

CALIFORNIA COASTAL COMMISSION

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W15d



IMPORTANT NOTE: The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

Appeal filed:	6/24/2010
49th day:	8/12/2010
Staff report prepared:	7/28/2010
Staff report prepared by:	J. Bishop
Staff report approved by:	D. Carl
Hearing date:	8/11/2010

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal numberA-3-SLO-10-031, Goodan SFD

ApplicantsEunice Goodan

AppellantCoastal Commissioners Ross Mirkarimi and Sara Wan

Local governmentSan Luis Obispo County

Local decisionCoastal Development Permit (CDP) Application Number DRC2008-00025 approved by San Luis Obispo County on May 21, 2010.

Project locationApproximately 417-acre property extending from Highway One to the Pacific Ocean and situated approximately two miles south of the community of Cambria along the Harmony Coast in the North Coast planning area of unincorporated San Luis Obispo County (500 Harmony Ranch Road; APNs 013-201-43 and 013-201-44).

Project descriptionConstruct a new 5,019 square-foot, two-story, single-family residence on the blufftop portion of the property and convert an existing 1,100 square-foot single-family residence on site nearer Highway One to a farm support residence.

File documentsFinal Local Action Notice for San Luis Obispo County CDP Number DRC2008-00025; San Luis Obispo County certified Local Coastal Program (LCP).

Staff recommendation ...Substantial Issue Exists

A. Staff Recommendation

1. Staff Note

Staff strongly prefers to bring appeals to a single hearing when a recommendation can be developed for both the substantial issue and de novo phases of an appeal. This approach best focuses use of limited Commission resources, and provides the best service to applicants, appellants, and other interested parties because all appeal issues can be resolved in a single hearing. The alternative is to have two



separate hearings: one for substantial issue and one for de novo, and such an approach by definition takes longer and requires expenditure of more resources by all parties, including the Commission.

In attempting to streamline the process and schedule appeals for a single hearing, staff must also work within the Coastal Act framework that requires that appeals be initially heard within 49 days of the date they are filed unless the applicant waives that right to allow for different scheduling after 49 days. In this case, the appeal was filed on June 24, 2010 and the 49th day is August 12, 2010. Due to the very short turnaround between the July Commission meeting in Santa Rosa and production deadlines for the August Commission meeting in San Luis Obispo, and due to significant competing demands on limited staff and staff time, it is not possible in this case to provide recommendations for both phases of the appeal. The Applicant was provided this information and was asked if she would waive the 49-day hearing requirement, and she declined. As a result, and as much as staff would prefer a more streamlined approach, this matter is being brought forward for a substantial issue only hearing at this point in time.

Staff believes that it is important that the Commission understand why matters like this are brought forward in pieces as opposed to a coherent whole, and to also understand that this short turnaround phenomenon in these appeal situations is the norm rather than the exception. In addition, to meet the 49-day requirement, staff must expedite review of the project in question, and such expedited review leads to a domino effect on other pending matters that will necessarily be affected by this project jumping ahead in the queue. Absent waivers (or legislative change) that would allow for a more even application of limited staff time when many projects are competing for limited Commission hearing slots in the pending queue, staff's hands are tied in this respect. Thus, this appeal is before the Commission for only the substantial issue determination. Any future de novo hearing (should the Commission find substantial issue) would be at a later date.

2. Summary of Staff Recommendation

The County approved a CDP for construction of a roughly 5,000 square-foot residence on the undeveloped blufftop of a 417-acre agricultural property located along the Harmony Coast about two miles south of the community of Cambria. The property extends about 1.25 miles from Highway One to the Pacific Ocean, and the approved project also includes the conversion of an existing 1,100 square-foot residence, located nearer to Highway One, to a farm support residence. The County's CDP approval was appealed to the Commission, with the Appellants contending that the County-approved project raises LCP conformance issues regarding protection of coastal agriculture, environmentally sensitive habitat areas (ESHAs), hazards, and public services.

Staff believes that the appeal raises substantial LCP conformance issues. First, it is clear that the County-approved project allows for fairly substantial residential development on a property designated by the LCP for agriculture, but it is not clear that the requisite LCP requirements for allowing such a residence on such an agricultural property can be made (including with respect to maintaining agricultural lands for agricultural production and use, protecting prime soils, allowing farm support quarters, facilitating additional agricultural conversion, and the overall protection of the County's finite and irreplaceable agricultural lands, both individually and cumulatively). In addition, the County's



approval appears to contemplate and allow for direct loss of ESHA for residential development, and appears not to meet LCP requirements that ESHA be avoided and protected from significant disruption (including for native grassland and California red-legged frog habitats). Furthermore, the residential envelope is located near the bluff edge and active erosional features, at least one of which appears to have retreated well over 200 feet in the last 30 years, and it is not clear that the project has been sited and designed to avoid such hazards (and to avoid exacerbating such hazards from the effects of residential development, such as increased runoff, etc.). Finally, it has not been shown that there is adequate water supply and sewage disposal capacity available to serve the proposed development, contrary to LCP requirements.

Staff recommends that the Commission find that the appeal raises a substantial LCP conformance issue related to core LCP coastal resource protection requirements, and that the Commission take jurisdiction over the CDP application for this project. The necessary motion to effect this recommendation is found directly below.

3. Staff Recommendation on Substantial Issue

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. I move that the Commission determine that Appeal Number A-3-SLO-10-031 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a no vote.

Staff Recommendation of Substantial Issue. Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-SLO-10-031 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

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Exhibit A: Project Location Maps and Aerial Site Photo

Exhibit B: San Luis Obispo County CDP Approval

Exhibit C: Appeal of County’s CDP Approval

Exhibit D: Applicable LCP Policies Cited

B.Findings and Declarations

The Commission finds and declares as follows:

1. Project Location

The project is located in northern San Luis Obispo County along the Harmony Coast, an area extending roughly 15 miles between the unincorporated coastal communities of Cayucos through to Cambria (see Exhibit A). The Harmony Coast area is well known for its mild year-round climate, rugged coastal vistas, and unique natural, cultural and recreational features. The Harmony Coast area is traversed by Highway One along the inland flank of the coastal range, which provides a public viewshed that is still agrarian and largely undeveloped – and oftentimes spectacular in its natural beauty, including both low and high rolling mountainous areas extending on both sides of the road framed in certain areas by large flatter plains. Really, the experience wending along Highway One through the Harmony Coast can take the visitor back to a time when large portions of California’s coastal area were largely undeveloped like this area still is, and is evocative of a simpler time. Within this rural, pastoral setting, the area also supports a vibrant if low-key tourist industry sustained by this overall setting. Its location between the towns of Cayucos and Cambria, which provide jumping off points for exploration, and its abundance of ocean-based recreational activities, including surfing, diving, kayaking and fishing, all play off the stunning coastal scenery and rich ecological resources.

The proposed project site is a 417-acre parcel designated by the LCP for agriculture that is located west of Highway One, between the Highway and the Pacific Ocean, approximately two miles south of the community of Cambria. The site is the southernmost parcel of what has historically been referred to and



known as the “North Ranch”. The proposed new single-family residence would be located atop the coastal bluff nearest the ocean on the property, approximately 1.25 miles from Highway One. The existing single-family residence (proposed to be converted to a farm support residence) is located near the Highway. Project road access would be along Harmony Ranch Road, including partially across the 417-acre parcel and partially across a separate 61-acre parcel, also owned by the applicant, extending to the coastal bluff.

See a location map and an air photo of the project area in Exhibit A.

2. Project Description

The County-approved project allows construction of a 5,019 square-foot, two-story single-family residence with an approximately 2,500 square foot footprint, 1,281 square-foot unconditioned basement/workroom, 886 square-foot attached garage, 1,297 square-foot deck, 5,000 gallon water tank, and various drainage and landscape improvements. The project also includes conversion of an existing 1,100 square-foot single-family residence on site to a farm support residence. The proposed 16-foot wide driveway to the residence would be along Harmony Ranch Road. The County indicates that the project will disturb an approximately 35,000 square-foot area, which includes approximately 3,200 cubic yards of cut and fill.

See more detailed project information in the County’s action notice attached as Exhibit B.

3. San Luis Obispo County CDP Approval

On May 21, 2010, the San Luis Obispo County Hearing Officer approved CDP Number DRC2008-00025. Notice of the County’s action on the CDP was received in the Coastal Commission’s Central Coast District Office on June 9, 2010. The Coastal Commission’s ten-working day appeal period for this action began on June 10, 2010 and concluded at 5 p.m. on June 24, 2010. One valid appeal (see below) was received during the appeal period.

4. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development that is located



seaward of the first public road, within 100 feet of a stream, within 300 feet of the blufftop edge, and within a sensitive resource area, and because it involves development that is not designated as the principal permitted use under the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approves the project following a de novo hearing.

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

5. Summary of Appeal Contentions

The Appellants contend that the County’s CDP decision raises conformance issues with certified LCP policies and ordinances regarding protection of coastal agriculture, ESHA, hazards, and public services. Please see Exhibit C for the complete appeal document.

6. Substantial Issue Determination

A. Applicable LCP Policies

Please see Exhibit D for the applicable LCP policies cited in the appeal.

B. Analysis

As indicated in the findings below, a substantial issue exists with respect to the grounds on which the appeal has been filed with respect to the provisions of the San Luis Obispo County certified LCP, including LCP policies and ordinances pertaining to agriculture, ESHA, hazards, and public services.

Agriculture

LCP Agriculture Policy 1 requires that lands suitable for agriculture be maintained in or available for agricultural production unless, among other reasons, continued or renewed agricultural use is not feasible, or the permitted conversion will not adversely affect surrounding agricultural uses. LCP



Agriculture Policy 4 and LCP Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.050 require that single-family residences and accessory agricultural buildings necessary for agricultural use, where possible, be located on non-prime agricultural soils.

The County-approved project is located on LCP-designated agricultural land, and, according to the County, land that has some history of being used for cattle grazing. According to the County, the project would disturb nearly an acre (approximately 35,000 square feet) of agricultural soils on the blufftop marine terrace portion of the property nearest the Pacific Ocean. The proposed residential building site would be located on Marimel silty clay loam soil, which is considered Class III (non-prime) without irrigation and Class I (prime) when irrigated. In this case, the County record does not provide an analysis of whether or not this site would qualify as prime grazing land as defined by the LCP.¹ Although constraints to establishing irrigated crops at this location in the future have been identified (water availability and erosion), the soils are nevertheless potentially prime according to the County, and at a minimum they are suitable for agriculture. It appears that continued or renewed agriculture is feasible at this location, including for continued grazing. It is also not clear if the single-family residence is located on non-prime soils, as required by the LCP if it is possible.

In addition, the County approved project also allows conversion of an existing 1,100 square-foot single-family residence to a farm support residence. The LCP allows for such farm support quarters only if it is needed to support existing agricultural production activities (Section 23.08.167(c)). Beyond a general assertion included in the County's action notice that the property supports cattle grazing, there is little information in the record about existing agricultural operations or the current need for such farm support quarters. The County approval of the conversion is based on the size of the parcel alone, rather than an analysis of the need for farm support for existing agricultural operations. It may be that this property would qualify for such a farm support residence, but without information regarding existing agricultural operations it remains uncertain if the proposed farm housing is in direct support of existing agricultural production activities and allowable under the LCP.

LCP Agriculture Policy 3 identifies requirements to protect agricultural lands when non-agricultural supplemental uses are approved to support agriculture. As opposed to such supplemental uses, single-family residences are specifically allowed by the LCP on agricultural lands and are considered to be a part of, rather than supplementary to, agricultural use. The objective of Policy 3 is to minimize the conversion of agricultural lands to non-agricultural uses. The proposed project is not intended to protect agricultural lands, but is intended for single-family residential development. This is neither agricultural nor a supplemental non-agricultural use. The project's intensification of residential development on agricultural land contradicts this key LCP policy objective. Furthermore, the County's approval does not include all necessary measures required by the LCP to allow this type of development (such as affirmative agricultural easements, fencing requirements, prohibitions of future subdivisions, limiting future residential development, and prohibiting secondary guest houses and non-agricultural accessory

¹ CZLUO Section 23.11.030 includes in its definition of Prime Agricultural Soils the following: *c. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.*



structures). In this case, the County-approved project allows for the conversion of an excessive amount of the site's agricultural land to non-agricultural (residential) uses, thereby diminishing the agricultural productivity of the site and setting a precedent for non-agricultural development that may adversely affect the long-term viability of agriculture in the region. Alternative project locations and mitigation measures appear available that could avoid or reduce impacts to agriculture, including through application of a significantly smaller development envelope should residential development be proven conclusively to be appropriate for this site.² Thus, the project appears to conflict with applicable LCP policies regarding the protection of agricultural lands.

On a cumulative basis, residential "estate" type housing also tends to convert agricultural land, as many owners of this type of housing do not want the nuisance of agricultural uses on their property or in close proximity to their primary residence. The County approval allows for nearly an acre (approximately 35,000 square feet for the residential envelope) of disturbance in support of the new primary residence and associated improvements. This figure does not include additional agricultural acreage that will likely be converted due to perimeter residential fencing along access roads, drainage and ornamental landscape berming, and the like. Large residential developments such as that approved by the County tend to convert more agricultural land than necessary to accommodate residential use and fail to protect agricultural values, and they can undermine the LCP agricultural zoning purpose. In addition, such large residential development can help induce additional future non-agricultural related development in the immediately surrounding parcels. For example, the County-approved project includes an improved driveway access extending approximately 1.25 miles from Highway One to the blufftop that could easily, and appears planned to, provide access to other adjacent agricultural blufftop areas further upcoast, thus potentially facilitating future similar development there.

Thus, the County-approved project raises a substantial issue with respect to consistency with the LCP's agricultural protection policies.

ESHA

The County-approved project is located on a property that includes a variety of ESHAs, including wetlands, coastal streams and riparian habitat areas, native grasslands, and a dynamic rocky intertidal zone fronting the bluffs. One of the main concerns surrounding the project is the potential for impacts to the federally-listed California red-legged frog (CRLF). CRLF was discovered on the property during protocol level surveys (Althouse and Meade, Inc., April 2009). According to the reports, breeding pools for the CRLF are located on an adjacent parcel and juvenile frogs utilize at least one of the drainages on the subject property. According to the County staff report, the project could result in a "take" of this federally listed species and is subject to numerous mitigation measures that aim to reduce potential impacts. A referral was made to the US Fish and Wildlife Service (USFWS) for review, and protocol level surveys were required. The County approved project requires that all applicable USFWS permit

² The nearly one-acre disturbance area is significantly greater than other recent 'residential on agricultural land' cases with which the Commission has dealt in recent times, including with respect to residential development approved recently by the Commission further downcoast along the Harmony Coast (i.e., CDP A-3-SLO-00-040 (Schneider) approved in 2008 by the Commission with a maximum development envelope of 14,000 square feet).



approvals be obtained prior to issuance of the construction permit.

In addition, native grasslands, a sensitive vegetation community, are also known to occur along this section of the coast. In some areas, heavy grazing has disrupted the native grasslands. According to the Mitigated Negative Declaration prepared for the project, there is an approximately 5,000 square-foot patch of native bunchgrass grassland at the southeast corner of the project site. The County approval allows for 1 to 1 mitigation, if avoidance of this native grassland resource is not possible.

San Luis Obispo County LCP ESHA Policies 1, 2, and 29, and CZLUO Section 23.07.170(e) prohibit new development within or adjacent to locations of environmentally sensitive habitats from significantly disrupting the resource, and within an existing habitat resource the LCP only allows those uses dependent on such resources. In this case, the spatial extent of ESHA onsite is not entirely clear from the County's notice. It appears that the proposed project is within, or in close proximity to, CRLF habitat areas and within an area supporting native bunchgrass grassland, both ESHA. The fact that the County-approved project identifies a mitigation ratio for loss of native bunchgrass means that the approval allows removal of such ESHA resources. Accordingly, its removal for residential development would not be allowed by the LCP. Similarly, the County's findings indicate that the project would be setback from CRLF habitat areas, but it is unclear where the development is located in relation to the web of CRLF dispersal routes between such areas and the way the project could impact CRLF additionally in that sense. In fact, the County indicates that "the project could result in take of this federally protected species". Furthermore, typical noise, lights, pets, and other disruptions typical of residential use would be expected with the project that could also significantly disrupt such ESHAs.

Although the County approval does include a host of mitigation measures in response to potential ESHA resource impacts, such mitigation approach runs counter to the LCP's driving policy directive to avoid impacts whenever feasible. In this case it does not appear that every attempt, including alternative project siting and design, was made to avoid impacts. Alternative projects and alternative locations may reduce or avoid the potential for these adverse ESHA impacts, including the identified potential take of CRLF and loss of native grassland. For example, it appears that alternative development envelopes are likely available that could avoid impacts to CRLF habitat, maintain prescribed ESHA setbacks and buffers, and avoid impacts to native grasslands. In some areas, restoration of damaged habitat could be needed to support the biological continuance of the ESHA, and could be required by the LCP depending on alternative project siting and design.

Thus, the County-approved project raises a substantial issue with respect to consistency with the LCP's ESHA protection policies.

Hazards

The County-approved project is proposed on an eroding ocean fronting bluff that also shows signs of active erosional gullying and landsliding. Aerial photos from 1979 to 2008 indicate that severe erosion has taken place on the marine terrace blufftop portion of the site, most significantly to the north of the proposed residential development area. A large gully has grown significantly over the past 30 years and



shows up clearly in an aerial photo comparison over that time frame.³ In fact, a cursory review of the photo evidence indicates that the drainage channel has retreated well over 200 feet in 30 years. According to the County notice, the Applicant's geotechnical studies analyze cliff retreat and erosion on the bluff face, including slope stability, but little information is provided about the potential hazards associated with the massive drainage feature to the north of the project site. A 100-foot setback from adjacent ravine features was suggested, however, the site plans approved by the County show an extensive network of drainage swales, rock rip-rap energy dissipaters, and runoff detention basins within the prescribed setback areas. These features are substantially engineered and meant to alter natural drainage flows, which if not designed and located appropriately, can contribute to erosion or geological instability. The significant amount of grading proposed in this blufftop environment (3,200 cubic yards, according to the County's notice) to facilitate the residential development could also exacerbate all such hazard conditions.

Thus, the County-approved project raises a substantial issue with respect to consistency with the LCP's hazards policies.

Public Services

LCP Public Works Policy 1 and CZLUO Section 23.04.430 require new development to demonstrate that adequate public or private service capacities are available to serve the proposed development. The proposed development is located outside of both the Cayucos and Cambria Urban Services Lines, which makes it reliant upon on-site water and wastewater treatment. In this case, the County did not make any specific findings related to LCP Public Works Policy 1 or CZLUO Section 23.04.430 for the project. The lone piece of evidence in the County's notice regarding water supply is a well pump down test dating back to 1979. Moreover, it is not clear that the well tested in 1979 is even the same well that would be used to serve this development. According to the County staff report, water is already available at the project site, raising additional questions about the status and permit history of the proposed water source. In addition, wastewater is shown to be treated through a septic tank and an engineered system of interlinked leach pits west of the residence. The project is conditioned to require the County's Environmental Health Department to review and approve a sewage disposal maintenance plan prior to issuance of construction permits. Without detailed information regarding the water supply for the project and absent assurance that wastewater can be appropriately disposed of, including in relation to agricultural, ESHA, and hazard issues associated with the site, it is not clear that adequate water supply and wastewater disposal exists on-site to serve the proposed development. In short, the LCP-requirement that adequate services be demonstrated before a CDP is approved has not been clearly met.

Thus, the County-approved project raises a substantial issue with respect to consistency with the LCP's public services policies.

C. Substantial Issue Determination Conclusion

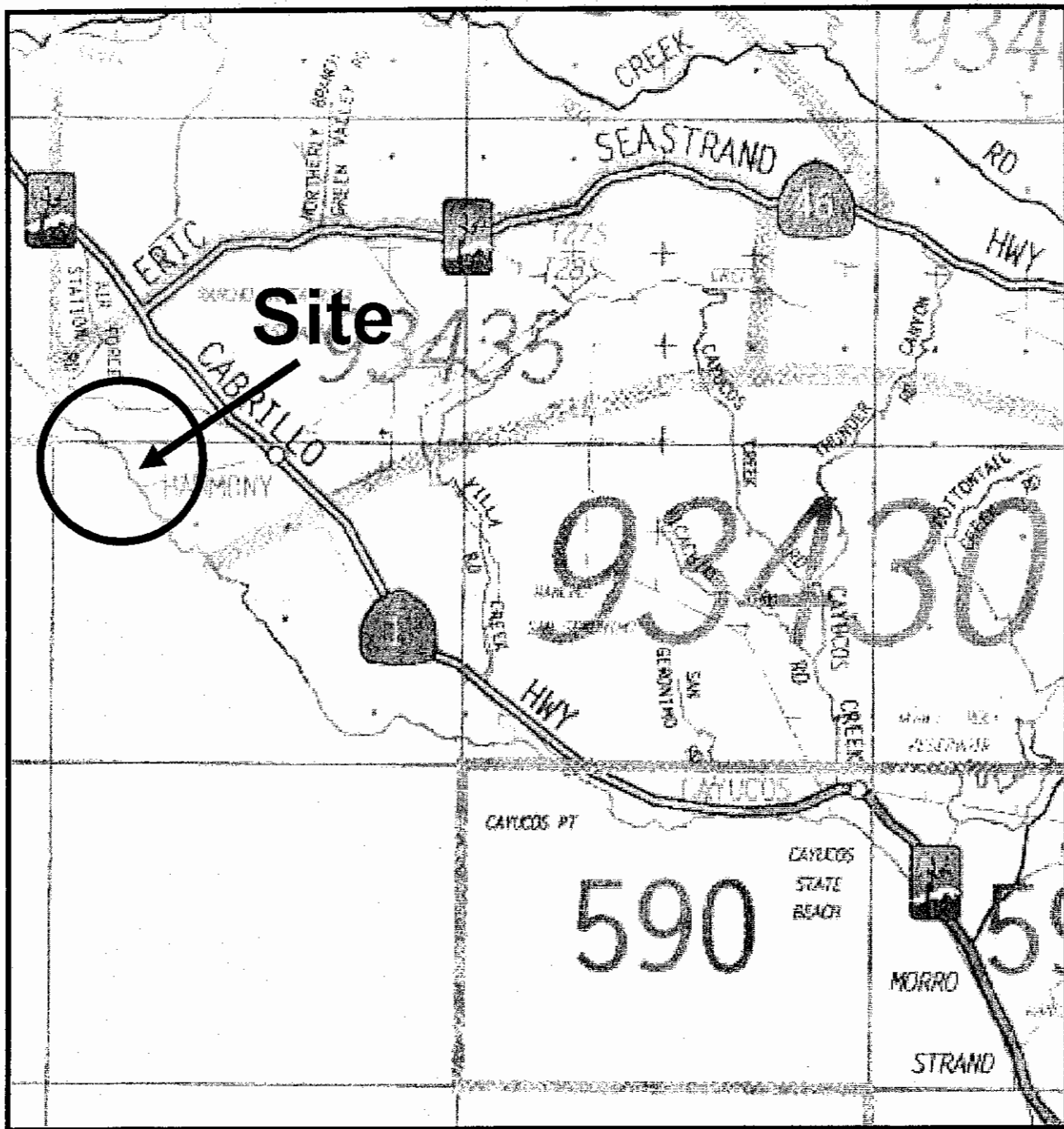
³ California Coastal Records Project image number 7937127 (May 1979) and image number 200807041 (September 2008).



The County-approved project raises substantial LCP conformance issues because the new residence and associated improvements will convert significant areas of suitable agricultural land to non-agricultural use and has the potential to impact area agriculture, both individually and cumulatively. In particular, the project appears to be inconsistent with the LCP's agriculture protection policies because land suitable for agriculture is not maintained or kept available for agriculture. According to the project record, some of the agricultural soils lost are potentially prime soils. In addition, it has not been shown that the conversion of the existing onsite residence to farm support is needed to directly support existing agricultural production activities, as required by the LCP. In addition, the project site hosts a rich mosaic of ESHAs, including wetlands, coastal streams and riparian areas, native grasslands, and rocky intertidal zones, and native grassland and CRLF have been documented to be present. Elements of the project appear to be located within or in close proximity to these resources, and ESHA impacts appear to be contemplated as part of the County's approval. Although the County-approved project includes mitigation measures to reduce potential ESHA impacts, alternative project designs may be available that completely avoid impacts, as required by the LCP's ESHA protection policies and ordinances. Further, the project is proposed on a geologically dynamic coastal marine terrace blufftop. In addition to direct wave attack, a review of aerial photos dating back only 30 years show large erosional gullies have formed on both sides of the proposed homesite. The need to address the hazardous conditions of erosion on the marine terrace is evidenced by the relatively immense and highly engineered drainage system proposed around the development. Some of these features extend into recommended setback areas and could create or contribute to erosion or geologic instability. This runs counter to LCP Hazards Policy 2. Lastly, it has not been shown that there is adequate water supply and sewage disposal capacity available to serve the proposed development.

Thus, the Commission finds that a substantial issue is raised with respect to the County-approved project's conformance with LCP agriculture, ESHA, hazards, and public services policies and ordinances and takes jurisdiction over the CDP application for the proposed project.





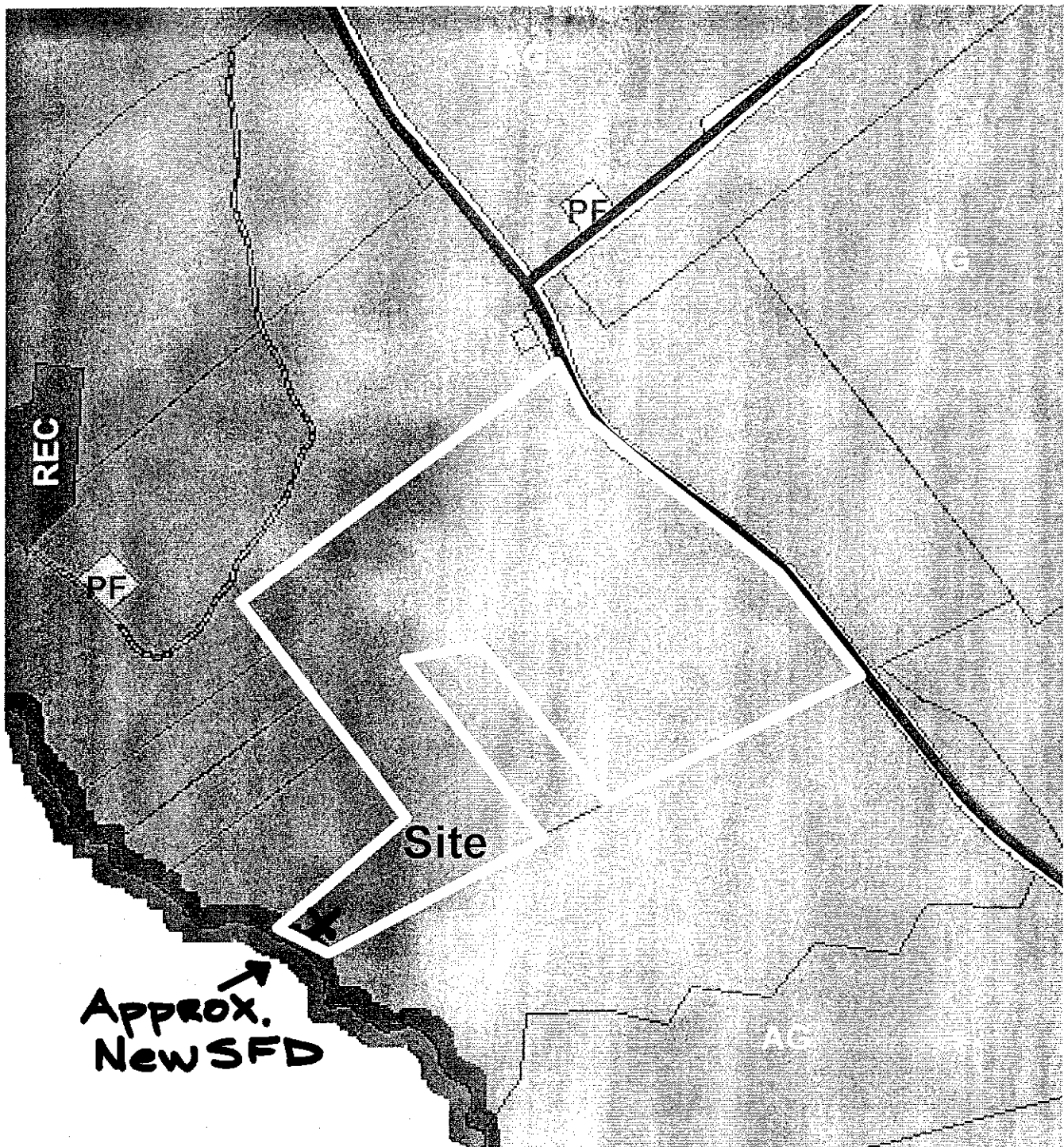
PROJECT

Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Vicinity Map



PROJECT

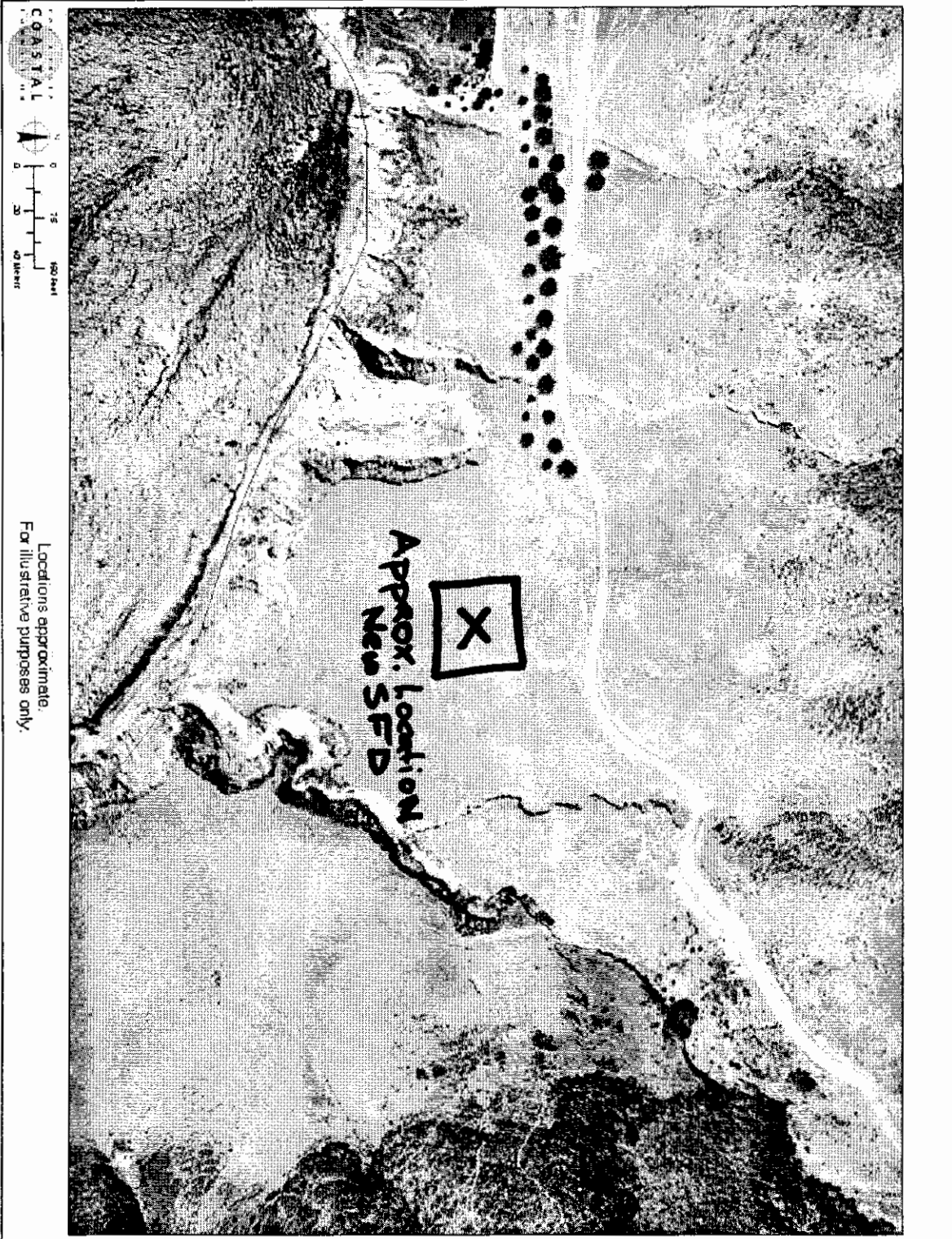
Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Land Use Category Map

Goodan SFD





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-SLO-10-108
APPEAL PERIOD 6/10 - 6/24/2010

May 25, 2010

Eunice Goodan
2550 Aberdeen Ave.
Los Angeles, CA 90027

Woody Woodruff Construction Co.
P.O. Box 542
Templeton, CA 93465

RECEIVED

JUN 09 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: May 21, 2010

SUBJECT: EUNICE GOODAN
County File Number: DRC2008-00025
Minor Use Permit / Coastal Development Permit
DOCUMENT NUMBER: 2010-033_PDH

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Hearing Officer, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

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 \$616.00. This action may also be appealable to the California Coastal Commission pursuant to regulations contained in 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. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. 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 second appeal must be made directly to the California

CCC Exhibit B
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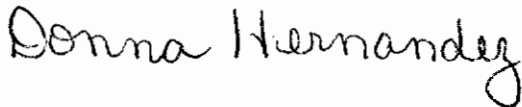
Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact your planner at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 788-2947.

Sincerely,



DONNA HERNANDEZ, SECRETARY PRO TEM
PLANNING DEPARTMENT HEARINGS

EXHIBIT A - FINDINGS

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 Negative Declaration (ED09-024), pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq., has been issued on April 15, 2010 for this project.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the property already contains an easement for lateral coastal public access, and the applicant would be required to provide an offer of dedication for vertical public coastal access between Highway 1 and the shoreline, before issuance of a construction permit, in accordance with Coastal Zone Land Use Ordinance Section 23.04.420. Due to the site's topography, the only feasible location for this vertical accessway would be along Harmony Ranch Road.

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features and resources of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features because the proposed residence would be sited on the westerly portion of the property where it would be screened from public views by existing topography.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed residence would be located on the westerly section of the property where it would be screened from public views by existing topography. In addition, the proposed residence would be setback 208 feet from the edge of the coastal bluff and 100 feet from the edge of an existing ravine. These are conservative setbacks which exceed the minimum requirements of the Coastal Zone Land Use Ordinance.
- J. The proposed clearing of topsoil, trees, is the minimum necessary and will not create significant adverse effects on the identified sensitive resource, because the proposed residence would be screened from public view by existing topography and would not require the removal of native plants or trees.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and the project has been conditioned to prepare drainage plans, prior to construction activities, to prevent soil erosion and sedimentation of streams through undue surface runoff.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This Minor Use Permit/Coastal Development Permit authorizes:
 - a. Construction of a 5,019 square-foot, two-story single family residence with an approximately 2,500 square-foot footprint, 1,281 square-foot unconditioned basement/workroom, 886 square-foot attached garage, 1,297 square-foot deck;
 - b. Installation of a 5,000 gallon water tank and various drainage and landscape improvements;
 - c. The use of an existing 1,100 square-foot ranch house as a farm support residence; and
 - d. Approximately 35,000 square feet and 3,200 cubic yards of site disturbance.
2. Maximum height is 21 feet, as measured from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plans, architectural elevations, grading, drainage, and landscape plans.

Biological Resources

4. **At the time of application for a construction permit, the construction plans shall show the locations of native bunchgrass grassland and proposed fencing on the site.** The project shall be designed to avoid and protect native bunchgrass grassland within the conceptual home site and yard. Bunchgrass grassland in the project area, on the same side of the existing road, shall be protected from impacts during construction activities via temporary fencing. Fencing shall be placed prior to the start of ground disturbing activities. A qualified biologist shall oversee placement of fencing to verify that fencing adequately protects bunchgrass grassland.
5. **If bunchgrass grassland cannot be avoided, removed native bunchgrass grassland shall be replaced at a one to one ratio.** A mitigation plan shall be prepared that specifies replacement techniques, monitoring methods, and success criteria. The plan shall be submitted to the County of San Luis Obispo Department of Planning and Building for approval prior to issuance of grading and building permits. At a minimum, mitigation shall require replacement of impacted area at a one to one ratio, with percent cover after five years by native bunchgrass grassland species equal to or greater than baseline levels in the original stand. Maintenance and protection from grazing shall be provided during the first five years to fully establish new perennial grasses on the mitigation site.

Drainage Plan

6. **At the time of application for construction permits**, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) to address polluted runoff, including, but not limited to minimizing the use of impervious

surfaces (e.g., installing pervious driveways and walkways) and directing runoff from roofs and drives to vegetative strips before it leaves the site.

Lighting Plan

7. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Conditions required to be completed prior to issuance of construction permits

Agricultural Resources

8. **Prior to issuance of grading and/or construction permits**, the applicant shall sign and record an agreement disclosing to prospective buyers of the property 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 ordinance currently in effect at the time said deed(s) are recorded.

Biological Resources

9. **Prior to issuance of a construction permit**, the applicant shall attain all applicable permits from the U.S. Fish and Wildlife Service.
10. **Prior to issuance of a construction permit**, if work occurs between March 15 and August 15, the applicant shall retain a qualified biological monitor to verify compliance with the following requirements:
 - a. **Within one week of ground disturbance or tree removal/trimming activities, nesting bird surveys shall be conducted.** To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 15 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests.
 - b. **Occupied nests of special status bird species shall be mapped by a qualified biologist working with a licensed land surveyor or accurate Global Positioning System (GPS).** The mapped locations shall be overlaid on the grading plans with a 500-foot buffer indicated. Work shall not be allowed within the 500-foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
 - c. **Occupied nests of special status bird species that are within 500 feet of project work areas shall be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones.** Once nests are deemed inactive and/or chicks have fledged and are no longer dependant on the nest, work may commence within the buffer zone.
11. **Prior to issuance of grading and/or construction permits** and within 30 days prior to initiation of vegetation removal and/or grading, the project manager, grading contractor,

and heavy equipment operator shall attend a worker education training program, conducted by a qualified biologist, that will inform workers of measures being implemented by the project to avoid any impact to red-legged frogs. At a minimum, the worker education training program shall also include information about the red-legged frog life history, identification, habitat preferences, federal listing status and legal status.

Coastal Access

12. **Prior to issuance of a construction permit**, in accordance with Coastal Zone Land Use Ordinance Section 23.04.420, the applicant shall execute and record an agreement in a form acceptable to County Counsel for an offer of dedication for a vertical public coastal accessway from Highway 1 to the shoreline.

Cultural Resources

13. **Prior to issuance of a construction permit**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. what is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures; and
 - g. Description of monitoring reporting procedures.

Farm Support Housing

14. **Prior to issuance of a construction permit**, the applicant shall execute and record an agreement in a form acceptable to County Counsel limiting occupancy of this existing residence to farm workers.

Geology and Soils

15. **Prior to any ground-disturbing construction activities or issuance of construction or grading permits**, the following conditions shall be included on all construction and grading plans:
- a. A certified engineering geologist shall review, approve and stamp construction plans, including all plans for building foundations and excavations.
 - b. The certified engineering geologist and the soils and/or civil engineer shall inspect work on-site and verify, as applicable, that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review, geology reports and information, and the soils engineering reports (including the following: *Geotechnical Engineering and Geologic Hazards Report, Earth Systems Pacific, July 31, 2007; and Response to County of San Luis Obispo Geologic Review Comments, Earth Systems Pacific, April 9, 2009; Review of July 31, 2007 Geotechnical Engineering and Geologic Hazards Report, Brian Papurello, December 31, 2008; and Review of Response to County of San Luis Obispo Review Comments, Brian Papurello, May 19, 2009*).

- c. The certified engineering geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code that identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the geology reports and information (see list in preceding item).
 - d. Should the services of the certified engineering geologist be terminated prior to final inspection and/or occupancy, the applicant shall submit a transfer of responsibility statement to the County Planning and Building Department from the new certified engineering geologist per the Uniform Building Code.
 - e. A final report prepared by a soils and/or civil engineer shall be submitted to the County Planning and Building Department's field inspector stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
 - f. The applicant shall implement all recommendations in the Observation and Testing Program prepared by the project civil engineer(s), geotechnical engineer(s), and/or certified engineering geologist(s). The Observation and Testing Program may include, but not be limited to, review of the following: project plans, including grading, drainage, foundation, and retaining wall plans; stripping and clearing of vegetation; cut and fill slopes; benching and keying; preparation of paved areas; preparation of soil to receive fill; fill placement and compaction; subsurface drainage control; footing excavations; premoistening of subslab soils; surface and subsurface drainage structures; erosion control measures.
16. **Prior to issuance of any construction or grading permits,** a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section. 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of off-site effects.

Conditions required to be completed prior to start of construction

Biological Resources

17. **Prior to project commencement,** a pre-construction survey shall be conducted by a qualified biologist to verify that no California red-legged frogs are present at the project site. The surveys must be conducted within two weeks of starting any equipment work, including not limited to earthwork, materials stockpiling, and vegetation removal. Results of the survey shall be provided in writing to the County. If red-legged frogs are found within the project site, work shall not commence until the U.S. Fish and Wildlife Service has been contacted and has given approval for work to continue.
18. **Prior to project commencement,** barrier fencing shall be installed between the project site and the drainage. The barrier shall consist of silt fencing buried to prevent red-legged frogs from entering the work areas. The location of the fencing shall be directed by the project biologist. No work of any kind, including material storage and equipment staging, shall be conducted between the barrier fencing and the drainage except where explicitly approved by the project biologist and County.

19. For all work approved between the barrier fence and the drainage (such as installation of outfall structures), the project biologist shall work with the project manager to identify the limits of work, conduct pre-construction surveys as appropriate, and monitor construction activities.

Conditions to be completed during project construction

Air Quality

20. Prior to and during project construction, the applicant shall ensure that all construction equipment is in proper operating condition and is in compliance with air pollution control regulation. Dust generated by the development activities shall be kept to a minimum by following the measures listed below:
- a. During project construction, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease;
 - b. During project construction, dirt stock-piled areas should be sprayed daily as needed;
 - c. During project construction, water trucks or sprinkler systems should be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the early morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;
 - d. During project construction, the amount of disturbed area should be minimized, and onsite vehicle speeds should be reduced to 15 mph or less;
 - e. During project construction, exposed ground areas that are planned to be reworked at dates more than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. During project construction, grading and scraping operations should be suspended when wind speeds exceed 30 mph to reduce PM₁₀ emissions;
 - g. During project construction, all roadways and driveways associated with construction activities should be paved as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Prior to completion of project construction, the entire area of disturbed soil should be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.

Biological Resources

21. Primary grubbing and grading for the project shall be conducted during the dry season, from May 1 to October 31, when red-legged frogs are less likely to be active.
22. During primary grading and grubbing, a qualified biologist shall monitor all construction activities and verify compliance with all project biological resource minimization and protection measures. The biological monitor shall have the authority to halt any action that could result in adverse effects to red-legged frogs or their habitat.
23. All food-related trash shall be properly contained to avoid attracting predators to the site.

Building Height

24. **The maximum height of the project is 21 feet (as measured from average natural grade).**
- a. **Prior to any construction**, a licensed surveyor or registered civil engineer shall first file with the Building Official certification of compliance with the flood hazard elevation requirements, and shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof-nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Cultural Resources

25. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
26. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law; and
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Geology and Soils

27. **During project construction/ground disturbing activities**, the applicant shall retain a certified engineering geologist of record and shall provide the engineering geologist's Written Certification of Adequacy of the Proposed Site Development for its Intended Use to the Department of Planning and Building.

Services

28. **Prior to issuance of construction permits**, the applicant shall submit a sewage disposal maintenance plan for County Environmental Health Department review and approval.
29. **Prior to approval of grading permits or all project components**, grading and drainage plans shall incorporate Best Management Practices (BMPs) for erosion control

and stormwater pollutant discharge control. These plans shall be reviewed and approved by the County of San Luis Obispo.

Fees

30. **Prior to issuance of a construction permits**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

Cultural Resources

31. **Upon completion of all monitoring activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring activities.

Geology and Soils

32. **Prior to occupancy of final inspection, whichever occurs first**, the registered civil engineer shall verify that the recommendations of the approved Drainage Plan and the Sedimentation and Erosion Control Plan have been implemented. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Public Works Department, the applicant shall execute a plan check and inspection agreement with the county, so that the drainage, sedimentation and erosion control facilities can be inspected and approved before final occupancy or final inspection, whichever occurs first.
33. **Prior to occupancy or final inspection, whichever occurs first**, the soils engineer and certified engineering geologist of record, shall verify, as applicable, that construction is in compliance with the intent of the plan review, geologic reports and information, and the soils engineering reports (including the following: *Geotechnical Engineering and Geologic Hazards Report, Earth Systems Pacific, July 31, 2007*; and *Response to County of San Luis Obispo Geologic Review Comments, Earth Systems Pacific, April 9, 2009*; *Review of July 31, 2007 Geotechnical Engineering and Geologic Hazards Report, Brian Papurello, December 31, 2008*; and *Review of Response to County of San Luis Obispo Review Comments, Brian Papurello, May 19, 2009*). The soils engineer and certified engineering geologist of record shall provide written verification that the recommendations of the preceding geologic reports and information have been incorporated into the final design and construction, and such verification shall be submitted to the Department of Planning and Building for review and approval.

Landscape Plan

34. **Prior to final inspection**, the applicant shall install all elements of the approved landscape plan including planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest; non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site; a cistern for irrigation water; utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots; CCSD water shall not be used for irrigation of landscape. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

35. **Prior to occupancy or final inspection, which ever occurs first**, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

Development Review Final Inspection

36. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
37. **Prior to final inspection**, the biological monitor shall incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo Department of Planning and Building.
38. **Prior to final inspection or occupancy**, which ever occurs first, the approved lighting shall be implemented.

On-going conditions of approval (valid for the life of the project)

39. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE May 21, 2010 LOCAL EFFECTIVE DATE June 4, 2010 APPROX FINAL EFFECTIVE DATE June 25, 2010	CONTACT/PHONE Airlin M. Singewald, Project Manager (805) 781-5198 asingewald@slo.slo.ca.us	APPLICANT Eunice Goodan	FILE NO. DRC2008-00025
SUBJECT Request by Eunice Goodan for a Minor Use Permit/Coastal Development Permit to allow: a) the construction of a 5,019 square-foot, two-story single family residence with an approximately 2,500 square-foot footprint, 1,281 square-foot unconditioned basement/workroom, 886 square-foot attached garage, 1,297 square-foot deck, 5,000 gallon water tank, and various drainage and landscape improvements; and b) the use of an existing 1,100 square-foot ranch house as a farm support residence. The proposed residence would be located on a 417-acre parcel and the 16-foot wide driveway to the residence would cross an adjoining 61-acre parcel that is under the same ownership. The project proposes to disturb an approximately 35,000 square-foot area, which will include moving approximately 3,200 cubic yards of cut and fill material, on a 417-acre parcel and an adjoining 61-acre parcel. The proposed project is within the Agriculture land use category and is located at 500 Harmony Ranch Road, approximately 1.25 miles west of Highway 1, 2 miles south of the community of Cambria. The site is in the rural North Coast planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration (ED09-024) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2008-00025 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION 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 April 15, 2010 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture, Biological Resources, Cultural Resources, Geology and Soils, Public Services/Utilities, and Transportation/Circulation and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Local Coastal Program, Sensitive Resource Area, Coastal Appealable Zone, Geologic Study Area	ASSESSOR PARCEL NUMBER 013-201-043,044	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Site Selection; and Building Height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program; Sensitive Resource Area; Coastal Access; Geologic Study Area; Coastal Bluff Setback; Residential Uses in Agriculture Land Use Category <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

EXISTING USES: Single family residence (ranch house)	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/ single family residences, grazing <i>East:</i> Agriculture/ undeveloped, grazing <i>South:</i> Agriculture/ undeveloped <i>West:</i> Agriculture/ Pacific Ocean	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Building Division, Cal Fire, Regional Water Quality Control Board, California Department of Transportation, and the California Coastal Commission	
TOPOGRAPHY: Relatively level to steeply sloping	VEGETATION: Non-native grasslands; riparian plants
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: On-site septic Fire Protection: Cal Fire	ACCEPTANCE DATE: August 3, 2009
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	

DISCUSSION

The proposed project is a request by Eunice Goodan for a Minor Use Permit/Coastal Development Permit to allow the construction of a 5,019 square-foot, two-story single family residence with an approximately 2,500 square-foot footprint, 1,281 square-foot unconditioned basement/workroom, 886 square-foot attached garage, 1,297 square-foot deck, 5,000 gallon water tank, and various drainage and landscape improvements. The project would also authorize the use of an existing ranch house on the easterly portion of the property as a farm support residence. The project proposes to disturb an approximately 35,000 square-foot area, which will include moving approximately 3,200 cubic yards of cut and fill material, on a 417-acre parcel and an adjoining 61-acre parcel, on the west side of Highway 1 near Harmony.

The proposed residence is located on an approximately 4.5-acre coastal terrace that is bounded by the Pacific Ocean to the southwest, a highly eroded ravine to the southeast, and Harmony Ranch Road to the north. The building envelope for the proposed residence is partially defined by the 208-foot bluff top setback and 100-foot ravine setback recommended by the geologic hazards report for the project. The proposed residence would be located on a 417-acre parcel (APN: 013-201-043) and the driveway to the residence would cross the adjoining 61-acre parcel (APN: 013-201-044), which is currently under the same ownership. Other than the driveway and various drainage improvements near the driveway, the project would not require any off-site improvements. Cal Fire has reviewed the project and determined that no improvements to Harmony Ranch Road would be required for the proposed residence. The proposed building site currently contains utility lines and a water line that is connected to an on-site well.

ENVIRONMENTAL DETERMINATION

The proposed project received a Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act. The primary environmental issues identified during the environmental review included potential impacts related to the California red-legged frog and on-site drainage. These issues are described below.

California Red-legged Frog

One of the primary environmental issues associated with the project is the potential for impacts to the California red-legged frog. This federally listed species was discovered on the property during a protocol level survey (Althouse and Meade, Inc; April 2009). The survey report determined that breeding pools for the red-legged frog are located on an adjacent parcel and that juveniles utilize at least one of the drainages on the subject property.

In accordance with the recommendations of the geology report, the proposed residence would be setback at least 100 feet from the edge of the existing drainage. Therefore, the proposed project would not impact habitat for the red-legged frog. However, due the project's proximity to a breeding pool for the red-legged frog, the project could result in a "take" of this federally protected species. The project would be subject to mitigation measures to reduce potential impacts associated with the California red-legged frog to a level of insignificance.

Drainage

Runoff from Harmony Ranch Road and the surrounding steep hills has resulted in significant erosion around the proposed project site. The applicant submitted a Site, Grading and Drainage Plan (North Coast Engineering, Inc; December 29, 2009) to show how drainage would be collected and dispersed on-site without accelerating erosion of the bluff or adjacent ravines. This plan involves two swales that direct runoff from Harmony Ranch Road to two grass-lined infiltration basins. Riprap dispersion fields are planned to be constructed on the down slope sides of the basins to reduce the potential for erosion during overflow. One of the basins will be located on the northwest side of the proposed residence, while the other basin will be located on the southeast side. The northwest basin will collect surface water runoff from Harmony Ranch Road and the southeast basin will collect surface water runoff upslope of the residence. The applicant submitted a letter from the project geologist indicating that this drainage system would not cause accelerated bluff erosion or other adverse geologic impacts (Earth Systems Pacific; November 6, 2009).

PLANNING AREA STANDARDS:

Site Selection

The North Coast Area Plan restricts site selection in the rural areas to sites that are not visible from Highway 1. Sites shall be selected where hills and slopes would shield development unless no alternative location exists or the new development provides visitor-serving facilities. Development proposals for sites with varied terrain are to include design provisions for concentrating development on moderate slopes, retaining steeper slopes visible from public roads undeveloped.

The project complies with this standard because the proposed residence would be located on the westerly edge of the property where it would be completely screened from views along Highway 1 by steep coastal hills. In addition, no additional road improvements would be necessary, as the proposed residence would be accessed from Harmony Ranch Road, an existing residential road. The steeper portions of the property facing Highway 1 would remain undeveloped.

Building Height

The North Coast Area Plan limits structures on the west side of Highway 1 to a height of 22 feet.

The project complies with this standard because the proposed residence would measure 21 feet above average natural grade.

LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c)(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located between the ocean and the first public road paralleling the shoreline.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.080 – Geologic Study Area Combining Designation

The project is within the Geologic Study Area combining designation and is subject to the preparation of a geologic hazards report per Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.084(c) to evaluate the area's geological suitability for proposed development.

In accordance with this requirement, the applicant submitted the following geology reports:

- *Geotechnical Engineering and Geologic Hazards Report, Goodan Residence, Harmony Ranch Road, Harmon California (Earth Systems Pacific; July 31, 2007).*
- *Response to County of San Luis Obispo Geologic Review Comments (Earth Systems Pacific; April 9, 2008).*

These reports conclude that the site is geologically suitable for the proposed residence. In a letter dated May 19, 2009, Brian Papurello, County Geologist, indicated that these reports accurately model the site's geologic conditions and that he concurs with their findings and conclusions.

Section 23.04.118 – Coastal Bluff Setback

This section requires new development to be setback from the bluff edge a distance sufficient to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection. This section requires applicants to submit a site stability evaluation prepared by a certified engineering geologist that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period according to County established standards.

The project site is situated on a coastal bluff terrace, with a relatively steep ravine immediately to the east. The bluff retreat analysis estimated a bluff top setback of 95 feet for a 100 year period. However, the geologic hazards report recommended a more conservative bluff top setback of 208 feet. The proposed residence would be located entirely outside of this 208 foot setback area. The project would involve grading within the 208 foot setback area; however, this grading would be located outside of the 95-foot 100-year setback.

Section 23.04.420 – Coastal Access

This section requires development between the first public road and the ocean to provide offers of dedication for lateral (along shoreline) and vertical (from first public road to shoreline) coastal access. New development is required to provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. In rural areas where no dedication or public access exists within one mile, or if the site has more than one mile of coastal frontage, an accessway shall be provided for each mile of frontage.

The subject property already contains a lateral public access easement (per 3043/OR/52, 2529/OR/302, and 2917/OR/91). As conditioned, the applicant would be required to provide an offer of dedication for vertical public coastal access between Highway 1 and the shoreline, before issuance of a construction permit. Due to the site's topography, the only feasible location for this vertical accessway would be along Harmony Ranch Road.

Section 23.07.160 – Sensitive Resource Area

This section requires development within an SRA to be sited and designed to minimize significant adverse impacts on the natural features of the site or vicinity that were the basis for the SRA designation. The project is within the North Coast Shoreline Sensitive Resource Area (SRA). The Land Use Element of the County General Plan describes this area as a "valuable scenic and natural resource which must be protected from excessive and unsightly development."

The proposed project complies with these requirements because the proposed residence has been sited on the western portion of the property where it would be screened from public views along Highway 1 by existing topography.

Section 23.08.167 – Residential Uses in the Agriculture Category

This section allows one single family dwelling and eligible farm support quarters on existing legal parcels in the Agriculture land use category. Farm support quarters are only allowed when they are in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner. The allowed number (density) of farm support units allowed on agricultural parcels varies based on the agricultural use of the property. The allowed density for grazing land is one farm support unit for every 320 acres of grazing land.

Based on its agricultural use (approximately 400 acres of grazing land), the property would be allowed one farm support unit in addition to the proposed single family residence. The subject property currently contains a 1,100 square foot ranch house on the easterly portion of the property near Highway 1. Since the proposed project would establish a second residence on the subject property, this existing 1,100 residence would have to be designated as farm support housing. Before issuance of a construction permit, the applicant would be required to execute and record an agreement in a form acceptable to County Counsel limiting occupancy of this existing residence to farm workers.

COASTAL PLAN POLICIES:

This project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below:

Agriculture

Policy 4: Siting of Structures. This policy states that a single family residence and agricultural accessory structures, where possible, shall be located on other than prime

agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. *The proposed residence would be located on Marimel silty clay loam soil. This soil is considered Class III without irrigation and Class I when irrigated. Due to water availability limitations, erosion concerns, and other constraints, this area is not likely to be used for irrigated crops in the future. Although potential building sites exist on the property that are not located on potentially prime soils, these sites would either be on steep (greater than 20 percent slopes) or would be visible from Highway 1. Therefore, the proposed project is consistent with this policy because it has been sited to balance potential soil impacts with other concerns such as visual and geologic impacts.*

Visual and Scenic Resources

Policy 2: *Site Selection for New Development.* This policy states that permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Where ever possible, site selection for new development is to emphasize locations not visible from major public views corridors. *The project is consistent with this policy because it would be located on the westerly portion of the property where it would be screened from views along Highway 1 by existing topography.*

Policy 4: *New Development in Rural Areas.* This policy states that new development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation. *The project is consistent with this policy because it would be located on the westerly portion of the property where it would be screened from views along Highway 1 by existing topography.*

Public Works

Policy 1: *Availability of Service Capacity.* This policy states that new development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. *The project is consistent with this policy because the project would be served by an existing on-site well and septic system. The applicant submitted a well report indicating a flow rate of 60 gallons per minute of clear water at a depth of 35 feet. The applicant submitted engineering plans (North Coast Engineering; November 28, 2009) for the proposed septic system. The proposed system involves a 1,500 gallon septic tank and three separate 4-foot diameter seepage pits, each at a depth of 36 feet and filled with crushed granite. This system was designed to specification for a 4 bedroom residence with an estimated daily flow of 400 gallons per day, and a soil percolation rate greater than 30 minutes per inch.*

Coastal Watersheds

Policy 7: *Siting of new development.* This policy states that grading for building sites shall be limited to slopes of less than 20 percent, unless no feasible alternative buildings sites exist. *The project complies with this policy because the proposed development will be located on an existing lot of record in the Agriculture land use category on slopes less than 20 percent.*

Policy 8: *Timing of new construction.* This policy states that land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. *The project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all*

sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions. This policy states that site design shall ensure that drainage does not increase erosion. *The project is consistent with this policy because the Site, Grading and Drainage Plan (North Coast Engineering, Inc; December 29, 2009) shows how drainage would be handled on-site without accelerating erosion of the bluff or adjacent ravines. This plan involves two swales that direct runoff from Harmony Ranch Road to two grass-lined infiltration basins. Riprap dispersion fields are planned to be constructed on the down slope sides of the basins to reduce the potential for erosion during overflow. One of the basins will be located on the northwest side of the proposed residence, while the other basin will be located on the southeast side. The northwest basin will collect surface water runoff from Harmony Ranch Road and the southeast basin will collect surface water runoff upslope of the residence. The applicant submitted a letter from the project geologist indicating that this drainage system would not cause accelerated bluff erosion or other adverse geologic impacts (Earth Systems Pacific; November 6, 2009).*

Hazards

Policy 1: New Development. This policy states that all new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. *The proposed project is consistent with this policy because the applicant submitted a Geotechnical Engineering and Geologic Hazards Report, Goodan Residence, Harmony Ranch Road, Harmony California (Earth Systems Pacific; July 31, 2007), and the project is conditioned to comply with the findings and recommendations of this report. In addition, the project is designed to avoid the need for shoreline protective devices because the project would be setback 208 feet from the edge of the bluff top. This exceeds the 100 year bluff retreat setback by 113 feet.*

Policy 2: Erosion and Geologic Stability. This policy states that new development shall ensure structural stability while not creating or contributing to erosion or geologic instability. *The project is consistent with this policy because the applicant submitted a Site, Grading and Drainage Plan (North Coast Engineering, Inc; December 29, 2009) to show how drainage would be collected and dispersed on-site without accelerating erosion of the bluff or adjacent ravines. In addition, the applicant submitted a letter from the project geologist indicating that this drainage system would not cause accelerated bluff erosion or other adverse geologic impacts (Earth Systems Pacific; November 6, 2009).*

Archaeology

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. This policy states that development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to completion of the project environmental review. *The project is consistent with this policy because the applicant supplied a Phase 1 Cultural Resource Investigation (Parker and Associates; August 17, 2007) and Phase 2 Archaeological Testing Report (Thor Conway; December 9, 2008) for the subject property. The Phase 1 archaeological survey did not observe surface deposits within the proposed building site. The Phase*

2 archaeological testing determined that cultural material is not likely to underlie the building site. Implementation of an archaeological monitoring plan would mitigate potential cultural resource impacts to a level of insignificance.

Coastal Access

Policy 2: New Development. The policy states that maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. The project complies with this policy because the property already contains an easement for lateral coastal public access and the applicant would be required to provide an offer of dedication for vertical public coastal access between Highway 1 and the shoreline, before issuance of a construction permit, in accordance with Coastal Zone Land Use Ordinance Section 23.04.420. Due to the site's topography, the only feasible location for this vertical accessway would be along Harmony Ranch Road.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council reviewed the proposed project on October 15, 2010 and recommended that the County require the project to use "green" utilities and construction materials (e.g. solar electric power, solar water heating, buried utility lines, and renewable building materials). NCAC also recommended that the project include an easement for the California Coastal Trail.

The County does not currently have an ordinance in place or any other mechanism to require the project to utilize sustainable building practices or "green" renewable materials. The Coastal Trail is proposed to parallel Highway 1 along this section of the coast. Since the proposed project would be located at the westerly section of the property (away from Highway 1), there would be no connection or essential nexus between the project and the requirement for an easement for the California Coastal Trail.

AGENCY REVIEW:

Public Works – Recommend engineered drainage plan (T. Tomlinson; Sept. 25, 2008)

Building Division – Project requires construction permit (D. Morris; Sept. 24, 2009)

Cal Fire – Harmony Ranch Road provides adequate access to project site (C. Bullard; 2009)

Agricultural Commissioner – Provide a "right to farm" disclosure (L. Auchinachie; Jan. 29, 2009)

Environmental Health – No comment (L. Terry; Sept. 24, 2008)

LEGAL LOT STATUS:

The single lot was created by a subdivision (Parcel Map COAL 89-040) at a time when that was a legal method for creating a lot.

Staff report prepared by Airlin M. Singewald and reviewed by Nancy Orton.

EXHIBIT A - FINDINGS

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 Negative Declaration (ED09-024), pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq., has been issued on April 15, 2010 for this project.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the property already contains an easement for lateral coastal public access, and the applicant would be required to provide an offer of dedication for vertical public coastal access between Highway 1 and the shoreline, before issuance of a construction permit, in accordance with Coastal Zone Land Use Ordinance Section 23.04.420. Due to the site's topography, the only feasible location for this vertical accessway would be along Harmony Ranch Road.

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features and resources of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features because the proposed residence would be sited on the westerly portion of the property where it would be screened from public views by existing topography.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed residence would be located on the westerly section of the property where it would be screened from public views by existing topography. In addition, the proposed residence would be setback 208 feet from the edge of the coastal bluff and 100 feet from the edge of an existing ravine. These are conservative setbacks which exceed the minimum requirements of the Coastal Zone Land Use Ordinance.
- J. The proposed clearing of topsoil, trees, is the minimum necessary and will not create significant adverse effects on the identified sensitive resource, because the proposed residence would be screened from public view by existing topography and would not require the removal of native plants or trees.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and the project has been conditioned to prepare drainage plans, prior to construction activities, to prevent soil erosion and sedimentation of streams through undue surface runoff.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This Minor Use Permit/Coastal Development Permit authorizes:
 - a. Construction of a 5,019 square-foot, two-story single family residence with an approximately 2,500 square-foot footprint, 1,281 square-foot unconditioned basement/workroom, 886 square-foot attached garage, 1,297 square-foot deck;
 - b. Installation of a 5,000 gallon water tank and various drainage and landscape improvements;
 - c. The use of an existing 1,100 square-foot ranch house as a farm support residence; and
 - d. Approximately 35,000 square feet and 3,200 cubic yards of site disturbance.
2. Maximum height is 21 feet, as measured from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plans, architectural elevations, grading, drainage, and landscape plans.

Biological Resources

4. **At the time of application for a construction permit, the construction plans shall show the locations of native bunchgrass grassland and proposed fencing on the site.** The project shall be designed to avoid and protect native bunchgrass grassland within the conceptual home site and yard. Bunchgrass grassland in the project area, on the same side of the existing road, shall be protected from impacts during construction activities via temporary fencing. Fencing shall be placed prior to the start of ground disturbing activities. A qualified biologist shall oversee placement of fencing to verify that fencing adequately protects bunchgrass grassland.
5. **If bunchgrass grassland cannot be avoided, removed native bunchgrass grassland shall be replaced at a one to one ratio.** A mitigation plan shall be prepared that specifies replacement techniques, monitoring methods, and success criteria. The plan shall be submitted to the County of San Luis Obispo Department of Planning and Building for approval prior to issuance of grading and building permits. At a minimum, mitigation shall require replacement of impacted area at a one to one ratio, with percent cover after five years by native bunchgrass grassland species equal to or greater than baseline levels in the original stand. Maintenance and protection from grazing shall be provided during the first five years to fully establish new perennial grasses on the mitigation site.

Drainage Plan

6. **At the time of application for construction permits**, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the

proposed improvement. The plan shall include Best Management Practices (BMPs) to address polluted runoff, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from roofs and drives to vegetative strips before it leaves the site.

Lighting Plan

7. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Conditions required to be completed prior to issuance of construction permits

Agricultural Resources

8. **Prior to issuance of grading and/or construction permits**, the applicant shall sign and record an agreement disclosing to prospective buyers of the property 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 ordinance currently in effect at the time said deed(s) are recorded.

Biological Resources

9. **Prior to issuance of a construction permit**, the applicant shall attain all applicable permits from the U.S. Fish and Wildlife Service.
10. **Prior to issuance of a construction permit**, if work occurs between March 15 and August 15, the applicant shall retain a qualified biological monitor to verify compliance with the following requirements:
- a. **Within one week of ground disturbance or tree removal/trimming activities, nesting bird surveys shall be conducted.** To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 15 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests.
 - b. **Occupied nests of special status bird species shall be mapped by a qualified biologist working with a licensed land surveyor or accurate Global Positioning System (GPS).** The mapped locations shall be overlaid on the grading plans with a 500-foot buffer indicated. Work shall not be allowed within the 500-foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
 - c. **Occupied nests of special status bird species that are within 500 feet of project work areas** shall be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependant on the nest, work may commence within the buffer zone.

11. **Prior to issuance of grading and/or construction permits** and within 30 days prior to initiation of vegetation removal and/or grading, the project manager, grading contractor, and heavy equipment operator shall attend a worker education training program, conducted by a qualified biologist, that will inform workers of measures being implemented by the project to avoid any impact to red-legged frogs. At a minimum, the worker education training program shall also include information about the red-legged frog life history, identification, habitat preferences, federal listing status and legal status.

Coastal Access

12. **Prior to issuance of a construction permit**, in accordance with Coastal Zone Land Use Ordinance Section 23.04.420, the applicant shall execute and record an agreement in a form acceptable to County Counsel for an offer of dedication for a vertical public coastal accessway from Highway 1 to the shoreline.

Cultural Resources

13. **Prior to issuance of a construction permit**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. what is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures; and
 - g. Description of monitoring reporting procedures.

Farm Support Housing

14. **Prior to issuance of a construction permit**, the applicant shall execute and record an agreement in a form acceptable to County Counsel limiting occupancy of this existing residence to farm workers.

Geology and Soils

15. **Prior to any ground-disturbing construction activities or issuance of construction or grading permits**, the following conditions shall be included on all construction and grading plans:
- a. A certified engineering geologist shall review, approve and stamp construction plans, including all plans for building foundations and excavations.
 - b. The certified engineering geologist and the soils and/or civil engineer shall inspect work on-site and verify, as applicable, that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review, geology reports and information, and the soils engineering reports (including the following: *Geotechnical Engineering and Geologic Hazards Report, Earth Systems Pacific, July 31, 2007; and Response to County of San Luis Obispo Geologic Review Comments, Earth Systems Pacific, April 9, 2009; Review of July 31, 2007 Geotechnical Engineering and Geologic Hazards Report, Brian Papurello, December 31, 2008; and Review of Response to County of San Luis Obispo Review Comments, Brian Papurello, May 19, 2009*).

- c. The certified engineering geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code that identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the geology reports and information (see list in preceding item).
 - d. Should the services of the certified engineering geologist be terminated prior to final inspection and/or occupancy, the applicant shall submit a transfer of responsibility statement to the County Planning and Building Department from the new certified engineering geologist per the Uniform Building Code.
 - e. A final report prepared by a soils and/or civil engineer shall be submitted to the County Planning and Building Department's field inspector stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
 - f. The applicant shall implement all recommendations in the Observation and Testing Program prepared by the project civil engineer(s), geotechnical engineer(s), and/or certified engineering geologist(s). The Observation and Testing Program may include, but not be limited to, review of the following: project plans, including grading, drainage, foundation, and retaining wall plans; stripping and clearing of vegetation; cut and fill slopes; benching and keying; preparation of paved areas; preparation of soil to receive fill; fill placement and compaction; subsurface drainage control; footing excavations; premoistening of subslab soils; surface and subsurface drainage structures; erosion control measures.
16. **Prior to issuance of any construction or grading permits**, a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section. 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of off-site effects.

Conditions required to be completed prior to start of construction

Biological Resources

17. **Prior to project commencement**, a pre-construction survey shall be conducted by a qualified biologist to verify that no California red-legged frogs are present at the project site. The surveys must be conducted within two weeks of starting any equipment work, including not limited to earthwork, materials stockpiling, and vegetation removal. Results of the survey shall be provided in writing to the County. If red-legged frogs are found within the project site, work shall not commence until the U.S. Fish and Wildlife Service has been contacted and has given approval for work to continue.
18. **Prior to project commencement**, barrier fencing shall be installed between the project site and the drainage. The barrier shall consist of silt fencing buried to prevent red-legged frogs from entering the work areas. The location of the fencing shall be directed by the project biologist. No work of any kind, including material storage and equipment staging, shall be conducted between the barrier fencing and the drainage except where explicitly approved by the project biologist and County.

19. **For all work approved between the barrier fence and the drainage** (such as installation of outfall structures), the project biologist shall work with the project manager to identify the limits of work, conduct pre-construction surveys as appropriate, and monitor construction activities.

Conditions to be completed during project construction

Air Quality

20. **Prior to and during project construction**, the applicant shall ensure that all construction equipment is in proper operating condition and is in compliance with air pollution control regulation. Dust generated by the development activities shall be kept to a minimum by following the measures listed below:
- a. **During project construction**, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease;
 - b. **During project construction**, dirt stock-piled areas should be sprayed daily as needed;
 - c. **During project construction**, water trucks or sprinkler systems should be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the early morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;
 - d. **During project construction**, the amount of disturbed area should be minimized, and onsite vehicle speeds should be reduced to 15 mph or less;
 - e. **During project construction**, exposed ground areas that are planned to be reworked at dates more than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. **During project construction**, grading and scraping operations should be suspended when wind speeds exceed 30 mph to reduce PM₁₀ emissions;
 - g. **During project construction**, all roadways and driveways associated with construction activities should be paved as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. **Prior to completion of project construction**, the entire area of disturbed soil should be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.

Biological Resources

21. **Primary grubbing and grading for the project shall be conducted during the dry season, from May 1 to October 31**, when red-legged frogs are less likely to be active.
22. **During primary grading and grubbing**, a qualified biologist shall monitor all construction activities and verify compliance with all project biological resource minimization and protection measures. The biological monitor shall have the authority to halt any action that could result in adverse effects to red-legged frogs or their habitat.
23. **All food-related trash shall be properly contained** to avoid attracting predators to the site.

Building Height

24. **The maximum height of the project is 21 feet (as measured from average natural grade).**
- a. **Prior to any construction**, a licensed surveyor or registered civil engineer shall first file with the Building Official certification of compliance with the flood hazard elevation requirements, and shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof-nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Cultural Resources

25. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
26. **In the event archaeological resources are unearthed or discovered during any construction activities**, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law; and
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Geology and Soils

27. **During project construction/ground disturbing activities**, the applicant shall retain a certified engineering geologist of record and shall provide the engineering geologist's Written Certification of Adequacy of the Proposed Site Development for its Intended Use to the Department of Planning and Building.

Services

28. **Prior to issuance of construction permits**, the applicant shall submit a sewage disposal maintenance plan for County Environmental Health Department review and approval.
29. **Prior to approval of grading permits or all project components**, grading and drainage plans shall incorporate Best Management Practices (BMPs) for erosion control

and stormwater pollutant discharge control. These plans shall be reviewed and approved by the County of San Luis Obispo.

Fees

30. **Prior to issuance of a construction permits**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Cultural Resources

31. **Upon completion of all monitoring activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring activities.

Geology and Soils

32. **Prior to occupancy of final inspection**, whichever occurs first, the registered civil engineer shall verify that the recommendations of the approved Drainage Plan and the Sedimentation and Erosion Control Plan have been implemented. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Public Works Department, the applicant shall execute a plan check and inspection agreement with the county, so that the drainage, sedimentation and erosion control facilities can be inspected and approved before final occupancy or final inspection, whichever occurs first.
33. **Prior to occupancy or final inspection**, whichever occurs first, the soils engineer and certified engineering geologist of record, shall verify, as applicable, that construction is in compliance with the intent of the plan review, geologic reports and information, and the soils engineering reports (including the following: *Geotechnical Engineering and Geologic Hazards Report, Earth Systems Pacific, July 31, 2007*; and *Response to County of San Luis Obispo Geologic Review Comments, Earth Systems Pacific, April 9, 2009*; *Review of July 31, 2007 Geotechnical Engineering and Geologic Hazards Report, Brian Papurello, December 31, 2008*; and *Review of Response to County of San Luis Obispo Review Comments, Brian Papurello, May 19, 2009*). The soils engineer and certified engineering geologist of record shall provide written verification that the recommendations of the preceding geologic reports and information have been incorporated into the final design and construction, and such verification shall be submitted to the Department of Planning and Building for review and approval.

Landscape Plan

34. **Prior to final inspection**, the applicant shall install all elements of the approved landscape plan including planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest; non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site; a cistern for irrigation water; utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots; CCSD water shall not be used for irrigation of landscape. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

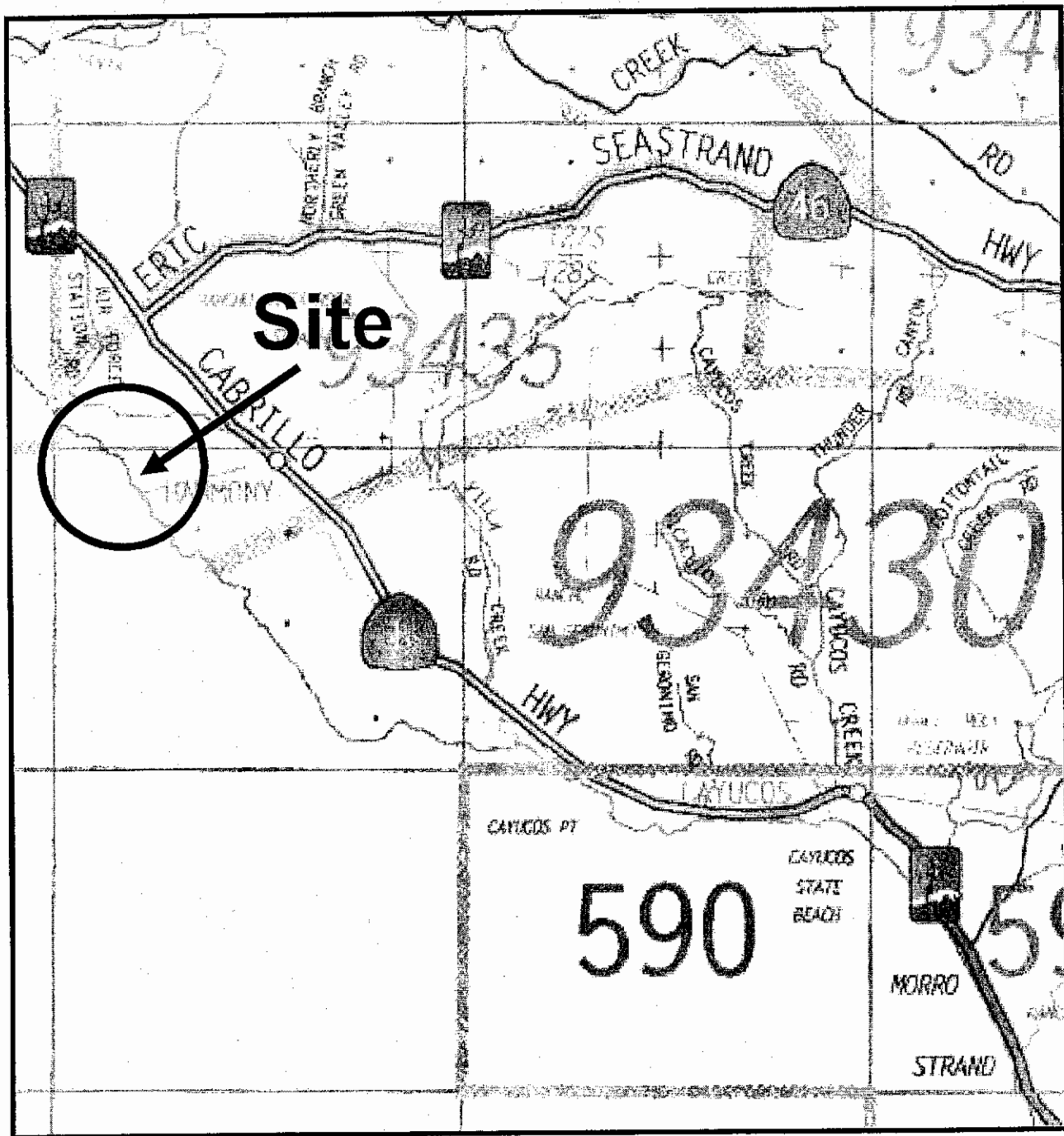
35. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

Development Review Final Inspection

36. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
37. **Prior to final inspection**, the biological monitor shall incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo Department of Planning and Building.
38. **Prior to final inspection or occupancy**, which ever occurs first, the approved lighting shall be implemented.

On-going conditions of approval (valid for the life of the project)

39. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
40. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



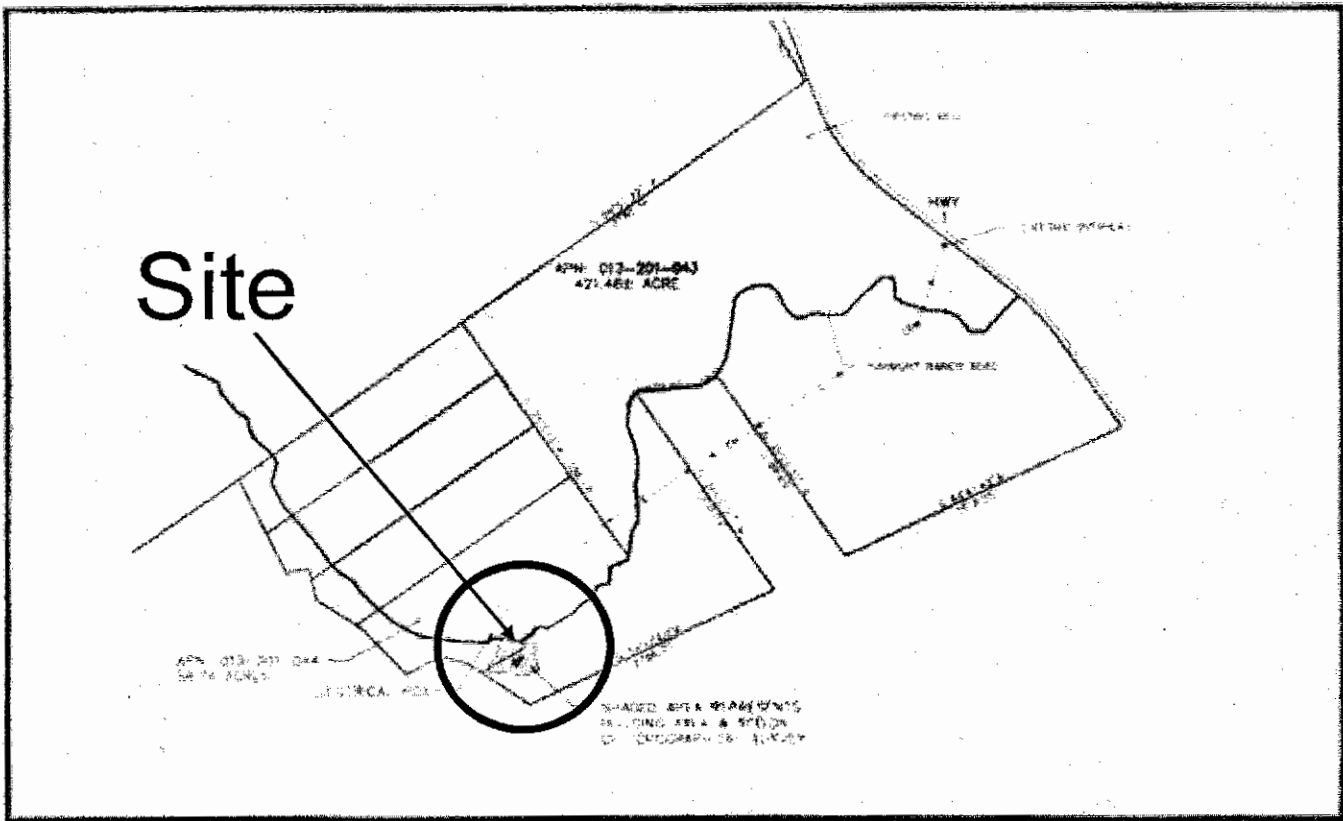
PROJECT

Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Vicinity Map



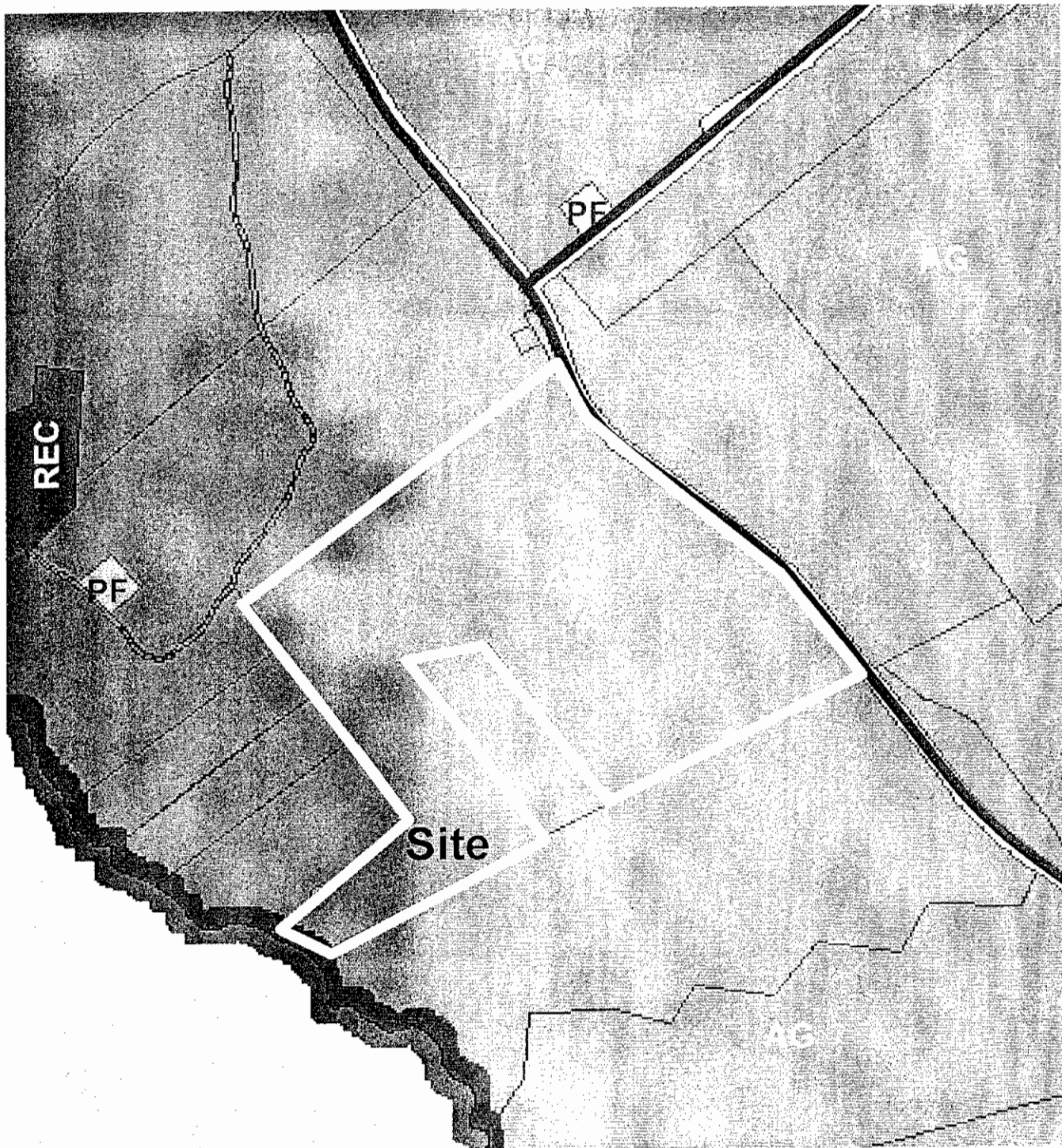
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Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Site Plan



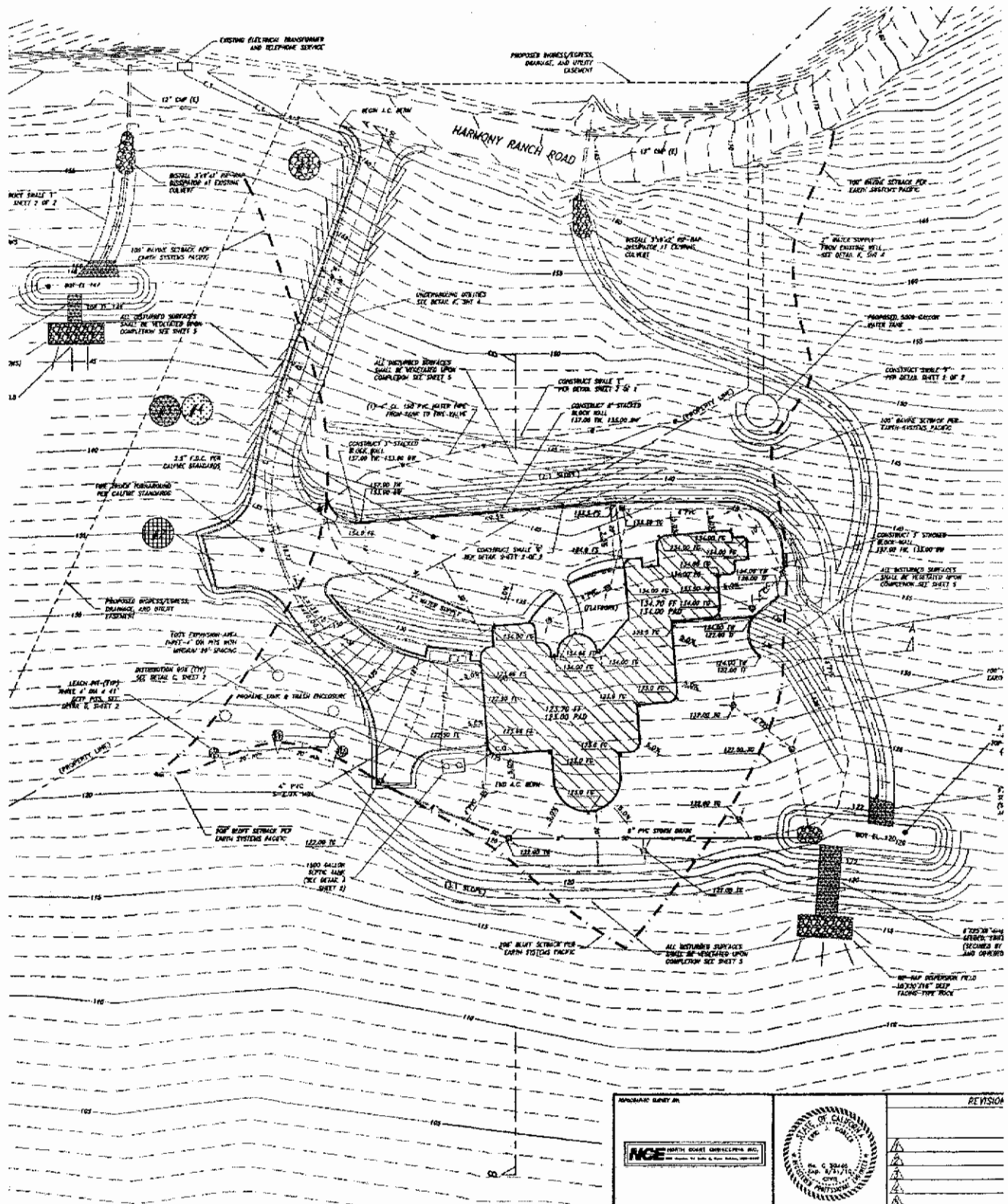
PROJECT

Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Land Use Category Map



PROJECT

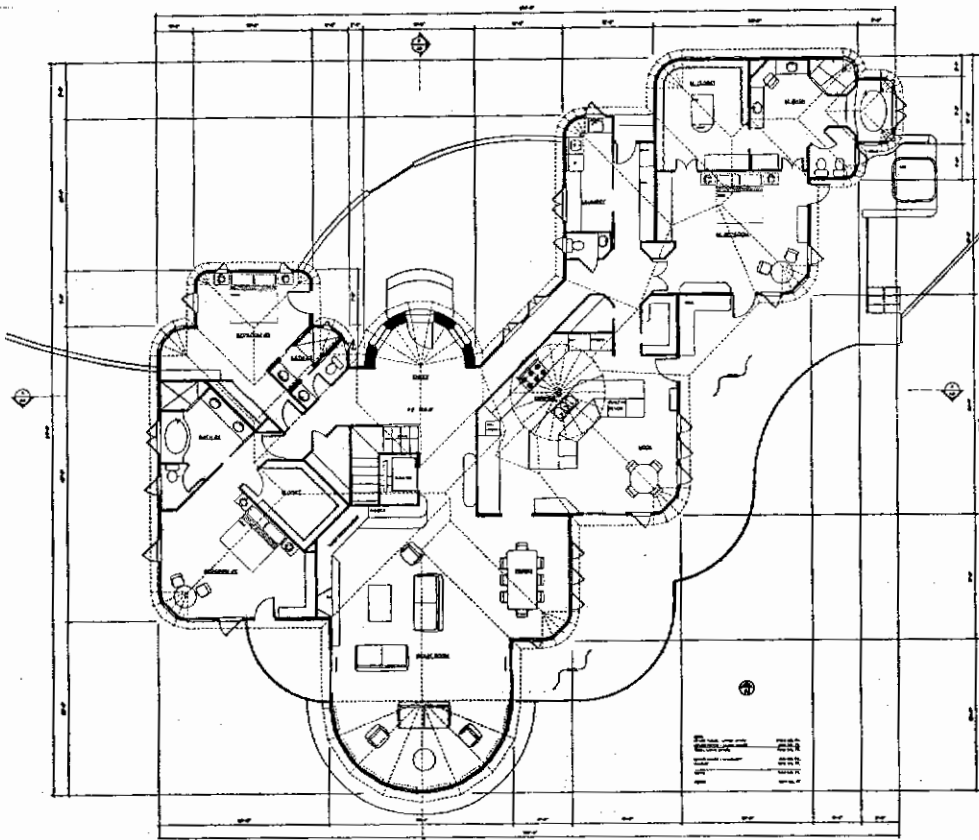
Minor Use Permit
Goodan DRC2008-00025



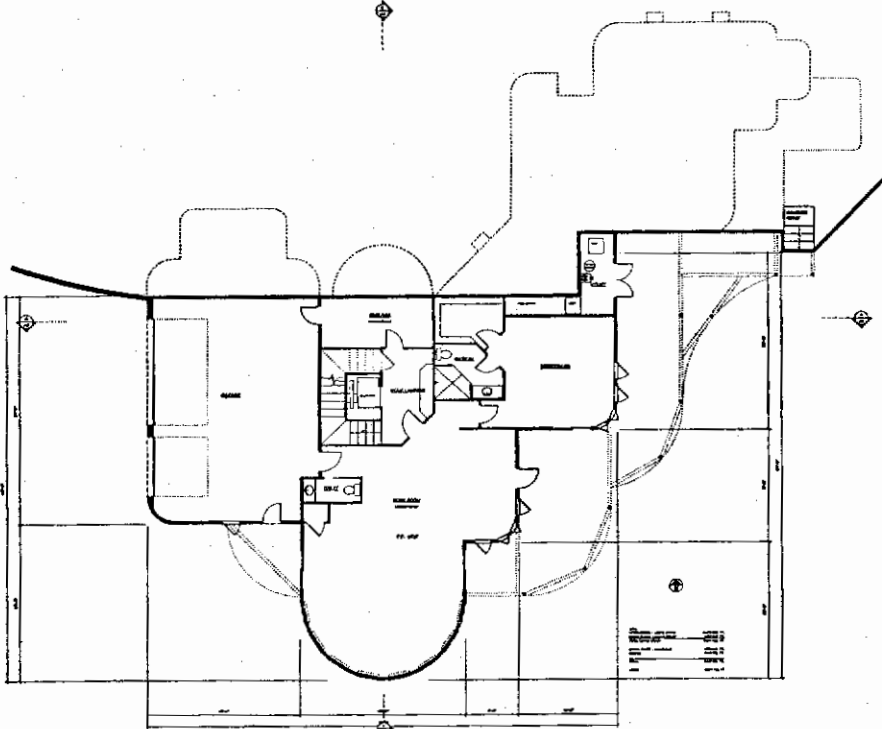
EXHIBIT

Site Plan

CCC Exhibit B
(page 35 of 38 page)



First Floor Plan



Lower Floor Plan

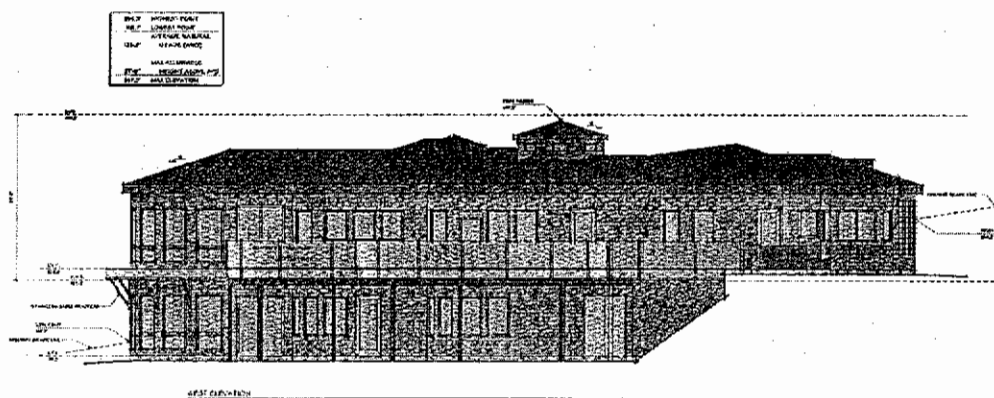
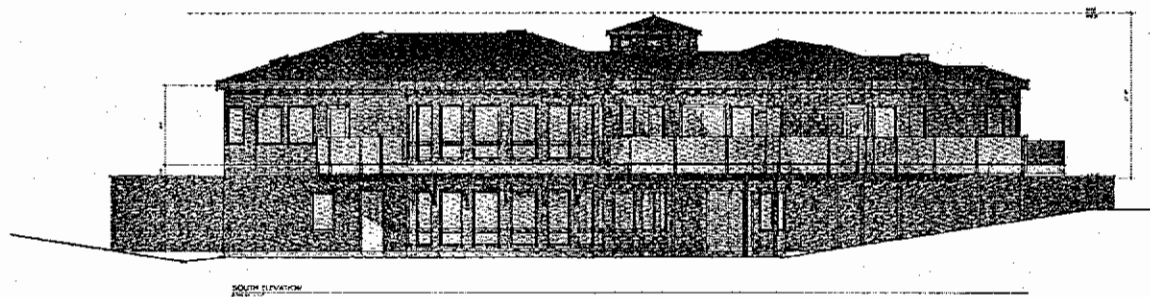
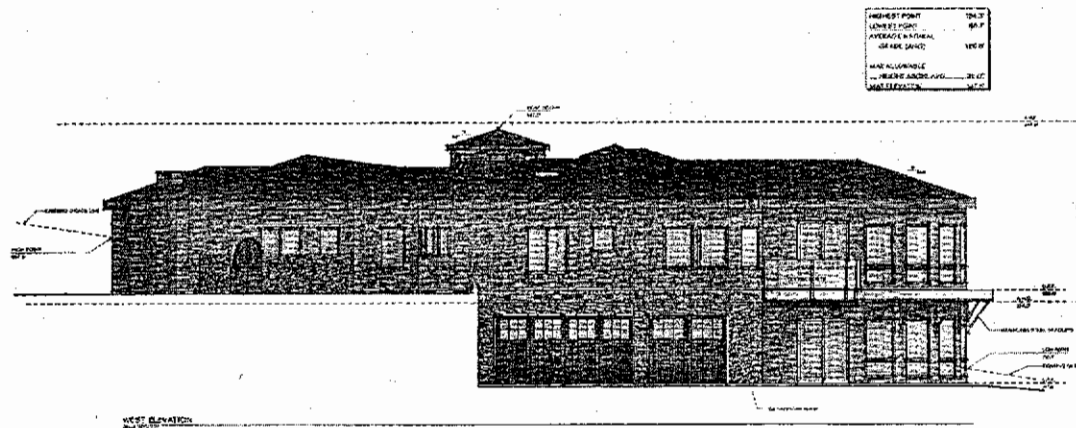
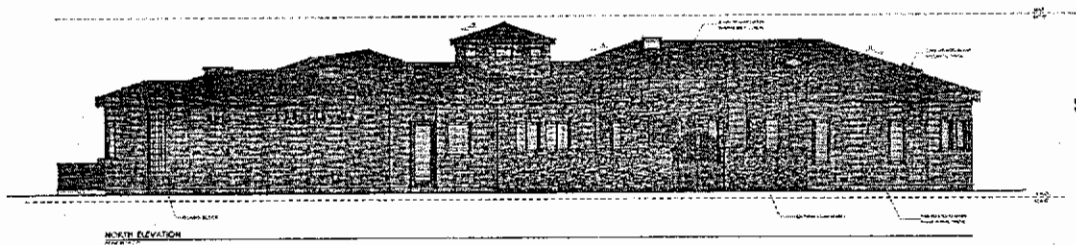
PROJECT

Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Floor Plans



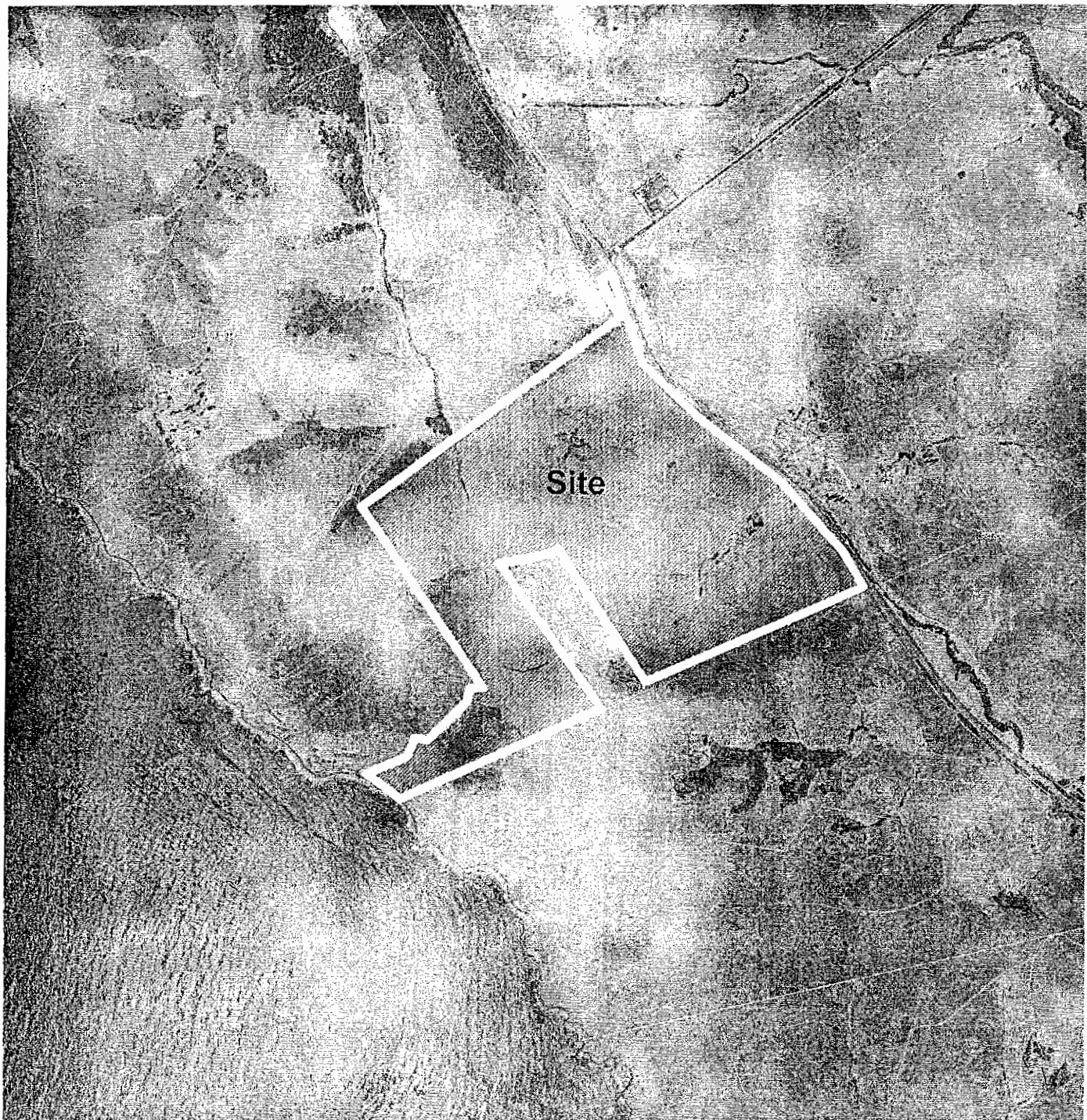
PROJECT

Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Elevations



PROJECT

Minor Use Permit
Goodan DRC2008-00025



EXHIBIT

Aerial Photograph

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Sara Wan; Commissioner Ross Mirkarimi

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105-2219

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Construction of a 5,019 square foot, two-story single family residence with an approximate 2,500 square foot footprint, 1,281 square foot unconditioned basement/workroom, 886 square foot attached garage, 1,297 square foot deck, 5,000 gallon water tank, and various drainage and landscape improvements; and allow the existing 1,100 square foot single family residence on site as a farm support residence.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

500 Harmony Ranch Road (approximately 1.25 miles west of Highway 1, and 2 miles south of community of Cambria, San Luis Obispo County)

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

RECEIVED**JUN 24 2010****CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

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-10-031

DATE FILED: June 24, 2010

DISTRICT: Central Coast

CCC Exhibit C
(page 1 of 5 pages)

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

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

- ☒ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: May 21, 2010

7. Local government's file number (if any): DRC2008-00025

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:

Eunice Goodan
2550 Aberdeen Ave.
Los Angeles, CA 90027

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

(1) Woodruff Construction Company
P.O. Box 542
Templeton, CA 93465

(2) Nancy Orton, Permit Chief, San Luis Obispo County Planning Department 976 Osos St., Room 300, San Luis Obispo, CA 93408

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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

See 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: Laura J. Wan
Appellant or Agent

Date: June 24, 2010

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

Signed: _____

Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

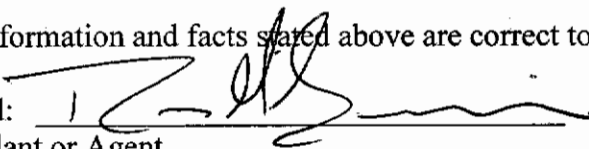
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See 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

Dated: 6-24-10

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

Signed: _____

Dated: _____

Reasons for Appeal: San Luis Obispo County Coastal Development Permit D020030P – (Gooden SFD)

San Luis Obispo County approved a proposal to construct a 5,019 square foot, two-story single family residence and conversion of an existing 1,100 square foot single family residence on site to a farm support residence on a the marine terrace portion of a 417-acre agricultural parcel on the Harmony Coast of San Luis Obispo County. The County approved project raises LCP conformance issues as follows:

The LCP requires the protection of coastal agriculture, including requiring land suitable for agriculture to be maintained in or available for agricultural production (including LCP Agriculture Policies 1, 3, 4 and CZLUO Section 23.04.050). The LCP also allows for farm support quarters only if it is needed to support existing agriculture. In this case the development will facilitate conversion of suitable agricultural land to non-agricultural residential use and may adversely impact agriculture, both individually and cumulatively, inconsistent with the LCP. It is also not clear if conversion of the existing residence to farm support is needed for existing agricultural operations.

The County approval also appears to raise other LCP conformance issues including with respect to ESHA protection for California red-legged frog and native grasslands (including Policies 1, 2, and 27, and Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.170 (d)), Hazards (Policy 2) related to onsite erosion, and Public Services (Policy 1 and CZLUO Section 23.04.430).

Applicable LCP Policies Cited

Agriculture

LCP Agriculture Policy 1: Maintaining Agricultural Lands. Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.

Permitted uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural land and uses.

Permitted Uses on Non-Prime Agricultural Lands. Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils, that the least amount of non-prime land possible is converted and that the use will not conflict with surrounding agricultural land and uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

LCP Agriculture Policy 3: Non-Agricultural Uses. In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplement use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.

Non-agricultural development shall meet the following requirements:

- a) No development is permitted on prime agricultural land....*
- b) Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.*
- c) The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.*
- d) The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.*
- e) Clearly defined buffer areas are provided between agricultural and on-agricultural uses.*
- f) Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.*
- g) Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.*
- h) The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agricultural and, if appropriate, open space use by the following methods:*

Agricultural Easement. *The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.*

Open Space Easement. *The applicant shall grant an open space easement to the county over all land shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.*

LCP Agriculture Policy 4: Siting of Structures. *A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce impacts on adjacent agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050a OF THE CZLUO.]*

CZLUO Section 23.04.050 – Non-Agricultural uses in the Agriculture Land Use Category:

- a. **Sighting of Structures.** A single-family dwelling and any agricultural accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses.

CZLUO Section 23.08.167- Residential Uses in the Agriculture Category:

Dwellings in the Agriculture land use category, including primary housing and farm support quarters are allowed accessory uses on the same site as an agricultural use, subject to the standards of this section. Such dwellings may include mobilehomes, subject also to the standards in Section 23.08.163 (Individual Mobilehomes). ...

- c. **Farm support quarters - Single family dwellings and mobilehomes:** Includes farm or ranch housing for farm help or a caretaker employed on land in the same ownership as the housing. Farm support quarters are allowable in the Agriculture and Rural Lands categories only when the housing is in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner, subject to the following standards: ...

ESHA

LCP Environmentally Sensitive Habitats Policy1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PUSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

LCP Environmentally Sensitive Habitats Policy2: Permit Requirements. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitat and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

LCP Environmentally Sensitive Habitats Policy 29: Protection of Terrestrial Habitats. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to

prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

CZLUO Section 23.07.170 – Environmentally Sensitive Habitats: ...

e. Development standards for environmentally sensitive habitats. All development and land divisions within or adjacent to an Environmentally Sensitive Habitat Area shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

Hazards

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

Public Works

LCP Public Works Policy 1: Availability of Service Capacity

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas.

Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and*
- b. The proposed development reflects that it is an environmentally preferable alternative.*

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.021c (DIVISIONS OF LAND), 23.04.430 AND 23.04.432 (OTHER DEVELOPMENT) OF THE CZLUO.]

CZLUO Section 23.04.430 - Availability of Water Supply and Sewage Disposal Services. *A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. In communities with limited water and sewage disposal service capacities as defined by Resource Management System alert levels II or III:*

a. A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line.

b. Development outside the urban services line shall be approved only if it can be served by adequate on-site water and sewage disposal systems, except that development of a single-family dwelling on an existing parcel may connect to a community water system if such service exists adjacent to the subject parcel and lateral connection can be accomplished without trunk line extension.