

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****W9c**

**Prepared January 27, 2005 (for February 16, 2005 hearing)**

**To:** Commissioners and Interested Persons  
**From:** Diane Landry, District Manager  
Jonathan Bishop, Coastal Program Analyst

**Subject:** County of San Luis Obispo LCP Major Amendment Number 1-04 Part 2 (Agricultural Preserve Map Amendment) Proposed major amendment to the County of San Luis Obispo certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's February 16, 2005 meeting to take place at the Portola Plaza Hotel, 2 Portola Plaza, Monterey, CA 93940.

**Summary**

The County of San Luis Obispo is proposing to change the land use categories for properties recently put into agricultural preserves. The purpose of the County's LCP amendment request is to bring properties with land use categories other than Agriculture into conformance with Williamson Act contracts by changing the categories to Agriculture (AG). The way in which the County implements this action is to amend the Official Maps of its certified Local Coastal Program (LCP) to reflect the newly proposed land use designation. The relevant map changes are reflected in the following two locations of the LCP:

- 1) **North Coast Area Plan Maps**— Proposal to convert the 32-acre Wells Fargo Bank Trust property from the Residential Suburban (RS) land use category to Agriculture (AG). A second element of this map amendment is to remove both the Wells Fargo Bank Trust parcel and the embedded Camp Ocean Pines property from the Cambria urban reserve line (URL) (See Exhibits C 1&2).
- 2) **San Luis Bay Area Plan Map** – Proposal to convert 43 acres on two separate parcels of the Thousand Hills Ranch property from the Rural Lands (RL) land use category to Agriculture (AG) (See Exhibit C 3).

Staff has evaluated the proposed Official Map amendments of the Land Use Plan (LUP) for conformance with the Coastal Act. These map amendments are analyzed as land use category changes to properties covered under the San Luis Obispo County certified LCP. As discussed in detail below, staff recommends approval of the proposed Major Amendment No. 1-04 Part 2, only if it is modified to include a North Coast Area Plan development standard for the 32-acre Wells Fargo Bank Trust property that protects Monterey pine forest ESHA and adjacent coastal recreation resources.



**California Coastal Commission**  
**February 2005 Meeting in Monterey**

Staff: J.Bishop Approved by: **DSL**

The Wells Fargo Bank Trust property contains a large stand of healthy Monterey pine forest mapped in the LCP as terrestrial habitat (TH). Under the LCP, Monterey pine forest terrestrial habitat is considered an environmentally sensitive habitat area (ESHA). The Wells Fargo Bank Trust property is currently undeveloped and does not support any agricultural operations. In addition to the sensitive natural resources contained on the property, the 32-acre Wells Fargo Trust property completely surrounds the Camp Ocean Pines recreation area. Originally, Commission staff recommended applying the Open Space (OS) land use designation on the Wells Fargo Trust property instead of Agriculture (AG) to make the amendment request consistent with Coastal Act Section 30240 because the Open Space land use designation is the most compatible with the continuance of the Monterey pine forest habitat and recreational uses that characterize this area. This modification would still meet the County's requirements under the Williamson Act, as land under Williamson Act contracts may be designated as Agriculture or Open Space. However, an OS land use designation was unacceptable to the County and landowner. Instead, it was agreed that applying a new North Coast Area Plan Standard as an alternative to OS zoning is an acceptable means to find the requested Land Use Plan map amendments consistent with Chapter 3 of the Coastal Act. Staff is not recommending any modifications to the County's proposed amendment affecting the new location of the URL in this area. In addition, Staff is recommending approval as submitted for the map amendment of the Thousand Hills Ranch site in the San Luis Bay Area Plan.

Further information on the submittal may be obtained from Jonathan Bishop, Coastal Program Analyst, at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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## I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make 2 motions in order to act on this recommendation.<sup>1</sup>

### 1. Denial of Land Use Plan Major Amendment Number 1-04 Part 2 as Submitted

**Motion (1 of 2).** I move that the Commission **certify** Land Use Plan Amendment (SLO-MAJ-1-04, Part 2) as submitted by the County of San Luis Obispo.

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Deny.** The Commission hereby **denies** certification of the Land Use Plan Amendment (SLO-MAJ-1-04, Part 2) as submitted by the County of San Luis Obispo and adopts the findings set forth in this staff report on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

### 2. Approval of Land Use Plan Major Amendment Number 1-04 Part II, if Modified

**Motion (2 of 2).** I move that the Commission **certify** Land Use Plan Amendment (SLO-MAJ-1-04, Part 2) for the County of San Luis Obispo if it is modified as suggested in this staff report.

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** the Land Use Plan Amendment (SLO-MAJ-1-04, Part 2) for the County of San Luis Obispo if modified as suggested and adopts the findings set forth in this staff report on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

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<sup>1</sup> Note that the motions and resolutions refer to "Part 2 of Major Amendment Number 1-04." The reason for this is that this amendment request is part 2 of a two-part LCP amendment submitted by the County of San Luis Obispo. Part 1 (Hazard Zoning Ordinance) will be heard at a future Commission meeting.



## **II. Suggested Modifications**

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite consistency findings. If the County of San Luis Obispo accepts the suggested modification within six months of Commission action (i.e., by August ??, 2005), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

### **1. Include North Coast Area Plan Standard for Wells Fargo Trust Property**

The following North Coast Area Plan Standard shall be added to Chapter 8 Planning Area Standards for the Agriculture land use category and specific to the 32-acre Wells Fargo Bank Trust property:

#### **2. Wells Fargo Trust Property**

**Limitations on Use.** Uses shall be limited to: Coastal Accessways; Passive Recreation; Habitat Restoration; and Nature Study.

**Habitat Protection – Monterey Pine Forest (SRA).** New development must be resource dependent and shall not significantly disrupt the resource. Timber harvest is prohibited.

## **III. Findings and Declarations**

The Commission finds and declares the following:

### **A. Standard of Review**

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

The proposed amendment SLO-MAJ 1-04 Part 2 affects the Official Maps of the LUP. Thus, the standard of review for land use plan map amendments is that they must be consistent with the Chapter 3 policies of the Coastal Act.



## B. Proposed LCP Land Use Plan Amendments

### 1. Amend North Coast Area Plan Maps TSP 22 & L14 (Exhibits G990014P:8 & G99014P:9)

The proposed amendment to the certified LCP involves a change to the Official Maps of the Land Use Plan. Specifically, the County has requested amending Maps TSP 22 and L14 to change the land use designation of the 32-acre Wells Fargo Bank Trust property from Residential Suburban (RS) to Agriculture (AG). A second element of this particular map amendment request is to remove both the Wells Fargo Bank Trust parcel and the embedded Camp Ocean Pines property from the Cambria urban reserve line (URL). See Exhibit C (1&2) for a graphic depiction of the properties involved in the amendment.

The Wells Fargo Bank Trust property contains a large stand of healthy Monterey pine forest terrestrial habitat. Under the LCP, Monterey pine forest terrestrial habitat is considered an environmentally sensitive habitat area (ESHA). The Wells Fargo Bank Trust property is currently undeveloped and does not support any agricultural operations presently. In evaluating a proposed land use change, the Commission must analyze the on-the-ground resources and planning context at the time of the proposed LCP amendment to assure that the land use designations are consistent with the Coastal Act. As noted above, the standard of review for Land Use Plan amendments is the Coastal Act. In this case, the most relevant governing section of the Coastal Act is:

*30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Coastal Act definition of environmentally sensitive habitat is also relevant:

*30107.5: "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."*

#### Environmentally Sensitive Habitat Areas

Coastal Act Section 30240(a) requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruptions and allows only resource dependant uses within those areas. The Wells Fargo Bank trust property, which is the subject to this land use change, is located in the heavily forested urban fringe of south Cambria, and within the Strawberry Canyon watershed. Strawberry Creek, the largest drainage between Santa Rosa Creek to the north and Villa Creek to the south, is a seasonal "blue line" stream that runs through the property. The native Monterey pine forest stand on the



property is relatively undisturbed and is part of a much larger contiguous forest. Monterey pine forest is a rare and significant environmentally sensitive plant community. The LCP also maps this parcel as entirely terrestrial habitat ESHA.

The Monterey pine forest here supports unique plant associations with species assemblages that reflect variation in soil, slope, elevation, moisture, and distance from the ocean. The pine forest moderates local climate conditions and provides habitat for endemic plant and wildlife species. Recent transects done on a nearby ridge suggest that the disease rate (pitch canker, western gall rust, dwarf mistletoe) is relatively low and studies also show that the trees on the property are relatively healthier than other stands in the Cambria area.<sup>2</sup> Based on the current biological information, the Commission finds that the Monterey pine forest on the Wells Fargo Bank property is ESHA as defined by the Coastal Act, because it contains special status Monterey pine (*Pinus radiata*) and the habitat itself is a special status plant community, and both the individual species and the habitat are easily degraded by human activity.<sup>3</sup>

The County's amendment submittal re-designates the 32-acre Wells Fargo Bank Trust property from Residential Suburban (RS) to Agriculture (AG). The Commission recognizes that the shift to an AG land use category from the current residential zoning is a positive step towards land conservation on the property. However, issues are still raised with respect to the County proposed land use re-designation. The County proposed AG zoning for this parcel has the potential to disrupt the habitat values of the sensitive Monterey pine forest when viewed in terms of future development potential on the property and the possibility of agricultural operations. Under the LCP, The AG land use designation proposed by the County potentially would allow for a variety of developments such as commercial agricultural facilities, manufacturing and processing facilities, specialized animal facilities, temporary events, electric generating plants, outbuildings, mobile homes, residential development, and a host of other accessory and supplemental non-agricultural uses. These types of developments have the potential to have adverse impacts on the surrounding Monterey pine forest. It should be noted that some of these developments are also allowed under the Open Space land use designation, however, the scale and intensity of development is significantly more restrictive. Of course, in either case there remains a TH ESHA overlay in the LCP that currently accurately reflects the Monterey pine forest resource. This designation would further restrict any proposed development in either land use category.

Nonetheless, intensified agriculture on this property can have significant impacts to the surrounding sensitive resources if not managed appropriately. For example, the replacement of pine forest with intensive agricultural uses such as vineyards or greenhouses will significantly reduce the natural ecological diversity of the land. Agricultural activities can lead to significant landform alteration and have the potential to disturb groundcover and increase sedimentation and erosion, particularly on the steep slopes present on this property. As described, there is a blue line stream draining the property that could be adversely affected by agricultural runoff, erosion, and sedimentation. The use of fertilizers, fumigants, and pesticides on specialized crops such as vineyards can lead to the water quality degradation. Agriculture can also lead to increased use of water if the use of this land for agriculture

<sup>2</sup> Personal Communication with Don Canestro, Reserve Director, Ken Norris Rancho Marino Reserve (7/14/04)

<sup>3</sup> Monterey pine is currently on the California Native Plant Society 1B list, which includes species that are "Rare, Threatened, or Endangered in California and elsewhere".



intensifies through irrigation. Thus, the proposed land use plan amendment has the potential to promote incompatible development within and adjacent to sensitive habitat areas that would significantly degrade or destroy these areas by creating an expectation for agricultural development.

#### **Recreation Areas**

Section 30240(b) requires that development adjacent to sensitive habitat and recreation areas must be sited and designed to prevent impacts and be compatible with the continuance of these areas. As described, the 32-acre Wells Fargo Bank property completely surrounds Camp Ocean Pines. Camp Ocean Pines is zoned Recreation (REC) under the LCP and currently provides public recreational opportunities in the form of small cabins, trails, and other outdoor recreational amenities to visitors from around the world. Surrounding the camp with a parcel zoned for Agriculture raises concerns with respect to the compatibility of these two different types of uses. Should intensified agriculture be pursued on the Wells Fargo Trust property under the proposed AG zoning, it is reasonable to assume that some use conflicts may arise. Typical incompatibility issues raised between recreational-agricultural land uses can include, but are not limited to: noise, dust, and odors from agricultural operations and animals; road and trail access conflicts between agriculturally related machinery and/or animals. Pesticide application and exotic plant species transfer are other possible incompatibilities. Standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as animal wastes, dust and noise from machine operations – cultivating spraying, harvesting, et al) can be a threat to continued recreational use and enjoyment of the Camp Ocean Pines property.

#### **Relocation of Urban Reserve Line (URL)**

A second element of this map amendment is to remove both the Wells Fargo Bank Trust parcel and the Camp Ocean Pines property from the Cambria urban reserve line (URL) (See Exhibits C 1&2). The amendment will make the URL co-terminant with the location of the existing urban services line (USL). The Wells Fargo Bank Trust property is currently undeveloped and Camp Ocean Pines is now in the process of applying to the County for a coastal development permit for upgrades to its on site water and septic systems. Removing these properties from the URL creates significantly less development potential than would be allowed if the property were to remain in residential zoning and within the URL. As amended, service extensions beyond the URL onto these properties would be prohibited and buildout of the surrounding area would be significantly reduced. Given the current uncertainty surrounding sustainable water supplies in Cambria coupled with the new development issues raised above, the Commission supports this portion of the LCP amendment. Thus, the Commission finds that re-locating the URL in this manner is consistent with the Coastal Act.

#### **County Implementation of the Williamson Act (California Land Conservation Act of 1965)**

The County's LCP amendment request is to update the Official Maps of the LCP by placing the Agricultural (AG) land use designation on property where "agricultural preserves" have been established under the Williamson Act. Property tax assessments for the property under contract are based on continued farming or open space values, rather than the potential for development, and are significantly lowered. Williamson Act agricultural preserve contracts are voluntary agreements between a landowner





and the local government. The landowner of the Wells Fargo Bank Trust property has entered into such a contract with the County of San Luis Obispo. The Williamson Act (Code Section 51230) contains the following requirement for land in agricultural preserves:

*An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning or other suitable means in such a way as to not be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter (from Government Code Section 51230).*

The Williamson Act Section 51201(d) defines "agricultural preserves" as:

*(d) "Agricultural preserve" means an area devoted to either agricultural use, as defined in subdivision (b), recreational use as defined in subdivision (n), or open-space use as defined in subdivision (o), or any combination of those uses and which is established in accordance with the provisions of this chapter.*

The Williamson Act Section 50201(e) also contains the following definition of "compatible uses" as:

*(e) "Compatible use" is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.*

In this case, it is feasible and more appropriate to designate the Wells Fargo Bank Trust property as Open Space (OS) versus Agriculture (AG). As cited above, this is provided for under the County's Rules and Procedures to Implement the Williamson Act. Since 1991 the County's Rules of Procedure to implement the Williamson Act have specified that lands qualifying for agricultural preserves based on open space and natural outdoor recreation resources should be respectively designated in the Open Space and Recreation land use category instead of the Agriculture category. It is also worthwhile to note that the County has used the OS designation on other parcels under Williamson Act agricultural preserve contracts with similar habitat and open space characteristics (i.e. Cosdon Ranch in the Adelaida Planning Area). This same approach can be used on the Wells Fargo Bank Trust property.

#### **Suggested Modification**

In light of the significant habitat and recreational values on the property, the best land use designation for the Wells Fargo Bank Trust property is Open Space (OS), appropriately managed to preserve environmentally sensitive habitat and public recreational opportunities. As described above, the OS land use designation for this property is also consistent with the County's implementation of the Williamson Act. Originally, Commission staff recommended changing the underlying land use designation of this parcel from Residential Suburban to Open Space (OS), rather than Agriculture (Ag). Because the OS





land use category is more restrictive in terms of future development potential than AG, the suggested modification would better protect biological continuance of the environmentally sensitive Monterey pine forest on the property. Furthermore, the OS land use designation is most compatible with the nearby recreational uses of Camp Ocean Pines.

However, applying the Open Space (OS) land use designation was unacceptable to the County and current landowner. Instead, it was agreed that a new North Coast Area Plan Standard would be applied to the Wells Fargo Trust property. The modification to include a new Area Plan Standard will ensure that all future development within the Monterey pine forest and adjacent to recreation areas does not adversely impact the resource and is necessary to bring the amendment into compliance with Coastal Act Section 30240. Only as modified, shall the County of San Luis Obispo LCP amendment SLO-MAJ-1-04 Part 2 be found consistent with the Coastal Act.

## **2. Amend San Luis Bay Area Plan Maps TSP 65 and 75-76 (Exhibit G990014P:10)**

The subject map amendment to the certified LCP involves a change to the Official Maps of the Land Use Plan. Specifically, the County has requested amending Maps TSP 65 and 75-76 to change the land use designation of a combined 43 acres on two parcels of the Thousand Hills Ranch from Rural (RL) to Agriculture (AG). See Exhibit C (3&4) for a graphic depiction of the properties involved in the amendment.

This portion of the County's proposed LCP amendment raises little issue with respect to consistency with the Coastal Act. Most of the affected property is outside of the Coastal Zone Boundary. Two small sections of the Thousand Hills Ranch to be converted to agricultural land (AG) and are in the jurisdiction of the Coastal Commission. These two areas are located at the top of extremely steep slopes and are not likely to be developed. The LCP provides numerous visual and scenic resource protection standards that would preclude development in this area. In fact, the Agriculture land use category is significantly more restrictive than the current Rural Lands designation in terms of the intensity of future development potential. Steep slopes in the area eliminate any reasonable potential for intensified irrigated farming.

Similar to the Wells Fargo Bank Trust property discussed previously, Staff evaluated the resource protection benefits of placing these lands into the Open Space (OS) land use category instead of Agriculture (AG). In this case, a number of different circumstances exist that would dissuade a recommendation of OS, or a new Area Plan Standard to achieve resource protection. First, the Thousand Hills Ranch property does not contain mapped or on-the-ground ESHA, such as the sensitive Monterey pine forest found on the Wells Fargo Trust Bank property in Cambria. Second, the Thousand Hills Ranch property is not located adjacent to popular recreational areas (e.g. Camp Ocean Pines) that would benefit from open space surroundings. Third, the combined 43 acres of the Thousand Hills Ranch evaluated here is but a small piece of a much larger 1,157-acre parcel located almost entirely outside of the coastal zone. Finally, given the large parcel size and geographic constraints on this portion of the Ranch, it is unlikely that this area could be developed. Accordingly, the Commission is not recommending modifications to this portion of the LCP amendment. Therefore, this Land Use Plan amendment is consistent with Chapter 3 policies of the Coastal Act.



### **C. California Environmental Quality Act (CEQA)**

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case prepared a negative declaration for the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



*Amending  
it Ordinance*

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

twenty-third day September, 2003

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

ABSENT: None

RESOLUTION NO. 2003-327

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, LAND USE ELEMENT, LAND USE ELEMENT/LOCAL COASTAL PLAN, TO ADOPT ORDINANCES ENTITLED "AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE SECTION 22.104.090 TEMPLETON URBAN AREA STANDARDS, "AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, SECTION 22.104.090.K. RELATING TO PUBLIC FACILITIES", "AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, SECTION 22.104.070E RELATING TO PARCELS 021-051-004 AND 014 AND 021-151-044 IN SAN MIGUEL", "AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, SECTION 22.104.040E. RELATING TO RECREATION", "AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, SECTION 22.94.010 ET SEQ" AND "AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE SAN LUIS OBISPO COUNTY LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE AND THE SAN LUIS OBISPO COUNTY COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE" AND TO APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general plans be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the Land Use Element/Local Coastal Plan, Coastal Zone Land Use Ordinance - Title 23 of the County Code, and the Land Use Ordinance-Title 22 of the County Code adopted resolutions or otherwise took action recommending said amendments;

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the twenty-third day of September, 2003, that the County General Plan, Land Use Element, Land Use Element/Local Coastal Plan, Land Use Ordinance-Title 22 of the County Code, Coastal Zone Land Use Ordinance-Title 23 of the County Code, be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use Element, Salinas River Area Plan, official maps, as such amendment appears on Exhibit G010013P:D, attached hereto and incorporated herein as though fully set forth. [This map does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
2. Amend the San Luis Obispo County General Plan, Land Use Element, Salinas River Area Plan, official maps, as such amendment appears on Exhibit G020003M:A, attached hereto and incorporated herein as though fully set forth. [This map does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

2. Regarding the Final Environmental Impact Report (FEIR) issued for amendments contained in G000011X:A1, A2, A3, B, C, D, and E, the Board of Supervisors hereby certifies that the FEIR has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors hereby adopts the recommended findings of the County Environmental Coordinator which are attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibits G990014P:8, 9 and a portion of 10 shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.



BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances 3010 thru 3015, said date being October 23, 2003.

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

AYES: Supervisors Ovitt, Achadjian, Pinard

NOES: Supervisor Bianchi

ABSENT: None

ABSTAINING: Chairperson Ryan

The foregoing resolution is hereby adopted.

**Michael P. Ryan**

Chairman of the Board of Supervisors  
of the County of San Luis Obispo,  
State of California

ATTEST

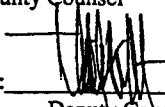
Julie L. Rodewald  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

BY: CHERIE AISPUHO Deputy Clerk  
[SEAL]

**CCC Exhibit A**  
**(page 4 of 13 pages)**

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel


Dated: 9.18.03

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

I, JULIE L. ROGER, Clerk of the Board  
entitled County of San Diego, do hereby  
of Supervisors the County of San Diego  
going to be held on the 10th day of  
entered in the County of San Diego  
visors, and

Witness my hand and the Seal of the  
Supervisors this 9-30-03

JULIE L. ROGER  
County Clerk of the Board  
of the County of San Diego

By 

## PLANNING COMMISSION STAFF REPORT



# Staff Report

San Luis Obispo County Department of Planning and Building

## I. PROJECT SUMMARY

AGENDA DATE: July 24, 2003

**APPLICANT/AGENT:** COUNTY OF SAN LUIS OBISPO

**REQUEST:** GENERAL PLAN AMENDMENT (G990014P)

**ENVIRONMENTAL DETERMINATION:** NEGATIVE DECLARATION, ED 99-482,  
March 23, 2001

**STAFF RECOMMENDATION:** Recommend to the Board of Supervisors approval of this general plan amendment as shown in the attached Exhibits G990014P:1 through G990014P:11 and approval of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. based on the findings set forth in this staff report.

**PROJECT DESCRIPTION:** Amend the Land Use Element by changing the land use categories on all or portions of ten properties that have been put into agricultural preserves. The land use category changes include 126 acres to be changed from Rural Lands to Open Space, 2,592 acres to be changed from Rural Lands to Agriculture, and 32 acres to be changed from Residential Suburban to Agriculture. These land use category changes involve a total of 2,750 acres and are shown on Map Exhibits G990014P:1 through G990014P:11.

### PROJECT LOCATION:

**Planning Areas:** Adelaida, El Pomar-Estrella, Huasna-Lopez, Las Pilitas, Nacimiento, North Coast, San Luis Bay-Inland, San Luis Bay-Coastal, and Shandon-Carrizo.

**Community:** Rural and Cambria urban area

**Assessor Parcel Numbers:** See Table 1

**Supervisory Districts:** All - see Table 1

### GENERAL PLAN INFORMATION:

**Land Use Element Categories:** Rural Lands (9 sites) and Residential Suburban (1 site)

**Agriculture and Open Space Element Designations:** Large-Lot Rural, Agriculture, and Urban Lands

**General Plan Policies:** Purpose and character statements for existing and proposed categories in Chapter 6 and discussion of agricultural preserves and open space preservation in Chapter 8 of Framework for Planning; Agricultural Policy Nos. 14 and 24 in Chapter 2 and Open Space Policy No. 8 in Chapter 3 of the Agriculture and Open Space Element.

## II. PROJECT EVALUATION

### Proposal

The request is to update the Official Maps of the Land Use Element by including lands on which agricultural preserves have been established in the Agriculture land use category and, in one case, the Open Space land use category. Such amendments are normally processed once a year to maintain up-to-date mapping, but among the current items one of the agricultural preserves was established in late 1997, two were established in late 1998, and seven were established in late 1999. All but one of the land conservation contracts for these preserves restrict uses to the Agriculture category with additional limitations in uses specified by the agriculture and compatible uses table in the Rules of Procedure. The Cosdon land conservation contract is the exception in that it limits uses to allowable uses in the Open Space land use category. Another Land Use Element amendment proposal is to remove the both the Wells Fargo Bank Trust parcel and the YMCA Camp property from the Cambria urban reserve line. These parcels are outside the community's existing urban services line. The parcel added to the agricultural preserve would be changed from Residential Suburban to Agriculture but the YMCA Camp property would remain in the Recreation category.

Table 1 provides a summary of the proposed Land Use Element map amendments, and Exhibits G990014P:1 through G990014P:11 show the locations of the changes in land use categories. The table identifies the general plan amendment exhibits, supervisorial districts, planning areas, current property owners, existing and proposed land use categories, assessor parcel numbers, and acreages of the land use category changes. Attachment A is the proposed Negative Declaration.

The following are the full names of owners or trustees of the properties involved in the proposed amendments:

<u>Map Exhibit</u>	<u>Property Owner or Trustee</u>	<u>Comments</u>
G990014P:1	Judith Cosdon, Trustee	
G990014P:2	Douglas & Eunice E. Goodan, Trustees	
G990014P:3	Victoria Mannon	
G990014P:4	Dale R. & Karen A. Iliff	
G990014P:5	Alvin A. Stuthard	
G990014P:6	Robert S. & Linda H. Attiyeh	
G990014P:7	Lloyd & Lisa Marcum, Et Al.	
G990014P:8	Wells Fargo Bank, Trustee	Rural Area Map
G990014P:9	Wells Fargo Bank, Trustee	Urban Area Map
G990014P:10	Thousand Hills Ranch c/o Allan C. Teixeira	
G990014P:11	Robert J. & Doris P. Vickery	

TABLE 1: Changes to Land Use Categories for New Agricultural Preserves

Map Exhibit	Supv Distr	Planning Area	Owner	Land Use Category		APN	Acres
				Existing	Proposed		
G990014P:1	1	Adelaida	Cosdon	Rural Lands	Open Space	014-151-063	120
"	"	"	"	"	"	014-151-066	6
G990014P:2	2	Adelaida	Goodan	Rural Lands	Agriculture	014-192-009	24
"	"	"	"	"	"	014-192-011	26
G990014P:3	5	El Pomar-Estr	Mannon	Rural Lands	Agriculture	Pt 034-441-025	130
G990014P:4	4	Huasna-Lopez	Iliff	Rural Lands	Agriculture	085-431-031	160
G990014P:5	5	Las Pilitas	Stuthard	Rural Lands	Agriculture	070-181-075	160
G990014P:6	1	Nacimiento	Attiyeh	Rural Lands	Agriculture	080-211-015	160
"	"	"	"	"	"	080-211-016	200
"	"	"	"	"	"	080-211-017	80
"	"	"	"	"	"	080-211-018	110
"	"	"	"	"	"	080-211-019	10
G990014P:7	1	Nacimiento	Markum	"	"	080-066-036	215
G990014P:8,9	2	North Coast	Wells Fargo	Res. Suburb.	Agriculture	013-181-014	32
G990014P:10	3	San Luis Bay-Inl	Thous Hills Rh	Rural Lands	Agriculture	044-181-028	4
"	"	"	"	"	"	Pt 079-201-002	109
"	"	"	"	"	"	Pt 079-201-003	430
"	"	"	"	"	"	Pt 079-201-004	422
"	"	"	"	"	"	Pt 079-201-008	28
"	"	"	"	"	"	Pt 079-201-009	121
"	"	San Luis Bay-CZ	"	"	"	Pt 079-201-003	9
"	"	"	"	"	"	Pt 079-201-004	34
G990014P:11	5	Shandon-Carrizo	Vickery	Rural Lands	Agriculture	037-391-016	160
Total							2,750

## General Plan Considerations

### Changes to the Agriculture Category

Nine of the ten properties included in this general plan amendment involve changes to the Agriculture land use category and are supported by the following specific statements in Framework for Planning, Inland Area, Part I of the Land Use Element:

1. *All lands previously designated for agricultural preserve, whether or not under contract, according to the adopted agricultural preserve rules of procedure. (Agriculture character statement d, page 6-12, Chapter 6, Land Use Categories and Allowable Uses)*
2. *When not already included in the Agriculture land use category, all lands for which agricultural preserves are approved will be placed in the Agriculture category by the county amending the Land Use Element. (Page 8-2, Chapter 8, Implementation and Administration)*

The requirement to redesignate land in the Agriculture category for properties on which agricultural preserves have been established based on agricultural uses is also stated in item B1a on page 4 of the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.

The California Land Conservation Act of 1965 contains the following requirement for land uses in agricultural preserves: *An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning or other suitable means in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter. (from Government Code Section 51230)*

### Change to the Open Space Category

The Cosdon property will be the first property in the agricultural preserve program to be designated in the Open Space land use category. This category is substantially more restrictive than the Agriculture category. The land conservation contract the owner entered into with the county on December 14, 1999, specifies that uses are limited to those uses allowed in the Open Space category. One of the more restrictive limitations of this category is that the only residence allowed is a caretaker residence with a floor area of no more than 1,200 square feet. On the other hand, the Open Space category and the contract allow agricultural uses if appropriate land management practices are used to maintain and enhance the site primarily as wildlife habitat.

The above purpose and character statements for the Agriculture category and a statement in Chapter 8 of Framework for Planning indicate all properties in agricultural preserves should be in the Agriculture category. However, since 1991, the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 have specified that lands qualifying for agricultural

preserves based on open space and natural outdoor recreation resources should be respectively designated in the Open Space and Recreation land use categories instead of the Agriculture category.

The county's Rules of Procedure to Implement the California Land Conservation Act of 1965, on pages 25 and 26, contains the following requirement: *Land to qualify for an agricultural preserve based on open-space or recreational uses may be located in any rural land use designation of the San Luis Obispo County General Plan. However, within one year after such an agricultural preserve is established and the owner enters into a land conservation contract, the county will initiate a general plan amendment, if necessary, to include the property in appropriate land use designations of the Land Use Element and Agriculture and Open Space Element. Open-space uses will be included in the Open Space land use category and recreational uses will be included in the Recreation category of the Land Use Element.*

The description of the Open Space category on pages 6-12 and 6-13 in Framework for Planning states that this category is to be applied only to lands in public fee ownership, or private lands where an open space agreement or easement has been executed between the property owner and the county. The executed land conservation contract on the Cosdon property limits uses to allowable uses in the Open Space category and consequently meets this requirement. Approval of the site as an agricultural preserve was recommended by the California Department of Fish and Game based on site's importance as part of a wildlife corridor, the diversity of wildlife habitats, the presence of a pond and springs used by wildlife, and the occurrence of at least one sensitive plant species. Consequently, the site meets the following purpose and character statements for the Open Space land use category:

Purpose:

1. *To identify land areas having value as primitive or natural areas.*
2. *To identify environmentally fragile areas that are at the most capable of supporting only passive recreational activities and non-structural uses.*
3. *To retain areas with fragile plant or animal communities (such as marshes and wetlands) in a natural or undisturbed state.*

Character:

1. *Sites or portions of a site with natural features such as unique topography, vegetation or stream courses without a quality or extent sufficient to necessitate application of a Sensitive Resource Area combining designation. May also include environmentally sensitive habitat for animal or plant communities.*

2. *Areas where the only appropriate residential use in an Open Space category would be ranger or caretaker quarters, established without division of the underlying parcel.*

Staff Comments

Future amendments to Framework for Planning will include revisions to Purpose and Character Statements for the Agriculture and Open Space categories in Chapter 6 and the discussion of Agricultural Preserves in Chapter 8 to indicate that agricultural preserves may, in special cases, be designated in the Open Space and Recreation categories instead of the Agriculture category as provided by the Rules of Procedure to Implement the California Land Conservation Act of 1965.

RECOMMENDATION AND FINDINGS

Recommend to the Board of Supervisors approval of this general plan amendment as shown in the attached Exhibits G990014P:1 through G990014P:11 and approval of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. based on the following findings:

FINDINGS

- A. The proposed map amendments for changes to the Agriculture category are consistent with the San Luis Obispo County General Plan because Framework for Planning, Part I of the Land Use Element, requires that all lands for which agricultural preserves are approved, when not already included in the Agriculture category, are to be placed in the Agriculture category by the county amending the Land Use Element.
- B. The proposed map amendment for the change to the Open Space category is consistent with the San Luis Obispo County General Plan because it is consistent with the purpose and character statements for that category in Framework for Planning, crop production and grazing are allowable uses in the Open Space category, and the general plan makes reference to requirements in the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- C. The proposed map amendments are consistent with the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 because all lands on which agricultural preserves have been established based on agricultural uses are to be placed in the Agriculture category and agricultural preserves established to protect wildlife resources are to be placed in the Open Space land use category.
- D. The proposed map amendments are consistent with the California Land Conservation Act of 1965 because the state law requires land placed in agricultural preserves to be appropriately zoned or restricted for agricultural and compatible uses.



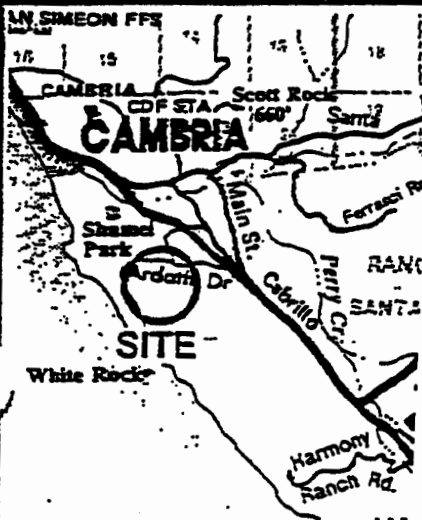
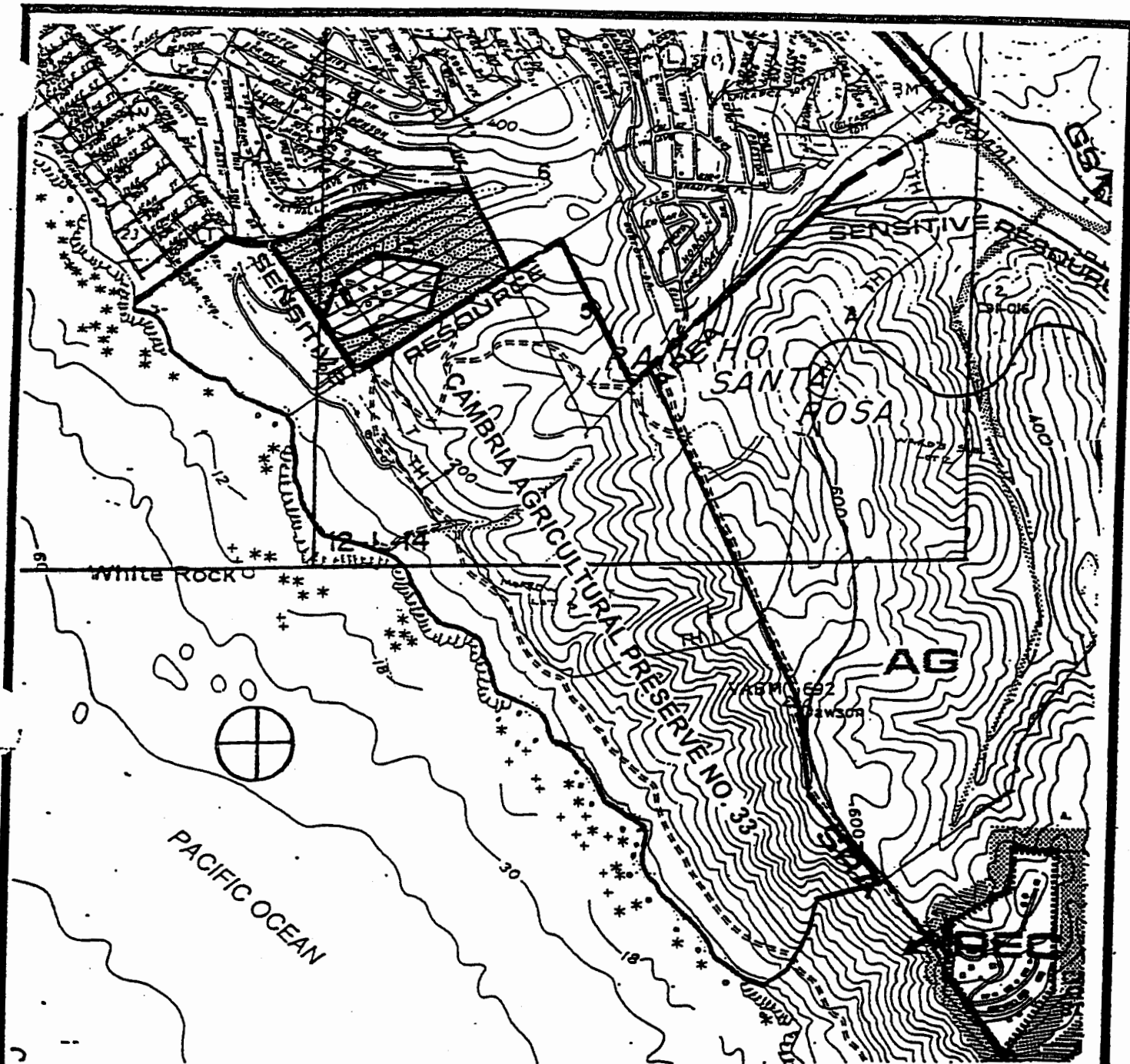
Planning Commission  
G990014P - GPA for Ag Preserves

July 24, 2003  
Page 7

- E. On the basis of the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.

Report prepared by Frank Heinsohn, Associate Planner  
and reviewed by Warren Hoag, Principal Planner  
General Plan Administration

G990014P.Rpt



# EXHIBIT G990014P:8

INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN ON  
OFFICIAL LAND USE CATEGORY MAP TSP 22 ON FILE IN THE  
COUNTY PLANNING OFFICE



CHANGE FROM RESIDENTIAL SUBURBAN TO AGRICULTURE



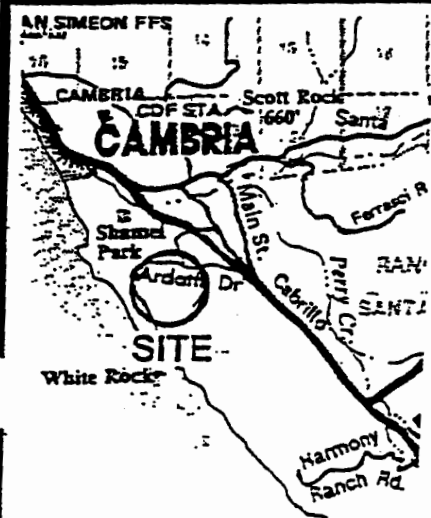
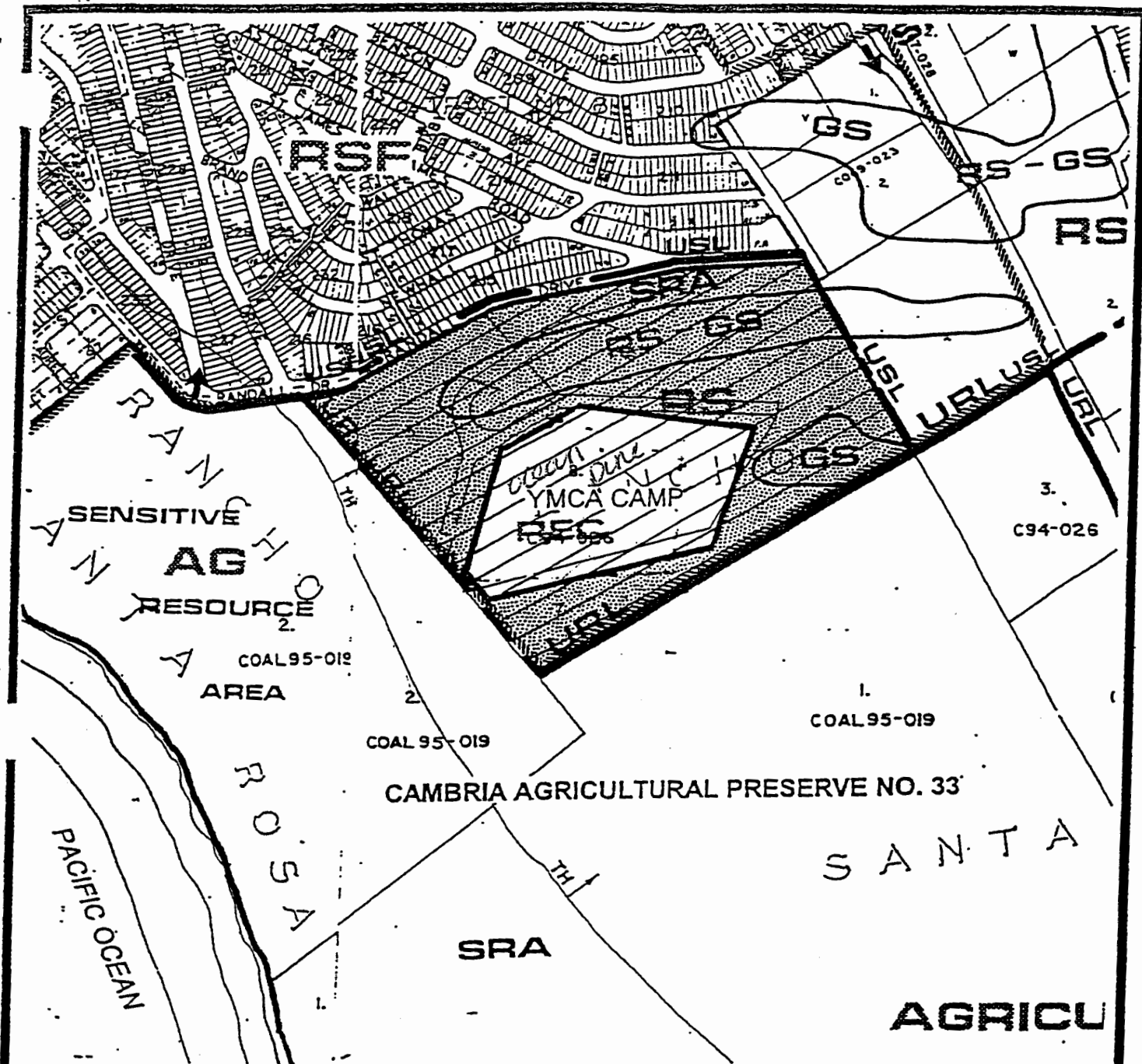
REMOVE FROM CAMBRIA URBAN RESERVE AREA

A980018A - Wells Fargo Bank, Trust

Cambria Agricultural Preserve No. 33, Amendment

Resolution No. 99-464, 11/09/99

**Exhibit B**  
(page 1 of 4 pages)



# EXHIBIT G990014P:9

INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN ON OFFICIAL LAND USE CATEGORY MAP L14 ON FILE IN THE COUNTY PLANNING OFFICE



CHANGE FROM RESIDENTIAL SUBURBAN TO AGRICULTURE

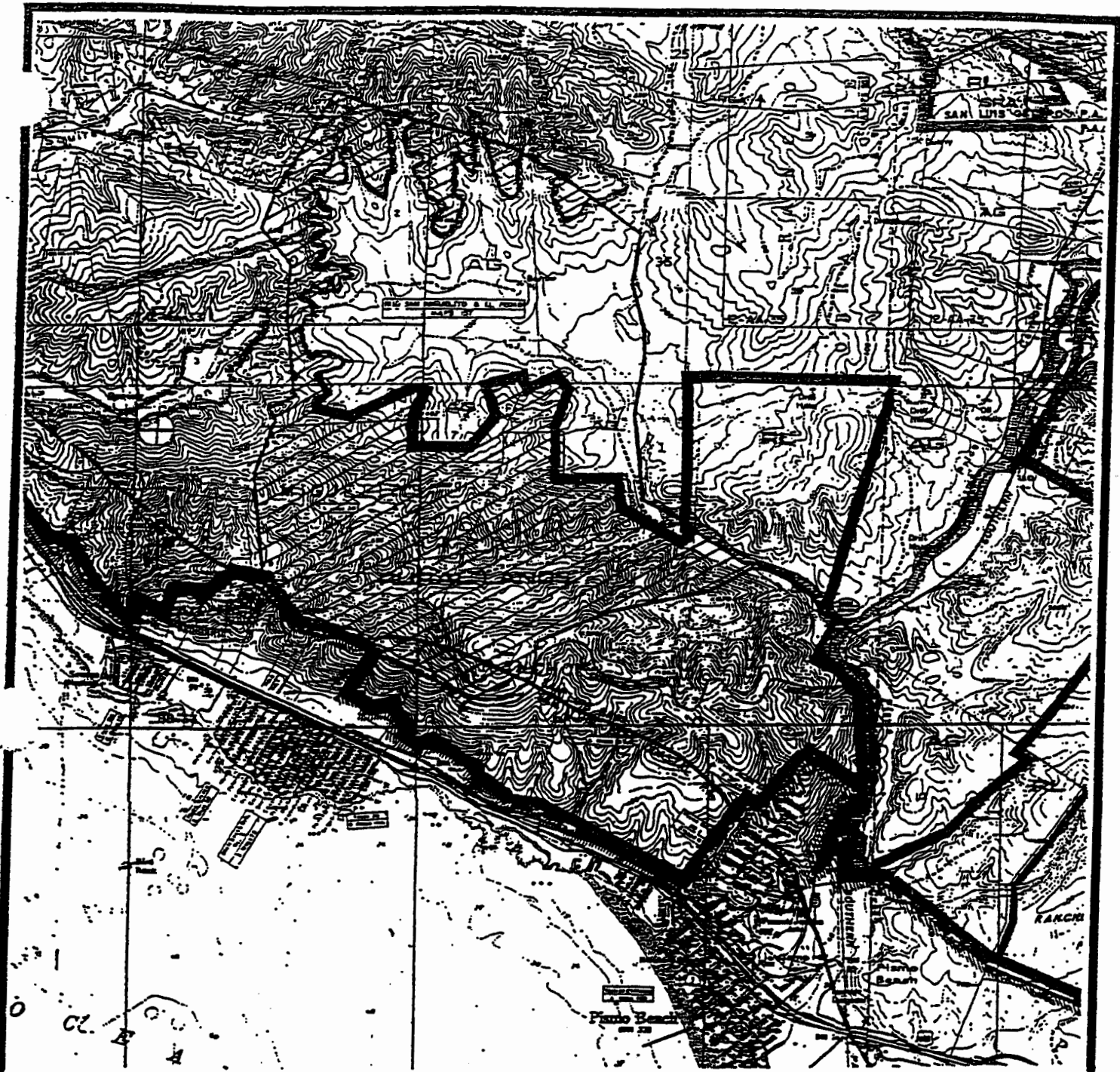


REMOVE FROM CAMBRIA URBAN RESERVE AREA

A980018A - Wells Fargo Bank, Tre.

Cambria Agricultural Preserve No. 33, Amendment No. 1  
Resolution No. 99-464, 11/09/99

000 Exhibit **B**  
(page 2 of 4 pages)



# EXHIBIT G990014P:10

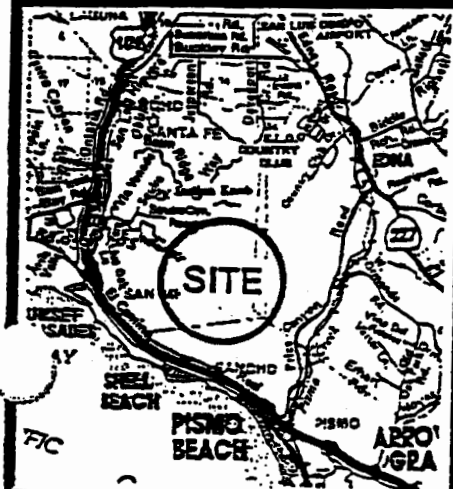
INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN OFFICIAL LAND USE CATEGORY MAPS TSP 65 AND 75-76 ON FILE IN THE COUNTY PLANNING OFFICE



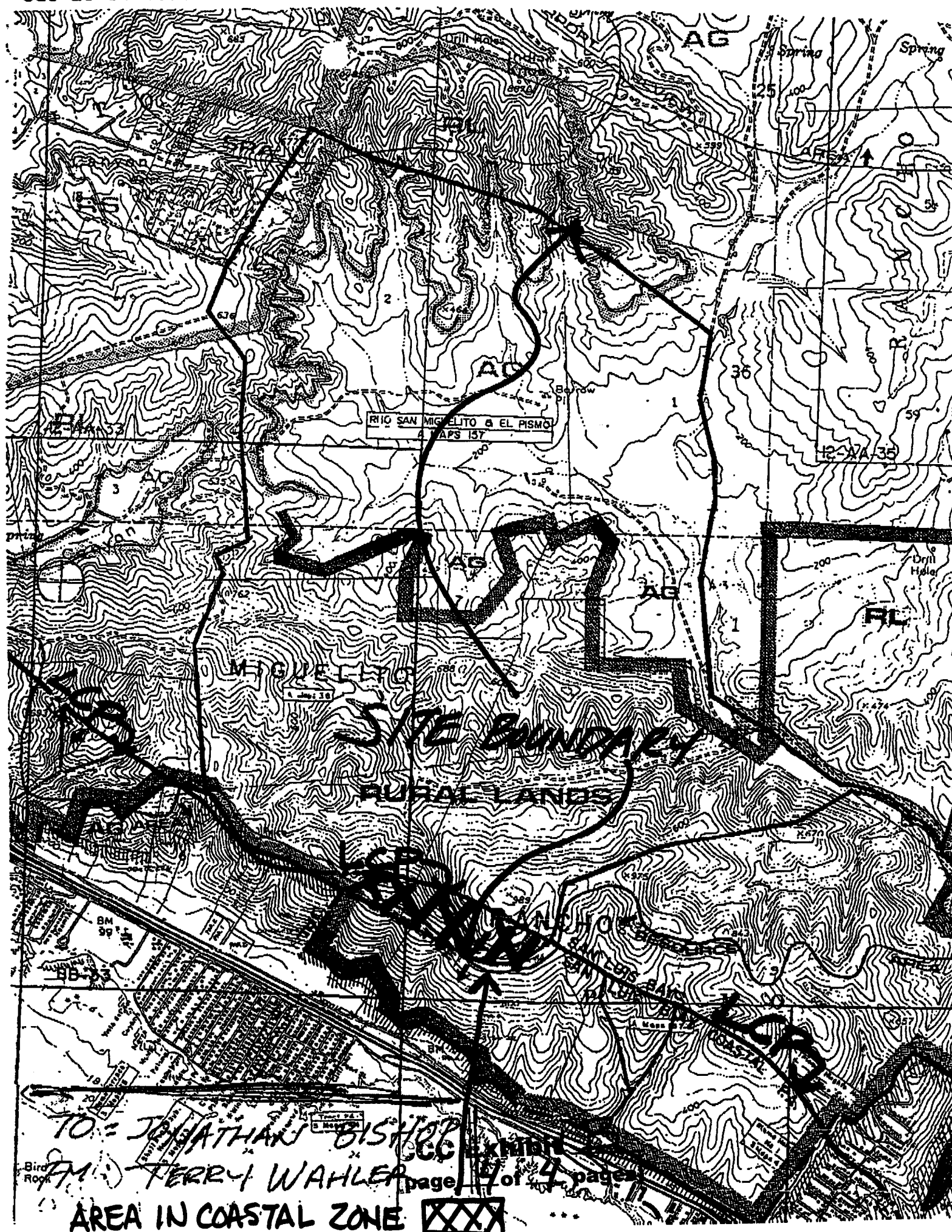
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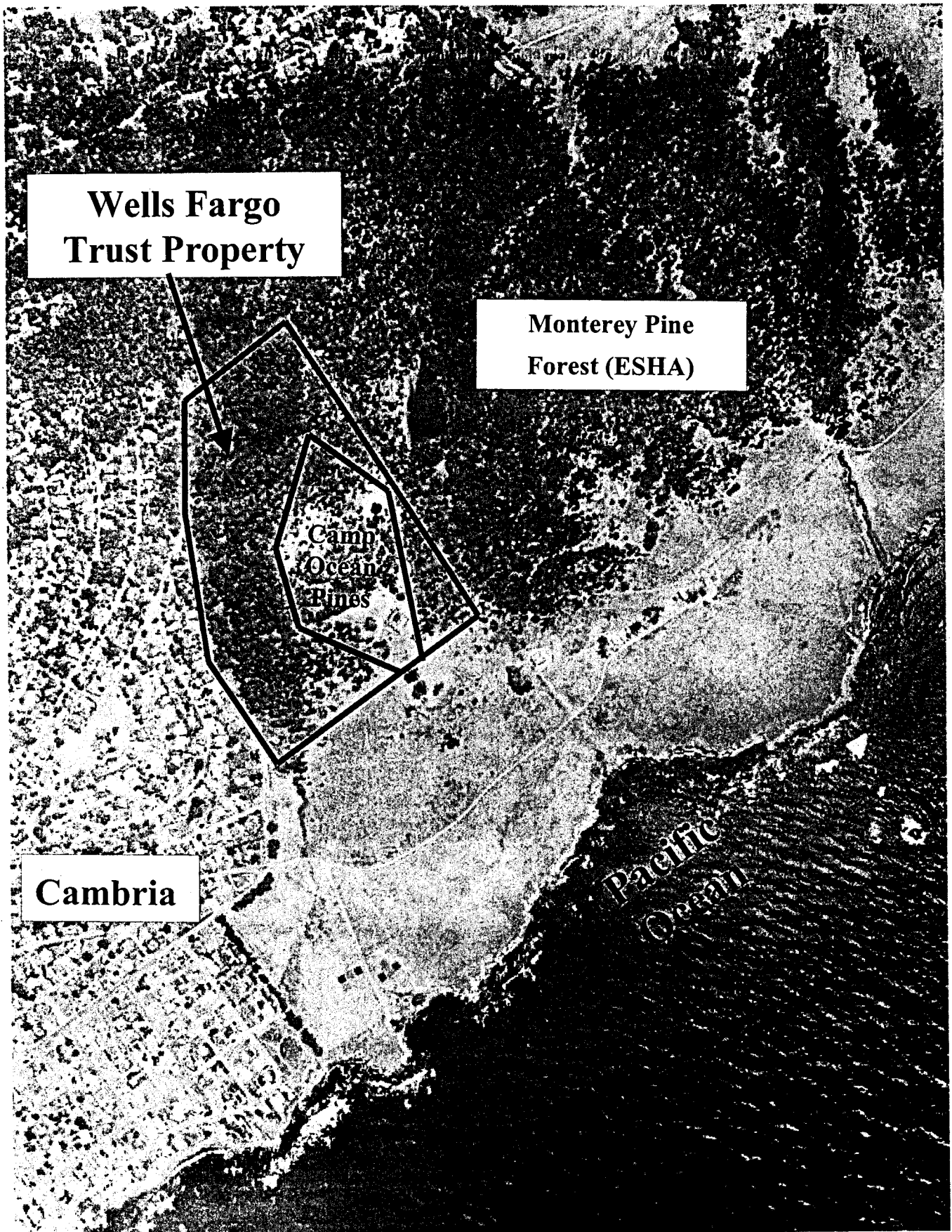
A980025A - Thousand Hills Ranch  
Edna Valley Agricultural Preserve No. 35  
Resolution No. 99-482, 11/16/99

GCC Exhibit **B**  
(page 3 of 4 pages)









Property Boundaries are Approximates