

CALIFORNIA COASTAL COMMISSION

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W18b



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**COASTAL DEVELOPMENT PERMIT APPEAL:
SUBSTANTIAL ISSUE DETERMINATION AND DE NOVO HEARING**

- Application number A-3-SLO-01-056, Soto Lot Line Adjustment
- Applicant Robert Soto
- Appellants Commissioners Wan and Nava
- Project location 2225 Old Creamery Road (North Coast Planning Area), Harmony, San Luis Obispo County (APNs 013-201-004 and 013-201-039)
- Project description Adjust lot lines between two parcels of 148 acres and 0.55 acres to create two parcels of 146 acres and 2.55 acres.
- Local approval The San Luis Obispo County Subdivision Review Board approved the lot line adjustment on May 14, 2001 (Local File COAL 00-0213; local findings and conditions of approval attached as Exhibit D)
- File documents San Luis Obispo County certified Local Coastal Program; Final Local Action Notice 3-SLO-01-269; documents and materials used by San Luis Obispo County in consideration of COAL 00-0213 and mailed to Commission staff on June 29, 2001; Periodic Review of the San Luis Obispo County LCP, adopted by the Coastal Commission on 7/12/01
- Staff recommendation... **Staff Recommends that the Commission determine that the appeal raises a SUBSTANTIAL ISSUE with respect to the grounds on which the appeal has been filed, then APPROVE the project with conditions.**

Summary: The Applicant proposes to adjust the size and location of a 0.55 acre lot contained within a larger agricultural parcel of 148 acres. The lot would be moved from an interior location adjacent to Harmony Creek to a location that fronts on Old Creamery Road and is adjacent to the existing commercial development in the town of Harmony. The 0.55 acre parcel would also be increased in size to 2.5 acres so that it spanned the 400 foot stretch between the existing commercial development and Harmony Creek Road. According to the applicant, the adjusted lot is intended to be used for the development of a single-family residence.

The project, as proposed, is inconsistent with the provisions of the San Luis Obispo County LCP that



**California Coastal Commission
September 2001 Meeting in Eureka**

Staff: SM Approved by: *C.L.K. 8/24/01*

regulate lot line adjustments and protect agricultural resources. The proposed relocation of the 0.55 lot will improve the compatibility of residential development with agriculture by clustering it adjacent to existing commercial development and avoiding the need for a new access road. However, the proposed increase in the size of the lot will increase the amount of agricultural land converted to residential use and will preclude opportunities to cluster any future residential development proposed on the larger lot adjacent to the developed area. As a result, the proposed project is inconsistent with the LCP requirement that lot line adjustment achieve an equal or better size than the existing configuration, as well as with LCP standards calling for agricultural lands to be maintained in or available for agricultural production.

To achieve LCP consistency, the recommended Special Condition of approval requires the adjustment to maintain the existing lot sizes, and to locate the 0.55 acre parcel adjacent to the existing commercial development and Old Creamery Road. With this condition, Staff recommends approval of the Coastal Development Permit.

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IV. Exhibits

Exhibit A: Project Location

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Exhibit C: Contentions of Appeal

Exhibit D: Local Findings and Conditions of Approval

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Exhibit F: Soils Map

Exhibit G: Aerial Photograph

Exhibit H: Photograph of the Project Area

Exhibit I: Correspondence

Exhibit J: LCP Definition of Prime Agricultural Soils

I. Summary of Appellants Contentions

For the full text of the appellants’ contentions, please refer to Exhibit C.

In summary, the appellants contend that the project is inconsistent with the San Luis Obispo County certified LCP because it was not effectively analyzed for conformance with Coastal Plan Policy 1 for Agriculture, which required agricultural land to be maintained in agricultural production. In support of this contention, the appeal notes that the local approval acknowledges that this may be the first step towards rezoning the parcel.

The appeal also contends that the project is inconsistent with Section 23.04.024(f) of the Coastal Zone Land Use Ordinance (CZLUO) limiting the division of agricultural land to those that enhance agricultural viability of the site. The appeal states that the County did not find that the project would enhance the agricultural viability of the site, for example by putting an agricultural easement over the larger parcel and avoiding a reduction in size of the larger parcel.

Finally, the appeal asserts that the project is inconsistent with the requirement of CZLUO Section 23.04.024(f) that requires land divisions to identify the proposed use of each parcel. Specifically, the appeal states that although the County speculated the adjustment is intended to facilitate future visitor serving commercial development, the County explicitly does not identify the proposed uses of the adjusted parcels.

II. Local Government Action

The proposed lot line adjustment was approved by the San Luis Obispo Subdivision review Board on May 14, 2001. The local findings and conditions of approval are attached as Exhibit D.



III. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. Section 23.01.043c(3) of the San Luis Obispo Coastal Zone Land Use Ordinance specifies the sensitive coastal resource areas where development is appealable to the Coastal Commission, which includes environmentally sensitive habitat areas such as coastal streams. This project is appealable to the Coastal Commission because lot line adjustments are not a principally permitted use; and, the parcel that is proposed to be adjusted contains environmentally sensitive riparian habitats (as shown in the aerial photograph attached to this report as Exhibit G).

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the nearest public road and the sea and thus, this additional finding need not be made in a *de novo* review in this case.

IV. Staff Recommendation on Substantial Issue

MOTION: *I move that the Commission determine that Appeal No. A-3-SLO-01-011 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of



No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-SLO-01-056 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Recommended Findings and Declarations for Substantial Issue

The appeal raises a substantial issue because as approved by the County, the project is inconsistent with provisions of the San Luis Obispo County certified LCP regulating lot line adjustments and protecting agricultural resources. As noted by the appeal, the local approval did not identify the intended use of the lots proposed for adjustment, inconsistent with Section 23.04.024 of the San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO). Following the filing of the appeal, the applicant stated that the intended use of the adjusted small lot is the potential development of a single-family residence, and that the larger parcel would continued to be used for agricultural production. By increasing the size of the small parcel by two acres, the project increases the amount of land that may be taken out of agricultural production for residential development, and decreases the size of an already substandard agricultural parcel. Therefore, as alleged by appeal, the project does not conform with the Section 23.04.024 requirement that land divisions enhance agricultural viability.

The contentions of the appeal that assert project inconsistencies with Coastal Plan Policy 1 for Agriculture also raise a substantial issue, for the similar reason that the commitment of an additional 2 acres for residential development does not maintain land available for agriculture production. As described above, the proposal to increase the size of a 0.55 lot currently used for grazing to 2.5 acres for the purposes of residential development does not maintain agricultural land available for agricultural production, inconsistent with the standards established by Policy 1 for Agriculture.

These inconsistencies, as well as additional inconsistencies identified as part of the De Novo review, are discussed in more detail by the findings for coastal development permit approval, which are incorporated into the findings for substantial issue by reference.

VI. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.



Motion. I move that the Commission approve Coastal Development Permit Number A-3-SLO-01-056 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the provisions of the San Luis Obispo County certified Local Coastal Program. Approval of the coastal development permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

IV. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Scope of Permit/Revised Plans.** This permit authorizes the adjustment of Assessor Parcel 013-201-



004 to a location adjacent to Old Creamery Road and the southern boundary of Assessor Parcel 013-201-005. The adjustment shall retain the general dimensions of existing Assessor Parcel 013-201-004, and shall not increase the size of Assessor Parcel 013-201-004 or reduce the size of Assessor Parcel 013-201-039. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AND PRIOR TO THE RECORDATION OF A PARCEL MAP OR CERTIFICATES OF COMPLIANCE, the applicant shall submit, for Executive Director review and approval, revised plans for the lot line adjustment that comply with this requirement.

2. **Compliance with Local Conditions of Approval.** All conditions of approval adopted by the San Luis Obispo County Subdivision Review Board on May 14, 2001 (attached as Exhibit D) pursuant to an authority other than the Coastal Act (e.g., the Subdivision Map Act) continue to apply to the project as revised by Special Condition 1.
3. **Future Development Deed Restriction.** This permit is only for the development described in coastal development permit No. A-3-SLO-01-056. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including but not limited to, a change in the density or intensity of use land, shall require a separate coastal development permit from San Luis Obispo County.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcels and shall apply to both parcels affected by the lot line adjustment. The deed restriction shall also specify that if any future approved development on Assessor Parcels 013-201-004 requires wastewater facilities or water lines to extend onto Assessor Parcel 013-201-039, or requires its water supply to be obtained from Assessor Parcel 013-201-039, the owner of Assessor Parcel Assessor Parcel 013-201-039 shall be required to record an easement allowing for said facilities. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

V. Recommended Findings and Declarations for Coastal Development Permit Approval

The Commission finds and declares as follows:

A. Project Description



1. Project Location

The proposed lot line adjustment affects an agricultural holding of approximately 149 acres currently used for grazing. The property is located near the small town of Harmony, between Cayucos and Cambria, in the rural north coast of San Luis Obispo County. It surrounds the small commercial area of Harmony, which comprises an area of approximately one acre on the east side of old Highway One, now called Old Creamery Road, east of the current Highway One alignment. Here, historical structures are used for retail and commercial purposes, generally oriented to tourists and Highway One travelers. Other than the small complex of shops, a wine tasting establishment has been constructed a few hundred yards up the hill, on the south side of Harmony Valley Road. Except for this limited development, the area is characterized by scenic grazing and open space land typical of the rural north coast.

2. Project Description and Background

The applicant proposes to move an existing 0.55 acre agricultural parcel located adjacent to Harmony Creek southwest to a location adjacent to the existing commercial development in the town of Harmony. The small parcel would be increased in size to 2.5 acres, resulting in a reduction of the larger agricultural parcel from 148 acres to 146 acres.

According to County staff, the 0.55 acre parcel was created early in the 20th Century for use as a school. Mr. Soto later purchased the property from the school district. Two certificates of compliance for the two lots affected by the adjustment were issued by the County on March 25, 2001. Both the 148-acre and 0.55 acre lots are currently vacant of structures and are used for grazing.

According to a letter from the applicant attached as Exhibit I, the proposed use of the adjusted lot is the potential future development of a single-family residence. The adjustment is intended to eliminate the need for a new access road to serve the future residence, and to cluster future residential development adjacent to the existing town site. The increase in size of the adjusted lot (from 0.55 to 2.5 acres) is intended to orient the lot with existing geographic boundaries: the existing commercial development to the north, Old Creamery Road to the west, and Harmony Valley Road to the south.

In processing the lot line adjustment, County staff observed that the project may also be intended to facilitate a proposed zone change. There is an active request on file with the County to change the zoning of the 2.5-acre area where the adjusted lot would be located from Agriculture to Commercial Retail (North Coast Area Plan Update Project Description, January 2000). However, recent correspondence from the land owner states that it is his intention that all parcels remain in agriculture (Exhibit I).

The zone change previously proposed in the 1998 North Coast Area Plan Update (approved by the County) was denied by the Commission because it was not accompanied by evidence showing that agricultural use was no longer feasible. The request was also denied because the conversion would not preserve prime lands or concentrate development consistent with Coastal Act Section 30250. (Page 116



of the Revised Findings on North Coast Area Plan Update, San Luis Obispo County Local Coastal Program Amendment 1-97).

B. Coastal Development Permit Determination

1. Lot Line Adjustment Standards

a. Applicable Lot Line Adjustment Standards

LCP provisions for Lot Line Adjustments, include, but are not limited to Sections 21.02.030(c) and (d) of the County's Real Property Division Ordinance and Sections 23.04.024 and 23.09.036 of the CZLUO. Other applicable LCP standards, specific to the protection of agricultural and other coastal resources are addressed later in this report.

Land Division Ordinance 21.02.030 states, in part:

- (c) Criteria to be considered. A lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot line adjustment will conform with the county's zoning and building ordinances. The criteria to be considered includes, but is not limited to, standards related to parcel design and minimum lot area. These criteria may be considered satisfied if the resulting parcels maintain a position with respect to said criteria which is equal or better than such position prior to approval or conditional approval of the lot line adjustment.
- (d) The subdivision review board is delegated the authority to approve, conditionally approve, or disapprove lot line adjustment applications. Notice of hearing shall be given pursuant to Section 21.04.010 for all lot line adjustments. Provided, however, for lot line adjustments within the coastal zone, notice and hearing requirements shall be as set forth in Sections 21.04.010 and 21.08.020 of this title. The subdivision review board shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the provisions of Title 19 and Title 22 or Title 23 of this code, or except to facilitate the relocation of existing utilities, infrastructure, or easements. The decision of the subdivision review board shall be final unless appealed to the board of supervisors pursuant to Section 21.040.020 of this title.¹

Section 23.04.024b(1) establishes the minimum parcel sizes on agricultural lands with an existing agricultural use

- b. Size based upon existing use.** Where a legal lot of record is developed with agricultural uses at the time of application for land division, the minimum size for a new

¹ Part (g) of this ordinance notes that lot line adjustments in the coastal zone are not final until all appeal periods have expired and no appeal has been filed, or the Coastal Commission has approved the application.



parcel shall be based on the type of existing agricultural use, with the required minimum being the largest area determined by the following tests. Where a site contains more than one agricultural use, each new parcel shall satisfy the minimum size for its respective use:

(1) Crop production:

AGRICULTURAL LAND USE	MINIMUM PARCEL SIZE
<u>Irrigated</u> row crops, specialty crops, nurseries, orchards and vineyards (examples: vegetables, strawberries, cut flowers and flower seed, avocados, kiwi, other fruits and nuts, wine grapes).	20 acres
<u>Irrigated</u> pasture, field crops, grain and hay (examples: sugar beets, alfalfa, irrigated grain and hay.)	30 acres
<u>Dry Farm</u> orchards, vineyards.	40 acres
<u>Dry Farm</u> field crops, (examples: beans, specialty field crops).	80 acres
<u>Dry Farm</u> grain and hay (examples: barley, wheat, oats, hay.)	160 acres
<u>Grazing</u>	320 acres

For non-conforming lots, Section 23.09.060b(2) provides the following additional standard:

Any group of non-conforming lots may be redivided, provided that

- (i) Such division is in accordance with all applicable requirements of Title 21 of this code;
- (ii) No parcel is less than the minimum area required by Section 23.04.048 (Lot Consolidation)

Section 23.04.048, referenced above, establishes the following minimum lot sizes *for residential and rural land use categories* where sewage disposal is by individual disposal system, as is the case for future residential development on the subject parcels:



Minimum lot size: 6,000 square feet where served by community water; one acre where served by a domestic well.

Minimum lot width: 50 feet, measured along the front setback line (Section 23.04.108)

The proposed lot line adjustment, however, is in the agricultural land use category. The minimum site area for single family residential uses in any land use category (other than as specified by Section 23.04.048 above) is established by CZLUO Section 23.04.044e, which states:

e. Residential uses: The minimum site area for any residential use is 6,000 square feet, except as follows:

...(2) Single-family residence: 1,750 square feet, except:

- (i) One acre is required where a well and septic system are to be located on a single lot; and
- (ii) Two and one-half acres is required where a lot is proposed to have a septic system and is located in a Domestic Reservoir Watershed as defined by Section 19.20.222b(3) of the Building and Construction Ordinance, except that no minimum is required where a lot is part of an approved cluster subdivision with a maximum density of 2.5 acres per dwelling unit or less. No land within a horizontal distance of 200 feet from the reservoir impoundment, as determined by the spillway elevation, shall qualify for computing minimum site area, residential density, or for septic system sighting.
- (iii) As provided by Section 23.04.048 (Lot Consolidation).

The site design and minimum lot size standards contained in Chapter 4 of the CZLUO cited above are subordinate to the Land Use Plan policies of the LCP (e.g., agricultural resource protection policies discussed in the next section of this report), as provided by part c of the following standard:

23.04.012 Applicability of Site Design Standards:

The standards of this chapter apply to all new land uses required to have a permit pursuant to this title, except:

- a. Where the standards of Chapter 23.07 (Combining Designation Standards), or 23.08 (Special Uses) conflict with the provisions of this chapter, the provisions of Chapters 23.07 and 23.08 prevail;
- b. Where planning area standards (Part II of the Land Use Element) conflict with the standards of this chapter, the planning area standards shall prevail.



- c. Where policies (Part II of the Policy Document of the Local Coastal Plan) conflict with the standards of this chapter, the policies shall prevail.

b. Analysis

The standards of Title 21 of the LCP require lot line adjustments to either conform to the parcel design and size standards established by the county's building and zoning ordinances or achieve an equal or better position with respect to these criteria. Accordingly, the decision making body may impose conditions of approval intended to achieve conformance with Titles 19, 22, and 23 of the County code. Title 23, the Coastal Zone Land Use Ordinance and Implementation component of the LCP, incorporates the standards of the LCP's Land Use Plan (CZLUO Section 23.01.022), which are therefore also applicable to the review of lot line adjustments.

The first step in analyzing conformance with these standards is to evaluate whether the size and position of the adjusted parcel conform with LCP requirements related to minimum parcel sizes and the protection of prime soils.

Parcel Size

The minimum parcel size in the agricultural land use category for grazing lands such as the subject properties is 320 acres (Section 23.04.024 of the Coastal Zone Land Use Ordinance). Neither parcel affected by the lot line adjustment conforms to this standard (i.e., both are non-conforming). As provided by Sections 23.09.060, non-conforming parcels can be redivided provided that no parcel is less than the minimum lot size established by Section 23.04.048 and 23.04.044, which, in this case, is one acre. According to Section 21.02.030, lot line adjustments can satisfy minimum lot size and parcel design criteria if the resulting parcels maintain a size or position that is equal or better than the existing situation.

As noted above, part e.(ii) of Section 23.09.060 (cited on page 10) allows non-conforming parcels to be adjusted provided that no parcel is less than one acre. One interpretation of this requirement is that non-conforming parcels under one acre in size can not be adjusted.. Such an interpretation would provide a basis for denying the proposed adjustment of the 0.55 acre lot.

Another interpretation is that the adjusted lots should achieve a minimum size of one acre. This is a logical interpretation, in light of the fact that one acre is typically the minimum lot size considered to be able to support an on-site well and septic system. Applying this interpretation, the proposed adjustment conforms to Section 23.09.060.

The more difficult test is whether the size and design of the adjusted lots will be "equal or better" than the existing configuration, as required by Section 21.02.030. This requires an analysis of whether the adjustment enhances agricultural viability and maintains land in or available for agricultural production. In this case, the larger 148-acre parcel is the most important parcel from an agricultural production standpoint, as the 0.55 acre lot does not represent a agriculturally viable unit of land if under separate ownership. (Currently, both parcels are under single ownership and support a grazing operation.)



To achieve an equal or better parcel size than that which currently exists, the adjustment should not reduce the size of the larger, more agriculturally viable parcel. However, as proposed, the adjustment would reduce the 148-acre parcel by two acres. Nevertheless, it was approved by the County based on the Deputy Agricultural Commissioner analysis (attached as Exhibit E) which states that this reduction "would have no appreciable impact on agricultural sustainability".

In contrast to the conclusions of the Deputy Agricultural Commissioner, the Periodic Review of the San Luis Obispo County LCP adopted by the Commission on July 12, 2001 finds that lot line adjustments may pose significant cumulative impacts on the long-term agricultural viability of the region. This is attributable to, among other things, the cumulative loss of land available for agricultural production resulting from adjustments intended to increase the amount of land available for residential and non-agricultural development.

In addition, as described above, the LCP standards for a lot line adjustment are not whether the adjustment will have a significant impact on agriculture, but whether the adjustment will achieve an equal or better lot size and position. Because the proposed adjustment would reduce the size of the larger agricultural lot, and therefore worsen the non-conforming agricultural lot size, the project is inconsistent with the "equal or better" requirements established by Section 21.02.030(c) of the LCP. Therefore, to achieve consistency with Section 21.01.030(c), Special Condition 1 requires that the project maintain the existing size of the larger agricultural lot.

As noted above, Section 23.09.060 calls for the redivision of nonconforming lots to achieve minimum parcel sizes of 1 acre in areas served by on-site wells and septic systems. This is intended to carry out Section 23.04.044e, which requires one acre of site area for the development of a single-family residence with an on-site well and wastewater treatment system. As discussed later in this report, this minimum standard implies that the existing 0.55 acre lot is not developable with a single family residence, raising concern that the adjustment intensifies the amount of allowable residential development allowed on agriculturally designated lands. It is recognized, however, that because the land surrounding the sub-standard parcel is under the same ownership, provisions could be made to allow water and wastewater facilities to extend beyond the lot's boundaries, in effect providing the one-acre "site area" (not "parcel size") required to accommodate a residential use.

Accordingly, it is necessary to maintain the 0.55 acre size of the lot in order to diminish the impact of the adjustment, and future residential development, on agricultural resources. As established by Section 23.04.012c of the CZLUO, Land Use Policies protecting coastal resources have priority over the site design standards, such as the one-acre minimum site area for residential development. As discussed in the following findings, maintaining the 0.55-acre lot size will ensure that the loss of agricultural soils associated with residential development is minimized. It is premature to conclude that a 0.55-acre lot could not provide a sustainable water supply or effective wastewater system for a single family residence. Moreover, because the parcels are in common ownership, the property owner has the ability to grant any easements over the larger parcel that may be necessary to allow for effective wastewater treatment and water supplies that may be needed to support future residential development of the



adjusted 0.55 acre parcel. If this is the case, extending water or wastewater facilities beyond the small parcel's boundaries will not interfere with the ongoing use of the 148-acre parcel for agriculture. To maintain the ability to provide water supply and wastewater treatment, Special Condition 3 calls for the permittee to record a deed restriction that requires the owner of the 146 acre lot to grant an easement for any such facilities where necessary to serve approved development on the 0.55 acre lot.

A reason that has been given to support that the increased size of the 0.55 acre lot represents an improvement over the existing situation is that it allows the adjusted to be bordered by natural boundaries (commercial development to the north, Old Creamery Road to the west, and Harmony Valley Road to the south). These boundaries should be considered in conjunction with the potential for the development of an additional residence on the larger parcel. Retaining the size of the smaller lot will preserve opportunities to cluster any future residential development proposed in association with the larger agricultural parcel along Old Creamery Road and adjacent to existing developed areas.

Parcel Location

To maintain an equal or better *position* than the existing lot configuration, the adjustment should not create a greater potential for the loss of prime agricultural land (Coastal Plan Policy 1 for Agriculture). The LCP prohibits residential development on prime soils unless no alternative sites outside 20% slopes and flood hazard areas are available (CZLUO Section 23.08.167). Prime agricultural soils as defined by the LCP include Class I or II soils; land with a Storie Index rating between 80 and 100; land that supports livestock used for food or fiber and has an annual carrying capacity of at least one animal unit per acre; or, land planted with crops that normally returns \$200 or more per acre per year (see p. 11-2 of the CZLUO, attached as Exhibit J, for the full definition).

According to the report of the Deputy Agricultural Commissioner, the property contains Class III non-irrigated, Class I irrigated soil in the alluvial area of the property and Class IV soils in the remainder of the property (please refer to Exhibit F). According to soil type, both the existing and proposed location of the smaller lot is on soils that would be considered prime if irrigated.. These areas have not been irrigated or used for the production or row crops.

In evaluating the impact of the adjustment on agricultural soils, the capacity of the land to sustain livestock must also be considered. In this case, the land is being used for livestock grazing. The proposed adjustment would move the existing 0.55 acre lot from a location within the grazing area to a location adjacent to existing commercial development, which, because of its proximity to non-agricultural development, is likely to be less productive grazing land. In addition, the proposed location would eliminate the need for new roadway development, which would cause additional loss of agricultural soils and fragment the grazing land. Indeed, the analysis by the Deputy Agricultural Commissioner states:

The proposal would appear to decrease the potential loss of agriculturally productive soils. Access to the existing .55 acre parcel would require the construction of a new road, displacing productive soil. The proposed location would not require a new road.



Therefore, the lot line adjustment is consistent with the LCP requirement calling for the position of the adjusted lot to be equal or better to its existing position, both as proposed and as conditioned.

c. Conclusion

Although the proposed project improves the location of the lot with respect to agricultural activities, it does not provide an equal or better lot configuration for agriculture because it reduces the size of the larger agricultural parcel by two acres for residential development. The project is therefore inconsistent with LCP standards for lot line adjustments because it would not create parcels that conform to minimum lot size requirements, or maintain or improve the existing situation. To resolve this inconsistency, the project has been conditioned to maintain the size of the larger agricultural parcel. Only with this condition can the project be found consistent with LCP lot line adjustment standards, and the coastal resource protection provisions of the LCP addressed below.

2. Agricultural Resources

A. Agricultural Resource Protection Standards

In addition to achieving an equal or better size and position with respect to agricultural resources, the LCP requires that new development (including lot line adjustments and residential development) maintain agricultural lands and be compatible with surrounding agricultural uses.

Specifically, LCP Policy 1 for Agriculture states:

Policy 1: Maintaining Agricultural Lands

Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable/urban boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

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



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

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

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

Section 23.08.167 provides, in relevant part:

23.08.167 – Residential Uses in the Agriculture Category: Dwellings in the Agriculture land use category, including primary housing and farm support quarters are allowed accessory uses on the same site as an agricultural use, subject to the standards of this section. Such dwellings may include mobilehomes, subject also to the standards in Section 23.08.163 (Individual Mobilehomes).

a. **Limitation on dwelling location – prime soils.** Primary family housing and farm support quarters shall not be located in prime agricultural soils unless there is no other building site on the ownership that is all of the following:

- (1) On other than prime soils;
- (2) Less than 20 percent in slope;
- (3) Not within a designated Flood Hazard Combining Designation.

b. **Primary housing:** Except as otherwise provided by subsection a. above, a parcel in the Agriculture category may be used for one primary dwelling, as follows:

- (1) **Permit requirements:** Plot Plan approval. Additional dwellings are subject to the provisions of subsections c and d of this section (Farm Support Quarters).
- (2) **Density:** Primary dwellings in the Agriculture category are allowable at a ratio of



one primary unit for each legal parcel, as defined in Chapter 23.11 (Definitions – Parcel). Two or more dwellings per legal parcel shall satisfy all provisions of subsections c. and d. of this section (Farm Support Quarters).

c. **Farm support quarters – Single family dwellings and mobilehomes:** Includes farm or ranch housing for farm help or a caretaker employed on land in the same ownership as the housing. Farm support quarters are allowable in the Agriculture and Rural Lands categories only when the housing is in direct support of existing agricultural production activities on lands owned and leased by the farm housing owner, subject to the following standards:

B. Analysis

As detailed in the Periodic Review of the San Luis Obispo County LCP, an increasing trend in the use of Certificates of Compliance and Lot Line Adjustments to expand the potential for residential development on agricultural lands has raised significant concerns regarding the protection of coastal resources. This intensification not only threatens the long-term viability of agriculture, but also changes community character, places greater demands on limited public service capacities (e.g., water and traffic), and may cause the loss of sensitive habitats, scenic resources, and a degradation of coastal water quality.

It is clear that residential development is allowable in the agricultural land use category *as an accessory to the primary use of agriculture* (CZLUO Section 23.08.167). Providing housing for farm owners and workers is clearly a crucial component to supporting agriculture. However, expanding residential uses beyond a primary dwelling and farm worker housing per agricultural unit can incrementally diminish the amount of land available for agricultural production. Perhaps more significantly, intensified residential development can lead to increasing conflicts with agricultural uses. Residential development beyond that which supports agriculture can escalate land values and increase demands on limited water supplies and roadway capacities. Cumulatively, these impacts threaten the long term viability of coastal agriculture.

To respond to these concerns, the Periodic Review included the following recommendation:

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 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;*
- *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.*

A fundamental component of the above recommendation, and an issue that must be evaluated under LCP Policy 1 for Agriculture, is whether the proposed adjustment would intensify residential development



potential in a way that would result in an increased loss of farmland and/or conflict with agricultural uses.

As previously noted, single family residences are allowed as special use on agricultural lands (Table O identifies single family residences as an "S-16" use on prime soils and "S-16-P" use on non-prime soils by Table O). The special use standards established by CZLUO Section 23.08.167 allow primary housing and farm support quarters as an accessory use to an agricultural use, so long as prime soils are avoided to the extent feasible. Similarly, Coastal Plan Policy 1 for Agriculture permits residential uses where the conversion of agricultural soils (especially prime soils) is minimized. Additionally, Policy 1 requires that development must not conflict with surrounding agricultural lands and uses.

In accordance with these standards, the development of a single family residences, designed to minimize impacts on agricultural soils and support agricultural uses, would be allowed on both parcels *unless construction of the residences would conflict with surrounding agricultural lands and uses*. Residential development is also contingent upon the availability of on-site water and wastewater treatment capacities (CZLUO Section 23.04.430).

Evaluating the issue of agricultural compatibility, the report by the Deputy Agricultural Commissioner states "the .55 acre parcel is an island parcel. If separately owned from the surrounding property, and a residence is constructed, then there could be incompatibility impacts to the grazing use". The report goes on to state that the proposed adjustment would be more compatible with agricultural lands by clustering such development adjacent to existing commercial uses.

In light of the incompatibilities with grazing posed by the development of the existing 0.55 acre lot, and the failure of the site to comply with the minimum lot size required for residential development², it would be possible to conclude that such development is not allowable under the existing LCP. From this standpoint, the lot line adjustment would increase residential development potential beyond the primary residence and farm worker housing allowed on the agricultural unit, and thereby adversely impact agricultural resources inconsistent with LCP requirements.

A conclusive determination regarding the ability to develop the existing 0.55 acre parcel with a residence in a manner that complies with all applicable provisions of the LCP is beyond the scope of this analysis. If residential development is allowable, it should be located as close as possible to existing commercial development in the town of Harmony, and designed to minimize the amount of land available for agricultural production. The Special Conditions approval achieve these LCP objectives by:

- Allowing the parcel to be moved to the corner of Old Creamery Road, thereby providing for the clustering of residential development outside of the most productive agricultural areas. And,
- Maintaining the existing parcel sizes, which reduces the amount of agricultural land that may be converted to a residential uses in three ways. First, it does not intensify the amount of allowable

² 1 acre per CZLUO Section 23.04.044



residential development that may be allowed in comparison to the existing situation. Second, it limits the area available for structural development. And finally, it allows for any future residential development on the larger parcel to also be clustered next to existing development along Old Creamery Road (as proposed, the adjusted lot would consume all of the undeveloped area fronting on the east side of Old Creamery Road).

G. Conclusion

The cumulative impacts of intensified residential development on agricultural lands, beyond that which directly supports agriculture, threatens the long-term viability of coastal agriculture. As described above, the Special Conditions of approval require that existing lot sizes be maintained in order to prevent a potential increase in the intensity of allowable residential development, and to minimize the amount of land that may be removed from agricultural production by potential residential development. With these conditions, the lot line adjustment is consistent with LCP provisions protecting agricultural resources.

3. Other Coastal Resource Issues

Other coastal resources issues applicable to lot line adjustments include the preservation scenic resources and environmentally sensitive habitats. Lot line adjustments should not create new building sites that are inconsistent with LCP provisions protecting these resources, particularly in the scenic and biologically rich areas of the rural north coast.

In this case, the lot line adjustment will enhance the protection of sensitive habitats by relocating the existing 0.55 acre lot further away from Harmony Creek. In addition, the adjustment will cluster the lot closer to existing development, thereby minimizing the visual impact of future residential development by preserving the open space character of the surrounding agricultural lands and avoiding the need for a new access roads. By conditioning the project to retain the existing lot sizes, opportunities to site any future residential development that may be proposed on the larger lot can be similarly situated to avoid adverse impacts.

With this condition, and the application of LCP standards to future residential development on the adjusted lots, the project complies with LCP provisions protecting coastal resources.

C. California Environmental Quality Act (CEQA)

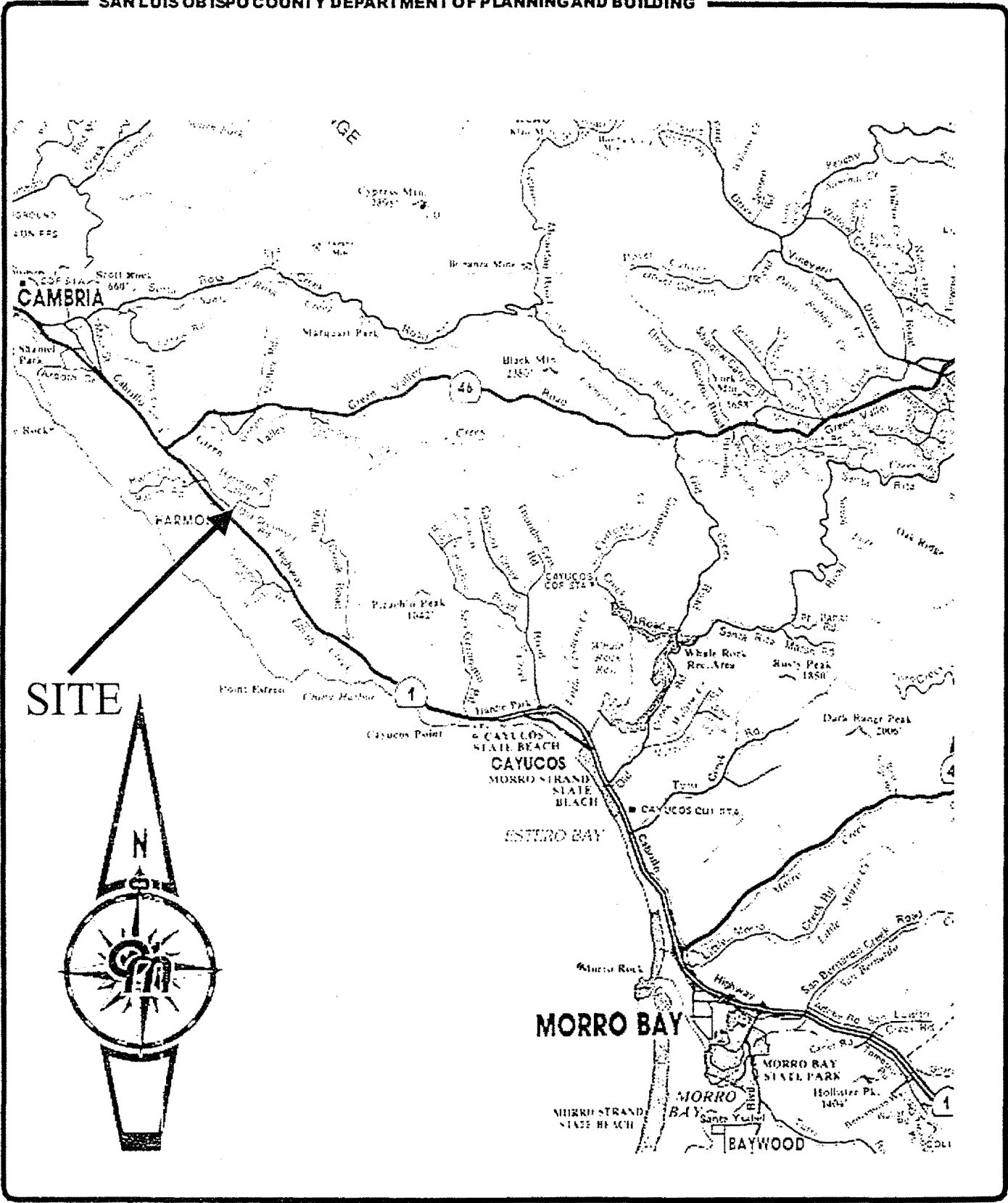
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary



of Resources as being the functional equivalent of environmental review under CEQA. This staff report, which is incorporated into this finding in its entirety, has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.





PROJECT

SOTO Lot Line Adjustment -
S000076L COAL 00-0213



EXHIBIT NO.

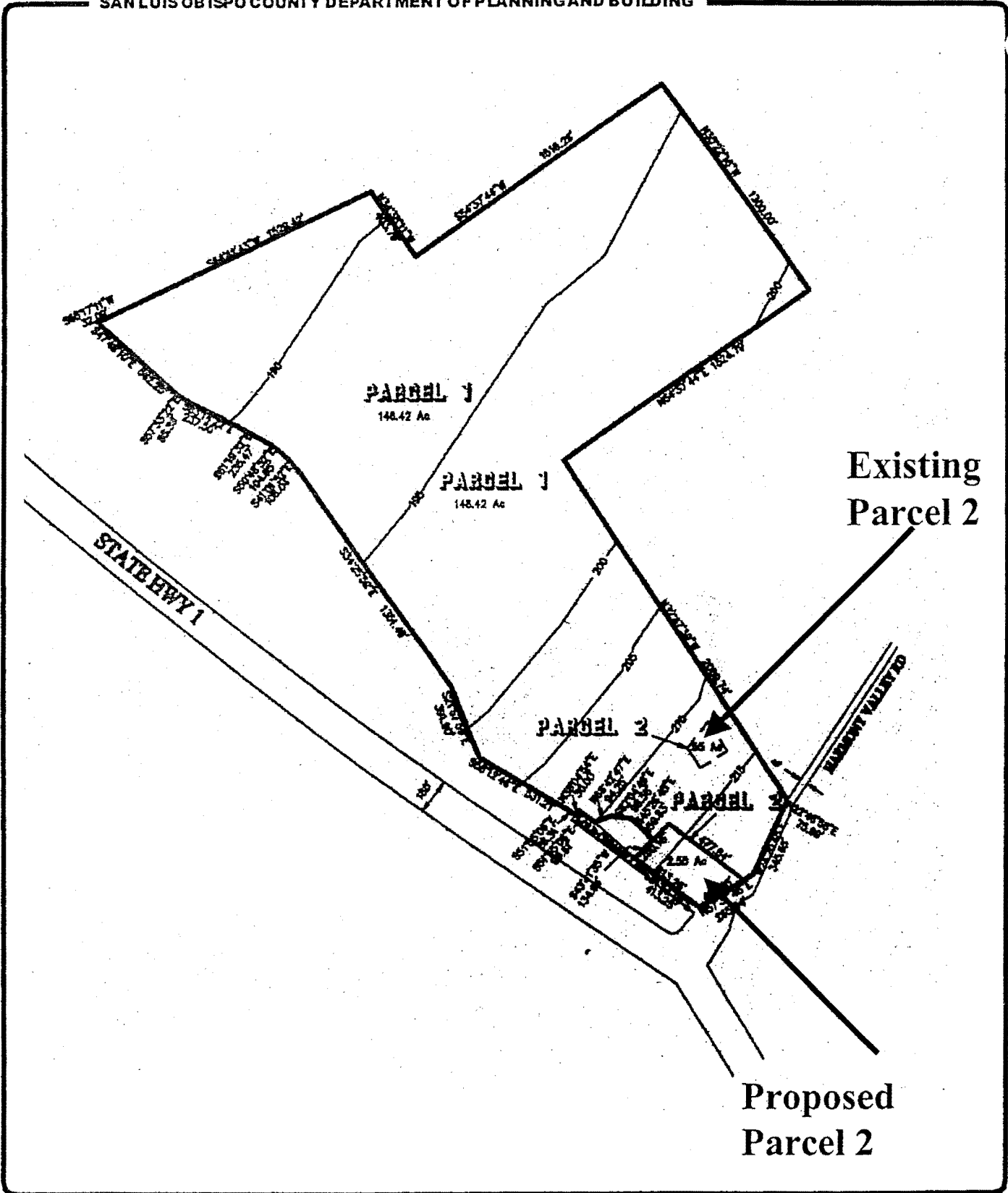
EXHIBIT NO. A

APPLICATION NO.
A-3-SLO-01-056

Project Location

California Coastal Commission

8-16



Existing Parcel 2

Proposed Parcel 2

PROJECT
 SOTO Lot Line Adjustment -
 S000076L COAL 00-0213



EXHIBIT
 Lot Line

EXHIBIT NO. B
APPLICATION NO. 0-3-SLO-01-056
Project Plans
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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

**Reasons for Appeal: COAL 00-0213 (Soto)**

The adjustment of two lots of 148.42 acres and 0.55 acres into two lots of 146.42 acres and 2.55 acres in the Agricultural land use category is inconsistent with provisions of the San Luis Obispo County certified Local Program protecting agricultural resources for the following reasons:

Policy 1 for Agriculture requires agricultural land to be maintained for agricultural production unless specific circumstances exist. The approval of the lot line adjustment does not adequately analyze conformance with the standards of this policy, and does not ensure that the land will be maintained in agricultural production. The approval acknowledges that this may be the first step towards rezoning the parcel.

Coastal Zone Land Use Ordinance Section 23.04.024(f) prohibits land divisions on non-prime soils unless the land divisions will enhance the agricultural viability of the site. Although the County has found that the adjustment may decrease the potential loss of agriculturally productive soils, they have not found that the land division will maintain or enhance the agricultural viability of the site. For example, by putting an agricultural easement over the larger parcel, and by avoiding a reduction in size of the larger parcel. This Section also requires the land division identify the proposed use for each parcel. Although the County has speculated that the adjustment is intended to facilitate future visitor serving commercial development, the County explicitly does not identify the proposed uses of the adjusted parcels.

EXHIBIT NO. 6
APPLICATION NO. A-3-SLO-CI-056
<i>Contentions of Appeal</i>
California Coastal Commission

Exhibit A
S0000076L/COAL 00-0213 - Findings
SOTO

- A. The proposed lot line adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because, with respect to minimum lot size and other zoning and building ordinances, the resulting parcels are acceptable because the adjusted lots will have a lot design and configuration that is equal or better than the existing lot design.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.


EXHIBIT NO. <i>D, 01</i>
APPLICATION NO. <i>A-3-510-01-050</i>
<i>Local Findings and Conditions of Approval</i>
 California Coastal Commission

Exhibit B
S000076L/COAL 00-0213- Conditions
SOTO

1. This adjustment may be effectuated by recordation of a map or recordation of certificates of compliance. If a map is filed it shall show:
 - a. All public utility easements.
 - b. All approved street names.
 - c. A tax certificate/bonding shall be provided
2. Any private easements described in the title report must be shown on the map, with recordation data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificate of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. **Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificate of compliance.**
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. After approval by the Subdivision Review Board, compliance with the preceding conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
9. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effecting the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.

A-3-S20-01-056
Exhibit D, p. 2

8-6



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

JAN 26 2001

SAN LUIS OBISPO PLANNING DEPT.

January 26, 2001

TO: Kerry O'Neill, Planner

FROM: Robert Hopkins, Deputy Agricultural Commissioner

Robert Hopkins

SUBJECT: Soto Lot Line Adjustment COAL00-0213

Executive Summary

The evaluation of this project indicates, over all, the proposed parcels are equal to the existing parcels with respect to agricultural zoning and agricultural sustainability. This determination is based on a comparison of the proposed parcels, to the existing parcels with respect to the Agriculture land use category requirements and potential long term impacts to the agricultural resources.

A. Introduction

Our report responds to your request for comments on the proposed Soto Lot Line Adjustment. Our comments are based on a review of the mapping exhibits aerial photography, and information from the agent. Comments and recommendations in this report are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

B. Project Description and Agricultural Setting

1. Subject Property

The project concerns the realignment of property lines between two parcels, on property totaling approximately 149 acres. The proposal site is within the Agriculture land Use Category. Agricultural uses consist primarily grazing land. The project entails moving a .55 acre parcel which currently exists adjacent to the creek, over next to the existing Harmony settlement, increasing the parcel to 2.5 acres.

EXHIBIT NO. <i>E, P1</i>
APPLICATION NO. <i>A-3-SLO-01-056</i>
<i>Report by Deputy Agricultural Commissioner</i>
California Coastal Commission

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Kerry O'Neill, Planner
January 26, 2001
Page 2

The property contains a Class III non-irrigated, Class I irrigated soil in the alluvial areas of the property and Class IV soils in the remainder of the property. Irrigated crops have not been produced on the areas with the Class I irrigated soils. Reference Soils Survey, San Luis Obispo County, Coastal Area.

D. Evaluation of Agricultural Criteria

Introduction

Title 21 of the county code contains the criteria to be met for the approval or conditional approval of lot line adjustments. The criteria are worded in a manner which essentially forms two tiers of review. The first tier criteria evaluates whether the proposed parcels conform with the county's zoning and building ordinance. The second tier criteria considers, but is not explicitly limited to, parcel design and minimum parcel size and are considered satisfied if the proposed parcels maintain a position equal to or better than the existing parcels.

Additionally in determining the equal to or better position, we use other criteria in a comparative process to evaluate the potential for increased impacts to agricultural sustainability. The process entails comparing the parcels proposed in the lot line adjustment with the existing parcels, considering the potential for increased impacts to agricultural resources. This comparison considers the following; agricultural preserve program, property line configuration, agricultural productive soils and incompatibility issues.

Projects are acceptable if the proposed parcels maintain a position equal to or better than the existing parcels and if the project does not significantly increase the potential for adverse impacts to the agricultural sustainability of the site or adjacent agricultural uses.

A-3-SLO-01-050
Exhibit E, p. 2

8-8

Kerry O'Neill, Planner
January 26, 2001
Page 3

1. Zoning Ordinance Conformity

For the purpose of determining conformity with the zoning ordinance, we use the minimum parcel size criteria, for the Agriculture Land Use Category. Proposed parcel 2 at 2.5 acres does not meet the very smallest minimum in the Agriculture Land Use Category, which is 20 acres. Proposed parcel 1 meets the smallest minimum for Agricultural land but would not meet the use test or soils capability for determining minimum parcel size. Since the project does not outright comply with any of the test for minimum parcel size it is necessary to compare proposed parcels to existing parcels.

2. Minimum Parcel Size Comparison

The second tier criteria uses the minimum parcel size criteria, for new parcels, for agricultural lands from the Land Use Ordinance to compare the existing parcels with the proposed parcels, in determining an equal to or better position.

The project would not cause a net change in the number of parcels which comply with the minimum parcel size tests. Neither existing parcel 2 (.55 acres) or proposed parcel 2 (2.5 acre) would comply. The same conclusion holds for parcel one at 148 or 146 acres.

3. Agricultural Sustainability

To further complete the equal to or better than determination agricultural sustainability issues are evaluated.

A-3-SLO-01-056
Exhibit E, p. 3

Kerry O'Neill, Planner

January 26, 2001

Page 4

a. Agricultural Preserve Program

The subject property is not currently contracted in the agricultural preserve program. One criterion utilized by our department for the evaluation of projects is the implications to the eligibility of property to be contracted within the agricultural preserve program. The proposed parcel reconfiguration would have no net effect on the eligibility of the property. With the current rules the 146 acre parcel would be eligible for a non-prime agricultural preserve contract based on the minimum size requirement of 100 acres.

b. Parcel Configuration and Agricultural Use

Over all the relocation of the small parcel is improved compared to the existing location. Moving the .55 acre parcel, which exists as an island parcel amidst the agricultural land and moving it next to Harmony improves agricultural compatibility. The reduction of parcel 1 from approximately 148 acres to 146 acres would have no appreciable impact on agricultural sustainability.

c. Agriculturally Productive Soils

Agricultural land resources can be impacted by the direct effect of roads, driveway, home site and accessory structure development and impacted indirectly by parcel configuration which can impede the site for agricultural utilization.

The proposal would appear to decrease the potential loss of agriculturally productive soils. Access to the existing .55 acre parcel would require the construction of a new road, displacing productive soil. The proposed location would not require a new road.

d. Land Use Compatibility

The comparison, between the existing and proposed parcels, examines both the potential incompatibility impacts within the subject property and to adjacent agricultural lands.

8-10

Kerry O'Neill, Planner
January 26, 2001
Page 5

The project would not result in a net increase in the number of residences which could be constructed on the property. A comparison between location of the existing parcel 2 and proposed parcel 2 indicates improved incompatibility. The .55 acre parcel is an island parcel. If separately owned from the surrounding property, and a residence is constructed, then there could be incompatibility impacts to the grazing use. The proposed location adjacent to the existing commercial uses with similar circumstances of separately owned with a residence, by comparison, would be more compatible with the surrounding agricultural land.

E. Recommended Mitigation Measures

Based on our comments in the previous section, no mitigation measures are recommended.

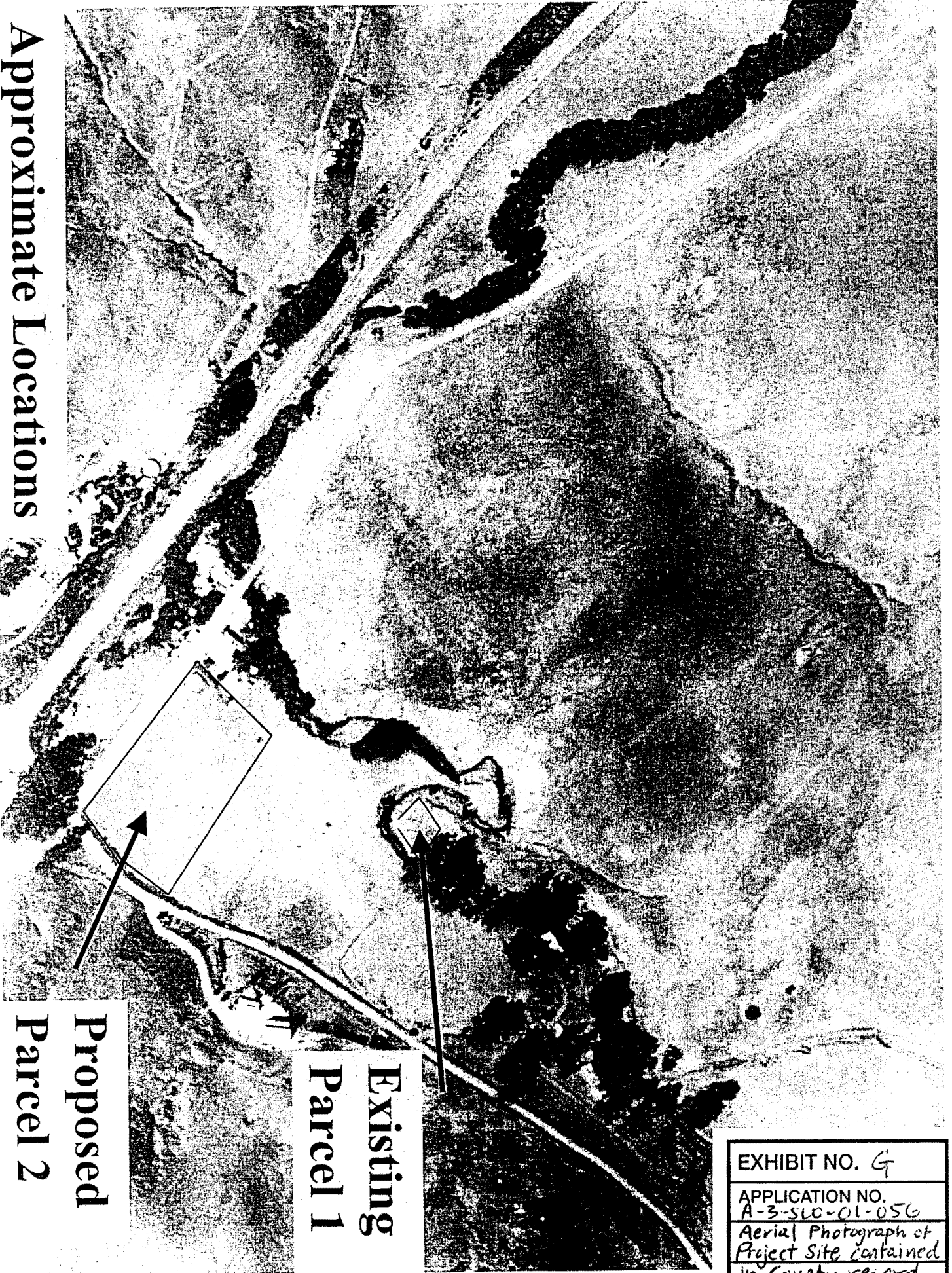
If we can be of further assistance please call

CC: Westland Engineering

H:\RLH\LUP\LLAAG.Soto lla.wpd


A-3-SLC-01-050
Exhibit E, p. 5


Approximate Locations

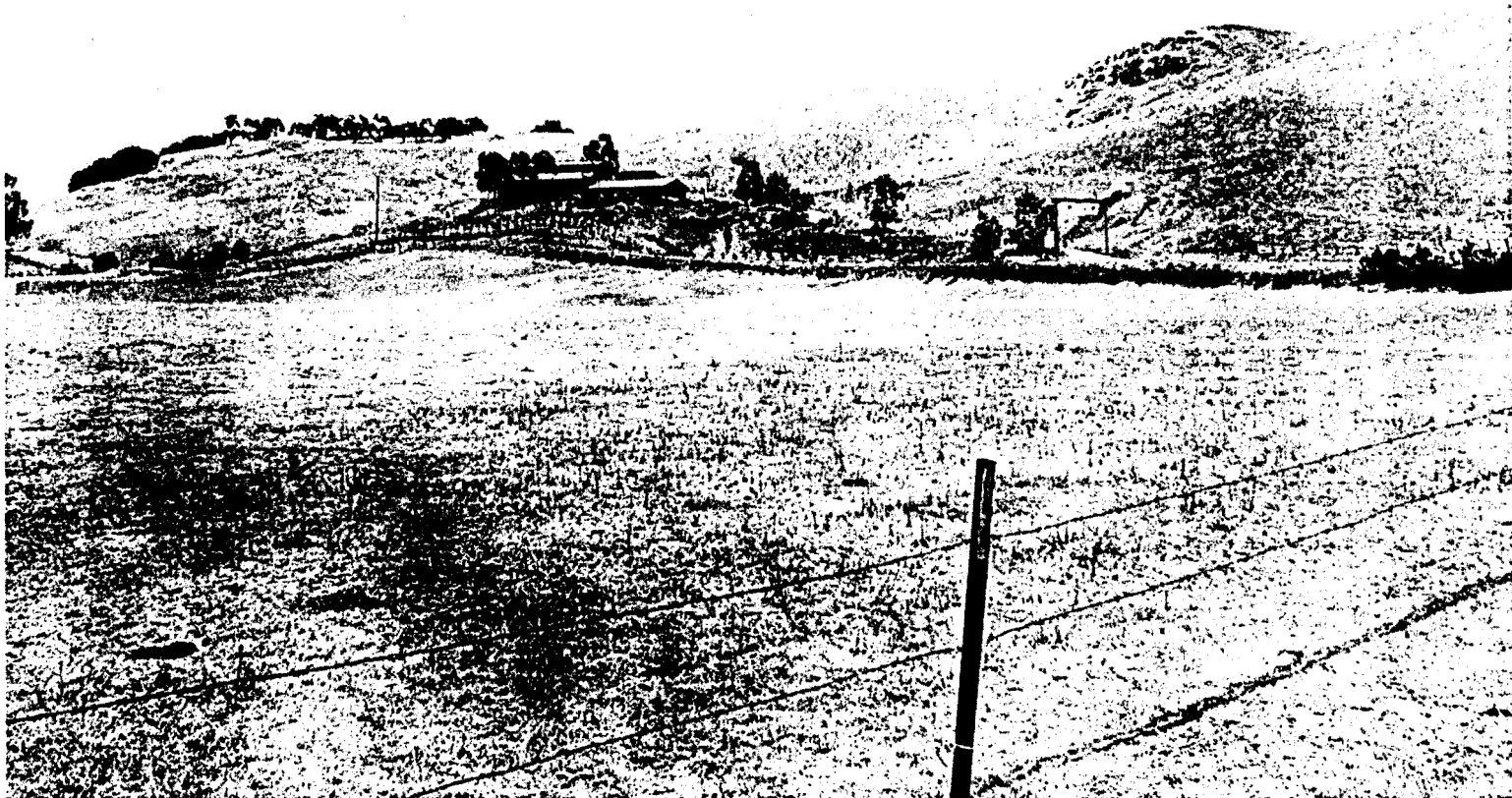


**Proposed
Parcel 2**

**Existing
Parcel 1**

EXHIBIT NO. <i>G</i>
APPLICATION NO. A-3-SLO-01-056
Aerial Photograph of Project Site contained in County record.
 California Coastal Commission

 California Coastal Commission
Photograph of Project Area
APPLICATION NO. A-3-SLO-01-056
EXHIBIT NO. H



A-3-SLO-01-056 (Soto LLA), EXHIBIT H: This photograph was taken from Old Creamery Road by Commission staff on July 26, 2001. The proposed location of the adjusted parcel is shown in the foreground. The current location of the lot is in the background, to the left and out of view (see Exhibit G). Existing commercial development along Old Creamery Road that forms the town of Harmony is out of view to the left. The structure in the background is the existing wine tasting facility, located across Harmony Creek Road.

7/26/01

Steve Monowitz
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: Appeal No. A-3-SLO-01-056

Dear Mr. Monowitz

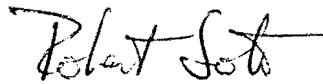
Regarding Coastal Commission Appeal No. A-3-SLO-01-058 for the lot line adjustment at Harmony in San Luis Obispo County, I am responding to your request regarding the intended use of my Harmony property in question. The property is zoned in the agricultural category and the proposed lot line adjustment to 2.5 acres adjacent the town of Harmony is intended for a future potential single-family residence.

I believe it is sound planning to move the "island" parcel out to a natural boundary on three sides (ie. Town of Harmony, Old Creamery Road, and Harmony Valley Road.) This move will eliminate the visual impact of an access road and also cluster improvements at the existing town site. It should also be noted the .55 acre parcel does not have access and this situation would be eliminated by moving the parcel to the frontage road.

I hope this additional information answers the question arising out of the Appeal regarding "identifying the proposed use for each parcel." As a lifetime agriculturalist, I wish to strongly convey how this lot line adjustment would greatly **improve** the viability of both parcels.


Thank you for your consideration.

Respectfully,



Robert Soto

RECEIVED

EXHIBIT NO. 2, p 1
APPLICATION NO. A-3-SLO-01-056
Correspondence
 California Coastal Commission

COAS
CENT

8/10/01

California Coastal Commission
Steve Monowitz
725 Front Street, Suite 300
Santa Cruz, California 95060

RECEIVED

AUG 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Appeal No. A-3-SLO-01-056

Dear Mr. Steve Monowitz:

San Luis Obispo County has approved a lot line adjustment between two parcels of 148.42 acres and .55 acres that would result in two parcels of 146.42 acres and 2.55 acres each. All of these parcels are located in agriculture-zoned land near the town of Harmony. I am a 5th generation Cambria resident and 8th generation Californian who continues my family's tradition in agricultural. The purpose of this lot line adjustment is simple, good planning which also serves to improve the agricultural viability of the existing agricultural operation.

The Appeal of this lot line adjustment was based on two concerns; 1) ensuring the land will remain in agricultural and, 2) identifying the proposed use for each parcel. Item 1 can be addressed by stating this is an on-going cattle operation and **not** a zoning change request. Since this property is located in the Coastal Zone, the Coastal Commission must approve any zoning changes and this is a lot line adjustment, not a zoning change. It is my intention that all parcels remain in agriculture. Item 2 can be responded to by stating it is my intention to build a future single-family residence at the 2.5-acre location, which completely falls within the requirements of agricultural zoned parcels.

There are several other critical points that must be identified regarding the lot line adjustment. SLO County has made many in-depth studies of this proposal and they all **support** the lot line adjustment. Robert Hopkins, SLO County Deputy Ag Commissioner states in his 1/26/01 report, "over all, the relocation of the small parcel is **improved** compared to the existing location. Moving the .55-acre parcel, which exists as an island parcel amidst the agricultural land and moving it next to Harmony **improves** agricultural compatibility. The reduction of parcel 1 from approximately 148 acres to 146 acres would have no appreciable impact on agricultural sustainability."

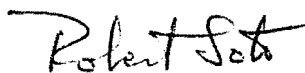
Regarding the existing agricultural operation, adjusting the lot line would add many benefits to my agricultural operation. To have an "island" parcel in the middle of a ranching operation is simply asking for future problems. The actual distance between the .55-acre and the 2.5-acre parcel is only approximately 250 feet.

To access the existing .55-acre parcel would require the addition of a road and easement through part of the larger parcel. I believe the unnecessary addition of a road along with creation of an easement could be considered a visual intrusion to this beautiful area. Many conditions would be required for Public services to access the .55-acre parcel.

Perhaps one of the strongest arguments favoring this lot line adjustment is the issue of planning. To move the .55-acre "island" parcel out to the frontage road allows improved access of the property. The 2.5 acre parcel has **three natural boundaries**; 1) the existing town of Harmony to the north, 2) Old Creamery Road to the west, and 3) Harmony Valley Road to the south. This adjustment seems to "glove" into this niche and appears very natural.

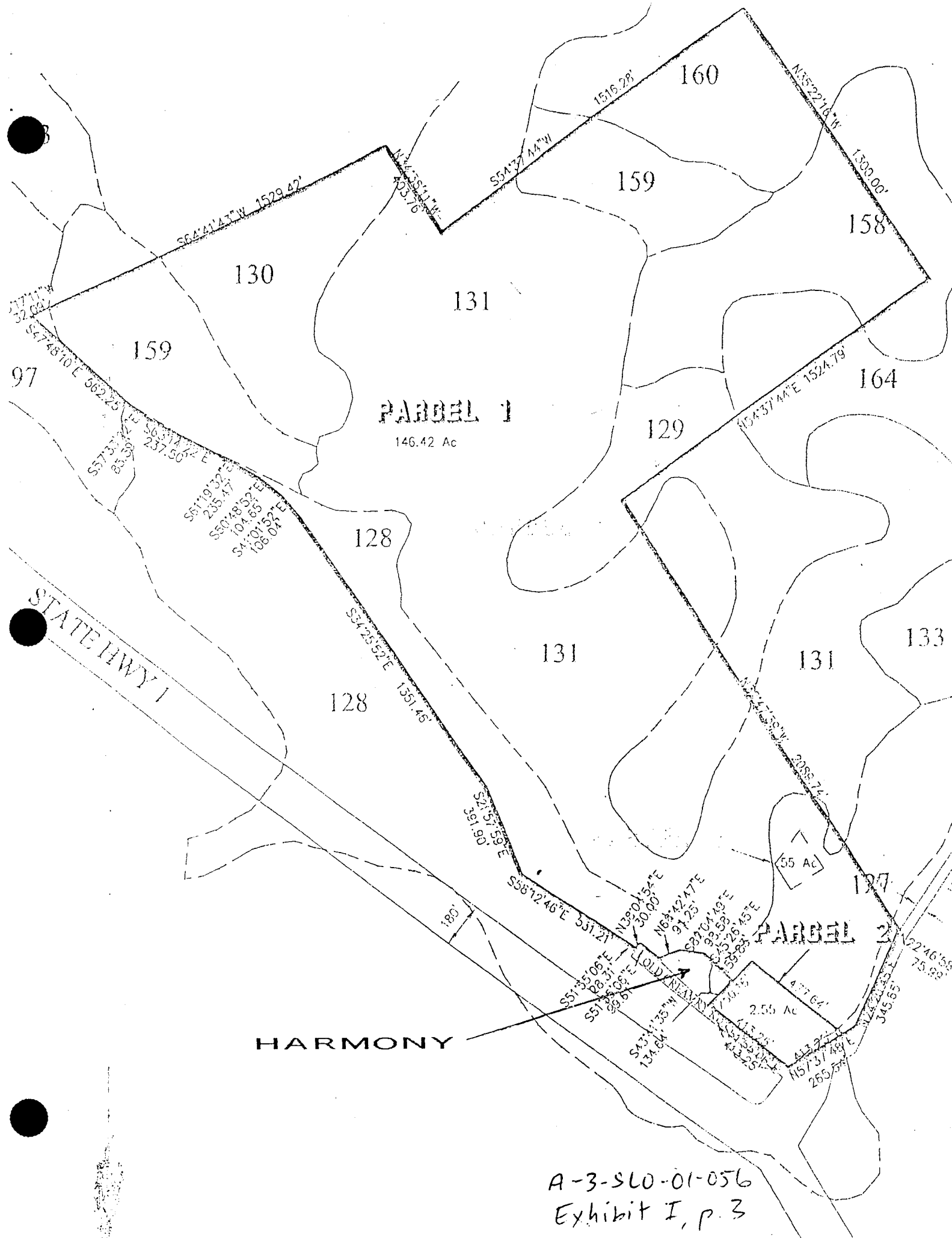
I hope I have given you more information to base your decision upon. I strongly urge you to vote for proper planning and improved agricultural viability and approve this lot line adjustment.

Respectfully,



Robert Soto
6830 Santa Rosa Creek Road
Cambria, CA 93428

A-3-SLO-01-056
Exhibit I, p. 2



PARCEL 1

146.42 Ac

PARCEL 2

2.55 Ac

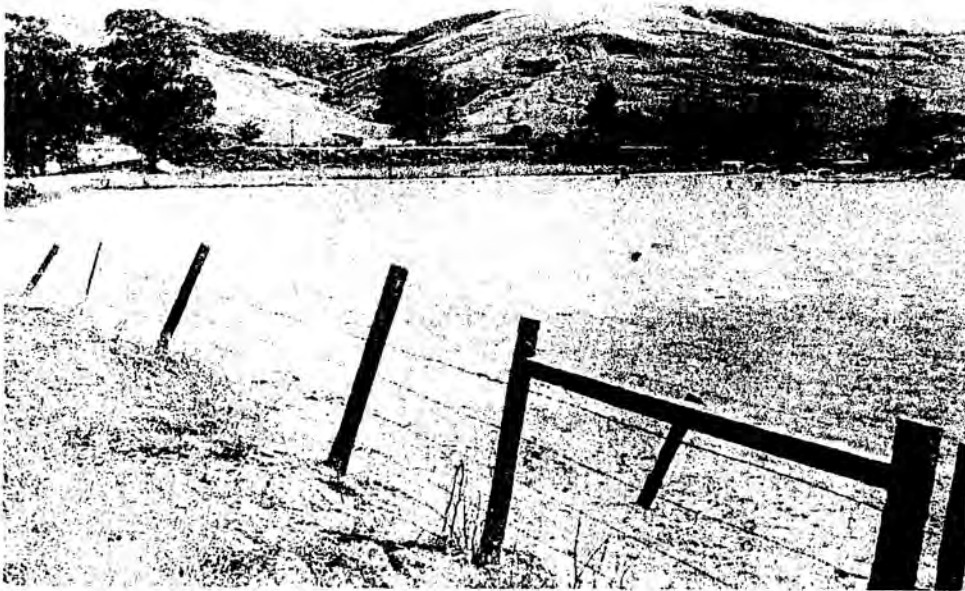
HARMONY

A-3-SLO-01-056
Exhibit I, p. 3

HARMONY LOT LINE ADJUSTMENT



View of .55 acre site on extreme right moving to 2.55 acre on left



View of 2.5 acre site with 3 natural boundaries

A-3-SLO-01-056
Exhibit I, p. 4

RECEIVED

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Appeal # A-3-SLO-01-056

AUG 19 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To Steve Monowitz,

I am a neighbor of the Soto Family, and have been for nearly twenty years. They are good people and responsible stewards of their range lands. I believe in what they are trying to do, it makes good sense to keep the smaller parcels close to town instead of in the middle of a larger piece requiring an access road. This is good planning and improved agricultural conditions. The Soto's are Ranchers not developers, and they have a legal 0.55- acre existing parcel. This appeal on the basis of zoning is non-sense if no request for zoning changes have been made. These little islands in the middle of range land are what break up ranches, and it is a fact that there are many of them around. I appreciate a plan to keep large acreage in one piece and respect the property rights of a 5th generation Cambrian. Why would this be appealed ?

Respectfully,

Linda Winsor
PO BOX 44
1100 Highway 1
Harmony CA 93435
(805) 927-1563

A-3-SLO-01-056
Exhibit I, p. 5

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AUG 13 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 6, 2001

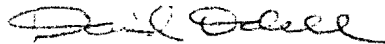
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, Ca. 95060
Appeal # A-3-SLO-01-056

To Steve Monowitz,

We were dismayed to learn that the coastal commission has decided to overrule the San Luis Obispo Planning Dept. on the Soto property in Harmony. Logistics support moving the smaller parcel to the edge of the property. It will prevent another road through agriculture land and more wires overhead. As a neighbor, we strongly support the County's position.

Mr. Soto's son, Monte, will attend Cal Poly in the fall and he hopes to continue their cattle operation. Please support the findings of the San Luis Obispo County Planning Dept.

Respectfully submitted,



Betty Odell
David and Betty Odell

*P.O. Box 2401
Harmony, Ca
93435*

APN 013-201-038

*A-3-SLO-01-056
Exhibit I, p. 6*

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AUG 02 2001

8/05/01

Steve Monowitz
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Appeal # A-3-SLO-01-056

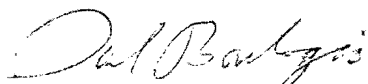
Dear Steve Monowitz,

I am writing this letter in total support of Robert Soto's lot line adjustment adjacent to the town of Harmony. I have been a neighboring rancher of Robert for many, many years. I can personally attest to the outstanding stewardship Mr. Soto displays in regards to his Harmony ranch. His property is never overgrazed, fences maintained and noxious weeds controlled.

His request to move a small 1/2 acre island parcel approximately 250 feet adjacent to the town of Harmony is based on sound agricultural and planning issues. Maintaining agricultural is best served through "clustering" improvements adjacent to Harmony, not forcing it out in the middle of an on-going agricultural operation.

I strongly request you allow the 2.5-acre lot line adjustment, which is a vote for agriculture and good planning.

Respectfully,



David Barlogio
4095 Vineyard Dr.
Paso Robles, CA 93446

A-3-SLO-01-056
Exhibit I, p. 7

25025 3/4 Everett Drive
Santa Clarita, CA
91321- 3465

July 22, 2001

California Coastal Commission
ATTN: Mr. Steve Monowitz
725 Front Street, Suite 300
Santa Cruz, CA 95060

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JUL 25 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Monowitz:

Please refer to Coastal Commission Appeal # A-3-SLO-01-056: Proposed lot-line adjustment at the town of Harmony in San Luis Obispo County.

My brother, Robert Soto, and I are co-owners of the subject agricultural property, inherited from our pioneer ranching family.

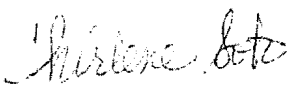
We feel that the lot-line adjustment we seek is sound land management because it will remove an isolated "island" of 0.55 acres from within a flat field on the ranch proper, and will place it contiguous to frontage road access. We feel that such an "exchange" will not alter significantly either the overall agricultural land use (cattle ranch) or the agricultural land size.

San Luis Obispo officials spent months evaluating and reviewing this proposed lot-line adjustment prior to their approval. They do not view the adjustment as posing a problem to continued agricultural use. In fact, Mr. Robert Hopkins (Deputy Agricultural Commissioner for San Luis Obispo County) states on p.4 of his January 26, 2001, assessment letter to Mr. Kerry O'Neill (San Luis Obispo County Planner) that the proposal "... improves agricultural compatibility" and that "... reduction of a parcel from approximately 148 acres to 146 acres would have no appreciable impact on agricultural sustainability."

We hope that your review of our proposal will result in agreement that the proposed adjustment to integrate the isolated acreage is sound land management.

Thank you for your time and consideration.

Sincerely,



Shirlene Soto

A-3-SLO 01-056
Exhibit I, p. 8

23.11.030

23.11.030 - Coastal Zone Land Use Ordinance Definitions:

A-Weighted Sound Level. The sound level in decibels as measured on a sound level meter using the A-weighting network (scale). The unit of measurement is referred to as db. [Amended 1992, Ord. 2546]

Above Grade. Any elevation higher than the natural ground contour.

Access. The means of vehicular entrance or exit to a site.

Accessory Garage. See "Garage, Private."

Accessory Use. See "Use, Accessory."


Active Use Area. See "Use Area, Active."

Agricultural Accessory Building. An uninhabited structure, designed and built to store farming animals, implements, supplies, or products, which is not used by the public. This definition does not include commercial greenhouses or buildings for agricultural processing activities).

Agricultural Products. Food and fibre in their raw, unprocessed state (except for such field processing that may occur in conjunction with harvesting), and ornamental plant materials.

Agricultural Soils, Prime. Prime agricultural soils or land means any of the following:

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

EXHIBIT NO. J
APPLICATION NO. A-3-SLO-01-056
LCP defn. of Prime Soil
 California Coastal Commission

