



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 16, 2005

Sullivan & Corcoran
2238 Bayview Heights Dr, Ste C
Los Osos, CA 93402

FINAL LOCAL ACTION NOTICE
REFERENCE # <u>3-SLO-05-385</u>
APPEAL PERIOD <u>9/30-10/4/05</u>

RECEIVED

SEP 29 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: September 12, 2005

SUBJECT: Document No. 2005-057
PATAGUE - County File Number: - S030112C / CO 03-0354

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non coastal issues there is a fee of \$604.00. This action may also be appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your Project Manager, Murry Wilson, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5612.

CCC Exhibit A
(page 1 of 12 pages)

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

Sincerely,

Ramona Hedges, Secretary
County Subdivision Review Board

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: after September 26, 2005

Enclosed: X Staff Report
 X Findings and Conditions

CCC Exhibit A
(page 2 of 12 pages)

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 4, 2005 for this project. Mitigation measures are proposed to address agriculture and water and are included as conditions of approval.

Conditional Certificate of Compliance

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the Estero area plan and all other general plan policies because future development will be subject to all applicable standards and land use permit requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1971 because the applicant is not the subdivider who created the current parcel and 1971 is the year the applicants gained interest in said parcel.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

CONDITIONS - EXHIBIT B

Approved Project

1. This approval recognizes one parcel created in violation of local and state ordinances for sale or development. The parcel is approximately 2 acres in size.

Water Quality

2. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide the following to the satisfaction of County Environmental Health Department: A well completion report, pump tests, and a full water quality report.

Agriculture

3. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall record a mitigation agreement in a form acceptable to County Council to provide an agricultural buffer on the subject property as shown on the attached Exhibit C, 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).

4. **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.

Miscellaneous

5. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall apply for a notice of Voluntary Merger for county review and approval for portions of Lot 30 and Lot 31 of Rancho Canada de Los Osos and La Laguna (APN: 074-222-002).
6. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall dedicate a thirty (30) foot road right-of-way along the southern edge of APN: 074-222-002 and connection to Lariat Drive.
7. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall construct a ½ county-standard gravel road surface.
8. These lots are subject to the standard conditions of approval for all lots using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to issuance of construction permits. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to issuance of construction permit. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to issuance of construction permit.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

Subdivision Review Board
C04-0354 / Patague

6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.
7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to issuance of construction permit, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to issuance of construction permit.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to issuance of construction permit.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots.

Staff report prepared by Murry Wilson and reviewed by Kami Griffin.

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PLANNING AREA STANDARDS:

None applicable based on the date the applicants acquired their interest in the property. However, today's standards require the minimum parcel size for lots adjoining the agricultural area north of Tapidiero Road to be 5 acres.

ORDINANCE STANDARDS:

Minimum Parcel Size

Section 23.04.027 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water and sewer service. Minimum parcel size is based on the largest parcel size as calculated by the required tests.

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15%	1 acre
Water Supply and Sewage Disposal	On-site well On-site septic	2.5 acres

As noted in the deed history below, a pre-1960 deed for the subject lot does not exist. Therefore, a conditional certificate of compliance is required to legalize the parcel. The owners of the subject lot do not own the surrounding lots, making it impossible to increase the lot to the required 2.5 acre minimum parcel size of the land use category; therefore staff has determined it appropriate to legalize this lot with conditions. The conditions applied are conditions that would have been applied to a tentative map in the year the owner's acquired their interest in the subject property (1971).

ENVIRONMENTAL DETERMINATION: The applicant has signed a Developer's Statement that mitigates several environmental concerns of the future development of this parcel that is slightly smaller than would be allowed by today's subdivision standards.

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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 Qumiby 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

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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).

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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.

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 4, 2005 for this project. Mitigation measures are proposed to address agriculture and water and are included as conditions of approval.

Conditional Certificate of Compliance

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the Estero area plan and all other general plan policies because future development will be subject to all applicable standards and land use permit requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1971 because the applicant is not the subdivider who created the current parcel and 1971 is the year the applicants gained interest in said parcel.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s):

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

Commissioner Meg Caldwell, Chair and Commissioner Trent W. Orr

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

(415) 904-5200

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Certificate of Compliance (conditional)

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

Lariat Drive, Los Osos

4. Description of decision being appealed:

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-05-072

DATE FILED: October 14, 2005

DISTRICT: Central Coast

RECEIVED

OCT 14 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CCC Exhibit B
(page 1 of 6 pages)

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

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

a. Planning Director/Zoning Administrator

c. Planning Commission

b. City Council/Board of Supervisors

d. Other: Sub. Review Board

6. Date of local government's decision: September 12, 2005

7. Local government's file number: SO30112C/CO03-0354

SECTION III Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Teodora and Graciano Patague
3331 View Crest Drive
Burbank, Ca. 91504

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

(1) Pat Beck, Chief of Permits,
SLO County Planning & Building Department
County Government Center, San Luis Obispo, CA 93408

(2) Steve Acker
1398 Los Osos Valley Rd.
Los Osos, CA 93402

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

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

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

See Attached.

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

SECTION V. Certification

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

Signed: Meg Caldwell
Appellant or Agent

Date: 10/13/05

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

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

See Attached.

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

SECTION V. Certification

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

Signed: 
Appellant or Agent

Date: 10/13/05

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Reasons for Appeal: San Luis Obispo County Coastal Development Permit S030112C / CO 03-0354 (Pataque)

The County approved project is for one Conditional Certificate of Compliance (CCOC) for a 2-acre parcel (APN 074-222-002) in Los Osos that was not legally created. Under Title 21 Real Property Division Ordinance of the LCP, CCOC's are defined as subdivision development, subject to coastal development permit requirements (Section 21.08.020). The project is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below:

1. **Title 21 Real Property Ordinance Section 21.08.030(a)** requires the County decision on the application to include specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP. In this case, the County approval does not include specific factual findings to support a legal conclusion that the project is consistent with the LCP, and instead inappropriately finds that the certified LCP is not applicable.
2. **Non-conforming parcel size** - Estero Area Plan Residential Suburban Standard #1 requires a 5-acre minimum parcel size for lots within the project area. The County approval of a 2-acre parcel does not meet this minimum parcel size standard, and as a result, approval of this CCOC is inconsistent with the LCP minimum parcel size requirements.
3. **Agriculture** – The subject parcel is undeveloped and has a history of being in agricultural production. Subdivisions of agricultural lands are governed by Policy 2 of the LCP and CZLUO Section 23.04.024 (e and f). Policy 2 states that land divisions in agricultural areas “shall not limit existing or potential agricultural capability” and shall adhere to minimum parcel sizes. Land divisions of prime ag-lands must comply with the following standards:
 1. *Division of land is prohibited unless it is demonstrated that the agricultural production of at least three crops common to the agricultural economy will not be diminished.*
 2. *Building sites will not be created on prime soils*
 3. *Adequate water supplies are available for habitat values, proposed development, and to support existing agricultural viability.*

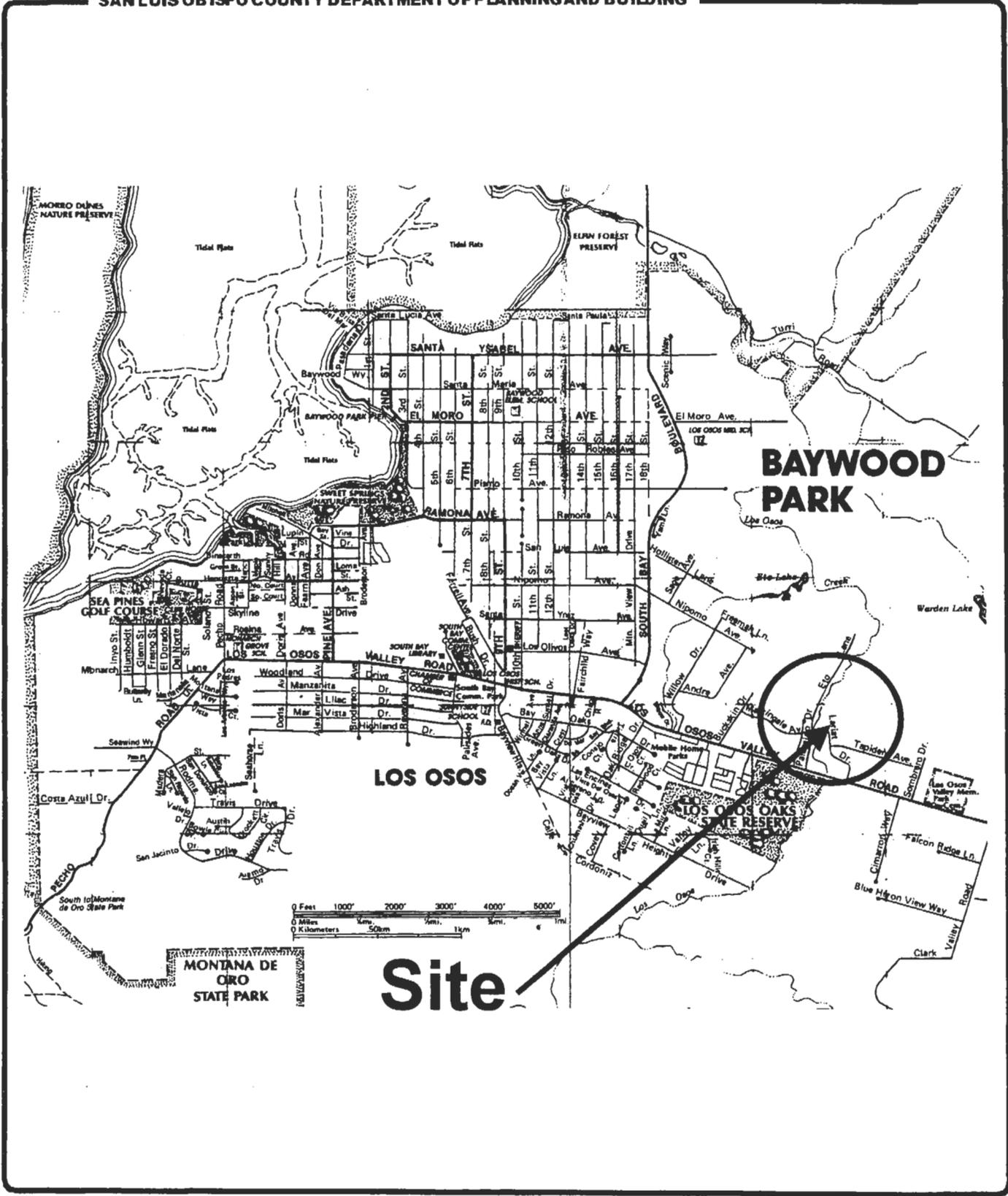
For land divisions on non-prime lands, the County must find that the land division will “maintain or enhance the agricultural viability of the site” (CZLUO Section 23.04.024(f)). Applications must also identify the proposed uses for the parcel.

In this case, the County approval of a 2-acre parcel does not comply with the LCP standards for land divisions on agricultural lands. The County has not demonstrated that agricultural capabilities are not diminished as a result of the subdivision. The information contained in the Final Local action Notice for this project does not identify proposed uses for the parcel, nor have findings been made showing adequate water supplies are available. In addition, it is unclear if future building sites will be created on prime-soils because the County approval does not provide an analysis of soil types or identify the proposed use for the parcel. Thus, the issuance of this CCOC may result in the creation of a non-conforming agricultural parcel that could undermine the viability of agricultural lands in this area of Los Osos.

4. Cumulative Impacts. Based on the information contained in the Final Local Action Notice, it appears that there are multiple parcels in this same agricultural area that are also non-conforming in size and illegally created. In this case, the issuance of CCOC's can cumulatively erode the viability of agricultural lands inconsistent with the LCP as nonconforming parcels are recognized and developed with non agricultural uses.

5. Water Supplies and Preservation of the Groundwater Basins - Public Works Policy 1 requires that new development (including divisions of land) demonstrate that adequate public or private service capacities are available. Priority is given to infilling within existing subdivided areas. Watershed Policy 1 requires the protection of groundwater basins within the coastal zone. The County's approval of the CCOC is inconsistent with these requirements because it will result in additional demands on the Los Osos Groundwater basin, which is currently in overdraft. Approval of the CCOC has not been accomplished by evidence of an adequate water supply, or that groundwater resources will be protected. Moreover, the division is not a priority use eligible to receive any of the limited capacity remaining in the basin.

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PROJECT
 Conditional Cert. of Compliance
 Patague/ S030112C (C03-0354)

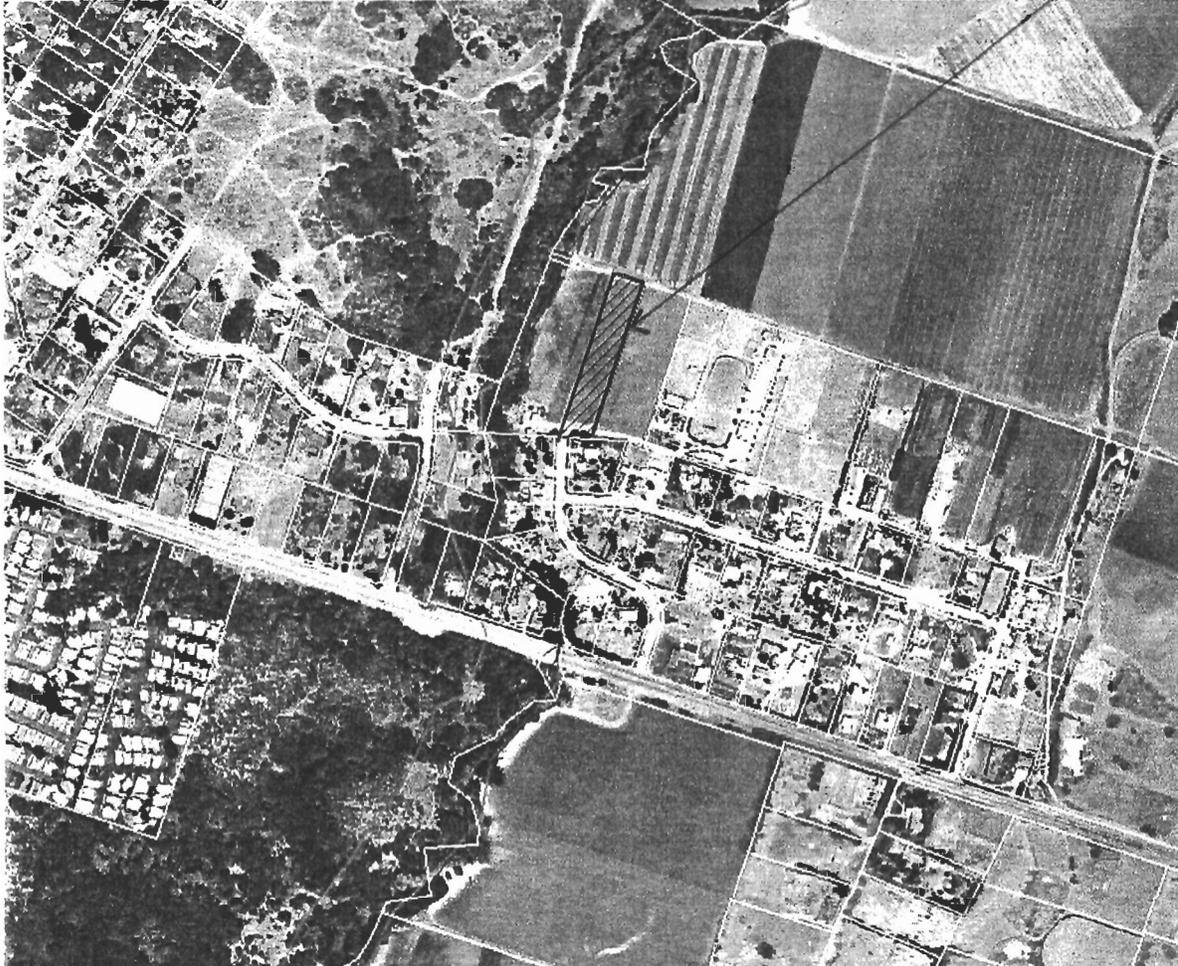


EXHIBIT
 Vicinity Map

Project site

PhotoMapper 4.0 - [C:\SLOCDparcels.Map (Map Window 1)]

File Edit Display Tools Window Help



Information

ATTRIBUTE	VALUE
LAYER	Parcels 2004-Q4
TYPE	Region
OBJECTID	184963
SLO_PAR_	64355
SLO_PAR_ID	11333
APN	074-222-002
APN_9	074222002
AREA	87135.416
PERIMETER	1641.718
ACRES	2.000
ASSESSEE	PATAGUE GA & TM
C_O	
ADDRESS_1	3331 VIEWCREST DR
ADDRESS_2	
SODRESS_3	
CITY	BURBANK
STATE	CA
ZIP	91504
PLUS_4	
SITUS_	00000
DIRECTION	
STREET	LARIAT
TYPE	DR
APT_SPACE	
COMMUNITY	REST
LEGAL	RHO LS OSOS & LL PT
PRIM_LUC	100
LUC_1	101
LUC_2	
LUC_3	
LAND	20511.0000
IMPS	0 0.000
PERS	00 0.00
FIX	000 0.0

1"=500' 5724909.4, 2308126.4 ft

Start [Icons] New Memo - Lotus Notes [Icon] Tidemark Advantage [Mu...] PhotoMapper [Icon] 3:17 PM



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

AgCommSLO@co.slo.ca.us
FAX (805) 781-1035

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SEP 10 2004

Planning & Bldg

(805) 781-5910

FAX (805) 781-1035

DATE: September 9, 2004

TO: Airlin Singewald, Coastal Team

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

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.

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.