

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W11a



Prepared December 18, 2008 (for January 7, 2009 Hearing)

To: Coastal Commissioners and Interested Parties

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: Final Coastal Commission Certification Review for San Luis Obispo County Local Coastal Program Amendment Number SLO-MAJ-2-04 Part 2 (Estero Area Plan Update)

At the July 10, 2008 Coastal Commission meeting in San Luis Obispo, the Commission approved, with suggested modifications, San Luis Obispo County Local Coastal Program (LCP) Major Amendment Number 2-04 Part 2. This LCP amendment updated the policies, programs, maps, and standards that guide and regulate development in the Estero Area. The amendments were incorporated into the Estero Area Plan segment of LCP's Land Use Plan (LUP).

By action taken November 18, 2008, San Luis Obispo County adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit A). This action was taken within the required timeframe.

The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., January 7, 2009), and notification of this certification and Commission concurrence will be forwarded to the County.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by San Luis Obispo County to accept the Commission's suggested modifications for San Luis Obispo County LCP Amendment 2-04 Part 2 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the San Luis Obispo County LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 2-04 Part 2; the amended LCP will be certified as of today's date (i.e., January 7, 2009). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit A: County's Acceptance of the Coastal Commission's Suggested LCP Modifications



RECEIVED

IN THE BOARD OF SUPERVISORS
DEC 6 COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Tues day November 18 , 2008

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall, K.H. 'Katcho' Achadjian, and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2008-359

RESOLUTION ACKNOWLEDGING RECEIPT AND AGREEING TO CALIFORNIA COASTAL COMMISSION'S MODIFIED LANGUAGE PERTAINING TO LOCAL COASTAL PROGRAM MAJOR AMENDMENT NUMBER 2-04, PARTS 2 AND 3

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted public hearings on September 28, October 5, October 19, and November 2, 2004, and approved amendments to the Estero Area Plan, Land Use Element/Local Coastal Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code; and

WHEREAS, the County of San Luis Obispo submitted to the California Coastal Commission for certification on December 30, 2004 Local Coastal Program Major Amendment Number 2-04, Parts 2 and 3--the amendments to the Estero Area Plan, Land Use Element/Local Coastal Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code; and

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on July 18, 2006, and amended the County's previous submittal to the Coastal Commission of Local Coastal Program Major Amendment Number 2-04, Part 2--the amendments to the Estero Area Plan, Land Use Element/Local Coastal Plan; and

WHEREAS, the County submitted its amended Local Coastal Program Major Amendment Number 2-04, Part 2--the amendments to the Estero Area Plan, Land Use Element/Local Coastal Plan-- to the California Coastal Commission for certification on January 10, 2007; and

WHEREAS, on July 10, 2008, the California Coastal Commission recommended modified language in Local Coastal Program Major Amendment Number 2-04, Parts 2 and 3; and

WHEREAS, on July 10, 2008, the California Coastal Commission certified Local Coastal Program Major Amendment Number 2-04, Parts 2 and 3, provided certain modified language suggested by the California Coastal Commission is adopted by the County, said language is contained in the California Coastal Commission staff reports dated June 27, 2008, attached hereto and incorporated by reference herein; and

WHEREAS, on November 18, 2008, the Board of Supervisors accepted and agreed to the terms and modifications suggested by the California Coastal Commission regarding Local Coastal Program Major Amendment Number 2-04, Parts 2 and 3, and took formal action to satisfy the terms and modifications; and

WHEREAS, pursuant to the California Code of Regulations, Title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), the San Luis Obispo County Board of Supervisors may now accept and agree to the terms and modifications suggested by the California Coastal Commission regarding Local Coastal Program Major Amendment Number 2-04, Parts 2 and 3, and take formal action to satisfy the terms and modifications.

CCC Exhibit A
(page 1 of 3 pages)

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the eighteenth day of November, 2008, that the Board of Supervisors of San Luis Obispo County, acknowledges receipt and hereby agrees to the modified language, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Program Major Amendment Number 2-04, Parts 2 and 3 as set forth in Exhibits "A" and "B," attached hereto and incorporated herein as though fully set forth.

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

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

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

b. The Board of Supervisors accepts the modified language suggested by the California Coastal Commission pertaining to the Coastal Zone Land Use Ordinance, Title 23 of the County Code, as it implements the California Coastal Commission's recommendation by amending and adding the language as it appears on Exhibit B attached hereto and incorporated herein as though fully set forth.

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

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

AYES: Supervisors Achadjian, Lenthall, Ovitt, Gibson, and Chairperson Patterson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

JAMES R. PATTERSON

Chairman of the Board of Supervisors

ATTEST:

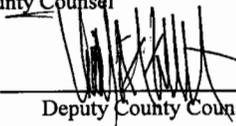
JULIE L. RODEWALD
Clerk of the Board of Supervisors

[SEAL] By: Sandy Curran
Deputy Clerk

CCC Exhibit A
(page 2 of 3 pages)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: 
Deputy County Counsel

Date: 11.6.08

CCC Exhibit A
(page 3 of 3 pages)

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Super-visoers, and now remaining of record in my office.

Witness, my hand and seal of said Board of Super-visoers this December 2, 2008

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

By Sandy Luzzo
Deputy Clerk