

CALIFORNIA COASTAL COMMISSION

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Prepared April 21, 2011 (for May 13, 2011 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
 Madeline Cavalieri, Coastal Planner

Subject: San Luis Obispo County LCP Major Amendment Number 1-11 Part 2 (Cragg Canyon Land Use Category Amendment). Proposed major amendment to the San Luis Obispo County certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's May 13, 2011 meeting to take place at the Sonoma County Board of Supervisors Chambers, 575 Administration Drive, Santa Rosa, CA 95403.

Summary

San Luis Obispo County proposes to amend its LCP Land Use Plan (LUP) to re-designate one parcel in the Rural Lands land use category to the Agriculture land use category in order to comply with the Williamson Act requirement to restrict land in agricultural preserves for agriculture or other compatible uses. Approximately three-quarters of the subject 292-acre parcel is located outside of the coastal zone, and approximately one-quarter is located inside the coastal zone. The amendment would allow for the continued agricultural use of the parcel, including potential crop uses outside of the coastal zone and potential grazing uses inside the coastal zone. Although there is very little development potential on the portion of the property inside of the coastal zone due to steep slopes, the re-designation to Agriculture would further limit potential development because such development would be limited to agriculturally-related development and the Agriculture land use category is generally more restrictive overall than is Rural Lands. As such, the amendment would protect agricultural land and would not result in negative coastal resource impacts. Staff recommends that the Commission find that the proposed amendment is consistent with and adequate to carry out the policies of the Coastal Act, and that the Commission approve the LCP amendment as submitted.

LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on February 25, 2011. It is an LUP amendment only and the 90-day action deadline is May 26, 2011.

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Exhibit 2: County Resolution

I. Staff Recommendation – Motion and Resolution

Approval of Land Use Plan Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **certify** Major Amendment Number 1-11 Part 2 to the San Luis Obispo County Local Coastal Program Land Use Plan as submitted by the County of San Luis Obispo.

Resolution to Certify the LUP Amendment. The Commission hereby certifies Major Amendment Number 1-11 Part 2 to the San Luis Obispo County Local Coastal Program Land Use Plan as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment conforms to the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

San Luis Obispo County proposes to amend the LUP’s Land Use Category Map for a portion of the San Luis Bay Coastal planning area. Specifically, the amendment would re-designate one, 292-acre parcel from the Rural Lands land use category to the Agriculture category, in order to comply with the Williamson Act requirement to restrict land in agricultural preserves for agriculture or other compatible uses. Please see Exhibit 1 for the proposed map amendment and Exhibit 2 for the Board of Supervisors’



Resolution.

B. Coastal Act Consistency Analysis

The Land Use Category maps are part of the LCP's LUP. The standard of review for LUP amendments is that they must be consistent with the Chapter 3 policies of the Coastal Act.

1. Applicable Policies

The Coastal Act provides broad protection for coastal zone agricultural land. Section 30241 limits conversion of agricultural land to other uses, and Section 30242 requires all land that is suitable for agricultural use to be protected for agricultural purposes. These Sections state:

***30241.** The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses...*

***30242.** All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Although it is not the standard of review, the Williamson Act is a state program designed to protect agricultural land. Through the program, property tax assessments for property under Williamson Act agricultural preserve contracts are based on continued farming or open space values, rather than the potential for other types of development, and are significantly lowered, providing an incentive to continue the agricultural and/or open space use of the property. Williamson Act agricultural preserve contracts are voluntary agreements between a landowner and the local government, and, pursuant to the County's Rules of Procedure Implementing the Williamson Act, generally restrict the property for a 20-year term, followed by ongoing, 10-year renewal terms. Placing land in agricultural preserves is a precursor to entering into a Williamson Act contract with the County, and the Act requires land in agricultural preserves and under contract to be restricted for agriculture or other compatible uses. Williamson Act Section 51230 contains the following requirement for land in agricultural preserves:

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

In addition, the Framework for Planning of the LUP recognizes the County's intent to place land in



agricultural preserves in the Agriculture land use category. It states (on page 8-4):

...When not already included in the Agriculture land use category, all lands for which agricultural preserves are approved will be placed in the Agriculture category by the county amending the Land Use Element...

2. Analysis

The purpose of the County's LCP amendment request is to re-designate the subject property because it has been placed in an agricultural preserve pursuant to the State Williamson Act. As discussed above, pursuant to the Williamson Act and the LCP, land placed in agricultural preserves must be designated for agriculture or other compatible uses. The re-designation from the Rural Lands category to the Agriculture category would protect and preserve the land for agricultural uses, consistent with Coastal Act Sections 30241 and 30242, and it would not result in negative impacts on other coastal resources. This conclusion is based on the fact that although there is very little development potential on the portion of the property inside of the coastal zone due to steep slopes, the re-designation to Agriculture would further limit potential development because such development would be limited to agriculturally-related development and the Agriculture land use category is generally more restrictive overall than is Rural Lands. The subject parcel is 292 acres, but only approximately one quarter of it is in the coastal zone. The parcel contains a canyon that is outside of the coastal zone, with bottomlands that may be suitable for irrigated crops, and hillsides that are used for grazing. However, the portion of the parcel that is in the coastal zone consists of a very steep ridge, with almost 50% slopes. Due to these steep slopes, the area of the parcel in the coastal zone has no reasonable potential for future agricultural uses or development, except for potential grazing, and therefore, any potential for visual or other coastal resource impacts due to future development is not significant.

In addition, the Agriculture land use category is generally more restrictive than the Rural Lands category. For example, the Rural Lands category has the potential to allow development such as churches, schools, off-road vehicle courses, concrete, clay and pottery manufacturing, and residential care facilities, while such uses are not allowed in the Agriculture category. Further, some of the uses in the Agriculture category, including residential uses, are further limited by a requirement that they be incidental and subordinate to the primary use of the property (see, for example, LCP Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.020). Moreover, the LCP provides numerous visual and scenic resource protection standards that would also preclude development in this area.

Therefore, the potential for inappropriate development is arguably eliminated due to the steep slopes and the availability of land for development on other portions of the parcel (consisting of those portions of the parcel that are outside of the coastal zone), and the proposed land use category change would reduce the development potential of the parcel even further. For these reasons, the proposed Land Use Plan amendment, as submitted, would protect agricultural land and would not result in negative impacts on coastal resources, and it would be consistent with Chapter 3 policies of the Coastal Act.



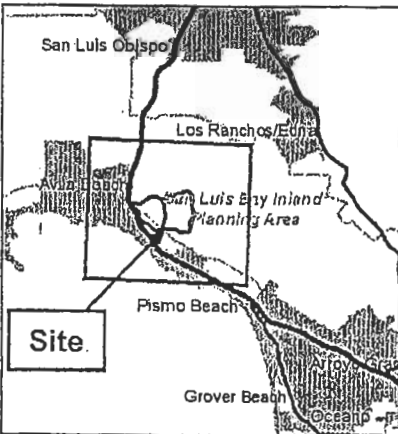
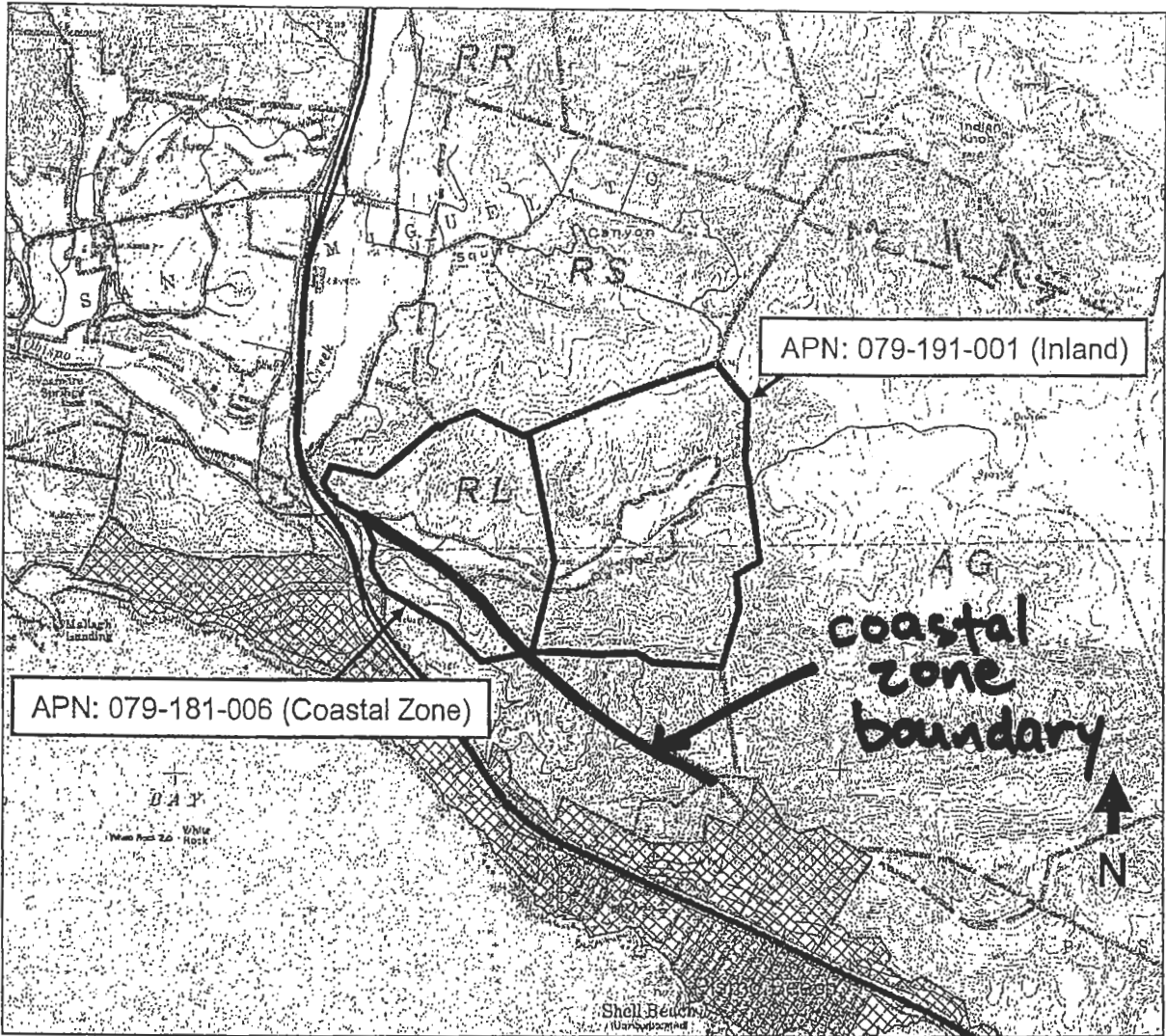
C. California Environmental Quality Act (CEQA)

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

The County, acting as the lead CEQA agency in this case, exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

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





**EXHIBIT A: LRP2009-00007:9
Cragg Canyon**

Parcels subject to amendment APNs:
079-181-006 (Coastal Zone) 079-191-001 (Inland)

Initiating precise land use designations:
 A - Land Use Category Map from Rural Lands to Agriculture
 B - Conservation and Open Space Element Map from
 Large Lot Rural to Agriculture-Conservation Contract

(Official Maps on file in the Department of Planning and Building)

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, August 24, 2010

PRESENT: Supervisors Bruce Gibson, Adam Hill, K.H. 'Katcho' Achadjian,
James R. Patterson, Chairperson Frank Mecham

ABSENT: None

RESOLUTION NO. 2010-258

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, THE LAND USE ELEMENT FRAMEWORK FOR PLANNING, THE CONSERVATION AND OPEN SPACE ELEMENT, THE AGRICULTURE ELEMENT, THE COASTAL ZONE LAND USE ELEMENT FRAMEWORK FOR PLANNING, LOCAL COASTAL PLAN, THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE AND THE COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE AND TO ADOPT ORDINANCES AND TO APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

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

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

WHEREAS, the Conservation and Open Space Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on May 11, 2010; and

WHEREAS, the Agriculture Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on May 11, 2010; and

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

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

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the General Plan and Land Use Ordinances, adopted resolutions or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the twenty-fourth day of August, 2010, that the County General Plan, the Land Use Element Framework for Planning, the Conservation and Open Space Element, the Coastal Zone Framework for Planning, the Land Use Ordinance - Title 22 of the County Code and the Coastal Zone Land Use Element - Title 23 of the County Code be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use Element, Adelaida Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:1 and LRP2009-00007:2, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

CCC Exhibit 2
(page 1 **of** 4 **pages)**

SLO-1-11 Part 2

2. Amend the San Luis Obispo County General Plan, Land Use Element, El Pomar Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:3, LRP2009-00007:4, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

3. Amend the San Luis Obispo County General Plan, Land Use Element, Las Pilitas Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:5, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

4. Amend the San Luis Obispo County General Plan, Land Use Element, Los Padres Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:6, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

5. Amend the San Luis Obispo County General Plan, Land Use Element, Nacimiento Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:7, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

6. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Bay Area Plan, official maps, as such amendments appear on Exhibit LRP2009-00007:8, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

7. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Bay Area Plan, official maps, as such amendments appear on Exhibit LRP2009-00007:9 (inland), attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

8. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Bay Area Plan, official maps, as such amendments appear on Exhibit LRP2009-00007:9 (coastal), attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the amendment submittal to the California Coastal Commission for consideration and certification.

9. Amend the San Luis Obispo County General Plan, Land Use Element, Shandon-Carrizo Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:10, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

10. Amend the San Luis Obispo County General Plan, Land Use Element, South County Area Plan (Inland), official maps, as such amendments appear on Exhibits LRP2009-00007:11, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

11. Amend the San Luis Obispo County General Plan, Conservation and Open Space Element, official maps, by changing the designations for the parcels shown on Exhibits LRP2009-00007:1 – 11, attached hereto and incorporated herein as though fully set forth, from Small Lot Residential and Large Lot Residential to Agriculture-Conservation Contract and Small Lot Residential for properties recently put into agricultural preserves. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

12. Amend the San Luis Obispo County General Plan, Agriculture Element, official maps, by changing the designations for the parcels shown on Exhibits LRP2009-00007:1 – 11, attached hereto and incorporated herein as though fully set forth, from Small Lot Residential and Large Lot Residential to Agriculture-Conservation Contract and Small Lot Residential for properties recently put into agricultural preserves. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

13. Amend the San Luis Obispo County General Plan, Land Use Element / Local Coastal Plan, Coastal Zone Framework for Planning, as such amendment appears on Exhibits LRP2009-00002:C, attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the amendment submittal to the California Coastal Commission for consideration and certification.

14. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapters 22.06, 22.18 and 22.30 by amending Sections 22.06.030 and 22.18.050.C.9 and adding Section 22.30.265 relating to Emergency Shelters, Supportive Housing, and Transitional Housing" which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

15. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Chapters 23.04 and 23.08 by amending Sections 23.04.166c(9) and 23.08.260 and adding Section 23.08.269 relating to Emergency Shelters." attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the amendment submittal to the California Coastal Commission for consideration and certification.

16. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the environmental document for the above enacted amendments be approved as follows:

1. Regarding the amendment that was processed on the basis of a General Rule Exemption, the Board of Supervisors finds that the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

2. Regarding the amendment that was processed on the basis of a proposed Mitigated Negative Declaration, the Board of Supervisors reviewed and considered the proposed Mitigated Negative Declaration together with all comments received during the public review process prior to enacting the amendment. Further, on the basis of the initial studies and comments received for the Mitigated Negative Declaration, there is no substantial evidence that the amendment will have a significant effect on the environment; therefore the Board of Supervisors hereby adopts the Mitigated Negative Declaration pursuant to the applicable provisions of the California Environmental Quality Act (CEQA). The revised Mitigated Negative Declaration prepared reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the amendments.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibit LRP 2009-00007:9(coastal) and LRP 2009-00002:B and C shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544.

In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

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

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances 3199, 3200 and 3201, said date being August 24, 2010.

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

AYES: Supervisors Hill, Achadjian, Gibson, Patterson, Chairperson Mecham

NOES: None

ABSENT: None

ABSTAINING: Supervisor Bruce S. Gibson (Old Creek Ranch, LRP2009-00007:2 only)

The foregoing resolution is hereby adopted.

Frank Mecham
Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

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

[SEAL]

By: Annette Ramirez

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: James B. Orton
Deputy County Counsel

Dated: August 3, 2010

STATE OF CALIFORNIA)
)
) ss
)
COUNTY OF SAN LUIS OBISPO)

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

Witness, my hand and seal of said Board of
Supervisors this 13th day of September, 2010.

JULIE L. RODEWALD
County Clerk and Ex-Officio
Clerk of the Board of Supervisors
By: C. Annette Ramirez
Deputy Clerk