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

W12d

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APPEAL STAFF REPORT
SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....**A-3-SLO-03-074, Cambria Cross Town Trail**

Applicants.....Cambria Community Services District

Appellant.....Lynda Laylon; Norman B. Flemming, Cambrians for Fiscal Responsibility; Werner Koch, Cambrians for Fiscal Responsibility; Simon Wilder; Cambria Defense League, Citizens for Fiscal Responsibility, et al; Cambria Legal Defense Fund; Lila Evans

Local government.....San Luis Obispo County

Local decision.....Approved with conditions (June 17, 2003)

Project location.....From Shamel Park to Burton Drive, Cambria, San Luis Obispo County.

Project description.....Construct segments 1, 2, and 5 of the Cambria Cross Town Trail. Project includes approximately 1.75 miles of decomposed granite bicycle/pedestrian trail (width varies from 6 feet to 8 feet), extension of existing culverts, and construction of a bridge crossing of Santa Rosa Creek. Segment 1 is located on Winsdsor Blvd. between Shamel Park and Highway One. Segment 2 is located within Highway One right-of-way and adjacent to Santa Rosa Creek between Windsor Blvd. and Cambria Drive. Segment 5 is located from Cambria Drive to Burton Drive and includes a pedestrian/bicycle bridge crossing of Santa Rosa Creek at Bluebird Lane.

File documents.....San Luis Obispo County Certified Local Coastal Program; San Luis Obispo County Local Permit D020081P.

Staff recommendation ...**No Substantial Issue**

Summary of staff recommendation: San Luis Obispo County approved a Coastal development permit for the construction of segments 1, 2, and 5 of the Cambria Cross Town Trail, which includes approximately 1.75 miles of decomposed granite bicycle/pedestrian trails (width varies from 6 feet to 8 feet), extension of existing culverts, and construction of a bridge crossing over Santa Rosa Creek. In general, the Appellant's claim that the County-approved project is inconsistent with the County's certified Local Coastal Program (LCP) regarding the protection of environmentally sensitive habitat areas (ESHA), coastal watersheds, hazards, and visual and scenic resources. The standard of review is

the San Luis Obispo County certified Local Coastal Program. The issues raised by the appellant's do not raise a substantial issue regarding the project's conformance to the LCP.

The LCP requires the protection of the natural hydrological and ecological functions of coastal streams, and new development must be compatible with the continuance of such habitats. In this case, alteration of the creek channel is not substantial and the project will not significantly disrupt ESHA. The approved is designed to minimize disturbance and associated hardscape within the creek corridor and includes a restoration plan to mitigate for the trimming of riparian vegetation associated with project construction. Thus, the riparian corridor is adequately protected as directed by the LCP.

The LCP similarly protects coastal watersheds, including the water quality of Santa Rosa Creek. The project is located on the upper banks of the creek and some drainage into Santa Rosa Creek is likely to occur. Santa Rosa Creek provides habitat for such State and Federally listed species such as steelhead, tidewater goby, and red-legged frog. As proposed by the applicant and conditioned by the County, the project avoids construction during the rainy season, and includes drainage and erosion control measures to prevent sedimentation and protect coastal water quality. Thus, a substantial issue does not exist with respect to coastal watersheds.

The LCP also requires that new development be sited and designed to ensure structural stability while not creating or contributing to creek bank erosion (Hazards Policies 1,2, and 3). The approved project requires the placement of abutments on both sides of the creek to support the proposed bridge crossing. In this case, the support structures have been setback from the top of the bank, limiting the need to alter the creek. The County-approved project has been conditioned with erosion and sedimentation control measures to avoid heightened bank erosion and maintain bank stability. The County Public Works Department has reviewed the project plans and did not note any drainage or hazard concerns. Thus, the appeal contentions related to coastal hazard areas do not raise a substantial issue.

Finally, the LCP protects the Highway One viewshed and the "Special Community" character of Main Street in Cambria. The cross-town pedestrian/bicycle trail is proposed to follow the banks of Santa Rosa creek and is the gateway into Cambria along Highway One. The site is important with respect to the character of the overall Highway One viewshed. The proposed structures (an at grade path and bridge) would not block views of the coast and would not significantly disrupt Cambria's Special Community commercial center. In fact, public access to and from the Main Street will be enhanced. The very limited amount of vegetation removal will not significantly disrupt the Highway One viewshed, nor will it change the character of the community. Consistent with the LCP, the proposed development would be protective of Cambria's character and the Highway One viewshed. The appeal contentions related to visual and scenic resources do not raise a substantial issue.

While not addressed in the contentions of appeal, it is important to note that the project is a high priority use under the LCP because it promotes public access, coastal recreation, and visitor-serving uses. The proposed project provides for the implementation of portions of the Cambria Cross Town trail, linking popular visitor serving destinations with the coastline. While a number of issues are raised by the appeal, the overall benefits to public access and recreation far outweigh the insignificant impacts to

coastal resources posed by project implementation. Thus, Staff recommends that the Commission find that no substantial issue exists with respect to this project's conformance with the certified LCP.

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1. Local Government Action

On June 17, 2003, the San Luis Obispo County Board of Supervisors approved the proposed project subject to multiple conditions (see exhibit C for the County's findings and conditions on the project). Notice of the Board of Supervisors action on the coastal development permit (CDP) was received in the Commission's Central Coast District Office on July 7, 2003. The Commission's ten-working day appeal period for this action began on July 8, 2003 and concluded at 5pm on July 21, 2003. Several valid appeals (see below) were received during the appeal period.

2. 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. This project is appealable because it is within 100 feet of Santa Rosa Creek, and is located in a sensitive coastal resource area.

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 LCP 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 3 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. Portions of this project is located between the nearest through public road (Highway One) and the sea and thus, this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

3. Appellant's Contentions

The Appellants generally contend that the proposed project would negatively impact the special community along Main Street, the habitat of Santa Rosa Creek, marine water quality, and coastal hazards. Please see Exhibit D for the complete appeal documents.

Please note that many of the Appellant's appeal contentions allege inconsistencies with a large number of County objectives, policies, and programs. Many of the references cited in the appeal are CEQA, and General Plan policies and not specific LCP policies. In addition, a large number of others are not specifically applicable to the project at hand (for example, the project is in conflict with the State Coastal Conservancy MOU to cover East-West Ranch land acquisition). As such, not all references in the appeal documents are analyzed or contained in the "applicable policies" sections of this staff report. The policies cited herein have been cited using the broadest possible construction of the appeal contentions so as to be as policy-inclusive as possible while not overly burdening the analysis with unnecessary detail. The complete San Luis Obispo County LCP is available for review at the Commission's Central Coast District office and is a substantive file document for these findings. In any case, specific LCP contentions cited in the appeal documents are addressed in full in these findings.

4. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. *I move that the Commission determine that Appeal Number A-3-SLO-03-074 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* ***yes*** *vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo 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 No Substantial Issue. *The Commission hereby finds that Appeal Number A-3-SLO-03-074 does not present 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 Program.*

Recommended Findings and Declarations

The Commission finds and declares as follows:

5. Project Description

A. Project Location

The proposed project is located in the community of Cambria, within the North Coast Area of San Luis Obispo County. The construction of segments 1, 2, and 5 of the Cambria Cross Town Trail, which will be a total of 5 segments when completed, extends from Shamel Park located on the coastal bluffs to Burton drive on the east side of town. The project includes approximately 1.75 miles of decomposed granite bicycle/pedestrian trail (width varies from 6 feet to 8 feet) linking the east and west sides of town. Segment 1 is located on Winsdsor Blvd. between Shamel Park and Highway One. Segment 2 is located within Highway One right-of-way and adjacent to Santa Rosa Creek between Windsor Blvd. and Cambria Drive. Segment 5 is located from Cambria Drive to Burton Drive and includes a pedestrian/bicycle bridge crossing of Santa Rosa Creek at Bluebird Lane.

B. County Approved Project

The proposed project has been in varying stages of review at the County level since the mid-1990's. Originally, the Cambria Community Services District (CCSD) began developing preliminary plans for the "Santa Rosa Creek Trail", a multi-use Class I bicycle/pedestrian path that would follow Santa Rosa Creek through the entire community, connecting East and West villages. The proposed trail alignment followed the south side of Santa Rosa Creek. A portion of the trail (between Cambria Drive and Rodeo Grounds Road) was to be located on an easement offered by the East-West Ranch Corporation. However, after the easement offer was withdrawn in 1998, the CCSD worked with the community to redesign the project. The revised project was renamed the "Cross Town Trail" and is the subject of this permit.

In any case, the County approval that is the subject of this appeal includes the following:

- Construction of the Cross town Trail segments 1, 2, and 5 (see Exhibits A and B).
- Extending the length of 6 existing culverts. The amount of drainage flow path will remain the same for all culvert extensions. Construction will take place from above the existing culverts and away from the creek flow line.
- Construction of one new stormwater inlet, which will connect with an existing culvert.
- Installation of a new pedestrian and bicycle bridge at Bluebird Land (140 feet in length by 8 feet wide) at Santa Rosa Creek. The prefabricated bridge is composed of galvanized metal decking with safety rails 42 inches above the deck with 4 inch maximum opening. The abutment proposed on the north side of the bridge is set back approximately 35 feet from the top of bank. The abutment will be comprised of piles approximately 20 feet deep. The bridge abutment of the south side will be setback approximately 20 feet from the top of the bank and will consist of concrete retaining wall approximately 4 feet deep from existing ground surface. The bridge will be placed, via crane, on top of the abutments completely out of the creek channel and flowing water. (See Exhibit B for site plans and photo of a typical span bridge to be installed).
- Approximately 1500 square feet of riparian vegetation removal and a revegetation plan identifying a replacement ratio of 3:1 located along the south bank of Santa Rosa Creek.
- Staging areas are identified near the Water Treatment Facility and the Waste Water Treatment Plant. These areas are already disturbed.

See exhibit B for County-approved site plans. See exhibit C for the County findings, and conditions approving the Applicant's proposed project.

6. Substantial Issue Findings

The Appellant's contentions fall generally into 4 issue areas: habitat protection, community and visual character, hazards, and coastal watersheds.[1] Each of these is discussed in detail in the findings that follow. As summarized below, although these contentions raise LCP issues, these issues do not rise to the level of substantial issues with respect to the project's conformance with the San Luis Obispo County LCP.

A. Environmentally Sensitive Habitat Areas

1. Applicable Policies

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. In general, these LCP provisions are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats
New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed in the area [THIS POLICY SHALL BE IMPLEMENTED PUSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

Policy 2: Permit Requirement
As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 3: Habitat Restoration
The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170 OF THE CZLUO.]

Policy 23: Streambed Alteration
Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods

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[1] See exhibit D for the Appellant's complete appeal documents.

for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.174 OF THE CZLUO.]

Policy 24: Riparian Vegetation
Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding vegetation is encroaching on established agricultural uses. Minor incidental public works projects may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways, and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such sections must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 29: Design of Trails In and Adjoining Sensitive Habitats
San Luis Obispo County, or the appropriate public agency, shall ensure that the design of trails in and adjoining sensitive habitat areas shall minimize adverse impact on these areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

2. County-Approved Project

The County-approved project is located adjacent to and over (bridge crossing) Santa Rosa Creek, an ecologically sensitive coastal stream. Santa Rosa Creek is known to support rare and important species such as Steelhead, Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. The County determined that the project would not adversely impact the habitat of Santa Rosa Creek. The removal of approximately 1500 square feet of willows was found to have a negligible impact on stream and riparian habitat. Nevertheless, the County required that the 1500 square feet of willows to be removed be mitigated at a 3:1 ratio along the south bank of Santa Rosa Creek where riparian vegetation is thin. The County conditioned the project to include a mitigation and monitoring plan to avoid impacts to endangered species, submit an erosion and sedimentation control plan to reduce all construction related impacts to a less than significant level, and restoration of all disturbed areas to their original or natural condition through grading and revegetation.

See County Final Local Action Notice in exhibit C.

3. Consistency with Applicable LCP Policies

As detailed previously, Santa Rosa Creek supports rare and important species such as Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. Santa Rosa Creek is also known to support steelhead trout. The California Department of Fish and Game lists this creek as important steelhead habitat. Santa Rosa Creek forms a seasonal lagoon/wetland area in the late spring season. The LCP defines coastal streams and riparian areas as ESHA (LCP Policy 18).

The proposed project includes segments 1, 2, and 5 of the Cambria Cross Town Trail. Segments 1, 2, and 5 are located adjacent to Santa Rosa Creek. Segment 5 also includes a pedestrian/bicycle bridge crossing Santa Rosa Creek. Consistent with the LCP, the trail is a permitted use within the LCP wetlands and riparian setback buffer (CZLUO Section 23.07.172(d)(1)). While limited vegetation clearing and trimming would occur (approximately 1500 square feet) much of the riparian willow canopy would be retained and preserved. Consistent with ESHA Policies 2 and 3, the County has required adequate mitigation in the form of biological monitoring and a willow restoration plan[2]. As such, the alteration of the stream bank is not considered substantial. In addition, some amount of increased noise, and activities would be associated with pathway (i.e., since the new path would accommodate bike riders and pedestrians), however such increases would be minimal.

Consistent with ESHA Policy 29, the trail design minimizes impacts to sensitive habitat areas. In particular, the bridge design limits impacts to the creek to the greatest degree possible. The abutments are setback 20-35 feet from the top of the bank and the bridge itself will be placed, via crane, on the top of the abutments, avoiding the need to place heavy equipment in the creek channel. (See Exhibit D for bridge detail) The project has been sensitively designed to avoid introducing additional sedimentation and/or urban pollutants into Santa Rosa Creek. This will be accomplished through replanting any disturbed areas (for continued filtering), extending existing culverts, and setting the pathway back from the top of bank. Together, these design elements minimize impacts to the top of bank. The County also conditioned the project to submit an erosion and sedimentation (see Exhibit C for the County conditions).

Alternative alignments for the path have been considered. As described in the County staff report, the original design of Segment 2 (Along the north bank of Santa Rosa Creek, between Windsor Blvd. and Cambria Drive) has been changed to avoid sensitive habitat areas associated with the stream bank and relocate the path away from areas prone to erosion. Both the original and final designs include a crossing of Santa Rosa Creek via a pedestrian/bicycle bridge. In this case, the redesigned path appears to be more protective of the resource.

4. Environmentally Sensitive Habitat Area Conclusion

The Appellant raises important questions associated with the proposed development. However, the County-approved project should not significantly disrupt ESHA, and will protect the biological continuance of the Santa Rosa Creek riparian corridor. The appeal contentions do not rise to the level of

[2] Prepared by Habitat Restoration International, dated March 28, 2003

a substantial issue in terms of the project's conformance with the certified LCP's ESHA policies cited in this finding.

B. Coastal Watersheds

1. Applicable Policies

The project is located in the Santa Rosa Creek watershed. The following policies apply:

Policy 7: Siting of New Development

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

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

When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is not less environmentally damaging alternative;

The county may approve grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the CZLUO...Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the USL, grading may encroach within the 100 foot setback when locating or siting principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less that the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [THIS POLICY SHALL BE IMPLEMENTED PUSUANT TO CZLUO SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

Policy 10: Drainage Provisions
Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable water courses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTIONS 23.05.036 OF THE CZLUO.]

2. County-Approved Project

The County-approved project is located adjacent to and over (bridge crossing) Santa Rosa Creek, an ecologically sensitive coastal stream. The County conditioned the project to include erosion and sedimentation control plan to reduce all construction related impacts to a less than significant level, and restoration of all disturbed areas to their original or natural condition through grading and revegetation.

See County Final Local Action Notice in exhibit C.

3. Consistency with Applicable LCP Policies

Policies 7 and 10 of the LCP speak to protecting coastal watersheds by limiting grading on steep slopes, and considering site drainage in the site design and assuring sedimentation and erosion control during and after construction. The proposed project has been sited away from Santa Rosa Creek to the greatest extent practicable. Construction will avoid the rainy season which will reduce the potential for runoff, sedimentation, and erosion into the creek habitat. Drainage and erosion control have been considered in the design through construction techniques (e.g. using driven piles for abutments rather than substantial stream bank alteration). In fact, the least environmentally damaging routing scheme for the new pathway has been included in the revised project description, which will avoid areas prone to erosion and sedimentation. The County conditions of approval include appropriate sedimentation and erosion control measures. For example, all disturbed areas will be revegetated with native riparian plant species to improve filtration and erosion control.

4. Coastal Watershed Conclusion

The Appellant raises important questions associated with the proposed development. However, the County-approved project should not significantly disrupt coastal watersheds and the quality of water in Santa Rosa Creek. The Commission finds that drainage as a result of this project will not cause erosion. With the County imposed conditions of approval, the appeal contentions do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's coastal Watershed policies cited in this finding.

C. Hazards

1. Applicable Policies

The following policies and standards are intended to guide the kinds, locations, and intensities of development in hazardous areas of the coastal zone.

> ***Hazards Policy 1: New Development.***
> *All new development proposed within areas subject to natural hazards from geologic or flood*

conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Hazards Policy 2: Erosion and Geologic Stability.
New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO SECTION 23.07.086.]

Hazards Policy 3: Development Review in Hazard Areas.
The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the LUE maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial, and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

2. County-Approved Project

The County-approved project is located on the upper banks of Santa Rosa Creek. This area is within or in some case, in close proximity to the mapped 100-year floodplain. In terms of coastal hazards, the County-approved project would locate pedestrian/bicycle paths on the upper banks of a coastal stream subject to flooding, as well as construct a bridge spanning the creek. The project has been designed and conditioned to ensure structural stability while not contributing to erosion or geologic instability (i.e., by replanting disturbed areas (for continued filtering), using pervious decomposed granite for the pathway that allows some percolation, and setting the project away from the top of the creek bank. Also, the County required the Applicant to prepare a geotechnical soils report and include the report recommendations into the bridge abutment construction plans (See Exhibit 3 -County Condition #6). Finally, exposed soils within the Highway One right-of-way shall be performed in accordance Caltrans standards (See Exhibit 3 - County Condition #13).

See County-approved plans in exhibit B.

3. Consistency with Applicable LCP Policies

LCP Policy 1 requires that all new development shall be sited and designed to minimize risks to human life and property. The issue most applicable here is the design and location of the bridge crossing. According to the project plans the prefabricated bridge and the supporting abutments are located outside of the floodway limits as shown on FEMA maps. In addition the height of the bridge span appears to be at a greater elevation the base flood elevation with full encroachment (see Exhibit B for bridge profile and flood datum).

LCP Policy 2 requires that new development shall ensure structural stability while not creating or contributing to erosion or geologic instability. LCP Policy 3 requires detailed review of projects proposed within the geologic study are and flood hazard combining designation, which this is. The tops of the creek banks at this location are about 20 feet above the creek bed and the approximate location of the ordinary high water mark is 2-4 feet above the thalweg[3] of the stream. Consistent with LCP Policies 2 and 3, the project will minimize threats to life or property, and has been sited and designed to ensure structural stability while not contributing to creek bank erosion. The trail segment has been setback adequately from the top of the stream bank, has been conditioned to avoid construction during the rainy season, and includes sedimentation and erosion control measures to maintain bank stability.

4. Hazards Conclusion

The LCP requires new development to minimize risks to human life and property and not contribute to erosion or geologic instability. The County-approved project has been thoroughly reviewed by the Public Works Department and has been located far enough away from the top of the creek bank to ensure creek bank stability and away from flood prone areas. In addition, the County-approved project contains conditions requiring a drainage plan consistent with the LCP to ensure that the new development will not exacerbate erosion or geologic instability. Thus, the appeal contentions related to hazards do not raise a substantial issue.

D. Visual and Scenic Resources

1. Applicable Policies

The Appellants contend that the project is inconsistent with Visual and Scenic Resource Policy 1 as follows:

> ***Policy 1 – Protection of Visual and Scenic Resources:*** *Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

[3] The thalweg is defined as a line on a topographical surface having everywhere the direction of greatest slope, and distinguished by having the lines of straight horizontal projection which cut all contours at right angles.

Policy 7 – Preservation of Trees and native Vegetation: *The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.064 OF THE CZLUO.]*

In addition the Appellants contend that the project is inconsistent with the character of Cambria's Special Community. The LCP recognizes Cambria's East Village as a Special Community. The LCP states:

Policy 6 – Special Communities and Small-Scale Neighborhoods: *Within urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to compliment and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO CHAPTER 23.11 (DEFINITIONS) OF THE CZLUO.]*

CZLUO Section 23.11.030 – Special Communities. *Areas and communities with unique, visually pleasing characteristics which serve as visitor destination points and include:*
b. Cambria - Commercial and Recreation categories along Main Street.

2. County-Approved Project

The proposed cross-town trail extends from Shamel Park on the West side of Cambria along Main Street to Burton Drive on the East side of Cambria. The County approved a pedestrian/bicycle bridge across Santa Rosa Creek bringing the trail from Main Street to East-West Ranch. As a result the bridge will connect the commercial retain section of Cambria's East Village (a LCP designated Special Community) to the ranch and require limited removal of native vegetation.

See County-approved plans in exhibit B.

3. Consistency with Applicable LCP and Coastal Act Policies

The LCP indicates that the commercial and recreation areas along Main Street are "Special Communities." In addition, the LCP requires that "unusual landforms, scenic vistas and sensitive habitats are to be preserved protected" (see applicable policies above). The Appellants claim that this is not the case because: (1) the willows that would be removed along Santa Rosa Creek would appreciably alter the overall aesthetic for travelers along Highway One; (2) users of the bridge will be a source of noise to nearby residences and business; and (3) motorists wanting to cross the bridge will park in front of the businesses next to the bridge approach, further increasing parking problems on Cambria's East side.

The Commission finds that the removal of a small amount of willow vegetation from this site will not appreciably alter the overall character of the riparian corridor of Santa Rosa Creek. The willows to be removed are a small part of the overall riparian corridor. Views of the overall riparian corridor from highway areas should be largely the same as current. As such, the effect of the vegetation removal on the surrounding area's character would be minimal.

As to additional disturbances in the area, the Commission finds that the impact to the commercial area along Main Street would be insignificant. Development within this section of town is somewhat dense, and has been increasing in size. Pedestrian traffic, bicycling, and the general "hustle and bustle" of town activity are not atypical in this area. The structures proposed (bridge and pathways), while fairly plain in terms of architectural detail, are not wildly out of character with the surrounding the site (although a bridge does not currently exist here). So while the area will change slightly, the overall character of the area will not be substantially altered by the proposed project.

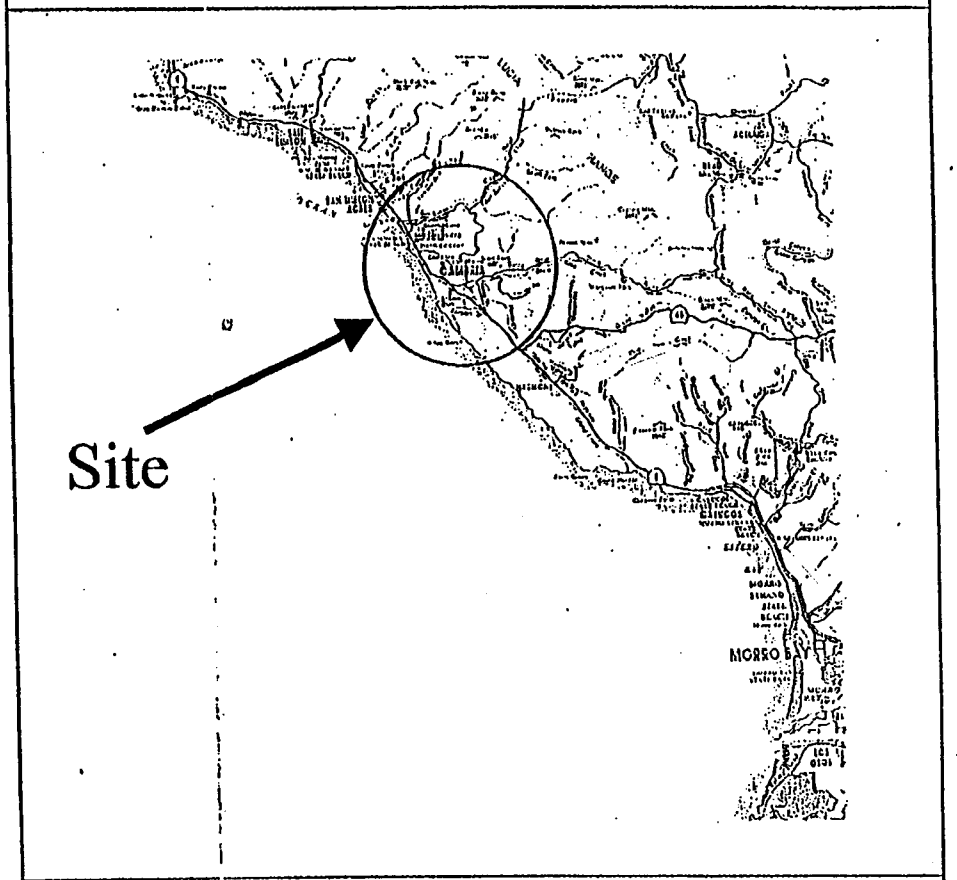
4. Visual and Scenic Resource Conclusion

The LCP protects the unique Main Street area of Cambria and requires development to be compatible with it. The County-approved project represents a public oriented development that is generally in character with development in this commercial area of town. Coastal views will not be blocked and the removal of attractive riparian vegetation along the banks of Santa Rosa Creek will be negligible. Therefore the appeal contentions related to visual and scenic resources do not raise a substantial issue.

E. Substantial Issue Conclusion

The LCP protects the habitat value of Santa Rosa Creek and the riparian corridor located there, coastal watersheds and water quality, development in hazard areas, and the community character of Main Street Cambria, its associated viewshed. The County-approved project will have a negligible impact on these public resources. In some respect the County-approved project will enhance other resources (e.g., public access and recreation opportunities.). Although the Appellant raises a series of valid coastal issues, the County-approved project has been designed in a manner that is sensitive to its important location and to the LCP issues required here. Accordingly, and as detailed in the above findings, the issues raised by the Appellant do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP policies cited in this staff report and the Commission declines to take jurisdiction over the coastal development permit for the project.

VICINITY MAP



Cross Town Trail

Cambria Community Services District

No Scale

I:\861112\EnvironmentalApplications\Loc Map Frame.wpd

CCC Exhibit A
(page 1 of 2 pages)

Location Map

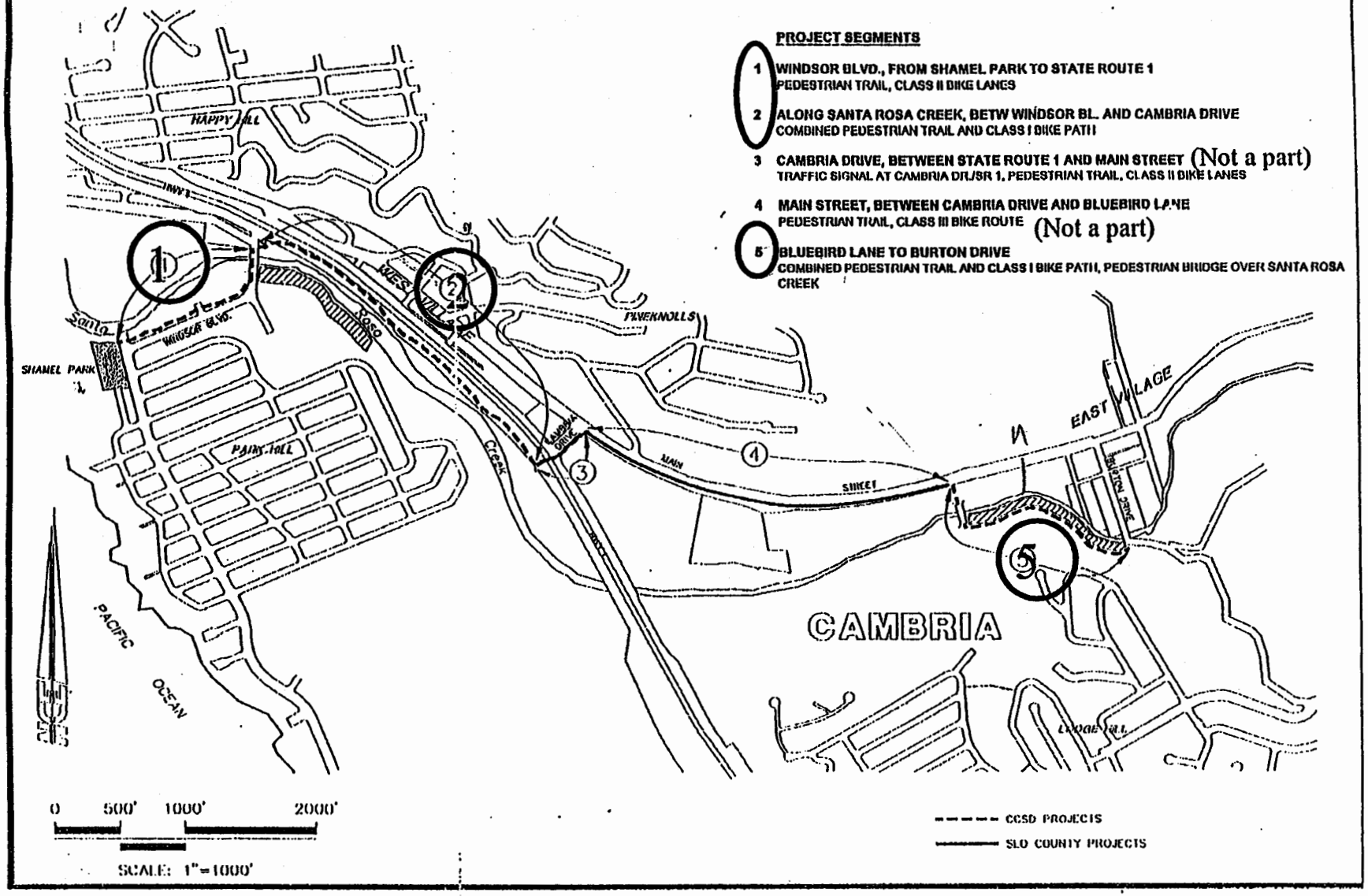
Project

Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit

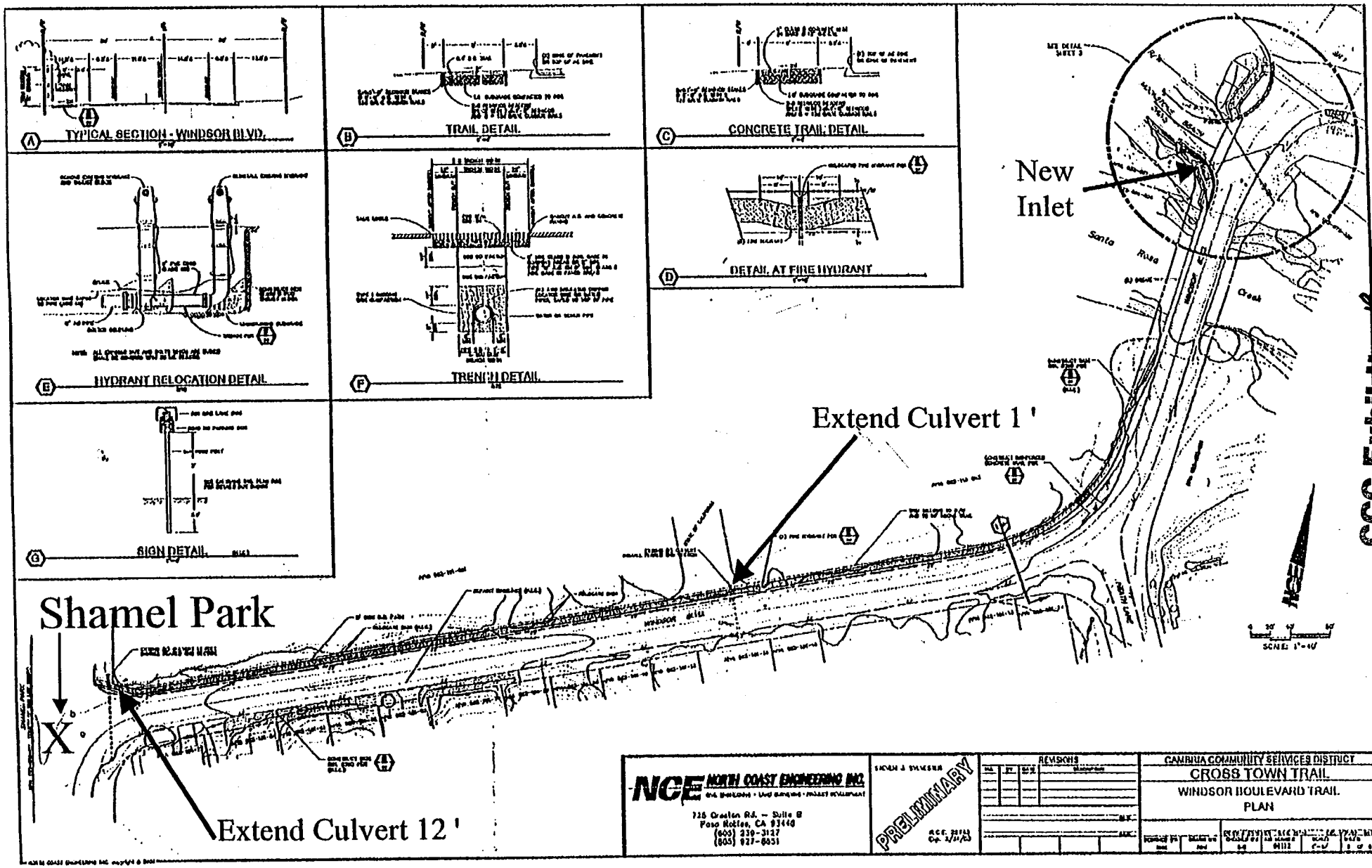
Vicinity Map

Cross Town Trail
Cambria Community Services District



Project
Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit
Cross Town Trail



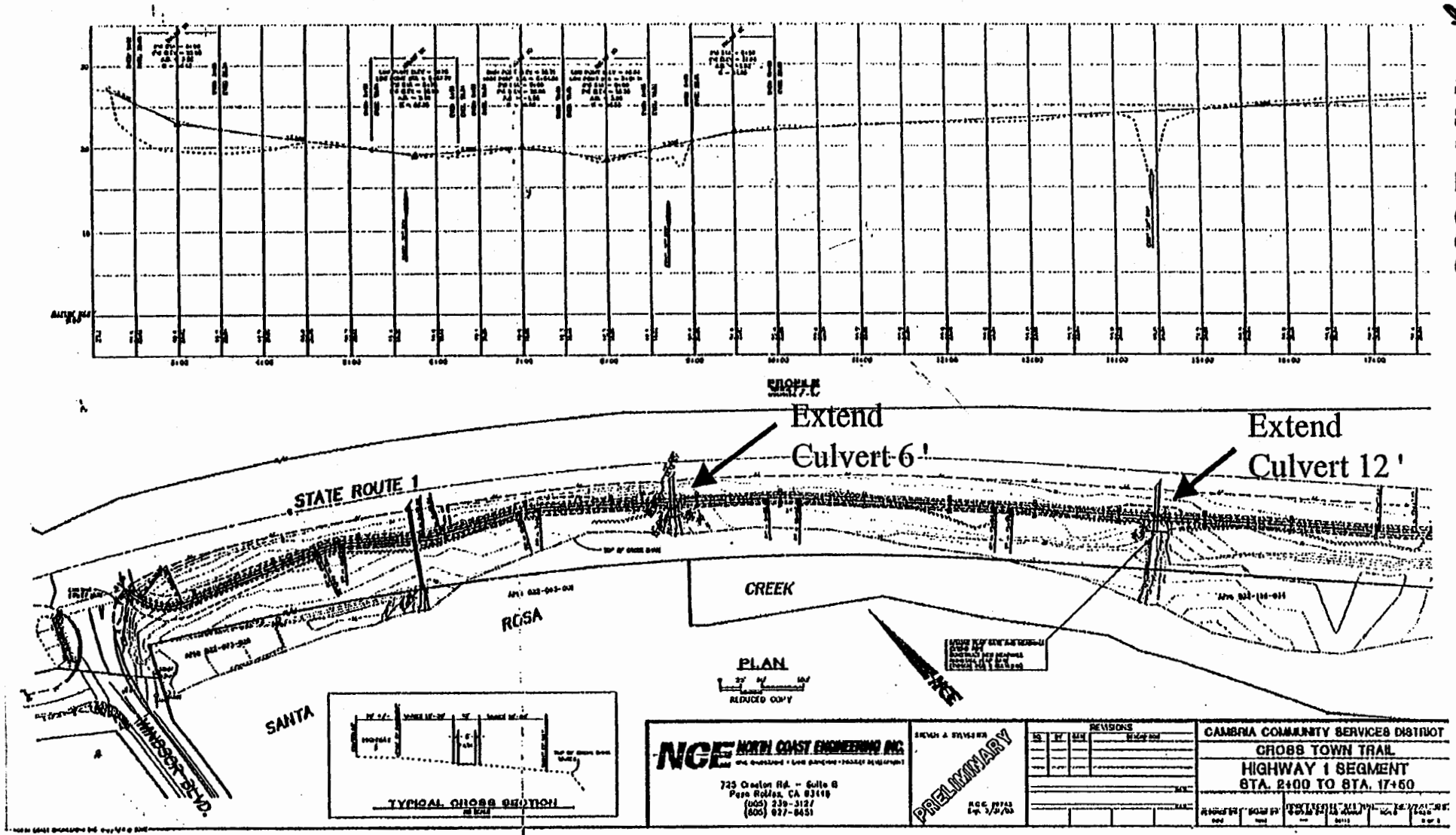
CCC Exhibit 6 (page 1 of 8 pages)

Project

Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit

Site Plan- Segment 1



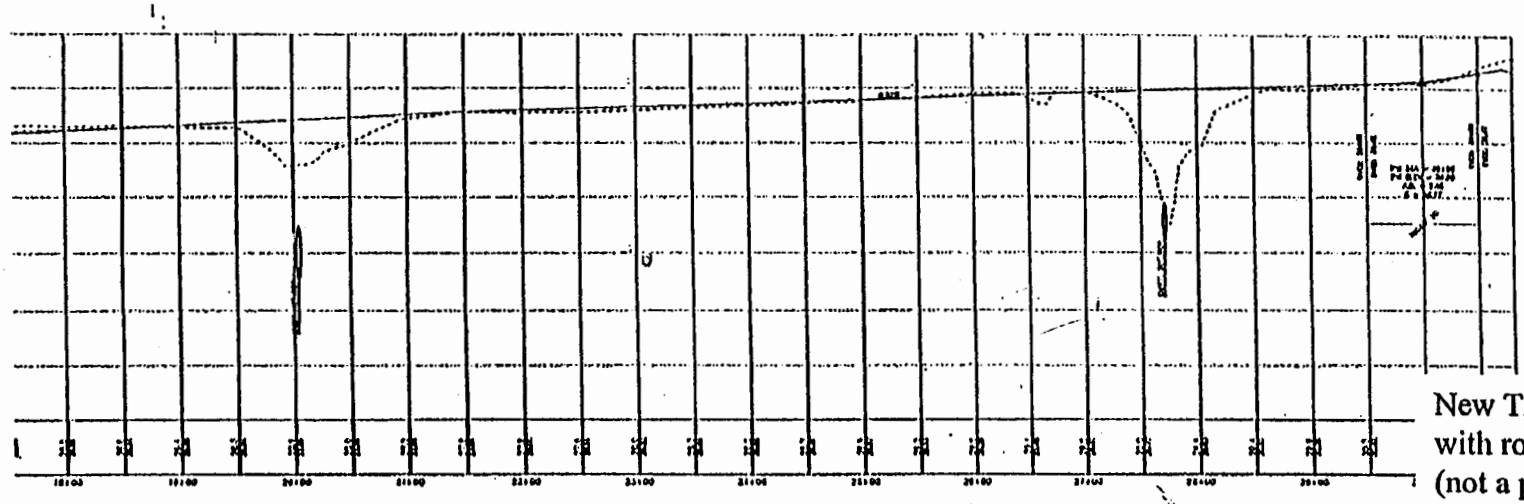
CCC Exhibit 6 (page 2 of 8 pages)

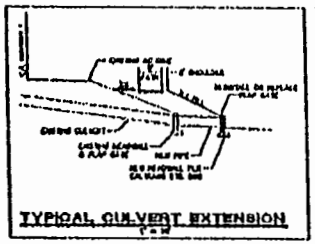
Project

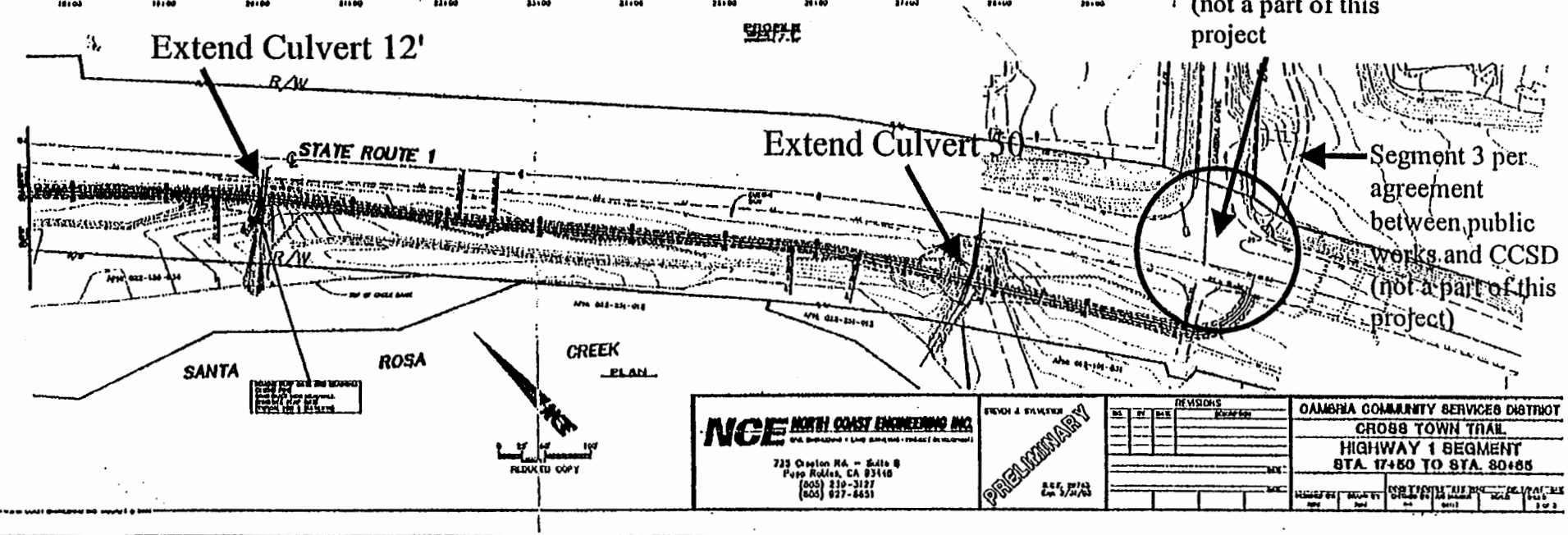
Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit

Site Plan- Segment 2





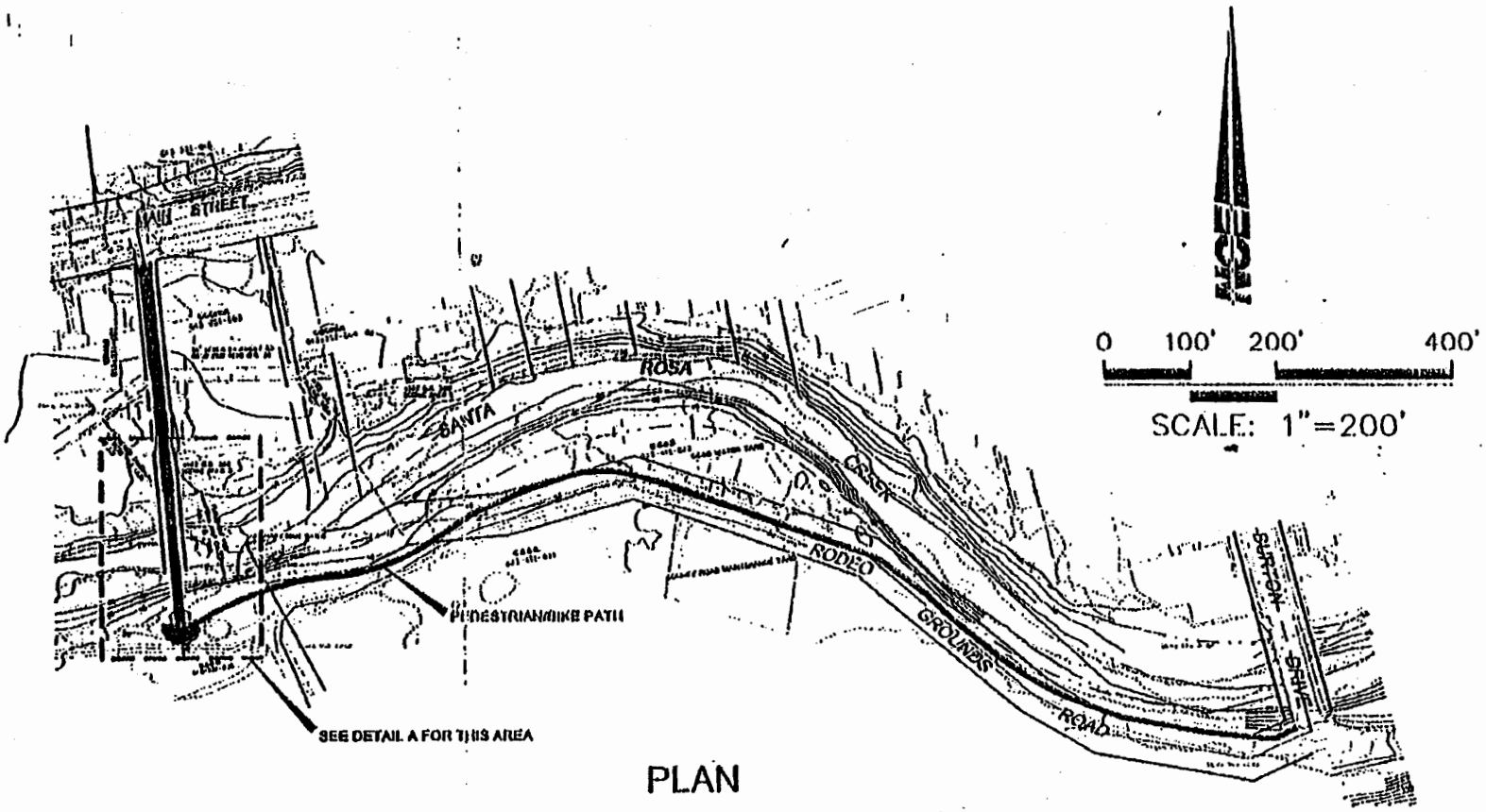


Project

Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit

Site Plan- Segment 2



PLAN

NORTH COAST ENGINEERING INC.
725 Crestview Rd. – Suite A
Paso Robles, CA 93446
(805) 239-3127
(805) 927-8651

PRELIMINARY

REVISIONS

CALIFORNIA COMMUNITY SERVICES DISTRICT
CROSS TOWN TRAIL
SEGMENT 5

BLUEBIRD LANE/
RODEO GROUNDS ROAD

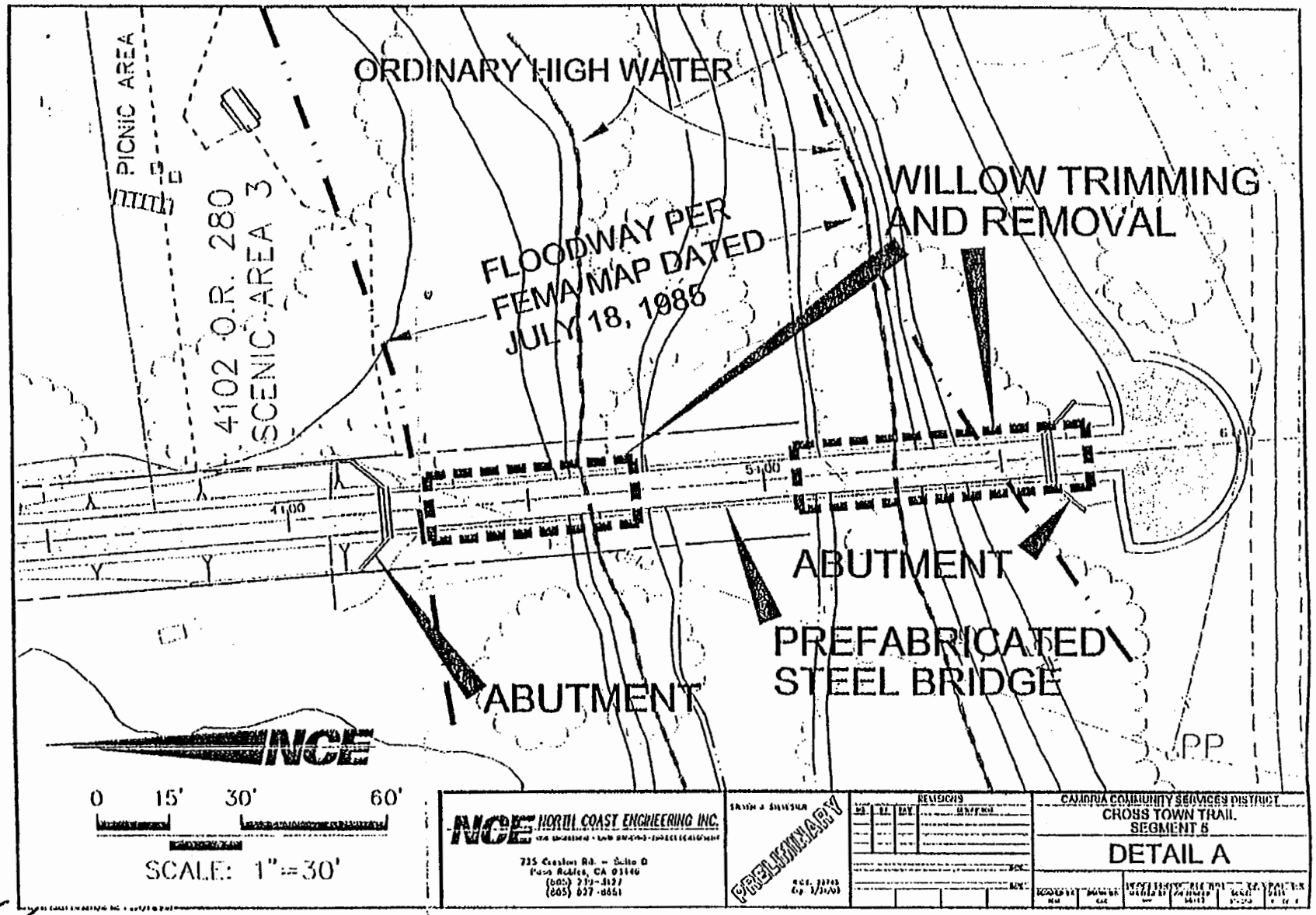
CCC Exhibit B
(page 4 of 8 pages)

Project

Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit

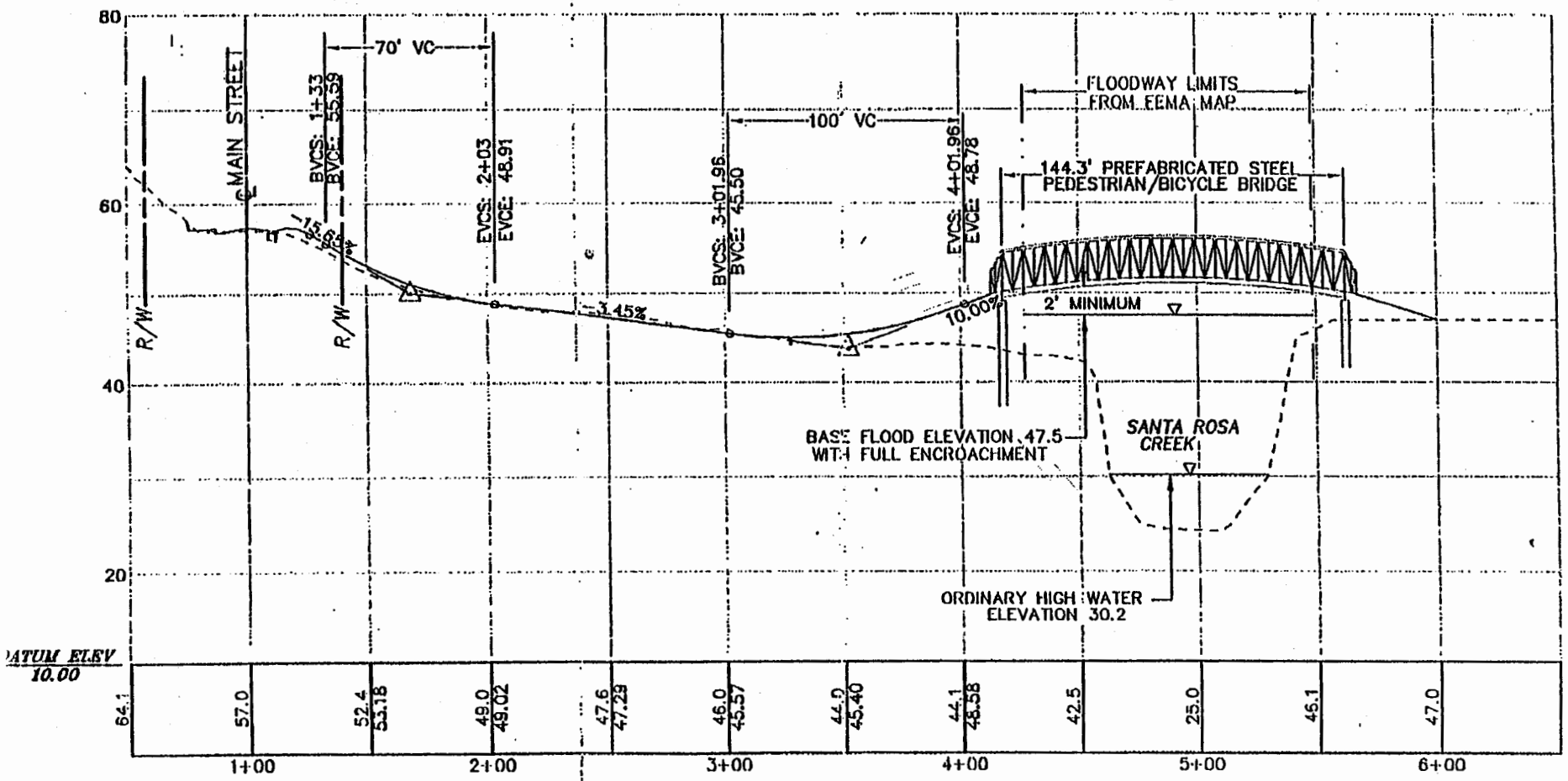
Site Plan- Segment 5



COC Exhibit B
(page 5 of 8 pages)

Project
Permit/ Coastal Development Permit
Town Trail D020081P

Exhibit
Land Bridge Crossing
Bluebird Lane



PROFILE

VERTICAL 1" = 6'
HORIZONTAL 1" = 60'

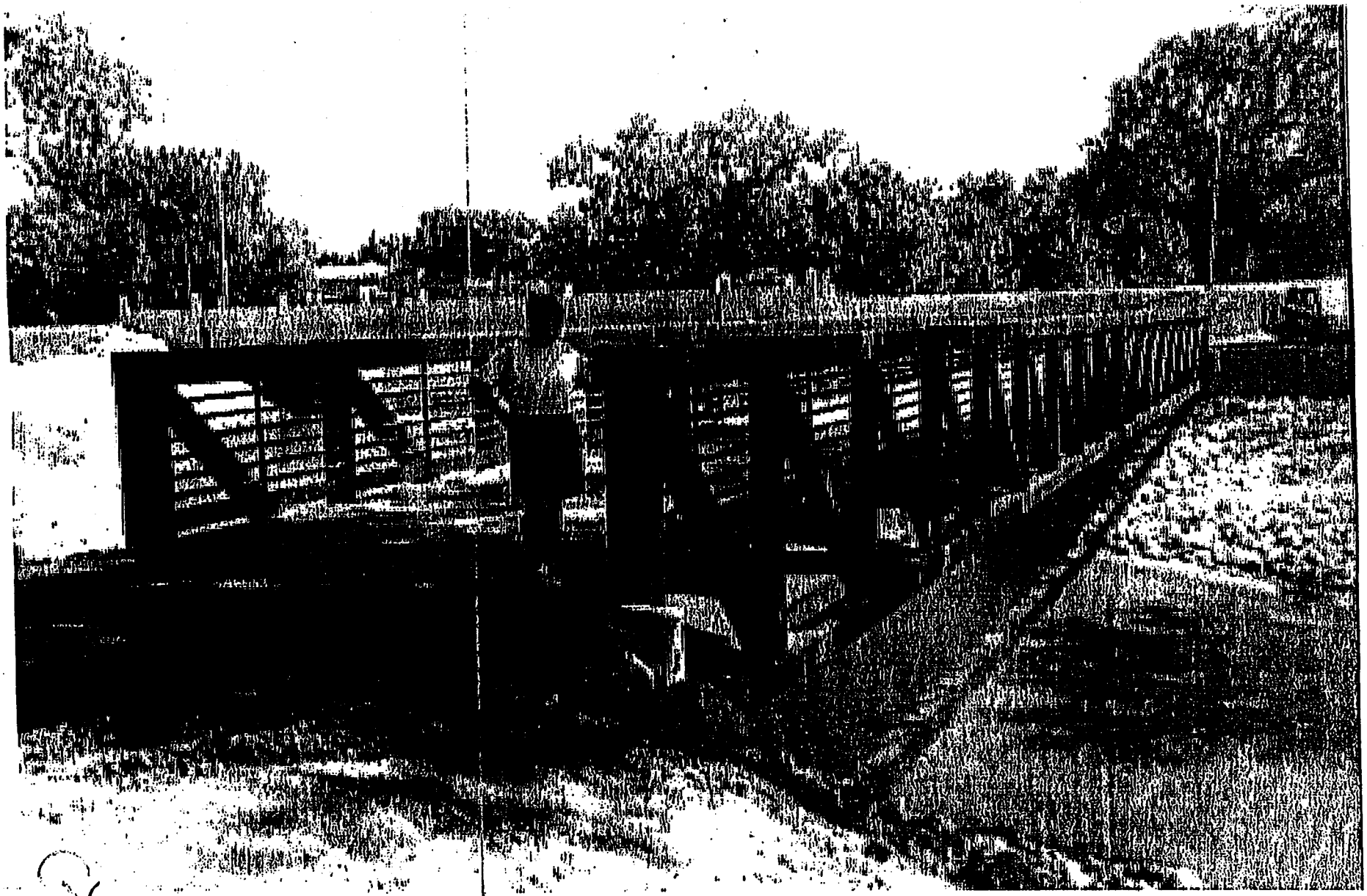
CCC Exhibit B (page 6 of 8 pages)

Project

Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit

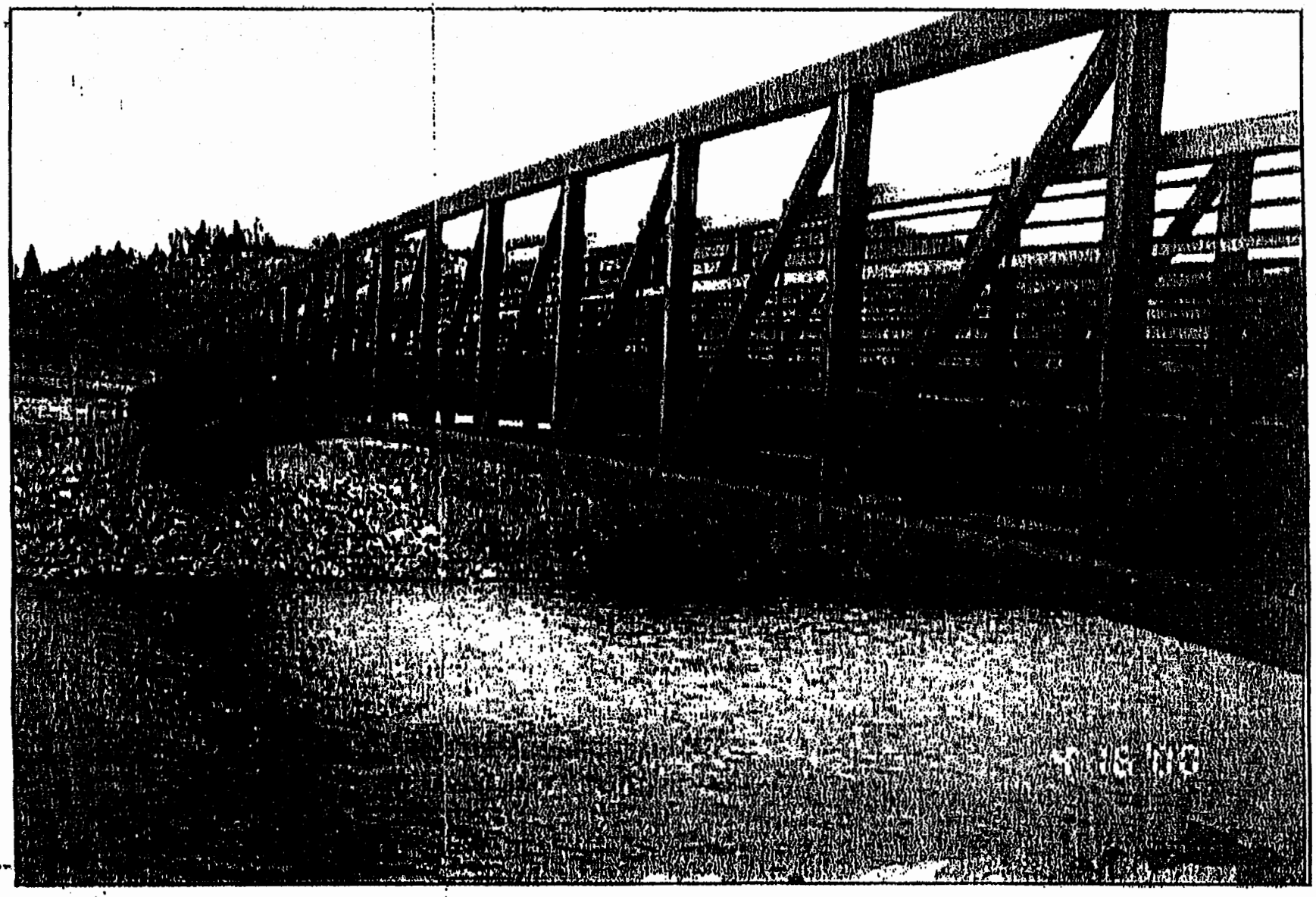
Bridge Elevation



CCC Exhibit B
(page 7 of 8 pages)

Project
Minor Use Permit/ Coastal Development Permit
Cross Town Trail D020081P

Exhibit
Bridge Typical



CCC Exhibit B
(page 8 of 8 pages)

Project
Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit
Bridge Typical

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-SLO-03-269
APPEAL PERIOD 7/8-7/21/03

NOTICE OF FINAL COUNTY ACTION

RECEIVED
JUL 07 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

HEARING DATE: 6/17/03

SUBJECT: Cambria Cross Town Trail

LOCATED WITHIN COASTAL ZONE: (YES) NO

The above-referenced application was approved on the above-referenced date by the following hearing body:

✓ San Luis Obispo Board of Supervisors

A copy of the findings and conditions is enclosed. The conditions of approval must be completed as set forth in this document.

This action is appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (408) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your planner, Marsha Lee, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5600.

Sincerely,

CURRENT DEVELOPMENT

CCC Exhibit C
(page 1 of 15 pages)

(Planning Department Use only)

Date NOFA original to applicant: _____

(Mailed) Hand-delivered

Date NOFA copy mailed to Coastal Commission: 7/3/03

Enclosed:

✓ Staff Report
✓ Resolution
✓ Findings and Conditions

e:\WPDOCS\MUP\BDNOFA.WPD

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

Tues day June 17, 2003

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

ABSENT: None

RECEIVED
JUL 0 7 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RESOLUTION NO. 2003-213

RESOLUTION AFFIRMING THE DECISION OF THE HEARING OFFICER AND CONDITIONALLY APPROVING THE APPLICATION OF CAMBRIA COMMUNITY SERVICES DISTRICT FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT D020081P

The following resolution is now offered and read:

WHEREAS, on April 18, 2003, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Cambria Community Services District for Minor Use Permit/Coastal Development Permit D020081P; and

WHEREAS, the Cambria Legal Defense Fund, Suzy Ficker, and the Coalition to Save Cambria and San Simeon, Cynthia Hawley have appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 17, 2003, and determination and decision was made on June 17, 2003; and

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

WHEREAS, the Board of Supervisors has duly considered the appeals and finds that the appeals should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the mitigated negative declaration prepared for this project by the Cambria Community Services District, as lead agency, was approved by the Cambria Community Services District as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors, as a responsible agency, certifies that it has reviewed and considered the information contained in the above mitigated negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeals filed by Cambria Legal Defense Fund, Suzy Ficker, and the Coalition to Save Cambria and San Simeon, Cynthia Hawley are hereby denied and the decision of the Hearing Officer is affirmed and that the application of Cambria Community Services District for Minor Use Permit/Coastal Development Permit D020081P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

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

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Michael P. Ryan
Chairman of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors

BY: CHERIE AISPURO Deputy Clerk

CCC Exhibit C
(page 4 of 15 pages)

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: May 27, 2003

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 said Board of Supervisors, affixed this 23 day of June, 2003.

Julie L. Rodewald
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____
Deputy Clerk.

1377lbjres.wpd

CCC Exhibit C
(page 5 of 15 pages)

EXHIBIT A - FINDINGS D020081P

CEQA

A. The Board of Supervisors considered and relied on the previously adopted Mitigated Negative Declaration, dated 12-23-99 and filed 12-29-99 and the Categorical Exemption from the National Environmental Policy Act dated 10-2-00, because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on roads constructed to a level able to handle any additional traffic associated with the project.

G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because coastal access will not be effected by the project.

Archeological Sensitive Area

H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no resources were found during the preliminary site survey and the project has been conditioned in the event cultural resources are unearthed during construction.

Sensitive Resource Area

I. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design. Assegued & Associates prepared the Natural Environment Study/Biological Assessment, dated November 30 1999 that evaluated the project and recommended mitigation measures that are expected to lessen potential impacts to less than significant levels to sensitive species and natural resources found along the trail alignment. These mitigation measures have been included in the conditions of approval. The project has been conditioned for evidence of permit or waiver of, from California Department of Fish and Game, Army Corps of Engineers, and Regional Water Quality Control Board permit requirements. The project has been conditioned to develop a restoration plan to mitigate the loss of riparian habitat.

J. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed trail and bridge has been designed to minimize ground

measures.

K. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because vegetation removal and site disturbance have been minimized.

L. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project meets drainage and erosion control standards specified by the County Public Works Department.

Environmentally Sensitive Habitats

M. There will be no significant negative impact on the identified sensitive habitat and the proposed project will be consistent with the biological continuance of the habitat.

N. The proposed use will not significantly disrupt the habitat.

Streams and Riparian Vegetation

O. The location of the trail within the creek bank buffer is a permitted use and has considered the specifics of the site including erosion potential, intensity of proposed activity, habitat value of the area and the project is conditioned for permits, or waiver of permits, from California Department of Fish and Game, the U.S. Army Corps of Engineers, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service, and the California State Water Resources Control Board, Regional Water Quality Control Board.

EXHIBIT B - CONDITIONS OF APPROVAL D020081P

Approved Development

1. This approval authorizes:

   a. The construction of the Cambria Cross Town Trail Segments 1, 2, and 5. The proposed Cross Town Trail Project (Segments 1 and 2) starts at Shamel Park on the west, proceeds to the north bank of Santa Rosa Creek across the existing Windsor Boulevard Bridge, and travels eastward along the north bank of the creek to Cambria Drive. At Bluebird Lane, Segment 5 of the trail will start again and travel south on Bluebird Lane to a proposed bridge that will span the Santa Rosa Creek. The trail will continue along the north side of Rodeo Grounds Road on the south bank of the creek to its terminus at Burton Drive.
   b. Extend the length of 6 existing culverts
   c. Construct one new storm water inlet which will connect with an existing culvert
   d. Install a new pedestrian and bicycle bridge at Bluebird Lane (140 feet length by 8 feet wide) at Santa Rosa Creek. The abutment proposed on the north side of the bridge shall be set back approximately 35 feet from the top of bank and will be comprised of piles approximately 20 feet deep. The bridge abutment on the south side shall be set back from top of bank approximately 20 feet and will consist of a concrete retaining wall placed approximately 4 feet deep from existing ground surface.
   e. Approximately 1500 square feet of riparian vegetation will be removed as a result of the project and the revegetation plan identifies replacement at a ratio of 3:1 located along the south bank of Santa Rosa Creek near the Treatment Facility.
   f. Staging area are identified near the Water Treatment Facility and the Waste Water Treatment Plant.

2. Site development shall be consistent with the approved site plan, elevations, and sections.

Cultural Resources

3. If during construction excavation, any bones, concentrations of sea shells, angular chert rocks, burnt rock, or unusual cultural materials are unearthed, work in that area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made pursuant to CEQA and the San Luis Obispo County Land Use Ordinance Section 23.07.104.

Air Quality

4. The following measures shall be implemented by the District during grading and construction:

   a. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Reclaimed (nonpotable) water should be used whenever possible;
   b. All dirt stock-pile areas shall be sprayed as needed;
   c. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soils binders, jute netting, or other methods approved by the CCSD;
   d. Construction vehicle speeds shall not exceed 15 mph on any unpaved surface along the trail alignment.

CCC Exhibit C
(page 8 of 15 pages)

Geology and Soils

5. **Prior to issuance of a grading permit,** an Erosion Control Plan shall be prepared in accordance with Section 23.05.036 of the County Coastal Zone Land Use Ordinance to the satisfaction of the CCSD. The Erosion Control Plan shall outline methods that shall be implemented to control erosion from graded or cleared portions of the site, including but not limited to:

   a. Placing sandbags where appropriate along the perimeter of a project site prior to initial grading if grading is to be undertaken during the rainy seasons (October 15 through April 15).
   b. Minimizing the length of time that soils lie exposed;
   c. Revegetating (landscaping, hydroseeding or any other method of providing vegetative cover) graded areas and/or chemical soil binders, in a manner approved by the CCSD if determined to be required for erosion control in areas not planned for development until subsequent phases. Landscaping and hydroseeding shall be under the direction of a licensed landscape architect and approved by the CCSD;
   d. Sediment and erosion control measures shall be implemented during project construction in accordance with Section 23.05.036(d) of the County Coastal Zone Land Use Ordinance. These measures include slope surface stabilization and erosion and sedimentation control devices.

6. **Prior to construction of the bridge,** the applicant shall prepare a geotechnical soils report and include the report recommendations into the bridge abutment construction plans.

<u>Biology</u>

7. **Prior to issuance of construction permit,** the applicant shall submit a mitigation and monitoring plan to ensure that any harm to endangered species is avoided to the maximum extent possible. The following measures shall be prepared by a biologist which includes the following:

   a. Contract with a qualified biologist to conduct all survey and monitoring work as described below;
      1. Conduct all survey and monitoring activities in accordance with established procedures and as required by permit stipulations;
      2. Develop and implement a red-legged frog monitoring plan for pre-construction, during-construction and post-construction periods:
      3. Develop and implement a training program to instruct construction personnel on their responsibilities with regard to special status species.

8. **Prior to issuance of a construction permit,** the District shall obtain a Waiver of Water Quality Certification from the Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act.

9. **Prior to issuance of construction permit,** the applicant shall submit an erosion and sedimentation control plan to reduce all construction related impacts to a less than significant level:
   a. Implement soil erosion control plan to prevent sediment transport by runoff:
   b. Prevent grading equipment from crossing, depositing excavated material in or near, storing in or near, or otherwise disturbing, the Santa Rosa Creek channel;
   c. Apply mulching, seeding or other suitable soil stabilization measures to protect exposed critical areas from erosion:
   d Implement during-construction and post-construction monitoring program.

10. Prior to commencement of construction, the applicant shall prepare a riparian mitigation plan to ensure riparian values lost as a result of the trail project are adequately mitigated. The District shall implement a riparian mitigation plan which will re-establish riparian vegetation at a replacement ratio of 3:1. The

CCC Exhibit C
(page 9 of 15 pages)

following specific mitigation measures are recommended:

a. Mitigate the loss of riparian habitat by developing a restoration plan. The restoration plan may consist of: enhancement of degraded portions of the Santa Rosa Creek bank; and revegetation of adjacent floodplain areas. The CCSD hasdesignated the south bank of the Santa Rosa Creek near the Waste Water Treatment Plant as potential mitigation area;
b. Remove and control invasive, non-native vegetation within the project area;
c. Implement a plant salvage operation for willows and use salvaged plant material for the revegetation work;
d. Delineate and protect sensitive areas designated for protection during construction;
e. Schedule construction activities near sensitive areas between June and November to avoid potential impacts to sensitive species and to minimize soil disturbance by rain;
f. Implement post-construction monitoring.

11. **Prior to the commencement of construction,** a stream alteration agreement from the California Department of Fish and Game, pursuant to California Fish and Game Code, Section 1603 shall be obtained by the applicant.

12. The following mitigation measures will be implemented to reduce potential impacts to jurisdictional areas to a less than significant level:
    a. Minimize the area of impact as much as possible. Ensure that adjacent jurisdictional and adjacent areas are avoided during project construction by implementing protective measures (fencing.)
    b. Restore disturbed areas to their original or natural condition by grading and revegetation.

13. **Prior to the commencement of construction,** a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act and a Nation Wide Permit #14 shall be obtained.

Hazards and Hazardous Materials

14. Testing of lead contamination of exposed soils on the project site within Highway 1 ROW shall be performed in accordance with current Caltrans Aerially Deposited Lead Testing Procedures during the design phase of the project under the guidance of Caltrans Hazardous Materials.

Hydrology and Water Quality

15. The project is required to meet Stormwater Management regulations. The CCSD shall file for a National Pollutant Discharge Elimination System (NPDES) permit with the California State Water Resources Control Board and abide by the conditions of the permit as issued. A copy of the Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and Monitoring Plan shall be submitted to the RWQCB a minimum of thirty (30) days prior to commencing grading operations. The SWPPP shall emphasize structural and non-structural Best Management Practices (BMPs) in compliance with NPDES Program requirements. Specific measures shall include:

    a. Siltation of drainage devices shall be handled through a maintenance program to remove silt/dirt from channels and parking areas;
    b. Surplus or waste material from construction shall not be placed in drainage ways or with9in the 100-year floodplain of surface waters;
    c. All loose piles of soil, silt, clay, sand, debris, or other earthen materials shall be protected in a reasonable manner to eliminate any discharge to waters of the State;
    d. During construction, temporary gravel or sandbag dikes shall be used as necessary to prevent

County Government Center ● San Luis Obispo ● California 93408 ● (805)781-5600 ● Fax (805)781-1242 or 5624

discharge of earthen materials from the site during periods of precipitation or runoff.

e. Stabilizing agents such as straw, wood chips and/or soil sealant/dust palative shall be used during the interim period after grading in order to strengthen exposed soil until permanent solutions are implemented;

f. Revegetated areas shall be continually maintained in order to assure adequate growth and root development.

Noise

16. Construction activities for the proposed project shall be limited to the hours between 7:a.m. and 9:00 p.m., in accordance with Section 23.06.040 of the County of San Luis Obispo Coastal Zone Land Use Ordinance.

Erosion and Sedimentation Control Plan

17. Prior to commencement of construction, the applicant shall submit plans for installing and extending the culverts and show how construction activities will not exacerbate slope bank erosion.

Pubic Works

18. **Prior to commencement of construction**, the applicant shall obtain an Encroachment Permit from the San Luis Obispo County Department of Public Works for any activity to occur within the county road right-of-way.

19. **Prior to the issuance of a construction or grading permit**, the CCSD shall obtain approval of the construction plans from the County Public Works Department and coordinate with the construction of the overflow bypass, the Cambria Drive widening, and Highway 1 / Cambria Drive signalization and intersection improvements.

Miscellaneous

20. Trail maintenance shall not be the responsibility of County Parks and Recreation.

21. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

22. **Prior to issuance of any construction permit** and for the duration of the project, the applicant shall comply with all the requirements from California Department of Fish and Game, the U.S. Army Corps of Engineers, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service, Regional Water Quality Control Board, and the California State Water Resources Control Board.

23. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

24. The bridge at Bluebird Lane shall be limited to bicycle and pedestrian traffic, and the bridge design shall include locked bollards at each end of the bridge.

25. The applicant shall as a condition of approval of this minor use permit/coastal development permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this

County Government Center ● San Luis Obispo ● California 93408 ● (805)781-5600 ● Fax (805)781-1242 or 5624

minor use permit/coastal development permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit/coastal development permit, or any other action by a third party relating to approval or implementation of this minor use permit/coastal development permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

CCC Exhibit C
(page 12 of 15 pages)

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

Tuesday, June 17, 2003

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

ABSENT: None

In the matter of **RESOLUTION NO. 2003-213:**

This is the time set for hearing to consider an appeal by the Cambria Legal Defense Fund, Suzy Ficker and the Coalition to Save Cambria and San Simeon, Cynthia Hawley, of the Hearing Officer's approval of a request by Cambria Community Services District for a Minor Use Permit/Coastal Development Permit to allow the construction of Segments 1, 2, and 5 of the Cambria Cross Town Trail which extends from Shamel Park to Burton Drive in Cambria; 2nd District.

Ms. Marsha Lee: Planning, presents the staff report; addresses the issues of the appeal; presents photos of the area; indicates an indemnification has been added; recommends the Board deny the appeal.

Ms. Suzy Ficker: Appellant, asks the Board for a continuation indicating they did not receive the staff report.

Ms. Lee: indicates the staff report was sent to the Cambria Legal Defense Fund on Friday June 6, 2003.

Chairperson Ryan: states they will continue today with testimony.

Mr. Norm Fleming: indicates there were several people who did not receive the staff report; addresses the environmental aspects of the bridge; feels it will be an "attractive nuisance"; states the bridge will be a daily source of noise and should not be permitted.

Ms. Suzy Ficker: reads the project description indicating the trail will lead to a park; addresses the impact the park will have on the community; states the bridge could be expanded at anytime; hands the Board a copy of the agreement and speaks to the content.

Mr. Norm Hamilton: Cambria Community Services District (CCSD), states the trail has not changed in scope since 1999; the environmental process has been completed; addresses the financial loss if this project does not go through; indicates the Coastal Conservancy has approved this project.

Mr. Bob Greshin: presents a brief history of the project indicating the major issue being safety; indicates the Notice of Determination was filed with the Clerk's office on December 29, 1999; addresses the funding and schedule constraints; states this project supports the Coastal Act; indicates the CCSD supports the denial of the appeal.

CCC Exhibit C
(page 13 of 15 pages)

Chairperson Ryan: questions if the CCSD owned the land for the park in 1996 when this trail was set up, with Mr. Greshin, responding no.

Ms. Lynda Laylon: addresses her concerns about the impact the bridge will have on the community.

Mr. Joseph Gilpin: Executive Director of the Bike Coalition, states he hopes this trail is built as soon as possible; indicates he represents 150 members who promote bike safety and support the project; urges denial of the appeal.

Ms. Lila Evans: states she opposes this project and she also did not receive the staff report and requests a continuance; believes the project does not meet CEQA requirements; questions where the money is coming from.

Ms. Carolyn Connelly: states she objects to the trail connecting to the park and addresses water issues.

Ms. Eve Redwood: indicates this trail will be a bottleneck; feels there should be greater consideration for the main business street in Cambria.

Ms. Hollie Stotter: Design Committee, states in 2001 the Cambria Design Plan was accepted by the North Coast Advisory Committee, the Board, and the Coastal Commission and in that Plan was the blue print for this trail.

Mr. Bill Warren: states the objective of this plan was for bike safety and hopes the Board continues to support this project.

Mr. Doug Buckmaster: Chairperson of the Trails Committee, hopes the Board adopts this project; indicates this trail is part of the Cambria Design Plan.

Mr. Peter Chaldecott: CCSD, indicates he received his staff report on June 13, 2003 and he lives in Cambria; indicates their main objective was to separate the bikes and pedestrians from the traffic.

Dr. Robert Kelley: states the trail will connect the two villages; feels it is unfair to penalize the community for the delay of Cal Trans.

Mr. Jim Stotter: states Cambria is united behind this trail; indicates the only person behind the Cambria Legal Defense Fund is Suzy Ficker; urges the denial of the appeal.

Ms. Barbara Wellington: Chairperson of Parks, Recreation and Open Space Commission, feels the staff reports have been excellent; reminds people that Cambria is a rural town and the trail will allow safe passage without sidewalks; thanks the staff for their work.

Ms. Pandora Nash-Karner: Chairperson SLO Park and Recreation Commission, urges the Board to adopt the resolution denying the appeal; feels this is an incredible opportunity for Cambria to have a park; states it meets all requirements of CEQA and is a wonderful project.

Mr. Robert Davis: President of the SLO Bicycle Club, addresses the safety aspects of this project and urges the

denial of the appeal.

Mr. Hamilton: states the District has gone through every level of approval; addresses the need to move forward and complete the project.

Ms. Ficker: addresses the number of residences that will be in close proximity of the park and hear the noise coming from the soccer and baseball fields; states there is no reason why the trail has to cross the creek; the park is not mentioned in any contractual agreement; feels this project is a violation of public trust; addresses the legal ramifications; states she does hold a petition that has five hundred signatures opposing the park.

Board Members: address various issues, comments and concerns regarding: the need to use the grants or they will be lost; the trail being designed before the purchase of the park property; the safety aspects of the project and pleasant sounds of hearing children play, with Mr. Peter Jenny, Parks Manager, responding.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and on the following roll call vote:

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

denies the appeal and the Board approves the Minor Use Permit/Coastal Development Permit D020081P based on the findings in Exhibit A and the Conditions in Exhibit B and consider and rely on the Mitigated Negative Declaration that was previously adopted on 12/23/1999 by the CCSD and RESOLUTION NO. 2003-213, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Cambria Community Services District for Minor Use Permit/Coastal Development Permit D020081P, adopted.

cc: Planning 2
6/23/2003 cla

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 23rd day of June, 2003.

(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____ Deputy Clerk

CCC Exhibit C
(page 15 of 15 pages)

STATE OF CALIFORNIA – THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):
LYNDA LAYCON - 3261 PINE ST. CAMBRIA, CA. 93428
805- 927-1363

Zip (805) 927-1363
Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
SAN LUIS COUNTY BOARD OF SUPERVISORS

2. Brief description of development being appealed:
SEE ATTACHMENT #1

3. Development's location (street address, assessor's parcel number, cross street, etc.:
FILE # D020081P

4. Description of decision being appealed:

a. Approval; no special conditions: ✓
b. Approval with special conditions: ____
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

RECEIVED
JUL 18 2003
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Appeal Form 1999.doc

CCC Exhibit D
(page 1 of 163 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other:_____

6. Date of local government's decision: 6-17-2003

7. Local government's file number: DO 20081P

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
C.C.S.D. P.O. Box 65, CAMBRIA, CA. 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) _____

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHMENTS #2

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Lynda Taylor
Signature of Appellant(s) or Authorized Agent

Date 7-14-2003

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date _____

#1

14-4

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT
Tentative Notice of Action

"Making a Difference"

MEETING DATE -	CONTACT/PHONE	APPLICANT	FILE NO.
April 18, 2003 LOCAL EFFECTIVE DATE -May 2, 2003 APPROX FINAL EFFECTIVE DATE May 23, 2003	Marsha Lee, project manager 805-788-2008	Cambria Community Services District	D020081P

#0

SUBJECT

Request by Cambria Community Services District for a Minor Use Permit/Coastal Development Permit to allow the construction of Segments 1, 2, and 5 of the Cross Town Trail, which will be a total of 5 segments when completed. The project includes extension of existing culverts and construction of a bridge crossing of Santa Rosa Creek at Bluebird Lane. Segment 1 of the project is located on Windsor Blvd. between Shamel Park and Hwy. 1. Segment 2 is located within Hwy 1 right of way and adjacent to Santa Rosa Creek between Windsor Blvd and Cambria Drive. Segment 5 is locate from Cambria Drive to Burton Drive and includes a bridge crossing of Santa Rosa Creek at Bluebird Lane. (Refer to Project Description on page 2). The project is located in Cambria, North Coast planning area.

RECOMMENDED ACTION

1. Consider and rely on the Mitigated Negative Declaration that was previously adopted on 12/ 23/99.
2. Approve Minor Use Permit /Coastal Development Permit D020081P based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

A previously completed Mitigated Negative Declaration, dated 12-23-99 and filed 12-29-99, completed by Cambria Community Service District acting as the lead agency, finds that there is no substantial evidence that the project may have a significant effect on the environment. Mitigation measures are proposed to address biology, cultural, air quality, geology and soils, hazards, hydrology and water quality, noise, and are included as conditions of approval. The County, acting as a responsible agency, is using the Mitigated Negative Declaration and will make it's own findings pursuant to CEQA Guidelines Section 15096.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Recreation, Residential Multi family, Commercial Retail	SRA/SRV, ESHA ,FH, TH, LCP, AS, CSC, VSA, GS	023-411-022; 023-411-021; 013-131-036	① ② ③ ④ ⑤ All

PLANNING AREA STANDARDS:

Cambria Design Plan (page 30 and Figure 5) - implement the County's Trail Plan and Bicycle Plan

Does the project meet applicable Planning Area Standards: Yes

LAND USE ORDINANCE STANDARDS: Sensitive Resource Area/Streams and Riparian Vegetation, Environmentally Sensitive Habitat Areas, Geologic Study Area, Flood Hazard, Terrestrial Habitat, Local Coastal Plan, Archaeologically Sensitive, Coastal Special Community, Visitor Serving Area

Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calender day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX (805) 781-1242

CCC Exhibit D
(page 4 of 143 pages)

#2

Appeal of CDP for County File Number D020081P

Issues Relating to

Negative Declaration

General Plan Consistency

North Coast Area Plan Compliance

This is an attachment to an appeal of the Coastal Development Permit County File Number D020081P and the Negative Declaration associated with the permit.

The appellants are very concerned that the cross-town trail and bridge project has improperly been reviewed in isolation as a minor, stand-alone project. In reality, the proposed bridge across Santa Rosa Creek between Main Street and the Rodeo Grounds is an essential component of the planned re-development of Cambria's Historic East Village. This proposed project involves a sports park to accommodate statewide recreational needs, a community center, a re-design of Cambria's Historic Main Street, and a new public parking lot.

The piecemeal analysis of each component in isolation precludes the possibility of an informed community discussion of the actual scope of the development planned for the area. The community needs, and the law requires, an authentic analysis of the impacts and compliance of the *entire* project with CEQA, General Plan, and *Coastal Act* requirements.

The appellants point out that the project is planned for a *Coastal Sensitive Resource Area* and, as such, may be in violation of federal environmental laws regarding wetlands, streams, and wildlife. Adequate analyses have not been produced or provided for public review and comment on these issues.

In addition, please note that Section B, Chapter 7 "Combining Designations and Proposed Public Facilities" of the San Luis Obispo County *Local Coastal Plan Framework for Planning*, requires an analysis of general plan consistency prior to approval of public works projects within areas identified by Combining Designations. The area proposed for construction of a bridge is in a Coastal Sensitive Resource Area Combining Designation. The analysis of the compliance of the proposed project with the San Luis Obispo General Plan and the North Coast Area Plan is not sufficient and, among other things, fails to meet state standards for consistency findings.

The proposed project itself and the process used to approve it violate *CEQA requirements*, *General Plan, and Local Coastal Plan requirements*. The appellants file this appeal to make sure, among other things, 1) that the public is informed as to the scope of the entire re-development project proposed for Cambria's Historic East Village, 2) that the proposed project receives adequate review and analysis as a whole, and 3) that the final design plan is consistent with *coastal*, state, and federal requirements.

6/14/2003

#2

COASTAL ACT JURISDICTION

Sensitive Coastal Stream Values, Coastal Habitat and Wetlands Protection: The Coastal Act requirements mentioned in this paragraph are not meant to be inclusive. The entire record should be reviewed to that end. There are, however, three primary coastal act requirements covered in this appeal. The first concerns the scope of review on coastal habitat and stream values that are affected by this project. The projected size of this bridge, and the amount of travel expected in this area would certainly call for a full EIR considering this area may be a wetland, (reference early FEMA documents), and is certainly a floodplain and sensitive coastal habitat area with the paths built on a land acquisition obligated to a conservation easement and right next to a coastal stream.

When the bike path project was originated, the CCSD, State Coastal Conservancy, and the County had not yet initiated its plans for a regional visitor-servicing active recreation park on the land base that serves these bike trails. It was only quite recently that those plans were publicly released. Given the fact that the state documents themselves typify this 40+ acre parcel as a "regional park," and in other documents use the word "international," it is highly inappropriate that this development is going through without a consolidated EIR that covers all aspects of potential park development under one master plan. This is the primary thrust of this appeal.

When the negative declaration on this bike path, trails, and bridge was initiated, the park plan was never reviewed or discussed in its full scope, or possibly it received no attention at all. The entire project has been dismissed through a mitigated negative declaration. If this area will eventually serve a regional or even international state park—this suggests high pedestrian and vehicular access to the area. There are special CEQA requirements for public park development. The CEQA review is deferred until the master plans are completed. Those plans are not complete at this point in time.

What has enhanced the potential damage to the area are plans well underway to change the original conservation intent to place the entire East West Ranch Purchase in a conservation easement, and to now "exempt" the East portion from the protection of that planned easement. This will effectively destroy all of the legal protections set by the State of California that limit the use of the land to natural resource preservation with public access and natural resource enhancement. We are at an early point of review, but it appears that what started as natural resource protection switched at some point to a small community active park, and later grew into a regional concept. The documents must be reviewed in their entirety for the scope of representations made to this community, and whether the legal documents change with time, and use misleading and contradictory terms about the land uses allowed now that were not anticipated when the community sought private and non-profit donations.

The bottom line: these bike trails will be subjected to regional, if not international public access if the scope of the documents are followed. This would not be unusual for a total "park area" that is 450+ acres in scope (given the entire ranch purchase) on a stunning north coast vista area. The Cambria project got national attention, and because of the potential Hearst project, this area will become increasingly international.

#2

Our question is whether our conservation easement is now burdened with this obligation, against what we originally intended, and whether these bike paths and bridge are feeding into the scope of this result.

We have objected from the beginning that a portion of this park development has been segregated and handled through a negative declaration and minor use permit without the review and participation of the California Coastal Commission.

Coastal Program Issues: A second primary thrust of the appeal is the bridge itself, and its planned scope. The planned bridge pilings, construction, and design significantly affect habitat values that cannot be mitigated by "replanting habitat" somewhere else. This bridge is described as an "erector bridge." This may imply a structure that is designed for later expansion.

We have warned the County that CEQA and the Coastal Act should prevent the piecemealing of the bridge design. If this bridge serves the original bike trails concept that started around 1992, the County cannot treat this plan in isolation and ignore the later development of the park plan. This bridge is a primary access route to the park. The State Coastal Conservancy was careful to draft a Memorandum of Understanding to cover the East West land acquisition. It covers both East and West Ranch, not just a portion. By its terms, it appears to be a moratorium on development until the Master Plan for the Ranch is completed—East and West. The Coastal Conservancy is a branch of the Coastal Commission, and this raises coastal act program issues.

Coastal Visitor-Serving Facility: Thirdly, the planned park area on which these trails and bridges will be built raises issues directly on the scope of the Coastal Act Program under which anywhere from $3.5 million to $7 million of State funds were directly contributed. The negative declaration and staff report do not mention anything about he scope of the program and how it relates to this project. Considering that those document directly address master plan requirements, and place a moratorium on any predevelopment of the land area, this should lead to coastal act review of whether development of the bike trails is a form of predevelopment. The bike trail may be passive in and of itself, but if it is designed to open full access to an open active recreation ball park complex, it cannot retain its "passive" designation, because it is a primary access route.

SUBSTANCE OF THE APPEAL

Some of the material in this section may repeat what was said in our section under Jurisdiction. We set it forth again separately, because we want to make the jurisdiction issue very clear, given the county's refusal to recognize our grounds—regardless of the fact we had involved discussions on all of the above at the minor use hearing.

This project and bridge, as designed, has significant coastal habitat Impacts and coastal program impacts. Basically, the bridge has features that lead us to believe it is purposefully being handled in two stages that are being separated in order to maintain

#2

access to funding that will lapse by the end of the year for the bike trails—regardless of the fact that CEQA and Coastal Act requirements are being overlooked. We don't believe state law requirements should ever be ignored for funding reasons. The bridge is designed in a way where it may be financed now for one project scope, and then enlarged later as it relates to the uncompleted Master Plan for the Regional Park area it serves. This is a violation of state law to segregate planning in this manner.

The documents on the park development start out with strong overtones of natural resource protection and resource enhancement with public access—a purpose completely compatible with the west side park. Later, a "community park" was mentioned, and in public meetings representatives of the conservancy mentioned small, local ball fields. As time goes on, language is extended to the concept of a "regional park" and even an "international park."

It was not until several weeks ago when RRM was granted a $50,000 contract to complete the west end Master Plan that many within the community at large became aware of a switch in public purpose on the land acquisition. At that point, we realized the bike trails and bridge were serving two masters—and the original bike and trail concept is being affected. The project cannot now meet the imposed legal requirements on park protection because of the MOU and covenants of restrictions posed by the State of California.

The County and CCSD have maintained that this park area has been designed for active recreation as a state funding requirement. In a review of the documents, we see nothing yet that obligates CCSD, the County, or the State to impose active recreation—and the heavy access linkages that this park plan would entail. To the contrary, there are issues of potential misappropriation of public funds because the fund raising drive clearly represented donations would go directly to the conservation of the area as "open space forever." I personally gave large donation on that representation, and there are many others like me now coming forward.

The bridge, as currently designed, appears to be placed so that it creates access to the planned park—and this feature links the bike paths and bridge to two projects which must jointly be accessed. We do not want the county to develop funding for one kind of bridge, and then in the next few years, completely redesign the bridge again under a different project scope. This affects capacity issues. The negative declaration and staff report do not generate this discussion.

Secondly, all projects that are linked to the idea of a regional park should be put on hold until such time as the County, CCSD, and State of California pursue the private claims now being made that funds were taken with representations quite contradictory to the land uses of an active ball park serving the State of California. Otherwise, these projects will be built without an assessment of whether the park project is in violation of a land acquisition that was supposed to be set aside in its entirety for natural resource protection--called East West Ranch. It was very clear to this community as a whole (and admitted by many of the proponents of this project) that the original plans for the conservation easement was to keep the entire area in passive open space use with public access.

#2

Any permit approval for a project that potentially links into this regional park concept is premature. The county should have assessed the joint programs under a combined CEQA and Coastal Act review so it is not piecemealed, and it is analyzed under a completed master plan concept. We are particularly concerned about whether a financially stressed CCSD, with a water shortage emergency in effect, is in any position to handle the financing, management, and yearly maintenance of a major state park. We never intended, as a small community, to become responsible for the maintenance of a state park; nor do we feel it appropriate the CCSD take on this role with all of its other significant struggles.

We are not pleased with representations that present this as a *legal obligation* of CCSD given the acquisition of almost $12 in public funding under completely contradictory representations.

An EIR should be required on the entire scope oft his area, and any thing that impacts the conservancy directly, because of the prohibition of predevelopment set in the State Conservancy's MOU. The County should have reviewed and discussed the impact of the Memorandum of Understanding, the segregation of the East West Master Plan, the status of the West and East Plans, and the legal effect of the covenants and restrictions on this project.

The State Coastal Conservancy, a Coastal Act arm under Coastal Act funding, is a signator to most of these documents and has contributed $3.5 million to $7 million toward the land acquisition. Please give this the serious review it requires.

Thank you for your kind consideration. This permit is premature, it is in violation of CEQA and the Coastal Act requirements, and should be consolidated with the legal issues and planning that now surrounds the East West Ranch acquisition, and the East portion proposed developments. I am a resident of Cambria with a home that overlooks the planned park area. I was a major contributor to the conservation easement.

Very truly yours,

Lynda Laylon

Lynda Laylon

#2

Coastal Commission Acts and Policies

1-91 Allow golf driving ranges in the Commercial Retail category anywhere that the category exists in the Coastal Zone, including Cambria and San Simeon.

2-92 Traffic on the streets and roads in Cambria especially Main Street, is frequently congested, particularly in the summer. Regardless of the land use designation of a site, approval of any future development must take into account the limitations imposed on development by congested traffic.

1-89 Amended the Cambria Urban Area Standards of the North Coast Plan to allow "Participant Sports and Active Recreation" in the Recreation land use category. Those lands had been inadvertently excluded from allowable uses in the recreation category in Cambria. Without such an addition, activities such as tennis courts, swimming pools, golf courses and public parks would not be allowed in Recreation category in Cambria. Also proposed was adding Participant Sports and Active Recreation" as use in the Commercial Retail land use category. 1-89 passed.

Cambria CSD-Commercial Retail to Public Facility. The CCSD currently uses and for many years has used this 1.15-acre parcel for a corporation yard and pumping and wastewater treatment plant. The site is flat to gently sloping and lies along the Santa Rosa Creek in the East Village. The site is on the opposite side of the creek from East Village commercial core, in the FLOODPLAIN. Potential flooding and preservation of riparian habitat are the main issues of this site. Although it would be prudent for the CCSD to relocate the functions that this site performs to a site out of the FLOODPLAIN, or at least some distance away from the creek bank to decrease the risk of flood damage to the pumping and water treatment plant, the proposed change simply recognizes the legal existing use, and since no new development is expected on the site, the proposed change raises no significant issues with respect to the development policies of the Coastal Act.

THE EAST VILLAGE IS CONSIDERED A "SPECIAL COMMUNITY" BY THE LCP, PARTLY BECAUSE OF ITS HISTORICAL NATURE. COASTAL COMMISSION.

Cambria Air Force Station—Recreational-Visitor serving uses should continue to be a policy goal by NCAP.

30253-30244-30210-30254-30252-30251-30240-31231-30212.5-30221-30222

Notice of Determination

FORM C

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County Clerk
County of San Luis Obispo

From: #2

Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, CA 93428

Subject: Filing of Notice of Determination in compliance with Section ~~21108~~ or 21152 of the Public Resources Code.

Project Title

Santa Rosa Creek Trail and Stream Bank Restoration Project

State Clearinghouse Number: 2003041019

Lead Agency Contact: Mr. Robert Gresens, P.E., Cambria Community Services District, (805) 927-6223

Project Location:

The Santa Rosa Creek Trail and Stream Bank Restoration Project is located within the unincorporated community of Cambria in the County of San Luis Obispo, California.

Project Description:

The proposed Santa Rosa Creek Trail and Stream Bank Restoration project consists of two primary components. First, the proposed project includes the development of a trail system that would parallel the Santa Rosa Creek bed and connect to the Cross Town Trail project and the future community park. Second, the project involves stabilizing a 700-foot segment of the Santa Rosa Creek bank with a bioengineering method using a rootwad/boulder/willow mattress bank protection system. This includes revegetating the area with native plant species that would help soil stabilization and provide functional habitat for riparian species.

This is to advise that the Cambria Community Services District
: Lead Agency 9 Responsible Agency
has approved the above described project on May 13, 2003 and has made the following determinations regarding the above described project:

1. The project [9 will : will not] have a significant effect on the environment.
2. 9 An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.
   : A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [: were 9 were not] made a condition of the approval of the project.
4. A Statement of Overriding Considerations [9 was : was not] adopted for this project.
5. Findings [9 were : were not] made pursuant to the provisions of CEQA.

This is to certify that the Initial Study/Mitigated Negative Declaration with comments and responses and record of project approval is available to the General Public at: Cambria Community Services District, 1316 Tamson Drive, Cambria, CA 93428.

Signature

Date Received for Filing :_____.

Robert Gresens, District Engineer
Cambria Community Services District

CCC Exhibit D
(page 11 of 163 pages)

STATE OF CALIFORNIA – THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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

Attn S Monowitz - Staff
M. Reilly - Chair.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Norman B. Fleming 952 Tiva Ct Cambria CA 93428
Cambrians for Fiscal Responsibility Po Box 1561 Cambria

Zip Area Code ( ) Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
Cambria Community Services District

2. Brief description of development being appealed:
Construction of a pedestrian/Bicycle bridge across Santa Rosa Creek Cambria as part of Cross Town Trail project

3. Development's location (street address, assessor's parcel number, cross street, etc.:
Between Bluebird motel and the China Restaurant (1602 Main Street), Bridge to extend from Main Street to the East West Ranch as part of the Cross Town Trail.

4. Description of decision being appealed:

a. Approval; no special conditions: ____
b. Approval with special conditions: ✓
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

RECEIVED
JUL 18 2003
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

CCC Exhibit D
(page 12 of 163 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors - SLO County

c. ___ Planning Commission

d. ___ Other: ___

6. Date of local government's decision: June 17 2003

7. Local government's file number: D020081P

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Cambria Community Services ~~Center~~ District
1316 Tamson Drive, Cambria CA

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Lila Evans 2862 Buckingham Place, Cambria

(2) Judy Beaver 3250 Rogers Drive, Cambria

(3) Susy Fichter 1060 Hartford, Cambria

(4) Eve Redwood 1521 Main ST, Cambria

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

We believe the project built as in East Village as planned will not be consistent with the North Coast LCP, being planned for a Coastal Sensitive Resource area. The East Village is considered to be a special community partly because of its historical nature

See Attachment A

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Norman B. Flemi
Signature of Appellant(s) or Authorized Agent

Date 7/7/03

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date _____

July 10, 2003
Norman B. Fleming

Appeal to Coastal Commission

ATTACHMENT A

The proposed cross-town trail extends from Shamel Park on the West side of Cambria along Main Street to Burton Drive on the East side of Cambria and beyond. At an undeveloped space between the Bluebird Motel (on Main Street) and the Chinese Restaurant (also on Main Street), a bridge is planned to be built across the Santa Rosa Creek at that point bringing the trail from Main Street to the East portion of the East-West Ranch.

As a result, the bridge will connect the commercial retail section of Cambria's East Village to the ranch. Local pedestrians will be tempted to cross the bridge just to see what is on the other side. Some may even run or skate on the bridge, and throw coins or debris over the side into the already endangered S.R. Creek. The bridge will be a daily source of noise to nearby residents and businesses. Motorists wanting to cross the bridge will park in front of the businesses next to the bridge approach further increasing the parking problem in Cambria's East side.

The environmental impacts of this 145 foot bridge construction over the already endangered S.R. Creek cannot be mitigated. Concrete retaining walls on either side of the bridge will cut into the creek embankments. There are already too many sandbars along the bottom sides of the creek created by unfiltered drainage from above. The proposed bridge across the creek has significant environmental impacts (CEQA Chapter 3, Section 15065) and should not be permitted.

appeal1

STATE OF CALIFORNIA - THE RESOURCES AGENCY

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):
WERNER P. KOCH 3196 ROGERS DR. CAMBRIA, CA 93428
CAMBRIANS FOR FISCAL RESPONSIBILITY P.O. BOX 1561, CAMBRIA, CA 93428

Zip Area Code ( ) Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
CAMBRIA COMMUNITY SERVICES DISTRICT (CCSD)

2. Brief description of development being appealed:
A PEDESTRIAN/BICYCLE TRAIL FROM SHAMEL PARK TO A BRIDGE CROSSING AT BLUE BIRD LANE AND ENDING AT THE START OF THE RODEO GROUNDS ROAD. A PORTION OF THE TRAIL IS INCLUDED IN THE MAIN STREET ENHANCEMENT PROJECT.

3. Development's location (street address, assessor's parcel number, cross street, etc.:
THE BRIDGE CONNECTS FROM MAINSTREET TO THE PROPOSED RODEO GROUNDS PARK DEVELOPMENT AND RELATED TRAILS.

4. Description of decision being appealed:

a. Approval; no special conditions: _____
b. Approval with special conditions: _____
c. Denial: X USE EXISTING OCEAN-VIEW TRAILS

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

RECEIVED
JUL 18 2003
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. X City Council/Board of Supervisors – SLO COUNTY

c. ___ Planning Commission

d. ___ Other: _____

6. Date of local government's decision: JUNE 17, 2003

7. Local government's file number: D020081P

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
CAMBRIA COMMUNITY SERVICES DISTRICT (CCSD)
PO BOX 65, CAMBRIA, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) KAY BAILEY
3191 ROGERS DR, CAMBRIA, CA 93428

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The project fails to address and identify the cumulative impacts of all known, anticipated, and probable projects. This is a vital provision of the California Environmental Quality Act (CEQA) and the proposed project clearly fails to analyze the incremental impacts combined with the effects of other projects. This is a piecemeal approach to planning and is inconsistent with CEQA, the local Certified Local Coastal Plan, the County General Plan, and the California Coastal Act. A summary of the proposed projects is not adequate to satisfy the provisions of CEQA.

See attachment for further details.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Werner P. Koch
Signature of Appellant(s) or Authorized Agent

Date 6/10/03

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date

July 10, 2003

TO: California Coastal Commission and Staff

SUBJECT: Connecting Bridge and Trails Development

An enlarged map of Reference 1 between Windsor Boulevard and Cambria Drive shows the cross town trail touching the wetlands boundary in two locations (no setbacks) and crossing the wetlands in another.

Per discussions with Richard Hawley, a land trust employee, the wetlands area south of the bridge was previously a wrecking yard. Soil contamination is very likely and an environmental assessment for toxic waste is required.

The proposed bridge and trail, used as a system, will impact the creek and adjacent wetlands. The following factors will degrade the scenic qualities, environment and wildlife habitat:

1. Proximity of humans / major events
2. Noise levels
3. Alteration of creek embankment
4. Clearing of vegetation/trees
5. Alteration of top soil
6. Disposal of trash and waste
7. Uncontrolled navigation

The proposed bridge and trail connection to the Burton Drive bridge will provide an extra source of creek contamination from trash and waste to that which exists at Burton Drive. Santa Rosa Creek contains steelhead trout, California red-legged frog, and tidewater gobi which are federally listed as threatened.

The proposed bridge and trail connection issues correlate with those confronting the new library. Reference 2 indicated the county Library Director had discussions with Coastal Commission staff. It was revealed some environmental issues raise red flags of; possible MTBE contamination, being in a flood hazard zone, an identified sensitive riparian-vegetation area

and proximity to the creek which includes steelhead trout. The likelihood that MTBE is present on property owned by the CCSD is real. The CCSD installed EPA approved fuel storage tanks but past activity over many years of fueling and serving equipment may have contaminated a large area. The County of San Luis Obispo maintained a storage and refueling facility on the property and has graded the property in recent weeks. This site has the real potential of being contaminated with fuel spills and oil leakage.

In addition, during the 1060's and early 1970's aircraft parts for Boeing were being fabricated on property adjacent to the proposed trails. No environmental assessment was ever conducted on this activity either.

The proposed bridge and trail system will impact businesses and homes near the bridge in the East Village. The creek and wetlands view and solitude will be degraded. The insufficient parking area for the proposed park major events and holidays will cause overflow congestion for Main Street and the Rodeo Grounds Road. THE BRIDGE WILL SERVE AS A NON VEHICULAR CONNECTOR BETWEEN THE STREET, PARK AND ROAD. The planned park allocation of March 2003 was 130 spaces An April 2003 refined master plan indicated 103 spaces. In accordance with County Ordinance 23.04.166 requirements, a net use area estimate for the 12,000 square feet community center reveals a need for 240 parking spaces. This analysis excluded any consideration for; active land use, the disabled, commercial vehicles, vendors, bicycles, motor cycles, buses, and emergency vehicles A review in December 2001 of the Preliminary Design Plan (Enhancement of Main Street) revealed no consideration by the county for new parking places.

Robert Bein, William Forst and Associates reported in a September 1999 cross-town assessment for the "Notice of Intent to Adopt Negative Declaration" a potential of arially deposited lead being found within exposed soils along the project site. It was recommended that soil samples be collected to determine the existence of lead.
Refernce 3 reveals the County Board " directed staff to fine tune one of the important Local Plan regulations , dealing with protection of environmentally sensitive areas such as creeks and wetlands". Hence, additional sampling consistent with Reference 3 needs to check for pollution (including MTBE, the former wrecking yard area, and CCSD property) for permanent protection of the creek, and embankment soil. In the interim it may be necessary to install "No Creek Water Drinking" signs, clear areas,

complete well monitoring and extensive excavation until the continuous MTBE migration threat from the East Village is resolved.

Attached is an annotated bridge and trail schematic.

References:

1. Natural Environmental Study/Biological Assessment
   Santa Rosa Creek Cross Town Trail Project
   Prepared by: Assegued & Associates Ecological
   Consulting Services, 591 Pineridge Road, Santa Cruz, CA 95060
   November 30 1999

2. Advocates Of New Library Face Obstacles
   San Luis Obispo Tribune, June 21, 2003

3. County Coastal Plan Pushed On
   San Luis Obispo Tribune, May 7, 2003

Cross Town Trail
Cambria Community Services District

PROJECT SEGMENTS

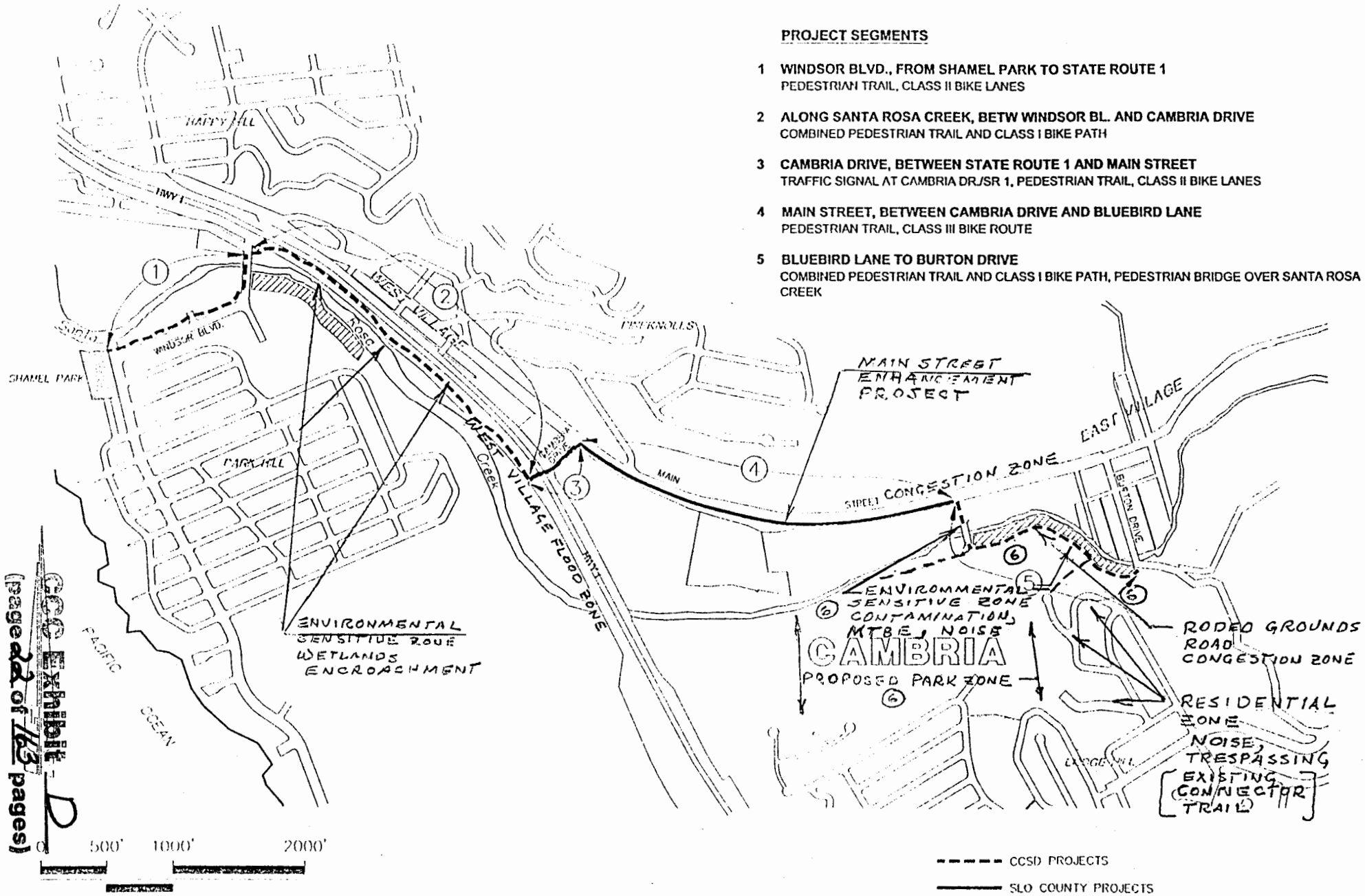
1 **WINDSOR BLVD., FROM SHAMEL PARK TO STATE ROUTE 1**
PEDESTRIAN TRAIL, CLASS II BIKE LANES

2 **ALONG SANTA ROSA CREEK, BETW WINDSOR BL. AND CAMBRIA DRIVE**
COMBINED PEDESTRIAN TRAIL AND CLASS I BIKE PATH

3 **CAMBRIA DRIVE, BETWEEN STATE ROUTE 1 AND MAIN STREET**
TRAFFIC SIGNAL AT CAMBRIA DR./SR 1, PEDESTRIAN TRAIL, CLASS II BIKE LANES

4 **MAIN STREET, BETWEEN CAMBRIA DRIVE AND BLUEBIRD LANE**
PEDESTRIAN TRAIL, CLASS III BIKE ROUTE

5 **BLUEBIRD LANE TO BURTON DRIVE**
COMBINED PEDESTRIAN TRAIL AND CLASS I BIKE PATH, PEDESTRIAN BRIDGE OVER SANTA ROSA CREEK



STATE OF CALIFORNIA - THE RESOURCES AGENCY

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

(1) SIMON WILDER
6577 BUCKLEY DR
CAMBRIA, CA
93428 (805) 927-8500
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS

2. Brief description of development being appealed:
A 160 FT SPAN BRIDGE OVER THE FRAGILE SANTA ROSA CREEK THAT WILL CAUSE UNKNOWN BUT SURELY EXTENSIVE [redacted] ENVIRONMENTAL DAMAGE TO NATIVE HABITAT, AND OBVIOUSLY OVERWHELMING ASSAULT ON THE AESTHETICS OF THE CREEK, SINCE IT WILL REQUIRE HEAVY STEEL CONSTRUCTION AND PILLAR SUPPORT, etc.

3. Development's location (street address, assessor's parcel number, cross street, etc.:
PLEASE REFER TO THE MINOR USE PERMIT FILE # D02008 IP
LOCATION: BLUE BIRD LANE ON MAIN ST EAST CAMBRIA

4. Description of decision being appealed:

a. Approval; no special conditions: _____
(b.) Approval with special conditions: _____
c. Denial: _____

* I WOULD LIKE TO HAVE THE APPEAL APPROVED WITH AN "IRON CLAD" SPECIAL CONDITION: — AN ASSURANCE THAT THERE IS A "HANDS OFF" STIPULATION IN PERPETUITY.

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

THANK YOU!!

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

RECEIVED
JUL 18 2003
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other:_____

6. Date of local government's decision: JUNE 17-2003

7. Local government's file number: # D020081P

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
CAMBRIA COMMUNITY SERVICES DISTRICT ("CCSD")
POB # 65
CAMBRIA, CALIFORNIA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) MR + MRS GENE VANDERGRIFT
925 IVA COURT
CAMBRIA, CA 93428

(2) MR HARRY PFLAUMER
6580 BUCKLEY DRIVE
CAMBRIA, CA 93428

(3) MR + MRS JOHN FINNEGAN
6564 BUCKLEY DRIVE
CAMBRIA, CA 93428

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

THE APPELLANT IS 80 YRS OLD AND IS A RESIDENT OF 24 YEARS IN CAMBRIA. I HAVE SEEN AND EXPERIENCED THE PHENOMENAL AND OFTEN CARELESS UNPLANNED GROWTH YET I ACCEPT THE FACT THAT GROWTH EVEN WELL PLANNED IS INEVITABLE.

BUT WHAT I SEE IN CAMBRIA NOW, WITH THE CAVALIER ACTIONS OF OUR COMMUNITY SERVICES BOARD (CCSD) IS A ~~COMPLETE~~ FLAGRANT VIOLATION OF THE PUBLIC TRUST!! ONLY $1,900,000 WAS PLEDGED AND RAISE TO PRESERVE (AS PROMISED) IN PERPETUITY A LARGE PRISTINE AREA OF LAND AS "OPEN SPACE" AND PASSIVE ENHANCEMENT OF NATURAL RESOURCES." NO ONE OF THESE DONORS EXPECTED THIS CITIFIED EXPANSION OF "OPEN SPACE"

NOW A COMPLETE DISREGARD FOR THE INHERENT NATURE OF THAT PURCHASE GRANDIOSE SCHEMES HAVE BEEN DEVELOPING TO CHANGE THE ORIGINAL INTENT AND TO MY WAY OF THINKING CULMINATES IN A 160 FT SPAN OF BRIDGE THAT WILL ONLY ADD TO MORE URBANIZATION OF A UNIQUE PLACE CALLED CAMBRIA...!! WE ALREADY HAVE A MAGNIFICENT OCEANFRONT BOARD WALK ON MOONSTONE BEACH!! WE HAVE LEFFINGWELL PARK FOR PICNICS, SAN SIMEON PARK AS WELL!! SUMMER PARK!!! I APPEAL TO THE COMMISSION TO CONSIDER THE CONSEQUENCES TO AN ALREADY STRESSED INFRASTRUCTURE (PLEASE) ON MAIN ST!! TRAFFIC ON OUR ONLY SERVICEABLE STREET IS ALREADY HIGHLY IMPACTED!!! THE URBANIZATION MUST STOP! THANK YOU! FOR YOUR CONSIDERATIONS

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent (SIMON WILDER)

Date JULY 14, 2003

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s) (SIMON WILDER)

Date JULY 14, 2003

CCC Exhibit D
(page 25 of 163 pages)

Letter to Editor

May 19, 2003

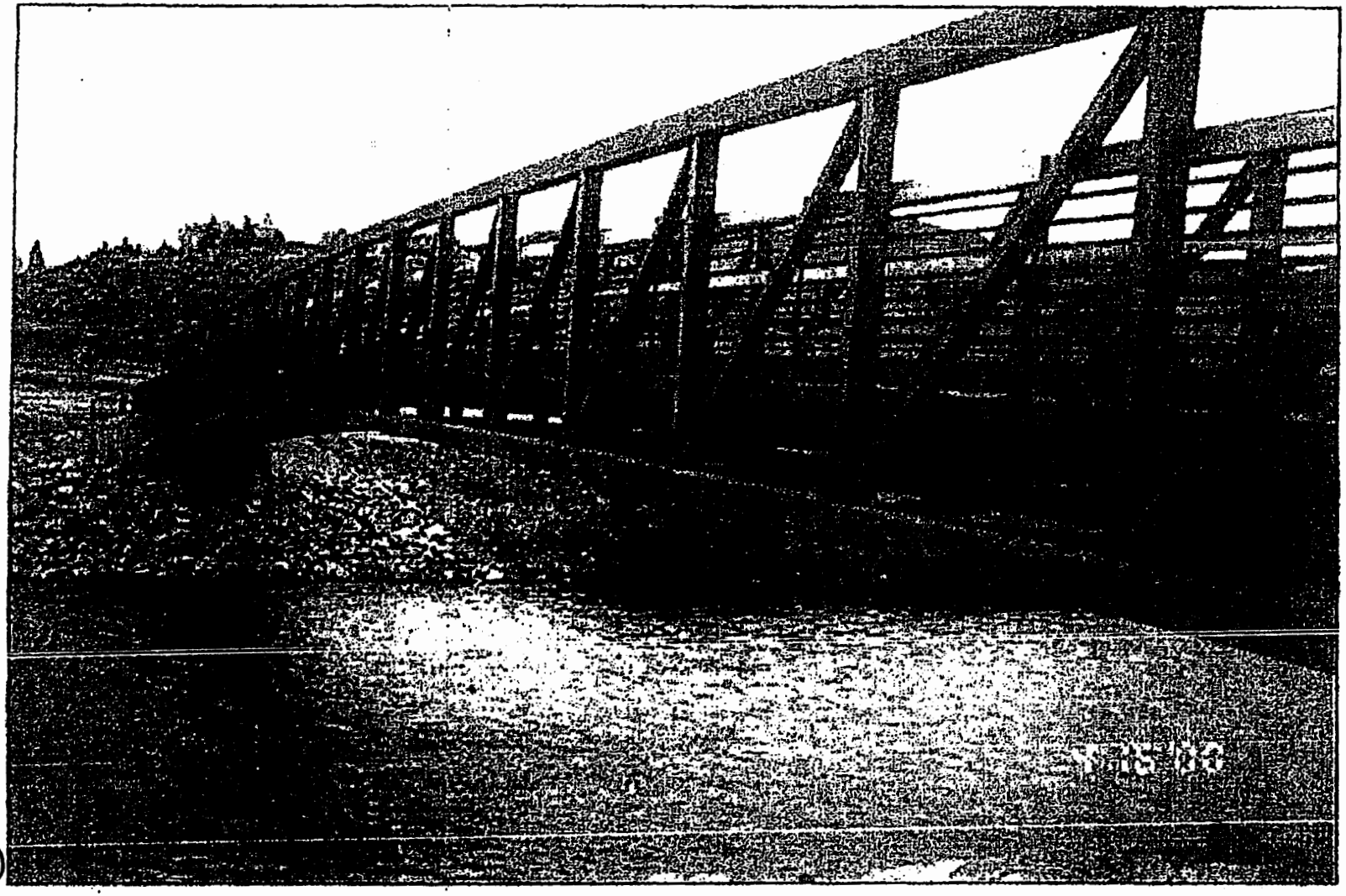
Cambrian

In response to Joan Cobin's comment in "Viewpoint, May 15" she states...."This baseless appeal may cause the cross town trail to disappear because a few people are determined to do so". There are more than a "few" people involved and concerned over the trail project. Scores of Cambrians pledged and gave a million dollars to acquire the Santa Rosa Ranch to keep open space for passive use only. Ask them if they wanted their contribution used for anything but open space .Lets forget minutia of pros and cons on this issue. The decisive factor in this issue, notwithstanding the probable illegality of the development is: How much is it going to cost in hard cold cash? It sounds so simple-"Build it and they will come" a happy movie ending! Well, lets take a hard look at some facts cooking up in this cross-town trail. The estimated cost for maintenance of the 22 acres of park will be approximately $250,000 per year. The estimate comes from RRM Design and is based on similar parks from Ukiah to Ojai. The cost to build the park, based on RRM's own estimate with its baseball diamonds, soccer fields, parking for 100 cars, tennis courts, paths, will be a conservative $4,500,000. This excludes the cost of a 12,000 square foot community club center requiring heavy steel girders. This will cost several million dollars. It also excludes the cost of a 160 foot pedestrian and Bicycle Bridge to access the park from Main Street and incorporating Blue Bird Lane as well. The structure will not look like a picturesque covered bridge in Vermont. It must be steel to span the already endangered Santa Rosa Creek, and will cause more environmental damage. The cost will be at least $500,000. The project excludes the cost of very expensive liability the CCSD must carry along with additional operating expenses for department management and supervisory staff, adding to a mushrooming bureaucracy of the CCSD. How will we pay for this Community Park? The community will! Be aware this will be a public park and fees can be charged to support it. Perhaps a dozen options will be considered to add monetary spice to this brew. Probably a tax assessment on property owners, renters get a free ride, or a special sales tax on all Cambria purchases! How about an increase in the Bed tax? The county will love that! Don't expect a rebate either. Another option is a tax assessment district for the Park or the need for a bond issue. Taxes are now assessed as unimproved land at $98,000. When improved taxes could skyrocket to $250,000. With the size and scope and cost of this proposed project and highly charged emotions on both sides of the fence there is only one fair way to settle this issue. Hold a village election on the issue similar to the election in 1994 when the voters rejected a park. This right should not be taken away from the voters of Cambria!. Set aside a campaign period giving sufficient time for Cambrians to decide whether they need a $5,000,000 park with a $500,000 yearly expense or keep the East West Ranch a permanent, undeveloped open space of unspoiled pristine beauty—Forever!!! Lets have a Vote!

SIMON WILDER
(805) 927-8500
6577 Buckley Drive
Cambria, Ca 93428

RE: MY LETTER — EDITOR CAMBRIAN ... "THE STRUCTURE WILL NOT LOOK LIKE A PICTURESQUE COVERED BRIDGE IN VERMONT ...."

San Luis Obispo Department of Planning & Building



CCC Exhibit D
(page 22 of 63 pages)

Project
Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit
Bridge Typical

THIS IS THE TYPE TO SPAN THE FRAGILE SANTA ROSA CREEK AT BLUE[illegible] LANE!

Simon Wilder
6577 Buckley Drive, Cambria, CA 93428

March 22, 2003

Mr. Mike Reilly, Chairman
California Coastal Commission
575 Administration Drive, Suite 100
Santa Rosa, CA 95402-26

Re: **Proposed Development of Cambria's East/West Ranch**

Dear Mr. Reilly:

The Cambria Community Services District (CCSD) with the County of San Luis Obispo has created a Parks Department and has hired a consulting firm to develop the East portion of Cambria's East/West Ranch. Thus far, the consultant has submitted an alarmingly ambitious plan to utilize a 25 acre area already established as "open space". It will encompass two baseball diamonds, two soccer fields, picnic areas, bike paths, a clubhouse, a parking lot for 127 cars, restrooms and future amenties such as running tracks, a community garden, amphitheater and the need to remove a large stand of eucalyptus trees -- all on ***open space***!!

The area is a designated wetland, beginning East of the Catholic Church and extending into the heart of Cambria at Burton Drive. It is in an extensive floodplain. There are homes and businesses on both sides of this wetland area. They will be highly impacted by the ingress and egress of vehicles. There is only one entrance possible. There will be excessive noise from activities so close to both private and public entities.

This proposed development will have an obvious harmful environmental impact on the Santa Rosa Creek with its steelhead population and vulnerability to structural development and excessive human use.

A bridge is planned at Bluebird Lane to span the Santa Rosa Creek to accommodate foot traffic. It may be necessary to have a bridge to handle emergency vehicles such as fire trucks and ambulances. This will require a heavy duty support system on the fragile banks of this already endangered creek.

When the county proposed the East/West Ranch to the CCSD, it was clearly stated and documented to be for open space and passive use only. The proposed plan is an obvious violation of open space use and wetlands intrusion.

I am supportive of any improvements for leisure activities for the village of Cambria, but a paradigm is needed that does not violate the spirit and intent of open space and wetlands.

I respectfully appeal to the Coastal Commission to help in the preservation and protection of this valuable irreplaceable open space and wetland. It was bought and paid for by all the property

owners in Cambria at a cost of some $2 million, and it should be kept in its pristine state for generations that follow. Time is of the essence and action is needed immediately to prohibit irrevocable approval by the CCSD Board.

Thank you.

Sincerely,

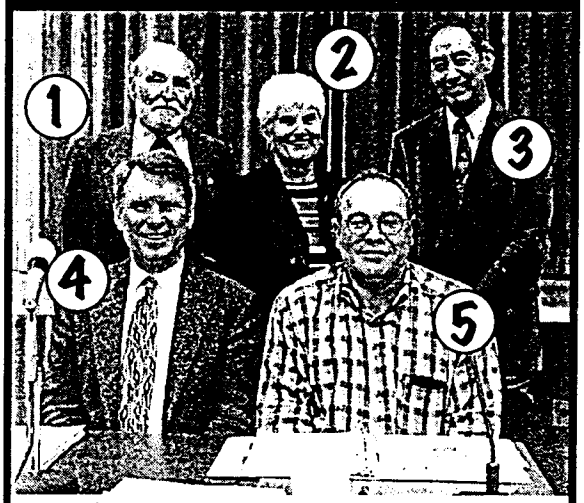
Simon Wilder

Enclosures

cc: Charles Lester
Diane Landry
Peter Douglas

Paid Political Advertisement

Where Do You Stand, CCSD?



Cambrians would like a: YES NO

???

Please check ONE!

Should the Bluff trails on the west portion of the E/W Ranch overlooking the ocean be closed to the public?

1 2 3 4 5

Will you disclose the nature and intent of the CCAR's and the memorandum of understanding written by CCSD to protect E/W Ranch from future development?

1 2 3 4 5

The need for water is our top priority. Can you justify developing a park and trails program at a cost of over 5 million dollars?

1 2 3 4 5

Is it fair and equitable to deny over 700 people the opportunity to build their home in Cambria because of the lack of water humans need and fire containment?

1 2 3 4 5

Water or a $5 Million Park?

Paid for by Simon Wilder. 6577 Buckley, Cambria CA 93428

CCC Exhibit D
(page 30 of 163 pages)

STATE OF CALIFORNIA - THE RESOURCES AGENCY

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

1.) CAMBRIA JEFFERSON LEAGUE
2.) CITIZENS FOR FISCAL RESPONSIBILITY
3.) "BY INDIVIDUALS"

Zip (805) 927-1742
Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS

2. Brief description of development being appealed: ATTACHMENTS (EVERYBODY #1 ATTACHMENT + CONSTRUCTION OF A 160 X 8 FOOT BRIDGE CONNECTING THE EAST/WEST RANCH WITH THE MAIN ARTERIAL IN CAMBRIA (MAIN ST. EAST VILLAGE). THE BRIDGE IS DESIGNED TO CROSS THE SANTA ROSA CREEK AT THIS LOCATION

3. Development's location (street address, assessor's parcel number, cross street, etc.:
FROM COUNTY HEARING REPORT
MINOR USE PERMIT - FILE# D020081P · LOCATION BLUE BIRD LANE AT MAIN ST EAST · CAMBRIA

4. Description of decision being appealed:

a. Approval; no special conditions: ____
b. Approval with special conditions: ✓
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

RECEIVED
JUL 18 2003
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

CCC Exhibit D
(page 31 of 163 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: _____

6. Date of local government's decision: JUNE 17, '03

7. Local government's file number: D020081P.

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
CAMBRIA COMMUNITY SERVICES DISTRICT
P.O. BOX 65 CAMBRIA, CA. 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) CAMBRIA COMMUNITY SERVICES DISTRICT
P.O. BOX 65
CAMBRIA, CA. 93428

(2) KEN COOPER
BLUEBIRD INN
1880 MAIN ST CAMBRIA, CA. 93428

(3)* ADELSON, COOPER, REDWOOD, CONNALLY, KOCH, ETC.
HANLEY (CYNDI & RICK) WITH FLEMING
*THESE ABOVE APPELLANTS HAVE BEEN ADDRESSED.

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SAME ATTACHMENTS AS FOR THE BOARD OF SUPERVISORS. LETTERS, ETC. + POSITION PAPER. FOUR
HINDY 1. DANGEROUS TRAIL - FLAPPER GATES HERE FOR FLOOD CONTROL - COMING PROJECT -
ACCORDING TO THE BACKGROUND ON THIS PROJECT (PAGE 2 OF THE STAFF REPORT, DATED JUNE 17, 2003) THE TRAIL CONSIDERED WAS ADOPTED BY THE BOARD OF SUPERVISORS IN NOVEMBER 1991 - THE COMPLETION OF THIS PROJECT AND ITS FUNDING WAS VOTED DOWN BY THE CITIZENS OF CAMBRIA ON NOVEMBER 8, 1994. THE PROJECT ITSELF LAYED FALLOW UNTIL THE ACQUISITION OF THE EAST WEST RANCH WHICH PRESENTED A POSITION ACROSS THE SANTA ROSA CREEK. PRIOR TO THAT ACQUISITION SEVERAL OPTIONS WERE STUDIED CROSS TOWN TO PROVIDE BICYCLE AND PEDESTRIAN ACCESS. THE PROPOSED PROJECT RECEIVED A MITIGATED NEGATIVE DECLARATION IN 1999 THE CONFUSION AS TO THE VALIDITY OF THIS DEVELOPMENT BEGINS WITH THE OBTAINING OF GRANTS PRIOR TO THE RESOLUTION RE: EAST WEST RANCH PURCHASE.
MY MAJOR CONCERN FOR THIS PROJECT STEMS FROM TWO AREAS (1) THE IMPACT ON THE HISTORICAL EAST VILLAGE, AND (2) THE LACK OF REFERENCE TO THE LOCAL COASTAL PLAN WHICH HAS NOT APPEARED ANYWHERE IN THE PRESENT OR FUTURE PLANS.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Eugene R. Valdegni
Signature of Appellant(s) or Authorized Agent

Date 1st JULY 2003

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____ ✓
Signature of Appellant(s)

Date _____

Eugene B. Valdemi
977 Iva Court
Cambria, Calif. 93428

Coastal Zone Appeal

April 29, 2003

County Government Center-San Luis Obispo, Ca. 93408

Dear Sir or Madam:

The issue being addressed is a Bridge that fords the sensitive and pristine Santa Rosa Creek in downtown Cambria, East. Santa Rosa Creek is one of four steelhead spawning water sources remaining in the State of California. Further reference might add the stream provides water to our Cambria system and not only is it being charged with protecting itself from contamination by Chevron {MTBE}. It is now incumbent to protect itself from Public intrusion---such as, cigartee butts, candy wrappers, gum wrappers, and whatever may escape the pockets of the public. My recollection of CEQA is that it prohibits Projects that are linked in such a manner. There is a prominent linkage when you have the cross-town trail project, crossing a bridge, and culmination on ranch land {East/West Ranch}. What is worse it is built on a flood plain that provides foot and bicycle traffic of major quantity. Major impacts should be addressed at the earliest opportunity. Now that a possibility of linking two different projects has arisen, by construction of a bridge, it is incumbent on the CCSD and other involved agencies. The law requires the filing of an environmental impact report so nearby residents, the City of Cambria, involved agencies, and others may make their comments on all intrusions to a comfortable life and the environmental conditions subsequently in danger.

The abutments on both sides of the Bridge project will be 20 feet deep and set back 30 to 40 feet. The plan includes concrete retaining walls approximately 4 feet deep on either side of the creek bed. This particular invasion of the creek area could require many years of recovery imposed in a way that perhaps the future of the waterway may not only divert itself, but in light of this happening may destroy its benevolence in providing spawning for the steelhead and effect the natural habitat entirely. Mitigation measures should be opened by the lead agencies to review and address the value of the creek itself, hazards, and hazardous materials, air quality, noise, residential intrusion, soils, hydrology and water quality. The creek itself is subject to severe erosion during periods of rain and extended storms—creek beds in the area of the creek are approximately 10 to 15 feet above waterline. The Banks themselves are highly reflected by constant erosion and diversion.

Strangely, in reviewing all phases of the project, and in particular the discovery that a court case is pending as to the ownership and right of conveyance of the BlueBird Lane, the principle ingress for the bridge, and seven Federal, State and County Permits are still pending.

Cambria has always been a lighthouse to guide us all in a pleasant and pristine mode. Protection of those things uppermost in perpetuity. The Community as it appears now is close to ignoring the better things.

Sincerely,

Eugene B. Valdemi

Eugene B. Valdemi

County Government Center San Luis Obispo-93408 Re: Coastal Zone Appeal

The ultimate goals of the E/W Ranch purchase was to give the village pristine open space limited to passive use only. Legal county documents clearly state in it's CC and R's that the entire E/W Ranch entity be used only for "open space" and " resource enhancement."

Appointed management SWAP and CCSD was to strive for minimum disturbance to the natural qualities of the open space and to create restoration for long term protection of natural resources. Sensitive habitats including riparian creek corridors wetlands were to be protected.

SWAP and CCSD have violated the philosophical spirit of their own commitment to reach their stated goals for permanent conservation and open space.

The plan to build and intensive 160' span bridge over the already threatened creek flies in the face of the legal city documents and it's CC and R's. SWAP, CCSD, and the county are opening the door to irreparable damage to the creek and its' sensitive environment.

The city should and must rescind the permit on File D020081p.

Simon Wilder 4-30-03
6577 Buckley Drive (805)927-8500
Cambria, CA 93428

Simon Wilder
6577 Buckley Drive, Cambria, CA 93428

March 22, 2003

Mr. Mike Reilly, Chairman
California Coastal Commission
575 Administration Drive, Suite 100
Santa Rosa, CA 95402-26

Re: **Proposed Development of Cambria's East/West Ranch**

Dear Mr. Reilly:

The Cambria Community Services District (CCSD) with the County of San Luis Obispo has created a Parks Department and has hired a consulting firm to develop the East portion of Cambria's East/West Ranch. Thus far, the consultant has submitted an alarmingly ambitious plan to utilize a 25 acre area already established as "open space". It will encompass two baseball diamonds, two soccer fields, picnic areas, bike paths, a clubhouse, a parking lot for 127 cars, restrooms and future amenties such as running tracks, a community garden, amphitheater and the need to remove a large stand of eucalyptus trees -- all on ***open space***!!

The area is a designated wetland, beginning East of the Catholic Church and extending into the heart of Cambria at Burton Drive. It is in an extensive floodplain. There are homes and businesses on both sides of this wetland area. They will be highly impacted by the ingress and egress of vehicles. There is only one entrance possible. There will be excessive noise from activities so close to both private and public entities.

This proposed development will have an obvious harmful environmental impact on the Santa Rosa Creek with its steelhead population and vulnerability to structural development and excessive human use.

A bridge is planned at Bluebird Lane to span the Santa Rosa Creek to accommodate foot traffic. It may be necessary to have a bridge to handle emergency vehicles such as fire trucks and ambulances. This will require a heavy duty support system on the fragile banks of this already endangered creek.

When the county proposed the East/West Ranch to the CCSD, it was clearly stated and documented to be for open space and passive use only. The proposed plan is an obvious violation of open space use and wetlands intrusion.

I am supportive of any improvements for leisure activities for the village of Cambria, but a paradigm is needed that does not violate the spirit and intent of open space and wetlands.

I respectfully appeal to the Coastal Commission to help in the preservation and protection of this valuable irreplaceable open space and wetland. It was bought and paid for by all the property

owners in Cambria at a cost of some $2 million, and it should be kept in its pristine state for generations that follow. Time is of the essence and action is needed immediately to prohibit irrevocable approval by the CCSD Board.

Thank you.

Sincerely,

Simon Wilder

Enclosures

cc: Charles Lester
Diane Landry
Peter Douglas

My name is Lynda Adelson and I am unable to be here tonight, so I have asked that Laylon read this statement on my behalf.

I was one of the original founding directors of PROS when it was formed in 1992 and served on the board for the following eight years.

PROS was formed in response to a 1992 community survey which received an impressive 62% response. The overwhelming mandate of the survey's respondents at that time was for the creation of open space. A smattering of recreational needs gained response, but none of them had the high percentage of positive response given to open space.

As a PROS director, therefore, I always felt that the PROS mandate was to create Open Space, first and foremost. The results of the survey had directed us to do so.

Now, here we are a decade later, with the community of Cambria having acquired the East/West Ranch for Open Space and PROS is attempting to foist grandiose plans for massive sports fields, dog runs, picnic grounds, permanent rest rooms, tennis courts and other permanent installations on the eastern portion of East/West Ranch.

Grants have been obtained for these sports facilities but what I have not heard mentioned is that with every grant matching funds – that is cash raised by the community – are usually required.

When I was on the PROS board of directors, for example, the grant money for the Cross Town Trail would have required raising approximately $275,000 in cash matching funds within the community.

Cambria was able to raise a million dollars in boom times for East/West Ranch because everyone in town was in agreement that it should be purchased for open space. Even so, I have always wondered if we could have raised the second million dollars in this tiny town of 6000 residents – a third of whom are retired folks on fixed incomes.

If it had not be for the contribution of the Mid-State Bank property, which satisfied the second million dollar requirement in matching funds, we might not have been able to have acquired East/West Ranch. After all, we are not Santa Barbara or Carmel, with a population that can write 5 and 6 figure checks without batting an eye.

Which brings me back to the proposed park on East Ranch.

As a resident of Cambria for 23 years, I believe that CCSD has an obligation to take care of essentials first and foremost. Those essentials are provision of water to the population for drinking and firefighting. Sewage treatment and Ambulance service. And, what about the costly fight against ChevronTexaco for poisoning our backup well?

We should be building tanks for water to fight fires, not spending $50,000 of ratepayer funds on yet another study of a park for East Ranch.

When I was a PROS director, CCSD budgeted $60,000 a year of ratepayer funds for PROS. There were egregious expenditures under Dave Andres and violations of the Brown Act because he held PROS meetings in his private office when they should have been public. I estimate that in the past decade CCSD has spent in the neighborhood of $100,000 to $200,000 on PROS with absolutely nothing to show for it!

I will also point out that at no time during my 8 year tenure on the board did any families with children from the community attend PROS meetings asking for sports fields or other youth oriented recreational facilities. When we finally presented the PROS Master Plan to the public there were only a few persons in attendance, mainly friends or family of the board members or CCSD directors.

I rarely missed a meeting, and the only members of the community who ever attended a PROS meeting were representatives of existing clubs who were seeking funds from PROS.

In closing, I will say that I have heard from many sources that the number of young people in Cambria is shrinking. As property values soar, this makes sense because it becomes more and more difficult for young families to afford to live here. The 2000 census showed that one-third of our population is retired. I would assume that this percentage will grow as the aging baby boomer population progresses into retirement, albeit active retirement. We have sufficient sports fields at the high school for the existing youth population.

Already Shamel Park has become a Regional Park, especially in the summer when folks from Paso and Atascadero come over the hill to seek relief from the heat. Do any of us think it would be different with a huge park on East Ranch? Do we really want to create a expensive park for outsiders to use, while Cambrians pay for the salaries of several park attendants, expensive liability insurance, and deal with restrooms that will become an instant drug connection because they are so hidden from view.

Let the CCSD take care of water, sewer and fire prevention first before they waste our precious monetary resources on an East Ranch park that will mostly be used by outsiders.

Leave East Ranch as Open Space, which is the purpose for which it was purchased. No bait and switch please – we cannot afford it.

Respectfully,

Lynda Adelson
Cambria

Judy Deertrack
2862 Buckingham Place
Cambria, California 93428
Phone: 805/927-2902

April 15, 2003

SLO County Planning Department
Zoning Administration
SLO County, CA

Re: Minor Use Permit
Hearing: April 18, 2003
Cambria Bike Trail and Bridge

To Whom It May Concern:

I would like to request that this matter be taken off of the Administrative Calendar for Minor Use Permit and submitted to the Planning Commission for full review. My request is based upon a review of a Memorandum of Agreement (MOU) and a Declaration of Conditions, Covenants and Restrictions (CCR) that apply to the pending East/West Ranch Parks and Recreation (P&R) Project.

It is not clear, without a full project description in the Master Plan for the P&R Project, whether the bridge or bike trails are an integral part of access routes to that development. If so, they should not be permitted through a segregated minor use process because it will piecemeal project buildout; and it may endanger state funding requirements.

The CCSD contracted in the MOU to prevent premature development of the recreation area because it wanted the entire project assessed under the design and planning requirements of the pending Master Plan. Funding requirements for the project are tied to that agreement; and they may be endangered if there are any major breaches of the conditions. None of this has been assessed, nor has it been subject to public review.

If the bridge is used to gain access to the park, it will have to meet all legal requirements for that project, and be built to capacity. The Master Plan is the document that assesses the capacity of all access routes.

The implementation of the conservation easement on East/West Ranch is replete with complicated state guidelines, phasing requirements, contractual arrangements, and inter-agency agreements. I recommend highly that it not be handled on a minor use calendar. This is not a ministerial action; nor is it an action without significant environmental or fiscal impacts, especially as it relates to its required correlation with the Master Plan.

Very truly yours,

Judy Deertrack

Judy Deertrack
Attorney at Law

Exhibit A

Date: April 29. 2003
To : Diane Landry Longo
Cal. Coastal Commission
Fax: 831-427-4877
Refer to: File # D020081P
CCSD Minor Use Permit / Coastal
Development Permit dated
April 18, 2003. March 3, 2003

Dear Diane Landry:

The accompanying documents are being sent for your review. Any group or person who is filing an appeal to Coastal Commission in regard to the county decision is being charged a "474" fee, and staff ~~stating~~ issues are not applicable.

Please make note of the ordinances in these pages:

CZLUO Section 23.01.043
April 18, 2003 Public Hearing Notice
Local Coastal Plan 23.07.120
Staff Report Notice of Action
April 18, 2003. page 1-2

Thank you for your assistance.

Lila Evans
805-927-2962 Tel
805-924-1198 Fax

CCC Exhibit D
(page 41 of 163 pages)

Exhibit B

Other issues of Appeal under Coastal Act:

23.07.166(e) Sensitive Resource Area
Policy 1

23.07.170 Environmentally Sensitive Habitats
Policy 2

23.07.174 Streams + Riparian Vegetation

23.07.064 Flood Hazard

Agency Review 9 approvals page 6
5 pending

Life Estates

These documents are unavailable:

Categorical Exemption or Neg. Declaration 12/29/99
dates Nat'l Environmental Policy Act 10-2-00

CCC Exhibit D
(page 43 of 163 pages)

Assegued + Associates Nov 30, 1999
Natural Environment Study / Biological Assessment
(23.07.170 policy 2 CZLUO)

ARTHUR TRESS
2705 MARLBOROUGH LANE
CAMBRIA, CA 93428
tel/fax (805) 927-0631 arthurtress@thegrid.net

April 25 '03

Marsh Lee
S.L.O. Dept of Planning
S.L.O. CA. 93403
re: CDP for County File # D020081P
negative declaration

Building a bridge across a coastal stream less then a mile away from the ocean without a proper environmental report is not a good idea. The entire sports complex project for which this bridge is being built to will have extreme environmental impacts against the wild life and natural vegetation in the area. The parking lot for 127 cars that the Bridge will go to, being built along the stream will have oil and pollutant run off directly into the stream This is against California environmental protection law. That is why an environmental impact analysis must be performed of the entire project. Please see my attached letter to the CAMBRIAN newspaper published on April 10, 2003

Exhibit D
(page 43 of 163 pages)

2705 marlborough Lane, CAMBRIA

Build it and they will come

The Cambria Community Services District plan to construct a large sports complex in the center of downtown Cambria is an inappropriate use of public park land many believed to be set aside in perpetuity as a tranquil green preserve to save it from commercial over-development.

Their misconceived ambitions to build a grandiose series of athletic fields, spectator stands, and indoor gym facilities in the midst of historical East Village will most certainly permanently harm the tourist, motel and dining trade the Cambria economy is based upon and could perhaps even degrade

Please see LETTERS, Page 24

April 10 - 16, 2003

Letters

From Page 8

the local real estate market as well; it will most certainly lower property values in the adjoining areas for both business and homeowners.

The increase in numbers of private cars, SUV's, trailers, and diesel buses needed to import hundreds of out-of-town athletes, families, friends and fans from around the state will seriously over-tax the all ready dangerous overloaded downtown streets, especially the accident-prone and steep Burton Drive by Rodeo Drive.

The cumulative noise from seven athletic fields with their attendant loud speakers, coaches, bull horns, whistles, cheerleaders, and roaring spectators will be amplified and be echoed from the surrounding hills into all of East Village.

This will most assuredly destroy the image of Cambria as a different kind of vacation destination for the urbanite hoping to escape from the stresses of city life. The planned 130-car parking lot will soon be seen as insufficient when several games are played simultaneously at once. After-game crowds flooding the streets will not be seeking the traditional restaurants that Cambria is known for, but rather fast food outlets, possibly causing security and safety concerns because of the crowds leaving the grounds all at once.

If approved, the Parks, Recreation and Open Space "Field of Dreams" will most definitely become Cambria's long-term "Morass of Nightmare."

Arthur Tress
Cambria

April 18, 2003

To: California State Attorney General and California State Coastal Conservancy

Subj. Cambria Service District 's Ownership of the Open Space Known as East-West Ranch in Cambria, CA.

This letter is to inform you that the Cambria Community Services District (CCSD), in spite of public protest, plans to use the East portion of the East-West Ranch for active recreational facilties. This is in violation of the Covenants, Conditions, and Restrictions (CC&R's) and the Memorandum of Understanding (MOU) set forth jointly by the State Coastal Conservancy and the CCSD in the years 2000 to 2001.

In the CC&Rs, the allowed use of the property was specified to be resource enhancement and public access only. There is very little public awareness of the CC&R's or the MOU. There is also lack of public awareness that the CCSD could lose ownership of the ranch to the State Conservancy if the CC&R's are violated.

Now the CCSD is drafting plans to develop a sports complex including a park, recreation building and parking facility. There are also plans to restrict public access on the West portion of the Ranch. Many Cambrians payed large sums of money to acquire the ranch land (East and West) to preserve it for open space and public access.

Respectfully submitted,
Norman B Fleming
Norman B. Fleming
Cambria, CA

cc.
California State Attorney General
Bill Lockyear 1515 Clay Street Oakland, CA 946122-0550

California State Coastal Conservancy 1330 Broadway Oakland, CA 94612
Carol Arnold - Regional Coordinator, William Ahern, and Prentiss Williams

CCC Exhibit D
(page 45 of 163 pages)

ATTACHMENT 1

Park sparks heated debate

BACKERS ANXIOUS FOR FACILITIES, BUT IMPACTS CITED

BY KATHE TANNER
THE CAMBRIAN

As a proposed design continues to evolve for Cambria's first full-fledged, active-use community park, arguments are firming up for and against the park's design and location.

While most at recent meetings about the East Ranch park plan have been enthusiastically supportive of the plan, with its playing fields, picnic areas, hiking trails and greenbelts, others have spoken out against locating it on the rural landscape, or have suggested sweeping changes.

Some of the opponents live near the planned park site, and object to the prospect of increased noise and traffic, the possibility of early or late games or tournaments and to the general principle that they didn't feel consulted early enough in the process.

Some say that tourists visiting Burton Drive may fill up the parking area, leaving no room for people using the recreational facilities. And Susy Ficker reiterated her request for a "study of the cumulative impact to adjacent commercial or residential districts," which was echoed by attorney Russ Read, representing Ken Cooper, owner of the Bluebird Motel. Read said visitors to the motel "come to hear the creek, for a rustic get-away. If this project goes forward ... he will see a significant reduction in the value of his business."

Other people may support

Please see PARK, Page 4

Park

From Page 1

the park plan, but want to change the planned mix of recreational facilities. Others want to keep all the trees in the eucalyptus grove, and some object to spending a lot of money for so many youth-oriented facilities in a community with many retired residents.

And some have said that there are legal restrictions on the East Ranch parcel, documents that preclude having facilities there for organized sports and activities. Legal advisors for the Cambria Community Services District, which owns the 430 acres of scenic rural ranchland, said Tuesday they are continuing to research the issue, but are confident the original plan of putting a community park on the land will be acceptable to the parties mentioned in the "covenants, conditions and restrictions" filed with the county in 2000 and 2001.

According an April 16 e-mail to CCSD from Prentiss Williams, the state Coastal Conservancy's project manager for East West Ranch, "the conservancy has always been aware that part of the East West Ranch property would be used for active recreation, and the conservancy supports this use."

Among funds given to CCSD to purchase East West Ranch was a $500,000 grant from county Park Facilities Funds (PFF), "on the condition that a park would be put on East Ranch," said District 2 Supervisor Shirley Bianchi.

Planners say they don't know yet how much it will cost to build the park.

Jeff Ferber of RRM Design Group told about 100 people at a public forum April 9 that recent additions and changes include: adding two tennis courts; moving playing fields back from the creek; moving an off-leash dog park closer to the parking lot; reducing the parking spaces to about 100; adding more bike racks; adding more benches and tables by the creek; and adding a restroom. He stressed that there would be very little lighting in the park, "just a couple of safety lights in the parking lot and by the restroom."

CCC Exhibit D
(page 46 of 163 pages)

April 30, 2003

Department of Planning and Building
San Luis Obispo County Government Center
San Luis Obispo, California 93408

Attn: Marsha Lee, Project Manager

Re: Cambria Bike Trail and Bridge
CDP for County File No. D020081P
Attachment to Appeal Form

TO WHOM IT MAY CONCERN:

FEE PROTEST

The San Luis Obispo County Planning Department has indicated to date that they deny this appeal is directed to coastal act issues; consistency requirements with the LCP, or Coastal Act programs. When the initial appeal was submitted to the County last week, staff refused to accept an appeal without submission of a $474.00 fee. The decision to impose fees was "on the spot" and made before the appeal was read or reviewed in any manner. We strongly object to the way this was handled, because we pointed out to the department when first submitted that the staff report indicates the matter is subject to Coastal Act requirements on the County's own face page.

ATTACHMENT PAGES

This appeal is jointly submitted by the Cambria Legal Defense Fund and Coalition to Save Cambria and San Simeon, and is signed by appropriate representatives. Members of the groups have attached and submitted comments to be joined to this appeal.

COASTAL ACT JURISDICTION

Sensitive Coastal Stream Values, Coastal Habitat and Wetlands Protection: The Coastal Act requirements mentioned in this paragraph are not meant to be inclusive. The entire record should be reviewed to that end. There are, however, three primary coastal act requirements covered in this appeal. The first concerns the scope of review on coastal habitat and stream values that are affected by this project. The projected size of this bridge, and the amount of travel expected in this area would certainly call for a full EIR considering this area may be a wetland, (reference early FEMA documents), and is certainly a floodplain and sensitive coastal habitat area with the paths built on a land acquisition obligated to a conservation easement and right next to a coastal stream.

When the bike path project was originated, the CCSD, State Coastal Conservancy, and the County had not yet initiated its plans for a regional visitor-servicing active recreation park on the land base that serves these bike trails. It was only quite recently that those plans were publicly released. Given the fact that the state documents themselves typify this 40+ acre parcel as a "regional park," and in other documents use the word "international," it is highly inappropriate that this development is going through without a consolidated EIR that covers all aspects of potential park development under one master plan. This is the primary thrust of this appeal.

When the negative declaration on this bike path, trails, and bridge was initiated, the park plan was never reviewed or discussed in its full scope, or possibly it received no attention at all. The entire project has been dismissed through a mitigated negative declaration. If this area will eventually serve a regional or even international state park—this suggests high pedestrian and vehicular access to the area. There are special CEQA requirements for public park development. The CEQA review is deferred until the master plans are completed. Those plans are not complete at this point in time.

What has enhanced the potential damage to the area are plans well underway to change the original conservation intent to place the entire East West Ranch Purchase in a conservation easement, and to now "exempt" the East portion from the protection of that planned easement. This will effectively destroy all of the legal protections set by the State of California that limit the use of the land to natural resource preservation with public access and natural resource enhancement. We are at an early point of review, but it appears that what started as natural resource protection switched at some point to a small community active park, and later grew into a regional concept. The documents must be reviewed in their entirety for the scope of representations made to this community, and whether the legal documents change with time, and use misleading and contradictory terms about the land uses allowed now that were not anticipated when the community sought private and non-profit donations.

The bottom line: these bike trails will be subjected to regional, if not international public access if the scope of the documents are followed. This would not be unusual for a total "park area" that is 450+ acres in scope (given the entire ranch purchase) on a stunning north coast vista area. The Cambria project got national attention, and because of the potential Hearst project, this area will become increasingly international.

Our question is whether our conservation easement is now burdened with this obligation, against what we originally intended, and whether these bike paths and bridge are feeding into the scope of this result.

We have objected from the beginning that a portion of this park development has been segregated and handled through a negative declaration and minor use permit without the review and participation of the California Coastal Commission.

Coastal Program Issues: A second primary thrust of the appeal is the bridge itself, and its planned scope. The planned bridge pilings, construction, and design significantly affect habitat values that cannot be mitigated by "replanting habitat" somewhere else. This bridge is described as an "erector bridge." This may imply a structure that is designed for later expansion.

We have warned the County that CEQA and the Coastal Act should prevent the piecemealing of the bridge design. If this bridge serves the original bike trails concept that started around 1992, the County cannot treat this plan in isolation and ignore the later development of the park plan. This bridge is a primary access route to the park. The State Coastal Conservancy was careful to draft a Memorandum of Understanding to cover the East West land acquisition. It covers both East and West Ranch, not just a portion. By its terms, it appears to be a moratorium on development until the Master Plan for the Ranch is completed—East and West. The Coastal Conservancy is a branch of the Coastal Commission, and this raises coastal act program issues.

Coastal Visitor-Serving Facility: Thirdly, the planned park area on which these trails and bridges will be built raises issues directly on the scope of the Coastal Act Program under which anywhere from $3.5 million to $7 million of State funds were directly contributed. The negative declaration and staff report do not mention anything about he scope of the program and how it relates to this project. Considering that those document directly address master plan requirements, and place a moratorium on any predevelopment of the land area, this should lead to coastal act review of whether development of the bike trails is a form of predevelopment. The bike trail may be passive in and of itself, but if it is designed to open full access to an open active recreation ball park complex, it cannot retain its "passive" designation, because it is a primary access route.

SUBSTANCE OF THE APPEAL

Some of the material in this section may repeat what was said in our section under Jurisdiction. We set it forth again separately, because we want to make the jurisdiction issue very clear, given the county's refusal to recognize our grounds—regardless of the fact we had involved discussions on all of the above at the minor use hearing.

This project and bridge, as designed, has significant coastal habitat Impacts and coastal program impacts. Basically, the bridge has features that lead us to believe it is purposefully being handled in two stages that are being separated in order to maintain

access to funding that will lapse by the end of the year for the bike trails—regardless of the fact that CEQA and Coastal Act requirements are being overlooked. We don't believe state law requirements should ever be ignored for funding reasons. The bridge is designed in a way where it may be financed now for one project scope, and then enlarged later as it relates to the uncompleted Master Plan for the Regional Park area it serves. This is a violation of state law to segregate planning in this manner.

The documents on the park development start out with strong overtones of natural resource protection and resource enhancement with public access—a purpose completely compatible with the west side park. Later, a "community park" was mentioned, and in public meetings representatives of the conservancy mentioned small, local ball fields. As time goes on, language is extended to the concept of a "regional park" and even an "international park."

It was not until several weeks ago when RRM was granted a $50,000 contract to complete the west end Master Plan that many within the community at large became aware of a switch in public purpose on the land acquisition. At that point, we realized the bike trails and bridge were serving two masters—and the original bike and trail concept is being affected. The project cannot now meet the imposed legal requirements on park protection because of the MOU and covenants of restrictions posed by the State of California.

The County and CCSD have maintained that this park area has been designed for active recreation as a state funding requirement. In a review of the documents, we see nothing yet that obligates CCSD, the County, or the State to impose active recreation—and the heavy access linkages that this park plan would entail. To the contrary, there are issues of potential misappropriation of public funds because the fund raising drive clearly represented donations would go directly to the conservation of the area as "open space forever." I personally gave large donation on that representation, and there are many others like me now coming forward.

The bridge, as currently designed, appears to be placed so that it creates access to the planned park—and this feature links the bike paths and bridge to two projects which must jointly be accessed. We do not want the county to develop funding for one kind of bridge, and then in the next few years, completely redesign the bridge again under a different project scope. This affects capacity issues. The negative declaration and staff report do not generate this discussion.

Secondly, all projects that are linked to the idea of a regional park should be put on hold until such time as the County, CCSD, and State of California pursue the private claims now being made that funds were taken with representations quite contradictory to the land uses of an active ball park serving the State of California. Otherwise, these projects will be built without an assessment of whether the park project is in violation of a land acquisition that was supposed to be set aside in its entirety for natural resource protection--called East West Ranch. It was very clear to this community as a whole (and admitted by many of the proponents of this project) that the original plans for the conservation easement was to keep the entire area in passive open space use with public access.

Any permit approval for a project that potentially links into this regional park concept is premature. The county should have assessed the joint programs under a combined CEQA and Coastal Act review so it is not piecemealed, and it is analyzed under a completed master plan concept. We are particularly concerned about whether a financially stressed CCSD, with a water shortage emergency in effect, is in any position to handle the financing, management, and yearly maintenance of a major state park. We never intended, as a small community, to become responsible for the maintenance of a state park; nor do we feel it appropriate the CCSD take on this role with all of its other significant struggles.

We are not pleased with representations that present this as a *legal obligation* of CCSD given the acquisition of almost $12 in public funding under completely contradictory representations.

An EIR should be required on the entire scope oft his area, and any thing that impacts the conservancy directly, because of the prohibition of predevelopment set in the State Conservancy's MOU. The County should have reviewed and discussed the impact of the Memorandum of Understanding, the segregation of the East West Master Plan, the status of the West and East Plans, and the legal effect of the covenants and restrictions on this project.

The State Coastal Conservancy, a Coastal Act arm under Coastal Act funding, is a signator to most of these documents and has contributed $3.5 million to $7 million toward the land acquisition. Please give this the serious review it requires.

Thank you for your kind consideration. This permit is premature, it is in violation of CEQA and the Coastal Act requirements, and should be consolidated with the legal issues and planning that now surrounds the East West Ranch acquisition, and the East portion proposed developments. I am a resident of Cambria with a home that overlooks the planned park area. I was a major contributor to the conservation easement.

Very truly yours,

Linda Laylon

Linda Laylon

NEGATIVE DECLARATION

1. Name, if any, and a brief description of project: Cambria Cross-Town Trail Project

The project consists of the proposed Cross Town Trail Project which would provide an approximate 1.8-mile pedestrian/bicycle facility along Santa Rosa Creek within the Community of Cambria. The proposed pedestrian and bicycle facility begin at Shamel Park located adjacent to the Santa Rosa Creek outflow to the Pacific Ocean. The proposed trail alignment continues along the north side of Windsor Boulevard immediately adjacent to Santa Rosa Creek and crosses the creek at an existing bridge located immediately south of Highway 1. From the intersection of Windsor Boulevard and Highway 1, east to Cambria Drive, the trail alignment varies within the existing California Department of Transportation (Caltrans) right-of-way (ROW) along the north side of Santa Rosa Creek. The segment of the proposed trail alignment from Cambria Drive to the proposed creek crossing at Blue Bird Lane, would be integrated for approximately three quarters of a mile with the County's Main Street Enhancement Project. The final segment of the proposed trail alignment would span Santa Rosa Creek at Blue Bird Lane and continue along the southerly bank of the creek along Rodeo Grounds Road until its terminus at Burton Drive.

2. Location: Community of Cambria, County of San Luis Obispo, California

3. Entity or person undertaking project:

X A. Cambria Community Services District

__ B. Other (Private)
(1) Name: _____
(2) Address: _____

Cambria Community Services District, having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public meeting, including the recommendation of Staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the District's findings are as follows:

_____

Cambria Community Services District hereby finds that the Negative Declaration reflects its independent judgement. A copy of this Initial Study may be obtained at:

Cambria Community Services District
1316 Tamson Drive, Suite 201, Cambira, CA 93428

Phone No.: 805/927-6223

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the District based its decision to adopt this Negative Declaration are as follows:
See above address

Phone No.: See above phone number

Mr. Ken Topping
General Manager, CCSD

Date Received for Filing

CCC Exhibit D
(page 52 of 63 pages)

SAN LUIS OBISPO COUNTY
MINOR USE PERMIT APPLICATION

PROJECT: Cross Town Trail Project
Cambria Community Services District

The Cross Town Trail encompasses bicycle and pedestrian facilities from Shamel Park on the west to Burton Drive on the east. The Cambria Community Services District's Cross Town Trail Project will be designed and constructed in conjunction with San Luis Obispo County's Main Street Enhancement Project and their Flood Control Project.

This application is for Segments 1, 2 and 5 only. Segments 3 and 4 are being designed and constructed by SLO County. Specific details of each segment to be covered under this permit are listed below:

SEGMENT 1 (CCSD Project):

Project Limits:	Windsor Blvd., between Shamel Park and State Route 1
Total Length:	Approximately 1,520 L.F.
Construction:	All construction is located within public right-of-way. Construction and maintenance crews will access Segment 1 from Windsor Blvd., Moonstone Beach Drive, and State Route 1.
Schedule:	Construction scheduled for Spring/Summer 2003

The pedestrian path, located on west side of Windsor Blvd. from Shamel Park to the Windsor Bridge, is comprised of an approximately 1,180 feet long by 6 feet wide decomposed granite path. Vegetation encroaching into the right-of-way will be trimmed back during construction.

At approximately 170 feet south of the Windsor Bridge a reinforced concrete pad (16' x 6') will be installed in place of the decomposed granite, to provide a more solid surface for access to the driveway into the State Park facility.

Two existing culverts on the west side of Windsor Blvd. will be extended a few feet. A new inlet will be connected to an existing culvert on the south side of Moonstone Beach Drive.

On the west side of the intersection of Windsor Blvd. and Moonstone Beach Drive curb, gutter, sidewalk, and handicap ramps will be installed on each corner. An AC berm will be reconstructed on the south side of Moonstone Beach Drive for a distance of 30 feet. Existing guardrails will be removed from the west side of Windsor Blvd.

Crosswalks will be installed at Windsor Blvd. and Moonstone Beach Drive, and at Windsor Blvd. and State Route 1. A pedestrian activated signal will also be installed at Windsor Blvd. and State Route 1.

To provide a Class II bike route on the east side of Windsor Blvd, between Shamel Park and State Route 1, the street will be striped and signing will be installed.

Segment 1 terminates at the southeast corner of Windsor Blvd. and State Route 1.

Anticipated Environmental Jurisdiction/Permits Required:

- Coastal Zone Management Act (CZMA) determination

Miscellaneous Requirements:

- Caltrans Encroachment Permit for work at Windsor Blvd. and State Route 1
- San Luis Obispo County Encroachment Permit
- PS&E Certification and Authorization to Proceed with Construction from Caltrans

Impacts To Wetlands, or Riparian Vegetation, Fish or Wildlife:

- Trimming willows at right-of-way

SEGMENT 2 (CCSD Project):

Project Limits:	Adjacent to Santa Rosa Creek, between Windsor Bl. and Cambria Dr.
Total Length:	Approximately 2,900 L.F.
Construction:	All construction is located within State Route 1 right-of-way. Construction and maintenance crews will access Segment 2 from Windsor Blvd. on the west and Cambria Drive on the east.
Schedule:	Construction scheduled for Summer/Fall 2003

Segment 2 begins at the southeast corner of Windsor Blvd. and State Route 1, where it connects to the Segment 1 crosswalk at Windsor Blvd.

It is comprised of an 8-foot wide paved Class I bicycle/ pedestrian path, which meanders along the north side of Santa Rosa Creek to a traffic signal at Cambria Drive (traffic signal will be constructed by SLO County as part of their flood control project).

I:\96112\Applications\M U P\Project Description.doc

Apr 17 03 04:09p Planning/Building 805-781-1242 p.25

There will be improvements to four existing culverts, located at approximately Sta. 8+70, 14+40, 20+00 and 27+70. Improvements will include the removal of existing flap gate and headwall, extension of pipe, construction of new headwall, and reinstallation of flap gate.

Anticipated Environmental Jurisdiction/Permits Required:

- Coastal Zone Management Act (CZMA) determination
- California Department of Fish and Game, Streambed Alteration Permit
- Army Corps of Engineers Permit
- Regional Water Quality Control Board - 401 Certification

Miscellaneous Requirements:

- Caltrans Encroachment Permit
- San Luis Obispo County MUP/CDP
- PS&E Certification and Authorization to Proceed with Construction from Caltrans

Impacts To Wetlands, or Riparian Vegetation, Fish or Wildlife:

- Trimming willows (replacement plantings) – See Natural Environment Study/ Biological Assessment, prepared by Assegued & Associates (attached)

SEGMENT 3 (SLO County Project): NOT A PART OF THIS PERMIT

Project Limits: Cambria Drive Improvements, including Traffic Signal, between State Route 1 and Main Street.

Construction: Construction tentatively scheduled for Summer/Fall 2003.

SEGMENT 4 (SLO County Project): NOT A PART OF THIS PERMIT

Project Limits: Main Street Enhancement Project, from Cambria Drive to Burton Dr.

Construction: Construction tentatively scheduled for Summer/Fall 2003.

SEGMENT 5 (CCSD Project):

Project Limits: Bluebird Lane to Burton Drive

Total Length: Approximately 1,700 L.F.

Construction: All construction is located within public right-of-way. Construction and maintenance crews will access Segment 5 from Main Street on the north and Burton Drive on the east.

Construction of Bluebird Lane and the bridge may require "Right to Enter and Construct" permits from one or both adjoining property owners of APN 013-251-003 (Cooper) and APN 013-251-002 (Kemak).

Schedule: Construction is schedule for Summer/Fall 2003.

Segment 5 is composed of three distinct sections: Bluebird Lane, Pedestrian/Bicycle Bridge over Santa Rosa Creek, and Rodeo Grounds Road.

Bluebird Lane: Class 1 bicycle path and pedestrian facility from Main Street to the Santa Rosa Creek bridge. Approximately 120 l.f. of paved path, of varying width – from 20 feet at Main Street, tapering to 8 feet where the bridge begins.

Bridge: The single-span bridge will be approximately 140 l.f. by 8 feet wide, with pedestrian railing and a concrete deck. It will be constructed to handle bicycle and pedestrian traffic.

Installation will be via a crane – no equipment will enter or disturb the creek area.

Abutments will be constructed outside the creekbed, as shown on the plan and profile.

Under the bridge, approximately 1,500 s.f. of willow trimming and removal will be necessary (see plan).

Riparian Mitigation Plan (Revegetation):

What:	Willows
Quantity:	Approximately 1,500 s.f.
Replacement Ratio:	3:1

I:\98112\Applications\M U P\Project Description.doc

Where: The CCSD has designated the south bank of Santa Rosa Creek, near the Waste Water Treatment Plant as a potential mitigation area.

At the south end of the bridge will be a 900 s.f. staging area of constructed of decomposed granite, which will then lead directly onto the Rodeo Grounds Road section.

Rodeo Grounds Road: This section is a Class 1 bicycle and pedestrian path following the alignment of existing unpaved Rodeo Grounds Road, from the Santa Rosa Creek bridge to Burton Drive. It is approximately 1,700 l.f. by 8-feet wide decomposed granite path.

Anticipated Environmental Jurisdiction/Permits Required:

- California Department of Fish and Game, Streambed Alteration Permit
- Army Corps of Engineers Permit
- Regional Water Quality Control Board - 401 Certification

Miscellaneous Requirements for:

- San Luis Obispo County MUP/CDP
- San Luis Obispo County Encroachment Permit
- PS&E Certification and Authorization to Proceed with Construction from Caltrans

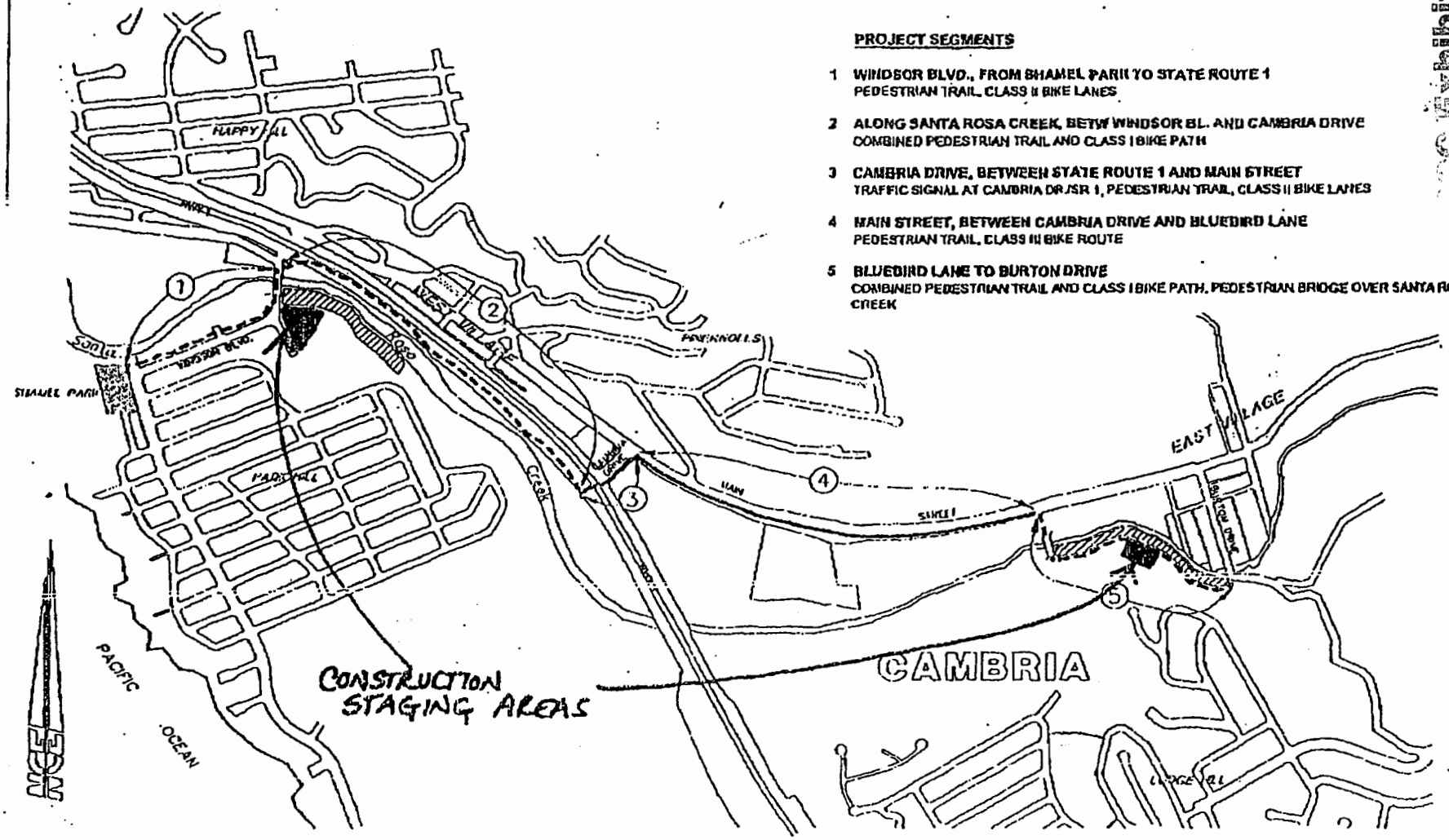
Impacts To Wetlands, or Riparian Vegetation, Fish or Wildlife:

- Trim back willows under the bridge

Cross Town Trail
Cambria Community Services District

PROJECT SEGMENTS

1. **WINDSOR BLVD., FROM SHAMEL PARK TO STATE ROUTE 1**
   PEDESTRIAN TRAIL, CLASS II BIKE LANES
2. **ALONG SANTA ROSA CREEK, BETW WINDSOR BL. AND CAMBRIA DRIVE**
   COMBINED PEDESTRIAN TRAIL AND CLASS I BIKE PATH
3. **CAMBRIA DRIVE, BETWEEN STATE ROUTE 1 AND MAIN STREET**
   TRAFFIC SIGNAL AT CAMBRIA DR./SR 1, PEDESTRIAN TRAIL, CLASS II BIKE LANES
4. **MAIN STREET, BETWEEN CAMBRIA DRIVE AND BLUEBIRD LANE**
   PEDESTRIAN TRAIL, CLASS III BIKE ROUTE
5. **BLUEBIRD LANE TO BURTON DRIVE**
   COMBINED PEDESTRIAN TRAIL AND CLASS I BIKE PATH, PEDESTRIAN BRIDGE OVER SANTA ROSA CREEK



0 500' 1000' 2000'

SCALE: 1"=1000'

CCSD PROJECTS

SLO COUNTY PROJECTS

TOTAL P.07

Exhibit D
58 of 163 pages

POSITION PAPER ON THE PROPOSED PARK ON EAST RANCH AND THE CROSS TOWN TRAIL CONNECTION

In order to dispel rumors and inaccurate information Greenspace has taken the following position regarding the proposed Cross Town Trail and the proposed East Ranch Park.

Greenspace was founded on advocating for the establishment of the Santa Rosa Creek Corridor. This corridor had three functions. The first was to establish a foot trail between Shamel Park and Coast Union High School. The second was to preserve a riparian corridor through Cambria protecting wildlife habitat. The third function was to protect the remaining floodplains from urbanization. The community (PROS) adopted the concept and over the years it has gone through a number of revisions.

Greenspace received notice from the county of San Luis Obispo inviting comments on the proposed project through a Minor Use Permit hearing. We requested to be included in the hearing process.

The issues that prompted the need for more public input are that a negative declaration was given by the responsible agency for the Cross Town Trail project knowing that the project and the East Ranch Park were linked together via a bridge that was intended to be only a footbridge. Now we learn, at the twelfth hour, that the bridge is intended for vehicular traffic. The California Environmental Quality Act prohibits piecemeal projects when it is clear that projects are linked. While the Cross Town Trail Project may have no significant environmental impacts when viewed as a single project, it certainly does when you link it to a large community park built on a flood plain and facilitates traffic and new roads. Cumulative impacts are required to be addressed at the earliest possible opportunity.

Now that the two projects have been linked, via the bridge, the duty of the CCSD and other agencies, by law, is to conduct an environmental impact report so neighborhood residents, agencies, and others can make comments, identify impacts, and find resolution through meaningful mitigation.

We propose a simple solution to the Cross Town Trail Negative Declaration mistake: Eliminate the vehicular bridge over Santa Rosa Creek and continue the trail to Burton Drive as it was originally intended to go.

(ATTACHMENT) (FOR CCC INFO)

Sincerely,

THIS PROPOSED PAPER WAS WRITTEN, APPROVED AND DISTRIBUTED BY GREENSPACE IN REFERENCE TO THE CROSS TOWN TRAIL CONNECTION VIA THE BLUEBIRD LANE BRIDGE TO EAST PORTION OF THE EAST WEST RANCH EBU.

COPY

ATTACHMENT A

Appeal of CDP for County File Number D020081P
Issues Relating to
Negative Declaration
General Plan Consistency
North Coast Area Plan Compliance

This is an attachment to an appeal of the Coastal Development Permit County File Number D020081P and the Negative Declaration associated with the permit.

The appellants are very concerned that the cross-town trail and bridge project has improperly been reviewed in isolation as a minor, stand-alone project. In reality, the proposed bridge across Santa Rosa Creek between Main Street and the Rodeo Grounds is an essential component of the planned re-development of Cambria's Historic East Village. This proposed project involves a sports park to accommodate statewide recreational needs, a community center, a re-design of Cambria's Historic Main Street, and a new public parking lot.

The piecemeal analysis of each component in isolation precludes the possibility of an informed community discussion of the actual scope of the development planned for the area. The community needs, and the law requires, an authentic analysis of the impacts and compliance of the *entire* project with CEQA, General Plan, and *Coastal Act* requirements.

The appellants point out that the project is planned for a *Coastal Sensitive Resource Area* and, as such, may be in violation of federal environmental laws regarding wetlands, streams, and wildlife. Adequate analyses have not been produced or provided for public review and comment on these issues.

COASTAL ZONE APPEAL

In addition, please note that Section B, Chapter 7 "Combining Designations and Proposed Public Facilities" of the San Luis Obispo County *Local Coastal Plan Framework for Planning*, requires an analysis of general plan consistency prior to approval of public works projects within areas identified by Combining Designations. The area proposed for construction of a bridge is in a Coastal Sensitive Resource Area Combining Designation. The analysis of the compliance of the proposed project with the San Luis Obispo General Plan and the North Coast Area Plan is not sufficient and, among other things, fails to meet state standards for consistency findings.

The proposed project itself and the process used to approve it violate *CEQA requirements*, *General Plan, and Local Coastal Plan requirements*. The appellants file this appeal to make sure, among other things, 1) that the public is informed as to the scope of the entire re-development project proposed for Cambria's Historic East Village, 2) that the proposed project receives adequate review and analysis as a whole, and 3) that the final design plan is consistent with *coastal*, state, and federal requirements.

Coastal Commission Acts and Policies

1-91 Allow golf driving ranges in the Commercial Retail category anywhere that the category exists in the Coastal Zone, including Cambria and San Simeon.

2-92 Traffic on the streets and roads in Cambria especially Main Street, is frequently congested, particularly in the summer. Regardless of the land use designation of a site, approval of any future development must take into account the limitations imposed on development by congested traffic.

1-89 Amended the Cambria Urban Area Standards of the North Coast Plan to allow "Participant Sports and Active Recreation" in the Recreation land use category. Those lands had been inadvertently excluded from allowable uses in the recreation category in Cambria. Without such an addition, activities such as tennis courts, swimming pools, golf courses and public parks would not be allowed in Recreation category in Cambria. Also proposed was adding Participant Sports and Active Recreation" as use in the Commercial Retail land use category. 1-89 passed.

Cambria CSD-Commercial Retail to Public Facility. The CCSD currently uses and for many years has used this 1.15-acre parcel for a corporation yard and pumping and wastewater treatment plant. The site is flat to gently sloping and lies along the Santa Rosa Creek in the East Village. The site is on the opposite side of the creek from East Village commercial core, in the FLOODPLAIN. Potential flooding and preservation of riparian habitat are the main issues of this site. Although it would be prudent for the CCSD to relocate the functions that this site performs to a site out of the FLOODPLAIN, or at least some distance away from the creek bank to decrease the risk of flood damage to the pumping and water treatment plant, the proposed change simply recognizes the legal existing use, and since no new development is expected on the site, the proposed change raises no significant issues with respect to the development policies of the Coastal Act.

THE EAST VILLAGE IS CONSIDERED A "SPECIAL COMMUNITY" BY THE LCP, PARTLY BECAUSE OF ITS HISTORICAL NATURE. COASTAL COMMISSION.

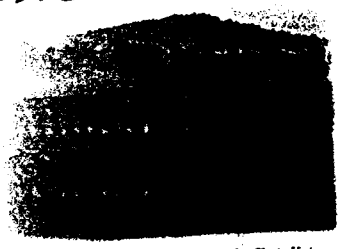
Cambria Air Force Station—Recreational-Visitor serving uses should continue to be a policy goal by NCAP.

30253-30244-30210-30254-30252-30251-30240-31231-30212.5-30221-30222

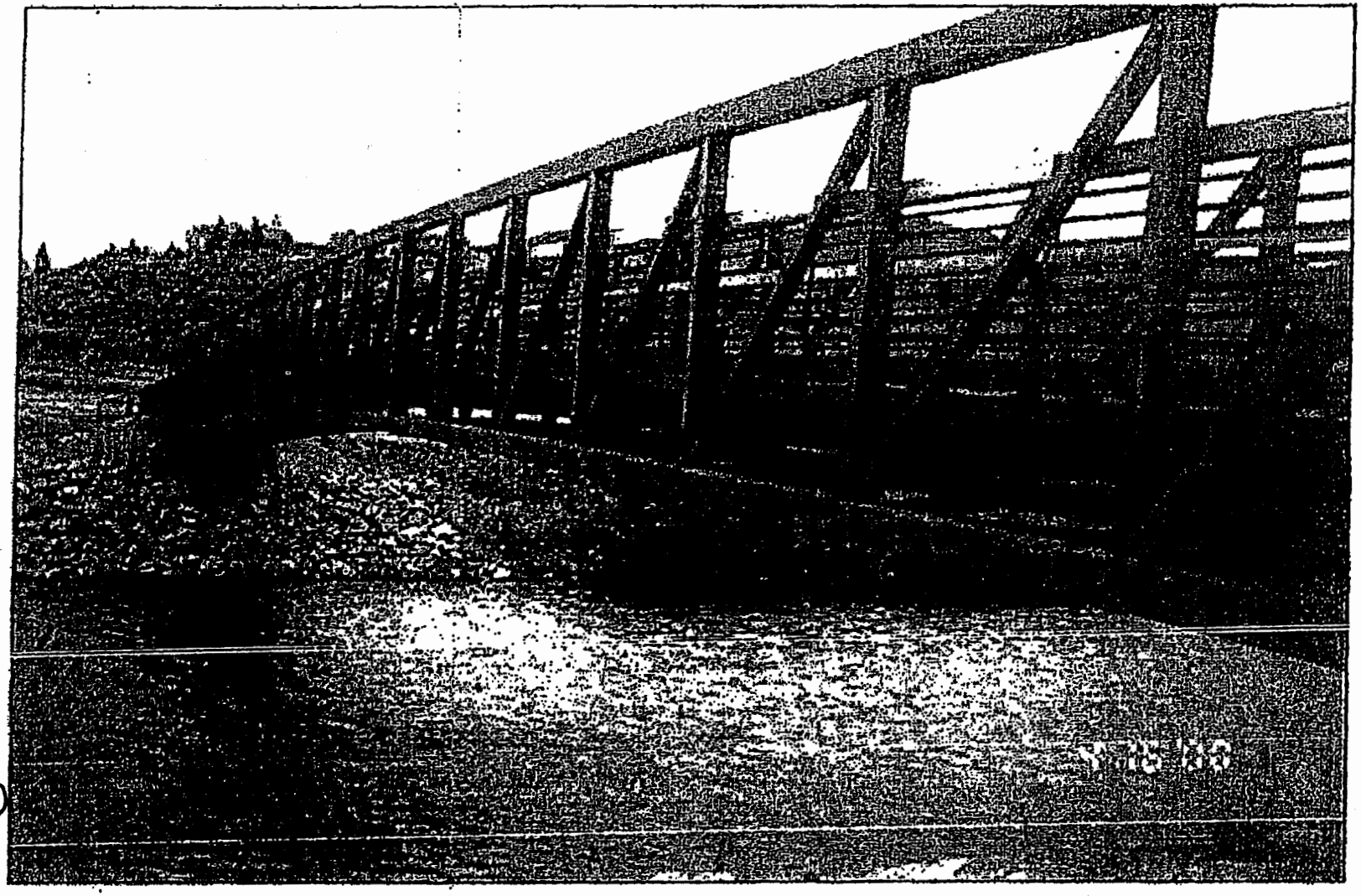
Mr. Eugene B. Valdemi
977 Iva Ct
Cambria CA 93428-2913

THIS EXHIBIT SHOWS THE PROPOSED STEEL BRIDGE 160' x 8' INTENDED AS A CROSSING OF THE SANTA ROSA CREEK. WE FEAR MANY FUTURE ADVERSE OCCURRENCES WITH ITS COMPLETION. IT SERVES NO PRIMARY PURPOSE OTHER THAN ACCESSING OPEN RANCH LAND AND ENDANGERING A WATERWAY ALREADY UNDER STRESS. THE SANTA ROSA IS ONE OF OUR FEW LEFT STEELHEAD CREEKS WE HAVE IN CALIFORNIA.

A Proud Supporter of
Civil War Preservation Trust



All photos by Chris Heisey



CCC Exhibit D
(page 63 of 163 pages)

Project
Minor Use Permit/ Coastal Development Permit
Cambria Cross Town Trail D020081P

Exhibit
Bridge Typical

424
CAMBRIA
PETITIONERS
5/23/03
10
7/11/03

PETITION TOTAL TO THE DATE INDICATED SOME 690 SIGNATURES AGAINST ANY VIOLATION TO THE SPACE DEDICATED AS THE EAST/WEST RANCH AND THE CONTINUANCE OF THE "CROSS TOWN TRAIL" ACROSS THE BLUE BIRD BRIDGE ON TO THE SO CALLED "EAST RANCH". THE SUM OF THE ACTION OF PETIONING IS RETURN US THE OPEN SPACE AND STOP THE FRIVOLOUS ACTION NOTED AS THE "CROSS TOWN TRAIL"

Exhibit D
(page 64 of 163 pages)

266
CAMBRIA
PETITIONERS
5/16/03
10
7/11/03

CCC Exhibit D
(page 65 of 163 pages)

(13)

$$$$$ PRESERVE THE OPEN SPACE WE FOUGHT FOR $$$$$

5/23/03

STOP PLANNED DEVELOPMENT ACROSS SANTA ROSA CREEK

SIGNATURE	PRINTED NAME	ADDRESS	COMMENTS
[illegible]	Leigh Ann Anderson	5297 Nottingham	
[illegible]	MARK TRESTON	1350 Emerson	Preserve
[illegible]	J. STUART JONES	1860 TULLY PL.	
[illegible]	Carolyn Jones	1860 Tully Pl	
Beatrice Morrow	Beatrice Morrow	311 Wedgewood	
Barbara Kowalska	BARBARA KOWALSKA	2425 Leona Dr.	
Susan Higbie	SUSAN HIGBIE	6450 Santa Rosa Creek	
[illegible]	JAMES SPITZLEY	6450 Santa Rosa Creek Rd	
Elaine Evans	ELAINE EVANS	370 CHELSEA LN.	
[illegible]	B. Crowley	1801 Ogden Dr	
[illegible]	FRANK BUTZ	511 HUNTINGTON	
[illegible]	KURT SPANGLER	5674 SWEETWATER Rd	
Hilah C. Darell	Hilah C. Darell	1500 Preston St. Cambria	We don't need this kind of "development"!!!
Darlene Shubert	Darlene Y Shubert	2111 Emmons Rd Cambria	
Neal Shubert	NEAL SHUBERT	2111 Emmons Rd, Cambria	
Don Weaver	DON WEAVER	690 HUNTINGTON ROAD	a 12,600 foot community center + is not what 2 people for
Kathy Kellett	Kathy Kellett	2755 Merlyn AV	Keep it OPEN! no sports

PAGE 1 (REPRESENTATIVE PAGE) FROM REFERENCED PETITIONS

7/14/03

WE AS CITIZENS OF CAMBRIA ARE STILL SECURING SIGNATURES TO OUR PETITION.

BSJ

D

CC Exhibit
(page 66 of 163 pages)

STATE OF CALIFORNIA - THE RESOURCES AGENCY

Gray Davis, Governor

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Cambria Legal Defense Fund
Suzy Ficker, Chairperson
1060 Hartford
Cambria, CA 93428 (805) 927-8078
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:
Cross Town Trail, Cambria, California

3. Development's location (street address, assessor's parcel number, cross street, etc.:
Cambria, California: Windsor Boulevard, Highway One Santa Rosa Creek

4. Description of decision being appealed:

a. Approval; no special conditions: _____
b. Approval with special conditions: X
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

RECEIVED
JUL 21 2003
CALIFORNIA COASTAL COMMISSION CENTRAL COAST

CCC Exhibit D
(page 67 of 163 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. X City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other:_____

6. Date of local government's decision: June 17, 2003

7. Local government's file number: D020081P Resolution 2003-213

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Please See Attached

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

PLEASE SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Cambria Legal Defense Fund Suzy Ficker Suzy Ficker
BY Signature of Appellant(s) or Authorized Agent Chairperson

Date JUL 17 2003

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date

CCC Exhibit D
(page 69 of 163 pages)

Linda Laylon
2289 Main Street
Cambria, CA 93428

Norm Fleming
952 Iva Court
Cambria, CA 93428

Joseph Gilpin
Bicycle Coalition
General Delivery
Cambria, CA 93428

Lila Evans
2862 Buckingham Place
Cambria, CA 93428

Carolyn Connelly
Rod & Reel Mobile Home Park
Cambria, CA 93428

Eve Redwood
3417 Huntington Road
Cambria, CA 93428

Jim & Hollie Stotter
2410 Langton
Cambria, CA 93428

Bill Warren
2290 Benson
Cambria, CA 93428

Doug Buckmaster
1965 Emmons
Cambria, CA 93428

Peter Chaldecot, CCSD
Bob Kelly, CCSD
Vern Hamilton, CCSD
Bob Greshin, CCSD

Barbara Wellington
798 Arlington
Cambria, CA 93428

Pandora Nash-Karner
SLO Parks & Recreation
San Luis Obispo, CA 93408

Robert Davis
SLO Bicycle Club

SECTION IV. Reasons Supporting This Appeal

1. COASTAL PLAN POLICIES, Recreation & Visitor-Serving Facilities, Policy 1, require that "All uses shall be consistent with protection of significant coastal resources."

COASTAL PLAN POLICIES, Environmentally Sensitive Habitats, Policy 1, require that "New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those areas dependent on such resources shall be allowed within the area."

COASTAL PLAN POLICIES, Environmentally Sensitive Habitats, Policy 29, require that "San Luis Obispo County, or the appropriate public agency, Shall ensure that the design of trails in and adjoining sensitive habitat areas shall minimize adverse impact on these areas."

Segments 1, 2, and 5 contain densely foliated areas that are within 100 feet of the banks of Santa Rosa Creek. Not only is there removal of the vegetation but also excavation of the soil to provide a base for installation of a granite trail which will disrupt the riparian habit and cause sedimentation into the creek bed. A boardwalk instead will minimize soil excavation.

2. COASTAL PLAN POLICIES, Environmentally Sensitive Habitats, Policy 2, require that "As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate."

No qualified professional opinion and no monitoring program has been submitted with the staff reports by the applicant.

3. COASTAL PLAN POLICIES, Environmentally Sensitive Habitats, Policy 3, require that "The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible."

A condition of this project should also include removal of the concrete under the Burton Drive Bridge. This is a proper nexus

to this project because the creek is impacted where the bridge is to be placed and removal of the concrete will mitigate that.

4. COASTAL PLAN POLICIES, Environmentally Sensitive Habitats, Policy 23, require that "Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat."

COASTAL PLAN POLICIES, Environmentally Sensitive Habitats, Policy 24, require that "Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists."

Removal of the vegetation on the creek bank to construct the bridge is is a substantial alteration for this creek which will caused erosion and creek bed sedimentation. This development is not included in the allowed categories.

5. COASTAL PLAN POLICIES, Coastal Watersheds, Policy 7, require that

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

Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent; when grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;

The county may approved grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce

potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance.

Removal of the vegetation from the creek banks to construct the bridge is grading that does not fit any of the criteria of this policy. There is a feasible alternative and that is that the bridge not be installed. Now that the CCSD owns the south bank of Santa Rosa Creek, a trail can be provided there as it was originally planned before the former private owners withdrew per mission of r such an easement trail.

6. COASTAL PLAN POLICIES, Coastal Watersheds, Policy 10, require that "Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

No drainage plan has been submitted to accommodate any water accumulating between Highway One and the proposed trail in Segment 2.

7. COASTAL PLAN POLICIES, Visual and Scenic Resources, Policy 1, require that "Unique and attractive features of the landscape, including but not limited to landforms, scenic vistas and sensitive habitats are to be preserved and [protected, and in visually degraded areas restored where feasible."

The trail in segment 2 will require removal of scenic

vegetation along Highway One.

8. COASTAL PLAN POLICIES, Hazards, Policy 1, require that "All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property."

COASTAL PLAN POLICIES, Hazards, Policy 3, require that "The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line."

The north abutment of the bridge and the trail leading to it are in the 100-year flood plain. The trail in Segment 2 is within the 100-year floodplain.

9. COASTAL PLAN POLICIES, Hazards, Policy 2, require that "New development shall ensure structural stability while not creating or contributing to erosion or geological instability."

Removal of vegetation to install the bridge and removal of soil to install a granite path will cause erosion and creek bed sedimentation.

AND ATTACHED COMMENTS WHICH ARE HEREBY INCORPORATED

ATTACHMENT

Appeal to the California Coastal Commission
of CDP for County File Number D020081P
Issues Relating to
Negative Declaration
General Plan Consistency
North Coast Area Plan Compliance

This is an attachment to an appeal of the Coastal Development Permit County File Number D020081P and the Negative Declaration associated with the permit.

The appellants are very concerned that the cross-town trail and bridge project has improperly been reviewed in isolation as a minor, stand-alone project. In reality, the proposed bridge across Santa Rosa Creek between Main Street and the Rodeo Grounds is an essential component of the planned *re-development* of Cambria's Historic East Village. This proposed project involves a sports park to accommodate statewide recreational needs, a community center, a re-design of Cambria's Historic Main Street, and a new public parking lot.

The piecemeal analysis of each component in isolation precludes the possibility of an informed community discussion of the actual scope of the development planned for the area. The community needs, and the law requires, an authentic analysis of the impacts and compliance of the *entire* project with CEQA, General Plan, *North Coast Area Plan* and *Coastal Act* requirements.

The appellants point out that the project is planned for a *Coastal Sensitive Resource Area* and, as such, may be in violation of federal environmental laws regarding wetlands, streams, and wildlife. Adequate analyses have not been produced or provided for public review and comment on these issues.

In addition, please note that Section B, Chapter 7 "Combining Designations and Proposed Public Facilities" of the San Luis Obispo County *Local Coastal Plan Framework for Planning*, requires an analysis of general plan consistency prior to approval of public works projects within areas identified by Combining Designations. The area proposed for construction of a bridge is in a Coastal Sensitive Resource Area Combining Designation. The analysis of the compliance of the proposed project with the San Luis Obispo General Plan and the North Coast Area Plan is inadequate and, among other things, fails to meet state standards for consistency findings.

The proposed project itself and the process used to approve it violate *CEQA requirements, General Plan, and Local Coastal Plan requirements*. The appellants file this appeal to make sure, among other things, 1) that the public is informed as to the scope of the entire re-development project proposed for Cambria's Historic East Village, 2) that the proposed project receives adequate review and analysis as a whole, and 3) that the final design plan is consistent with local, state, and federal requirements including but not limited to the San Luis Obispo North Coast Area Plan.

The appellants point out that since the *North Coast Area Plan is outdated and no longer functional as a legal document*, it is impossible to make a finding that the project is consistent with the outdated plan.

Judy Deertrack
2862 Buckingham Place
Cambria, California 93428
Phone: 805/927-2902

April 15, 2003

SLO County Planning Department
Zoning Administration
SLO County, CA

Re: Minor Use Permit
Hearing: April 18, 2003
Cambria Bike Trail and Bridge

To Whom It May Concern:

I would like to request that this matter be taken off of the Administrative Calendar for Minor Use Permit and submitted to the Planning Commission for full review. My request is based upon a review of a Memorandum of Agreement (MOU) and a Declaration of Conditions, Covenants and Restrictions (CCR) that apply to the pending East/West Ranch Parks and Recreation (P&R) Project.

It is not clear, without a full project description in the Master Plan for the P&R Project, whether the bridge or bike trails are an integral part of access routes to that development. If so, they should not be permitted through a segregated minor use process because it will piecemeal project buildout; and it may endanger state funding requirements.

The CCSD contracted in the MOU to prevent premature development of the recreation area because it wanted the entire project assessed under the design and planning requirements of the pending Master Plan. Funding requirements for the project are tied to that agreement; and they may be endangered if there are any major breaches of the conditions. None of this has been assessed, nor has it been subject to public review.

If the bridge is used to gain access to the park, it will have to meet all legal requirements for that project, and be built to capacity. The Master Plan is the document that assesses the capacity of all access routes.

The implementation of the conservation easement on East/West Ranch is replete with complicated state guidelines, phasing requirements, contractual arrangements, and inter-agency agreements. I recommend highly that it not be handled on a minor use calendar. This is not a ministerial action; nor is it an action without significant environmental or fiscal impacts, especially as it relates to its required correlation with the Master Plan.

Very truly yours,

Judy Deertrack

Judy Deertrack
Attorney at Law

April 30, 2003

Department of Planning and Building
San Luis Obispo County Government Center
San Luis Obispo, California 93408

Attn: Marsha Lee, Project Manager

Re: Cambria Bike Trail and Bridge
CDP for County File No. D020081P
Attachment to Appeal Form

TO WHOM IT MAY CONCERN:

FEE PROTEST

The San Luis Obispo County Planning Department has indicated to date that they deny this appeal is directed to coastal act issues; consistency requirements with the LCP, or Coastal Act programs. When the initial appeal was submitted to the County last week, staff refused to accept an appeal without submission of a $474.00 fee. The decision to impose fees was "on the spot" and made before the appeal was read or reviewed in any manner. We strongly object to the way this was handled, because we pointed out to the department when first submitted that the staff report indicates the matter is subject to Coastal Act requirements on the County's own face page.

ATTACHMENT PAGES

This appeal is jointly submitted by the Cambria Legal Defense Fund and Coalition to Save Cambria and San Simeon, and is signed by appropriate representatives. Members of the groups have attached and submitted comments to be joined to this appeal.

COASTAL ACT JURISDICTION

Sensitive Coastal Stream Values, Coastal Habitat and Wetlands Protection: The Coastal Act requirements mentioned in this paragraph are not meant to be inclusive. The entire record should be reviewed to that end. There are, however, three primary coastal act requirements covered in this appeal. The first concerns the scope of review on coastal habitat and stream values that are affected by this project. The projected size of this bridge, and the amount of travel expected in this area would certainly call for a full EIR considering this area may be a wetland, (reference early FEMA documents), and is certainly a floodplain and sensitive coastal habitat area with the paths built on a land acquisition obligated to a conservation easement and right next to a coastal stream.

When the bike path project was originated, the CCSD, State Coastal Conservancy, and the County had not yet initiated its plans for a regional visitor-servicing active recreation park on the land base that serves these bike trails. It was only quite recently that those plans were publicly released. Given the fact that the state documents themselves typify this 40+ acre parcel as a "regional park," and in other documents use the word "international," it is highly inappropriate that this development is going through without a consolidated EIR that covers all aspects of potential park development under one master plan. This is the primary thrust of this appeal.

When the negative declaration on this bike path, trails, and bridge was initiated, the park plan was never reviewed or discussed in its full scope, or possibly it received no attention at all. The entire project has been dismissed through a mitigated negative declaration. If this area will eventually serve a regional or even international state park—this suggests high pedestrian and vehicular access to the area. There are special CEQA requirements for public park development. The CEQA review is deferred until the master plans are completed. Those plans are not complete at this point in time.

What has enhanced the potential damage to the area are plans well underway to change the original conservation intent to place the entire East West Ranch Purchase in a conservation easement, and to now "exempt" the East portion from the protection of that planned easement. This will effectively destroy all of the legal protections set by the State of California that limit the use of the land to natural resource preservation with public access and natural resource enhancement. We are at an early point of review, but it appears that what started as natural resource protection switched at some point to a small community active park, and later grew into a regional concept. The documents must be reviewed in their entirety for the scope of representations made to this community, and whether the legal documents change with time, and use misleading and contradictory terms about the land uses allowed now that were not anticipated when the community sought private and non-profit donations.

The bottom line: these bike trails will be subjected to regional, if not international public access if the scope of the documents are followed. This would not be unusual for a total "park area" that is 450+ acres in scope (given the entire ranch purchase) on a stunning north coast vista area. The Cambria project got national attention, and because of the potential Hearst project, this area will become increasingly international.

Our question is whether our conservation easement is now burdened with this obligation, against what we originally intended, and whether these bike paths and bridge are feeding into the scope of this result.

We have objected from the beginning that a portion of this park development has been segregated and handled through a negative declaration and minor use permit without the review and participation of the California Coastal Commission.

Coastal Program Issues: A second primary thrust of the appeal is the bridge itself, and its planned scope. The planned bridge pilings, construction, and design significantly affect habitat values that cannot be mitigated by "replanting habitat" somewhere else. This bridge is described as an "erector bridge." This may imply a structure that is designed for later expansion.

We have warned the County that CEQA and the Coastal Act should prevent the piecemealing of the bridge design. If this bridge serves the original bike trails concept that started around 1992, the County cannot treat this plan in isolation and ignore the later development of the park plan. This bridge is a primary access route to the park. The State Coastal Conservancy was careful to draft a Memorandum of Understanding to cover the East West land acquisition. It covers both East and West Ranch, not just a portion. By its terms, it appears to be a moratorium on development until the Master Plan for the Ranch is completed—East and West. The Coastal Conservancy is a branch of the Coastal Commission, and this raises coastal act program issues.

Coastal Visitor-Serving Facility: Thirdly, the planned park area on which these trails and bridges will be built raises issues directly on the scope of the Coastal Act Program under which anywhere from $3.5 million to $7 million of State funds were directly contributed. The negative declaration and staff report do not mention anything about he scope of the program and how it relates to this project. Considering that those document directly address master plan requirements, and place a moratorium on any predevelopment of the land area, this should lead to coastal act review of whether development of the bike trails is a form of predevelopment. The bike trail may be passive in and of itself, but if it is designed to open full access to an open active recreation ball park complex, it cannot retain its "passive" designation, because it is a primary access route.

SUBSTANCE OF THE APPEAL

Some of the material in this section may repeat what was said in our section under Jurisdiction. We set it forth again separately, because we want to make the jurisdiction issue very clear, given the county's refusal to recognize our grounds—regardless of the fact we had involved discussions on all of the above at the minor use hearing.

This project and bridge, as designed, has significant coastal habitat Impacts and coastal program impacts. Basically, the bridge has features that lead us to believe it is purposefully being handled in two stages that are being separated in order to maintain

access to funding that will lapse by the end of the year for the bike trails—regardless of the fact that CEQA and Coastal Act requirements are being overlooked. We don't believe state law requirements should ever be ignored for funding reasons. The bridge is designed in a way where it may be financed now for one project scope, and then enlarged later as it relates to the uncompleted Master Plan for the Regional Park area it serves. This is a violation of state law to segregate planning in this manner.

The documents on the park development start out with strong overtones of natural resource protection and resource enhancement with public access—a purpose completely compatible with the west side park. Later, a "community park" was mentioned, and in public meetings representatives of the conservancy mentioned small, local ball fields. As time goes on, language is extended to the concept of a "regional park" and even an "international park."

It was not until several weeks ago when RRM was granted a $50,000 contract to complete the west end Master Plan that many within the community at large became aware of a switch in public purpose on the land acquisition. At that point, we realized the bike trails and bridge were serving two masters—and the original bike and trail concept is being affected. The project cannot now meet the imposed legal requirements on park protection because of the MOU and covenants of restrictions posed by the State of California.

The County and CCSD have maintained that this park area has been designed for active recreation as a state funding requirement. In a review of the documents, we see nothing yet that obligates CCSD, the County, or the State to impose active recreation—and the heavy access linkages that this park plan would entail. To the contrary, there are issues of potential misappropriation of public funds because the fund raising drive clearly represented donations would go directly to the conservation of the area as "open space forever." I personally gave a large donation on that representation, and there are many others like me now coming forward.

The bridge, as currently designed, appears to be placed so that it creates access to the planned park—and this feature links the bike paths and bridge to two projects which must jointly be accessed. We do not want the county to develop funding for one kind of bridge, and then in the next few years, completely redesign the bridge again under a different project scope. This affects capacity issues. The negative declaration and staff report do not generate this discussion.

Secondly, all projects that are linked to the idea of a regional park should be put on hold until such time as the County, CCSD, and State of California pursue the private claims now being made that funds were taken with representations quite contradictory to the land uses of an active ball park serving the State of California. Otherwise, these projects will be built without an assessment of whether the park project is in violation of a land acquisition that was supposed to be set aside in its entirety for natural resource protection--called East West Ranch. It was very clear to this community as a whole (and admitted by many of the proponents of this project) that the original plans for the conservation easement was to keep the entire area in passive open space use with public access.

Any permit approval for a project that potentially links into this regional park concept is premature. The county should have assessed the joint programs under a combined CEQA and Coastal Act review so it is not piecemealed, and it is analyzed under a completed master plan concept. We are particularly concerned about whether a financially stressed CCSD, with a water shortage emergency in effect, is in any position to handle the financing, management, and yearly maintenance of a major state park. We never intended, as a small community, to become responsible for the maintenance of a state park; nor do we feel it appropriate the CCSD take on this role with all of its other significant struggles.

We are not pleased with representations that present this as a *legal obligation* of CCSD given the acquisition of almost $12 million in public funding under completely contradictory representations.

An EIR should be required on the entire scope of this area, and any thing that impacts the conservancy directly, because of the prohibition of predevelopment set in the State Conservancy's MOU. The County should have reviewed and discussed the impact of the Memorandum of Understanding, the segregation of the East West Master Plan, the status of the West and East Plans, and the legal effect of the covenants and restrictions on this project.

The State Coastal Conservancy, a Coastal Act arm under Coastal Act funding, is a signator to most of these documents and has contributed $3.5 million to $7 million toward the land acquisition. Please give this the serious review it requires.

Thank you for your kind consideration. This permit is premature, it is in violation of CEQA and the Coastal Act requirements, and should be consolidated with the legal issues and planning that now surrounds the East West Ranch acquisition, and the East portion proposed developments. I am a resident of Cambria with a home that overlooks the planned park area. I was a major contributor to the conservation easement.

Very truly yours,

Linda Laylon

POSITION PAPER ON THE PROPOSED PARK ON EAST RANCH AND THE CROSS TOWN TRAIL CONNECTION

In order to dispel rumors and inaccurate information Greenspace has taken the following position regarding the proposed Cross Town Trail and the proposed East Ranch Park.

Greenspace was founded on advocating for the establishment of the Santa Rosa Creek Corridor. This corridor had three functions. The first was to establish a foot trail between Shamel Park and Coast Union High School. The second was to preserve a riparian corridor through Cambria protecting wildlife habitat. The third function was to protect the remaining floodplains from urbanization. The community (PROS) adopted the concept and over the years it has gone through a number of revisions.

Greenspace received notice from the county of San Luis Obispo inviting comments on the proposed project through a Minor Use Permit hearing. We requested to be included in the hearing process.

The issues that prompted the need for more public input are that a negative declaration was given by the responsible agency for the Cross Town Trail project knowing that the project and the East Ranch Park were linked together via a bridge that was intended to be only a footbridge. Now we learn, at the twelfth hour, that the bridge is intended for vehicular traffic. The California Environmental Quality Act prohibits piecemeal projects when it is clear that projects are linked. While the Cross Town Trail Project may have no significant environmental impacts when viewed as a single project, it certainly does when you link it to a large community park built on a flood plain and facilitates traffic and new roads. Cumulative impacts are required to be addressed at the earliest possible opportunity.

Now that the two projects have been linked, via the bridge, the duty of the CCSD and other agencies, by law, is to conduct an environmental impact report so neighborhood residents, agencies, and others can make comments, identify impacts, and find resolution through meaningful mitigation.

We propose a simple solution to the Cross Town Trail Negative Declaration mistake: Eliminate the vehicular bridge over Santa Rosa Creek and continue the trail to Burton Drive as it was originally intended to go.

Sincerely,

C: BOD
LLH
AM
file
BG

RUSSELL S. READ
Counselor & Attorney
2450 Main St., Suite F
Cambria, CA 93428
(805) 927-2344; FAX (805) 927-2435
e-mail: rread@neteze.com

4/15/2003

Board of Directors
Cambria Community Service District
P.O. Box 65
Cambria, CA 93428

Re: Cambria Community Park Development

Dear Board Member:

I write this letter on behalf of my clients Ken and Gisela Cooper, owners and operators of the Bluebird Motel in Cambria with respect to the proposed Community Park Development. I attended the meeting on April 3, wishing to speak about the project but was unable to do so because it was postponed until the meeting on April 24, 2003. Because I will be on vacation at the time of that meeting, I ask that this letter be made a part of the public record regarding the Park project. I also ask that this letter be forwarded to the party responsible for doing the environmental review on the project and be made a portion of the review file. I regret that I cannot attend the meeting in person.

While the Coopers recognize the need for athletic facilities to serve Cambrians, (especially children) they believe that there are several significant issues that must be addressed before the District decides whether or not to sign the development Agreement.

At the outset, I emphasize that I have not had time to research this matter thoroughly. I have not had the opportunity to do a complete title investigation. I respectfully suggest the District Counsel check with a title company and review the District's own internal files to identify and assess the legal effect of relevant documents before signing the agreement with the County.

An important area of research might be Section 3100 *et seq.* of the Public Resource Code dealing with the State Coastal Conservancy, and the related administrative regulations. The Conservancy was a signatory of the 2000 CC&Rs (identified below.) It is noteworthy that "Coastal resource enhancement project" is defined in Section 3107 in terms of returning coastal property to its original condition:

"This agreement simply confirms the actions taken ...in May 2000. . . . . .At the time the East-West Ranch was purchased and deeded to the CCSD, the County contributed $500,000.00 to the project. This $500,000.00 was conditioned upon the development of a community park by the CCSD on the East Ranch properties."

4. Interpretation and Construction of Agreements. Collectively these agreements raise a host of interesting issues, only a few of which I will mention at this time:

One of the most prominent issues concerns the reasons for titling the 2000 and 2001 documents "Covenants, Conditions and Restrictions" when they actually create a type of conservation easement. They certainly were not created to govern a Common Interest Development. [Compare CC 1350 *et seq* with CC Section 815.1.] I will not speculate about the reasoning behind this choice, except to observe that genuine CC&Rs generally can be amended by the owners of the impacted property (within statutory limits; see CC Section 1355) while a conservation easement cannot be amended except with the consent of the owner of the easement (i.e. the State of California.)

Other significant questions include:

Are the 2001 CC&Rs effective given that they were executed unilaterally by the CCSD, presumably after it had accepted or agreed to accept State money?

Does the added language in the 2001 CC&Rs (referring to residential, urban or industrial purposes) expand the permitted uses of the Ranch? Was that the intention of the 2001 CC&Rs? Was this expansion disclosed to the public or approved by the Coastal Conservancy?

Is the development of the Park consistent with the CC&Rs? Will the Park development cause the forfeiture of the Ranch to the State?

I have not researched any of these questions beyond reviewing the documents themselves but would like to make some preliminary observations:

- First, to the extent it attempts to expand permitted uses of the Ranch, I doubt if the 2001 CC&Rs are effective because it seems to be a unilateral attempt by the District to expand the permitted use of the Ranch. (If the Coastal Conservancy agreed to the expansion or had the authority to do so, why didn't it execute the 2001 document?)

- Second, the District may have errored in promising the County that it could develop a Park on the Ranch and in accepting the $500,000.00

- Finally, I very much doubt that development of the Park with all the proposed uses is consistent with "resource enhancement."

My name is Lynda Adelson and I am unable to be here tonight, so I have asked that Laylon read this statement on my behalf.

I was one of the original founding directors of PROS when it was formed in 1992 and served on the board for the following eight years.

PROS was formed in response to a 1992 community survey which received an impressive 62% response. The overwhelming mandate of the survey's respondents at that time was for the creation of open space. A smattering of recreational needs gained response, but none of them had the high percentage of positive response given to open space.

As a PROS director, therefore, I always felt that the PROS mandate was to create Open Space, first and foremost. The results of the survey had directed us to do so.

Now, here we are a decade later, with the community of Cambria having acquired the East/West Ranch for Open Space and PROS is attempting to foist grandiose plans for massive sports fields, dog runs, picnic grounds, permanent rest rooms, tennis courts and other permanent installations on the eastern portion of East/West Ranch.

Grants have been obtained for these sports facilities but what I have not heard mentioned is that with every grant matching funds – that is cash raised by the community – are usually required.

When I was on the PROS board of directors, for example, the grant money for the Cross Town Trail would have required raising approximately $275,000 in cash matching funds within the community.

Cambria was able to raise a million dollars in boom times for East/West Ranch because everyone in town was in agreement that it should be purchased for open space. Even so, I have always wondered if we could have raised the second million dollars in this tiny town of 6000 residents – a third of whom are retired folks on fixed incomes.

If it had not be for the contribution of the Mid-State Bank property, which satisfied the second million dollar requirement in matching funds, we might not have been able to have acquired East/West Ranch. After all, we are not Santa Barbara or Carmel, with a population that can write 5 and 6 figure checks without batting an eye.

Which brings me back to the proposed park on East Ranch.

As a resident of Cambria for 23 years, I believe that CCSD has an obligation to take care of essentials first and foremost. Those essentials are provision of water to the population for drinking and firefighting. Sewage treatment and Ambulance service. And, what about the costly fight against ChevronTexaco for poisoning our backup well?

We should be building tanks for water to fight fires, not spending $50,000 of ratepayer funds on yet another study of a park for East Ranch.

When I was a PROS director, CCSD budgeted $60,000 a year of ratepayer funds for PROS. There were egregious expenditures under Dave Andres and violations of the Brown Act because he held PROS meetings in his private office when they should have been public. I estimate that in the past decade CCSD has spent in the neighborhood of $100,000 to $200,000 on PROS with absolutely nothing to show for it!

I will also point out that at no time during my 8 year tenure on the board did any families with children from the community attend PROS meetings asking for sports fields or other youth oriented recreational facilities. When we finally presented the PROS Master Plan to the public there were only a few persons in attendance, mainly friends or family of the board members or CCSD directors.

I rarely missed a meeting, and the only members of the community who ever attended a PROS meeting were representatives of existing clubs who were seeking funds from PROS.

In closing, I will say that I have heard from many sources that the number of young people in Cambria is shrinking. As property values soar, this makes sense because it becomes more and more difficult for young families to afford to live here. The 2000 census showed that one-third of our population is retired. I would assume that this percentage will grow as the aging baby boomer population progresses into retirement, albeit active retirement. We have sufficient sports fields at the high school for the existing youth population.

Already Shamel Park has become a Regional Park, especially in the summer when folks from Paso and Atascadero come over the hill to seek relief from the heat. Do any of us think it would be different with a huge park on East Ranch? Do we really want to create a expensive park for outsiders to use, while Cambrians pay for the salaries of several park attendants, expensive liability insurance, and deal with restrooms that will become an instant drug connection because they are so hidden from view.

Let the CCSD take care of water, sewer and fire prevention first before they waste our precious monetary resources on an East Ranch park that will mostly be used by outsiders.

Leave East Ranch as Open Space, which is the purpose for which it was purchased. No bait and switch please – we cannot afford it.

Respectfully,

Lynda Adelson
Cambria

July 19.2003

Steve Monowitz
Calif Coastal Commission

RECEIVED
JUL 21 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Enclosed are:

1. Appeal submitted by Lila M. Evans 7/17/2003
2. Coastal Conservancy Documents
   Oct 26, 2000 East West Ranch Acquisition
   March 23, 2000 East West Ranch Acquisition
   Feb 22, 2001 East West Ranch Access Plan
3. Jan. 18 2000 Board of Supervisors
   Joint Use Agreement
   CCSD and County SLO unsigned
4. CCSD Agenda VIII B May 29, 2003
   Resolution 21-2003
   Joint Use Agreement
   CCSD and County of San Luis Obispo
5. CCSD - Pros Meeting 3/12/03
   lack of financial resources for maintenance and operation

Lila Evans

STATE OF CALIFORNIA - THE RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Lila EVANS
2862 Buckingham Place, Cambria Cal. 93428
(805) 927-2902

Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed: Segments 1, 2 and 5 of Cross Town Trail and bridge crossing at Santa Rosa Creek at Bluebird Lane in Cambria. Access area to bridge is in litigation (Kemek vs CCSD)

3. Development's location (street address, assessor's parcel number, cross street, etc.: Development Location File # D020081P
023-411-022 023-411-021 013-131-036

4. Description of decision being appealed:

a. Approval; no special conditions: ✓
b. Approval with special conditions: ✓
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-03-074
DATE FILED: 7-21-03
DISTRICT: Central Coast

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CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

CCC Exhibit D
(page 88 of 163 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1) CZLUO Section 23.11.030 Chapter 3
Policy 6 and 7
Policies and requirements to maintain the special and unique village of Cambria as listed under Special Communities.

2) CCSD Resolution 21-2003
Joint Use Agreement between CCSD and San Luis Obispo County
Original agreement was unsigned and replacement agreement has been altered and rescinded.
The agreement (Resolution 21-2003) is closely related to Step 6 of Power Use Permit and impacts the proposed bridge and Santa Rosa Creek bed st[illegible].

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

(Lila H. Evans)
Signature of Appellant(s) or Authorized Agent

Date July 15, 2003

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: _____

6. Date of local government's decision: June 17, 2003

7. Local government's file number: D020081P

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Cambria Community Services District
PO Box 65
Cambria, Cal 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Cambrians for Fiscal Responsibility
P.O. Box 1561
Cambria, Cal. 93428

(2) Judy Deerbrack Attorney at Law
2862 Buckingham Place
Cambria, Ca 93428

(3) Cambria Legal Defense Fund
P.O. Box 516
Cambria, Cal. 93428

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

TO: BOARD OF SUPERVISORS

FROM: DUANE P. LEIB, GENERAL SERVICES DIRECTOR

DATE: JANUARY 18, 2000

SUBJECT: PARTNERSHIP BETWEEN THE COUNTY AND CAMBRIA COMMUNITY SERVICES DISTRICT TO ACQUIRE A PORTION OF THE EAST-WEST RANCH TO PROVIDE A COMMUNITY PARK IN CAMBRIA

RECOMMENDATION

Your Board is requested to: 1) approve an appropriation transfer of $500,000 from Parks Public Facility Fees to Budget Unit 4126, Parks, to pay the Cambria Community Services District (CCSD) for County's share of the project; and 2) direct staff to prepare a Joint Use Agreement between the County and CCSD.

DISCUSSION

The Cambria Community Services District is spearheading an effort to purchase the East-West Ranch in Cambria. In addition to providing open space preservation, the portion of the ranch immediately east of Highway 1 has long been proposed as a community park site. The County's 1988 Parks and Recreation Master Plan identifies the need for a 25-30 acre community park in Cambria and this portion of ranch, known as Rodeo Grounds, meets that need.

Working with the American Land Conservancy, which is assisting with the acquisition of the Ranch, CCSD is seeking $2 million in funding from local government toward the purchase of the East-West Ranch. That money will be paired with an additional $2 million being raised privately in the community to provide a $4 million total which will trigger a matching $4 million contribution from the California Coastal Conservancy. CCSD has committed $1.5 million to the project and staff is proposing that the County contribute $500,000 to CCSD to reach their $2 million local government total. Those funds are currently available in the Parks Public Facilities Fees (PFF) program without negatively impacting any other budgeted projects and use of the funds is consistent with the PFF Financing Plan. Cooperation with CCSD to acquire a community park site in Cambria is currently the highest rated project in Parks' Capital Improvement Program and is endorsed by the County Parks and Recreation Commission.

CCC Exhibit D
(page 91 of 163 pages)

Should your Board approve this $500,000 contribution toward the project, staff will prepare a Joint Use Agreement with CCSD which will include assurances that the services district will provide the 25-30 acre community park proposed in the County's Parks and Recreation Master Plan as a condition of receiving the PFF funds. That agreement will assure continued public access to the facility. Given the limited suitable land available for park development in the Cambria area and the high cost of land acquisition, this partnership with CCSD is an effective alternative to the County working independently to meet local recreation needs.

OTHER AGENCY INVOLVEMENT

The County Parks and Recreation Commission has endorsed this proposal.

FINANCIAL CONSIDERATIONS

This is a contribution of $500,000 from Parks Public Facilities Fees.

INTENDED RESULTS

Assist in the public acquisition of the East-West Ranch to provide a community park on the Rodeo Grounds portion of the property.

f:\bos\011800\east-west

CAMBRIA COMMUNITY SERVICES DISTRICT

By:

ATTEST:

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____

Date: _____

P:\BOARD\East West Ranch JUA.wpd

JOINT USE AGREEMENT
BETWEEN THE CAMBRIA COMMUNITY SERVICES DISTRICT
AND THE COUNTY OF SAN LUIS OBISPO
FOR JOINT ACQUISITION OF
CAMBRIA COMMUNITY PARK

This Agreement is made this _____ day of _____, 2000, between the CAMBRIA COMMUNITY SERVICES DISTRICT ("DISTRICT"), a public entity in the state of California and the COUNTY OF SAN LUIS OBISPO ("COUNTY"), a public entity in the state of California, with reference to the following facts:

1. The DISTRICT and COUNTY are authorized under the authority of the California Government Code, Section 6500 et. seq., jointly to provide any services for which each might individually be responsible.

2. The DISTRICT is seeking to purchase certain property know as the East West Ranch to preserve for open space preservation and public use and intends to set aside approximately 60 acres of said property as a community park as shown on Exhibit A, "East West Ranch," attached hereto and incorporated herein by reference.

3. The DISTRICT and COUNTY have determined a need for additional public recreational facilities within the unincorporated community of Cambria and both desire to make accommodations for such needs.

4. The DISTRICT and COUNTY believe a joint effort to finance the purchase of a site for such outdoor recreational facilities rather than to provide separate and less appropriate facilities would be in the best interest of both entities and the citizens within the DISTRICT and the COUNTY as a whole.

5. The DISTRICT will have the benefit of additional outdoor recreational facilities which might otherwise be beyond the ability of the DISTRICT to purchase without the COUNTY's financial contribution.

6. The COUNTY and its residents will receive the benefit of increased outdoor recreational facilities for children and adults at considerable savings and viability than if the COUNTY were to undertake such a project at its own expense.

NOW THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section I - Authority

1.1 The DISTRICT and COUNTY are authorized under the authority of the California Government Code, Section 6500 et. seq, jointly to provide any services for which each might

individually be responsible. Under such authority, the parties to this Agreement may designate any one of the parties as the agency to administer the program and to exercise such power or powers as may therein be specified. The parties agree that the DISTRICT shall be the administrator of this Agreement as discussed in Section IV of this Agreement.

Section II - Term of Agreement

2.1 This Agreement shall be in effect for a period of 5 years, unless earlier terminated pursuant to the provisions of this Agreement. The term shall commence upon execution of this Agreement by both the COUNTY and DISTRICT. During the period of this Agreement, the DISTRICT agrees to pursue the purchase of the East West Ranch and establish a 50-60 acre portion of said Ranch as a community park for use for any and all residents of the COUNTY under the same conditions and costs as it provides such services to residents of the DISTRICT.

2.2 Neither party to this Agreement shall assign or transfer this Agreement or any interest herein without the prior written consent to the other party.

Section III - County Contribution

3.1 The COUNTY is authorized under Board of Supervisors Resolution No. 91-536, dated October 15, 1991, to collect and use Public Facility Fees for the acquisition and construction of recreational facilities that serve the neighborhood and community needs of the unincorporated areas of the COUNTY.

3.2 Under that authority, COUNTY shall contribute a total capital outlay of five hundred thousand dollars ($500,000) toward the cost of acquiring a community park at the East West Ranch site.

Section IV - Manner of Operation

4.1 The DISTRICT and COUNTY have agreed to cooperate in funding the acquisition of a community park at the East West Ranch; however, no independent entity has been established nor is one intended with regard to the DISTRICT and COUNTY in carrying out the terms of this Agreement.

4.2 The parties agree that the DISTRICT shall be the administrator of this Agreement. The DISTRICT will be responsible for all bids, offers to purchase, escrow and monitoring of all legal compliance, including but not limited to those laws governing construction of public facilities related to the purchase. The DISTRICT will be responsible for all payments to the seller, and will have sole responsibility for and authority over the manner in which the transaction is completed.

4.3 Upon acquisition, the DISTRICT shall be responsible for all maintenance and upkeep of the site.

4.3 The DISTRICT may improve, change or alter the site in any manner which is not inconsistent with the parties intended result of providing a community park for use by the residents of the DISTRICT and the COUNTY.

4.4 The DISTRICT agrees to defend, indemnify and hold harmless the COUNTY and its officers, agents and employees from and against any and all claims, demands, costs, expenses, judgements, causes of action and liability which may be incurred by reason of injury to person or property due to any dangerous conditions at the community park site for which the DISTRICT is responsible.

Section V - Accounting

5.1 The parties agree that the General Manager for the DISTRICT shall be the designated official who shall be responsible for maintaining and accounting for all funds contributed by the DISTRICT and the COUNTY for the costs of acquiring the community park site.

Section VI - Default

6.1 Failure or delay by either party to perform any term of provision of this Agreement constitutes a default under this Agreement. The nondefaulting party shall notify the defaulting party that a default exists and that the defaulting party must cure same within thirty (30) days of receipt of the notice of default. The party who so fails or delays must immediately commence to cure, correct or remedy such failure or delay and shall complete such cure, correction or remedy with reasonable diligence and during any period of curing shall not be in default. Such the DISTRICT fail to successfully acquire the East West Ranch or be able to provide a 50-60 acre community park site resulting from said acquisition, the DISTRICT shall return all COUNTY contributed funds. Recognizing that the DISTRICT is providing $1.5 million ($1,500,000) of its own funds toward the purchase of the East West Ranch, should the DISTRICT be unable to obtain the additional necessary funds to purchase the East West Ranch and also recover less than the $2 million ($2,000,000) contributed by the DISTRICT and COUNTY, the COUNTY agrees to accept 25% of the DISTRICT total cash recovery as full and complete repayment of the COUNTY's contribution.

Section VII - Miscellaneous

7.1 This Agreement may be amended or modified only in writing, signed by DISTRICT and COUNTY.

7.2 No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

7.3 The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

7.4 Notices desired or required to be given pursuant to this Agreement or by any law now or hereafter in effect may be given by enclosing the same in a sealed envelope addressed to the party for whom intended and by depositing such envelope with postage prepaid in the United States Post Office or any substation thereof, or any public letter box, and any such notice and the envelope containing the same, if to COUNTY, shall be addressed as follows:

COUNTY OF SAN LUIS OBISPO
1087 Santa Rosa Street
San Luis Obispo, CA 93408
Attention: Parks Manager

and any such notice and the envelope containing the same, if to the DISTRICT, shall be addressed as follows:

CAMBRIA COMMUNITY SERVICES DISTRICT
P.O. Box 65
Cambria, CA 93428
Attention: General Manager

Either party may, by notice to the other given in accordance with this Section 7.5, specify a different address for notice purposes.

7.5 Non-Discrimination: DISTRICT and COUNTY shall not discriminate against any person or class of persons in violation of the Civil Rights Act of 1964 as amended or any other applicable laws prohibiting discrimination in the use of the Premises.

7.6 Entire Agreement and Modifications: This Agreement embodies the whole Agreement between the parties hereto as it pertains to the subject real property and there are no promised terms, conditions, or obligations referring to the subject matter hereof, other than as contained herein. Any alterations, changes or modifications to this Agreement must be in writing and executed by both DISTRICT and COUNTY.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

COUNTY OF SAN LUIS OBISPO

By: _____
Chair, Board of Supervisors

Approved by the Board of Supervisors this
_____ day of _____, 200__.

ATTEST:

_____
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Deputy County Counsel
Date: _____

EXHIBIT A
LOCATION OF EAST WEST RANCH

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
General Services	January 18, 2000	Pete Jenny; 781-5204

(4) SUBJECT
Partnership between the County and the Cambria Community Services District to acquire a portion of the East-West Ranch to provide a community park in Cambria.

(5) SUMMARY OF REQUEST
County Parks and the Cambria Community Services District (CCSD) have proposed a partnership in the acquisition of the eastern portion of the East-West Ranch in Cambria to provide a site for a community park. CCSD has committed $1,500,000 toward acquisition of the entire ranch, a portion of which is suitable to provide a 25-30 acre community park as proposed in the County Parks and Recreation Master Plan. An additional $2 million is being raised within the local community. A $500,000 contribution from Public Facilities Fees will bring the total local funding to $4 million which will trigger an additional match of $4 million dollars from the state Coastal Conservancy. An associated use agreement will assure that the County funds are used strictly for acquisition of a community park.

(6) RECOMMENDED ACTION
1) Approve an appropriation transfer of $500,000 from the Parks Public Facility Fees to Budget Unit 4126, Parks, to pay CCSD for the County's share of the project; and 2) direct staff to prepare a Joint Use Agreement between the County and CCSD.

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
Public Facility Fees	$500,000	none	G YES G N/A G NO

(11) WILL REQUEST REQUIRE ADDITIONAL STAFF? G No G Yes, How Many? _____
G Permanent _____ G Limited Term ____ G Contract _____ G Temporary Help _____

(12) ADMINISTRATIVE OFFICE REVIEW

(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All	(14) LOCATION MAP G Attached G N/A
(15) AGENDA PLACEMENT G Consent G Hearing (Time Est. _____) G Presentation G Board Business (Time Est._____)	(16) EXECUTED DOCUMENTS G Resolutions (Orig + 4 copies) G Contracts (Orig + 4 copies) G Ordinances (Orig + 4 copies) G N/A
(17) NEED EXTRA EXECUTED COPIES? G Number: _____ G Attached G N/A	(18) APPROPRIATION TRANSFER REQUIRED? G Submitted G 4/5th's Vote Required G N/A

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **VIII.B.**

FROM: Vern Hamilton, General Manager

Meeting Date: May 29, 2003

Subject: Approval of Resolution 21-2003 authorizing the General Manager to sign the Agreement with San Luis Obispo County Regarding Community Park Development

RECOMMENDATION:

Approve Resolution 21-2003 to authorize the General Manager to sign the attached agreement with San Luis Obispo County for the development of a community park on a portion of the East-West Ranch.

FISCAL IMPACT:

There is no direct fiscal impact related to this recommended action. However, if the CCSD fails to develop a community park on a portion of the East-West Ranch as anticipated in the funding plan that was adopted for the project, the District could be liable to reimburse the County Park Development Fund the $500,000.00 that was contributed for the purchase of the property. The cost of developing the park will be determined by the final park plan to be adopted by the CCSD Board at a later date.

BACKGROUND:

At the time the East-West Ranch was purchased and the CCSD agreed to take ownership of the project, the County of San Luis Obispo contributed $500,000.00 in Park Development Funds. The intent of this contribution was to ensure the development of a community park on a portion of the East-West Ranch in the vicinity of Rodeo Grounds Road. The CCSD Board accepted this contribution with the above noted condition. Following the purchase and transfer of ownership, the County and the District were to enter into a formal agreement that would document the aforementioned condition. CCSD staff and County staff were directed to prepare the agreement and bring it back for review and approval by both the County Board of Supervisors and CCSD Board of Directors. For reasons unknown to current CCSD staff, this task was never completed.

The attached Joint Use Agreement requires that the District purchase the property and begin the process of developing the Community Park within five years of the date of adoption of the agreement. It does not specify any specific elements that must be included in the final park design. The District has full authority to design and build a park that meets the requirements of the community, respects the constraints that have been identified on the site and satisfies environmental processing under CEQA.

It is important to note that the key elements of the agreement have already been accomplished or are under way. The purchase has been completed and initial planning for the development of the park is being processed by your PROS Commission.

A great deal of confusion has arisen within the community over this project. The following facts should be understood in approving this agreement:

- For the past several months, the PROS commission, through CCSD staff, has been coordinating the completion of an initial plan for the development of the park. This process has identified the features that various segments of the community would like to see included in the project.
- The initial planning process was included in the 2002-03 FY CCSD Budget by the CCSD Board of Directors. This initial process is nearly complete.
- Once the initial plan is completed, it will be subject to the CEQA process to determine any impacts that require mitigation or elimination from the plan.
- The CCSD Board will have final approval authority over the design of the park, including the elements to be constructed.
- Funding for park development is extremely restricted at this time. The District has been authorized to receive a per-capita parks grant from the State in the amount of approximately $220,000.00 in the coming fiscal year. If the project is to proceed, all or part of this funding could serve as the local share of additional grants to build the project.
- Regardless of the final scope of the project, it will be necessary to phase the development of the park as funding becomes available.
- There is no plan, nor has there ever been a plan, to develop vehicular access to the park via a bridge over Santa Rosa Creek. Although the subject was raised in the initial planning process, the idea of a vehicular bridge was rejected by CCSD staff. CCSD Staff members have remained committed to the pedestrian/bicycle bridge that has always been anticipated in the Cross Town Trail Project.
- The completion of the initial planning process does not serve as the end to planning for the project. The CCSD Board of Directors will conduct its own planning process, including community input, at the appropriate time.

In summary, the approval of this Joint Use Agreement does not bind the District to any action that it has not already undertaken. It was clearly anticipated at the time the purchase of the East-West Ranch was completed. Although it is regrettable that this task was not completed in a timely fashion, failure to do so at this time, to set the record straight, could require the District to reimburse the County for the $500,000.00 of Park Development funds that were expended for the purchase of the East-West Ranch.

BOARD ACTION: Date _____ Approved: _____ Denied: _____

UNANIMOUS: __CHALDECOTT___ COBIN ___ FUNKE-BILU ___ SANDERS ___VILLENEUVE__

CAMBRIA COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 21-2003

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
AUTHORIZING THE GENERAL MANAGER TO SIGN AGREEMENT WITH SAN LUIS OBISPO COUNTY REGARDING COMMUNITY PARK DEVELOPMENT

The Board of Directors of the Cambria Community Services District does hereby resolve as follows:

1. The agreement with the Cambria Community Services District and the County of San Luis Obispo regarding Community Park Development

2. The President, and the General Manager in the President's absence, are hereby authorized to execute this agreement on behalf of the Cambria Community Services District.

PASSED AND ADOPTED THIS 29th day of May 2003.

Ilan Funke-Bilu, President,
Board of Directors

Art Montandon,
District Legal Counsel

ATTEST:

Kathy Choate
District Clerk

CCC Exhibit D
(page 102 of 163 pages)

JOINT USE AGREEMENT
BETWEEN THE CAMBRIA COMMUNITY SERVICES DISTRICT
AND THE COUNTY OF SAN LUIS OBISPO
FOR ACQUISITION OF
CAMBRIA COMMUNITY PARK

This Agreement is made this _____ day of _____, 2003, between the CAMBRIA COMMUNITY SERVICES DISTRICT ("DISTRICT"), a public entity in the state of California and the COUNTY OF SAN LUIS OBISPO ("COUNTY"), a public entity in the state of California, with reference to the following facts:

1. The DISTRICT and COUNTY are authorized under the authority of the California Government Code, Section 6500 et. seq., jointly to provide any services for which each might individually be responsible.

2. The DISTRICT is seeking to purchase certain property know as the East West Ranch to preserve for open space preservation and public recreational use and intends to set aside approximately 50 acres of said property as a community park serving the recreational needs of Cambria, as shown on Exhibit A, "East West Ranch," attached hereto and incorporated herein by reference.

3. The DISTRICT and COUNTY have determined a need for additional public recreational facilities within the unincorporated community of Cambria and both desire to make accommodations for such needs.

4. The DISTRICT and COUNTY believe a joint effort to finance the purchase of a site for such outdoor recreational facilities rather than to provide separate and less appropriate facilities would be in the best interest of both entities and the citizens within the DISTRICT and the COUNTY as a whole.

5. The DISTRICT will have the benefit of additional outdoor recreational facilities which might otherwise be beyond the ability of the DISTRICT to purchase without the COUNTY's financial contribution.

6. The COUNTY and its residents will receive the benefit of increased outdoor recreational facilities for children and adults at considerable savings and viability than if the COUNTY were to undertake such a project at its own expense.

NOW THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section I - Authority

1.1 The DISTRICT and COUNTY are authorized under the authority of the California Government Code, Section 6500 et. seq, jointly to provide any services for which each might individually be responsible. Under such authority, the parties to this Agreement may designate any one of the parties as the agency to administer the program and to exercise such power or powers as may therein be specified. The parties agree that the DISTRICT shall be the administrator of this Agreement as discussed in Section IV of this Agreement.

CCC Exhibit D
(page 103 of 163 pages)

Section II - Term of Agreement

2.1 This Agreement shall be in effect for a period of 5 years, unless earlier terminated pursuant to the provisions of this Agreement. The term shall commence upon execution of this Agreement by both the COUNTY and DISTRICT. During the period of this Agreement, the DISTRICT agrees to complete the purchase of the East West Ranch and begin the development of an approximately 50-acre portion of said Ranch as a community park for use for any and all residents of the COUNTY under the same conditions and costs as it provides such services to residents of the DISTRICT.

2.2 Neither party to this Agreement shall assign or transfer this Agreement or any interest herein without the prior written consent to the other party.

Section III - County Contribution

3.1 The COUNTY is authorized under Board of Supervisors Resolution No. 91-536, dated October 15, 1991, to collect and use Public Facility Fees for the acquisition and construction of recreational facilities that serve the neighborhood and community needs of the unincorporated areas of the COUNTY.

3.2 Under that authority, COUNTY shall contribute a total capital outlay of five hundred thousand dollars ($500,000) toward the cost of acquiring a community park at the East West Ranch site.

Section IV - Manner of Operation

4.1 The DISTRICT and COUNTY have agreed to cooperate in funding the acquisition of a community park at the East West Ranch; however, no independent entity has been established nor is one intended with regard to the DISTRICT and COUNTY in carrying out the terms of this Agreement.

4.2 The parties agree that the DISTRICT shall be the administrator of this Agreement. The DISTRICT will be responsible for all bids, offers to purchase, escrow and monitoring of all legal compliance, including but not limited to those laws governing construction of public facilities related to the purchase. The DISTRICT will be responsible for all payments to the seller, and will have sole responsibility for and authority over the manner in which the transaction is completed.

4.3 Upon acquisition, the DISTRICT shall be responsible for all maintenance and upkeep of the site.

4.3 The DISTRICT may improve, change or alter the site in any manner which is not inconsistent with the parties intended result of providing a community park for use by the residents of the DISTRICT and the COUNTY.

4.4 The DISTRICT agrees to defend, indemnify and hold harmless the COUNTY and its officers, agents and employees from and against any and all claims, demands, costs, expenses, judgements, causes of action and liability which may be incurred by reason of injury to person or property due to any dangerous conditions at the community park site for which the DISTRICT is responsible.

Section V - Accounting

5.1 The parties agree that the General Manager for the DISTRICT shall be the designated official who shall be responsible for maintaining and accounting for all funds contributed by the DISTRICT and the COUNTY for the costs of acquiring the community park site.

Section VI - Default

6.1 Failure or delay by either party to perform any term or provision of this Agreement constitutes a default under this Agreement. The nondefaulting party shall notify the defaulting party that a default exists and that the defaulting party must cure same within thirty (30) days of receipt of the notice of default. The party who so fails or delays must immediately commence to cure, correct or remedy such failure or delay and shall complete such cure, correction or remedy with reasonable diligence and during any period of curing shall not be in default. Should the DISTRICT fail to successfully acquire the East West Ranch or be able to provide an approximately 50-acre community park site resulting from said acquisition, the DISTRICT shall return all COUNTY contributed funds.

Section VII - Miscellaneous

7.1 This Agreement may be amended or modified only in writing, signed by DISTRICT and COUNTY.

7.2 No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

7.3 The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

7.4 Notices desired or required to be given pursuant to this Agreement or by any law now or hereafter in effect may be given by enclosing the same in a sealed envelope addressed to the party for whom intended and by depositing such envelope with postage prepaid in the United States Post Office or any substation thereof, or any public letter box, and any such notice and the envelope containing the same, if to COUNTY, shall be addressed as follows:

COUNTY OF SAN LUIS OBISPO
1087 Santa Rosa Street
San Luis Obispo, CA 93408
Attention: Parks Manager

and any such notice and the envelope containing the same, if to the DISTRICT, shall be addressed as follows:

CAMBRIA COMMUNITY SERVICES DISTRICT
P.O. Box 65
Cambria, CA 93428
Attention: General Manager

Either party may, by notice to the other given in accordance with this Section 7.5, specify a different address for notice purposes.

7.5 Non-Discrimination: DISTRICT and COUNTY shall not discriminate against any person or class of persons in violation of the Civil Rights Act of 1964 as amended or any other applicable laws prohibiting discrimination in the use of the Premises.

7.6 Entire Agreement and Modifications: This Agreement embodies the whole Agreement between the parties hereto as it pertains to the subject real property and there are no promised terms.

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conditions, or obligations referring to the subject matter hereof, other than as contained herein. Any alterations, changes or modifications to this Agreement must be in writing and executed by both DISTRICT and COUNTY.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

COUNTY OF SAN LUIS OBISPO

By: _____
Chair, Board of Supervisors

Approved by the Board of Supervisors this
_____ day of _____, 2003.

ATTEST:

_____
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Deputy County Counsel

Date: 3/31/03

CAMBRIA COMMUNITY SERVICES DISTRICT

By: _____

ATTEST:

_____

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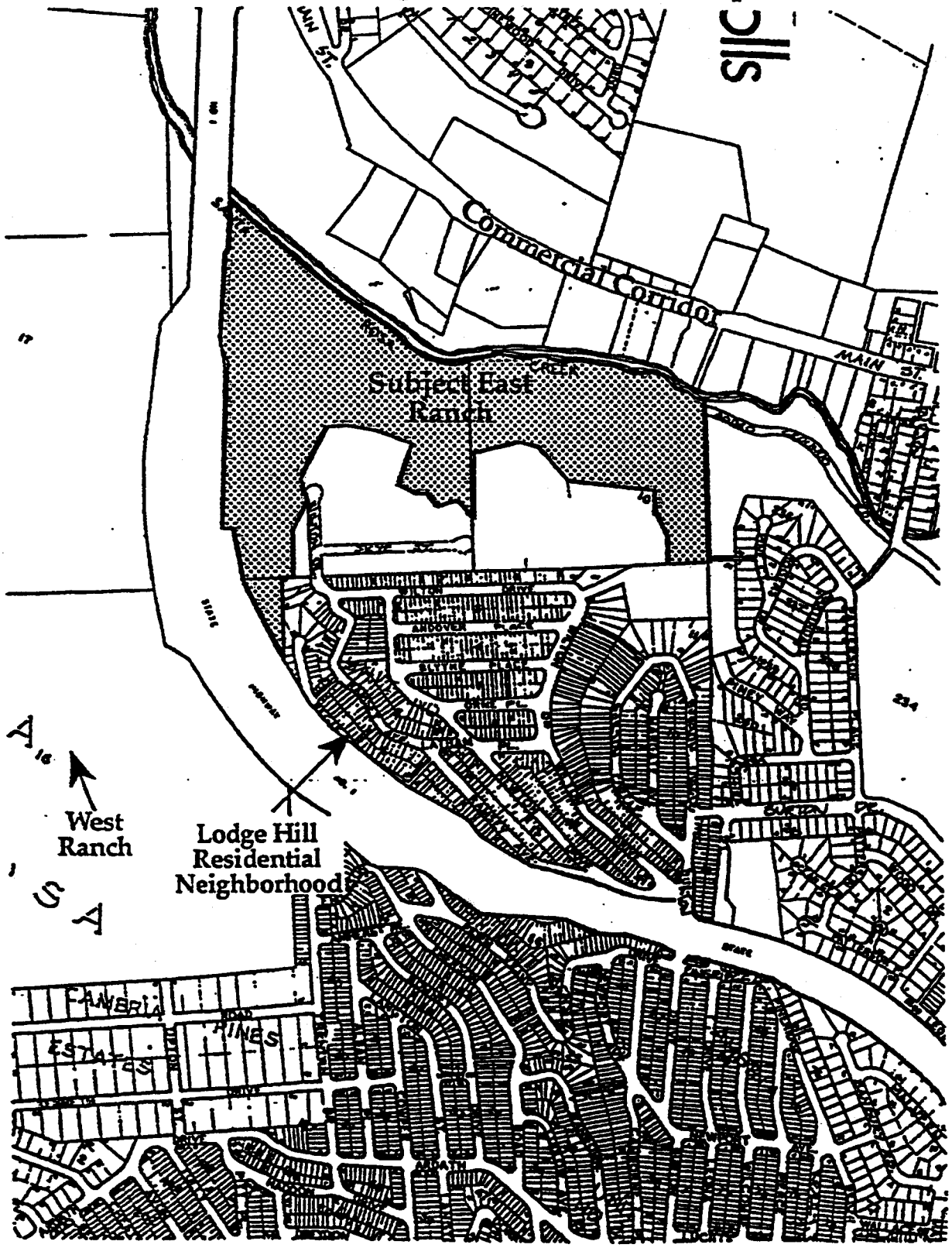
EXHIBIT A

East Ranch Neighborhood Overview Map



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CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

KEY FACTS FOR PROS COMMISSION MEETING ON 3/12/03

What is the authority of the CCSD to provide Parks, Recreation and Open Space services? The CCSD has been authorized by LAFCO and the CCSD Charter to provide all of the services contained in the Government Code.

What is the role of the PROS Commission? The PROS Commission is the policy recommending body for the CCSD Board of Directors. The Commission does not have the authority to expend District funds or to direct the activities of District staff. No expenditures or other allocations of resources for these activities can occur without CCSD Board approval.

Why is the Park needed? The Cambria area has an identified deficiency in Park and Recreation services. Existing facilities on school sites are not sufficient to meet the demand for uses. The existing Shamel Park on Windsor is far too small to support a population of over 6,000 people; it has no athletic fields or community center, which are major stated community needs. There are not enough public facilities, such as ball fields, soccer fields, and tennis courts to serve the local demand. A local non-profit organization currently provides programs for the youth of the community that must struggle with funding issues on a regular basis.

Why is the Community Park being planned on the East Ranch? Since the funding package for the purchase of the East/West Ranch was completed, the Community Park has been established as a feature on the East Ranch property. The County of San Luis Obispo contributed $500,000.00 to the project specifically to support the development of the park. The East/West Ranch planning process has identified the location and scope of the park project in several public meetings and in numerous newspaper articles. There are no other locations in Cambria that meet the basic requirements for locating a community park.

Why can't more athletic fields be constructed at local schools? There is no excess capacity at the school sites. No other facilities can be incorporated.

How will the Community Park be funded? The CCSD General Manager recommended that no additional resources be allocated to Parks and Recreation services until a secure revenue source is implemented to support those services. Current CCSD general fund revenues are not sufficient to absorb any expansion in these services. This means that staff will complete the projects that are currently under way and manage the programs that are already in place (development of the park plan, completion of the Santa Rosa Creek Trail and Cross Town

Exhibit D

Trail, implementation of the recommended East/West Ranch Management Plan, operation of the Veterans' Memorial Hall at the current level, etc.). However, it is not recommended that any new projects or programs be undertaken (actual development of the park on the East Ranch property, hiring of dedicated Parks and Recreation staff, offering recreation programs, etc.) until there are funds in place to support them without any additional impact on the current staff. Staff will attempt to identify and secure grant funding for additional projects and manage any election necessary for the voters to approve funding dedicated to these services. However, without the dedicated funding in place, seeking out grants will be minimized, as there will be no staffing for maintenance and operation of any subsequent projects.

How much truth to the rumor about "charging admission" to our proposed Community Park? ABSOLUTELY NONE! No "admission fees" will be charged to users of the Community Park. It will be free and open to the public.

What's this about building a "sports complex" on the East Ranch? It is NOT the District's intent to propose a sports complex exclusively. The proposed Community Park Master Plan will incorporate athletic activities, passive recreation activities (open space and trails), a tot lot area, picnic tables, benches, and will be more rural in setting, open and natural, fitting within the landscape and blending with the environment.

What amount of lighting is planned for the Community Park? The site is limited to safety lighting in the parking area and at the restroom facilities. The proposed athletic fields will NOT be lighted.

What will be the Park's impact on the potable water supply? Irrigation to the Community Park site will be served by reclaimed or runoff water; it will not be served by potable water supply for irrigation purposes.

What about the potential for elevated noise and traffic at the Community Park site? These potential impacts, along with others, will be researched and analyzed as part of the required environmental review process and will be open for public comment and input.

When will games be played? Games and events at the Community Park will be scheduled within specified daily hours of operation, yet to be determined. Game play will be limited to daytime hours, since there will be no lighted fields.

Presented by:

Tammy Rudock
Assistant General Manager
3/12/03

Enclosure # 2

Oct 26, 2000

Mr 23 2000

Feb 22, 2001

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EAST WEST RANCH ACQUISITION

COASTAL CONSERVANCY

Project Summary
October 26, 2000

EAST WEST RANCH ACQUISITION

File No. 00-005
Project Manager: Prentiss Williams

RECOMMENDED ACTION: Authorization to accept one million one hundred dollars ($1,100,000) of federal Transportation Enhancement Activities Program grant funds, and to disburse these funds and three million five hundred thousand dollars ($3,500,000) in Coastal Conservancy funds to the American Land Conservancy for acquisition of the East West Ranch in Cambria. The source of the Coastal Conservancy funds would be the Coastal Conservancy's FY2000/2001 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12).

LOCATION: On the Pacific Ocean, in the unincorporated community of Cambria, 32 miles northwest of the City of San Luis Obispo in San Luis Obispo County (see Exhibits 1 and 2 attached to the accompanying Staff Recommendation).

PROGRAM CATEGORY: Coastal Access

ESTIMATED COST: <u>Coastal Conservancy Funds</u>

Current Proposed Authorization:	**$4,600,000**
(TEA Grant:	1,100,000)
(Proposition 12 Appropriation:	3,500,000)*
March 23, 2000 Authorization:	$3,500,000**
Coastal Conservancy Total:	**$8,100,000**

* Funds designated specifically for acquisition of the East West Ranch

** Coastal Conservancy Challenge Grant Program

<u>Other Funds</u>

Cambria Community Services District:	$ 1,500,000 ‡
Community Fundraising Campaign:	1,000,000 ‡
Real Property Donation: *(estimated cash value)*	1,000,000 ‡
County of San Luis Obispo	500,000

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San Luis Obispo Council of Governments	100,000
American Land Conservancy:	100,000
Other Funds Total:	$ 3,200,000

‡ Local/Private Match for Challenge Grant

GRAND TOTAL:	**$11,300,000 †**

† Includes purchase of 14 peripheral lots

PROJECT SUMMARY: Staff is proposing that the Conservancy authorize the disbursement of four million five hundred thousand dollars ($4,600,000) to the American Land Conservancy (ALC) to complete the acquisition of the 400-acre East West Ranch property in the town of Cambria in San Luis Obispo County. The proposed disbursement, along with a previous Conservancy grant and funds raised from local sources, will enable ALC to close escrow and transfer the 400-acre property to the Cambria Community Services District (CCSD) for ownership and management.

The East West Ranch consists of 400 acres of coastal terrace and riparian corridor and is situated on both the east and west sides of Highway 1. Public acquisition of this property would allow the development of a continuous public access trail from downtown Cambria all the way out to the edge of the ocean bluffs. Public acquisition would also enable placement of a 1.2-mile segment of the Coastal Trail along the bluff edge, connecting to Shamel County Park and San Simeon State Beach (see Exhibit 3 attached to the accompanying Staff Recommendation).

At its meeting of March 23, 2000 in Cambria, the Conservancy authorized disbursement of $3,500,000 from its Challenge Grant program for acquisition of the East West Ranch (see Exhibit 4 attached to the accompanying Staff Recommendation). This grant was conditioned on ALC securing the remainder of the funds needed to complete the purchase. As a requirement of the Challenge Grant program, at least $3,500,000 of these funds had to be raised from non-state sources. Since March, ALC has been successful in raising the required matching funds for the Challenge Grant and in facilitating the commitment of additional public funds to complete the transaction.

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The matching funds have been raised entirely from local and private sources. These include:

- One million five hundred thousand dollars ($1,500,000) from the Cambria Community Services District (CCSD).

- One million dollars ($1,000,000) in cash contributions from private individuals and local organizations.

- A donation of 22 acres of real property, valued at one million dollars ($1,000,000), from Mid-State Bank, a local financial institution.

The inclusion of the real property donation in the local match is a recent development. Although the donated land could be sold by ALC and the resulting cash used for the purchase of the East West Ranch, staff has determined that the highest value from this donation would be realized by incorporating the property into the project.

The donated land is adjacent to the eastern portion of the East West Ranch property and is largely undeveloped (see Exhibit 5 attached to the accompanying Staff Recommendation). It contains important natural resources, including a portion of Santa Rosa Creek. The property will be added to the East West Ranch project, bringing the total number of acres protected to 422. As seen in Exhibit 5, this parcel encompasses the entire northern bank of Santa Rosa Creek as it flows past the East West Ranch. The addition of the Mid-State Bank property would enable greater protection of Santa Rosa Creek, as well as providing potential locations for various kinds of visitor serving facilities.

The remainder of the purchase price would come from the County of San Luis Obispo, the San Luis Obispo County Council of Governments, the American Land Conservancy and the Coastal Conservancy. The proposed Coastal Conservancy disbursement would come from a federal TEA grant and from funds designated for this acquisition by the Legislature in the Conservancy's Fiscal Year 2000/01 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12).

Upon acquisition, ALC will place a public access and conservation easement over the property and then transfer title

to the CCSD. ALC will then initiate a planning process to develop guidelines for public access and resource protection.

In support of the Conservancy's authorization of March 23, 2000, the Conservancy received over 600 letters from residents of the region as well as people from all over the country. The project is supported as well by local and state legislators and a variety of national and local non-profit organizations.

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COASTAL CONSERVANCY

Staff Recommendation
October 26, 2000

EAST WEST RANCH ACQUISITION

File No. 00-005
Project Manager: Prentiss Williams

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 *et. seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the acceptance of one million dollars ($1,100,000) from the federal Conservation Lands share of the Transportation Enhancement Activities (TEA) program, and the disbursement of an amount not to exceed four million five hundred thousand dollars ($4,600,000) to the American Land Conservancy (ALC) for the acquisition of fee title to the approximately 400-acre property known as the East West Ranch (San Luis Obispo County Assessor Parcel Nos. 13-121-014, 13-121-021 and 13-131-036) located in northern San Luis Obispo County, as shown on Exhibit 2 of the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, the ALC shall submit for the review and approval of the Executive Officer of the Conservancy:

   a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property; and

   b. By March 31, 2001, evidence that ALC has available all funds necessary to complete the acquisition.

   c. Evidence in an approved appraisal report that the real property offered as a portion of the local match

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for the Conservancy's challenge grant has a fair market value of at least one million dollars ($1,000,000).

2. ALC shall pay no more than fair market value for the property acquired pursuant to this authorization, as established in an appraisal approved by the Executive Officer of the Conservancy;

3. ALC shall permanently dedicate the property acquired pursuant to this authorization for resource enhancement and public access; and

4. ALC shall submit for the review and approval of the Executive Officer a signing plan for the project acknowledging Conservancy participation."

Staff further recommends that the Conservancy adopt the following finding:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the acquisition of the East West Ranch remains consistent with the resolution and findings and discussion accompanying the Conservancy action of March 23, 2000, attached as Exhibit 4 to this staff recommendation."

STAFF DISCUSSION:

Project Description: The action proposed in this staff recommendation is the acceptance of $1,100,000 from the federal Conservation Lands share of the Transportation Enhancement Act (TEA) fund, and disbursement of $4,600,000 to ALC for the acquisition of a 400-acre property in San Luis Obispo County known as the East West Ranch. These funds, together with a previous Conservancy grant of $3,500,000 and more than $4,000,000 in local and private funds, would enable ALC to finalize an acquisition that has been more than 10 years in the making.

At its meeting of March 23, 2000, the Conservancy authorized the disbursement of $3,500,000 from its Challenge Grant program for acquisition of the East West Ranch (see Exhibit 4). This grant was conditioned on ALC securing the remainder of the funds needed to complete the purchase. As a requirement of the Challenge Grant program, at least $3,500,000 of these

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funds had to be raised from non-state sources. Since March, ALC has been successful in raising the required matching funds for the Challenge Grant and in facilitating the commitment of additional public funds to complete the transaction.

In a recent development, the local match for the Challenge Grant now includes a donation of 22 acres of real property, valued at an estimated $1,000,000, from Mid-State Bank, a local financial institution. This property donation, together with the $1,000,000 in cash donations raised by ALC and the Cambria community and the $1,500,000 contribution from the Cambria Community Services District (CCSD), brings the total amount of non-state funds up to $3,500,000, meeting the Conservancy's matching fund requirement.

Although the donated land could be sold by ALC and the resulting cash used for the purchase of the East West Ranch, property, staff has determined that the highest value from this donation would be realized by incorporating the property into the project. The property is adjacent to the East West Ranch property and is largely undeveloped (see Exhibit 5). It contains important natural resources, including a portion of Santa Rosa Creek. As seen in Exhibit 5, this parcel encompasses the entire northern bank of Santa Rosa Creek as it flows past the East West Ranch. The addition of the Mid-State Bank property would enable greater protection of Santa Rosa Creek, as well as provide potential locations for various kinds of visitor serving facilities.

The remainder of the purchase price would come from a federal TEA grant and from funds designated for this acquisition by the Legislature in the Conservancy's Fiscal Year 2000/01 Proposition 12 appropriation.

Public acquisition of the East West Ranch property would allow the development of a continuous public access trail from downtown Cambria all the way out to the edge of the ocean bluffs. Public acquisition would also enable placement of a 1.2-mile segment of the Coastal Trail along the bluff edge, connecting to Shamel County Park and San Simeon State Beach (see Exhibit 3).

Upon acquisition, ALC would place a public access and conservation easement over the property and then transfer title to the CCSD. The CCSD, together with ALC would then

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initiate a planning process to develop guidelines for public access and resource protection.

Project Financing: Expected Sources for Current Proposed Authorization:

TEA Grant:	$ 1,100,000 *
Proposition 12 Appropriation:	3,500,000 **
Total:	**$ 4,600,000**

* Funds provided through the Conservation Lands share of the federal Transportation Enhancement Act Program

** Funds specifically designated for acquisition of the East West Ranch through the Conservancy's FY2000/01 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12).

March 23, 2000 Authorization:

SCC Challenge Grant:	$ 3,500,000

Non-State Match for Challenge Grant:

Cambria Community Services District:	$ 1,500,000
Community Fundraising Campaign:	1,000,000
	$ 2,500,000
Mid-State Bank Property Donation:	1,000,000 ‡
Total Value of Match:	$ 3,500,000

‡ estimated fair market value

Other Funds:

County of San Luis Obispo:	$ 500,000
San Luis Obispo Council of Governments:	100,000
American Land Conservancy:	100,000
Other Funds Total:	$ 600,000

Site Description: East West Ranch is a spectacular oceanfront property in the community of Cambria, located approximately 32 miles northwest of the City of San Luis Obispo (see Exhibit 1). The property is divided by Highway 1 into two sections. The eastern portion is approximately 52 acres and slopes to the west from the center of Cambria along the floodplain of Santa Rosa Creek. The western portion is about 350 acres in size and lies along the coastal terrace adjacent to the ocean (see Exhibit 2). The most outstanding feature of the East West Ranch is the dramatic ocean bluff that extends approximately 1.2 miles along the Pacific coast.

Natural resources on the property include the lower creek corridor and floodplain of Santa Rosa Creek, a confirmed steelhead fishery. There are two natural springs on the property as well as a freshwater wetland in its southwest corner. There are numerous opportunities for resource enhancement, particularly within the Santa Rosa Creek floodplain.

The primary purpose of a public acquisition of the East West Ranch property, however, is the opportunities it would afford for coastal access. Public ownership would allow the development of a public access trail connecting downtown Cambria with the ocean bluffs on the westernmost edge of the property. A segment of the Coastal Trail could also be located along the bluff edge, providing a connection to Shamel County Park and San Simeon State Beach to the south (see Exhibit 3).

A more detailed property description is included the March 23, 2000 Staff Recommendation attached as Exhibit 4.

Project History: On March 23, 2000, the Conservancy approved a grant of $3,500,000 to ALC for acquisition of the East West Ranch. The grant was made from the Conservancy's Challenge Grant Program, which requires an equivalent amount of matching funds from non-state sources. The grant was approved with the understanding that the Conservancy's funds would be matched with $1,500,000 from the Cambria Community Services District (CCSD) and $2,000,000 derived from private sources.

Since March, ALC and the Cambria community have been successful in raising a total of $1,000,000 in private donations. ALC has also received a donation of 22 acres of real property, valued at $1,000,000, from Mid-State Bank, a local financial institution. This property donation, together with the $1,500,000 contribution from CCSD, has brought the total amount of non-state funds up to $3,500,000, meeting the Conservancy's matching fund requirement.

In June of this year, a grant to the Conservancy for acquisition of the East West Ranch from the federal TEA program was approved by the California Department of Transportation. The Conservancy also received a special appropriation of Proposition 12 bond funds in its FY2000/2001 budget specifically for the East West Ranch project. The funding to complete this acquisition is now in place.

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A detailed history of the East West Ranch property can be found in the March 23 Staff Recommendation attached as Exhibit 4.

PROJECT SUPPORT: As was demonstrated at the Conservancy meeting held on March 23, 2000, this project enjoys tremendous public support. Over 600 letters of support were received by the Conservancy, from individuals, as well as organizations (see Exhibit 4). The project has the support of State Senator Jack O'Connell, Assemblyman Abel Maldanado, and Congresswoman Lois Capps. Organizations supporting the project include the County of San Luis Obispo, the Cambria Land Conservancy, the North Coast Alliance, the Environmental Defense Center, EcoSlo, the State Department of Parks and Recreation State Parks (both San Simeon and San Luis Obispo Coast Districts), The Nature Conservancy, Friends of the Ranch, Sierra Club, the Cambria Forum, the Land Conservancy of San Luis Obispo, and others. The Office of the Governor and the Resources Agency also received many letters supporting this project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION: The Conservancy has general authority to apply for and accept federal grants pursuant to Public Resources Code Section 31104. Acceptance of the TEA funds will help carry out the purposes of Chapter 9 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code (Sections 31400-31405), regarding public access and enjoyment of coastal resources.

With regard to the Conservancy's disbursement to the ALC, see the March 23, 2000 Staff Recommendation, attached as Exhibit 4, at page III-11.

CONSISTENCY WITH CONSERVANCY'S PROGRAM GUIDELINES: The proposed project is consistent with the Conservancy's interim Program Guidelines adopted May 27, 1999 in the following respects:

<u>Required Criteria</u>

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Consistency with Purposes of Funding Sources: The anticipated source of funds for the proposed Conservancy grant would be a federal grant in the amount of $1,000,000 from the Conservation Lands share of the federal Transportation Enhancement Act Program (TEA). This grant was awarded to the Conservancy specifically for acquisition of the East West Ranch property. The other expected source of funds for the proposed grant would be the Conservancy's FY2000/01 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12). These funds have been designated by the Legislature specifically for acquisition of the East West Ranch property.

Additional Criteria

Realization of Prior Conservancy Goals: The proposed action is entirely consistent with the intentions of the Conservancy when it approved the challenge grant to ALC on March 23, 2000.

Other Required Criteria and Additional Criteria

See the March 26, 2000 Staff Recommendation, attached as Exhibit 4, at pages III-11 through III-13.

CONSISTENCY WITH THE COASTAL ACT: The project remains consistent with the policies of the Coastal Act as described in the March 23, 2000 Staff Recommendation, attached as Exhibit 4, at pages III-13 and III-14.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES: The East West Ranch project is consistent with Policy 1 of the Coastal Plan Policies pertaining to shoreline access contained in the certified San Luis Obispo Local Coastal Program (LCP) Land Use Element.

Policy 1 states that: "Public prescriptive rights ... shall be protected through public acquisition measures or through permit conditions which incorporate access measures into new development."

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Public access to the East West Ranch property was allowed by its owners for at least 20 years prior to the property's sale to the current owners in 1993. Several informal trails exist on the property, primarily along the bluff edge. Acquisition of the property would enable the formal provision of public access and would ensure the preservation of the public's right in perpetuity.

The North Coast Area Plan, which includes the town of Cambria, makes specific mention of the East West Ranch (formerly known as the Fiscalini Ranch) as an area where public access should be preserved and improved.

COMPLIANCE WITH CEQA: The proposed project is exempt from the California Environmental Quality Act (CEQA) according to 14 Code of Regulations Section 15325. This Section exempts from CEQA review ". . . transfers of ownership of interests in land in order to preserve open space."

The proposed project is also exempt under Section 15316, which exempts from CEQA review "... acquisitions of land for the purpose of establishing parks, where the land is in a natural condition and either a management plan for the park has not been prepared, or the management plan proposes to keep the area in a natural condition."

Staff will file Notices of Exemption upon approval of the project.

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EXHIBIT 3
PROJECT LOCATION

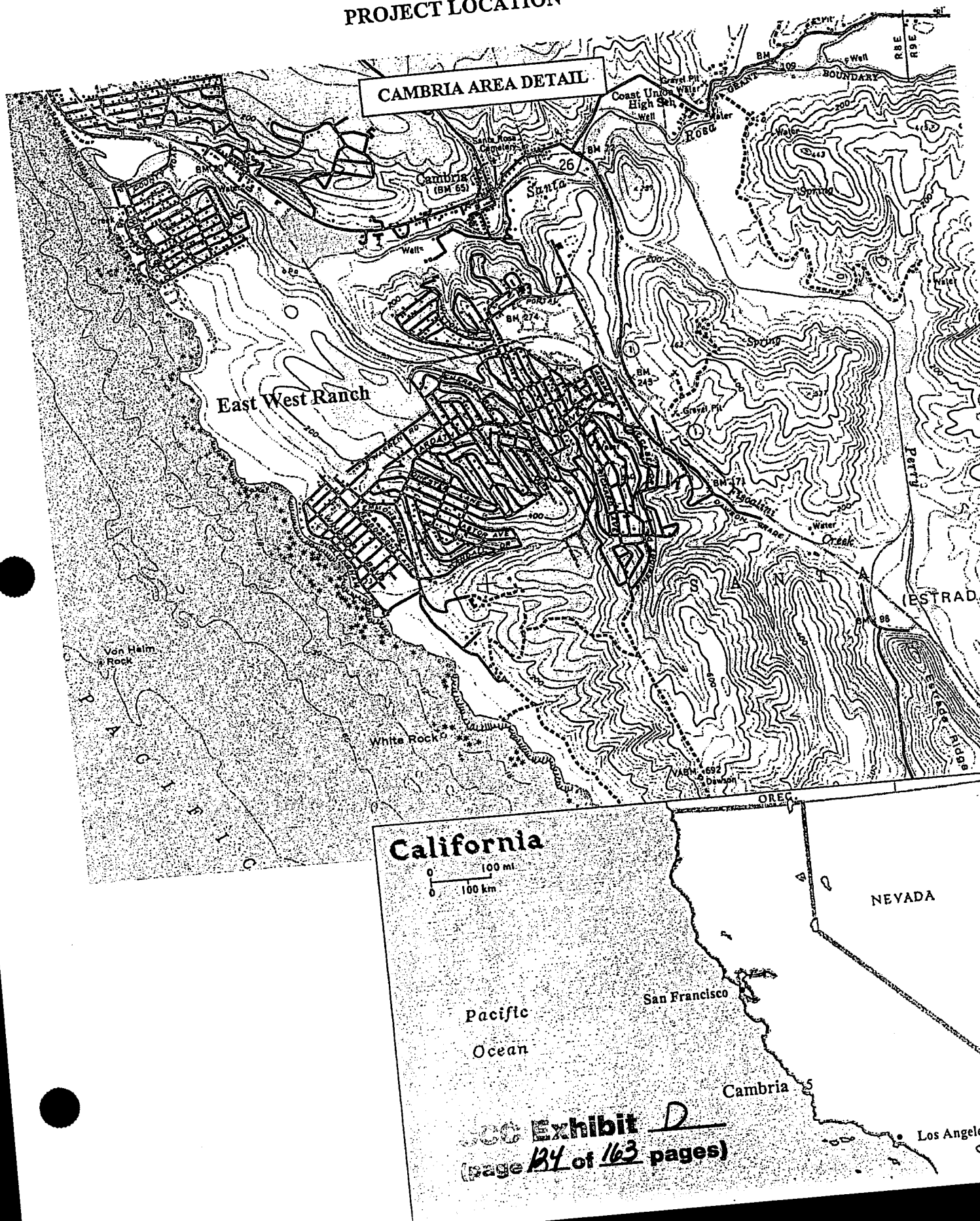

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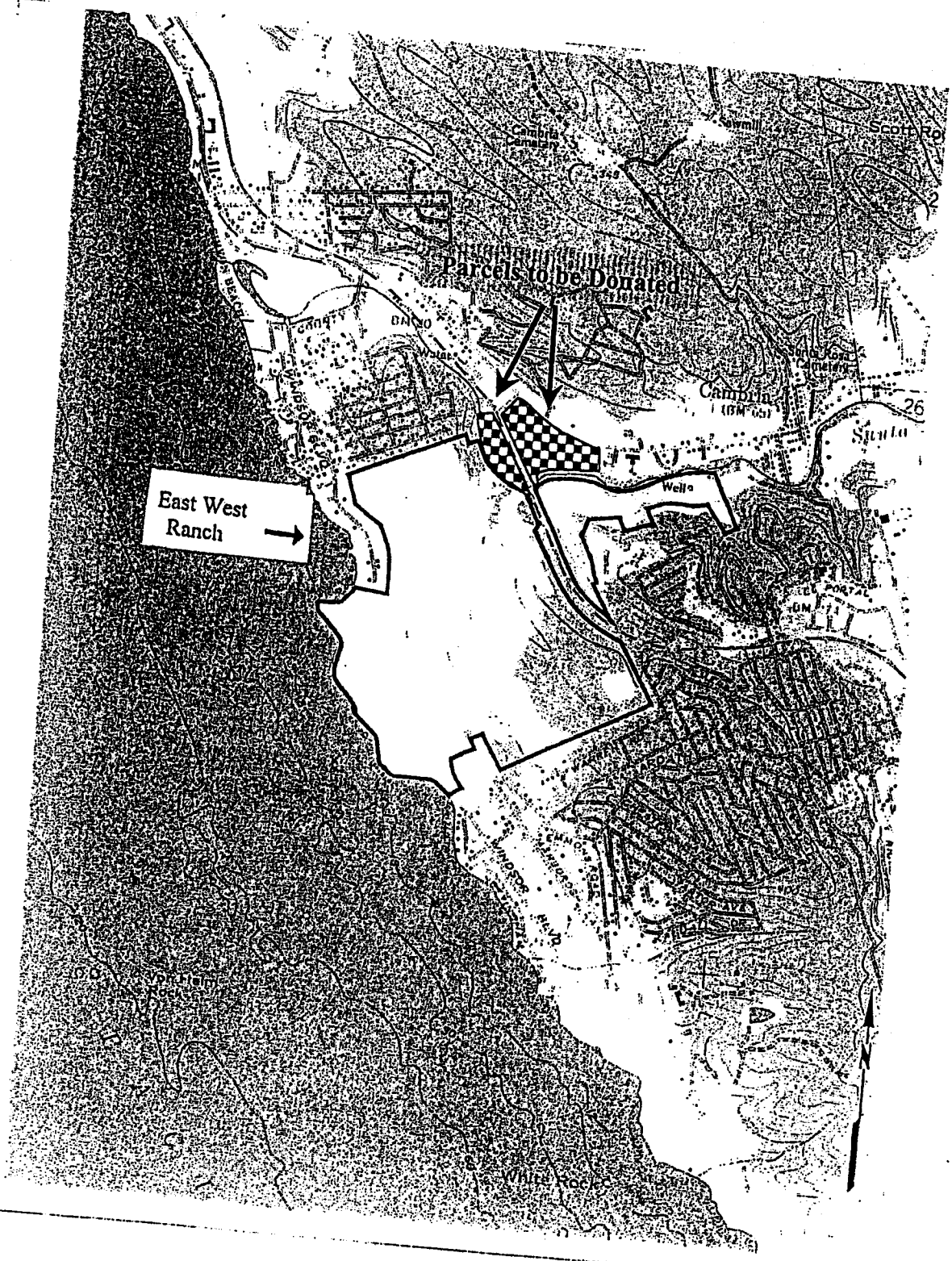
EXHIBIT 5
MID-STATE BANK PROPERTY
(Proposed Donation)



EAST WEST RANCH ACQUISITION

COASTAL CONSERVANCY

Project Summary
March 23, 2000

EAST WEST RANCH ACQUISITION

File No. 00-005
Project Manager: Carol Arnold

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed $3,500,000 to the American Land Conservancy for the acquisition of 400 coastal acres known as East West Ranch in San Luis Obispo County.

LOCATION: On the Pacific Ocean, in the unincorporated community of Cambria, 32 miles northwest of the City of San Luis Obispo (See Exhibit 1: Location Map and Exhibit 2: Site Map)

PROGRAM CATEGORY: Coastal Access

ESTIMATED COST: Challenge Grant Program

Coastal Conservancy	$3,500,000 *
Match: Cambria Community Services District	1,500,000
Private Donations	2,000,000
	$7,000,000

Other

San Luis Obispo Council of Governments	100,000
County of San Luis Obispo	500,000
Potential Other Funds:	3,100,000 **
	3,700,000
TOTAL:	$10,700,000

* The source of the proposed Conservancy grant is the Challenge Grant Program, which provided $10,000,000 from General Fund monies to the Conservancy for Fiscal Year 1999/2000.

** The American Land Conservancy is exploring potential contributions from the State Department of Parks and Recreation and the Wildlife Conservation Board. They have

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also applied for a California Transportation Commission Environmental Enhancement and Mitigation Program Grant and are investigating other private and public funding sources.

PROJECT SUMMARY: The proposed authorization will help the American Land Conservancy (ALC) acquire 400 acres of coastal terrace and floodplain property located in Cambria, both to the east and west of Highway 1. This will allow the development of a public access trail on the property that will extend from downtown Cambria, west along the floodplain of Santa Rosa Creek, under Highway 1, and onto the coastal terrace where spectacular ocean views greet the visitor. Plans for the trail include a segment of Coastal Trail extending north and south along approximately 1.2 miles of the bluff, and north through an easement on property owned by the Cambria Community Services District (CCSD) to Shamel County Park and San Simeon State Beach, also known as Moonstone Beach (see Exhibit 3: Proposed Access Alignment).

Conservancy funds are being provided to ALC as a challenge grant, which requires at least a one-to-one match from non-state funds. The Cambria Community Services District will provide $1,500,000 of the match; the remaining $2,000,000 is expected to be raised from private donations by December 31, 2000. Currently, secured private donations total more than $500,000, raised by ALC in a three-month period, primarily as small contributions from community members. If ALC has not raised the necessary funds by the end of the year, the Conservancy grant will become available for other projects that qualify for the Challenge Grant Program.

The potential for a popular trail in a part of the coast not well served by public access, the beauty of the views from the property, the outstanding natural resources including the lower creek corridor and floodplain of Santa Rosa Creek, as well as a grove of Monterey Pine in the southern extent of its range and other rare plants and animals, make this project of great interest to many individuals, organizations, and government agencies.

The Cambria Monterey Pine forests are the primary reason the area was identified as one of the 15 most important conservation areas in San Luis Obispo County in a report recently completed by The Nature Conservancy and The Land Conservancy of San Luis Obispo County for the Packard Foundation.

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The purchase price for the property has been established by an appraisal of fair market value, approved by the State Department of General Services in July 1999. The appraisal is based upon the existence of 31 legal lots which could be approved for development within a year. The Local Coastal Program for northern San Luis Obispo County would allow the development of up to 340 units on the western portion of the ranch, as well as a golf course and other development on the eastern portion, assuming that a master development plan is approved. In spite of the development potential, the property is also restricted due to the need to protect environmentally sensitive habitat such as the Monterey Pine Forest, riparian areas, and coastal terrace habitat.

The Conservancy has received over 600 letters of support for this project from residents of the region as well as visitors from all over the country and world. Many letters have been received from organizations and political representatives as well. Additionally, both the Office of the Governor and the Resources Agency have received many letters supporting this funding request.

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COASTAL CONSERVANCY

Staff Recommendation
March 23, 2000

EAST WEST RANCH ACQUISITION

File No. 00-005
Project Manager: Carol Arnold

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three million five hundred thousand dollars ($3,500,000) to the American Land Conservancy for the acquisition of fee title to an approximately 400-acre property known as the East West Ranch (San Luis Obispo County Assessor Parcel Nos. 13-121-014, 13-121-021 and 13-131-036) located in northern San Luis Obispo County, as shown on Exhibit 2 of the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, the American Land Conservancy (ALC) shall submit for the review and approval of the Executive Officer of the Conservancy:

   a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property; and

   b. By December 31, 2000, evidence that ALC has available all funds necessary to complete the acquisition including at least $2,000,000 in private funds and $1,500,000 from the Cambria Community Services District.

2. ALC shall pay no more than fair market value for the property acquired pursuant to this authorization, as established in an appraisal approved by the Executive Officer of the Conservancy;

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3. ALC shall permanently dedicate the property acquired pursuant to this authorization for resource enhancement and public access; and

4. ALC shall submit for the review and approval of the Executive Officer a signing plan for the project acknowledging Conservancy participation."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Division 21, Chapter 9 of the Public Resources Code (Sections 31400 *et seq.*);

2. The proposed project is consistent with the interim Project Selection Criteria and Guidelines adopted by the Conservancy on May 27, 1999;

3. The American Land Conservancy is a private nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and having among its principal charitable purposes the preservation of land for scientific, historic, education, ecological, recreational, agricultural, scenic or open space opportunities; and

4. The project meets greater than local needs."

STAFF DISCUSSION:

Project Description: The American Land Conservancy has applied to the Conservancy for assistance in acquiring the East West Ranch, 400 acres of beautiful coastal land in the community of Cambria, northern San Luis Obispo County. ALC has mounted a strong fund-raising campaign to help with the acquisition cost which it expects will result in the purchase of the entire property by year's end (see Exhibit 4: Fundraising Brochure).

The property is being acquired in phases. The first phase, consisting of a $2,000,000 purchase of property on the north side of the western portion of the ranch closed escrow in February 2000. Phase I was acquired by ALC with a loan from Environment Now, a nonprofit foundation, secured by a deed of trust on the property, and was accomplished to avoid a nonrefundable option payment on the property by ALC. The second phase

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will result in the purchase of the remainder of the ranch. Conservancy funds will not be disbursed until any and all deeds of trust on the property are extinguished and ALC can deliver clear title to the entire ranch. ALC expects that all funds will be in place to acquire the entire property by December 31, 2000, a requirement of the Conservancy's challenge grant.

The East West Ranch has long been of interest to environmental and community groups because of its outstanding natural and scenic resources and potential for public access in a part of the coast that is not well served by such amenities. Cambria is an extremely popular destination for tourists driving the Highway 1 corridor and visiting other favorite attractions in the area, including the Hearst Castle, which draws millions of visitors a year.

The property would be acquired by ALC and transferred to the Cambria Community Services District (CCSD) for long-term management. A local nonprofit organization, most likely the North Coast Small Wilderness Area Preservation group (SWAP), will hold a conservation easement that will provide additional protection for the property.

The CCSD, with the assistance of SWAP and other community groups, will develop a management plan, including design of a public hiking and bicycle trail from downtown Cambria, west along the floodplain of Santa Rosa Creek, under the bridge span on Highway One, and west onto the coastal terrace. From there, conceptual plans include the development of a 1.2-mile segment of coastal trail along the bluffs, and a link through an access easement on property owned by the CCSD (where parking will be provided) north to Shamel County Park and San Simeon State Beach, also known as Moonstone Beach. A County regional park will be developed on a small portion of the property east of Highway 1 to provide for more active forms of recreation, park uses that are much needed in this region.

Access will be signed from Highway 1 and parking will be available downtown and on the CCSD property north of East West Ranch. The CCSD also contemplates utilizing a shuttle system to transport people from downtown to various points on the property, which will help those who do not want or are unable to hike the longer trails. (See Exhibit 3: Proposed Access Alignment.)

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Project Financing: The Conservancy's grant would derive from the Challenge Grant Program, a $10,000,000 allocation of General Funds in the Conservancy's Fiscal Year 1999/2000 budget for access development and wetland protection and/or enhancement projects.

This Challenge Grant Program requires at least a one-to-one match from non-state sources. The CCSD has allocated $1,500,000 toward the project, and the ALC has embarked on a private fundraising campaign towards a goal of at least $2,000,000 by the end of the year. To date, over $500,000 of private funds have been raised in a three-month period, primarily from relatively small donations. Environment Now, a nonprofit foundation, has provided a bridge loan to ALC in the amount of $2,000,000 (secured by a deed of trust on the property) which has enabled ALC to acquire a portion of the property. If this had not occurred, ALC would have been required to make a nonrefundable option payment in order to extend the option beyond June 1999.

ALC plans to repay the loan from Environment Now with private donations. As mentioned above, they have undertaken an extensive fund-raising program (see Exhibit 4: Fundraising Brochure) and have opened a Cambria office for this purpose. The private funds, combined with the CCSD contribution, will meet the match requirements of the Conservancy's challenge grant. The Conservancy will require that all funds are in place to complete the entire purchase by December 31, 2000. Additionally, no Conservancy funds will be disbursed until existing deeds of trust on the property are extinguished.

Remaining funds will be forthcoming from a variety of sources. As mentioned above, the County of San Luis Obispo has approved $500,000 of its Public Facility Fund toward the project, and the San Luis Obispo County Council of Governments (SLO-COG) has reprogrammed $100,000 from another project to be used for the East West Ranch acquisition. Finally, ALC is exploring potential contributions from other public agencies, including the State Department of Parks and Recreation, the Wildlife Conservation Board, and the California Transportation Commission Environmental Enhancement and Mitigation Program, as well as additional private sources.

Following is a summary of secured and/or anticipated funding sources.

Challenge Grant Program

Coastal Conservancy	$3,500,000 *
Match: Cambria Community Services District	1,500,000
Private Donations	2,000,000
	$7,000,000

Other

San Luis Obispo Council of Governments	100,000
County of San Luis Obispo	500,000
Potential Other Funds:	3,100,000 **
	3,700,000
TOTAL:	$10,700,000

Site Description: East West Ranch is a spectacular oceanfront property in the community of Cambria, approximately 32 miles northwest of San Luis Obispo. The property is divided by Highway 1 into two sections. The eastern portion is approximately 52 acres and trends to the west from the center of Cambria along the floodplain of Santa Rosa Creek. The western portion contains about 350 acres and lies along the coastal terrace adjacent to the ocean.

Natural resources on the property include the lower creek corridor and floodplain of Santa Rosa Creek, a known steelhead stream, on the eastern portion of the property. There are two natural springs on the property as well as a freshwater wetland in its southwest corner. There are numerous opportunities for resource enhancement, particularly within the Santa Rosa Creek floodplain.

Undoubtedly, one of the most outstanding features of the East West Ranch is the dramatic ocean bluff that extends approximately 1.2 miles along the Pacific shoreline. This portion of the property trends almost due east and rises to a high point about 250 feet above sea level before returning to about 20 feet above sea level at Santa Rosa Creek.

Native Monterey pines thrive in scattered groves on about 65 acres of the property. These trees, combined with other groves in the Cambria area, are considered to be very important genetically because they exist on the southern extreme of the Monterey pine range, and have not been as severely impacted by pitch pine canker as have the trees in the northerly part of its range. Other vegetation on the property includes coast live oak

woodlands, coastal scrub, seabluff scrub communities, and riparian forest, Over half of the ranch is grassland; each spring it boasts outstanding wildflower displays readily viewed from Highway 1.

There are several rare plants on the property, including compact cobweb thistle, San Luis Obispo sedge, and San Luis Obispo morning glory. Rare fauna include the threatened red-legged frog, California steelhead, and California sea otter, the endangered California brown pelican and tidewater goby, and the western pond turtle, a "species of special concern." There are six species potentially present on the ranch that are also listed as species of special concern. These are the silvery legless lizard, two-striped garter snake, Cooper's hawk, sharp-shinned hawk, ferruginous hawk, and long-eared owl.

The property is crossed by trails used by residents of and visitors to Cambria. In addition to its spectacular ocean panorama, the property affords excellent views of the coastal mountain range and links with the downtown area of Cambria.

Project History: The East West Ranch was once part of the Rancho Santa Rosa Mexican Land Grant, a huge expanse that stretched approximately from San Simeon to the Cayucos area. The last intact portion of this Rancho—the East West Ranch—was purchased in the 1800s by the Fiscalini family and used for cattle grazing and the production of alfalfa for many years. In 1979 it was purchased by Rancho Pacifica, a Limited Partnership, which three years later submitted the Fiscalini Ranch Development Plan. Proposed development included up to 880 residential units, apartments, and two 140-room hotels. In the mid-80s the development plan was reviewed by the County, but never went to public hearing and was later abandoned.

In 1989, under a prospective new ownership, a plan amendment was submitted for a 265-unit residential development, 200 senior units, a golf course, and school. This company ran into financial difficulties and the property ended up in bankruptcy proceedings. In 1992, the property was marketed by Rancho Pacifica's Chapter 11 Trustee and in 1993 the property was sold to new owners.

In 1996, following extensive studies and planning, a Master Development Plan was submitted to the County, including 300 residential units and a school. The County agreed to review the Plan, but the owners were not forthcoming with funds for envi-

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ronmental documents and the future of the property remains in limbo.

A major problem facing developers of East West Ranch is lack of a sufficient water supply. There is a severe water shortage in Cambria, although water meters can be purchased from the waiting list. The CCSD oversees the granting of water permits for properties within its jurisdiction. Most of the East West Ranch is not within the CCSD's jurisdiction, although annexation of the property is a process which could be completed within a year. Additionally, proposals for the development of a desalination plant on the East West Ranch have been made and seriously considered.

In addition to water issues are the strong feelings held by residents of and visitors to Cambria regarding the beauty and openness of this property. It is truly viewed as a treasure by residents and visitors alike, and major development proposals are vigorously opposed.

In response to all of these concerns, over time various organizations have initiated discussions with the owners to explore a potential acquisition for conservation purposes. In June 1999, in return for a $300,000 non-refundable deposit, the American Land Conservancy was successful in acquiring an option on the property for a limited term of one year. In order to extend the option period beyond the one-year anniversary, ALC must close escrow on a portion of the property by June 1, 2000 or pay a hefty nonrefundable fee, which has necessitated the phased acquisition described above.

ALC completed an appraisal of the property, which was approved by the State Department of General Services in July 1999. Subsequently, the ALC initiated a strong fundraising campaign, which led to their application for funds from the Conservancy.

PROJECT SUPPORT: This project enjoys tremendous public support. Over 600 letters of support have been received by the Conservancy, many from individuals, but also from organizations and political interests including Senator Jack O'Connell, Assemblyman Abel Maldanado, County of San Luis Obispo, the Cambria Land Conservancy, the North Coast Alliance, the Environmental Defense Center, EcoSlo, State Parks (both San Simeon and San Luis Obispo Coast Districts), The Nature Conservancy, Friends of the Ranch, Sierra Club, the Cambria Forum, the Land Con-

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servancy of San Luis Obispo, and others. The Office of the Governor and the Resources Agency have also received many letters supporting this project. For the sake of brevity, we have not included the over 550 letters of support from individuals. Additional letters from organizations, agencies, or political interests will be hand-delivered. (See Exhibit 5: Letters of Support.)

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION: This project is undertaken pursuant to Chapter 9 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code (Sections 31400-31405), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline. Through the proposed action, the Conservancy will play a primary role by funding the development of an important public accessway in northern San Luis Obispo County.

Subject 31400.1 allows the Conservancy to award grants to the public agency for accessways that serve more than local public needs. The subject of the proposed action, East West Ranch, is located in the heart of a region that is a major destination point for millions of visitors each year from throughout the State and around the world. Travelers on Highway 1 and visitors to Hearst Castle comprise most of those visitors.

Section 31400.2 provides that the Conservancy may provide up to the total cost of land acquisition for the initial development of public accessways.

Section 31400.3 states that the Conservancy may assist public and nonprofit organizations in developing and implementing a system of public accessways to and along the state's coastline. The proposed project will further these goals by providing a link in the coastal trail in a heavily visited coastal area.

CONSISTENCY WITH CONSERVANCY'S PROGRAM GUIDELINES: The proposed project is consistent with the Conservancy's interim Program Guidelines adopted May 27, 1999, in the following respects:

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Required Criteria

Promotion of the Conservancy's Statutory Programs and Purposes: As described in the paragraphs above, the proposed project is consistent with Sections 31400-31405 of Chapter 9 of the Conservancy's enabling legislation (Division 21 of the Public Resources Code) regarding public access and enjoyment of coastal resources.

Consistency with Purposes of Funding Sources: The anticipated source of funds for the proposed Conservancy grant would be the Governor's Coastal Resources Challenge Grant Program for access and wetland protection/enhancement projects. Consistent with the purposes of this Program, the project is being undertaken to develop coastal access. Also consistent with the Program, the Conservancy's grant will be matched on a one-to-one basis by $3,500,000 of non-state funds.

Support: In addition to the various legislators, state agencies, local officials, governing boards, and environmental groups supporting this project, to this project manager's knowledge, more letters of support from individuals have been received for this project than any other Conservancy project in the agency's history.

Location: The location is a spectacular coastal property, with outstanding views to the ocean and the coastal mountains. Surrounded by the small, quaint town of Cambria, which, along with Hearst Castle and the scenic Highway 1 corridor, draws millions of visitors a year.

Need: Coastal access in this region is greatly needed to accommodate the many visitors. There is a great need for a collaborative funding approach to the purchase of East West Ranch so that access can be provided. Conservancy funds are needed as a challenge grant to encourage contributions of other funds to provide the one-to-one match. Conservancy and private funds can combine with already committed funds from local government and the community service district, as well as a potential contribution from other state agencies. This collaborative approach offers the only hope of achieving this project.

Additional Criteria

Urgency: ALC has already acquired one part of the East West Ranch with a loan from Environment Now, and holds an option to purchase the remainder of the property. If the acquisition is not completed by the end of the year, it is likely that all nego-

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tiations will be off. It is imperative that all funders come together quickly to try to make this acquisition happen.

Greater-than-local interest: Letters have been received in support of this project from people all over the region, state, nation, and world. There is no question that this property captures the imagination of many, many people, and this interest is expected to increase after it is officially opened up to public access and signed on Highway 1. We anticipate that many thousands of visitors from all over the world will use the trails developed here every year.

Resolution of more than one issue: This project will resolve a long-standing land use controversy surrounding this property. It will also assure the long-term protection of the site's important natural resources, including wetlands, stream, floodplain, forest, coastal scrub, grasslands, and endangered plants and animals. Finally, this property has the potential to develop what can be expected to be one of the most popular coastal trails in the region. Thus, many issues are resolved by this project.

Leverage: The Conservancy's Challenge Grant of $3,500,000 will leverage $3,500,000 from non-state sources. Other funds that are assured total $600,000, and there is a good likelihood of an additional amount of $3,100,000 will be forthcoming from other state agencies or additional private funds. Thus, Conservancy funds will provide less than one-third of the project costs.

Readiness: ALC has already purchased a portion of the property with a loan from Environment Now, and holds an option on the remaining property. A substantial portion of the funds needed to complete the acquisition are in place, and an active fundraising campaign for the remainder is underway. The CCSD is willing to assume long-term ownership and management responsibilities. Thus, the project is ready to move ahead.

CONSISTENCY WITH THE COASTAL ACT: Section 30001.5 of the Coastal Act (Division 20 of the Public Resources Code) identifies as one of the basic goals of the state for the coastal zone to:

> "Maximize public access to and along the coast and maximize recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." [Public Resources Code Section 30001.5(c)]

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The primary purpose of the East West Ranch acquisition is to maximize public access to the coast in the northern San Luis Obispo County region. Because ALC is working with willing sellers and negotiates acquisitions of fair market value, the rights of private property owners are protected.

Further, Public Resources Section 31012 states that:

> "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

By purchasing property from willing sellers at fair market value, the development of the East West Ranch project would not interfere with the rights of private property owners. Moreover, the design of the trail will be carried out to assure maximum public safety.

Finally, Public Resources Code Section 30251 states that:

> "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted access development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . . and, where feasible, to restore and enhance visual quality in visually degraded areas."

Consistent with this Section, the East West Ranch project will result in protected views to and along the ocean and in scenic coastal areas. Where feasible, any degraded areas are likely to be restored as an outcome of this project.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES: The East West Ranch project is consistent with the policies contained in the certified San Luis Obispo North Coast Area Plan, in the following respects:

Although the North Coast Local Coastal Plan allows development of at least 340 residential units on the western portion of the ranch, and a golf course and other development on the eastern portion of the ranch, the property is also overlaid with land use designations that restrict it. These include requirements for sensitive resource protection of the Santa Rosa Creek stream

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corridor, riparian vegetation, wetlands, and floodplain; the Monterey Pine forest; and the coastal terrace and shoreline. No development is allowed in these areas.

The East West Ranch project will assure permanent protection of the entire property, thus assuring the protection of the sensitive resource areas known to be on the property.

At the current time, the North Coast Area Plan is undergoing an update which will place additional restrictions on the East West Ranch property. This process is expected to take at least another year to complete.

COMPLIANCE WITH CEQA: The proposed project is exempt from the California Environmental Quality Act (CEQA) according to 14 Code of Regulations Section 15325. This Section exempts from CEQA review ". . . transfers of ownership of interests in land in order to preserve open space." It is also exempt under Section 15316 for acquisitions of land for the purpose of establishing parks, where the land is in a natural condition and either a management plan for the park has not been prepared, or the management plan proposes to keep the area in a natural condition. Staff will file a Notice of Exemption upon approval of the project.

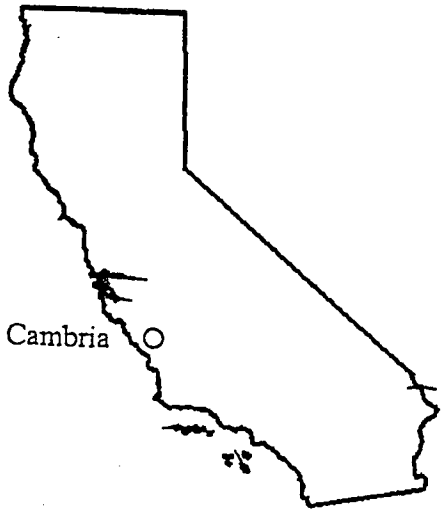
EXHIBIT 5

Letters of Support

The Conservancy has received over 550 letters from individuals around the world supporting the acquisition of East West Ranch. They have not been included for the sake of brevity in the staff recommendation.

EXHIBIT 1
PROJECT LOCATION

California



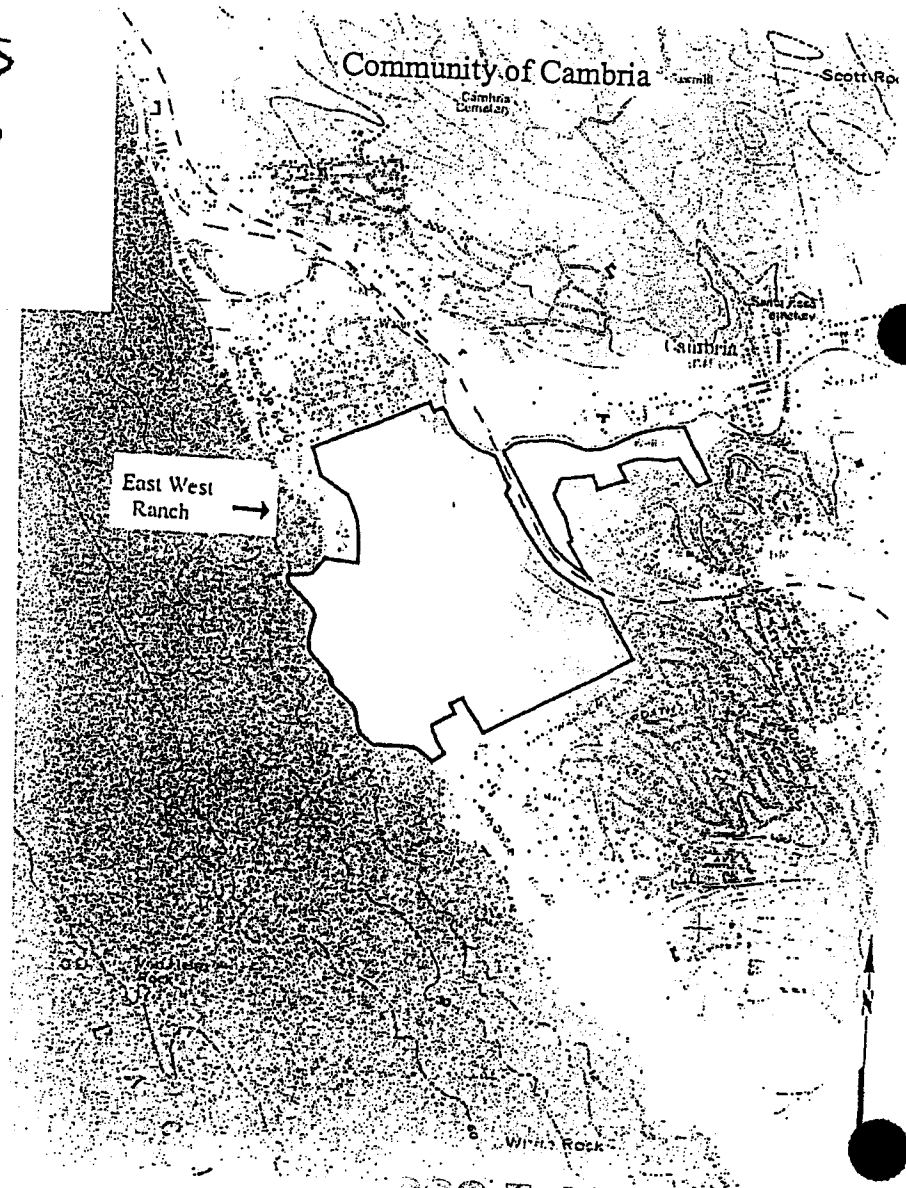


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EXHIBIT 1
EAST WEST RANCH
PROJECT LOCATION

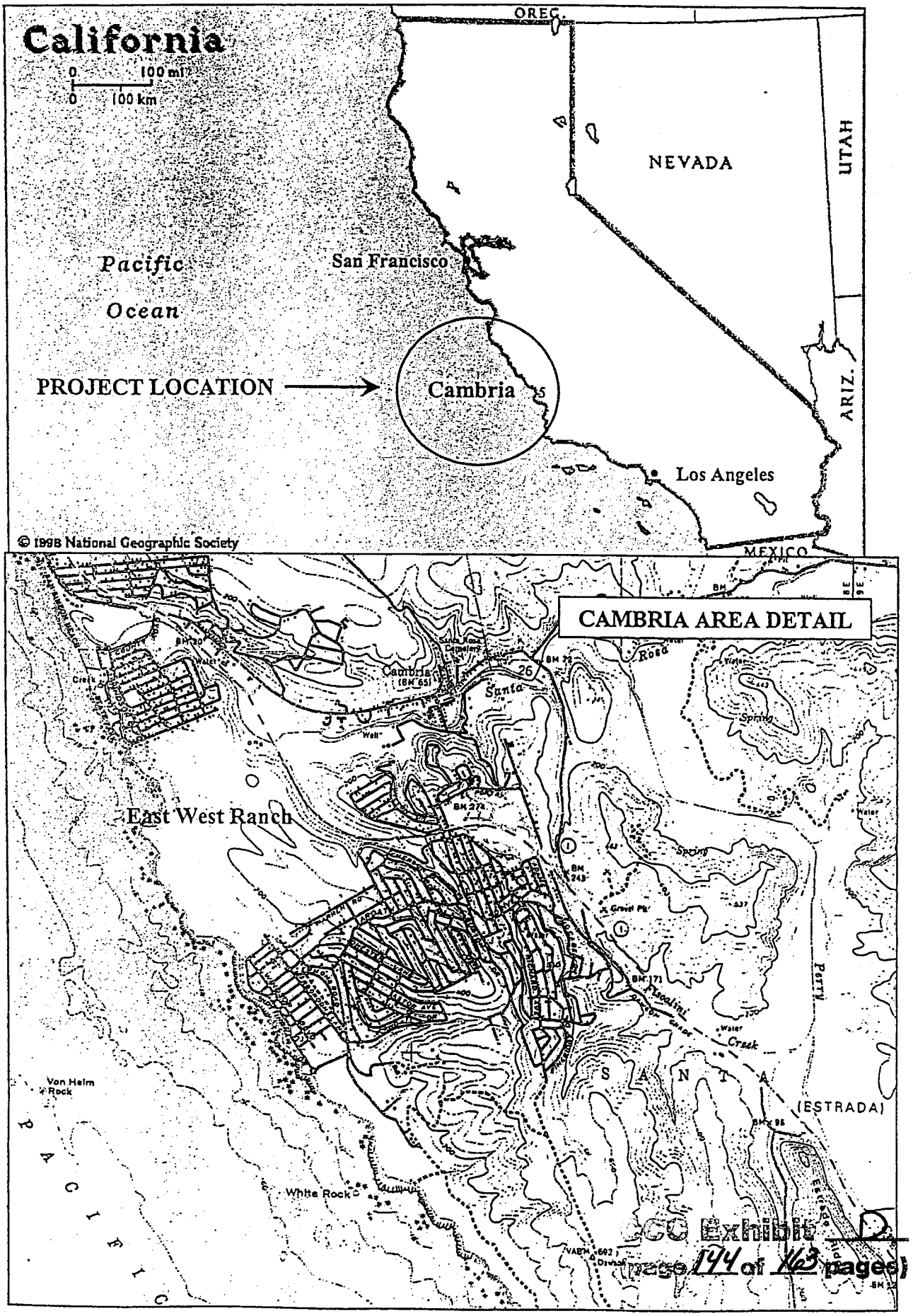

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EXHIBIT 2
EAST WEST RANCH
PROPERTY BOUNDARY

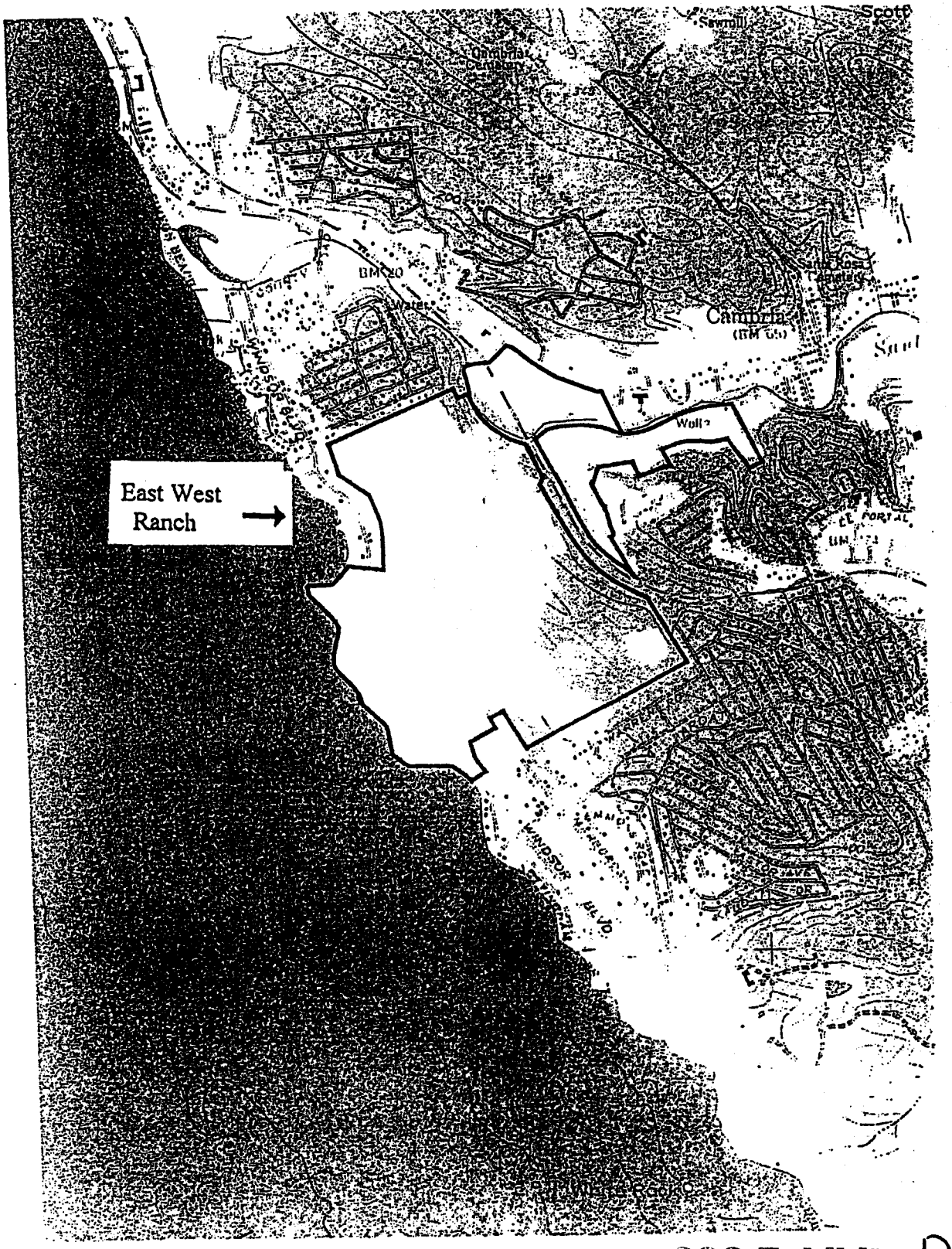

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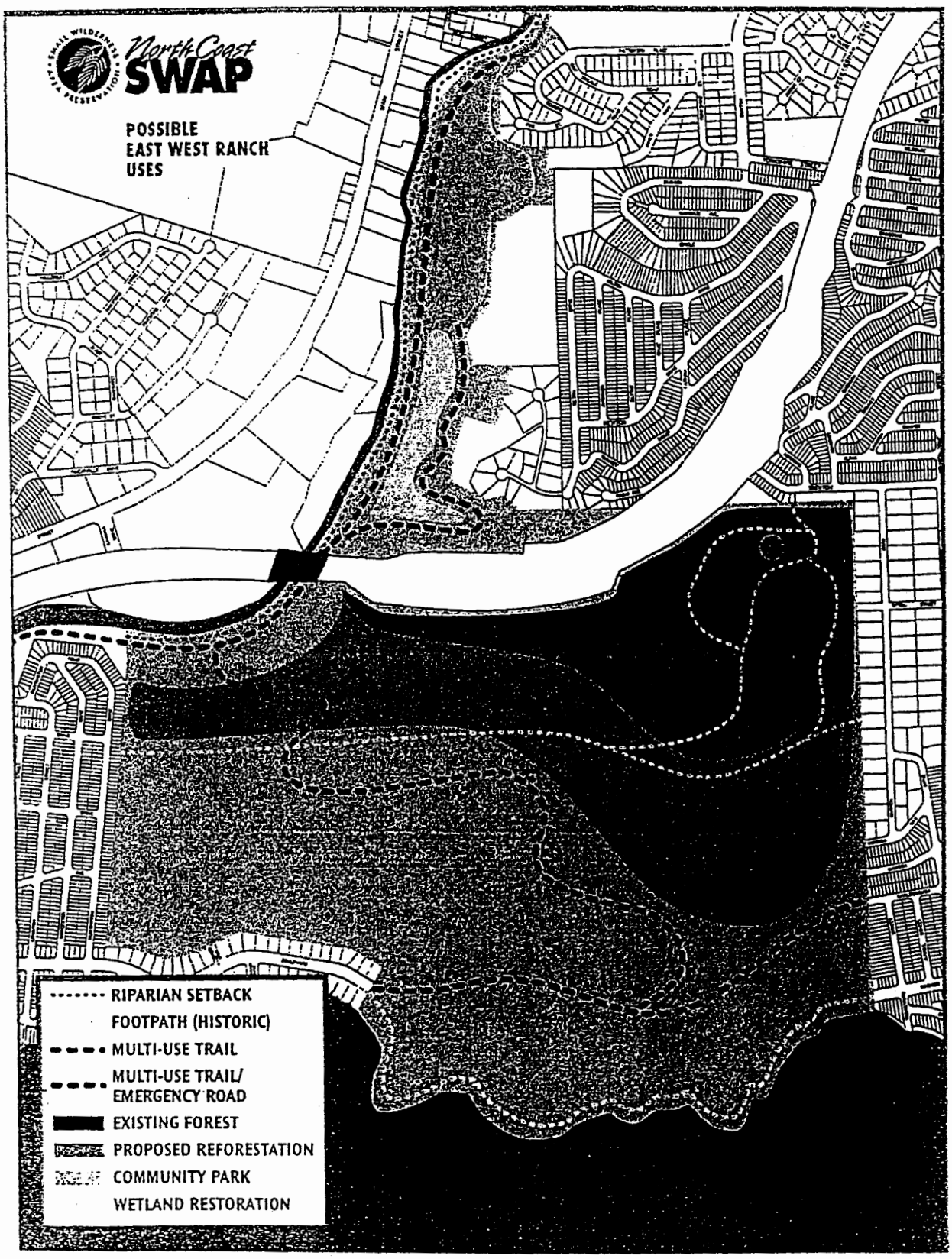
EXHIBIT 3
PROPOSED TRAIL ALIGNMENTS ON EAST WEST RANCH



EAST WEST RANCH PUBLIC ACCESS PLAN

Agenda Item XX.

February 22, 2001

COASTAL CONSERVANCY

Project Summary
February 22, 2001

EAST WEST RANCH PUBLIC ACCESS PLAN

File No. 00-005
Project Manager: Prentiss Williams

RECOMMENDED ACTION: Disbursement of an amount not to exceed two hundred thousand dollars ($200,000) to the Cambria Community Services District (CCSD) for the preparation of a Public Access and Land Management Plan (the Plan) for the property in Cambria known as the East West Ranch.

LOCATION: The unincorporated community of Cambria located 32 miles north of the City of San Luis Obispo in San Luis Obispo County (Exhibits 1 and 2).

PROGRAM CATEGORY: Coastal Access

ESTIMATED COST: $200,000

The anticipated source of the Coastal Conservancy funds would be the Coastal Conservancy's FY2000/2001 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12).

PROJECT SUMMARY: Last year, on March 23 and October 26 of 2000, the Coastal Conservancy granted a total of $7,000,000 to the American Land Conservancy (ALC) for the acquisition of the 425-acre property known as the East West Ranch. The acquisition was completed on November 16, 2000 and title to the property was subsequently transferred to the CCSD.

The Conservancy granted these funds because of the property's visual qualities and the opportunities it afforded for public access. However, the East West Ranch also contains important natural resources. The management of public access on the site must be carefully integrated with the protection and enhancement of Santa Rosa Creek, the Monterey Pine forest

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and other sensitive natural areas of the site. The development of a plan for the use and management of the property is therefore necessary in order to realize fully the potential of the property to become a coastal accessway of statewide significance.

The management plan would include design of a public access trail connecting downtown Cambria with the ocean bluffs on the westernmost edge of the property. A segment of the Coastal Trail could also be located along the bluff edge, providing a connection to Shamel County Park and San Simeon State Beach to the north (see Exhibit 3). The portion of the property located in downtown Cambria has the potential.to be developed more intensively with recreational and visitor-serving facilities.

Although title to the East West Ranch will be held by the CCSD, the property will be managed by a local non-profit organization (the Property Manager). The Property Manager will also be responsible for raising the funds necessary to maintain and manage the site. The Plan will be developed jointly by the CCSD and the Property Manager working in close consultation with Coastal Conservancy staff and members of the Cambria community.

The CCSD does not currently have the necessary funds available to prepare an access plan for the East West Ranch. In order to carry out the planning process in a timely manner, as well as to assure the Coastal Conservancy has a role in that process, staff is recommending that the Coastal Conservancy provide the necessary funds.

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COASTAL CONSERVANCY

Staff Recommendation
February 22, 2001

EAST WEST RANCH PUBLIC ACCESS PLAN

File No. 00-005
Project Manager: Prentiss Williams

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 et.seq. of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thousand dollars ($200,000) to the Cambria Community Services District (CCSD) for the preparation of a Public Access and Land Management Plan (the Plan) for the property known as the East West Ranch, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds the CCSD shall submit for the review and written approval of the Executive Officer of the Conservancy:
   a. a work plan, budget and schedule for the preparation of the Plan;
   b. the names and qualifications of any contractors to be employed to carry out the work plan; and
   c. evidence that the CCSD has taken title to the property donated by Mid-State Bank; and
2. The CCSD shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' into any design criteria included in the plan."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed project is consistent with the purposes and criteria in Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et. seq.*) regarding the creation of a system of public accessways to and along the coast;
2. The proposed project is consistent with the Program Guidelines adopted by the Conservancy on January 24, 2001; and
3. The development and implementation of the East West Ranch Public Access Management Plan will assure that public use of the East West Ranch meets greater than local access needs."

STAFF DISCUSSION:

Project Description: The proposed project is the authorization of a grant of two hundred thousand dollars ($200,000) to the CCSD for the preparation of a Public Access Plan for the East West Ranch property.

The 422-acre East West Ranch property was purchased by the American Land Conservancy (ALC) on November 16, 2000 and title was transferred to the CCSD in January of 2001. The property was purchased using $7,000,000 in grant funds from the Coastal Conservancy, approved on March 23 and October 26, 2000.

The purpose for a public acquisition of the East West Ranch property was to protect the opportunities the property affords for coastal access. Public ownership will allow the development of a public access trail connecting downtown Cambria with the ocean bluffs on the westernmost edge of the property. A segment of the Coastal Trail can also be located along the bluff edge, providing a connection to Shamel County Park and San Simeon State Beach to the south (see Exhibit 3). The portion of the property located in downtown Cambria has the potential to be developed more intensively with recreational and visitor-serving facilities.

There is currently a modest level of public access on the property, but this access is primarily by local residents and is confined to a narrow corridor along the coastal bluff. As mentioned above, the property has many other areas that could provide opportunities to the public for access and recreation.

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However, the property also has a number of sensitive natural resources, including Santa Rosa Creek and the Monterey Pine forest, in need of protection and enhancement. Careful planning is needed in order to realize the property's full potential as a coastal accessway and at the same time protect its natural areas.

Although the CCSD is the owner of the East West Ranch property, due to its limitations of staff and resources, the CCSD will not be managing the property on a day-to-day basis. Instead, the CCSD will enter into a long-term agreement with a local non-profit organization that will be better suited to the tasks of planning and developing trails, carrying out restoration projects, conducting routine maintenance, and managing public access. The previous Coastal Conservancy acquisition grants were authorized with the understanding that an access management plan would be developed by the CCSD and its property manager, working in close consultation with the Coastal Conservancy and members of the local community.

The management plan would include design of a public hiking and bicycle trail from downtown Cambria west along the floodplain of Santa Rosa Creek and onto the coastal terrace. Other likely elements would be the development of a 1.2-mile segment of coastal trail along the bluffs, and a link through an access easement on property owned by the CCSD (where parking will be provided) north to Shamel County Park and San Simeon State Beach, also known as Moonstone Beach (see Exhibit 3). A County regional park could be developed on the portion of the property east of Highway 1 to provide for more active forms of recreation, park uses that are much needed in this region.

The CCSD does not currently have the necessary funds available to prepare an access plan for the East West Ranch. In order to assure that the planning process is carried out in a timely manner, as well as to assure the Coastal Conservancy has a role in that process, staff is recommending that the Coastal Conservancy provide the necessary funds.

Project Financing: $200, 000

It is anticipated that the proposed project would be funded through the Conservancy's FY2000/01 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12).

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Site Description: East West Ranch is a spectacular oceanfront property in the community of Cambria, located approximately 32 miles northwest of the City of San Luis Obispo (see Exhibit 1). The property is divided by Highway 1 into two sections. The eastern portion is approximately 74 acres and slopes to the west from the center of Cambria along the floodplain of Santa Rosa Creek. The western portion is about 350 acres in size and lies along the coastal terrace adjacent to the ocean. The most outstanding feature of the East West Ranch is the dramatic ocean bluff that extends approximately 1.2 miles along the Pacific coast. The property is crossed by informal trails used primarily by residents of Cambria. In addition to its spectacular ocean panorama, the property affords excellent views of the coastal mountain range and links with the downtown area of Cambria.

Natural resources on the property include the lower creek corridor and floodplain of Santa Rosa Creek, a confirmed steelhead fishery. There are two natural springs on the property as well as a freshwater wetland in its southwest corner. There are numerous opportunities for resource enhancement, particularly within the Santa Rosa Creek floodplain.

Native Monterey pines thrive in scattered groves on about 65 acres of the property. Other vegetation on the property includes coast live oak woodlands, coastal scrub communities, and riparian forest, Over half of the ranch is grassland; each spring it boasts outstanding wildflower displays readily viewed from Highway 1.

There are several rare plants on the property, including compact cobweb thistle, San Luis Obispo sedge, and San Luis Obispo morning glory. Rare fauna include the threatened red-legged frog, California steelhead, and California sea otter, the California brown pelican and tidewater goby, and the western pond turtle, a "species of special concern." There are six species potentially present on the ranch that are also listed as species of special concern. These are the silvery legless lizard, two-striped garter snake, Cooper's hawk, sharp-shinned hawk, ferruginous hawk, and long-eared owl.

Project History: The residents of Cambria and its surrounding communities historically had access to the bluff top for many years through informal agreement with the property's private owners. Indeed,

the East West Ranch was something of a landmark in Cambria. The property was managed as a ranch for decades but in 1979, it was sold to a private company that proposed to develop the property with a combination of residential units and hotels. Subsequent owners proposed similarly ambitious development plans.

The local community vigorously opposed all of these major development proposals. In addition to community opposition, potential developers were faced with the major issue of insufficient water supply. Water shortages in northern San Luis Obispo are chronic and sometimes severe. Due to all of these factors, no development proposals ever received final approvals.

Various scenarios for public acquisition of the property were proposed over the years by a number of different organizations and finally, in 1999, ALC was able to obtain a purchase option for the property. After an extensive fundraising effort coordinated by ALC and numerous community groups, the property was purchased on November 16, 2000.

The Coastal Conservancy contributed $7,000,000 to the acquisition through two actions on March 23, 2000 and October 26, 2000. These grants were made from the Conservancy's Challenge Grant Program and from a special appropriation from Proposition 12 respectively. The challenge grant was matched with $1,500,000 from the CCSD and $2,000,000 derived from private sources, including a donation of 22 acres of contiguous real property, valued at $1,000,000, from Mid-State Bank, a local financial institution. The Coastal Conservancy also received a grant of $1,000,000 for the acquisition from the federal Transportation Enhancement Activities (TEA) fund approved by the California Department of Transportation.

PROJECT SUPPORT: As was demonstrated at the Conservancy meeting held on March 23, 2000, this project enjoys tremendous public support. Over 600 letters of support were received by the Conservancy, from individuals, as well as organizations. The project has the support of State Senator Jack O'Connell, Assemblyman Abel Maldanado, and Congresswoman Lois Capps. Organizations supporting the project include the County of San Luis Obispo, the Cambria Land Conservancy, the North Coast Alliance, the Environmental Defense Center, EcoSlo, the State Department

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of Parks and Recreation State Parks (both San Simeon and San Luis Obispo Coast Districts), The Nature Conservancy, Friends of the Ranch, Sierra Club, the Cambria Forum, the Land Conservancy of San Luis Obispo, and others. The Office of the Governor and the Resources Agency also received many letters supporting this project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION: This project is undertaken pursuant to Chapter 9 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code (Sections 31400-31405), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline. Through the proposed action, the Conservancy will play a primary role in developing a public access plan for an important public coastal property in northern San Luis Obispo County.

Section 31400.1 allows the Conservancy to award grants to the public agency for accessways that serve more than local public needs. Cambria is located in the heart of a region that is a major destination point for millions of visitors each year from throughout the State and around the world. The proposed action, development of a public access management plan for the East West Ranch, would assure that access to property is well-marked and readily available to visitors to Cambria from outside the local community.

Section 31400.3 states that the Conservancy may assist public and nonprofit organizations in developing and implementing a system of public accessways to and along the state's coastline. Development of a public access plan for the East West Ranch is the first step towards developing and improving public access to and on this property.

Consistency with Conservancy's

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Standards And Recommendations For Accessway Location And Development: The project is a design and planning program, so the "Standards and Recommendations" are not directly applicable. However, the plan shall incorporate these guidelines into the planning process so that the accessway projects ultimately implemented will be consistent with these recommendations.

CONSISTENCY WITH CONSERVANCY'S PROGRAM GUIDELINES: The proposed project is consistent with the Conservancy's Program Guidelines adopted January 24, 2001, in the following respects:

REQUIRED CRITERIA

Promotion of the conservancy's statutory programs and purposes: As described in the paragraphs above, the proposed project is consistent with Sections 31400-31405 of Chapter 9 of the Conservancy's enabling legislation (Division 21 of the Public Resources Code) regarding public access and enjoyment of coastal resources.

Consistency with purposes of the funding source: The source of funds for the proposed project would most likely be the Coastal Conservancy's FY2000/01 budget appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12), specifically, the Conservancy's allocation for Coastal Resource Development.

Support: As discussed in the "Project Support" sections above, the proposed project enjoys a high level of support from a wide variety of private citizens, local and state legislators, and non-profit organizations.

Location: The East West Ranch property is located entirely in the Coastal Zone.

Greater-than-local-interest: The East West Ranch, is located in the heart of a region that is a major destination point for millions of visitors each year from throughout the State and around the world. Travelers on Highway 1 and visitors to Hearst Castle comprise most of those visitors. There is no question that this property has already captured the imagination of many people, and this interest will only increase after it has

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been better developed for access and signed on Highway 1. We anticipate that many thousands of visitors from all over the world will visit the East West Ranch and wander its trails every year.

Need: As discussed in the "Project Description" section above, the proposed Conservancy grant is needed in order to facilitate the property's development as a public accessway of statewide significance.

ADDITIONAL CRITERIA

Resolution of more than one issue: As discussed in the "Project Description, " the East West Ranch property has the potential to become one of the most popular coastal accessways in the region. There are also important natural resources found on the site in need of protection and enhancement. The development of a comprehensive access plan for property is necessary in order to balance these potentially conflicting factors.

Readiness: With the final acquisition of the property still so recent, there is a great deal of enthusiasm and energy on the part of the individuals and organizations most responsible for creating the access plan. By initiating the planning process quickly, the CCSD and the Coastal Conservancy can capitalize on the momentum that has been created by the recent culmination of many years of effort on the part of the local community.

Realization of prior Conservancy goals: The proposed action is entirely consistent with the intentions of the Conservancy when it approved the grants to ALC on March 23, 2000 and on October 26, 2000.

CONSISTENCY WITH THE COASTAL ACT: Section 30001.5 of the Coastal Act (Division 20 of the Public Resources Code) identifies as one of the basic goals of the state for the coastal zone to:

> "Maximize public access to and along the coast and maximize recreational opportunities in the coastal zone consistent with sound resources conservation principles ... " [Public Resources Code Section 30001.5(c)]

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The purpose of the proposed project is to maximize public access to the coast in the northern San Luis Obispo County region in a manner consistent with sound resource conservation principles.

Further, Public Resources Section 31012 states that:

> "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

The purpose of the proposed project, the development of a public access plan for the East West Ranch, is to increase and enhance the opportunities for coastal access and recreation in the northern San Luis Obispo County. The plan is needed in order design access improvements that can assure maximum public safety and protect natural resources.

Finally, Public Resources Code Section 30251 states that:

> "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted access development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . . and, where feasible, to restore and enhance visual quality in visually degraded areas."

Consistent with this Section, the acquisition of the East West Ranch has already resulted in protected views to and along the ocean and in scenic coastal areas. An access plan is now needed in order to maximize the public's enjoyment of these views and to restore degraded areas for the enjoyment of future generations.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES: The East West Ranch project is consistent with Policy 1 of the Coastal Plan Policies pertaining to shoreline access contained in the certified San Luis Obispo Local Coastal Program (LCP) Land Use Element.

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The North Coast Area Plan, which includes the town of Cambria, makes specific mention of the East West Ranch (formerly known as the Fiscalini Ranch) as an area where public access should be preserved and improved.

COMPLIANCE WITH CEQA: The project is statutorily exempt from the provisions of the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15262 because the project involves only feasibility and planning studies for possible future actions which have yet to be approved or adopted. As required by this Section, these documents will involve the consideration of environmental factors. This project does not include the funding of any construction activities. Staff will file a Notice of Exemption upon approval of the action.

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Exhibits:

Exhibit 1 – Property location Map
Exhibit 2 – Detailed map of property
Exhibit 3 – Proposed access alignments

EXHIBIT 1
PROJECT LOCATION

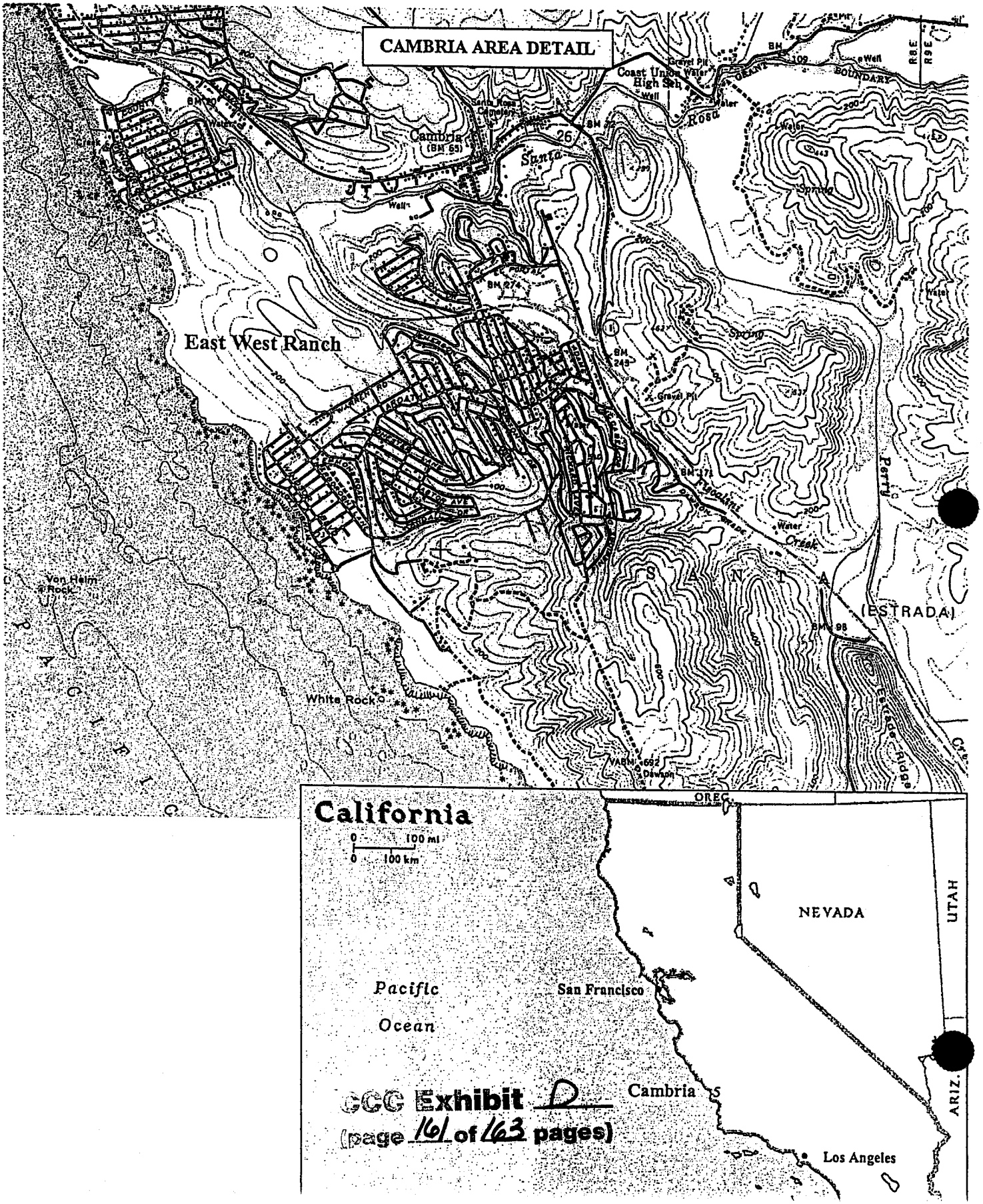

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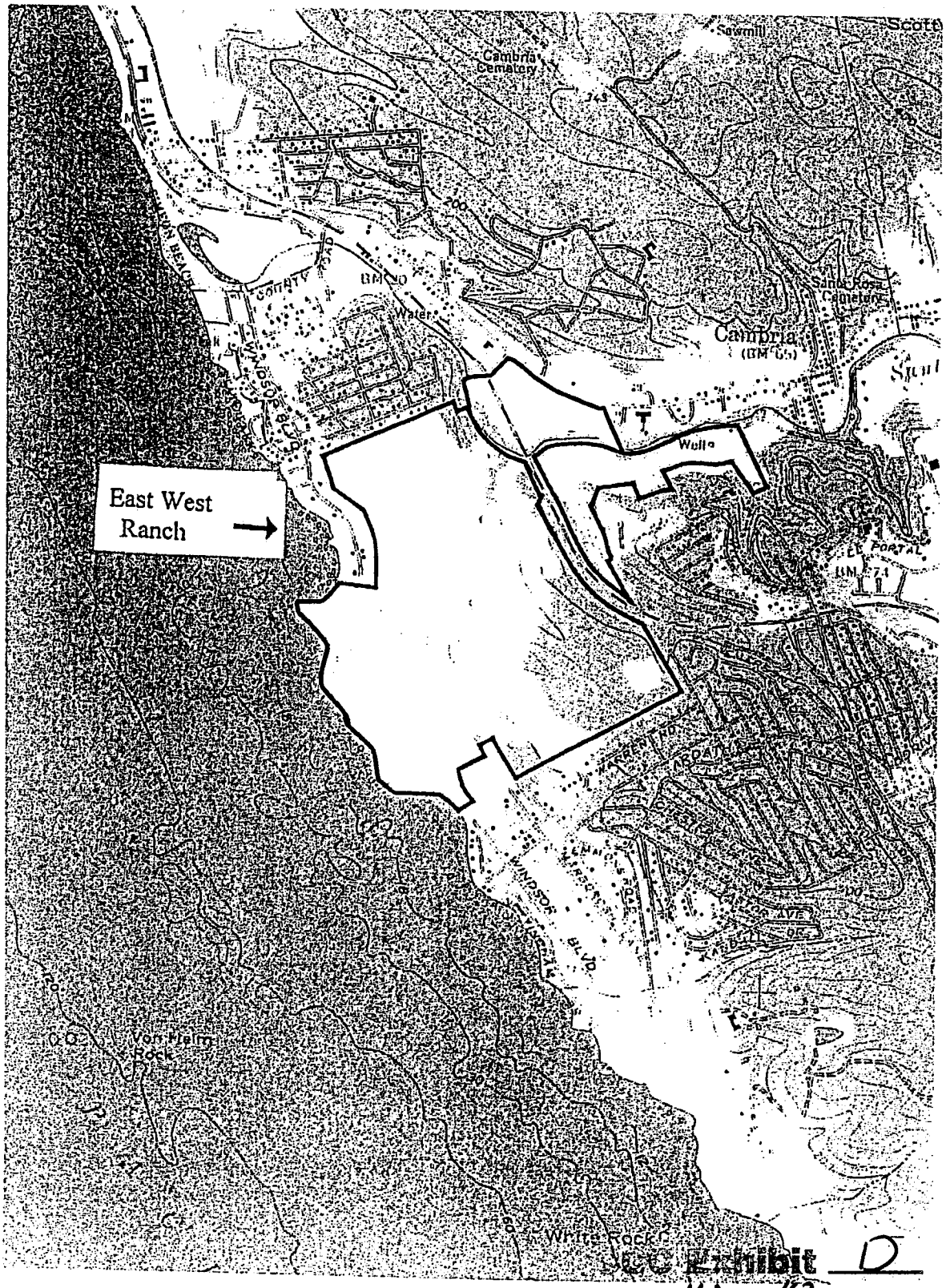
EXHIBIT 2
EAST WEST RANCH
PROPERTY BOUNDARY



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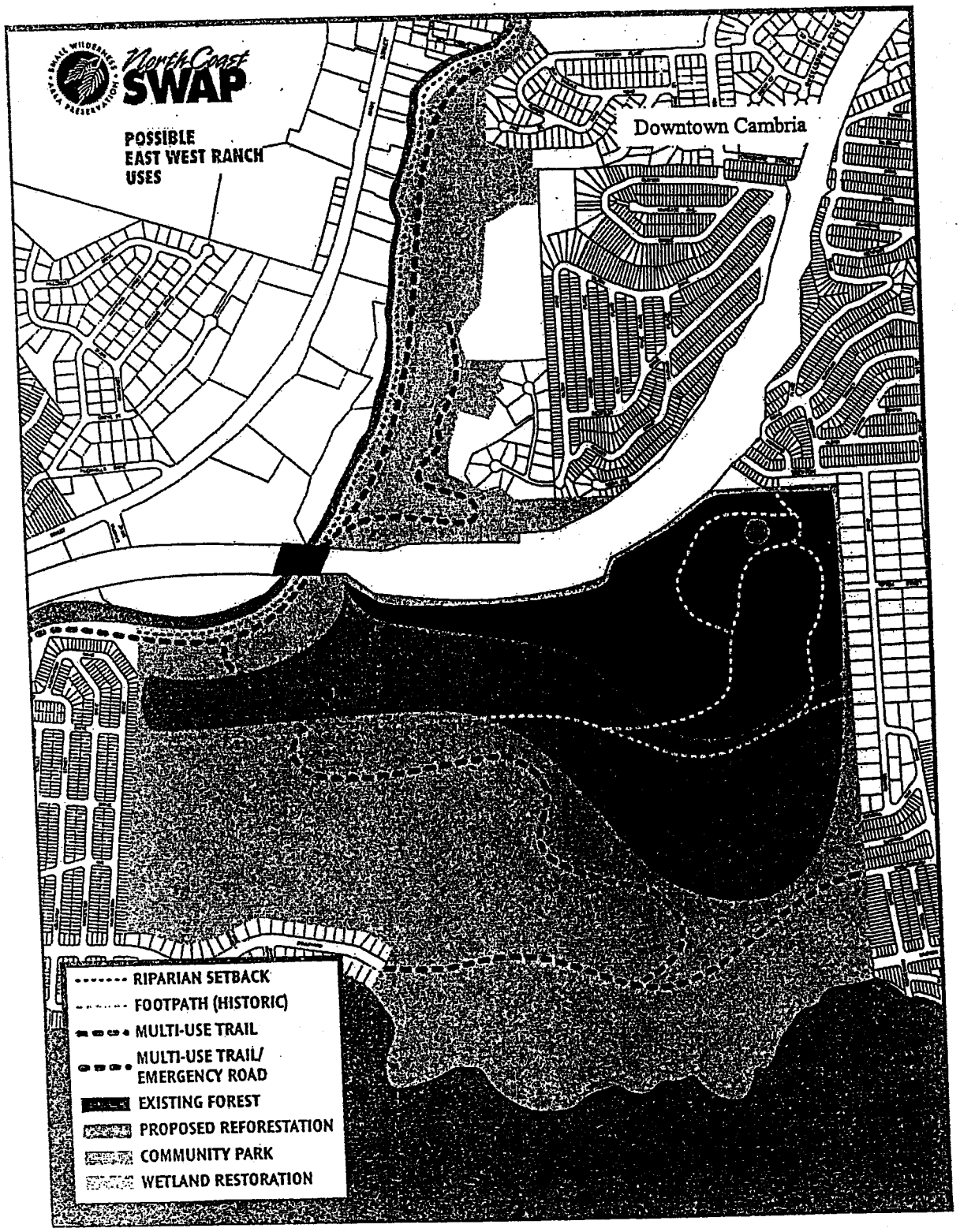
EXHIBIT 3
PROPOSED TRAIL ALIGNMENTS