

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863 FAX (831) 427-4877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**W15**

# **CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT**

*For the*

*April Meeting of the California Coastal Commission*

**MEMORANDUM**

Date: April 11, 2007

**TO:** Commissioners and Interested Parties  
**FROM:** Charles Lester, Central Coast District Deputy Director  
**SUBJECT:** *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the April 11, 2007 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

***REGULAR WAIVERS***

1. 3-06-063-W Capitola Public Works Department, Attn: Steve Jesberg, Director (Capitola, Santa Cruz County)

***DE MINIMIS WAIVERS***

1. 3-07-008-W Santa Cruz City Planning Department, Attn: Nancy Boyle (Santa Cruz, Santa Cruz County)

***IMMATERIAL AMENDMENTS***

1. 3-03-034-A1 Rudolph F. Monte Foundation, Attn: Kim Gallick (Aptos, Santa Cruz County)
2. A-3-SLO-03-040-A1 Alex Benson (Los Osos, San Luis Obispo County)

***EXTENSION - IMMATERIAL***

1. A-3-SLO-03-117-E1 Brown Family Trust, Attn: Josh Brown; James & Johanna Townsend (North Coast Planning Area, San Luis Obispo County)

***TOTAL OF 5 ITEMS***

## DETAIL OF ATTACHED MATERIALS

### REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-06-063-W</b> Capitola Public Works Department, Attn: Steve Jesberg, Director	Construct a biofiltration wetland system to improve water quality in Soquel Creek Lagoon.	Cliff Drive & Wharf Road (city park located at intersection of Cliff Drive and Wharf Road, and the Western end of Stockton Avenue), Capitola (Santa Cruz County)

### REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-07-008-W</b> Santa Cruz City Planning Department, Attn: Nancy Boyle	Install 6 telescopes on Santa Cruz Municipal Wharf. Cost for use of telescopes will be \$.50 for 1.5 minutes.	Municipal Wharf, Santa Cruz (Santa Cruz County)

### REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-03-034-A1</b> Rudolph F. Monte Foundation, Attn: Kim Gallick	The proposed amendment would: (1) extend the coastal permit's expiration date to December 31, 2010 to allow for annual fall events through the year 2010 in order to better match the expiration date of the Monterey Bay National Marine Sanctuary's (MBNMS's) project authorization that is likewise through the event in 2010 (MBNMS authorization number MBNMS-2006-003); and (2) modify the terms and conditions of the CDP to incorporate the relevant terms and conditions of the MBNMS authorization.	Seacliff State Beach (at Seacliff State Park in the unincorporated Aptos-Rio Del Mar area), Aptos (Santa Cruz County)
<b>A-3-SLO-03-040-A1</b> Alex Benson	Reduce the number of approved units from 8 to 6 and provide a 10-foot setback between the existing building and the new building.	1370 - 2nd Street (Baywood area), Los Osos (San Luis Obispo County)

**REPORT OF EXTENSION - IMMATERIAL**

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>A-3-SLO-03-117-E1</b> Brown Family Trust, Attn: Josh Brown James & Johanna Townsend	Division of two parcels 117.56 acres and 80 acres, into three parcels of 97.34, 45.22, and 55 acres; and a request to convert an existing 1,200 square foot residence to storage and transfer the water meter to the new parcel.	6925 Jordan Road (NW of Cambria Pines Rd.; approximately 1 mile north of the community of Cambria), North Coast Planning Area (San Luis Obispo County)

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: March 27, 2007  
TO: Capitola Public Works Department, Attn: Steve Jesberg, Director  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver Number 3-06-063-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: Capitola Public Works Department, Attn: Steve Jesberg, Director

LOCATION: Cliff Drive & Wharf Road (city park located at intersection of Cliff Drive and Wharf Road, and the Western end of Stockton Avenue), Capitola (Santa Cruz County) (APN(s) 035-174-03)

DESCRIPTION: Construct a biofiltration wetland system to improve water quality in Soquel Creek Lagoon.

RATIONALE: Proposed project includes best management practices to avoid impacts to coastal waters during implementation. The proposed project will improve the water quality of Soquel Creek and will benefit steelhead and other species that inhabit the creek. The proposed project will improve existing public access along the creekside. The development involves no significant impacts on coastal resources.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, April 11, 2007, in Santa Barbara. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: STEVE MONOWITZ  
District Manager

BY DAN CARR

cc: Local Planning Dept.

Sycamore Associates L L C, Attn: Marylee Guinon, Principal

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

**DATE:** March 28, 2007  
**TO:** City Of Santa Cruz, Attn: Nancy Boyle  
**FROM:** Peter M. Douglas, Executive Director  
**SUBJECT:** Waiver of Coastal Development Permit Requirement:  
**Waiver De Minimis Number 3-07-008-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

**APPLICANT:** City Of Santa Cruz, Attn: Nancy Boyle

**LOCATION:** Municipal Wharf, Santa Cruz (Santa Cruz County) (APN(s) 005-381-02, 005-401-39, 005-671-40)

**DESCRIPTION:** Install 6 telescopes on Santa Cruz Municipal Wharf. Cost for use of telescopes will be \$.50 for 1.5 minutes.


**RATIONALE:** Proposed development will enhance public recreational activities on the Santa Cruz Municipal wharf. Proposed development involves no significant impacts on coastal resources or public access to the shoreline.

**IMPORTANT:** This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, April 11, 2007, in Santa Barbara. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: STEVE MONOWITZ  
District Manager

 BY DAN CARL

cc: Local Planning Dept.

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PHONE: (831) 427-4863  
FAX: (831) 427-4877  
www.coastal.ca.gov

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director *JD 3/28/07*  
DATE: March 28, 2007  
SUBJECT: **Proposed Amendment to Coastal Development Permit (CDP) 3-03-034**  
Applicant: Rudolph F. Monte Foundation

**Original Description:**

CDP 3-03-034 allows the Monte Foundation to close Seacliff State Beach in the unincorporated Aptos-Rio del Mar area of Santa Cruz County for a fee-based fair and fireworks display to benefit Santa Cruz County Schools on an annual basis one weekend each fall between 2003 and 2007.

**Proposed Amendment:**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

The proposed amendment would: (1) extend the coastal permit's expiration date to December 31, 2010 to allow for annual fall events through the year 2010 in order to better match the expiration date of the Monterey Bay National Marine Sanctuary's (MBNMS's) project authorization that is likewise through the event in 2010 (MBNMS authorization number MBNMS-2006-003); and (2) modify the terms and conditions of the coastal permit to incorporate the relevant terms and conditions of the MBNMS authorization. A more detailed amendment description is available for review in the Coastal Commission's Central Coast District Office in Santa Cruz.

**FINDINGS**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

The Coastal Commission has granted coastal permits to the Monte Foundation to hold an annual fair and fireworks show at Seacliff State Beach since 2000. During the course of that time, event parameters have been steadily modified in order to adapt to and address identified coastal resource concerns, including incorporation of explicit public access and wildlife protection requirements. In 2006, the Monte Foundation received an updated MBNMS authorization covering the event through the year 2010. The updated MBNMS authorization included as part of it additional coastal resource protection requirements, including in response to and as required by recent reviews by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), and including modifications developed through Commission and MBNMS staff coordination.

The proposed coastal permit amendment incorporates the relevant updated MBNMS, USFWS,



## **NOTICE OF PROPOSED PERMIT AMENDMENT**

**Page 2**

and NMFS requirements, and provides for enhanced coastal resource protection in light of the more recent reviews and coordination, including explicit fireworks limitations designed to better avoid wildlife impacts. It also serves to better sync MBNMS and coastal permit requirements, including by matching the 2010 expiration and by requiring corresponding resource agency sign-offs prior to each year's event.

If you have any questions about the proposal or wish to register an objection, please contact Dan Carl at the Central Coast District office.

cc: Dave Vincent, Superintendent, California Department of Parks and Recreation, Santa Cruz District  
Tom Burns, Director, Santa Cruz County Planning Department



California Coastal Commission



4/9/07

To Dan Carl and members of the Calif. Coastal Commission.

Thank you Dan for your response to my call on my answering machine this afternoon.

Re: extending the expiration date for the Monte Foundation fireworks App. # 3-03-034-A1 (if I copied it correctly)

Was it intentionally obscure to post the notice by the pier on an 8 1/2 by 11' paper hardly anyone would see on their beach walk? Seeing a notice like that is like locating a needle in a haystack. I had to borrow a pen to copy brief info. ~~for~~ from the "notice"

A few fundamental reasons I oppose such an extension:

- (1) Beaches constitute the "commons." Closing off one public space to fund another seems improper. Rather our public taxes should fund public services. Seems like a bandaide approach. The fact that only those who can "pay." . . . are allowed entrance is classist and exclusionary. Beaches are for everyone - whether wealthy or not. . The coastal commission should not be approving an exclusion process on our public beaches.
- (2) Clean uncontaminated beaches is of highest priority. What toxic chemicals and devices accompany fireworks? We know pollution is moved by the elements - air and water into the bay and surrounding neighborhoods. I no longer go near fireworks since the chemicals make me ill.. putting toxins into the environment results in involuntary exposure and is a form of toxic trespass. I REQUEST IN WRITING AN MSDS SHEET FOR THE PROPOSED AND PAST FIREWORKS. Also, large amounts of trash/plastics result.

Additionally, the resulting traffic congestion compounds the existing congestion.

Many pets are traumatized by the noise of explosions.

As I have no knowledge of the financial accounts related to the Monte Foundation, I am not questioning the "good intentions," of those sponsoring the event.

As a public school teacher of thirty years, I am now retired. I support public education. Primate endeavors, however heartfelt, are a drop in the bucket of the needs of schools and inadequate to counter the massive undermining of the schools. It also leaves a misimpression or illusion of a remedy for poor school funding.

Please do not extend this permit excluding the public and creating undue contamination on top of the many perils to the planetary oceans. Public notices need to be genuinely public - this one hardly was.

FAX to above  
427-4877

Sincerely,  
Marilyn Garrett  
351 Redwood Hts. Rd.  
Aptos, CA 95003  
ph. 688-4603

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director *P. Douglas*  
DATE: March 28, 2007  
SUBJECT: **Permit No: A-3-SLO-03-040-A1**  
Granted to: Alex Benson

**Original Description:**

for **Development of a two-phased commercial project. Phase I consists of adding 8 new guest rooms (3,837 sq.ft.) to the existing Baywood Inn (9,721 sq.ft.), and construction of a new 10 guest room hotel building (7,345 sq.ft.). Phase II consists of two new hotel buildings. Building one will include 6 new guest rooms (3,472 sq.ft.), and building two will include 16 new guest rooms (7,940 sq.ft.). The project also includes landscaping and drainage improvements.**

at **1370 - 2nd Street (Baywood area), Los Osos (San Luis Obispo County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

**Reduce the number of approved units from 8 to 6 and provide a 10-foot setback between the existing building and the new building.**

**FINDINGS**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

**The requested amendment reduces the number of total units and provides for improved scale and massing of structures consistent with the character of the area. The amended project has been designed to avoid impacts to coastal resources and public access and recreation. For these reasons, the requested amendment is not a material change to the permit.**

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop at the Central Coast District office.

cc: Local Planning Dept.

W15  
**RECEIVED**

APR 05 2007

Bonnie Verducci  
1248 17<sup>th</sup> Street  
Los Osos, CA 93402  
(805) 534-0150  
dnct@sbcglobal.net

April 2, 2007

California Coastal Commission  
Central Coast District Office  
Attn: Jonathan Bishop  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
RE: Permit No: A-3-SLO-03-040-A1 Granted to Alex Benson

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Bishop:

This letter comes as an **OBJECTION** to your notice to interested parties about a proposed permit amendment referenced above. How could you think that the whole of Los Osos would not object to receiving a reminder that a Developer has received permission to add 38 new guest rooms to his hotel, presumably each equipped with a toilet, in a location just a stone's throw from the water's edge? The timing of your notice was especially 'stinging' to those 4,400 householders in Los Osos sewer district who, in the same week, received notice from the California Regional Water Quality Control Board regarding "Violation of Septic System Discharge Prohibition." Our address is in Los Osos/Baywood Park, and coincidentally, Mr. Benson's hotel is just down the street from us, also in Baywood Park/Los Osos.

Exactly where will Mr. Benson's guests be discharging the waste from the existing hotel toilets, not to mention the 38 new ones he is being permitted to install? Mr. Benson's toilets are a lot closer to the Bay than mine. Has someone decreed that residential property owners are more "wasteful" than hotel guests?

Is it not glaringly clear that the California Commission and the California Regional Water Quality Control Board, both State Agencies, with overlapping concerns about land use, water quality, and environmental impact, are NOT on the SAME PAGE?

Either this is a classic example of incompetence due to the left hand not knowing what the right hand is doing, or there is blatant corruption here with a not so hidden agenda to chase the middle to lower class citizens out of Los Osos. I ask you, what would be left of Los Osos if the core center, which includes the business district and the residential homes of the working class Los Ososans, could no longer survive in this climate? Remember, the very citizens who have been saddled with the bill for the sewer are needed to serve the needs of those wealthier Los Ososans who won't be required to hook up to the sewer.

Sincerely,

  
Bonnie C. Verducci

Also a State Employee

Cc: Matt Thompson, California Regional Water Quality Control Board, Central Coast Region



# California Regional Water Quality Control Board

## Central Coast Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Acrovista Place, Suite 101, San Luis Obispo, California 93401  
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger  
Governor

March 21, 2007

Michael Verducci  
1248 17TH ST  
LOS OSOS, CA 93402 1428

Dear Michael Verducci:

### **NOTICE OF VIOLATION OF SEPTIC SYSTEM DISCHARGE PROHIBITION AT 1248 17TH ST, LOS OSOS/BAYWOOD PARK, SAN LUIS OBISPO COUNTY**

In 1983, the Central Coast Regional Water Quality Control Board adopted a prohibition of all new and existing septic system discharges in an area known as the Los Osos/Baywood Park prohibition zone. The prohibition is based on substantial evidence that septic systems harm water quality and public health. Ongoing monitoring shows that water quality and public health continue to be threatened by septic system discharges.

The Water Boards' mission includes enforcing the laws and regulations designed to protect and enhance water quality and its uses (water supply, recreation, and shellfishing, for example). Although property owners and occupants (including tenants) are ultimately responsible for their septic system discharges, the Water Board has not previously enforced the prohibition against individual property owners and occupants because your local governments, San Luis Obispo County and the Los Osos Community Services District, were making progress towards building a community wastewater system to replace individual septic systems. Unfortunately, a community wastewater system has not yet been built. In light of this, we are now enforcing the prohibition against all individual property owners and occupants in the Los Osos/Baywood Park prohibition zone.

Our records show that you own and/or occupy improved property at the address, within the prohibition zone. Since there is not a community wastewater system available to your property, we conclude that your property has a septic system that discharges waste<sup>1</sup> within the prohibition zone. **You are hereby notified that your septic system discharge violates State law and you are subject to further enforcement.**

San Luis Obispo County, through the process provided by Assemblyman Sam Blakeslee's special legislation (AB 2701), has begun planning, designing, and building a community wastewater collection and treatment system. The Water Board supports the County and considers a community system to be the most feasible solution to the septic system prohibition. We hope that this process will succeed. However, because this process is in its beginning

<sup>1</sup> Septic systems are designed to discharge wastewater. Wastewater flows from the house to a septic tank, where most of the solids in the wastewater are removed. Wastewater overflows or is pumped from the septic tank into an underground disposal field (leachfield or seepage pit) and eventually to underlying groundwater.

***California Environmental Protection Agency***



Recycled Paper

stages and faces significant hurdles, Water Board staff is continuing with individual enforcement of the septic system prohibition.

The Water Board began enforcement by issuing cease and desist orders to a group of individuals in the prohibition zone. If the Water Board were to issue you a cease and desist order, it would require you to hook up to a community wastewater system within 60 days of its availability, whenever that is, or otherwise cease discharging in violation of the prohibition. However, if the County's wastewater project does not proceed and fails to meet certain milestones, including approval of a benefits assessment (i.e., special tax to pay for part of the community wastewater system), then you would have to eliminate your septic system discharge by January 1, 2011. To ensure your septic system remains functional until the community wastewater system is available, the cease and desist order would require you to have your septic system pumped out and inspected by a qualified contractor and repaired if necessary. As long as the County's community wastewater project proceeds, the cease and desist order would not require any action on your part, other than this standard maintenance, until a community wastewater system connection is available.

Several parties have agreed to a settlement instead of the cease and desist order and its hearing process. The settlement agreement requirements are almost the same as those in the cease and desist order, except that we have agreed to meet and negotiate with the parties before we issue any violations of the settlement agreement requirements. No negotiations are required by the cease and desist orders.

Several parties have expressed concern that this process is too slow. We are exploring other forms of enforcement to address these concerns. We will be notifying you of this enforcement process by separate letter in the coming months.

The Water Board will continue working with the County to deliver a viable community wastewater system as soon as possible. If the County builds a community wastewater system as contemplated by AB 2701, and you connect your property to the system, then you will comply with the prohibition and avoid further enforcement.

If you are interested in the documents related to the prohibition zone and individual enforcement action, you may review them at the letterhead address during normal business hours, or online at: <http://www.waterboards.ca.gov/centralcoast/los%20osos/Index.htm>. If you have questions, you may contact Water Board staff Matt Thompson at (805) 549-3159, or by email at [mthompson@waterboards.ca.gov](mailto:mthompson@waterboards.ca.gov). Thank you for your attention to this matter.

Sincerely,



Harvey C. Packard  
Prosecution Team Lead



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March 28, 2007

**NOTICE OF EXTENSION REQUEST FOR  
COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that: **Brown Family Trust, Attn: Josh Brown; James & Johanna Townsend**

has applied for a one year extension of Permit No: **A-3-SLO-03-117-E1**  
granted by the California Coastal Commission on: **January 13, 2005**


for **Division of two parcels 117.56 acres and 80 acres, into three parcels of 97.34, 45.22, and 55 acres; and a request to convert an existing 1,200 square foot residence to storage and transfer the water meter to the new parcel.**

at **6925 Jordan Road (approximately 1 mile north of the community of Cambria), North Coast Planning Area (San Luis Obispo County).**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

 BY DAN CARR

By: STEVE MONOWITZ  
District Manager

cc: Local Planning Dept.

Belsher & Becker, Attorneys At Law, Attn: John Belsher

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## Memorandum

April 10, 2007

To: Commissioners and Interested Parties

From: Charles Lester, Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Wednesday, April 11, 2007

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
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W17c, SCO-MAJ-06 Part 1	Santa Cruz County	Correspondence	29
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<u>Miscellaneous: Items not on April agenda.</u>			147
Letter from Doug Dietch, Monterey Bay Conservancy -- re: DVD - Santa Cruz Ground Water Emergency - "Our Inconvenient Truth"			148
Letter to San Luis Obispo County Board of Supervisors from Nell Langford -- re: sale of property within the Pismo Dunes Natural Preserve.			149

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**W17a**

**Prepared April 9, 2007 (for April 11, 2007 hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Charles Lester, District Director  
Steve Monowitz, District Manager  
Jonathan Bishop, Coastal Program Analyst

**Subject: STAFF REPORT ADDENDUM for W17a**  
**SLO-MAJ-1-06 Part 1 (Cambria and San Simeon Acres Community Plans)**

As described in the March 30, 2007 staff report, San Luis Obispo County proposes to amend its Local Coastal Program by incorporating the Cambria and San Simeon Acres Community Plans into the North Coast Area Plan (NCAP) segment of the Land Use Plan (LUP).

Since the staff report was completed, the County of San Luis Obispo and other interested parties have suggested changes to the recommendations. In response to these comments, staff has revised a number of the suggested modifications and has supplemented the staff recommendation with additional findings where necessary. The changes are shown below as follows (new text shown with double underlines; deletions are shown with ~~double strike-throughs~~):

### **I. Changes to Staff Report Exhibits**

1) Add Exhibit F – Chapter 8 Coastal Access to exhibit list in staff report page 4 and include (see new Exhibit F attached).

### **II. Changes to Suggested Modifications**

1) Strike through the word “buildout” in subsection C of Mod 10:

#### **C. Population Projections**

With ~~countywide growth management provisions~~, existing shortages of important resources such as water and public services, and the ~~inability of~~ adverse impacts posed to the natural environment associated with population growth to sustain full buildout, there are significant unresolved issues regarding appropriate levels of North Coast Planning Area ~~is not expected to reach buildout of the land use described by this plan in development~~ within the North Coast Area during the 20-year term of the plan.



**California Coastal Commission**

**April 2007 Meeting in Santa Barbara**

Staff: J. Bishop Approved by: *JMB* 4/10/07



**2) Revise Standard 4.E to include the specific term "Cambria Flood Mitigation Project" Mod 41:**

E. West Village. No new development except necessary public services shall be approved until the County has certified and implemented Phase I of a flood analysis and management plan for the West Village the Cambria Flood Mitigation Project in a manner that is consistent with the protection of the coastal stream.

**3) Modify Suggested Modification 54 (pg.30 of staff report) - change both parcels of Connelly & Childs to RMF:**

#2) Connelly & Childs – ~~Remain RMF & O/P~~ Both parcels to RMF

**4) Add text to Areawide Circulation Programs 2 on pg. 5-15:**

2. Trails. To maximize the provision of public trails, the County should work with interested property owners, agriculturalists, and other groups to determine if access may be secured to serve this need while respecting adjacent uses and ownerships. The County should also work with interested groups to implement a program for the development, signage, management, and maintenance of the California Coastal Trail system. Opportunity exists to establish the California Coastal Trail system, connecting each end of the Planning Area. More discussion is found in Chapter 8: Coastal Access. (Medium priority/Long Term)

**5) Add text to Cambria Circulation Program 8 on pg. 5-17:**

8. Pedestrian Improvements – The Cross-Town Trail. The County and the community should continue to provide pedestrian trails, walkways, and sidewalks where appropriate to serve residents and visitors in the community. The County should work with the community to connect segments of the California Coastal Trail to the community trail network and other pedestrian facilities. (Medium priority/On-going)

**6) Add text to San Simeon Acres Circulation Program 1 on pg. 5-18:**

1. Pedestrian Improvements. The San Simeon Acres Community Services District and the County should work with motel owners and residents to develop a clearly-defined blufftop walkway system that links residences, motels, ~~and~~ beach areas, and segments of the California Coastal Trail. The network may include sidewalks, bikeways, street lights, landscaping, and beach stairs. (Medium priority/Medium term)

**7) Add text to Cambria Combining Designation Program 8 on pg. 6-13:**

8. Shoreline Access – Street Improvements – West Lodge Hill (LCP). The County should work with interested groups to develop accessways and provide public pathways and overlooks throughout Cambria. The County or other appropriate entity should provide a public pathway and overlook at the following street ends west of Sherwood Drive when development and maintenance funds are available: Castle Street, Emmons Road and Jean Street.



**8) Add text to San Simeon Acres Combining Designation Program 19 on pg. 6-18:**

19. Shoreline Access – Pico Avenue Stairway (LCP). The County should work with interested groups to develop new accessways and provide public pathways and overlooks throughout San Simeon Acres. The San Simeon Acres Community Services District should continue to maintain the stairway at Pico Avenue for public access. Public parking should be provided.

**9) Underline the introduction to Communitywide Standard 22 of Mod 51 regarding shoreline development:**

22. Shoreline Development. All development along bluff tops and shorelines must comply with the following standards:

**10) Replace Public Access Suggested Modifications 68 through 76 (staff report pages 36 through 38) with the County's suggested Chapter 8 as shown in new Exhibit F (see attached Exhibit F). Based on the findings in this staff report it is acceptable to replace these modifications with the County's suggestions, except with the following edits:**

- Show blufftop lateral access preference in commercial areas of San Simeon Acres on Figure 8-2.
- Show vertical accessway adjacent to the south side of sewage treatment plant (Stinson 42-02/125-29) on San Simeon Acres Figure 8-2.
- Show preferred pedestrian alignment (cross hatched line) crossing the Arroyo del Padre Juan pipe-bridge and continuing along Balboa Avenue to Vista Del Mar on San Simeon Acres Figure 8-2.
- Show additional preferred vertical access at the end Vista del Mar on San Simeon Acres Figure 8-2.
- Add "blufftop trail" to improvements for San Simeon Acres in Table 8-1 (County suggestions Pg. 8-7).
- Delete "~~This alignment is consistent with Coastwalk's identified route for the area~~" both on pg. 8-9 and 8-10 of County suggestions.
- Add reference to preferred vertical accessways adjacent to the sewage treatment plant and at the end of Vista del Mar in Table 8-3.
- Add reference to new Blufftop Access Standard 3(c) and Communitywide Standards 3 and 4 in Table 8-3 for lateral access implementation.



## **II. Supplemental Findings**

### **1) Add the following text to the end of paragraph 2 on page 51 of staff report:**

Finally, several text changes are necessary in the background chapters to make the San Simeon Acres Community Plan internally consistent with the suggested modifications.

### **2) Modify Findings for Proposed Land Use Changes on Connelly & Childs parcel pg. 53:**

This site is located on the south side of Main Street in the East Village. The site is relatively flat and slopes south from Main Street to Santa Rosa Creek. The easterly one-third is designated Office/Professional; the westerly two-thirds is designated RMF. A mobile home park currently exists on the property although it has been effectively closed through informal discontinued use. Although the certified LCP includes provisions to address potential loss of affordable housing in such cases, the ordinance has not been directly applied to this site. More generally, the County recently passed an emergency ordinance to address mobile home park conversions and the loss of affordable housing opportunities Countywide. It is as yet unclear how this ordinance or the existing LCP requirements may be applied to this site. In 1998, the Commission adopted modifications to retain the RMF zoning due to concerns about increased water demand if residential uses other than the mobile home use were proposed, and significant increases in traffic demands in the downtown area if commercial use was intensified on the site (see adopted NCAP findings, 1998. In light of these coastal resource constraints, ~~changing the land use designation at this time is not appropriate~~ it is appropriate to retain both parcels in the RMF land use category. It is noted that effect of this modification also would be consistent with the legislative direction to the Commission to encourage the protection of affordable housing (30604(g)).

### **3) Add text to paragraph 3 on page 59 of the staff report.**

To find the community plans consistent with Coastal Act Section 30240, suggested modifications are necessary to ensure that all revegetation is done using native, non-invasive plant species appropriate to the area. This standard is currently included for Cambria, but not for San Simeon Acres. Suggested modifications are included that expand this requirement to new developments in San Simeon Acres. This is particularly important for new development adjacent to sensitive creeks.

### **4) Add Coastal Act Section 30236 to list of applicable policies on page 61 of staff report:**

Coastal Act Section 30236 states:

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*



**5) Edit findings on pg. 63 regarding Suggested Modification 51 dealing with hazards and shoreline protection standards as follows:**

To address the potential for seawall development, and redevelopment of existing developments on blufftop lots, suggested modifications require that new applications for projects located on the bluffs or shoreline meet detailed application requirements, and how setback distances should be determined. A deed restriction against the property will ensure that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct a such devices that may exist pursuant to Section 30235. The modifications also require a waiver of liability. The Commission has included the same standards in other LCP's statewide, and has recently implemented such standards on appeal for a blufftop development in the urban area of Cambria (see Korpiel A-3-SLO-02-093).

**6) Edit findings on pg. 64 of the staff report in support of Suggested Modification 41 as follows:**

"In addition, allowances for proposed uses in the floodplain that do not meet the requirements of the Coastal Act Section 30236 must be deleted."

**7) Add new findings on pg. 67 of staff report in Section C – Planning for Maximum Public Access:**

New development that occurs in the urban areas of Cambria and San Simeon Acres has the potential to adversely impact traffic levels in the rural areas outside of each of these communities. In order to ensure that the community plans are consistent with Coastal Act Section 30254, which requires that Highway One remain a scenic two-lane road, as well as to ensure that new development does not create traffic impacts that are inconsistent with Coastal Act access and recreation policies, modifications are suggested throughout the document that limit new development in accordance with these constraints.

Attachments: County suggested revisions to Chapter 8 – Coastal Access submittal (new Exhibit F to Staff Report).

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## CHAPTER 8: COASTAL ACCESS



### A. Purpose and Organization

Protecting and maximizing public shoreline access is a fundamental goal of the Coastal Act. To facilitate achievement of this goal, Coastal Act section 30500 requires that all Local Coastal Programs (LCPs) include a specific public access component. This chapter provides a comprehensive reference to County goals, policies, standards, and ordinances pertinent to coastal access.

## **B. Public Access Goals**

General Goal No. 18 for Cambria and San Simeon Acres, described in Chapter 1 and repeated below, outlines several objectives for providing public access to the shoreline, without overburdening natural resources or infringing on constitutionally protected private property rights. The goal envisions the creation of a coastal trail and regional bike path system enabling residents and visitors to enjoy these segments of the California coastline.

### **General Goal No. 18 (from Chapter 1):**

**Public Access to the Shoreline.** Provide for public access, consistent with the need to protect natural resource areas from overuse, by:

- A.** Maximizing public access to and along the coast through the following:
  - 1.** Developing all feasible vertical and lateral pedestrian access easements to and along the shoreline, consistent with other public access goals of this plan;
  - 2.** Developing a Coastal Trail through the Communities;
  - 3.** Developing all other feasible pedestrian circulation systems in the coastal zone, consistent with other public access goals of this plan;
  - 4.** Providing a bike path system for the Planning Area;
  - 5.** Providing conspicuous signage for all public access easements;
- B.** Preventing interference with the public's right of access to the sea, whether acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.
- C.** Requiring new development between the nearest public roadway and the shoreline and along the coast to provide public access consistent with sound resource management and consistent with public safety, military security needs, and the protection of fragile coastal resources.
- D.** Carefully balancing the public's right of access to the sea with constitutionally protected private property rights. (Mod 6)

## **C. Overview of Existing and Potential Coastal Access**

The North Coast segment of San Luis Obispo County provides a wide variety of public access opportunities, including one state beach, and a variety of formal and informal accessways to and along the coast. Existing and potential accessways are discussed below and generally shown on Figures 8-1 and 8-2. An inventory of offers-to-dedicate lateral and vertical access to and along the beach is included in Appendix A. San Luis Obispo County Parks, in coordination with the Department of Planning and Building, maintains this inventory. Please contact County Parks for the most current coastal access inventory.

### **1. Cambria**

#### **Shamel County Park north to Leffingwell Landing**

This contiguous sandy area is wide open for public use. This area is clearly visible from Moonstone Beach Drive, and there are numerous opportunities to view the beach and ocean. Parking, trails, and boardwalks are also available, as are restrooms at Santa Rosa Creek and Leffingwell Landing. There is also a boat launch at Leffingwell Landing. The adjacent inland uses are primarily visitor-serving motels. Overall, this area provides excellent access because the beach and coast are easily accessible for the whole length via Moonstone Drive, there is good visual access, and it is adjacent to many commercial visitor-serving uses (motels).

#### **Shamel County Park**

This County facility provides a developed lawn area with picnic tables, barbecues, restrooms, parking, and direct beach access. There is a large sandy beach contiguous with the State Park north from Shamel Park to Moonstone Beach and Leffingwell Landing.

#### **Park Hill**

Park Hill is primarily a residential area. The shoreline is generally accessible via cul-de-sac roads, but the coast is generally not visible from Highway One. The beaches here are small and seasonal, with little overall carrying capacity. Three southern street ends (Murray, Bryan, and DeVault) provide good visual overlooks, but no stairs. At the northern end of Park Hill a bluff top park containing pocket beaches has been improved with trails. This property is owned by State Parks, and extends from Worcester to just past Cambridge. A bluff top trail ends at the top of a 25-foot bluff, and access to Shamel Beach requires scrambling down the bluff face, raising concerns about safety and erosion. A stairway would be a useful improvement here.

#### **Fiscalini Ranch**



Lateral blufftop access along the western portion of Fiscalini Ranch is currently provided, with entrances at the south and north from the end of Windsor Boulevard. An established loop trail system provides access to upland areas of the ranch. There is also potential for linking Cambria's East Village to the coastline via the Cross Town Trail.

### **Lodge Hill**

Because of the geographic configuration of this area, the many access options in Lodge Hill primarily serve neighborhood residents. Generally, the public is not drawn to this area, in part because the shoreline is not visible from Highway One (although access is signed on the Highway), and in part because access to the coast involves a circuitous route through local streets. The beaches here are small and seasonal, with very little capacity for public use. Of the six streets that end at or near the coast in Lodge Hill, three are currently developed with stairways. The three accessways are fairly well-spaced laterally, and one of the three, at Lampton County Park, has been improved with a parking lot, trails, a bike rack, and a stairway. The other stairways are located at Harvey and Wedgewood.

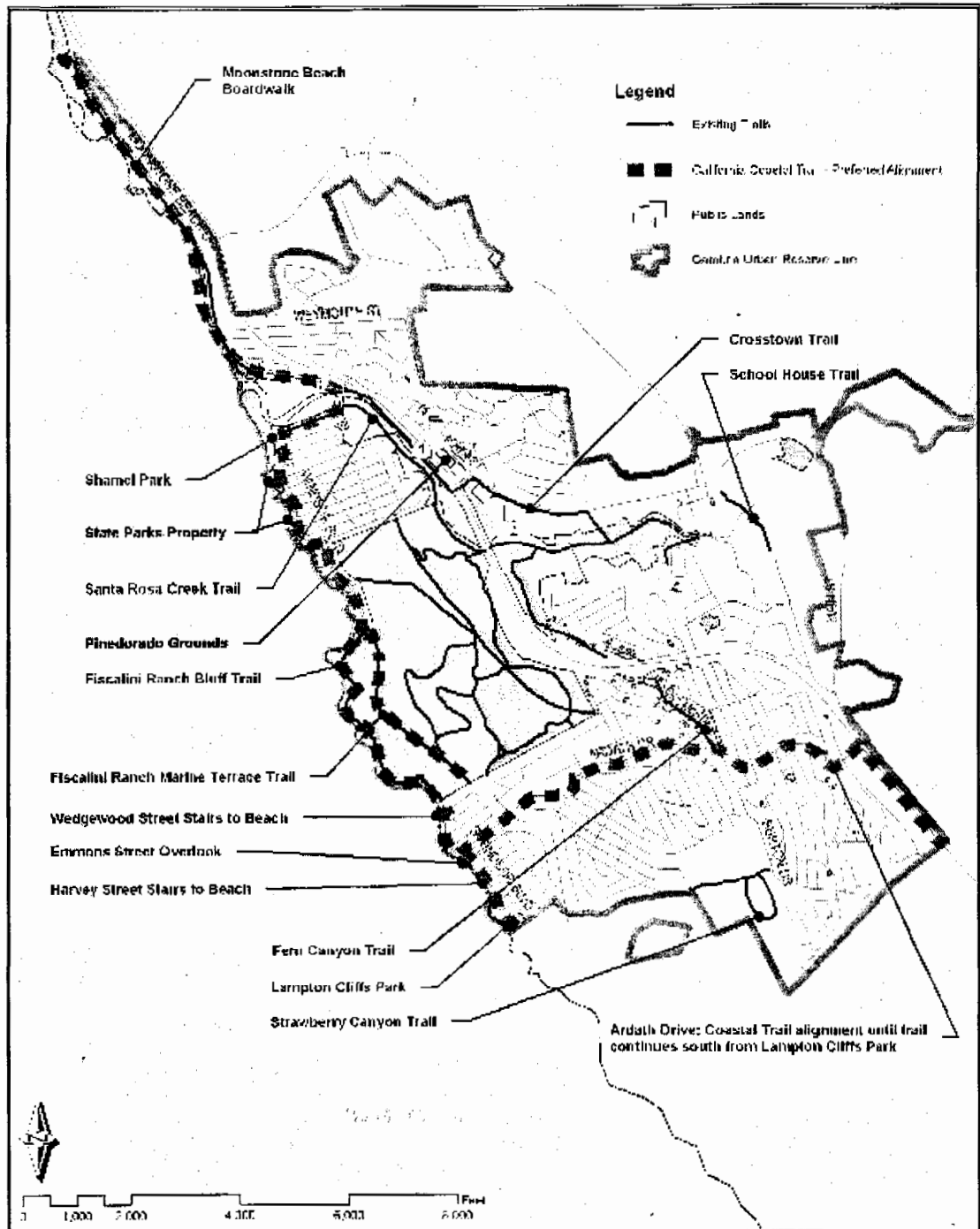


Figure 8-1 - Coastal Access - Cambria

## 2. San Simeon Acres

Access in San Simeon Acres is good. The highlight is a broad beach with excellent access. The main accessway to the beach is at the end of Pico Avenue, where parking for approximately ten cars and a stairway is located. There is a second accessway south of the Cavalier Inn that needs a conspicuous sign. There are also two vertical offers-to-dedicate at the southern end of the beach which should be analyzed for future development opportunities.

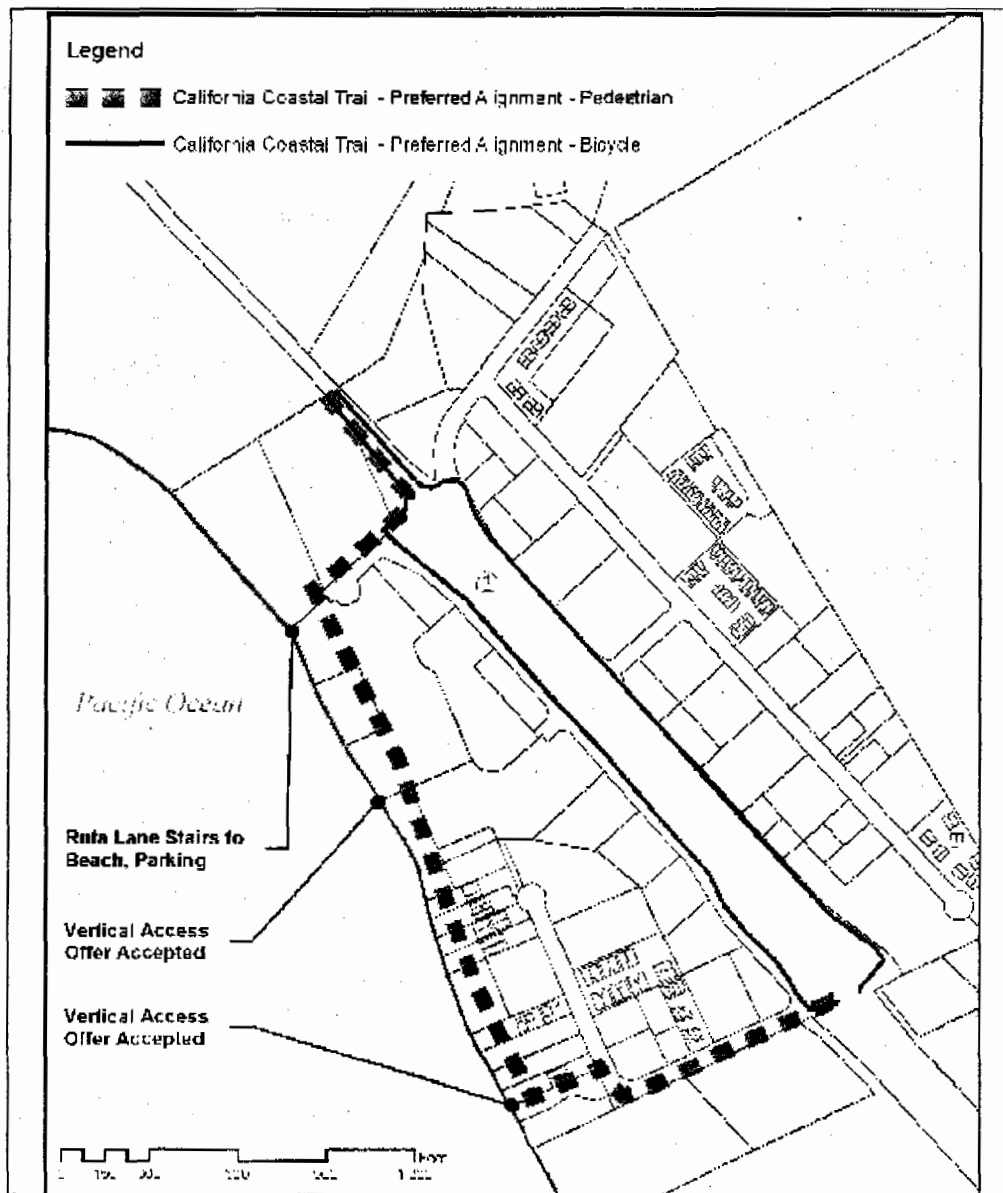


Figure 8-2 - Coastal Access -San Simeon Acres

## **D. Access Opportunities and Concepts.**

With increasing demand for access to the coast, additional public access easements will be necessary. Enhancement of existing access corridors will also be necessary to serve new user groups, or to provide better locations for accessways.

This Plan outlines several specific County programs for opening and managing existing and future accessways, including a Coastal Access Implementation Plan described in Chapter 6: Combining Designations. The following table outlines some of the more significant additions and enhancements envisioned in the coastal access program for Cambria and San Simeon Acres.

**Table 8-1**  
**Coastal Access Enhancement Objectives**

<u>Area</u>	<u>Improvement</u>	<u>Responsible Agency</u>
<u>Areawide</u>	<u>Development, signage, and management of trails</u>	<u>Cal Trans, State Dept of Parks and Recreation, County</u>
<u>Areawide</u>	<u>Development of regional bikeway system</u>	<u>Cal Trans, State Dept of Parks and Recreation, County</u>
<u>NW San Simeon Acres</u>	<u>Roadside park or overlook</u>	<u>County or San Simeon Acres Community Services District (SSACSD)</u>
<u>San Simeon Acres</u>	<u>Pedestrian network linking East &amp; West sides, safer Highway crossing, and link to the beaches</u>	<u>County, SSACSD, or private land owners</u>
<u>Cambria</u>	<u>Pedestrian and bicycle trail - "Crosstown Trail"</u>	<u>County, Cambria CSD, private land owners</u>
<u>Cambria/San Simeon Acres</u>	<u>Access improvements, including public pathways and overlooks</u>	<u>County or other responsible agency</u>

### **1. Access Opportunity: The California Coastal Trail & Hwy 1 Bikeway.**

A coastal trail and bikeway in Cambria and San Simeon Acres could provide significant access opportunities not currently available to the public. The coastal trail and bikeway are related since they would share the same purpose and some of the same alignment, but would serve different users. Because the trail and bikeway would be so closely related, there is an opportunity to share management and improvement costs among agencies holding different segments in the public trust. Shared improvements might include right-of-way improvements,

signage, overnight facilities such as campgrounds or hostels, and maintenance facilities. Shared ongoing maintenance activities, equipment, and security might also be a possibility.

**A. The California Coastal Trail.** The California Coastal Trail (CCT) is envisioned as a continuous trail system along the entire coast of California. In January of 2003, the Coastal Conservancy released a report entitled *Completing the California Coastal Trail*. The report is a strategic blueprint for establishing the CCT. The report includes suggested alignments of the CCT. This section identifies trail objectives and characteristics, the preferred alignment for the portions of the CCT through Cambria and San Simeon Acres, existing access, and the programs and standards that will ensure the implementation of these portions of the CCT.

**1. Trail Objectives and Characteristics.** Proximity to the ocean is the principal characteristic of the CCT. *Completing the California Coastal Trail* provides the following description:

"Wherever feasible, the Coastal Trail should be within sight, sound, or at least the scent of the sea. The traveler should have a persisting awareness of the Pacific Ocean. It is the presence of the ocean that distinguishes the seaside trail from other visitor destinations." (Coastal Conservancy, 2003, pg. 15).

Physical access to the ocean and beach areas is emphasized. The trail should be located "as close to the ocean as possible..." (Coastal Conservancy, 2003, pg. 8).

In preparing the *Draft California Coastal Trail: The Preferred Corridor Through San Luis Obispo County*, the San Luis Obispo County Parks Department interviewed stakeholders from the County Trails Advisory Committee, Coastwalk, California State Parks, the State Coastal Conservancy, the Coastal Commission, and other interested parties. Objectives for the CCT, developed based on the results of these interviews, include the following:

- Whenever possible, site the pedestrian trail along the beach. Where the coastal trail is separated from the beach, provide periodic views of the ocean from the trail, as well as periodic opportunities to access the beach.
- Focus on the establishment of a pedestrian trail to achieve trail continuity. As trail segments are developed, evaluate the feasibility of accommodating other trail users.
- Connect the coastal trail to other recreational resources whenever possible, including the County's trail system, existing and proposed parks and natural areas, parking areas, and alternative transportation

routes.

2. **Preferred Trail Alignment and Implementation.** The designation of a preferred coastal trail alignment is important because it allows trail dedications to be conditioned as development occurs. It also allows the County to apply for funding to complete portions of the coastal trail.

### **Cambria**

Figure 8-1 shows existing access in Cambria along with the preferred CCT alignment.

Through Cambria, the trail remains near the shoreline by following the Moonstone Beach Boardwalk (Moonstone Beach Drive for bicyclists), Nottingham Drive, and Windsor Boulevard; crossing Fiscalini Ranch (via the Blufftop Trail for pedestrians and the Marine Terrace Trail for bicyclists); and proceeding south along Sherwood Drive to Lampton Cliffs Park. This alignment is consistent with Coastwalk's identified route for the area. Until a trail segment continues south from Lampton Cliffs Park, trail users would be directed to Highway One via Ardath Drive.

Pursuant to the Coastal Zone Land Use Ordinance, lateral public access must be provided between the mean high tide line and the toe of the bluff with new blufftop development. However, the beaches through Cambria tend to be small and seasonal. While trail users may use the beach some times during the year, the coastal trail alignment through Cambria is identified along the road and blufftop trails. Information signs would direct trail users to beach access points, bluff overlooks, and other features of interest. The identified trail alignment serves both pedestrians and bicyclists.

There are a number of efforts underway to develop a comprehensive trail network throughout the community of Cambria. The preferred trail alignment provides for connections to this trail network as shown in Figure 8-1.

Implementation of the preferred trail alignment for the CCT through Cambria requires the following:

**Table 8-2**  
**CCT Implementation - Cambria**

Description	Implementation
Lateral access	access dedications with new development projects pursuant to Coastal Zone Land Use Ordinance Section 23.04.420 Coastal Access Required
Vertical access	access dedications with new development projects pursuant to Coastal Zone Land Use Ordinance Section 23.04.420 Coastal Access Required
Bridge access	provide space for bicycles and pedestrians with bridge replacement and repair projects pursuant to Cambria Communitywide Standard 23. Bridge Replacement and Repair.
Development, signage, management and maintenance of the CCT	Areawide Circulation Program #2 Trails
Develop regional bikeway system integrated with the CCT	Areawide Circulation Program #6 Bicycle Improvements
Connect the CCT to the community trail network	Cambria Circulation Program #8 Pedestrian Improvements - The Cross-Town Trail.
Open and manage access easements	Areawide Combining Designation Program #4 Coastal Access Implementation Plan.
Access improvements, including public pathways and overlooks	Cambria Combining Designation Program #8 Shoreline Access - Street Improvements - West Lodge Hill

### San Simeon Acres

Figure 8-2 shows existing access in San Simeon Acres with the preferred CCT alignment.

Through San Simeon Acres, the current pedestrian trail alignment remains near the shoreline by accessing the beach via the stairway at Ruta Lane, following the broad beach to the vertical access 9051 Balboa. This alignment is consistent with Coastwalk's identified route for the area. Communitywide Planning Area Standard 3. Shoreline Access in new Visitor-Serving Developments requires the construction and maintenance of a lateral blufftop access trail for public use to be provided with new development. Further, Communitywide Planning Area Standard 4. Shoreline Access in new Public Facility Developments requires the Arroyo del Padre Juan bridge be improved to include a bicycle and pedestrian crossing. Once the blufftop trail has been completed, the CCT alignment would follow along the blufftop, across Arroyo del Padre Juan bridge and along Balboa Avenue. Beach access would remain and information signs would direct trail users to beach access points, bluff

overlooks, and other features of interest. The trail alignment for bicyclists is the frontage roads along Highway 1.

Implementation of the preferred trail alignment for the CCT through San Simeon Acres requires the following:

**Table 8-3**  
**CCT Implementation - San Simeon Acres**

Description	Implementation
Lateral access	access dedications with new development projects pursuant to Coastal Zone Land Use Ordinance Section 23.04.420 Coastal Access Required and pursuant to San Simeon Acres Communitywide Planning Area Standards # 2, 3, and 4 Shoreline Access
Vertical access, including, but not limited to an additional 5 foot wide vertical access adjacent to the vertical access at 9051 Balboa	access dedications with new development projects pursuant to Coastal Zone Land Use Ordinance Section 23.04.420 Coastal Access Required and pursuant to San Simeon Acres Communitywide Planning Area Standards # 4 Shoreline Access in Residential Development
Development, signage, management and maintenance of the CCT	Areawide Circulation Program #2 Trails
Develop regional bikeway system integrated with the CCT	Areawide Circulation Program #6 Bicycle Improvements
Link residences, motels, and beach areas to the CCT	San Simeon Acres Circulation Program #1 Pedestrian Improvements.
Open and manage access easements	Areawide Combining Designation Program #4 Coastal Access Implementation Plan and San Simeon Acres Combining Designation Program #18 - Shoreline Access - Acceptance and Maintenance
Access improvements, including public pathways and overlooks	San Simeon Acres Combining Designation Program #19 Shoreline Access - Pico Avenue Stairway

- B. Highway One Bikeway.** Portions of Highway One have already been improved as a Class II Bikeway. The vision of the Highway 1 bikeway described above maintains this alignment, but advocates upgrades to Class I Bikeways where feasible and adds improved secondary routes through scenic and special areas, such as



Moonstone Beach and Cambria's downtown and overnight facilities. Support facilities for the Bikeway could be consolidated with those serving the Coastal Trail.

1. **Bikeway Purpose and Goals.** The purpose of the Bikeway is to enhance existing opportunities for bicycle recreation in the Planning Area. The Bikeway should eventually constitute one continuous bikeway along the North Coast, with several Class I secondary routes providing access to special recreation areas. The goal is to integrate the bikeway with existing trails, bike paths, parks, and existing and potential support facilities.
2. **The Users.** The bikeway would primarily serve bicycle riders. The use of secondary trails may be limited because of concerns about safety or compatibility with site-specific coastal resources.
3. **The Planning Process.** The bikeway will require considerable cooperation and commitment from a variety of stakeholders. Once general support has been secured and potential funding sources have been identified, more detailed plans will need to be developed. The planning process should emphasize providing enhancements to existing routes, adding new routes to areas of interest, and combining support facilities with other trails.

## **E. Management Objectives and Programs**

Management of coastal access areas is complicated by the many different types of access facilities and the number of responsible agencies involved. Accessways include undeveloped beaches, bluff top trails, beach stairs, highway pull-outs and vista points, parks, and overlooks. In the Planning Area, some accessways are managed by private land owners. Others may be managed by public agencies such as: Cambria Community Services District, San Simeon Acres Community Services District, CalTrans, County Department of General Services Parks Division, and the State Department of Parks and Recreation. Nonprofit organizations, such as the Land Conservancy of San Luis Obispo County, may also accept and manage coastal accessways.

The following management objectives are meant to support existing access and provide for new access opportunities in the Planning Area:

- 1. Existing Facilities.** Management organizations should continue to fund and support ongoing maintenance of existing facilities. Agencies should avoid losing land resources such as public access easements and other potential assets. Support facilities should be expanded to meet growing public demand and to meet the needs of new user groups.
- 2. Potential Access.** Management organizations should continue to look for ways to maximize coastal access by pursuing grants, donations, other funding opportunities, and where appropriate through the regulatory process. Coordinating plans for existing facilities with plans for new facilities should provide a comprehensive and cost-effective approach. Agencies involved in development permit review should require access dedications according to adopted regulations.
- 3. Public Support.** The public should be involved as much as possible in providing input and resolving access issues. It is especially important that landowners, representatives of appropriate government agencies, and other crucial stakeholders be included from the beginning in relevant discussions.
- 4. Maintenance and Restoration.** Existing access areas must be maintained in order to provide for public safety and protection of sensitive coastal resources. Existing accessways that are significantly degraded because of overuse, or lack of funding to provide maintenance, should be rehabilitated, or re-routed.
- 5. County of San Luis Obispo.** Where the County is the responsible agency, the Parks Manager, working in the Department of General Services, should continue to:
  - A.** Accept outstanding offers-to-dedicate vertical and lateral coastal access easements.
  - B.** Design and install access facilities such as parking lots, stairs, trash receptacles.

restrooms, and signs.

- C. Maintain existing facilities.
- D. Manage the coastal access inventory.
- E. Evaluate coastal development proposals for coastal access potential.

In addition, the County is responsible for reviewing new development for consistency with the coastal access requirements in the Local Coastal Program. New development may be required to provide additional access in accordance with the Local Coastal Program and the California Coastal Act.

## **F. Coastal Access Policies, Standards, and Ordinances**

Because the entire Planning Area is within the coastal zone, land use and development within this area is subject to provisions of the County's Local Coastal Program, which are contained in four documents: Land Use Element and Local Coastal Plan - Framework for Planning; Land Use Element and Local Coastal Plan - Coastal Plan Policies; North Coast Area Plan; and Coastal Zone Land Use Ordinance. These documents work together to implement the Local Coastal Program. They are available from the San Luis Obispo County Department of Planning and Building. The basis for the Local Coastal Program and a brief description of each component are provided below. The following is included for reference purposes only as they are adopted separately and may be changed from time to time.

### **The California Coastal Act**

Policies in the California Coastal Act of 1976 guide the conservation and development of California's 1,100 mile coastline with the goal of protecting California's coastal resources and providing for their wise use. The Act establishes the California Coastal Commission as a permanent State coastal management and regulatory agency and requires each of the state's coastal cities and counties to adopt a long-term management plan, known as a Local Coastal Program. Each Local Coastal Program consists of a land use plan, zoning ordinances and other implementing actions. In enacting the Coastal Act, the legislature declared that a basic goal of the state for the coastal zone is to:

Maximize public access to and along the coast and maximize recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. (Section 30001.5)

Chapter 3, Article 2 (Sections 30210 through 30214) of the Coastal Act contains six policy sections addressing public access and development between the first public road and the shoreline. The full text of applicable public access policies from the Coastal Act is included in Chapter 2 of the County's Coastal Plan Policies document.

### **Framework for Planning**

#### **Land Use Element and Local Coastal Program**

This document serves as the Land Use and Circulation Element of the General Plan for the County's coastal zone. It provides a framework for County decisions on land use, development, and circulation. General Goal No. 12.c encourages improved access to the coast through the acquisition and development of coastal accessways, trails, and parks, in appropriate locations. Framework for Planning identifies areas within the coastal zone where shoreline access is important. Coastal Access is a use to be encouraged in all land use categories.

## **Framework for Planning - Allowable Uses**

Coastal Accessways are a principally permitted use in all land use categories in the Coastal Zone. Principally permitted uses are both allowable and encouraged.

## **Framework for Planning - Definitions**

Framework for Planning provides the following definition of Coastal Accessways as a land use category:

### **Coastal Accessways [C3]**

Land areas, pathways and improvements that may be used for access to the shoreline or other coastal resource such as a stream. They may include pathways, trails, overlooks and may be improved or unimproved. Typical improvements may include parking, lighting, structural improvements such as retaining walls, stairs, signs, picnic tables and restrooms.

## **North Coast Area Plan**

### **Land Use Element and Local Coastal Program**

An area plan contains both policies and implementation measures focused on a specific geographic area and/or community. The North Coast Area Plan describes County land use and circulation goals, policies, programs, and standards for the North Coast Planning Area. In the event that a policy or ordinance elsewhere in the Local Coastal Program conflicts with an area plan standard, the area plan standard shall prevail. This Community Plan is intended to replace and update those sections of the current North Coast Area Plan relating to the urban and village areas of Cambria and San Simeon Acres.

## **Coastal Plan Policies**

### **Land Use Element and Local Coastal Plan**

This document states the policy commitment of the County to implement the mandates of the Coastal Act. Coastal Plan Policies apply to all four coastal zone areas in San Luis Obispo County - the North Coast, Estero, San Luis Bay, and South County. Chapter 2 of the Coastal Plan Policies document outlines shoreline access policies and issues related to shoreline access for each of the four coastal planning areas in the county.

## **Coastal Zone Land Use Ordinance (CZLUO)**

This document implements Land Use Element and Local Coastal Plan policies and contains procedures for review and evaluation of proposed land uses and land divisions, similar to a zoning ordinance. While the Framework for Planning identifies where specific uses may be established, the CZLUO

determines how such uses may be developed by specifying performance criteria which proposed uses must satisfy in order to receive approval. Section 23.04.420 of the Coastal Zone Land Use Ordinance outlines requirements for protection and provision of coastal access. The ordinance specifies the type of required access, procedures for acquisition, and the type and extent of required improvements.

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APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 9, 2007

## DIRECTORS:

Ilan Funke-Bilu  
*President*Joan Cobin  
*Vice President*Peter Chaldecott  
*Director*Gregory Sanders  
*Director*Donald Villeneuve  
*Director*John Euphrat  
Division Manger  
San Luis Obispo County  
Planning Department  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408Subject: California Coastal Commission Agenda Item W17a  
San Luis Obispo County Local Coastal Program Major Amendment  
No. 1-06 (part 1) Cambria and San Simeon Acres

Dear Mr. Euphrat:

## OFFICERS:

Tammy Rudock  
*General Manager*Arther R. Montandon  
*District Counsel*Kathy Choate  
*District Clerk*

We have recently received the most recent draft of this agenda item. It is obvious that both your staff and the staff for the Coastal Commission have put a significant effort to draft this proposed amendment. Please thank Supervisors Achadjian and Gibson for their support to see that the efforts of all of us who have been working towards a prompt adoption of a complex amendment to the LCP.

Despite all of our efforts we must request that this item be continued until the Commission's July 2007 meeting in San Luis Obispo. As you know a majority of this amendment directly impacts how Cambria may develop for the next twenty years. We have had less than a week to review the most recent draft that has over eighty changes and adds more than ten pages of text to the version we preliminarily discussed at the February 7, 2007, meeting you so kindly facilitated, between our staffs and Coastal Commission staff

Since changes proposed in the recent staff report are so significant and will be long lasting, we cannot constructively respond in the time given. We believe we can, in the next few weeks, provide valuable information that will assist County and Coastal staff in reviewing and considering further amendments on significant issues. Some of these significant issues are:

1. New water service and supply requirements and standards for Cambria (pg. 24 of staff report).
2. Revisions to the uses in the Fiscalini Ranch Open Space Areas (pg. 26 of staff report), which may require that \$500,000 of funding used to acquire this property, be refunded.

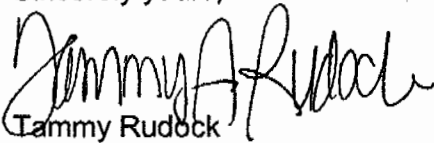


3. Affordable housing has been discussed in many new changes to this amendment. In sum, these amendments may prohibit affordable housing rather than encourage its development. Additional time will allow our staffs to present a workable program.
4. Desalination standards (pgs. 19, 23, 24, 26, and 28 of staff report) have been added which will greatly impact our project and jeopardize the money already spent to analyze the feasibility of this project.
5. CCSD's application for a CDP to conduct geotechnical and hydrogeologic tests to collect data for determining the feasibility of a site for desalination wells could be addressed in this amendment.

The time afforded by this continuance will allow us to continue to consult with the CCSD's Board of Directors and appointed committees. The City of San Luis Obispo venue for the Coastal Commission meeting in July 2007 will maximize our local constituency's participation. In the time given we can continue in our collaborative effort with County and Coastal staff to produce the best plan for our community.

Thank you for considering our request.

Sincerely yours,

  
Tammy Rudock  
General Manager

c: CCSD Board of Directors  
Supervisor Katcho Achadjian  
Supervisor Bruce Gibson  
Charles Lester, Deputy Director, CCC  
Steve Monowitz, District Manager, CCC  
Jonathan Bishop, Coastal Program Analyst

W17a

Page 1 of

**Elain Brazil**

**From:** Slosansone@aol.com  
**Sent:** Monday, April 09, 2007 3:46 PM  
**To:** bgibson@co.slo.ca.us; kachadjian@co.slo.ca.us; jlinthall@co.slo.ca.us; jhofchroer@co.slo.ca.us;  
jhofschroer@co.slo.ca.us  
**Cc:** David Sansone; fkglick@msn.com  
**Subject:** Pending Coastal Commission Meeting 4-11-07

**RECEIVED**

April 9, 2007

APR 09 2007

**From:** David Sansone  
710-21 Fiero Lane  
San Luis Obispo, Ca. 93401  
805.549.0667  
805.549.0702 (Fax)

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

email: [dave@sansoneco.com](mailto:dave@sansoneco.com)

Gentlemen,

The timing of this meeting, and the lack of notice, is a huge issue. I am asking that the County request a continuance in order that it's citizens (the true 'real parties at interest') have adequate time to respond to the CC Staff report which was received with such short notice. I personally have been working with County Staff since 2003 on this update - and I have been afforded 3-4 days by the Coastal Commission staff to respond - this is totally unacceptable.

On a side note - I am home ill, please excuse the lack of 'polish' with this transmittal.

I have two key issues, one involves the Commission (I have the County's support), the second involves not only the Commission and the County, but also the San Simeon Acres CSD, where I once held a position as a board member.

**Issue #1:**

I own parcel 013-031-049 - a 0.52 acre parcel currently zoned CR. Over the past few years I have worked with staff to rezone this to MFR. The Commission (page 36,45 and 54 - Staff report) is against this change - their logic is clear, however, please let me 'confuse the situation' with some additional input:

- There does not exist a demand for additional motel units in San Simeon -
- Occupancy runs 100% for three months of the year, and 25-50% for the other nine months (per a telephone survey of existing Motels).
- Using the Coastal staff reports number of available rooms (706 rooms - page 50), the total available number of 'annual room nights' is 257,690 (365 days x 706 units); utilization is 138,000 (100% for 3 months - and avg. of 38% for the remaining 9 months) - the demand for additional units is just not there.
- Some existing motels are at such a low capacity that they are currently being used as housing (in lieu of visitor serving) - due to economics, and the need for additional housing.
- The above 0.52 acre parcel is not on the frontage road - and rezoning this parcel to RMF would provide a nice transition from the adjacent uses to the West (RMF) and the Jade Motel (adjacent and to the East).

**Issue #2:**

This Issue involves both the County and the Commission - the concern here is the "75% to commercial - 25% to residential" basis for allocation for future water. After reviewing this directive - my question to all involved is - What empirical data was this decision based on?

Attached is a PDF of a 'composite APN map' of San Simeon. In this (admittedly hastily assembled) attachment - I have attempted to address the following points:

- What are the (approx.) quantities of undeveloped CR land, undeveloped RMF land, UNDER developed CR land and under developed RMF land. We have not had time to do a detailed evaluation, however, it appears the amount of CR as well as RMF land (in all of the before named conditions) is approximately the same (i.e. - these two uses, CR & RMF) are about equal in number of acres).
- By utilizing the Cambria CSD's guidelines for H2O usage (1.0 EDU for a residential unit and 0.6 EDU for a motel unit) and applying the estimated achievable densities of 20 units per acre for residential and 35 units per acre for motels, one finds that the estimated water usage for both the CR property - as well as the RMF property - is the same at 20 EDU per acre.
- If one accepts the forgoing - then the water usage (future) should be allocated 50 - 50, not the proposed 75 - 25. Additionally, just because the property is 'zoned' CR does not mean that all of this ground will actually be built out in motel units, the economics of 'sustainability' remain to be seen and proved out (see comments on vacancy rates above). What happens if you zone for motels and 'nobody comes to the party'?

At this writing it appears to me that the '75-25' allocation is not fully thought out, is not supported in fact, and needs revisiting. Failing to do so puts the County and the Commission in the unenviable position of mandating a result that our economy will not support. In this instance the mandate will ultimately fail - to everyone's expense.

Inclosing, I again repeat my request that the County request a continuance.

---

See what's free at [AOL.com](http://AOL.com).



**CALIFORNIA STATE PARKS**  
**Hearst Castle®**

Fiscal Year	Visitor Attendance
1996/1997	812,594
1997/1998	759,027
1998/1999	794,717
1999/2000	801,395
2000/2001	858,217
2001/2002	839,858
2002/2003	767,818
2003/2004	779,334
2004/2005	690,860
2005/2006	673,691

**\*Fiscal Year is July 1 - June 30**

W17a

**Steve Monowitz**

---

**From:** Doug Buckmaster [dougback@sbcglobal.net]  
**Sent:** Monday, April 09, 2007 4:34 PM  
**To:** Steve Monowitz; Peter Douglas  
**Subject:** Cambria-San Simeon Area Plan

**RECEIVED**

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Friends of the RanchLand  
P.O. Box 721  
Cambria, CA 93428

April 9, 2007

Gentlemen:

Friends of the RanchLand would like to go on record as strongly supporting the recommendations and modifications made by the California Coastal Commission regarding the Cambria and San Simeon Area Plan Update. We hope the Commissioners approve your submission.

Sincerely,

Doug Buckmaster  
President  
(805) 927-4206

**RECEIVED**

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



**SIGNAL HILL PETROLEUM**

April, 9, 2007

**FAXED AND MAILED  
(831) 427-4877**

California Coastal Commission  
Central Coast Division  
225 Front Street  
Santa Cruz, CA 95060

Re: W17a - San Luis Obispo County LCP Amendment SCO-MAJ-1-06  
Hearing scheduled April 11, 2007  
Commission Report dated 3/30/07

Gentlemen:

I represent the property owners of a property located in the village of San Simeon on the east side of Castillo Drive [frontage road for Highway 1] zoned C-R.

Please let this serve as our protest regarding certain findings contained in the Commissions Report dated 3/30/07 with respect to the referenced LCP Amendment in the County of San Luis Obispo.

Specifically, we object to the Commissions deletion of the "Mixed Use Development" in the San Simeon Acres [page 11, D.3.B]. Additionally, we object to the findings on page 53 [San Simeon Acres] that the County's plan raises inconsistencies with priority use policies of the Coastal Act.

The Commission states [page 53] that "for areas west of Highway One, ... residential units.....could be developed on ocean fronting bluffs." If the Commission's concern is focused on ocean fronting bluff protection, it should limit these denial recommendations to those areas where ocean fronting bluff properties may exist, not to those properties that would not have any impact on ocean views or bluffs [like the properties on the east side of Highway 1]. Whether development is two story visitor-serving or limited residential, it will most likely have the same view impact from those driving on Highway One.

We believe that land use decisions are best vested in the County Planning Staff and Commission. The County is better informed regarding the market and economic realities regarding future development in the Village of San Simeon.

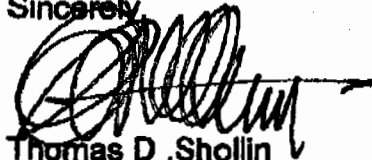
"Visitor-serving" land uses are not being sustained in San Simeon. The existing hotels/motels on Highway One are not able to compete with those located on

"Visitor-serving" land uses are not being sustained in San Simeon. The existing hotels/motels on Highway One are not able to compete with those located on Moon Stone Beach in Cambria, and have not been able attract visitors enough to maintain normal occupancy or the ability to maintain and upgrade/modernize their facilities. These properties have had to survive by renting [by the month] to locals working in nearby Cambria. So in fact, these properties are not truly visitor-serving at all, but actually being used as a housing opportunity for those who cannot find it in the other areas surrounding Cambria.

The County's vision for the Highway frontage in San Simeon, was to introduce limited mixed use development [in certain areas of C-R zoning] that would attract live/work and commercial use. That would make San Simeon Village a viable opportunity for development. We believe that the County's recommendation for limited mixed use and residential on the properties on the east side of the Highway is the only way to re-vitalize San Simeon's business opportunities.

We would ask the Commission to consider amending it's findings regarding mixed use in the C-R zoned areas to only those properties on the west side of Highway One that have ocean bluff conditions.

Sincerely,



Thomas D. Shollin  
Vice President



**RECEIVED**

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April, 9, 2007

Faxed and Mailed  
(831) 427-4877

California Coastal Commission  
Central Coast Division  
225 Front Street  
Santa Cruz, CA 95060

Re: W17a – San Luis Obispo County LCP Amendment SCO-MAJ-1-06  
Hearing scheduled April 11, 2007

Gentlemen:

Please let this serve as your notice to continue the referenced hearing scheduled for April 11<sup>th</sup>, because, the Coastal Commission failed to give impacted property owners, valid notice of the hearing and the Commission's findings [as expressed in the Commission Report dated 3/30/07].

I represent the property owners of that certain property located in the village of San Simeon on the east side of Castillo Drive [frontage road for Highway 1].

The notice dated 3/23/07 failed to arrive at the address of affected property owners until 4/02/07. The referenced e-mail address [coastal.ca.gov] was not accessible to property owners because of failure to provide information regarding password accessibility. We were not able to access the Commission's report until 4/06/07. Because the County offices were closed on 4/06/07 [Good Friday] we were not able to receive information regarding ambiguous sections of the plan.

Because of the invalid service as described above, we demand that the public hearing be continued until the impacted property owners have to reasonable chance to respond to the finding and actions of the Commission.

Sincerely,

Thomas D. Shollin  
Vice President





W17a

To Coastal Commission from Michael Sullivan - hearing of 11 Apr 2007 - Item W17a

Page 1 of 4

07 Apr 2007

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APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

To:

California Coastal Commission  
725 Front Street, Suite 300, Santa Cruz, CA 95060  
(831) 427-4863

c/o Jonathan Bishop, Coastal Program Analyst

FAX number = 831-427-4877

>> NOTE: Comments can be faxed (preferred) to Jonathan Bishop c/o Coastal Commission  
FAX 831-427-4877 or e-mail to jbishop@coastal.ca.gov

From:

Michael Sullivan

1127 Seaward Street, San Luis Obispo, CA 93405

(805) 545-9614 (home) (805) 441-6981 (cell)

mcsgday@yahoo.com

Subject: Hearing of Wed. 11 Apr 2007 (at Santa Barbara, CA) - Item W17a - San Luis Obispo  
County Local Coastal Program (LCP) Major Amendment no. 1-06 (Part 1) - Cambria and San  
Simeon Acres Community Plans**General comments:**

These comments are being faxed and e-mailed to Coastal Commission analyst Jonathan Bishop on Monday 09 April 2007. Please ensure that these comments are presented to the Coastal Commission before the hearing of 11 April 2007 for Item W17a.

In general, I agree with the analysis and recommendations of the Coastal Commission. The revisions proposed by the Coastal Commission will help to bring the Local Coastal Program (LCP) into compliance with the Coastal Act and California Environmental Quality Act, offering greatly improved protections compared to the County-approved version of the LCP.

However, there are a number of points which should be examined and considered more closely, in order to further improve the LCP. These specific comments are given below.

**Specific comments:** The noted pages refer to the Coastal Commission staff report of 30 Mar 2007, item W17a, for the hearing of 11 April 2007

**Page 7 -** at top of page - paragraph 2. Orderly development: Provide for an environmentally and economically sustainable rate of orderly development within the planned capacities of resources and services by:

C. Establishing a growth rate consistent with the ~~growth management ordinance and the anticipated population provided for in this plan~~ protection of coastal resources

**COMMENTS:** Why is reference to the County's Growth Management Ordinance omitted here? It does not appear that in Cambria or San Simeon Acres, housing units would be exempt from the Growth Management Ordinance (Title 26 of the Land Use Ordinance, section 26.01.034) except for affordable units.

17

To Coastal Commission from Michael Sullivan - hearing of 11 Apr 2007 - Item W17a

Page 2 of 4

Page 9 - top of page, paragraph 7, Coastal Access. COMMENTS: I suggest changing this language to reinforce the idea that the California Coastal Trail segments in rural areas should be connected to the segments in urban areas. Suggested revision: "In addition, Chapter 8 provides a map of preferred access locations and alignments forming critical segments of a California Coastal Trail for the urban areas of Cambria and San Simeon; it is intended that these urban segments should ultimately connect with rural segment to form a continuous linkage along the coast."

Page 9 - Paragraph D - Area Plans. COMMENTS: Suggested revision: In the event of conflict between the provisions of the Area Plans and the countywide standards of the Coastal Zone Land Use Ordinance or the Coastal Plan Policies Document, the Area Plan Standards shall control, provided that they are consistent with the Coastal Act.

Page 10 - at top of page, paragraph 2 - Growth Management and Anticipated Growth Rates.... COMMENTS: "The current county growth rate for dwelling units is set annually, pursuant to the County's Growth Management Ordinance, which is not a part of the certified LCP." This appears to be inconsistent with the existing language in County ordinance 26.01.034 (exceptions to the growth management ordinance) since there is no special exemption listed for Cambria or San Simeon Acres.

Suggested revision: Should the County Growth Management Ordinance also be amended to reflect this new exemption from the Growth Management Ordinance that pertains to the Cambria and San Simeon Acres areas? Or should the Growth Management Ordinance still apply to growth in Cambria and San Simeon? My understanding is that the latter is correct, since the Growth Management Ordinance does not specify any exemption for those cases.

Page 11 - at top of page, "B. San Simeon Acres - allows "approximately 530 additional dwelling units, provided that public service constraints can be resolved and other resource protection requirements of the LCP can be met." COMMENTS: Should there be language here to discuss the percentage of dwelling units versus the percentage of commercial (visitor-serving) developments allowed?

Page 12 - middle of page - Paragraph 3 - Planning and resource management.... "Plan for and monitor new development through the Resource Management System and Growth Management Strategies to ensure that resource demands will not exceed existing and planned capacities or service levels."

COMMENTS: What are "Growth Management Strategies?" Are these the same as the provisions of the Growth Management Ordinance of the County? If not, where are these "Strategies" found in print? Please clarify.

Page 16 - mid top of page, Paragraph 2B - Proposed visitor-serving development.... "should provide non-automobile forms of access (e.g., public transit, shuttle systems, trail connections...."

COMMENTS: Suggested revision: Proposed visitor-serving development.... "should provide non-automobile forms of access (e.g., public transit, shuttle systems, trail connections, bicycle paths and bicycle racks, etc.)...."

Page 23 - mid page, paragraph 2 - Water Conservation Requirements, 4th to last line: "Such permits shall also be conditioned to require written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing

To Coastal Commission from Michael Sullivan - hearing of 11 Apr 2007 - Item W17a Page 3 of 4

water use within the service area in an amount equal or greater to the anticipated water use of the project."

**COMMENTS:** This suggested condition seems infeasible and ineffective. Who would verify the information from the applicant showing the reduction in water use elsewhere? How would such verification be accomplished? This promises to be a big loop-hole to allow developers to simply pay in-lieu fees without any reliable way to verify that existing water use has actually been reduced.

**Page 24 - Paragraph 4 - Desalination Standards.**

**COMMENTS:** There is no discussion of the implications of the high cost of desalination in relation to impacts on the cost of housing, especially rental housing.

If desalination water supply turns out to be much more expensive than traditional water supply, these costs would be passed on to renters. This will likely have a significant impact on the affordability of rental units. Shouldn't there be a condition to address that issue? The high cost of such water would also discourage the creation of affordable housing units if the cost of a water hook-up and the cost of water service is very high, as might happen with desalination. Thus, the use of desalination water supply could have an indirect negative impact on housing affordability, in conflict with the housing element of the General Plan.

**Page 24 - 25 - Cambria Urban Area Community-wide Standard 5 - Retirement of residential lots in Cambria URL -**

**COMMENTS:** If the lot proposed to be retired is not owned by the applicant, then probably there would need to be an easement contract between applicant and lot owner, with some financial consideration in return for the lot retirement. This would be like selling easements. How would an applicant be able to locate willing sellers? Wouldn't this create a legal nightmare in terms of the claims of heirs, spouses, etc. when a lot was proposed for an open space easement in perpetuity?

**Page 26 - top middle of page - Fiscalini Ranch Open Space Areas -** **COMMENTS:** It's a good thing that you have omitted caretaker residences and residential accessory uses at this site..... Those uses are certainly not compatible with the coastal open space character of this land. You should also eliminate above-ground transmission lines! That would also be an incompatible use.

**Page 27 - mid page - Shoreline development -** "If application materials indicated that development may impact or encroach on tidelands or public trust lands, the County shall consult with Coastal Commission staff regarding the potential need for a Coastal Development Permit from the Coastal Commission."

**COMMENTS:** This is a good provision, but how would it ever be possible for a proposed shoreline development to encroach on shoreline or public trust lands when notification of those land owners would be required in any case?

Suggested revision: "If application materials indicated that development may impact or encroach on tidelands or public trust lands, the County shall consult with Coastal Commission staff regarding the potential need for a Coastal Development Permit from the Coastal Commission. In addition, the County shall notify the owners of such tidelands or public trust lands that such encroachment is proposed."

To Coastal Commission from Michael Sullivan - hearing of 11 Apr 2007 - Item W17a

Page 4 of 4

**Page 36** - at bottom of page - The Coastal Trail

"The County envisions integrating the coastal trail system with existing trails, bikeways, parks and existing and potential support facilities. In order to accomplish this...."

**COMMENTS:** What are "support facilities?" Can you give some examples? Suggested revision: "The County envisions integrating the coastal trail system with existing trails, bikeways, parks and existing and potential support facilities (e.g. restrooms, benches, wooden walkways, signs, viewing areas, etc.). In order to accomplish this...."

**Page 37** - mid bottom of page - Paragraph B, Highway One Bikeway. **COMMENTS:** What are "support facilities for the Bikeway?" Please give some examples. Suggested revision: "Support facilities for the Bikeway (e.g. restrooms, bike racks, signs, etc.) could be consolidated with those serving the pedestrian segments of the Coastal Trail."

**Page 49 - 50** - Stable Urban-Rural Boundaries - At the bottom of page 49 - "On the other hand, the LUP amendment contains a single new development standard that appears to weaken the policy goals of the Coastal Act. As proposed, Cambria Urban Area Community-wide Standard 3 allows the CCSD to provide services outside of the USL or URL under certain limited circumstances (see LUP amendment pg. 7-16). The overarching concern with this standard is the potential for new development of occur outside of existing developed areas and further weaken the "hard edge of the urban area."

**COMMENTS:** I fully agree with this analysis above. The County is not even following its own General Plan or its land use ordinances, which define the USL (urban services line) as the line beyond which urban services will not be presently provided and the URL (urban reserve line) as the presently planned outermost boundary for urban development. To allow this provision to stand as the County wrote it is illegal, since it would be inconsistent with the County's General Plan and Land Use Ordinance.

**Page 51 - 52** - Water supply and wastewater treatment capacities in San Simeon Acres

**COMMENTS:** The analysis shows that in San Simeon Acres, water supply and wastewater treatment capacities are insufficient to handle substantial growth. Yet as part of the North Coast Area Plan, a major resort with hotel and other facilities is envisioned at Old San Simeon Village. Given the severe limitations on water and wastewater treatment service available from San Simeon Acres, how would the proposed development at Old San Simeon Village be feasible if it were to rely on water and wastewater treatment services from San Simeon Acres? This seems to create an internal inconsistency within the North Coast Area Plan.

Thank you for your consideration of the above comments.

Signature(s) on file.

Michael Sullivan

**RECEIVED**

To Coastal Commission Central Coast District Office

APR 06 2007

From Bob Hather  
3675 Sequoia Dr  
San Luis Obispo, CA 93401  
805 541-4992

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re San Luis Obispo County Local Coastal Program Major Amendment Cambria and San Simeon

You offer no mathematical data to support your recommendation to remove County Planners' flexibility to shift water from visitor services to housing. This will leave a big gap between zoning recommendations and water use requirements in San Simeon. Please provide support indicating balance between zoning and water use requirements before adopting your amendment 1-06. Water use requirements overlapping land use and zoning restrictions create unwanted planning conflicts. These conflicts could be reduced by allowing flexibility to the water use guidelines.

Bob Hather

Faxed to 831 427-4877

**RECEIVED**

APR 06 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**AGENDA ITEM W17a**

3680 Conquista Avenue  
Long Beach, CA 90808  
April 3, 2007

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**Re: Comments on SLO County LCP Amendment No. SLO-MAJ-1-06 Part 1  
(Cambria and San Simeon Acres Community Plans)**

I appreciate the opportunity to comment on the Local Coastal Plan Amendment. I am a property owner in Cambria, and my comments are addressed to the elements of the plan for that community.

The Population Projection section in Chapter 2 contains elements for "Land Use and Growth" and for "Growth Management and Anticipated Growth Rates", perhaps the most key elements for Cambria's future. The plan proposed by the County appears to rely entirely on CCSD's Buildout Reduction Plan and other activities. However, the CCSD has no authority over land use. CCSD has essentially usurped the authority to control growth, and the County is effectively ceding its authority and avoiding its responsibility to control land use and growth. Over the years, various CCSD Boards have used water supply politics to control growth, whereas provision of water to meet the community's needs should be their responsibility, not the use of water supply as a tool to control growth. CCSD's input and approach may be appropriate, but it is time for the County to take its responsibility and reclaim its statutory authority over land use. The LCP Amendment should not be approved until the County develops and adopts its own plan for growth, buildout, and land use, instead of vague reliance on the activities of CCSD.

Yours very truly,

Signature(s) on file.

Robert W. Horvath

Diana Chapman

W17a

**From:** Elizabeth Bettenhausen [elizabeth1b@charter.net]  
**Sent:** Friday, April 06, 2007 10:00 AM  
**To:** Jonathan Bishop  
**Cc:** kachadjian@co.slo.ca.us; Diana Chapman  
**Subject:** CCC Agenda Item

6 April 2007

Jonathan Bishop  
Coastal Program Analyst  
California Coastal Commission  
jbishop@coastal.ca.gov

Dear Mr. Bishop,

Thank you!

Yesterday I read agenda item W17a for next week's meeting of the California Coastal Commission. I gratefully applaud you and any others who worked on this staff report and its modifications of the update submitted by the Board of Supervisors of San Luis Obispo County.

The staff report deals with the Monterey pine forest, the water issues, constraints on building, zoning issues, etc. in a manner that makes me rejoice. I submitted a chapter by chapter analysis of the initial document considered by the SLO Planning Commission. Reading your staff report now, I found myself writing "Yes!" again and again in the margins.

I hope the Commissioners accept your recommendations. This would be a great celebration of the 100th anniversary of Rachel Carson's birth this year.

With hearty thanks to you for your work, I am

Sincerely yours,

Elizabeth Bettenhausen

345 Plymouth St.  
Cambria, CA 93428  
elizabeth1b@charter.net  
805-927-0659  
--



1170 Main Street  
Morro Bay, Ca. 93442  
805-772-7732 - Phone  
805-772-7734 - Fax

W17a

GFS Cambria LLC

April 4, 2007

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APR 06 2007

Johnathan Bishop  
California Coastal Commission  
725 Front Street  
Santa Cruz, Ca. 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Bishop:

I am the owner of the property located at 1460 Main Street in Cambria, Ca. (APN 013-251-008). This is the site of the old Rod and Reel Trailer Park. I understand that this property was under consideration for a zone change revision. Currently the Zoning is RMF (Residential Multi-Family) for the majority of the property along with a smaller portion of O/P (Office and Professional). The proposal before you was to remove the O/P Zoning and add a strip of Commercial Retail along Main Street. Furthermore, we understand that you have decided against making that Commercial Retail Zone change. I am in agreement with that decision; however, I would like to formally request that the Office and Professional zoning designation be completely removed and have the entire site zoned Residential Multi-Family (RMF). This would be consistent with how the site has been used for the past three or four decades.

I would be happy to provide you with any additional information if necessary. Thank you for your time and consideration.

Sincerely,



Steve K. Miller  
GFS Cambria President and Owner

**RECEIVED**

APR 05 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA  
P.O. Box 516Cambria, California 93428  
(805) 927-8078CAMBRIA LEGAL DEFENSE FUND  
Suzy L. Ficker, Founder1415 N. Vaquero Road  
Palm Springs, California 92262  
(760) 323-1291

W17a

W17 AS.L.O. LCP Amendment No. SLO-MAJ-1-06 -  
Part I

The CLDF, having opposed the  
Vadnais Project proposed for  
the Pine Knolls area, stands by its  
original contentions as presented  
to the Cal. Coast. Commission

The plan must be significantly  
changed and that would have to start  
with the very best geological authority  
it is possible to secure  
this is the toe of a hill which might  
easily become subject to erosion  
and consequently pose a threat  
not only to residents above but to  
present the new occup-  
ants as well.

Having spent more than a few years  
of your staff's time in deliberating  
the vicissitudes of this project  
it is important to postpone any  
approvals relating to this project  
DO NOT POSTPONE!

5/  
CAMBRIA LEGAL DEFENSE FUND  
Suzy L. Ficker, Founder

P.O. Box 516  
Cambria, California 93428  
(805) 927-8078

1415 N. Vaquero Road  
Palm Springs, California 92262  
(760) 323-1291

Please notify us of any and all  
information relating to both  
of the issues addressed in this  
letter.

Excuse the haste with  
in which this was written - I can  
only hope that perhaps I may be  
better able to discuss these  
issues at some future date  
with you and your staff.  
They have always been very  
gracious and capable!

Most sincerely,  
Suzy Ficker  
CLDF

P.S. ALSO —  
Send future-related  
info to Vern Kalsheu

# \$\$\$ PRESERVE THE OPEN SPACE WE HOUGHT FOR

STOP PLANNED DEVELOPMENT ACROSS SANTA ROSA CREEK

SIGNATURE	PRINTED NAME	ADDRESS	COMMENTS
<i>Justin Smith</i>	JUSTIN SMITH	2809 BORDEN CIR.	NO NEEDED
<i>Catherine J. Howard</i>	CATHERINE J. HOWARD	15745 SPENCER ST. CAMBRIA CA	NOT NEEDED - liability coverage
<i>Vito A. Tullio</i>	VITO A. TULLIO	5351 CHURCH WAY CAMBRIA CA	Not required. Need <u>Water Fine</u>
<i>Phillips J. Tracy</i>	PHILLIPS J. TRACY	2880 LYLE AVE CAMBRIA CA	Not needed - liability has too high
<i>Gay J. Tracy</i>	Gay J. Tracy	2880 LYLE AVE CAMBRIA CA	NOT NEEDED
<i>George Gougan</i>	George Gougan	2571 WINDSOR BLVD	NO WAY, we do not need it
<i>Margaret Gougan</i>	MARGARET GOUGAN	2571 WINDSOR BLVD	NO WAY we do not need it
<i>Jo Bryant</i>	JO BRYANT	305 FALLBROOK	NO
<i>Harvey Bryant</i>	HARVEY BRYANT	" "	NO!
<i>Alex Davis</i>	STARR SILVA	2158 S. CANTON ST.	NO way - I will fight
<i>Debra J. Davis</i>	WEMPLE DEBRA	345 JEARO ST	NO
<i>Rosario Muser</i>	ROSARIO MUSER	2110 STELLERWOOD DRIVE	NO
<i>Betha Bui</i>	BETHA BUI	2580 S. WINDSON	220 H2O 111
<i>Judy Baker</i>	JUDY BAKER	6288 SOMERSET	WE'RE BACK AHEAD!
<i>Ron D. Lucia</i>	RON D. LUCIA	2145 SKYE ST.	let's let's leave Cambria alone
<i>Lucy Potham</i>	LUCY POTHAM	1106 PINEIDGE DR.	" " " "
<i>Low Alexander</i>	LOW ALEXANDER	CAMBRIA	" " " "

2007



W17c

**Seacliff Needs A Park, Inc.****A Public Benefit Corporation**

422 Hillcrest Drive, Aptos, CA 95003

**RECEIVED**

April 9, 2007

APR 09 2007

Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060.

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attn: Susan Craig  
(by FAX 1-831/427-4877)

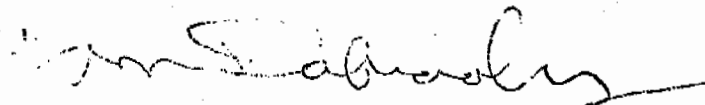
In reference to agenda item SCO-MAJ-1-06 part 2, McGregor Parcel Rezoning

I am urging you to accept the rezoning of the McGregor parcel (in Aptos, California) to include a community park, and that the portion of land identified in the proposal be as the highest and best use of the property to be that of a community park and have no other purpose.

The desire of the community is evidenced by overwhelming support from the community or the course of many years and at many events, including a majority vote by the community. Although the tax that would fund the development of the property failed by rule of law, there was a clear majority in the community in favor of building a community park at the McGregor site.

You have the opportunity to help this community complete a dream that will benefit the public as a whole by voting to accept the proposal and identify a community park as being the highest and best use of approximately 1.2 acres of this land.

Sincerely,



Tom Dobrovlny

W17C

RECEIVED

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 9, 2007

CA Coastal Commission  
Central Coast District Office  
725 Front St, Suite 300  
Santa Cruz CA 95060  
FAX 427-4811

Re: Santa Cruz Co. LCP Major Amendment # 2-06 Part 1  
(McGregor Re-Designation / Rezoning)

Dear Commissioners,

Please approve this rezone of the McGregor property/parcel AP# 038-081-36. The total 2.95 +/- acre parcel is re-designated from visitor accommodations land use to 1.7 acres residential and the remaining 1.25 +/- acres for park/recreational.

The Seacliff area needs both more housing and park area for the neighborhood community.

Thank you for your prompt attention & consideration.

Sincerely,

Signature(s) on file.

(30 yr + Seacliff resident)

W/7c

**RECEIVED**

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Niki & Ron Derby  
123 Sea Terrace Way  
Aptos, CA 95003  
April 9, 2007

Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

Attn: Susan Craig

Re: SCO-MAJ-1-06 Part 2, McGregor Parcel Re-zoning

Dear Commissioners:

As long-time residents of Seacliff, we would like to urge you to grant permission to re-zone the above-mentioned parcel.

The Seacliff community has worked many years to acquire a neighborhood park, which will be realized should you grant permission.

Yours truly,

Signature(s) on file.

Niki & Ron Derby



**RECEIVED**

*Seacliff Improvement Association*

P. O. Box 533, Aptos, CA 95001-0533

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 9, 2007

FAX LETTER

Attn: Susan Craig

427-4877

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Santa Cruz County LCP Major Amendment Number 2-06 Part 1  
(McGregor Re-Designation/Rezoning)

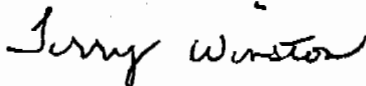
Dear Commissioners,

As a resident of Seacliff, and president of the Seacliff Improvement Association (an association of over 300 Seacliff residents), I enthusiastically support the re-designation and rezone of the 2.95 acre McGregor parcel (APN 038-081-36) from a visitor accommodations land use designation and zoning to a residential land use designation and zoning (for 1.7 acres of the parcel) and a parks and recreational land use designation and zoning (for the remaining 1.25 acres of the parcel).

Seacliff is in great need of both additional housing and a park/recreational area. We are looking forward especially to the small park and plan for it to be a place for the community to meet and for children to play.

Please approve this rezone of the McGregor property.

Yours sincerely,



Terry Winston  
President, Seacliff Improvement Association

**RECEIVED**

APR 06 2007

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**RECEIVED**  
APR 05 2007  
CALIFORNIA  
COASTAL COMMISSION

Name or description of project, LCP, etc.:

Pebble Beach

Date and time of receipt of communication:

4/3/07

Location of communication:

Rancho Santa Fe, Calif.

Type of communication (letter, facsimile, etc.):

meeting

Person(s) initiating communication:

Tony Lombardo and C. Eastwood

Person(s) receiving communication:

Pat KruerDetailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

MR Lombardo and MR. Eastwood are concerned at  
this meeting about the timing of the next  
meeting and hearing on their project with close  
proximity to Monterey. They believe that the June  
hearing meeting in Santa Rosa would be the best  
place for a hearing considering all the options to all the  
people interested in such hearing. They noted last year  
extensive public hearing and preparation by all parties.

Date

4/3/07

Signature of Commissioner

Pat Kruer

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

Commissioner Clark Ex Parte:

W17d

**Date:** Thurs 3/15/07

**Location:** Monterey Peninsula

**Parties:** Tony Lombardo & John Arriaga

**Subject:** Monterey County LCP Amendment (Measure A) & Pebble Beach Company Development Plan

**Discussion:** I met with Tony Lombardo and John Arriaga at their request on Thursday, 3/15/07 on the Monterey Peninsula and discussed the status of the proposed Monterey County LCP Amendment (Measure A) withdrawn from the June 2006 Coastal Commission agenda by the County of Monterey with support from the Pebble Beach Company. Messieurs Lombardo and Arriaga indicated that the Pebble Beach Co. would be requesting Monterey County request Coastal Commission Staff to re-agendize this LCP Amendment with it's underlying development plan either for the June or the July 2007 Coastal Commission meeting. I expressed concern over the embedded loss of Monterey pine forest and ESHA associated with the proposed new golf course component of the underlying development. I questioned whether the location of the golf course could be moved to the existing equestrian grounds in conjunction with the Peter Hay 9-hole course acreage, with the idea that if this was feasible it would potentially alleviate the need for any Monterey Pine Forest and ESHA impacts associated with the new golf course component. Mr Lombardo indicated that he did not believe this was feasible in that the combined acreage of the equestrian facility and Peter Hay 9-hole par 3 course would not accommodate a regulation 18 championship golf course. We also discussed the proposed acreage for permanent Monterey forest preserve at approximately 400 acres and how much total forest would remain that could be preserved (approx. 600 more acres).

Larry Clark  
Coastal Commissioner

**RECEIVED**

APR 03 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**RECEIVED**

MAR 23 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREAFORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**RECEIVED**

MAR 23 2007

CALIFORNIA  
COASTAL COMMISSION

Date and time of communication:

3/14/07 6:30 PM

Location of communication:

(If communication was sent by mail or  
facsimile, indicate the means of transmission.)DEL MONTE FOREST PLAN  
TOUR THE PROPERTY

Identity of person(s) initiating communication:

ANTHONY LOMBARDO  
MARK STILWELL

Identity of person(s) receiving communication:

K. ACHADJIAN

Name or description of project:

PEBBLE BEACH (GOLF COURSE)

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

DEL MONTE FOREST / DEVELOPMENT & PRESERVATIONTOUR OF FACILITY / LANDMAPS COMPARING EXISTING ZONING & PROPOSED ZONING3/22/07

Date



Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2

**City of Santa Barbara**  
Development  
Company  
R. Alan Vickers  
President  
411 N. 1st St.  
Santa Barbara, CA 93101  
805.963.1111

**WWD**  
CONSTRUCTION  
CORPORATION  
1000 W. 1st St.  
Santa Barbara, CA 93101  
805.963.1111

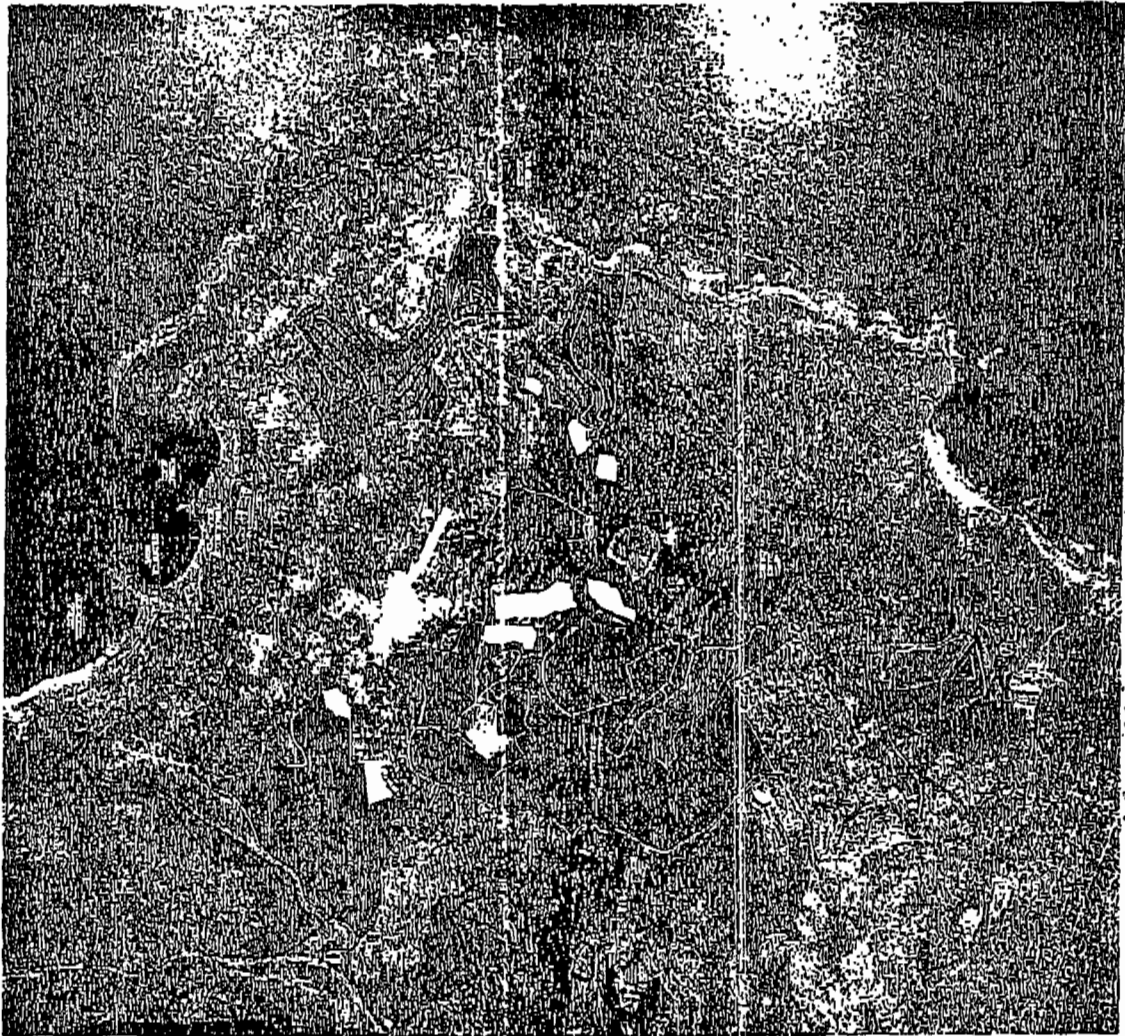
**Longridge**  
Stelljes  
411 N. 1st St.  
Santa Barbara, CA 93101  
805.963.1111

**PEBBLE BEACH COMPANY**  
700 N. 1st St.  
Santa Barbara, CA 93101  
805.963.1111

**PEBBLE BEACH COMPANY**  
700 N. 1st St.  
Santa Barbara, CA 93101  
805.963.1111

**PEBBLE BEACH COMPANY**  
700 N. 1st St.  
Santa Barbara, CA 93101  
805.963.1111

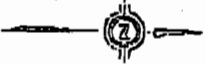
**PEBBLE BEACH COMPANY**  
700 N. 1st St.  
Santa Barbara, CA 93101  
805.963.1111



**DEL MONTE FOREST  
PRESERVATION AND  
DEVELOPMENT PLAN**

- 36 LOTS
- 60 EMPLOYEE UNITS
- PRESERVATION/  
CONSERVATION
- RECREATIONAL
- VISITOR SERVING
- PREVIOUSLY DEDICATED OPEN SPACE

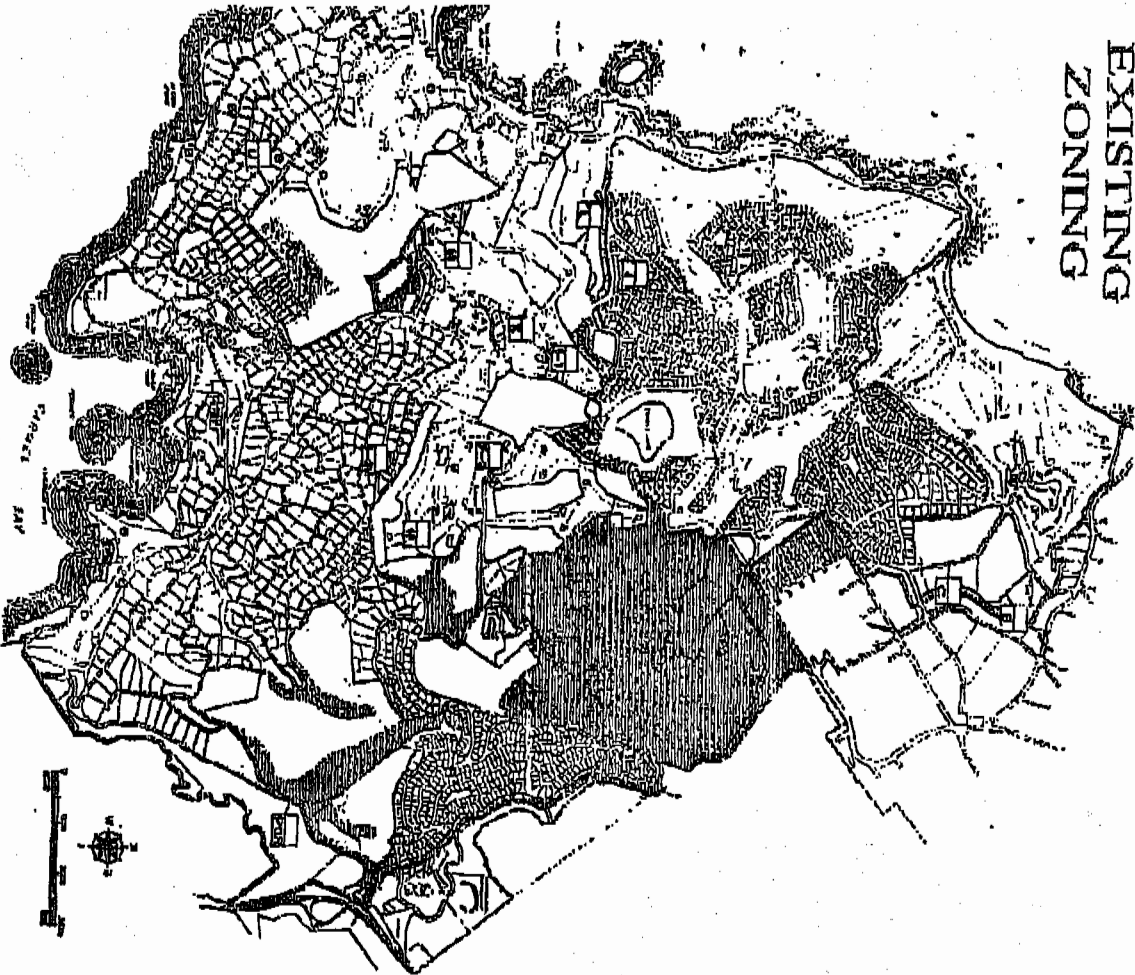
TOTAL 36 LOTS



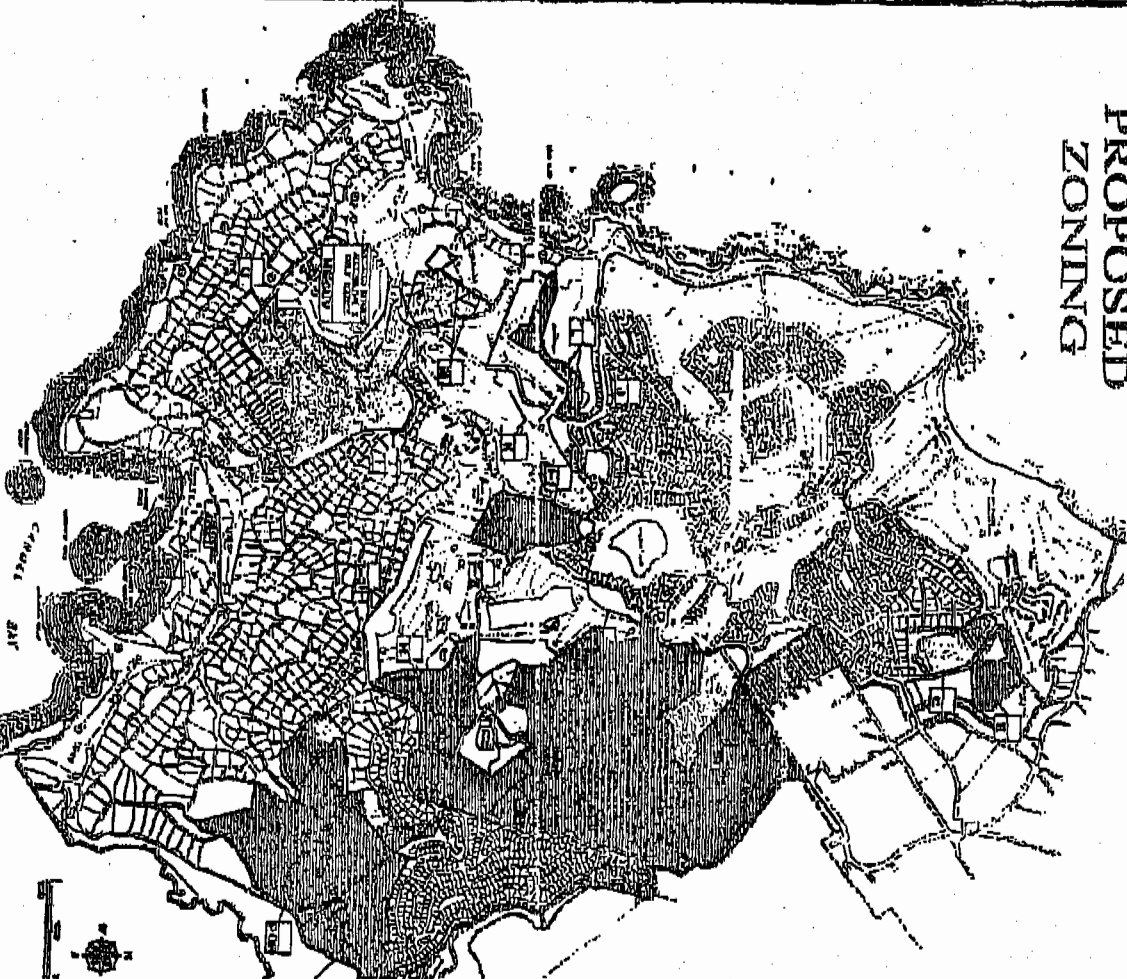


DEL MONTE FOREST PLAN:  
FOREST PRESERVATION AND  
DEVELOPMENT LIMITATION INITIATIVE

EXISTING  
ZONING



PROPOSED  
ZONING





W17d

Sharon K. Roberts  
666 Casanova Avenue #10  
Monterey, CA 93940

April 9, 2007

RECEIVED

APR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95000

**Commission Members:**

This letter is to recommend that you extend the deadline for the Commission to take action on Monterey County's Amendment A Initiative. I believe this is much too important for you not to take your time and secure all the data necessary to assist you with a choice that fully protects our coast and the Del Monte Forest.

Please extend the deadline and do all the research, take all the testimony so you make a decision you all feel is right for California and the world.

Sincerely,

Signature(s) on file.

Sharon K. Roberts  
831- 373-0153

fax: 831- 427-4877

39



W17d

**MONTEREY COUNTY  
RESOURCE MANAGEMENT AGENCY**

(831) 755-4800 - 168 W. ALISAL STREET, 2<sup>ND</sup> FLOOR, SALINAS, CALIFORNIA 93901

WAYNE TANDA, DIRECTOR  
ALANA KNASTER, DEPUTY DIRECTOR



**RECEIVED**

APR 05 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 5, 2007

Mr. Patrick Kruer  
Chairperson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**Re: Hearing Item W17d -Extension of Time Limit for Coastal Commission Action on  
proposed Monterey County Local Coastal Program Major Amendment Number 1-07  
(Measure A)**

Dear Chair Kruer:

Monterey County supports the proposed action before the Coastal Commission on Wednesday April 11, 2007, to extend the time limit for Coastal Commission Action on the Measure A, a proposed amendment to the Monterey County LCP. However, the County urges the Commission to set a specific date for the hearing. It is the County's preference that the hearing be set for the Commission meeting in June, 2007.

We look forward to working with your staff and the Commission on this important matter.

Sincerely,

Alana S. Knaster  
Deputy Director

Cc: Dan Carl, Coastal Planner  
Charles Lester, Central Coast District Deputy Director  
Dave Potter, Chairman, Monterey County Board of Supervisors  
Lew Bauman, CAO, Monterey County

W17d

Anthony L. Lombardo  
Jeffery R. Gilles  
Dorinda L. Messenger

Dennis C. Baughman  
Patrick S.M. Carley  
Shari L. Daman  
E. Soren Diaz  
J. Kenneth Gorman  
Virginia A. Hines  
Steven D. Penrose  
Paul Rovello  
Mikam Scholer  
Bradley W. Sullivan  
James W. Sullivan  
Kelly McCarthy Sutherland

Jacqueline M. Zischke  
of counsel

"Certified by the State Bar  
of California Board of Legal  
Specialization as a Specialist  
in Estate Planning, Trust and  
Probate Law."

**RECEIVED**  
**Lombardo & Gilles**  
PROFESSIONAL CORPORATION

APR 05 2007

Attorneys At Law

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

818 Cayuga Street  
P. O. Box 2119  
Salinas, CA 95902-2119  
831-754-2444 (SALINAS)  
831-757-2444 (MONTEREY)  
831-754-2011 (PAC)

225 Stan Street  
Hollister, CA 95023  
831-630-9444

File No. 00368.011

April 5, 2007

A copy of this letter has been provided to each of the Commissioners  
and a copy has been sent to Mr. Peter Douglas at the State Coastal  
Commission Office in San Francisco.

Mr. Peter Douglas  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2221

Re: Monterey County LCP Major Amendment 1-07 (Measure A)

Dear Mr. Douglas:

Our firm represents Pebble Beach Company which is the real party in interest in the Monterey County Measure A Local Coastal Plan Amendment.

Item No. 17.d. on next Wednesday's agenda is a request by staff to delay action on this Amendment for up to one year.

This LCP Amendment was originally scheduled for hearing last June in Sonoma. The Monterey County Board of Supervisors withdrew the LCP Amendment prior to the hearing as a result of the Commission staff's refusal to distinguish the LCP Amendment from the development project application which the County had processed concurrently. Subsequent to this withdrawal, the Board of Supervisors rescinded its approval of the development project at the insistence of the Coastal Commission staff.

In the staff report for next week's hearing, Commission staff now requests an additional year delay "In order to allow adequate time for review and preparation for a Commission hearing on this item."

There is no reason for such a lengthy delay. Charles Lester has confirmed that there is no change in the staff's position, no change in Measure A and the staff report has been prepared for a year (see *Monterey Herald* article dated March 23, 2007). What additional review and preparation are needed?

Mr. Peter Douglas  
Executive Director  
April 5, 2007  
Page Two

The staff report references two other pending LCP Amendments as reasons to delay consideration of Measure A, one in Santa Cruz County and one in San Luis Obispo County. The Commission is scheduled to meet in San Luis Obispo in July and San Francisco in August. Assuming neither of these LCP Amendments, like Measure A, already have the staff analysis done, scheduling the San Luis Obispo amendment for hearing in San Luis Obispo in July and the Santa Cruz Amendment for hearing in San Francisco in August will provide the staff with the time needed to prepare for these items.

There is no reason that this amendment cannot be heard in June in Sonoma where it had been scheduled for action last year. Scheduling this matter in June gives the staff over two months for whatever "preparation" they feel needs to be done.

The property owner respectfully requests that the Commission extend time for action on the item for no longer than the June Commission hearing.

Respectfully submitted,

Lombardo & Gilles, LLP



Anthony L. Lombardo

ALL:ncs

Enclosures

cc: Mr. Clint Eastwood  
Mr. Peter Ueberroth  
Mr. William Perocchi  
Ms. Alana Knaster  
Mr. Alan Williams  
Mark Stilwell, Esq.

## Del Monte Forest plan back on table

Page 1 of 2

montereyherald.com

Posted on Fri, Mar. 23, 2007

**Del Monte Forest plan back on table****Coastal Commission to take up zoning issue this summer**By LARRY PARSONS  
Herald Staff Writer

A long-controversial development plan by the Pebble Beach Co. is headed for another showdown before the state Coastal Commission this summer.

Nearly seven years after Monterey County voters approved zoning changes that would allow more homes, hotel rooms and another golf course in the Del Monte Forest, the commission must decide whether the coastal zoning plan is consistent with the state Coastal Act.

Charles Lester, commission deputy director, said the hearing on Measure A, the voter-approved zoning plan, should be held in June, July or August.

"We're just looking at the available staff resources," Lester said Thursday.

Both the Measure A zoning and project plan were headed for a commission vote last summer. But company officials said they weren't getting a fair shake in the face of a negative staff report that didn't consider environmental changes they were willing to make to the project. They asked county supervisors, at the eleventh hour, to withdraw the application.

The second time around, the commission will only consider the Measure A zoning, which voters approved in November 2000. Depending on that decision, a specific project plan would be heard later by county supervisors.

"Once Measure A is decided, or however the Coastal Commission tweaks it, ... we may have to change the project," said acting county planning manager Carl Holm.

The company proposed a new 18-hole golf course, 160 hotel units, a relocated equestrian center, a conference center, underground parking and a driving range. But the project has drawn fierce opposition from environmental groups statewide who contend it would seriously harm Monterey pines, wetlands and other environmental features.

Mark Massara of the state Sierra Club said the company should forget about the Measure A zoning and propose a different, scaled-down project. "We never have argued that no development is allowed," he said.

A project spokesman wasn't available Thursday afternoon.



The Coastal Commission staff hasn't changed its fundamental position that the Measure A zoning would be at odds with the Coastal Act, Lester said.



"We do have a staff recommendation from last June... that (Measure A) is inconsistent," he said. "I don't see any major changes at this time."

But the Coastal Commission has undergone changes, too, since last summer.

This month, Gov. Arnold Schwarzenegger replaced Meg Caldwell, one of the panel's strongest environmentalists, with Steve Blank, a Menlo Park business professor and president of the state Audubon Society. Meanwhile, Assembly Speaker Fabian Nunez is looking for a replacement for former Chula Vista Mayor Steve Padilla, who was the commission's elected official from San Diego County.

Massara said it's unclear how the commission turnover could affect the panel's review of the Pebble Beach project.

County supervisors set the stage for the upcoming showdown with two actions in December and January. First, they

**Del Monte Forest plan back on table**

Page 2 of 2

rescinded their previous approvals of the Del Monte Forest project. That cleared away several pending appeals before the Coastal Commission.

Then in January, supervisors routinely approved resubmitting the Measure A zoning package to the commission. That's essentially the course of action that Coastal Commission staff members had recommended several years ago, after voters approved the measure.

---

Larry Parsons can be reached at 646-4378 or [lpersons@montereyherald.com](mailto:lpersons@montereyherald.com).

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<http://www.montereyherald.com>

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
735 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4553

**W17d****MEMORANDUM****Prepared March 22, 2007 (for April 11, 2007 Hearing)****To:** Coastal Commissioners and Interested Persons**From:** Charles Lester, Central Coast District Deputy Director  
Dan Carl, Coastal Planner**Subject:** Extension of Time Limit for Coastal Commission Action on Monterey County Local Coastal Program Major Amendment Number 1-07 (Measure A)

Monterey County proposes to amend the Del Monte Forest Land Use Plan (LUP) and Implementation Plan (IP) portions of its Local Coastal Program (LCP) as directed by the County's Measure A initiative, including modifying land use and zoning designations for over 600 mostly undeveloped acres located in the Del Monte Forest (LCP Major Amendment Number 1-07). The proposed Measure A LCP amendment was deemed submitted/ filed by the Executive Director on February 21, 2007. The Coastal Act requires the Commission to take action on LCP amendments within 90 days of their filing date if such amendments propose both LUP and IP changes, as is the case here. The 90th day following February 21, 2007 is May 22, 2007, and thus May 22, 2007 is the Commission action deadline for the proposed LCP amendment. However, Section 30517 of the Coastal Act also allows the Commission to extend this action deadline for up to a year for good cause.

Based on good cause, staff recommends that the Commission extend the action deadline for the proposed Measure A LCP amendment for one year to May 22, 2008.

The proposed Measure A LCP amendment is large and complex, it includes an extensive administrative record, it raises significant Coastal Act and LCP issues, it has long been controversial, and it remains the subject of intense public interest. Substantial staff time will be necessary for review and preparation ahead of a Commission hearing on this item. As a resubmittal (i.e., this item was previously withdrawn by the County one-day prior to a scheduled June 14, 2006 Commission hearing), its scheduling must also be considered in relation to the scheduling of other pending LCP and LRDP items (CCR Section 13535). In addition to other pending regulatory and planning items, the Commission's Central Coast District is currently reviewing major LCP amendments in San Luis Obispo County and an LRDP for the University of California at Santa Cruz. Finally, staff has always considered a local hearing venue to be essential to the Commission's consideration of Measure A. The most local Commission hearing venues for the Del Monte Forest have historically been Monterey and San Francisco. The upcoming "local" hearing venues potentially available for Measure A are the June hearing in Santa Rosa, the July hearing in San Luis Obispo, and the August hearing in San Francisco.

\* In order to allow adequate time for review and preparation for a Commission hearing on this item without adversely affecting other scheduled items and in the most local venue possible, an extension of the 90-day action deadline is necessary. A one-year extension would result in a new deadline for

**California Coastal Commission****April 2007 Meeting in Santa Barbara**Staff: D. Carl Approved by:  
11/11/07

45

W17d-4-2007

Page 2

Commission action on the proposed amendment of May 22, 2008. Although staff is tentatively targeting the months of June, July or August for a hearing on this item, it has generally been the Commission's practice to extend such deadlines for a full year as provided by the Coastal Act to allow for flexibility in hearing scheduling (including accommodation of any requested or otherwise necessary postponements, continuances, etc.) and in terms of allotting limited staff resources.

Therefore, staff recommends that the Commission extend the deadline for Commission action by one year.

**Summary of the Staff Recommendation**

Staff recommends that the Commission extend the deadline for Commission action on the proposed Measure A LCP amendment by one year.

**Motion.** I move that the Commission extend the 90-day time limit to act on Monterey County Local Coastal Program Major Amendment Number 1-07 to May 22, 2008.

**Staff Recommendation.** Staff recommends a YES vote. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.



April 4, 2007

**RECEIVED**

APR 05 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**OFFICERS**

DEAN BARTEE  
*President*

R. MARK HOUSE  
*Vice President*

MICHAEL HEXNER  
*Secretary-Treasurer*

RICHARD E. SKAVDAHL  
*Immediate Past President*

**DIRECTORS**

TED BUDACH

LOU CARPINE

CHRISTOPHER J. CLARK

BILL DOWNS

DAVID E. ENGLERT

LEE GIDNEY

KERRY F. GORDON

DAN HANSFORD

VAUGHN KEZIRIAN

JIM MORIARTY

BRIAN D. MORSE

BROOKE C. PHAYER

JOHN RONCA, JR.

JOHN M. WHITELAW, M.D.

**STAFF**

ERIK L. CHANEY  
*Information Systems*

JIM COWAN  
*Course Rating/Handicapping*

MARSHALL GREENINGER  
*Controller*

ADAM HEIECK  
*Foundation*

HILARY HOWARD  
*Communications*

MATTHEW H. MAGERS  
*Assistant Executive Director*

MIKE MCCULLOUGH  
*Agronomy*

ERIN MERCER  
*Human Resources/Safety*

GAIL A. ROGERS  
*Education*

ROGER D. VAL  
*Rules & Competitions*

California Coastal Commission  
Central Coast District Office  
725 Front Street  
Suite 300  
Santa Cruz, CA 95060

ATTN: Mr. Dan Carl

**RE: California Coast Commission hearing scheduled for April 11, 2007,**  
**Agenda Item 17 (d, Monterey County LCP Amendment No. 1-07)**  
**(Measure A and Del Monte Forest)**

Dear Commissioners:

This letter is submitted in support of the recommendation of the Commission's staff to extend the time for the Commission to act on the request by Monterey County to modify its land use and implementation plan for the Del Monte Forest. The requested modifications are designed to conform the county's Local Coastal Program to the Measure A initiative.

The proposed modifications would change land use designations for over 600 acres within Del Monte Forest. In evaluating whether or not to approve the request, there must be careful consideration of how to strike a correct balance that protects the Del Monte Forest while at the same time provides for reasonable private and public use. This need for careful consideration is all the more important regarding requests by Monterey County because of the particularly delicate balance between co-existing multiple uses in the Del Monte Forest, and the large land area potentially affected by the requested modifications. In addition, the request by Monterey County raises several legal questions concerning the consistency of the request with the requirements of the California Coastal Act.

In order to afford the Commission's staff adequate time to evaluate the land use and environmental implications of the requested modifications, and to carefully evaluate the request in light of the requirements of the Coastal Act, we encourage the Commission to follow its staff's recommendations and extend the time on the county's request.

Respectfully submitted by,

Tyler Jones  
Interim Chief Executive Officer  
Northern California Golf Association



W17d



PEBBLE BEACH, CA.

P.O. Box 1157  
Pebble Beach, CA 93953  
(831) 625-1513  
Fax (831) 625-5018  
www.poppyhillsgolf.com



4280 Greenville Road  
Livermore, CA 94550  
(925) 447-6779  
Fax (925) 455-2020  
www.poppyridgegolf.com

April 4, 2007

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COASTAL COMMISSION  
CENTRAL COAST AREA

California Coastal Commission  
Central Coast District Office  
725 Front Street  
Suite 300  
Santa Cruz, CA 95060

ATTN: Mr. Dan Carl

**RE: California Coast Commission hearing scheduled for April 11, 2007, Agenda Item 17 (d, Monterey County LCP Amendment No. 1-07) (Measure A and Del Monte Forest)**

Dear Commissioners:

This letter is submitted in support of the recommendation of the Commission's staff to extend the time for the Commission to act on the request by Monterey County to modify its land use and implementation plan for the Del Monte Forest. The requested modifications are designed to conform the county's Local Coastal Program to the Measure A initiative.

The proposed modifications would change land use designations for over 600 acres within Del Monte Forest. In evaluating whether or not to approve the request, there must be careful consideration of how to strike a correct balance that protects the Del Monte Forest while at the same time provides for reasonable private and public use. This need for careful consideration is all the more important regarding requests by Monterey County because of the particularly delicate balance between co-existing multiple uses in the Del Monte Forest, and the large land area potentially affected by the requested modifications. In addition, the request by Monterey County raises several legal questions concerning the consistency of the request with the requirements of the California Coastal Act.

In order to afford the Commission's staff adequate time to evaluate the land use and environmental implications of the requested modifications, and to carefully evaluate the request in light of the requirements of the Coastal Act, we encourage the Commission to follow its staff's recommendations and extend the time on the county's request.

Respectfully submitted by,

Tyler Jones  
Interim President & Chief Executive Officer  
Poppy Holding, Inc.

W17d



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APR 04 2007

Monterey Pine Forest Watch  
P. O. Box 505  
Carmel, California 93921

CALIFORNIA  
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CENTRAL COAST AREA

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, California 95060

4 April 2007

ATTENTION: Charles Lester, Dan Carl

In response to your Hearing Notice of March 23, 2007, re extension of time limit on Monterey County's Local Coastal Plan amendment Number 1-07 (Measure A) from May 22, 2007 to May 22, 2008, Monterey Pine Forest Watch supports the staff recommendation to approve this extension.

The provision of the Coastal Act that allows this extension has been provided for exactly this type of fluid situation. Thank you for asking us to comment.

Very truly yours,

Joyce Stevens, President  
(831) 624-3149

PMF ✓  
DOS ✓

W17d

RODERICK BISWELL, M.D.  
EYE MEDICAL CLINIC OF SANTA CLARA VALLEY  
220 MERIDIAN AVENUE, SAN JOSE, CALIFORNIA 95126  
(408) 868-3400

OPHTHALMOLOGY, WITH SPECIAL INTEREST IN EXTERNAL DISEASE,  
CATARACT AND CORNEAL SURGERY

California Coastal Commission 4-2-07

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Madame and/or Sirs:

I am against the project  
and am against any extension  
which would benefit the  
development.

Thank you -

Signature(s) on file.

831 427-4877

W18a



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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 3, 2007

*Shaunna Sullivan / Principal*

California Coastal Commission  
c/o Katie Morange  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Via California Overnight

Re: CCC Appeal No. A-3-SLO-05-072  
Agenda No. W18a  
Patague, Graciano and Teodora

Dear Ms. Morange and Commissioners:

I represent Graciano and Teodora Patague, owners of real property in Los Osos, California, which is the subject of the CCC appeal referred to above. My clients have owned the subject property since they purchased it in 1971. If the appeal is granted, my clients, who are quite elderly and ill, cannot sell their property even though the law in effect in 1971 provided they have a legal lot subject only to the land use laws then in effect (Government Code § 66499.35(b)). We submit the following written materials that were previously provided to staff as exhibits for review by the Commission. These exhibits were submitted in response to the appeal of the issuance of a Conditional Certificate of Compliance which appeal is on the April agenda for hearing.

We would appreciate the Commission's consideration of the hardships this appeal has caused and the unique application of the law to these bona fide purchasers of property without notice of any violation.

Very truly yours,

Sullivan & Associates  
A Law Corporation

A handwritten signature in dark ink, appearing to be "Shaunna Sullivan".  
Shaunna Sullivan

SLS:ejm  
encl.

cc: Graciano and Teodora Patague





February 2, 2007

*Shaunna Sullivan / Principal*

Dr. Charles Lester  
Senior Deputy Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Dr. Charles Lester  
Senior Deputy Director  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

*Re: Commission Appeal No. A-3-SLO-05-072  
Applicants: Teodora & Graciano Patague  
Local Permit No. S030112C/CO 03-0354*

Dear Dr. Lester:

We currently represent Teodora & Graciano Patague, owners of real property located in the County of San Luis Obispo, California, APN# 074-222-002. The Patagues have been attempting to sell the property for almost four years, but are unable to do so because of a Notice of Violation recorded against the property in 1979 for an alleged violation of the Subdivision Map Act resulting from a 1964 conveyance of an adjacent parcel by previous owners. As the Patagues did not acquire their interest in the property until 1971, they played no part in the alleged improper subdivision and were unaware of any alleged violation until the Notice of Violation was recorded almost fifteen years later.

On September 16, 2005, the San Luis Obispo County Department of Planning and Building finally issued the Patagues a Conditional Certificate of Compliance pursuant to Government Code section 66499.35(b). However, the Conditional Certificate of Compliance was subsequently appealed by the California Coastal Commission on October 14, 2005, further delaying any use of the Patagues property.

On October 27, 2005, our client signed a waiver of the 49 day rule for an appeal of a local government coastal development permit decision set forth in Public Resources Code sections 30621 and 30625(a). In such waiver, we requested a hearing date no later than

2238 Bayview Heights Drive, Suite C, Los Osos, California 93402 • (805) 528-3355 • Fax (805) 528-3364  
sullivanlaw@charter.net

Dr. Charles Lester  
February 2, 2007  
Page 2

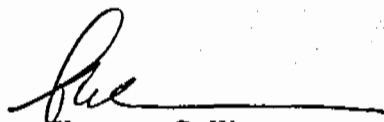
March 10, 2006. As that deadline came and went, Jonathan Bishop informed us that the earliest date the matter could be set for hearing would be in December 2006. In more recent months, we have been led on to believe that the Patagues' hearing would be set on the Coastal Commission's March 2007 agenda. It was not until a telephone conference held on January 31, 2007 that we were informed a March hearing date was not guaranteed.

Our clients are both seventy-four (74) years old. They are elderly and in ill health. Teodora's eyesight is deteriorating. The Patagues are in need of resolving this matter which began almost four years ago, so that they may go on to sell the property for their retirement. In addition, California Code of Civil Procedure section 36 provides preference in civil actions for similarly situated persons. All things considered, we believe the Patagues should be entitled to a spot on the Commission's March agenda. When we advised our client to sign the 49 day waiver back in October of 2005, we did not expect to have to wait indefinitely for a new hearing date. Although the Commission's appeal was made almost sixteen months ago, still no hearing date has been set, and according to a January 31, 2007 conversation with Mr. Bishop, even the March 2007 date cannot be guaranteed at this time.

For the reasons discussed above, we request that the Patague matter be set for hearing on the Commission's March 2007 agenda. Please let me know if there is anything else we can do to help keep the appeal progress moving forward, and if you have any questions or comments, feel free to give me a call.

Very truly yours,

Sullivan & Associates  
A Law Corporation

  
Shaunna Sullivan

SLS:ejm

cc: Graciano and Teodora Patague



January 30, 2007

Shaunna Sullivan / Principal

California Coastal Commission  
Central Coast District Office  
c/o Jonathon Bishop  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

*Via Facsimile: (831)427-4877*

*Re: CCC Appeal of Conditional Certificate of Compliance for  
A-3-SLO-05-072 (Patague, Graciano and Teodora)*

Dear Mr. Bishop:

These are the questions we anticipate arising in our telephone conference, currently scheduled for Wednesday, January 31, 2007 at 3:00 p.m.:

1. Why was the remainder of the Morro-Los Osos Land & Investment parcel, containing over 35 acres and including the Patagues' parcel, given illegal status due to the 1964 transfer of the small well site (APN# 074-222-011)?
2. Why was the 3 acre parcel, APN# 074-222-010, transferred in the same deed as the well site, not given illegal status due to the transfer of the small well site?
3. Why was the well site transfer to Los Osos Valley Memorial Park not exempted from the minimum parcel size requirements under section 66412 of the Subdivision Map Act, which states, "this division shall be inapplicable to: ...(c) land dedicated for cemetery purposes under the Health and Safety Code"?
4. Does the Notice of Violation have any legal basis other than the allegedly illegal transfer of the well site, which consisted of less than 1/10th of an acre?
5. The Notice of Violation was recorded in 1979, eight years after the Patagues' purchase of the subject parcel in 1971. The Patagues were bonafide purchasers of the property for value with no notice of any violations. Why is the presumption of lawful creation for parcels created prior to March 4, 1972 set forth in Government Code section 66412.6 not applicable to the subject parcel? Why would section 66412.6 not mandate issuance of an **unconditioned** certificate of compliance?



Jonathon Bishop  
January 30, 2007  
Page 2

6. Government Code section 66499.35 states that if the local agency determines that a parcel complies with the provisions of the Subdivision Map Act, then it *shall* issue a certificate of compliance, and if the local agency determines that a parcel does not comply with the provisions of the Subdivision Map Act, then it *shall* issue a conditional certificate of compliance. Why does the Commission believe it is exempt from these statutory directives and that it has the authority to deprive the Patagues of a certificate which is statutorily mandated under section 66499.35?
7. How does the Commission address the case law cited for the proposition that issuance of a certificate, conditional or otherwise, is ministerial and required in all cases when one is requested by the landowner?
8. What additional requirements, existing at the time of purchase in 1971, could the Patagues' certificate of compliance potentially be conditioned on which have not already been made part of the County's Conditional Certificate of Compliance?
9. How are the neighboring lots, APN# 074-222-012 and 074-222-006, which are also subject to the Notice of Violation for the alleged illegal transfer of the well site in 1964, different from the Patagues' lot such as to justify being previously granted certificates of compliance?
10. What regulation existing in 1971 grants the authority to require agricultural buffer zones?
11. Why should the Patagues' 125.75 foot wide parcel be subject to an agricultural buffer zone when no other portion of the remaining 2533.8 foot wide northern border of the original parcel is subject to a similar restriction?
12. What benefits, if any, will the narrow buffer, encompassing less than 5% of the northern border of the original parcel, provide? How will these benefits, if any, outweigh the damage to the Patagues caused by the buffer, which will serve to restrict the use of over 50% of their parcel?
13. The stated purpose of a Residential Suburban classification is to provide "a buffer between the more intensive urban community and adjacent agricultural areas" and to ensure that heavy residential development does not directly border existing

Jonathon Bishop  
January 30, 2007  
Page 3

agricultural land. How do you reconcile the purported requirement of a buffer zone on the Patagues' property when their entire parcel is part of an already existing Residential Suburban buffer zone? Isn't the purported requirement of a buffer zone within a existing buffer zone inconsistent?

14. Do the Patagues' prior or proposed uses of the property violate any of the regulations for properties classified as Residential Suburban? If so, how?
15. What evidence is there to support the claim that the parcel contains "prime agricultural land"?
16. Only three of the ten lots which now make up the original parcel remain undeveloped, and one of those three has already been issued an unconditioned certificate of compliance. Why should the Patagues' lot be treated any differently than these previously developed and already approved lots?
17. How could the provisions of the current local coastal plan serve to negate the statutory provisions cited above and in our August 18, 2006 correspondence regarding these issues, including Government Code section 66499.35, which states that the local agency may impose conditions on a certificate of compliance "as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein"?

If you have any questions or comments, please feel free to call me. I look forward to speaking with you on Wednesday.

Very truly yours,

Sullivan & Associates  
A Law Corporation



for Shaunna Sullivan

SLS:ejm

cc: Graciano and Teodora Patague





Shaunna Sullivan / Principal

August 18, 2006

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California Coastal Commission  
Central Coast District Office  
c/o Jonathon Bishop  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**Re: CCC Appeal of Conditional Certificate of Compliance for  
A-3-SLO-05-072 (Patague, Graciano and Teodora)**

Dear Mr. Bishop:

This letter addresses the appeal by the California Coastal Commission (CCC) of the Conditional Certificate of Compliance issued by the San Luis Obispo County Subdivision Review Board to Graciano and Teodora Patague on September 12, 2005. For the reasons set forth below, we contend that the CCC appeal of the conditional certificate of compliance issued for the parcel at issue, APN # 074-222-002, should be withdrawn or dismissed. The conditions to the certificate of compliance issued already exact more than should be required of these bonafide purchasers of this property purchased in 1971. The Patagues have been unable to sell or develop their property without first obtaining a certificate of compliance due to the recordation in 1979 of a Notice of Violation for an alleged violation of the Subdivision Map Act that resulted from a conveyance in 1964 (Subdivision Map Act §66499.35).

As per your request, a full detailed chain of title has been included and attached herein as Exhibit A. However, the following sets forth the pertinent recorded events. A deed dated August 14, 1958 and recorded in the Recorder's Office of San Luis Obispo County granted a large piece of land consisting of approximately 38 acres to Morro-Los Osos Land and Investment Company (hereinafter "original parcel").

Morro-Los Osos Land & Investment Co. later executed a deed dated December 31, 1964 conveying two parcels out of the original parcel to Los Osos Valley Memorial Park, Inc. The parcels granted to Los Osos Valley Memorial Park consisted of an approximately three acre lot (APN # 074-222-010), and a small well site of approximately 3930 square feet (hereinafter "well site"). The well site consisted of less than one tenth (1/10th) of an acre in size and was assigned the APN # 074-222-011.

Almost 15 years later, the San Luis Obispo County Subdivision Review Board found that the 1964 conveyance of the well site was an illegal subdivision under the Subdivision Map Act. The County also claimed the well site violated San Luis Obispo County Ordinance 509, adopted on September 12, 1960, an exceedingly difficult ordinance to find or read that prohibits creation of lots less than three acres in size without first having subdivision approval by the County. Local Ordinance 509 has been included herein and is attached as Exhibit B. Because the 1964 well site conveyance was considered illegal by the local Subdivision Review Board, the Board deemed that the remainder of the original parcel still belonging to Morro-Los Osos Land & Investment Co. was in violation of the Subdivision Map Act as well, warranting issuance of a Notice of Violation.

While the remainder of the original parcel and the well site were subjected to a Notice of Violation, the other three acre parcel transferred to Los Osos Valley Memorial Park (APN # 074-222-010) in 1964 was considered by the Subdivision Review Board to be a legal transaction and not subject to the relevant Notice of Violation. The Board has provided no explanation as to why the remainder of the Morro-Los Osos Land & Investment parcel, containing over 35 acres in total, was given illegal status due to the transfer of the small well site, while the transfer of APN # 074-222-010 in the same deed was considered to be legal and free of any restrictions of the Notice of Violation.

In subsequent recorded deeds, Morro-Los Osos Land & Investment Co. then divided and conveyed the remainder of the original parcel to three different purchasers: approximately 17 acres to Gregorio and Catalina Menor (hereinafter "Menors"), 10 acres to Tiburcio and Juanita Gaoiran, and over 8 acres to Ambrocio and Rosalia Galvez. All of the parcels that comprised the original parcel, other than the three acre piece conveyed to the cemetery (APN # 074-222-010), became encumbered by the Notice of Violation recorded by the Subdivision Review Board on November 19, 1979 due to the transfer of the well site, APN # 074-222-011. Prior to recordation of the Notice of Violation, the Menors divided their approximately 17 acre parcel into four lots and sold three of them to different buyers, reserving the two acre subject parcel for their own use. The Menors transferred five acres to Ray Ocol, three acres to Bernaldo and Adela Patague, and seven acres to Victor Dres, George Menor, and Irene Galo. None of these transfers were challenged by the local Subdivision Review Board as violative of the Subdivision Map Act or local ordinance. Rather, the County maintained that all parcels within the original parcel were in violation solely due to the transfer of the well site (APN # 074-222-011) by Morro-Los Osos Land & Investment to Los Osos Valley Memorial Park.

On November 19, 1971, seven years after the conveyance of the well site to Los Osos Valley Memorial Park, the subject parcel, APN # 074-222-002, was purchased by Graciano and Teodora Patague (hereinafter "Patagues") from the Menors, who acquired it in 1964. At that time, the Patagues purchased a title insurance policy from Security Title Insurance Company insuring that their lot was marketable. Eight years after the Patagues' purchase, the Subdivision Review Board claimed that all parcels within the original parcel after the sale to the cemetery were subject to a recorded Notice of Violation arising from the illegal 1964 conveyance of the well site (APN # 074-222-011). The deed history prepared by the San Luis Obispo Subdivision Review Board states, "The original violation date was December 31, 1964 for 1331, OR 267 which the APN # 074-222-002 is subject to." The document the County made reference to, recorded at the San Luis Obispo Recorder's Office in book 1331, at page 267, is the deed conveying the well site (APN # 074-222-011) and other three acre parcel (APN # 074-222-010) to the cemetery. A Notice of Intention to record a Notice of Violation was recorded against the Patague's property on August 22, 1979, and a Notice of Violation was recorded on November 19, 1979. Security Title Insurance Company denied any responsibility because the Notice of Violation was not recorded at the time the Patagues purchased the property and there was no actual or constructive notice of any problem with the title of the subject parcel.

A copy of the deed history prepared by the local Subdivision Review Board has been included herein for your convenience and attached as Exhibit C. Other than their deed history, no file remains to support the Notice of Violation. The county claims that the file and any information prepared for or by the San Luis Obispo Subdivision Review Board for the Notice of Violation on the subject parcel, APN # 074-222-002, has been lost. This has created obvious difficulties in our attempt to uncover any legal support for the issuance of the Notice of Violation which recordation requires the Patagues to apply for a certificate of compliance to be able to sell their property.

The Patagues were good faith purchasers for value, and had no notice of the alleged illegal subdivision of APN # 074-222-011 from almost seven years earlier, nor any reason to believe it affected their own lot in any way. Due to the cloud on title created by the Notice of Violation, the Patagues have applied for a certificate of compliance or a conditional certificate of compliance to declare their lot, APN # 074-222-002, a legal lot. After much delay and compromise on the part of the Patagues, the San Luis Obispo Subdivision Review Board granted a conditional certificate of compliance on September 12, 2005. The California Coastal Commission (CCC) filed their appeal of that conditional certificate of compliance on October 14, 2005.

A. The Notice of Violation was Improperly Recorded

It is our position that the Notice of Violation was improperly recorded against the Patague property and a certificate of compliance should have been issued without conditions declaring the lot to be a legal one.

The County contends that the basis for recording the Notice of Violation on the original parcel including the Patagues property was due to the creation and conveyance of the well site to a cemetery specifically exempt from the Subdivision Map Act. The deed history created and relied upon by the Subdivision Review Board stated that the deed transferring the subject parcel to the Patagues was an "illegal transaction *given* the illegal transaction on 1331, OR 267 for APN: 074-222-011."

We contend the Subdivision Map Act is inapplicable to the 1964 transfer of the well site (APN # 074-222-011) and as such, cannot be the cause of that lot or the subject lot being declared violative of the Subdivision Map Act. Section 66412 of the Subdivision Map Act specifically states that "this division shall be inapplicable to: (c) land dedicated for cemetery purposes under the Health and Safety Code." The Health and Safety Code defines a cemetery as any place where six or more human bodies are buried (Health and Safety Code §8100). Los Osos Valley Memorial Park was established as an endowment care facility in 1962, and has well over the required number of burial sites to fit the definition of a cemetery under the Health and Safety Code. The Memorial Park continues to exist today, and has since added a crematory and funeral home.

The transfer of the well site (APN # 074-222-011) to Los Osos Valley Memorial Park, Inc. should have been exempted from the minimum parcel requirements of the Subdivision Map Act pursuant to §66412(c). Thus, the Subdivision Review Board was incorrect in asserting that the transfer of APN # 074-222-011 to the cemetery was illegal, and also incorrect in asserting that the subject parcel (APN # 074-222-002) or any other portion of the original parcel remaining after the 1964 transfer of APN # 074-222-011, was also illegal. It is also inconsistent for the County to claim that the other parcel granted to the cemetery in the same deed as the well site grant, APN # 074-222-010, is legal and conforming while the rest of the original parcel is not.

The transfer of the well site (APN # 074-222-011) should have been exempted from the relevant provisions of the Subdivision Map Act, so the Notice of Violation on the subject parcel is based upon the erroneous determination by the County that both the small transfer

of the well site to the cemetery and the entire remaining portion of the original parcel were violations of the Subdivision Map Act. Because it has no legitimate basis, the Notice of Violation is improper and a certificate of compliance must be granted to the Patagues for their parcel without any conditions attached.

**B. The Parcel is Conclusively Presumed to Have Been Lawfully Created**

Government Code Section 66412.6 requires certain parcels created prior to March 4, 1972 to be conclusively presumed to have been lawfully created. (Subdivision Map Act §66412.6(a) and (b)). Section 66412.6(b) states "any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance."

The Patagues' parcel is clearly within the presumption created by §66412.6(b). The Patagues were subsequent purchasers in 1971, who paid valuable consideration for the property almost seven years after the 1964 deed to the cemetery. When the Patagues acquired their interest in the subject parcel, there was no Notice of Violation, Notice of Intention to Record a Notice of Violation or any other recorded document which would have given them actual or constructive knowledge that the County considered their lot illegal. The Subdivision Review Board did not record a Notice of Violation until eight years after the Patagues purchased the property, almost fifteen years after the alleged illegal subdivision of the small well site, APN # 074-222-011. In any event, the Notice of Violation was wrongfully issued based upon the exempt conveyance of the cemetery lot.

During the processing of this certificate of compliance, the County inappropriately argued that section 66412.6(b) did not apply unless the applicants also met the presumption in section 66412.6(a), requiring a showing that the lot resulted from a division of land in which fewer than five parcels were created and at the time of creation there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels. The County used this reasoning to ignore the presumption created for subsequent purchasers for value without notice pursuant to §66412.6(b). The statute, however, is very clear in that it creates two distinct situations which will create a presumption of lawful creation. In fact, the presumption created by section (a) existed separately and alone for six years until a 1981 amendment added the second presumption. As bonafide purchasers, the Patagues are entitled to the protection and validation of their legal parcel provided by section 66412.6(b). The Patagues' lot is conclusively presumed to have been lawfully created pursuant to Government Code §66412.6(b).



Section 66412.6(b) states that bonafide purchasers of parcels affected by this section shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to §66499.35. Government Code §66499.35 states whether the county determines that a parcel complies or doesn't comply with the provisions of the Subdivision Map Act and local ordinances, the county *shall* file a certificate of compliance or a conditional certificate of compliance for the parcel. In good faith, this is what the Patagues have been attempting to accomplish, but which has subjected them to a time consuming, exceedingly expensive, arbitrary and discriminatory process.

The Subdivision Map Act does not give the local agency the authority to deny the applicants a certificate. Rather, it directs the agency to issue either a certificate of compliance or a conditional certificate of compliance. Issuance of a mandatory certificate of compliance or conditional certificate of compliance is ministerial rather than discretionary. See *Findleton v. Board of Supervisors of El Dorado County*, 12 Cal. App. 4<sup>th</sup> 709 (1993), where the court held that the Permit Streamlining Act did not apply to an application for a certificate of compliance because the issuance of a certificate of compliance is a ministerial act and not a discretionary act (*Findleton v. Board of Supervisors of El Dorado County*, 12 Cal. App. 4<sup>th</sup> 709 (1993)). The *Findleton* court stated that an act is ministerial when it is the "doing of a certain thing that is unqualifiedly required." (*Findleton*, at 713.) When a parcel is found to be in non-compliance, the county *shall* issue either a certificate of compliance or a conditional certificate of compliance. The court in *Hunt v. County of Shasta* held that under §66499.35 of the Subdivision Map Act, a county must file either a certificate or a conditional certificate of compliance in all cases when one is requested by the landowner (*Hunt v. County of Shasta*, 225 Cal. App. 3d 432 (1990), citing California Subdivision Map Act Practice (Cont. Ed. Bar 1987) §8.9, Update June 1992, pp. 75-76). The agency's only discretion is in deciding whether or not to impose conditions on a certificate of compliance when a parcel is found to be in noncompliance with the Subdivision Map Act or local ordinance. The Coastal Commission, which was enacted after the subject parcel was created, is limited to the same Subdivision Map Act constraints, and therefore, like the County, is not empowered to deprive the Patagues of the certificate to which they are statutorily entitled under the Subdivision Map Act.

C. Any Conditions to Issuance of a Certificate of Compliance Cannot Exceed Those Required in 1971

Furthermore, even if some discretion in conditioning the certificate is available, a conditional certificate of compliance must be granted in accordance with the standards that would have been applied to the property at the time the Patagues acquired their interest in

1971. Government Code §66499.35 states that the local agency may impose conditions on the granting of a certificate of compliance "as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein." (Subdivision Map Act §66499.35).

The Coastal Commission's assertion that the parcel does not meet the current minimum parcel size standards of the Estero Area Plan Residential Suburban Standard #1 (their second reason for appeal) cannot be utilized to deny a certificate of compliance and cannot be a condition imposed under the Coastal Act, adopted after 1971, to circumvent the Government Code §66499.35 (b) limitations. The Patagues do not own property adjacent to the subject parcel and cannot combine the subject parcel with any other property to increase the size of their lot. However, as stated above, lots purchased prior to March, 4, 1972 by bonafide purchasers without notice of any violations are conclusively presumed to be lawfully created (Subdivision Map Act §66412.6(b)). Government Code §66499.35(b) states that even if such lots are not in compliance with the local ordinance or Subdivision Map Act, a certificate of compliance or a conditional certificate of compliance shall be issued declaring that lot to be legal. The presumption created for bonafide purchasers takes into account any illegalities in the property which the purchasers had no actual or constructive notice of at the time of purchase, including minimum parcel size standards. Certificates of compliance are the means provided by the Subdivision Map Act by which such lots can gain legal status, and those illegalities, such as size, cannot also serve as the reason to deprive applicants of a certificate. The purpose of the certificate of compliance is to recognize that even though a lot is of an insufficient size, if it was purchased by an innocent party prior to 1972, the purchasers are entitled to issuance of a certificate of compliance for a determination that their lot is a legal one. Even CEQA conditions and standards cannot be imposed as CEQA only applies to discretionary projects, whereas ministerial projects such as issuance of a certificate of compliance are excluded from CEQA conditions by Public Resources Code §21080(b)(1).

The agency can only apply additional conditions that would be applicable to a current division of property if the applicant was the owner of record who was responsible for the division which resulted in the violation (Subdivision Map Act §66499.35(b)). The Menors were the owners of record who created the subject parcel and others now allegedly in violation of the Subdivision Map Act and local ordinance. The Menors have sold all of the property once conveyed to them from the remainder of the original parcel. However, Victor Dres, George Menor, and Irene Galo (hereinafter "Dres, Menor and Galo"), owners of two lots next to the subject parcel, APN # 074-222-0012 and APN # 074-222-006, have applied

for and been granted a certificate of compliance on one of their lots and a conditional certificate of compliance on the other. These Certificates have been included herein and attached as Exhibit D. To deny the Patagues, bonafide purchasers without notice, a certificate of compliance or to create conditions on a conditional certificate of compliance in excess of those required of Dres, Menor and Galo violates §66499.35(b) of the Subdivision Map Act.

The conditional certificate of compliance issued for Dres, Menor and Galo only required that they provide evidence of adequate and potable water, have percolation soil tests performed in the area of the proposed sewage disposal system, ensure that any sewage disposal system is separated by all domestic wells by a certain distance, offer to dedicate to the public a 25 foot buffer along the northern edge of the property, and establish all-weather physical and legal access. The certificate of compliance issued for their other lot was unconditioned, and they have owned and developed that lot without any restrictions on its use.

On the other hand, discussions with the San Luis Obispo Department of Planning regarding the application for a certificate of compliance for the Patagues revealed that the County was recommending approval only if the Patagues met the conditions set forth in Exhibit E, including: execution of a shared well agreement, dedication of a 60 foot road right-of-way along the south edge of the property with one half of the standard road knuckle connection to Lariat Drive; construction of a paved road, 2/3 of a county standard road, to connect to Lariat Drive; submission of a detailed landscape plan for a dense landscape strip and/or berm combination along the newly constructed road requiring another 30 foot landscape buffer; construction and extension of the water main along the full length of the newly constructed road across the property and installation of a fire hydrant near the eastern edge of the property (even though no water company services the area); and establishment of a 500 foot agricultural buffer zone extending from the northern edge of the property upon which no habitable structures may be built. Between the 60 foot road right-of-way, the 30 foot landscaping buffer, and the 500 foot suggested agricultural buffer, the County was recommending conditions which precluded the use and enjoyment of over 80% of the Patagues parcel, leaving little over 100 square feet to develop. These conditions are so extensive they effectuate a taking without just compensation from these bonafide purchasers who are entitled to the protection afforded by Gov. Code §66412.6(b) of a conclusive presumption of legal creation of their lot. Not surprisingly, the Patagues objected to all these new conditions the County sought to impose on these applicants who purchased the property without notice of any violations of a local ordinance or the Subdivision Map Act.

An application for a certificate of compliance for the subject parcel was first filed in October of 2003. As a condition precedent to setting the hearing for consideration of the Patagues' application for a certificate of compliance, the Patagues were wrongfully required to conduct an archaeology study and submit a report, provide a well completion report, pump tests and full water quality report, and sign a developer's statement requiring the Patagues to provide a 375 foot agricultural buffer zone. Although other than the well test, none of the foregoing conditions were required in 1971, the Patagues were willing to agree to these conditions if the certificate of compliance issued so they could finally sell their property.

Discussions with the County continued for over two years, resulting in large expenses and long delays for the Patagues, before the County finally approved a conditional certificate of compliance for the subject parcel in September of 2005. In fact, the County refused to set the matter for hearing unless and until a developer's statement was signed by the Patagues. In that certificate the County conditioned approval on completion of a well completion report, pump tests, and a full water quality report, a deed restriction creating a 375 foot agricultural buffer from the northern border of the lot over which no structures can be built for human habitation (which still includes over 50% of their parcel), required disclosures to all prospective buyers of the dust, noise, odors, chemicals and the right to farm ordinance in effect on the adjacent parcels, application for a Notice of Voluntary Merger, dedication of a thirty (30) foot road right-of-way along the southern edge of their property and connection to Lariat Drive, construction of a 1/2 county-standard gravel road surface along Lariat Drive (which will be to the benefit of all owners subject to the original alleged illegal transfer of the well site to the cemetery), and compliance with all standard conditions of approval for lots using individual well and septic tanks.

Not only did the above conditions far exceed any conditions that would have applied to the parcel in 1971, when the Patagues acquired their interest, the County imposed far more of these bonafide purchasers than they did in the certificates of compliance issued in 1980 to Dres, Menor and Galo for the neighboring properties. The local Agricultural Buffer policies were not adopted by the County Department of Agriculture until 1990, yet, the Department of Agriculture still demanded the imposition of a 500 foot, and later a 375 foot agricultural buffer. The Department insisted that these buffers could be required under CEQA even if the policy was not formally adopted until 1990. There should be no buffer zone required as no local policy required them in 1971. Certainly, there should not be any buffer applicable to the Patague's 1971 purchase, which was then not applicable to the Dres, Menor, and Galo's applications in 1980. Further, the Patagues are entitled to additional

protection under the presumption created for good faith purchasers without notice by Government Code §66499.35(b).

Although it has been inequitable to require the Patagues to comply with all of these extra conditions, the Patagues, nonetheless, were willing to agree to concessions demanded by the County because they were told it was the only way to set a hearing with the Department of Planning and Building for evaluation of their application for a certificate of compliance. Now even that certificate, with conditions attached far beyond what could be required under the Government Code, has been appealed by the CCC, preventing any use or sale of the property by the Patagues.

D. No CEQA Conditions That Were Not in Effect in 1971 Can Be Imposed

The 375 foot agricultural buffer and required disclosures to all prospective buyers of the dust, noise, odors, chemicals and the right to farm ordinance in effect on the adjacent parcels are conditions purportedly required under CEQA. However, CEQA does not apply to ministerial projects subject to approval by public agencies. (California Environmental Quality Act §21080(b)(1)). As discussed above, Findleton v. Board of Supervisors of El Dorado County clearly held that the issuance of a certificate of compliance is a ministerial duty to be performed by the local public agency when a parcel is found to be in compliance with the Subdivision Map Act and local ordinances (*Findleton*, at 713). CEQA does not apply to the ministerial issuance of a certificate of compliance. Therefore, the buffer and any required disclosures are improper conditions which the agencies have no authority to require of the Patagues. During the hearing on the Patague's application, the Subdivision Review Board agreed, in fact, that CEQA did not apply to the Patagues' parcel and admitted that by signing the developer's statement to schedule a hearing, the Patagues had already agreed to conditions in excess of what the law required of them.

Even if CEQA did apply to the issuance of a conditional certificate of compliance for the Patague parcel, only those CEQA regulations which would have been applied in 1971 are applicable (Subdivision Map Act §66499.35(b)). Because the local department had no buffer policy in effect in 1971, the requirement of a 375 foot buffer zone is unwarranted and inconsistent with other certificates of compliance at that time. No other portion of the 35 acre remainder of the original parcel from the transfer of the small well site to the cemetery includes such a requirement. The result will be that of the entire 2533.8 foot northern border of the original parcel, only the 125.75 foot wide lot section owned by the Patagues will be subjected to providing an agricultural buffer zone. If the purpose of the buffer is to protect

the land directly to the north of the area in question, then a buffer should have been required for all lots applying for certificates of compliance since the Notice of Violation was recorded in 1979. Less than 5% of the border between the several parcels at issue and the agriculture land to the north of those lots will be protected by use of a buffer in this instance. On the other hand, the buffer will serve to restrict the use of over 50% of the Patagues parcel. The protection the buffer will afford the agricultural land (less than 5%) is incredibly disproportionate to the injury caused to the Patague's parcel.

As stated in the Estero Local Coastal Plan approved by the CCC, the purpose of the Residential Suburban zoning classification required of this area is to provide "a buffer between the more intensive urban community and adjacent agricultural areas" and to ensure that heavy residential development does not directly border existing agricultural land. (Estero Area Plan, Chapter 6(B), pg. 48). A copy of the relevant section has been included herein and attached as Exhibit F. The nature of a Residential Suburban zoning classification is to serve as a buffer in and of itself between the agricultural land to the north of the parcels in question and the heavy residential uses to the south. To enforce an additional agricultural buffer within the already existing Residential Suburban zoning buffer is an unwarranted taking.

The local Subdivision Review Board also conditioned their approval on the construction of a ½ county-standard gravel road surface along Lariat Drive, which will serve to provide access for the owners of all parcels created out of the original parcel. This condition requires that the entire cost of paving an access road to the several lots will fall on the Patagues, even though they were innocent purchasers without notice of any violation and all other owners will benefit equally or more from the improvements to Lariat Drive. This requirement is unjust because the other owners of land once consisting of the original parcel owned by Morro-Los Osos Land & Investment Co. in 1964 will gain the full advantage and benefit from the road while contributing absolutely nothing to it.

E. The Subject Parcel is Not Viable Agricultural Land

The Coastal Commission's third reason for appeal concerns the requirements for the subdivision of agricultural lands. However, the Patagues are not now and have not at any time in the past attempted to subdivide their property. The subdivision was achieved by the Menors in 1964 when they divided and sold their 17 acres into four parcels. The Coastal Commission is asking the Patagues to meet requirements to justify a division of their parcel committed by another party over forty years ago, almost seven years prior to the time they



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acquired any interest in it. Dres, Menor and Galo were not required to make factual findings regarding the agricultural economy in their applications for certificates of compliance even though their lots were created in exactly the same fashion as the Patagues. It would be entirely unjustified to now require the Patagues to meet the requirements for the subdivision of agricultural lands when they have never sought to subdivide any agricultural land. The buffer and notice requirements were recommended by the Department of Agriculture, but in correspondence with the Department of Planning and Building regarding the Patague certificate of compliance, that Department also prefaced their recommendation by asserting that certificates of compliance are not typically a type of subdivision, and therefore their conditions may not be feasible. A copy of this correspondence has been included herein and attached as Exhibit G.

The Subdivision Map Act states that a conditional certificate of compliance can be conditioned on requirements applicable to the property at the time the applicants acquired their interest in it (Subdivision Map Act §66499.35(b)). Although the Coastal Commission may have the authority to review local decisions on conditional certificates of compliance pursuant to San Luis Obispo Local Ordinance 21.08.020, which defines conditional certificates of compliance as a type of "subdivision development" subject to Coastal Commission review, the Commission does not have the authority to impose restrictions and conditions on this parcel's certificate in excess of those allowed by state and local laws that were not yet enacted in 1971. A declaration by the local ordinance that a conditional certificate of compliance is "subdivision development" subject to review by the Commission, does not circumvent Subdivision Map Act protection afforded to bonafide purchasers without notice who bought their property 35 or more years ago.

In addition, the Coastal Commission states in their appeal that the parcel is undeveloped and has a history of being in agricultural use. However, the current zoning classification for the area is Residential Suburban, and the Patagues proposed use of the parcel is in conformity with the restrictions applicable to Residential Suburban areas. The appeal seems to require the Patagues to provide information about a subdivision that occurred seven years prior to their obtaining any interest in the lot and proof of continuing agricultural use under the former agricultural zoning classification which is no longer relevant to their uses or to the area. To force the Patagues to meet these new requirements is not only unjust, but also at variance with the provisions of the Subdivision Map Act.

Regardless of the seemingly unwarranted condition that property zoned Residential Suburban to buffer agricultural uses from residential uses must also prove a lack of agricultural viability, the subject parcel is not viable agricultural land in Los Osos. This awkwardly shaped, long and narrow parcel has not been farmed the past couple of years and never was economically feasible to farm. A certificate of compliance will not diminish the production of *any* crops common to the agricultural economy. The subject parcel is only, on average, 128 feet wide, and according to the farmer who farmed this parcel in the past, the farming was unprofitable as he was only able to grow meager quantities of green beans, squash, tomatoes, or sugar peas in just a couple of rows. The main benefit in farming the land was it kept it from becoming overgrown with weeds. He sold his vegetables from the parcel in local farmer's markets and made little to no profit from them. The Patagues received nominal rent, so unsubstantial, that after taxes the only benefit they derived was the resulting weed abatement.

While no soil quality tests have been performed on the lot, an archaeology report (also improperly required under CEQA) has determined that the soil type on the subject parcel is Marimel silty clay loam. The NRCS Soil Survey concluded that non-irrigated Marimel silty clay loam is class III, and irrigated is class I (Natural Resource Conservation Service Soil Survey). Prime agricultural land is defined as "all land that qualifies for rating as class I or II in the Natural Resource Conservation Service land use capability classifications." (California Land and Conservation Act of 1965 §51201(c)(1)). The Patague parcel has not been irrigated in several years and is not currently being irrigated, which, according to the NRCS classifications, would make the soil on that parcel class III, and not prime. The NRCS Soil Survey also concluded that the soil on the subject parcel does not drain well. Some further research has shown that where this soil type is not drained it is mainly used for wildlife habitat, and the vegetation is annual grasses, weeds, and water tolerant plants (National Cooperative Soil Survey, [www2.ftw.nrcs.usda.gov](http://www2.ftw.nrcs.usda.gov)). Currently, the subject parcel is covered with these grasses and weeds, which the local Subdivision Review Board has called "non productive agriculture." The mere presence of a well on the parcel giving the potential to irrigate does not create a higher level of soil quality necessitating a classification as prime soil.

In addition, approval of the conditional certificate of compliance is in line with the policies set forth to protect prime soils in §30241 of the California Coastal Act of 1976, assuming *arguendo* that it is applicable. The Residential Suburban zoning classification is more than sufficient to prevent conflicts between uses on the Patague parcel and agricultural uses on the property to the north. The zoning buffer provided by the Residential Suburban



designation will also prevent any harm to existing agricultural viability through degraded air or water quality. Any building site on the subject parcel will not diminish the productivity of such land because, as stated above, the land is entirely unproductive. The subject parcel is also not well suited for agricultural uses because of its small size and the majority of urban uses on the surrounding parcels. Therefore, there is no evidence that the certificate of compliance will result in any building sites being placed on prime soil.

The farmer who utilized the Patague parcel in the past also reported that the on-site well is capable of producing approximately 50 to 60 gallons of water per minute. Based on the proposed future use of the property (one primary and one secondary residential unit) the San Luis Obispo County Initial Environmental Study found that a reasonable "worst case" indoor water usage scenario would likely be about 1.18 acre/feet per year (County of San Luis Obispo Initial Environmental Study for the Patague Conditional Certificate of Compliance). A copy of the Initial Environmental Study has been included herein and attached at Exhibit H. 1.18 acre feet per year is equal to 384562 gallons of water a year. A well capable of producing 50 to 60 gallons of water per minute should easily be able to supply 1.18 acre feet of water per year. Therefore, residential use should result in a decrease in water consumption on the subject parcel allowing for more replenishment of the groundwater. Tests performed on the well in the past also show that the water is potable and classified as I-C. Results from these tests have also been included herein and attached as Exhibit I. Also, it is important to note that the Patagues have no plan to build or develop their lot. Although development of the lot is completely in conformity with the current zoning classification of the area (Residential Suburban), they merely wish to sell it without a Notice of Violation or unreasonable restrictions on future uses of the property.

If these determinations are correct, the soil is not classified as prime and therefore a building site will not be created on prime soil as a result of a certificate of compliance. The mere presence of a well, which could potentially be used to irrigate row crops, does not place the non-irrigated land in the prime soil classification. The well located on the subject parcel is also capable of providing more than an adequate amount of potable water. Further, a riparian water source is located only .05 miles from the subject parcel. Agricultural use in a riparian corridor is more susceptible to erosion and the creation of water quality concerns than residential use of the parcel, which will actually decrease the amount of erosion and runoff and improve the quality of water in Los Osos Creek.

Changes in the surrounding area further support the granting of a certificate of compliance for the subject parcel. Ten lots now exist from the large original parcel

remaining after the alleged illegal creation and transfer of the small well site to Los Osos Valley Memorial Park in 1964 to which the Notice of Violation on the subject parcel has been traced. Of those lots, only three remain undeveloped: the Patague's lot, APN # 074-222-003 and APN # 074-222-006 (for which an unconditional certificate of compliance has already issued). All three undeveloped lots are owned by Filipino farming families who bought their lots between 1964 and 1971 in hopes of living the American dream. An aerial photograph shows the current developments and buildings existing on the total affected area, and has been included herein and attached as Exhibit J. Adverse cumulative effects of the issuance of the current conditional certificate of compliance to other lots is not likely because this is one of the last lots seeking development. It is inequitable to approve all previous lots for development and deny the subject parcel a certificate of compliance based on potential cumulative effects because of relaxed conditions on the other lots. The Patague parcel should be approved with no greater or more burdensome conditions as required of the other approved lots.

The measures being imposed by the County Subdivision Review Board and Coastal Commission for a conditional certificate of compliance are incredibly extensive considering that the area is zoned Residential Suburban and 70% of the lots created out of the original parcel owned by Morro-Los Osos Land & Investment Co. have already been developed. These excessive conditions and wrongful denial of the Patagues' application for a certificate of compliance implicates the Due Process Clause and Equal Protection Clause of the U.S. Constitution. The local Subdivision Review Board has accepted several certificates of compliance from owners of property adjacent to the subject parcel which were created in exactly the same manner as the Patague's lot. To require the Patagues to meet conditions and standards in excess of what was required of the other owners in their same position is neither impartial or equitable. The requirement that the Patagues create an agricultural buffer consisting of more than half of their property and that they pave a road for access to all ten lots now existing from the original parcel owned by Morro-Los Osos Land & Investment Company, when no other owners have been required to do so, are especially offensive, as discussed above.

Case law supports the imposition of liability on county agencies and individual planners for unfair process and false designations of land in the permitting process. In United States v. Adam Brothers Farming, Inc. the court upheld judgments against Santa Barbara county for \$5.6 million dollars (plus \$1.1 million in attorney costs) and four county planners for \$130,000 in punitive damages for violations of a farmer's rights under the due process clause and equal protection clause (*United States v. Adam Bros. Farming, Inc.*, 369

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F.Supp.2d 1180 (C.D.Cal 2004)). Due process should serve to ensure that the Patagues are only required to comply with those conditions for a certificate of compliance that the county and Coastal Commission are legally entitled to impose. Equal protection should shelter the Patagues from any additional requirements not imposed on other culpable owners in a similar or worse position.

The Coastal Commission does not have the authority to deny the Patagues both a certificate of compliance and a conditional certificate of compliance for the subject parcel because issuance of a certificate, conditioned or not, is a ministerial act. (*Findleton v. Board of Supervisors of El Dorado County*, 12 Cal. App. 4<sup>th</sup> 709 (1993)). Furthermore, a denial would only result in the creation of an unmarketable piece of property sitting idle in the middle of a group of similar lots, almost all of which have been developed in the past and which are continuing to be further developed. The Patagues seek a certificate of compliance in order to make some purposeful use of their property.

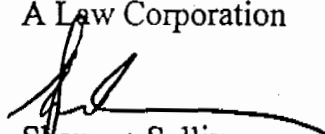
Since the Patagues have already agreed to conditions far in excess of that which the law required of them, a dismissal or withdrawal of the CCC appeal of their Conditional Certificate of Compliance would not cause any unnecessary harm to the area of Los Osos in which the parcel is located. Several lots surrounding the subject parcel have been issued certificates of compliance without conditions close to the conditions demanded of the Patagues. The Patagues are not attempting to realize a profit on the division or development of their parcel. They merely wish to sell it, as they do not live in the area and the property is not being used. The approval of a certificate of compliance or a conditional certificate of compliance is the only manner by which this can be accomplished.

We hope this issue can be resolved as soon as possible. We have included several documents, either by reference above or by separate request by your office. Please feel free to call me to request any additional information or with any other questions you may have.

Very truly yours,

SULLIVAN & ASSOCIATES

A Law Corporation



Shaunna Sullivan

SLS:ejm

encl.

cc: Graciano and Teodora Patague

## CHAIN OF TITLE for

**Lot 31 and Portions of Lots 30 and 79  
of the Ranchos Canada de Los Osos and La Laguna Subdivisions,  
in the County of San Luis Obispo, State of California.**

### Date Recorded

### Volume, Page

### Instrument and Land Description

(Transactions in **bold** and marked with a \* include the subject parcel, APN # 074-222-002)

**\*Aug. 29, 1958**  
**Vol. 955, pg. 269**

**Deed: from JOHNS, C.A. & Hortense  
to MORRO-LOS OSOS LAND & INV. CO.  
Lot 31 and portions of Lots 30 and 79, consisting of approx.  
38 acres, including the subject parcel**

Dec. 31, 1964  
Vol. 1331, pg. 267

Deed: from MORRO-LOS OSOS LAND & INV. CO.  
to LOS OSOS VALLEY MEMORIAL PARK, INC.  
Parcel 1: APN # 074-222-010, consisting of approx. 3 acres  
Parcel 2: APN # 074-222-011, an approx. 3930 sq. ft. well site  
*- the Notice of Violation encumbering the subject parcel is  
attributable to this transaction*

**\*Dec. 31, 1964**  
**Vol. 1331, pg. 270**

**Deed: from MORRO-LOS OSOS LAND & INV. CO.  
to MENOR, Gregorio & Catalina  
Portions of Lots 30 and 31, consisting of approx. 17 acres,  
including the subject parcel**

Dec. 31, 1964  
Vol. 1331, pg. 274

Deed: from MENOR, Gregorio & Catalina  
to OCOL, Ray  
APN # 074-222-001, consisting of approx. 5 acres

Dec. 31, 1964  
Vol. 1331, pg. 279

Deed: from MENOR, Gregorio & Catalina  
to PATAGUE, Bernardo & Adela  
APN # 074-222-003, consisting of approx. 3 acres

Dec. 31, 1964  
Vol. 1331, pg. 284

Deed: from MENOR, Gregorio & Catalina  
to GALO, Irenio & Maria

West 68' of APN # 074-222-012, consisting of approx. 1 acre

Date Recorded

Volume, Page

Instrument and Land Description

(Transactions in bold and marked with a \* include the subject parcel, APN # 074-222-002)

Dec. 31, 1964  
Vol. 1331, pg. 289

Deed: from MENOR, Gregorio & Catalina  
to DRES, Victor, MENOR, George & GALO, Irenio  
East 413.04' of APN # 074-222-012, consisting of approx. 6  
acres

Dec. 31, 1964  
Vol. 1331, pg. 294

Deed: from MORRO-LOS OSOS LAND & INV. CO.  
to GAOIRAN, Tiburcio & Juanita  
Portions of Lots 30 and 31, consisting of approx. 10 acres

Dec. 31, 1964  
Vol. 1331, pg. 298

Deed: from GAOIRAN, Tiburcio & Juanita  
to DRES, Victor, MENOR, George & GALO, Irenio  
APN # 074-222-006, consisting of approx. 5 acres

Dec. 31, 1964  
Vol. 1331, pg. 303

Deed: from MORRO-LOS OSOS LAND & INV. CO.  
to GALVEZ, Ambrocio & Rosalia  
Portions of Lots 30 and 31, consisting of approx. 8 acres

Dec. 31, 1964  
Vol. 1331, pg. 307

Deed: from GALVEZ, Ambrocio & Rosalia  
to PATAGUE, Hilario & Asela  
APN # 074-222-008, consisting of approx. 3 acres

\*Nov. 30, 1971  
Vol. 1642, pg. 582

Deed: from MENOR, Gregorio & Catalina  
to PATAGUE, Graciano & Teodora  
APN # 074-222-002 (the subject parcel), consisting of approx.  
2 acres

Aug. 22, 1979  
Vol. 2179, pg. 777

Notice of Intention to Record a Notice of Violation:  
to PATAGUE, Bernardo & Adela  
APN # 074-222-003

\*Aug. 22, 1979  
Vol. 2179, pg. 779

Notice of Intention to Record a Notice of Violation:  
purportedly directed to PATAGUE, Graciano  
& Teodora  
APN # 074-222-002 (the subject parcel)

Date Recorded

Volume, Page

Instrument and Land Description

(Transactions in **bold** and marked with a \* include the subject parcel, APN # 074-222-002)

Nov. 19, 1979  
Vol. 2203, pg. 894

Notice of Violation:  
to PATAGUE, Bernardo & Adela  
APN # 074-222-003

**\*Nov. 19, 1979**  
**Vol. 2203, pg. 902**

**Notice of Violation:**  
**to PATAGUE, Graciano & Teodora**  
**APN # 074-222-002 (the subject parcel)**

Mar. 14, 1980  
Vol. 2228, pg. 230

Certificate of Compliance:  
to DRES, Victor, MENOR, George & GALO, Irenio  
APN # 074-222-006

Sept. 29, 1980  
Vol. 2272, pg. 353

Re-Recorded Certificate of Compliance (to correct error in legal desc.)  
to DRES, Victor, MENOR, George & GALO, Irenio  
**APN # 074-222-006**

Dec. 24, 1980  
Vol. 2294, pg. 560

Conditional Certificate of Compliance:  
to DRES, Victor, MENOR, George & GALO, Irenio  
APN # 074-222-012

Supervisors, County of San Luis  
Obispo, State of California

(SEAL)

---mlp---

Monday, September 12, 1960

The Board of Supervisors met in a regular session at 10:00 A. M.

PRESENT: Supervisors M. Roland Gates, Jesse E. Drake, Alton Lee, John Ruskovich, and  
Chairman Fred C. Kimball

ABSENT: None

In the Matter of ORDINANCE NO. 509:

AN ORDINANCE TO ESTABLISH REGULATION OF THE DIVISION OF LAND NOT A SUBDIVISION, AND TO ESTABLISH LEGAL PROCEDURES AND PENALTIES.

The Board of Supervisors of the County of San Luis Obispo do ordain as follows:

Section 1: That the San Luis Obispo County Ordinance Code be amended by adding Part III, Chapter 9, thereof to read as follows:

Chapter 9  
BUILDING REGULATIONS

Part III  
LOT DIVISION ORDINANCE

SECTION 9-040. LAW GOVERNING DIVISIONS, PURPOSE AND DEFINITIONS

1. Intent and Purpose:

This ordinance shall be known as the Lot Division Ordinance of the County of San Luis Obispo and be cited as such. Compliance with this ordinance does not constitute compliance with or obviate the necessity for compliance with any other applicable law or ordinance.

The purpose of this ordinance is to promote the orderly development of residential areas; to protect purchasers and surrounding landowners; to prevent circumvention of existing subdivision, zoning and building ordinances and regulations; and to insure the reservation of adequate streets for vehicular traffic.

2. Definitions:

In addition to those enumerated in the Subdivision Ordinance No. 327 the following definitions shall be used in interpreting this ordinance:

(a) "Division", "division of land" or "divided" means any physical separation of land normally by, but not limited to metes and bounds or record of survey description into two or more parts or parcels accomplished by deed, map or grant of easement or right of way, or in any other way than by lease, court decree, intestate or testamentary disposition.

(b) "Subdivision Review Board" means the committee of Representatives of Public Agencies as established by Resolution No. \_\_\_\_\_ of the Board of Supervisors dated \_\_\_\_\_, 1960.

(c) "Building Site" means an area of land containing not less than the prescribed minimum area required by any applicable zoning or subdivision regulations for construction of buildings or structures.

(d) "Original Parcel" means a contiguous area of land at the time of division in one or a common ownership, any portion or all of which is proposed to be divided under this ordinance.

3. Law Governing Divisions:

Every division of land, improved or unimproved, shall comply with the provisions of this ordinance unless:

(a) It is a subdivision as defined in San Luis Obispo County Ordinance No. 327, in which event the laws governing subdivisions must be complied with;

(b) Each parcel resulting therefrom contains an area of more than three (3) acres;

(c) The division is one resulting from court decree or intestate or testamentary dispositions of land.

#### SECTION 9-041. SUBMISSION OF PLAT

##### 1. Number of Prints:

Seven prints of a plat, accurately drawn to scale by a qualified draftsman showing the property to be divided shall be submitted to the County Planning Department. The Planning Department shall have the right to reject maps showing inaccurate or insufficient information or to require that said plat be drawn by a licensed engineer or surveyor. The Planning Department shall submit the plats to the Subdivision Review Board.

##### 2. Size and Scale of Prints:

The prints of the plat shall be on paper 8 1/2" x 11" unless a larger size sheet is required, in which event 11" x 16" shall be used. A scale no smaller than 1" equals 100' shall be used to portray the property to be divided.

##### 3. Contents of Plat:

The plat shall contain the following information in legible form:

(a) The boundary lines of the original parcel or parcels, with dimensions, based on survey data or a survey of record.

(b) The proposed division lines with dimensions, and the area of each lot created by such division.

(c) All existing structures accurately located on the original parcel together with their dimensions; the distance between structures; and the number of stories or the height of each structure.

(d) The distance from the structures to the boundary lines of the new parcel on which the structures are located. Such distances shall be established by a licensed engineer or surveyor's survey when deemed necessary by the Planning Department.

(e) The names and widths of abutting streets.

(f) The location, purpose and width of all existing and proposed streets.

(g) A description of the property sufficient to identify it on the Assessor's Map.

(h) North Point and Scale.

(i) The following certificate signed by the legal owner or his authorized agent:

Date: \_\_\_\_\_

I hereby apply for approval of the division of real property shown on this plat and certify that I am the legal owner or the authorized agent of the legal owner of said property and that the information shown hereon is true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_

Address \_\_\_\_\_

(j) The following certificate signed by the Licensed Engineer or Surveyor:

Date: \_\_\_\_\_

I hereby certify that this map was prepared under my supervision, and to the best of my knowledge complies with the Lot Division Ordinance of San Luis Obispo County.

\_\_\_\_\_  
Licensed Engineer or Land Surveyor

\_\_\_\_\_  
State Registration  
Number

##### 1. Fee:

A fee of Two Dollars (\$2.00) shall accompany each application for the division of land.



(c) The property is not located in any area which, in the opinion of the Hydraulic Engineer of the County of San Luis Obispo is subject to flood hazard, nor will such land division cause a flood hazard to surrounding properties.

(d) The disposal of sewage from or within the lot will not, in the opinion of the County Health Officer, constitute a health problem.

(e) Every parcel shall have access to a street, as herein defined, for ingress and egress; and

(f) Any existing or new street, intended for or serving as the principal means of vehicular access to the property shown on the plat, has a minimum width of fifty (50) feet. Improvement of said street shall be of a standard equal or better than the existing street adjacent to the property.

(g) If the lot division exists in an area where curb and gutter and sidewalk improvements are generally located then the Planning Commission shall require such improvements to be made.

Provided, however, when the purpose of the division is to convey land to an abutting owner, the only condition that shall be required as a basis for approval shall be those set forth in Subsection (a) of this section.

### 3. Conditions:

The Subdivision Review Board may recommend approval of a plat subject to reasonable conditions. The Planning Commission shall review such action at its next regular meeting. The rules of appeal (Section 9) to the Board of Supervisors may be exercised when conditions are applied to approval.

### 4. Time for Approval:

When acted upon by the Planning Commission and filed in the office of the County Recorder.

### 5. Approval of Plat:

Upon approval of the plat:

(a) It shall be so endorsed.

(b) One copy shall be filed with each of the following: Planning Director, County Surveyor, County Assessor and County Recorder.

(c) The Planning Director shall immediately notify the owner or his agent thereof in writing.

(d) The property may be divided as shown on approved plat.

### 6. Adjustments:

The Subdivision Review Board may consider and in cases where undue hardship would result from the application of the regulations herein established recommend conditional adjustments from the regulations to the Planning Commission. Thereupon the Planning Commission shall consider action upon said recommendation. Favorable action by the Planning Commission of such adjustments shall be deemed necessary for the preservation and enjoyment of substantial property rights of the petitioner, and the granting of such adjustments must not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the property or improvements in said neighborhood. Petitions for adjustments shall be submitted to the Planning Director in writing on forms furnished by the Planning Department prior to the regular meeting of the Subdivision Review Board. Disapproval of the petition may be appealed under provisions of Section 9.

### 7. Approval on Condition or Disapproval of Plat:

Upon approval of the plat subject to stipulated conditions or the disapproval of the plat, the Planning Director shall:

(a) So notify the owner or his agent in writing, giving the reasons therefor; and

(b) Unless the plat is withdrawn and resubmitted, submit the plat, with the explanation of the reasons for disapproval or the recommendations for the conditions of approval, to the Planning Commission for its review of the Subdivision Review Board's action.

### 8. Approval by the Planning Commission:

The Planning Commission shall review the recommendation of the Subdivision Review Board at its next regular meeting and shall either approve or disapprove said recommendation.

### 9. Appeal to the Board of Supervisors:

In the event of disapproval by the Planning Commission, the owner or his agent may appeal to the Board of Supervisors within fifteen (15) days of action by the Planning Commission by filing with the County Clerk an appeal in writing setting out the basis for such appeal.

## SECTION 9-043. LEGAL PROCEDURE AND PENALTIES

### 1. Building and Zoning Permits:

Compliance with this ordinance is a condition precedent to the issuance of a Building Permit or Zoning Permit by any person authorized to issue such permits in the unincorporated territory of the County of San Luis Obispo.

The ordinance shall be deemed complied with if the division of land accomplished does not vary from the plat plan submitted to the Subdivision Review Board in an amount greater than three per cent (3%) of the area of each parcel or lot affected and that the division as accomplished satisfies the requirements of subsections (a) and (b) of Section 9-041, Paragraph 3, of this ordinance.

### 2. Voidability of Conveyances:

Any conveyance or contract to convey made contrary to the provisions of this ordinance is voidable to the extent and in the same manner provided in Section 11610 of the Business and

3. Penalties:

The penalties for violation of the provisions of this Lot Division Ordinance shall be as set out in Part III, Chapter I, of this Ordinance Code.

4. Validity:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be unconstitutional or invalid.

5. All ordinances, resolutions or parts thereof in conflict with the provisions of this ordinance are hereby specifically repealed.

Section 2. This ordinance shall take effect and be in full force and effect 30 days after its passage and before the expiration of 15 days after the passing of this Ordinance, it shall be published with the names of the members voting for and against the same, once, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 12th day of September, 1960, by the following vote, to-wit:

AYES: Supervisors Jesse E. Drake, John Ruskovich, M. Roland Gates, Alton Lee, and Chairman Fred C. Kimball

NOES: None

ABSENT: None

s/ FRED C. KIMEALL

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

ATTEST:

s/ A. E. MALLAGH

County Clerk and ex-officio Clerk  
of the Board of Supervisors of the  
County of San Luis Obispo,  
State of California.

(SEAL)

Monday, September 12, 1960

In the Matter of ORDINANCE NO. 510

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1: That Section 12 of the County Ordinance No. 427, the Zoning Ordinance of the County of San Luis Obispo, State of California, be amended as follows:

(a) That Official Zoning Map No. 12-HH-41 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "A".

(b) That Official Zoning Map No. 12-HH-42 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "B".

(c) That Official Zoning Map No. 12-II-41 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "C".

(d) That Official Zoning Map No. 12-II-42 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "D".

SECTION 2: This ordinance shall take effect and be in full force and effect 30 days after its passage, and before the expiration of fifteen days after the passage of this ordinance it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

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Subdivision Review Board  
C04-0354 / Patague  
Page 3

7-1

**AGENCY REVIEW:**

Public Works- Recommend approval, see comments on "possible conditions" page  
Environmental Health - Well completion reports, pump tests, full water quality testing and soil testing prior to building permit  
Ag Commissioner- Recommend agricultural buffer and Right-to-Farm disclosure  
County Parks - pay Qurniby fees  
CDF - no comments  
LOCSD - No facilities in the area

**LEGAL LOT STATUS:** This lot has not been legally created. See deed history below. Approval of this Conditional Certificate of Compliance will make this a legal lot.

**Deed History**

The applicant is requesting one conditional certificate of compliance for an approximate 2.0 acre parcel that was originally a portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, according to a map made by Jas. T. Stratton and filed for record in Book A at Page 83 of Maps.

A Notice of Intention to Record a Notice of Violation for this property was recorded on August 22, 1979 (2179 OR 779). A Notice of Violation was recorded on November 19, 1979 (2203 OR 902). This Conditional Certificate of Compliance has been requested to release the Notice of Violation that was filed against the property in 1979. Applicable deed history is as follows:

**June 24, 1958 - 955 OR 263 recorded August 29, 1958 - Deed from Morganti to Johns.** Included Lot 31 and portions of Lots 30 and 79 - numerous parcels and includes the subject parcel. Legal transaction.

**July 17, 1958 - 955 OR 265 recorded August 29, 1958 - Deed from Morganti to Johns.** Included Lot 31 and portions of Lots 30 and 79 - numerous parcels and includes the subject parcel. Legal transaction.

**August, 14, 1958 - 955 OR 269 recorded August 29, 1958 - Deed from Johns to Morro-Los Osos Land and Investment Co.** Included Lot 31 and portions of Lots 30 and 79 - numerous parcels and includes the subject parcel. Legal transaction.

**1331 OR 267 recorded December 31, 1964 - Deed from Morro Los Osos Land and Investment Co., to Los Osos Valley Memorial Park Inc for APN: 074-222-010 and 011.** Legal transaction for APN: 074-222-010. **Illegal transaction for 074-222-011.** This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created. The transfer of this parcel resulted in the remainder of the parcel from 955 OR 269 (except for transfer of 074-222-010) being considered illegal. APN: 074-222-011 may be the subject of a future conditional certificate of compliance application.

**November 19, 1964 - 1331 OR 270 recorded December 31, 1964 - Deed from Morro Los Osos Land and Investment Co. to Menor.** Included APNS: 074-222-001, 003, 012 and 002

Subdivision Review Board  
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(subject parcel). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. See following deed entries.

**November 19, 1964 – 1331 OR 274 recorded December 31, 1964 – Deed from Menor to Ocol** for APN: 074-222-001. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-001 may be the subject of a future conditional certificate of compliance application.

**November 19, 1964 – 1331 OR 279 recorded December 31, 1964 – Deed from Menor to Bernardo and Adela Patague for APN: 074-222-003.** Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Notice of Intention to Record a Notice of Violation was recorded Aug 22, 1979 (Doc. # 38376). Notice of Violation was recorded November 19, 1979 (Doc. 54157). This parcel will be the subject of a future conditional certificate of compliance application.

**November 19, 1964 – 1331 OR 284 and 289 recorded December 31, 1964 – Deed from Menor to Galo (284) and to Dres and Galo (289) for APN: 074-222-012.** Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Conditional Certificate of Compliance C1980-0029 was approved and recorded December 24, 1980, 2294 OR 560.

**November 19, 1964 – 1331 OR 294 recorded December 31, 1964 – Deed from Morro Los Osos Land and Investment Co. to Gaoriran for APN: 074-222-006 and 007.** Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-007 may be the subject of a future conditional certificate of compliance application. For APN: 074-222-006 see next deed.

**November 19, 1964 – 1331 OR 298 recorded December 31, 1964 - Deed from Gaoriran to Dres and Galo.** Certificate of Compliance C80-0005 recorded 9/29/1980 for APN: 074-222-006.

**November 19, 1964 – 1331 OR 303 recorded December 31, 1964 – Deed from Morro-Los Osos Land and Investment Co. to Galvez for APNS: 074-222-008 and 009.** For APN: 074-222-008 see next entry.

**November 19, 1964 – 1331 OR 307 recorded December 31, 1964 – Deed from Galvez to Hilario and Asela Patague for APN: 074-222-008.** Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-008 may be the subject of a future conditional certificate of compliance application.

**October 10, 1968 – 3 PM 12 – Parcel Map CO67-0038 for APN: 074-222-009 and 010.** Current configuration of these two APNS does not match the recorded map. County staff will coordinate on appropriate action to rectify.

**November 19, 1971 – 1642 OR 582 recorded November 30, 1971 - Deed from Menor to Graciano and Teodora Patague for APN: 074-222-002 (SUBJECT PARCEL).** Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. A Notice of Intention to Record a Notice of Violation was recorded on August 22, 1979 (Doc. 38377) for APN: 074-222-002. A Notice of Violation was recorded on November 19, 1979 (Doc. 54161).

Subdivision Review Board

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Page 5

The original violation date was December 31, 1964 for 1331 OR 267 which the APN: 074-222-002 is subject to. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created.

Pursuant to the Subdivision Map Act, the parcel should comply with the subdivision standards in effect on November 19, 1971 as that is the year that the applicants acquired their interest in the property.

RECORDING REQUESTED BY  
SAN LUIS OBISPO COUNTY  
WHEN RECORDED, RETURN TO:

Planning Director  
Room 102, Courthouse Annex  
San Luis Obispo, California  
93401

DOC. NO. 43032  
OFFICIAL RECORDS  
SAN LUIS OBISPO CO., CAL

SEP 29 1980

WILLIAM E. ZIMARIK  
COUNTY RECORDER  
TIME 9:15 AM

9/29/80 3:00 PM

3.00 RF  
3.00 PUTL

DOC. NO. 11006  
OFFICIAL RECORDS  
SAN LUIS OBISPO CO., CAL

MAR 14 1980

WILLIAM E. ZIMARIK  
COUNTY RECORDER  
TIME 2:45 PM

### CERTIFICATE OF COMPLIANCE

The following real property and the division thereof into One (1) parcels as of the date of recordation of this document, has been determined to be in compliance with applicable provisions of the Subdivision Map Act of the State of California and Local Ordinances enacted pursuant thereto. Said Real Property being described as:

That portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, in the County of San Luis Obispo, State of California, according to map made by James T. Stratton and filed for record in Book A, at page 83 of Maps described as follows:

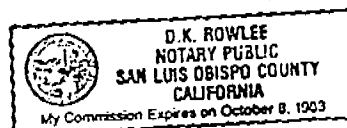
Beginning at the most Easterly corner of Lot 12 in Block 9 of Tract No. 130, according to map recorded June 2, 1959 in Book 5, at page 21 of Maps; thence North 20° 04' 20" East, 578.14 feet; thence South 72° 40' 25" East, along the Southerly line of the property described in Book 90, at page 463 of Deeds, 1081.79 feet to the true point of beginning; thence continuing South 72° 40' 26" East along said Southerly line 347.20 feet; thence South 17° 19' 34" West, 627.31 feet to the Northeasterly line of said Tract No. 130; thence North 73° 14' 20" West along said Northeasterly line 347.215 feet; thence North 17° 19' 34" East, 630.74 feet to the true point of beginning.

Excepting therefrom one-half of oil and mineral rights in, under or upon said property as reserved in deeds dated June 24, 1958, and July 17, 1958 and recorded August 29, 1958 in Book 955, at page 263 and 265 of Official Records.

OWNERS: VICTOR C. DRES  
GEORGE A. MENOR  
IRENIO M. GALO

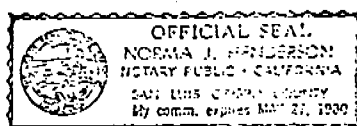
By: Larry J. Red  
Larry J. Red, Supervisor  
Subdivision Review Section

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) SS.



On Sept 29 1980, before me, the undersigned, a Notary Public in and for the State, personally appeared Larry J. Red known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

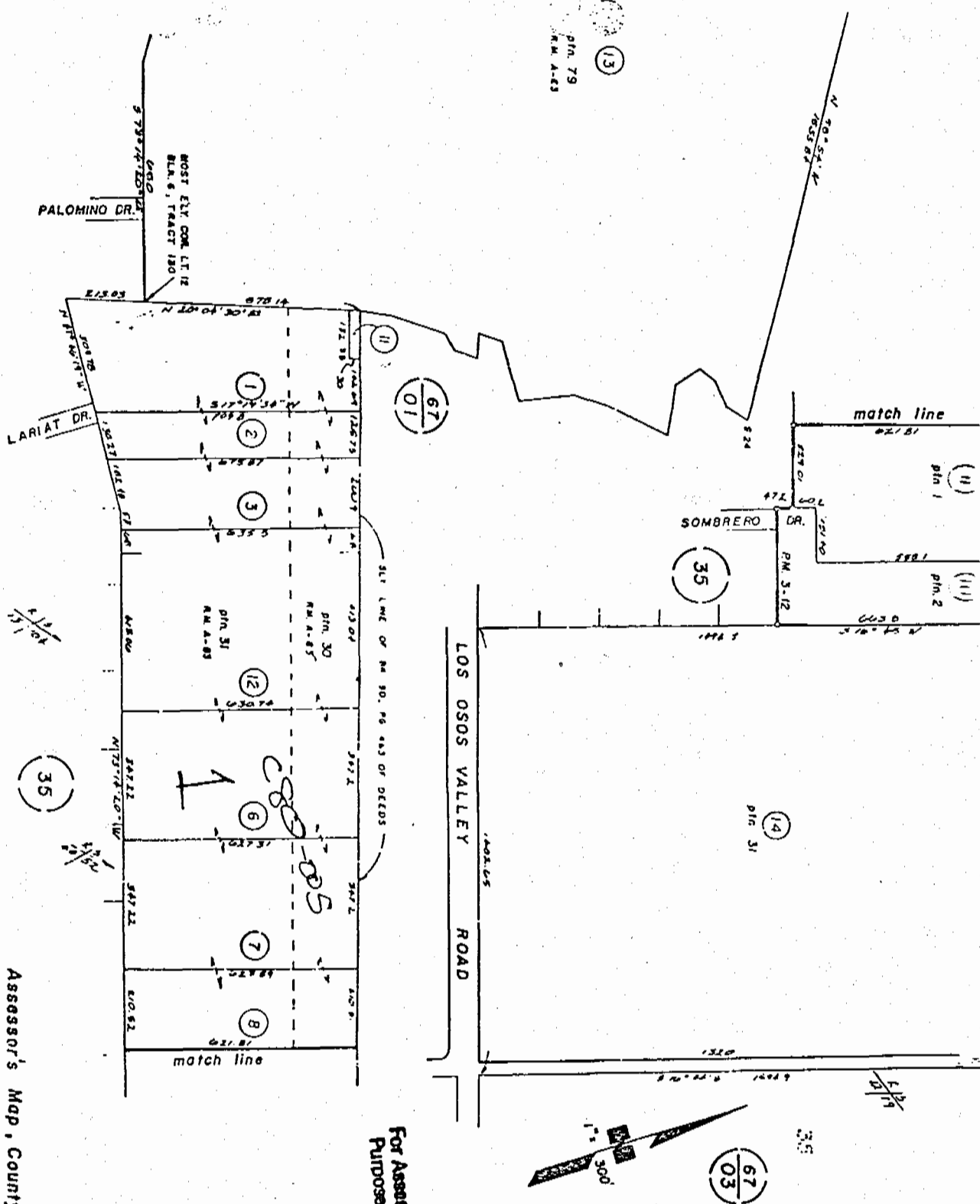
(SEAL)



J. K. Rowlee  
Norma Henderson  
NOTARY PUBLIC

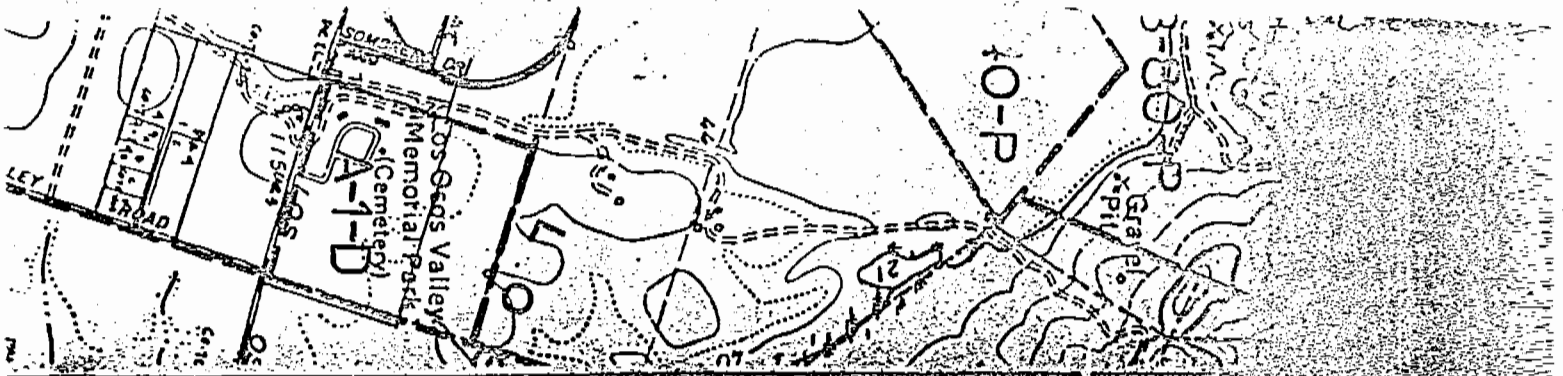
THIS DOCUMENT IS BEING RE-RECORDED DUE TO  
AN ERROR IN THE LEGAL DESCRIPTION OF THE PROPERTY.

Assessor's Map, County of  
San Luis Obispo, Calif.

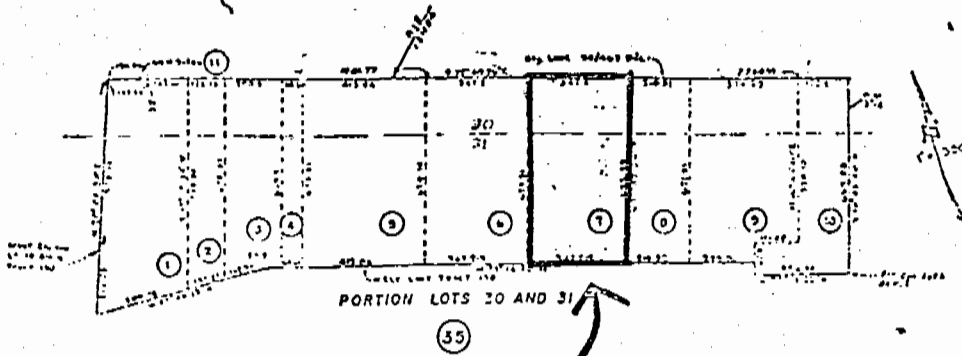


**For Assessment  
Purposes only**





TAX AREA CODE NO. 74-222



SITE

CC 74-222-06

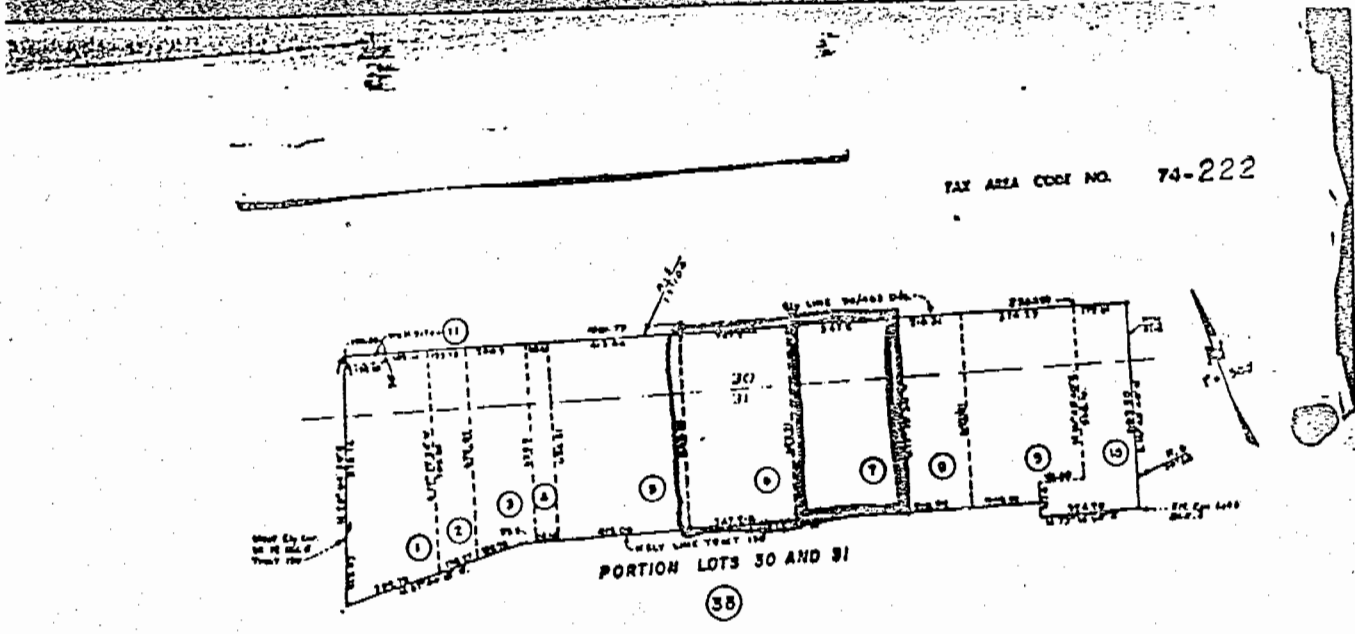
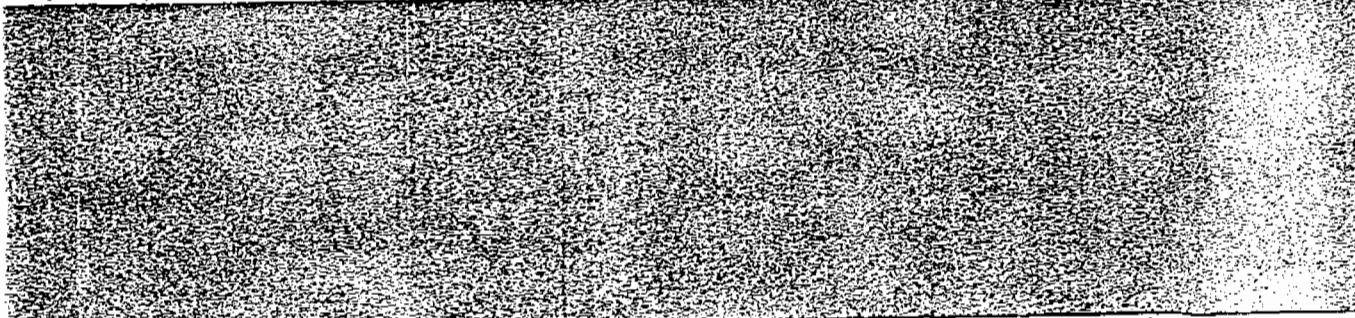
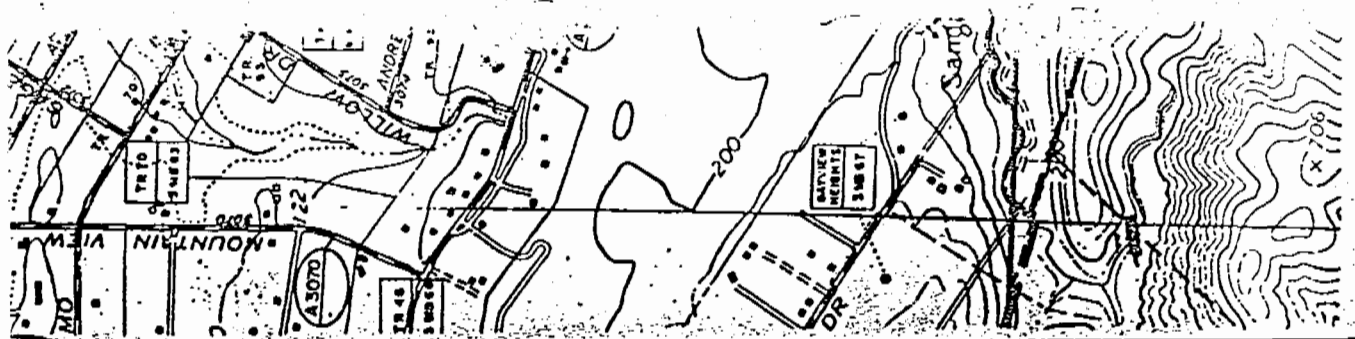
RANCHO CANADA DE LOS OSOS  
AND LA LAGUNA  
SAN LUIS OBISPO COUNTY  
CALIFORNIA

NOTE - ASSESSOR'S BLOCK & LOT NUMBERS SHOW IN CIRCLES

TAX AREA CODE NO. 74-223

EXHIBIT D page 3 of 10





1331/294: DEC. 31, 1964  
 1331/298: DEC 31, 1964  
 1802/284: OCT. 18, 1974

NOTE—ASSESSOR'S BLOCK & LOT NUMBERS SHOWN IN CIRCLES

EXHIBIT D page 4 of 10

RANCHO CANADA DE LOS OJOS  
 AND LA LAGUNA  
 SAN LUIS OBISPO COUNTY  
 CALIFORNIA

74-222

C80-0029

074-222-812

RECORDING REQUESTED BY  
SAN LUIS OBISPO COUNTY  
WHEN RECORDED, RETURN TO:  
Planning Director  
Room 102, Courthouse Annex  
San Luis Obispo, California  
93401

DOC. NO. 58742  
OFFICIAL RECORDS  
SAN LUIS OBISPO CO., CAL  
DEC 24 1980  
WILLIAM E. ZIMARIK  
COUNTY RECORDER  
TIME 9:10 AM

## CONDITIONAL CERTIFICATE OF COMPLIANCE

With Title 21, Chapter 21.48, Lot Division Ordinance of the County of San Luis Obispo.

On November 19, 1979, the County of San Luis Obispo filed with the County Recorder of the County of San Luis Obispo, Notices of Violation with Title 21, Chapter 21.48, Lot Division Ordinance of the County of San Luis Obispo, such documents being filed as Document Nos. 54158 and 54159 in Book 2203, pages 896-899 Official Records of said County.

This is to certify that the violations described in said Notices have been corrected by the combining of the parcels described therein and said Notices are of no further force or effect, and that the land described herein constituting a single parcel of real property complies with applicable provisions of the Subdivision Map Act and Lot Division Ordinances enacted pursuant thereto. The following conditions must be met prior to the issuance of a building permit or other grant of approval for development of said property.

## SEE EXHIBIT "A"

OWNER OF RECORD: IRENIO GALO AND MARIA GALO, HUSBAND AND WIFE AS JOINT TENANTS AS TO AN UNDIVIDED 1/7 INTEREST AND VICTOR G. DRES, GEORGE A MENOR, AND IRENIO M. GALO, AS TRUSTEES AS TO AN UNDIVIDED 6/7 INTEREST

PROPERTY DESCRIBED AS: SEE EXHIBIT "B"

SAN LUIS OBISPO COUNTY  
PLANNING DEPARTMENT

By Larry J. Red  
LARRY J. RED, Supervisor  
Subdivision Review Section

On December 24, 1980, before me, the undersigned, a Notary Public in and for the State, personally appeared Larry J. Red know to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

OFFICIAL SEAL  
BARBARA J. PARSONS  
NOTARY PUBLIC - CALIFORNIA  
PRINCIPAL OFFICE IN  
SAN LUIS OBISPO COUNTY  
My Commission Expires May 10, 1981  
NOTARY PUBLIC

EXHIBIT "A"

1. That evidence of adequate and potable water, satisfactory to the Health Department be submitted.
  - A. (Potability) - A complete chemical analysis shall be submitted for evaluation.
  - B. (Adequacy) - On individual parcel wells a minimum four (4) hour pump test or written statement from a licensed and bonded well driller or pump testing business indicating their estimation of water well production in the immediate area.
  - C. Required Water Storage for Fire Protection:  
Where water is supplied by individual wells the parcel shall be provided with a minimum storage facility of no less than two thousand (2000) gallon capacity. This facility to be provided with a fire department approved connection with a minimum of one 2½ inch National Hose Thread. Access to fire storage to be provided with all-weather surface road and the location of the approved connection to be no greater than two hundred (200) feet of the dwelling to be protected. Swimming pools, water storage or storage pond facilities meeting the above requirements may suffice in providing water storage. The above to be met prior to final building permit inspection.
  - D. Prior to final building permit inspection and where water supply is provided by electric pump, an electrical service drop should be installed from service pole, to pump, to structure to prevent a structural fire from disrupting access to water.
2. Prior to the issuance of a building permit, the applicant shall submit to and be jointly approved by the Planning Department and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the proposed sewage disposal system to determine the: (a) subsurface soil conditions, (example: impermeable stratas which act as barriers to the effective percolation of sewage); (b) and the presence of groundwater. And the applicant must perform a minimum of three (3) percolation test holes per lot, to be spaced uniformly in the area of the proposed sewage disposal system. Percolation tests shall conform to the methods and guidelines prescribed by the Manual of Septic Tank Practice as adopted by the County Building and Construction Ordinance Title 19, Chapter 10.24.
3. Subsurface sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: (1) leach fields, one hundred feet (100'), and (2) bored pits, one hundred fifty feet (150'). Wells intended for two or more parcels shall be separated by two hundred feet (200') from any subsurface sewage disposal system. Adequate clearance must be assured at time the building permit is processed.

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EXHIBIT D, page 6 of 10



4. That an offer of dedication to the public for 25' along the northerly side of the subject property; said offer to be reviewed and approved by County Engineering Department.
5. That all-weather physical and legal access be established to the satisfaction of the County Engineer.

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EXHIBIT "B"

That portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, in the County of San Luis Obispo, State of California according to map made by Jas. T. Stratton and filed for record in Book A, at page 83 of Maps in the office of the County Recorder of said County described as follows:

Beginning at the most Easterly corner of Lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959 in Book 6, at page 21 of Maps; thence North 20° 04' 20" East, 578.14 feet; thence South 72° 40' 25" East along the Southerly line of the property described in Book 90, at page 463 of Deeds, 668.75 feet to the true point of beginning; thence continuing South 72° 40' 26" East along said southerly line 413.04 feet; thence South 17° 19' 34" West, 630.74 feet to the Northeasterly line of said Tract No. 130, thence North 73° 14' 20" West along said Northeasterly line 413.06 feet; thence North 17° 19' 34" East, 634.81 feet to the true point of beginning.

Also, that portion of said lots 30 and 31 described as follows:

Beginning as the most Easterly corner of Lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959 in Book 6, at page 21 of Maps; thence North 20° 04' 20" East, 578.14 feet; thence South 72° 40' 25" East along the Southerly line of the property described in Book 90, at page 463 of Deeds, 600.15 feet to the true point of beginning; thence continuing South 72° 40' 26" East along said Southerly line 68.60 feet; thence South 17° 19' 34" West, 634.81 feet to the Northeasterly line of said Tract No. 130; thence North 73° 14' 20" West along said Northeasterly line 68.61 feet; thence North 17° 19' 34" East, 635.50 feet to the true point of beginning.

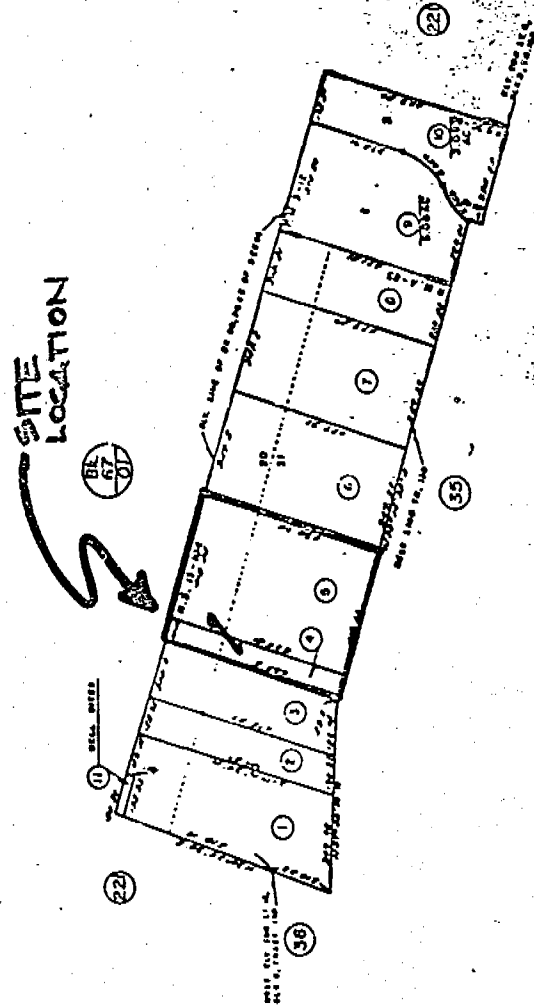
A non-exclusive easement for road purposes over a strip of land 60 feet in width being a portion of Lot 31 of the Subdivision of Ranchos Canada de Los Osos and LaLaguna, in the County of San Luis Obispo, State of California, according to map made by Jas. T. Stratton and filed for record in Book A, at page 83 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the most Easterly corner of Lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959, in Book 6, at page 21 of Maps; thence along the Northeasterly line of said Tract No. 130, South 16° 45' 40" West, 213.03 feet and South 87° 46' 19" East, 309.78 feet to the true point of beginning; thence North 17° 19' 34" East to a point on a line Parallel with and distant 60 feet from the Northeasterly line of said Tract No. 130; thence along said parallel line, being 60 feet Northeasterly of the Northeasterly line of said Tract No. 130 and measured at right angles thereto, South 87° 46' 19" East and South 73° 14' 20" East to a point on the Northeasterly extension of the Southeasterly line of Sombrero Drive, as shown on the map of said Tract No. 130; thence South 16° 45' 40" West along said extension, 107.40 feet to the Northeasterly line of said Tract No. 130; thence along said Northeasterly line, North 73° 14' 20" West, 60 feet; North 16° 45' 40" East, 47.10 feet; North 73° 14' 20" West, 1668.83 feet and North 87° 46' 19" West 233.23 feet to the true point of beginning.

END OF DOCUMENT

VOL 2294 PAGE 563

PTN. RANCHO CANADA DE LOS OSOS &  
LA LAGUNA



LC-71-22-01-3-08

Pin. Lote 30831 of Rancho Canada De Los Oros  
and Lo Leguas, R.M. St. A, Pg. 85

Patague Conditional Certificate of Compliance S030112C

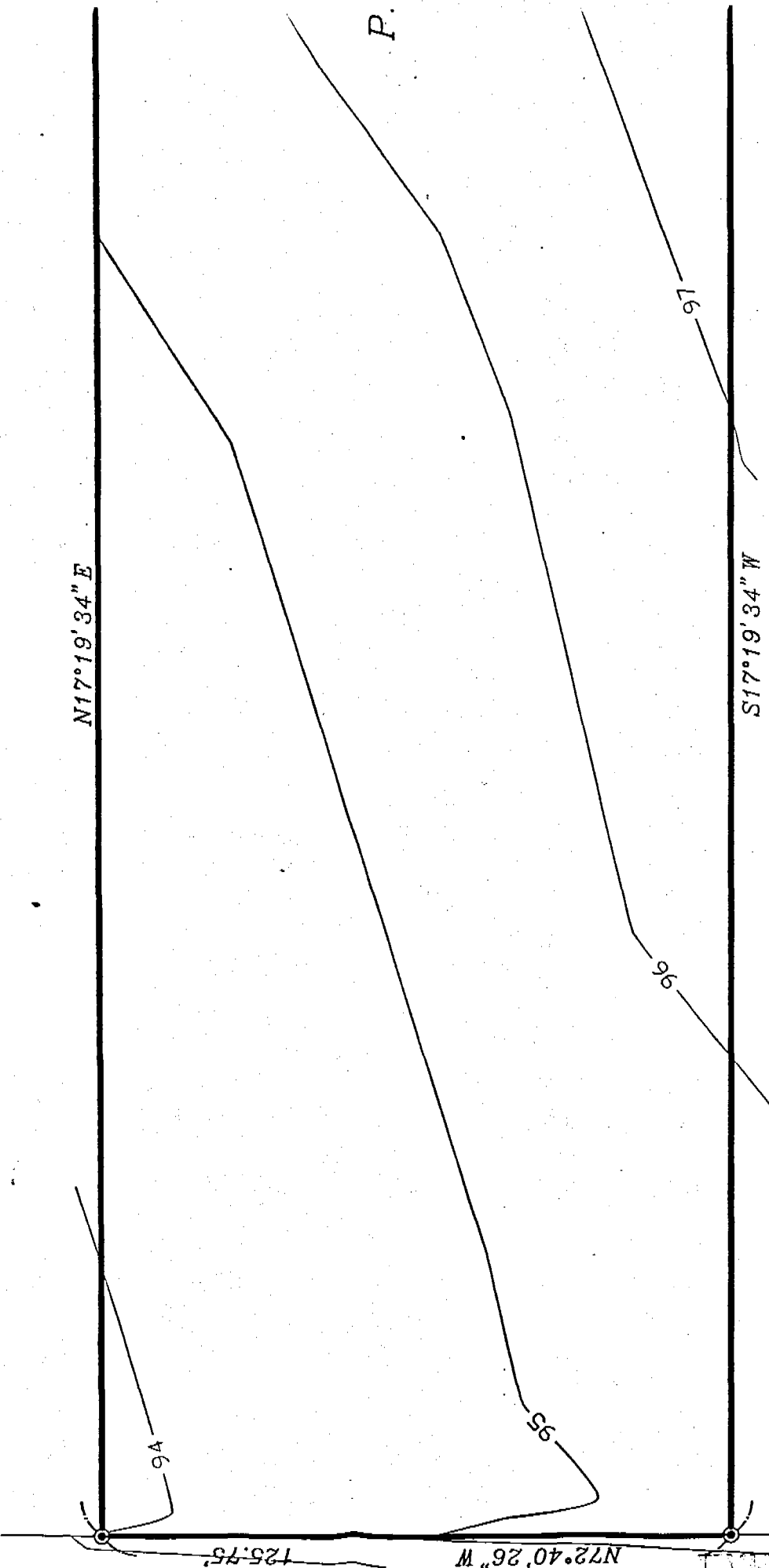
Possible Conditions (as of February 17, 2005)

1. The Owner shall apply for a notice of Voluntary Merger for county review and approval for portions of Lot 30 and Lot 31 of Rho Canada de los Osos and La Laguna (APN: 074-222-002).
2. The Owner shall dedicate a sixty (60) foot road right-of-way along the south edge of APN: 074-222-002 with one half of the standard road knuckle connection to Lariat Drive.
3. The Owner shall construct a paved road, 2/3 of a county standard road, to connect to Lariat Drive.
4. The Owner shall apply for a road name for the road described in condition of approval #3.
5. The Owner shall submit a detailed landscape plan for a dense landscape strip and/or berm combination between the new constructed road and the south property line to mitigate the impacts to the lots to the south now placed in a double frontage situation.
6. Maintain landscaping for a minimum of three (3) years to allow the landscaping to be fully established.
7. Extend the water main along the full length of the newly constructed road across the property with a fire hydrant at or near the eastern edge of the property line.

The following conditions have been recommended by the County Department of Agriculture.

8. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, shall be established. Because there is an approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structure only.
9. The Owner shall provide supplemental disclosure to purchasers of these properties concerning the nature of the neighborhood agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.







675.88'

9.3'

98

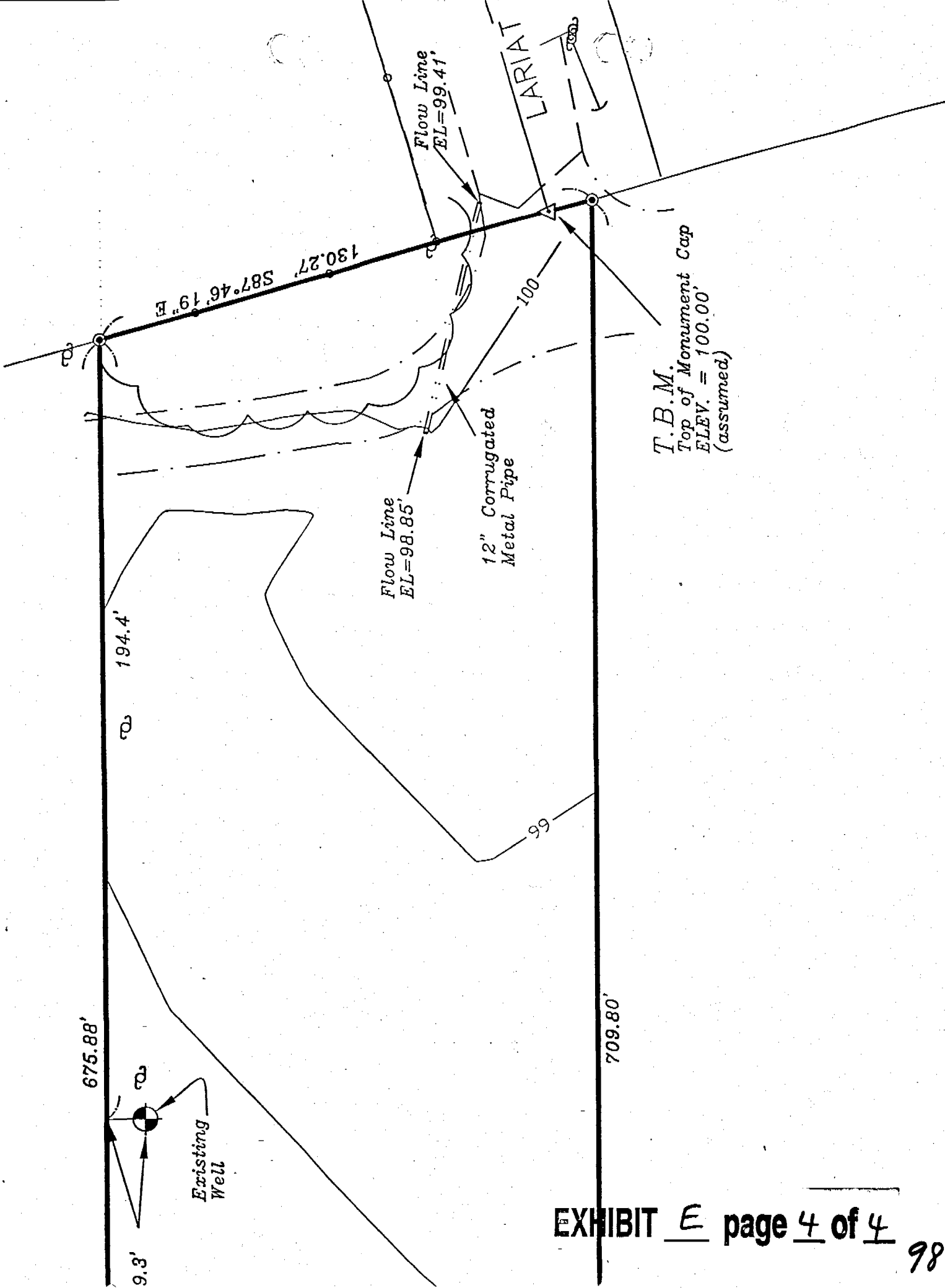
Existing  
Well

A.P.N. - 074-222-002

99

98

709.80'



## Residential Rural

NOTE: THIS AREA HAS BEEN WHITEHOLED BY THE CALIFORNIA COASTAL COMMISSION. THE DEVELOPMENT STANDARDS ARE HELD IN ABEYANCE UNTIL COMPLETION OF AMENDMENT.

A small area has been designated Residential Rural in the northern portion of South Bay. This area is covered with a dense stand of pygmy oaks sloping toward the bay and the marshlands. This area is being considered for acquisition by the State Department of Parks and Recreation and would be redesignated Open Space if acquired. If acquisition does not occur, any development proposed should be through resubdivision of the area and clustering of the units in the least sensitive portion of the site. (Otto property Whitehole)

The eastern fringe along Los Osos Creek is designated Residential Rural. Parcel sizes are generally larger and areas of agricultural use are found within this area. To provide protection for the agricultural uses and the riparian vegetation along the creek, parcel breakdown should be no smaller than 5 acres.

## Residential Suburban

Large suburban homesites are available in the eastern portion of the community known as the Creekside Area. This area is generally bounded by South Bay Boulevard on the west, Los Osos Creek on the east and Los Osos Valley Road on the south; small areas adjoining this area lie east of South Bay Boulevard and immediately south of Los Osos Valley Road. Growth in the area has been slow. The area is characterized by a rural atmosphere and parcel sizes of one acre and larger. Significant natural features in this area include pygmy oak groves and riparian habitats along the creek. This area serves as a buffer between the more intensive urban community and adjacent agricultural areas. Incidental light agricultural uses are generally compatible with suburban residential uses; some land has the potential for productive agricultural uses, depending on the topography and water availability.

The undeveloped western portion of the Sunset and Highland areas are also designated for Residential Suburban use. Lot sizes are generally large, and access is limited to much of this area. Portions of the area support large stands of eucalyptus groves which add significantly to the character. In addition, much of this area is immediately adjacent to the habitat for the Morro Bay kangaroo rat, an endangered species.

A third area identified for Residential Suburban use is the southern hillsides of the community. The steeper portion located south of the proposed extension of South Bay Boulevard will develop at suburban densities. It is anticipated that the development will be clustered on the more gentle slopes of the area with the upper steeper slopes being preserved in their natural state.

A fourth area designated for Residential Suburban use in the undeveloped area north of Santa Lucia Avenue and east of 11th Street. This area is substantially covered with pygmy oaks and



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

RECEIVED

SEP 10 2004

Planning &amp; Bldg

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** September 9, 2004

**TO:** Airlin Singewald, Coastal Team

**FROM:** Lynda L. Auchinachie, Agriculture Department *LLA*

**SUBJECT:** Patague Conditional Certificate of Compliance (COC) S030112C (0940)

### Summary

The Agriculture Department's review finds that the Conditional Certificate of Compliance for an approximately 2-acre parcel currently within the Residential Suburban land use category would result in less than significant impacts to agricultural resources or operations with the incorporation of the following mitigation measures.

### Recommended Mitigation Measures

The Agriculture Department recognizes that COCs are not a standard form of subdivision and typical mitigation to reduce impacts to agricultural resources may not be feasible. The Agriculture Department recommends the following:

1. Based on the 1971 Agriculture zoning, the subject parcel should be merged with other adjacent acreage in the applicant's ownership. The resulting parcel should be a minimum of 20 acres, if possible.
2. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, should be established. Because there is an approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structures only.
3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

The comments and recommendations in our report are based the California Environmental Quality Act (CEQA) analysis, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Patague Conditional Certificate  
September 8, 2004  
Page 2

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**A. Project Description and Agricultural Setting**

The applicant is requesting a Conditional Certificate of Compliance for an approximately 2-acre parcel currently within the Residential Suburban land use category. The project site is located on Lariat Drive, directly north of the intersection with Latigo Avenue, within the community of Los Osos. Properties to the north are within the Agriculture land use category and properties to the south, east, and west are currently within the Residential Suburban land use category. At the time the illegal subdivision occurred, the project site was zoned Agriculture.

The agricultural area to the north supports an extensive amount of irrigated row crops on prime soils. Irrigated row crops on prime soils are also grown on the project site farmed in conjunction with approximately two acres west of the project site.

**B. Impacts to On-Site Agricultural Resources**

The project site is currently designated for residential uses. At the time the illegal subdivision occurred, the property was zoned Agriculture. The two-acre parcel is not of adequate size to support production agriculture. Development of the parcel with non-agricultural uses would result in the conversion of prime soils.

**C. Impacts to Adjacent Agricultural Lands**

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

The agricultural area to the north of the project site supports irrigated row crops. Development of habitable structures could be incompatible with these existing facilities because of noise associated with the operation, truck traffic, dust and pesticide use.

**D. Recommended Mitigation Measures**

The Agriculture Department recognizes that COCs are not a standard form of subdivision and typical mitigation to reduce impacts to agricultural resources may not be feasible. The Agriculture Department recommends the following:

1. Based on the 1971 Agriculture zoning, the subject parcel should be merged with other adjacent acreage in the applicant's ownership. The resulting parcel should be a minimum of 20 acres, if possible.
2. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, should be established. Because there is an

approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structures only.

3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

If we can be of further assistance, please call 781-5914.



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Patague Conditional Certificate of Compliance ED04-377;  
S030112C (C03-0354)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Airlin Singewald  
Prepared by (Print)

  
Signature

4/1/05  
Date

Steve McMasters  
Reviewed by (Print)

  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

4/1/05  
Date

**EXHIBIT H page 1 of 23**

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Teodora and Graciano Patague for a Conditional Certificate of Complinance for one approximately 2 acre lot. The lot created is located at the north end of Lariat Drive, approximately 1,000 feet north of Los Osos Valley Drive, approximately 1 mile east of the community of Los Osos, in the Estero planning area.

**ASSESSOR PARCEL NUMBER(S):** 074-222-002

**SUPERVISORIAL DISTRICT #2**

**B. EXISTING SETTING**

**PLANNING AREA:** Estero, Rural

**LAND USE CATEGORY:** Residential Suburban

**COMBINING DESIGNATION(S):** Local Coastal Plan/Program

**EXISTING USES:** Agricultural uses

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Grasses

**PARCEL SIZE:** 2 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

<b>North:</b> Agriculture; agricultural uses	<b>East:</b> Residential Suburban; agricultural uses
<b>South:</b> Residential Suburban; residential	<b>West:</b> Residential Suburban; agricultural uses and residence

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with

**EXHIBIT H page 2 of 23**



the proposed uses can be minimized to less than significant levels.

## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Visual Impacts - No scenic vistas will be affected. The project will not be visible from any significant public view corridor; therefore no significant visual impacts are expected to occur and no mitigation measures are necessary.

2. <b>AGRICULTURAL RESOURCES - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impacts - The soil types include:  
Marimel silty clay loam

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "III" and the "irrigated soil class is "I".

At the time the illegal subdivision occurred, the parcel was in the Agriculture land use category. Adjacent properties to the north of the project are within the Agriculture land use category, and properties to the south, east, and west are currently within the Residential Suburban land use category. The agricultural area to the north supports an extensive amount of irrigated row crops on prime soils. Irrigated row crops on prime soils are also grown on the project site farmed in conjunction

**EXHIBIT H page 3 of 23**

with approximately two acres west of the project site.

The Agricultural Commissioner has reviewed the proposed project, and has identified the possibility of potential significant impacts to agricultural resources.

**Potential Impacts to On-Site Agricultural Resources** – At the time the illegal subdivision occurred; the property was in the Agriculture land use category. Although development of the parcel would result in the conversion of prime soils, this potential impact is less than significant because the two-acre parcel is not of adequate size to support production agriculture.

**Impacts to Adjacent Agricultural Lands** – One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture. The agricultural area to the north of the project site supports irrigated row crops. Development of habitable structures could be incompatible with these existing facilities/uses because of noise associated with the operation of truck traffic, dust and pesticide use.

**Mitigation/Conclusions** - The project will be required to incorporate the following measures, as recommended by the Agricultural Commissioner, to reduce potentially significant impacts to agricultural resources to less than significant levels:

1. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area. Should the adjacent agricultural property(ies) be rezoned to nonagricultural uses and subsequent development convert the prime soils to urbanized uses eliminating crop production potential, such factors will be taken into consideration during any future applicant requesting reconsideration of the agricultural buffer.

2. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

3. <b>AIR QUALITY - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Expose any sensitive receptor to substantial air pollutant concentrations?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**EXHIBIT H page 4 of 23**

**3. AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Air Quality Impacts** - The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The project is for one Conditional Certificate of Compliance on a lot in the Residential Suburban land use category. Approval of the Conditional Certificate could result in the construction of one single-family residence on the proposed parcel. Construction of one single-family residence would result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. No significant air quality impacts are expected to occur, and no mitigation measures are necessary.

The Clean Air Plan includes land use management strategies to guide decisionmakers on land use approaches that result in improved air quality. (As identified by APCD) This development is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the last update of the Clean Air Plan, which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; and 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles). Based on the above discussion, given the smaller number of potential new residences, both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

**4. BIOLOGICAL RESOURCES - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**EXHIBIT H page 5 of 23**

7-10

**4. BIOLOGICAL RESOURCES -***Will the project:*Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablec) *Impact wetland or riparian habitat?*☐☐☒☐d) *Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?*☐☐☒☐e) *Other:* \_\_\_\_\_☐☐☐☐

**Setting** - The following habitats were observed on the proposed project: Grasses. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

**Plants:** Arroyo De La Cruz Manzanita (*Arctostaphylos cruzensis*), San Luis Obispo Monardella (*Monardella frutescens*), and Jones's Layia (*Layia jonesii*). Located about 1 mile from parcel are Morro Manzanita (*Arctostaphylos morroensis*), Splitting Yarn Lichen (*Sulcaria isidifera*) and Pecho Manzanita (*Arctostaphylos pechoensis*).

**Wildlife:** Tidewater Goby (*Eucyclogobius newberryi*), Morro Bay Kangaroo Rat (*Dipodomys heermanni morroensis*). Located about 1 mile from parcel are Morro Shoulderband Snail, (*Hemimithoglypta Walkeriana*).

**Habitats:** Redlegged Frog and Coastal and Valley Freshwater Marsh

**Impact** - The project site is currently used for agricultural operations, and does not support any sensitive native vegetation, significant wildlife habitats, or special status species. Although, state and federally recognized endangered species were identified in the vicinity of the project by the California Diversity Database, aerial photographs and site visits have confirmed that due to the high level of site disturbance from agriculture operations and the lack of any potential endangered species habitat on the site, the project would not impact these species.

**5. CULTURAL RESOURCES -***Will the project:*Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablea) *Disturb pre-historic resources?*☐☐☒☐b) *Disturb historic resources?*☐☐☒☐c) *Disturb paleontological resources?*☐☐☒☐d) *Other:* \_\_\_\_\_☐☐☐☐

**Culture Resources Impacts** - The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

A Phase I (surface) survey was conducted (Ethan Bertrando, International Archaeological Investigations/ November 2004). No evidence of cultural materials was noted on the property.

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1-00

Impacts to historical or paleontological resources are not expected.

## 6. GEOLOGY AND SOILS -

*Will the project:*

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

- |    |   |                          |                          |                                     |                          |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist-Priolo)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Change rates of soil absorption, or amount or direction of surface runoff?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Include structures located on expansive soils?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) | Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) | Involve activities within the 100-year flood zone?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) | Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) | Preclude the future extraction of valuable mineral resources?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) | Other: _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting - GEOLOGY** - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high.

Active faulting is known to exist on or near the subject property (about .20 miles northeast). The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** - The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Los Osos Creek) from the proposed development is approximately .05 to the west.

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As described in the NRCS Soil Survey, the soil is considered not well drained. For areas where drainage is identified as a potential issue, the (CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** - The soil types include:  
Marimel silty clay loam

As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility, and moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

**Impact** - No specific measures above what will already be require by ordinance or code for geology, drainage, or sedimentation and erosion are considered necessary. Therefore, impacts are less than significant.

## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Hazards and Hazardous Materials Impacts** - The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

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The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Noise Impacts - The project will not generate nor is it exposed to significant stationary or transportation-related noise sources, therefore, no significant noise impacts are expected to occur.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Population and Housing Impacts - In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee

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be imposed as a condition of approval of any new residential development project.

The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion** - Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

# 10. PUBLIC SERVICES/UTILITIES -

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Fire protection?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection (e.g., Sheriff, CHP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Roads?                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Solid Wastes?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other public facilities?                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other: _____                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Public Services/Utilities Impacts** - The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF (South Bay Fire Department) fire station is approximately 1.5 miles to the west. The closest Sheriff substation is in Los Osos, which is approximately 1.5 miles from the proposed project. The project is located in the San Luis Coastal Unified School District.

The project, along with numerous others in the area will have a cumulative effect on police and fire protection, and school. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

# 11. RECREATION - Will the project:

Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Recreation Impacts** - The project is not proposed in a location that will affect any trail, park or other recreational resource. Prior to map recordation, county ordinance requires the payment of a fee

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(Quimby) for the improvement or development of neighborhood or community parks.

**Mitigation/Conclusion** - The "Quimby" fee will adequately mitigate the project's impact on recreational facilities.) No significant recreation impacts are anticipated, and no mitigation measures are necessary.

## 12. TRANSPORTATION/ CIRCULATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Transportation/Circulation Impacts** - Future development will access onto the following public road(s): Lariat Drive. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

The proposed project is for one Conditional Certificate of Compliance in the Residential Suburban land use category, which could result in the construction of one single-family residence. Such development is estimated to generate about 9.57 trips per day, based on the Institute of Traffic Engineer's manual of 9.57 trips per dwelling unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety; therefore no mitigation measures are necessary although the road frontage will be improved to a 30 foot county gravel road standard.

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**13. WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Wastewater Impacts** - As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation limitations identified. These limitations are summarized as follows:

**Slow Percolation** - is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

**Mitigation/Conclusion** - The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**ER - Will the****Potentially  
Significant****Impact can  
& will be  
mitigated****Insignificant  
Impact****Not  
Applicable****Significant  
Impact****Not  
Applicable****Discharge requirements  
Basin Plan criteria  
systems?**☐☐☒☐☐☐**Quality of surface or  
(e.g., nitrogen-loading,**☐☐☒☐

its water source.  
es, as the lot will be  
These units will be  
Environmental Health  
test, and a full water

**Community  
service provider?**☐☐☒☐

used development is  
surface is considered

- As described in the NRCS Soil Survey (see Geology section for soil types),  
on-site wastewater systems relates to: slow percolation limitations identified.  
summarized as follows:

where fluid percolates too slowly through the soil for the natural processes to  
break down the effluent into harmless components. The Basin Plan identifies the  
threshold to be less than 120 minutes per inch. To achieve compliance with the Central  
Coast Basin Plan, additional information will be needed prior to issuance of a building permit that  
can adequately percolate to achieve this threshold.

on - The leach lines shall be located at least 100 feet from any private well and  
community/public well. Prior to building permit issuance, the septic system will  
be detailed to insure compliance with the Central Coast Basin Plan for any  
new development, and will not be approved if Basin Plan criteria cannot be met.

Residential Suburban  
development. Based on the  
analysis, the site would likely be

18 afy

of Compliance, the  
Environmental Health  
Department water quality report.  
The report indicates that the  
quality impacts to less

**Will the project:****Potentially  
Significant****Impact can  
& will be  
mitigated****Insignificant  
Impact****Not  
Applicable****Consistent****Not  
Applicable****Water quality standards?**☐☐☒☐☒☐**Do surface waters or  
intermediate surface water quality  
standards (e.g., temperature,  
dissolved oxygen, etc.)?**☐☐☒☐**Quality of groundwater  
underlying the project (e.g.,  
nitrogen)?**☐☐☒☐☒☐**Quantity or movement of  
surface or ground water?**☐☐☒☐☒☐**Effect on community water  
supply?**☐☐☒☐

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**15. LAND USE - Will the project:**

Inconsistent

Potentially  
Inconsistent

Consistent

Not  
Applicabled) *Be potentially incompatible with surrounding land uses?*☐☐☒☐e) *Other:* \_\_\_\_\_☐☐☐☐

**Setting/Impact** - Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study. The intent of the Conditional Certificate of Compliance is to apply conditions and mitigation measures, which are designed to ensure future development of the parcel is compatible with surrounding uses. For example, as proposed by the County Agricultural Commissioner, a 375-foot agricultural buffer will be applied to the project (measured from the northern property line) to mitigate potential land use conflicts with adjacent agricultural lands.

**Mitigation/Conclusion** - To mitigate for potential land use incompatibilities with adjacent agricultural uses, a 375-foot agricultural buffer will be applied to the project to ensure that no structures for human habitation are constructed within 375-feet from the irrigated row crops to the north of the subject parcel.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

☐☐☒☐

b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐☐☒☐

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or*

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indirectly?

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Review", or the California Environmental Resources Evaluation System at "[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Los Osos Community Service District	In File**
<input checked="" type="checkbox"/>	Other <u>Los Osos Community Advisory Cncl</u>	None
<input type="checkbox"/>	Other _____	Not Applicable

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Project File for the Subject Application</li> <li><u>County documents</u></li> <li><input type="checkbox"/> Airport Land Use Plans</li> <li><input checked="" type="checkbox"/> Annual Resource Summary Report</li> <li><input type="checkbox"/> Building and Construction Ordinance</li> <li><input type="checkbox"/> Coastal Policies</li> <li><input checked="" type="checkbox"/> Framework for Planning (Coastal &amp; Inland)</li> <li><input checked="" type="checkbox"/> General Plan (Inland &amp; Coastal), including all maps &amp; elements; more pertinent elements considered include:             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Agriculture &amp; Open Space Element</li> <li><input checked="" type="checkbox"/> Energy Element</li> <li><input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)</li> <li><input checked="" type="checkbox"/> Housing Element</li> <li><input checked="" type="checkbox"/> Noise Element</li> <li><input type="checkbox"/> Parks &amp; Recreation Element</li> <li><input checked="" type="checkbox"/> Safety Element</li> </ul> </li> <li><input checked="" type="checkbox"/> Land Use Ordinance</li> <li><input type="checkbox"/> Real Property Division Ordinance</li> <li><input type="checkbox"/> Trails Plan</li> <li><input type="checkbox"/> Solid Waste Management Plan</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Area Plan and Update EIR</li> <li><input type="checkbox"/> Circulation Study</li> <li><u>Other documents</u></li> <li><input checked="" type="checkbox"/> Archaeological Resources Map</li> <li><input checked="" type="checkbox"/> Area of Critical Concerns Map</li> <li><input checked="" type="checkbox"/> Areas of Special Biological Importance Map</li> <li><input checked="" type="checkbox"/> California Natural Species Diversity Database</li> <li><input checked="" type="checkbox"/> Clean Air Plan</li> <li><input checked="" type="checkbox"/> Fire Hazard Severity Map</li> <li><input checked="" type="checkbox"/> Flood Hazard Maps</li> <li><input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County</li> <li><input checked="" type="checkbox"/> Regional Transportation Plan</li> <li><input checked="" type="checkbox"/> Uniform Fire Code</li> <li><input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)</li> <li><input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)</li> <li><input type="checkbox"/> Other _____</li> </ul> |
|--|--|

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Cultural Resources Inventory of Patague Parcel APN: 074-222-002, Ethan Bertrando, November 30, 2004

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## Exhibit B - Mitigation Summary Table

### Agricultural Resources

**AG-1** Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

**AG-2** Prior to transfer of the parcels created by this subdivision, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Lease ordinances currently in effect at the time said deed(s) are recorded.

### Water

**W-1** Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide the following to the satisfaction of County Environmental Health Department: A shared well agreement, well completion report, pump tests, and a full water quality report.



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July 25, 2005

**DEVELOPER'S STATEMENT FOR  
Patague Conditional Certificate of Compliance  
ED04-377; C03-0354/ S030112C**

JUL 28 2005

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Agricultural Resources**

**Agricultural Buffer**

**AG-1** Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along and from the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

**Monitoring:** Required prior to recordation of the Conditional Certificate of Compliance. The County Department of Planning and Building will review building permit applications on the subject parcel for compliance with the restrictions of the agricultural buffer.

**AG-2** Prior to transfer of the parcels created by this subdivision, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

**Water**

**W-1** Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide the following to the satisfaction of the County Environmental Health Department: A well completion report, pump tests, and a full water quality report.

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**Monitoring:** Required prior to recordation of the Conditional Certificate of Compliance. Compliance will be verified by the County Environmental Health Department, and Planning and Building Department.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

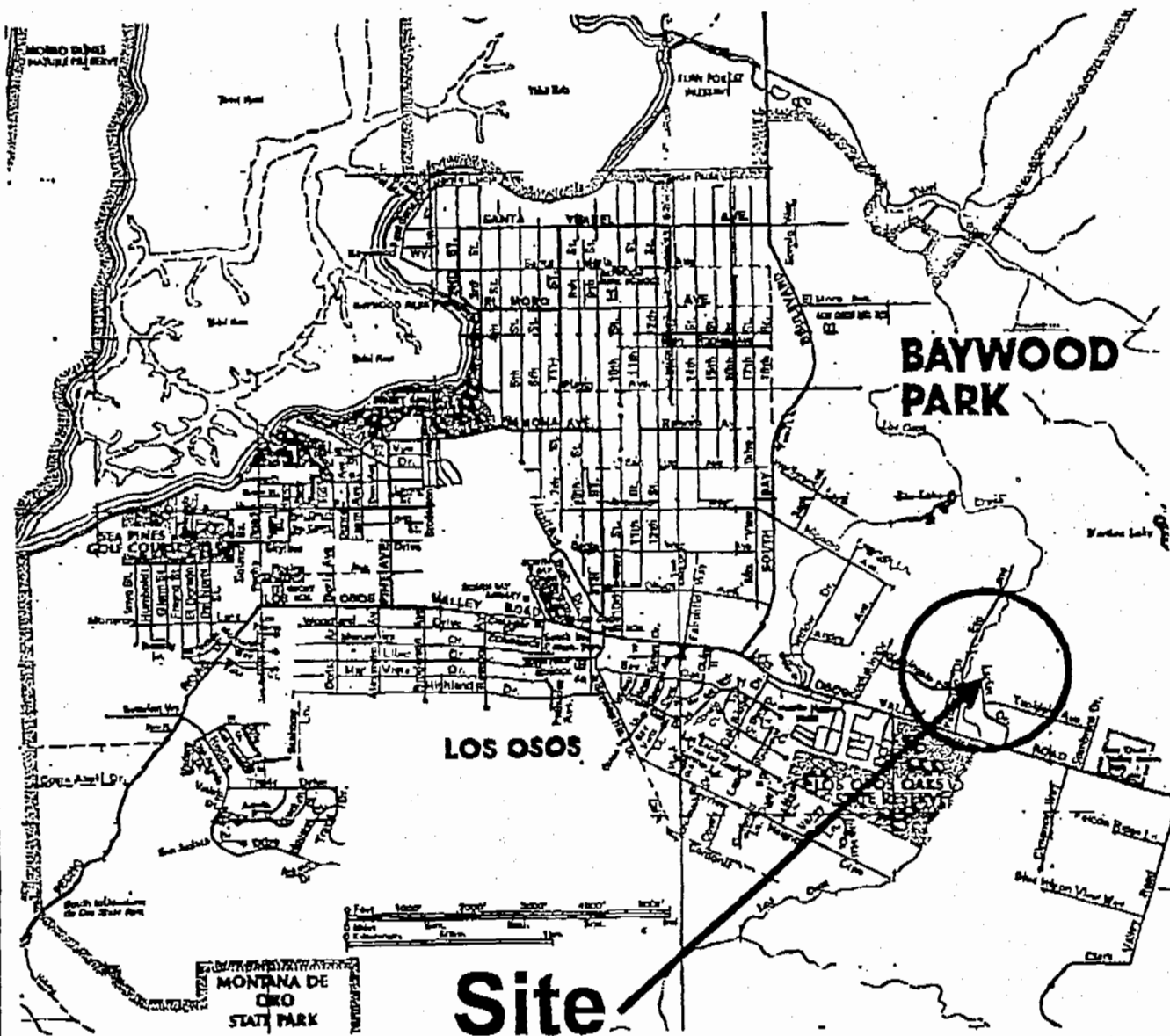
Teodora Patague  
Signature of Owner(s)

July 29, 2005  
Date

TEODORA PATAGUE  
Name (Print)

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



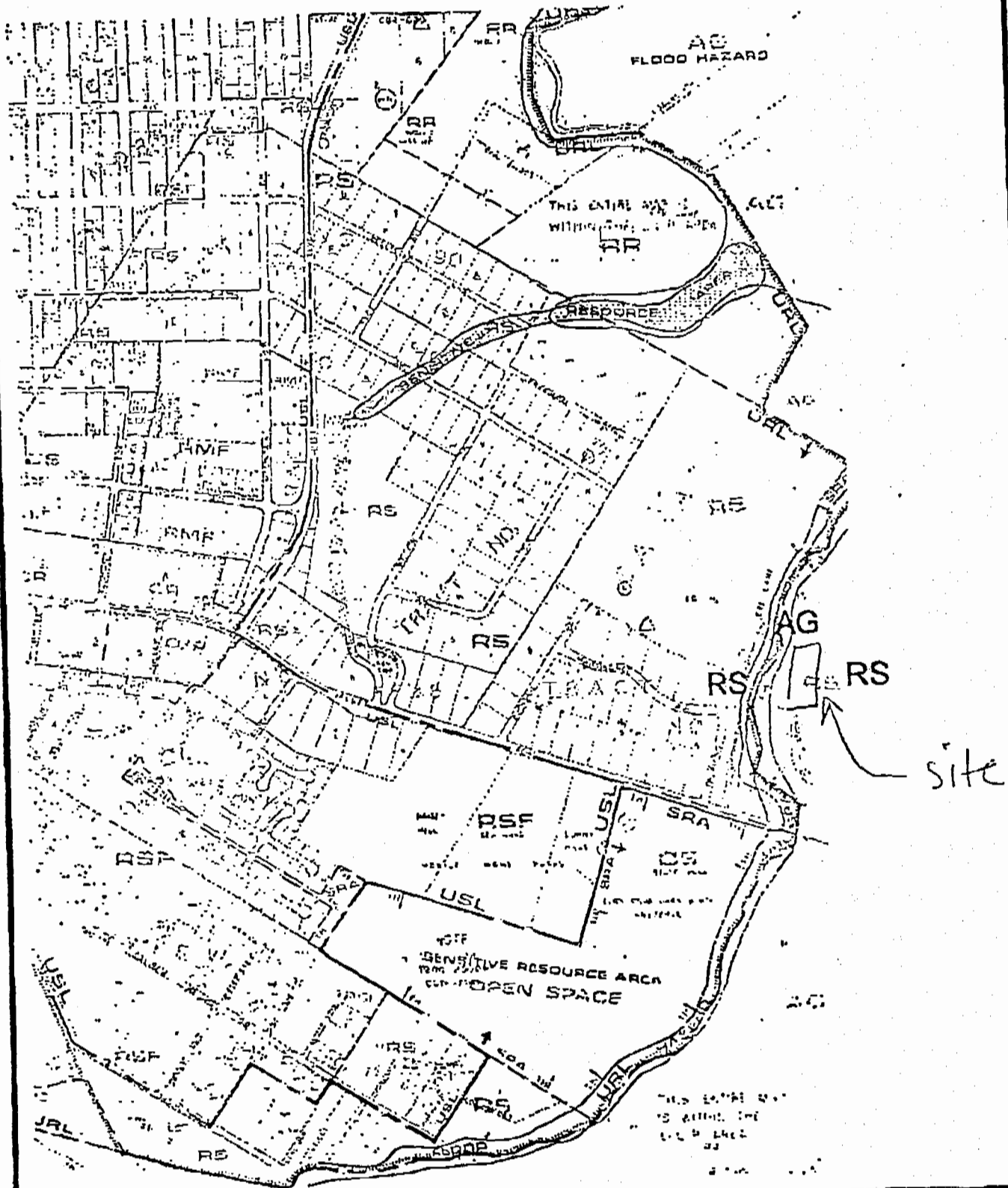
PROJECT  
Conditional Cert. of Compliance  
Patague/ S030112C (C03-0354)



EXHIBIT  
Vicinity Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Conditional Cert. of Compliance  
Patague/ S030112C (C03-0354)

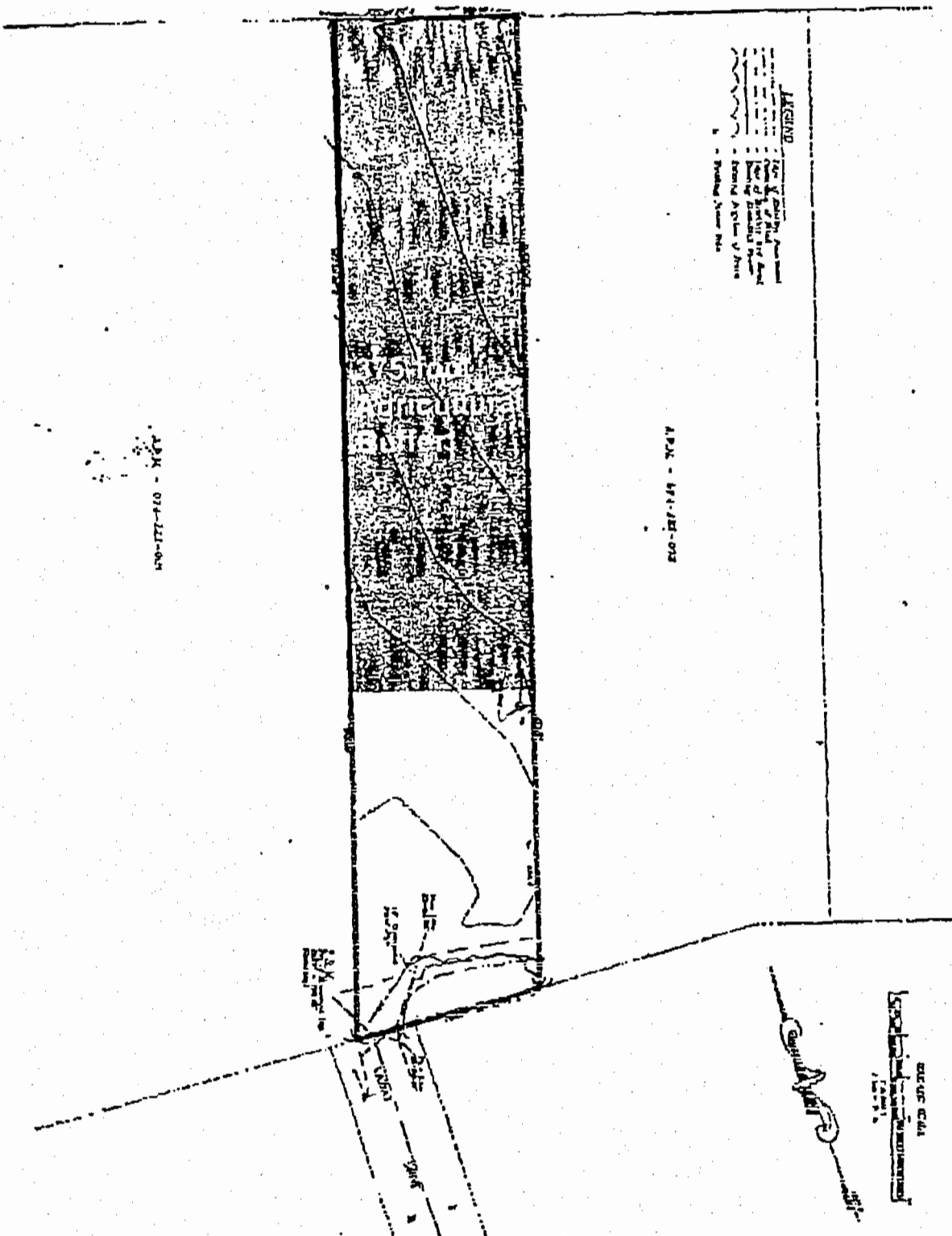


EXHIBIT

Land Use Category -  
Residential Suburban

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT  
Conditional Cert. of Compliance  
Patague/ S030112C (C03-0354)



EXHIBIT  
Exhibit A -  
Agricultural Buffer

DATE

5/12/71

TO: County Planning Department  
Division of Building and Safety

I, John H. Nairn, hereby apply for a permit to construct,

repair or abandon a well located on Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract \_\_\_\_\_

SE 1/4 of section 18 Township 30 S.

OR Section \_\_\_\_\_ Township \_\_\_\_\_ Range 11 E

(Street Address or County Road)

Owner/Agent George Menor

Address 1230 Santa Ynez - La Brea, California

Well Driller Water Well Supply

I hereby agree to comply with all laws and regulations of the San Luis Obispo County Health Department and the State of California pertaining to, or regulating well construction. Within fifteen days after completion of the well, I will furnish the County Health Department a log of the well and notify them before putting the well in use.

#### INTENDED USE

☐ Industrial  
☒ Domestic, Private  
☐ Domestic, Public  
☐ Irrigation  
☐ Other

Signed

John H. Nairn  
Owner or Contractor

Comments:

5/13/71  
#1000  
Ap

#### TYPE OF WELL

☐ Dug  
☐ Driven  
☐ Drilled  
☐ Hand Bored  
☒ Rotary Wells  
☐ Other

#### CONSTRUCTION

##### Well

\_\_\_\_\_ Depth (feet)  
 \_\_\_\_\_ Diameter (inches)

##### Casing

\_\_\_\_\_ Gauge  
 \_\_\_\_\_ Depth (feet)  
 \_\_\_\_\_ Conductor and Cement

PLOT PLAN ON REVERSE  
SIDE OF ATTACHED

#### FOR OFFICE USE ONLY

Approved



Not Approved



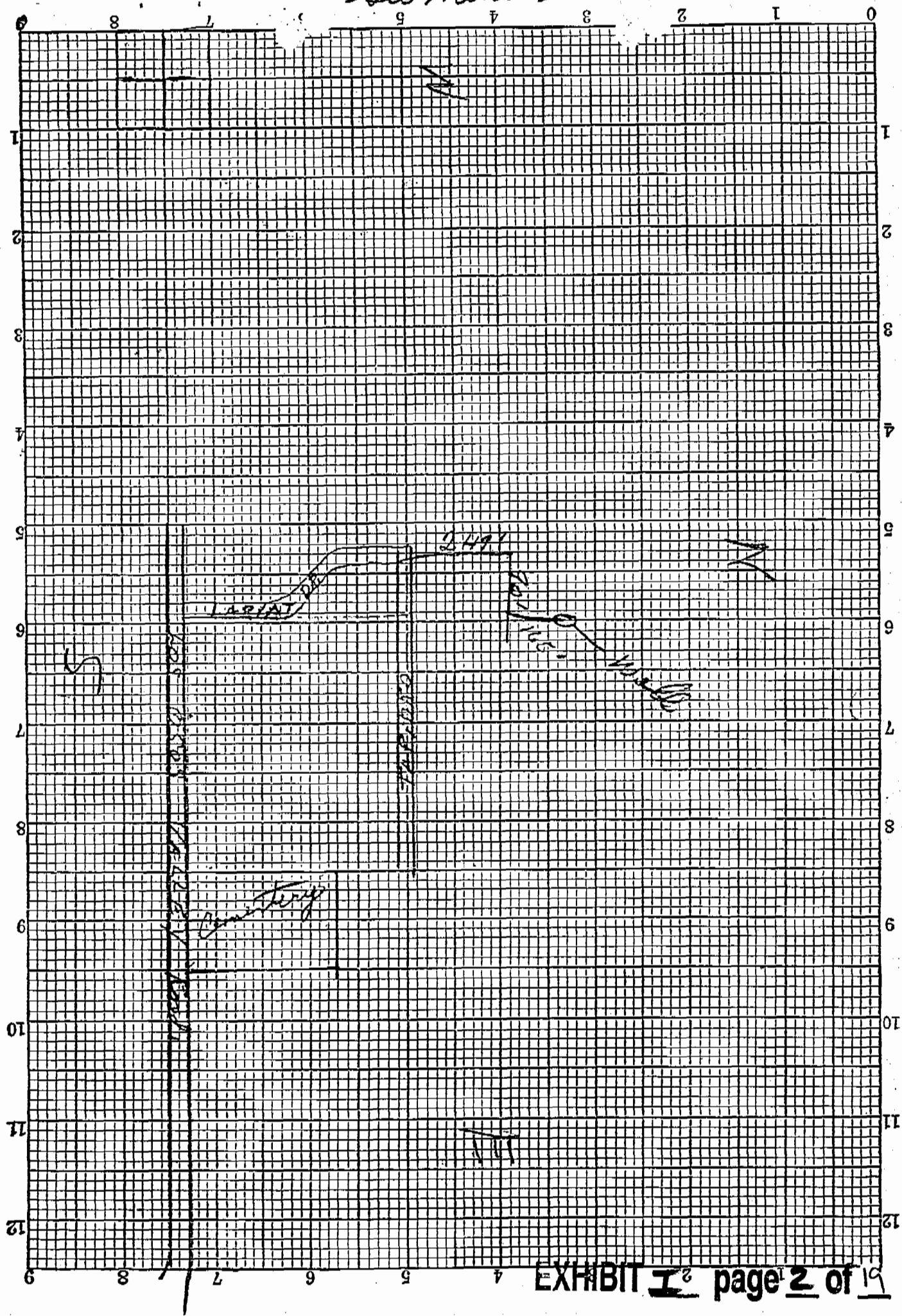
John Black  
Sanitarian

5-14-71

Date

EXHIBIT I page 1 of 19 126

*Geo. Menor*



## 1. OWNER

NAME George MenorADDRESS 230 Santa Unez, Los Osos, Calif.

## 2. LOCATION OF WELL

COUNTY San Luis OWNER'S NO. IF ANY \_\_\_\_\_

R.F.D. OR ST. NO. \_\_\_\_\_

## 3. TYPE OF WORK (Check)

New Well ☒ Deepening \_\_\_\_\_

Reconditioning \_\_\_\_\_ Abandon \_\_\_\_\_

If abandonment, describe material and procedure in Item II \_\_\_\_\_

## 4. PROPOSED USE (Check)

Domestic ☒ Industrial \_\_\_\_\_ Municipal \_\_\_\_\_

Irrigation \_\_\_\_\_ Test Well \_\_\_\_\_ Other \_\_\_\_\_

## 5. EQUIPMENT

Rotary ☒ Dug Well \_\_\_\_\_ Cable \_\_\_\_\_

## 6. CASING INSTALLED

Single ☒ Double \_\_\_\_\_ Gauge or

From \_\_\_\_\_ Ft. to \_\_\_\_\_ Ft. Diam. \_\_\_\_\_ Wall \_\_\_\_\_

" 0 " " 65' 6" .188 "

" " " " " "

" " " " " "

" " " " " "

" " " " " "

Type &amp; Size, shoe-well ring \_\_\_\_\_

Describe Joint welded \_\_\_\_\_

If Gravel Pack:

Diameter of Bore \_\_\_\_\_ From Ft. \_\_\_\_\_ To Ft. \_\_\_\_\_

12 5/8 0 " 65 " "

" " " " " "

" " " " " "

" " " " " "

Size of Gravel \_\_\_\_\_ Pea gravel \_\_\_\_\_

## 7. PERFORATIONS

Type Perforator Used Roscoe Moss Louver

Size Perforation \_\_\_\_\_

In., Length, by \_\_\_\_\_ In.

FROM	Ft	To	Ft	Perf/row	Rows/Ft
" 1.5 "		65	"	" "	" "
" "		"	"	" "	" "
" "		"	"	" "	" "
" "		"	"	" "	" "
" "		"	"	" "	" "

## 8. CONSTRUCTION

Was a surface sanitary seal provided? \_\_\_\_\_

Yes ☒ No \_\_\_\_\_ To what depth? 22' Ft.

Were any strata sealed against pollution? \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, note depth of strata

From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Method of Sealing cementing

## 9. WATER LEVELS

Depth at which water first found \_\_\_\_\_ Ft.

Standing level before perforating \_\_\_\_\_ Ft.

Standing level after perforating 20' Ft.

## 10. WELL TESTS

Was a pump test made? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, by whom? \_\_\_\_\_

Yield \_\_\_\_\_ Gal/Min with \_\_\_\_\_ Ft.

draw down after \_\_\_\_\_ Hours.

Temperature of Water \_\_\_\_\_

Was a chemical analysis made? \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Was electric log made of well? \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_



## 11. WELL LOG

Total Depth 72 Feet. Depth of Completed Well 65' Feet

Formation: Describe by color, character, size of material, and structure.

[illegible]

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction, and this report is true to the best of my knowledge and belief.

NAME Water Well Supply, John H. Nairn  
Person, Firm or Corporation

ADDRESS 182 Brisco Rd. Arroyo Grande, California

SIGNED

Well Driller

License Number 238247 Dated 6/2/71

**INTERIM POLICY ON MINERAL QUALITY OF DRINKING WATER**  
**Adopted by State Board of Public Health - September 4, 1959**

1. Water supply permits may be issued for drinking and culinary purposes only when the Public Health Service Drinking Water Standards of 1946 and the State Board of Public Health policy on fluorides are fully met.
2. In view of the wide variation in opinion in this field, the uncertainty as to the long-time health effects, the uncertainty of public attitude concerning various mineral levels, and the obvious need for further study, temporary permits may be issued for drinking water supplies failing to meet the Drinking Water Standards if the mineral constituents do not exceed those listed under the heading "Temporary Permit" in the following table:\*

**UPPER LIMITS OF TOTAL SOLIDS\*\* AND SELECTED MINERALS IN  
DRINKING WATER AS DELIVERED TO THE CONSUMER**

	Permit	Temporary Permit
Total Solids	500 (1,000)***	1,500 parts per million
Sulphates	250 (500)***	600 " " "
Chlorides	250 (500)***	600 " " "
Magnesium	125 (125)	150 " " "

\*This interim policy relates to potable water and is not intended to apply to a secondary mineralized water supply intended for domestic uses other than drinking and culinary purposes.

\*\*Waters having less than 32 milliequivalents per liter of dissolved minerals or 1,600 micromhos electrical conductance will usually have less than 1,000 parts per million total solids.

\*\*\*Numbers in parentheses are maximum permissible, to be used only where no other more suitable waters are available in sufficient quantity for use in the system.

3. Exception: No temporary permit for drinking water supplies in which the mineral constituents exceed those listed under the heading "Temporary Permit" as set forth in #2 above may be issued unless the Board determines after public hearing:
  - (a) The water to be supplied will not endanger the lives or health of human beings; and
  - (b) No other solution to meet the local situation is practicable and feasible; and
  - (c) The applicant is making diligent effort to develop, and has reasonable prospect of developing a supply of water which will warrant a regular permit within an acceptable period of time.

The burden of presenting evidence to fulfill the requirements as set forth in (a), (b), and (c) above is upon the applicant.

State of California  
Department of Water Resources

Quality Criteria for Domestic Water

This is furnished for general information only, and is not intended to augment or replace standards or recommendations of local regulatory agencies. If further interpretation of these analyses are desired, it is suggested that you contact the State Health Department or your local regulatory agency.

The most widely used criteria for assessing suitability of water for domestic or municipal uses are the "Public Health Service Drinking Water Standards." Limits for mineral and other constituents are divided into two groups: (1) "Concentrations which constitute grounds for rejection of supply," and (2) "Recommended Maximum Limits."

Concentrations Which Constitute Grounds for Rejection

Arsenic (As)	0.05 ppm* - (ug/l)
Barium (Ba)	1.0 ppm
Cadmium (Cd)	0.01 ppm
Chromium (Hexavalent)(Cr + <sup>6</sup> )	0.05 ppm
Cyanide (CN)	0.2 ppm
Lead (Pb)	0.05 ppm
Selenium (Se)	0.01 ppm
Silver (Ag)	0.05 ppm

Recommended Maximum Limits

The following chemical substances should not be present in a water supply in excess of the listed concentrations where, in the judgment of the Reporting Agency and the Certifying Authority, other more suitable supplies are or can be made available.

Alkyl Benzene Sulphonate (ABS) Detergent	0.5 ppm
Arsenic (As)	0.01 ppm
Chloride (Cl)	250 ppm
Copper (Cu)	1.0 ppm
Cyanide (CN)	0.01 ppm

Iron (Fe)	0.3	ppm ✓
Manganese (Mn)	0.05	ppm ✓
Nitrate (NO <sub>3</sub> )	45	ppm ✓
Phenols	0.001	ppm
Sulfate (SO <sub>4</sub> )	250	ppm
Total Dissolved Solids	500	ppm ✓
Zinc (Zn)	5	ppm

Maximum safe limits of fluoride ion concentrations are related to mean annual temperature, and are defined by the State Department of Public Health as follows:

<u>Mean Annual Temperature</u>	<u>Mean Monthly Fluoride Ion Concentration</u>
50°F	1.5 ppm
60°F	1.0 ppm
70°F-above	0.7 ppm <i>Low</i>

For temperature values between those shown in the table, the fluoride ion concentrations may be obtained by interpolation.

✓ Total hardness is a significant factor in the determination of the suitability of water for domestic or municipal use. Waters containing 100 ppm or less of hardness (as CaCO<sub>3</sub>) are considered "soft"; those containing 101 to 200 ppm are considered "moderately hard"; and those with more than 200 ppm are considered "very hard."

\* Parts per million (ppm) are approximately equivalent to milligrams per liter (mg/l).

STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES

Quality Criteria for Irrigation Water

This is furnished for information only. If further interpretation of this analysis is desired, it is suggested that you contact a consulting engineer or the local farm advisor.

The following excerpts from a paper by Dr. L. D. Doneen of the Division of Irrigation of the University of California at Davis, may assist in interpreting water analyses from the standpoint of their suitability for irrigation.

"Because of diverse climatological conditions, crops, and soils in California, it has not been possible to establish rigid limits for all conditions involved. Instead, irrigation waters are divided into three broad classes based upon work done at the University of California Laboratory, the Rubidoux Laboratory, and Regional Salinity Laboratories of the United States Department of Agriculture.

"Class 1. Excellent to Good--Regarded as safe and suitable for most plants under any condition of soil and climate.

"Class 2. Good to Injurious--Regarded as possibly harmful for certain crops under certain conditions of soil or climate, particularly in the higher ranges of this class.

"Class 3. Injurious to Unsatisfactory--Regarded as probably harmful to most crops and unsatisfactory for all but the most tolerant.

"Tentative standards for irrigation waters have taken into account four factors or constituents, as listed below:

	<u>Class 1</u> <u>excellent</u> <u>to good</u>	<u>Class 2</u> <u>good to</u> <u>injurious</u>	<u>Class 3</u> <u>injurious to</u> <u>unsatisfactory</u>
Conductance EC x 10 <sup>6</sup> at 25° C	Less than 1,000	1,000-3,000	More than 3,000
Chloride, epm	Less than 5	5-10	More than 10
Per cent sodium	Less than 60	60-75	More than 75
Boron, ppm	Less than 0.5	0.5-2.0	More than 2.0
	(End of quotation)		

The values shown in the foregoing tabulation should be used as a guide only, since permissible limits vary widely with different crops, soils, and climatic conditions.

Extract from U.S. Department of Agriculture  
Technical Bulletin 962, "The Quality of Water  
for Irrigation Use, 1948" by L. V. Wilcox

Table 1. Permissible limits for boron of several classes of irrigation water.

Classes of Water	Crop Groups		
	Sensitive	Semitolerant	Tolerant
	p.p.m.	p.p.m.	p.p.m.
Excellent	0.33	0.67	1.00
Good	0.33 to 0.67	0.67 to 1.33	1.00 to 2.00
Permissible	0.67 to 1.00	1.33 to 2.00	2.00 to 3.00
Doubtful	1.00 to 1.25	2.00 to 2.50	3.00 to 3.75
Unsuitable	1.25	2.50	3.75

Table 2. Relative tolerance of crop plants to boron.  
(In each group the plants first named are considered as being more sensitive and the last named more tolerant)

Sensitive to boron	Semitolerant to boron	Tolerant to boron
Lemon	Lima bean	Carrot
Grapefruit	Sweet potato	Lettuce
Avocado	Bell pepper	Cabbage
Orange	Tomato	Turnip
Thornless blackberry	Pumpkin	Onion
Apricot	Zinnia	Broadbean
Peach	Oat	Gladiolus
Cherry	Milo	Alfalfa
Persimmon	Corn	Garden beet
Kadota fig	Wheat	Mangel
Grape (Sultania and Malaga)	Barley	Sugar Beet
Apple	Olive	Palm (Phoenix)
Pear	Ragged Robin rose	canariensis
Plum	Field pea	Date palm (P. dactylifera)
American elm	Radish	Asparagus
Navy bean	Sweet pea	Tamarix or athena
Jerusalem artichoke	Pima cotton	(Tamarix aphylla)
Persian (English walnut)	Acala cotton	and T. gallica)
Black walnut	Potato	
Pecan	Sunflower (native)	

ID9

Patague

Analysis Number	Collected and Received Date/Time	Sampler Name	Sample Type	Reason	SHD	EDT	CHD	RB	Others
Method	Analysis Name			Result	Units	Completed Date/Analyst Name			
19980924001	9/23/98 9:27:00 AM	9/24/98 7:46:50 AM	Sutherland	GRAB	REQUIRED	No	No	No	No
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			.81	mg/L	10/6/98	Wallender		
4500-NH3 D	Ammonia as Nitrogen			.48	mg/L	9/25/98	Wallender		
SM 2320 B	Bicarbonate as CaCO3			440	mg/L	9/25/98	Dyson		
SM 3500-Ca D	Calcium			120	mg/L	9/30/98	Dyson		
SM 2320 B	Carbonate as CaCO3			0	mg/L	9/25/98	Dyson		
4500-Cl B or 4110	Chloride			110	mg/L	9/24/98	Wallender		
	Depth to Water			30.88	ft				
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)			1200	umhos/cm	9/25/98	Dyson		
SM 3500-Mg E	Magnesium			85	mg/L	9/30/98	Dyson		
4110	Nitrate as Nitrogen			<100	ug/L	9/24/98	Wallender		
4500-NO2 B or 4110	Nitrite as Nitrogen			<100	ug/L	9/24/98	Wallender		
SM 4500 H+ B	pH (measured in field)			7.10					
SM 4500 H+ B	pH (measured in the lab)			7.64		9/25/98	Dyson		
SM 3111 B	Potassium			1.5	mg/L	9/30/98	Dyson		
SM 3111 B	Sodium			50	mg/L	9/30/98	Dyson		
SM 4500-SO4 C or 4110	Sulfate			160	mg/L	9/24/98	Wallender		
	Temperature			19.6	* C				
SM 2320 B	Total Alkalinity as CaCO3			440	mg/L	9/25/98	Dyson		
SM 2540 C	Total Dissolved Solids			890	* mg/L	9/25/98	Dyson		
SM 2340 C	Total Hardness as CaCO3			650	mg/L	9/30/98	Dyson		
4500-Norg C	Total Kjeldahl Nitrogen			1.0	mg/L	10/2/98	Wallender		
Comments:									

19980924002	9/23/98 12:45:00 PM	9/24/98 7:48:21 AM	Sutherland	GRAB	REQUIRED	No	No	No	No
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			<10	mg/L	10/6/98	Wallender		
4500-NH3 D	Ammonia as Nitrogen			<10	mg/L	9/25/98	Wallender		
SM 2320 B	Bicarbonate as CaCO3			76	mg/L	9/25/98	Dyson		
SM 3500-Ca D	Calcium			24	mg/L	9/30/98	Dyson		
SM 2320 B	Carbonate as CaCO3			0	mg/L	9/25/98	Dyson		
4500-Cl B or 4110	Chloride			56	mg/L	9/24/98	Wallender		
	Depth to Water			0.71	ft				
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)			520	umhos/cm	9/25/98	Dyson		
SM 3500-Mg E	Magnesium			17	mg/L	9/30/98	Dyson		
4110	Nitrate as Nitrogen			18000	ug/L	9/24/98	Wallender		
4500-NO2 B or 4110	Nitrite as Nitrogen			<100	ug/L	9/24/98	Wallender		
SM 4500 H+ B	pH (measured in field)			6.60					
SM 4500 H+ B	pH (measured in the lab)			6.66		9/25/98	Dyson		
SM 3111 B	Potassium			2.2	mg/L	9/30/98	Dyson		
SM 3111 B	Sodium			55	mg/L	9/30/98	Dyson		
SM 4500-SO4 C or 4110	Sulfate			32	mg/L	9/24/98	Wallender		
	Temperature			19.4	* C				
SM 2320 B	Total Alkalinity as CaCO3			76	mg/L	9/25/98	Dyson		
SM 2540 C	Total Dissolved Solids			350	mg/L	9/25/98	Dyson		
SM 2340 C	Total Hardness as CaCO3			130	mg/L	9/30/98	Dyson		
4500-Norg C	Total Kjeldahl Nitrogen			<1.0	mg/L	10/2/98	Wallender		
Comments:									

Sample Site

Analysis Number	Collected and Received	Time	Sampler Name	Sample Type	Reason	Report Routing				
						SHD	EDT	CHD	RB	Others
	Method	Analysis Name			Result	Units	Completed Date/Analyst Name			
18R1	18R1									
19980603032	6/3/98 1:45:00 PM	6/3/98 3:04:00 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
	SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			<10	mg/L		6/22/98	Wallender	
	4500-NH3 D	Ammonia as Nitrogen			<10	mg/L		6/10/98	Wallender	
	SM 2320 B	Bicarbonate as CaCO3			62	mg/L		6/5/98	Dyson	
	SM 3500-Ca.D	Calcium			21	mg/L		6/9/98	Dyson	
	SM 2320 B	Carbonate as CaCO3			0	mg/L		6/5/98	Dyson	
	4500-Cl B or 4110	Chloride			59	mg/L		6/4/98	Wallender	
		Depth to Water			Not Analyzed	ft				
	EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)			517	umhos/cm		6/8/98	Beaton	
	SM 3500-Mg E	Magnesium			16	mg/L		6/9/98	Dyson	
	4110	Nitrate as Nitrogen			15000	ug/L		6/4/98	Wallender	
	4500-NO2 B or 4110	Nitrite as Nitrogen			<100	ug/L		6/4/98	Wallender	
	SM 4500 H+ B	pH (measured in field)			6.51					
	SM 4500 H+ B	pH (measured in the lab)			6.52			6/10/98	Zenker	
	SM 3111 B	Potassium			0.82	mg/L		6/15/98	Dyson	
	SM 3111 B	Sodium			49	mg/L		6/12/98	Dyson	
	SM 4500-SO4 C or 4110	Sulfate			18	mg/L		6/4/98	Wallender	
		Temperature			17.1	°C				
	SM 2320 B	Total Alkalinity as CaCO3			62	mg/L		6/5/98	Dyson	
	SM 2540 C	Total Dissolved Solids			320	mg/L		6/9/98	Dyson	
	SM 2340 C	Total Hardness as CaCO3			120	mg/L		6/9/98	Dyson	
	4500-Norg C	Total Kjeldahl Nitrogen			<1.0	mg/L		6/22/98	Wallender	
	Comments:									

21D9

21D9

19980617018

6/17/98 9:10:00 AM

6/17/98 1:14:44 PM

Sutherland

GRAB

REQUIRED

No

No

No

No

SM 4500-P B(2), E

Acid Hydrolyzable and Reactive Phosphate as P

.82

mg/L

6/22/98

Wallender

4500-NH3 D

Ammonia as Nitrogen

.85

mg/L

6/17/98

Wallender

SM 2320 B

Bicarbonate as CaCO3

400

mg/L

6/17/98

Dyson

SM 3500-Ca.D

Calcium

120

mg/L

6/18/98

Dyson

SM 2320 B

Carbonate as CaCO3

0

mg/L

6/17/98

Dyson

4500-Cl B or 4110

Chloride

96

mg/L

6/17/98

Wallender

Depth to Water

26.00

ft

EPA 120.1

Electrical Conductivity or Specific Conductance (Lab)

1310

umhos/cm

6/19/98

Zenker

SM 3500-Mg E

Magnesium

85

mg/L

6/18/98

Dyson

4110

Nitrate as Nitrogen

<100

ug/L

6/17/98

Wallender

4500-NO2 B or 4110

Nitrite as Nitrogen

<100

ug/L

6/17/98

Wallender

SM 4500 H+ B

pH (measured in field)

7.05

SM 4500 H+ B

pH (measured in the lab)

7.87

6/19/98

Zenker

SM 3111 B

Potassium

1.8

mg/L

6/19/98

Dyson

SM 3111 B

Sodium

50

mg/L

6/19/98

Dyson

SM 4500-SO4 C or 4110

Sulfate

170

mg/L

6/17/98

Wallender

Temperature

19

°C

SM 2320 B

Total Alkalinity as CaCO3

400

mg/L

6/17/98

Dyson

SM 2540 C

Total Dissolved Solids

890

mg/L

6/18/98

Dyson

SM 2340 C

Total Hardness as CaCO3

650

mg/L

6/18/98

Dyson

4500-Norg C

Total Kjeldahl Nitrogen

1.0

mg/L

6/22/98

Wallender

Comments:



Sample Site

Report Routing

Analysis Number

Collected and Received Date/Time

Sampler Name

Sample Type

Reason

SHD EDT CHD RB Others

Method

Analysis Name

Result

Units

Completed Date/Analyst Name

3R1

19971205003	12/5/97 2:55:00 PM	12/5/97 3:23:55 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
SM 4500-P B(2), E					<.10	mg/L		12/23/97	Wallender	
4500-NH3 D					<.10	mg/L		12/19/97	Wallender	
SM 2320 B					64	mg/L		12/8/97	Dyson	
SM 3500-Ca.D					20	mg/L		12/8/97	Dyson	
SM 2320 B					0	mg/L		12/8/97	Dyson	
4500-Cl B or 4110					55	mg/L		12/11/97		
					Depth to Water	Not Analyzed	ft			
EPA 120.1					Electrical Conductivity or Specific Conductance (Lab)	480	umhos/cm	12/5/97	Zenker	
SM 3500-Mg E					Magnesium	16	mg/L	12/8/97	Dyson	
4110					Nitrate as Nitrogen	18000	ug/L	12/11/97	Wallender	
4500-NO2 B or 4110					Nitrite as Nitrogen	<.100	ug/L	12/11/97	Wallender	
SM 4500 H+ B					pH (measured in field)	6.11				
SM 4500 H+ B					pH (measured in the lab)	Not Analyzed				
SM 3111 B					Potassium	0.73	mg/L	12/12/97	Dyson	
SM 3111 B					Sodium	48.8	mg/L	12/10/97	Dyson	
SM 4500-SO4 C or 4110					Sulfate	15	mg/L	12/11/97	Wallender	
					Temperature	17	*C			
SM 2320 B					Total Alkalinity as CaCO3	64	mg/L	12/8/97	Dyson	
SM 2540 C					Total Dissolved Solids	316	mg/L	12/8/97	Dyson	
SM 2340 C					Total Hardness as CaCO3	117	mg/L	12/8/97	Dyson	
4500-Norg C					Total Kjeldahl Nitrogen	<.10	mg/L	12/26/97	Wallender	
Comments:										

1D9

Palague

19971204017	12/4/97 9:54:00 AM	12/4/97 2:53:51 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
SM 4500-P B(2), E					.81	mg/L		12/23/97	Wallender	
4500-NH3 D					.77	mg/L		12/19/97	Wallender	
SM 2320 B					457	mg/L		12/4/97	Dyson	
SM 3500-Ca.D					110	mg/L		12/4/97	Dyson	
SM 2320 B					0	mg/L		12/4/97	Dyson	
4500-Cl B or 4110					100	mg/L		12/5/97	Dyson	
					Depth to Water	27.69	ft			
EPA 120.1					Electrical Conductivity or Specific Conductance (Lab)	1300	umhos/cm	12/5/97	Zenker	
SM 3500-Mg E					Magnesium	84	mg/L	12/4/97	Dyson	
4110					Nitrate as Nitrogen	<.100	ug/L	12/5/97	Dyson	
4500-NO2 B or 4110					Nitrite as Nitrogen	<.100	ug/L	12/5/97	Dyson	
SM 4500 H+ B					pH (measured in field)	6.71				
SM 4500 H+ B					pH (measured in the lab)	Not Analyzed				
SM 3111 B					Potassium	1.56	mg/L	12/12/97	Dyson	
SM 3111 B					Sodium	49.9	mg/L	12/10/97	Dyson	
SM 4500-SO4 C or 4110					Sulfate	150	mg/L	12/5/97	Dyson	
					Temperature	18	*C			
SM 2320 B					Total Alkalinity as CaCO3	457	mg/L	12/4/97	Dyson	
SM 2540 C					Total Dissolved Solids	944	mg/L	12/4/97	Dyson	
SM 2340 C					Total Hardness as CaCO3	621	mg/L	12/4/97	Dyson	
4500-Norg C					Total Kjeldahl Nitrogen	<.10	mg/L	12/26/97	Wallender	
Comments:										

Analysis Number

Collected and Received Date/Time

Sampler Name

Sample Type

Reason

SHD EDT CHD RB Others

Method

Analysis Name

Result

Units

Completed Date/Analyst Name

11D9

19970912005

9/12/97 09:15:00 AM

9/12/97 01:18:41 PM

Sutherland

GRAB

REQUIRED

No No No No Gibson

SM 4500-P B(2), E

Acid Hydrolyzable and Reactive Phosphate as P

.74

mg/L

10/10/97 Wallender

4500-NH3 D

Ammonia as Nitrogen

.73

mg/L

9/29/97 Wallender

SM 2320 B

Bicarbonate as CaCO3

448

mg/L

9/17/97 Dyson

SM 3500-Ca.D

Calcium

107

mg/L

10/2/97 Dyson

SM 2320 B

Carbonate as CaCO3

0

mg/L

9/17/97 Dyson

SM 4500-Cl-.B

Chloride

103

mg/L

9/17/97 Dyson

Depth to Water

39.08

ft

EPA 120.1

Electrical Conductivity or Specific Conductance (Lab)

1300

umhos/cm

9/18/97 Zenker

SM 3500-Mg E

Magnesium

83

mg/L

10/2/97 Dyson

4500-NO3 E

Nitrate as Nitrogen

85

ug/L

9/30/97 Wallender

4500-NO2 B

Nitrite as Nitrogen

&lt;5.0

ug/L

9/12/97 Wallender

SM 4500 H+ B

pH (measured in field)

7.20

SM 4500 H+ B

pH (measured in the lab)

Not Analyzed

SM 3111 B

Potassium

1.52

mg/L

9/26/97 Dyson

SM 3111 B

Sodium

48.2

mg/L

9/26/97 Dyson

SM 4500-SO4 C

Sulfate

143

mg/L

9/22/97 Dyson

Temperature

17

°C

SM 2320 B

Total Alkalinity as CaCO3

448

mg/L

9/17/97 Dyson

SM 2540 C

Total Dissolved Solids

988

mg/L

9/17/97 Dyson

SM 2340 C

Total Hardness as CaCO3

610

mg/L

10/2/97 Dyson

4500-Norg C

Total Kjeldahl Nitrogen

&lt;1.0

mg/L

10/6/97 Wallender

Comments:

L3

19970910036

9/10/97 11:25:00 AM

9/10/97 03:32:09 PM

Sutherland

GRAB

REQUIRED

No No No No Gibson

SM 4500-P B(2), E

Acid Hydrolyzable and Reactive Phosphate as P

&lt;1.0

mg/L

10/10/97 Wallender

4500-NH3 D

Ammonia as Nitrogen

&lt;1.0

mg/L

9/29/97 Wallender

SM 2320 B

Bicarbonate as CaCO3

82

mg/L

9/17/97 Dyson

SM 3500-Ca.D

Calcium

42

mg/L

10/2/97 Dyson

SM 2320 B

Carbonate as CaCO3

0

mg/L

9/17/97 Dyson

SM 4500-Cl-.B

Chloride

210

mg/L

9/17/97 Dyson

Depth to Water

35.41

ft

EPA 120.1

Electrical Conductivity or Specific Conductance (Lab)

1000

umhos/cm

9/11/97 Zenker

SM 3500-Mg E

Magnesium

32

mg/L

10/2/97 Dyson

4500-NO3 E

Nitrate as Nitrogen

14000

ug/L

9/30/97 Wallender

4500-NO2 B

Nitrite as Nitrogen

&lt;5.0

ug/L

9/12/97 Wallender

SM 4500 H+ B

pH (measured in field)

6.93

SM 4500 H+ B

pH (measured in the lab)

Not Analyzed

SM 3111 B

Potassium

2.45

mg/L

9/26/97 Dyson

SM 3111 B

Sodium

96.3

mg/L

9/26/97 Dyson

SM 4500-SO4 C

Sulfate

40

mg/L

9/23/97 Dyson

Temperature

19

SM 2320 B

Total Alkalinity as CaCO3

82

mg/L

9/17/97 Dyson

SM 2540 C

Total Dissolved Solids

644

mg/L

9/16/97 Dyson

SM 2340 C

Total Hardness as CaCO3

236

mg/L

10/2/97 Dyson

4500-Norg C

Total Kjeldahl Nitrogen

&lt;1.0

mg/L

10/6/97 Wallender

Comments:

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Analysis Number	Collected and Received Date/Time		Sampler Name/Sample Type		Reason	SHD EDT CHD RB Others				
	Method	Analysis Name			Result	Units	Completed Date/Analyst Name			
D9										
19970306023	3/6/97 9:20:00 AM	3/6/97 3:52:26 PM	John Sutherland	GRAB	REQUIRED	No	No	No	No	G. GIBSON
	SM 4500 P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			.82	mg/L		4/1/97		Wallender, Lisa
	4500-NH3 D	Ammonia as Nitrogen			.86	mg/L		3/17/97		Wallender, Lisa
	SM 2320 B	Bicarbonate as CaCO3			464	mg/L		3/10/97		Dyson, Katrina
	SM 3500-Ca.D	Calcium			110	mg/L		3/20/97		Dyson, Katrina
	SM 2320 B	Carbonate as CaCO3			0	mg/L		3/10/97		Dyson, Katrina
	SM 4500-Cl-.B	Chloride			106	mg/L		3/17/97		Dyson, Katrina
		Depth to Water			23.86	ft				
		Electrical Conductivity (measured in the field)			1139	umho/cm				
	SM 3500-Mg E	Magnesium			85	mg/L		3/20/97		Dyson, Katrina
	4500-NO3 E	Nitrate as Nitrogen			<50	ug/L		3/7/97		Wallender, Lisa
	4500-NO2 B	Nitrite as Nitrogen			<5.0	ug/L		3/7/97		Wallender, Lisa
	SM 4500 H+ B	pH			Not Analyzed					
		pH (measured in field)			7.51					
	SM 3111 B	Potassium			1.56	mg/L		4/2/97		Dyson, Katrina
	SM 3111 B	Sodium			51.4	mg/L		3/18/97		Dyson, Katrina
	EPA 120.1	Specific Conductance or Electrical Conductivity (Lab)			Not Analyzed	umhos/cm				
	SM 4500-SO4 C	Sulfate			134	mg/L		3/26/97		Dyson, Katrina
		Temperature			18.2	*C				
	SM 2320 B	Total Alkalinity as CaCO3			464	mg/L		3/10/97		Dyson, Katrina
	SM 2540 C	Total Dissolved Solids			854	mg/L		3/12/97		Dyson, Katrina
	SM 2340 C	Total Hardness as CaCO3			625	mg/L		3/20/97		Dyson, Katrina
	4500-Norg C	Total Kjeldahl Nitrogen			<1.0	mg/L		4/1/97		Wallender, Lisa

19970304077	3/4/97 1:40:00 PM	3/4/97 2:50:06 PM	John Sutherland	GRAB	REQUIRED	No	No	No	No	G. GIBSON
	SM 4500 P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			.14	mg/L		4/7/97		Wallender, Lisa
	4500-NH3 D	Ammonia as Nitrogen			<10	mg/L		3/17/97		Wallender, Lisa
	SM 2320 B	Bicarbonate as CaCO3			114	mg/L		3/10/97		Dyson, Katrina
	SM 3500-Ca.D	Calcium			29	mg/L		3/20/97		Dyson, Katrina
	SM 2320 B	Carbonate as CaCO3			0	mg/L		3/10/97		Dyson, Katrina
	SM 4500-Cl-.B	Chloride			135	mg/L		3/13/97		Dyson, Katrina
		Depth to Water			33.89	ft				
		Electrical Conductivity (measured in the field)			761	umho/cm		3/4/97		Sutherland, John
	SM 3500-Mg E	Magnesium			22	mg/L		3/20/97		Dyson, Katrina
	4500-NO3 E	Nitrate as Nitrogen			14,000	ug/L		3/6/97		Wallender, Lisa
	4500-NO2 B	Nitrite as Nitrogen			<5.0	ug/L		3/6/97		Wallender, Lisa
	SM 4500 H+ B	pH			Not Analyzed					
		pH (measured in field)			7.00					
	SM 3111 B	Potassium			2.17	mg/L		4/2/97		Dyson, Katrina
	SM 3111 B	Sodium			95.0	mg/L		3/18/97		Dyson, Katrina
	EPA 120.1	Specific Conductance or Electrical Conductivity (Lab)			Not Analyzed	umhos/cm				
	SM 4500-SO4 C	Sulfate			33	mg/L		3/25/97		Dyson, Katrina
		Temperature			20.6	*C				
	SM 2320 B	Total Alkalinity as CaCO3			114	mg/L		3/10/97		Dyson, Katrina
	SM 2540 C	Total Dissolved Solids			484	mg/L		3/11/97		Dyson, Katrina
	SM 2340 C	Total Hardness as CaCO3			162	mg/L		3/20/97		Dyson, Katrina
	4500-Norg C	Total Kjeldahl Nitrogen			<1.0	mg/L				Wallender, Lisa

Analysis Number

Collected and Received Date/Time

Sampler Name

Sample Type

Reason

SHD EDT CHD RB Others

Method

Analysis Name

Result

Units

Completed Date/Analyst Name

21D9

19970606002	6/5/97 9:00:00 AM	6/6/97 8:21:37 AM	Sutherland, John	GRAB	REQUIRED	No	No	No	No	G. GIBSON
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	.76	mg/L	6/10/97	Wallender, Lisa					
4500-NH3 D	Ammonia as Nitrogen	.71	mg/L	6/24/97	Wallender, Lisa					
SM 2320 B	Bicarbonate as CaCO3	466	mg/L	6/6/97	Dyson, Katrina					
SM 3500-Ca.D	Calcium	120	mg/L	6/12/97	Dyson, Katrina					
SM 2320 B	Carbonate as CaCO3	0	mg/L	6/6/97	Dyson, Katrina					
SM 4500-Cl-B	Chloride	109	mg/L	6/10/97	Dyson, Katrina					
	Depth to Water	39.35	ft							
EPA 120.1	Electrical Conductivity (measured in the field)	1400	umho/cm							
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)	Not Analyzed	umhos/cm							
SM 3500-Mg E	Magnesium	82	mg/L	6/12/97	Dyson, Katrina					
4500-NO3 E	Nitrate as Nitrogen	<50	ug/L	6/6/97	Wallender, Lisa					
4500-NO2 B	Nitrite as Nitrogen	<5.0	ug/L	6/6/97	Wallender, Lisa					
SM 4500 H+ B	pH (measured in field)	7.30								
SM 4500 H+ B	pH (measured in the lab)	Not Analyzed								
SM 3111 B	Potassium	1.53	mg/L	6/20/97	Dyson, Katrina					
SM 3111 B	Sodium	51.2	mg/L	6/17/97	Dyson, Katrina					
SM 4500-SO4 C	Sulfate	150	mg/L	6/19/97	Dyson, Katrina					
	Temperature	19	° C							
SM 2320 B	Total Alkalinity as CaCO3	466	mg/L	6/6/97	Dyson, Katrina					
SM 2540 C	Total Dissolved Solids	1030	mg/L	6/9/97	Dyson, Katrina					
SM 2340 C	Total Hardness as CaCO3	636	mg/L	6/12/97	Dyson, Katrina					
4500-Norg C	Total Kjeldahl Nitrogen	1.1	mg/L	6/23/97	Wallender, Lisa					
Comments:										

19970606003

6/5/97 9:00:00 AM

SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	.32	mg/L	6/10/97	Wallender, Lisa
4500-NH3 D	Ammonia as Nitrogen	.10	mg/L	6/24/97	Wallender, Lisa
SM 2320 B	Bicarbonate as CaCO3	.08	mg/L	6/6/97	Dyson, Katrina
SM 3500-Ca D	Calcium	.5	mg/L	6/12/97	Dyson, Katrina
SM 2320 B	Carbonate as CaCO3		mg/L	6/6/97	Dyson, Katrina
SM 4500-Cl-B	Chloride	.71	mg/L	6/10/97	Dyson, Katrina
	Depth to Water	4.83	ft		
EPA 120.1	Electrical Conductivity (measured in the field)	.0	umho/cm		
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)	Not Analyzed	umhos/cm		
SM 3500-Mg E	Magnesium		mg/L	6/12/97	Dyson, Katrina
4500-NO3 E	Nitrate as Nitrogen	.000	ug/L	6/6/97	Wallender, Lisa
4500-NO2 B	Nitrite as Nitrogen	.0	ug/L	6/6/97	Wallender, Lisa
SM 4500 H+ B	pH (measured in field)	.2			
SM 4500 H+ B	pH (measured in the lab)	Not Analyzed			
SM 3111 B	Potassium	.1	mg/L	6/20/97	Dyson, Katrina
SM 3111 B	Sodium	.8	mg/L	6/17/97	Dyson, Katrina
SM 4500-SO4 C	Sulfate		mg/L	6/19/97	Dyson, Katrina
	Temperature		° C		
SM 2320 B	Total Alkalinity as CaCO3		mg/L	6/6/97	Dyson, Katrina
SM 2540 C	Total Dissolved Solids		mg/L	6/9/97	Dyson, Katrina
SM 2340 C	Total Hardness as CaCO3		mg/L	6/12/97	Dyson, Katrina
4500-Norg C	Total Kjeldahl Nitrogen	.0	mg/L	6/23/97	Wallender, Lisa
Comments:					

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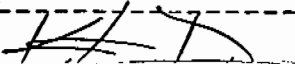
COUNTY OF SAN LUIS OBISPO  
ENGINEERING DEPARTMENT  
ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY  
LOCATION: 21D9

COLLECTED: 09/18/96  
ANALYSIS NUMBER: 26851

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	17.7	
pH AT 25 DEGREES CENTIGRADE	7.61	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	908	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	3650	900 - 1600
CARBONATES AS $\text{CaCO}_3$	0	
BICARBONATES AS $\text{CaCO}_3$	466	
TOTAL ALKALINITY AS $\text{CaCO}_3$	466	
AMMONIA AS N	.87 ✓	
NITRATE AS N	<.05 ✓	10
NITRITE AS N	<.005 ✓	
TOTAL KJELDAHL NITROGEN	<1.0	
CHLORIDE	113	250 - 500
POTASSIUM	1.67	
SODIUM	50.0	
SULFATE	120	250 - 500
CALCIUM	120	
MAGNESIUM	89	
TOTAL HARDNESS AS $\text{CaCO}_3$	664	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	.70	
DEPTH TO WATER (FT)	40.2	

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REPORTED BY: 

10/29/96

COUNTY OF SAN LUIS OBISPO  
ENGINEERING DEPARTMENT  
ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY  
LOCATION: 21D9

COLLECTED: 06/06/96  
ANALYSIS NUMBER: 26128

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	16.9	
pH AT 25 DEGREES CENTIGRADE	7.29	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	968	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	1181	900 - 1600
CARBONATES AS $\text{CaCO}_3$	0	
BICARBONATES AS $\text{CaCO}_3$	480	
TOTAL ALKALINITY AS $\text{CaCO}_3$	480	
AMMONIA AS N	.84	
NITRATE AS N	.067	10
NITRITE AS N	<.005	
TOTAL KJELDAHL NITROGEN	<1.0	
CHLORIDE	107	250 - 500
POTASSIUM	1.74	
SODIUM	47.4	
SULFATE	111	250 - 500
CALCIUM	111	
MAGNESIUM	88	
TOTAL HARDNESS AS $\text{CaCO}_3$	641	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	.50	
DEPTH TO WATER (FT)	26.7	

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REPORTED BY: 1/1

COUNTY OF SAN LUIS OBISPO  
ENGINEERING DEPARTMENT  
ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY  
LOCATION: 21D9

COLLECTED: 03/13/96  
ANALYSIS NUMBER: 25654

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	17.7	
pH AT 25 DEGREES CENTIGRADE	7.82	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	804	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	1130	300 - 1600
CARBONATES AS $\text{CaCO}_3$	0	
BICARBONATES AS $\text{CaCO}_3$	455	
TOTAL ALKALINITY AS $\text{CaCO}_3$	455	
AMMONIA AS N	.84	
NITRATE AS N	<.10	10
NITRITE AS N	.0069	
TOTAL KJELDAHL NITROGEN	1.3	
CHLORIDE	120	250 - 500
POTASSIUM	1.82	
SODIUM	48.5	
SULFATE	132	250 - 500
CALCIUM	110	
MAGNESIUM	87	
TOTAL HARDNESS AS $\text{CaCO}_3$	633	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	1.3	
DEPTH TO WATER (FT)	17.8	

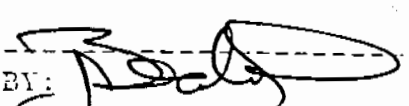
REPORTED BY: 

EXHIBIT 4 page 18 of 19

04/03/96 143

COUNTY OF SAN LUIS OBISPO  
ENGINEERING DEPARTMENT  
ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY  
LOCATION: 21D9

COLLECTED: 09/15/95  
ANALYSIS NUMBER: 24703

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	17.5	
pH AT 25 DEGREES CENTIGRADE	7.69	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	862	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	1170	900 - 1600
CARBONATES AS $\text{CaCO}_3$	0	
BICARBONATES AS $\text{CaCO}_3$	456	
TOTAL ALKALINITY AS $\text{CaCO}_3$	456	
AMMONIA AS N	.81	
NITRATE AS N	0.28	10
NITRITE AS N	.0069	
TOTAL KJELDAHL NITROGEN	<1.0	
CHLORIDE	112	250 - 500
POTASSIUM	1.66	
SODIUM	47.9	
SULFATE	109	250 - 500
CALCIUM	110	
MAGNESIUM	84	
TOTAL HARDNESS AS $\text{CaCO}_3$	622	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	.88	
DEPTH TO WATER (FT)	26.0	





EXHIBIT J page 1 of 1

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**MISCELLANEOUS: ITEMS NOT ON APRIL AGENDA**

-----Original Message-----

From: Douglas Deitch [mailto:ddeitch@got.net]

Sent: Tuesday, March 13, 2007 5:00 PM

To: Charles Lester

Subject: DVDs on Santa Cruz Ground Water Emergency-"Our Inconvenient Truth"-for Commissioners

Hi Charles,

My name is Doug Deitch, ED Monterey Bay Conservancy. (pogonip.org)

At a meeting on farmland preservation in the Santa Cruz library upstairs around a month ago I introduced myself to you and gave you 13 copies (one for you) of a 1/04/07 television show I did-"Our Inconvenient Truth"- on Community Television of Santa Cruz-dealing with our legally sufficient though undeclared ground water emergency here in Santa Cruz County, our enormous annual salt water intrusion water resource loss/exportation-15,000 a/f/yr in the Pajaro Valley from berry overproduction... the 90% user, exceeding our reasonable, sustainable agricultural carrying capacity here in the Monterey Bay Region, and solutions to these problems and others.

Further, I have just on 12/11/06 filed suit against the County of Santa Cruz for a writ of mandate to require the Board of Supervisors to declare the ground water emergency that officially/technically has existed here since 1998, as they must under Gary Patton's "Well Ordinance" (which, by the way, they are attempting to bring before the Coastal Commission for amendment to change their duty under this law in this very respect/matter).

Please see

MontereyBayConservancy.org  
begentlewiththeearth.com  
begentlewiththeearth.net  
begentlewiththeearth.org

for full details.

I am hoping that you distributed the DVDs to each commissioner for their review, which I respectfully request they do to better familiarize themselves with our enormous and unconscionable yearly ground water resource loss....the equivalent of 7.5 new Santa Cruz desal plants at a cost of over \$300 million yearly, before operations and maintenance.

I can provide more copies of the DVD if desired.

Please consider this email the "cover letter" you suggested I write to accompany the DVD and please forward a copy of this email to each commissioner. Please also let me know if all DVDs were distributed? or if you need more?...Thank you!

Please don't hesitate contacting me with any questions/critiques or any other feedback.

Thank you and the Commission for your fine work protecting our coastal areas....our coastal ground waters and habitats need your help more than ever....especially here in the Monterey Bay.

Respectfully

Doug Deitch

ED/Monterey Bay Conservancy

501 Mission Street

Santa Cruz, California, 95060

831-818-4201

## Steve Monowitz

**From:** drnell@thegrid.net  
**Sent:** Sunday, April 01, 2007 3:16 PM  
**To:** art@veronarebow.com ; elquadrillo@charter.net ; hguition@aol.com ; pattiaci@yahoo.com ; annies@kcbx.net ; steve.chawkins@latimes.com ; pismobill@charter.net ; oceanonursery@charter.net ; letters@thetribunenews.com ; heartvisions@hotmail.com ; acharlton@timespressrecorder.com ; joannejacoby@charter.com ; martha\_marques@hotmail.com ; bcuddy@thetribunenews.com ; dleib@co.slo.ca.us ; vjanssen@co.slo.ca.us ; ygrice@sbcglobal.net ; skybirdusa@charter.net ; kachadjian@co.slo.ca.us ; pres OceanolmpAsso ; dcoxmiranda@yahoo.com ; bdenneen@kcbx.net ; cosd@earthlink.net ; nrogoway@belsherandbecker.com ; rmong@parks.ca.gov ; marshallily@sbcglobal.net ; nwilson@thetribunenews.com ; rmiller@newtimeslo.com ; jpetray@timespressrecorder.com ; mkbii@hotmail.com ; sbaker@co.slo.ca.us ; Will D. ; nrview@thegrid.net ; ddelzeit@pismobeach.org ; kelly@ecoslo.org ; gardenershands@yahoo.com ; zocare@aol.com ; sierra8@charter.net ; lakattenhorn@juno.com ; p\_semrau@hotmail.com ; coastlaw@gmail.com ; Peter Douglas ; Steve Monowitz ; morgan@ecoslo.org ; g.r.hensley@sbcglobal.net ; scorbin@surfrider.org ; yoh7@charter.net ; sandym@sanrr.com ; Effie Mc Dermott ; Norm Hammond ; glbedell@charter.net ; CurleyEngr@aol.com ; bmorem@thetribunenews.com ; RADRDH2@aol.com  
**Subject:** 4/1/07 Letter to SLOBOS, Ca.CoastalComm, OHV, and the Press

April 1, 2007

To: San Luis Obispo Board of Supervisors,  
California Coastal Commission,  
Off Highway Vehicle Division (OHV) of California State Parks and Recreation, and the Press

From Dr. Nell Langford  
P.O. Box 27  
Pismo Beach CA 93448  
(805) 773 4771

I can't understand why San Luis Obispo County would even consider the sale of property within the Pismo Dunes Natural Preserve to OHV. I am also bewildered at how the regulatory agencies allow the continued use of it for ingress and egress to the landlocked ODSVRA which violates State Law.

If the reason to sell county land in the natural preserve (or La Grande Tract) is liability concerns due to the OHV's mismanagement, the county should get a liability policy. That should not be that difficult given Government Code section 831.2, which immunizes public agencies from claims for injuries sustained on unimproved public lands. The OHV should pay the premiums, since it is they who increase the risk. Their coffers are full from our gasoline tax.

According to Linda Van Fleet with SLO General Services, the Off Highway Division of State Parks and Recreation says it can't pay a measly 4.8 million for almost 600 acres of county land if the county approves the sale. She reported at the Oceano Dunes Task Force on March 29, 2007 that the OHV can only pay half at first and for only certain parts of county land with just an option to buy the rest later.

Linda reported that for around 2.4 million (only) OHV wants to buy the southern part of La Grande Tract that is owned exclusively by the county without state and private owners within it, and the land adjacent and to the north of La Grande Tract that is in the state owned Pismo Dunes Natural Preserve.

I question the objectives of the OHV in trying to acquire property within the natural preserve. They have already clandestinely land grabbed (with no environmental review) a checkerboard of properties within the La Grande Tract, and vacant land on Pier and Smith Avenues in Oceano Beach.

This is my understanding of the Pismo Dunes Natural Preserve and what OHV has done to

conceal its existence.

It is bounded to the west by the ordinary high water mark of the Pacific Ocean from Arroyo Grande Creek to the SVRA. It is bounded on the east by La Grande Tract (a long strip of land in front of county land) and Dune Lakes. It is bounded on the north by AG Creek and to the south by the SVRA. These are the boundaries shown in the Acquisition History of Pismo Dunes State Vehicular Recreation Area by the Resources Agency of California Department of Parks and Recreation, Drawing 25917, and other maps and descriptions that have not been altered by OHV.

In November, 1936, the County of San Luis Obispo gave land to the state that included what is now the natural preserve. The State Park Commission would not accept the gift until the following words were struck: "for park and highway purposes." The long strip of land seaward of the La Grande Tract is included in this gift. The OHV makes the claim that the State Park Commission meant for this land to be used for highway purposes.

In 1974, The State Parks Commission designated this land as the Pismo Dunes Natural Preserve. The OHV changed the name to Dune Preserve on maps, for "abbreviation" purposes.

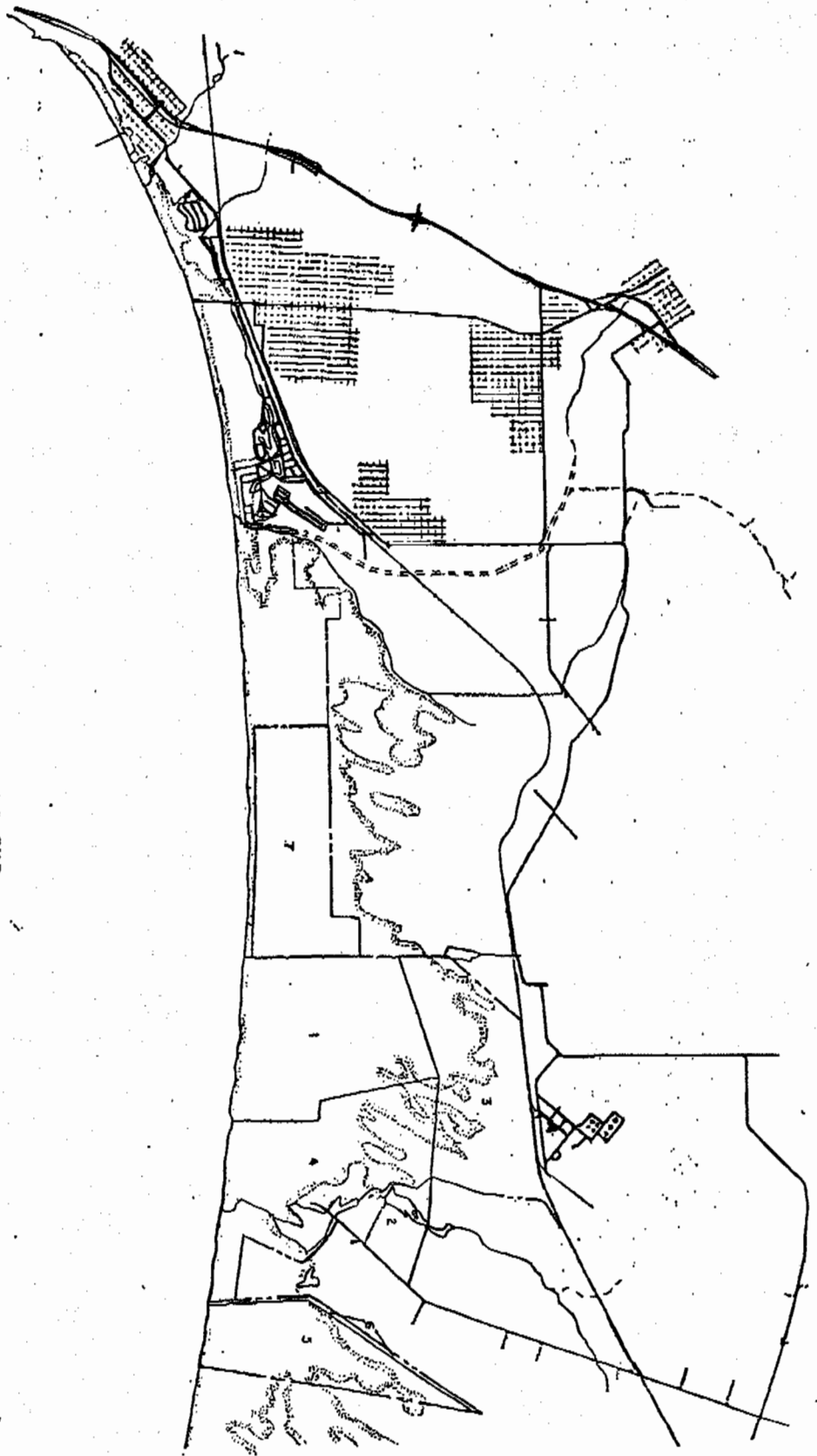
Natural Preserves are regulated by the California Public Resources Code. Section 5019.71 states the following:

"Natural preserves consist of distinct nonmarine areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations that constitute the basis for the establishment of the natural preserve."

Section 5001.8 (a) (1) prevents the use of vehicles in natural preserves:

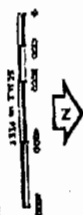
"The use of motor vehicles in units of the state park system is subject to the following limitations:

(1) In state wildernesses, natural preserves, and cultural preserves, use is prohibited."



# LEGEND

- 1 Acquired 1974 26 & E. Omaha Street, Fort-151 acres (transferred to DMV-1977)
- 2 Acquired 1977 from Santa Lucia Valley Assoc. - DMV Fund-346 acres
- 3 Leased 1980 from Union Oil Co. - 437 acres (on condition DMV lease DMV's not to lease property)
- 4 Acquired 1980 from Union Oil Co. - 828 acres
- 5 Acquired 1980 - Santa Lucia Property - DMV Fund-515 acres
- 6 Acquired 1981 from Model Oil Co. - DMV Fund - 17 acres
- 7 Owned by San Luis Obispo County - DMV's permittee-300 acres (reported by agreement)



25917  
FIGURE 13

PISMO DUNES STATE VEHICULAR RECREATION AREA  
ACQUISITION HISTORY

RESOURCES AGENCY OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION

REVISION

DATE

PROPERTY  
L. 10000  
S. 10000  
+ 10000  
CHECK

151