

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY **Th5e** District Director's Report



October 17, 2002 (for November 7, 2002 Hearing)

To: Coastal Commissioners and Interested Persons
From: Diane Landry, Central Coast District Manager *DL*
Steve Monowitz, Coastal Planner
Subject: Certification Review for County of San Luis Obispo Local Coastal Program Major Amendment No. SLO-MAJ-3-01 (Designation of the Los Osos Wastewater Treatment Facility Site).

At the August 8, 2002 meeting in San Luis Obispo, the Coastal Commission approved, with suggested modifications, County of San Luis Obispo Local Coastal Program (LCP) Major Amendment Number 3-01. This amendment designated a site for the Los Osos Wastewater Treatment Facility within the Estero Area Plan component of the LCP.

By actions taken October 8, 2002, County of San Luis Obispo adopted the amending LCP text as directed by the Commission's suggested modifications (see exhibit 2):

The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., November 7, 2002), and notification of this certification and Commission concurrence will be forwarded to the County on November 8, 2002 (see exhibit 1 for draft notification).

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the County of San Luis Obispo to accept the Commission's suggested modifications for LCP Major Amendment 3-01 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the County of San Luis Obispo LCP as directed by the Commission's approval with suggested modifications of LCP Major Amendment 3-01; the amended LCP will be certified as of today's date (i.e., November 7, 2002). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit 1: Draft letter to SLO County Board of Supervisors, Chair Shirley Bianchi (1 page)

Exhibit 2: County's Acceptance of the Coastal Commission's Suggested LCP Modifications (County Resolution Number 2002-388)



California Coastal Commission
November 2002 Meeting in San Diego

CALIFORNIA COASTAL COMMISSION

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



DRAFT

November 8, 2002

Shirley Bianchi, Chair
Board of Supervisors
County Government Center, Room 310
San Luis Obispo, CA 93408

Subject: County of San Luis Obispo Local Coastal Program (LCP) Major Amendment No. 3-01 (Los Osos Wastewater Treatment Facility Site Designation)

Dear Supervisor Bianchi:

We have received County of San Luis Obispo Resolution Number 2002-388 adopted by the Board of Supervisors on March 5, 2002. By those actions, the County acknowledge receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 3-01, and incorporated the Commission's suggested modifications into the County's LCP.

I have determined, and the Commission has concurred, that the County's action with respect to LCP Major Amendment 3-01, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's November 7, 2002 meeting in San Diego. As a result, the County's LCP, as amended by LCP Major Amendment 3-01, was certified as of November 7, 2002 and is now in effect.

If you have any questions, please contact Steve Monowitz of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Diane Landry
District Manager
Central Coast District Office

cc: Michael Wulkan, SLO County Dept of Planning & Building

CCC Exhibit 1
(page 1 of 1 pages)

RECEIVED

OCT 09 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Tues day October 8, 20 02

PRESENT: Supervisors Harry L. Ovitt, Peg Pinard, K.H. "Katcho" Achadjian, Michael P. Ryan,
and Chairperson Shirley Bianchi

ABSENT: None

RESOLUTION NO. 2002-388

RESOLUTION ACKNOWLEDGING RECEIPT AND AGREEING TO CALIFORNIA COASTAL
COMMISSION'S MODIFIED LANGUAGE PERTAINING TO
LOCAL COASTAL PLAN - MAJOR AMENDMENT NUMBERS 2-01, AND 3-01

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted public hearings on October 19, 1999, August 21, 2001 and October 9, 2001 and approved amendments to the County's General Plan, Local Coastal Program and Coastal Zone Land Use Ordinance; and

WHEREAS, the County submitted Local Coastal Plan - Major Amendment Number 2-01 on September 26, 2001 and Major Amendment Number 3-01 on December 14, 2001; and

WHEREAS, on August 8, 2002, the California Coastal Commission recommended modified language in Local Coastal Plan - Major Amendment Numbers 2-01 and 3-01; and

WHEREAS, on August 8, 2002, the California Coastal Commission certified Local Coastal Plan - Major Amendment Numbers 2-01 and 3-01, provided certain modified language suggested by the California Coastal Commission was adopted by the County, said language is contained in the California Coastal Commission staff reports, dated August 15, 2002 and August 20, 2002, attached hereto and incorporated by reference herein; and

WHEREAS, pursuant to the California Code of Regulations, title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), the San Luis Obispo County Board of Supervisors may now accept and agree to the terms and modifications suggested by the California Coastal Commission on Local Coastal Plan - Major Amendment Numbers 2-01 and 3-01, and take formal action to satisfy the terms and modifications.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the eighth day of October, 2002, that the Board of Supervisors of San Luis Obispo County, acknowledges receipt and hereby agrees to the modified language, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Plan Major Amendment Numbers 2-01 and 3-01 as set forth in Exhibit "X", "B" and "C" attached hereto and incorporated herein as through fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the Land Use Element and Local Coastal Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code, be amended and adopted as follows:

1. As to California Coastal Commission's suggested modification language, the Board of Supervisors takes the following action:

a. The Board of Supervisors accepts the modified language suggested by the California Coastal Commission pertaining to Land Use Element - North Coast Area Plan - Cambria Elementary School - as it implements the California Coastal Commission's recommendation by amending and adding the language as it appears on Exhibit B attached hereto and incorporated herein as through fully set forth.

CCC Exhibit *2*
(page 1 of 4 pages)

b. The Board of Supervisors accepts the modified language suggested by the California Coastal Commission pertaining to Land Use Element - Estero Area Plan - Los Osos Sewer - as it implements the California Coastal Commission's recommendation by amending and adding the language as it appears on Exhibit C attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to California Code of Regulations, Title 14, sections 13544.5(b) and 13547(b), the Board of Supervisors directs staff to submit this resolution to the Executive Director of the California Coastal Commission for a determination, in writing, that the County's action is legally adequate to satisfy the conditions of certification set forth in the California Coastal Commission's certification order.

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

AYES: Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

Julie L. Rodwald
Clerk of the Board of Supervisors

BY: Cheryl [Signature] Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel
By: [Signature]
Deputy County Counsel

Date: 10-7-02

The undersigned Deputy Clerk of the Board of Supervisors certifies that a true and correct copy of the Government Code, Section 54957, has been made on 10-8-02
JULIE L. RODWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
By: Cheryl [Signature]
Deputy Clerk

CCC Exhibit 2
(page 27 of 4 pages)
85

RECEIVED
OCT 17 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Tuesday, October 8, 2002

PRESENT: Supervisors Harry L. Ovitt, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan, and
Chairperson Shirley Bianchi

ABSENT: None

RECEIVED

OCT 16 2002

In the matter of **RESOLUTION NO. 2002-388:**

Planning & Bldg

Submittal of a resolution acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Plan: 1) amendment #1-01 amendments to the Land Use Ordinance; 2) amendment #2-01 Cambria Elementary School; and 3) amendment #03-01 Los Osos Sewer; 2nd District, (this item was amended during the Consent Agenda to replace the resolution due to deletion of the first amendment (#1-01)), is presented.

Chairperson Bianchi: opens the floor to public comment without response.

Mr. Jon Seitz: attorney representing the Los Osos Community Services District, states they are in agreement with the staff report; states the District has been challenged again with another lawsuit (Clerk's Note: the information Mr. Seitz provided during Public Comment on the Consent Agenda has been attached to this item).

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:

AYES: Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2002-388, resolution acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Plan - Major Amendment Numbers 2-01 and 3-01, adopted. Further, staff is instructed to submit this resolution to the Executive Director of the California Coastal Commission.

cc: Planning (2)
10/11/02 vms

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 11th day of October, 2002.

JULIE L. RODEWALD

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By *Shirley Bianchi*
Deputy Clerk

EXHIBIT C

Modification 1: Limitation on Allowable Uses

Revise proposed new Standard 1a for the Commercial Retail, Public Facility land use category and new Standard 1 for the Office and Professional, Public Facilities Land Use category to limit public facility development to a wastewater treatment plant and associated infrastructure as follows:



1. *Limitation on Use.*

- a. The following uses shall be allowed ~~Allowable uses shall be limited to all uses allowable in the Public Facilities land use category per Table O, Framework for Planning, Coastal Zone, only in the event that the site is acquired by a public agency or special district and committed to public wastewater treatment facility uses: outdoor sports and recreation, passive recreation, public assembly and entertainment, temporary events, water wells and impoundments, outdoor retail sales, offices, pipelines and transmission lines, and public utility facilities.~~



- 1. *Limitation on Use.* The following uses shall be allowed ~~Allowable uses shall be limited to all uses allowable in the Public Facilities Public Facilities land use category per Table O, Framework for Planning, Coastal Zone, only in the event that the site is acquired by a public agency or special district and committed to public wastewater treatment facility uses: outdoor sports and recreation, passive recreation, public assembly and entertainment, temporary events, water wells and impoundments, outdoor retail sales, offices, pipelines and transmission lines, and public utility facilities.~~ *Otherwise, allowable uses shall be limited to all uses allowable in the Office and Professional land use category per Table O, Framework for Planning, Coastal Zone.*