251	24,243,045	110	ISHIKAWA TOMOAKI & HATSUYO
252	24,252,037	80	COLQUEHOUN CAROLE L
253	24,253,001	223	BOWMAN GORDON L & SUELLEN W
254	24,253,004	255	HORN STEVEN J TRE ETAL
255	24,253,011	54	CARAMICO JOSEPH
256	24,261,007	260	IZUMO GARY M TRE ETAL
257	24,261,013	153	LEMAR KAREN T
258	24,261,018	250	WALLACE BRUCE
259	24,262,011	76	BLACK DEBORA N
260	24,262,017	195	HUMPHREY EVAN H ETAL
261	24,262,021	36	PLYLEY GM & BH
262	24,262,024	245	COLLINS CAROLYN K
263	24,262,036	220	BOYS JOHN H & GAIL M ETUX
264	24,262,037	85	MCKAY E ROLAN & VIRGINIA
265	24,273,016	197	FEASEL DENNIS G & SHIRLEY J
266	24,273,028	34	HERMANN HEATHER M ETAL
267	24,281,010	26	RANELLETTI BILL A TRE ETAL
268	24,281,014	148	HOLT JOHN C & LADONNA
269	24,281,027	65	KOMOTO HIRAM & JACQULYN
270	24,282,019	233	TURNER A WAYNE TRE ETAL
271	24,282,025	160	WIGLEY ROY L & KATHLEEN
272	24,312,018	157	PRICKETT CLYDE A & JUNE J
273	24,312,037	57	PETERSON CATHY A
274	24,321,025	92	HAWLEY SONJA
275	24,322,020	133	BORGES JEFFREY & MICHELE
276	24,331,005	205	MCGORMLEY RC
277	24,341,022	12	GRIBBEN KENNETH R
278	24,341,034	62	BLAKE DANNIE M TRE
279	24,353,014	322	GILLINGHAM HENRY B TRE ETAL
280	24,353,031	321	GILLINGHAM HENRY B TRE ETAL
281	24,353,053	292	SORENSON JAMES D ETAL
282	24,354,016	60	HARRISON RUTH I TRE
283	24,354,018	146	HOMSY ROBERT V
284	24,361,006	278	MORRISON RICHARD H TRE ETAL
285	24,361,018	305	IZUMO GARY M TRE ETAL
286	24,361,026	304	IZUMO GARY M TRE ETAL
287	24,371,020	115	ROBINSON MIKE
288	24,372,013	219	HABITAT FOR HUMANITY FOR SLO
289	24,382,003	49	MCGURRIN MATT D & LISA P
290	24,382,014	87	FOWLE DH & G
291	24,383,009	266	MORRISON RICHARD H TRE ETAL
292	24,383,012	265	MORRISON RICHARD H TRE ETAL

Defaulted on property taxes, resold at auction March 29, 2001. Some of these were sold to neighbors

UnLOC Exhibit 1

	Fee Parcel		Owner
1	22,093,039	a	MACKEL NEALAN D & VALERIE L
2	23,201,052	a	SCM TRADING
3	23,214,010	a	DUNSTAN EARL A ETAL
4	23,242,047	a	PACIFIC CAMBRIA INC, DIRK WINTER
5	23,271,023	a	LOVERNICH MIKE D
6	23,272,014	a	BARKER ME ETAL
7	23,282,042	a	FRUMENTO JOSEPHINE V ETAL, c/o M STARR
8	23,291,003	a	SMITH DAVID W c/o CHARLES MORGAN
9	23,332,027	a	KENNEDY TIMOTHY J & NICOLLETA
10	23,353,004	a	MAY EARL
11	23,492,025	a	JAMESON LES ETAL
12	24,261,010	a	PEREZ GERARDO

Parcels owned by existing Cambria residents, where vacant parcel adjoins Cambrian's residence

1	13,301,033	n1	BALDWIN MARY A TRE ETAL
2	13,331,010	n1	TAYLOR PEGGY M TRE
3	13,351,043	n1	HITCH JUANITA L
4	22,023,007	n1	GEDIMAN GERALD & WALLITA A
5	22,044,005	n1	BERRY BRENT & SUSAN
6	22,072,036	n1	MCCOLLOCH MELVIN
7	22,083,034	n1	PILKINGTON DONALD M & CAROLYN
8	22,084,055	n1	PARENTI NICHOLAS J TRE ETAL
9	22,131,017	n1	OMALLEY MICHAEL J & STACEY A
10	22,131,057	n1	MCEVOY MAURICE B & SALLY
11	22,172,024	n1	THOMPSON PAMELA C TRE ETAL
12	22,191,025	n1	WHITE ALLAN H ETAL
13	22,192,038	n1	WALKER FAYE A
14	22,193,032	n1	NOBLE TERESA
15	22,211,010	n1	REESE AMY M TRE
16	22,211,047	n1	LUDVICKSON WAYNE E & ELIZABETH
17	22,343,020	n1	SANDERS RAYMOND C & LYNDA J
18	23,013,021	n1	MAGRO ALEXANDER F
19	23,016,043	n1	GREENBERG HENRY F TRE ETAL
20	23,025,010	n1	SUTHERLAND GORDON P TRE ETAL
21	23,025,034	n1	RISQUE J PAGE TRE ETAL
22	23,052,003	n1	PARSONS THOMAS R & VB
23	23,052,006	n1	SCOTT FORREST N TRE ETAL
24	23,064,012	n1	VANJUDAH NELSON TRE
25	23,065,013	n1	FRIZZELL RUTH A TRE
26	23,067,010	n1	WARREN WILLIAM B TRE ETAL
27	23,067,016	n1	LAMB GARY D TRE ETAL
28	23,068,019	n1	LEWIS MARSHALL & LESLIE J
29	23,074,020	n1	HARRIS LLOYD ETUX
30	23,074,030	n1	HARRIS LLOYD & MELINDA J
31	23,092,020	n1	ELLES CHARLES R & MARY A

UnLOC Exhibit 1

	Fee Parcel		Owner
32	23,103,012	n1	REAMES ANDREW J TRE ETAL
33	23,104,015	n1	KECK EVALYN L ETAL
34	23,106,012	n1	DALY HATTIE C
35	23,118,007	n1	KENNY MICHAEL J & KATHRYN N
36	23,118,008	n1	KENNY MICHAEL J & KATHRYN N
37	23,119,010	n1	KENT LEON H ETUX
38	23,119,025	n1	BEETLE HARVEY J
39	23,131,020	n1	LANGLOIS WILLIAM H TRE
40	23,141,017	n1	LINDSAY KATHARINE TRE
41	23,141,030	n1	LOVEN JOSEPH S & SUSAN M
42	23,142,011	n1	WALKER MONA
43	23,142,023	n1	KANARIK EDGAR TRE ETAL
44	23,151,022	n1	MAYBERRY ROBERT M & BARBARA
45	23,162,002	n1	KLUCK HENRY C TRE ETAL
46	23,163,005	n1	HORNER JOHN D & EL ETAL
47	23,163,007	n1	STONE RANDY G TRE ETAL
48	23,171,030	n1	PINION JESSE W TRE ETAL
49	23,181,003	n1	BRICE CLIFFORD C TRE ETAL
50	23,181,013	n1	BRICE CLIFFORD C TRE ETAL
51	23,182,006	n1	HARLEY JAMES
52	23,182,028	n1	HODGKIN GEORGE B JR TRE ETAL
53	23,191,005	n1	LAVIN JEFF & LISA L
54	23,191,008	n1	SCHULTZE CHERYL K
55	23,192,003	n1	GROSSMAN BERNARD I TRE ETAL
56	23,202,052	n1	PITT RONALD D
57	23,202,067	n1	BOUGHTER JAN M
58	23,204,068	n1	JACKSON WILBERT C
59	23,205,031	n1	FISHER EUGENE L & PARTICIA M
60	23,205,032	n1	GOSS ROBERT E & MARSHA A
61	23,205,037	n1	RUSSO JOHN P & SARAH G
62	23,206,042	n1	GEMINI FRAMING CORP
63	23,206,045	n1	GARNEY MARTIN T
64	23,213,037	n1	NEISWANDER ROBERT S TRE ETAL
65	23,213,038	n1	NEISWANDER ROBERT S TRE ETAL
66	23,213,044	n1	KANE ARTHUR C ETAL
67	23,215,048	n1	ORBOM JAN C & BARBARA S
68	23,222,009	n1	BAILEY REGINA M
69	23,223,012	n1	WAHLBERG TERENCE M & LYDIA C
70	23,235,039	n1	BITTO JOHN S & CYNTHIA G
71	23,291,064	n1	MALONEY CLARENCE H TRE ETAL
72	23,291,065	n1	KRENKEL JAMES R & SANDRA A
73	23,303,034	n1	SMITH EUGENE F
74	23,303,035	n1	SMITH EUGENE
75	23,303,042	n1	FIELDS DEBBIE
76	23,311,027	n1	ZELLMER KEVIN P & PEGGY S
77	23,322,001	n1	LUMPKIN WYETH B HEIRS OF
78	23,322,027	n1	DUNN JOHN P ETUX

UnLOC Exhibit 1

	Fee Parcel		Owner
79	23,331,015	n1	WILSON RAYMOND O TRE ETAL
80	23,351,025	n1	HOWE EDWARD R & SANDRA L
81	23,352,021	n1	GREENE RICHARD E & VICTORIA
82	23,364,010	n1	PARRIS WILLIAM R
83	23,371,021	n1	DIETDERICH DAVID S & ALICE
84	23,382,016	n1	BEDDINGFIELD SHAWN & GRETCHEN
85	23,382,033	n1	POLLARD ELIZABETH B TRE ETAL
86	23,382,038	n1	POLLARD ELIZABETH B TRE ETAL
87	23,391,054	n1	WAXMAN MEL & CHERRI R
88	23,401,019	n1	MCALPINE TIM & GINA
89	23,402,022	n1	WARNELL DONALD E & DORIS
90	23,403,013	n1	WOLFE MICHAEL B & KAREN L
91	23,425,025	n1	PECKENPAUGH THELMA O TRE
92	23,432,004	n1	OCONNOR ANN T
93	23,452,013	n1	MADLE PETER J
94	24,011,007	n1	ADAMS MABEL E TRE ETAL
95	24,012,014	n1	CULCASI MICHAEL A & JUDY L
96	24,022,049	n1	CICHOWSKI ROBERT S ETAL
97	24,022,053	n1	MCMANUS JOHN B IV & KAREN H
98	24,043,004	n1	ASHLOCK THOMAS E TRE ETAL
99	24,063,049	n1	SCHADE ALFRED H & BARBARA A
100	24,091,015	n1	ROYSTON WILL TRE
101	24,091,025	n1	ROYSTON WILL TRE
102	24,101,003	n1	ARMITAGE LELAND S
103	24,101,047	n1	ARMITAGE LELAND S
104	24,101,048	n1	ARMITAGE LELAND S
105	24,102,031	n1	FOX PATRICIA A
106	24,112,016	n1	CASAS ELISEO & NORMA
107	24,122,022	n1	MARTENS PAMELA A
108	24,123,002	n1	ALBRIGHT ELIZABETH M
109	24,131,034	n1	FLANNELL KENNETH G
110	24,132,025	n1	KWASNY JEFFREY J & SUSAN E
111	24,141,009	n1	OBRYAN MARK D & MARGARET M
112	24,142,037	n1	SCHAEFER GARY W & PW
113	24,151,002	n1	SITTINGER RICHARD A & CHERYL
114	24,151,010	n1	SUMROW GARY E
115	24,151,031	n1	SUMROW GARY E
116	24,152,027	n1	DOUBRAVA FRANCIS A & DANIELLE
117	24,181,042	n1	CARR BRETON
118	24,201,007	n1	KROM DAMON A
119	24,211,028	n1	TRIGGS GEORGE T & ALICE J
120	24,211,029	n1	FLETCHER GREGORY K & CYNTHIA
121	24,221,025	n1	NAVA CAROL D ETAL
122	24,242,042	n1	TEDDER GINA TRE
123	24,252,016	n1	COLGAN JOHN & SUSAN
124	24,261,003	n1	MARGOLIS SHALOM E & ME
125	24,261,031	n1	HOLLOWAY JAMES R

UnLOC Exhibit 1

	Fee Parcel		Owner
126	24,281,003	n1	DEEM NORMA ETAL
127	24,281,017	n1	WINDISCH CHARLES C & LOUISE
128	24,281,022	n1	AMES SALLY I TRE
129	24,281,024	n1	MOORE RONALD N & SARAH J
130	24,282,010	n1	SCHARINGSON JAMES M TRE ETAL
131	24,291,032	n1	FLEMING NORMAN & RUTH
132	24,331,013	n1	LEMMING RUNO J TRE ETAL
133	24,331,028	n1	LEMMING RUNO J TRE ETAL
134	24,353,022	n1	COMEN CRAIG
135	24,353,054	n1	FITZGERALD ELIZABETH A
136	24,362,013	n1	MOSS HERBERT H & NANCY A
137	24,362,018	n1	CHRISTOPOULO PADELIS C
138	24,382,010	n1	MCGURRIN MATT D & LISA P

Non-wait-listed parcels adjoining wait-listed parcels, same ownership

1	22,071,021	n	WITMER GLEN A TRE ETAL
2	22,071,059	n	LENGSON MELODY
3	22,071,073	n	SLAYMAN VICTOR J & LUCILE
4	22,131,044	n	BARKER ANDY R & ANNA M
5	22,151,034	n	GA DRESCHER
6	22,312,036	n	HORVATH ROBERT W & M ALMA
7	23,017,004	n	BURRISS RONALD D & FRANCES A
8	23,017,026	n	DAREHSHORI MF & CHARLOTTE
9	23,018,023	n	CAMPBELL PAMELA A
10	23,043,012	n	GREEN NEAL C & DIANE
11	23,046,017	n	IRVIN ROBERT J JR TRE ETAL
12	23,048,027	n	SHAHAN RONALD & THERESA R
13	23,048,040	n	HORACEK BOBBY D & SHIRLEY E
14	23,068,003	n	LEWIS MARSHALL & LESLIE J
15	23,074,031	n	SIMONS RICHARD A & PATRICIA
16	23,086,003	n	CRIST DOUGLAS V & RONDA P
17	23,088,015	n	RUTH JOHN C
18	23,096,042	n	EVANS STEVEN D & DEBORAH C
19	23,096,043	n	EVANS STEVEN D & DEBORAH C
20	23,107,020	n	GORDON STEVEN & BONNIE
21	23,206,049	n	SPERBECK JOHN E SR & JUDITH
22	23,223,005	n	WHITE VIVIAN
23	23,233,001	n	WILLARD FOREST E & RAYE L
24	23,243,040	n	CUTTER FRED TRE ETAL
25	23,271,044	n	REBOLLAL AMADEO & MARGARITA
26	23,272,033	n	BOONE RICHARD & SUSANA P
27	23,311,028	n	SCHMIDT BARBARA A
28	23,341,024	n	ZURA ROBERT TRE ETAL
29	23,341,027	n	CAMPBELL PAMELA A
30	23,341,032	n	BONNET DON J
31	23,383,011	n	GALLAGHER ERIN C
32	23,432,019	n	LINDSEY, JE INC A CA CORP

UnLOC Exhibit 1

	Fee Parcel		Owner
33	23,451,021	n	SPITTLER IRENE TRE ETAL
34	23,471,008	n	SOUZA DAVID TRE ETAL
35	24,013,023	n	ZDROY FRANK & LESLIE
36	24,031,005	n	WILLARD FOREST E TRE
37	24,031,020	n	ABERCROMBIE DARREL L & JILL
38	24,033,028	n	GINGG LORETTA J TRE
39	24,042,045	n	KITAY MITCHELL A
40	24,042,047	n	KITAY MITCHELL A
41	24,053,011	n	OLSON JAMES S & ANN T
42	24,061,023	n	HUGHES ELTON T TRE ETAL
43	24,081,014	n	KUHN MURPHY & BARBARA
44	24,081,017	n	KUHN MURPHY P & BARBARA M
45	24,081,035	n	CARR BRIAN S ETAL
46	24,082,016	n	BOHLIN RD ETAL, RENA VUKADINOVICH
47	24,093,032	n	JANES DAVID A
48	24,122,012	n	HURLEY RUSSELL F
49	24,122,015	n	THIEBAUD HEIDI M
50	24,123,020	n	WILLIAMS MARTHA C
51	24,162,019	n	HOMSY GEORGE M & BARBARA L
52	24,182,013	n	MORTENSON ERIC W ETAL, DEBORAH LOKTEFF
53	24,182,048	n	GARTON DONALD R TRE ETAL
54	24,211,026	n	CRUISE STEPHEN S TRE ETAL
55	24,242,030	n	PROCHARZKA KENNETH R & CAROL
56	24,252,001	n	ANDERSON WILLIAM S ETAL
57	24,273,025	n	HERMANN HEATHER M ETAL
58	24,301,010	n	BISHOP STEVEN D ETUX
59	24,311,003	n	CAREY HELEN J
60	24,312,035	n	GRANATINO MICHAEL & MENA
61	24,321,005	n	POPPLEWELL MART B
62	24,321,006	n	POPPLEWELL MART B
63	24,322,015	n	BORGES JEFFREY & MICHELE
64	24,372,017	n	NOSSAMAN CHRISTOPHER A & JENNIFER

Non-listed parcels adjacent to non-listed parcels, same ownership.

1	13,321,009	n1	LANDGREEN CHRISTINE L ETAL
2	22,031,020	n1	STEDDON MARY B ETAL
3	22,084,046	n1	SMALL PL TR ETAL
4	22,093,027	n1	BILLINGSLEY DAVID B TRE ETAL
5	22,093,028	n1	BILLINGSLEY DAVID B TRE ETAL
6	22,093,029	n1	BILLINGSLEY DAVID B TRE ETAL
7	22,131,001	n1	SCOTT GARRY L & ANNETTE M
8	22,131,002	n1	SCOTT GARRY L & ANNETTE M
9	22,211,077	n1	SALWASSER MARVIN R
10	22,271,043	n1	REAGLE JIM M & MARY E
11	22,271,045	n1	PARKS JOHN D TRE ETAL
12	22,312,012	n1	MORRIS HA ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
13	23,045,006	n1	MAST D
14	23,047,030	n1	BROWNHILL ROBERT J
15	23,105,003	n1	MAHELONA ARNOLD N TRE ETAL
16	23,182,039	n1	GOODRICH EDWARD A TRE ETAL
17	23,201,042	n1	THOMPSON GEORGE
18	23,201,043	n1	THOMPSON GEORGE
19	23,211,013	n1	PALMER DAVID A & SHELLEY E
20	23,214,030	n1	HAMMER KEN & CAROLYN
21	23,215,008	n1	MILLER KEVIN P & SHARYN S
22	23,215,010	n1	MILLER KEVIN P & SHARYN S
23	23,215,034	n1	HIBBARD CHARLES S & ESTELLA
24	23,215,054	n1	WURSTER CLIFFORD P TRE ETAL
25	23,222,051	n1	NOFZIGER BD & SJ
26	23,234,002	n1	HANDGIS GEORGE & SHARON
27	23,251,046	n1	PAYNE NORMA E TRE ETAL
28	23,271,010	n1	HALE LEONARD G
29	23,271,011	n1	HALE LEONARD G
30	23,293,045	n1	DAY GEORGE E & MARY J
31	23,353,035	n1	SILVAGGIO LM
32	23,361,009	n1	LYONS NICHOLAS ETUX
33	23,391,051	n1	DAY PATRICK T ETAL
34	23,411,006	n1	MOORE EDWARD C TRE
35	23,424,005	n1	OLTMAN ROBERT L TRE ETAL
36	23,424,006	n1	OLTMAN ROBERT L TRE ETAL
37	23,424,007	n1	OLTMAN ROBERT L TRE ETAL
38	23,426,001	n1	COMMUNITY PRESBYTERIAN CHURCH
39	23,426,002	n1	COMMUNITY PRESBYTERIAN CHURCH
40	23,492,022	n1	KREPS KERRY, c/o K RIBEIRO
41	23,492,029	n1	MACLEOD HE & GM
42	24,011,001	n1	HAMADA HARRY S TRE ETAL
43	24,011,056	n1	BIOLA UNIVERSITY INC
44	24,011,057	n1	BIOLA UNIVERSITY INC
45	24,013,048	n1	HOPKINSON ERNEST I
46	24,033,003	n1	LOCHHEAD RAYMOND R & EMILIE
47	24,033,004	n1	LOCHHEAD RAYMOND R & EMILIE
48	24,034,048	n1	JONES MARGARET A TRE ETAL
49	24,062,001	n1	PENROD GEORGE & THERESA
50	24,062,005	n1	PETERS DARLENE L
51	24,092,012	n1	POWNE THEODORE C TRE ETAL
52	24,101,024	n1	DIKE PHILIP W
53	24,101,041	n1	DIKE PHILIP W
54	24,101,042	n1	DIKE PHILIP W
55	24,101,044	n1	DIKE PHILIP W
56	24,162,013	n1	JOINES LLOYD R TRE ETAL
57	24,181,017	n1	APPLEGARTH AG ETAL
58	24,181,049	n1	CARUSO LOUIS H & DOREEN
59	24,252,023	n1	LEE ALBERT J JR TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
60	24,311,011	n1	CARSEY KEVIN S & REBECCA G
61	24,331,011	n1	GALVIN TM & MA
62	24,331,025	n1	WALKER JAMES A TRE ETAL
63	24,372,005	n1	SHOEMAKER GLORIA M

Parcels delinquent on taxes more than 18 months. The County should start an initiative to resell these lots without development rights when they go to redemption.

1	13,292,018	b	SCHLITZ GORDON M & DAWNA M
2	22,044,042	b	PAWLEY LONNIE & PAT
3	22,093,018	b	RAMIREZ ESTHER
4	22,202,001	b	MARCOTTE SUSAN
5	22,226,016	b	BLISS BETTY A TRE ETAL
6	22,271,015	b	ERB ROD
7	22,312,006	b	BOISEN MELVA L
8	23,076,013	b	RAMIREZ EVELYN H HEIRS OF
9	23,205,058	b	COOKS ADRIAN
10	23,214,002	b	WILLARD FOREST E & RAYE L
11	23,214,022	b	CTS A CA CORP, WHITERIVER INTERNATIONAL
12	23,233,022	b	MCNEILL DONELDA F, NORTH COUNTY LIGHTING
13	23,233,062	b	CHATOIAN EDWARD B SOLE PROP
14	23,331,018	b	WOODS RONALD C & KATHY L, WILLIAM LYNCH
15	23,382,005	b	TONEY EDMOND & GLORIA A
16	23,492,001	b	LINDSEY JOSEPH E JR & MARY H
17	23,492,002	b	LINDSEY JOSEPH S JR & MARY H
18	23,492,007	b	LINDSEY JOSEPH E JR & MARY H
19	23,492,014	b	LINDSEY, JE INC A CA CORP
20	23,492,015	b	LINDSEY, JE INC A CA CORP
21	23,492,018	b	LINDSEY, JE INC A CAL CORP
22	23,492,026	b	LINDSEY JOSEPH E JR & MARY H
23	24,062,021	b	OCONNELL VICTORIA
24	24,092,002	b	RAMIREZ DEBRA S, DEBRA SIMON
25	24,103,002	b	BOVESVANG JOHN ETAL, DONALD BRAUER
26	24,103,009	b	BOVESVANG JOHN ETAL, DONALD BRAUER
27	24,112,029	b	WICKSTROM JON & TAMARA L
28	24,162,027	b	ALLEN CECILIA M
29	24,162,032	b	TAK MIYAGISHIMA
30	24,182,042	b	WEST SS
31	24,242,022	b	DIOMEDE JOSEPH N
32	24,252,003	b	PEARSON PRISCILLA M
33	24,273,019	b	DALTON DESIDERIA D
34	24,312,026	b	SWIFT DONALD P & LANA J
35	24,322,004	b	HOFF BEN III & JANA R ETAL
36	24,354,006	b	MORGAN THOMAS & MARY J
37	24,361,003	b	ANDERSON AUDREY J ETAL

UnLOC Exhibit 1

	Fee Parcel	Owner
Held by Land Conservancy		
1	13,121,014	AMERICAN LAND CONSERVANCY
2	13,121,024	AMERICAN LAND CONSERVANCY
3	13,141,020	GREENSPACE THE CAMBRIA LAND TRUST
4	13,141,021	GREENSPACE THE CAMBRIA LAND TRUST
5	22,211,061	GREENSPACE THE CAMBRIA LAND TRUST
6	22,211,069	GREENSPACE THE CAMBRIA LAND TRUST
7	22,211,078	GREENSPACE THE CAMBRIA LAND TRUST
8	22,333,010	AMERICAN LAND CONSERVANCY
9	23,201,039	LAND CONSERVANCY OF SLO
10	23,201,047	LAND CONSERVANCY OF SLO
11	23,202,016	LAND CONSERVANCY OF SLO
12	23,202,017	LAND CONSERVANCY OF SLO
13	23,202,044	LAND CONSERVANCY OF SLO
14	23,208,024	LAND CONSERVANCY OF SLO
15	23,208,025	LAND CONSERVANCY OF SLO
16	23,208,027	LAND CONSERVANCY OF SLO
17	23,208,034	LAND CONSERVANCY OF SLO
18	23,208,035	LAND CONSERVANCY OF SLO
19	23,208,036	LAND CONSERVANCY OF SLO
20	23,208,039	LAND CONSERVANCY OF SLO
21	23,208,040	LAND CONSERVANCY OF SLO
22	23,214,039	GREENSPACE THE CAMBRIA LAND TRUST
23	23,215,007	LOS OSOS/MB CHAPTR SMALL WILDERNESS (SWAP)
24	23,215,018	GREENSPACE THE CAMBRIA LAND TRUST
25	23,221,028	LAND CONSERVANCY OF SLO
26	23,221,029	LAND CONSERVANCY OF SLO
27	23,221,034	TO CAROLINE L ETAL, c/o EAST WEST RANCH
28	23,221,035	TO CAROLINE L ETAL, c/o EAST WEST RANCH
29	23,221,036	TO CAROLINE L ETAL, c/o EAST WEST RANCH
30	23,221,059	LAND CONSERVANCY OF SLO
31	23,222,034	LAND CONSERVANCY OF SLO
32	23,222,052	LAND CONSERVANCY OF SLO
33	23,233,017	LAND CONSERVANCY OF SLO
34	23,233,020	LAND CONSERVANCY OF SLO
35	23,233,023	LAND CONSERVANCY OF SLO
36	23,233,026	LAND CONSERVANCY OF SLO
37	23,233,027	LAND CONSERVANCY OF SLO
38	23,233,028	LAND CONSERVANCY OF SLO
39	23,233,063	LAND CONSERVANCY OF SLO
40	23,234,001	LAND CONSERVANCY OF SLO
41	23,234,008	LAND CONSERVANCY OF SLO
42	23,234,056	LAND CONSERVANCY OF SLO
43	23,234,057	LAND CONSERVANCY OF SLO
44	23,234,068	LAND CONSERVANCY OF SLO

UnLOC Exhibit 1

	Fee Parcel	Owner
45	23,235,034	GREENSPACE THE CAMBRIA LAND TRUST
46	23,241,034	LAND CONSERVANCY OF SLO
47	23,241,035	LAND CONSERVANCY OF SLO
48	23,241,039	LAND CONSERVANCY OF SLO
49	23,241,044	LAND CONSERVANCY OF SLO
50	23,241,045	LAND CONSERVANCY OF SLO
51	23,241,046	LAND CONSERVANCY OF SLO
52	23,242,061	LAND CONSERVANCY OF SLO
53	23,242,074	LAND CONSERVANCY OF SLO
54	23,242,079	LAND CONSERVANCY OF SLO
55	23,242,087	LAND CONSERVANCY OF SLO
56	23,243,004	LAND CONSERVANCY OF SLO
57	23,271,014	LAND CONSERVANCY OF SLO
58	23,271,022	LAND CONSERVANCY OF SLO
59	23,282,016	LAND CONSERVANCY OF SLO
60	23,282,017	LAND CONSERVANCY OF SLO
61	23,282,018	LAND CONSERVANCY OF SLO
62	23,282,034	LAND CONSERVANCY OF SLO
63	23,282,051	LAND CONSERVANCY OF SLO
64	23,282,055	LAND CONSERVANCY OF SLO
65	23,282,069	LAND CONSERVANCY OF SLO
66	23,332,023	LAND CONSERVANCY OF SLO
67	23,333,037	GREENSPACE THE CAMBRIA LAND TRUST
68	23,341,001	LAND CONSERVANCY OF SLO
69	23,341,007	LAND CONSERVANCY OF SLO
70	23,341,008	LAND CONSERVANCY OF SLO
71	23,341,009	LAND CONSERVANCY OF SLO
72	23,341,021	LAND CONSERVANCY OF SLO
73	23,341,064	LAND CONSERVANCY OF SLO
74	23,341,069	LAND CONSERVANCY OF SLO
75	23,341,084	LAND CONSERVANCY OF SLO
76	23,353,002	LAND CONSERVANCY OF SLO
77	23,353,006	LAND CONSERVANCY OF SLO
78	23,353,012	LAND CONSERVANCY OF SLO
79	23,353,015	LAND CONSERVANCY OF SLO
80	23,353,016	LAND CONSERVANCY OF SLO
81	23,353,017	LAND CONSERVANCY OF SLO
82	23,353,024	LAND CONSERVANCY OF SLO
83	23,353,027	LAND CONSERVANCY OF SLO
84	23,353,040	LAND CONSERVANCY OF SLO
85	23,353,050	LAND CONSERVANCY OF SLO
86	23,353,057	LAND CONSERVANCY OF SLO
87	23,353,058	LAND CONSERVANCY OF SLO
88	23,373,009	GREENSPACE THE CAMBRIA LAND TRUST
89	24,031,023	GREENSPACE THE CAMBRIA LAND TRUST
90	24,034,035	CAMBRIA LAND CONSERVANCY
91	24,123,017	CAMBRIA LAND CONSERVANCY

UnLOC Exhibit 1

	Fee Parcel		Owner
92	24,123,018		CAMBRIA LAND CONSERVANCY
93	24,181,016		CAMBRIA LAND CONSERVANCY
94	24,181,019		LAND CONSERVANCY OF SLO
95	24,181,036		LAND CONSERVANCY OF SLO
96	24,181,048		LAND CONSERVANCY OF SLO
97	24,272,013		CAMBRIA LAND CONSERVANCY
98	24,273,006		LAND CONSERVANCY OF SLO
99	24,301,004		LAND CONSERVANCY OF SLO
100	24,353,029		CAMBRIA LAND CONSERVANCY
101	24,371,024		GREENSPACE THE CAMBRIA LAND TRUST
102	13,121,023		TANG HOONG-YEE ETAL

Multi family

1	13,151,023	g	VICTOR WINTON R & JOAN A
2	13,151,045		WILLIAMS JOYCE TRE ETAL
3	13,371,021	m	NOELL JOAN TRE
4	13,371,026	m	CLEMENTS HAROLD D TRE ETAL
5	23,211,053	m	CAMBRIA RANCH INC
6	23,381,045	m	BORGES JEFFREY & MICHELE
7	23,424,003	m	WARREN H LINDA TRE
8	23,471,018	m	STEFAN EVELYN R TRE

Retired per CCSD

1	22,026,038	r	LOWELL THOMAS A TRE ETAL
2	22,071,055	r	WALSH MICHAEL J
3	22,071,057	r	MORRIS S DAVID ETAL
4	22,084,034	r	JONES ROBERT B TRE ETAL
5	22,084,041	r	WOLFF PETER H TRE ETAL
6	22,091,048	r	FEDOROFF SUZANNE & IGOR V
7	22,131,009	r	OMALLEY MICHAEL J & STACEY A
8	22,131,016	r	OMALLEY MICHAEL J & STACEY A
9	22,131,049	r	HERNANDEZ ADRIAN & TRACY
10	22,131,058	r	OMALLEY MICHAEL J & STACEY A
11	22,201,038	r	LEE GARY E & CYNTHIA L
12	22,202,002	r	MOLINARI JOHN V & BONNIE B
13	22,202,022	r	WILLIAMS MICHAEL A & JOAN A
14	22,211,074	r	KOMAN JOEL S & LINDA ES
15	22,233,039	r	ABKIN IRVING A TRE ETAL
16	22,271,041	r	ATTERBURY JULIE M
17	22,271,042	r	KOMAN JOEL S & LINDA ES
18	22,342,028	r	FUNKE-BILU ILAN TRE ETAL
19	22,343,006	r	KEENEY CHRISTINE E ETAL
20	22,343,011	r	COSCETTI RHODA M TRE
21	23,021,025	r	KENT JOHN C & JUDITH W
22	23,033,007	r	HOCHSTEIN PAUL TRE ETAL
23	23,036,030	r	BROWN DAVID M & KRISTINE M
24	23,042,006	r	ISAAK LEWIS W TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
25	23,045,028	r	VIOLET F VANDERLINDEN
26	23,047,033	r	COUTURE PAUL & CHARLOTTE
27	23,048,031	r	DESANTIS PATRICK TRE
28	23,051,021	r	GAY WARREN TRE ETAL
29	23,064,020	r	BORGES JEFFREY & MICHELE
30	23,066,022	r	GEARHART KELLY V
31	23,071,011	r	HOAK WILLIAM D TRE ETAL
32	23,072,022	r	TUCKER RICHARD ETUX
33	23,074,008	r	ADAMS RONALD D & JUDY L
34	23,074,032	r	RMP INC A CA CORP
35	23,076,006	r	MUNN IAN G & JOAN E
36	23,083,017	r	GROEFSEMA N KENNETH TRE ETAL
37	23,089,028	r	BATHKE JESS W & PATRICIA E
38	23,116,019	r	NRLL INC A CA CORP
39	23,116,027	r	BENZLER THOMAS F ETAL
40	23,151,029	r	KOMMER JOEN B
41	23,161,034	r	BURTON CHRISTOPHER L & ELIZABETH
42	23,163,004	r	SEIDEL MARK TRE ETAL
43	23,163,031	r	BARKER GLEN P ETUX
44	23,182,027	r	HARLEY JAMES
45	23,192,023	r	HUBAL BRUCE R TRE ETAL
46	23,192,026	r	ADELSON MICHAEL G TRE ETAL
47	23,202,062	r	FOSTER WILLIS H & CHARLENE F
48	23,203,024	r	YOUNGER ROLLIE R & LAUREN Z
49	23,204,039	r	CELONA STEPHEN A & LINDA L
50	23,204,058	r	HARTMANN PAMELA
51	23,204,062	r	SPEEGLE DORIS J HEIRS OF ETAL
52	23,213,012	r	MEYERS JOHN J ETUX
53	23,213,023	r	BANNISTER DAVID F & CLAUDIA
54	23,213,027	r	MOE DAVID E
55	23,214,009	r	HUMPHREY TINA M
56	23,214,028	r	SHEPARD JAMES H ETUX
57	23,214,033	r	HATTON LYN L
58	23,214,040	r	MASON MARC & NANCY, MTM DEVELOPMENT
59	23,233,055	r	WILLIS CHARLES M & MARIAN L
60	23,243,003	r	WILLHOITE FRED C & JOAN M
61	23,243,008	r	KRANTHER HOWARD P
62	23,271,021	r	RED ARTHUR L JR TRE ETAL
63	23,281,017	r	SCHUYLER CHERYL A TRE ETAL
64	23,292,024	r	WILSON GREGORY L & CATHERINE
65	23,293,008	r	MENDOZA TITO H & ILLANOR I
66	23,293,026	r	HARGER RONALD Q & BEVERLY A
67	23,321,002	r	SAWYER GINA R
68	23,321,014	r	CARLSON AUDREY R TRE ETAL
69	23,321,019	r	MILLER WILLIAM C TRE ETAL
70	23,321,020	r	PRICCO JS
71	23,331,051	r	MCINTYRE DEAN R TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
72	23,331,053	r	MCINTYRE DEAN R TRE ETAL
73	23,332,028	r	RATHBONE MARY J ETAL
74	23,333,038	r	FOX FREDERICK N
75	23,352,007	r	VITALI MILDRED R
76	23,352,011	r	MARTIN JAMES W & SANDRA J
77	23,353,007	r	LA MOTTE RUTH J TRE
78	23,363,027	r	HOLMES BRADFORD H
79	23,364,022	r	SKARE J & JA
80	23,371,020	r	OSULLIVAN MICHAEL J & CAROLYN
81	23,372,006	r	DURBANO DONALD S & DESIREE
82	23,372,009	r	PEARSON ARTHUR R TRE ETAL
83	23,372,010	r	LARSEN V ROBERT TRE ETAL
84	23,373,041	r	SANDERS RONALD G & SANDRA L
85	23,382,020	r	DEBOARD JOSEPH & JO CAROL
86	23,382,049	r	REDMOND HARRY A & SANDRA LD
87	23,383,013	r	5340 LOS ROBLES A CA PTP
88	23,391,002	r	ROBINSON WILLIAM G
89	23,391,029	r	ROBINSON WILLIAM G
90	23,392,001	r	IRVIN ROBERT J JR TRE ETAL
91	23,392,009	r	REPUBLIC PROPERTIES INC
92	23,411,025	r	TANG HOONG-YEE & ANNI Y
93	23,422,032	r	HARRIS JAMES R TRE ETAL
94	23,423,003	r	TOMASSIAN JOSEPH G TRE ETAL
95	23,423,006	r	PAVELKO BRIAN N ETAL
96	23,423,030	r	SCWENNICKE WILLIAM O & CHRISTINA
97	23,453,007	r	STEBBINS MICHAEL W & MARGARET
98	24,011,021	r	CURTIS CHARLES W & MARY L
99	24,021,043	r	FEDELE JAMES J & MELINA
100	24,022,025	r	GORDON KENNETH W TRE ETAL
101	24,031,012	r	COLLINS CAROLYN K
102	24,034,040	r	DAWSON CLINTON A & MARY R
103	24,034,043	r	CITEK PHILIP J TRE ETAL
104	24,042,032	r	OAKES PAULA I
105	24,043,014	r	ASHLOCK THOMAS TRE ETAL
106	24,043,017	r	MITCHELL SANDRA L TRE ETAL
107	24,043,024	r	JAWORSKI MARY L TRE
108	24,053,002	r	OLSON JAMES S & ANN T
109	24,061,027	r	MCDONEL VERALEE E TRE
110	24,061,028	r	MCDONEL VERALEE E TRE
111	24,063,053	r	MAIN ROY G TRE ETAL
112	24,091,004	r	MORRIS CHARLES G & ALICE H
113	24,093,007	r	WOLF CAROL L TRE
114	24,101,035	r	MORRIS GEORGE P & CHRISTINE
115	24,111,002	r	HALL-ATIYEH STARR
116	24,112,015	r	VIVEROS BONIFACIO & GUADALUPE
117	24,112,030	r	MOTLAGH ABBAS & OFELIA
118	24,132,002	r	STRASEN C WILLIAM TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
119	24,132,005	r	KWASNY JEFFREY J & SUSAN E
120	24,141,032	r	STEEB GEORGE W TRE ETAL
121	24,143,020	r	SMITH RODERICK C & KATHY D
122	24,151,009	r	PORTILLO LEANDRO J & LINDA
123	24,151,011	r	SUMROW GARY
124	24,151,021	r	PORTILLO LEANDRO J & LINDA
125	24,162,011	r	GRAHAM DORETTA F TRE
126	24,162,030	r	SEABERG CHRISTOPHER A TRE
127	24,171,017	r	KIEDAISCH JOHN F & PATRICE R
128	24,171,021	r	RAUEN DAVID P & ANN E
129	24,172,023	r	SATOU ALAN & HELENA
130	24,181,010	r	RMP INC A CA CORP
131	24,181,031	r	BORGES JEFFREY & MICHELE
132	24,202,020	r	KIMES DAVID & NANCY L
133	24,202,023	r	PELLE STEVEN J
134	24,202,024	r	PELLE STEVEN J
135	24,212,006	r	GEHLE WILLIAM R & GRACE L
136	24,221,013	r	GONZALES VIRIGINIA TRE ETAL
137	24,221,015	r	ROGERS GEORGE W TRE ETAL
138	24,231,042	r	GOLDER IRVING D TRE ETAL
139	24,241,025	r	SIINO JAMES A & PATRICIA H
140	24,242,010	r	MORALES LANCE & TIGG
141	24,242,037	r	TIERNEY TOM ETAL
142	24,243,011	r	SHERMAN ROGER & SALLY A
143	24,243,012	r	SHERMAN ROGER & SALLY A
144	24,243,021	r	HERZOG ROBERT & LINDA
145	24,243,022	r	HERZOG ROBERT & LINDA
146	24,252,006	r	SMITH HOWARD C TRE
147	24,252,031	r	BURKE BRADLEY J & CYNTHIA A
148	24,262,018	r	PEARSON DAVID C & KAREN A
149	24,262,023	r	LEES HERMINE A TRE ETAL
150	24,262,028	r	CLARK MICHAEL B
151	24,262,030	r	PEARSON DAVID C & KAREN A
152	24,271,015	r	WEBER ROBERT & ALETTA
153	24,272,003	r	CHAPMAN ABBIE
154	24,272,017	r	WATT JAMS B & MARY E
155	24,281,005	r	FISCHER DAVID W & A FAYE
156	24,282,042	r	SORENSEN RICHARD L & ANN M
157	24,291,025	r	OREGAN JOHN CK & DIANA D
158	24,291,035	r	PICKER WALTER J TRE ETAL
159	24,321,012	r	CANTU MARTIN B
160	24,321,017	r	KLEINHAMMER LESLIE K & MERLE
161	24,322,014	r	MCCARTHY DANIEL T & BOZENA
162	24,322,019	r	BORGES JEFFREY & MICHELE
163	24,342,009	r	HALOPOFF LUBA
164	24,353,025	r	MILLER MICHAEL A ETAL
165	24,354,011	r	HOMSY ROBERT V

UnLOC Exhibit 1

	Fee Parcel		Owner
166	24,361,015	r	ROZNOVSKY VICTOR J & BERNIE
167	24,362,012	r	RATHBUN GALEN B TRE ETAL
168	24,362,019	r	CHRISTOPOULO PADELIS C
169	24,381,016	r	BUDGE DUANE & SHARON
170	24,383,014	r	DANELL HILAH C

Conforming parcels not on any wait list

1	13,101,058	std	SHAMEL BARBARA K
2	13,101,060	std	LENZ RICHARD & ADIAN
3	13,101,061	std	SHAMEL BARBARA K
4	13,131,037	lg	SEABERG CHRISTOPHER A TRE ET AL
5	13,141,002	lg	PELLE STEVEN J
6	13,292,009	lg	CAROL K STEELE
7	13,294,005	lg	NELSON HENRY E TR ETAL
8	13,301,049	std	HODGES DONALD G TRE ETAL
9	13,311,011	std	WOELFEL WILLIAM H TRE ETAL
10	13,323,009	std	LEE DORIS H TRE
11	13,331,012	std	NELSON BONNIE
12	13,351,052	lg	GALAID RC
13	22,014,002	o	PORTER JEAN G TRE
14	22,014,009	o	STOECKEL WAYNE & KAREN
15	22,014,041	o	CLARKE SOPHIA B TRE
16	22,014,044	o	BERRY CARL J TRE ETAL
17	22,023,025	std	ZANETTI ROGER G ETAL
18	22,031,021	std	STEDDOM MARY B
19	22,032,032	std	ATENCIO ADOLPH & SUSAN B
20	22,032,040	std	HARRIS DAVID L TRE ETAL
21	22,034,013	std	KURTICH JOHN W
22	22,034,025	std	GUENZEL VA
23	22,035,004	std	MATTHEWS COURTNEY & PATRICIA
24	22,042,027	lg	HALL LEONARD D TRE ETAL
25	22,045,002	std	BROWN GEOFFREY E & LYNDA L
26	22,052,028	o	EMILY CLARK FAMILY PTP A LTD
27	22,052,043	o	HALL LEONARD D TRE ETAL
28	22,053,009	o	ZANETTI ROGER G ETAL
29	22,053,041	o	HANSEN GORDON D
30	22,071,002	std	SLAYMAN VICTOR J & LUCILE
31	22,072,034	std	MCCOLLOCH MELVIN
32	22,083,045	std	ZIRRETTA MARY A
33	22,084,047	std	SMALL PL TR ETAL
34	22,084,051	std	EWING JUDITH L ETAL
35	22,084,056	lg	JONES ROBERT TRE ETAL
36	22,091,019	lg	CRILL M & E
37	22,091,036	lg	ELLITHORPE LARRY R TRE ETAL
38	22,093,038	lg	BIGARANI EDWARD W TRE
39	22,131,047	lg	PALMER SAMUEL C III TRE
40	22,141,002	std	MADIGAN MARIS ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
41	22,141,007	std	KOEHLER VICTOR H & SARAH A
42	22,141,012	std	ZACHER JOSEPH M JR
43	22,151,013	lg	THOMAS LEONORA P TRE
44	22,151,014	lg	STEFAN EVELYN R TRE
45	22,151,015	std	PERRY TRINKLE
46	22,151,030	std	MR & MRS EDWARD M BAUER ETA
47	22,151,050	lg	GUZMAN P JR & P
48	22,151,062	std	BARRISH PAUL D TRE ETAL
49	22,151,065	std	MONTEVERDE RONALD & PATRICIA
50	22,151,068	std	PAPAGNI TERI L TRE ETAL
51	22,151,074	lg	THOMAS LEONORA P TRE
52	22,161,007	o	HERNANDEZ ADRIAN & TRACY M
53	22,171,027	std	KUGLER KAREN L
54	22,172,008	std	KINGSLEY D & K
55	22,181,008	o	GREENWOOD ER
56	22,181,038	std	RAYMOND ELINOR TRE ETAL
57	22,182,060	std	COLLIER AW & ROSIE
58	22,191,031	std	LARSON CH
59	22,191,033	std	HOLSOPPLE ENID T
60	22,192,010	std	ELIZBETH B HARDING TRE
61	22,201,022	std	POPKEN COLLEEN Y TRE
62	22,201,037	lg	COLLINS CAROLYN K
63	22,202,004	std	CUMMINGS G PATRICIA ETAL
64	22,202,005	std	SMITH ROSA H TRE
65	22,202,025	std	JONES W MONTGOMERY
66	22,211,049	lg	POLIN BURT W TRE ETAL
67	22,211,056	std	PINTO THOMAS M JR TRE ETAL
68	22,211,059	lg	POLIN BURT W TRE ETAL
69	22,211,063	std	AUTEN WILLIAM E & JACQUELINE
70	22,211,066	std	RIETA JULIO Z JR TRE ETAL
71	22,211,067	std	WENGELER ROBERT E & DAYNA L
72	22,211,068	std	PHILLIPS JERRY TRE ETAL
73	22,211,086	lg	HUGHES EDWIN A JR & LINDA L
74	22,225,001	o	STURDY MARY M
75	22,226,003	o	DUPERRON D&H
76	22,226,009	o	CRIVELLO ROBERT V & MR
77	22,227,001	o	OHMERT JW & LF
78	22,227,005	o	GRAYDON JAY J
79	22,227,016	lg	OHAUGE ROSALIA
80	22,227,022	o	LOCKHART LEE M ETAL
81	22,231,008	std	GRIER DW
82	22,231,019	std	BOLGER RICHARD G TRE ETAL
83	22,231,022	std	KOTARY JJ & BA
84	22,232,039	std	KAPLAN AARON P TRE ETAL
85	22,233,031	std	GIBSON JOHN C TRE ETAL
86	22,242,031	std	FORTENBERRY ELSIE H ETAL
87	22,243,022	std	APPLEGARTH ARNOLD G TRE

UnLOC Exhibit 1

	Fee Parcel		Owner
88	22,261,002	std	MOLNAR MICHAEL J
89	22,261,017	std	HILBE THOMAS
90	22,271,008	lg	DOI MILDRED P TRE
91	22,271,024	lg	GILES DAVID L & MARGARET
92	22,271,049	lg	RESCH FLORA B TRE
93	22,291,032	o	BASTIERI GARY R TRE ETAL
94	22,292,024	o	HARRIS KENNETH L & JUANITA L
95	22,312,013	std	MORRIS HENRY A TRE ETAL
96	22,322,020	std	ESTABROOK KENT S TRE ETAL
97	22,341,031	std	PANTOJA HARRY V & MARY T
98	22,341,035	std	ANDERSON MAURICE E TRE ETAL
99	22,342,008	std	CHENEY ELLIS S ETAL
100	22,342,022	std	FINCH J MICHAEL TRE ETAL
101	22,343,002	std	ROBINSON GA
102	22,343,013	lg	FREY WINTON H JR TRE ETAL
103	22,343,026	lg	MOFFETT JB JR
104	22,343,030	std	WOOD WR & BJ
105	22,343,035	std	FICKER SUE L TRE ETAL
106	22,343,037	lg	RICE SHIRLEY A
107	23,013,002	o	MAGRO ALEXANDER F
108	23,014,008	o	DEWITT BEVERLY W
109	23,014,011	o	MARSHALL DAVID N & AMY
110	23,015,018	o	KLEIN DOROTHY C ETAL
111	23,015,020	o	THREADGOLD ERIC RJ
112	23,016,024	o	GREENBERG HENRY F TRE ETAL
113	23,016,026	o	DUNDAS NEAL C TRE
114	23,016,033	o	GLUSOVICH BRIAN C TRE ETAL
115	23,016,035	std	STORMS SAMUEL S TRE ETAL
116	23,016,041	std	GREENBERG HENRY F TRE ETAL
117	23,016,045	o	ALLEN JOHN R TRE
118	23,017,014	o	NAGANO WARREN & ELAINE
119	23,017,036	o	CAREY GLEN D & CARLA S
120	23,019,011	std	MURPHY JAMES W
121	23,022,015	lg	BRYANT OPAL TRE ETAL
122	23,025,020	lg	JENKINS MARGAREE TRE
123	23,026,007	std	BUCKLEY JAMES D TRE ETAL
124	23,031,003	lg	GEARHART KELLY V
125	23,033,016	std	SINGER CLAY A & LYNNE F
126	23,034,012	lg	REED WILLIAM L & CAROLE E
127	23,035,008	lg	DUCKETT CM JR & MS
128	23,035,013	lg	SCHANGE AUGUST R TRE ETAL
129	23,036,010	lg	ZIEL ROBERT A & BARBARA B
130	23,036,020	std	ROGERS BARBARA & MARTIN
131	23,036,021	std	REYES VIRGILIO A & DULCE S
132	23,036,023	std	LOWRY MICHAEL J & CA
133	23,041,027	o	HERZOG DOLORES E TRE
134	23,044,002	o	MULLER RONALD R & SHAROLYN R

UnLOC Exhibit 1

	Fee Parcel		Owner
135	23,045,001	o	CASTLE HOLLY
136	23,045,007	o	MAST CG ETAL
137	23,045,014	std	MOORE RONALD L
138	23,045,034	o	BARBARA K FALCONER
139	23,045,035	std	KNIPE JOHN F TRE ETAL
140	23,046,005	o	PAYNE HOWARD H
141	23,047,001	o	BRYANT HARVEY L TRE ETAL
142	23,047,007	std	GREENSPAN EDWARD E TRE ETAL
143	23,047,009	std	YORK FAY L
144	23,047,021	o	BRYANT HARVEY L & JOANNE C
145	23,047,026	std	MADIGAN MARIS ETAL
146	23,047,031	std	BROWNHILL ROBERT J
147	23,048,008	lg	PETRELLA GC & LD TRUST
148	23,049,008	o	BURGESS JAMES D & SARA E
149	23,049,010	std	BRENNAN CAROL A
150	23,049,015	o	MENGHINI MERLE A
151	23,049,036	lg	BROWN BH
152	23,051,013	std	DUNHAM CHARLES H TRE ETAL
153	23,052,002	std	INGRAHAM RODNEY H TRE ETAL
154	23,052,017	std	BIERER WILLIAM TRE ETAL
155	23,062,013	std	RHONE WILLIAM C JR TRE ETAL
156	23,062,015	std	DOUGLAS DOROTHY L
157	23,063,022	std	GRAVEN CAROLYN L
158	23,064,014	std	COLLINS CAROLYN K
159	23,064,016	std	TESCHER THOMAS W
160	23,064,018	std	STANSBERRY TONY L & MARY C
161	23,065,010	std	FRIZZELL RUTH A TRE
162	23,066,010	std	SALERNI JA
163	23,071,005	std	BOULIAN PHILIP TRE ETAL
164	23,071,014	lg	EDDY EDNA M TRE
165	23,071,016	std	SIGMUND MARY C
166	23,071,017	std	TWISSELMAN ERIC C ETAL
167	23,072,007	std	MACLEON PEGGY A
168	23,072,020	lg	BAKAN PAUL R & VIRGINIA L
169	23,073,003	std	WRIGHT DM
170	23,073,009	std	SUNADA R & SA
171	23,073,012	std	BAROSKO THERESA MJ ETAL
172	23,073,016	std	EMPARAN PHYLLIS R TRE
173	23,073,018	std	WRIGHT DM
174	23,073,023	std	FANUCCHI J ETAL
175	23,073,024	std	HARRIS RONALD C ETAL
176	23,073,025	std	FISHMAN STEVEN B ETUX
177	23,073,026	std	MORRIS CHARLES D TRE ETAL
178	23,073,027	std	CLARK DAVID C TRE ETAL
179	23,074,019	lg	KWIATKOWSKI R & C
180	23,075,010	std	BRUCE LAVERNE H ETAL
181	23,075,018	std	MCCOY JOYCE M TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
182	23,075,027	std	BEHM CW ETAL
183	23,076,008	std	MORAN TE
184	23,076,015	std	WILKINS ANITA F TRE ETAL
185	23,076,025	std	MORIKAWA KIYOSHI TRE ETAL
186	23,083,006	o	MASIN RICHARD C & SUSAN
187	23,086,007	o	MOORE CLARENCE L TRE ETAL
188	23,086,013	o	LOFTUS GF
189	23,086,014	o	HINSON PAUL E & STEPHANIE L
190	23,086,018	o	HALLMARK JM & CS
191	23,086,026	o	SCHANGE AUGUST R TRE ETAL
192	23,086,027	o	SLICK EUGENE ETAL
193	23,087,033	o	FOOTE RONALD D & CARI G
194	23,087,044	o	CUMINGS KENNETH W TRE ETAL
195	23,088,017	o	SCHWARTZ ROBERT A
196	23,088,026	o	SMITH ROBERT C TRE ETAL
197	23,088,040	o	JORDAN NORMAN R & LORRIE S
198	23,089,003	o	MARES NICK J TRE ETAL
199	23,089,004	o	GRADY DC & EM
200	23,090,003	std	PICKERING HERSCHEL A
201	23,091,039	std	SIMON SAM
202	23,092,002	std	BLACK WILLIAM M TRE ETAL
203	23,092,028	lg	PETERSON JOHN L & WILMA C
204	23,093,013	std	NISWANDER GLENN V JR & SANDRA
205	23,093,015	std	REHDER HENRY H HEIRS OF ETUX
206	23,094,012	std	CADMAN NORMAN L TRE ETAL
207	23,094,023	std	BROWNHILL RICHARD R & PATRICIA
208	23,095,015	std	KEITH WARREN H & CATHIE L
209	23,095,020	lg	WEST WH & KG
210	23,095,024	std	HAYWARD JAMES F TRE ETAL
211	23,103,007	std	HARRISON RAYMOND A ETAL
212	23,104,003	lg	WHITE DEWEY D TRE ETAL
213	23,105,004	std	MAHELONA ARNOLD N TRE ETAL
214	23,106,007	std	UBER ED & MA
215	23,106,013	std	HARLAND ROBERT J TRE ETAL
216	23,107,007	std	WYSS STEPHEN E ETAL
217	23,107,018	std	TOTH A & C
218	23,111,030	std	SMITH SCOTTY J & ROBIN L
219	23,112,029	std	BEDELL DOUGLAS V TRE ETAL
220	23,113,001	std	SUTCLIFFE WILMA C ETAL
221	23,113,015	std	BOSTROM ROBERT M TRE ETAL
222	23,113,031	std	DAY G & M ETAL
223	23,114,008	std	STEVENSON GEORGE W TRE
224	23,115,010	std	PARKINSON JAMES W TRE ETAL
225	23,115,011	std	GRAVEN MARY L TRE
226	23,115,016	std	PENA DOLORES H TRE
227	23,115,019	std	REID ANNE E
228	23,115,024	std	ANDREASEN LEO C & DOROTHA E

UnLOC Exhibit 1

	Fee Parcel		Owner
229	23,115,027	std	DE CARLO L
230	23,116,003	std	CHARLTON ROBERT
231	23,116,010	std	HERNSTEDT JE ETAL
232	23,116,011	std	DEL RIO R & L
233	23,116,012	std	EMERLING JOAN K TRUST
234	23,116,015	std	BENZLER THOMAS F ETAL
235	23,116,017	std	BRICE CLIFFORD C TRE ETAL
236	23,116,020	std	LEKAVICH FL & L
237	23,116,022	std	HANLE LAWRENCE W JR HEIRS OF
238	23,116,025	std	NEILL GOLDIA A ETAL
239	23,116,030	lg	THOMPSON LYNDA L ETAL
240	23,117,010	std	VICTORINO RL
241	23,118,020	std	GORDINIER BRIAN R & LEA F
242	23,118,022	std	STERLING DAVID L
243	23,119,003	std	JENKINS MARGAREE R TRE
244	23,119,005	std	CARROLL TJ
245	23,119,017	std	KIMURA MASAYUKI TRE ETAL
246	23,119,023	std	JENKINS MARGAREE R TRE
247	23,121,016	std	BATTLES JAMES W TRE ETAL
248	23,122,014	std	ALLESCO MANAGEMENT SERVICES INC
249	23,131,014	lg	FINLINSON DAVID B HEIRS OF
250	23,132,008	std	TALALLA ROHINI S ETAL
251	23,132,014	std	BERINGER DONALD P TRE ETAL
252	23,133,002	std	THORNBURG LAMONTE F TRE ETAL
253	23,133,011		ROMAN CATHOLIC BISHOP OF MONTEREY
254	23,134,018	std	FUJITANI SHARON H
255	23,134,020	std	VAI BH
256	23,142,015	std	CARROLL PHILLIP J TRE ETAL
257	23,142,029	std	DALBY GLENDA
258	23,143,020	std	SADLER TC & HM
259	23,143,025	std	GARCIA RAYMOND L & NANCY H
260	23,151,043	std	ETTER TROY & SYRIE
261	23,151,044	std	SLACK WILLIAM R
262	23,151,046	lg	GREER C & MC
263	23,161,006	lg	BECKETT MARJORIE S ETAL
264	23,161,018	std	MONTEVERDE RONALD & PATRICIA
265	23,161,027	std	PROCTOR CT
266	23,162,021	std	LUCY CASADO
267	23,163,023	std	BRIGLIO ANTHONY JR TRE ETAL
268	23,171,015	std	CONROY JAMES B
269	23,172,010	std	WONG TYRUS Y TRE
270	23,172,053	std	BARRICKLOW MICHAEL G ETAL
271	23,181,023	std	CORRIGAN KEVIN T & CINDY S
272	23,182,004	std	THOMAS LEONORA P TRE
273	23,182,013	std	F & S PTP A GEN PTP
274	23,182,036	std	FLETCHER HAROLD A TRE ETAL
275	23,191,021	std	KOEPP DONALD W & KATHLEEN R

UnLOC Exhibit 1

	Fee Parcel		Owner
276	23,192,004	std	L PIEROTTI
277	23,192,010	std	ABRENICA EPITACIO TRE
278	23,192,020	std	BRANDENBURG GARY L ETAL
279	23,192,021	std	BOLDA PAUL M TRE ETAL
280	23,192,029	std	QUACKENBUSH JOSEPH F TRE ETAL
281	23,192,032	std	ALLAN JOHN TRE ETAL
282	23,202,004	std	BLANKENSHIP STEVEN L & PATTY
283	23,202,009	std	REDFIELD ROGER A TRE ETAL
284	23,202,019	lg	PARTIDA RICHARD C ETAL
285	23,202,031	std	TWISSELMAN ERIC C ETAL
286	23,202,038	lg	KING HARVEY TRE
287	23,202,060	std	MOSER KEITH M
288	23,202,069	lg	LYNCH DENIS-DAMIAN & YVONNE
289	23,203,001	std	PALMER EVELYN E TRE ETAL
290	23,203,003	std	CARPENTER RC & BS
291	23,203,004	std	GEEVER JOHN & MARGARET H
292	23,203,011	std	PASS MORRIS
293	23,203,021	std	COWAN ROBERT
294	23,203,027	std	MAKHANIAN EDWARD
295	23,204,012	std	NECHAK MARY J HEIRS
296	23,204,018	std	WEITKUM GE & SA
297	23,204,022	std	REGIER KATHRYN J
298	23,204,033	std	SPEEGLE DORIS HEIRS OF ETAL
299	23,204,076	std	WORDEMAN JOHN B & ERIN M
300	23,204,081	std	CHAPMAN CORNELIA TRE
301	23,205,055	lg	MITCHELL WILLIAM E TRE ETAL
302	23,205,057	std	ASHLOCK THEODORE
303	23,206,031	lg	FONTES LOUIE TRE ETAL
304	23,206,037	std	GEGES NICHOLAS J TRE ETAL
305	23,206,041	std	LAVELLE ROBERT P TRE
306	23,207,003	std	LALUZ WILLIAM M
307	23,207,028	lg	DAPELO DONALD D TRE ETAL
308	23,208,023	lg	KNOWLTON ER
309	23,211,008	lg	MCDANIEL DANIEL S
310	23,214,017	std	MCCOLLUM CRAIG R & CHERYL L
311	23,214,023	std	CARPENTER RC & BS
312	23,214,029	std	EVENSON DONALD E & SANAYE
313	23,215,011	std	PECKENPAUGH THELMA O TRE
314	23,215,013	lg	PECKENPAUGH THELMA O TRE
315	23,215,015	lg	KIMES DAVID & NANCY L
316	23,215,022	lg	TESCHER THOMAS W
317	23,215,024	std	JOHANSSON KERMIT L ETAL
318	23,215,045	std	WATTERSON THOMAS S & DEBORAH
319	23,215,050	lg	VINATIERI DARLENE A TRE ETAL
320	23,215,051	std	VINATIERI DARLENE A TRE ETAL
321	23,215,055	std	WURSTER CLIFFORD P TRE ETAL
322	23,215,059	std	KIMES DAVID & NANCY L

UnLOC Exhibit 1

	Fee Parcel		Owner
323	23,221,037	std	FORGIE DJ & OI
324	23,221,041	std	MORRIS ERNEST R TRE ETAL
325	23,222,008	std	HUDSON M, CP THORSELL
326	23,222,054	std	JOHNSON ERIC A & NANCY K
327	23,223,024	std	TARVERS MARY A ETAL
328	23,223,025	std	TONER ERIC D & KATHRYN I
329	23,233,003	std	JOHNS OLIVER R TRE ETAL
330	23,233,018	std	VOLLMER HOWARD M ETAL
331	23,233,021	std	CARSON WJ & MARY A
332	23,233,029	std	NRLL INC A CAL CORP, MIKE RICHARD
333	23,233,050	std	BREWER VERNA
334	23,233,054	std	CLIFFORD RUTHANNE
335	23,233,056	std	CHAVEZ FREDDIE R
336	23,233,058	lg	DULL KENNETH H SR ETAL
337	23,233,064	std	POLIN BURT W TRE ETAL
338	23,233,068	std	GOLSTON RANDOLPH & BETTY
339	23,234,062	lg	MADONNA CONSTRUCTION CO
340	23,235,002	std	GALANTE GILBERT TRE ETAL
341	23,235,022	std	MORA FRANCISCO & TERE A
342	23,235,025	std	CAINS CAMBRIA CABIN LLC, JH PERKINS
343	23,241,042	std	BILLINGSLEY DAVID B TRE ETAL
344	23,243,007	std	PINKLEY CHARLES R & NORMA J
345	23,243,014	std	ANDERSON GARY & PATRICIA
346	23,243,030	std	MATTOS JA
347	23,243,038	std	JENKINS MARGAREE R TRE
348	23,243,039	std	STARK RAYMOND A & CAROLINE J
349	23,251,045		COMMUNITY PRESBYTERIAN CHURCH
350	23,261,006	std	NELSON ROLAND W & SONJA A
351	23,261,028	std	WARREN MICHAEL S
352	23,261,031	std	GERHARD RA & NL
353	23,261,033	std	KRETZ DANIEL J & MARY T
354	23,261,039	std	NEWBY RONALD F
355	23,271,017	lg	SHUBIN MJ & SA
356	23,271,027	std	DUVERNET DEAN H
357	23,271,028	std	MAURSETH MILFRED A TRE ETAL
358	23,271,035	std	CAMPBELL JAMES L TRE ETAL
359	23,271,039	std	CRAIGHEAD WILLIAM D & ME
360	23,271,046	std	JACQUEZ DOREEN B TRE ETAL
361	23,271,047	std	WILLEMS LEE C ETAL
362	23,271,049	lg	HARSH LT & CAROLYN
363	23,271,050	lg	MARTIN TWILA M
364	23,271,051	std	BIDGOLI RAHIM & ARMINOOKHI
365	23,271,052	std	TOUBIAN BEHZAD & ELHAM
366	23,272,012	std	COCKE HUGH D & PAULINA ETAL
367	23,272,015	std	HOOPES DOUGLAS M
368	23,272,017	std	HEINEMAN RE & PL
369	23,272,021	std	HOUSE E WAYNE & BARBARA R ET AL

UnLOC Exhibit 1

	Fee Parcel		Owner
370	23,272,022	std	JOHNSON ERMA R HEIRS OF, c/o JAMES LARSON
371	23,272,029	std	SHERBON JON & KATHLEEN
372	23,272,035	lg	MOONEYHAM DAVID E TRE ETAL
373	23,272,037	lg	NIMMO THOMAS E & JORETTA
374	23,282,003	std	BAKER LUCILLE J TRE
375	23,282,007	std	STEVENS MICHAELS A/ c/o HEWITT MA
376	23,282,009	std	LIMONICK DAVEENA TRE ETAL
377	23,282,011	std	DAGHER SAMI TRE ETAL
378	23,282,019	std	BOYLE ELAINE L TRE
379	23,282,040	std	STANTON RHEA I TRE
380	23,282,052	std	OPPEL CHARLES & KATHLEEN
381	23,292,003	std	STEVENS PRISCILLA C
382	23,292,032	std	REAGLE JIM M & MARY E
383	23,293,043	std	KISPERSKY PHIL & MAUREEN
384	23,293,050	std	DAY GEORGE E & MARY J
385	23,293,055	std	MITCHELL SANDRA L TRE ETAL
386	23,301,001	std	AYER ROBERT S
387	23,301,012	std	BIBEE HUBERT F TRE ETAL
388	23,301,018	std	STUART KEITH & CAROL ETAL
389	23,302,037	std	BENTON THOMAS G TRE ETAL
390	23,311,006	std	CARLSEN GERHARD & IRMA
391	23,311,009	std	BROWN GEOFFREY E& LYNDA L
392	23,311,022	std	SOTO ROBERT V & DEBRA M
393	23,312,007	std	BOSINOFF RONALD I TRE ETAL
394	23,312,012	std	FARGO NJ ETAL
395	23,312,014	std	FERRIS ELIZABETH M
396	23,312,018	std	MCCULLOUGH LT & BJ
397	23,312,024	std	BELLE JUNE TRE
398	23,312,026	std	PEKAR ML
399	23,312,028	std	GREGO OSCAR
400	23,313,002	std	HABITAT FOR HUMANITY FOR SLO
401	23,313,007	std	SEIFRIED MARY L TRE
402	23,313,008	std	DANDURAND ERIC L ETAL
403	23,313,020	std	HOLT JOHN C & LEDONNA
404	23,321,001	std	MENTZER LLOYD W & EILEEN L
405	23,321,009	std	HOLBROOK GERALD W ETAL
406	23,321,013	std	MORGAN JIMMY R JR
407	23,322,010	std	MORRIS JW
408	23,322,018	std	PRYCHODA DOROTHY M
409	23,322,021	std	LAMMI MILDRED S TRE
410	23,322,024	std	SMITH NONA M TRE
411	23,322,025	std	MORRIS HENRY A TRE ETAL
412	23,322,035	std	CRISTANDO RONALD J & ALICE M
413	23,331,007	std	STONE RICHARD M & LINDA J
414	23,331,023	std	APPLEGATE WA & RE
415	23,331,030	std	PACE QUIDA W, c/o OR PACE
416	23,331,050	std	NEWMAN RITA S

UnLOC Exhibit 1

	Fee Parcel		Owner
417	23,331,052	std	WIGGINS BARBARA S
418	23,332,007	std	IVICEVICH MARGIE ETAL
419	23,332,013	std	BOYD EE & PF
420	23,332,017	std	WHITLOCK JAMES D TRE ETAL
421	23,332,020	std	RICE WALTER E & LAURETTA A
422	23,332,024	std	WAYNER DELWYN G TRE ETAL
423	23,333,028	std	LINK HOWARD D TRE ETAL
424	23,333,029	std	ABRENICA EPITACIO TRE
425	23,333,034	std	FREY WINTON H JR TRE ETAL
426	23,333,035	std	ARATA TAKEO D TRE ETAL
427	23,333,036	std	GONZALES ELIAS D HEIRS OF
428	23,333,042	std	DAMOUR ADELE M, ADELE SANDERSON
429	23,341,065	std	FIALHO MARY E ETAL
430	23,341,074	std	MICELI RJ & AM
431	23,341,077	std	GRANT GORDON W & BETTY L
432	23,341,078	std	WEBB MICHAEL J & SUSAN E
433	23,352,018	std	HALVERSON JANICE K
434	23,352,034	std	NAYLOR N GISELLE
435	23,353,013	std	DAVIS JULIE F ETAL, RHODES TRUST
436	23,353,034	std	DALEY MICHAEL G & JOANNE
437	23,361,021	std	PIERSZALOWSKI WILLIAM J
438	23,362,008	std	MARCANTONIO K & D
439	23,362,030	std	ARNOLD JESSE T
440	23,363,015	std	HATTON CURTIS J TRE ETAL
441	23,371,005	std	PEARSON ARTHUR R & MARY N
442	23,371,012	std	BORSODY ALEX G TRE ETAL
443	23,373,008	std	MAKOSKY DE TR
444	23,373,010	std	CALDWELL LES C & JOAN E
445	23,373,012	std	KOLLER NOEL S
446	23,373,021	std	CHRISTIANSEN JS ETAL
447	23,373,034	std	GILLIO ELSIE E TRUST, ELSIE GILLIO
448	23,373,039	std	GRAY GERALD H TRE ETAL
449	23,382,018	std	DOLLMAN NORBERT J TRE ETAL
450	23,382,028	std	KEMPENAAR EVERT TR ETAL
451	23,382,031	std	PEREZ SENDEJAS LINDA M
452	23,382,032	lg	HOSHI G ETAL, JW LUM
453	23,382,034	std	KEMPENAAR EVERT TR ETAL
454	23,382,037	std	LOMBARDI FAMILY TRUST ETAL
455	23,382,050	lg	EPPERT THOMAS A HEIRS OF ETAL
456	23,383,028	lg	NINOS EPAMINONDAS J
457	23,383,039	std	SANDLIN DL & BJ
458	23,383,041	lg	RECKTENWALD M ROBERT & PATRICIA
459	23,383,048	lg	RHOADES STERLING W ETAL
460	23,391,001	std	HAVLISCH HAL B
461	23,391,011	std	MCINTYRE ROBBIE L TRE
462	23,391,021	std	WARNELL DONALD E & DORIS MS
463	23,391,027	lg	HIRSHFELD JOHN H TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
464	23,391,028	std	ROSCOE NELSON J JR ETAL
465	23,391,033	std	LEICHTY IRENE E TRE
466	23,391,048	std	DAVIS NORMAN L ETAL, LEE DAVIS
467	23,391,053	lg	KNIGHT KENTON L & BARBARA J
468	23,391,058	lg	LEICHTY IRENE E TRE ETAL
469	23,392,008	std	WICKETT WILLIAM H JR TRE
470	23,401,016	std	GRADY LAWRENCE W TRE ETAL
471	23,401,020	std	MERCADO ROBERTO M & JOSEFINA
472	23,401,023	std	MANCILLA ROBERTO M TRE ETAL
473	23,402,006	lg	BRITTON PATRICIA A TRE
474	23,402,007	lg	WARNELL DONALD E & DORIS
475	23,402,012	std	WARNELL DONALD E & DORIS
476	23,402,015	std	BELT K ETAL
477	23,402,018	std	BRITTON JOSEPH M
478	23,403,019	std	MATSUOKA IWAO TRE ETAL
479	23,403,024	std	ROMEY MD & BR
480	23,403,026	std	DISANDRO DEAN TRE
481	23,411,002	std	LYONS MONICA TRE ETAL
482	23,411,003	std	ABRENICA GRACE L, GL WOLFE
483	23,411,009	std	MOORE EDWARD C TRE
484	23,411,026	std	TANG HOONG-YEE & ANNI Y
485	23,422,003	std	ABRENICA EPITACIO TRE
486	23,422,012	std	HERNANDEZ ADRIAN & TRACY
487	23,423,001	std	BREY GERARD J TRE ETAL
488	23,423,002	std	DEPAOLA BRUCE & TERRI
489	23,423,009	std	KRAKAUER RICHARD L TRE ETAL
490	23,423,018	std	FERGUSON KATHLEEN A
491	23,423,019	std	DAVIES BEVERLY J TRE
492	23,423,024	std	MCKEE JOAN
493	23,423,032	std	TAMOUSH RONALD & GEORGIA, PHILIP TAMOUSH
494	23,423,033	std	TAMOUSH RICHARD & NORA ETAL, PHILIP TAMOUSH
495	23,424,004	std	CLIFTON JOHN W
496	23,424,008	std	OLTMAN ROBERT L TRE ETAL
497	23,424,009	std	BROOKS ELIZABETH D TRE
498	23,424,025	std	RIGG JEAN C
499	23,425,002	std	LINDSEY, JE INC A CAL CORP
500	23,425,020	std	LINDSEY, JE INC A CAL CORP
501	23,425,032	std	LINDSEY, JE INC A CA CORP
502	23,432,005	std	MONTOYA MANUEL JR & ER TRE
503	23,432,020	std	MAKHANIAN EDWARD
504	23,451,005	std	STUART KEITH & CAROL ETAL
505	23,451,006	std	MCCANN ELVIN E TRE
506	23,451,023	std	MAIBAUM E
507	23,452,017	std	HARDING KEITH E TRE ETAL
508	23,453,004	std	FUJITANI SHARON H
509	23,461,020	std	PALEWICZ HELEN R TRE ETAL
510	23,461,021	std	LUNA PETER J & MARGARET C

UnLOC Exhibit 1

	Fee Parcel		Owner
511	23,461,024	std	MICHAEL PETER A & SUSAN J
512	23,461,028	std	BENNETT GLEN R & ANNE R
513	23,462,016	std	CARSON WJ & MARY A
514	23,471,001	std	PETRUCCI GINO J JR & JILL L
515	23,481,001	std	OCONNOR THOMAS R TRE ETAL
516	23,481,010	std	JACKSON RG
517	23,481,015	std	MACLEOD HE & GM
518	23,482,004	std	EVANS CHARLES T JR
519	23,492,003	std	KREPS MICHAEL ETUX
520	23,492,004	std	BROWN BARBARA A HEIRS OF
521	23,492,005	std	LEONI MICHAEL A ETAL
522	23,492,006	std	GORDON SD
523	23,492,008	std	ROBB WILLIAM W
524	23,492,009	std	LINDSEY, JE INC A CA CORP
525	23,492,011	std	SHIPPIE GREGORY & BARBARA ET AL
526	23,492,012	std	ALVILLAR DENNIS G ETAL
527	23,492,013	std	GARDINER WILLIAM A TRE
528	23,492,016	std	LINDSEY, JE INC A CA CORP
529	23,492,017	std	DAGAY JEAN G TRE ETAL
530	23,492,019	std	LINDSEY, JE INC A CA CORP
531	23,492,023	std	SAMARAS WILLIAM F & MARY E
532	23,492,024	std	KREPS MICHAEL ETUX
533	23,492,027	std	LINDSEY JOSPEH E JR & MARY H
534	23,492,028	std	KREPS MICHAEL ETUX
535	23,492,030	std	MACLEOD HE & GM
536	23,492,031	std	NAKASHIMA ELLEN ETAL
537	23,492,032	std	LINDSEY JOSEPH E JR & MARY H
538	23,492,033	std	SANDELL MARY E ETAL
539	24,011,003	std	HAMADA HARRY S TRE ETAL
540	24,011,008		BIOLA UNIVERSITY INC
541	24,011,035	std	DELPHENICH GARY M TRE ETAL
542	24,011,055	std	MILES LINDA N
543	24,011,060	std	GREGO OSCAR
544	24,012,005	std	TILLINGHAST DONALD R JR ETUX
545	24,012,010	std	AVERSANO PC
546	24,012,013	std	VANDERVOORT KARL
547	24,013,025	std	HOWE PATRICK H & LINDA H
548	24,013,032	std	CHOW GERRY TRE ETAL
549	24,013,040	std	GLENNY JAMES P ETAL
550	24,013,042	std	COVEY ROBIN H
551	24,021,031	std	CARUTH MARIE A TRE
552	24,021,034	std	CRAIG THOMAS L ETAL
553	24,021,047	std	REGO ANTONIO F & MARGARIDA C
554	24,022,039	std	SHIELDS LA
555	24,031,003	std	LONG RAYMOND
556	24,031,009	std	THOMPSON DALE H
557	24,032,009	std	LOPEZ OSWALDO D

UnLOC Exhibit 1

	Fee Parcel		Owner
558	24,032,011	std	GALAN DANIEL G & CG ETAL
559	24,032,017	lg	MADIGAN MARIS ETAL
560	24,033,014	std	CLARKE SB ETAL
561	24,033,021	std	CONOVER SANDY R
562	24,033,036	std	PATRICK DW & PG
563	24,033,037	std	ROBRECHT RF ETAL
564	24,033,042	lg	ANDERSON HJ & RB
565	24,033,043	lg	NETHING PEGGY J
566	24,033,047	std	RICHARDSON DORIS ETAL, RAY POOL
567	24,034,013	std	GOSHGARIAN PAMELA G
568	24,034,037	std	LEWIS GLEN C TRE ETAL
569	24,034,049	std	JONES MARGARET A TRE ETAL
570	24,041,007	std	LANGWORTH CAROLE A ETAL
571	24,041,011	std	ZIPPWALD PAUL R TRE ETAL
572	24,041,016	std	AUSTIN TE & MK
573	24,041,023	std	HENDRICKSON JOSEPH H TRE ETA
574	24,041,028	std	HENDRICKSON JOSEPH H TR ETAL
575	24,042,016	std	HOBART P ETAL, SC PHELPS
576	24,042,017	std	NEUMAN ALICE R
577	24,042,019	std	SNEED HARRIET S TRE
578	24,042,024	std	SYLVESTER SUSAN J ETAL
579	24,042,025	std	SNEED HARRIET S TRE
580	24,042,030	std	ROYBAL RICHARD J ETAL
581	24,042,039	std	TARR WILLIAM W JR ETUX
582	24,043,021	std	HELGREN RICHARD F TRE ETAL
583	24,043,023	std	ROTT GERRY L
584	24,051,005	std	SEBERN THEODORE W TRE
585	24,054,010	std	CHURCH ANTHONY & PENNY
586	24,054,030	std	MCCAULEY DANIEL G
587	24,061,030	std	JOHNSON MICHAEL O
588	24,061,032	lg	VILLANE ANDREA D ETAL
589	24,061,033	std	BAGDIKIAN C ETAL
590	24,061,042	std	BOULDING CHRISTOPHER A
591	24,061,044	std	BOYD EE & PF
592	24,062,038	std	SOTO VERNON E TRE ETAL
593	24,062,042	lg	EXON LAURENCE H TRE ETAL
594	24,063,052	std	SAWYER EDMUND V & JEANNETTE
595	24,081,005	std	ROGOWAY SCOTT & ROXANNE
596	24,081,015	std	ROWLAND WD & PJ
597	24,081,028	std	VARNER PAUL D
598	24,081,030	std	POLLOCK A
599	24,081,033	std	CROZIER ROBERT N TRE ETAL
600	24,081,049	std	SMITH ARTHUR ETAL
601	24,082,003	std	MCNAMARA CHARLES W ETAL
602	24,082,018	std	GATES ROGER A
603	24,082,019	std	COLLINS CAROLYN K
604	24,091,002	lg	ROYSTON WILL TRE

UnLOC Exhibit 1

	Fee Parcel		Owner
605	24,091,016	std	MORRIS CHARLES G & ALICE H
606	24,091,018	std	BUETTNER MICHAEL M & JAMIE L
607	24,091,020	std	WRIGHT EILEEN
608	24,092,007	std	LANE BARBARA M
609	24,092,019	lg	POWNE THEODORE C TRE ETAL
610	24,101,017	std	PAPAGNI TERI L TRE ETAL
611	24,101,023	lg	LOPEZ CYNTHIA M
612	24,101,046	lg	DIKE PHILIP W
613	24,102,017	std	BENSON G & K
614	24,102,023	lg	HENEGAR MARC K ETAL, HELEN RABSON
615	24,102,024	std	ISOM MARY E TRE ETAL
616	24,102,028	std	WARSAW JAMES H
617	24,103,015	lg	COLBURN TONIA L
618	24,111,015	lg	SVENSON EW
619	24,111,017	std	CALOROSO ELIZABETH E
620	24,112,012	std	STANOFF SAUL & MARSHA TRE
621	24,112,021	std	HERIFORD GD & E
622	24,112,023	lg	CASTILLO JOSEPH A & BARBARA
623	24,122,003	std	KILGORE HELEN M TRE
624	24,123,005	std	KNIGHT RA TRE
625	24,123,035	std	STEVENS WARREN R & SHELLEY A
626	24,131,010	std	JACKSON MEDELEINE S HEIRS OF, AUBREY WILSON
627	24,131,024	std	STRAUTMAN RICHARD L
628	24,131,025	std	HIRSCH HELEN M TRE
629	24,132,016	std	JOHNSON WALTER R & ETAL
630	24,132,031	std	YAGHLEGIAN NIEVES C ETAL
631	24,141,002	std	WONG RICHARD H & CAROL TRE
632	24,141,004	std	BROOKER GARY J & GERRY LA
633	24,141,016	std	GOLDMAN HARRIS & MARILYN W
634	24,141,018	std	BOHLIN RD ETAL, RENA VUKADINOVICH
635	24,141,022	std	GRIFFITH WOODROW A TRE ETAL
636	24,141,024	std	CADY LORRAINE A ETAL
637	24,141,025	std	STOCK MALCOLM DR & ROSALYN L
638	24,141,038	std	WILLIAMS JOHN H TRE ETAL
639	24,141,041	std	WILLSON M
640	24,142,008	std	FLESIA TERENCE R
641	24,142,019	std	SPEAKER HA ETAL
642	24,142,021	std	BUCKINGHAM DUKE W & MARGARET
643	24,142,032	std	WOOD-TAYLOR GARRY & CAROL A
644	24,142,034	std	MATHEIN GLORIA
645	24,143,018	std	PIESTER A EUGENE TRE ETAL
646	24,143,021	std	THOLEN EDLEEN L HEIRS OF, JOHN THOLEN
647	24,143,022	std	OCALLAGHAN JEFFREY G TRE
648	24,143,024	std	DRUM EH
649	24,143,030	std	FOSTER JE & LK
650	24,151,005	std	FORRESTER ELOISE G TRE
651	24,151,025	std	WIGG DUNCAN S ETUX

UnLOC Exhibit 1

	Fee Parcel		Owner
652	24,151,028	std	RICHARDSON CALVIN & JUDY
653	24,152,003	std	MCELHOE GEORGE C JR & ALMA M
654	24,152,006	std	RECENDEZ JENNIFER F ETAL
655	24,152,007	std	MAERTENS AR
656	24,152,009	std	BOGART MARK C ETAL
657	24,152,012	std	KRAHFORST H ETAL
658	24,152,014	std	ROBERTSON RICHARD G III & DONNA
659	24,152,019	std	SMITH BEATRICE E TRE ETAL
660	24,152,021	std	MAICHROWICZ MICHAEL A & JULIE
661	24,152,023	std	VAWTER STEVE
662	24,152,026	std	SMITH BEATRICE E TRE ETAL
663	24,162,005	std	NOTTINGHAM WILLIAM TRE ETAL
664	24,162,010	std	PAYNE HOWARD H
665	24,162,014	std	JOINES LLOYD R TRE ETAL
666	24,162,016	std	KRAY JOHN S ETAL
667	24,162,020	std	HICKS PROPERTIES CA GEN PTP
668	24,162,021	std	PEDIATRIC MEDICAL GROUP INC
669	24,171,004	std	MOORE EDWARD C TRE
670	24,172,014	std	PIESTER DINAH W
671	24,181,033	lg	NINOS EPAMINONDAS J
672	24,181,039	std	ROTHGEB CLIFFORD K
673	24,181,044	lg	LOVELACE JB JR & LP
674	24,182,029	lg	MCLAIN BENNIE & MARILOU
675	24,182,043	std	ROSSI A & M
676	24,182,044	std	THORNTON CURTIS A TRE ETAL
677	24,182,046	std	FAIRCHILD DW & LD
678	24,191,038	std	PATELLA DARYL C
679	24,201,005	std	NICHOLS CL ETAL
680	24,201,011	std	JENKINS MARGAREE R TRE
681	24,201,016	std	KNAPP ERIC A & SUZANNE O
682	24,201,019	std	JORDAN SEAN
683	24,201,020	std	KOON RICHARD ETAL
684	24,201,021	std	HAGLE DECOU LUMBER CO ETAL
685	24,202,010	std	WRIGHT MICHAEL T & MELISSA I
686	24,202,011	std	OWEN DANIEL J & KELLEY E
687	24,202,012	std	WARREN SUSAN L
688	24,202,016	std	KIMES WILLIAM F TRE
689	24,211,024	std	MATHEIN GLORIA
690	24,211,025	std	REAGAN JOSEPH I TRE ETAL
691	24,211,032	std	EXON LAWRENCE H TRE ETAL
692	24,212,003	std	INGERSOLL TS & M
693	24,212,009	std	ABBOTT WILBUR R & ARLINE E
694	24,212,011	std	VOTH FF
695	24,212,013	std	YANAGIOKA S & M
696	24,212,015	std	JENKINS MARGAREE R TRE
697	24,212,019	std	STEVENTON R BRUCE TRE ETAL
698	24,221,007	std	BRESCIA JAMES J & CAROLYN M

UnLOC Exhibit 1

	Fee Parcel		Owner
699	24,221,021	std	BROWN PAULA R
700	24,221,031	std	SANDERS BRUCE R
701	24,222,017	std	HAASE FREDERICK H TRE ETAL
702	24,222,020	std	KNIGHT JOAN M
703	24,231,017	std	SNYDER ELEANOR G TRE
704	24,231,020	std	GASTON CHARLES R
705	24,231,023	std	ALLAN STEVEN & ALEXANDRIA
706	24,231,038	std	MCDONALD ROBERT TRE ETAL
707	24,241,017	std	HEDGES J PATRICK ETAL
708	24,242,017	std	DUTRA KENNETH J ETAL
709	24,242,039	std	GRDOVIC PETAR & EDDA ETAL
710	24,242,044	std	GRDOVIC PETAR & EDDA ETAL
711	24,243,010	std	SWANSON PETER W & DEBORAH A
712	24,243,054	std	REILLY JANIE C
713	24,243,056	std	OLEY JARLATH TRE ETAL
714	24,243,058	std	PANIS C & I
715	24,243,059	std	MORRIS HENRY A TRE ETAL
716	24,252,008	std	RINALDI MICHAEL J TRE
717	24,252,013	lg	QUESADA DAVID A ETAL
718	24,252,024	std	LEE ALBERT J JR TRE ETAL
719	24,252,038	std	HRICZ WJ
720	24,261,026	std	BENNETT PW & RM
721	24,261,030	std	BOWMAN DONALD L & CHRISTINE
722	24,262,006	std	MCCANN ELVIN E TRE
723	24,262,014	std	NAKAMURA RUBY
724	24,262,016	std	DUDZIK DENNIS A & PAMELA R
725	24,262,020	std	WEST SS & PJ
726	24,262,025	std	FROST PATRICIA M
727	24,262,032	std	WILSON STEPHEN E & BARBARA
728	24,262,035	std	ELLSWORTH JL
729	24,271,005	std	WEBER ROBERT & ARLETTA
730	24,271,006	std	ADMIRAL E
731	24,271,020	std	OSMAN JOHN L
732	24,272,024	std	MITACEK EVELYN C
733	24,273,017	std	REPUBLIC INVESTMENTS INC
734	24,281,008	std	KIRCHNER VIVIAN A TRE ETAL
735	24,281,026	std	PATTERSON DAVID G
736	24,282,020	std	SPENCER NANCY J TRE
737	24,282,032	std	PAL BK & N
738	24,282,042	std	SORENSEN RICHARD L & ANN M
739	24,291,012	std	GONZALES FRANCES F
740	24,291,020	std	GARCIA KATHLEEN M TRE ETAL
741	24,291,021	std	SMITH ROBERT A & MORINE A
742	24,291,030	std	TANIMOTO JERRY H
743	24,301,017	std	ESPINEL JAMES
744	24,301,031	lg	FITZWATER HAROLD L TRE ETAL
745	24,311,029	std	FRISH CONNIE

UnLOC Exhibit 1

	Fee Parcel		Owner
746	24,311,034	std	SMITH PAUL B
747	24,311,035	std	BENJAMIN ARTHUR N JR & JOAN
748	24,312,001	std	MID STATE PROPERTIES LLC
749	24,312,022	lg	MCKINNEY GOLA F
750	24,312,023	std	KARGL RAYMOND C & EVELYN H
751	24,312,029	lg	SNUR WILLIAM L TRE
752	24,312,030	std	THOMASSET WILLIAM K TRE ETAL
753	24,312,032	lg	ANDERSON JOHN W TRE ETAL
754	24,321,024	std	SWICK MARGUERITE ET TRE ETAL
755	24,321,033	std	PARRY BRIAN S
756	24,321,034	std	HILLMANN DEBBIE
757	24,322,002	lg	BORGES JEFFREY & MICHELE
758	24,322,017	lg	DENT WILLIAM F
759	24,331,009	std	MCMILLEN DARWIN W & ANN
760	24,331,019	std	GALVIN TERRY M & MARILYN A
761	24,331,024	std	GILRAY JOHN F
762	24,331,026	std	WALKER JAMES A TRE ETAL
763	24,332,006	std	WILSON JAMES TRE ETAL
764	24,332,009	std	PATTERSON ROBERT A TRE ETAL
765	24,332,011	std	GUINN TOMMIE F & GWEN M
766	24,332,019	std	HARPAINTER THEODORE A
767	24,332,024	std	ORTLIEF JAMES J & JOAN W
768	24,342,011	std	LEONARD JERRY J & HEATHER L
769	24,342,016	std	MOORE BEATRICE C TRE
770	24,351,003	lg	BEZZINA AK ETAL
771	24,352,006	lg	WETZLER JOSEPH P TRE ETAL
772	24,352,013	std	BENZINO SARAH J TRE
773	24,353,009	std	QUINONEZ EDWARD E & SALLY O
774	24,353,030	std	GILDEHAUS DENNIS F
775	24,353,041	std	DODD CM
776	24,354,012	std	HARKINS JOSEPH M TRE
777	24,354,013	std	SHIROMIZU JUNICHI TRE ETAL
778	24,354,014	std	SHEPHERD MARY H
779	24,354,015	std	RAMSDEN CHARLOTTE TRE
780	24,354,019	std	BATTAGLIA GARY W
781	24,354,020	lg	WUNDERLICH JACK W TRE ETAL
782	24,354,021	std	SUNADA R & SA
783	24,361,008	std	CURRAN ADELE F HEIRS OF ETAL, SHARON CURRAN
784	24,361,025	std	JAMIESON PERRY M
785	24,361,027	std	ANDERTON DR & NANCY A
786	24,361,028	std	SANTENS PHILLIP C & MICHAELENE
787	24,361,029	std	MCCURDY RM & LA
788	24,362,020	lg	PROCTOR GEORGE L TRE ETAL
789	24,363,007	std	STERLING WALTER V JR ETAL
790	24,371,006	std	MAX M VICTOR TRE ETAL
791	24,371,012	std	KLEIN ROBERT R TRE ETAL
792	24,371,022	std	JENKINS ROBERT H & FRANCES

UnLOC Exhibit 1

	Fee Parcel		Owner
793	24,371,025	std	GALLOCK RL & VF
794	24,372,008	std	SHOEMAKER GLORIA M
795	24,381,008	std	SAUERS DAVID L & MARGIE J
796	24,382,002	std	MORLEY BO
797	24,382,019	std	RODRIGUEZ JOHN
798	24,383,011	std	KALPAKOFF JOHN J ETAL
799	24,383,015	std	STEIGER MATTHEW J & VIVIAN E

Lots that are non-conforming, too small, too steep, forested, or already consolidated with another lot, etc.

1	13,351,014	f	MADNICK RENEE TRE
2	22,023,008	f	GEDIMAN GERALD & WALLITA A
3	22,023,031	f	COVEY ROBERT M TRE ETAL
4	22,033,040	f	WEST RICHARD & BARBARA
5	22,042,048	f	NASH CLEVE C III & ANNE E
6	22,046,001	f	RECTOR GARY
7	22,071,027	f	JOHN A CAMBIANCA
8	22,071,043	f	MANKEY AUDREY M TRE ETAL
9	22,071,046	f	MANKEY AUDREY M TRE ETAL
10	22,071,047	f	JOHNSON KENNETH E TRE ETAL
11	22,071,064	f	TIERNEY THOMAS J
12	22,084,015	f	DIGNAM DAVID C & DOREEN L
13	22,084,017	f	BALLARD PATRICIA L TRE
14	22,084,030	f	TROMBLEY DOREEN P TRE
15	22,084,037	f	OHLENDORF GLORIA
16	22,084,044	f	WOLFF PETER H TRE ETAL
17	22,084,052	f	JOHNSON KENNETH E TRE ETAL
18	22,091,001	f	VINEY DAVID J ETUX
19	22,091,015	f	BOWLEN BUFORD TRE ETAL
20	22,093,009	f	ARNOLD JESSE T
21	22,093,023	f	BLACK BRUCE
22	22,131,003	f	SCOTT GARRY L & ANNETTE M
23	22,131,045	f	SUMMERS WE & PA
24	22,141,037	f	SANNELLA PATRICK J & PJ
25	22,151,017	f	THOMAS LEONORA P TRE
26	22,151,040	f	PILLOW HAROLD E TRE ETAL
27	22,151,043	f	JENSEN RG
28	22,151,058	f	LINDSEY, JE INC A CA CORP
29	22,181,031	f	HERRELL JAMES G & LAURA C
30	22,182,004	f	OSBORNE ROY S & PATRICIA
31	22,182,005	f	OSBORNE ROY S & PATRICIA A
32	22,191,007	f	WHITE ALLAN H ETAL
33	22,193,035	f	MODICA APRIL TRE ETAL
34	22,201,002	f	PHILLIPS JAY & BEVERLY
35	22,201,025	f	SLONE DAVID N & BARBARA J
36	22,201,031	f	ELK GILDA G
37	22,201,065	f	LUEKEN WILLIAM J & DOROTHY K
38	22,201,066	f	LAY EE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
39	22,201,067	f	FORRESTER DONALD R TRE ETAL
40	22,202,003	f	BUTLER DANEN T & MICHELLE Z
41	22,202,008	f	MAY JOHN H ETAL
42	22,202,015	f	AKEY JUDD ETAL
43	22,202,017	f	AKEY JUDD ETAL
44	22,202,018	f	STEINMANN EK
45	22,211,011	f	REESE AMY M TRE
46	22,211,019	f	POLIN BURT W TRE ETAL
47	22,211,028	f	SALWASSER MARVIN R
48	22,211,045	f	SALWASSER MARVIN R
49	22,211,079	f	SALWASSER MARVIN R
50	22,226,017	f	LISTER WANDA J TRE
51	22,232,045	f	SIEGELE RAYMOND H & THEODORA
52	22,242,017	f	GRISE E
53	22,243,005	f	HOPKINS PATRICIA M
54	22,251,013	f	MACLEOD HE & GM
55	22,261,068	f	HALES RICHARD W & VICTORIA A
56	22,271,001	f	HATCHER CRAIG A TRE ETAL
57	22,271,004	f	BOLZ JAMES A TRE
58	22,271,047	f	WENGELER ROBERT E & DAYNA L
59	22,271,050	f	MCAULAY MARIE P
60	22,292,031	f	TACKER LORAN F & VALERIE
61	22,302,005	f	NULL LARRY TRE ETAL
62	22,311,002	f	HIBERT THOMAS J & LAURA E
63	22,321,001	f	SCHROEDER ALLEN R
64	22,321,016	f	BISCHOFF CONCETTA C
65	22,331,001	f	PHILLIPS JAY & BEVERLY
66	22,331,022	f	STEELE JM
67	22,332,001	f	MAIN HOWARD V & JANET Y
68	22,341,040	f	MILLIKEN ROBERT G & YW
69	22,342,021	f	DS DEVELOPMENT
70	22,343,010	f	TARTAGLIA-MCKENZIE ANN L
71	23,045,015	f	TARTAGLIA-MCKENZIE ANN L
72	23,045,025	f	LEWIS GEORGE B JR TRE ETAL
73	23,046,013	f	SKINNER STANLEY T & MARGARET
74	23,047,015	f	GOLDEN GARY J & RENAY
75	23,048,022	f	HORACEK BOBBY D & SHIRLEY E
76	23,048,024	f	TROUTMAN ARTHUR F TRE ETAL
77	23,048,026	f	TROUTMAN ARTHUR F TRE ETAL
78	23,048,030	f	DESANTIS PATRICK TRE
79	23,062,004	f	HAGGLADE BERLE
80	23,074,021	f	VITOLS VISVALDIS A & ROBERTA
81	23,074,028	f	ROEMER OLIVER P III
82	23,076,035	f	BENSON ALLEN M & MARY E
83	23,076,036	f	SCHADE ALFRED H & BARBARA
84	23,091,010	f	CATUTO BEVERLY J
85	23,091,015	f	LOZA LANA L

UnLOC Exhibit 1

	Fee Parcel		Owner
86	23,091,023	f	KAWAGUCHI IKE I & CHIZUKO E
87	23,095,011	f	TRIMBERGER LAWRENCE J HEIRS OF
88	23,104,016	f	HANSON SHALE & TERRY
89	23,105,001	f	GALLAMORE NANCY L
90	23,105,007	f	ERICKSON PATRICIA A
91	23,106,006	f	RAYNER JOHN H TRE ETAL
92	23,117,006	f	BOES RICHARD W & MARGARET
93	23,143,003	f	LLOYD J GAIL
94	23,151,048	f	SUTHERLAND RONALD K TRE ETAL
95	23,172,051	f	SILICATO MARTIN J & ERLEENE
96	23,182,017	f	GOODRICH EDWARD A TRE ETAL
97	23,192,036	f	GROSSMAN BERNARD I TRE ETAL
98	23,192,037	f	ROWLANDS MADELYN TRE
99	23,201,001	f	TO CAROLINE L ETAL, c/o EAST WEST RANCH
100	23,201,002	f	SILVAGGIO LORILEE M
101	23,201,040	f	EDWARDS AC III & SL
102	23,201,041	f	HALLSTROM ADELE S TRE
103	23,201,044	f	THOMPSON GEORGE
104	23,201,048	f	MCLAUGHLAN JOHN J
105	23,201,053	f	MADONNA CONSTRUCTION CO
106	23,202,008	f	PANERO DANIEL E TRE ETAL
107	23,202,021	f	HANDGIS GEORGE J & SHARON
108	23,202,039	f	OHANNESIAN RICHARD L & AR
109	23,202,040	f	MOSER KEITH M
110	23,202,065	f	BOUGHTER JAN
111	23,202,068	f	HANSEN KATHERINE J
112	23,205,020	f	MCLAUGHLAN JOHN J
113	23,205,054	f	MUNDT BRUCE L ETUX
114	23,208,026	f	CLARKE BM
115	23,208,028	f	POLIN BURT W TRE ETAL
116	23,208,037	f	MADONNA CONSTRUCTION CO
117	23,211,009	f	LYON JUDY W
118	23,211,010	f	LYON JUDY W
119	23,211,035	f	EASTON JOY O TRE
120	23,211,052	f	EASTON JOY
121	23,211,059	f	EASTON JOY O TRE
122	23,213,001	f	SMITH LAWRENCE S ETAL
123	23,213,003	f	TURK DEBORAH ETAL
124	23,213,004	f	KOERNER F
125	23,213,008	f	QUIGLEY RAYMOND L TR ETAL
126	23,213,015	f	NAHMIAS JACK TRE ETAL
127	23,213,021	f	HEATH CAROL A
128	23,213,028	f	GROFF ALICE E TRE
129	23,213,033	f	WALKER STEPHEN R & RAE ETAL
130	23,213,034	f	GOTT MICHAEL & JAMI K
131	23,213,040	f	ROONEY RH
132	23,214,041	f	SMITH BEATRICE E TRE ETAL

UnLOC Exhibit 1

	Fee Parcel		Owner
133	23,215,001	f	CHRISTENSEN DONALD G TR ETAL
134	23,215,003	f	PAVELKO BRIAN N ETAL
135	23,215,004	f	CHRISTENSEN DONALD G TR ETAL
136	23,215,016	f	LARSON HOLLY
137	23,215,017	f	PARSONS JJ
138	23,215,030	f	BAUERS WAYNE & MIKELYN
139	23,215,032	f	MATTHEWS JACKLYN M
140	23,215,035	f	HIBBARD CHARLES S & ESTELLA
141	23,215,036	f	SAWYER JEANNETTE B
142	23,215,038	f	HARMON RUSSELL A III
143	23,215,057	f	LITTLEJOHN WILLIAM M & JANICE
144	23,215,058	f	WISE JAMES M & LOIS G
145	23,221,030	f	GRIMES JEFFREY M ETAL
146	23,221,033	f	MACLEOD PEGGY A
147	23,221,056	f	TO CAROLINE L ETAL, c/o EAST WEST RANCH
148	23,221,057	f	TO CAROLINE L ETAL, c/o EAST WEST RANCH
149	23,221,058	f	FRISH CONNIE
150	23,222,005	f	BIMBER HARRY & BARBARA L
151	23,222,006	f	LAMBERT WILLIAM H TRE ETAL
152	23,222,013	f	OLDEN DWIGHT O
153	23,222,014	f	OLDEN DWIGHT O
154	23,222,026	f	NOFZIGER BD & SJ
155	23,222,029	f	CLIFFORD DORA
156	23,222,031	f	BIMBER HARRY & BARBARA L
157	23,223,013	f	CANTWELL JOY D TRE
158	23,233,038	f	MARSHALL SHERI L
159	23,233,067	f	CHAVEZ FREDDIE R
160	23,234,003	f	HANDGIS GEORGE & SHARON
161	23,234,005	f	CRESTON AK & CT
162	23,234,009	f	SHEPARD STANLEY L
163	23,235,030	f	KUYKENDALL MICHAEL & CARYLE
164	23,235,036	f	DITMORE DANA C TRE ETAL
165	23,235,038	f	JENNY MARK & KATHRINE
166	23,241,037	f	WENGELER ROBERT E & DAYNA L
167	23,242,033	f	SIVAS EDWARD TRE ETAL
168	23,242,045	f	NEWCOMER BILL ETAL
169	23,242,048	f	SILVAGGIO LORI L
170	23,242,065	f	BRAGG GM
171	23,242,068	f	CRESTON AK & CT
172	23,243,012	f	MCKINNON JERRY L ETAL
173	23,243,016	f	PRICE KENNETH R & SUZANNE J
174	23,243,020	f	O'CONNOR PAUL R & RITA M
175	23,251,002	f	CASHDAN DANIEL F TRE ETAL
176	23,251,005	f	HEATH ROBERTA K TRE
177	23,251,021	f	TIVON MICHAEL C TRE
178	23,251,047	f	PAYNE NORMA E TRE ETAL
179	23,261,003	f	SHIFFRAR G

UnLOC Exhibit 1

	Fee Parcel		Owner
180	23,261,011	f	KOURAKIS JOSEPH M TRE ETAL
181	23,261,015	f	SHIINE RICK M
182	23,271,002	f	REBOLLAL AMADEO & MARGARITA
183	23,271,013	f	HALE LEONARD G
184	23,271,025	f	HARSH LT ETAL
185	23,271,033	f	CAMPBELL JAMES L TRE ETAL
186	23,271,034	f	RED ARTHUR L JR TRE ETAL
187	23,271,036	f	VELTMAN FERDINAND Z & GLADYS
188	23,271,037	f	JENKINS CG ETAL
189	23,271,042	f	KELLOGG DARREL & MUNOZ RICHARD
190	23,272,001	f	ELLER DANNY H ETUX
191	23,272,013	f	ELLER DANNY H ETUX
192	23,281,012	f	BAIN LOLA M TRE
193	23,281,013	f	NORTON JAMES R & BARBARA G
194	23,281,021	f	OBRIEN DANIEL J ETAL
195	23,282,027	f	ELMS RICHARD A TRE ETAL
196	23,282,036	f	CADGER BARBARA

Exhibit 2
Summary of UnLOC Revised Cambria Build-out Estimate
30-May-01

UnLOC Classification	UnLOC Gross building site count	Factor	UnLOC Remaining Build-out estimate	
Past years allocations, not yet built	29	100%	29	
2000 Allocations	26	100%	26	
Grandfathered meters	16	100%	16	
CCSD Wait List, No map	4	100%	4	
CCSD Wait List, Steep lots	23	50%	12	Assumes that the listed lots are over 30% grade. Needs verification.
CCSD Wait List, Non-conforming lots, under 3,500 sf	61	0%	-	Assumes that each of these wait-list positions will eventually be transferred resulting in a retired lot
CCSD Wait List, Conforming lots	584	100%	584	
Parcels on CCSD list, not on Assessor's	24	100%	24	
County wait list	292	100%	292	
Defaulted on property taxes, resold at auction March 29, 2001. Some of these were sold to neighbors	12	20%	2	Neighbors bought these parcels to presumably add to their existing homesite
Parcels owned by existing Cambria residents, where vacant parcel adjoins Cambrian's residence	138	10%	14	Most of these parcels are being used as private open space, and are candidates for consolidation and retirement
Non-wait-listed parcels adjoining wait-listed parcels, same ownership	64	10%	6	Most of these parcels are planned for private open space and are candidates for consolidation and retirement.
Non-listed parcels adjacent to non-listed parcels, same ownership.	63	10%	6	Most of these parcels are planned for private open space and are candidates for consolidation and retirement.
Parcels delinquent on taxes more than 18 months. The County should start an initiative to resell these lots without development	37	50%	19	These parcels are easy targets for acquisition for retirement. Many will likely be acquired by neighbors as has been the case in the past.
Held by Land Conservancy	102	0%	-	
Retired per CCSD	170	0%	-	

Conforming parcels not on any wait list	799	80%	639	
Lots that are non-conforming, too small, too steep, forested, or already consolidated with another lot, etc.	390	20%	78	20% multiplier because these parcels are not economically feasible as building sites. Only 600 sf GSA allowed.
Deep lots that appear to be too steep to build	55	20%	11	20% multiplier because these parcels are not economically feasible as building sites. Lots appear to be over 30% grade. Needs verification.
Multi Family and Commercial Retail potential dwelling units	900	90%	810	Per January 2000 draft NCAP
Potential new subdivisions of raw land	557	90%	501	Potential within URL per UnLOC Exhibit 3.
Potential splits of existing vacant Assessor's Parcels	98	20%	20	Per notes on UnLOC Exhibit 1
Totals	**4,444**	**70%**	**3,093**	

06/05/01 17:20 FAX 001

TG/CL/LF/TP/AH/SM

The Hearst Corporation
5 Third Street Ste. 200
San Francisco, CA 94103

facsimile transmittal

To:	Steve Monowitz	**Fax:**	831.427.4877
From:	Steve Hearst	**Date:**	June 5, 2001
Re:	Coastal Commission Staff	**Pages:**	21
Ph.	415.777.8764		

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ FYI

Notes: (Original to follow via FedEx)

FOR YOU

The Hearst Corporation

Stephen T. Hearst
Vice President and General Manager
Sumical/S.E. Realties

#5 Third Street, Suite 200
San Francisco, CA 94103-3202
Telephone 415 777-0600
Fax 415 543-3490
email: shearst@hearst.com

THESE MATERIALS HAVE
BEEN FORWARDED TO
THE COMMISSION STAFF

June 5, 2001

Honorable Commissioners
c/o Coastal Commission Staff
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Periodic Review of San Luis Obispo LCP

Dear Honorable Chair, Commissioners, and Staff:

We understand that the staff report presented at your February hearing on the County's certified LCP, which includes the Hearst Ranch, contained preliminary recommendations presented for public comment. We appreciate the opportunity to review this draft and have attached detailed comments for your consideration.

Any review of the current LCP should recognize its record of effectiveness in controlling development in coastal areas of the County, as the North Coast in particular remains one of the most pristine environments on the coast. For example, we understand from the County that planning staff has approved only two subdivisions in the North Coast area in the last 12 years, far below the housing needs created by population growth. Perhaps most importantly, many properties in the Central Coast have been preserved in recent years through the successful efforts of land conservancies and conservation organizations, with approximately 1.5 million of the total 2.1 million acres of land in the County preserved through public acquisition or Williamson Act Contracts.

As I explained when I appeared before you in February, Hearst is engaged in evaluating similar conservation options for the Hearst Ranch property. Before and since your visit to our area, I have been engaged in an extensive public outreach effort, which has now involved hundreds of local residents. In meetings with many local organizations, we have talked with our neighbors and community leaders about our vision of preserving the Ranch while maintaining the potential for compatible visitor-serving facilities. We have also been engaged in detailed discussions with conservation organizations and are close to selecting a conservation partner.

Unfortunately, the timing of the Periodic Review comes in the middle of Hearst's outreach for public input and our effort toward a conservation solution. We are concerned that any effort to force a detailed review of the zoning contained in the existing LCP is both inappropriate, given that this is a Periodic Review and not the North Coast Update, and premature, in that Hearst should not be forced into a detailed development planning proposal that will inevitably divert energy away from our efforts to consider a conservation solution. Accordingly, we ask that the Periodic Review not recommend any changes at this time to the zoning on the Hearst Ranch and that such issues should be reserved for the North Coast Update process.

We appreciate the time of your staff, who met with us to discuss our particular concerns. In our view, the issues raised have far reaching impact on local decision-making authority, the rights of property owners, and agricultural operations. Attached are detailed comments prepared by our legal counsel, which we ask that staff incorporate into its final recommendations for the Periodic Review.

Thank you for your consideration of these comments. We look forward to continuing to work with you.

Regards,

Stephen T. Hearst

Attachment

cc: Vic Holanda, Director, County of San Luis Obispo Department of Planning and Building
Roger Lyon, Esq.
Lucinda Starrett, Esq.

The Hearst Corporation

COMMENTS TO PERIODIC REVIEW STAFF REPORT

In response to the Preliminary Staff Report for the Coastal Commission's Periodic Review of the San Luis Obispo county Certified Local Coastal Plan ("Staff Report") released on February 2, 2001, Hearst offers the following specific comments. These comments first contain an overview of procedural concerns and then specifically address by chapter the proposed Preliminary Recommendations ("PRs") that we believe are most critical. Each comment is followed by a recommended change to the Staff Report.

I.
OVERVIEW

The Staff Report imposes numerous and extensive changes to the County's current LCP. In general, Hearst has an overarching concern that the Staff Report overstates the scope of the Commission's authority and that the specific recommendations are not sufficiently supported by facts to justify the imposition of such changes. The Commission's authority to regulate the content of an LCP is limited under both the Coastal Act and California caselaw. In addition, any recommendations contained in the Staff Report must be linked to specific Coastal Act policies and should be based on adequate supporting data.

As further discussed in more detail below, Hearst is also primarily concerned with the following eight (8) specific issues raised by the Staff Report.

1. VIEWSHED PROTECTIONS: The Staff Report proposes to significantly extend viewshed protections to cover any public viewing areas – including views from Hearst Castle and even the water. Such restrictions are overly broad and go beyond the scope of the Coastal Act, which requires that impacts be protected and minimized to the extent possible, not completely eliminated. Currently, views from Highway One are protected. The Staff Report's proposed expansion of viewshed protections is inappropriate given that Hearst gifted the Castle to the State and, at that time, gifted a view easement that was limited in scope.

2. ESHA DETERMINATIONS: The Staff Report recommends automatically designating areas protected under distinct, non-coastal regulations and programs, such as the Endangered Species Act (ESA), to be "ESHA". The Staff Report's recommendation ignores the fact that designations are often broad-brush categories that are not based on site-specific studies. In addition, these designations, in the context of their applicable regulation or program, do not preclude development. We fear that if such designations were to automatically trigger ESHA status within the Coastal Zone, some might attempt to prohibit any future development of these areas would be prohibited. These other regulatory schemes were not intended to automatically trigger such broad prohibitions on development and should not be used to circumvent case-by-case consideration of the actual resource value of the land areas in question. Resource determinations and any ban on development should be based on site-specific habitat data and not

broad-scale overlays from state and national agencies whose authority is derived from sources other than the Coastal Act.

3. WATER RESOURCES: The Staff Report draws conclusions about the lack of water and other resources to support development without accurate data to support the underlying assumptions. For example, we know that there are numerous on-site water resources on Hearst's property; a fact confirmed by the San Luis Obispo County Water Master Plan. Hearst will work with Coastal and County Staff to provide the necessary Resource Management System and CEQA studies to ensure that any development would be self-sustaining with respect to infrastructure and resources, including water.

4. NEED FOR VISITOR-SERVING USES: The Staff Report text concludes that there is no need for additional visitor-serving hotels in the area. In spite of this conclusion, the Report also concedes that tourism to the area is on the rise and State Parks has publicly stated that it expects and encourages an increase of 300,000 – 400,000 visitors per year to the Hearst Castle. The Coastal Act articulates a policy of encouraging visitor-serving uses within the Coastal Zone. The Hearst Castle was recently designated as a museum and is one of the most popular tourist destinations in the country. Hearst and other members of the community believe the local coastal plan should provide the County with flexibility to determine the appropriate mix and location of visitor-serving uses – uses that are given priority under the Coastal Act.

5. BROAD RESTRICTIONS ON NEW DEVELOPMENT: The Staff Report contains sweeping restrictions on new development, including limitations on the square footage of new homes and of building pads. Such restrictions are not based on a project-by-project analysis and, as recommended, have no demonstrated nexus to the resource protection policies contained in the Coastal Act.

6. AGRICULTURAL LIMITATIONS: As written, the Staff Report recommends restrictions and additional requirements that will negatively impact agricultural limitations. The recommendations include, among others, permit requirements for changes in agricultural use, fencing requirements, limitations of cattle access to water, and the imposition of additional permits for ranch operations, and structure size. Hearst supports the agricultural community in strongly opposing blanket restrictions and onerous requirements for agricultural operations that would threaten the future viability of ranching operations.

7. PUBLIC ACCESS RIGHTS: The Staff Report draws numerous conclusions about potential prescriptive rights over Hearst's property. Hearst denies the existence of such rights and objects to public funding of prescriptive rights studies.

8. SUBDIVISION MAP ACT: The Staff Report recommends new policies that would affect Subdivision Map Act processes for certificates of compliance, lot line adjustments, and lot mergers. The recommended changes conflict with existing State law, which has preempted the field in this area and defines the maximum restrictions allowed. The Staff Report's recommendations would require amendments to the Subdivision Map Act, which would in turn involve statewide issues that are inappropriate to include in the periodic review of an

individual county's LCP. In addition, Hearst believes that the filing of certificates of compliance is an appropriate tool to preserve and memorialize existing property values for legal lots.

II.
SPECIFIC COMMENTS

A. PROCEDURAL ISSUES

Hearst's overarching concern with the Staff Report is that the proposed recommendations in the Staff Report would usurp local control over land use decisions. The primary purpose of a periodic review is for the Coastal Commission to provide a report card to the County on the County's implementation of its certified LCP. (Coastal Act section 30519.5). As discussed below, the periodic review provides a vehicle for assessing whether the local agency has adequately implemented a certified LCP and not a vehicle for instituting wholesale legislative-type changes. Instead, the 350+ page draft Periodic Review recommends wholesale modifications to the certified LCP that are not substantiated by supporting data.

The authority of state agencies to regulate local land use decisions is generally very limited, as the Coastal Commission possesses neither federal nor state constitutional authority to enact land use ordinances or regulations. (See Cal. Const. Art. XI, Sec. 7; Berman v. Parker, 348 U.S. 26, 32 (1954) (police power must be provided by legislative act); Associated Home Builders, Inc. v. City of Livermore, 18 Cal. 3d 582, 595 fn. 13 (1976) (citing California Constitution for proposition that only a "city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.")). It is important that the Coastal Commission not overstep its authority by forcing recommended policies that have the effect of enacting land use ordinances.

In addition, the Coastal Act specifically requires that the content of an LCP ultimately be determined by the County, not the Coastal Commission. (Coastal Act sections 30500(c), 30512.2(a), and 30513). California caselaw supports the notion that the Coastal Commission, when approving or disapproving an LCP, does not create or originate land use rules or regulations; the Commission can approve or disapprove a County's suggested changes, but it cannot itself draft any part of the plan. (Yost v Thomas, 36 Cal 3d 561, 572 (1984); San Mateo Landowners Ass'n. v County of San Mateo, 38 Cal App 4th 523, 538-539 (1995)).

Indeed, the Coastal Commission's role in the process of adopting an LCP is a judicial, not legislative, one: "[t]he Commission performs a judicial function when it reviews a local government's LCP – it determines whether the LCP meets the minimum standards of the act . . .". (Yost at 572-573; San Mateo Landowners at 538-539). As such, the role of the Commission in the process of approving an update to a County's LCP is limited:

> [T]he Commission in approving or disapproving an LCP *does not create or originate any land use rules and regulations*. In that respect the Commission's review function sharply differs from the role of a legislative body and more nearly resembles the adjudicatory task.

(City of Chula Vista v. California Coastal Commission, 133 Cal. App. 3d 472, 488, 183 Cal. Rptr. 909, 918 (1982) (emphasis added)). As a general principal of separation of powers, the ultimate right and ability to update the content of an LCP is the sole province of local government in its legislative capacity. Acting as a judicial body, the Commission's role is limited to a determination of whether the County's updates or revisions to its LCP comply with the Coastal Act.

In addition, the Coastal Act itself strictly delineates the role of the Coastal Commission in the certification and update process. Section 30512 of the Coastal Act states that the Commission's role is limited to determining whether the land use plan submitted by the County "raises no substantial issue as to conformity with the policies of Chapter 3 [of the Coastal Act]." (See Yost at 571-572). In making this determination, section 30512.2 states that "the Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan." (Coastal Act section 30512.2(a)).

The Commission's limited authority does not change merely because the review takes place as part of the Periodic Review process authorized by section 30519.5. In fact, section 30519.5 contains express limitations on the Coastal Commission's authority. The Coastal Commission's authority is only to critique the implementation of the LCP "to determine whether such program is being effectively implemented in conformity with [Coastal Act] policies." (Coastal Act section 30519.5(a)). Based on that assessment, the Commission may only make recommendations that are justified to remedy problems with implementation, but may not make wholesale changes to an approved LCP. Further, this section does not provide the Commission with the power, right, or authority to require a local government to adopt suggested changes. The limited power granted to the Commission by section 30519.5 provides only for the ability to critique local governments' conformity with the Coastal Act and offer "recommended changes" to the County's local coastal program. The local government is not required to accept those changes. (Coastal Act section 30519.5(b)).

Finally, the Coastal Act requires that any recommended changes to an LCP be linked to a specific Coastal Act policy that is not being properly met by the County. (Coastal Act section 30519.5). The Staff Report, however, does not sufficiently support which Coastal Act policies are furthered by the recommendations. To the extent the recommendations can be linked to particular Coastal Act policies, the Staff Report must set forth those policies as justifications. In addition, any recommendation made in the Staff Report should be based on actual conditions within the LCP area as evidenced by available data. Consideration of actual conditions reveals that not all of the Staff Report recommendations should be adopted. Hearst believes that, while an update to the LCP may increase the degree to which coastal resources are protected, dramatic changes to the LCP are not required.

B. NEW DEVELOPMENT (CHAPTER 2)

1. Development on Urban Edges (PR 2.1, 2.3 & 2.4)

The Staff Report recommendations regarding new development outside the urban edges are overly broad and vague, and may impact the ability to provide appropriate visitor-serving uses in the County. Development limitations should be based on analysis of existing resources and needs. More information is needed to adequately evaluate the recommendations.

Recommended Change: The Staff Report should be revised to preserve County flexibility and control and to allow for parcel-by-parcel determinations on development. Existing resources and needs should be more carefully assessed and analyzed in the revised Staff Report.

2. Standards for Non-Conforming Lots: Lot Line Adjustments and Lot Mergers (PR 2.7 & 2.8)

The Staff Report recommends substantial changes to existing state laws regarding lot line adjustments and lot mergers. PR 2.7 would prohibit unbuildable lots from being lot line adjusted so as to become buildable. (Staff Report at 38). This recommendation should be carefully studied as it likely conflicts with the State Subdivision Map Act (Map Act), which already controls the legal parameters for lot line adjustments. In areas such as this where state law has preempted the field, local regulations cannot conflict with those laws. (See San Dieguito Partnership, L.P. v. City of San Diego, 7 Cal. App. 4th 748 (1992) (local ordinance stricken as inconsistent with the Map Act requirements for lot line adjustments)).

Similarly, PR 2.8 proposes that the County "evaluate options for processing non-conforming parcels in a single ownership, including legal options for lot merger. . ." (Staff Report at 38-39). As with lot line adjustments, the legal requirements for lot mergers are controlled by the Map Act, which states that contiguous parcels owned by one individual do not automatically merge by virtue of that common possession. Case law states that local ordinances that force merger beyond the provisions of the Map Act are specifically prohibited. (See Morehart v. County of Santa Barbara, 7 Cal. 4th 725, 732 (1994) ("[T]he act does *impliedly* preempt any local zoning ordinance provision that purports to require, as a condition to issuance of a development permit, a merger or parcels that the County could not compel under section 66451.11." (overruled on other grounds)). See also 74 Ops. Cal. Atty Gen. 149 (1991) ("As long as the parcels 'have been created under . . . any prior law regulating the division of land . . . no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required . . .'")). Any proposed lot merger provision, therefore, must comply with state law, and it is important to resolve any conflicts between the Staff Report recommendations and state law – in this case the Map Act – in favor of the Map Act.

Further, the proposed recommendations would penalize property owners who own property that is currently comprised of separate legal parcels. By law, such parcels have value in that they may be sold or distributed to heirs. The suggested lot line adjustment and lot merger provisions would have a disproportionate and detrimental effect on agricultural landowners,

whose large properties are generally comprised of separate legal parcels that have significant value.

Recommended Change: The Staff Report should be revised to remove any provisions that violate the Map Act and contradict case law precedent on lot mergers. PRs 2.7 and 2.8 address statewide issues that should be considered generally and not in the context of an individual local agency periodic review. These recommendations also could potentially expose the County to takings claims and other legal challenges.

3. Concentration of Development / Zoning Restrictions (PR 2.9)

As part of the general recommendation to preserve the urban/rural boundary and minimize expansion of development along the North Coast, the Staff Report recommends the downzoning of unspecified recreational lands to agricultural. (Staff Report at 31-35 and 39 (PR 2.9)). Further, PR 2.9 recommends limiting new visitor-serving uses in the NCAP update to the existing commercial nodes at San Simeon Village and in or adjacent to San Simeon Acres. Even as it currently stands under the existing NCAP, less than ½ of one percent of Hearst's land is zoned for non-agricultural uses. The remaining land is already entirely within an "agricultural" zoning designation. The development that is allowed is limited to visitor-serving functions that would serve the general public in furtherance of Coastal Act sections 30221, 30222, and 30255, which encourage prioritizing visitor-serving facilities. No showing has been made in the Staff Report that reducing zoning for visitor-serving uses on Hearst Ranch is necessary to make the existing certified LCP consistent with the Coastal Act.

The recommendation that any development should be concentrated adjacent to the existing San Simeon Village or San Simeon Acres does not fully consider the fact that the existing zoning in the current NCAP is already consistent with Coastal Act section 30250 because it is "...located within, contiguous with or in close proximity to..." existing development. For example, Phase I (Staging Area Hotel and Limited Commercial) would be directly adjacent to the existing State Parks Visitors Center; Phase II (San Simeon Village) is adjacent to the existing State Beach and Old San Simeon Village; Phase III (Resort) is also adjacent to the Old San Simeon Village; and Phase IV (Pine Forest Equestrian Lodge) is in close proximity to San Simeon Acres, separated only by Pico Creek.[1]

The Staff Report addresses preliminary recommendations for the Countywide LCP and is not intended to supercede the process of updating individual components such as the North Coastal Area Plan. The Hearst Ranch property is currently the subject of discussions with conservation organizations and Steve Hearst is actively engaged in a community dialogue process. Because the Coastal Commission's 1998 recommendation, together with other options, will be reviewed in the context of the NCAP update process, the Staff Report should be revised to remove consideration of Hearst Ranch visitor-serving zoning until such time as this data is

[1] Coastal Act section 30250(c) also allows visitor-serving facilities that cannot feasibly be located elsewhere to be at "...selected points of attraction for visitors".

available, allowing the conservation and community process time to explore win-win solutions for all involved parties.

Recommended Change: Hearst recommends that PR 2.9 be removed. Locating visitor-serving uses on the Hearst Ranch is best accomplished with community and property owner participation in the NCAP update process. This is a local governmental decision that requires community input.

4. Resource Capacity Studies (PR 2.10, 2.12)

The Staff Report fails to provide adequate supporting data for certain assumptions about resources. For example, the Staff Report states that the rural North Coast is currently at or beyond Level of Service (LOS) III (demand for resources equals or meets supply) but does not analyze the potential resources throughout the North Coast planning area properties. (See PR 2.10). The Staff Report does not address the fact that the Hearst Ranch property has vast water supplies that are markedly greater than those of the constrained communities of San Simeon Acres, Cambria, and Los Osos. In contrast to the Staff Report's assumptions, Hearst has evidence suggesting that there is, in fact, ample water at the Hearst Ranch property – as confirmed by the San Luis Obispo County Master Plan. In addition, the Staff Report does not address property owners such as Hearst who possess water rights permits issued by the State Water Resources Control Board (SWRCB).

Any development on the Hearst Ranch property would be supported by adequate and sustainable on-site resources. Such development would be structured in phases, with each subsequent phase required to demonstrate the availability of adequate resources. Hearst would, of course, provide evidence and data regarding water availability and other resources to support any future development, including Hearst's 13-year water monitoring efforts at Arroyo de la Cruz.

Recommended Change: The Staff Report should be revised to remove any conclusions drawn without supporting evidence. The Staff Report should not impose broad-based limitations on development without site-specific evidence that such limitations are warranted. Coastal Act section 30412 provides that "[t]he SWRCB and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality," not the Commission. As such, the Commission can not take actions that conflict with decisions of the SWRCB. Hearst recommends that PR 2.10 and 2.12 be removed as they relate to Hearst Ranch since the proposals do not allow for property-specific determinations on development and would intrude on authority delegated to the SWRCB under the Coastal Act. Hearst recommends that the Staff Report should be revised to provide that properties that are able to demonstrate the availability of adequate resources not be constrained by regional LOS levels.

C. WATER QUALITY / MARINE RESOURCES (CHAPTER 3)

Hearst understands that the Staff Report aims to create policies that limit harmful runoff and protect against potential significant impacts from urban and rural development. There are certain recommended policies, however, that would have the unintended consequence of

hampering existing agricultural operations that, as stated elsewhere in the Staff Report, are so vital to the rural character of the North Coast.

1. Agricultural Water Quality Standards (PR 3.1, 3.2, 3.9)

The agricultural community has already expressed concern with these and other recommendations that would have an adverse impact on agricultural operations, and Hearst supports these comments. However, because these issues are so important, Hearst wants to stress that any new standards for non-point source management should be carefully analyzed for their potential to negatively impact existing agricultural operations and for their consistency with governing SWRCB standards. Some of the measures attached in Appendix D to the Staff Report would materially harm the agricultural viability of rural North Coast agricultural practices. For example, standards that require the fencing of creeks, wetlands, estuaries, and riparian areas would have a crippling effect on grazing operations. Requirements that grazing shall not occur adjacent to an ESHA or within 50 feet of a riparian corridor could similarly have a debilitating effect on agriculture.

As stated in the preceding section, many of the Appendix D measures may cause overlapping jurisdictional problems and cause confusion, as Coastal Act section 30412 provides that the SWRCB – not the Coastal Commission or local agencies – has primary responsibility for water quality. Further, Appendix D and PR 3.9 would expand the definition of a stream to be broader than the current definition identified on USGS maps. The Staff Report recommends that the definition of a watercourse be expanded to include any water or drainage system that meets any of the following criteria: (a) supports fish; (b) has significant flow 30 days after significant storms; *or* (c) has a channel, free of soil or debris. (PR 3.9). This new definition would create a lack of certainty and cause undue confusion as it may conflict with definitions of watercourses provided by other governing agencies.

Finally, the Staff Report relies upon erroneous data to support its position regarding the impact of agricultural operations on water quality. For example, the Staff Report states that "agriculture and grazing are the suspected sources of siltation to San Carpoforo Creek . . ." (Staff Report at 77). In fact, commentors from the agricultural community have made it clear that the siltation of the Creek was not caused by grazing or other agricultural practices, but rather by heavy seasonal rains and a large naturally occurring landslide that took place on US Forest Service property.

Overall it is Hearst's belief that the Coastal Act accommodates the competing desires of assuring future water resources while meeting other Coastal Act priorities. The Staff Report should be revised to remove any recommendations that unduly impose additional levels of regulation and detract from the County's planning flexibility.

Recommended Change: The Staff Report should be revised to remove recommendations 3.1, 3.2 and 3.9. As stated above, Hearst believes that these proposals would unduly impact the economic viability of agriculture and may conflict with the definitions of other government agencies.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (CHAPTER 4)

Hearst understands and appreciates the Coastal Act policy of protecting certain sensitive habitat. Unfortunately, the Staff Report recommendations regarding ESHA go too far in protecting generalized areas, rather than specific habitat. The unintended effects of such broad prohibitions could, in certain instances, render entire areas devoid of value and use, without site-specific evidence to support such conclusions.

1. Revise Definition of ESHA/Update ESHA Designations (PR 4.1 - 4.3)

The Staff Report would revise the current County definition of Sensitive Resource Area (SRA) and Environmentally Sensitive Habitat Area (ESHA) to include areas that are not mapped and identified in the LCP. While Hearst supports periodically studying and updating ESHA maps to reflect actual site conditions, eliminating the mapping concept would create hardship and uncertainty, as there would be no discernible standard in the LCP to identify where ESHAs are located.

The Staff Report recommends periodically updating the ESHA areas to reflect any recent listings of habitats. ESHA determinations based on State and Federal databases are not reliable, however, as State and Federal listing programs are usually broad-brushed and are not intended to carry the same restrictive, "no-development" consequences as an ESHA determination. Such Federal and State program characterizations are not intended to be site-specific, while ESHA determinations must be specifically mapped, located and studied as they bring with them onerous limitations.

Specifically, the Staff Report recommends relying on US Fish and Wildlife Service (USFWS), California Department of Fish and Game (DFG) and California Native Plant Society (CNP) listings and databases for ESHA determinations (Staff Report at 111-113). An example of how overly broad these determinations would be as indicators of ESHA is the recent listing by the USFWS of red-legged frog habitat as "critical." The broad-brush maps circulated by this federal agency cover almost the entire North Coast area including streets and previously developed lands. If this listing were given ESHA status, entire swaths of the area (including already developed areas) would be rendered undevelopable, while site-specific analysis would show that only a portion of the designated territory is actually critical habitat for red-legged frogs. Designations by other agencies are designed to cover broad areas and are not intended to preclude all development. In creating a local coastal plan, however, the Commission and County must have accurate site-specific data.

Further, the Staff Report recommends biological inventories for all projects that may have any impact to habitat, including those adjacent to identified ESHAs. (PR 4.3). Where such inventories evidence the need for a biological report, the Staff Report would require that a study be prepared to identify potential new ESHA areas. Such study, and subsequent mapping, however, must be consistently monitored. The effect of the Staff Report is that anything may be subject to an ESHA determination at any time, leaving property owners with no certainty. Also, various determinations may potentially be made according to differing standards, creating inconsistencies in the County's ESHA identification system.

Recommended Change: The Staff Report should remove these ESHA recommendations on the basis that: 1) The provisions are amorphous, vague, and do not provide landowners with adequate notice of whether property is designated ESHA; 2) defining all riparian habitats as ESHA is unduly burdensome to property owners and unnecessary for the protection of endangered species; 3) the provisions would erode local government control and flexibility over the development process; and 4) the provisions would intrude on the authority of agencies that have primary authority over species protection and whose required mechanisms reflect the need for some flexibility and ability to mitigate and harmonize land uses with species protection. Taken in the aggregate, the provisions do not provide for site specific assessments but rely too heavily on broad-brushed portraits of ESHA that may not resemble the actual conditions.

2. Impacts to ESHA (PR 4.4 – 4.9)

Preliminary Recommendations 4.4 – 4.9 contain substantial limitations that are aimed at avoiding impacts to ESHA. For example PR 4.4 and 4.5 would impose significant restrictions within ESHA or ESHA setbacks, and PR 4.8 would require that an overall development plan be submitted for all parcels under common ownership. For property owners with significant tracts of land, these requirements would severely constrain any and all development rights and flexibility for property. Given the impact that these recommendations would have on property uses within or near an ESHA, it is particularly important that ESHAs are carefully mapped and identified on a site-specific basis. Otherwise, the recommendations would render much of the coastal property without any economic value, and needlessly subject the County to takings claims.

Recommended Change: The Staff Report should remove PRs 4.4 – 4.9 since the expanded definitions of ESHA proposed would substantially constrain all but resource dependent uses on significant tracts of land within the County without a corresponding environmental benefit.

3. Takings Claims (PR 4.10)

Policy Recommendation 4.10 would require that economic-backed expectations be evaluated before concluding that applying the ESHA rules would amount to a takings claim. The Staff Report recommends that the County take into account purchase price and date of purchase as part of a detailed checklist to identify potential takings issues. The Staff Report recommendations would by-pass the strictures of takings rules in order to avoid potential claims. Property rights are protected by the Coastal Act and the United States Constitution. Hearst is concerned about any policies that would effectively erode property owners' constitutional rights.

Recommended Change: Hearst recommends that the Staff Report be revised to remove discussion of takings claims that would invite potential litigation and to concede that development permits be based on site-specific analysis and the needs of the community, County, and landowner – not a pre-determined decision to limit or reduce the scope of proposed development.

4. Require Conservation Easements or Deed Restrictions Over All ESHA Outside Development Envelope. (PR 4.13)

The Staff Report recommends that deed restrictions or conservation easements be required on all ESHA for project sites outside of the development envelope. This requirement would force an exaction of all areas marked as ESHA (and their envelopes) if a property owner wished to develop within or adjacent to ESHA. Hearst disagrees with this recommendation, particularly in light of the expanded and broad-based definition of ESHA proposed by the Coastal Staff. Adoption of this recommendation would require that extensive tracts of ESHA be dedicated as open space or conservation without the showing of the required nexus between such dedications and the proposed development.

Recommended Change: Hearst recommends that this provision be removed from the Staff Report. The necessity of a deed restriction should be predicated on an analysis of particular parcels. To avoid takings claims, deed restrictions and conservation easements should not be required unless it is determined that a sufficient nexus exists between the restrictions sought and development permitted.

5. Stream Alterations and Setbacks (PR 4.18, 4.22)

The Staff Report recommends deleting the County exemption that allows limited stream diversion structures if associated with certain agricultural stock ponds under 10 acre feet. (PR 4.18). This recommendation may have the unintended consequences of harming agricultural operations and economically impacting area ranchers who depend upon such diversions. Furthermore, this recommendation intrudes upon the jurisdiction of the Department of Agriculture, which has oversight authority over stock ponds. Additional administrative supervision of the ponds by the Coastal Commission appears to be unwarranted.

Recommended Change: The Staff Report should be revised to remove PRs 18 and 22 since these provisions may unduly impact ranching operations without concomitant environmental benefit and may intrude on the province of other government agencies.

6. Additional Stream Diversion And Development Standards (PR 4.26)

The Staff Report recommends significant new control standards for stream diversions to protect riparian resources. Some of these standards appear to go beyond existing permitted uses under the jurisdiction of the SWRCB. The Staff Report's recommendation would create a new level of review and potentially harm users who are operating under existing permits. Such recommendations should be removed unless jurisdictional issues can be resolved to avoid potential conflict and confusion.

Recommended Change: The Staff Report should be revised to remove PR 4.26.

7. Man-Made Wetlands (PR 4.31)

The Staff Report seeks to expand the delineation of wetlands. For example, the Staff Report proposes to expand the definition of wetlands to include certain artificial stock ponds used for ranching. Such a designation would trigger the 100' set back requirement. Such

designations could potentially have a significant adverse effect on cattle operations that are dependent upon access to such stock ponds for ranching. In addition, such designations would not necessarily recognize existing conditions that have evolved from legitimate long-term and on-going agricultural practices.

Recommended Change: The Staff Report should be revised to remove PR 4.31.

8. Terrestrial Habitats (PR 4.37 - 4.56)

Preliminary recommendations 4.37 – 4.56 contain numerous recommendations that provide for ESHA protections for the pine forest, coastal dunes, coastal shrub, western snowy plover, least tern, and elephant seal habitats. Again, it is important that the Staff Report specifically study the biological properties of each habitat, rather than accept across-the-board restrictions and protections.

Recommended Change: Hearst believes that PRs 4.37 – 4.56 should be carefully balanced against the needs of the community, the desire for local control and flexibility, and the rights of private property owners. Recommendations that unduly restrict development based on over-inclusive portraits of ESHA and habitat without site specific analysis and study should be removed. Overall, Hearst is concerned that the Staff Report, as currently written, proposes to protect non-existent or potentially marginal resources as "ESHA" at the expense of striking the proper balance with other important policies contained in the Coastal Act.

E. AGRICULTURE (CHAPTER FIVE)

Hearst generally supports the comments that have been described and submitted by the agricultural community. There are numerous economic factors that make it difficult to run a profitable agricultural operation on the Central Coast, and the Coastal Commission should not impose restrictions that would cause or exacerbate economic hardship. Despite the stated objective to prioritize and maintain existing agricultural operations, the Staff Report contains policies that are in conflict with the goal of the Coastal Act to maintain agricultural lands, and, if implemented, would have the effect of deterring agricultural land uses by imposing costly constraints. It is crucial to weigh these competing interests and not inadvertently remove the very same agricultural uses that are sought to be protected.

1. Land Divisions, Certificates of Compliance, Lot Line Adjustments, and Mergers (PR 5.1 – 5.7)

Hearst objects to PR 5.1 – 5.7 as being beyond the intended scope of Staff Report of an individual County's LCP and beyond the Commission's authority. Hearst does not support amendments to the Map Act that would strip a property owner of the existing value of underlying legal lots. By State law, these lots can be certified through a certificate of compliance process and adjusted through the lot line adjustment process, so long as certain express conditions are met. The Staff Report recommends changes to existing State law parameters. These changes would have a substantial negative effect on agricultural land values. The processes contained in the Map Act were intended by the Legislature to provide tools for preserving property rights and maintaining flexibility in the planning process. Changes to State lot line adjustment and merger

rules would eliminate a property owner's right to rely upon historic legal parcels and may be in violation of the Map Act.

The Staff Report also recommends that a "written staff report" be approved by the planning director for the issuance of each certificate of compliance (COC). (PR 5-7). This recommendation appears to violate the Map Act, which establishes that the sole prerequisite for a certificate of compliance is the determination that the property complies with the provisions of the Map Act and local subdivision ordinances enacted pursuant thereto. (California Government Code section 66499.35. See also Lakeview Meadows Ranch v. County of Santa Clara, 27 Cal. App. 4th 593, 598 (1994)).

Recommended Change: Because the Staff Report's recommendations involve statewide issues and recommend legislative amendments to the Map Act, Hearst recommends that PRs 5.1 – 5.7 be removed as beyond the scope of this individual County's periodic review.

2. Agricultural Viability Studies (PR 5.2 – 5.3)

The requirement that all agricultural users obtain more expansive viability reports prior to changing use of or developing land is particularly onerous and goes beyond the requirements contemplated by the Coastal Act.[2] This provision forces farmers to collect and collate a significant body of technical, economical and geographical data – conditions that may be a substantial financial burden on San Luis Obispo's agricultural property owners. The technical requirements of such a report would force private property owners to hire experts to comply with this provision. This provision would be unduly burdensome to the average farmer, given that the Staff Report later recommends that changes in intensity of agricultural use be defined as "development." (Staff Report at 5-11).

Recommended Change: The Staff Report should be revised to remove PRs 5.2 and 5.3 As stated above, Hearst believes that the requirement of an agricultural viability report is overly broad and costly, conflicts with specific provisions of the Coastal Act, lacks precedent, and is not based on site-specific data or resources. The need for such a report should not be mandated but required only where necessary to assess the impact of an individual project through the CEQA and application processes.

3. Non-Agricultural Uses in Agricultural Areas (PR 5.8, 5.9)

The Staff Report recommends strict development standards for residential developments on agricultural lots. Specifically, PR 5.8 would limit single family homes to a maximum of 3,500 square feet on a 5,000 square foot development envelope. Hearst feels that any such blanket restrictions on the size of homes is beyond the scope of the Coastal Act. Coastal Staff and the Commission should review Coastal Act-based factors on a site-by-site basis such as potential environmental harm to habitat, rather than blanket prohibitions on square

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[2] The Coastal Act calls for agricultural viability studies only for the conversion of prime agricultural land and only in conjunction with adoption or amendment of LCPs, not coastal development permits. Coastal Act sections 30241 and 30241.5.

footage designed to ensure that only agriculture-dependent housing is developed. Hearst does not support overly broad policies and prohibitions that do not leave room to specifically address the needs of each agricultural parcel. Such broad policies would strip a property owner of rights, without a nexus and proper site-specific justification. Further, PR 5.9 would make all residences that do not support a bona fide agricultural operation to be considered conditional uses that require special approval. This would put a disproportionate burden on owners of agricultural lands. PR 5.9 also requires agricultural protection easements on the parcel in conjunction with residential development. This would unduly infringe upon a property owner's rights.

Recommended Change: In addition to the above concerns, 5.9 is unduly vague. For example, there is no concrete definition of what constitutes a "bona fide agricultural use" in the Coastal Act. In addition, this provision would diminish County authority and control. As such, the Staff Report should be revised to remove PRs 5.8 and 5.9.

4. Intensification of Agricultural Uses (PR 5.10, 5.11, 5.13)

Although the Staff Report states the importance of protecting agricultural uses, it includes recommendations that would severely hamper agricultural operations. For example, PR 5.10 includes a new permit review process for agricultural development. PR 5.11 would impose limitations to operations in conjunction with the new review process, such as fencing and other requirements that would be harmful to cattle grazing operations. (See PR, at 242). PR 5.13 requires coastal development permits where grazing land is converted to a different agricultural use. Such requirements would make agricultural uses even more economically infeasible and difficult, thus deterring a use that is a stated priority under the Coastal Act.

Recommended Change: The Staff Report should be revised to remove recommendations 5.10, 5.11 and 5.13.

F. Public Access and Recreation (Chapter 6)

1. Maximizing Public Access (PR 6.2)

Coastal Act section 30210 sets forth a policy of public access along the shoreline that requires dedications and other exactions to be commensurate with development and to not infringe on property rights. The Staff Report proposes blufftop pathways for lateral access in places where the rocky shoreline does not allow for realistic beach-level access. Hearst is concerned that such an expansion of public access to blufftops could interfere with a property owner's private use of property, such as maintaining on-going grazing operations.[3] Further, blufftop accessways may have inherent safety and erosion concerns that would need to be studied and addressed.

Recommended Change: Hearst recommends that the Staff Report be revised to remove recommendation 6.2.

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[3] Coastal Act section 30212(a) provides that access from a new development is not required if it would adversely affect agriculture.

2. Protecting Existing Access (PR 6.5)

Hearst has a history of providing permissive public access to the coast. Hearst intends to continue this policy, but disagrees strongly with the Staff Report's allegations that the public may have prescriptive rights to its property (Staff Report at 261). Through the years, Hearst has permissively allowed the public to access areas of its property west of Highway One. Hearst has done so of its own volition as a public benefit, and in conformance with California Civil Code sections 813 and 846. Such access does not give the public prescriptive rights over private property. PR 6.5 encourages the County to initiate a study of potential prescriptive rights claims. The Staff Report's assertion of prescriptive rights lacks any legitimate foundation, and Hearst objects to attempts to take its property.

Hearst has always made clear that ingress and egress to the coastline west of Highway One coastal properties is by Hearst's permission. An attempt in the Staff Report to aggressively pursue prescriptive easements may force Hearst (as well as similarly situated property owners) to close such access points to the public entirely. The Staff Report's proposal may thus result in an actual loss to the public use of these areas.

Recommended Change: The Staff Report should be revised to remove recommendation 6.5.

3. Visitor-Serving Uses (PR 6.7)

The Staff Report states that visitor-serving use of the coast has increased dramatically since the LCP was approved in 1988. As an example, recent visitor numbers (and State of California projections) project that tourism to the North Coast will increase dramatically in upcoming years. In fact, attendance at Hearst Castle increased by more than 6% during last year. These numbers are certain to increase in light of the fact that the Castle was recently accredited by the American Association of Museums – "the highest honor bestowed on museums in America." (Kathe Tanner, *Hearst Castle Wins a National Nod*, San Diego Union Tribune, April 17, 2001, at A-3). This increase in tourism should be encouraged in light of Coastal Act section 30213, which states that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Hearst Castle, with its $10 admission fee, furthers this provision of the Coastal Act.

Contrary to this evidence, the Staff Report states that current occupancy rates of hotels are not high enough to support additional visitor-serving uses (Staff Report at 264). Hearst believes that this finding is not based on accurate, current economic data and needs assessments, and does not reflect realities along the entire coast. Near the Hearst Castle and the general coastline north of San Simeon Acres, there appears to be an inadequate supply of quality hotel accommodations. Indeed, the San Luis Obispo County Visitors & Conference Bureau reports that there may even have been a net decrease in the number of units in the popular North Coast area over the last 18-year period. Because the region could support an increase of all types and prices of accommodations, Hearst believes that the Staff Report's conclusions should be compared against a current needs assessment.

Recommended Change: The Staff Report should be revised to modify PR 6.7 to reflect and allow for the need for future visitor-serving uses within the Coastal Zone. Hearst supports the San Luis Obispo County Visitors & Conference Bureau letter dated May 21, 2001 that disagrees with the suggestion that additional visitor-serving uses are not needed and urges the Coastal to reconsider its data and assumptions on Coastal Zone needs. Hearst believes that a range of additional visitor-serving accommodations and services are needed throughout the North Coast at *all* price levels.

G. COASTAL HAZARDS (CHAPTER 7)

1. Highway 1 Realignment (PR 7.13, 7.14)

Hearst understands the Coastal Act section 30253 objective to minimize risk to life and property. Because a large stretch of Highway One runs across Hearst property, we make the following comment. PRs 7.13 and 7.14 request that the NCAP provide for realignment of Highway One within certain minimum setbacks to avoid the need to armor for 100 years. It is important that any realignment plans be consistent with agreements between Hearst and Caltrans and that Hearst, as the property owner, be justly compensated for any future takings of property. Any realignment will have a significant impact on existing ranching operations and Hearst Ranch property holdings in general.

Hearst is aware of Coastal Act section 30210, which addresses public access along the shoreline. However, dedications and other exactions that are imposed on landowners to enhance public access opportunities must not infringe on property rights.

Recommended Change: Hearst recommends that the Staff Report be revised to remove PRs 7.13 and 7.14. With respect to both provisions, Hearst believes that relocation of Highway One should be based on specific evaluations and recommendations of Caltrans and that just compensation should be paid for all property impacted by this move. Furthermore, Hearst believes that the County should determine what mix of realignment and armoring is preferable, as discussed at the May 7, 2001 Caltrans public meeting regarding the realignment of Highway One north at the Piedras Blancas Lighthouse.

H. SCENIC AND VISUAL RESOURCES (CHAPTER 8)

1. Protection of Scenic Viewsheds (PR 8.1 – 8.6)

While Hearst understands the importance of visual protection policies, some of the recommendations contained in the Staff Report go too far. PR 8.1 recommends a critical viewshed policy that would preclude development from all public viewing areas within critical viewsheds, the effect of which would cover the entire North Coast rural area. In addition, PR 8.2 would require that a specific Scenic SRA be created that could encompass most of Hearst's property. Finally, PR 8.6 would broaden coastal viewshed protections by expanding the definition to include all public viewing areas from state coastal waters and Hearst property donated to the state.

Together, these policies would effectively prohibit future coastal development that could be seen from the water, Hearst Castle, Highway One, or any public park or turnout within

the North Coast Plan Area. This in effect would prohibit development in almost all locations between the water and Highway One, or at least would require that any development to located in artificial berm pits. Such limitations are aimed at eliminating any viewshed impacts. However, they are overly broad, as the Coastal Act merely requires that development "be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas." (Coastal Act section 30251). There is no requirement that all visual impacts be eliminated or that views from the water be protected.

Such an expansion severely limits Hearst's potential future use of the property, despite the fact that Hearst gifted the Castle, the access easement to Hearst Castle, the State Beach, and other public viewing areas to the State. These limitations would in effect punish Hearst for its generosity. Further, the gift of the Hearst Castle to the State contained a viewshed easement that represents the extent of view limitations that were agreed to at the time of the gift. The Commission lacks the authority to revise the terms of that easement.

Recommended Change: The Staff Report should be revised to modify significantly the reach of the above viewshed recommendations. As stated above, denial of development based upon the fact that a project may be viewable from public spaces (including the water) is overly broad and unnecessary under the Coastal Act. There is no precedent for the position that all development be sited so as to be invisible from such broadly defined viewsheds. This provision would impact County control and flexibility over development, severely harm private property land values, and expose the County to potential legal challenges.

I. IMPLEMENTATION PROCEDURES (CHAPTER 12)

1. Land Divisions, Lot Line Adjustments and Certificates of Compliance as Conditionally Permitted Uses. (PR 12.8)

PR 12.8 proposes that land divisions, certificates of compliance, and lot line adjustments be defined as conditionally permitted development. The consequence of defining these land use devices as "conditional" is that it allows them to be appealed to the Coastal Commission. Hearst disagrees with this provision since (under the Map Act) these devices are intended to be non-discretionary, ministerial functions. This recommendation appears to conflict with the Map Act. (See San Dieguito (striking down local ordinance that is inconsistent with the Map Act requirements for lot line adjustments)).

Recommended Changes: Hearst recommends that the Staff Report be revised to remove PR 12.8.

2. Clarification of Appealability of Conditional Uses. (PR 12.11)

PR 12.11 would alter County language so that if *any* portion of a project involves a conditional use, the *entire* project would be appealable to the Coastal Commission. Hearst disagrees with this provision as it would interfere with local control and make even the most minor of conditional uses a basis for an appeal and reconsideration by the Commission. This does not comport with the intent of the Coastal Act and is not supported by precedent or case law.

Recommended Changes: Hearst recommends that PR 12.11 be removed from the Staff Report. This recommendation would remove County approval authority from a significant percentage of development projects. Only the portion of a project deemed to be a conditional use should be appealable to the Coastal Commission per the Coastal Act.

TO: THE CALIFORNIA COSTAL COMMISSION

FROM: SALVATORE GRIMALDI
5101 OAKHURST DRIVE
CAMBRIA, CA 93428

WITH REGARDS TO THE HEARST DEVELOPMENT I BELIEVE THE FOLLOWING E.I.R. ITEMS AND DEVELOPMENT CONDITIONS SHOULD BE ADDRESSED.

E.I.R.

DEVELOPMENT:

WHAT ARE THE DEVELOPMENT PLANS?

HOW LARGE IS THE PROPOSED HOTEL?

WILL THERE BE ADDITIONAL INDIVIDUAL COTTAGES?

WILL CONFERENCES AND EXHIBITIONS OR OTHER PUBLIC GATHERINGS TO BE HELD AT THE HOTEL?

HOW LARGE IS THE PLANNED GOLF COURSE?

WHAT OTHER RECREATIONAL FACILITIES ARE PLANNED?

TRAFFIC:

WHAT IS THE ESTIMATED INCREASED TRAFFIC COUNT TO BE GENERATED BY THE DEVELOPMENT? INCLUDE GUESTS AND EMPLOYEES.

WHAT IS THE ESTIMATED INCREASE TRAFFIC COUNT ALONG HIGHWAY 1 BETWEEN MONTEREY AND THE DEVELOPMENT?

WHAT IS THE ESTIMATED INCREASE TRAFFIC COUNT ALONG HIGHWAY 46 AND HIGHWAY 1 GENERATED BY THE DEVELOPMENT?

WHAT IS THE ESTIMATED INCREASE TRAFFIC COUNT ALONG HIGHWAY 1 BETWEEN CAYUCOS AND THE DEVELOPMENT?

WHAT MEASURES ARE PROPOSED TO ACCOMMODATE THE ABOVE TRAFFIC INCREASE?

DOES THE HEARST CORPORATION EXPECT ANY FINANCIAL ASSISTANCE FOR ANY PHASE OF THE DEVELOPMENT?

LABOR

WHAT IS THE ESTIMATED NUMBER AND TYPE OF JOBS TO BE GENERATED?

WHAT ARE THE PROPOSED PAY SCALE AND BENEFITS FOR THESE JOBS?

WHERE WILL THE EMPLOYEES COME FROM?

HOW WILL THE EMPLOYMENT DEMAND AND THE PROPOSED PAY SCALE AND BENEFITS AFFECT THE FOLLOWING:

OTHER BUSINESSES IN SAN SIMEON AND CAMBRIA.

COST OF HOUSING: BOTH RENTAL AND HOME OWNERSHIP.

IF THE PROJECT IS BUILT IN PHASES, HOW WILL EACH PHASE AFFECT TRAFFIC, EMPLOYMENT, LOCAL BUSINESSES AND LOCAL HOUSING?

CONDITIONS FOR DEVELOPMENT

ALL DEVELOPMENT EXCEPT FOR THE GOLF COURSE SHALL HAVE A NEGATIVE VISUAL IMPACT ON THE PUBLIC USING HIGHWAY 1.

THE GOLF COURSE CAN BE BUILT ON THE LAND SIDE OF HIGHWAY 1. ALL BUILDINGS CONNECTED WITH THE GOLF COURSE SHALL BE LOW ONE STORY HIGH AND SHALL BE SCREENED BY LANDSCAPING AND OR GRADING SO AS TO HAVE A NEGATIVE VISUAL IMPACT ON PERSONS USING HIGHWAY 1.

ALL WATER REQUIREMENTS MUST BE MET BY THE HEARST PROPERTY WITHOUT AFFECTING ANY STREAM OR WATERWAY.

ALL LIQUID AND SOLID WASTE SHALL BE DISPOSED OF ON THE HEARST PROPERTY IN ACCORDANCE WITH GOVERMENT REGULATIONS

ALL GRADING TO BE DONE ON SITE. NO IMPORTATION OR EXPORTATION OF GRADING MATERIAL SHALL BE PERMITTED

YOURS TRULY
Salvatore Grimaldi

CC SHIRLEY BIANCHI SUPERVISOR DISTRICT 2

(4)

Coastal Commission
45 Fremont St #2000
San Francisco CA 94105

Dear Commission,

Thank-you for making San Luis Obispo your first priority for a Periodic Review of the Local Coastal Plan.

I urge you to take the strongest actions possible to protect the North Coast of San Luis Obispo

Sincerely,

Elizabeth Lambe
4100 E. 6th St.
Long Beach CA
90814

Tom Rehkugler
1232 Pesco Ladera
Arroyo Grande CA
93420

California Coastal Commission
45 Fremont St 2000
San Francisco CA 94105

Dear Coastal Commissioners

I write to let you know that I feel our Central Coast is steadily being degraded. The county's permissive approach to permitting and the lack of enforcement are at the root of this.

San Luis Obispo County is growing at 2.5%, much higher than the State average of 1.7%. We need to look at this and preserve the coast for all to come.

Since 812 acres of agricultural land has been lost since 1988 the preservation of the coast is even more important.

I do not agree with all 32 subdivisions the county has approved around Cambria and Los Osos.

I write to express my support for staff recommendations made in the report

Specifically

1. enact critical viewshed policy
2. amend LCP to include comprehensive Public Access component,
3. Limit issuance of Certificates of Compliance
4. Urge the County to get more aggressive in efforts to limit development in Cambria
5. Delete grading exemptions for agriculture activity.
6. Urge County to adopt Lot Line Adjustment ordinance.
7. Update ESHA maps. to include endangered species habitat and wetlands
8. Strengthen the County's Enforcement Program and Condition Compliance Monitoring.

Tom Rehkopfer
1232 Paseo Ladera
Arroyo Grande CA
93420

Coastal Commission —

You are our only hope to save the coastline ....
the County of SLO is useless!!
please don't forsake us!

Arthur Van Rhyn
Citizen of Cambria
Feb 5, 2001

January 20, 1998

Mr. Mike Wulkan, Project Manager
Estero Area Plan Update
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Cuesta Inlet Property, Estero Area Plan Update, Public Review Draft.

Dear Mike:

Thank you for meeting with me on January 7, 1998 and providing me the portions of the Estero Area Plan Update related to the Cuesta Inlet properties. As we discussed, I represent the majority of the private property owners of the subject area composed of APNs 074-083-005 and 074-084-012 and 013 also known as the "Tidal Inlet" area.

It is evident on the planning map excerpts which you provided that the 50' x 90' lot on Doris Avenue, APN 074-083-005, is classified RSF, Residential Single Family, but that the much larger remainder of the ownership is classified REC, Recreation, as well as FH and SRA, Flood Hazard and Sensitive Resource Area combining designations. It appears that all of these properties are either within the permit jurisdiction or the appeal jurisdiction of the California Coastal Commission, below or within 300 feet of mean high tide line, or within 100 feet of wetlands adjoining the "Cuesta Inlet." It is not clear, and should be resolved, whether the properties are within the proposed sewer service area, particularly because of the proximity of the properties to the wetlands and inlet to the bay.

Although the plan update proposes some wording changes to the adopted Estero Area Plan for this Recreation designated "visitor-serving priority area," it does not remedy the extremely restrictive provisions which allow only "passive" recreation and one single family dwelling on this substantial sized private property adjoining small lot, single family residential subdivisions. Furthermore, the provisions on page 4-49 of the plan update propose to add 14a. "High-Tide Aquatic Community Park- Cuesta Inlet. The County should work with the community to acquire and develop a site ***at Cuesta Inlet*** for small boat launching and storage, parking, restrooms, recreation areas, beach volleyball, a picnic area, tables, and fire pits. The County owns a portion of this area." We believe this proposal for public acquisition clearly involves more than "passive recreation," and reflects the potential for more intensive visitor serving priority recreation uses. We also find it ironic that the County proposes allowing only one single family dwelling or mobilehome on this privately owned acreage, while providing more intensive recreation uses assuming County acquisition.

We believe that the proposed Los Osos Land Use Policies, outlined on pages 4-12 through 4-15, encourage managed, sustainable development that can be accommodated by available resources and consistent with the community's small-town rural character and values. These policies propose further development which would increase opportunities for business and employment; promote "in-fill" with emphasis on mixed use development; cluster development to protect contiguous environmentally sensitive areas; and encourage development located within the urban services line which offers excellence in design and provides benefits to the community. We are confident that further consideration of the Cuesta Inlet private properties would allow substantially more residential and visitor-serving recreation use than provided on the existing plan or the proposed plan update. It is not appropriate for the update to explicitly propose County acquisition for more intensive public recreation purposes, while excessively restricting private use to the extent of an unreasonable taking of private property without fair compensation.

Unless the County is prepared to acquire the Cuesta Inlet property at this time, with clear offer to provide fair compensation, we ask that the Estero Plan Update amend the adopted plan to allow reasonable private visitor-serving recreation and single family residential developmentand subdivision, subject to public sewers. Cuesta Inlet property would have developed or been subdivided long ago if sewers had been available, but the opportunities for such private development in the future should not be restricted only to the County, subject to public acquisition. We object to this taking of private property without fair compensation.

Although I am committed to out of town meetings for the remainder of this week, I request that this matter be scheduled for Los Osos Citizens' Advisory Committee discussion at their next meeting opportunity. Please advise me of the date and time.

Sincerely,

Rob Strong, A.I.C.P.

2-5-01

Calif Coastal Commission
45 Fremont St., Suite 200
San Francisco, 94105

Dear Coastal Commissioners

Thank you for coming to SLO. Our LCP is 9 yrs overdue. When you were last here the majority of county residents voiced their concerns re: the north coast plan – specifically the Hearst plan. Even Senator Jack O'Connell sent a representative

I want to express my support for the following recommendations made by staff.

1. Enact a "Critical Viewshed" policy for the N. coast extending Monterey County Big Sur Critical Viewshed Policy.
2. The County should work with the Commission to limit the issuance of Certificates of Compliance.
3. Delete the grading exemptions for agricultural activities.
4. Update ESHA maps to include endangered species habitat & wetlands. The red legged frog, Least Tern & Snowy Plover have all been listed as threatened or endangered species.

Sincerely

Joan O'Keefe
9985 Old Morro Rd. E
Atascadero, Ca.

590 Binscarth Road
Los Osos, CA 93402
February 6, 2001

Dear Members of the California Coastal Commission,

I have some information in front of me that I am being urged to include in this letter - lots of statistics about what is happening in this county in terms of development and loss of coastal resources. If I include this information I will just be regurgitating someone else's words, important as they are. Here is my personal message to you: Thank you thank you thank you for all your hard work and courage in doing the right thing, making difficult decisions, to protect our coastline. The pressure to develop the coastline is unbelievable and unrelenting. It is critical that we all do everything we can to protect this precious resource for all people for all time. You can do more than anyone else, and we ordinary people count on you to do what you can. I am doing all I can at this level, here in my community. My particular interest is protecting the coastline in San Luis Obispo County, and I am especially concerned about the Hearst development proposed for San Simeon. Please help us strengthen our Local Coastal Plan to protect our precious coastline. Thank you.

Sincerely,
Lisa Wallender
Lisa Wallender

Received at Commission
Meeting
FEB 15 2001
From:

P.O. BOX 2253
AVILA BEACH, CA 93424
Feb. 6, 2001

California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Received at Commission Meeting
FEB 15 2001
From:

Dear Coastal Commissioners:

In your review of the Local Coastal Program, please consider the county's permissive approach to permitting and lack of enforcement. As a result we are witnessing a rapid degradation of our spectacular coast.

We seniors chose this special place over all others on the California coast and now find it rapidly becoming just another fast developing California coastal town.

Please help us retain some of our open space and agricultural lands.

Sincerely yours,
Hyman Weiser

2/6/01

To The Costal Commission

I am a retired physician residing in Cayucos. My parents lived their last years in Cambria. One of the joys of my life is to have my children and grandchildren (7) ~~are able to~~ visit me and enjoy the beauty of the central coast.

Therefore, I appreciate your efforts to preserve our beautiful coast. However, I am concerned about commercial "development" in the area. While there is considerable need to develop homes for the expanding population, I think it would be a grave ~~error~~ error to compromise the central coast with unwise development.

For these reasons, I strongly appeal that proposed development in the Hearst holdings be not approved by the commission

Sincerely,

William J. McGhee

P.O. Box 525
Cayucos, CA 93430

Feb. 6, 2001

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Coastal Commissioners:

Thank you for meeting once again in San Luis Obispo County. The most joyous day of my several winters in California (Cambria) was in Jan. of 1998 witnessing the Coastal Commission's denial of Hearst Ranch development — a decision heard around the nation!

Therefore, I write today to express support for the enactment of a "Critical Viewshed" policy for the North Coast extending Monterey County's Big Sur Critical Viewshed Policy. This would prevent any new development which is visible from Highway One along Harmony Coast & Hearst Ranch.

~~To quote~~ Paraphrase William Randolph Hearst — "the view from the ranch is the thing"

Marilyn M. Brewer
P.O. Box 2501
Harmony, CA 93435

My name is Gillian Cutshaw and I am a second year social sciences major at Cal Poly San Luis Obispo. I am also an intern at the Environmental Defense Center, which is how I learned about the Hearst Development Project. I wanted to thank you for the opportunity to have my voice heard and urge you to consider all of the negative affects the Hearst Plan will have. The beauty + untouched space of our central coast is one of the main reasons I moved up here from the crowded suburbs of Orange County, therefore I am very concerned when that beauty is threatened. With populations doubling in areas like Cayucos and rapidly increasing in areas like Cambria, Morro Bay, Los Osos, and Pismo Beach, land is being developed at an alarming rate. Its obvious why people like me move to the Central Coast. Its beautiful, peaceful, and wonderfully crowd free. From what I hear, Orange Co. was like that once too. Please, don't let San Luis Obispo county turn into another Orange County. Save the beauty of this place

For generations to come. Thank you.

— Gillian Cockshaw
2/6/01

FEBRUARY 6, 2001

CALIFORNIA COASTAL COMMISSION
45 Fremont St. Suite 2000
SAN Francisco, CA 94105

Dear Coastal Commissioners:

Thank you for making San Luis Obispo County your first priority for a periodic Review of the Local Coastal Program. Because of the outdated nature of the LCP, the residents of this area are witnessing a steady degradation of our spectacular coast.

This county is the 8th fastest growing county in the state. The population on the Rural North coast has doubled.

I write today to express my support for the staff recommendations made in the report. Thank you for your critical evaluation on this most important issue.

Sincerely,

Laura Davick

Laura Davick
3848 Campus Dr. #209
Newport Beach Ca 92660

2-6-2001

Calif. Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA. 94105

Dear Coastal Commissioners:

Thanks for making SLO a priority for a Periodic Review of the Local Coastal Program. Except for Shirley Bianchi I'm afraid our Co. Board of Supervisors has done and is doing nothing! We need you.

Population growth is outgassing the State Energy. It has increased 20% since 1988 and is projected to grow 57.8% by 2020.

Since certification of LCP in 1988 the County has approved about 190 permits for shorefront developement.

I write tonight in desperation to express my support for staff recommendations made in the report:

Enact a "critical Viewshed"

The County should work with the commission to limit the issuance of Cert. of Compliance. Hearst Corp. is using this method to subdivide the Ranch and build over 1,100 houses.

The Commission should prod the County

to ~~adopt~~ get much more aggressive in efforts to limit development in Cambria by any methods: identify additional ways for lot retirement and all ways to reduce any buildout potential.

Delete grading exemptions

Strengthen the County's Enforcement program and Condition Compliance Monitoring. As few as 10% of all permits get any followup for this.

Please, please help us preserve what we have and what is slowly (or quickly) being lost.

Thank you very much,

Patricia MacKhyse
P. O. Box 93
Cambria, CA. 93428

February 6, 2001

Dear Coastal Commissioners,

This letter is to express my support for the staff recommendations made in their report. Specifically, I support their recommendation to enact a "Critical Viewshed" policy for the North Coast of San Luis Obispo County. This would help extend Monterey County's Big Sur Critical Viewshed Policy.

I also urge the Coastal Commission and San Luis Obispo County to work together to limit the issuance of Certificates of Compliance which the Hearst Corporation is using to subdivide the ranch. Additionally, I support the Commission in recommending the County of San Luis Obispo adopt a Lot Line Adjustment preventing the creation of buildable lots from unbuildable lots.

As a 25 year resident of this area, I am witnessing a steady degredation of our spectacular coast. Thank you for making San Luis Obispo County your top priority for a Periodic Review of our Local Coastal Program. The outdated nature

of the LCP and the county's permissive approach to permitting and the lack of enforcement.

Sincerely,

Colleen Johnson
P.O. Box 1196
Morro Bay, CA
93443

CA Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Feb. 6, '01

Dear Coastal Commissioners,

I am writing to express my appreciation to the Commission & its staff for undertaking the periodic review of the San Luis Obispo County Local Coastal Program. I feel that the Commission's comprehensive assessment and its broad-based jurisdictional authority is the only means of insuring ongoing protection for CA's coastal resources.

We are aware of the development pressures - physical & economic - that are threatening our coast. The Commission must resist these pressures and exercise its authority to preserve the coast.

Please keep the dialogue open and

conduct public workshops on the LCP review. At least one workshop should be held in San Luis Obispo County to give local residents a reasonable opportunity to participate.

I am looking forward to discussing the LCP review w/ you further.

Sincerely,

James Patterson

9312 N. Santa Margarita Rd.
Atascadero, CA 93422

Feb. 6, 2001
San Luis Obispo

To the Coastal Commission—:

Dear Sirs,

We are so fervently hoping that your good works will bear fruit to Save Central Coast. Even though Hearst Corporation and its lawyers will try their "greedy ways" once again, we think you will not be influenced to go with their flawed approach to the future.

Please save the openness, the beauty, the ability to have agricultural lands preserved, so that our future generations will have these unspoiled areas to enjoy — to "restore the soul".

Thank you for what you have done to understand Coastal problems here and what you can do to be the heros of this century.

Yours most sincerely,

Charmian & Hart Kaner
1870 - 13th St.
Los Osos, CA 93402

P.S. We are 11-year residents, environmentally caring.

February 6, 2001

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, Ca 94105

Dear Commission Members,

Thanks for coming to San Luis Obispo county for a periodic review of the Local Coastal program.

I would urge you to work to protect the central coast from rampant development, especially the huge "Hearst" project which envisions 1100 new homes along the coast.

There is a need to strengthen the county's Enforcement Program and condition Compliance monitoring

Thanks for your consideration of these concerns.

Sincerely,

Don O'Connor

1264 Rich Court - San Luis Obispo, Ca
93401

D-402

Feb. 5, 2001

Dear Coastal Commissioners:

Regarding the upcoming Periodic Review of the Local Coastal Program, I urge you to take this opportunity to reinforce protection of agricultural, open space, and scenic resources on our North Coast of SLO County. I urge you to direct the County to be more aggressive in limiting the issuance of Certificates of Compliance to the Hearst Corporation. I appreciate your efforts to prevent further degradation and development of our precious North Coast.

Mindy Lourz
Managing Director
Environmental Defense Cen
864 Osos St., Ste. A
SLO, CA 93401

Land Use

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RECEIVED
FEB 16 2001
CALIFORNIA
COASTAL COMMISSION

February 6, 2001

Dear Coastal Commissioners:

Thank you for making San Luis Obispo County your first priority for a Periodic Review of the Local Coastal Program. As you know, the LCP was certified in 1987, and is 9 years overdue for a comprehensive review by your commission. Because of the outdated nature of the LCP, and the county's permissive approach to permitting and lack of enforcement, the residents of this area are witnessing a steady degradation of our spectacular coast.

This is an important issue for the following reasons:

1. Population has increased almost 20% since 1988 and is projected to increase 57.8% over the 1988 population by 2020. In coastal areas, growth has been in Cambria, Cayucos, Morro Bay-Los Osos and Pismo Beach-Oceano.

2. Approximately 812 acres of agricultural land lost in the coastal zone between 1988-1996.

3. Since certification of the LCP in 1988, the County has approved approximately 190 permits for shorefront development.

I write today to express my support for the staff recommendations made in the report. Specifically:

1. Enact a "Critical Viewshed" policy for the North Coast, essentially extending Monterey County's Big Sur Critical Viewshed Policy. This would preclude ANY new development, which is visible from Highway One along the Harmony Coast and Hearst Ranch.

2. The County should work with the Commission to limit the issuance of Certificates of Compliance. Hearst Corporation is using this method to subdivide the ranch and build over 1,100 new homes.

3. The Commission should urge the County to adopt a Lot Line Adjustment ordinance, preventing LLAs from creating buildable lots from unbuildable lots.

4. Delete the grading exemptions for agricultural activities. This loophole allows "farmers" to grade "ag roads" on steep slopes to access parcels for sale as ranchettes, allows massive landform alterations without permits, and deep ripping of fragile soils for vineyard preparation. This is a very important issue and I have personally observed both positive and negative aspects.

5. Update ESHA maps to include endangered species habitat and wetlands. Snow Plover, Least Tern, red legged frogs and Steelhead have all been listed as threatened or endangered species within the last few years. Their habitat has been mapped by USFWS, and this should be recognized in the LCP.

6. Strengthen the County's Enforcement Program and Condition Compliance Monitoring. As few as 10% of all permits get any follow-up for condition compliance. The Commission should urge the county to establish a monitoring unit within the enforcement division, to make sure projects get built as conditioned.

Yours sincerely,

Tim O'Keefe, Ph.D
Professor of Forestry

CAL POLY

CALIFORNIA POLYTECHNIC STATE UNIVERSITY
SAN LUIS OBISPO, CA 93407

TIMOTHY G. O'KEEFE, PH.D., PROFESSOR
SCHOOL OF AGRICULTURE
NATURAL RESOURCES MANAGEMENT DEPARTMENT
(805) 756-2021 • FAX: (805) 756-1402

Liz Fuchs

From: Dick Sevatson [sevat@top.monad.net]
Sent: Tuesday, February 06, 2001 9:48 AM
To: SLOReview@coastal.ca.gov
Subject: Hearst plans. Rental ordinance.

We have the following comments relative to the 2-15-01 CC review of the SLO County LCP:

1) We believe that Hearst's resort plans do not fit into the preversation of the San Simeon coastline and will eventually lead to the destruction of the beauty that attracts people to the area. Are water resources adequate to supply the planned Hearst resort without adversely impacting surrounding towns and agriculture? The last review of Hearst's resort plans noted that Hearst had no provision for worker housing, were using a 25 year old water study, and had no plans for protection of the Monterey Pines at the cove. What has changed?

2) We own a vacation rental/second home in Cambria. We believe that a requirement for rental signs is an invitation to burglary and hope such a requirement is not included in the ordinance.

We are careful to give the name and phone number of our rental agent to all neighbors, even though only two of them are a full time residents, and urge them to call if any problem with our renters. We also leave instructions for renters to respect our neighbors and avoid noisy gatherings and loud music. We have had no problems.

Of course full time or second home residents, not just renters, can create disturbances. And the rather constant construction noise in the Marine Terrace area of Cambria is very annoying, particularly the construction workers' boom boxes.

Respectfully,

Richard & Nancy Sevatson
305 Jean St., Cambria, CA 93428

2/13/01

Feb. 7, 2001

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Received at Commission Meeting
FEB 15 2001
From:

Dear Coastal Commissioners:

Thank you for your valuable, extremely important support in placing the Local Coastal Program you top priority. You may be the only protection the residents of the coastal areas have against a renegade county.

Without your guidance, an overly-permissive County - Supervisorial majority and Enabling (Planning) Department, the quality of life on the North Coast will be severely compromised.

Sincerely,

Doug and Lee Buckmaster
1965 Emmons Road
Cambria, CA 93428

Liz Fuchs

From: Gail Robinette [grrobin@fresno.k12.ca.us]
Sent: Wednesday, February 07, 2001 4:34 PM
To: sloreview@coastal.ca.gov
Subject: Cambria CSD accountability

I plan to attend your meeting on February 15 in San Luis Obispo. I own a home in Cambria and work in Fresno. It is my understanding that you have set forth some recommendations regarding water for the CCSD to implement and they have not done so. It seems that since they have done nothing you have suggested that you are considering "putting a moratorium" on new residential building. Clearly there is a small contingent of people in Cambria that use the water issue as a way to have the CCSD function as a land use entity by convincing the SLO board of directors to deny Cambria property owners the same access to building as other lot owners in the county. While the county growth rate is 2.3, Cambria is now 1% because the CCSD has requested this lower rate as a "necessary measure" because they are worried about drought and fire. This convoluted logic worked with the SLO board, but to use lot owners as a "band aid" for a serious water problem solution only takes the pressure off the CCSD to take action and solve the problem at hand. The lot owners are simply powerless pawns, but the no growth contingent accomplishes it's self serving agenda. It is my strongest hope that you see through the thin veil of manipulation and, in fact, put the pressure where it must be placed. I ask that you set forth specific actions for the CCSD board to take with clear time lines. If the CCSD does not adhere they should have a daily financial penalty to pay until a solution is in place just as other public agency have had happen. This game of "no growth" is not only divisive, counter productive and mean spirited; it is much worse. The people that have convinced SLO Board of Supervisors and now maybe you to focus on lot owners rather than the real issue have made it clear that they have no concern what so ever for the welfare to the community. The problems facing this community are at a crisis stage with regard to ensuring a safe water supply, storage of water for emergencies such as fire, and a back up resource for droughts. Congresswoman Capps has investigated what solution is most viable and the desal plant is environmentally and economically the most feasible solution. She is in the process of obtaining the full $10.3 million cost of construction; yet some CCSD board members are actually wanting to reject the money....clearly we have some problems to solve beyond the water problems. This CCSD has, in 25 years, never fulfilled it's responsibility to provide adequate water. We must take action now, no more "studies," stall tactics, or looking at reservoirs which everyone knows will be rejected by endangered species groups (rightfully so). I have only recently gotten involved in fact finding and the CCSD has clearly failed the community in this area. They have accomplished other wonderful things, but the water remains a freighting gamble just to control the rights of others who have waited for many years to build there home and become positive, productive citizens in a community that needs to unite and hold the CCSD accountable for what they must do...solve the water problem before it becomes a tragedy. Thank you for your consideration....we need your help...Gail Robinette, 502 Leighton, Cambria, Ca 93428

Liz Fuchs

From: Shale Hanson [shale@onemain.com]
Sent: Wednesday, February 07, 2001 5:53 PM
To: SLOReview@coastal.ca.gov
Subject: Cambria Desal Plant

February 7, 2001

1981 Benson Avenue

Cambria, CA 93428

California Coastal Commission

Embassy Suites

333 Madrona Road

San Luis Obispo, CA 93405

Dear Coastal Commission Members and Staff

Re: Cambria Desal Plant

Recently the federal government approved $10.3 million in funding for a desalination plant in Cambria. It is hoped that the Commission will encourage the Cambria Community Service District to move forward quickly for the request of actual appropriation of funds for the project.

With the help of both the Coastal Commission and the Cambria Community Service District this project can be constructed in the next couple of years and at nearly no cost to the property owners.

As a resident of Cambria, I feel it is important that our community have a stable water supply should a drought ever occur.

In addition, the 800 property owners on the current water waiting list have a right to build and live in our beautiful city. The owners will only increase the population by 1500 people over the next 20 years. They collectively pay around $400,000 in tax every year to provide various community services. This plant will help insure a stable water supply for these new residences.

Thank you for your help,

Shale L. Hanson, Cambria resident

2/09/01

California Coastal Commission
Meeting date: 2/15/01 Embassy Suites, SLO
Item: Th 5b

Dear Commissioners:

As a property owner in Cambria I urge you to support continued managed infill growth in the community, which will help relieve development pressures in the more environmentally sensitive rural sections of the central coast. Unfortunately the majority on the new CCSD Board would prefer to see the Commission stop growth in Cambria. Why? Because the majority of the CCSD Board members know that by not expanding the water system they become the de facto growth management agency since the County or the Coastal Commission have the authority to severely limit or stop growth due to their inaction. The CCSD should be planning and providing a wide range of services to the community. Many residents in the community supports their unofficial growth management strategy but the CCSD's inaction has two negative impacts, they include:

- All of the residents must live in limbo not knowing if they will have a sufficient supply of water if a drought were to develop and they annually face controls on how they use water to try to stave off a potential shortage; and,

- vacant lot owners are prevented from building on lots as prescribed under the County's standard 2.3% growth management program after collectively spending millions for land that is planned and zoned for residential development.

The SLO County Board of Supervisors cut the growth allocation to Cambia to 1% last year (and it has done the same this year) rewarding the CCSD's failure to do its job. I hope the Coastal Commission will not also reward the CCSD's inaction by stopping all development.

As you know the CCSD conducted an advisory vote to build a desalinization water plant in the community to free the community of potential droughts. The majority of those who participated in the vote supported this proposal. While the desal plant may not be the perfect solution it represents a viable solution, which is used in many places in the world and in California, to a long-standing problem (10+ years). But the new CCSD has not moved forward with plans to seek the necessary approvals needed to construct a plant despite likely full federal funding of the $10.3 million dollar plant.

I wish someone in the state who has the authority would direct the CCSD Board to expand the water system to pull the community out its constant fear of a drought and to allow managed growth to take place. Apparently no state agency really cares that this agency continues to serve a few and negatively impacts so many.

Please do not reward the inaction of the CCSD Board; take a stand to support the community by directing the CCSD Board to put in operation an expanded water supply system within 24 months. If your Commission does not have this authority then PLEASE notify the state agency that does have the authority. I can not believe State of California agencies, such as your fine organization, finds it rationale or fair that the CCSD can continue to keep the community in a state of fear and control growth by not providing the community with the water it needs. The CCSD should be directed to focus on providing the public with an adequate water supply system.

Yours truly,
Jeff Davis Jane Jensen-Davis
16060 SW Waxwing Way
Beaverton, OR 97007

Liz Fuchs

From: Claudia Hooks [chooks@charter.net]
Sent: Saturday, February 10, 2001 8:17 PM
To: SLOReview@coastal.ca.gov
Subject: Oceano Dunes

Dear Sir or Madame,
I was just reading what the California Coastal Commission has to say about the Oceano Dunes. It was quite informative. I find it hard to believe that they think the overuse of the Dunes by vehicular traffic is acceptable, that it is not causing any harm and that things on the Dunes are better than they used to be. Perhaps they are not paying attention to the statictics they have compiled.
Drastic measures ae necessary to curtail the use of the Dunes by vehicles. Are a few hours personal enjoyment worth more than an entire fragile ecocystem? We are the caretakers of our world for the generations that will follow us. We must take a stand and cease to allow destruction of the beautiful, peaceful, natural places that are left to us.
Sincerely,
Claudia Hooks

Liz Fuchs

From: Raybrack@aol.com
Sent: Monday, February 12, 2001 1:41 PM
To: SLOReview@coastal.ca.gov
Subject: SLO Co LCP Review

RE: Oceano Dunes. We urge the Commission to require State Parks to conduct a Carrying Capacity Study on vehicular use in the dunes. The current level of vehicular use is too high, in our opinion, and should be decreased or eliminated and not increased as proposed. We would prefer that a comprehensive environmental study of the Oceano Dunes be conducted with a moratorium on vehicle use during the study.

RE: Hearst Ranch. We recommend development be kept to an absolute minimum and well within the resource carrying capacity. We're concerned about the availability of water, the impact of additional traffic on Highway One (which must remain a two-lane scenic hiwy), the impact on unique coastal plant and animal life, and the adverse visual impact on one of the most scenic areas of the entire Calif. coast. San Simeon Point, especially, should remain development free.

Sincerely,

Mr. & Mrs. Ray Bracken
765 Highland Drive
Los Osos, CA 93402
(805) 528-1044

PLAYANO SALINAN HERITAGE SERVICES

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CULTURAL SPECIALIST
377 FAIRVIEW AVE., MORRO BAY CA 93442
(805)772-7559 OR FAX (805)772-7661

LINAGE IS CERTIFIED AND REGISTERED

CL/LF/LN
FOR PUBLIC COMMENTS
9/13

Subject: Review of San Luis Obispo County's Local Coastal Plan.

Dear Commissioners, Welcome to the land of the Playano Salinan people. We are the indigenous people who have had, and continue to have, ties to this land for thousands of years.

Development along our coastline continues to increase. Many of our sacred sites are being destroyed.

Projects such as the proposed Duke Energy expansion in Morro Bay and the Hearst development at San Simeon. Will impact ancient burial areas and village sites of the Playano Salinan people.

As I work with City and County agencies I get the feeling time after time. That they are pro development. Concerned more about increasing their tax base. Then protecting the coastline and the environmental and cultural resources, which exist there.

A great responsibility has been left to our families. To care for the land and the ancestors who rest within it. To share our knowledge with future generations of how to live in balance with Mother Earth. And to learn from those who came before us.

I ask for your help today. To see that the proper processes are in place and that they are indeed being followed. I believe destruction is happening because of problems with the current process or lack of. And believe changes need to be made to better it.

I have included two additions; witch I believe would better the planning process. For the protection of cultural resources.

1. City, County and even State agencies must have qualified people on staff, who are able to read and understand archeological reports. To see that these reports, they are paying for. Are indeed accurate and complete. By following outlines set by the Office Of Historic Preservation and the State Of California.
2. Also to ensure the proper and respectful handling of cultural resource issues. These Private, City, County and State agencies must be positive, the individuals, representing the indigenous community are really who they say they are. By including linage verification from native representatives.

Thank you for your time,
Patti Dunton, Cultural Resource Specialist
377 Fairview Avenue, Morro Bay CA 93442

Received at Commission Meeting

FEB 15 2001

From:

February 15, 2001

Commissioners
California Coastal Commission
Embassy Suites
San Luis Obispo, CA

Dear Commissioners,

I am here today to ask you to support our County Board of Supervisors in their request to have at least a 90 day extension to the public review period for the LCP Review and to hold workshops around the county for input on the Review.

I am also here to express my objection to a number of the Preliminary Recommendations in this Review. Starting with Chapter 2, I don't approve of report's position on merging land parcels that are in one ownership. For those of us in agriculture, this could effectively force us to sell the whole farm, instead of a small piece of it.

In Chapter 3 the review is proposing to require coastal development permits for agriculture, as well as restricting grazing and farming practices (especially through Appendix D). Instead of a positive proposal, the report does the usual government thing, add more restrictions and bureaucracy.

In Chapter 4, the various preliminary recommendations would add 1,000s of acres to the endangered species habitat areas. This land would be restricted from farming, as the report want to prohibit development in these expanded esha locations and farming (or native vegetation removal) is considered a development requiring a permit in Chapter 5 . This is obviously an good way to help agriculture.

Chapter 5 is the core of my concern. Permits are required for farming (native vegetation removal), new and expanded farming is prohibited on slopes over 30%, fencing is limited, and conversion from grazing to crop production should require a coastal development permit. One reason for these requirements given in pr 5-13 is to protect scenic vistas. This certainly should help those of us in agriculture stay viable.

Chapter 6 continues the bombardment of agriculture by accusing the county for not having exacted access trails on the abalone farm north of Cayucos. They point out that there are 10 miles with not trails. This is ranchland, not open space. Livestock and the public don't mix. Unfortunately the authors of this report have no interest in the welfare of the livestock, only their right to cross private property. The authors even endorse trespass through endorsing a program of documenting and pursuing trespass that could lead to prescriptive rights. The public already has 275 acres of land north of Cayucos and over 200

points of access to the ocean in the county. Now the report wants more. This is certainly not a pro agriculture position.

In Chapter 8, it is obvious that crop production is not acceptable, because no new development is to be allowed that would impact sensitive views and crop production is now designated as an agricultural development requiring a permit.

In the Executive Summary, the authors state that the reason for preserving the rural agricultural lands is to protect sensitive viewsheds.

This connects back to the statement in the Executive Summary where it is says that the conversion of rural grazing to intensive crop production that would impact scenic vistas must be addressed. This is real support of the agricultural industry. Agriculture is a poor second to viewsheds and scenic vistas. What ever happened to the food we eat? Is the production of food and fiber no longer important? Are our farmers and ranchers the latest in the throw away philosophy?

Through-out this document and the Executive Summary, it has become painfully clear that the authors of this report have no interest in the viability of agriculture. I urge you Coastal Commissioners to take an honest look at this document and redirect staff in their review San Luis Obispo Co. LCP. Do an honest review that actually lets agriculture in the Coastal Zone have a chance at a viable future.

Thank you,

Robert S. Stalle
Robert S. Stalle
c/o Morro Creek Ranch
1880 Atascadero Rd (Hy 41)
Morro Bay, CA. 93442

February 15, 2001

Received at Commission Meeting

FEB 1 5 2001

From:_____

California Coastal Commission
725 Front Street, Suite 3000
Santa Cruz, CA 95060-4508

Regarding: North Coast Area Plan

Dear Coastal Commissioners:

The North Coast of San Luis Obispo County, specifically the Hearst Ranch extending from San Simeon Acres to San Carpoforo, *is a national treasure*. The Hearst Corporation is not only asking you to condone the desecration of this pristine coastline, they are demanding that you eliminate existing historic public coastal access.

We have always had access to the beaches of the North Coast. The current Hearst Ranch includes three Spanish land grant Ranchos: the Piedra Blanca, the San Simeon, and the Santa Rosa. The Mexican Government created the Ranchos in 1822. From the time of native Americans, through the Rancho period, and to the present; the public has had continued uninterrupted access to this coastline. During this time, County owned roads and later State Highway 1 easements ran along the coast to the Monterey County line. The land between the road and the ocean was open range, i.e., unfenced. Much of the fence between Highway 1 and the Pacific Ocean, was built by Caltrans to keep Hearst cattle off the road. Caltrans installed these fences at public expense. *The public has had access to the entire coast, throughout the Hearst Ranch, for hundreds of years.*

The Coastal Act, the County General Plan, the Local Coastal Plan and the County Shoreline Access Policies require you to protect existing historic coastal access. These laws, regulations, policies and land use plans require you to acquire formal public coastal access via offers of dedication, deed restrictions, grants, or easements. Formal, publicly owned coastal access, is a required performance standard that must be incorporated into permits for developments. The "minimum" coastal access dedications, required by the current North Coast Plan, fulfill the county's obligation to acquire formal access as a condition for the Hearst developments. The substitution of preferred access areas, Permission to Pass (Civil Code 813), or Agricultural Easements are not equivalent to the formal public coastal access required by the Coastal Act.

The Hearst development will bring thousands of people to the north coast. These people will want to go to the beach. The population in our North County; including Paso Robles, Templeton, Chalome, Shandon, ect., is exploding. When it is 114°F in the valley; which beaches do you think these people are going to go to? Pismo Beach, not very likely. They will obviously flock to the North Coast, via Highway 46. The only useable publicly-owned beach on the Hearst Ranch is the State Beach at San Simeon Cove. This beach has about 1000 feet of ocean frontage and parking for only 90 cars.
One -thousand-feet of publicly owned beach along 13 + miles of coastline is hardly adequate. Formal public coastal access is already inadequate and over utilized along the north coast. Without mandatory-minimum coastal access exactions, there is absolutely no public benefit in the Hearst Ranch developments.

Think about the people of who live here, the beautiful uncrowded beaches, and our future. *Make public coastal access the cornerstone of the North Coast Plan.*

Sincerely,

Deborah L. K. Barker

Deborah L. K. Barker
P.O. Box 223
Cayucos, CA 93430

February 15, 2001

From: _____

FEB 15 2001

Received at Commission Meeting

RE: Agenda #A3-01-9 Application #3-00-90 Item #TH 5b
Coastal Zone Land Use - Vacation Rentals

Dear Commisioner Desser:

Since I can not attend the hearing today, I would like to express my feelings about this issue in writing.

I believe that our law of the land states the rights of the individual is not absolute, but the good of the whole community will be upheld. The good of the community of Cayucos is not being upheld when it is becoming a transient one.

Cayucos has become an investment pawn not a place to live.

I invested in a permanent home, but I don't get the respect that an out of town owner-investor receives. It is sad to buy a home in a residental area only to learn it is in a psuedo-commercal zone. I think a trust has been broken here.

Weekly rentals results in no place for people to rent year round especially young families.

This situation has impacted our school causing low enrollment.

The return on weekly rentals has driven prices of homes out of reach of the average family.

A friend had an emergency a while back. Her first thought was to call a neighbor. Then she remembered she not longer has a neighbor - only vacant house or indifferent vacation renters. It is very unsettling to not know who is living a few feet away from you.

How would you feel if every week you had someone different living next door?

These rental owners don't pay dumpster fees, business fees and contribute nothing to the community.

The renters don't eat in our restaurants or sleep in our motels. They come with their cars loaded with food, toys etc that otherwise would be purchased in our town.

This situation has completely changed the socio-economic structure of the town.

This area used to have an abundance of abalone, but greed farmed them almost to extinction. Will greedy investors leave Cayucos extinct of full time residents to become one big commercial enterprise?

Real Estate Property Managers seem to do a good job, but so many rentals are through out of town owners that simply put an ad in the valley newspaper and let vacationers run uncontrolled. I am not trying to ruin anyone's good time, but this situation has gotten out of hand. Any restrictions on the number of people or length of time is are impossible to enforce.

Instead of letting investures capitalize on Cayucos and Cambria, let us permanent residents stabilize this unspoiled area.

The State of California Zoning Laws, protecting the quality and character of Residential Districts must be adhered to in County regulations. The Planning Department allows unlawful interpretations and non-enforcement of these regulations

Sincerely,

Barbara Hagiwara
673 Pacific Ave.
Cayucos, CA 93430

Received at Commission
Meeting

FEB 15 2001

From:_____

February 15, 2001

Commissioners
California Coastal Commission
Embassy Suites
San Luis Obispo, CA

Dear Commissioners:

I would like to ask that you honor the Board of Supervisors requests for an extension of the public review period for at least 90 days and to have workshops in the different coastal areas.

I am very concerned with the negative tone the LCP Review has toward agriculture. If you added up all the habitat area increases, riparian setbacks, permit requirements, requested new standards and farming prohibitions, the Coastal Zone will no longer have viable agriculture.

The report places great significance on agricultural viability, yet the report goes out of its way to stop new and expanded crop production on over 30% slopes, require permits for changes from grazing to cultivated crops, stop farming on 1,000s of acres that would be within 100 feet of riparian vegetation and new habitat areas using the excuse that impacting scenic vistas is a reason for not allowing a change from grazing to more intensive agriculture.

I am asking the Coastal Commission, in addition to more review time and workshops, to send the staff back to the drawing board to write a decent review of the LCP, not a review aimed at destroying our agricultural industry.

Thank you,

Lisa Stoller

1800 Atascadero Road
Morro Bay, CA. 93442

Public Statement on the subject of a future Coastal Commission approval.
Coastal Commission Meeting, San Luis Obispo, 2-15-2001.

Subject: Coastal Land Use Ordinance for Vacation Rentals, approved by the County of San Luis Obispo.

Honorable Members of the Commission, I am Martin Verhaegh of Cambria.

Last week, on Tuesday February 6, the San Luis Obispo County Board of Supervisors approved Land Use Ordinance Amendments for Vacation Rentals. The ordinance applies to the Single-Residence Zoned districts of Cayucos and Cambria. This ordinance is subject to final approval by the Coastal Commission.

The ordinance resulted from Grand Jury investigation of resident complaints, and it took five years to fruition. During those five years a large number of vacation rentals were initiated, and have been allowed to operate unimpeded. This with scarcely any oversight to protect the permanent residents against the impact of commercial Transient Rentals in their communities. Without regulatory oversight, the County has no valid measure of the number, location, taxation and impact of these transient rentals.

The County received an overwhelming number of petitions by residents of Cayucos and Cambria to follow the Grand Jury Report. The ordinance dismissed most of the Grand Jury stipulations for impact relief. The State Zoning Law, limiting Transient Rentals in Residential Communities, was not considered in the ordinance.

On behalf of the many petitioning residents of Cayucos and Cambria who have waited so long, I am requesting that you expedite a review of the ordinance. A review that ensures protection of permanent residents in the coastal zone, including the long term renters. State Zoning Law adjudication clearly requires the Maintenance of the Character of Residential Neighborhoods when exposed to Transient Rentals.

The petitioning residents would appreciate your request for early County submittal of the ordinance to the Commission. They are forthcoming with all applicable background information.

Thank you.

Martin Verhaegh

Martin Verhaegh
551 Dorset Street
Cambria, CA 93428
(805) 927-5792

Dear Coastal Commission,
I'm writing this in response to your LCP Periodic Review of the Central Coast and the hearings that are occurring in San Luis Obispo on February 14 5. I attended the last hearings in 1998 in opposition to the Hearst Ranch development project. I was then and still am against any development of this pristine property and any other proposed development along the north coast of San Luis Obispo County. I grew up in California and have been camping, hiking, exploring, and beach-combing all along our coast from Marin to Humbolt County, from San Francisco all the way to Santa Barbara County and everywhere in between. The Big Sur area and San Simeon have been family favorites dating back to my grandparents who were immigrants to San Francisco. I feel very strongly that is this o be preserved for future generations without any development in the interest of tourism or otherwise. There is no place in the world like the coast of SLO County and the Big Sur area.

I have seen the Hearst proposal where he plans to develop certain acreage and protect the rest through a conservation organization. This is just a ploy to get his development passed through the Coastal Commission. The acres he will develop are those near the coast with absolute irreplaceable areas with ocean views and unique habitats for animal, marine, and bird species. Again I reiterate, THERE SHOULD BE NO DEVELOPMENT OF THE NORTH COAST OF SAN LUIS OBISPO!!!

Instead we need the Coastal Commission to help protect the vital farmland and habitats which exist in the north of our county to preserve these areas from being overrun by urban sprawl and haphazard development. We need the Coastal Commission to curb development in order to reduce water pollution and ensure water availability in our county. Development is causing run-off to contaminate our wetlands and pollute our beaches. Already the pollution in our county is increasing. We don't want what is happening in southern California beaches to happen here. Our water supply is limited and we don't need any more water being diverted to accommodate futher development on the rural North Coast.

So I urge you to think of future generations and the pristine beauty of our north coast area and say NO! to Hearst's plans and any other development. I plead with you not to be swayed by the slick plans proposed by Hearst and other developers in the name of "conservation." True conservation is no development, but full protection of natural resources. Finally, I implore you to search your consciences and do as you did the last time you were here: stop the greed and the growth, and listen to all the people who love this area and need your help to save it!

I will be unable to attend the hearing on February 15 because I will be taking my migrant farm working high school students on a visit and special program to the Monterey Bay Aquarium. We have been preparing with special reports and research on the Monterey Bay Sanctuary and the species and special habitats that we have along our coast. In the name of my students and myself, I hope you will heed our plea.

Thank you for your time and consideration.

Ruth Madocks
Arroyo Grande High School teacher

RECEIVED
FEB 16 2001
CALIFORNIA
COASTAL COMMISSION

February 20, 2001

To all State, County, City and Private Agencies who deal with Spiritual and Cultural Resource issues,

I am dedicated to the education and preservation of my heritage. My family has blood ties to prehistoric village sites in Monterey and San Luis Obispo counties of California.

I have been asked from several agencies, of how the process could work better. Concerning Spiritual and Cultural Resources. In a fair way. That agencies could better their dealings with Native Americans and their concerns.

After working with different agencies on many projects myself. I see destruction of our spiritual and cultural places continuing. With little effort to record and protect these non-renewable resources. A blatant disrespect, when a burial may hold up a project. Problems with Archeological reports that are incomplete and inaccurate. Also none Indians monitoring projects and dealing with burials.

I feel that I have come up with some fair, and simple recommendations, which would leave any Native concerns, about certain individuals working on a projects. Out of the hands of ~~State,~~ County, City and Private agencies. Into the hands of the Native American Heritage Commission. Who already have lists of Native Americans who have verified their lineages. By leaving lineage viritification in the hands of the NAHC, where it belongs. I believe, will relieve a lot of the headaches for all agencies involved.

My first recommendation for the proper and respectful handling of cultural and spiritual resources is:

A. To make sure all agencies are checking the qualifications of individuals working on projects as monitors and consultants where spiritual and cultural resources exist. By contacting the NAHC.

B. To make sure that these individuals are registered with the NAHC. Registered individuals must be included in all phases of projects. Even before a piece of property has been sold. And until the project is finished.

C. Resumes for these individuals must be included in all reports, where spiritual and cultural resources are mentioned. Agencies paying for these reports must check these resumes to make sure the proper individuals are working on projects. And if individuals are caught working without the proper lineage. The agency hiring such an individual, without first properly checking to see if that individual is listed with the NAHC. Than that agency must consider all work done by that individual and agency that hired them to be incomplete and inaccurate.

D. Also State, County, City and private agencies must update existing lists of Native American individuals who have worked on projects in the past. To ensure the proper individuals will be called out on projects in the future.

My Second recommendation for the proper and respectful handling of cultural and spiritual resources is this:

A. All State, County, City and Private Agencies must have qualified people on staff who can properly read and evaluate Archeological Reports. To make sure these reports are indeed complete and accurate. And follow the outlines set by the Office of Historic Preservation at P. O. Box 2390 Sacramento, CA 95811. Also California State Standards.

I hope you will seriously take these recommendations to heart and include them in any updates to your existing processes and procedures. I believe these are simple and fair ways to make the process move along smoother.

We are not talking about POW WOWS or GATHERINGS. We are talking about INDIAN BUSINESS and it should be respected as that.

I would be willing to discuss any of these recommendations with your agencies.

Thank you for your time.

Patti Dunton, Cultural Specialist
Playano Salinan Heritage Services
377 Fairview
Morro Bay, CA 93442
(805)772-7559 or fax (805)772-7661

WALTER H. LEIMERT CO.
606 N. LARCHMONT BLVD. #300
LOS ANGELES, CA 90004
323 466-8591
323 466-3653 FAX

RECEIVED
MAR 16 2001
CALIFORNIA
COASTAL COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: CALIFORNIA COASTAL COMMISSION	FROM: WALTER LEIMERT
COMPANY:	DATE: 03/16/01
FAX NUMBER: 415-904-5400	TOTAL NO. OF PAGES INCLUDING COVER: 9
PHONE NUMBER: 415-904-5200	SENDER'S REFERENCE NUMBER: 323-466-8591
RE: TRACT 1804/SLO COUNTY	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Comments letter in response to Preliminary Report, Periodic Review of the San Luis Obispo County, Certified Local Coastal Program, Dated February 2, 2001.

REALTORS
Walter H. Leimert Co.
DEVELOPERS
606 North Larchmont Blvd., Suite 300 • Los Angeles, California 90004
Phone: 323-466-8591 • Fax: 323-466-3653 • Web: www.leimert.com

SINCE 1875

CALIFORNIA COASTAL COMMISSION
45 Fremont, Suite #2000
San Francisco, CA 94105-2219

March 15, 2001

RE: TRACT 1804, San Luis Obispo County

ATTN: Tami Grove, Deputy Director
Elizabeth Fuchs, Coastal Program Manager

I would like to comment on that Periodic Review of the San Luis Obispo County LCP, Preliminary Report dated February 2, 2001. These comments are made on behalf of the Walter H. Leimert Company, an owner of certain property discussed on pages 22-24 in the report. The report primarily addresses the Leimert Company's development known as Tract 1804; and, therefore, I will focus primarily on Tract 1804.

Your report states that Tract 1804 is in "direct conflict with the LCP density requirements and policies to not extend urban services across the USL". This is an incorrect statement that needs to be corrected. Tract 1804 is consistent in all respects with the LCP, including density and urban services; and said consistency has been so determined by both the County and the Coastal Commission.

Density. The report states that the LCP density for Tract 1804 is one unit per 80 acres. This is incorrect. The report suggests that Leimert obtained some special concession from the County to gain approval of a one unit per 20-acre density. This too is incorrect.

The Land Use Ordinance (LUO) specifies a density of one unit per 20 acres so long as certain tests for remoteness, fire response, access and slope are satisfied. See LUO section 22.04.025. Tract 1804 satisfies all the applicable tests of the LUO.

There is no "overriding standard", as stated in the report, which changes the minimum density. The only overriding standard that applies to Tract 1804 is North Coast Planning Area Rural Lands Standard No. 2, and it does not set a density limitation of one unit per 80 acres. Nowhere in Rural Lands Standard No. 2 is there language mandating a density limitation of any sort. Rather, Rural

Lands Standard No. 2 states that proposed developments with a minimum of one unit per 80 acres "are to be clustered." The standard simply specifies a clustering requirement as a form of site planning for developments of a density greater than one unit per 80 acres.

The report correctly refers to a legal challenge initiated by Leimert in 1990 against the County following the County's incorrect application of Rural Lands Standard No. 2. See the action entitled *Leimert v. County of San Luis Obispo* (San Luis Obispo County Superior Court Case No. 68734). As alleged in the lawsuit, not only was the County's application of Rural Lands Standard No. 2 incorrect, the very language which the County relied on was adopted by the County by mistake in contravention of the Coastal Commission's express findings. A detailed review of all the evidence supporting this language is beyond the scope of this letter but, suffice it to say, that the evidence relied on by Leimert consisted of official documents. Throughout the administrative review process, the County never presented a single piece of evidence to rebut the conclusions drawn from the numerous official documents.

Faced with this unrebutted evidence, in February of 1992, the County agreed to settle the pending lawsuit. In the settlement, the County agreed that the correct density for Tract 1804 was one unit per 20 acres, that the tentative tract 1804 map application would be accepted for processing and that the County would process the application following its normal process for environmental review.

The Report further states that the Coastal Commission was left out of the initial planning process for Tract 1804. This is incorrect. Shortly after the settlement, and as a part of the routine review process, the County planning department, on June 1, 1992 sent letters to various agencies requesting comment on Tract 1804. One of these letters was sent to the Coastal Commission. The Coastal Commission responded with a letter from David Loomis to the County planning department dated June 17, 1992.

Mr. Loomis' June 17 letter specifically states that the applicable density for Tract 1804 is one unit per 20 acres. Hence, early on, the Coastal Commission was advised of the project and given a full opportunity to comment, and in doing so agreed with the density of one unit per 20 acres. The suggestion in the report that the Coastal Commission was somehow forced to concede to an incorrect density because they were left out of the process is clearly incorrect, and because of the implication of such an assertion, the Report should be express in correcting this statement.

Water Service and the USL/URL. The report questions development and water service outside the URL/USL and states that Tract 1804 is not consistent with Coastal Commission policies regarding the URL/USL. The URL/USL issue has been the subject of much consternation to Leimert. The County and the Coastal

Commission have flipped flopped on this issue causing Leimert extreme frustrations and untold expense and delay.

A brief historical review is in order to put this issue in context. Tract 1804 is the most recent and the last tract to be developed in a development that Leimert began in the early 1960s. To provide water service to this development, Leimert entered into a water service contract on March 14, 1969 with CCSD's predecessor in interest, the Cambria Community Water District. Thereafter CCSD was formed. CCSD's boundaries were set and they include the property now known as Tract 1804. After the CCSD boundaries were established, the County and the Coastal Commission delineated the URL/USL. The County and the Coastal Commission failed to make the URL/USL boundary co-terminus with CCSD's boundaries. Instead, the URL/USL was located inside the CCSD boundaries. Why this was done is unclear, but the effect has been to place Tract 1804 in a no man's land located outside the URL/USL but within the CCSD boundary.

To compound the problem, the County's ordinances are in conflict. One section (23.04.021(a)(3)) purports to exclude water service by CCSD outside the URL/USL, but another section (19.20.236(b)) prohibits well service to property located within the CCSD. If both these provisions were to apply, they function to disallow all forms of water service to Tract 1804. At different points in time, the County has applied one section and then the other.

The Coastal Commission flipped flopped on this issue during the processing of Tract 1804. In Mr. Loomis' letter of June 17, 1992, described above, he states that Tract 1804 cannot be served by the Cambria Community Services District ("CCSD") because Tract 1804 is located outside the URL/USL. County staff agreed with Mr. Loomis' position and advised Leimert that the only way in which 1804 could be served by CCSD was for Leimert to seek and obtain an amendment of the location of the URL/USL location.

Leimert vehemently disagreed with this interpretation because the prohibition on water service to developments located outside the URL/USL only applies to developments requiring "new water service". It was pointed out that Tract 1804 did not require new water service because there was an existing water service contract with the CCSD; and, more importantly, there were existing water mains, laterals and fire hydrants outside the URL/USL. Nonetheless, in an effort to address Mr. Loomis's concerns, Leimert, acting under protest, conceded to his position and requested that the County amend the location of the URL/USL so these lines would be coterminous with the CCSD boundary.

In 1995, while the amendment process was still underway, the County staff in a surprising unsolicited change of position, stated that it felt that an amendment of the URL/USL was unnecessary because there was existing water service and facilities; and, therefore, Tract 1804 could be processed without an amendment of the URL/USL. This was a complete reversal of the County's prior position.

least 20 acres per dwelling unit for new land divisions adjacent to Cambria. Coastal Zone Land Use Ordinance Section 23.04.036 allows clustering. Section 23.04.036b(1) states that if a planning area standard sets a minimum parcel size, as here, then the total number of parcels to be clustered is determined by dividing the total site area by the minimum parcel size. In this case that would allow for 19 parcels (382 divided by 20 = 19.1). The proposed density appears to be consistent with the County's LCP and CZLUO. Section 23.04.036d allows clustered parcels in the Rural Lands category to be as small

Leimert had invested substantial time and money in the amendment process; and it, therefore, refused to drop its request for an amendment until the County Board of Supervisors endorsed staff's position, and the Coastal Commission did so as well.

Thereafter, Mr. Loomis issued a second letter, this one dated July 10, 1995, reversing his prior position and stating that Tract 1804 qualified for water service from CCSD because it did not require new water service. Both letters were then submitted to the County Board of Supervisors in connection with an application for it to interpret its ordinances. The Board ruled that Tract 1804 was entitled to water service from CCSD because it did not require new water service.

There is no basis in the Preliminary report to support the statement that Tract 1804 is in direct conflict with LCP policies prohibiting the extension of urban services across the URL/USL. The County's decision approving Tract 1804 is well supported by the clear language of the policies, the undisputed fact that Leimert had previous contract rights to water and previous water delivery facilities installed and finally by the Coastal Commission's endorsement.

Cluster Design. The report states that Tract 1804 cannot be considered a cluster subdivision. The report is not clear why this statement is made. Leimert was required by the County to design a cluster subdivision. While there are individual lots, there are overriding restrictions that prohibit development outside the designated building envelopes. Areas outside the building envelopes have been placed in a permanent open space easement. The building envelopes are located in mini-clusters to avoid impacts on viewsheds and, more importantly, the Monterey pine forests. This is precisely what is required in Rural Lands Standard No. 2.

Cambria Pines Road. The construction of Cambria Pines road had nothing to do with Tract 1804. The road and its extension to Highway Route 1 were mandated in 1985 as a condition of approval of Tract 543. Construction of the road was initially delayed by the fact that the County and Cal Trans did not have a complete agreement for the connection of Cambria Pines Road to Highway Route 1. Later, Leimert requested a delay in the road construction and was required to maintain a Performance Bond guaranteeing the completion of the road improvements with the County. Leimert attempted to have the County reconsider the Cambria Pines Road and the Highway Route 1 connection in light of the reduced density incorporated in Tract 1804. The County Engineering Department concluded that the road, as designed, must remain the same and the County insisted on proceeding with construction. Leimert was forced to commence and complete construction before the final approval of Tract 1804. There is no basis for the statement in the report that a new access road was constructed to serve Tract 1804. As mentioned, Cambria Pines Road was constructed solely as a condition to Tract 543; and it had nothing to do with Tract 1804.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
701 OCEAN STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

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JUL 13 1995
S.L.O. COUNTY
PLANNING DEPT.

July 10, 1995

John Hofschroer, Senior Planner
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: Clarification of Coastal Commission Staff Letter of June 17, 1992, Regarding Proposed Leimert Property Subdivision in Cambria

Dear Mr. Hofschroer:

It is our understanding that the meaning of the paragraph in our June 1992, letter about public water and/or sewer service to this proposed subdivision has been misinterpreted by some. We were not stating a requirement that this subdivision could not go forward without an LCP amendment. We were merely requesting clarification of the interaction of the USL, the CCSD boundary, and the requirements of the LCP. It is our understanding now that the CCSD's water and sewer lines and boundary pre-date the LCP. Given this, we do not feel that the subdivision must be brought within the USL, especially since the proposed density outside of the USL is appropriate and is consistent with the LCP.

If you have further questions, do not hesitate to contact us.

Sincerely,

David Loomis

David Loomis
Assistant District Director

0374S

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MAY 16 2001
CALIFORNIA
COASTAL COMMISSION

3/18/01

California Coastal Comm

My issue is offshore/onshore Oil drilling. I am against it, & I am worried we have to keep opening up more areas to this unnesasary devastation.

The technology available to us today, & even 50 years ago could bypass all petroleum use.

Sader even still, our elected officials are not educated enough to think ahead & represent our best overall interest. Instead of Special Interests/corporations.

I am specificaly worried about the oil drilling expantion off Purisima Point & Point Sal.

This area should certainly be protected. Either Side of this area is tragicly ruined & polluted. Any place South off Gaviota is doted with oil rigs. They are often in the paper for leeks, or gas releses etc... North of Point Sal, We have the Guadalupe Unocal dilvent Mess. Wich we will be suffering from for years. Avila, still not totaly clean of oil, but Rebuilt? Morro bay also has oil issues. The list goes on, & we are strugling with these. you can not permit any more oil drilling or pipelines.

Resident of Grover Beach, Ca.

Thank you-
Kristi Hardin

xc: Lester, Hill

March 19, 2001
1149 First Street
Los Osos, CA 93402

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MAR 21 2001
CALIFORNIA
COASTAL COMMISSION

Liz Fuchs
Coastal Commission staff
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: "A fourth boat launch ramp for small shallow-draft boats previously existed in Baywood Park" in Ch 11 of the San Luis Obispo Local Coastal Plan.

Our concern is with the words "boat launch ramp" and "replacement ramp". These words have been misinterpreted and were affecting the biological reports for the project. In February we submitted the attached document to the county to request clarification so that it is evident that this was "access lost" not a "ramp lost".

Note that we also requested that other site and project alternatives be considered since it appears that we are creating a need where no need presently exists.

Other comments on Ch 11 of the San Luis Obispo Local Coastal Plan; under the section: "Since LCP certification, the following preliminary implementation issues have been raised:"

for any boat ramp in the back bay
- only the habitat was addressed: missing was the direct impact of boating disturbance on the birds and wildlife in the estuary and hiking disturbance on dune wildlife and birds. We are dealing with cumulative effects. Protecting habitat is worthless if there isn't any wildlife or birds left.

for the First Street Location:
Scenic quality, distinctive community character, and protection of walkers are aspects that the LCP wants to protect:

The First Street proposed ramp location is not only a biological and culturally sensitive location, but this access is sought by visitors and locals alike for it's scenic beauty and tranquil atmosphere.

This unique location is in a small residential neighborhood shared by walkers bikers and runners. It has 8 accesses/overlooks (from 2nd street to the Audubon Overlook) and is adjacent to an yet undeveloped commercial area. A 50% growth increase will happen when the sewer moratorium is lifted. A real concern is the impact of traffic in this area.

Marie Smith
Jim Smith

Marie Smith
Jim Smith

February 28, 2001
Marie D. Smith
James M. Smith
1149 First Street
Los Osos, CA 93402
smithjim@thegrid.net

copy

Shirley Bianchi
County Government Center, RM 370
San Luis Obispo, CA 93408-2040

Dear Supervisor Bianchi,

We have become aware by reading the Biological Report for the First Street Boat ramp project that the County and Baywood Navy contend that the proposed boat ramp represents a "replacement" project, and that the indirect impacts of this project are not anticipated to significantly exceed those that existed with the "prior" project. We strongly disagree with this point of view. This "replacement " project contention has greatly restricted the scope of evaluation performed by the Biological Report. We request that this matter be looked into with great consideration.

Please see attachments.

Thank you,

Marie D. Smith
James M. Smith

cc: Department of Parks: Pete Jennings
cc: Department of Planning & Review: Matt Janssen

SUBJECT: Request immediate clarification of the term "replacement" project as applied to the First Street Boat Ramp Proposal for Los Osos.

The First Street Boat Launch Project has been portrayed as a "replacement" project by County Parks and the Baywood Navy. However, we feel that this is not just a replacement project but offers greatly improved boating access into the estuary. Our concern is that the "replacement" perception is now restricting the scope of the scientific studies, ie. the biological report. The true impact of the proposed boat ramp will not be evaluated if the "replacement" label is attached to this project. We request that the project description be clarified to indicate the new level of access, and that the persons dealing with the impacts on the estuary, dunes, shores and neighborhoods understand the difference.

Some points to keep in mind:

1. The access lost on Second Street by a few car-trailered boats was a short dirt path to the bay at the edge of a private parking lot. (see attachment 1). The new proposed ramp is much longer and will be much more convenient for boaters. This is not just a "replacement" project.

2. The new proposal is for a 12' wide x 50' long (possibly concrete) ramp extending into the Estuary. This will accommodate heavier flat bottom watercraft. Canoe and Kayak owners will not even have to step into the mud. We feel this increased level of access will encourage more boating into a fragile estuary.

3. The First Street Access is closer to the main channel than the Second Street Access. (see attachment 3) This will increase the time available for boating.

4. Los Osos/Baywood Park is not recognized in the California Coastal Commission Guide to Coastal Accesses (see attachment 2) as having a ramp. This indicates that any ramp built is a new level of access.

5. The proposed ramp will have convenient parking and a turn-around area for boat trailers. The access on Second Street did not have this.

6. One of the cultural study's project recommendations is for "capping". (see attachment #4) This will extend the ramp even further into the estuary.

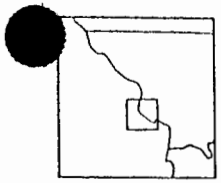
We feel that the project description should be evaluated to clear up any further misunderstandings before any more studies are evaluated.

We also feel that other site and project alternatives should be considered.
Are we creating a need where no need presently exists? Canoes and Kayaks can still use the Second Street access. The approximately 10 boats which lost access there can still use the Cuesta Inlet or Morro Bay.

submitted by Marie and Jim Smith
February 28, 2001

San Luis Obispo County

SOUTH MORRO BAY



NAME	LOCATION	FACILITIES: Entrance/Parking Fee	Parking	Restrooms	Lifeguard	Campground	Showers	Firepits	Stairs to Beach	Path to Beach	Bike Path	Hiking Trail	Facilities for Disabled	Boating Facilities	Fishing	Equestrian Trail	ENVIRONMENT: Sandy Beach	Dunes	Rocky Shore	Upland from Beach	Stream Corridor	Bluff	Wetland
Dunes Street Bluff and Park	W. of Dunes St., 1 blk. N. of Harbor St. on the Embarcadero, Morro Bay												•	•					•		•	•
Centennial Stairway and Park	W. of Morro Bay Blvd., at Front St. and the Embarcadero, Morro Bay		•	•								•							•			•
Tidelands Park	S. end of the Embarcadero, Morro Bay		•	•								•	•	•								•
Morro Bay State Park	S.W. of Hwy. 1 at S. Bay Blvd., Morro Bay	•	•	•		•	•	•		•		•	•	•			•		•	•		•
Baywood Park Beach	W. of Pasadena Dr. between Santa Ysabel Ave. and Baywood Way, Baywood Park		•							•							•					•
Second Street Pier	S. end of Second St., Baywood Park		•							•							•					•
Morro Bay Access	N. end of Doris Ave., N. of Mitchell Dr., Cuesta-By-the-Sea		•							•							•					•
Morro Dunes Natural Preserve	W. of Morro Bay										•			•			•	•				
Los Osos Oaks State Preserve	S. of Los Osos Valley Rd. at Palamino Dr., Los Osos		•								•								•			
Montana de Oro State Park	S. end of Pecho Valley Rd.	•	•	•		•		•		•		•	•		•	•	•		•	•	•	•	

DUNES STREET BLUFF AND PARK: There is a vista point with a public bench at the end of Dunes St. above the Embarcadero. West of the Embarcadero is a small grassy park with benches and tables adjacent to Morro Bay. There is also a small boat dock with slips and a fishing and viewing deck.
Mass Transit: Central Coast Area Transit, Morro Bay-Cambria route.

CENTENNIAL STAIRWAY AND PARK: A stairway leads from the west end of Morro Bay Blvd. down to a small park that contains benches, a shuffleboard court, and a giant chessboard. Wheelchair-accessible restrooms and parking are west of the Embarcadero at the end of Front Street. For information, call: (805)772-6200.
Mass Transit: CCAT, Morro Bay-Cambria route.

TIDELANDS PARK: Two-lane boat ramp with two docks is adjacent to a small picnic area with wheelchair-accessible restrooms at the south end of the parking lot. No mooring of boats is allowed at the ramps or buoys. Fish-cleaning station near the ramps; parking spaces for boat trailers. For information, call: (805) 772-6200.

MORRO BAY STATE PARK: Park entrances are one mile south of Hwy. 1 on South Bay Blvd. and at the south end of Main St. in Morro Bay. Most of the park overlooks Morro Bay and the southern mudflats at the mouth of Los Osos Creek; best vista points are at the peak of Black Mountain and from the Museum of Natural History at White Point. The Natural History Museum has exhibits of wildlife, ecology, and Native American history of Morro Bay; open daily 10 AM-5 PM; entrance fee. The museum is wheelchair accessible. Museum: (805) 772-2694.

The campground contains 135 units with tables and stoves; 20 sites have electric and water hookups. Laundry tubs available. Overnight and day-use fees. Two group camps are available at the campground for 30 or 50 persons; reservations required. Some campsites are wheelchair accessible. For camping reservations, call: 1-(800) 444-7275. Enroute campsites are also available for self-contained R.V.'s. An 18-hole public golf course is accessible from Black Mountain or Golf Course roads. Park facilities include a small car-top boat launch ramp and a path to the beach north of the museum, and a dock with berths and restrooms to the south. Protected heron rookery is south of the park's west entrance; visitors may observe from the road but may not enter or disturb the herons. Great blue herons nest in the eucalyptus treetops from January to August. For park information, call: (805) 772-7434.
Mass Transit: CCAT.

BAYWOOD PARK BEACH: A public path leads from the small parking area on Pasadena Dr. to a sandy beach with picnic tables and benches. The beach provides access to Morro Bay mudflats at low tides.
Mass Transit: CCAT.

SECOND STREET PIER: 50-foot-long T-pier, primarily used as a vista point. Benches are in a cypress grove to the east. A county street right-of-way at the south end of First St. also provides bay access.
Mass Transit: CCAT.

MORRO BAY ACCESS: A 40-foot-wide dirt accessway leads to Morro Bay; popular bird-watching area. Limited on-street parking. The extent of public and private rights is undetermined and is subject to further investigation.
Mass Transit: CCAT, Los Osos Route.

MORRO DUNES NATURAL PRESERVE: Undeveloped 3-mile-long sand spit; popular for bird watching and clamming. Best access is by private boat or by rental boat available at the foot of Pacific Ave. off the Embarcadero. Dirt road access for four-wheel-drive vehicles begins off Pecho Valley Rd., 1/2-mile south of the junction with Los Osos Road.

LOS OSOS OAKS STATE PRESERVE: Two miles of marked trails lead through undisturbed groves of scenic old-growth coast live oak; the preserve contains vista points overlooking the Los Osos Valley and the Santa Lucia Mountains. Fragile environment; do not leave main trails. Poison oak is prevalent. Dogs are prohibited.
Mass Transit: CCAT, Los Osos Route.

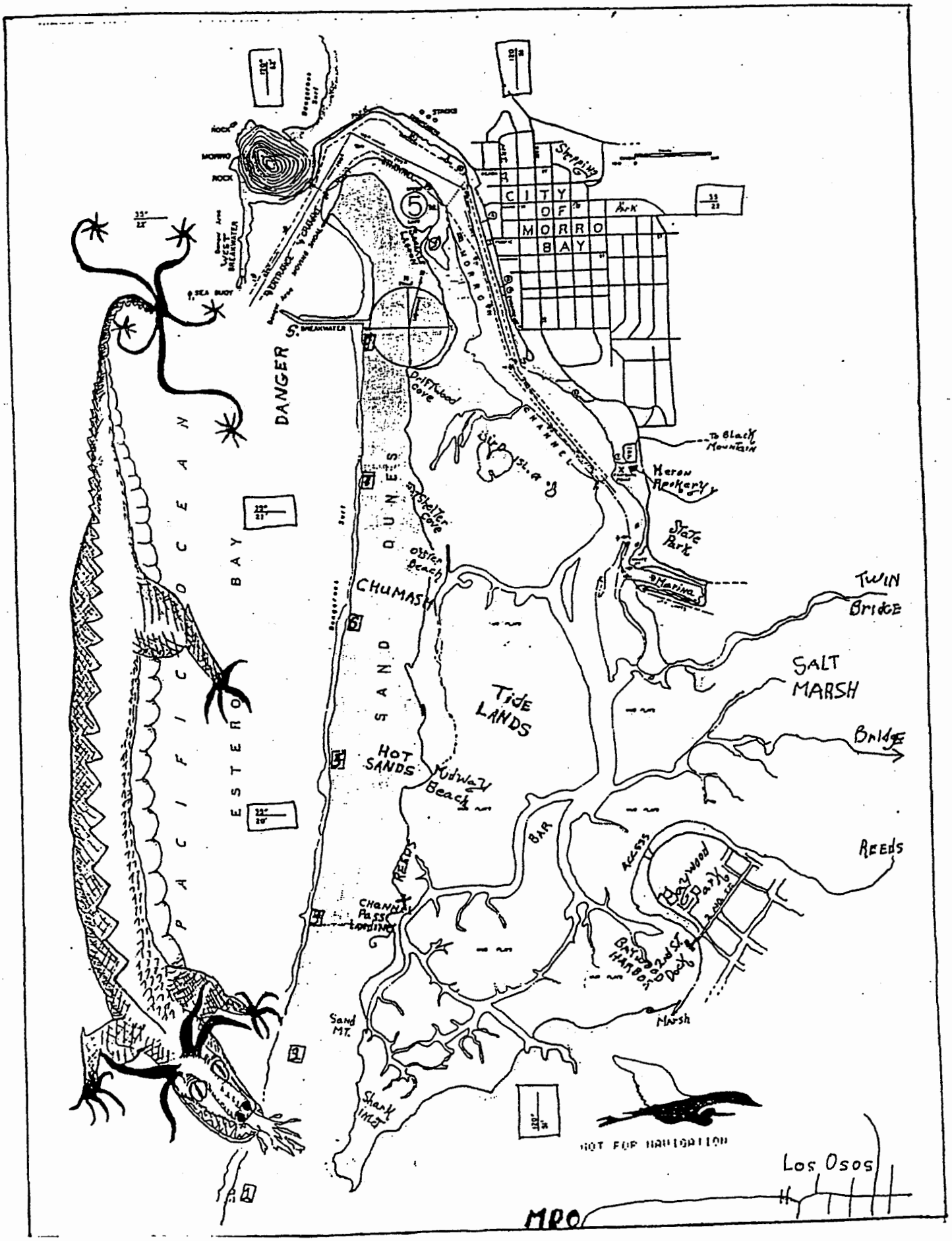
MONTANA DE ORO STATE PARK: 8,400 acres and 3 miles of coastline. 50 campsites with tables and stoves are east of the ranger's office above the Spooners Cove beach and day-use parking area; overnight fee. Day-use restrooms are wheelchair accessible. There are also four environmental campsites. For camping reservations, call: 1-(800) 444-7275. The park contains 50 miles of trails, some of which are open to equestrian use. Hazard Canyon Trail is 1.5 miles south of the park entrance on the west side of Pecho Valley Rd.; the ¼-mile-long path leads through eucalyptus groves used by Monarch butterflies for nesting October through March. Several trails to blufftop overlooks begin along the road between the park office and Coon Creek to the south. Special equestrian camp area is ¼ mile south of the park entrance on Pecho Valley Rd., and contains two camps, each with a 25-horse and 12-vehicle limit. Camping fee. Dogs prohibited on trails. Equestrian camps available by reservation only: Morro Bay State Park, Lower State Park Rd., Morro Bay 93442. Call: (805) 528-0513.

Note that so far none of our accesses list boating.

by California Coastal Commission
California Coastal Access Guide
5th Ed. R 2017 T.P. © 1997

BAYKEEPER

We work together or we don't work at all.



"Statistically Valid Sample" of the proposed area of impact. The size of this sample is directly related to the content of the archaeological site. A site that contains materials from only a single cultural activity (such as stone tool making) may be adequately mitigated by the recovery and analysis of a 1% sample of the proposed area of impact. A site which contains materials representing several activities such as stone tool making, ceremonial activity, food processing, house construction, etc. may require an 8% to 10% sample to adequately characterize all the various activities.

Project Specific Recommendations

Alternative #1:

As the cultural resource covers the southern 1/3 of the project area, it is recommended that the cultural deposit be protected under a layer of fill with the park/boat launch facility constructed atop the fill. This can be accomplished by clearing off surface vegetation, laying down a chain link barrier on the ground surface, and spreading and compacting fill over the chain link barrier.

The chain link barrier between the site soil and fill layer protects the archaeological site from looting as well as from "casual" public works projects such as the placement of underground sprinkler systems and landscaping.

The fill layer should be thick enough to encorporate all proposed grading and trenching.

The slope of the launch ramp would need to begin beyond the existing bay shore bluff and be constructed on fill extending into the bay. This will accomplish two goals: 1) protection of the archaeological site from grading and 2) extending the ramp further out into the bay to insure that enough water depth exists for boat launching.

All ground clearing and fill placement will need to be monitored by a qualified archaeologist.

Alternative #2:

If it is impossible to protect the cultural resource through the use of fill and it becomes necessary to place utility trenches or conduct grading through the site area, then a "data recovery" mitigation and monitoring program will need to be conducted (CEQA 15026.4 C).

As much of the cultural resource area should be protected under fill as possible (see Alternative #1). A portion of those areas that will be disturbed by earth movement activities will need to be hand excavated and analyzed by

Charles Lester

From: NDALL49@aol.com
Sent: Friday, March 23, 2001 2:57 PM
To: clester@coastal.ca.gov
Cc: SDall49@aol.com
Subject: SLO County LCP Periodic Review-Preliminary Report

Charles,

in reading the Preliminary Report (Feb. 2, 2001), I noticed at page 121 in the section entitled "Alternative C2" that the last sentence in paragraph 1 breaks off in mid-sentence, i.e., "These standards should be reviewed by, and incorporate the recommendations of, other resource management agencies, including the ___ "

Preferring not to speculate what Commission staff may have had in mind (i.e., only some or all public resource management agencies at the local, regional, state, and federal levels?, any NGO's?), I would appreciate receiving any completion of this mystery sentence that Commission staff may have prepared or can now craft.

Thank you in advance for your attention to this matter and for sending me the missing fragment.

Cordially,

NHD

Norbert H. Dall
Partner
Dall & Associates
6700 Freeport Boulevard
Suite 206
Sacramento, CA 95822 USA
Tel. (Office Direct Dial) +916.392.0283
Fax: +916.392.0462
Email: NDall49@aol.com

Charles Lester

From: NDALL49@aol.com
Sent: Saturday, March 24, 2001 2:51 PM
To: clester@coastal.ca.gov
Cc: SDall49@aol.com
Subject: SLO LCP Periodic Review: Preliminary Report. Technical Comment for Final Report

Charles,

In the last sentence on page 169, at the last line on the bottom of the page, the word should be "principles" rather than "principals", n'est-ce pas?

Regards,

NHD

3-26-2001

To the California Coastal Commission:

I support the staff recommendations on coastal access in the Preliminary Report: Periodic Review of the San Luis Obispo County Certified Local Coastal Program.

Where the report falls short is in not criticizing the County for its failure to require coastal access in Highway One realignment from the beginning of the planning process and in failing to defend dedicated coastal access at Vista Point 1. San Luis Obispo county thus gained the dubious distinction of being the only county to ever give up existing ~~pa~~ coastal access.

To prevent this from happening in the future the County and the Coastal Commission need to put Caltrans on notice that all future realignments of Highway One must provide coastal access.

Probably the next realignment will be just north of the Piedras Blancas Motel. As most of you are aware, the Pacific Ocean is bringing coastal access to that area with occasional big waves even breaking onto the roadway.

No doubt Hearst attorneys will argue that a strip of Hearst land used to be between the Highway and the ocean and therefore the public has no coastal access rights there. But Hearst cannot hold back the tide of public need for coastal access anymore than it can hold back the ocean tide that is eroding the shoreline in that area.

In addition to historic use, there is another reason that every Highway One realignment needs to guarantee coastal access. That is because every project between the Highway and the ocean triggers the requirement for coastal access. Once the new alignment is built the demolition of the old road between the new road and the ocean is a project under the Coastal Act that requires coastal access. We in the public need to remember this and insist that the County and the Coastal Commission provide the coastal access to which we are entitled.

Thank you.

Mr. Jesse Arnold
P.O. Box 1211
Cambria CA 93428

(805) 927-3096

FITZHUGH RANCH
JOY ANNE FITZHUGH
2646 ETON ROAD • CAMBRIA, CALIFORNIA 93428 • (805) 927-4360

March 26, 2001

Charles Lester
Steve Monowitz
California Coastal Commission Staff
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 94105-2219

Dear Sirs,

I am making the following comments as an agriculturalist living and working in the Coastal Zone. I am appalled at how the Preliminary Report on the Implementation of the San Luis Obispo County LCP attacked agriculture. Although the Report superficially stated that "the flexibility to change practices to respond to changing economic situations is one element that is critical to maintaining agricultural uses", the remainder of the Report proceeds to take away the very flexibility addressed in this statement.

First and foremost, the definition of agriculture as development and requiring "coastal development permits" for a wide range of activities, including to expand or change types of production is counterproductive to the very flexibility stated on page 189. My brother and I are cattle ranchers and have a mixed fruit orchard within the coastal zone. I can tell you from over 30 years of experience, that the net income from cattle ranching is even less today than 30 years ago. With this is mind, I would like to make some comments specific to the agricultural land my brother and I operate here in Cambria.

In order to be able to afford keep our land we are having to turn to other types of agriculture, such as our orchard, with the hope that this type of endeavor will generate enough income for us to be able to continue to stay in agriculture. Portions of our orchard are on over 30% slope. Why? First, because it was the most logical place to plant the orchard and second because two of the orchard crops (avocados and citrus) must be on well-drained soils. If our orchard does well, we will want to expand. Much of the expansion would logically be on slopes around 30%. Preliminary Recommendation 5-10 would prohibit us from this expansion, yet the apparent foundation for the prohibition is not valid. Our orchard well tended with a cover crop and does not cause erosion into the adjoining grazing land or into any creek.

On page 77, you talk about grazing and other agricultural practices as likely contributing factors to erosion and sedimentation of streams. The biggest problem our land has is the sediment coming from the public roadway and adjoining subdivision. I believe that the

water leaving our land has less sediment then is found entering our land. Because of stormwater runoff from development, my brother has had to build a sediment catch basin. Every year this basin fills and must be cleaned out. Until he built this sediment basin, the subdivision stormwater runoff was digging a channel through our pastureland and carrying sediment to the creek. As a second sediment and erosion issue, the runoff from the county road has been an ongoing problem that we have yet to solve. We are encouraged that the county Public Works Department has recently acknowledged the problem and may work with us for a solution. The steam? Our lower stream is grass covered and the sediment is actually caught by the grass and held on our property, protecting downstream property from more sediment. Instead of placing the blame on agriculture, lets look at the scientific basis of the conclusions. My brother and I, along with dozens of other ranchers and farmers in San Luis Obispo County, have completed and have certificates for "completing training on rangeland water quality, range management practices, water quality assessment and monitoring....and a ranch water quality plan". I believe that the Coastal Commission should be looking to the positive efforts and programs that the agricultural community are working on, instead of taking the word of those who don't really know or care about agriculture and those making a living in agriculture.

It was almost laughable when I read the sentence on page 237 where the Report claimed, "large mammals such as deer and mountain lions may withdraw from areas claimed for grazing". I look out my living room window, across our grazing land and my neighbors grazing land and count 10 to 15 head of deer daily. And where are they grazing? Right along side of the cattle. Where did the staff come up with this bit of misinformation? Secondly, although I hope there are no mountain lions on our Cambria ranch, I can personally attest to the fact that mountain lions are indeed on our mountain ranch. How do I know? First, I have seen them, I have seen and had verified their kills and I have seen were one mountain lion killed a young male mountain lion, which I understand means that the numbers of lions had reached such a population point that they are actually fighting over territory. The facts are, when the mountain lions move into an area the deer move out. Why? Because deer are one of their favorite foods. It is this type of misinformation that makes me skeptical about other supposed facts stated in this Report.

On the same page (237) the Report states that, "grazing can reduce the diversity and amount of natural vegetation available to support native animal species. Again, my personal experience has been that we, the cattle ranchers, have been the ones that have been protecting the diversity and amount of native vegetation available to wildlife. It is because we are grazing that the native species are there. Would you prefer houses, they support many native species. Factories, there's a real species protector. What is the object of the Report? Why is the staff so anxious to make agriculture appear to be the earth's destroyer? I suspect the tone of the Report reflects some of the less than scientific sources of information, like the "Press Democrat" of Sonoma, the "San Luis Obispo Tribune" and other media sources. I have no problem with the Tribune, but the media is not the foundation for the fact based, science based information that should be in this Report. This Report should not be a tabloid, but a factual representation of the area.

I am very concerned over the Report's PR 5-11, stating, unequivocally that there will be standards "reducing the use of fumigants, pesticides and fertilizers. We use as little fumigants, pesticides and fertilizers as we can. To make such a bald, unsupported statement that the uses must be reduced is irresponsible. As new pests come in, we are forced to deal with them. Integrated Pest Management is not the elimination of pesticides and fumigants, it is the integrated use of all types of pest management. Along with many other farmers in the county, we attempt to manage our pests through the best management practices possible. Pesticide (including fumigant) use by agriculture is strictly controlled, through State and Federal law and our County Department of Agriculture/Agricultural Commissioner's office. Interestingly enough, we are the recipients of runoff from urban areas where these uses are mostly uncontrolled. The staff needs to take another look at this bald statement in PR 5-11. If the staff did a careful review of how the Ag. Commissioner and regulatory requirements handle agricultural pesticide uses, I believe that there would be a change in the perspective of the report.

As a final comment, I was personally insulted when one of the reasons, in PR 5-13, for requiring a coastal development permit when there is a conversion from grazing to a different agricultural use was **scenic vistas**. I am sorry, but, I see no justification for this premise. When a tourist, driving (we hope only) 55 miles an hour has more priority than the production of food, fiber and flowers, then our society is in serious trouble. Maybe it is time to take a real look at where our best and safest food comes from. Ask, how will it be produced if those of us in agriculture can no longer afford to be in agriculture producing food and fiber? Take a minute to think, do you want to make it so difficult for local agriculture to operate that all your food comes from foreign countries? Countries where the cultural practices, phyto sanitary conditions and human welfare conditions are distinctly questionable?

I urge you to go back to the "drawing board", prepare a report that supports agriculture and supports those programs that help agriculture. More regulation is not better. Agriculturalists have been and continue to work with U.C. Cooperative Extension, the Natural Resources Conservation Service, the Resource Conservation Districts, the San Luis Obispo County Farm Bureau Watershed Coalition and other programs. Support these efforts both philosophically and in funding. Emphasize the positive, don't destroy us. We are the producers of your food, fiber and flowers.

Thank you,

JOY ANNE FITZHUGH

Cc: Supervisor Shirely Bianchi
Supervisor Harry Ovitt
Supervisor Peg Pinard
Supervisor Mike Ryan
Supervisor K H "Katcho" Achadjian

March 26, 2001

To: California Coastal Commission

From: Drs. Ann and Walter Picker
4800 Windsor Blvd.
Cambria, CA 93428

Re: Transient Vacation Rentals

The purpose of this memo is to request that the Coastal Commission take action limiting rentals in our residential neighborhoods to a minimum of thirty days. At the present time the County allows transient rentals in residential areas, making motels out of our neighborhoods. These short-term rentals are a public nuisance. They have become a blight in our community, impacting Cambria, Cayucos, Avila, and San Simeon.

Transient vacation rentals are:

1. Noisy - Renters have loud parties without respect for local residents. They leave barking dogs unattended and park too many vehicles on our streets.

2. Dirty - They leave garbage in the street to be picked up later in the week and, of course, animals get into it, spreading the garbage all over.

Transient vacation rentals do not comply with Property Deed Restrictions in many areas. Deed restrictions for Park Hill, for example, limit the area to SINGLE FAMILY RESIDENCES. These property restrictions have been completely ignored by the County.

Other communities such as Cayucos, Avila, and San Simeon are also affected by this problem and we are asking that the Coastal Commission take steps to eliminate all transient vacation rentals in residential neighborhoods.

Repeated protests to the Board of Supervisors regarding this problem have gone unheard. It is time to take action and prohibit transient rentals in residential areas zoned for SINGLE FAMILY RESIDENCY.

Our state Supreme Court law states that transient rentals are not to change the character of residential neighborhoods. Unfortunately, since the county puts no restrictions on the number of vacation rentals, and as more and more homes are becoming purchased to make money with these short-term rentals, the character of our neighborhoods are being altered and property values impacted.

The Cambrian
May 18, 2000

Brother *from Page A-4*

I thought he'd find a good woman, get married, and go straight. It didn't work. The marriage did; it has lasted for 37 years and is still going strong. There's a bright side to this story. His wife, Sharon, is a watercolor painter; a pretty good one too. She has a one-woman show coming soon; an intellectual married to an artist; not a bad combination. Clive says it was just dumb luck.

Clive hangs out with a gang of like-minded fellow travelers (bicyclists). They meet mornings and travel to Linns' Farm for coffee and conversation. They talk about all those esoteric subjects like gas stations, antennas, and the Hearst development plans. He's back in the real world.

Well, there I go. I've gotten carried away. I just think your readers should know that they have someone from the 8th-District on the Council who gives a thought.

Blake H. Finchamp
Huntington Beach

Changing Character

Editor:

I wonder if it has occurred to many of you that a single government decision can alter the character of a town. The residents of Cayucos and Cambria have been living with this threat for several years. It starts with the conversion of a few residents into vacation rentals. Then you notice one of the families you used to know selling their home and no new families moving in.

Long-term rentals are getting scarcer and some people may share their rentals. The number of long-term rentals changing into vacation rentals has increased steadily; several more have been added in the past few months. Home sales to out-of-town owners keep increasing, and soon the residences become vacation rentals.

Residents complain about the transient rentals: the parties, the parking, the visitor's dogs, the late-night and early-morning door slamming and the messy residential streets. The right of residents to be informed of sex offenders (Megan's Law) is not enforced in vacation rentals. A local motel owner complains about customer's cancellations; they will rent a vacation rental instead. In the post office you hear about the steady stream of address changes to other towns because previous renters cannot find a place to stay in Cayucos.

Something more ominous is occurring; the sign-ups for children in school are in a steady decline. It's noticeable at the library; circulation is a down.

There were protests at the county level to no avail. Then the revised proposed vacation rental ordinances come out. Grand jury opinions are dismissed. The proposed ordinance reads like an "Open House Policy" to permit motels in every street. Not a shred of curtailment in numbers, location or usage. Wholesale business opportunities are permitted in our residential neighborhoods.

Our state Supreme Court law states that transient renters are not to change the character of residential neighborhoods. Please help us save our town. Protest the ordinances at the North Coast Advisory Council meetings and at the county level.

Jan Lewis
Cayucos

Flaming Facetious

Editor:

Ten Reasons for Using a Fireplace.

1. If God didn't want us to burn trees, He wouldn't have made them out of wood.

2. Be a friend to pollution. It already gets a bad rap. Same thing with asthma and cancer. Lighten up folks. Get over it.

3. Yeah, there's central heating; but who can figure out how it works? Forget that doohickey on the wall. Not to

FITZHUGH W RANCH
Walter & Judith Fitzhugh
Phone 805-927-8353 Fax 805-927-2625

2650 Eton Rd
Cambria CA
93428-4102

California Coastal Commission
45 Fremont, Suite 2000
San Francisco CA.94105-2219

3/26/01

SUBJECT: Preliminary Report on the Periodic Review Of the San Luis Obispo County LCP.

In reviewing the Preliminary Report on the Periodic Review Of the San Luis Obispo County LCP I find that Coastal Staff has stated that they want agriculture to be viable with in the Coastal Zone. Then Coastal Staff write they want a permit if the agriculturalist wants to change to more intensified crops, how many cattle we may graze on the land, limiting the slope on which crops may be grown, where we may grow our crops, more regulation on what we may apply to protect those crops and limitations on fuel/fire hazard modification measures. It would appear that Coastal Staff that wrote this review have little or no knowledge of what agriculture is about and what constraints are already in place. Their concerns seem only in keeping the view shed and public access to private land or converting ag. land to public land. As one environmental activist put it regulate agriculture to the point that they give up and sell their land at a cheap price to conservation groups.

Agriculture must be allowed to change what is grown on the land to keep up with the demands for food and to be able to stay in business. The restrictions proposed would only serve to further reduce the viability of agriculture.

Requiring permits for cattle grazing infers that the Coastal Staff knows more on how to operate a cattle operation than do the cattleman. Where is the scientific proof that the coastal ranchers are grazing their land wrong?

The Coastal Staff report goes so far as to say that a permit could be required as to where a crop may be grown and to what limitations would be placed on that crop size and area of use. This could well be a taking of property with out compensation.

The report limits what slopes agriculture crop may be grown on. Many ag. crops require that they be planted on slopes for drainage. This regulation would restrict the best use of the land for the best production of food.

The review lacks scientific proof, such as articles taken from environmental activist groups to back their findings, such as the Sonoma County Press Democrat when suggesting further reducing the use of fumigants, pesticides and fertilizers. This is already regulated by County Ag. Dept. , state and federal laws as to when, how and where they may be used, yet the urbanities can use fumigants, pesticides and fertilizers with little or no regulations and allow them to migeate on ag. land.

The suggestion by the Coastal Staff that restrictive limitations on fuel/fire hazard modification measures. By implementing these restrictive limitations will be contrary to what the Federal Government has now realized that fuel/fire hazard modification measures must and will be put in place to protect the urban interface from wildfires and as well has the State sponsored FireSafe Council program. It would appear that Coastal Staff would like to put habitat and recreation before the health and welfare of people.

In conclusion this will be counter productive to the viability, productivity of agriculture and discriminatory to Ag .land owner in the Coastal Zone, if Chapters 3 and 5 are left to stand as written by Coastal Staff.

Sincerely
Walter Fitzhugh

Judith Fitzhugh

CLAUDIA HARMON — N.C.A.C. 3/26/01

WE AGREE W/ THE SPIRIT OF THE PER. REVIEW.

pg 269 2ND PAR, 2ND TO LAST PARAGRAPH CHANGE WORDING ... & TO AVOID FUTURE ARMORING.

pg. 271 1st PARAGRAPH 2ND FULL SENTENCE. ELIMINATE THE WORD "GENERALLY" REPLACE W/ SHALL IN N.C.A.P. 1994 pg 47.

pg. 278 AGREE: ALL ACCESSORY STRUCTURES NEED TO BE WITHIN THE 50' SETBACK. OR... BE RE-MOVABLE (CAN NOT GUARANTEE THESE ACCESSORY STRUCTURES WILL BE ELIMINATED INORDER TO MITIGATE FUTURE NECESSARY ARMORING.

pg 285 last SENTENCE SPELLING OF IN-CONSISTENT (TWO WORDS) SHOULD BE ONE WORD INCONSISTENT.

pg 286 GEOLOGICAL REPORTS SHOULD NOT BE FROM APPLICANT. NEED INDEPENDENT LICENSED REPORT & TWO REPORTS TO COMPARE (2nd TO LAST PARAGRAPH)

pg 287 2ND PARAGRAPH, 2ND SENTENCE AN SHOULD BE AND. ALSO IT IS A RUN ON SENTENCE.

pg 292 1st LINE 7:13 POLICY 6 BOTH POLICY NEEDS TO BE BOLD OR AT LEAST BE CONSISTANT. THROUGHOUT THE DOCUMENT.

pg 292-93 CHUCK WAGON: CREEK EROSION, EARTHQUAKE?, EIR? Hold project UNTIL FLOOD mgmt PLAN CERTIFIED & IMPLEMENTED. FIRE HAZARD cut- 200' to PROTECT COMMERCIAL Bldg.

pg. 295 LAST SENTENCE
CEMENT SHOULD READ CONCRETE (CEMENT IS A COMPONENT of CONCRETE, PORTLAND CEMENT & AGGREGATE).
WHAT ABOUT VEGETATION to RETARD EROSION?

pg 297 100 YEAR FLOOD PLANE IS NOT HIGH ENOUGH FOR WEST VILLAGE
3RD to LAST PARAGRAPH. ...ELEVATED ABOVE THE 100-YEAR STORM FLOOD PROFILE... THE HEIGHT IS NOT ENOUGH BUILDINGS FLOOD EVERY 4 OR 5 YEARS.

Minor change read

pg 298 1st SENTENCE, 2nd WORD EXPECT SHOULD READ EXCEPT.

pg. 299 Last SENTENCE. WE DO NOT SUPPORT IN-LIEU FEES. THEY ENDS UP BEING THE USUAL, QUICK WAY TO MITIGATE. COUNTY ~~RARELY~~ USUALLY DOES NOT INSIST ON ALTERNATIVES.

TG/CL/LF/RB

WILLIAM R. RAVER
ATTORNEY AT LAW

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RECEIVED
APR 12 2001
CALIFORNIA
COASTAL COMMISSION

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APR 05 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 28, 2001

Steve Monowitz
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 94105-2219

re: SLO County LCP Periodic Review

Dear Mr. Monowitz:

My family and I have been residents of Cambria for twelve years, and I operate my business here. During that time, I have been President of Greenspace: The Cambria Land Trust and President of Friends of the Elephant Seal. I am currently a member of the Coast Unified School District Board of Trustees.

I have reviewed the preliminary report issued by the Coastal Commission in connection with your periodic review of the San Luis Obispo County Local Coastal Program. While I agree with many of the environmental recommendations contained in the report, I believe that the preliminary report is deficient in failing to address the cumulative impacts that growth of the community has had, and will continue to have, on Cambria's infrastructure.

Our infrastructure in Cambria is antiquated and outdated in many respects. Growth over the past twenty years, primarily the construction of new homes, has been allowed to take place without corresponding improvements to the infrastructure, including roads, fire protection, police protection services, water and sewer capacity, flood control, and schools. The community, at its current full-time population of 6,100, is already under-served in each of these vital areas. It is essential to the future health of this community that the infrastructure areas described above be improved at least to a level adequate for current population, and that the Local Coastal Plan serve as a long-range planning tool to insure that infrastructure keeps up with future growth.

The school situation is already at the highest level of severity. The Cambria Grammar School and Santa Lucia Middle School are both severely overcrowded, producing a less than ideal environment for education. In revising the LCP for the future, locations for new schools must be identified, properly zoned and preserved for new schools which will be needed as the community grows. The locations shown on the current LCP are not feasible for development as schools, as one is now in the middle of the recently-preserved East-West Ranch property and the other is located where the Cambria Pines Lodge currently exists. All other feasible sites are outside of the current URL and the CCSD's USL.

For the past 15 years, Coast Unified School District has searched for a site for a badly-needed new grammar school to serve students from Cambria and San Simeon. 24 potential sites have been evaluated by District staff and by a diverse committee of Cambria residents. Only one of those 24 sites has the correct combination of useable area, central location, building affordability, community support, and minimum environmental impacts to be feasible for a new school. That site, known as the Rhoades site, has been selected by the District and we are in the process of applying to the County to re-zone the site for public facilities.

In the near future, the middle school will need to expand. The most logical site for this expansion is the two vacant parcels immediately adjacent to the south of the middle school, known as the Victor/Brooks parcels. These parcels should be identified, in any update of the LCP, as a place for future school expansion. If the middle school cannot expand onto the Victor/Brooks site, it will eventually have to be relocated outside of the current URL.

As you may be aware, full build-out of the subdivisions which currently exist in Cambria will result in a population in excess of 20,000. If new school sites are not included in any planning revisions, it is entirely possible that Cambria could find itself with 20,000 residents and a school-age population of 3,000 students. Our existing schools, however, are already well over capacity with our current population of 900 students. Such a situation must not be allowed to occur.

I urge the Coastal Commission, in completing its periodic review of the LCP, to recommend amendments to the LCP which address both the current shortfalls of Cambria's infrastructure and public facilities as well as the major improvements and expansion to these facilities, particularly schools, which will undoubtedly be needed as the community grows in the future.

Very truly yours,

William R. Raver

cc: Pamela Martens, District Superintendent
Shirley Bianchi, County Supervisor

792 Arlington Street • P.O. Box 1109 • Cambria, CA 93428-1109 http://www.wraver.com

E:\WR\correspondence\MISCELLA\monowitz s 032801.wpd

Liz Fuchs

From: Vince D McCarthy [vmccar@juno.com]
Sent: Wednesday, March 28, 2001 12:24 PM
To: sloreview@coastal.ca.gov
Subject: Comments on SLO South Coast

Dear Coastal Commission

These e-mail comments has to do with a meeting held by the Coastal Commission in Arroyo Grande on 27 Mar 2001. At that time I didn't make any comment.

I have lived on the Central Coast for over 35 years. I have been to the beaches at both Pismo and Grover Beach many times.

Whether you are an environmentalist or someone who just wants to walk on the beach, you can see the destruction and hazards that is being done to the beaches by letting both street vehicles and off-road vehicles on the beaches. I have been down on the beach and I feel sometimes it is safer walking on the L.A. freeway at rush hour.

A great deal of the traffic that comes to the beaches, comes from the valley and from down south in the Los Angeles area. It seem that when they get on the beaches, they put their brains on hold or go brain dead by the way they act on the beaches. The beach has become a highway and is very dangerous for children or anyone else to cross. The drivers don't have respect for pedestrian traffic at all. They speed up and down the beach exceeding the speed limit. I have seen cars spinning around, seeing how much dirt they can kick up, totally oblivious that their are children and other people on the beach besides themselves. Even just walking on the beach is dangerous, because of cars coming up behind you, and possibly stopping you or get dirt thrown all over you.

The California Vehicle Code says that pedestrians have the "Right of Way". In the case of the beaches on the Central Coast it should read "pedestrians have the right of way EXCEPT on the beaches, where pedestrians and all others beware"

Accroding to reports that vehicular traffic is damaging the sand dunes themselves causing the sand to drift away from the dunes. I have also seen the way the dune buggies drive around the sand dunes. The dune buggies are supposed to have flags on there vehicles, but driving around the dunes is very dangerous because the flags are hard to spot until its too late. God help anybody walking in the dunes.

There is not enough police to patrol on the beach to slow traffic down or to control the drinking that goes on the beach. Ths speed limit is constantly exceeded because of the lack of sufficient law enforcement.

I would like to see all vehicular traffic stopped on the beach, but to be realistic, the beach draws a lot of money from tourists and to stop the vehicular traffic is not very real unless there is some evidence that the beach and the surrounding dunes are being destroyed by vehicular traffic.

I believe by stopping traffic on the beach and allowing only pedestrain traffic it would make it much safer and more people would enjoy it.

It seem that when a good thing exists it doesn't take long for it to be destroyed by irresponsible people. If traffic is stopped from the beach, these irresponsible people have only themselves to blame, but of course they won't take the blame. Again its the same old story. You use it, you abuse it and then you lose it and then cry about it.

Situtations and conditions change and if we are going to protect our beaches for our children, and future generations, or even this generation to enjoy them then I believe the vehicular should be stopped now.

I would like to go on the beach more often than I do, but right now it is too dangerous, and I don't want to run the gauntlet of cars and dune buggies presently on the beach.

Thank you

Sincerely, yours
Vincent McCarthy
vmccar@juno.com

1064 Bay Oaks Dr.
Los Osos, CA 93402
805-528-8272
rsparkkp47@aol.com

29 March 2001

California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear California Coastal Commission,

I live on Bay Oaks Drive behind the Washington Bank on the south side of Los Osos Valley Road. I am not very familiar with the Coastal Act but would like to share with you some of my frustrations and comments over the last three years working with the SLO Local Coastal Plan (LCP).

1. Who is the LCP document addressing? Who is supposed to be the user of this document? Is it the general public? If so, it needs to be more 'user friendly'.

2. There have been many changes proposed to the LCP over the years, but there is no change control. Where is the change procedure or sequence of change approvals?

3. There is no signature page. Who approved this document for the county? Who approved the document for the Coastal Commission? There is no Coastal Commission signature.

4. Is there a standard format for how to write an LCP? There should be a specification of how to write it and what to include in each section.

5. There is no reference to the Coastal Code, or which specific LCP sections satisfy which section of the code.

6. There is no reference to other applicable SLO County documents, like the Engineering Standards, permit procedures, etc. Or does this LCP, when approved, replace all those other documents?

7. There are not adequate definitions of terms. There is no formula for how to calculate allowable build out numbers, for example. These should be standardized.

8. There are no guidelines or road map on how to secure a building permit. What is the sequence of approving agencies?

9. What is the rationale for including the "sales leakage" section? Is it required by the Coastal Act?

10. Should the LCP be the place for the land use variance maps? Every time one is approved it requires a change in the plan.

11. Are the geologic maps required?

12. Isn't there too much miscellaneous stuff in the document which detracts from the main message? Should roof styles be in this document? Isn't 561 pages more than just a 'plan'?

13. Are 'traffic calming', divided streets and planted dividers required by the Coastal Act?

14. Is the LCP the final authority on building codes for the county? If so, it needs more work. There is no logic or fairness in the current LCP allowable building heights:

14, 16, and 22 feet, Baywood Residential (pg. 7-104)

25 ft., Baywood Commercial (pg. 7-125)

28 ft., Los Osos Bay front Residential (pg. 7-143)

15 ft., Cabrillo Estates (pg. 7-157)

35 ft., Los Osos Commercial - Behind my house! (pg. 7-117)

West of Pecho Road: No height number, but a quote; "--views to the Bay and Sand spit are protected." (pg. 7-159)

Well I want my views protected also. Los Osos commercial heights should be 22 feet in conformance with existing buildings.

16. Let's delete the "Los Osos Central Business District Design Concept" from the LCP. This is a drawing of how to build and pave the remaining natural 10 acres south of Los Osos Valley Road. Last year's CSD build-out number would increase the population by only 40%, but the "Design Concept" drawing would double the available downtown business district. Was this drawing required by the Coastal Act?

The drainage from the area of this proposed drawing would increase the run-off by 27,000 gallons of water from a one inch rainfall, and deprive the recharging of the aquifer buy the same amount.

A better usage for this remaining undeveloped area would be to keep it in its natural state, as a community nature park.

Richard S. Parker

Richard S. Parker

March 29, 2001

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APR 03 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

Dear California Coastal Commission:

I have read the entire draft of the **Periodic Review of the San Luis Obispo County Local Coastal Plan**. Staff is to be commended for drafting an outstanding document that clearly illustrates the California Coastal Commission's untiring defense of our coast.

While I have many concerns regarding County's enforcement of the Coastal Act the area I am now addressing is the Hearst Corporation's proposed development in San Simeon on 257 plus acres. For starters, I would like to remind Commissioners a conservation easement was once attached to approximately 73,000 acres of the Hearst Ranch in exchange for the upzoning of the above mentioned 257 acres from recreation to commercial. That the easement was completely removed by 1988 is an urban legend of the North Coast.

Now in 2001 the development is once again to be unveiled. While the details are unknown, whatever is revealed will surely have a devastating effect on the North Coast. Since the final LCP certification in 1988, thirteen years ago, the North Coast has seen significant population growth with the accompanying development pressures. We now have a growing elephant seal colony and steelhead trout and red-legged frog have entered the threatened list.

Because the Coastal Commission has final veto power over any development in the coastal zone, you are in effect the bulwark maintaining the County's agricultural and rural makeup. What remains of an undeveloped North Coast is subject to the whims of an often pro-development County Board of Supervisors. This was never more self-evident than in 1998 when the Commission's vigilance effectively killed the golf course and 600 room hotel proposed by the Hearst Corporation on the beautiful San Simeon Point, despite the support of the San Luis Obispo Board of Supervisor's.

I have enclosed an essay by Cambria resident John Brannon; Mr. Brannon is a columnist for the Cambrian newspaper. His essay originally appeared in that paper. His words speak for hundreds of thousands of people.

Sincerely, Mahala Burton

Mahala Burton

6425 Cambria Pines Rd

Cambria, Ca 93428

E-mail mahala@thegrid.net

"The Clock is Ticking, Again"

By John Brannon

Among the most beautiful and enriching images and memories of my life – scenes secured in the vault of my heart to be carried there until the day I die – are some of the morning and late afternoon drives to and from my job at Hearst Castle.

For more than seven years, I had the rich and glorious experience of beginning and ending my day by driving past the cove at San Simeon Point.

With the morning sun behind my right shoulder, my gaze was always fixed on the tree-covered promontory jutting out into the teal blue sea. I often tried to imagine the sense of relief sailors of old must have felt when they found safe haven in its sheltered cove, as they sought refuge from a gathering storm.

Quite often on these fresh, bathed-in-early-morning-sunlight days I was accompanied by Fritz Reiner and the Chicago Symphony Orchestra as they played the rapturous music of Respighi's "Pines of Rome". Surely, the music was written for that scene of the pristine, pine-covered headland, as well as the trees of Rome.

No matter how frustrating, hot and sweaty the day had been, by the time I reached the bottom of the hill and turned left onto the highway, the sea, the cove and promontory had begun to work their magic on my wilted soul. The color of the water, the cascading whiteness of the crashing waves, the regal silhouette of the point were a poultice for my sagging spirit. When I arrived home, I was always refreshed and felt a lovely sense of peace and contentment...in spite of what had transpired during, the long hectic day. James Fenimore Cooper described this balm for the soul as "the holy calm of nature".

Who could guess how many pictures have been taken of San Simeon Point, back-lit by the retiring, deep-orange sun? How many family photo albums are graced with glossy photos of a Kodachrome sky and magnificent clouds looming over the scene?

In spite of the public's overwhelming rejection of the Hearst Corporation's plans for development, a few years ago, the New York-based conglomerate has again presented their concept of a massive alteration of San Simeon Point. Rather than the antagonistic, confrontive approach presented the last time, there is a kinder, gentler tone to lubricate the scheme.

But along with this new, "Boy have I got a deal for you" approach, there is the

subtle sound of sabers rattling when a "if we don't do it, someone else will" is tossed into the dialogue.

At this rate, the day is coming when such lovely photos will no longer be obtainable — never again. Chainsaws and bulldozers will erase the growth of centuries. Instead of the dark and rugged profile of the point that Mother Nature has been sculpting for millions of years, in its place will be the sterile and functional outline of buildings. Very large buildings.

They will house hundreds of people, shiny and expensive cars will occupy spaces on asphalt; bright floodlights will chase away the darkness. The scene will resemble a cruise ship, stranded high-and-dry on the altered shoreline. The timeless stars will then compete with illuminated walls and hundreds of lighted hotel windows. The sound of shimmering violin strings and soaring brass instruments of Ottorino Respighi's music will have been replaced by the sound of cash registers and laser scanning devices.

To put any project on the point flies in the face of what W. R. Hearst and his mother believed in. After her husband bought the land, Phoebe Hearst banished the commercial whaling company from this lovely spot. William Randolph Hearst planted thousands of trees on the spit, embellishing what Mother Nature had so carefully created.

The corporation is worth billions of dollars — they certainly don't need the money. They are a privately owned company. There are no stockholders to share in the anticipated profit. All the revenue will stay within the closed corporation.

Somehow, it just doesn't seem right.

STRONG PLANNING SERVICES

ROB STRONG, A.I.C.P.

March 29, 2001

California Coastal Commission
c/o Central Coast Regional Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Staff review of San Luis Obispo County LCP.
Attn: Steve Monowitz

Dear Commissioners:

I represent the majority owner of a private property known as Cuesta or Tidal Inlet in Los Osos community of the Estero Area Plan currently being updated by San Luis Obispo County. I have appeared at numerous Los Osos Advisory Council meetings and written the County and other agencies many letters during the last two years to receive more consistent and appropriate consideration for the property in future LCP hearings. Unfortunately, I have a conflict for tonight's meeting and cannot attend, and did not receive notice in time to obtain a copy of the lengthy staff report which, I understand, is over 300 pages.

I previously appeared when Coastal staff attended LOCAC meeting and stated that planning for future community development should not be precluded by current resource, infrastructure or service constraints.

Nonetheless, I understand that the Commission staff has lumped this 17-acre un-subdivided property, surrounded by urban lots and single family homes, with "Environmentally sensitive habitat areas" that should not be even considered for "more intensive development". The allowance for one home is a token to avoid total taking, in the adopted LCP, but the property is also recommended as a park for public access, despite these same environmental constraints.

The basic reason that the owners have not yet filed for LCP amendment and completed a site specific/project specific EIR, is the lack of sewers which will someday encompass the property. While the owners propose and LOCAC supported a low density residential and open space recreational planned development enabling donation of approximately 90% of the site to the public for resource conservation and public coastal access, the staff recommendation precludes consideration or planning of more than one house.

I have read the March 28 draft letter by planning consultant Ned Rogoway regarding other properties he represents, and have asked him to deliver my letter to tonight's meeting. I concur with most of his comments and share his frustration with the complex "planning process" involved with LCP Update and periodic review. The community and County deserve more opportunity for local control and citizen input than staff appears willing to allow. The Coastal Commission can certainly review the planning effort but should not preclude it by superficial or short-term interpretations.

Sincerely,

Rob Strong, A.I.C.P.

enclosure (Jan. 20, 1998 letter)

14500 MORNINGSIDE DRIVE, ATASCADERO, CA 93422 • (805) 542-9150 • FAX (805) 438-3158

Liz Fuchs

From: WDLMac1@aol.com
Sent: Friday, March 30, 2001 9:52 AM
To: SLOReview@coastal.ca.gov
Subject: SLO Costal Plan Comments

We live in Los osos and REALLY Miss our favorite spot to view the ocean. The Sand spit parking lot in Montana de Oro SP. The MCI Company was only going to have it closed for a few months but it will be about a year.....

Why did you give them permission for that???????
This is crazy.....
They should at least have to pay to put the utilities underground in the park for closing the nicest part of it for a year
linda young
los osos
ca 93402

ALWAYS USE ZIP CODE

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET #2000
SAN FRANCISCO CA 94105-2219

RECEIVED
APR 02 2001
CALIFORNIA COASTAL COMMISSION

Dear California Coastal Commissioner:

The people of San Luis Obispo County support the rigorous implementation of the Coastal Act. We demonstrated this to you when over 1,000 county residents heeded the call to help save our coast and attended the California Coastal Commission hearings in San Luis Obispo on the 15th of January 1998 to stop the Hearst Corporation's plans.

We will support your efforts to encourage the County to update the LCP in a manner that is more protective of coastal resources.

Sincerely,

I appreciate your visits to our shores outlying communities

Cambria

CL/LF/LN

1965 Emmons Road
Cambria, CA 93428
April 4, 2001

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APR 12 2001
CALIFORNIA
COASTAL COMMISSION

RECEIVED
APR 09 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Steven Monowitz
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Mr. Monowitz:

At the Coastal Commission Workshop in Cambria on March 26, I was unable to put into the record all that I believe needed to be said. Consequently, I am sending this letter for amplification. I need to get it off my chest and the Coastal Commission needs to hear it.

I am President of Friends of the RanchLand and a founding Director of the SLO Coast Alliance, a new and growing consortium of environmental groups dedicated to preservation of our SLO County coast. We are an outgrowth of the former North Coast Alliance which now is a shadow of its former self. There simply is no credibility there.

Our coast continues to be under siege from excessive development in the South County to inappropriate development on the North Coast. This district is blessed with an excellent Supervisor, but she has only one consistent ally on the Board. Together, they are trying to plug the holes in the dike. They, and we, need your help.

We are delighted that you have asked for public comment on your masterful Local Coastal Plan Review. The extensive report is mostly excellent and your staff is to be commended for a superb job. By the way, I say mostly excellent because I am quite concerned about the archeological portion. More on that later.

The North Coast is a treasure for all Americans. Thousands of tourists visit because of our rare scenic views. Southern California used to have scenic views. We are genuinely afraid that what we cherish today will be gone tomorrow because of a county staff and government which is overly permissive, lax on enforcement, and consistently ignores an out-of-date Local Coastal Plan.

Our coast is being piecemealed to death. The looming threat from Cambria north to the Monterey County line is a ticket to planning disaster. There still is time, however, if the Commission is strong and this county is forced to obeythe law, including its own ordinances. If AB 640 becomes law, we have some hope, and you can count upon Friends of the RanchLand and SLO Coast Alliance to be strong supporters.

Our planners have yet to see a project they can't support, even in the face of community opposition, even when falsified figures are identified in applications, even when severe, irreparable viewshed damage will be the consequence of development. They freely admit there are no written perameters for some of these "statement" houses which some more accurately refer to as monster houses, built in neighborhoods where they are inappropriate.

Many things have changed since the LCP originally was adopted. Endangered species have been identified and need protection. Population has almost doubled along the coast, yet the resources remain severely strained -- water, sewer treatment, traffic, inadequate school facilities.

For many years, local bodies, the North Coast Advisory Council in particular, have pleaded for help in establishing a population cap of 8,500 or serious buildout reduction. None has been forthcoming. In Cambria, we still have over 8,000 buildable lots, yet in a drought year, water rationing is inescapable. Continuing to build even at 1% annually is ludicrous.

Friends of the RanchLand strongly supports extending the Big Sur critical viewshed south to the Harmony Coast. We must eliminate the opportunity for more visual insults along the Highway 1 corridor which thankfully now is designated a Scenic Highway. Likewise, there should be no more insults visible from the sea.

Last August, your Executive Director, Peter Douglas, sent a precedent-setting letter to San Luis Obispo County, asking for bold and timely action by the county to save the North Coast from degradation. We hope the message was not lost in the Planning Department, and was heard by our flawed Board of Supervisors.

Lastly, I am concerned about Chapter 9, Archeological Resources. It seems to be largely boiler plate, and certainly not prepared by an archeologist. Of the over 2,000 sites recorded, most are in the Cambria area. How many have been preserved? This county has no provision for their review and SHPO guidelines are not followed by this county, probably because there is no one qualified to do it. The staff report has mostly statistics, no meat. We have a very flawed process for dealing with archeological sites and treasures. Essentially, they are lost forever.

There is no such agency as the "California Archeological Site Survey Office." We need site protection, not just site identification. Regretably, this site identification has become just another business, often with amateurs and even crooks involved. The County has refused to meet with Native Americans, or with local archeologists to discuss standards of performance and ethics. The Salinan community has been ignored completely. What benefits have accrued to the public from 10 years of county policies? This whole process should be overhauled. Protection and quality review are needed. Can you help in this area? Can the North Coast Advisory Council help? (They have been ignored by the County as well, yet the preponderance of archeological reports are from this area.)

Friends of the RanchLand is particularly concerned because of known archeological sites on East-West Ranch which we successfully, with the help of American Land Conservancy, purchased last year. Will these just be glossed over and lost, too?

We greatly appreciate the opportunity to be heard by the Coastal Commission. Thank you for helping us save our coast from an often unconcerned, aloof, and insolent bureacracy, not to mention a supervisoral majority which has been elected largely by developers' contributions. It is ironic that our LCP is held hostage primarily to two supervisors from inland who have no coastal constituents at all. It is totally unfair. The late Howard Jarvis said that San Luis Obispo County was the most corrupt county in the state. My friend, Charles Tolfree, formerly Vice President for Land Operations with Tenneco, agrees. He said it was the most corrupt county with which he had to work. I'm afraid things have not changed for the better.

Sincerely,

Doug Buckmaster

Doug Buckmaster

RECEIVED

APR 0 9 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 4, 2001

Dear Charles Lester, Central Coast District Manager

My name is Coralie McMillan, and I am a member of the Agricultural Liaison Board for the County of San Luis Obispo. You might recall, at the March 28th meeting that you facilitated, I was concerned with the weaknesses in our county's Agricultural and Open Space Element.

One weakness of the Agricultural and Open Space Element is Lot Line Adjustment. Lot Line Adjustment is how we split agricultural land in our county. The Agricultural Commissioner's Office is keenly aware of this problem, but Lot Line Adjustment is not addressed in the Ag. And Open Space Element.

Another weakness in our Ag. And Open Space Element is that it allows the creation of 20-acre parcels on Class1 and Class 2 soils without viability standard requirements. Enclosed is the Agricultural Commissioner's report justifying a 40-acre minimum. Unfortunately, the County Board of Supervisors did not adopt the 40-acre minimum on class1 and class 2 soils.

There is also a weakness in the proposed Coastal Plan relating to zoning. The 20-acre minimum for Animal Facilities is not present in our current Ag. And Open Space Element and should not be encouraged.

If you have any questions please feel free to call. 805 238-5935.

Sincerely,
Coralie McMillan

Mrs. Coralie McMillan
P.O. Box 435 Shandon
Ca. 93461

1-4

Minimum Parcel Size Issue

As noted above, two of the three groups represented by the committe support the 40 acre minimum in committee's recommended plan, policy AGP 21. The 1996 plan recommended by the Planning Commission included agricultural policy AGP 15, recommending that the minimum parcel size for subdivision of lands with primc agricultural soils (class I and II) be increased from 40 acres to the existing 20 acre minimum in the Land Use Ordinance.

The county Agricultural Commissioner's Office has done an analysis of this issue and their report is found in Attachment #3. Their office supports the majority recommendation for the 40 acre minimum parcel size stated in AGP 21. The policy would apply to proposed divisions of lands having class I or II (primc) agricultural soils. Their report notes that there is a limited amount of these soils in the county, so "**...adequate measures to protect them from conversion out of agricultural use are critical to the long term integrity and viability of commercial agriculture as a major contributor to the county's economic base**" (emphasis added). They note that "subdivision of farmland to an inadequate parcel size is one of the most significant factors in the conversion of agricultural land." They go on to state that "increasing the minimum parcel size to 40 acres for new land divisions will help increase the likelihood that the land resource will be available for existing and future agricultural use, and the agricultural industry can operate effectively without additional conflicting land uses."

As part of their review of this issue, the Ag Commissioner's office conducted a survey of the other California counties. The survey reveals that 13 of the 30 responding counties have a 40 acre minimum, and three counties have a 60 acre minimum are larger. Our neighboring coastal counties of Ventura, Santa Barbara and Monterey all have a 40 acre minimum. The survey results are shown on Attachment #3.

The Agricultural Commissioner's analysis identifies a number of factors in justification of the 40 acre minimum: loss of prime farmland; lack of compatibility between agricultural use and new homes; precendent setting/increased conversion pressure; groundwater competition; economics ("economically viable unit"); compatibility with adjacent agricultural operations; increased regulatory burden; ag preserve program; and environmental concerns. At the same time, they also acknowledge that there are several factors in support of retaining the existing 20 acre minimum: opportunity for entry level farmers; estate planning; agricultural financing; use of multiple small parcels for production agriculture; existing agriculture on 20 acre parcels; and no net loss in prime soils. After considering all of these factors, the Agricultural Commissioner's Office supports the recommended 40 acre minimum.

C-2
196

1-10

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
RICHARD D. GREEK (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

October 8, 1998

TO: Bryce Tingle, Assistant Planning Director
FROM: Bob Lilley, Assistant Agricultural Commissioner Bob Lilley
SUBJECT: BOS Committee Recommended Plan
Agriculture and Open Space Element

The Agricultural Commissioner's Office supports the overall recommended changes proposed by the hard work of the Board of Supervisors appointed committee of three. The committee and your department have work diligently in the review of the Planning Commission recommended plan to arrive at consensus and produce a workable document for the Board to consider.

The only issue that has not received consensus support by the BOS Committee is the proposed minimum parcel size for new subdivisions of agricultural land. A majority of the committee, consisting of the Environmental and Agricultural Liaison Board representatives, is recommending the minimum parcel size for subdivision of lands with class I and II soils be increased to 40 acres from the existing 20 acre minimum. The Farm Bureau representative does support the recommended change. The committee's recommendation is found in proposed ag policy AGP 21.

Because of the significance of this issue, we have attached an analysis and discussion of this important policy. This correspondence is not intended to replace or change any of the many previous staff reports we have submitted to your department, the Planning Commission, or the Agricultural Liaison Board over the years of work on this document. Our department supports the recommended 40 acre minimum and feels it is important to provide this information for transmittal to the Board of Supervisors for their consideration along with the recommendations from the committee.

Our attached analysis of proposed policy AGP 21 includes the following:

- Justification for changing the minimum parcel size for class I and II soils from 20 acres (current policy) to 40 acres (proposed policy by the Planning Commission, Agricultural Liaison Board, and BOS Committee)
- Discussion of retaining the current 20 acre minimum policy
- Surveys of other counties policies on minimum parcel size

We are available to provide additional agricultural information as needed throughout the rest of the public review process.

C: John Nall, Environmental Coordinator's Office
BOS Appointed Committee

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3251

AGP 21 Minimum Parcel Size Criteria for Division of Agricultural Land-40 acre minimum

- **Introduction**

The increase of the minimum parcel size of 20 acres for class I and II soils (prime soils) to 40 acres is a critical component of the Proposed Ag and Open Space Element. Subdivision of farmland to an inadequate parcel size is one of the most significant factors in the conversion of agricultural land. This is particularly important near urban areas where there is the most pressure to convert lands out of agricultural use. Increasing the minimum parcel size to 40 acres for new land divisions will help increase the likelihood that the land resource will be available for existing and future agricultural use, and the agricultural industry can operate effectively without additional conflicting land uses. Additionally, prime soils are a limited resource in San Luis Obispo County, and adequate measures to protect them from conversion out of agricultural use are critical to the long term integrity and viability of commercial agriculture as a major contributor to the county's economic base.

- **Justification for 40 acre minimum parcel size**

Following are several direct and indirect issues associated with the justification of the proposed change.

Loss of Prime Farmland- Newly created 20 acre parcels are each eligible for two new primary homes (often including access roads, landscaped areas, storage structures, corrals, fences, etc) which can create a direct loss of the most highly productive agricultural soils. The remaining undeveloped portion of the property often is not then large enough to be sustainable in production agricultural use.

Lack of compatibility between agricultural use and new homes- Routine agricultural practices and homes (not associated with the agricultural operations) are often incompatible land uses. A twenty acre parcel may not create enough of a buffer between the two land uses to allow agriculture to conduct necessary cultural practices without creating problems for the adjacent residents. This problem may be created at or near the urban edge as well as in rural areas of the county. Also, 20 acre parcels may become "hobby farms" or "ranchettes" which can produce a negative impact on commercial agriculture by harboring pests or necessary agricultural practices conflicting with the interest of the hobby farm or ranchette.

Precedent setting/Increased conversion pressure- Subdivision of agricultural parcels to 20 acres may create additional pressure on other agricultural lands in the area to subdivide or to change zoning. Ultimately, this trend may lead to a potential change in the land use pattern. Long term agriculture is threatened through the additional land use conflict associated with the development of new homes and the increased speculative value of the agricultural land. Increased speculative value may become a disincentive towards capital expenditures for agricultural ventures. A "checkerboard" pattern of land use may be created instead of the more desirable situation of contiguous farming operations.

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may want greater governmental protective measures placed on adjacent agricultural practices that may be viewed as detrimental to their operations. Increased government regulation is often viewed as creating a negative impact or hardship for the impacted agricultural operator.

Ag Preserve Program- Twenty acre subdivision of prime land contracted in the Ag Preserve Program brings into question meeting the original intent of the Williamson Act Legislation. The program's specific intent is to protect agricultural lands for continued production of food and fiber through property tax reduction incentives. Although the vast majority of actual contracts already have 40 acre minimum parcel sizes for purposes of future subdivision, allowing subdivision down to 20 acres may undermine the credibility of the program in San Luis Obispo County and also place it in jeopardy as the most effective means statewide to conserve agricultural lands.

Environmental concerns- Requirements for the protection of habitat and water quality are increasing concerns for agricultural operations. Factors associated with such areas as riparian corridors, endangered species, wetlands, and water quality protection are becoming increasingly complex for the agriculturalist. At times, a portion of the agriculturalist's land may not be able to be under production to address these concerns. As a few examples, riparian buffers, non-farmed habitat for endangered species protection, or non-farmed wetlands may reduce the actual amount of acreage on a parcel which can be farmed. Consequently, one of these measures may reduce further the amount of farmland available after subdivision to twenty acre parcels. Conversely, larger parcels would have more actual area to absorb any necessary environmental mitigation.

Discussion- Retaining the current 20 acre minimum parcel size standard

Opportunity for entry level farmers- Agriculture needs new entry level farmers to help sustain the industry into the future. A twenty acre parcel size may provide an opportunity to "buy in" that may not be feasible with larger parcel sizes. However, the Rural Settlement Strategy Study showed an abundance of existing smaller parcels in the county which may fill this need without creating additional subdivided small parcels. Additionally, subdividing property increases the cost per acre which could create a disincentive to purchase for agricultural purposes or put a new operation at greater risk for financial failure.

Estate planning-Agricultural property is subdivided at times to meet estate planning needs. This is done so the heirs to the estate can each have separate ownership of the original ranch or farm. While this may make sense from a family planning stand point it is problematic in conserving the land resource for long term agricultural use. Some ranches and farms may be able to withstand subdivision and stay in agriculture for one generation or perhaps two, but eventually the property cannot be continually subdivided.

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1-14

and stay in agricultural use. There are other viable means to address estate issues without having to subdivide the property. Also, federal inheritance tax laws are changing to address this issue.

Agricultural financing- Agricultural property may be subdivided in full or in part to raise cash to finance agricultural operations and capital improvements. This influx of cash is beneficial to the agriculturalist to help reduce debt and pay for long term capital improvements. While this arrangement may be beneficial in the short term for the individual agriculturalist, it is problematic in the long term for sustained agricultural use. This is due to the fact that the subdivided property is sold for the maximum amount of return which often means it is sold on it's speculative or rural lifestyle value (for small parcels such as 20 acres) instead of it's agricultural value. Consequently, the buyer of the subdivided property may not have an agricultural interest and build rural homes, hobby farms, or ranchettes which are problematic for long term adjacent agricultural use.

Use of multiple small parcels for production agriculture- It is a common practice for agriculturalists (especially vegetable production) to own or lease multiple smaller parcels and operate them collectively to create a viable agricultural business. Subsequently, subdividing additional agricultural lands to 20 acres may create more available parcels for lease or purchase. While there may be some advantage to agriculture with this arrangement, the problems identified earlier in this report outweigh the advantages for long term agricultural use.

Agriculture currently exists on 20 acre parcels- There are viable agricultural operations that currently exist on 20 acre parcels (although this is the exception rather than the rule) and it would be expected that future operations could be sustainable as well on 20 acres. However, as previously mentioned, the likelihood of a change in land use out of production agriculture is increased after the land is subdivided into 20 acre parcels. Also, the current county wide inventory of small agricultural parcels appears adequate to meet demand.

No current net loss in prime soils- State mapping data shows no net loss of prime soils in San Luis Obispo County. An argument could be made that there is no justification to change the policy if there is no actual problem created with the current policy of 20 acre minimum parcel size. The primary reason that there is currently no net loss of prime soils is the rapid rate of agricultural intensification occurring in the county which actually increases the number of acres listed as prime. This change basically converts use from dryland to irrigation, which may change the designation from non- prime to prime (soils are not listed as prime unless they are irrigated). Actual loss of prime land is being offset by new land listed as prime, but still we have an overall loss in inventory of the best soils being available for agricultural use.

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Benefits of rural homes, hobby farms and ranchettes - Rural lifestyle and gaining an "agricultural experience" are desirable and attractive components of San Luis Obispo County. While these factors may benefit the individual property owner, real estate industry and have some public policy merit, they often create a negative situation for production agricultural operations as explained earlier in the report.

The County has a Right to Farm Ordinance - The county's Right to Farm Ordinance provides protection to the agriculturalist from nuisance complaints and actions initiated by adjacent residents. Subsequently, some may conclude that subdividing farm land and building new homes adjacent to farming operations may not be a problem for existing agricultural operations. While the ordinance does provide for a beneficial policy statement supporting agriculture and important disclosure information to those who are considering purchasing land near agricultural operations, it does not serve as a very effective tool in handling existing and future conflicts between agriculturalist and their neighbors. Effective land use planning policies and decisions are much more effective by preventing or reducing the incident of conflicting land uses rather than relying on the Right to Farm Ordinance to resolve conflicts.

1-32

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

Tuesday, October 20, 1998

PRESENT: Supervisors Laurence L. Laurent, Peg Pinard, Ruth E.Brackett
Vice-Chairperson Harry L. Ovitt

ABSENT: Chairperson Michael P. Ryan

In the matter of Ag and Open Space:

This is the time set for hearing to consider the Agriculture and Open Space Element, a proposed update and replacement of the 1972 Open Space Element of the County General Plan; All Districts.

Mr. Alex Hinds: Planning and Building Director, introduces the item.

Mr. Bryce Tingle: Assistant Planning and Building Director, thanks the Committee and indicates they have met approximately 18 times for three plus hours each meeting; states this document is coming to the Board as a re-write and is considered a consensus document by the Committee; indicates Mr. Don Warden (a member of the Committee) is not here today and filling in for him is Mr. Bill Strubble; indicates the Committee has chosen to make separate chapters for Agriculture and Open Space; states a major issue that still remains is the 40 acre minimum parcel size vs. the 20 acre parcel size for the division of prime Class 1 and 2 agricultural soils; indicates the Negative Declaration has been revised; suggests this document be referred back to the Planning Commission for review and then have it come back to the Board as part of the General Plan Amendment Cycle in December.

Mr. John Nall: Environmental Division, states the Negative Declaration was revised in response to the plan that was re-written; indicates the proposed plan will not result in significant environmental impacts; indicates there were four appeals filed against the original Negative Declaration from both sides; indicates staff has provided copies of the revised Negative Declaration to all appellants and hopes the revision has taken care of any unresolved issues; states any new concerns will be brought before the Planning Commission.

Mr. Bob Lilley: Assistant Ag Commissioner, discusses Class 1 and 2 soils and the 40 acre minimum parcel size; indicates a survey was sent to the 58 counties to see what policies they had regarding minimum parcel size; states they received 30 responses, with the majority having a 40 acre policy.

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APR 1 2 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 5, 2001

To: The California Coastal Commission, Santa Cruz Office.

Mr. Charles Lester and Mr. Steve Monowitz

Dear Sirs:

I thank you for coming to Cambria last month. I am a Cambria resident, I love the California coast and I enjoy living in Cambria. I only dislike the unethical politics in my town, that possibly you're unaware of. A few of our local Cambria politicians are on a mission not to bring water to our community. They use water to manage growth that affects the cost of real estate in our town. This system is illegal but they are getting away with it.

I have attended numerous Cambria CSD meetings. Cambria people have been complaining for the past 20 years about water problems but nothing has been done. The main complaint from our CCSD directors was always a lack of funds to build a water supply project. Well unexpectedly and with surprise Cambria is granted 10.3 million dollars to pay for a down-sized desalination plant. The majority of our residents are very happy about this fantastic free grant and our future desal water project. Cambria will finally have a safe and reliable water supply.

During the past 10 years the Cambria CSD has spent 7.2 million dollars on water studies. The professional consultants have advised our town, that a desalination plant is Cambria's best water alternative. Our Citizens Advisory Committee overwhelmingly supported the proposed plant. 58% of community stakeholders voted in August to support the proposed plant. Two past CCSD Boards have concluded that a desalination plant is the best alternative for Cambria. The Honorable Congresswoman Lois Capps and her staff agree that a desalination plant is best for Cambria.

Lois Capps put in extensive time and effort for Cambria's water problem. She worked hard for us in Washington D.C. with Congress, and was very successful in obtaining the 10.3 million dollar federal grant to help our town and pay for our desalination plant. This is a once in a lifetime opportunity for the town of Cambria. Desal will safeguard our town from drought, MTBE pollution, and it will give us additional fire fighting protection.

We have some people in Cambria that have a very selfish and greedy attitude about this entire matter. These same people want no water project, they want no growth, and they don't want the free 10.3 million dollars. They constantly hunt for any excuse to stall or stop water for our community.

Cambria only permits 27 single family homes to be built per year with our 1 % growth rate, the lowest rate in all of San Luis Obispo County. There are 710 residential lot owners on the CCSD water wait list. Almost all new residents are retired couples who have to wait up to 15 years for their turn to build their retirement homes. The mission for the "no growth people" is to stop all lot owners from building, which would surely make all existing homes much more expensive for anyone wanting to live in Cambria California. This is the old "supply in demand" game. They want Cambria real estate only for the very wealthy.

We will have a drought or a forest fire some future year and Cambria people will be in trouble. I am requesting the Coastal Commission to please support our desalination system and help protect our town. Thank you

Sincerely, Thomas W. Rakoczy

1942 Benson Ave. Cambria CA. 93428
805 927-1378

Thomas W. Rakoczy

Liz Fuchs

From: B0bbiB@aol.com
Sent: Friday, April 06, 2001 4:48 PM
To: SLOReview@coastal.ca.gov
Subject: Feedback on SLO County ReCAP from Oceano

My name is Bobbi Brosnan, and I live in Oceano. I appreciate that the California Coastal Commission is addressing the multitude of environmentally sensitive issues in this area. Thank you for being open to accepting feedback.

I second the concerns of many of the people who spoke at the 3/27/01 meeting.

1] Since the vehicles are being allowed to continue to drive on the beach, in the surf, through the creek, and all over the dunes while a new 2-year scientific study takes place, there should at least be increased patrolling on the beach from the rangers. They work very hard here patrolling, ticketing the speeders, arresting the drunk drivers, rescuing those in danger or injured, etc., but they are drastically understaffed for the amount of vehicle and campground traffic on the beach here.

2] The ideal would be that vehicles not be allowed on the beach while the study is being conducted. It can only be harmful to the snowy plover hatchlings scurrying across traffic to the surf to feed, to the steelhead trout trying to swim the creek while vehicles drive across their path. It can only be harmful to the water to have vehicles hotrodding through the waves and charging through the creek billowing smoke and oil. It can only be adverse to clean water [and the beach sand] to have gas transferred from cans to OHVs at the campground. Two years from now may be too late. Once a species vanishes, it is gone forever.

3] It is dangerous to walk on this stretch of beach from Pier Avenue south to the creek. A surfer at your meeting told of almost being run over while holding up her 9-foot, 6-inch surfboard. I was surf fishing, in the water above my knees, when a hotrodding truck honked at me so he could continue to drive in the water! I had to hold my ocean pole up high over my head so he could drive under it. One cannot 'run' out of the water quickly in the surf in waders to dodge vehicles driving in the water. And at high tide, pedestrians have to share a narrow area with the vehicles.

4] Regardless of the tides, and in addition to inadequate pedestrian access, public access is limited: One cannot pack a picnic and bring one's family here, spread a blanket out on the beach to spend the day, set up a volleyball net, or other beach-related recreation, because of the vehicular traffic.

5] The vehicle traffic also has an impact on scenic resources for the people on the beach and in the water. The beauty and serenity of the coast is marred by the sounds of engines revving, the smell of fuel and smoke, the sight of huge trucks hauling flatbeds, campers, RVs, trailers, ambulances, tow trucks, caterpillars dragging huge dumpsters, and hundreds of cars. It is not remotely 'scenic.' Rather, it is disturbing and jarring and in striking contrast to the breathtaking vistas.

On March 10, 2001, at high tide at 10 in the morning, my husband and I walked down to the creek to see what had happened in the big storm the weekend prior while we were away. Trucks with their OHVs were lined up to cross the flooded-out area [because of the extra high tides, full moon and storms and the levee break]. Some were illegally burning pallets full of rusty nails. Many of them were drinking [and then strewing their beer cans and food wrappers and cigarette butts on the sand next to their vehicles.] All right, so it is Saturday morning and they are on vacation.

However, that means when they get into their vehicles to drive to camp, they are DUI. There was foul language every third word all around us, this with many young children in earshot. Will those children be at the creek in their own trucks one morning in 15 years, drinking, swearing, polluting, and littering the beach as an example to their children? This demonstrates no

respect shown whatsoever for the environment or for people, making it very difficult to be sympathetic to their cause.

6] A separate issue that I do not believe was addressed at the 3/27 meeting: The sand dune encroaching on the property and homes of Strand Way homeowners in Oceano south of Pier Avenue.

For 70 years the homeowners have dispersed the sand away from the structures [at their own expense]. For 70 years the vehicles have been allowed to drive on the beach, in the ocean, through the creek, and up and down the dunes. Now a 2-year study is being implemented to determine the impact of those vehicles on the environment. Meanwhile, they are still driving on the beach, in the ocean, through the creek, and in the dunes.

However, the homeowners are no longer allowed a permit to move the sand back away from their houses while waiting for meetings with the involved government agencies to determine a long-range plan. There are no snowy plovers' nests, no red-legged frogs, no steelhead trout, no endangered native plant species in front of our homes.
There is only a 12-foot high, 210-foot long dune blowing closer to our houses daily in the high winds, especially now that the windy season has started.

Moreover, a qualified person would walk in front of the plow when the dune was being graded to assure that no environmentally sensitive or endangered animal or plant species would be disturbed. This protective practice is not being implemented with the vehicles driving on the beach, in the ocean, through the creek, across the snowy plover hatchlings' feeding path, and up and down the dunes.

We propose that since 4,300 vehicles are allowed on the beach per day for the next two years while this scientific study is being done, that the homeowners be allowed to move back the sand the next two years while waiting for meetings to be arranged by Dr. Lester with the homeowners and the government entities involved, while waiting for a plan to be submitted, approved, and implemented. Our houses will be destroyed under a mountain of sand by then.

Permits are now denied us because this was "neither sudden nor unexpected." However, it was indeed sudden and unexpected that we would no longer be allowed to move the sand back after it has been done for 70 years.

Thank you for listening to the people in San Luis Obispo County.

Bobbi Brosnan
1632 Strand Way
Oceano, CA 93445
Phone: 805 474-8880
Fax: 805 474-8890
E-mail: B0bbiB@aol.com [2nd character is a zero, not capital letter O]

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APR 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

To whom it May Concern:

I am writing to express my deep concern for your proposed changes regarding the San Luis Obispo County Coastal Update. I am a 5th generation Cambria cattle rancher whose family has been in California since 1776. I love and have protected the land as all my family has for generations. However, several of your proposed recommendations will drive family ranching operations out of business eliminating any possibilities for my son to continue our way of life.

First let me say that agriculture is ***not*** development. We should not be treated like developers. Permits should not be required for grading, agricultural use adjacent to streams, increasing water usage, and when adjacent to sensitive habitats.

One of ranchers largest concerns is your viewshed "*protection policy*". Ranchers must remain ***flexible to survive*** in today's competitive economic climate. Many rancher's property adjoins Highway one and must have the right to build their home or barn, etc. You propose to not allow any development along this highway so the public can simply ***enjoy*** the view as they pass by at 55 mph. We are trying to ***survive and*** your concern is how the countryside appears to the public. If this philosophy develops further, why not also develop standards for urban yard care?

Also the proposal for requiring coastal permits with land use changes is ridiculous! We must be allowed ***flexibility to survive.*** Having a governmental agency control over what farmer's plant is not part of the American dream.

I hear many of the local townspeople complain about "too much growth" or "cutting trees" or "whatever", but a vast majority of these people have been here less than five years and they are vocally attempting to dictate policy. Their thoughts can be simplified by saying, I have mine but I want to close the door now so nothing changes.

Change can be difficult to accept but as a community we must grow to provide jobs for the young. I fully understand growth must be controlled, but never eliminated! I want there to be a future in Cambria for my children.

I believe nearly ***all*** ranchers who spoke to the staff during March were unified in their concerns with your proposals. Listen to us if you wish family farming to survive. The other choice will be wealthy rural residences in our countryside with California history vastly changing due to your short-sided policies.

Robert Soto

Robert Soto

C. BEECHAM COMPANY License No. 389087A

755 Harbor Street Morro Bay, Ca. 93442-1907 Office (805)772-5761 Fax (805) 772-9250 Shop (805)528-1631

April 11, 2001

RECEIVED
APR 24 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Charles Lester
725 Front Street Ste. 300
Santa Cruz, California 95060

Hi Charles,

Regarding your new proposed rules on agriculture - they are extreme and unwarranted. Most farmers are fine keeper's of their property and they don't need any more cumbersome regulations.

You, at the Coastal Commission, are out of control.

CTB

Craig T. Beecham

Angela Beecham

Angela Beecham

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APR 25 2001
CALIFORNIA
COASTAL COMMISSION

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APR 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 12, 2001

Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Sir,

My family has farmed on the central coast for over one hundred years. My grandfather, James Barlogio came from Switzerland in indenture. He love this country and later sponsored his nephew in Switzerland to help him. (I've enclosed a copy of the request for help.)

I have many concerns about the restrictions the Coastal Commission have proposed on the agriculture.

Farming requires the implementation of the latest in science, marketing and business. To restrict what crops that can to raised will limit the farmer. The farmer takes the financial risk for his his choice. He deserves the right to that decision.

Already pesticide use by farmers is regulated by the department of Pesticide Regulation. Any more regulation is a waste of taxpayers money for uneeded duplication.

Fire prevention and health and safety must not be secondary to habitat and recreation. Wildfires are a fact of life in California and people living on the land deserve protection.

If you restrict the coastal farm lands so they are not econonically feasible, do you plan to reimburse the farmer for his loss?

Respectfully submitted,

Betty Farrar Odell

Betty Farrar Odell

Cayucos July 3rd 1920

To whom it may concern!

This is to certify that I James Barlogio native of Cugnasco Canton Tessin Switzerland age 57 = american citizen holding Naturalization Certificate dated aug 13th 1898 and now conducting a large Dairy business at Cambria Cal. and for Great need of help in said Dairy business I do ask that Innocente Baretta of Cugnasco Canton Tessin Switzerland age 25 be allowed to come to my assistance in conducting said dairy business and that I will be responsible for all of his debts and needed assistance in order that he shall never become a burden of this country the United States of North America

Signed

James Barlogio

Dave Vanoni american Citizen

Efrom Genardini american Citizen

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P.O. 2401
Harmony, Ca.
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APR 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Charles Lester
California Coastal Commission
725 Front St. Suite 300
Santa Cruz, Ca. 95060

CV

PO Box 1763
Cambria, CA 93428
April 15, 2001

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APR 1 8 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Charles Lester, District Manager
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Mr. Lester:

What follows are my comments on the Periodic Review of the North Coast Area Plan.

I want first to thank you for organizing the meeting of March 26. We all need to work together on this most important of projects, the NCAP. I just hope that the County was listening. Special thanks are due the Coastal Commission staff for the many hours put into the Preliminary Report of February 2, 2001.

I hereby say "amen" to the statements in the CC letter of August 25, 2000 to San Luis Obispo County. The statements are low key, but the reality is very high key. The "new circumstances and changed conditions" that have come about since January 1998 are of critical importance and must be reflected in the update. I believe that the "preliminary policy alternatives" documented in the CC Preliminary Report are an excellent strengthening means and are essential for the new plan. A few issues should be emphasized.

- Certificates of Compliance and Lot Line Adjustments. Congressman Sam Farr knows well the environmental damage this can cause as he represents the Monterey County Big Sur area. He states, "A new business of land speculation has begun. It works like this: Speculators purchase the most scenic properties from estate sales, research to find historical lots in the most scenic viewsheds, then threaten to develop the property unless they are bought out. <u>This is a new kind of environmental terrorism</u> in that no laws are broken. But it does beak the land trust bank accounts and deplete government acquisition accounts. This type of land churning for greed is totally inappropriate in areas set aside for viewshed protection."

These are strong words. They may or may not apply to the Hearst Resort proposal, but Certificates of Compliance for antiquated subdivisions and subsequent Lot Line Adjustments have already been used in our county. They have the potential to create havoc with environmental protection. County regs must be strengthened asap.

- Buildout reduction in Cambria is of always of major importance. The executive summary of the Preliminary Report states it best. "<u>Implement</u> measures to control short-term growth and long-term buildout reduction in Cambria." This is so much better than page 69 in the body of the report. Here it states, "to <u>address</u> the small lot buildout potential of Cambria." Unfortunately, we (meaning the county) have been "addressing" the buildout potential since at least ten years ago when even the build/build owner of the local lumberyard said 8500 was a good population cap. The

only major step so far has been the East West Ranch acquisition, and primarily our private citizens, with state and conservancy help, did this.

I believe that our county, with the help of the CCSD and the Coastal Commission, must start now, meaning say, April 2001, to "implement", not to "address" buildout reduction! Waiting until the NCAP is complete will only make the problem more intractable.

- The Hearst Resort Project. I believe the possible Hearst Resort projects would be detrimental to the unique north coast and the only allowed project must be in keeping with the constraints described in the Coastal Commission's letter to the County Planning Department of August 25, 2000. The new circumstances and changed conditions necessitate a "start over" approach in the NCAP for the Hearst Resort project. Alternative 6 in the North Coast Area Plan Project Description of January 2000 appears to offer just such a "start over" approach. Under the updated NCAP, the Hearst Corporation would apply for a specific plan and LCP amendment, in keeping with the new circumstances and changed conditions.

I believe the Coastal Commission staff has carefully supported the provisions of the California Coastal Act, and trust that the County will aggressively do the same.

Yours truly,

Bob McDonnell

c: Shirley Bianchi, Supervisor, District 2
Victor Holanda, Director, Planning and Building Department

April 15,2001

Charles Lester
California Coastal Comm.
725 Front Street, Suite 300
Santa Cruz, Ca 95060

Dear Mr. Lester

The Agriculture Community is already heavily regulated. The proposed regulations by the by the Coastal Comm. would duplicate existing regulations and be waste of taxpayors money.

We already have Zoning, Agriculture Preserves, Pesticide, Water Control, Fire Prevention, Health and Safety and many other regulatory entities.

Farming requires flexibility to respond to the latest in science and changes in marketing and business.

Large Agriculture land areas have preserved the coastal open spaces from Morro Bay to Carmel along Highway 1.

What you are proposing would cripple agriculture in the coastal zone.

Please leave Agiculture as it is. We are already heavily regulated.

Sincerely

David Odell
475 Plymouth Street
Cambria,Ca 93428

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APR 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Liz Fuchs

From: pattymara@juno.com
Sent: Wednesday, April 18, 2001 12:15 PM
To: sloreview@coastal.ca.gov
Cc: hopedance@aol.com
Subject: Protecting our creek, dunes and beach

Dear Commission,
My name is Patty Mara Gourley and I have been a resident of San Luis Obispo County and the Central Coast for over twenty years. I have raised my family here and hope to live here for the rest of my life.

I am writing to you to express my concern about off road vehicles driving on our beach and throughout the dunes. Please continue the good work you are doing to require scientific assessment of the impact of vehicles on the dune and beach habitats. I hope the actions you took at your last public impact meeting here in February will lead to a complete restriction of all vehicles. In the interim I hope that seasonal restrictions be immediately implemented during steelhead spawning and plover nesting times (from March to October).

It is my dream that soon, I will be able to walk along Arroyo Grande Creek and see a restored habitat for fish and birds. As I approach the dunes I will hear only the sound of the wind instead of the perpetual drone of all terrain vehicles. Walking further through the estuary I'll see the fresh water meeting the salt water and the gorgeous expanse of sea and sky and sand. Gone will be the line of trucks with ATV trailers plowing through the creek and roaring down the beach.

Instead, I'll join walkers, runners, families and friends enjoying a day at the beach safely, no longer endangered by vehicular traffic on the sand. I'll know that snowy plover nests will be protected and slowly their numbers will increase. Least terns and brown pelicans will return, as well as increasing populations of our native seagoing trout, the steelhead.

I'm trusting that you will act officially to stop the madness of cars and trucks driving on the most fragile ecosystem in the state: the Guadalupe-Oceano Dunes. If there is anything I can do to help, let me know.

Keep up your good work,
Sincerely,
Patty Mara Gourley
1742 Tierra Nueva Lane
Oceano, CA 93445
805-481-8009

RECEIVED

APR 18 2001

CALIFORNIA
COASTAL COMMISSION

LOVE

USA 34

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET #2000
SAN FRANCISCO CA 94105

94105-2221 20

Dear California Coastal Commissioner:

The people of San Luis Obispo County support the rigorous implementation of the Coastal Act. We demonstrated this to you when over 1,000 county residents heeded the call to help save our coast and attended the California Coastal Commission hearings in San Luis Obispo on the 15th of January 1998 to stop the Hearst Corporation's plans.

We will support your efforts to encourage the County to update the LCP in a manner that is more protective of coastal resources.

Sincerely, Diana Flatt

Rancho San Simeon

April 24, 2001

Clyde Warren
P.O. Box 528
Murphy, OR 97533
e-mail: ctwarren@hotmail.com

RECEIVED
APR 27 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Charles Lester
California Coastal Commission
Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060

RECEIVED
JUN 0 8 2001
CALIFORNIA
COASTAL COMMISSION

Re: CA Coastal Periodic Review

Dear Mr. Lester,

I would like to take this opportunity to respond to the "Periodic Review of the San Luis Obispo Certified Local Coastal Program". There is too much in this 360+ page document to respond to in the short amount of time allotted. Therefore, I will concentrate on the agriculture section and other areas that directly affect my family's property. I can only talk about our own property because other land owners will have different situations facing them.

Our family has been in the Cambria and San Simeon area since 1875 give or take a few years. My grandfather bought the property (a portion of the original Rancho San Simeon mexican land grant) in 1939. My wife and I lease a portion of it from our family trust. The trust was set up as part of my father's and grandfather's estate. My mother will be 90 this year so your **positive and timely** response will have an effect on us. Our estate planning is vital for us to keep the property that we own. The government has set up estate taxes that could force us to sell this property. They base our value according to what comparable property sold for. Keep this in mind as you read, I will refer to this paragraph throughout the letter.

I will start with Article 5, Land Resources. In Section 30241, it says, "**The maximum amount of prime agriculture land shall be maintained in agricultural production to assure protection of the areas agricultural economy**". Is this telling us that we have to plant whether or not there is a market for crops raised? It's better to wait for the market to return than to lose money keeping the land "maintained in agriculture production". If the land is not in production at a particular time, it does not necessarily mean grazing land.

At this time it's anybody's guess what to plant with the affects of NAFTA. If you want to "**assure protection of the areas agricultural economy**" then you need to start by educating yourselves on the problems that face small farms and ranches. Then, decide if you want to take a positive step to really help. If you want to help, start by educating the people at the federal government level.

In Section 30241.5, this report discusses the "**the viability of existing agriculture uses**". What century would you like to compare it to? My grandfather bought this ranch and others using mainly cattle as his income. He was not a farmer. Today the cattle on this place do not even cover the taxes and insurance. Farming in the coastal area is partime at best unless you own enough land to plant year round. Several land owners use the same share cropper in order for him to keep employees. If he can't supply work, they leave for other jobs. So his work on training them was in vain.

In my area, I don't know of anyone that doesn't have supplemental income from non agriculture uses. Except for maybe the Hearst Ranch. In the early 1940's my father supplemented his income with outside tractor work.

One of the best protection of the viability for agriculture lands is the protection of our riparian water rights by the State Water Resource Control Board. Refer to pages 42 and 43. Anything that diminishes this, is another attack on agriculture. Note: On page 43 the second sentence should be corrected to: "Entities exercising their riparian rights, must submit a statement to the Department of Water Resources reporting the amount of water used." If you store water more than thirty days, you need an appropriation permit.

On page 35, first paragraph, are you talking about the Hearst property or mine? I am seeking Commercial Service Zoning from the present Recreation Zone. The last paragraph says, "The development of non-agricultural estates **may**, over the long run, drive out legitimate agriculture and farm use." You are about 50 years too late. The people who buy ranches now are not doing it to make living in agriculture. Agriculture is an investment for their non ag income. The newer the place, the more money invested. Refer to the second paragraph of this letter about estate taxes.

On page 39, Preliminary Recommendation 2.9. Again, does this refer to me or the Hearst Ranch?

On page 70, Preliminary Recommendation 2.14. Are you suggesting that an *adjudication of water* be established on San Simeon Creek? We already report to the State Water Board on the amount of water being used during the year. What is the definition of *watershed inventorying and monitoring*? This would be another negative impact on the *viability of agriculture.*

In Chapter 3, Water Quality/Marine Resources, **Section 30230 of the Act requires that marine resources be protected, maintained, and, where feasible, restored. The biological productivity of coastal waters, including streams, estuaries, and wetlands, must be maintained. Requirements include controlling runoff and waste discharges to protect water quality, maintaining groundwater supplies and stream flows in order to sustain the biological productivity of coastal waters, and <u>minimizing the alteration of riparian habitats and streams</u> (Sections 30231 and 30240)**. This section is counter productive in that is says, "coastal waters, including streams estuaries, and wetlands, must be maintained" and "minimizing the alteration of riparian habitats and streams". When using the word "*minimizing*", it opens it up to interpretation by unqualified people. What is a minimum alteration? You end up with an expensive bandaid solution and not dealing with cause of the problem. People think the environment will come to an end if you remove or move willow trees that grow in the stream bed.

I have a good example of this with a county culvert at Van Gordon Creek on San Simeon Creek Road. The willows have blocked the center of the creek and moved the channel to the west. The county could be forced to rip rap the west side of the culvert and have an on going maintenance problem. This would keep the stream entering the 18 foot culvert at a 90 degree angle as it does now. Or take two hours with an excavator to move the willows to the west bank and let the stream correctly enter the culvert. *The willows will reestablish themselves.* This maybe too simple or too cheap for some people. You have to look at the benefit of the stream and habitat as a whole. Forget about a couple of creatures to save several hundred. Large inhabitants such as frogs, fish, and turtles are easily moved with a net. This is where a one-on-one coordination between Fish and Game and property owners would work. But, with every governmental agency and environmental group that wants to have a say in what happens, the red tape is to much. Everybody has to justfy their jobs and that adds cost and time to any project. This discourages preventative maintenance of streams which would also reduce erosion problems. A lot of stream enhancment projects can't afford either option. Common sense is lacking in a lot of regulations.

We have re-established steelhead spawning in Van Gordon Creek. It took 10 years for the first return (see news article). I have a 3/4 mile stretch of Van Gordon Creek. I'm lookng at obtaining a grant from Fish and Game for habitat restoration. There are only four small rock outcropings in which these new fingerling trout can survive. *I believe that the center of the channel should be kept open to be able to handle the maximum winter water flow. Willows need to be established on the banks for protection from sunlight and erosion. Maintaining and developing pooling areas for fingerling steelhead is also necessary. The rest of the habitat will automatically benefit from this.* The biggest concern for me is the red tape. Will it be worth it or should I try to do it on my own? It will take a lot longer for me to get the money.

I can only speak from experience of 46 years living on San Simeon Creek Road. I have seen it when the landowners were able to maintain the creeks to prevent erosion of the stream banks. They didn't let the willows or other debris collect in the middle of the stream to cause erosion of the stream banks. The center of the creeks were cleaned and maintained to handle the high stream flows in the winter. The willows were used to support the banks from erosion and they would also provide waterholes for fish and wildlife. The rock outcroppings provide better sustainable water holes for the fish and wildlife because they force the underground water to rise to the surface.

Page 77, paragraph 2, Overview: "Agriculture is the greatest source of water pollution in the U.S.." According to the EPA's fact sheet, "Agriculture is one of four sources of water quality impairment." These kind of misleading statements are the basis for mistrust and discontent when they are presented as fact to the general public.

Page 77, Erosion and Sedimentation: "Grazing and other agricultural practices are likely contributing factors to erosion and sedimentation of streams throughout SLO County. Agriculture grazing is suspected sources of sediment to San Carpoforo Creek in the North Coast area,". This is an anti-agricultural bias and unfounded statement to put a negative impact on the Hearst Ranch and it affects all of us. What percentage does grazing contribute to sedimentation vs. natural erosion in San Carpoforo Creek? Is it 2% ag and 98% natural? You should have some idea before publishing statements like this. The only concern I've heard about from sedimentation is the loss of spawning beds for the steelhead. If this is true, then why have we seen an increase in steelhead trout?

Page 78, Pesticides: This section once again shows data in an anti-agricultural bias. Pesticides are heavily regulated in this county. The report on the avocado use of pesticides shows how the Federal government created a problem and a state agency publicly accuses agriculture for pollution they haven't done. Since the government allowed a new pest (Thrip) to enter the U.S., the avocado farmers had to use ***sugar and petroleum jelly*** to fight the pest. And by using these non toxic substances to eradicate a pest, this report shows an **885%** increase in use. People have been educated to think all pesticides are bad for our water quality. Some are, if used improperly. But the public perception has been set. And will the Coastal Commission or any other government agency publicly *correct this with the same* ***impact***? I don't think so. It hasn't happened in the past.

Page 81, paragraph 3: The categorization of agricultural production as a development, requiring permits to operate, is completely counter productive to protecting and maintaining the viability of agriculture. *Refer back to paragraph 3.* The idea of agriculture as a development

must be eliminated.

Preliminary Recommendation 3-9: *Modifiy criteria citing watercourses on USGS maps:* One requirement for sedimintation and erosion control plans is land activities which are "Within 100 feet of a watercourse shown on current 7 1/2 minute USGS quad map". Staff recommends adding the following criteria, any one of which would define a natural watercourse or drainage system: a) Supports fish, *This is covered in the existing maps as a blue line stream. This seems to be trying to include all stock ponds that may have fish and provide artificial habitat for endangered species. These ponds are usually at the very top of the watersheds.* b) Has significant flow 30 days after last significant storm. *What is significant? And what is it significant to? Nonsignificant rains can extend flow well beyond 30 days. Why not 180 days? These drainages won't have a flow year round anyway.*, c) Has a channel, free of soil and debris. *What channels will qualify for this?*

Page 118, paragraph 5: If agriculture is considered a development, then requiring a "qualified biologist" to complete "an inventory of the plants and animals identified as occurring, or having the potential to occur, within 100 feet of the proposed development" will unfairly condemn agriculture financially. *Refer back to paragraph 3.*

Page 130, paragraph 4: *Analyzing the "Takings" Issue:* "A critical step in evaluating whether avoidance is possible, and to what degree impacts can be minimized, is to understand the economic backed expectations of the property owner **when the property was acquired.** *Recognizing that the implementation of LCP policies can not deprive a property owner of an economically viable use (i.e., constitute a taking),* ". The statement "**when the property was acquired"** needs to be removed because it is prejudice to the family farms that have been here a long time. My property has been in the family since 1939. We paid $32,000.00 for 800 acres. It's probably worth over $2 million now. The IRS will look at the $2 million figure instead of the $32,000.00. To understand the economic backed expectations of the property owner, is to base it on present economic situation. Not what has happened in the past. Also, the sentence "***Recognizing that the implementation of LCP policies can not deprive a property owner of an economically viable use (i.e., constitute a taking)*** is brought to my attention throughout this Periodic Review while reviewing it.

Page 144: North Coast Planning Area Standards 8 and 9 for Rural Recreation areas regulate development near Van Gordon Creek as follows: I am not pursuing a recreational development zone for this site. I will be submitting a zone change for Commercial Service to accommodate the existing uses and future needs. I have been waiting for 12 years during the SLO County Update process to get my requested zone change only to watch it fail because of the Hearst development.

Page 148, paragraph 2: This paragraph is confusing to put it lightly. "*The rocks' footprint consumes habitat area, thereby reducing areas of biological productivity.* Did anyone stop to think about this statement before it was printed? There is no habitat where rocks are needed. As long as the erosion is allowed to continue, there won't be any habitat on the streambank. The rocks are used to stop anymore erosion. If you want to protect the "fish spawning and streamside habitats" then you must **not allow** obstruction to be established within the creekbed.

The idea of "*natural process of erosion and deposition*" is **counter productive to protecting fish spawning areas and creekside habitats.** It's like mixing oil and water. This line of thinking has caused more sedimentation into the creeks than anything else. There shouldn't be anything wrong with maintaining a creek. It should be encouraged. The competition from government agencies to control what happens in a creek has discouraged volunteer maintenance. The Fish and Game should be the only agency that land owners need to deal with. Preventative maintenance and enhancement can be cheap and easy if done early with the supervision from one agency.

Page 189, paragraph 3: *Long-term Viability of Agriculture Lands:* Maintaining the long-term viability of agricultural lands is extremely difficult. Because of numerous economic and climate-related factors that are beyond the immediate realm of coastal and land use planning policies. For example, land cost production costs, operating costs, equipment costs, labor costs, property and inheritance taxes, and utility assessments all effect the viability of agriculture practices. The specifics of a site, including the hydrology, historic land uses, and runoff or sedimentation from upland uses can also affect the long-term operation of a farm. The international forces affect the economics of agriculture as well. **"The flexibility to change practices to respond to changing economic situations is one element *that is critical* in maintaining agricultural uses."** This sentence should be the title for this section of the Review. *But it is compromised by the next sentence.* "Because of the complexity of the agriculture economy, local government must take advantage of multiple mechanisms, ***including land use regulations, to maintain agricultural lands***."

What agriculture needs is less regulation. This paragraph fails to mention the costs of regulations. The costs of compliance with regulation is often one of the bigger costs. Look at some of the things this Periodic Review is proposing on agriculture, 1) Biologic Investigations and Reports. This Review is considering agriculture as a "development" (page 123, PR4.3), 2)Introduces the concept of agricultural activities as "development" which includes all phases of regulations associated with it (page 243, PR5-13), 3) Tourist have a higher priority over our property in the name of "protecting critical viewsheds" (page 316, PR 8.1). This is one that goes against Section 30241of the Coastal Act ("*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy*"), and 4) These 3 items alone could kill agriculture besides the examples mentioned earlier in this paragraph.

Page 190, paragraph 10: "Overall, the economics of agriculture are likely to continue to make farming difficult, in part due to the speculative value of land." The people who buy agriculture land today are not buying it to make a living from farming or ranching. They are looking for an investment and a place to spend money. *(There isn't a shortage of people to pay more than what the land is worth for agriculture production.)*

Proposition 13 has protected us from the influence of inflated land prices. But there are people trying to eliminate Proposition 13 (to make it *fair*). We probably would have been forced out a long time ago if we were taxed according to what they paid for their land. We should not be penalized because they paid too much.

If the Coastal Commission wants to show their commitment to preserving agriculture, then I think they should help educate the people of this state on the importance of eliminating the inheritance tax. Because at *time of death* of a family member, the Internal Revenue Service is going to base the value of our property according to what the neighbors paid for theirs. I've gone through this already with the passing of my grandfather in 1986 and my father in 1988. This problem is very serious to us with my mother turning 90 this year. The property values have increased in the last 12 years and will increase even more if regulations inadvertently condemn it to open space. Our property had to be set up in a family Trust to preserve it from being sold to pay inheritance taxes. This complicates and ties the hands of family members when trying to protect our own individual futures from the onset of government regulations.

Page 225: *Building envelopes,* There are already limits on the number of residences a parcel can have. But to put a limit on the number of accessory buildings is unreasonable. My two barns are bigger than the 5000 square foot limit proposed and it's still not enough to keep my equipment out of the salt air. It is totally unfair to put limits on farms and ranches which may need additional building necessary for operating their business.

Page 225, Preliminary Recommendation 5-5: "Consider standards to govern existing non-conforming lots in agriculture." This is referred to, "One option in reviewing lot-line adjustments is to encourage *lot mergers* to increase the size of agricultural lots." **This could devastate our estate planning**! Our family has spent thousands of dollars and countless hours trying to come up with a way to keep the property . Since we don't have a lot of money stored away, we had to figure out a way to prepare for the inevitable inheritance tax. We have 800 acres divided into 3 parcels. One is 319 acres, another is 480 +/- and the third is 75 feet by 87 feet square. This third parcel has a residence on it and not much room for anything else. We did this so it could be sold to pay inheritance taxes and not hurt the rest of the ranch. If we wanted sell it to make money, we would have given it about 10 acres at the time of our lot-line adjustment. But we wanted to retain as much of the ranch as possible. By combining this small parcel back into a large parcel, it would throw our estate planning out the window. We have

been working on it for at least 20 years. This lot merger consideration (**PR 5-6**) should be eliminated.

Page 237, full page: This page presents an assault on all levels of agriculture. It is on this page that grazing "*impacts the diversity and quality of native landscapes*", even well managed vineyards, orchards or lettuce fields do "*not look or function like the natural environment that it replaces*". Further, "*there may be little or no habitat value to these lands*" *and can lead to "dramatic impacts on the scenic character of previously grazed hillsides or native oak woodlands*". This biased assessment of agriculture fits in with the statement made by the Coastal Commission hearing that *"Grazing can reduce the diversity and amount of natural vegetation available to support native animal species. Large mammals such as deer and mountain lions may withdraw from areas claimed for grazing"*. This clearly shows how unfounded political statements are published to persuade the general public that agriculture is bad.

When my father was young (1930's), he rarely saw any deer. When he did, they were very skittish. Why, because they were a main source of food for people. There was no electricity for freezers in the hills of San Simeon Creek. Fresh meat had to be acquired year round. Our ranch has a carrying capacity of 120 head of cattle. During the 1960's and 70's, we usually had about 25 deer that lived on the ranch with the cattle. Now we have about 4 to 6. They live within eye sight of the houses or daily activities. Why the change? We haven't changed the amount of the cattle. It's the increased number of predators. This is the results of letting politics interfere with game management. It upsets the balance. The three major causes in the decline of deer are cars, lions, and coyotes. Not only has there been a decline in deer numbers, but also in raccoons, oppossums and jack rabbits. As long as the balance of animals is upset by the protection of predators, we all lose. Last month while I was running an excavator in my rock quarry, 3 does were running from something and stopped about 100 feet from me. They stayed there all day and kept an eye on the direction they came from. This was disheartening because the few remaining deer on the ranch have learned to run to people when threatened by predators.

If the Coastal Commission truly wants to support native animal species, then it can support the return of complete game management back to the Fish and Game. This commission has the power to educate the public, it just depends on how it wants to educate them.

Preliminary Recommendation 5-10, page 242: Almost every agriculture activity is considered a development in this PR. Development includes: substantial grading, native vegetation removal, significant landform alteration that impacts sensitive resources, agricultural uses within 100 feet of coastal streams or waters. Or is it 100 feet from inland edge of riparian habitat? Increase in water needs, alteration of environmental sensitive habitat and new development immediately adjacent to habitat. This covers about everything that happens with agriculture. To

require a permit for agriculture activities is impractical and just short of *making farming illegal. And this is suppose to be in compliance with* ***Section 30241*** *of the Coastal Act?* This PR 5-10 should be eliminated.

Preliminary Recommendation 5-11, page 242: To further impact the viability and productivity of agriculture, this PR would require, in addition to permit review, the following standards:

1. Limit new or expanded crop production to slopes of less than 30%. My neighbor has avocados on slopes greater than 30% with no erosion problems. Avocados are the only thing left that shows to be profitable since the start of the government NAFTA program. It's difficult to have enough money to start an orchard unless you want to lease the ground to someone else. This PR forces me to look at this less desirable option.
2. On slopes under 30% require incorporation of erosion control measures.
3. Incorporate cover crops into vineyards and hedgerows. *As in the above comment, this might have been a logical procedure, if it was not for the inflexible and heavy handed approach.*
4. Maintain oak trees and protect ESHA and plant vines away from oaks. Grape vines are like other crops. They are grown where the climate suits them. The vast majority are grown outside the coastal zone.
5. Reduce the use of fumigants, pesticides and fertilizers. This statement is without any knowledge of the use of fumigants, pesticides and fertilizers. To arbitrarily set a standard to reduce the use of these cultural aids will condemn many crops to commercial extinction. Pesticide use in agriculture is the most regulated segment of the industry. This Review assumes that pesticide use is casually applied and at any rate one desires, in a totally careless manner. Nothing could be further from the truth. One visit to the Agriculture Commissioner's office will show that no industry has more regulation relating to pesticide use. *Futher, this standard totally ignores the introduction on new needs. For example, along with the importation of Mexican avocados, came the avocado thrip. This pest has necessitated a pesticide use that was totally unnecessary prior to the government NAFTA program.*

It is also difficult to understand why this Review would take newspaper articles and use them as fact for this publication. *Staking Out Regulations* in The Press Democrat, 1998 and *Vintners and Growers Reaching Out* in The Tribune, December 8, 2000. We all know how bias an article can be.

Preliminary Recommendation 5-12, page 243: It would be helpful if the Review authors would look at the various programs that are in force and being introduced that help the agriculture producers and urban dwellers best utilize water. The County already has a groundwater withdrawal monitoring program in place.

Preliminary Recommendation 5-13, page 243: This recommends a coastal development permit where grazing land will be converted to a different agricultural use that involved

intensified water use, landform alteration or other activity that falls within the Coastal Act.

This broad PR will complete the circle of permit requirements on agriculture. Any change from grazing will involve more water. Any change from grazing will cause a landform alteration (i.e. plowing, disking, ripping, even just planting a tree). It is with Chapter 5 PRs that it becomes clear that the Coastal Commission desires to control all activities of agriculture. It is so contradictory to the statements on pages 185, "**A major goal of the LCP is to encourage the protection of commercial agriculture land, both prime and non-prime soils, for the production of food, fiber, and other agriculture commodities**," and page189, **"The flexibility to change practices to respond to changing economic situation is one element that is critical in maintaining agricultural uses."**

The true insult to all of this is the protection of scenic vistas is justification for the permit requirement.

There needs to be a total rethinking of how to maintain agricultural land in production and help it remain viable and flexible to the world's changes. The PRs should be supportive of the voluntary, incentive driven and cooperative efforts that are being instituted, yet not one PR suggests helping make agriculture's involvement in protecting the watershed or enhancing habitat a positive program. Instead requirements, standards, permits, prohibitions, setbacks and indictments are utilized.

Page 306 and 307, Visual Resources: Now that intensification and other agricultural activities are deemed development, a portion of the LCP comes into effect. "Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas". Statements on page 237 in Chapter 5, along with PR 5-13, support the interpretation that agriculture will impact the scenic landscape/scenic vistas. This is unacceptable for agriculture. The Review should remember the comments made on page 189 regarding the viability of agriculture. There is no place in agriculture for this type of condition.

Preliminary Recommendation 8.1, page 316: The PR would preclude, "any new development visible from public viewing areas in those areas designated as critical viewsheds" ... "all of the North Coast rural areas..." are considered critical viewsheds with the exclusion of San Simeon Acres and Cambria. Now that this is assumed, all one has to do is look at page 237 and PR 5-13 to see that the Review is not opposed to stopping agriculture if it doesn't meet the aesthetic character suitable for a tourist traveling 55 miles an hour through the area running over deer.

Preliminary Recommendation 8.4, page 318: Create a Funding Mechanism For An Open Space District. As a member of a family that has lived in the San Simeon creek watershed for over 125 years (see news article, *You'll Never Walk Alone*), this Review will kill the freedom

that we thought we had. This seems to be a mechanism to devalue our property and force people to sell at a lower price because of regulations. This property which my family has enjoyed and fought for will lose its value to us, turning it into another piece of real estate. With PR 8.4, here comes the government with new restrictions and a checkbook.

Thank you for allowing me to try to comment on this 360 page document. It would be a shame if I had to tell my children and grandchildren that I never tried.

Respectfully,

Clyde Warren

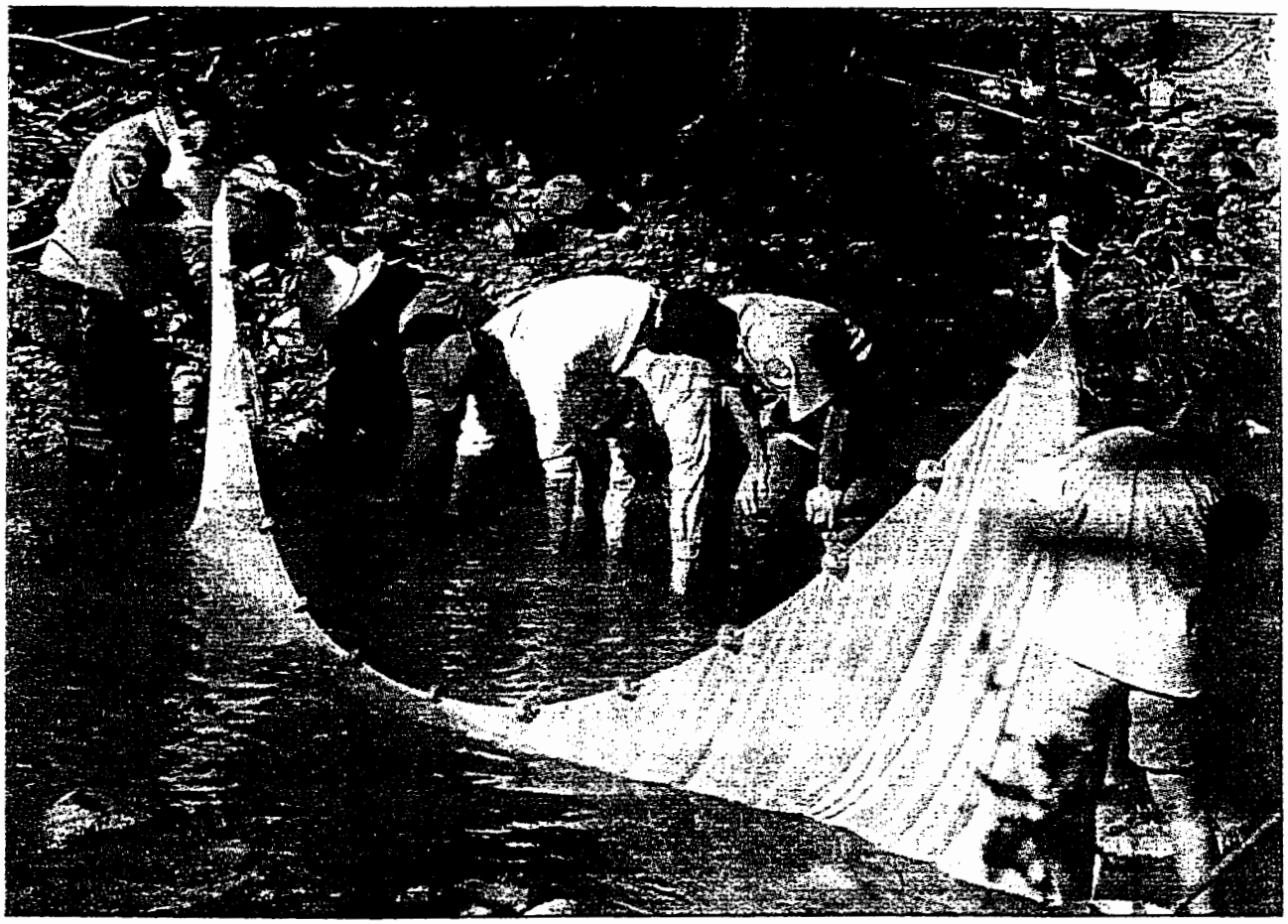
enclosures: 2

cc: Governor Gray Davis
San Luis Obispo County Board of Supervisors
Congresswoman Lois Capps
Senator Dianne Feinstein
Senator Barbara Boxer
California Farm Bureau, SLO County

August 2000

Stalking Steelhead

At left, part of the team of fish savers comb San Simeon Creek in search of steelhead fingerlings. From left: Jim Patterson, Dave Highland of state Fish and Game and Art Pearson.



Photos by Kathe Tanner

Setting a net for baby steelhead trout are, from left, state Fish and Game's Jim Stainbrook, rancher Clyde Warren, Jim Patterson, Art Pearson, F&G coordinator Dave Highland and Sarah Christie.

Roundup of endangered fingerlings means Van Gordon Creek has steelhead trout for the first time in 30 years

By Kathe Tanner
The Cambrian

While cowfolks were roping and tying their animals at the high-heat Mid-State Fair, a group of steelhead enthusiasts were standing hip-deep in North Coast creek water, team-penning some of this year's baby trout.

The analogy between the two endeavors occurred to more than one of the participants who were flinging nets across ponding areas of San Simeon Creek on July 28.

See Steelhead *on Page A-5*

Continued *from Page A-1*

probably because a number of the individuals are ranchers and horse enthusiasts. "At least it's cooler here," said a grateful Sarah Christie, who lives in Creston and works for the state Coastal Commission in Sacramento.

In 1997, U.S. Fish and Wildlife declared steelhead to be a threatened species in this and some other areas of the West Coast, and an endangered species in other locales, including the Northwest and Idaho.

Photo by Bill Bianchi

Clyde Warren gently releases fingerlings.

Rancher/fish-save coordinator Clyde Warren and his team have ridden to the rescue of the tiny trout here since 1989. He estimates the crew has likely plucked more than 10,000 of the fish from certain death as creek levels drop, leaving the fingerlings high and dry.

Add another 1,500 from this year's catch to that total, which is as many of the baby steelhead as state Fish and Game will allow Warren to put into his bridge-shaded pond on Van Gordon Creek.

Participant Sarah Christie also "rescued" a Western pond turtle, another endangered species. The team took it to the Van Gordon Creek pond, as well, Warren said, "after we named it Sarah."

This has been a good year for steelhead, according to F&G's Fish Habitat Specialist Dave Highland, one of the rescuers for yet another year.

"We've got lots of young," he said, along with some juvenile and 2-year-old smolt steelhead that will go out into the ocean. "And we did have a pair of adults that came up to spawn," Warren said.

Some of the smolts are in creeks that haven't had adult steelhead in residence for years or decades.

That includes Van Gordon Creek, Warren said, where "it's been 30 years since we've had steelhead come up this creek."

Highland said that Toro Creek near Morro Bay also has steelhead smolts, a notable change.

Steelhead are a decidedly different breed of fish, being either anadromous or non-anadromous. That means they are all born in fresh water and many (but not all) live in the ocean but return to their home creeks to spawn. The non-anadromous steelhead live their entire life in fresh water. Those resident forms are generally referred to as "rainbow" or "redband" trout, while the ocean-goers are called "steelhead."

Generally, steelhead from the sea are considered Pacific salmon while the resident fish are called trout, which only adds to the confusion for non-fisherfolks.

California is thought to have the only coastal steelhead. Unlike other Pacific salmon, steelhead can spawn more than once before they die. Average weights for mature ocean-going specimens of the gunmetal-gray fish average from 3 to 9 pounds.

The San Simeon Creek rescuers have their "roundup" down cold. First you comb gloppy algae from the rapidly stagnating creek areas. Then you look for clumps of the darting fish, trying to find them before they spot you and dash for cover. Drape netting across the inlet and outflow of a heavily populated area, and then get out the hand-nets. Scoop the reluctant fish into buckets filled with creek water. Take the buckets quickly down to the Van Gordon Creek pond, and introduce the fish to their summer home before they have a chance to panic or go into shock.

The rescue rate is pretty good, Warren estimates. "We don't lose many of the ones we catch. It's the ones we can't catch, or that we don't have room for, that we all worry about."

This year, there were lots of those, he said. "We didn't get to a lot of the 'holes' we've gotten them out of in the past. We got to 1,500 fish very quickly this year, sometimes getting as many as 15 in one bucketful."

That's an improvement over last year, another summer like this one in which the creek dried up later than normal. "But last year, it snuck up on us. We tried one week, and the water was still too deep. Art (Pearson) checked two weeks later, and the water was gone."

This year, every few days the team members monitored the water's drop-rate. Two weeks to the day from their first rescue work, they maxed out the pond's capacity. "And we only did 25 percent of the creek," Warren said. "The fish are there, we just need more ponds and more ranchers who will put ponds in."

He and his team will watch the pond's water level, and the fish within the pond, all summer long until the fall rains arrive. And they'll watch for the smolts to add them to the pond. "Those are the important ones," Warren said.

According to a coalition that has fought to save the threatened steelhead trout, historic migrations of the fish each year up California streams likely numbered in the millions during spawning season.

By the 1960s, according to an alliance of conservationists, fishers and ecologists, the fish had declined, due in part to dams and water diversions, logging, grazing and gravel mining and other causes. Now, conservation groups estimate that fewer than 20,000 of the fish return to these same areas each year.

"I can remember a couple of fishermen taking big steelhead out of Santa Rosa Creek by the sackful" during the 1960s, longtime Cambria resident Helen May recalled recently.

Other causes listed for the steelheads' decline — and salmon decline in general — include poor ocean conditions, over-harvest, hatchery production and habitat-degrading situations, such as water diversions from the creeks in which the fish spawn and grow, impacts of urbanization on water supplies, agriculture, silt from loggers harvesting timber, hydropower operations, gravel mining and fishing, with the reasons varying generally by location.

NOTES FROM THE HILLS

You'll never walk alone

Lee Wintz is not the first to live on his San Simeon Creek ranch

Abstractions of historical data, cerebral cleansing that produces doctrines and attitudes, even perception of actual events, do not include woolly, fuzzy shades of gray and spectrums of color that, in the real world, finds an intricate intermingling in threads of life.

This morning, there were some light rain showers, not enough to raise the creek height, but enough to make the roads soft. I remained briefly in our warm home and looked over some historical material given me by Dawn Dunlap and Forrest Warren.

A map of our home location dated 1879 showed the Stilts family living virtually in the same place as do we, creating and using the same road. They homesteaded much of our ranch, arriving from Wisconsin with six children. The last child to be born in Wisconsin was "Clinton" in 1872. The next and seventh child "Lottie" was born here in 1875. Their oldest child, Calista, was in her mid-teens on arrival.

There would have been no roads over which they could arrive, no home to move into with their six or seven children, no ready utilities to hook up and about which to complain. There were no door-to-door salesmen, and no telephone solicitors to disturb their "tranquility."

We still basically use the same road that the Stilts developed, obtain our water from the local springs, heat our home by wood stove and have no door-to-door salespeople. We have replaced their lighting system of candles, kerosene and whale oil with solar energy and do have telephone solicitors.

The rain had stopped and I had orchard work to do. I left the nostalgia of wondering how that intrepid family succeeded. Joseph, a wounded Civil War veteran, enduring the prison of Andersonville, and wife, Lovina, survived while creating a home and raising eight children in much less than ideal circumstances.

Going to work, I traveled in my Kawasaki Mule across the creek and toward an orchard about a half-mile away.

Just above the orchard and to the left side of the road is a small lush meadow. At the lower end is a spring and pond which waters the orchard beyond. The pond in springtime is covered with native watercress, interspersed with spikes of yellow monkey pod flowers. On road level and on higher ground to my right is a

In front is a clump of aromatic bay trees and behind an oak forest.

Suddenly, I stopped in my daydreaming travel. In front of me in the wet muddy portion of the road was a series of fresh, small woman sized footprints. They abruptly began and mysteriously ended, as in a Karel Capek story.

These roads and the area have no travelers. Our nearest neighbor, who has a parallel road across the line fence, lives over a mile away. No one had been up his road for several days.

One thing that I had earlier failed to mention, was that on that map of 1879, a Warren house was indicated, I'm guessing about where the footprints were, although there is no memory of a house.

Joseph Warren, the first "Warren" in the area, arrived from Connecticut. He had gone to San Francisco after walking across the Isthmus of Panama. He met the Stilts family while coming down from San Francisco and soon married Calista Stilts in 1876. She was 17 years old.

The indicated "Warren house," was adjacent to the Stilts' property and still public was along the way I had just traveled and past the Stilts' home. It is easily imagined that Calista's father helped the young son-in-law build his first new home. Calista, who no doubt already had experience helping her mother establish their home, began her life as a Warren. Having four children, Calista Stilts and Joseph Warren began the extensive Warren family in the area.

The newlyweds probably discovered early, that the spring, which runs so beautifully many years, drops too low to be useful in dry years without a solar pump, and probably moved to establish their ranch on Steiner Creek.

In some obscure fashion, could Calista have in spirit revisited her first home site? She had walked to California from Wisconsin. Returning to visit did not seem that much more of a challenge. I do not believe in miracles, but also admit that humankind does not fully comprehend the full breadth of the universe in which we find ourselves. But, daydreaming helps.

I avoided the footprints and drove on to tend the awakening orchard. One is never lonely in

Liz Fuchs

From: Karen Suty [ksuty@voyan.com]
Sent: Friday, April 27, 2001 2:57 PM
To: 'SLOReview@coastal.ca.gov'
Subject: How do I get involved?

Elizabeth A. Fuchs, AICP
Attention: ReCAP
California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Dear Ms. Fuchs,
I would like to know how I can get involved in the California Coastal Commission. What can I do to be an active part. I'd like to become more involved so that I can understand what is necessary to have commission members show each side of an issue the time and respect they deserve.

My cause for concern was generated by the fiasco of a meeting held last month. We attended the California Coastal Commission meeting in San Louis Obispo regarding the Oceano Dunes State Park (Permit No. 4-82-300-A5) . All were shocked at the flagrant bias of some committee members. It seemed that several committee members hadn't read and refused to listen to the Oceano dunes report by the superintendent (in fact several commission members were not even present yet) and talked amongst themselves while the park supporters spoke. Yet all were present and silent during the Sierra Club presentation and movie. All had conducted private meetings with the Sierra Club's lawyer prior to the public meeting - an excellent move on the part of Sierra Club as it clearly affected the "opinion" of the commission members.

The disrespect and obvious anger shown by one committee member in particular was appalling as she denounced the crowd by saying "don't you people realize that extinction is forever?". Obviously that particular member had not read or listened to the superintendent's report. Had she done either, she would have realized that one of the so-called extinct animals hadn't existed at Oceano in the last 20 years (due to the dam construction, not to people misusing the beach or OHVs) and the other had been cared for and protected not only at Oceano Dunes but in several other state parks throughout California and Oregon including 14 miles of dunes adjacent to the Oceano Dunes park.

Please let me know what I can do to help; either by being actively involved on the board, or by studying the project in a non-biased manner. I look forward to the meeting in May, where the permit comes up again, I'd love to meet with you to discuss my concerns as well as evaluate what I can do to help make a positive impact.

Thank you for your time,
Karen M. Suty

May 3, 2001

RECEIVED
MAY 07 2001
CALIFORNIA
COASTAL COMMISSION

Steve Monowitz
California Coastal Commission
725 Front Street, Suite #300
Santa Cruz, CA. 94105-2219

Re: Coastal Commission Periodic Review of the San Luis Obispo County LCP

Dear Mr. Monowitz,

We are writing to voice our support for the position taken by the United Lot Owners of Cambria.

We currently own two parcels in Cambria with the intention of building a modest home on one in the future. We are good stewards of our property and have complied with the Cambria Community Services District requirements regarding weed abatement.

We are paying over $400.00 a year in property taxes and have no voting voice in government actions with regards to our land. We are writing this letter today in hope of voicing our concerns and frustrations regarding development policy in San Luis Obispo county and Cambria.

For the past two decades the Cambria Community Services District (hereafter referred to as the CCSD) has been working on a "Water Master Plan" that has not been completed. Over twenty years and millions of dollars have been spent on studies that have accomplished nothing. A desalination plant was proposed in 1997, a reservoir in 1978 and a desalination plant again in 2000. Both the reservoir in 1978 and the 1997 desalination plant were turned down. In March 2001 the CCSD has agreed to send a letter to Congresswoman Lois Capps accepting a $10.3 million federal grant for the newly proposed desalination plant. However, sending the Congresswoman the letter is just the first step. There are already concerns about Cambria's ability to come up with its share of the funds necessary. There would be plenty of funds available if they were not wasted on all the studies.

In response to the inaction of the CCSD the county of San Luis Obispo has restricted growth in Cambria to 1%. The only affected parties to this action are the owners of undeveloped lots, many of whom have deposited a large deposit of $5,000.00 with the CCSD or a $350.00 with the county of San Luis Obispo. This deposit places the lot owners on a list to receive an "Intent to Serve" letter when (and if) their number comes up. These are also the people who have no voting voice. Why are we punished for the CCSD's inability to perform the job they are hired and elected to do? Why is the CCSD allowed to manipulate and stall the progress of a Water Master Plan without repercussions?

After reading the Coastal Commission's periodic review we were angered that the County of San Luis Obispo has not complied with the Local Coast Plan with regards to the Urban Service Lines (USL) of Cambria. How can it be that development has occurred outside of these lines when those who have been waiting for their chance to build continue to wait?

According to the periodic review growth in Cambria only average 1.6% per year during the last ten years. This is well below the county rate of 2.3%. The growth rate for Cambria should be returned to at least 2.3% and the CCSD and the county of San Luis Obispo be made to fulfill its obligations to both the current residents of Cambria and those lot owners on the water wait lists. Only after these lists have been exhausted should there be any thought to allowing additional development inside or outside of the USL.

We understand both the Coastal Commission's and the Cambria citizens' desire to protect the open spaces along the central coast. We agree that measures should be taken to insure that the area does not become over populated. What we do not agree with are the tactics being used to minimize growth.

If the Coastal Commission, the County of San Luis Obispo and the CCSD wishes to completely stop or reduce the amount of growth they need to purchase the vacant lots for the current taxable value plus an agreed upon percentage, release the funds used as deposits for water wait lists, plus reimburse all taxes and weed abatement fees paid out by the property owner. However, at this time I have not heard of such support from the current residents of Cambria.

Thank you for this opportunity to voice our concerns, questions and frustrations. We hope that the Commission will do everything it can to preserve the current Coastal Act Standards and the rights of all the property owners.

Sincerely,

Douglas A. Jones

Kim L. Jones

cc: Liz Fuchs, California Coastal Commission
Ken Topping, General Manager, CCSD
Shirley Bianchi, San Luis Obispo County Supervisor 2nd District
Chuck Stevenson, San Luis Obispo County Dept. of Planning and Building

Liz Fuchs

From: Liz Fuchs
Sent: Tuesday, May 08, 2001 5:51 PM
To: Allyson Hitt; Charles Lester; Steve Monowitz; Tania Pollak
Subject: From SLO mailbox

FROM SLOReview Mailbox

Original Message-----
From: Jill Abercrombie [mailto:mathteacher@tcsn.net]
Sent: Friday, May 04, 2001 3:16 PM
To: SLOReview@coastal.ca.gov; kentopping@cambriacsd.org; sbianchi@co.slo.ca.us
Subject: Re: Coastal Commission Periodic Review of the San Luis Obispo County LCP

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Thank you for this opportunity to voice our concerns, questions and frustrations. We hope that the Commission will do everything it can to preserve the current Coastal Act Standards and the rights of all the property owners.

Sincerely,

Jill & Darrel Abercrombie

RECEIVED
MAY 23 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Jerry Leonard

May 10, 2001

To: California Coastal Commission

Subject: San Luis Obispo County LCP Review

I have the following comments on the February 2001/ May 2001 SLO County LCP Periodic Review:

Italicized and bolded text is excerpted from the Coastal Commission Periodic Review dated February 2, 2001.

Executive Summary, Page EX-6, Changes since 1988 LCP Certification: Significant changes in 5th Amendment takings jurisprudence.

Comment:
The CCC should include a statement that condemns frivolous attempts by environmental groups to defraud property owners of their right to build homes on their property and support accountability measures for such acts. When a community needs to protect land from development for environmental or any other reasons, the community must pay above full market value for the affected properties, not balance the cost of environmental protection on the backs of a few property owners.

Chapter 2: New Development and Public Services; B. Background Population and Development Trends "San Luis Obispo County has experienced significant growth since final certification of the LCP in 1988. According to figures developed by the Department of Finance (DOF), the county had a population of 204,338 at the time of LC P certification. By 2000 the population had grown to 245,025, an increase of almost 20 percent.

Comment:
The growth rate for SLO county (14%) is the same as the statewide California growth rate (14%). The report should accurately represent this fact and be based on that realization. If different numbers are used, the methodology for their sum should be explained in detail.

C.1. Concentration of Urban Development: Stable Urban-rural boundaries.

Overview: Coastal Act 30250(a) requires that new development be concentrated in and around existing development areas that have sufficient public services to support such development.

Comment:
The San Luis Obispo County LCP has no enforcement authority to this policy. It is a CCC policy only.

A *requirement* should be developed that mandates community utility service providers (such as the Cambria CSD) to proactively develop and provide services, (water, sewer, etc) commensurate with the demand of the **county** growth rate. If the CCC cannot enforce the services district to comply, the CCC should have in place a mechanism that forwards issues [with non-compliant service districts] to the appropriate legislative bodies.

The Cambria CSD has shown time after time their unwillingness to develop reservoirs, alternative water supplies, or agree to tie in to other water sources that were and are available. This has continued for 20 years!

THE PROBLEM IN CAMBRIA IS NOT THE WATER. THE "PROBLEM" IS THE LACK OF ACTION BY THE CCSD TO PROVIDE SERVICES AS REQUIRED.

The LCP Public Works Policy 1

Comment:
LCP Public Works Policy 1 clearly places the existing lots in Cambria as the first order to be developed, as they would be infill in an existing subdivided area. Under this rule, projects such as Brown and Hearst should only be allowed after existing Cambria is built out and then only if they can supply their own private water and sewer systems onsite.

Cambria Water Supply:

Comment:
The CCSD uses the water excuse (not providing any) as a tool for the no-growth political movement in Cambria. Their hope is that all undeveloped lot owners will "give up" and sell their land to an adjacent developed parcel so they are relieved of the responsibility to provide services, i.e., perform the job that the taxpayers pay them to do. This is unacceptable. The CCSD must be held accountable to provide services, not use the office as a tool to regulate growth. The courts will ultimately decide accountability issues, on an individual and organizational basis, if these practices are not curtailed.

Wake up. Do you think the power shortage is any different than this? I don't think so. Community service districts must take the necessary steps to ensure services are provided to property owners. To not take action and build alternative water supply facilities only follows the same path that power grid engineers took when they did not build additional power transmission lines and generation plants. (The next time you're in the dark, don't forget to thank the environmental groups for their part). The difference with water is that Oregon and Washington aren't going to bail California out when an inevitable drought arrives.

Consistency Analysis: Groundwater basins in both [Cambria and Los Osos] communities are under severe stress.

Comment:
This has not been proven. What studies (with merit) have shown this to be true?

Preliminary Recommendation 2.13. Address Cambria Short-term Development.

Comment:
The SLO County growth rate of 2.3% should be applied to Cambria to provide equity with the rest of SLO county. Why is Cambria singled out as the only city with a 1% rate? The water issues associated with a 2.3% rate can and should be addressed. The water can be available. The CCSD can take the necessary steps to provide services. However, the CCSD is choosing instead to satisfy their own political agenda at taxpayer expense.

Preliminary Recommendation 2.15. Consider Additional Options for Water Conservation

Comment:
Rather than talk about a development moratorium, CCC and the County should encourage CCSD to start reducing irrigation and other outdoor consumption.

Preliminary Recommendation 2.16. Cambria Long-term development (Buildout Reduction)

Comment:
I totally disagree with any mention of a minimum lot size of 7000 sq. ft. The majority of lots in Cambria are double lots, between 4500-5000 sq. feet. To suggest that a triple lot be the standard for a minimum is absurd. There is no way to fairly compensate lot owners for initiatives that reduce developmental potential, unless the CCC is willing to pay lot owners 150 to 200% of fair market value for their properties.

I ask that the CCC take the following actions:

- Strongly support the CCSD desalination plant project and advocate it with the Monterey Bay Marine Sanctuary.
- Set a policy that requires community service districts to provide services to their constituents.
- Include a statement that condemns frivolous attempts by environmental groups to defraud property owners of their right to build homes on their property and openly support associated accountability measures.
- Portray the growth rate for SLO county (14%) to match the statewide California growth rate (14%).
- LCP Public Works Policy 1: Place the existing lots in Cambria as the first order to be developed.

- Not allow community service districts to satisfy their own political agenda. Adopt stronger language that holds the service districts accountable for proactively providing services to accommodate growth.
- Require that all communities within SLO county have the same authorized growth rate. Cambria should be 2.3%.
- Prove, with factual studies, statements made about water stresses in the consistency analysis.
- Not address any minimum lot size [for development] for existing platted lots within Urban Service Areas.

Thank you for considering my comments.

Jerry J. Leonard

RB

SANTA BARBARA, CA 93101
PM
8 MAY
2001

20 USA

ALWAYS
USE ZIP CODE

Santa Cruz

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET #2000
SAN FRANCISCO CA 94105

RECEIVED
MAY 1 1 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear California Coastal Commissioner:

The people of San Luis Obispo County support the rigorous implementation of the Coastal Act. We demonstrated this to you when over 1,000 county residents heeded the call to help save our coast and attended the California Coastal Commission hearings in San Luis Obispo on the 15th of January 1998 to stop the Hearst Corporation's plans .

We will support your efforts to encourage the County to update the LCP in a manner that is more protective of coastal resources.

Sincerely, Shawn Curtis Harris
P.O. Box 31
San Simeon, California 93452

Liz Fuchs

From: Tarren Collins [tlclaw@fix.net]

Sent: Sunday, June 03, 2001 11:48 PM

To: Sara Wan; Pedro Nava; George Luna; Gregg Hart

Cc: Peter Douglas; Charles Lester; Renee Brooke; Lisa Nunes; Chief Mark Vigil; Susan Jordan; Sarah Christie; mark.massara@sierraclub.org

Subject: SLO County LCP Periodic Review - San Luis Obispo County Chumash Council Comment

LAW OFFICE OF TARREN COLLINS

P.O. Box 3063
Shell Beach, CA 93449
Tele: (805)773-0233
Fax: (805)773-0403
email: tlclaw@fix.net

June 3, 2001

To: California Coastal Commission

Sent via email and Fax

Re: **San Luis Obispo County LCP Periodic Review**
Current Agenda Date: July 11, 2001

Dear Chair Sara Wan and All Coastal Commissioners:

As the attorney for the San Luis Obispo County Chumash Council, I urge you to adopt the excellent recommendations of your staff contained in the Periodic Review of San Luis Obispo County's Local Coastal Plan.

Your staff faced a task of great magnitude, and their remarkable work is impressive. I have reviewed the periodic review and attended the many workshops which your staff held in San Luis Obispo County to gather public input. I was glad to see that the citizens of San Luis Obispo County overwhelmingly agree with your staff's recommendations. The few in opposition either represent special interests who hope to continue their violations of the Coastal Act and CEQA with out interference, or fail to comprehend the impacts to our coast from their chosen activities.

I was able to work with your staff intern, Lisa Nunes, to provide information regarding cultural resource protection. The members of the San Luis Obispo County Chumash Council are pleased with the recommendations in the periodic review for protection of their

sacred sites and cultural resources.

The members of the San Luis Obispo County Chumash Council recognize not only the cultural value of their places and artifacts, it is also their spiritual practice to protect the earth and all it's inhabitants.

The LCP Periodic Review allows the County of San Luis Obispo to come into compliance with the Coastal Act, and if adopted, will allow a greater measure of assurance of compliance with applicable laws. The periodic review takes into account the cumulative impacts of development and activities to the resources of the entire coast, a view often overlooked by some our local officials.

On behalf of the San Luis Obispo County Chumash Council, and the seven generations of my family to live in San Luis Obispo County, I applaud your staff's dedication, the fine quality of their work, and the outstanding recommendations set forth in the LC Periodic Review for San Luis Obispo County.

Please enhance and preserve the quality of the San Luis Obispo County Coast by adopting your staff's recommendations.

Please also forward this email to all Commissioners.

Thank you for all that you do to protect our magnificent California coast.

Sincerely,

Tarren Collins,

Attorney for the San Luis Obispo County Chumash Council

Suggestions / Recommendations
for
San Luis Obis County Local Coastal Plan

Submitted by:
Mark DiMaggio Mdimaggatcsn.net
Earth and Environmental, and Biology teacher, Paso Robles High School
Environmental Representative, North Coast Advisory Council
March 26, 2001

1. P. 155. Preliminary Policy Alternatives: Stream alterations.
Support for deletion of allowing streamed alteration for flood control.

2. P. 156. Recommendations to insure adequate setbacks.
Increase minimum setback from Riparian corridor to 100 feet.

3. P. 157 Recommendation to Protect Creek flows and In-Stream Habitats
Importing water is ecologically unsound. If impact exceeds capacity of stream, then the construction permit should not be granted.

4. P. 163
Support for paragraph at top of p.163 calling for improved accuracy of wetland delineation.

5. P. 170
Support for reconsidering allowing the removal of a tree because it has pitch canker, as it now appears that some trees survive the disease and can pass this genetic trait on.

I also propose the establishment of a standard to prohibit the release of genetically modified organisms into the Monterey pine forest.

6. P. 172-176. Pine Forest Standards for the Cambria Urban Area.
Support for the protection of saplings and trees of all ages and sizes.

7. Increase Tree Replacement Requirements Where Avoidance is not Possible.
I suggest implementation of a program to insure that "mitigation trees" (those trees planted to replace trees lost during construction) are cared for to maturity (at lest 5 years). Especially important for those trees planted offsite. Currently, mitigation trees are not nurtured and many do not survive.

Mark R DiMaggio

CALIFORNIA CATTLEMEN'S ASSOCIATION

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March 28, 2001

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MAR 30 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Steve Monowitz
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 94105-2219

Dear Mr. Monowitz:

I am writing on behalf of the California Cattlemen's Association in support of the request made to you, via letter, by San Luis Obispo County Cattlemen's Association President Mr. Pat Molnar. Our association feels their request is reasonable and justified. We are supporting their position that the rules suggested in the periodic review be stayed until commission staff holds a meeting or series of meetings with the agriculture community to discuss the viability of the rules as it relates to the viability of agriculture.

We encourage you to work closely with the San Luis Obispo County Cattlemen's Association, Farm Bureau and other agricultural interests in the area to do the periodic review and amend the suggested rules to work for agriculture, the coast and the local communities. Cattlemen throughout the state have been successful in working with agencies to reach common goals from watershed issues to wildlife issues. Reaching out to the local agriculturalists is the first step in reaching a win-win situation on the suggested rules for the periodic review.

I appreciate your time and serious consideration of this very important matter and encourage you to contact Pat Molnar at your earliest convenience.

Sincerely,

John L. Braly

John L. Braly,
Executive Vice President

BEEF USA
NATIONAL CATTLEMEN'S BEEF ASSOCIATION

ROBERT FROST
PRESIDENT
SANTA PAULA

GORDON RASMUSSEN
TREASURER
PLEASANTON

DICK O'SULLIVAN
SECOND VICE PRESIDENT
PAYNES CREEK

TODD SWICKARD
SECOND VICE PRESIDENT
SUSANVILLE

DARREL SWEET
FIRST VICE PRESIDENT
LIVERMORE

ROBERT LOFTON
FEEDER COUNCIL CHAIRMAN
CALIPATRIA

JOHN L. BRALY
EXECUTIVE VICE PRESIDENT
SACRAMENTO

WAYNE LAMB
SECOND VICE PRESIDENT
SAN LUIS OBISPO

BILL BRANDENBERG, JR.
FEEDER COUNCIL VICE CHAIRMAN
EL CENTRO

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APR 0 2 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO: California Coastal Commission - Central Coast Division
FROM: Chris and Jennifer Nossaman
RE: North Coast Area Plan
DATE: March 29, 2001

Dear CCC,

We are concerned property owners in Cambria. Your study and future implementation of the North Coast Area Plan is therefore important to us and our fellow property owners. We believe that there is a way to both preserve the natural habitats created by Cambria's unique environment and to carefully develop a portion of the area's land. The people moving to this area generally come here in order to escape many of the pitfalls of their overly developed neighborhoods. They certainly do not want to ruin an otherwise pristine coastal area simply to build yet another house, which would defeat their primary goal of enjoying this natural setting. We believe that the growth rate of 2.35% set down by the county of San Luis Obispo was created after the detailed study of other areas of the state and how this growth may or may not have detrimentally affected those places. This information was used to establish this rate of growth, and again we believe that this was a good compromise to allow natural areas to thrive while allowing a modest amount of new people to move to the area and build new homes and businesses. Over the years the residents and property owners in Cambria have played by the rules set down by the CCSD and by the SLO County government. This has been going along relatively well, but in the last several years many of the rules have been changed so that the property rights of the lot owners on the waiting list are being encroached upon to the point of eliminating them. The current wait list will only increase Cambria's population by approximately 1500 people over the next 20 years. This seems like responsible growth to us. In short, while considering options for your North Coast Area Plan, we hope that you will look for reasonable solutions that will both protect property owner's rights as well as the environment.

Sincerely,

Chris and Jennifer Nossaman

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CL
RG

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COASTAL COMMISSION
CENTRAL COAST AREA

MARROCCO

PASADENA DR. LOS OSOS, CA 93402
TELE: (805)534-0818 FAX: (805)534-0421

4-2-01

FAX TO: LEE OTTER AND STEVE MONOWITZ, CALIFORNIA COASTAL COMMISSION, (831) 427-4877

FAX FROM: JIM MARROCCO

RE: GOOD WORK, THANK YOU!

DEAR LEE AND STEVE,

I PICKED UP A COPY OF *CA COASTAL COMMISSION PERIODIC REVIEW: ESTERO AREA PRELIMINARY RECOMMENDATIONS*. HOT DAMN, I WAS VERY PLEASED TO SEE *PRELIMINARY RECOMMENDATION 11.2*, THANK YOU! I ASSUME THAT MEANS YOU WILL REVIEW THE PROPOSED BOAT RAMP PROJECT WITHOUT US HAVING TO APPEAL IT TO YOU. IF THIS IS NOT A CORRECT ASSUMPTION, PLEASE LET ME KNOW.

WE HAVE ANOTHER CONCERN REGARDING THE PROPOSED BOAT RAMP. THE MTBE ADDITIVE, WHICH WE UNDERSTAND TO BE 15% OF EACH GALLON OF GAS, IS BECOMING A SERIOUS PROBLEM LOCALLY. IF FIVE PARTS PER BILLION (5PPB) ARE DETECTED IN GROUND WATER, THAT WATER SUPPLY IS SHUT DOWN FOR PUBLIC HEALTH PER RWQC. WHAT IS THE LIMIT FOR MTBE IN MORRO BAY WATER? IT WOULD ONLY TAKE ONE GALLON OF GAS TO BE SPILLED ON THE PROPOSED BOAT RAMP TO POLLUTE/5PPB THE ENTIRE BAYWOOD INLET (APPROXIMATELY 30 MILLION GALLONS OF WATER.).

I ALSO WANTED TO APPLAUD YOU ON THE POSITION YOU (CA COASTAL COMMISSION) HAVE TAKEN ON THE OCEANO DUNES! LIKE WISE, WITH OUR GOVERNMENT'S PROPOSED PLAN TO DO 3000 PRACTICE BOMBING RUNS A YEAR OVER FORT HUNTER LIGGET.

ITS BAD ENOUGH WE HAVE TO LISTEN TO HUNTERS BLAST AWAY AT DUCKS AND GEESE ON MORRO BAY STATE AND NATIONAL ESTUARY THREE MONTHS A YEAR. ADDING 3000 SONIC BOOMS A YEAR WOULD MAKE LIVING HERE ABSOLUTELY UNBEARABLE!

AGAIN, THANKS, WE ARE GLAD YOU ARE THERE PROTECTING OUR ENVIRONMENT!

SINCERELY, JIM MARROCCO JIM MARROCCO

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 5, 2001

To: The California Coastal Commission, Santa Cruz Office.

Mr. Charles Lester and Mr. Steve Monowitz

Dear Sirs:

I thank you for coming to Cambria last month. I am a Cambria resident, I love the California coast and I enjoy living in Cambria. I only dislike the unethical politics in my town, that possibly you're unaware of. A few of our local Cambria politicians are on a mission not to bring water to our community. They use water to manage growth that affects the cost of real estate in our town. This system is illegal but they are getting away with it.

I have attended numerous Cambria CSD meetings. Cambria people have been complaining for the past 20 years about water problems but nothing has been done. The main complaint from our CCSD directors was always a lack of funds to build a water supply project. Well unexpectedly and with surprise Cambria is granted 10.3 million dollars to pay for a down-sized desalination plant. The majority of our residents are very happy about this fantastic free grant and our future desal water project. Cambria will finally have a safe and reliable water supply.

During the past 10 years the Cambria CSD has spent 7.2 million dollars on water studies. The professional consultants have advised our town, that a desalination plant is Cambria's best water alternative. Our Citizens Advisory Committee overwhelmingly supported the proposed plant. 58% of community stakeholders voted in August to support the proposed plant. Two past CCSD Boards have concluded that a desalination plant is the best alternative for Cambria. The Honorable Congresswoman Lois Capps and her staff agree that a desalination plant is best for Cambria.

Lois Capps put in extensive time and effort for Cambria's water problem. She worked hard for us in Washington D.C. with Congress, and was very successful in obtaining the 10.3 million dollar federal grant to help our town and pay for our desalination plant. This is a once in a lifetime opportunity for the town of Cambria. Desal will safeguard our town from drought, MTBE pollution, and it will give us additional fire fighting protection.

We have some people in Cambria that have a very selfish and greedy attitude about this entire matter. These same people want no water project, they want no growth, and they don't want the free 10.3 million dollars. They constantly hunt for any excuse to stall or stop water for our community.

Cambria only permits 27 single family homes to be built per year with our 1 % growth rate, the lowest rate in all of San Luis Obispo County. There are 710 residential lot owners on the CCSD water wait list. Almost all new residents are retired couples who have to wait up to 15 years for their turn to build their retirement homes. The mission for the "no growth people" is to stop all lot owners from building, which would surely make all existing homes much more expensive for anyone wanting to live in Cambria California. This is the old "supply in demand" game. They want Cambria real estate only for the very wealthy.

We will have a drought or a forest fire some future year and Cambria people will be in trouble. I am requesting the Coastal Commission to please support our desalination system and help protect our town. Thank you

Sincerely, Thomas W. Rakoczy

1942 Benson Ave. Cambria CA. 93428
805 927-1378

Thomas W. Rakoczy

D-518

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1064 Bay Oaks Dr.
Los Osos, CA 93402
805-528-8272
rsparkkp47@aol.com

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MAY 07 2001
CALIFORNIA
COASTAL COMMISSION

27 April 2001

California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear California Coastal Commission Staff,

Thanks for coming to our town and holding a good meeting at the Community Center in Los Osos last month.

I live at 1064 Bay Oaks Drive which is just behind the Washington Bank that fronts on Los Osos Valley Road. I have been reading my copy of the Local Coastal Plan (LCP) and trying to follow the changes to its contents proposed by the Los Osos Community Advisory Council (LOCAC) over the last two years.

Unfortunately at the public meeting I had planned a five minute speech and then had to scramble to cut it down to 2 minutes at your request. As a result my presentation was somewhat jumbled and incoherent.

A copy of the full text of that intended presentation is included with this letter as Attachment "A"..

There is much more that could have been said regarding the Local Coastal Plan and its preparation by the Los Osos Community Advisory Council. I can summarize our neighborhood experience over the past two years and then if you need more details you can contact me.

1. In the first place there is no requirement for a downtown plan which designs in detail a new downtown area. It increases the downtown area by 100% and the latest build-out numbers from the CSD call for only a 40% increase at buildout. There are already many empty storefronts in the Los Osos downtown area. Let's wait for the need before we expand the office space .

2. The LCP has been used to push the development of the last remaining natural chaparral area of 10 acres which still remains behind the businesses that face Los Osos Valley Road on the south side. They want to pave the entire area, put in a cross street access roadway (44 foot. wide) and fill the area with parking lots, stores, ampitheaters and clock towers. Let's instead preserve this remaining 10 acres as a nature park for the residents to enjoy and observe the 50 species of birds, animals and plants that live there now.

3. The neighboring residents and the effected business owners in the area consistently are opposed to this plan. Richard Burke has a stack of petitions signed by the effected residents and business owners opposing this plan. I am sure he would be glad to share them with you. Unfortunately the SLO County and the LOCAC are unfazed by the overwhelming sentiments and say that they have already sampled the public interest and "don't want to go there again". Data supporting this claim is never offered or referenced.

4. The general conduct of the LOCAC committee really invalidates the entire LCP procedure. They seldom release their agenda to the public in time to prepare for meetings, never publish the notes of meetings, nor encourage input from the public. "This committee is not subject to the Brown Act" They sometimes ask for comments from the audience but always totally ignore these comments in their actions.

5. Under urging from the county supervisors LOCAC has reluctantly agreed to a phase-in of elected committee members to replace the current appointed members. . However, the new plan proposed would take 6 years to replace all old members with new elected members. (Have the zones or precincts have been gerrymandered to facilitate reelection of all current members?)

6. Changes to the LCP are made so looselyand so often that there is really no validity to the document in its present form. The buildout numbers are out of date, the bicycle routes are in conflict with the bicycle committee, member precincts are different from the ones currently in the LCP, etc.

7. Since the water supply and the drainage are both potential problems for the area it is alarming that LOCAC proposes paving the entire 10 acres behind the bank on the south side of LOVR. Even a one inch rainfall would mean 27,000 gallons of water that have to be carried by the drainage system and would not sink into the grpind to replenish the aquifer.

8. There is much confusion over what should really be in the LCP. I feel there is too much junk in the current copy (dated Feb. 1999). The LOCAC is trying to push their own detailed design upon the neighborhood instead of concerning themselves with the community long range requirements, capabilities and standards. It would help if the Coastal Commission wrote a guide to tell the writers what should be in the LCP, and in what chapter, and what to leave out. (See attached letter for some of my detailed comments.)

Your request for my comments is greatly appreciated. Please contact me at the above address for additional information.

Richard S. Parker

Richard S. Parker
cc: Supervisor Bianchi, LOCAC Chair Maryellen Simkins

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COASTAL COMMISSION
CENTRAL COAST AREA

May 1, 2001

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CA COASTAL COMMISSION
PERSONNEL SECTION

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

I have lived in California for over 40 years. Over the years I have seen many scenic and splendid areas along the coast lost forever because of gross development. One of the last bastions of pristine coastline is in San Simeon. In particular there is the magnificent San Simeon point and cove. I know of nothing quite like it in the state. It is a quiet promontory of unique beauty. A stroll down the beach at the cove and then out on to the point transports a person to days gone by. A person can easily picture sailing ships or plank canoes afloat out in the cove. This point is far too special to become just another coastal development.

The Hearst Corp. must not be allowed to develop the San Simeon Point. It would have a severe impact on the resources: water , the beaches and the wetlands. Any development in the area must be east of highway one.

Sincerely,

Eric Knapp
PO Box 1784
Cambria, CA
93428

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CALIFORNIA
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CENTRAL COAST AREA

SANTA BARBARA CA 931
02 MAY 2001

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CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET #2000
SAN FRANCISCO CA 94105

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CALIFORNIA
COASTAL COMMISSION

94105+2219

Dear California Coastal Commissioner:

The people of San Luis Obispo County support the rigorous implementation of the Coastal Act. We demonstrated this to you when over 1,000 county residents heeded the call to help save our coast and attended the California Coastal Commission hearings in San Luis Obispo on the 15th of January 1998 to stop the Hearst Corporation's plans .

We will support your efforts to encourage the County to update the LCP in a manner that is more protective of coastal resources.

Sincerely,

Jo Dean & Al Gaul
Sandra & Chris Poyler.

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NORTH
COAST
ALLIANCE
Post Office Box 762
Cambria, California 93428
Fax (805) 924-0503

Preserving the Heart of the North Coast

Directors:
Bill Allen
Bill Bianchi
Ken Butterfield
Betty Fiscalini
Jacque Kelly
Pilulaw Khus
Wayne Rybum

May 7, 2001

Lois Capps
U.S. Representative, 22nd District
1118 Longworth Building
Washington, DC 20515

Dear Mrs. Capps,

As you are aware, the Cambria Community Services District is proceeding with plans to construct a reverse osmosis desalination plant within the Monterey National Marine Sanctuary and within a Marine ESHA.

You have been very helpful in arranging possible Federal funding for this project. However, the North Coast Alliance, its member organizations and the many concerned citizens it represents, feel that no Federal money should be allocated for this project until all appropriate environmental studies, including an EIR, EIS and an ESHA study have been completed for public and agency review and for California Coastal Commission approval.

We would like to meet with you or your representative as soon as possible to discuss this issue.

Thank you for your work in defense of the environment and our community.

Sincerely,

for

William G. Allen, President
NORTH COAST ALLIANCE

Cc: Helen May, President, CCSD
Vic Holanda, Director of Planning, Building, SLO County
Shirley Bianchi, Supervisor 2nd District, SLO County
Charles Lester, District Manager, CCC, Central Coast District
Michele Roest, Education and Outreach Specialist, MBNMS
Linda Krop, Staff Attorney, EDC
Roger Briggs, Executive Officer, Regional WQCB

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FAX TRANSMISSION COVER SHEET

Date 06/07/01 **Time** 4:50pm **# of pages including cover** 18

TO Steve Monowitz **Fax #** (831) 427-4877
Phone #

FR Babak Naficy **Fax #** 805-781-9384
Phone # 805-781-9932

MESSAGE Periodic Review of SLO County

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edcmal@west.net

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Comments on the Coastal Commission Staff's Preliminary Report, Periodic Review of the San Luis Obispo County LCP

Introduction

On behalf of our client, Friends of the Ranchland, The Environmental Defense Center hereby submits these comments on the Coastal Commission's Preliminary Staff Report.

We commend the Coastal Commission Staff for their exhaustive review of San Luis Obispo County's compliance with the Coastal Act via the implementation of the County's certified Local Coastal Plan (LCP). The periodic review process presents an excellent opportunity for the Commission, the County and members of the public to evaluate the efficacy of the measures contained in the LCP, as implemented, and to undertake any changes or fine-tuning as needed.

As the administrator of the Coastal Act on a state-wide basis, the Commission has a greater vantage point from which to observe state-wide trends and areas of concern. The Commission's wider field of vision and the Commission staff's wide range of expertise in dealing with the issues that coastal counties must grapple make it an excellent resource for these counties. Undoubtedly, the issues San Luis Obispo is grappling with are not unique, and the Commission's experience in reviewing San Luis Obispo's implementation of the LCP will serve as a blue print for the review of other counties to come.

We also commend the County staff for approaching this process with an open mind. We have seen an attempt to cast the terms of this dialogue between the County and the Commission as a battle between local control and centralized tyranny. We are sanguine that the County staff's concurrence with the Coastal Commission's preliminary findings and recommendations is a signal that at least at the staff level, there is a sprit of cooperation, and a realization that by working in tandem, we can better protect the precious resources of our coast.

Some have argued that the periodic review has come at inopportune time, before the County's has finished its North Coast Area Plan update. We, on the other hand, believe the timing of the periodic review could have hardly come at a better time. The Coastal Commission has once again taken the mantle of leadership and through its staff's painstaking review and innovative and practical recommendations has identified areas where the County has succeeded, as well as those areas in which the County has failed. Now the Count can undertake an update of the North Coast Area Plan with the knowledge and understanding of the areas and issues it must rethink. The County can thus build on its success and avoid future failures. It is far better for the Commission to have spoken on these issues now, and to have waited until the County wedded itself to an untenable course of action in updating any portion of the LCP.

We also commend the County staff for its thoughtful review of the Commission's recommendation. In most cases the County staff has agreed with the Commission

recommendations, and we are confident that in the months to come, any significant differences can be resolved.

Finally, we note the important role that the public has played in this process of review. To their credit, the Commission staff have been receptive to the public's concerns, and have gone out of their way to make themselves available for taking comments from the public.

Interim Measures

In light of the Preliminary findings of the Coastal Commission, and the County staff's concurrence with the majority of these findings, we suggest the following stop gap measures be implemented until the County has had a chance to fully review the Commission's final recommendations and take action:

- Until the County maps and LCP have been updated to fully reflect the extent of ESHAs in the coastal zone, the County should treat the entire coastal zone as an ESHA. This measure would ensure that no permits are inadvertently issued in conflict with the LCP's ESHA policies.

- Arrange for random third party audit of all non-appealable permits to ensure uniform compliance and detect any systemic irregularities or misinterpretations of the law;

- Immediately implement all procedural changes the county agrees are needed to ensure consistency with the LCP. Create a priority system for implementation of the changes that need to be implemented. Many of the changes require little or no expenditure of funds.

Developments within the North Coast Area

Hearst Corporation's threatened development plans in the ecologically sensitive north coast area is of particular concern to Friends of the Ranchland (hereinafter, Friends). We concur with the Coastal Commission's assessment of this area as one of "incomparable beauty and significance." As the Staff Report notes, due to its relatively undisturbed character and its unique natural resources, the North Coast supports important habitat to both plant and animal species, many of which are threatened or endangered.

Despite the area's natural beauty and biological riches, over the years many plots have been hatched to intensify development in the area. Most recently, Hearst Corporation has proposed additional visitor serving development on the Hearst property. Although the final plans for this development has not been unveiled, and any development would

require an LCP amendment not to mention extensive environmental review, it is important to note the parameters within which any development in the North Coast can be contemplated.

Recommendation 2.9

We concur with the Coastal Staff's recommendation that any necessary visitor-serving developments in the North Coast be categorically excluded from agricultural areas and be limited to the existing commercial nodes at San Simeone Village and San Simeone Acres.

Suggestion has been made that visitor serving developments should be permitted outside of these areas, adjacent to the existing facilities, such as State Beaches. In particular, in its comments to the Board of Supervisors, the Hearst Corporation suggests that siting hotels and resorts adjacent to the Hearst Castle Visitors Center, or a resort near Old San Simeone Village would be consistent with Coastal Act policies set forth in §30250. Hearst Comments, Page 4. These comments are misleading and misstate the law. §30250, does discuss visitor-serving developments in proximity to existing development. Only section "c" of §30250 addresses visitor serving facilities, and provides that "[v]isitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors." Thus, in the first instance, the onus is on the developer to prove that proposed facilities cannot be located "in existing developed areas."

Section 30250(a), which the Hearst comment quotes, only pertains to new residential, commercial or industrial developments.

We are extremely concerned that despite its initial concurrence with the Commission's preliminary recommendations, the County now appears to be willing to entertain development adjacent to the Hearst Castle Visitor Center area. We oppose any development in this area and urge the Coastal Commission to insist on this point.

It should be noted that developments outside of the existing nodes would violate other policies of the Act, such as protection of ESHAs, limiting traffic on Highway to levels that can safely be accommodated without widening, and protection of view sheds. It is worth noting that any proposed development in the North Coast, in addition to meeting the zoning requirements of the LCP and CEQA, must also comply with provisions of the LCP on ESHAs, traffic, view shed protection, and water resources.

North Coast Plan Amendment (NCAP)

We strongly urge both the County and the Coastal Commission to reinitiate the NCAP process. As it appears that the Hearst's development plans are proceeding full steam ahead, it is extremely important that the North Coast Plan is fully updated in order to provide a framework for analyzing any proposed development.

Lot line adjustments, or subdivisions by another name

One of the key threats to the continued viability of agriculture and the preservation of open space in the county is the subdivision of rural and agricultural lands. Lately, the developer's favorite methods of subdividing land without meeting the strict criteria of the Subdivision Map Act has been the process of lot line adjustment. The County's own policy on this issue permits conversion of prime Agricultural lands to other uses only if

1. agricultural use is already severely limited by conflicts with urban uses;
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, contributing to the establishment of a stable urban/rural boundary;
3. development on converted lands will not adversely affect surrounding agricultural uses.
4.

County Agricultural policy No. 1.

For non-prime lands, conversion is permitted if

1. continued or renewed agricultural uses is not feasible;
2. the conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services;
3. the conversion would not adversely affect surrounding agricultural uses.

The County has been using this formula to decide whether the resulting lots would remain viable for agricultural uses after the lot line adjustment, even where the property lies within the Coastal Zone. See, Coastal Commission Staff Preliminary Report of SLO LCP, at 196.

The Coastal Act contains a different criteria for assessing the viability of the new parcel. PRC §30241.5. The criteria for conversion of prime Agricultural land under the Coastal Act is whether "agricultural use on the parcel is no longer feasible or whether there are severe conflicts with urban uses." Preliminary Report, at 197. Obviously this is a much higher standard, making most lot line adjustments in the Coastal Zone inconsistent with the Coastal Act. Under the Coastal Act test, the actual income derived from the existing or potential agricultural uses must be evaluated. We concur with the Coastal Commission recommendation that a complete agricultural viability (as provided in preliminary recommendation 5.3) determination be undertaken before subdivision through lot line adjustment is permitted.

We concur with the Preliminary Report's observation (at p. 209) that subdivisions through lot line adjustments, even if they concur with the minimum parcel size requirements, undermine the continued viability of agricultural use, and usher non-agricultural use, by

- creating conflicts between Ag and non-agricultural uses,
- extent the physical extent of residential developments,
- increase the potential land value,

Moreover, large scale developments strain County's ability to provide services to these outlying communities and to create infrastructure. These costs are borne by the County often without any compensation from the developers, at the expense of tax payers.

Even where the County Agricultural commissioner has made a positive viability determination, and the resulting parcel sizes conform, the public has no real assurances that the newly created parcels will in fact remain in agricultural use. In fact, in most instances, it appears that the County approves lot line adjustments without any knowledge of applicant's plans for the project. Furthermore, the County's learns nothing about the applicant's intentions as a result of agricultural viability report, or even an analysis of the historic use of the property. Thus, by approving lot line adjustments without knowledge of the applicant's plans for the project, the County is facilitating non-agricultural developments in violation of the conservation policies of the Coastal Act.

It should also be noted that the County's policy of approving lot line adjustments without a description of the proposed development plans is also in violation of CEQA's requirement that environmental review must be based upon full disclosure of potential environmental impacts. Where the application for a proposed Lot Line Adjustment fails to disclose what uses may result on the newly created lots, CEQA's mandate of informed decision making on the part of lead agencies is severely compromised. In accordance with CEQA, the County must describe the "reasonably foreseeable uses" that will flow from lot line adjustment. (Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376 [253 Cal.Rptr. 426].) This requirement applies even if future subsequent approvals, and environmental review, would be needed before development could occur. (City of Carmel-by-the-Sea v. Board of Supervisors (1986) 183 Cal.App.3d 229 [227 Cal.Rptr. 899].) Accordingly, in order to comply with CEQA, the County must identify potential future consequences of the proposed lot line adjustment and *then* analyze them to determine whether they may result in a potentially significant impact on the environment. Until such analysis is done, the County's CEQA determination is legally inadequate.

To remedy this on going problem, the County should adopt a policy of not approving lot line adjustments unless it is presented with a development plan for the lot line adjusted parcels, as well as any other contiguous parcels owned by the same owner. In the alternative, the County could require the owner to guarantee the agricultural use of the newly created parcels by agreeing to extend an agriculture or open space easement over the property to ensure the lot line adjustment cannot be used to facilitate non-agricultural development.

Merger, Insteasd of lot line adjustments for non-Nonconforming lots

We concur with the recommendation that LLAs not be used to create conforming lots where the underlying lots are non-conforming. This practice creates the potential for increasing density, and as such, should be carefully reviewed.

In stead of creating conforming lots, the better practice would be to merge non-conforming lots where the same ownership interest owns multiple non-conforming lots.

In the alternative, non-conforming lots may be adjusted with restricted development potential.

In any event, lot line adjustment of a non-conforming lot should always be conditional and thus appealable.

Certificates of Compliance (COCs)

We agree with the preliminary recommendation to require a County staff report on all Certificates of Compliance (COCs). These would assist the members of the public and the commission staff to more easily review the COCs, and allow more meaningful public participation.

At present, even when a parcel is illegally created in the first place, the county is permitted to issue a conditional or unconditional COC. In order to ensure the grant of a COC is consistent with the LCP and CEQA, the County should always perform environmental review and grant a conditional COC to ensure the COC is appealable to the Coastal Commission.

View Shed Protection

We concur with the Commission's preliminary recommendation the most of the undeveloped North Coast deserves view shed protection. Protection of the outstanding views in the North Coast is required by the viewshed protection policies of the Coastal Act and the LCP. We support the Commission's recommendation and hope the County would undertake the recommended amendments to the LCP.

Update Table O (12.8)

We concur with the Commission's Table O needs clarification;

- It is important to make clear that uses in ESHAs are restricted to resource dependent.
- Make clear that certain non-agricultural uses permitted on agricultural operations, such as bed and breakfasts are conditional uses, and subject to appeal. A set of

criteria are needed to decide when any such use should be permitted, to be decided on a cases by case basis.

- At a minimum all certificates of compliance (and any subsequent lot line adjustments) issued for illegally created parcels should be issued on a conditional basis. This issue is discussed at greater length in these comments.

- The County should review currently permitted ancillary uses on Agricultural properties. Many of these uses, such as dude ranching appear inconsistent with the underlying intents of the LCPs. We urge the county to take a fresh look at these permitted uses.

Environmentally Sensitive Habitats

Since the certification of the North Coast Plan in the early 1980's many more area's within the Coastal Zone have been identified as important habitat for the conservation and recovery of the areas once abundant flora and fauna.
The North Coast Planning Area contains many rare, endangered or threatened animal and plant species. These include red-legged frogs, central coast steelhead, Monterey Pine forests and Elephant Seal colonies. The area also supports such important species as the brown pelicans, Southern sea otters and other protected marine mammals.

Beyond the protection of the habitat for state or federally protected species, other sensitive habitat must also be protected as ESHA. This habitat should be protected as ESHA because of the unique or sensitive nature of the habitat, such as wetlands, or the special status of the species that depend on the habitat, such as the Monarch butterfly preserves.

In spite of the rich bio-diversity of the region, which to a large extent is responsible for attracting tourists, and the fragility of these habitats, the habitat for the protected species has not been adequately identified and protected by the County. The County continues to identify sensitive habitat for these species by employing outdated maps that have not been adequately updated since 1988. Thus the County LCP continues to violate both the sprit and the letter of the Coastal Act by failing to identify ESHAs in the first instance, and by allowing development that degrades ESHAs in violation of the Coastal Act.

The County "Land Use Element Combining designation" treats sensitive habitats as one of four categories of geographic overlays that identify special character or designation associated with the land. See, County's Framework for Planning, at 7-1. The County LCP does not treat ESHA as a unique designation, instead ESHA is treated as but one of a number of categories which are important from a planning perspective, for one reason, or another. The County's scheme of sole reliance on maps for the identification of ESHA's has proven to be unreliable, perhaps for the same reason.

Since the 1988 certification of the County LCP, many species have been designated as threatened or endangered by the United States Fish and Wildlife Service (FWS). The Endangered Species Act (ESA) requires the FWS and NMFS to designate critical habitat within one year of such designation, although such designation does not always occur as required by the ESA. Nevertheless, critical habitat has been designated for many of the federally protected species that occur within the coastal zone in San Luis Obispo. The County's land use map in many instances does not reflect these designations.

The inadequacy of the County's map is exacerbated by the fact that development applicants are not required to investigate or identify the presence of ESHA's near or in the vicinity of the proposed development. Sections 23.02.030, 23.02.033 and 23.02.034 of the CZLUO do not require a development applicant to specify whether the proposed project occurs within or in the vicinity of an ESHA. These sections require the applicant to identify the major geographic features of the area, such as the presence of rivers or wetlands. The applicant is not, however, required specifically to research whether the proposed project falls within or in the vicinity of an ESHA. Without this information, County staff will be unable to assess whether any given project would impact an ESHA.

To address these issues, the Coastal Commission staff has made some excellent recommendations, some of which were unfortunately not accepted by the County.

<u>Updating County's maps and method of designating ESHAs(C-1)</u>

As a preliminary matter, the CZLOU should be amended to acknowledge that the features of the land are what define an ESHA, not whether the area has been designated as an ESHA on a County map. More specifically, the CZLOU should be amended to require all applicants for a development permit to assess whether the project falls within or within 100 feet of an ESHA, regardless of whether the area appears as an ESHA on a County map. This revision is particularly important while the County undertakes the task of updating its map, a task that will likely take a considerable amount of time and resources.

Consistent with the protective goals of the Act, it would be prudent to include specific language in the LCP limiting lot line adjustments within or adjacent to ESHAs, unless the resulting parcels are subject to a conservation easement. Alternatively, the lot line adjustments should be permitted subject to a covenant restricting the type and amount of development only to the level and locations that would have been permissible prior to the lot line adjustment.

Each of the Commission's recommendations is addressed below.

4.1 We commend the County staff for agreeing with the Commission's recommendation to update the definition of ESHA and to include the habitat for rare and endangered species. It would be important to clarify, however, that

critical habitat designations under the ESA are ESHA's by definition, and should therefore be designated as such automatically.

The ESA defines critical habitat as "specific areas within the geographical area occupied by the species . . . essential to the conservation of the species . . . which may require special management considerations or protection." 16 U.S.C. § 1532(5)(A). Thus, areas designated as critical habitat under the ESA should also be considered an ESHA, which is defined as "an area in which plant or animal life or their habitat are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Coastal Act §30107.5. In order to ensure consistency with the Coastal Act, the County's LCP must include a mechanism to automatically designate areas identified as critical habitat as ESHAs.

Identification of critical habitats as ESHAs would also ensure that developments permitted by the County are adequately reviewed for consistency with federal ESA.

We also recommend revision of maps and designations to identify riprarian habitats as ESHAs.

Finally, the County must commit (and the LCP should reflect the commitment) to retaining staff biologists who, through field work and regular monitoring of the Federal Register and the publications of the Native Plant Society, California Department of Fish and Game and other organizations and agencies, continuously update the County's ESHA maps and inventory of ESHA designations.

4.2 We agree that Combining Designation Maps can be a valuable tool for assessing the impacts of proposed projects on biological resources. Outdated maps, however, can potentially do more harm than good by creating the false appearance of little or no impact on ESHAs were in fact important or sensitive habitat could be affected. As such, unless the maps and GIS are regularly updated, they should not be relied upon for ESHA determinations.

In order to facilitate the collection of data to update the maps, the County should implement a system to incorporate data from all environmental reviews and analysis conducted within the county under CEQA, or pursuant to federal law under NEPA or the ESA.

4.3

We agree with the Commission's recommendation that all project applicants must prepare a biological evaluation of the impact of the project on ESHAs, whether or not the ESHA is mapped.
The County staff has suggested that compliance with the Commission recommendation to engage in comprehensive habitat conservation and management plans may be cost

prohibitive. Costly though it may be, compliance with the Coastal Act, as well as the ESA and California Fish and Game Code, requires a comprehensive approach for the conservation of resources and provides better direction to the public and the land owners.

Those areas within the Coastal Zone that support rare or endangered plant or animal communities must be adequately protected. Where the available scientific information indicates that such an area may be targeted for additional development or build-out, developing comprehensive management and planning tools for the entire area may be the most cost-effective and efficient method of managing the resources. Such an approach would eliminate or reduce the need for each project applicant to undertake extensive biological inventory and analysis, and would allow the County to identify in advance the type and level of development that would be permissible consistent with the mandates of the Coastal Act and CEQA.

This type of approach may well be required in those instances where federal law protects certain species and their habitat. For example, with the listing of the Central Coast steelhead trout as threatened by the National Marine Fisheries Service (NMFS), the watersheds supporting steelhead must be protected. It would be incumbent upon the County to identify those watersheds that support steelhead, and in consultation with NMFS, develop a habitat conservation plan for protection of the steelhead. Without a comprehensive approach to protection of these watersheds, piecemeal development can pose a serious threat to the conservation of species such as steelhead, and possibly expose the county to liability under the ESA.

4.4

The Coastal Act unambiguously provides that "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those resources." CA § 30240(a). LCP Policy 1 is meant to implement this mandate by limiting development within ESHAs: "Within an existing resource, only those uses dependent on such resources shall be allowed within the area." CZLUO 23.07.170. In light of the importance of the ESHAs to the overall biodiversity and ecological value of the coastal zone, protection of ESHAs and the limitation on development in these areas should be spelled out more specifically in the LCP.

Although CZLUO 23.07.170 purports to limit development "to those uses that are dependent on the resource," "resource dependent uses" are not defined in the LCP. As pointed out by the Commission report, resource dependency is also not defined in the Coastal Act, but the meaning appears to be clear: those activities that would not be possible but for the existence of the resources available within an ESHA. This interpretation is consistent with the LCP's definition of "Coastal Dependent Development or Use" as "[a]ny development or use that requires a permanent location on or adjacent to the ocean."

Dependence on the resources of an ESHA alone is not sufficient for the approval of a development plan within an ESHA; to approve a development within or adjacent to an ESHA, there must be an additional finding that the project will not cause a significant negative impact on the resources or the long term viability of the habitat. 23.07.170. See also CA §30240(b).

As discussed above, the inadequacy of the County's map based system for identification of ESHAs has meant that in many instances, developments with the potential for degradation of ESHA's have been approved by the County in violation of the Coastal Act. This assessment is consistent with the Commission report's finding that for many development applications within the ESHAs or ESHA setbacks, the county report failed to address whether the development is ESHA dependent[1]. We therefore support the recommendation that any development approval for a project with potential impact on an ESHA be supported with a finding that the development

- would not cause significant negative impact on the sensitive habitat(s) within the ESHA,
- would not impair the long term viability of the habitat,
- would not disrupt the habitat, and
- the project is resource dependent, i.e. alternatives to the site are not suitable because of the absence of the resources found within the ESHA.

4.5

We support the Commission's recommendation that the Cluster Division Ordinance be amended to require smaller lots, and to be placed wholly outside the ESHA. We also support the recommendation that the cluster subdivision be required for every division of property within an ESHA. Finally, we support the recommendation that the CZLUO emphasize that the minimum lot sizes established by the CZLUO do not apply to lots that contain ESHA, and that land divisions are prohibited within ESHAs.

4.7

We note (as does the Commission report) that the County requires biological reports for developments within or adjacent to ESHAs to explore mitigation measures, but not alternatives that would avoid significant impacts to the resources. The County should amend the LCP to require that any project with the potential to degrade an ESHA be approved only upon a finding that all potential alternatives that would cause impact to the ESHA have been explored and ruled out as unfeasible.

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[1] We are alarmed that at the May 1st, 2001 meeting of the Board of Supervisors (where the County's response to the Coastal Commission's preliminary Report was discussed) a member of the County planning staff cited logging as an example of a resource dependent activity. In fact logging in an ESHA would be inconsistent with maintaining the biological values and the long-term viability of the habitat.

As the potentially insignificant degradation of ESHAs may be cumulatively significant, we recommend that any development approval within or adjacent to an ESHA also be supported by a finding that the project, taken together with the other known projects (using the CEQA definition of cumulative impact) would not cause significant degradation of the ESHA.

4.8

We support the Commission's recommendations, especially the requirement for an overall plan for all properties that are under common ownership and are clustered. The County disagrees with this recommendation and has proposed its deletion.

Where a proposed project is part of a common ownership, it would make sense to require a merger and the development of an overall plan for the contiguous properties. Without an over-all plan, long term build out can happen haphazardly and in piecemeal fashion. Without an overall plan, it would be impossible to gauge the cumulative impact of developments and it would be easier for developers to chip away at the biological integrity of habitats. It is well established that developments within the rural and agricultural zones make further development easier and more likely. Commercial or residential development within the rural zone also chips away at the continued viability of these lands for agricultural uses and as open space. An overall plan for development of contiguous lots would permit the County and the Commission to assess the long-term impacts of projects in this context. An overall plan would also ensure that mitigation measures are implemented and long-term promises for dedication of open space or conservation easements are kept.

4.10

The Commission proposes that before approving a non-resource dependent project within an ESHA (assuming a feasible alternative to avoid impacts on the ESHA is unavailable) the County engage in a "takings" analysis and essentially make a finding that rejection or modification of the project (to avoid impacts to the ESHA) would result in a viable takings claim.

The approach suggested by the Commission is consistent with the Coastal Act. We concur. The County has rejected this approach in favor of one that would emphasize alternatives analysis, including at least one alternative with a smaller footprint. While we think that the County's proposal is a step in the right direction, we believe that this approach does not go far enough. Thus, for example, the County does not appear to be in favor of a true "No build alternative" as is required by CEQA. We therefore recommend that the Commission's initial recommendation be adopted.

4.11

Again, we concur with the Commission's initial recommendation. Where the no project alternative is not viable, the next most protective feasible alternative should be adopted by the County.

4.13

In conjunction with other protective measures, adopting long-term strategies to maintain viability of ESHAs would be important. The requirement of deed restrictions and conservation easements where degrading projects are permitted is one such solution. We observe that this strategy would work more effectively if implemented in conjunction with Recommendation 4.8 (calls for overall development plans for contiguous, commonly owned parcels.)

Streams and Riprarian Habitat

As is the case with the County's identification of ESHAs, the County's identification, mapping and inventory of streams and riprarian habitats has been inadequate. The Staff Report is replete with examples of cases where the County approved development projects in close proximity of streambeds, without making a specific finding that the project could impact the stream and or the riprarian corridor. We concur with the Commission Report's conclusion that this problem has been caused in large part by the County's reliance on outdated Combining Designation Overlay maps. As noted by the Commission Report, another reason some streams are not mapped by the County Overlay system is the LCP's requirement that streams be mapped in the latest United States Geological Survey map. Both of these problems can be solved by making an immediate and comprehensive effort to update the County's overlay designation maps. The LCP should also be amended to require a site visit anytime the development application identifies a stream or riprarian corridor not previously identified on the County map.

Another overarching consideration for updating LCP policies relevant to the conservation of our coastal streams is the listing of the steelhead trout as a threatened species by the NMFS, and the listing of red-legged frog by the USFWS. The listing of these species, both of which occur in our local streams and are dependent upon adequate water supply and habitat in their fight against extinction, underscores the importance of implementing the conservation policies of the Coastal Act to the fullest extent possible.

As a result of the federal listing of these species and the designation of coastal streams as critical habitat-as discussed above- these watershed should now be designated as ESHAs for the purpose of implementing the Coastal Act. A list of the watersheds and streams that are designated as critical habitat for these species is attached as Exhibit "A". The County should immediately update its Overlay map, and take account of these ESHAs in processing all future applications.

The protection of streams and riparian corridors goes beyond the protection from immediate encroachment by requiring adequate setbacks. While setbacks are needed, of critical importance for the preservation of the stream and creeks is ensuring adequate flows in the coastal streams. As noted in the Commission Report, excessive reliance on rural water wells can in time cause an overdraft of the aquifer which could result in reducing surface flows below the levels required by species that occur in these watersheds. Even a small overdraft can significantly impact the riprarian vegetation by lowering water levels below these vegetation's root depth.

To avoid these adverse impacts, the County must enter into consultation with the appropriate agencies, and engage in long-term habitat conservation and management planning. Studies should be undertaken to adequately characterize safe yield limits for each watershed, and the result of these studies must be used to make long term conservation goals for the conservation of these aquatic species.

It is incumbent on local government to protect the public trust resources. Good public policy decisions are made on the best available information, and where opinions differ over the availability of essential resources or the existence and location of sensitive species, a conservative interpretation of the data is appropriate. That healthy streams and riparian habitat is an essential resource supporting vegetation, wildlife is clear. In addition, a few limited watersheds support a variety of human endeavors in SLO County coastal areas. It is important that, lacking findings that agriculture is not feasible in existing undeveloped coastal areas, such as the North Coast, the County should ensure that beneficial use of available water is reserved for ag use as well.

In that regard, the County's Annual Resource Summary Report (RMS 2000) recommends a level III designation for water supply in the North Coast Planning Area; and level II in the Estero Planning Area. While the focus of the RMS analysis is availability of resources necessary to sustain development, it is clear that maintaining and enhancing the health of the County coastal streams and riparian corridors is an equally fundamental component to the protection of sensitive habitats.

It is critically important to ensure that adequate levels of water are maintained in coastal creeks and wetland areas to support the species dependent on these habitats. Important examples of species that have been listed by the US Fish and Wildlife Service since the current County LCP has been in place include the Red-Legged Frog, the South Central California Steelhead, and the Western Snowy Plover (additional species of concern can be found in Table A, attached). A key recovery task identified in that target area is to reduce impacts from water diversion and ground water extraction. As species listed under the federal Endangered Species Act, the Red-legged Frog and Steelhead are protected from activities that result in a "take". Water diversions have been considered "take" when they resulted in the killing of protected species (United States v. Glenn-Colusa Irrigation District; Department of Fish and Game v. Anderson-Cottonwood Irrigation District).

EDC would like to highlight some of the sensitive species issues related to the major watershed areas on the north coast because of

EDC has voiced concern many times to the County that the LCP sets land use designations without adequate information about how much water is available for the development envisioned in the various area plans. In addition it is our concern that the Periodic Review, and thus County's long range planning process, address issues regarding the level of ground water pumping and surface flow diversion that can be accommodated in the coastal zone without impacts to public trust resources such as steelhead, red-legged frog, tidewater goby and sensitive plants. San Luis Obispo County remains one of the last best opportunities to preserve and enhance California's coast. Clearly a fundamental component to protecting sensitive habitats along the central coast includes protecting the quality of coastal waters, maintaining adequate flows supporting aquatic habitats, and protecting natural habitats surrounding streams and wetlands.

Evaluation of the stream flow needs of sensitive species is requested in Coastal Commission Staff recommendations 4.26 – 4.36 and is a pressing need. The current North Coast Area Plan update would be the ideal opportunity to analyze the impacts of water supply and projected use on sensitive species. Recent development interest in the North Coast Planning Area, while the County attempts to update the LCP for that area, makes such an analysis timely. Arroyo de la Cruz is an example of stream that would benefit from such a study. Currently Arroyo de la Cruz provides aquatic and riparian habitat for California Red-legged frog and also supports steelhead populations. The US Fish and Wildlife Service has determined it a high priority to develop and implement a watershed management and protection plan for watershed areas from Arroyo de la Cruz south to Santa Rosa Creek (2000, Draft Recovery Plan for the California Red-Legged Frog).

Until the County LCP update process is completed, EDC urges that the entire North Coast Planning Area be designated an Environmentally Sensitive Resource Area to ensure that existing resource values are not degraded or lost through gaps in County's administration of the LCP.

4.26

This recommendation will provide important protections aimed at maintaining adequate flows within coastal streams and would prohibit the construction of any barriers that would impede steelhead migration. The County should have already implemented the common sense measures proposed by this recommendation. We recommend that the County immediately implement the terms of this recommendation.

Likewise, recommendation 4.27 should be adopted for the same reason. Any stream supporting the federally protected steelhead trout should already be considered an ESHA, and as such, the County would have to strictly protect these streams from

degradation caused by development. As such, measures such as erosion prevention, minimum set backs, stream bank and course alterations, pollution, and maintenance of steam side vegetation should be strictly enforced by the County consistent with the LCP's strong ESHA protection policies.

Wetlands

4.30-34
The same problems identified in connection with the County's designation of ESHA's plague the County's identification of wetlands. To remedy this long-standing problem, we agree with the Commission's recommendation that there be a complete and accurate delineation of wetlands in the Coastal zone.

Terrestrial Habitats
As already brought up time and again, the County's mechanism for identification of ESHA's is inadequate and antiquated. To remedy this situation, long term measures have been recommended. More immediate measures have also been recommended, such as the immediate listing of Monterey Pine Forests. We support the recommendations relating to protection of the Pine Forests, including the development of a comprehensive Forest Habitat Management and Protection Program, as well as measures to minimize tree removal and to maximize tree replacements. We support these recommendations.

Conclusion

Congratulations to the Commission staff for a job well done.

Submitted on behalf of the Friends of the Ranchland

Babak Naficy
Senior Staff Attorney
Environmental Defense Center

Table A. - Listed and Candidate Wildlife Species
San Luis Obispo County

Birds

American Peregrine Falcon
Bald Eagle
Belding's Savannah Sparrow
Brown Pelican
California Condor
California Least Tern
Least Bell's Vireo
Light-Footed Clapper Rail
Swainson's Hawk
Western Snowy Plover
Willow Flycatcher
Yellow Warbler

Mammals

Giant Kangaroo Rat
Morro Bay Kangaroo Rat
San Joaquin Kit Fox
Southern Sea Otter

Amphibians

Arroyo Southwestern Toad
California Red-Legged Frog
California Tiger Salamander
Western Spadefoot Toad

Reptiles

Blunt-Nosed Leopard Lizard
Southwestern Pond Turtle

Fishes

Steelhead
Tidewater Goby

Invertebrates

Longhorn Fairy Shrimp
Morro Shoulderband Snail
Vernal Pool Fairy Shrimp

Plants

Beach Layia
California Jewelflower
Camatta Canyon Amole
Chorro Creek Bog Thistle
Gambel's Watercress
Gaviota Tarplant
Hoover's Eriastrum
Indian Knob Mountainbalm
La Graciosa Thistle
Lompoc Yerba Santa
Marsh Sandwort
Morro Manzanita
Nipomo Mesa Lupine
Pismo Clarkia
San Joaquin Woollythreads

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April 27, 2001

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COASTAL COMMISSION
CENTRAL COAST AREA

Charles Lester, Deputy Director
Central Coast Region
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Charles:

RE: Comments on Preliminary Report on Periodic Plan Review
San Luis Obispo County Certified Local Coastal Program

The Cambria Community Services District (CCSD) appreciates the substantial professional effort of the Coastal Commission staff reflected in the Preliminary Report on the Periodic Plan Review San Luis Obispo County Certified Local Coastal Program (LCP). Although initially discussed at the February 15 Coastal Commission meeting, the entire document with maps was not received until early March. The District appreciates the extra time provided for public comment as well as the Commission staff's additional effort to hold local workshops near the last week of March.

GENERAL COMMENTS

Length and Structure. Overall, the report is very detailed and lengthy, with 364 pages. The report is difficult to read all the way through for the following reasons.

- There are redundancies between chapters. It appears to have been assembled by multiple authors, reflecting differences in formatting and style. For example, some chapters (e.g., Chapter 4) include more extensive verbatim quotes from the Certified Local Coastal Program text than others.

- It is organized according to sections of the California Coastal Act. This has the effect of breaking up references to individual communities among many chapters.

- The report contains numerous citations of the Certified Local Coastal Plan, the Coastal Act, the 1998 Coastal Commission staff response to the 1996 North Coast Area Plan

(NCAP) Update, the Project Description for the revised NCAP Update, the County Zoning and Land Use Code (CZLUO), and the Cambria Design Plan.

- To read the Preliminary Report comprehensively, a reader should have all of these references should be at hand, plus others which might modify the findings and recommendations such as the Safety and Agricultural Elements adopted by the County since 1998.

- Case studies are scattered intermittently through the text to highlight implementation problems. These vary considerably in length, some running for several pages (e.g., the North Cambria Rural Lands discussion on pages 22 – 24) while others consist only of a sentence or paragraph referenced to a list of case numbers and Assessor Parcel Numbers in Appendix A.

- Recommendations vary in detail and length. For example, while recommendations in some chapters are in the form of a simple statement, followed by an elaborating paragraph, recommendations in other chapters (e.g., Chapter 4) breaks up the recommendations into a series of bulleted sub-recommendations.

Recommendation: *The report would be more usable with some heavy editing and streamlining. Each recommendation should be preceded by a summary problem statement. The recommendation itself should consist of a simple statement followed by an elaborating paragraph rather than a series of sub-recommendations. Also, a consistent format should be applied to identify recommendations affecting individual communities within each chapter throughout the document, including greater cross referencing. To shorten the overall length, much of the case example material should be moved to a Case Study Appendix.*

Recognition and Response. The Preliminary Report on the Periodic Review is largely seen as a "report card" on how well the County of San Luis Obispo has implemented the 1988 LCP. Although focused on County compliance with the LCP, the Preliminary Report impacts other local government agencies including CCSD.

- The County is being paid by the Coastal Commission to review the Preliminary Report on the Periodic LCP Review. Other jurisdictions are not. Yet recommendations in the report can have substantial ramifications on other agencies, especially those which have facilities approved by the Coastal Commission under Local Coastal Permits. However, at this time, the review procedure for the preparation of the final Report on the Periodic Review of the Certified LCP does not appear to include a Response to Comments protocol as for a Draft EIR.

- At the January 1998 Coastal Commission hearings on the NCAP Update, and again at the February 15, 2001, Coastal Commission review of the Preliminary Report on the Periodic

Plan Review, the CCSD was allotted 5 minutes to present the District's concerns. This was insufficient to represent the District's concerns.

Recommendation: *Preparation of the Final Report should provide a response protocol similar to that of a CEQA environmental review document providing specific responses to specific comments of all agencies affected by the review.*

Recommendation: *Governmental entities other than the County should be acknowledged as having standing at Coastal Commission meetings by providing more time for them to represent their concerns. CCSD requests an allotment of 15 minutes at the Coastal Commission hearing on this report in July.*

Obsolete Information. The report contains obsolete information leading to errors in interpretation.

- The discussion on Flooding Hazards, pages 297-298, does not recognize the Flood Control Benefit Assessment Zone planned by the County and financed by property owners in the West Village.

- For example, maps in Appendix B do not acknowledge the recently acquired East-West Ranch as parkland. They also show East-West Ranch boundaries incorrectly, and show a parcel of land held by the Coast Unified School District on the East-West Ranch as a subdivision when in fact it is a parcel which will come under CCSD ownership if not used as a school site.

- The maps also show a large rectangular area within the Cambria Coast Ranch as commercial. This refers to a permit issued by the County which will not be used because of the conservation easement on the forested portions of this ownership. It is inapplicable.

Recommendation. *Include corrections cited below on revised maps in the final report.*

CHAPTER 2: NEW DEVELOPMENT AND PUBLIC SERVICES

North Cambria Rural Lands Implementation. The lengthy discussion of North Cambria Rural Lands on pages 22-24 imply that a problem might still exist with implementation of Rural Lands Designation. Actually, the matter is largely closed due to lawsuit settlements and service limitation agreements enforced by land covenants. While important at one time, it is no longer an issue.

Recommendation. *Modify the conclusion on page 24 to reflect the most recent events which have brought this matter to a close.*

Hearst Resort. The Preliminary Report makes only an indirect reference to the future revival of a Hearst resort development proposal on pages 31-35. It defers comment to the upcoming NCAP Update which recommends a special process, including a Specific Plan, EIR, Economic and Fiscal Report, and a Phasing and Monitoring Plan. However, the Periodic Plan Review represents an opportunity to address these issues in a degree of specificity drawing on the previous 1998 Coastal Commission response to the 1996 NCAP Update to provide a framework within which planning of a more detailed nature could be set.

> ***Recommendation.*** *Sizing and local service and housing impacts of the Hearst Resort should be addressed initially during the Periodic Plan review, before a specific plan is formulated.*

Water Supply. The report apparently has not been prepared with full information about substantial efforts which have been made by CCSD since 1998 to address water supply and conservation issues, e.g.:

- the Water Conservation and Reuse Study dated January 1999;
- ongoing Water Master Plan work including build-out reduction GIS analysis and the Baseline Water Supply and Availability Report dated December 2000;
- lot retirement provisions of Water and Sewer Allocation Ordinance 2-2000;
- emergency water conservation provisions of Ordinances 3-2000 and 4-2000;
- specifics of the MTBE challenge and response;
- the current status of the desalination water, water reuse, water restoration, and water storage projects.

CCSD will forward details of all of these to the Coastal Commission staff for reference and inclusion in this chapter.

> ***Recommendation.*** *The water supply section of this chapter should be modified with the preceding references and direction in mind. CCSD will cooperate with Coastal Commission staff in explaining the directions and ramifications of this work.*

Build-out Reduction. One issue very important to Cambria is the opportunity for CCSD to jointly pursue with the County the reduction of long-term build-out reduction through land acquisition, lot retirements, and conservation easements. The report does not mention that as a part of the

Water Master Plan currently under way the CCSD is exploring build-out reduction for the purpose of long-term water demand management.

> ***Recommendation.*** *The Periodic Review should encourage a cooperative build-out/service demand reduction strategy with the County.*

Infrastructure Financing. The report has far ranging ramifications and impacts regarding infrastructure provision yet does not explore methods for financing needed improvements.

> ***Recommendation.*** *Coastal Commission recommendations should be more closely integrated with recent financing opportunities provided by the March 2000 passage by California voters of Propositions 12 and 13.*

CHAPTER 3: WATER QUALITY/MARINE RESOURCES

MTBE Groundwater Contamination. MTBE is a matter which substantially impacts groundwater contamination in the local coastal communities of Cambria, Morro Bay and Los Osos. It is not a function of surface water runoff but, instead, of leaking underground storage tanks in proximity to groundwater supplies.

> ***Recommendation.*** *Given the growing concern over MTBE groundwater contamination in the region, the environmental ramifications of this threat should be more fully developed in this report. See reference under Chapter 11 to the new County Environmental Health Department's underground storage tank ordinance in preparation.*

CHAPTER 4: ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

Land Trust Acquisitions and Easements. The report does not fully recognize the significant upswing in resource protection and conservation actions being taken by private land trusts in cooperation with local entities. Acquisition of the East-West Ranch and the new conservation easement on the Cambria Coast Ranch are noted in passing but the broader conservation, public access, and build-out reduction ramifications of these significant events are not sufficiently addressed.

> ***Recommendation.*** *Such trends are significant for future resource protection and should be reflected in future LCP amendments.*

Habitat Conservation Plans. A Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) for the North Coast Area would be the most efficient and effective alternative among and in addition to those recommended in the Preliminary Report. The advantage is multi-stakeholder and resource management specialist communication and

coordination of solutions providing best practices to manage habitat in a manner promoting the survival and recovery of various species.

Recommendation. *The report should emphasize HCPs as the most appropriate means of identifying ESHA additions and modifications.*

Forest Management Plan. The Preliminary Report is not current on the Forest Management Plan references in this chapter and in Chapter 8: Scenic and Visual Resources. An administrative draft of the Forest Management Plan has been completed by Jones and Stokes and will be reviewed in the next several months.

Recommendation. *The Coastal Commission staff should bring itself up to date on this subject and reflect current information in both chapters.*

CHAPTER 6: PUBLIC ACCESS AND RECREATION

Hearst Castle Visitor Increase. The report is completely silent on local service impacts of the State Parks' announced goal of increasing Hearst Castle visitor attendance of up to 400,000 visitors in the next five years.

Recommendation. *This issue should be addressed head on. Potential infrastructure and housing impacts of Castle visitor attendance should be recognized and solutions sought for local service providers as well as for the County.*

CHAPTER 7: COASTAL HAZARDS

Flood Hazards. The discussion on Flooding Hazards, pages 297-298, does not recognize the Flood Control Benefit Assessment Zone planned by the County and financed by property owners in the West Village.

Recommendation. *The Coastal Commission staff should bring itself up to date and completely rewrite this subsection.*

Wildland Fire Hazards. The full text pays passing attention to wildland fire hazards issues of substantial local importance to maintenance of the Cambria Pine Forest as well as essential public safety. The issue of wildland fire hazards in Cambria is mentioned very briefly.

Recommendation. *This is a matter which substantially impacts water requirements and building design and should be elaborated in the hazards chapter.*

CHAPTER 8: SCENIC AND VISUAL RESOURCES

Forest Management Plan. See previous reference under Chapter 4: Environmentally Sensitive Habitat Areas (ESHA).

Underground Utilities. Another important reason for the undergrounding overhead utilities is fire safety. High winds down trees and power lines in the Monterey Pine Forest.

> ***Recommendation.*** *Priority should be given to undergrounding overhead lines which provide primary power supply to forested communities like Cambria.*

CHAPTER 10: ENERGY AND INDUSTRIAL DEVELOPMENT

MTBE. Siting of service stations in relation to underground water supplies should be a concern of the California Coastal Commission. The County Environmental Health Department is preparing an ordinance which would address this issue as well as other measures related to the development of service stations which would protect underground water supplies.

> ***Recommendation.*** *Commission staff should reflect this new development in the final report.*

APPENDIX A: PERMIT CASES

Permits. Only the case number and Assessors Parcel numbers are listed.

> ***Recommendation.*** *This appendix should be expanded to show the names, locations, acreages, and approved uses associated with each case number and Assessors Parcel Number.*

APPENDIX B: MAPS

Map Errors. The maps pertaining to Cambria contain errors described earlier in this letter.

> ***Recommendation.*** *The East-West Ranch should be shown as public parkland. Its boundaries should be corrected, the Coast Unified School District parcel on the East-West Ranch should not be shown as a subdivision since it will become parkland if not used as a school site. The large rectangular area within the Cambria Coast Ranch shown as commercial should be omitted because it is no longer applicable.*

CCSD FOLLOWTHROUGH

The preceding recommendations reflect documents, studies, and plans which may not be in the possession of the California Coastal Commission staff. CCSD staff will follow through with communications assuring provision and interpretation of this information to the Coastal Commission before the June 6 deadline.

Sincerely,

Kenneth C. Topping, FAICP
General Manager

cc: D. Landry
CCSD Board members
S. Bianchi
V. Holanda

RECEIVED
MAY 04 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXCERPT
KEY DECISIONS (rev. 3-30-01)
CCSD BOARD OF DIRECTORS
1997-2001

The following is a list of critical CCSD Board decisions organized by functional classifications for the period January 1997 through November 2000, followed by anticipated 2001-2005 objectives and upcoming 2001 critical decisions. Prior Board decisions are listed sequentially by year and month following a brief introductory summary for each category. The vast majority of decisions were unanimous. To identify the level of agreement on the Board for these decisions the vote count is provided in parentheses following the month on which the actions were taken.

Category A decisions (high importance/high visibility)

1-A. Water supply—MTBE groundwater contamination

Summary The offsite spread of MTBE contamination from the Chevron station in the East Village became known in late 1999. The unauthorized release of contaminants has resulted in closure of District Wells SR 1 and SR 3 until remediation is complete. The situation has created a crisis for the District's water supply and finances.

Board actions have been directed toward the following objectives:

- seek replacement water and MTBE cleanup compliance by Chevron through the Regional Water Quality Control Board (RWQCB),
- negotiate with Chevron for cost recovery and replacement water,
- install an interim emergency well at the Coast Union High School to replace water lost from District Wells SR 1 and SR 3.

2000

Received initial information regarding MTBE contamination in East Village. (January) (5-0)

Approved direction for MTBE action with RWQCB and Chevron. (March) (5-0)

Approved letter to RWQCB Executive Officer Roger Briggs identifying District's position specifying the volume and pumping rate for the alternate water source to replace Santa Rosa Creek production wells. (May) (5-0)

Directed General Manager to proceed with engineering studies and cost estimates for securing an alternate water source for the Santa Rosa Creek production wells with or without Chevron's cooperation. (May) (5-0)

Authorized the President, Vice President, General Manager, Legal Counsel, and Fire Chief to represent the District at the next meeting of the RWQCB to request vigorous enforcement of the Executive Officer's directive and order. (May) (5-0)

Directed the General Manager and Legal Counsel to contact the respective officials and community advocates of other jurisdictions where MTBE contamination is being successfully fought to determine the most effective courses of separate and joint action. (May) (5-0)

Directed staff and legal counsel to respond to Chevron's letter to the State Water Resources Control Board and the RWQCB concerning appeal of the Cleanup or Abatement Order. (May) (5-0)

Directed the General Manager and Legal Counsel to organize a meeting of local business owners and managers potentially affected by off-site groundwater contamination issues to determine avenues of remedy and mitigation to the MTBE threat to Cambria's economic well-being. (May)
(5-0)

Directed the General Manager and Legal Counsel to organize a broad appeal to state and national elected representatives and agencies to pursue vigorous enforcement and short-term strengthening of existing laws in securing cooperation from Chevron. (May) (5-0)

Directed the General Manager and staff to identify and pursue grants and low interest loans appropriate to the district's projects. (May) (5-0)

Approved modification of agreement with California Department of Parks and Recreation regarding the replacement of water and sewer pipelines through the wetland near San Simeon State Beach. (June) (5-0)

Approved scope of work and agreement for Komex H2O Science, Inc., to conduct water sampling in Santa Rosa Creek and other services as needed. (July) (5-0)

Approved agreement with LSA Associates for Cambria Union High School emergency well site permitting. (August) (5-0)

Authorized General Manager to sign sole source agreement with Filliponi and Thompson for emergency well drilling at Cambria Union High School. (August) (5-0)

Approved agreement with Coast Unified School District regarding installation of an interim emergency well site at Coast Union High School. (November) (5-0)

2001 Critical Decisions

Authorize General Manager to sign agreements for installation of sewer from Main Street to Cambria Union High School and for installation of water line, treatment plant, fencing, road, and landscaping on Cambria Union High School property.

Pursue legal, legislative, and administrative measures to alleviate financial stress, including water bill surcharge, If necessary.

1-B. Water supply—seawater desalination project

Summary Since 1997 the CCSD Board has been considering whether to pursue development of a desalination project redesigned from a previously considered 1996 design. The project was redesigned by Kennedy/Jenks Consultants to provide a reliable backup water supply during droughts and prolonged dry periods for existing and wait list customers until one or more permanent long-term water augmentation facilities could be determined and built.

Board actions have been directed toward the following objectives:

- reduce costs from the 1996 design,
- receive input on the redesigned project from a citizens advisory committee,
- conduct an advisory ballot to determine level of customer support.

In late November 2000, the Board accepted the project description in Kennedy/Jenks report dated April 10, 2000 as the project description for environmental documentation, and accepted the recommended work program with subsequent refinements to be made by the District Engineer and Administrative Services Manager.

In late December 2000, a congressional authorization for $10.3 million in federal funds for "desalination infrastructure" was included in an Omnibus bill under the Water Resources and Development Act which as passed by both houses and signed by the President.

1997

Rejected all bids for offshore and onshore contracts for previous desalination project. (August) (4-1)

Hired geology consultants John Maas and Stephen Dickey to conduct micro-gravity profiling of optional beach well intake locations for a modified desalination project. (September) (5-0)

1998

Received micro-gravity geology report on depth of sand at preferred beach well intake locations for the desalination project. No action taken. (February)

Approved Draft RFP for deslaination project manager. (May) (5-0)

Hired Kennedy/Jenks Consultants to revise desalination project design. (August) (5-0)

Hired Rauch Communications to work with public outreach program. (August) (5-0)

1999

Received 10% design report for revised desalination project and authorized Kennedy/Jenks to

proceed with 30% design report on revised project. No action taken. (February)

Approved Kennedy/Jenks scope of work for Intake Concept Pilot Testing. (February) (5-0)

Approved Kennedy/Jenks scope of work for preparation of 30% revised design. (April) (5-0)

Approved approach to selection of Citizen Advisory Committee members to review and provide input on revised desalination project. (May) (5-0)

Approved agreement to retain Sequoia Pacific Systems to provide advisory ballot services. (May) (5-0)

Identified registered voters, District customers and water waiting list customers as groups to include in desalination project advisory ballot, and authorized selection of a peer review committee to assess Kennedy/Jenks proposals. (July) (5-0)

Received Desalination Project Citizens Advisory Committee (CAC) report and thanked CAC members. No action taken. (December)

<u>2000</u>
Approved draft termination agreement with the San Simeon Community Services District (SSCSD) for 1996 original desalination project. (April) (5-0)

Approved Kennedy/Jenks Consultants report dated April 10, 2000, and titled Final Project Design including a project description, project design criteria, intermediate construction cost estimate, preliminary drawings and projected revenue requirements for the revised desalination project. (April) (5-0)

Approved analysis for desalination project water capacity charges. (May) (4-1)

Conducted desalination project community forum workshop. No action taken. (May)

Approved advisory ballot language for desalination project. (May) (4-1)

Approved unilateral termination of water supply agreement with the San Simeon Community Services District (SSCSD). (July) (5-0)

Reviewed advisory ballot outcome and directed staff to prepare a project description for use with environmental documentation and a future project work program. (September) (4-1)

Reviewed and accepted project description in Kennedy/Jenks report dated April 10, 2000, and titled Final Project Report, as the project description in the environmental documentation, and accepted the recommended work program with refinements to be made following review of the project design by the District Engineer and the project financing program by the Administrative Services Manager. (November) (4-1)

2001 Critical Decisions

Review refinements to the recommended work program following review of the project design by the District Engineer and the project financing program by the Administrative Services Manager.

Determine under what terms to proceed (or not proceed) with project.

1-C. Water supply—reservoir and tank storage

Summary In August 2000 the Warren family publicly announced proposed reservoir sites on its property north of San Simeon Creek. In September the Board considered a letter from Attorney Ray Hanley on behalf of the Warren Estates inquiring whether the District might be interested in leasing or obtaining other rights for establishment of a water reservoir on one of the sites. The Board declined to commit to the Warren Estates request for coverage of costs. So far Board actions have been directed toward the following objectives:

- identify a systematic approach to explore project feasibility,
- include Warren Estates reservoir sites in evaluations of long-term storage through the Water Master Plan and of near-term storage needs to reduce wildfire vulnerability.

2000

Reviewed Warren family letter and map regarding possible reservoir sites and directed staff to prepare a report to the Board identifying a systematic approach to exploring the feasibility of this proposal through necessary technical and financial studies and further discussion with the trustees of the Warren estates, without coverage of Warren estate costs. (September) (5-0)

Directed staff to include the Warren Estates reservoir sites as part of the Water Master Plan's systematic evaluation of potential long-term water storage sites and facilities; authorized preparation of a comparison of the Warren reservoir sites with previously proposed reservoir sites by Mr. Gus Yates; and directed staff to review near-term needs for water storage capacity expansion to reduce wildfire vulnerability and report back on revisions to the capital improvement program which would expand existing storage, including existing tank storage and the Warren reservoir sites, if appropriate. (November) (5-0)

2001 Critical Decisions

Review results of Gus Yates comparison of the Warren reservoir sites with previously proposed sites and include in Water Master Plan reservoir evaluation, as appropriate.

Review staff report on near-term needs for water storage capacity expansion to reduce wildfire vulnerability and determine modifications to capital improvement program including existing tank storage and the Warren reservoir sites, if appropriate.

MEMORANDUM

Date: February 21, 2001

To: CCSD Board of Directors

From: Ken Topping
General Manager

Subject: Critical Water and Wastewater Projects

MTBE pollution from the Chevron gas station in Cambria's East Village has had a devastating impact on financing of many of the following critically important water and wastewater projects. To offset this impact CCSD is soliciting funds from external sources.

Water Projects

1. Project: Interim Well at Coast Union High School, Santa Rosa Creek

   Cost: $1,800,000

   Description: Construction of an interim, emergency well to replace water no longer available from existing MTBE-threatened CCSD wells on Santa Rosa Creek. Includes scientific review by Komex of Chevron's contract plume investigation and cleanup reports.

   Purpose: Partially replace water lost due to closure of two CCSD existing wells on Santa Rosa Creek.

   Status: Under construction for late spring or early summer completion.

   Funding Source: Interest-free loan pending from California Department of Health Services under Drinking Water Treatment and Research Fund. Fund source is Underground Storage Tank funds managed by State Water Resources Control Board. Statute requires CCSD to "aggressively pursue" responsible party (Chevron) for cost recovery.

   Urgency: Extremely urgent. Loan approval by DHS is critical to replenishment of seriously depleted CCSD water cash reserves.

   Capital Program: Not part of CCSD Board-adopted 5-Year Capital Improvement Program. Pending Board determination.

   Relationship to Other Projects: This has diverted funds from other CCSD projects and programs with severe negative impacts.

   Note: Legislation is needed which would provide funds directly to victim communities impacted by MTBE contamination, and assign financial accountability directly to responsible parties.

2. Project:	Temporary GAC treatment of water from existing Santa Rosa Creek MTBE-threatened wells
Cost:	$100,000
Description:	Installation of temporary granular activated carbon (GAC) treatment of water from existing MTBE-threatened wells on Santa Rosa Creek.
Purpose:	Provide treatment to remove MTBE from water drawn from existing wells in an emergency, e.g., wildfire or loss of San Simeon Creek water.
Status:	Under design. Early spring completion anticipated.
Funding Source:	Chevron has agreed to pay the costs of this temporary installation.
Urgency:	Extremely urgent. For fire-flow until interim high school well is on-line. For use in fire or other emergency only.
Capital Program:	Not part of CCSD Board-adopted 5-Year Capital Improvement Program. Temporary improvement.
Relationship to Other Projects:	This has also taken priority over other critical CCSD projects, together with the interim high school well diverting staff time in manner extremely disruptive of the entire District program.
Note:	This project is a stopgap pending High School well completion.

3. Project: Water Master Plan/Habitat Conservation Plan

Cost: $750,000

Description: Prepare Water Master Plan, Habitat Conservation Plan, and related environmental documents to identify long-term water system requirements and habitat conservation measures.

Purpose: Prepare long-term plan and general system design for water facilities.

Status: Under way since November 1999.

Funding Source: Unknown at this time. Work so far has been funded by CCSD cash reserves, now impacted by MTBE costs.

Urgency: Extremely urgent. This project is long overdue. The adopted Water Master Plan is 25 years old. The new Water Master Plan and the Habitat Conservation Plan will structure the overall water system design and development. Individual water projects are less efficient without completion of these plans. More fundamentally, species listed as threatened or endangered under the Endangered Species Act are now an imminent factor determining water system development. Conservation of habitat for steelhead, tidewater goby, red-legged frog, and other ESA species are a determinant of CCCD's future program.

Capital Program: Part of CCSD Board-adopted 5-Year Capital Improvement Program.

Relationship to Other Projects: Affects all future projects to some extent. Benefit is to identify project relationships and cost efficiencies of system development.

Note: A completed portion of the Water Master Plan is the Baseline Water Supply and Availability Study, December 2000. The population and long-term demand reduction analysis portion is nearing completion. Work needs to get underway on the remainder of the Water Master Plan and on the Habitat Conservation Plan as soon as funds permit.

4. Project: Seawater Desalination Project

Cost: $10,300,000

Description: Construction of a subsurface seawater intake well and concentrate percolation gallery near the mouth of San Simeon Creek and a desalination plant on CCSD land to provide a reliable backup water supply during prolonged dry seasons and droughts.

Purpose: Provide reliable backup water supply during prolonged dry seasons and drought periods.

Status: CCSD Board on November 30, 2000, accepted project description in Final Project Report dated April 10, 2000 for use in environmental documentation, and accepted recommended work program with refinements to be made following review by District Engineer and Administrative Services Manager.

Funding Source: Congressional authorization of full $10,300,000 amount for desalination infrastructure was signed by the President in late 2000.

Urgency: Extremely urgent. CCSD Board is being requested by Congresswoman Capps' office to determine before April 2001 whether it will pursue a federal appropriation of the congressionally authorized amount to proceed with this project or a related project.

Capital Program: Part of CCSD Board-adopted 5-Year Capital Improvement Program.

Relationship to Other Projects: This is the only project augmenting supply and also fully funded from an outside source.

Note: This project was preceded by a desalination project of much larger scope for which all permitting had been completed and bids received. It has been downscaled and substantially redesigned at the 30% design level. The recently accepted implementation work program includes preparation of an EIR/EIS, regulatory permits, final 100% design, and construction bids, prior to construction.

Federal funds are authorized by existing legislation for "desalination infrastructure." However, a review is under way of options for combining this with related projects, e.g., water softening, water reuse, tank storage, small reservoir, or energy co-generation.

5. Project: Pine Knolls Water Storage Expansion

Cost: $750,000

Description: Demolish two 103,000 gallon existing tanks in Pine Knolls area and replace with two new 250,000 tanks, including new piping, electrical conduit, and fencing.

Purpose: Expand water storage for prolonged fire-flow in wildland fires.

Status: On hold. Design process interrupted by MTBE problem.

Funding Source: $280,000 assured from previous Leimert court settlement. Remainder planned from water cash reserves, now depleted by MTBE expenditures.

Urgency: Extremely urgent. Existing 980,000 gallon total tank storage in Cambria is insufficient for wildland fire fighting purposes. Wildland fires are an extreme hazard in Cambria when coupled with prolonged dry seasons and droughts. Increased tank storage is necessary for for improved fire-flow.

Capital Program: Part of CCSD Board-adopted 5-Year Capital Improvement Program.

Relationship to Other Projects: This project is part of a long-term water storage expansion needed in the community to upgrade fire-flow.

Note: The Pine Knolls tanks supply water to the Pine Knolls, Park Hill, Happy Hill, and Leimert neighborhoods all of which are susceptible to extreme wildland fire hazards.

6. Project: Warren Reservoir

Cost: Unknown at this time.

Description: Reservoir sites proposed by Warren Family Estates on property north of CCSD San Simeon wells. No details provided in September 2000 letter proposal. Two sites with maximum capacities recently estimated at approximately 200 acre feet.

Purpose: Provide expanded water storage for fire-fighting and domestic use.

Status: CCSD Board took the following actions in November 2000:

- directed staff to include the Warren reservoir sites as part of the Water Master Plan's systematic evaluation of potential long-term water storage sites;
- authorized preparation of a comparison by hydrologist Gus Yates of the Warren reservoir sites with reservoir sites previously proposed in or near Cambria;
- directed staff to review near-term needs for expanding water storage to reduce wildfire vulnerability and report back on revisions to the capital improvement program which would expand existing storage, including existing tank storage and the Warren reservoir sites, if appropriate.

Funding Source: Unknown.

Urgency: As yet undetermined. Additional storage is needed beyond the pending Pine Knolls project to upgrade fire-flow generally and provide for improved water system functioning.

Capital Program: Not part of CCSD Board-adopted 5-Year Capital Improvement Program. Pending Board review.

Relationship to Other Projects: This project should be considered as part of a larger effort to identify means of providing adequate water storage for domestic as well as fire-fighting purposes in the scope of the Water Master Plan. Preliminary design could be based on Water Master Plan analysis. Additional work needed to determine project feasibility includes engineering, biological, geological, and related studies. An EIR, regulatory permits, and final design would follow. It is generally known through the experience of various other water agencies that reservoirs require substantial amounts of time to receive permits.

Note: This reservoir site has been suggested by some as a possible alternative to the desalination project. It appears upon initial analysis that use of a combination of the several proposed sites would together provide too small a quantity of water for augmentation. Reservoir capacity would need to be substantially larger to provide full protection against a drought. Reservoir storage fluctuates in extreme droughts.

Wastewater Projects

7. Project	Wastewater Plant Upgrades
Cost:	$2,000,000
Description:	Install biosolids dewatering equipment at the CCSD wastewater plant to concentrate sludge. Complete an engineering study to determine modifications needed at the wastewater plant to provide Title 22 water, conserve energy, and reduce nitrates in treated effluent. Install facilities recommended in study.
Purpose:	Lower sludge hauling costs; provide water for landscaping; lower power costs. Also to reduce nitrates in effluent presently affecting stream habitat on lower San Simeon Creek.
Status:	Under review.
Funding Sources:	Low-interest loan has been requested from the State Revolving Loan fund to offset installation costs ($1.2 million) of former Micronair equipment previously carried through permitting stage. This project has changed to lower overall cost and assure added reliability from proven technology. The Revolving Fund Loan is prioritized for 2003. A wastewater rate increase will be necessary to assure adequate debt coverage ratio for the loan. Grant requests in 2000 through Department of Fish and Game were not approved but may be resubmitted for nitrate reduction equipment in 2001 if planning can be completed in time. Planning funds are needed now.
Urgency:	Extremely urgent. Installation of a sludge concentration process is needed as soon as possible to lower and contain escalating cost of trucking low-concentration sludge out of County.
Capital Program:	Part of CCSD Board-adopted 5-Year Capital Improvement Program.
Relationship to Other Projects:	Part of wastewater project backlog needing funding. Wastewater cash reserves reduced by insufficient revenue. Wastewater rate increase necessary to assure adequate debt coverage ratio.
Note:	This includes an upgrade for additional filtration to allow distribution of Title 22 reclaimed water by purple pipe for landscape irrigation at key community locations and San Simeon State Park, offsetting use of potable water for this purpose.

8. Project: Santa Rosa Creek Sewer Relocation/East-West Ranch

Cost: $650,000

Description: Relocate 700 feet of trunk sewer away from Santa Rosa Creek stream bank on East-West Ranch.

Purpose: Avoid sewer line break from stream bank erosion.

Status: On hold.

Funding Source: Unknown. This project is urgent due to the threat of wash-out within a few years. The present line is about 10' from the eroded bank of Santa Rosa Creek. Chances are high that further erosion from storm flows could break this line resulting in massive spills into the creek.

Urgency: Extremely urgent. One-third of the community's wastewater is carried by this line. A line break would create an environmental disaster and bring heavy fines to CCSD.

Capital Program: Part of CCSD Board-adopted 5-Year Capital Improvement Program.

Relationship to Other Projects: Part of wastewater project backlog needing funding. Wastewater cash reserves reduced by insufficient revenue. Wastewater rate increase necessary to assure adequate debt coverage ratio.

Note: This project will be identified in the East-West Ranch Public Access and Land Management Plan as a high priority project for funding.

9.	Project:	State Park Wetlands Water/Sewer Relocation
	Cost:	$603,000
	Description:	Replace existing CCSD main water and sewer pipelines in San Simeon State Park wetland with two new District main pipelines in Highway 1 right of way along with new sewer force main and reclaimed water main for the State Park, abandoning existing lines.
	Purpose:	Avoid CCSD water or sewer line break in wetlands.
	Status:	On hold pending funding.
	Funding Source:	Unknown. Originally to be State Parks.
	Urgency:	Moderately urgent. Accelerated risk of line breaks with time, especially in event of major earthquake.
	Capital Program:	Part of CCSD Board-adopted 5-Year Capital Improvement Program.
	Relationship to Other Projects:	Relocated lines would share utilities corridor with desalination project intake and brine discharge lines across State Park land.
	Note:	State Parks Department set aside $60,000 for a smaller parks-owned sewer line project along Highway 1 but were denied the full funding which would allow relocation of CCSD lines during current fiscal year. Coordination with State Parks is being pursued for other funding options.

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

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EXHIBIT E:

SAMPLE GRANT FUNDING OPPORTUNITIES

Staff Recommendation
San Luis Obispo County Periodic LCP Review
June 29, 2001

Exhibit E: Sample of Grant Funding Opportunities

Agency	Grant Program	General Purpose	Eligibility
U.S. Dept of the Interior, USFWS	Coastal Program	The program forms cooperative partnerships designed to (1) protect coastal habitats through conservation easements and acquisitions; (2) restore coastal wetlands, uplands, and riparian areas; and (3) remove barriers to fish passage in coastal watersheds and estuaries.	Projects on either public or private land in coastal watersheds
National Fish & Wildlife Foundation	Bring Back the Natives Grant Program	This program provides funds to restore damaged or degraded riverine habitats and their native aquatic species through watershed restoration and improved land management. Bureau of Land Management (BLM), Bureau of Reclamation (BOR), U.S. Fish & Wildlife Service (FWS), USDA Forest Service (FS), and National Fish & Wildlife Foundation (NFWF).	Local governments, states, and local nonprofit organizations
Natural Resources Conservation Service, Department of Agriculture	Environmental Quality Incentives Program	Technical, education, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost- effective manner. This program provides assistance to farmers and ranchers in complying with Federal, State, and tribal environmental laws, and encourages environmental enhancement. This program is funded through the Commodity Credit Corporation (CCC). NRCS provides overall program	Individual/family farmers and ranchers

Exhibit E: Sample of Grant Funding Opportunities

Agency	Grant Program	General Purpose	Eligibility
		management and implementation leadership for conservation planning and implementation. The Farm Service Agency provides leadership for administrative processes and procedure for the program.	
U.S. Dept of Commerce, National Oceanic & Atmospheric Administration	Community-Based Restoration Program	Small scale, locally driven habitat restoration projects that foster natural resource stewardship within communities.	State, territorial, local, or tribal governments; regional governmental bodies; public or private agencies or organizations; universities and colleges; private profit and nonprofit organizations
U.S. Dept of Agriculture, Farm Service Agency, Conservation Reserve Program	Conservation Reserve Program	Long-term rental payments and cost-share assistance to establish long-term, resource-conserving cover on environmentally sensitive cropland or, in some cases, marginal pastureland. The protective cover reduces soil erosion, improves water quality, and enhances or establishes wildlife habitat.	Individuals, partnerships, associations, Indian tribal venture corporations, estates, trusts, other business enterprises or legal entities, a state, state political subdivisions, state or local agencies owning or operating land might be eligible to participate.
U.S. Dept of Commerce National Oceanic and Atmospheric Administration National Ocean Service, Coastal Services Center	Coastal Services Center Cooperative Agreements	Foster and sustain the environmental and economic well-being of the coast by linking people, information, and technology. Landscape Characterization and Restoration, Integration and Development, Coastal Change Analysis Program, Coastal Change and Analysis, Coastal Technology Services, and Special Projects.	State and local government, public nonprofit institutions/organizations, other public institutions/organizations
U.S. Dept of Agriculture, Rural Utilities Service, Water and Environmental Programs	Water and Waste Disposal Systems for Rural Communities	Promote the orderly growth of the rural areas of the nation by meeting the need for new and improved	Municipalities, counties, and other political subdivisions of a state (such as districts), and authorities,

Exhibit E: Sample of Grant Funding Opportunities

Agency	Grant Program	General Purpose	Eligibility
		rural water and waste disposal facilities. Installation, repair, improvement, or expansion of a rural water facility including costs of distribution lines and well pumping facilities. Funds also support the installation, repair, improvement, or expansion of a rural waste disposal facility, including the collection and treatment of sanitary waste stream, stormwater, and solid wastes.	associations, cooperatives, non-profit corporations, and federally recognized Indian tribes
Dept of Agriculture, Natural Resources Conservation Service	Watershed Protection and Flood Prevention Program	Provides technical and financial assistance to address resource and related economic problems on a watershed basis. Projects related to watershed protection, flood prevention, water supply, water quality, erosion and sediment control, wetland creation and restoration, fish and wildlife habitat enhancement, and public recreation are eligible for assistance.	Local or state agency, county, municipality, town or township, soil and water conservation district, flood prevention/flood control district, Indian tribe or tribal organization, or other subunit of state government
U.S. Dept of Transportation, Federal Highway Administration	Transportation Equity Act for the 21st Century Funding Programs	The transportation Equity Act for the 21st Century (TEA-21) funds numerous transportation programs. TEA-21 allows for more environmental projects. States may spend up to 20 percent of their STP dollars (used for transportation facility reconstruction, rehabilitation, resurfacing, or restoration projects) for stormwater treatment systems. Additionally, each state sets aside 10 percent of STP funds for transportation enhancement projects, which can	Transportation enhancement funds are available through local and state DOT for public or private, profit or nonprofit entities or individuals, local government agencies, universities, colleges, technical schools, and institutes.

Exhibit E: Sample of Grant Funding Opportunities

Agency	Grant Program	General Purpose	Eligibility
		include acquisition of conservation and scenic easements, wetland mitigation, and pollution abatement, as well as scenic beautification, pedestrian and bicycle trails, archaeological planning, and historic preservation.	
U.S. Army Corps of Engineers Planning Division	Flood Hazard Mitigation and Riverine Ecosystem Restoration Program	Informally known as Challenge 21, this watershed-based program focuses on identifying sustainable solutions to flooding problems by examining nonstructural solutions in flood-prone areas, while retaining traditional measures where appropriate. Will create partnerships with communities to develop solutions to flooding problems. Eligible projects will meet the dual purpose of flood hazard mitigation and riverine ecosystem restoration. Projects might include the relocation of threatened structures, conservation or restoration of wetlands and natural floodwater storage areas and planning for responses to potential future floods.	Local governments Study area must be in a floodplain
U.S. Environmental Protection Agency, Office of Wetlands, Oceans and Watersheds	Watershed Assistance Grants	Establishes a cooperative agreement with one or more nonprofit organization(s) or other eligible entities to support watershed partnership organizational development and long-term effectiveness. Funding supports organizational development and capacity building or watershed partnerships with	Nonprofits, tribes, and local governments

Exhibit E: Sample of Grant Funding Opportunities

Agency	Grant Program	General Purpose	Eligibility
		diverse membership.	
National Oceanic and Atmospheric Administration, Dept of Commerce	Habitat Conservation	Grants and cooperative agreements pertaining to protection and restoration of the Nation's wetlands and other coastal habitats, Coastal Wetlands Planning Protection and Research Act (CWPPRA) and Wetland restoration project.	State and local governments, including their universities and colleges; U.S. territorial agencies; federally and State-recognized Indian Tribal governments; private universities and colleges; private profit and nonprofit research and conservation organizations, and/or individuals.
U.S. EPA	The Clean Water State Revolving Fund (SRF program)	Replacement of the long-running federal Constitution Grants program with an innovative State Revolving Fund (SRF program). Under the SRF program, each state (and Puerto Rico) would create revolving loan funds to provide independent and permanent sources of low-cost financing for a range of water quality infrastructure projects.	Section 106 of the Clean Water Act authorizes EPA to provide Federal Assistance to States (including territories, the District of Columbia, Indian Tribes) and interstate agencies to establish and implement ongoing water pollution control programs.
U.S. EPA	National Estuary Program, Watershed Assistance Grants Water Quality Cooperative Agreements Wetlands Program Development Grants		