

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE May 2, 2006		(3) CONTACT/PHONE Mike Wulkan, Senior Planner, (805) 781-5608	
(4) SUBJECT Continued hearing on proposed amendment to Land Use Ordinance Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- Title 22 of the County Code, to establish "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views; County File No. G020004N					
(5) SUMMARY OF REQUEST This item was continued from the November 1, 2005 Board of Supervisors hearing in order for staff to meet with agricultural and other groups and prepare a revised ordinance. An ad hoc committee held four meetings, but was unable to reach a consensus on a revised proposal. This item is a proposal by the County of San Luis Obispo to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads, and public beaches, in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as landscape screening and building design. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest.					
(6) RECOMMENDED ACTION Receive public testimony and continue the hearing until June 27, 2006					
(7) FUNDING SOURCE(S) Current County Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Cayucos Citizens Advisory Council, Templeton Area Advisory Group, Agricultural Liaison Board, County Farm Bureau, Cattleman's Association, Agricultural Commissioner, CDF/County Fire					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date: November 1, 2005	
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center"><i>ok Leslie Brown</i></p> <p align="right"><i>C-1 5000</i></p>					



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: MIKE WULKAN, CURRENT PLANNING
VIA: JOHN EUPHRAT, AICP, DIVISION MANAGER
DATE: MAY 2, 2006

SUBJECT: CONTINUED HEARING ON PROPOSED AMENDMENT TO LAND USE ORDINANCE SECTION 22.92.020--AREAWIDE STANDARDS, ADELAIDA PLANNING AREA --TITLE 22 OF THE COUNTY CODE, TO ESTABLISH "CRITICAL VIEWSHEDS" FOR HIGHWAY 1 AND THE "CAYUCOS FRINGE," TOGETHER WITH DEVELOPMENT STANDARDS TO PROTECT SCENIC VIEWS; COUNTY FILE NO. G020004N

RECOMMENDATION

Receive public testimony and continue the hearing until June 27, 2006

DISCUSSION

Background

On November 1, 2005, the Board of Supervisors held a hearing to consider a county-initiated amendment to the Land Use Ordinance to establish two "critical viewsheds" in a portion of the Adelaida Planning Area, accompanied by development standards to protect views from the coast, Highway 1 and area roads. The Planning Commission had recommended approval of a proposed ordinance on July 14, 2005. At the conclusion of the November 1, 2005 hearing, your Board directed staff to meet with agricultural and other affected groups to determine impacts of the proposed ordinance on agriculture, and to return in six months with a revised ordinance.

In order to carry out your Board's direction, staff assembled an ad hoc committee that consisted of representatives of the following groups and interests:

- Agricultural Liaison Board
- Farm Bureau
- Cattleman's Association
- Cayucos Citizens Advisory Council (CCAC)
- Templeton Area Advisory Group (TAAG)
- Proponents of the idea of visual protections in a portion of the Adelaida Planning Area
- POPR (originally an opponent of the idea of visual standards)
- Environment in the Public Interest
- CDF/County Fire Department.

The agricultural and community advisory groups and POPR selected their own representatives to sit on the ad hoc committee. The committee met four times from January to April, held extensive discussions and considered several proposals for visual standards. The discussions resulted in a narrowing of the differences in the positions of the opposing viewpoints, with all sides agreeing to the idea of proposing some visual standards. However, at the last committee meeting, it became evident that committee members could not reach a consensus. As a result, the committee voted to forward to your Board the proposals that were presented to the committee, as well as others that might be submitted by committee members (see Attachments 3, 4 and 5).

Staff Comments

After four meetings of the hoc committee, the most significant, unresolved issues can be summarized as follows:

1. *What should be the extent of the area subject to proposed visual standards?*

The original ordinance recommended to your Board by the Planning Commission affected a portion of the Adelaida Planning Area that could be visible from Highway 1 and the coast, as well as the county-maintained portions of the roads between Villa Creek Road and Toro Creek Road. The ad hoc committee considered proposals that also covered that area. The latest proposal from POPR covers areas that are visible only from within one mile of Highway 1, Old Creek Road and Santa Rita Road, the three through-roads in the area. Another option is to reduce by about 12,000 acres the affected area of the original ordinance so that it corresponds to the "Cayucos Planning Impact Area," the area of interest of the CCAC that is similar to the area within the Cayucos Elementary School District (see Figure 92-1 in Attachment 5).

2. *How much, if any, public notice and discretion should be required for development proposals?*

Ad hoc committee members considered proposals with two very different approaches. POPR and others advocate one approach, which generally involves no discretionary approvals (i.e., a Minor Use Permit) for new development proposals. Under that approach, if a set of proposed design standards is satisfied, then new development can proceed with only a building permit (unless the proposed project would otherwise require a Minor Use Permit or Conditional Use Permit). If the design standards cannot be met, then a Minor Use Permit is required. That approach is illustrated in the proposal by POPR (endorsed by the Farm Bureau and the Cattleman's Association) in Attachment 3.

Others on the ad hoc committee support the idea of providing public notice of new development proposals, including notification of surrounding property owners, and enabling discretionary review through a Minor Use Permit if a formal request for hearing is submitted. If no such request were submitted, then the proposed project would be approved through a ministerial action (a Zoning Clearance) if it complies with proposed design standards. That approach is illustrated in language suggested by Roger Lyon and others in Attachment 4 (see item C.4.c.).

There are other approaches that address the question of how much discretion should be included in a proposed ordinance. For example, the preceding idea of public noticing with the possibility of Minor Use Permit approval could be applied only to development that would be visible from the most heavily travelled roads, or to the most visually sensitive areas such as ridgetops where development could silhouette against the sky as seen from those roads. Yet another option is to simply provide public noticing of new development proposals for informational purposes, but without allowing for the possibility of Minor Use Permit approval if

someone requests a hearing. That option is shown in the most recent sample ordinance that staff presented to the ad hoc committee for discussion (see item C.5.a. in Attachment 5).

The ad hoc committee also expressed differences on how stringent the proposed design standards should be, for example, the extent of required landscape screening and the amount of time needed to achieve full screening. However, those differences are less significant than the two major issues: the extent of the affected area and the question of discretionary review.

Staff is recommending that your Board continue this item until June 27, because the Cayucos Citizens Advisory Council (CCAC), which asked your Board to initiate this amendment in 2002, has made a good case that it did not have sufficient time to review the latest proposal made by POPR (see Attachment 1, letter from Cayucos Citizens Advisory Council dated April 11, 2006). However, POPR has submitted a letter dated April 10, 2006 opposing the granting of a continuance (see Attachment 2). If this item is continued, the CCAC is expected to hold additional meetings to discuss the various proposals for visual standards and make a recommendation. Staff will also consider the various proposals that have resulted from the ad hoc committee's discussions, together with any recommendations from the CCAC and the Templeton Area Advisory Group (TAAG), and return in June with a recommended ordinance. In order to help staff prepare its recommendation, it would be useful to get additional direction from your Board, particularly in regard to the two key issues described in the preceding paragraphs: the extent of the affected area and the question of discretionary review.

OTHER AGENCY INVOLVEMENT

The following advisory groups and agencies participated in the ad hoc committee that discussed proposals for visual standards: CCAC, TAAG, CDF/County Fire Department, and Agricultural Liaison Board. At the time that this report was prepared, TAAG had not submitted any recommendations.

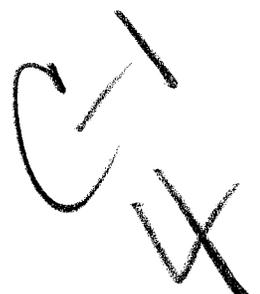
Earlier in the process, referrals were sent to the CCAC, the County Public Works and Agriculture Departments, CDF/County Fire, Caltrans, and the California Coastal Commission. The Agriculture Department made recommendations that were incorporated into the previously proposed ordinance that was recommended by the Planning Commission.

FINANCIAL CONSIDERATIONS

Staff costs for preparation of this county-initiated amendment have been covered by prior Department budgets, but the Department is currently not budgeted for continued work in connection with this amendment beyond June 30, 2006. Staff costs for implementation of this amendment will be covered by future Department budgets.

RESULTS

If this item is continued to June 27, staff will return in June with a recommended ordinance, that if approved, would make certain new, primarily residential development in a portion of the Adelaida Planning Area subject to standards to minimize visual impacts from certain area roads.



ATTACHMENTS

- Attachment 1: April 11, 2006 letter from the Cayucos Citizens Advisory Council
- Attachment 2: April 10, 2006 correspondence from POPR
- Attachment 3: Ordinance proposed by POPR
- Attachment 4: Sample ordinance drafted by staff with suggested edits by Roger Lyon and other ordinance supporters
- Attachment 5: Cover memo and latest sample ordinance drafted by staff for ad hoc committee discussion
- Attachment 6: Minutes of the November 1, 2005 Board of Supervisors hearing, and staff report

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**ATTACHMENT 1: APRIL 11, 2006 LETTER FROM THE CAYUCOS
CITIZENS ADIVSORY COUNCIL**

CI
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CITIZENS ADVISORY COUNCIL
P.O. BOX 781 • CAYUCOS, CA 93430

April 11, 2006

“Katcho” Achadjian, Chair
Supervisor, District 4
County Government Center
San Luis Obispo, CA 93408

Dear Supervisor and Chair, Mr. Achadjian:

This letter is to request a continuance of the Adelaide View-shed Ordinance [AVO] per the request of the Cayucos Citizen’s Advisory Council. It is based on the fact that the proposed ordinance had no balance between individual property rights and the rights of a community. An item of business on the April 5, Cayucos Citizen’s Advisory Council Meeting was to discuss the update of the AVO. The charge of the Adelaide Viewshed Committee, per the Board of Supervisors was to arrive at common grounds, so that the Planning Dept. Staff could then develop an ordinance. It was never the charge for individual members of the committee to write their own ordinance.

Below, please find a brief outline of what had taken place over a basically two-day period [50 hours].

Monday, April 3, 6:00PM, the fourth in a series of meetings, the committee met to try and reach a consensus on the AVO. Prior to the Monday meeting, a proposed draft was prepared and distributed by County Planning and Building for review, based upon discussions from the first three meetings.

Before any discussion could take place, a new ordinance was presented by the POPR’s. POPR’s then clearly stated that **NO ALTERATIONS** would be allowed that would make the proposal more restrictive.

After a minimum amount of discussion, a motion was made to submit 2 or more proposals to the Board of Supervisors for the May 2 meeting where this item was to be on the agenda. The meeting was then adjourned. Essentially, this allowed for no discussion at this meeting for the following:

- the defined area of the Cayucos viewshed
- public noticing
- the possibility for discretionary review, and to have a safety valve in place to secure community concerns/input within the process

RECEIVED
APR 17 2006
Planning & Bldg

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Tuesday, the next day 4/4, copies of the POPR proposal were distributed by POPR in the late afternoon via e-mail or hand delivered. Unfortunately, a large portion of those who received this via e-mail were unable to open the attached document. {As chair, I too was unable to open the document.} Because of the confusion of what was put before us, I, put together a combined document based upon the Planning Dept.'s proposal with POPR's insertions in blue and their proposed deletions in red ink. This was done to better understand what was actually being proposed. I, too distributed this document to all late Tuesday-6:00PM.

Wednesday, April 5, the CCAC held its monthly meeting to discuss the VSO. However, it was discovered that evening that not all members of the council were able to open either document, let alone review it. Early on in the discussions, most members of the council felt ill-prepared to intelligently discuss, and/or make recommendations on either proposal. A council member then proposed a motion to table the discussion, but relinquished the floor so that the POPR representative, who is also on the council, could state their case. Their recommendation (POPR) was to have the CCAC endorse the POPR proposal with NO CHANGES. The floor was then returned back to the council member who then made a motion to table any action until the next meeting. The motion was seconded and voted on with a clear majority.

As Chair, I then opened discussion, with a clear understanding that no action would be taken at this meeting. Discussion continued for over an hour from both the public and from council members. At times the discussion became rude, personal and unfortunately obnoxious. Finally, a motion was made and seconded to send the proposals to the Land Use Committee to review with more input, and to bring it back to the council next month for further discussion. AND, to send a letter to the Board of Supervisors to continue the item until the end of June or July when Supervisor Shirley Bianchi would be present. A roll call vote was called for; it carried 11 for, 2 against. The two negative votes were from the two POPR representatives.

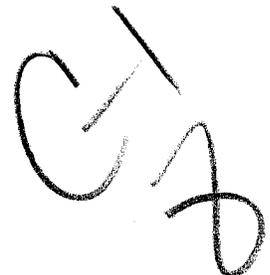
Thank you for your consideration of this matter, as we feel that public input is very important in the overall process.

Respectfully,



Ed Carnegie
President, CCAC

Cc: Supervisor Harry Ovitt, District 1
Supervisor Shirley Bianchi, District 2
Supervisor Jerry Lenthall, District 3
Supervisor James Patterson, District 5



**ATTACHMENT 2: APRIL 10, 2006
CORRESPONDENCE FROM POPR**

ca

Cherie Aispuro/BOS/COSLO

04/10/2006 04:27 PM

To Harry Ovitt/BOS/COSLO@Wings, Shirley Bianchi/BOS/COSLO@Wings, Jerry Lenthall/BOS/COSLO@Wings, Katcho Achadjian/BOS/COSLO@Wings, James Patterson/BOS/COSLO@Wings
cc Cliff Smith/BOS/COSLO@Wings, Richard Macedo/BOS/COSLO@Wings, Mary Froggatt/BOS/COSLO@Wings, Vicki Janssen/BOS/COSLO@Wings, Anne McMahon/BOS/COSLO@Wings
Subject Fw: Adelaida Viewshed Hearing - May 2

----- Forwarded by Cherie Aispuro/BOS/COSLO on 04/10/2006 04:27 PM -----



info@popr.org
Sent by:
<popr@ws01.webspacesolutions.com>

To caispuro@co.slo.ca.us
cc

04/10/2006 03:59 PM

Subject Adelaida Viewshed Hearing - May 2

Dear Supervisors,

On May 2nd, the Adelaida Viewshed is scheduled for a hearing before the Board of Supervisors. At that hearing, you may be asked to continue the matter to a later date. We are writing to encourage you to oppose any motions to continue discussion of the Adelaida Viewshed. Please find attached a letter explaining our position. If you would like any additional information, please feel free to contact us.

Thank you,
POPR - Protect Our Property Rights

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This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.



BOS letter regarding time extension.pdf

Handwritten initials "CA" and the number "10" in the bottom right corner.

April 10, 2006

Supervisors
San Luis Obispo County Board of Supervisors
County Government Center
San Luis Obispo, CA 93408

RE: No continuance for the Adelaida Viewshed

Dear Supervisors:

On April 5, 2006 the Cayucos Citizens Advisory Council (CCAC) held a meeting to discuss the Adelaida Viewshed issue. This meeting of the CCAC came on the heels of the final Ad-Hoc committee meeting of the Adelaida Viewshed Committee (AVC) – in which the consensus of the committee was that there would be no consensus. The committee unanimously agreed that both the POPR version and the Planning Department draft be presented to the Supervisors for consideration. Among the members of the AVC were 2 members of CCAC. Ultimately the CCAC decided, with 2 dissenting votes, to ask the Supervisors to grant an extension to allow for further discussion and a continued search for common ground. The 2 dissenting votes came from both of the CCAC members that represent District 8 – the only district encompassed by the proposed viewshed.

The AVC held meetings for 4 months, with ample opportunity for the members of the AVC to discuss issues with the groups they represented between meetings. Following each meeting of the AVC, we at POPR communicated the topics of discussion and held an open dialog with our members. Based on the discussions and consensus from our meetings, we always brought something new to the AVC meetings. We cannot speak for other members of the AVC, but there were several that never seemed to bring anything new to the table, including the representatives of the CCAC. We seriously question how much direct dialog these representatives had with the constituents that they were there to represent.

During the CCAC meeting, the members of CCAC complained of having insufficient time to review the most recent proposals by POPR and the Planning Department. Within approximately 2 minutes of opening the topic to discussion, one CCAC member raised a motion to “table” voting on any proposal – prior any discussion of the proposals before them. Voting on the motion was temporarily withheld to allow Pat Molnar, a member of CCAC and POPR, to explain why there were 2 proposals and not a single proposal. This discussion focused on the purpose of the AVC and the fundamental differences that prevented the AVC from coming to a consensus. The item of discretionary review, and how it was triggered, was the primary issue that prevented the AVC from coming to a consensus. Following this brief discussion, the motion to table voting on the proposals passed without public input.



Members of POPR and the public, who had come specifically to discuss the viewshed issue had to plea with CCAC for the opportunity to be heard, and were reluctantly allowed a limited amount of discussion. As the CCAC exists to serve the interests of its constituents, we find it disturbing that the CCAC elected to table the issue without input from the very people they were there to serve. It was clear that the CCAC members were unwilling to go through the proposals, point by point, and discuss them. Representatives of POPR were in attendance to respond to questions regarding the POPR proposal, and Senior Planner Mike Wulkan was in attendance to answer questions regarding the Planning Department proposal. Mr. Wulkan brought a map to illustrate some of the new language in the proposals; however he was never given an opportunity to present it.

Had the CCAC allowed an open dialog and discussed each proposal, perhaps they could have learned about each proposal and made recommendations for each. The majority of the committee seemed to be under the impression that they had to “choose” one to support. Mr. Molnar attempted to explain that each could be considered separately, and that specific recommendations could be made for each. Instead, the CCAC voted to ask the Board of Supervisors for a continuance.

We are opposed to granting a continuance for this issue, as we feel that reasonable steps were taken to come to a resolution. The CCAC will be requesting this continuance so they can further discuss the issue, yet they have proven an unwillingness to participate in an open dialog. We question the value of a continuance, especially relative to the added cost to the County, the Planning Department, and individuals. The Planning Department stated at one of the recent AVC meetings that the Department was out of time and money to process the amendment.

On May 2nd, there may be motions made to continue the hearing at a later date. We are asking you to oppose any such motion, as a continuance will likely come to the same conclusion but at a great expense of time and money for all involved.

Thank you for your consideration,
POPR – Protect Our Property Rights

Handwritten signature or initials in black ink, appearing to be 'CJ' with a flourish below it.

ATTACHMENT 3: ORDINANCE PROPOSED BY POPR

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Exhibit G020004N:A
SAMPLE ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CAYUCOS FRINGE VIEWSHED

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

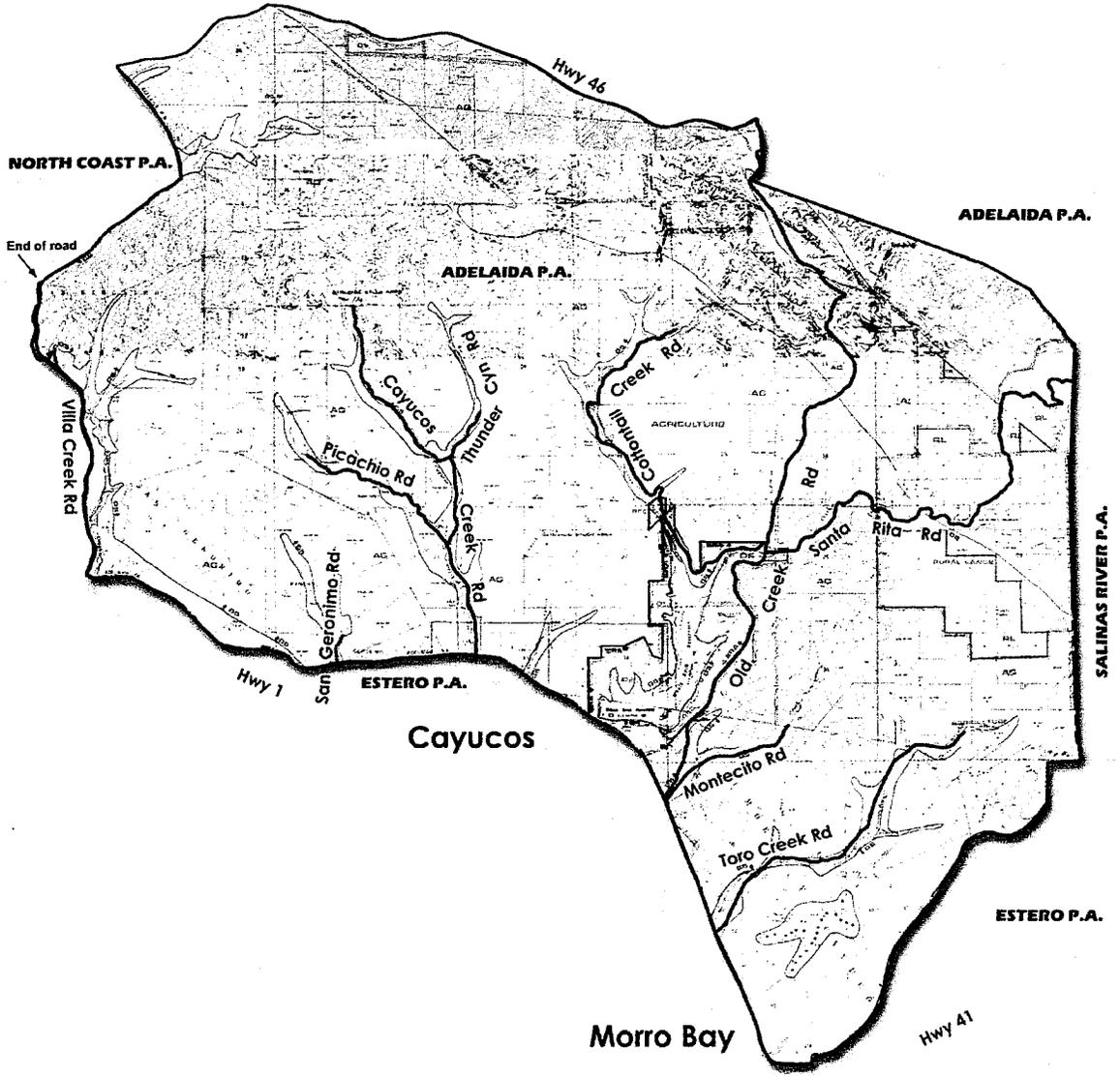
SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection C to read as follows:

C. Cayucos Fringe Viewshed. The following standards apply to new development within the area shown in Figure 92-1 and as more particularly defined herein. This Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, and other Arterial public roads that connect to Highway 1.

1. Purpose. This Viewshed consists of all areas that are Visible (as that term is defined herein) and in a direct, unobstructed line of sight from Highway 1 within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

The Viewshed also consists of areas that are Visible within one mile of and in a direct, unobstructed line of sight from either the Arterial roads of Old Creek Road and/or Santa Rita Creek Road. New or existing roads that qualify as Arterial roads would be included in the Viewshed. An "Arterial Road" is defined as a paved roadway, dedicated to the public, consisting of at least two-lanes and connecting Highway 1 to either Highway 41 or Highway 1 to Highway 46.

The hilly and steep terrain, ridgetops and hilltops, and narrow valleys that characterize that area offer scenic views that help define the rural character of the area. **Figure 92-1: Cayucos Fringe Viewshed**



GIS

2. **Applicability.** The following standards apply to new development of the following uses that are Visible and in a direct, unobstructed line of sight from Arterial Roads: residential, residential accessory structures and commercial structures. A "Structure" is defined as any building comprised of at least four walls, and a roof covering at least 95% thereof the total covered area of which is greater than 500 square feet. Agricultural and agricultural accessory structures are not subject to the following standards unless they both a) are greater than 3,000 square feet in area, and b) otherwise require a Minor Use Permit or Conditional Use Permit for the Structure.
3. **Exceptions.** The standards in Subsections C4 and C5 do not apply in any of the following cases:
- a. **Structure not visible.** Subsections C4 and C5 do not apply when documentation is provided demonstrating that the proposed Structures will not be Visible in a direct, unobstructed line of sight from Highway 1, or the roads specified in Subsection C1. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.
 - b. **Visible Structure-** For purposes of this Ordinance, the term "Visible" shall mean an unobstructed line of sight using the single most visible point of view of the entire Structure from the applicable roads specified in Subsection C1
 - c. **Expansion or alterations of existing Structures.** Subsection C4 and C5 do not apply to existing Structures as of the date of this ordinance nor shall they apply to proposed alterations or expansion of Structures that exist at the time of application submittal, provided that no aggregate increase greater than 25% of the covered floor area occurs and the alterations or expansion are in conformity with Title 19 of the County Code in effect at the time of the improvement
 - d. **Destroyed dwellings or Structures.** When a dwelling or Structure is destroyed or partially destroyed to any extent by fire, explosion or act of God, the dwelling or Structure may be restored to its former status and shall not be required to comply with Subsections C4 and C5, provided that there is no increase in building height or covered floor area greater than 25% of the original height or covered floor area and the Structure is located on substantially the same location as the original Structure.
4. **Permit requirement.** Zoning Clearance, except as follows:
- a. **Project not consistent with Zoning Clearance requirements.** If the Zoning Clearance application cannot be found consistent with Subsection C5, the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from Highway 1, and other Arterial public roads that connect to Highway 1.
 - b. **Other land use permit required by the Land Use Ordinance.** Structures for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall not be subject to the visual

impact requirements of this ordinance unless the Structures (as defined in Section 2) fall within the Applicability standards of this ordinance. Applicable projects shall ensure that the visual impacts are minimized as required herein. -

5. Zoning Clearance requirements

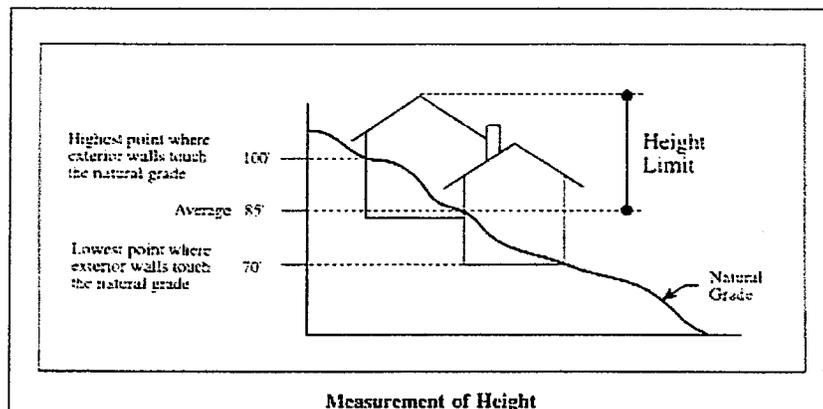
- a. **Public Notice.** Whenever a Minor Use or Conditional Use Permit for a Structure is required, the applicant shall submit evidence that the neighboring property owners were notified of the request prior to submittal to the county of the application for a Minor Use Permit or Conditional Use Permit. The applicant shall provide this notice by sending a letter using the form provided by the Department of Planning and Building. At least 10 days prior to application submittal, the letter shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the boundaries of the building site for the Structure.
- b. **Setback.** Where possible, dwellings and Structures shall be set back 100 feet from the edge of the right-of-way of the applicable roads specified in Subsection C1. If there is no feasible development area outside of this setback, then the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from the applicable roads specified in Subsection C1 are minimized.
- c. **Building exterior.** Building exteriors shall use non-reflective materials. Exterior siding shall be stucco, masonry, brick, wood or wood-appearing materials, or other natural-appearing materials. The Planning Director may approve other siding materials if they are found to be in harmony with the surrounding natural environment.
- d. **Colors.** Building colors shall be similar to natural colors of the surrounding environment, and shall be no brighter than 6 in chroma and value on the Munsell color scale on file in the Department of Planning and Building.
- e. **Landscaping**
 - (1) **Landscaping plan.** A landscaping plan prepared by a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building shall be submitted, and shall be used to demonstrate compliance with Subsections 5e(2), (3) and (4).
 - (2) **Landscape screening.** Landscape screening shall exist or shall be planted so that there will be at least 50 percent screening at plant maturity of Structures or portions of Structures that are Visible. .
 - (3) **Landscape Backdrop.** As an alternative to Landscape Screening, a backdrop of trees shall exist or shall be planted so that there will be an 75 percent or greater backdrop behind Structures at plant maturity, as Visible from the applicable roads specified in Subsection C1 (see Figure 92-2). The landscape screening shall consist of native or low

water-using vegetation (no invasive species) that is fire-resistant, and shall occur at the building site rather than along a public road. Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Landscape screening shall be reasonably maintained for the life of the Structure.

(4) **Landscape screening for Structures in Ridgetop Areas.** This standard applies only when proposed dwellings or Structures are within Ridgetop Areas on Prominent Ridgelines as seen in a direct, unobstructed line of sight from the applicable roads specified in Subsection C1. A Structure shall be defined as within the "Ridgetop Area" if the highest point of the proposed structure occurs within the top 25 feet (topographically) of the Prominent Ridgelines within (one) 1 mile of Highway 1 or applicable roads specified in Subsection C1. "Prominent Ridgelines" shall be defined as those indicated on a topographic map (Figure 92-3), which shall be made available by the Planning Department. In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. All the landscape requirements in preceding Subsection 5e(2) shall apply, except that landscape screening shall exist or shall be planted so that there will be at least 75 percent screening at plant maturity of structures or portions of structures that are visible from the applicable roads specified in Subsection C1.

(5) **Guarantee of maintenance and survival.** A performance bond or equivalent financial guarantee shall be required to guarantee the maintenance and survival of required landscaping for a period of five years.

f. **Building height.** This standard applies only when proposed dwellings or Structures are within the Ridgetop Areas that are within one (1) mile of Highway 1 or an Arterial Road. In order to determine whether this standard applies, the Planning Director may require a Visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. The maximum building height is 28 feet, measured as described in Section 22.10.090.



12/21

6. **Projects requiring environmental review.** When proposed projects require environmental review in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., potential visual impacts of the Structures shall be considered but in no event shall staff requirements exceed CEQA requirements for mitigation for Structures

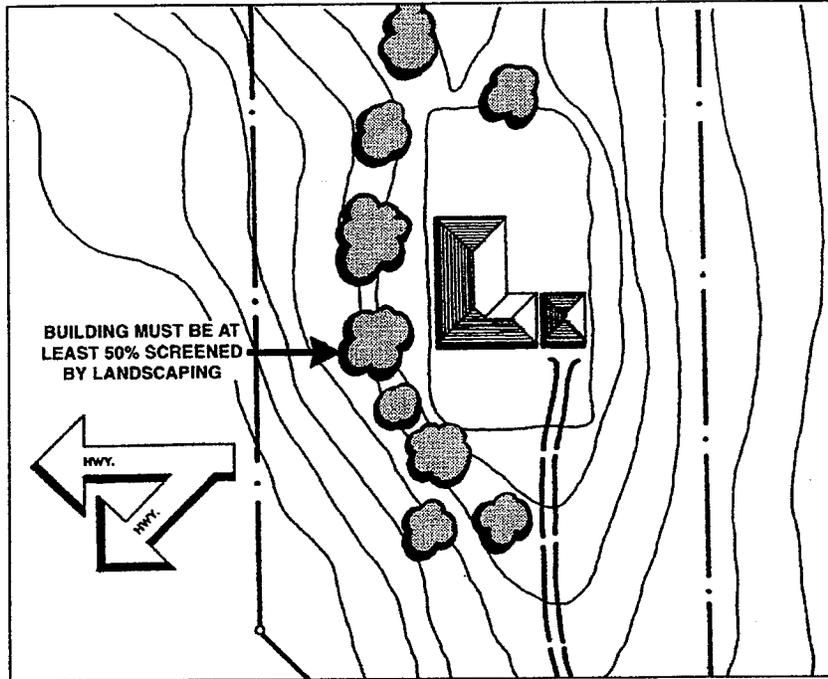
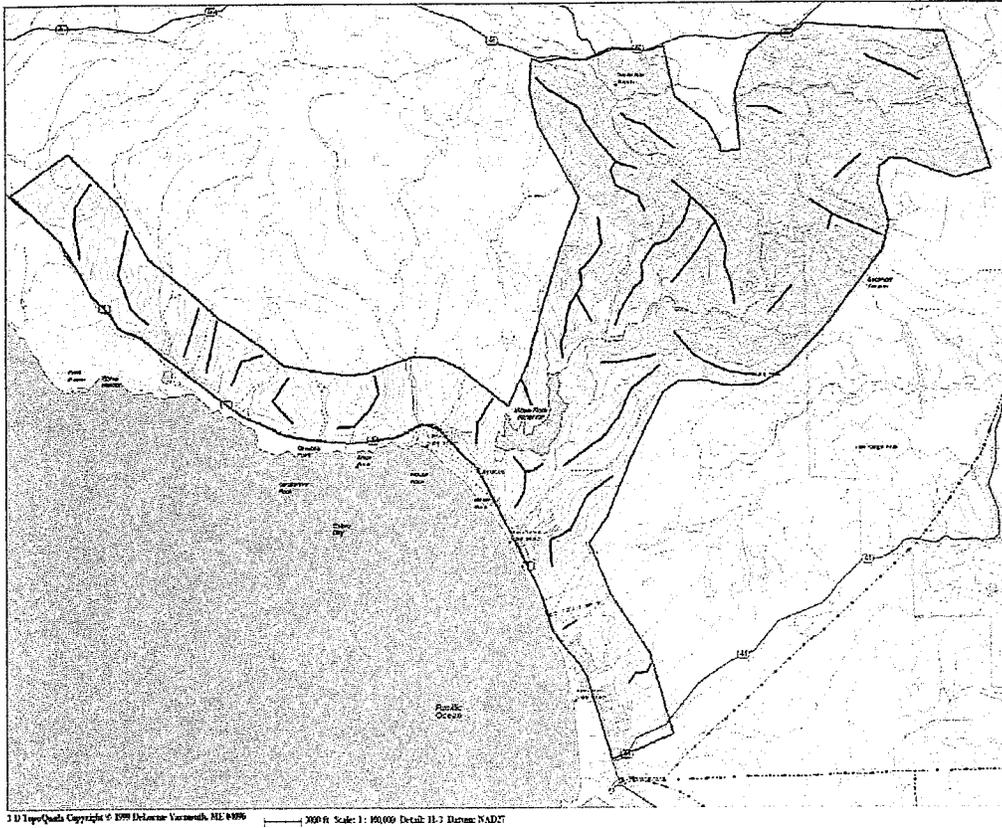


Figure 92-2, Landscaping

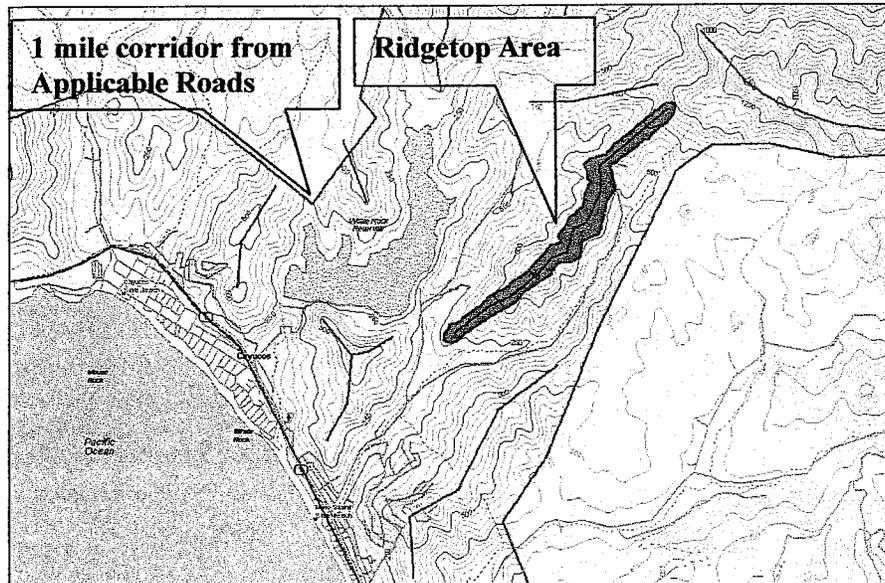
Modify to show alternative backdrop planting

CE
19

Insert Figure 92-3, Prominent Ridgelines Within One Mile of Highway One, Old Creek Road, and Santa Rita Road (For Example Purposes Only)



Example of Ridgetop Area – within 25 feet of Prominent Ridgeline (For Example Purposes Only)



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**ATTACHMENT 4: SAMPLE ORDINANCE DRAFTED BY STAFF
WITH SUGGESTED EDITS BY ROGER LYON AND OTHER
ORDINANCE SUPPORTERS**

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"Roger C. Lyon"
<rlyon@RLyonLaw.com>
04/12/2006 02:35 PM

To <mwulkan@co.slo.ca.us>
cc <jeuphrat@co.slo.ca.us>, <pbeck@co.slo.ca.us>, <oldcreekbranch@att.net>, "Edgar Carnegie" <ecarnegi@calpoly.edu>

bcc

Subject

History: This message has been forwarded.

Mike

Attached is a proposed Cayucos rural area viewshed ordinance. We've used your March 28, 2006 version with suggested changes shown as redline additions or deletions. Our changes parallel what I included in my email comments to you on April 3, 2006.

Key differences from the last staff draft are:

- Ensure effective screening and ensure permanent maintenance. The prior draft allows slow growing, non-native vegetation to be used with no time limit for reaching required percentage screening and no enforceable mechanism to ensure maintenance beyond five years.
- Require reasonable screening for additions which are visible from public roads.
- Apply ridgeline building height limits to homes visible from all public roads.
- Delete allowance for achieving screening by backdrop screening behind the structure. The concept should be to screen the structure and landscaping behind the structure doesn't achieve this.
- Provide public notice and opportunity for public hearing before final issuance of zoning clearance. (This is less stringent than the automatic MUP requirement found in viewshed regulations in the Salinas River, San Luis Obispo, Nacimiento and South County area plans.)

While we appreciate the movement by POPR, Farm Bureau and Cattleman's Association in now agreeing that some level of viewshed protection in this area is appropriate, the "take it or leave it" draft presented to the committee on April 3, 2006 does not provide adequate enforceable provisions. Key deficiencies include:

- The April 3 draft represents a significant retreat from that presented by POPR to the Cayucos Citizen's Advisory Council in March, with no explanation given for this retreat. The standards in the March POPR proposal applied to views from all publicly maintained roads while the April proposal now applies only to structures within one mile of just three "arterial" roads.
- Screening is required only from areas which are "Visible" as that term is VERY narrowly defined. As proposed by POPR, if a proposed structure would be visible from multiple vantage points from different directions from a public road or roads, screening would be required ONLY of the view from the "single most visible point of view of the entire Structure" from the listed public roads. For example, the proposed castle, which would

have been prominently visible from Santa Rita Road, Cottontail Creek Road and both travel directions of Old Creek Road would need only to be screened from the single most visible vantage point .

- o The screening requirements are inadequate. Why only 50% screening when the other area plans require 80%?
- o The practical effect of the POPR proposal is that the castle would receive ministerial approval virtually as proposed with no recourse. This isn't acceptable.
- o The combination of weak design standards and lack of public review undermines any effective viewshed protection.

Roger Lyon
Cottontail Creek Ranch
1885 Cottontail Creek Road
Cayucos, CA 93430
805-995-1787
Fax: 805-995-1159



adel_visual_ord_amend_committeedraft2[wulkan3-28 and supporter edits2.doc

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Exhibit G020004N:A
SAMPLE ORDINANCE NO. _____

*[Staff draft of 3-28-06 presented to Adelaida Viewshed Committee, with suggested edits
by ordinance supporters shown as redlined changes.]*

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CAYUCOS FRINGE VIEWSHED

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

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection C to read as follows:

C. Cayucos Fringe Viewshed. The following standards apply to new development within the area shown in Figure 92-1. This Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, public beaches, and other public roads.

1. Purpose. This Viewshed consists of all areas that are visible and in a direct, unobstructed line of sight from Highway 1 within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

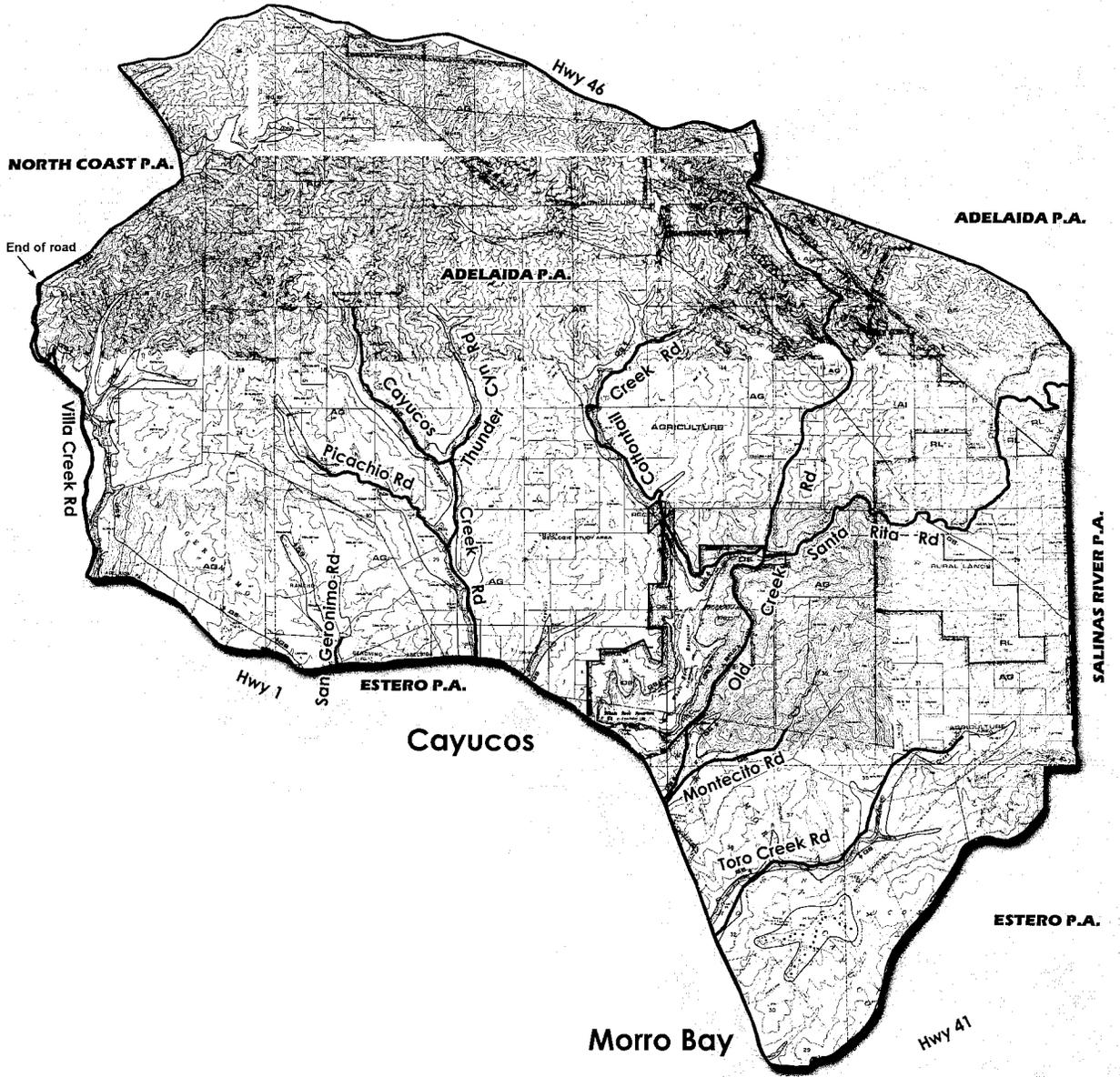
Every year, many thousands of people visit or pass through the scenic coastal area of Cayucos, especially by driving along this stretch of Highway 1, a State Scenic Highway and National Scenic Byway. Many of those visitors are tourists who make a significant contribution to the local economy. Protection of the scenic views east of the highway will help maintain the area's rural character that both residents and tourists appreciate, and that helps make this area a desirable place to live and visit.

This Viewshed also consists of all areas that are visible and in a direct, unobstructed line of sight from the county-maintained portions of the following roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road.

The hilly and steep terrain, ridgetops and hilltops, and narrow valleys that characterize that area offer scenic views that help define the rural character of the area.



Figure 92-1: Cayucos Fringe Viewshed



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2. **Applicability.** The following standards apply to new development of the following uses that are visible and in a direct, unobstructed line of sight from county-maintained roads: residential and residential accessory structures (including water tanks); commercial structures; pipelines and transmission lines; public utility facilities; and communications facilities. Agricultural and agricultural accessory structures are not subject to the following standards unless they both: a) are greater than 1,000 square feet in area, and b) otherwise require Minor Use Permit or Conditional Use Permit approval.
3. **Exceptions.** The standards in Subsections C4 and C5 do not apply in any of the following cases:
- a. **Project not visible.** Subsections C4 and C5 do not apply when documentation is provided demonstrating that the proposed structures will not be visible in a direct, unobstructed line of sight from Highway 1, public beaches or the roads specified in Subsection C1. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.
 - b. ~~Expansion or alterations of existing structures.~~ Subsections C4 and C5 do not apply to proposed alterations or expansion of structures that exist at the time of application submittal, provided that no aggregate increase greater than 25 percent in the usable floor area occurs, and the alteration or expansion is accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of the County Code. *[Review Note: Applications to expand structures which increase visibility from public roads should require that the expansion, at a minimum, meet the landscape screening percentage requirements applied to the original structure. As drafted, an applicant could build a new structure meeting the landscape screening requirements and then the following year, increase the structure size (and visibility) by 25% with no additional screening required.]*
 - eb. **Destroyed dwellings or structures.** When a dwelling or structure is destroyed or partially destroyed to any extent by fire, explosion or act of God, the dwelling or structure may be restored to its former status and shall not be required to comply with Subsections C4 and C5, provided that there is no increase in building height or total floor area, and the dwelling or structure is not relocated where it would be more visible from the applicable roads specified in Subsection C1.
4. **Permit requirement.** Zoning Clearance, except as follows:
- a. **Project not consistent with Zoning Clearance requirements.** If the Zoning Clearance application cannot be found consistent with Subsection C5, the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from Highway 1, public beaches and the other roads specified in Subsection C1 are minimized.
 - b. **Other land use permit required by the Land Use Ordinance.** Projects for which the Land Use Ordinance otherwise requires a Minor Use Permit

or a Conditional Use Permit shall be subject to such land use permit requirements, and shall ensure that the visual impacts of new development as viewed from Highway 1, public beaches and the other roads specified in Subsection C1 are minimized.

- c. **Request for hearing after public notice.** Written notice of intent to issue Zoning Clearance shall be provided to owners of property within 300 feet of the exterior boundaries of the parcel and to the Land Use Committee of the Cayucos Citizen's Advisory Council in the manner normally required for Minor Use Permits by Section 22.62.050.B.4a. Notice shall be provided not less than 10 days before the date of final action on the zoning Clearance. The notice for a Zoning Clearance shall declare that the action will be acted upon without a public hearing if no request for a hearing is made in compliance with this subsection. In the event a public hearing is requested, the application shall be subject to Minor Use Permit review and approval pursuant to Section 22.62.050. [Review note: this process is adapted from Section 22.30.170 which allows processing as a non-discretionary zoning clearance unless a request for hearing is requested, in which case the application is converted to a MUP.]

5. **Zoning Clearance requirements**

- a. **Public Notice.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group were notified of the request prior to submittal to the county of the application for Zoning Clearance. The applicant shall provide this notice by sending a letter using the form provided by the Department of Planning and Building. At least 10 days prior to application submittal, the letter shall be mailed or delivered to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the boundaries of the subject site.
- b. **Setback.** Where possible, dwellings and structures shall be set back 100 feet from the edge of the right-of-way of the applicable roads specified in Subsection C1. If there is no feasible development area outside of this setback, then the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from the applicable roads specified in Subsection C1 are minimized.
- c. **Building exterior.** Building exteriors shall use non-reflective materials. Exterior siding shall be stucco, masonry, brick, wood or wood-appearing materials, or other natural-appearing materials. The Planning Director may approve other siding materials if they are found to be in harmony with the surrounding natural environment.
- d. **Colors.** Building colors shall be similar to natural colors of the surrounding environment, and shall be no brighter than 6 in chroma and value on the Munsell color scale on file in the Department of Planning and Building.
- e. **Landscaping**
 - (1) **Landscaping plan.** A landscaping plan prepared by a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building shall be submitted, and shall be used to demonstrate compliance with Subsections 5e(2), (3) and (4).
 - (2) **Landscape screening, ~~backdrop~~.** Landscape screening shall exist or shall be planted so that there will be at least 50 percent screening at plant maturity within five years of structures or portions of structures that are visible from the applicable roads specified in Subsection C1. ~~As an alternative, a backdrop of trees shall exist or shall be planted so that there will be an 80 percent or greater backdrop behind structures at plant maturity, as seen from the applicable roads specified in Subsection C1 (see Figure 92-2).~~ The landscape screening shall consist of native ~~or~~ low water-using vegetation (no invasive species) that is fire-resistant, and shall occur at the building site rather than along a public road. Maximize use of natural topography, evergreen trees and large-growing shrubs that have shapes and appearance similar to

existing vegetation in the vicinity of the structure. Landscape |
screening shall be maintained for the life of the structure.

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(3) **Landscape screening for structures that silhouette.** This standard applies only when proposed dwellings or structures on ridgetops or hilltops will silhouette against the sky as seen in a direct, unobstructed line of sight from the applicable roads specified in Subsection C1, and the proposed building site is at least 200 feet higher than any place on the applicable road from which it will be visible. In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. All the landscape requirements in preceding Subsection 5e(2) shall apply, except that landscape screening shall exist or shall be planted so that there will be at least 80 percent screening at plant maturity of structures or portions of structures that are visible from the applicable roads specified in Subsection C1.

(4) **Guarantee of maintenance and survival.** A performance bond or equivalent financial guarantee shall be required to guarantee the maintenance and survival of required landscaping for a period of at least five years and a covenant recorded to require permanent maintenance of the required landscaping.

f. **Building height.** This standard applies only when proposed dwellings or structures: (1) are on prominent ridgetops or hilltops that are within one mile of either Highway 1, Old Creek Road or Santa Rita Road, as shown in Figure 92-3, and (2) will silhouette against the sky as seen in a direct, unobstructed line of sight from either Highway 1, Old Creek Road or Santa Rita Road. In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. The maximum building height is 18 feet, measured as described in Section 22.10.090.

6. **Projects requiring environmental review.** When proposed projects require environmental review in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., potential visual impacts of the entire project shall be considered. Mitigation measures may include, but not be limited to, the preceding standards in Subsection C5.



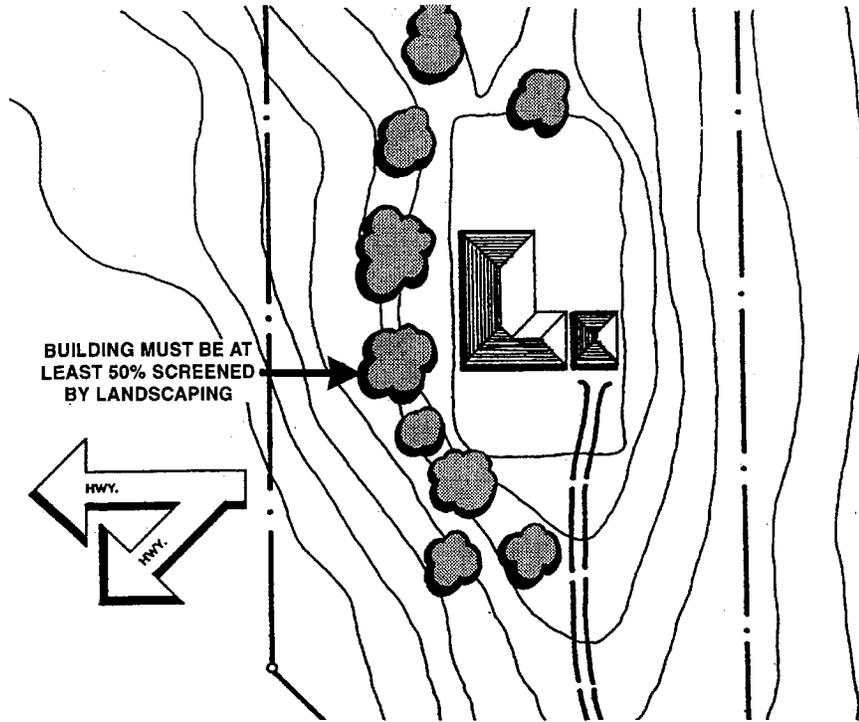


Figure 92-2, Landscaping

Modify to show alternative backdrop planting

Insert Figure 92-3, Prominent Ridgelines Within One Mile of Highway One, Old Creek Road, and Santa Rita Road

10/31

**ATTACHMENT 5: COVER MEMO AND LATEST SAMPLE
ORDINANCE DRAFTED BY STAFF
(FOR AD HOC COMMITTEE DISCUSSION PURPOSES ONLY--
NOT A STAFF RECOMMENDATION)**

CI
32



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: ADELAIDA VIEWSHED COMMITTEE MEMBERS
FROM: MIKE WULKAN, SENIOR PLANNER
VIA: JOHN EUPHRAT, DIVISION MANAGER, LONG RANGE PLANNING
DATE: MARCH 28, 2006
SUBJECT: APRIL 3 VIEWSHED COMMITTEE MEETING

The next Viewshed Committee meeting is on Monday, April 3 at 6:00 p.m. at the Farm Bureau office in San Luis Obispo. Please review the attached sample ordinance and be prepared to discuss it or other options and ideas that you have. On April 3, we would like the Committee to recommend approval of a set of ideas that the group as a whole can live with. The next meeting may be the last opportunity for the Committee to make a recommendation that can be considered in the staff report for the May 2 Board of Supervisors hearing.

The attached sample ordinance is based on the ideas included in the latest proposal by POPR. In order to translate those ideas into an adequate ordinance format, the exact language in the sample ordinance differs from the POPR proposal, but the intent and effect remain essentially the same. In addition, the sample ordinance includes some ideas that were suggested at the March 16 Viewshed Committee meeting, as well as some ideas added by staff that might reflect a compromise between different viewpoints on the Committee.

Following are the key differences between the attached sample ordinance and the latest POPR proposal. Each of the following items references the applicable standard in the attached sample ordinance.

- **Applicability (C2):** Agricultural accessory structures are exempt unless they both: a) are greater than 1,000 square feet in area, and b) otherwise require Minor Use Permit or Conditional Use Permit approval. This exempts more structures than the POPR proposal.
- **Exceptions (C3b):** Increases of up to 25 percent in floor area are exempt from the visual standards (the Land Use Ordinance would otherwise not exempt such alterations).
- **Public notice (C5a):** Prior to application submittal, the applicant is required to provide an informational notice to surrounding owners within 1,000 feet of the site, but there is no ability to file a protest that would automatically result in a Minor Use Permit.
- **Building exterior (C5c):** Non-reflective materials are required (includes roofs, fascia, etc., not just siding).

- **Landscape backdrop, vegetation [C5e(2),(4)]:** As an alternative to landscape screening, an 80 percent landscaped backdrop behind structures is an *option*. In addition, the vegetation is to be native or low-water-using and fire-resistant, and is to consist primarily of evergreen trees and large shrubs that have shapes similar to existing vegetation. A performance bond is required to guarantee the maintenance and survival of landscaping for a period of at least five years.
- **Screening for structures that silhouette[C5e(3)]:** 80 percent (instead of 50 percent) landscape screening is required when structures will silhouette against the sky on high ridgetops or hilltops as seen in a direct, unobstructed line of sight.
- **Building height of structures that silhouette on prominent ridgetops (C5f):** The maximum building height is 18 feet for structures that (1) are on prominent ridgetops or hilltops within one mile of either Highway 1, Old Creek Road or Santa Rita Road (will be mapped), and (2) will silhouette against the sky as seen in a direct, unobstructed line of sight from those roads.
- **Projects requiring environmental review (C6):** When environmental review is required per the California Environmental Quality Act (CEQA), and mitigation measures are needed, those measures are not limited to the visual standards in this ordinance. This clarifies that staff has the ability to go beyond the ordinance in order to mitigate potential environmental impacts.

If you have any questions about the sample ordinance or related matters, please feel free to contact me. My e-mail address is mwulkan@co.slo.ca.us, and my phone number is 781-5608.

Thanks for your participation.

Handwritten signature or initials in black ink, appearing to be 'C-1 34' or similar.

Exhibit G020004N:A
SAMPLE ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CAYUCOS FRINGE VIEWSHED

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

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection C to read as follows:

C. Cayucos Fringe Viewshed. The following standards apply to new development within the area shown in Figure 92-1. This Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, public beaches, and other public roads.

1. Purpose. This Viewshed consists of all areas that are visible and in a direct, unobstructed line of sight from Highway 1 within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

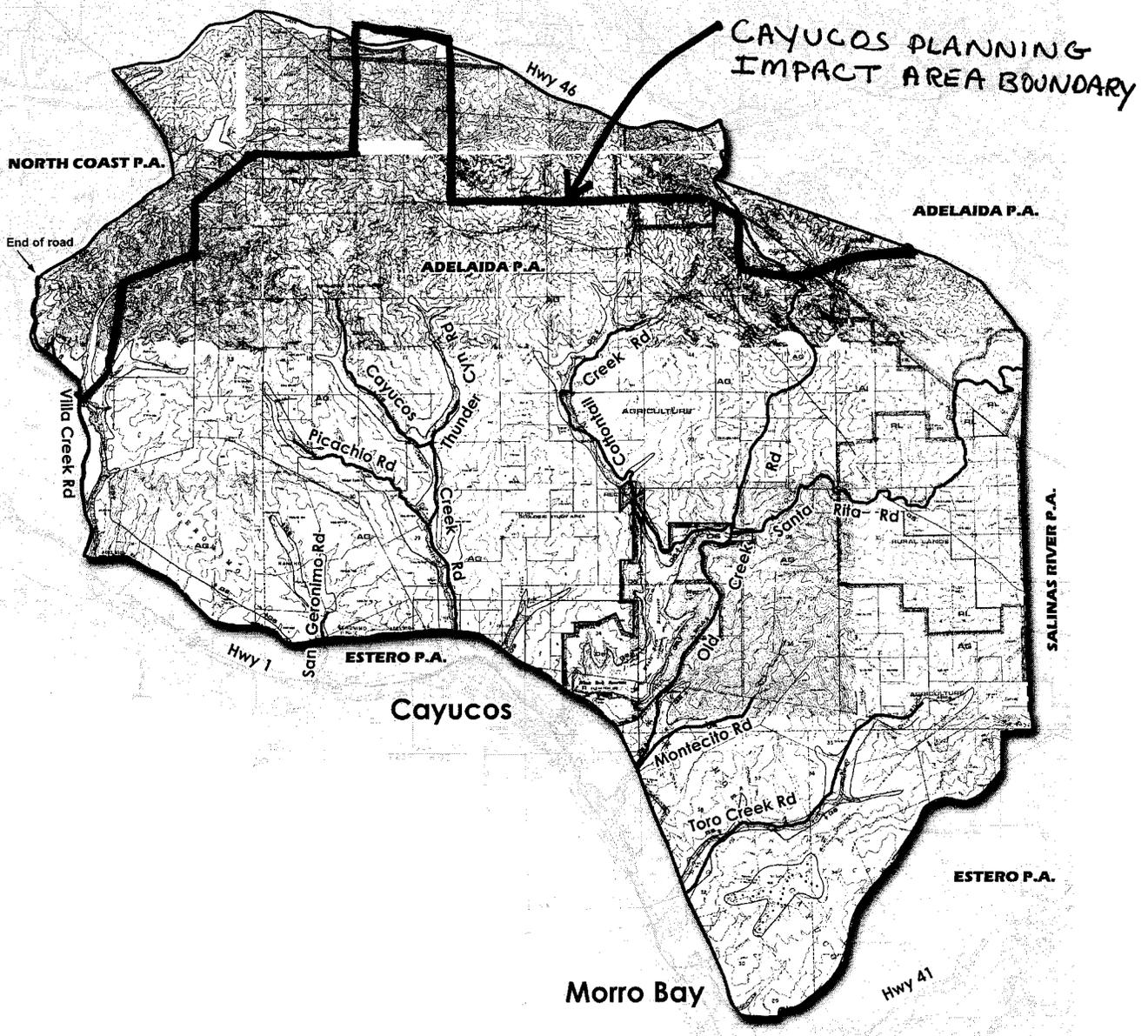
Every year, many thousands of people visit or pass through the scenic coastal area of Cayucos, especially by driving along this stretch of Highway 1, a State Scenic Highway and National Scenic Byway. Many of those visitors are tourists who make a significant contribution to the local economy. Protection of the scenic views east of the highway will help maintain the area's rural character that both residents and tourists appreciate, and that helps make this area a desirable place to live and visit.

This Viewshed also consists of all areas that are visible and in a direct, unobstructed line of sight from the county-maintained portions of the following roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road.

The hilly and steep terrain, ridgetops and hilltops, and narrow valleys that characterize that area offer scenic views that help define the rural character of the area.



Figure 92-1: Cayucos Fringe Viewshed



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2. **Applicability.** The following standards apply to new development of the following uses that are visible and in a direct, unobstructed line of sight from county-maintained roads: residential and residential accessory structures (including water tanks); commercial structures; pipelines and transmission lines; public utility facilities; and communications facilities. Agricultural and agricultural accessory structures are not subject to the following standards unless they both: a) are greater than 1,000 square feet in area, and b) otherwise require Minor Use Permit or Conditional Use Permit approval.
3. **Exceptions.** The standards in Subsections C4 and C5 do not apply in any of the following cases:
 - a. **Project not visible.** Subsections C4 and C5 do not apply when documentation is provided demonstrating that the proposed structures will not be visible in a direct, unobstructed line of sight from Highway 1, public beaches or the roads specified in Subsection C1. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.
 - b. **Expansion or alterations of existing structures.** Subsections C4 and C5 do not apply to proposed alterations or expansion of structures that exist at the time of application submittal, provided that no aggregate increase greater than 25 percent in the usable floor area occurs, and the alteration or expansion is accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of the County Code.
 - c. **Destroyed dwellings or structures.** When a dwelling or structure is destroyed or partially destroyed to any extent by fire, explosion or act of God, the dwelling or structure may be restored to its former status and shall not be required to comply with Subsections C4 and C5, provided that there is no increase in building height or total floor area, and the dwelling or structure is not relocated where it would be more visible from the applicable roads specified in Subsection C1.
4. **Permit requirement.** Zoning Clearance, except as follows:
 - a. **Project not consistent with Zoning Clearance requirements.** If the Zoning Clearance application cannot be found consistent with Subsection C5, the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from Highway 1, public beaches and the other roads specified in Subsection C1 are minimized.
 - b. **Other land use permit required by the Land Use Ordinance.** Projects for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall be subject to such land use permit requirements, and shall ensure that the visual impacts of new development as viewed from Highway 1, public beaches and the other roads specified in Subsection C1 are minimized.

5. **Zoning Clearance requirements**

- a. **Public Notice.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group were notified of the request prior to submittal to the county of the application for Zoning Clearance. The applicant shall provide this notice by sending a letter using the form provided by the Department of Planning and Building. At least 10 days prior to application submittal, the letter shall be mailed or delivered to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the boundaries of the subject site.
- b. **Setback.** Where possible, dwellings and structures shall be set back 100 feet from the edge of the right-of-way of the applicable roads specified in Subsection C1. If there is no feasible development area outside of this setback, then the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from the applicable roads specified in Subsection C1 are minimized.
- c. **Building exterior.** Building exteriors shall use non-reflective materials. Exterior siding shall be stucco, masonry, brick, wood or wood-appearing materials, or other natural-appearing materials. The Planning Director may approve other siding materials if they are found to be in harmony with the surrounding natural environment.
- d. **Colors.** Building colors shall be similar to natural colors of the surrounding environment, and shall be no brighter than 6 in chroma and value on the Munsell color scale on file in the Department of Planning and Building.
- e. **Landscaping**
 - (1) **Landscaping plan.** A landscaping plan prepared by a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building shall be submitted, and shall be used to demonstrate compliance with Subsections 5e(2), (3) and (4).
 - (2) **Landscape screening, backdrop.** Landscape screening shall exist or shall be planted so that there will be at least 50 percent screening at plant maturity of structures or portions of structures that are visible from the applicable roads specified in Subsection C1. As an alternative, a backdrop of trees shall exist or shall be planted so that there will be an 80 percent or greater backdrop behind structures at plant maturity, as seen from the applicable roads specified in Subsection C1 (see Figure 92-2). The landscape screening shall consist of native or low water-using vegetation (no invasive species) that is fire-resistant, and shall occur at the building site rather than along a public road. Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Landscape screening shall be maintained for the life of the structure.



(3) **Landscape screening for structures that silhouette.** This standard applies only when proposed dwellings or structures on ridgetops or hilltops will silhouette against the sky as seen in a direct, unobstructed line of sight from the applicable roads specified in Subsection C1, and the proposed building site is at least 200 feet higher than any place on the applicable road from which it will be visible. In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. All the landscape requirements in preceding Subsection 5e(2) shall apply, except that landscape screening shall exist or shall be planted so that there will be at least 80 percent screening at plant maturity of structures or portions of structures that are visible from the applicable roads specified in Subsection C1.

(4) **Guarantee of maintenance and survival.** A performance bond or equivalent financial guarantee shall be required to guarantee the maintenance and survival of required landscaping for a period of at least five years.

f. **Building height.** This standard applies only when proposed dwellings or structures: (1) are on prominent ridgetops or hilltops that are within one mile of either Highway 1, Old Creek Road or Santa Rita Road, as shown in Figure 92-3, and (2) will silhouette against the sky as seen in a direct, unobstructed line of sight from either Highway 1, Old Creek Road or Santa Rita Road. In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. The maximum building height is 18 feet, measured as described in Section 22.10.090.

6. **Projects requiring environmental review.** When proposed projects require environmental review in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., potential visual impacts of the entire project shall be considered. Mitigation measures may include, but not be limited to, the preceding standards in Subsection C5.



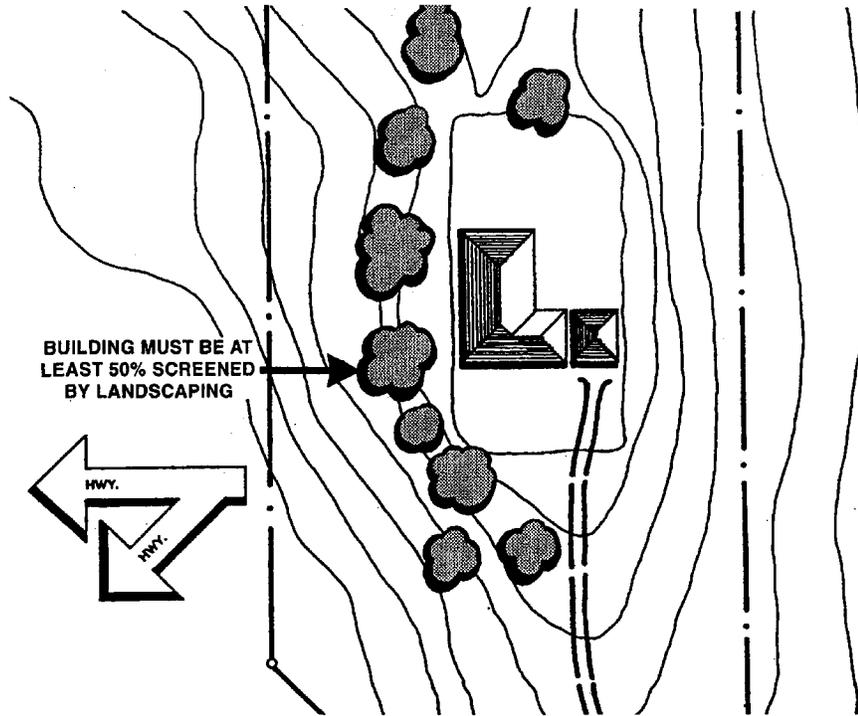


Figure 92-2, Landscaping

Modify to show alternative backdrop planting

Insert Figure 92-3, Prominent Ridgelines Within One Mile of Highway One, Old Creek Road, and Santa Rita Road

CE
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**ATTACHMENT 6: MINUTES OF THE NOVEMBER 1, 2005 BOARD
OF SUPERVISORS HEARING, AND STAFF REPORT**

4/11

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, November 1, 2005

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

ABSENT: None

In the matter of amendment establishes "Critical Viewsheds" for Highway 1 and the "Cayucos Fringe" together with development standards to protect scenic views:

This is the time set for haring to consider amendments to the Land Use Ordinance Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance (LUO), Title 22 of the County Code. The proposed amendment establishes "Critical Viewsheds" for Highway 1 and the "Cayucos Fringe" together with development standards to protect scenic views; 1st and 2nd Districts.

Mr. Mike Wulkan: Planning, presents the staff report; outlines the major points; comments on and shows a map of the original Highway 1 Corridor; presents a maps of the expanded Viewshed Area and the Visual Analysis Map; outlines the Adelaida Visual Standards and the request to amend the LUO to establish "critical viewsheds" for Highway 1 "Cayucos Fringe" and presents a mapping showing this area; outlines what the Standards would include; outlines the Planning Commission recommendation on a 3-1 vote to approve amendment.

Mr. Tim Hartzell: speaks against this viewshed proposal; suggests it's too large of an area that is being recommended; the Cattlemen's Association and the Farm Bureau oppose this amendment; states he is a fourth generation farmer and urges the Board to not adopt this ordinance.

Mr. Jan Davis: states he wants to continue agricultural operations on his property and doesn't want any encumbrances on their property; urges the Board to not approve this ordinance.

Ms. Kay Otis: speaks against the proposed ordinance.

Mr. Richard Gonzales: urges the Board to vote against this; speaks to generations of farmers/ranchers in his family.

Ms. Eleanor Garcia: states she has lived on her property for more than 70 years; addresses her concern to the negative impacts this would have on her family and the land.

Mr. John Taylor: fourth generation rancher, speaks to the negative impacts of this ordinance; presents a posterboard of photographs of the views surrounding him; is against this amendment being adopted.

Mr. Robb Eildemiller: presents a powerpoint outlining the major points they believe argue in support of not approving this ordinance; addresses the lack of public involvement in the process through the advisory board hearings, etc.

Mr. George Soneff: land use attorney representing a number of property owners, addresses their concern to the language regarding slopes of 20% and language by staff regarding residential roads; states there has been no review by folks that will be directly impacted; urges denial of the ordinance.

Mr. Kevin Kester: President of the Cattlemen's Association, states their group voted against this ordinance; on a personal note, his children represent the sixth generation of ranchers and they oppose this also.

Mr. Pat Molnar: states he was told this ordinance would not affect his property until he wanted to remodel or rebuild the existing home; feels he purchased and owns the view and it shouldn't be taken away from him.



Mr. Ed Biaggini: presents a letter and reads from the same addressing his concern to the impacts this ordinance would have on his private property rights.

Ms. Dawn Dunlap: presents a packet of information/photographs of the views from the various locations in the proposed viewshed area; urges the Board to deny this proposal.

Mr. Bill Martony: feels this was drafted by folks who live below this ridge and without the input of those that are affected; urges the Board to deny this.

Mr. Tim Bryon: lives in Paso Robles and was the Chair for the El Pomar-Estrella Area Plan, indicates they voted to take the viewshed issue out of their Plan all together and explains; addresses the issue of ridgeline development.

Mr. Steve Tuttle: agrees with the prior speakers and is opposed to the ordinance.

Mr. David Garretso: states he was never noticed for these hearings and is opposed to this amendment.

Mr. Michael Garcia: reads a letter from his family into the record in opposition to this ordinance.

Mr. Roger Lyon: references his letter of November 1, 2005 in support of the ordinance; states the Planning Commission and Agricultural Liaison Committee support the viewsheds that are recommended; states this doesn't ask for the entire Adelaida Area only the area in Cayucos.

Mr. Brian Coder: addresses his concern to areas being mixed and suggests this shouldn't happen.

Mr. Bernadette Pekarek: believes this is a taking of private property rights.

Mr. Smith Held: Avocado grower, speaks against the ordinance; believes this will rob him of his value on his home and property.

Ms. Peggy Sonoda: speaks in opposition to this amendment; feels farmers are good stewards of the land and don't need this imposed on them.

Mr. Frank Otis: addresses the impacts this ordinance would have on him and speaks in opposition to the same.

Mr. Jim Hartzell: states this would be a taking of what he owns and it's his land; urges the Board to oppose this ordinance.

Mr. Chase Otis: opposed this ordinance, addressing the impacts it would have on his family's property.

Mr. Dwain Davis: feels the majority of the land that will be affected is Agricultural land and he is concerned about the impacts it will have on his property.

Mr. Clavis England: states he is a thirty year resident of the County and opposes this ordinance.

Mr. John Walker: states his father farmed and he opposes this ordinance.

Mr. Dick Mooney: Cayucos resident, speaks in opposition to this and his concerns to the impacts it will have on his property.

Mr. James Molnar: states he is a fifth generation rancher/farmer and is opposed to this.

Mr. Steve Lucich: speaks in opposition and feels there hasn't been any discussion in the community on this issue; feels the public needs to have their voice heard before this is approved.

Ms. Anne Nash: speaks against this proposal and her concerns as to how it affects property rights.

Mr. Andrew Christie: representing the local branch of the Sierra Club, speaks to the ordinance and how it helps reduce visual impacts; urges the Board to adopt the ordinance.

Mr. Harold Biaggini: states that farmers are good stewards of the land and don't build homes on the ridge; urges the Board to not adopt this ordinance.

Ms. Susan Fishman: speaks in support of protecting the viewshed.

Ms. Susan Lyon: speaks in support of the ordinance and doesn't believe this takes anything away from the rancher/farmer.

Mr. Paul Madonna: feels the hilltops are worth preserving and urges adoption of the ordinance.

Dr. Jerren Jorgensen: farmers are good stewards of the land and he opposes this ordinance.

Mr. Rodger Anderson: feels these folks all have property rights and he is opposed this ordinance.

Mr. Steve Soto: speaks to the generations of family members that have farmed and he is against this proposal.

Ms. Lynn Miller: Templeton Area Advisory Group (TAAG) Vice Chairperson, states this issue never came before their group and there are people on the east side of Adelaida that would be affected by this change; states she is against this proposal.

Mr. Greg Bettencourt: believes in property rights and presents a real estate flyer showing why this ordinance should be supported.

Mr. Daniel McGee: attorney, suggests there is already too much regulation on private property and urges the Board to not adopt this ordinance.

Ms. Joy Fitzhugh: Farm Bureau, presents a letter for the record and highlights the same in opposition to this amendment change; states they want to be a part of a discussion on this issue before it is adopted.

Mr. Stuart Selkirk: presents his comments and photographs showing development that is occurring on in the "skyline" and urges support of the ordinance.

Mr. Bob Blanchard: Rancher, states this does not affect his Ag operation and supports the ordinance.

Mr. Chad Wittstrom: states his relatives founded Cayucos; feels the Mitigated Negative Declaration that has been done on this proposal is inadequate and recommends against the ordinance being adopted.

Ms. Susie Hermreck: addresses her concern to the definitions in the document and is opposed to this ordinance.

Mr. Eric Greening: speaks in support of the staff recommendation but agrees with folks on both sides of this issue; questions the noticing requirements for the various groups that heard this issue.

Mr. Wayne Ryburn: urges support for the ordinance; feels this is needed to protect the viewshed; states he also supports the farmer; feels there should be some way to find a compromise.

Mr. Bill Warren: speaks support of the amendment as he believes there is a need to protect the ridgeline from having "monster homes" built on them.

Mr. Bill Coy: addresses the need to protect the viewshed and suggests there could be changes that would help everyone with this issue.

Ms. Kirstin Wright: suggests her project is the cause of all this discussion today; speaks to the time and money they have invested, to date, and still don't have a home.

Mr. Ed Carnegie: President of the Cayucos Area Advisory Council, believes the ordinance is fair and outlines their review on this.

Ms. Mary Ann Carnegie: Cayucos Area Advisory Council member, addresses the strong support this has received in the community and that there is a need to regulate and protect the ridgeline.

Mr. Ron Wilson: states this is not an Agricultural issue but is a development issue and urges the Board to adopt the ordinance.

Mr. Gordon Held: addresses his property and his concern to the ordinance; wants this to go back to the community for more discussion.

Mr. John Carsel: Cayucos Area Advisory Council member, supports removing the 20% slope requirement and urges the Board adopt the ordinance with that change.

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Mr. Ruel Czach: addresses a map showing property owned by Bruce Gibson and drawing of the home.

Mr. Tyson Davis: speaks in opposition to the ordinance.

Mr. Dave Watson: gives his views based on the comments he's heard today; believes this process could be accomplished without adopting this ordinance.

Mr. Tom Vaughan: speaks to the issue and his views of this ordinance.

Mr. Bob Staller: states he's a farmer and comments on how this will affect him.

Mr. Chuck Lenet: presents two photographs of homes built on Agricultural land and addresses his views on this ordinance.

Ms. Barb Lucich: states they presented more than 200 letters regarding the concern to Agriculture and against this ordinance.

Ms Susan Paolillo: speaks in opposition to this ordinance.

Supervisor Ovitt: presents letters from the Adelaida Farm Center and the North Coast Farm Center, both in opposition to this ordinance; addresses the issue and feels that any compromise discussions should have occurred a while ago.

Mr. Wulkan: addresses the noticing requirements and that more than 1500 notices were sent out for the Planning Commission hearing and then again for this hearing along with publications of the hearings in the newspaper.

Chairperson Bianchi: speaks in support of property rights but also supports property owner responsibility; doesn't believe that adoption of the ordinance would prohibit someone from building a home.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..

Supervisor Lenthall: speaks to protecting the land and the views; addresses his concern to folks who said they didn't receive notice of the hearings.

Supervisor Patterson: doesn't feel this ordinance is "onerous" to the Agricultural community and believes it specifically exempts Ag; states the ordinance only "kicks in" when property is split or residential development occurs.

Supervisor Ovitt: addresses his concern to the definition of "ridge top"; states he doesn't have a problem with the viewshed language along the Highway 1 corridor; and comments further as to his concerns.

Supervisor Achadjian: addresses his concerns and believes this needs more public discussion before it's considered further by the Board.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board continues this item off calendar and directs that it be re-noticed for a future date.

cc: Planning
11/7/05 vms

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 7th day of November, 2005.
(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors
By *Julie L. Rodewald*
10 C-3 (page 4) Deputy Clerk

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**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE November 1, 2005	(3) CONTACT/PHONE Mike Wulkan, Senior Planner (805) 781-5608	
(4) SUBJECT Proposed amendment to Land Use Ordinance Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views; County File No. G020004N				
(5) SUMMARY OF REQUEST A proposal by the County of San Luis Obispo to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads, as well as public beaches, in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest.				
(6) RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve the Land Use Ordinance amendment as shown in Exhibit G020004N:A, based on the recommended findings.				
(7) FUNDING SOURCE(S) Current County Budget		(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Cayucos Citizens Advisory Council, Agricultural Liaison Board, Public Works, Agricultural Commissioner, CDF/County Fire, Caltrans, County Farm Bureau, and the California Coastal Commission.				
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____				
(13) SUPERVISOR DISTRICT(S) <u>1st</u> , <u>2nd</u> , 3rd, 4th, 5th, All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 90 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input checked="" type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<p><i>OK</i> <i>Leslie Brown</i></p> <p><i>C-1</i> <i>Wulkan</i></p>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: MIKE WULKAN, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: NOVEMBER 1, 2005

SUBJECT: PROPOSED AMENDMENT TO LAND USE ORDINANCE SECTION 22.92.020--
AREAWIDE STANDARDS, ADELAIDA PLANNING AREA--OF THE COUNTY
LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE. THE
PROPOSED AMENDMENT ESTABLISHES "CRITICAL VIEWSHEDS" FOR
HIGHWAY 1 AND THE "CAYUCOS FRINGE," TOGETHER WITH
DEVELOPMENT STANDARDS TO PROTECT SCENIC VIEWS; COUNTY FILE
NO. G020004N

RECOMMENDATION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve the Land Use Ordinance amendment as shown in Exhibit G020004N:A, based on the recommended findings

DISCUSSION

Planning Commission Recommendation

The Planning Commission considered this item at a public hearing on July 14, 2005, and made the following recommendation:

On the motion by Commissioner Christie, seconded by Commissioner Rappa, carried, in the absence of Commissioner Mehlschau, and with Commissioner Roos voting no, to recommend to the Board of Supervisors adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and to recommend to the Board of Supervisors approval of Land Use Ordinance amendment G020004N as shown in Exhibit G020004N:A, with the following changes: in proposed new Section 1, Subsection C, paragraph 5.d.(2) and in proposed new Section 2, Subsection D, paragraph 2.b.(2), insert "and by using non-reflective materials" at the end of the paragraphs; in Section 1, Subsection C, paragraph 5.f.(1) insert "Residential" following "Slope limitation."; and in Section 2, Subsection D, paragraph 1, insert "Residential"

following "Slope limitation – land divisions.", and amending Figure 92-2 to reflect the county-maintained portion of Thunder Canyon Road.

Staff Comments

This proposal is a county-initiated amendment to the Land Use Ordinance that establishes two "critical viewsheds" in a portion of the Adelaida Planning Area, accompanied by development standards to protect views from the coast, Highway 1 and area roads. The standards apply primarily to residential development, as most agricultural structures and agricultural accessory structures are exempt from these standards. Such structures would only be subject to the standards if they both a) normally require discretionary approval, which is the case primarily for agricultural processing uses (such as wineries) and specialized animal facilities (such as equestrian facilities), and b) are larger than 1,000 square feet. The amendment was initiated by and authorized for processing by the Board of Supervisors on August 13, 2002 at the request of the Cayucos Citizens Advisory Council and some landowners.

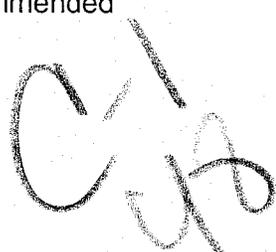
Within the proposed "Highway 1 Critical Viewshed" (see attached ordinance), proposed typical residential structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards are met. The basic standards prohibit silhouetting of structures against the sky as viewed from Highway 1 or public beaches, and require 80 percent landscape screening of structures as seen from those locations. If those standards cannot be met, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative measures to meet the intent of the Plot Plan standards. Those measures include minimizing site disturbance, locating development in the least visible portion of the site, and minimizing building height, mass and visibility. In all new land divisions, residential access roads and building sites are to be located on slopes less than 20 percent.

In the "Cayucos Fringe Critical Viewshed" (see attached ordinance) within areas visible from the county-maintained portions of rural roads, proposed standards protect visual resources through standards that are similar to, but not as comprehensive as the standards for the previously described "Highway 1 Critical Viewshed." Under these standards, proposed typical residential structures, commercial structures, and certain other development are subject to Plot Plan approval if structures are not silhouetted against the sky as viewed from the specified roads. Otherwise, a Minor Use Permit is needed to implement design and landscaping measures to reduce visual impacts. As is the case for the "Highway 1 Critical Viewshed," residential access roads and building sites are to be located on slopes less than 20 percent in all new land divisions.

OTHER AGENCY INVOLVEMENT

At its May 4, 2005 meeting, the Cayucos Citizens Advisory Council, on a vote of 9-2, recommended approval of the amendment as it was proposed, but did not support exempting from the standards agricultural and agricultural accessory structures that are greater than 1,000 square feet in area (see letter from E. J. Carnegie dated May 8, 2005 in Exhibit C of attached Planning Commission staff report).

At a meeting on May 23, 2005, the Agricultural Liaison Board unanimously recommended approval of the amendment as it was proposed.



The proposed amendment was also referred to the County Public Works and Agriculture Departments, CDF/County Fire, Caltrans, and the California Coastal Commission. The Agriculture Department's recommendations were incorporated into the proposed ordinance amendment (see the two memos from Lynda L. Auchinachie dated February 27, 2004 and March 17, 2005 attached to the Planning Commission staff report in Attachment 4).

FINANCIAL CONSIDERATIONS

Staff costs for preparation of this county-initiated amendment have been covered by prior and current Department budgets. Staff costs for implementation of this amendment will be covered by future Department budgets.

RESULTS

Approval of this Land Use Ordinance amendment today will allow it to become effective on December 1, 2005. If this amendment is approved, new land divisions and certain new, primarily residential development will be subject to two "critical viewsheds" in a portion of the Adelaida Planning Area, together with development standards to protect views from the coast, Highway 1 and area roads.

ATTACHMENTS

- Exhibit G020004N:A: Proposed ordinance amendment
- Attachment 1: Planning Commission letter dated July 14, 2005, including Planning Commission-recommended ordinance amendment
- Attachment 2: Planning Commission minutes
- Attachment 3: Correspondence received following preparation of the Planning Commission staff report
- Attachment 4: Planning Commission staff report

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EXHIBIT G020004N:A: PROPOSED ORDINANCE AMENDMENT

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Exhibit G020004N:A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CRITICAL VIEWSHEDS

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

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection C** to read as follows:

- C. **Highway 1 Critical Viewshed.** The following standards apply within the Highway 1 Critical Viewshed (see Figure 92-1). This Critical Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, public beaches and the ocean.
1. **Purpose.** This Critical Viewshed covers areas that are generally visible from Highway 1 and vicinity within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

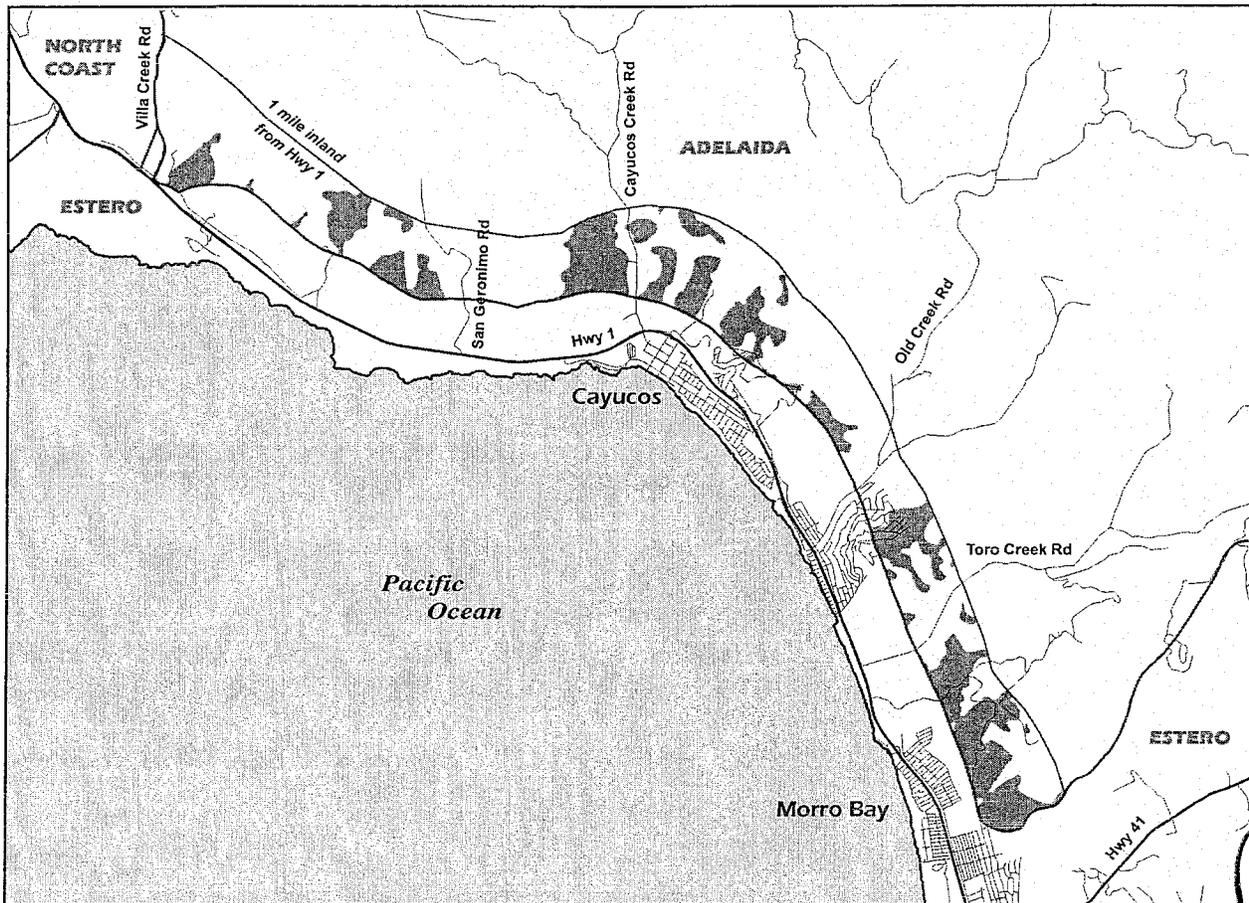


Figure 92-1: Highway 1 Critical Viewshed

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Every year, many thousands of people visit or pass through the scenic coastal area of Cayucos, especially by driving along this stretch of Highway 1, a State Scenic Highway and National Scenic Byway. Many of those visitors are tourists who make a significant contribution to the local economy. Protection of the scenic views east of the highway will help maintain the area's rural character that both residents and tourists appreciate, and that helps make this area a desirable place to live and visit.

2. **Applicability.** The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; communications facilities; and residential access roads that are required by the Land Use Ordinance to have a land use permit.
3. **Permit Requirement.** Plot Plan permit approval, except as follows:
 - a. **Project not visible.** An exemption from Subsections C4a and b may be granted if documentation is provided demonstrating that the proposed structures will not be visible from Highway 1 or public beaches. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.
 - b. **Project not consistent with Plot Plan requirements.** If the Plot Plan application cannot be found consistent with Subsections C4a and b, the application may be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall comply with Subsections C5a through f.
 - c. **Other land use permit required by the Land Use Ordinance.** Projects for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall be subject to such land use permit requirements, and shall comply with Subsections C5a through f.
4. **Plot Plan Requirements.** A landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with Subsections C4a and b.
 - a. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from Highway 1 or public beaches.
 - b. **Landscaping.** A landscaping plan shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from Highway 1 or public beaches using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.
5. **Discretionary Permit Requirements.** Minor Use Permit and Conditional Use Permit applications and proposed land divisions shall include a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the intent of Subsections C4a and C4b and the following standards:

- a. **Exemptions from standards.** An exemption from Subsections C4a and b and Subsections C5c, d, e, and f may be granted if documentation is provided demonstrating that the proposed structures and access roads will not be visible from Highway 1 or public beaches. Such documentation shall at a minimum provide topographic and building elevations with preliminary grading and building plans.
- b. **Site disturbance.** Minimize vegetation removal, landform alterations and grading of cut and fill slopes, especially where visible from Highway 1 and public beaches. Graded areas shall blend in with adjacent terrain to achieve a natural appearance.
- c. **Location of development.** Locate development, including accessory structures, water tanks and access roads, in the least visible portion of the site as viewed from Highway 1 and public beaches, consistent with protection of other resources. Visible or partially visible development locations shall only be considered if no non-visible development locations are identified, or if such locations would be more environmentally damaging. Visible or partially visible development locations may be approved where visual effects are reduced to an insignificant level, as determined by the review authority. Use topographic features first and vegetation second to screen development from public view.
- d. **Building Visibility for Ridgetop and Other Development.** Where compliance with Subsection C4a is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the structures shall comply with the following. Other structures in visible locations shall also comply with the following.
 - (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
 - (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment, and by using non-reflective materials.
- e. **Screening.** Alternatives to the screening required by preceding standard C4b may be approved if visual effects are otherwise reduced to an insignificant level through use of topographic features or design of structures.
- f. **Land divisions.**
 - (1) **Slope limitation.** Residential access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
 - (2) **Cluster requirement.** Land divisions and their building sites shall be clustered in accordance with Chapter 22.22 or otherwise concentrated in order to comply with preceding standards C5b and C5c.

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SECTION 2: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection D to read as follows:

D. **Cayucos Fringe Critical Viewshed.** The following standards apply within the Cayucos Fringe Critical Viewshed (see Figure 92-2). This Critical Viewshed is established to protect a resource of public importance: views of this scenic area as seen from the public roads within this area.

This Critical Viewshed covers areas that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize this area offer scenic views that help define the rural character of this area.

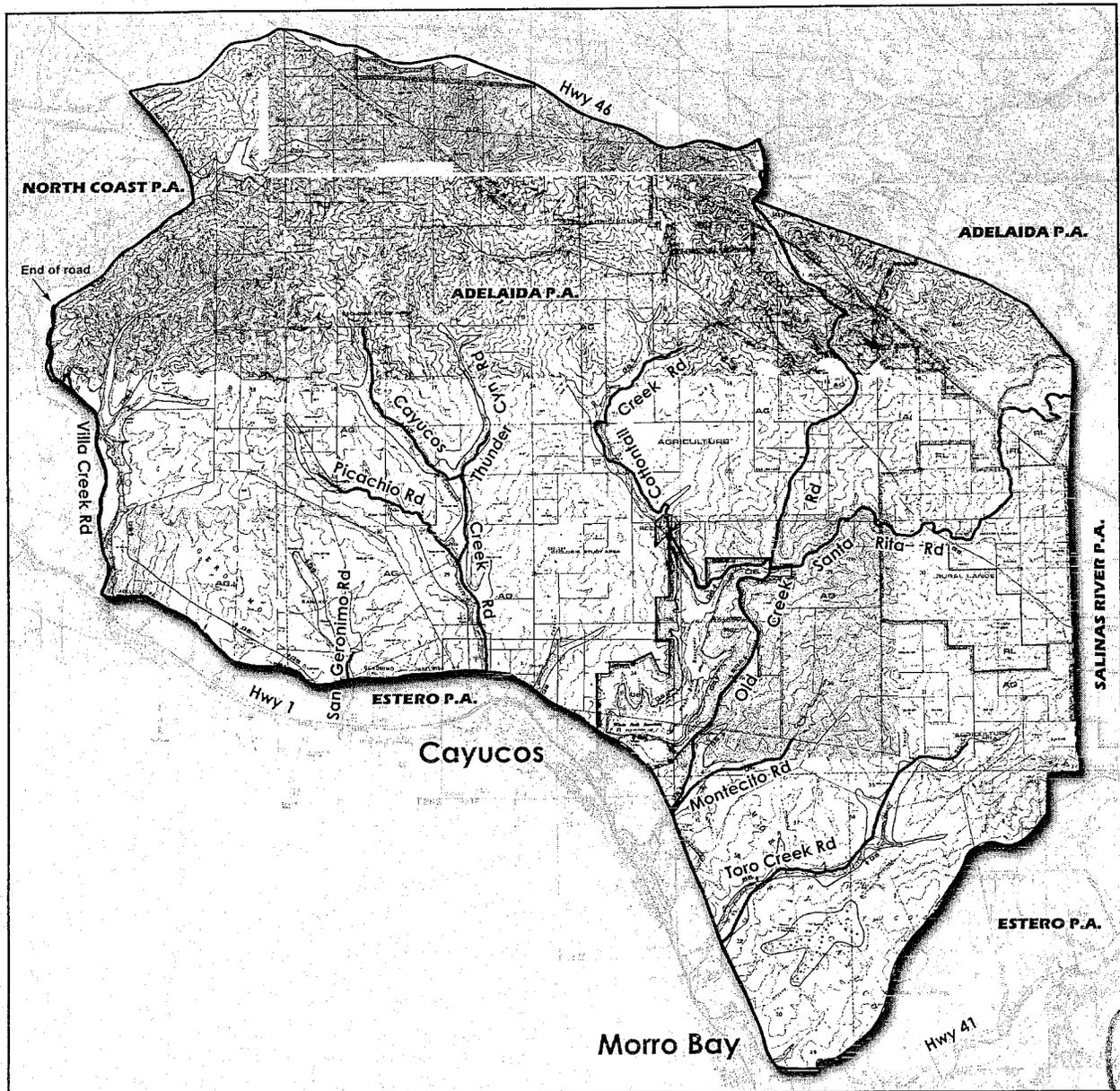


Figure 92-2: Cayucos Fringe Critical Viewshed

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1. **Slope limitation - land divisions.** Residential access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
2. **Special Development Standards.** The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; and communications facilities.
 - a. **Application Content.** The application submittal shall include documentation necessary to demonstrate whether or not proposed structures will be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D.
 - b. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D. Where compliance with this standard is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the application may be converted to a Minor Use Permit application (if a Minor Use Permit or Conditional Use Permit is not otherwise required) after the applicant pays the difference in application fees. The Minor Use Permit or Conditional Use Permit shall be accompanied by a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the following standards:
 - (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
 - (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment, and by using non-reflective materials.
 - (3) The required landscaping plan and visual analysis shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from any of the county-maintained roads listed in Subsection D using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.

SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2005, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

ATTEST:

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

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: 10.11.05

C-56

ATTACHMENT 1: PLANNING COMMISSION LETTER

CSH



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: PLANNING COMMISSION SECRETARY
DATE: JULY 14, 2005
SUBJECT: PLANNING COMMISSION ACTION ON AMENDMENTS TO THE LAND USE ORDINANCE

The Planning Commission of the County of San Luis Obispo held a public hearing on July 14, 2005 to consider proposed amendments to the Land Use Ordinance, Title 22 of the County Code. The Planning Commission, at the conclusion of the public hearing, adopted findings for the amendments and recommended them for approval.

The ordinance amendments, as recommended by the Planning Commission for approval to your Board are as attached to this transmittal letter.

The San Luis Obispo County Planning Commission recommends to the Board of Supervisors of the County of San Luis Obispo, State of California, adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approval of Land Use Ordinance amendment G020004N as shown in Exhibit G020004N:A based on the recommended findings.

On the motion of Commissioner Christie, seconded by Commissioner Rappa, and on the following roll call vote, to wit:

AYES: Chairperson Liberto-Blanck, and Commissioners Christie and Rappa
NOES: Commissioner Roos
ABSENT: Commissioner Mehlschau

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 (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 2, 2005 for this project.

Ordinance Amendment

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan. The proposed amendment is consistent with the Land Use Element, because it will not result in changes to land use categories or allowable uses, and will help maintain the rural character of agricultural and rural areas between communities. The proposed amendment is consistent with the Agriculture and Open Space Element of the County General Plan, because it does not require land use permits for agricultural structures that are currently exempt, and it keeps permit levels for agricultural structures at the lowest level possible, consistent with protection of agricultural resources and sensitive habitats.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance, as set forth in the Land Use Element, Framework for Planning (Inland), because the proposed ordinance standards help assure that development will be designed with maximum consideration of the visual impacts of project sites from the coast and public roads, and promote development that is compatible with existing and potential adjacent land uses within the context of the area's rural character.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding rural and agricultural area.

CSA

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CRITICAL VIEWSHEDS

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

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection C** to read as follows:

C. Highway 1 Critical Viewshed. The following standards apply within the Highway 1 Critical Viewshed (see Figure 92-1). This Critical Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, public beaches and the ocean.

1. Purpose. This Critical Viewshed covers areas that are generally visible from Highway 1 and vicinity within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

Every year, many thousands of people visit or pass through the scenic coastal area of Cayucos, especially by driving along this stretch of Highway 1, a State Scenic Highway and National Scenic Byway. Many of those visitors are tourists who make a significant contribution to the local economy. Protection of the scenic views east of the highway will help maintain the area's rural character that both residents and tourists appreciate, and that helps make this area a desirable place to live and visit.

2. Applicability. The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; communications facilities; and residential access roads that are required by the Land Use Ordinance to have a land use permit.

3. Permit Requirement. Plot Plan permit approval, except as follows:

a. Project not visible. An exemption from Subsections C4a and b may be granted if documentation is provided demonstrating that the proposed structures will not be visible from Highway 1 or public beaches. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.

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- b. **Project not consistent with Plot Plan requirements.** If the Plot Plan application cannot be found consistent with Subsections C4a and b, the application may be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall comply with Subsections C5a through f.
- c. **Other land use permit required by the Land Use Ordinance.** Projects for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall be subject to such land use permit requirements, and shall comply with Subsections C5a through f.
4. **Plot Plan Requirements.** A landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with Subsections C4a and b.
- a. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from Highway 1 or public beaches.
- b. **Landscaping.** A landscaping plan shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from Highway 1 or public beaches using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.
5. **Discretionary Permit Requirements.** Minor Use Permit and Conditional Use Permit applications and proposed land divisions shall include a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the intent of Subsections C4a and C4b and the following standards:
- a. **Exemptions from standards.** An exemption from Subsections C4a and b and Subsections C5c, d, e, and f may be granted if documentation is provided demonstrating that the proposed structures and access roads will not be visible from Highway 1 or public beaches. Such documentation shall at a minimum provide topographic and building elevations with preliminary grading and building plans.
- b. **Site disturbance.** Minimize vegetation removal, landform alterations and grading of cut and fill slopes, especially where visible from Highway 1 and public beaches. Graded areas shall blend in with adjacent terrain to achieve a natural appearance.
- c. **Location of development.** Locate development, including accessory structures, water tanks and access roads, in the least visible portion of the site as viewed from Highway 1 and public beaches, consistent with protection of other resources. Visible or partially visible development locations shall only be considered if no non-visible development locations are identified, or if such locations would be more environmentally damaging. Visible or partially visible development locations may be approved where visual effects are reduced to an insignificant level, as determined

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by the review authority. Use topographic features first and vegetation second to screen development from public view.

d. **Building Visibility for Ridgetop and Other Development.** Where compliance with Subsection C4a is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the structures shall comply with the following. Other structures in visible locations shall also comply with the following.

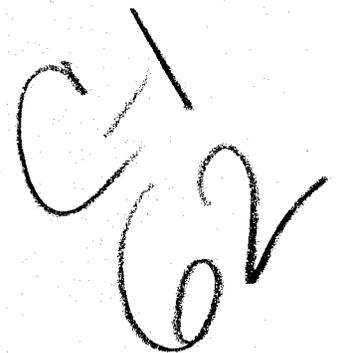
- (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
- (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment, **and by using non-reflective materials.**

e. **Screening.** Alternatives to the screening required by preceding standard C4b may be approved if visual effects are otherwise reduced to an insignificant level through use of topographic features or design of structures.

f. **Land divisions.**

- (1) **Slope limitation.** **Residential** access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
- (2) **Cluster requirement.** Land divisions and their building sites shall be clustered in accordance with Chapter 22.22 or otherwise concentrated in order to comply with preceding standards C5b and C5c.

This amendment extends the visual resource protections as seen from the coast in the vicinity of Cayucos--as proposed in the Estero Area Plan Update--to the portion of the Critical Viewshed from the Highway 1 and the coast that is in the Adelaida Planning Area. Although in a different Planning Area, the upper part of the viewshed from the coast contains ridgetops and steep hillsides that contribute greatly to the scenic backdrop and that should receive the same level of protection as the lower part of the viewshed. The proposed visual standards for the Adelaida Planning Area are similar to the proposed standards for the Highway 1 Critical Viewshed. Under this amendment, proposed residential and residential accessory structures, commercial structures, and certain other development is subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards can be met regarding certain ridgetop development and landscape screening. Otherwise, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative methods to meet the intent of the Plot Plan standards. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.



SECTION 2: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection D** to read as follows:

D. Cayucos Fringe Critical Viewshed. The following standards apply within the Cayucos Fringe Critical Viewshed (see Figure 92-2). This Critical Viewshed is established to protect a resource of public importance: views of this scenic area as seen from the public roads within this area. This Critical Viewshed covers areas that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize this area offer scenic views that help define the rural character of this area.

1. Slope limitation - land divisions. Residential access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.

2. Special Development Standards. The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; and communications facilities.

a. Application Content. The application submittal shall include documentation necessary to demonstrate whether or not proposed structures will be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D.

b. Ridgetop Development. Structures shall not be located so as to be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D. Where compliance with this standard is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the application may be converted to a Minor Use Permit application (if a Minor Use Permit or Conditional Use Permit is not otherwise required) after the applicant pays the difference in application fees. The Minor Use Permit or Conditional Use Permit shall be accompanied by a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the following standards:

(1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.

(2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment, **and by using non-reflective materials.**

(3) The required landscaping plan and visual analysis shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from any of the county-maintained roads listed in Subsection D using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building

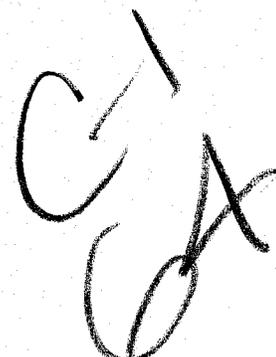
site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.

This amendment establishes standards to protect visual resources in areas that are seen from various rural roads in an area roughly corresponding to the "Cayucos Fringe." The "Cayucos Fringe" is a large area that includes the watersheds above Cayucos, where hilly and steep terrain, ridgelines and ridgetops, and narrow valleys offer scenic views that help define the rural character of this area. The visual standards for this area are similar to, but not as comprehensive as the standards for the Highway 1 Critical Viewshed described in preceding Section 1. Under this amendment, proposed residential and residential accessory structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if the structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit (or a Conditional Use Permit, if that is already required) is needed to implement certain design and landscaping measures to reduce visual impacts. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.



INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2005, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

ATTEST:

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

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

ATTACHMENT 2: PLANNING COMMISSION MINUTES

[Handwritten signature]

MINUTES OF THE MEETING OF THE
SAN LUIS OBISPO COUNTY PLANNING COMMISSION
JULY 14, 2005

PRESENT: Commissioners Bob Roos, Sarah Christie, Penny Rappa,
Chairperson Liberto-Blanck

ABSENT: Commissioner Gene Mehlschau

STAFF: Pat Beck, Assistant Director
John Euphrat, staff
Warren Hoag, staff
Kim Murry, staff
Martha Neder, staff
Mike Wulkan, staff
Elizabeth Kavanaugh, staff
Brian Pedrotti, staff
Chuck Stevenson, staff
Jim Lopes, staff
John McKenzie, staff

OTHERS: Jim Orton, County Counsel
Tim McNulty, County Counsel
Richard Marshall, Public Works

The meeting is called to order by Chairperson Liberto-Blanck.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of July 14, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Public Comment Period

Richard Senowski, member of Central Coast Ocean Outfall Group. Speaks on watersheds and viewsheds. Suggests Planning Commission take a more global view, and see things more wholistically. Submits regional plan for Los Osos watershed. Describes same. Gives website where document can be viewed at www.stopthewaiver.com.

Planning Staff Updates

John Euphrat, staff. States a study session will take place this afternoon

Chairperson Liberto-Blanck states she will resign effective at the end of today's meeting. Thanks the Commission, staff, and others. Thanks citizens who attended hearings over the years. Encourages public participation.

Commissioner Christie states Ms. Liberto-Blanck has been an exemplary public servant having brought great dedication to the job. Commends Supervisor Bianchi for her appointment. States Ms. Liberto-Blanck will be sorely missed.

Commissioner Roos, states his agreement.

Pat Beck, Assistant Director, states the department will miss Chairperson Liberto-Blanck, and thanks for working together over the years.

3. This being the time set for hearing to consider a request by the **County of San Luis Obispo** to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads, as well as public beaches, in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. **County File No: G020004N**. APN's: Various. Supervisorial Districts: 2, 1.

Mike Wulkan, staff, gives the staff report. States viewsheds for Hwy 1 and Cayucos fringe are being established, and ridgetop development limited in that area. The request was initiated by the Board of Supervisors in 2002, which was requested by Cayucos Citizens Advisory Council. Displays maps and photographs overhead. States most agriculture structures, and projects not visible from Hwy 1 are not covered. Describes Minor Use Permit and Conditional Use Permit standards, and standards for new land divisions. Discusses recommendations of the Cayucos Citizens Advisory Council, and the Ag Liaison Board. Recommends adoption of negative declaration and approval of this request.

Marla Jo Bruton, states the County Planning Department provided her a copy of the staff report for this item. States she does not know what she is supposed to do with it, because all environmental issues seem to be insignificant. Wishes to know what this is about besides hill top silhouetting. Discusses Attorney General's conclusions on the Williamson Act.

Richard Sadowski, Central Coast Ocean Outfall Group, states he has talked with staff and a problem exists in the Cayucos Sanitary District. Their Ordinance No. 5 is ignored by the Board of Directors, and it states you cannot pool in an easement. States there is no enforcement by planning staff nor by the Sanitary District, it is a violation of an existing ordinance and is unfair to older people and other residents, who are being flooded out by new development. This problem will turn into urban runoff and should be addressed.

Andrew Christie, Sierra Club, SLO Chapter, states the area plan amendment is a true expression of residents' desires, the public feels the whole area is coastal zone, it is appropriate for consistent rules throughout that area, and the amendment should apply to all new development.

Leslie Leigh states she is concerned with affordable housing, and the government is putting more and more land into conservation easements, affordable homesites are dwindling. Refers to Morro Strand District which was down-zoned, even though many people had hoped to build there. States people should have reasonable guidelines.

George Stewart, Old Creek area, states standards are not defined in much detail, many properties in that area are on steep slopes, restrictions are such that normal mitigation measures cannot solve the problems. Discusses agricultural viability of certain properties.

Barbara Lusich, San Luis Obispo County, states she and her family have lived in the area a long time, and oppose the amendment of the Land Use Ordinance. States they are opposed to the Cayucos Advisory Group dictating how they should use their land.

Enrique Gonzales states he wonders why lots are allowed to be sold when they are not buildable, it creates false hope for people, he was told the lots were okay except for a small water problem, but the water is more than a problem, and may be an excuse. Wonders whether something can be done about the water.

Bill Martony, Old Creek Road, states he owns about 775 acres, and will be drastically affected by Section 2. States he only found out a week or ten days ago, and it has the potential to cause millions of dollars of losses to him and his neighbors in lost value due to the changes. States the Estero Plan Update refers to a viewshed, and does not refer to this area, 80% of Cayucos silhouettes against the skyline, slower traffic on Old Creek Road will do a much better job of allowing a view, the Cayucos fringe views are along non-public roads. States this will be the equivalent of "red-lining," and Section 2 should be dropped because residents have not had a chance to comment; it is a 40-square mile land grab, with Cayucos being much smaller than that. Requests approval not be given today.

Dan McGee states he represents several property owners in the Cayucos fringe area who adamantly oppose the proposed amendment. States it is a slap in the face for the residents who have been good stewards for many years, and this exposes the county to liability. Recommends the county re-think the amendment and review other options.

Dawn Dunlap, Cambria native, rancher, states she has worked in property law and done title research for many years. States the Cayucos viewshed graphic is insufficient for use as part of this amendment, new maps should be submitted, and Thunder Canyon Road should be excluded. Requests it be removed from the list of County maintained roads. States this infringes on ranchers by preventing them from using their properties as they see fit.

Joy Fitzhugh, SLO Farm Bureau, discusses Cayucos Fringe Critical Viewshed, and Ridgetop Development, agreeing with previous speaker regarding the poor quality of the map. States re-evaluation should be done regarding the scope, as too much area is included, such as roads where there is no view. Wonders whether ridges surrounded by mountains should be similarly dealt with; addresses trails, stating if people cannot put roads on more than 20% slopes, then trails would not work either, because the same problems would result.

Bruce Gibson states his strong support for these amendments. States it was considered by the Cayucos Advisory Council, and that the map could be improved. States some protection is provided for agriculture in that the region will now be slightly less desirable for residential development; the cost of such protection is the requirement that a public hearing may be necessary before building a house.

Stewart Selkirk states he was born in Cayucos and supports putting regulations on ridgetop and skyline building, and this will not reduce property values by millions of dollars, although it may reduce values slightly. States Cayucos area is pristine and should not be degraded, as has happened in many areas over the past years.

Kevin Kester, SLO County. Cattlemen's Association, refers to the environmental section of the report, stating he wishes clarification regarding that section and that the Cattlemen's association opposes the proposed changes in language. States changes to staff recommendations to include agricultural land will be strongly opposed. States his opposition to the Cayucos fringe portion of this amendment, and that it will have a detrimental affect on the viability of agriculture in the area, and that a change from 30% to 20% slopes and use of trails will lead to not being able to use certain areas or to get to certain locations of their properties.

Smith Held, Cayucos, states the proposal also limits transmission wires and public utilities facilities; wells must be located where the water is, and power must be put where the well is. Urges this amendment not be adopted in the Cayucos fringe regarding viewshed. Asks how the area was chosen for inclusion in this amendment.



Joe Priane, reads a letter from Matt Radner into the record. The letter states the writer's opposition to adoption of the amendment being discussed. Reasons are because land values will be reduced without compensation. The letter is against the change in slope requirements.

James Molnar, local ranch owner, states this amendment will greatly affect property values of local owners; as far as not building on a ridgetop, states the Cambria School grading is an example of what can happen if one grades off a ridgetop. Mitigation may be necessary, but stating no building or what kind of building, is an infringement on property rights.

Mike Wulkan, staff, states a number of emails were received after the agenda packets were prepared which were distributed to Commissioners today. Questions included slope issues, loss of property values, among others. As far as application to all agricultural structures, the amendment is intended to not so apply, based on the Ag & Open Space Element, a goal of which is to keep permit levels the same for agricultural activities. Most agricultural structures are exempted, unless already required to obtain a discretionary permit. Only for agricultural processing, such as a winery, or some other specialized facilities, such as horse arenas, would a permit be required. Water tanks, windmills, barns are generally not subject to standards for agricultural activities. Regarding small lots, the standards proposed will apply to some of those that are outside the Coastal Zone in the Adelaida area. The lots are legal lots created in the 1920's, and it is technically possible to build. Nothing in the county's ordinance precludes development of those properties. The Cayucos fringe is being addressed at the request of the Cayucos Citizens Advisory Council, who requested this ordinance apply to the fringe area as well as the Hwy 1 corridor. As far as the map, the borders are clear. Describes the borders, and that it is easy to determine what is inside and outside the line. As far as Thunder Road, it is county maintained. Non-county maintained roads are not intended to be included, and any such road that does not belong will be removed. As far as the Negative Declaration language, reference to the open space will have no affect, because it is not addressed in the ordinance. The 20% slope limitation applies only to land divisions. In addition, only residential roads are addressed, not agricultural roads.

Commissioners and staff discuss how access roads and residential uses will be handled with this proposed ordinance, clarify agricultural structures not subject to these standards, pose and comment on a hypothetical situation, further discuss a statement by one of the speakers that placing a house on a hillside rather than a hilltop might be more destructive, and that a proposal for building on a greater-than-10% slope would trigger environmental review.

Lynda Auchinachie, Agriculture Commissioner's office, states the ordinance as proposed is supported because, with the exception of wineries and a few other kinds, agriculture will not be affected. Thanks staff for the clarification that 20% slope requirement is for residential parcels only and will not affect agricultural parcels. Discusses access roads from viewpoint of Agriculture Commissioner's office. States her understanding the proposal does not apply to agricultural roads. Further discusses ag exemptions. States roads through significant slope areas are reviewed by the Resource Conservation District, and that the most egregious roads, even with justified ag exemption, would not have met the standards for ag exempt in any case. It is an enforcement issue. The agricultural grading ordinance has been a very useful tool.

Commissioner Christie requests clarification regarding requirements of proposed paragraph 4.a. and 4.b., with staff responding. Further clarification requested regarding 5.d.(2), and whether "non-reflective surfaces" should be included, with staff responding. Discussion continues regarding 5.e.

Thereafter, motion by Commissioner Christie, seconded by Commissioner Rappa, is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Christie, seconded by Commissioner Rappa, carries, in the absence of Commissioner Mehlschau, and with Commissioner Roos voting no, to adopt the Negative Declaration, and to recommend to the Board of Supervisors adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and to recommend to the Board of Supervisors approval of Land Use Ordinance amendment G020004N as shown in Exhibit

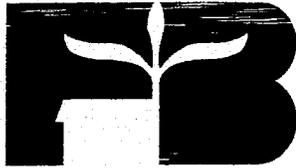
CE
70

G020004N:A, with the following changes: in proposed new Section 1, Subsection C, paragraph 5.d.(2) and in proposed new Section 2, Subsection D, paragraph 2.b.(2), insert "and by using non-reflective materials" at the end of the paragraphs; in Section 1, Subsection C, paragraph 5.f.(1) insert "Residential" following "Slope limitation."; and in Section 2, Subsection D, paragraph 1, insert "Residential" following "Slope limitation – land divisions.", and amending Figure 92-2 to reflect the county-maintained portion of Thunder Canyon Road, adopted.

2/1

**ATTACHMENT 3: CORRESPONDENCE RECEIVED FOLLOWING
PREPARATION OF THE PLANNING COMMISSION STAFF
REPORT**

CM



San Luis Obispo County
FARM BUREAU

651 Tank Farm Rd.
San Luis Obispo, CA 93401

TO: Mike Wulkan

FROM: Joy Fitzhugh

RE: Adelaida Area Plan Amendment, Cayucos Fringe Critical Viewshed

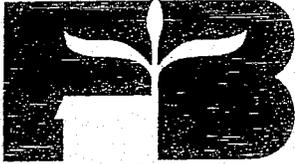
Once again, thank you Mike for being willing to meet with a few of our agricultural representatives. There will probably be around 6 of us attending and Lynda Acheniche (sp?).

I thought that it might be helpful if I sent you some questions before hand, as these are the questions that I have been hearing most often. I have addressed a number of the questions, but I think that hearing it from you as an official representative of the amendment has more clout.

1. How did the map of the Cayucos Fringe Critical Viewshed get drawn? Were there school district boundaries involved? What determined the Northern and Eastern boundaries? Do the boundaries actually extend to the backside of the Santa Lucia mountains as it looks like?
2. What was the process for the introduction and steps that the Estero Plan and Adelaida Amendment had to complete for the amendment to be presented to the Board of Supervisors?
3. I understand that there are a number of different maps, such as the staff report map, the draft amendment map and the Negative Declaration map. How do these all compare?
4. How does public viewshed fit into the picture?
5. How does this proposed viewshed compare to the other three approved viewshed areas (Salinas River, San Luis Obispo and South County)? Questions for comparison relate to the: type of viewshed, distance and width of viewshed, the conditions of the viewshed?
6. Why were the points in this proposed viewshed not tailored more like the other 3 areas?
7. What caused the large bubble for this particular viewshed amendment?
8. Lastly, when do you think the amendment will go before the Board of Supervisors?

Could you bring information on where the Critical Fringe was started and it's progress? Is it possible to bring a more detailed map so the people can actually see what is in and what is out? Is it possible for this map to be left with me?

I realize that some of these questions seem quite



San Luis Obispo County
FARM BUREAU

651 Tank Farm Rd. ,
San Luis Obispo, CA 93428

PLANNING COMMISSION

EXHIBIT: 6020004N

DATE: 7-14-05

DO NOT REMOVE FROM FILE

July 14, 2005

Commissioners
San Luis Obispo County Planning Commission
County Government Center
San Luis Obispo, CA 93408

Dear Commissioners:

Thank you for this opportunity to speak. I am here today representing the San Luis Obispo County Farm Bureau. I would like to address some concerns and unintended consequences that members of our Farm Bureau have expressed regarding the Cayucos Fringe Critical Viewshed.

D. Cayucos Fringe Critical Viewshed:

Slope Limitation-land divisions: The concern in this subsection relates to 2 different, but related unintended consequences:

1. Access roads: First, this subsection creates a prohibition, not a permit requirement for a road. Second, this subsection does not define what type of access road would be prohibited. Because the majority of the land in the poorly defined viewshed area is agricultural, this undefined prohibition would include agricultural access roads. These accesses could be agricultural roads to irrigation or stockponds, fire break roads, access to springs or other water sources, orchards/vineyards or grazing areas. As an example, if there was a distribution of a ranch estate and the land had to be partitioned between two heirs (such as 2,000 acres into two 1,000 acre parcels) **the heirs would be prohibited from creating an "access" to an existing or new agricultural project or access to water or even fencelines if the slope was over 20 percent.** *I do not believe that this was the intent of the amendment.*

There are permit/review requirements for agricultural roads on over 30 percent slopes. This amendment is trying to address an enforcement issue through a prohibition. There needs to be a critical look at the enforcement and not an additional limitation.

Special Development Standards, b.

2. Ridgetop Development: There is a serious concern over the statement *"structures shall not be located so as to be silhouetted against the sky as viewed from any of the county-maintained roads listed in subsection D.* There are places where a structure might be silhouetted against the sky from a road, yet still be in a "valley" (i.e. there are mountains higher around that structure from another angle). How does this amendment address this concern, as this is very mountainous country and a view from a road may be only half the picture? We believe that there needs to be a clear understanding and delineation of what is "ridgetop". One ridge is the top of a valley to a taller mountain. *I believe that there could be some serious unintended consequences without further clarification of this issue.*

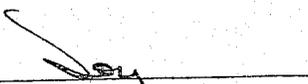
3. **Map, Cayucos Fringe Critical Viewshed:** A number of our members have expressed serious concern of two issues with the map: 1) the poor quality of the map that obviously is the joining of 2 maps of apparently different scales and 2) that the map shows an area that is 5-plus miles from Cayucos and Highway 1.

1. The quality of the map leaves people wondering where they relate to this critical viewshed issue. *There must be a better mapping so that the affected landowners are able to understand what is in and what is out of this area.*

2. Landowners in the eastern section of the mapped areas are very concerned with the fact that Cayucos and Highway 1 are considered adequate reasons for subjecting landowners to no roads over 20 percent slope and serious ridgetop development restrictions. This area appears to extend 5+ miles east of Cayucos and most definitely 5 miles from Highway 1. Most of the undefined "ridgetops" would not be able to be seen from either of the above mentioned locations. Only the very tops of mountains would be visible and many would be so far away as to be mere dots on the horizon. Further the criteria of Cayucos and Highway 1 have no relationship to the listing of county-maintained roads. *Again, I believe that there will be serious unintended consequences from the mapping issue and the Cayucos/Highway 1 criteria. These need to be clarified and corrected.*

I hope you will seriously consider the issues and comments expressed here and resolve them.

Thank you,


JOY FITZHUGH
Legislative Analyst

CF
75

JOHN TAYLOR
<farmkid23@sbcglobe
l.net>

07/13/2005 10:33 AM

To:
cc:
Subject:

Lfrar

Requ

My name is John Taylor and my family has owned a several ranches in the area since the 1860's. I am a 4th generational owner. With the way agriculture is in general these days as a profitable occupation, it doesn't look good! You cannot future increase this burden by decreasing our rights and property values by introducing this new ordnance. I fought for this country in Vietnam and I never thought that when I came home that I would have to fight the people I was trying to protect. It breaks my heart! I do not agree with it at all and I will do what ever possible to not allow its passage.

John W Taylor owner

Garrett J Taylor future owner 5th generation

Handwritten signature or initials in black ink, appearing to be 'C/T' or similar, located in the bottom right corner of the page.

Holly Frank

07/13/2005 12:18 PM

To:
cc:
Subject:

Lona Franklin/Planning/CO

Fw: public hearing on July

----- Forwarded by Holly Frank/Planning/COSLO on 07/13/2005 12:17 PM -----

Roberta Rasich

<mattandberta@earthlink.net>

07/13/2005 12:09 PM

To:
cc:
Subject:

planning@co.slo.ca.us

public hearing on July 14th

Lona Franklin:

County of San Luis Obispo department of planning & Building and Board of Supervisors.

I received a notice of public hearing from the planning commission advising me of a meeting July 14th. regarding county file #G02004N. I am a property owner of 4 parcels totaling 168 acres on Cayucos Creek Road. I am definitely against any amendments which will limit my choosing of where I wish to build a residence and which would jeopardize my views of the ocean and valleys. I purchased this land in 1978 and hope to build a residence on any part of this property that would suit me and comply with current codes. Changing of this land use ordinance will greatly limit my rights and the rights of other land owners and also reduce the value of my land which I must be compensated for by San Luis Obispo County if this ordinance passes. I would also like to address any changes in road grade limits, because in this part of the county just about all coastal hills have more than a 20% grade. Changing this ordinance would also limit property rights and uses which I would be against.

Matthew Rasich

Assessment # 046,191,053 - 046,191-054 - 046,191,055 - 046,191,056

"Janice Corey"
<corey@altrionet.com
>

07/13/2005 11:40 AM

To:
cc:
Subject:

<lfr
<psr
FW

To Leona Franklin

Re: County file No. G020004N

We own property on Toro Creek Road.
First we would like to state that to our knowledge we never received anything regarding the proposed amendment.

We run a small cow/calf operation on our property. We agree that ridge top construction is by and large undesirable. However, we would like to point out that less than one mile south of Toro Creek Road there is extensive development which clutter the hillside adjacent to Highway One. We believe that the property amendment is over reaching and may establish dangerous precedents for further land use.

We do not understand the rationale of selective areas being singled out for the described restrictions and believe that the development could and should be guided by existing building codes.

A response to our opinions would be appreciated.

Sincerely,

William Corey



Hello Ms. Franklin,
Could you please reply to this email that you have received it.
Thanks,
K.

Kurt Wright, COO
Ground Control Systems
k.wright@groundcontrol.com

From: Kurt Wright [mailto:k.wright@groundcontrol.com]
Sent: Wednesday, July 13, 2005 12:34 PM
To: 'lfranklin@co.slo.ca.us'
Cc: Kirstin Wright (kwright@aimsystems.com); 'dan@mcgeez.net'
Subject: RE: County file No: G020004N

To: Planning Commission Date: July 13th, 2005

C/O Lona Franklin

From: Kurt Wright

RE: County file No: G020004N

Members of the planning commission and Board of supervisors,

The proposed amendment to the land use ordinance is of major concern for me. I currently own 90 acres of land on Old Creek Road in Cayucos, located across from Whale Rock reservoir. I purchased this land because I had intended to build my residence there facing the Whale Rock reservoir and the Pacific Ocean. I confirmed that my plans didn't conflict with the county ordinances prior to purchasing the land. However, the hill that my property encompasses has slopes greater 20% and the only location that would be safe to build and take advantage of the ocean view would be on top of the hill. We are very sensitive to this placement and have worked with an architect to plan landscaping to screen the proposed structure from Old Creek, Cottontail, and Santa Rita Road. We worked with the County to set our structure significantly back from the edge of the hill side obscuring it and even modified the design of the roof top to almost completely hides it. Of course, all of these efforts on our part will be in vain if this ordinance is passed.

If the ordinance is adapted the only land suitable for a residence would not take advantage of the ocean view and defeat the reason why I purchased the property. It's placement would be unfairly decided by someone other than myself and not in the location of my choice. My family and I have gone through much, both financially and personally to develop this property. But I'm not the only one that would be affected. Many of my neighbors wouldn't be able to utilize their land they way that they need to conduct business. Water tanks are needed in this area and their placement on hilltops is essential for the maximum amount of water pressure to be utilized without the use of electricity. New ranchers and farmers coming to this area or those currently owning land will not have the opportunity to put in new homes or agriculture roads that are needed to access in accessible areas that would serve livestock or raise crops. The adoption of this ordinance will scare them away or would be a significant financial burden to them as well as me personally.

Cl
79

In regards to the section about agricultural barns being a maximum square footage of 600 square feet. I personally feel that this is a direct attack from these individuals against myself. My agricultural barn measures out at 640 square feet and although the agriculture board has suggested changing the proposed ordinance to 1000 square feet or more, it was declined solely because of my barn would have to be allowed. The individuals pushing this forth would like nothing better than see my barn, which I build at my expense within the guidelines of the current ordinance, torn down. Your welcome to test this theory by seeing if they would be willing to change their proposed ordinance from 600 sq. ft. to 650 sq. ft. Fifty square feet shouldn't matter what-so-ever, but it matters to them only because of my barn. In otherwords, I am being fairly singled-out in this ordinance and this is a blantant attack against me and my family from those not wanting us to utilize our land.

In conclusion, this ordinance is being push through by individuals in the community (who probably will not be affected financially or otherwise) that do not want any new structures on undeveloped land or land deemed as open space in the Cayucos area. This ordinance would give them what they want at the expense of the majority of land owners who are ranchers and farmers. I feel that this would be an injustice to those land owners who have paid for the right to utilize their land as long as they abide by the ordinances that are currently on the county's books. Currently, there are plenty of laws in place that will ensure open space and a green belt for the Cayucos area without having to adopt new ones. I recommend that it should NOT be adopted.

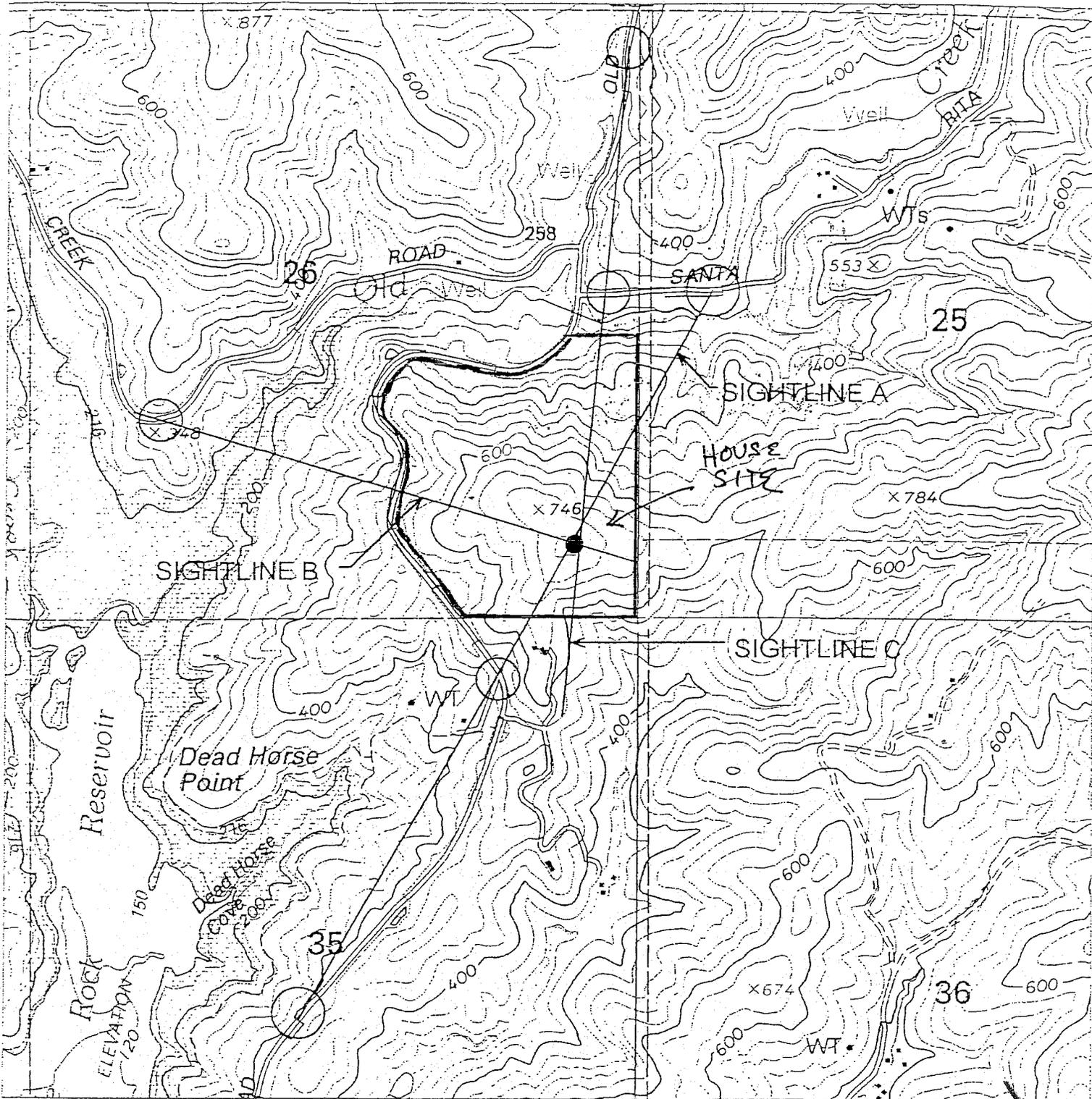
Respectfully submitted,

Kurt Wright
1750 Old Creek Road
Cayucos, CA 93446

Mailing Address:
839 Hacienda Circle
Paso Robles, CA 93446

Kurt Wright, COO
Ground Control Systems
k.wright@groundcontrol.com





ANNING COMMISSION

EXHIBIT: 6020004N

DATE: 7-14-05

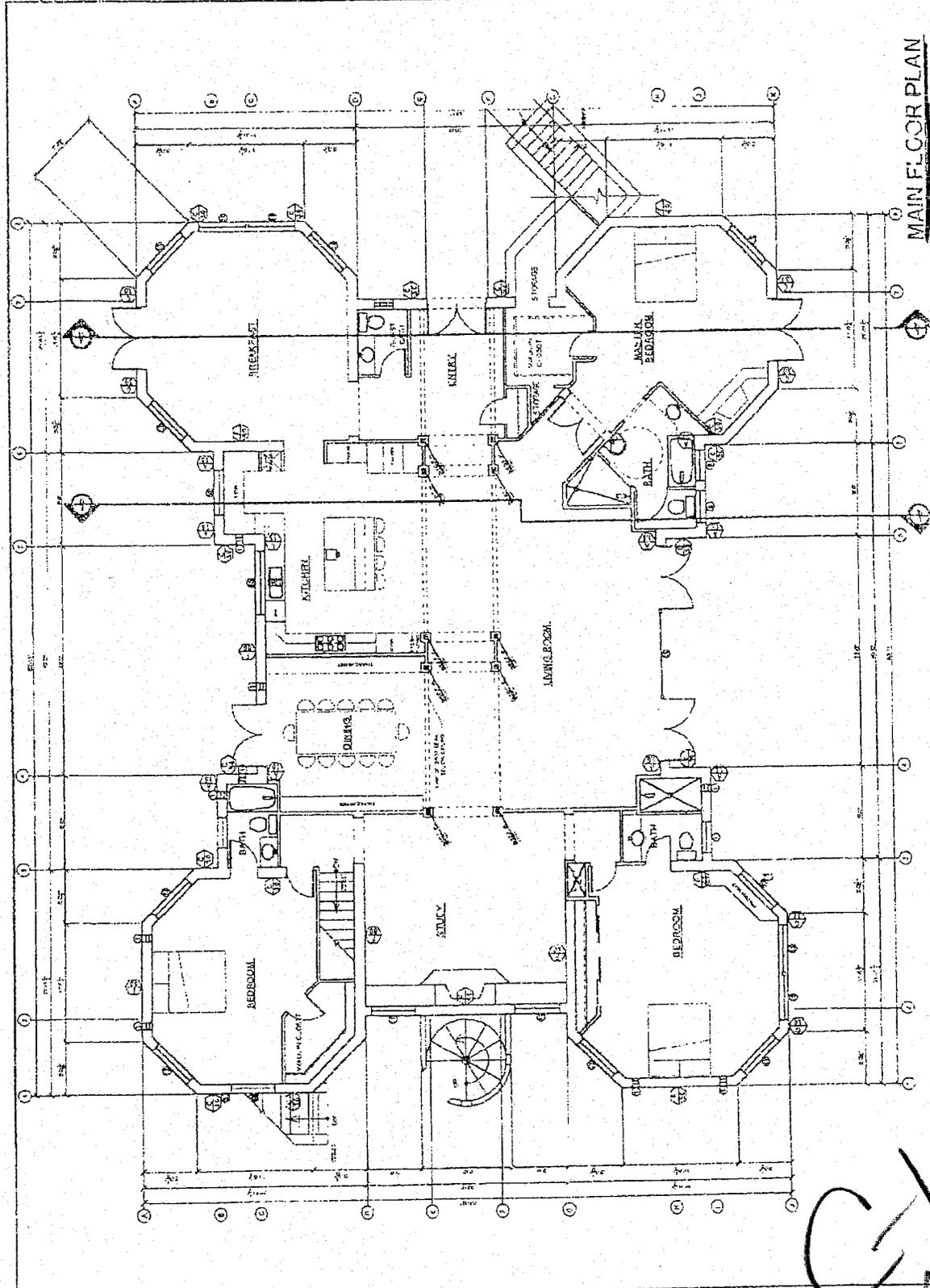
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VISUAL ANALYSIS FROM PUBLIC ROADWAYS

NOT TO SCALE

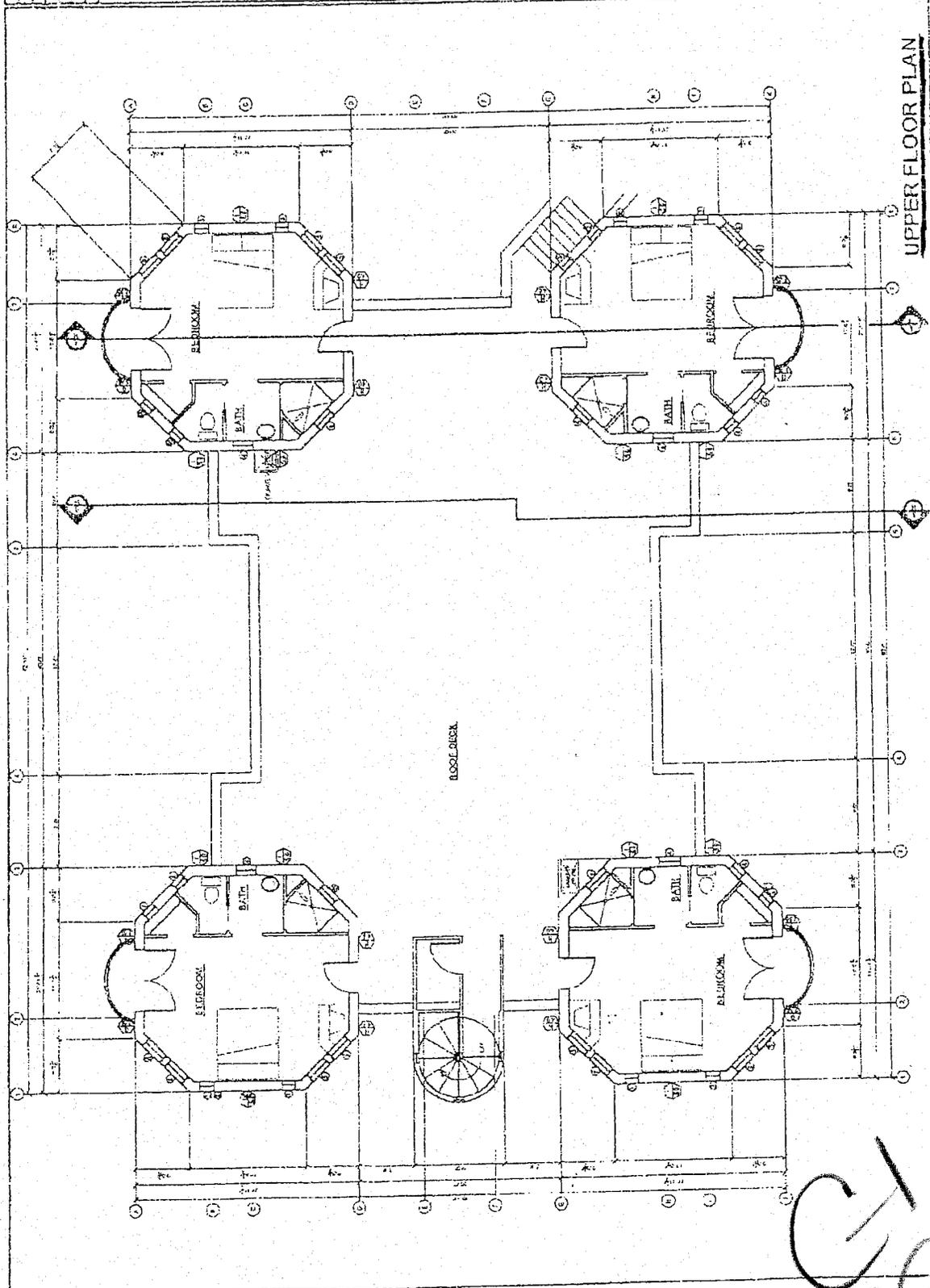
MAIN FLOOR PLAN

THE PERENNIAL ARCHITECT & ASSOCIATES
 1913 FRIESTON AVENUE
 PASO ROBLES, CA 92466
 PHONE: (805) 238-1344
 FAX: (805) 238-1344
 81 N. OCEAN AVE., SUITE A - P.O. 171 - LAYTONS CA 92430
 FAX: 805 984-3008 P.O. 885-2502



Handwritten initials "TC" and a signature "T.C." are present in the bottom right corner of the page.

the parental architect & associates
 Kurt & Kriston Wright
 143 Redstone Drive
 Paso Robles, CA 93450
 Phone: (805) 238-1844
 Fax: (805) 995-2066 Ph: (805) 995-2062
 807 Ocean Ave., Suite A - P.O. 171 - Carmel, CA 93920



TSR

From: Greg Held [mailto:gdheld@access1.net]

Sent: Wednesday, July 13, 2005 6:03 PM

To: 'lfranklin@co.sol.ca.us'

Subject: Ordinance G020004N

Dear Planning Committe

My name is Gregory D Held 2565 Old Creek Rd Cayucos. I'm writing you this letter in response too the Ordinance Adelaida Visual Standards G020004N. As a property owner on Old Creek rd in Cayucos I disagree with it.

1. We are not in the Coastal Commission's area
2. Being framers/ Ranchers property owners we know what is best for us and our property not the county telling us where to build
3. Access road less than 20% I could not get to most of my ranch
4. The Cayucos Fringe viewsheds, I know about Old Creek rd. that much of the road is pretty steep and winding and no one really has time to see a house or anything on a ridge top going at normal speeds it would probably be hard walking plus the fact dangerous.
5. It seems to me that a house built along side the road is far more intrusive than a house built on a ridge top that is hard to see anyway.
6. I think being in Cayucos is outside of the Adelaida planning area.

Thank you for taking the time to read this letter and could you please pass it to the appropriate people. I also don't think I am the only one that has a problem with this amendment and I think most ranchers/ farmers would have trouble with it.

Sincerely;

Gregory D Held

A handwritten signature in black ink, appearing to read 'GD Held', is located in the bottom right corner of the page.

July 13, 2005

I have strong concerns & reservations regarding
planned revisions to section 22.92.020 of the
Land Use Ordinance regarding critical view sheds.

David Barlogio

David Barlogio
4095 Vineyard Drive
Paso Robles, CA 93446
805-238-3799

Cl
2005

7/13/05

SLO Co Department of Planning & Building
San Luis Obispo, CA

SUBJECT: Critical Viewsheds for Highway 1 and Cayucos Fringe

As a longtime property owner in the Cambria area, I must protest the proposed change to Areawide Standards, Adelaida Planning Area, of the County Land Use Ordinance. My family has operated a cattle operation on upper Santa Rosa Creek for 6 generations, which will be severely affected if these changes occur.

The draft proposal states that we must protect the *views* east of the highway to maintain the area's rural character that both residents and tourists appreciate. What about consideration for protecting my 6-generation cattle operation from micro planning? This draft offers no consideration for the landowners, only for *tourists* passing by. How philosophies has changed in the last 20 years!

My family's property lies in very rough terrain leaving few options for improvements. Agriculture must have the ability to adapt in order to survive. We may be forced to try different types of agriculture, which require construction of pipelines, agricultural structures, fencing, water tanks, etc. to survive in the future. This additional layer of government control may be the "straw that breaks the camels back". We cannot tolerate the additional time restraints and exorbitant costs associated with these restrictions.

This draft change further restricting our abilities in ranching may simply change the face of agriculture that you are purporting to "save" for the viewshed. How *my* County government can put the rights of "visitors and tourists who make a significant contribution to the local economy" *above* the long time agriculturists who live here is something I just cannot understand.

I strongly urge you to deny these changes to the Land Use Ordinance and vote instead to support agriculture, which is the backbone for this County

Respectfully,
Robert Soto
6830 Santa Rosa Creek Road
Cambria, CA 93428



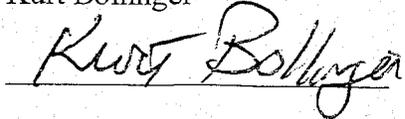
July 13, 2005

To The San Luis Obispo Co. Planning Commission:

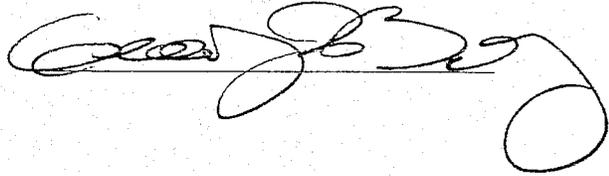
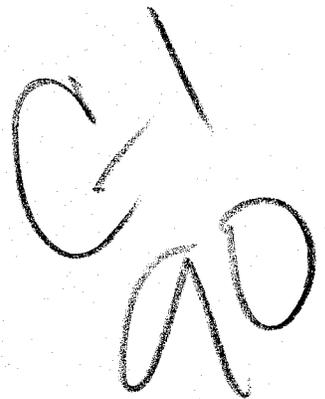
Kindly acknowledge this note in reference to the possible amending of the "critical viewsheds" land use ordinance. As landowners in the Santa Rosa Creek/Old Creek area, we are opposed to this amendment.

Signed

Kurt Bollinger

Handwritten signature of Kurt Bollinger in cursive script, written over a horizontal line.

Georgia Bollinger

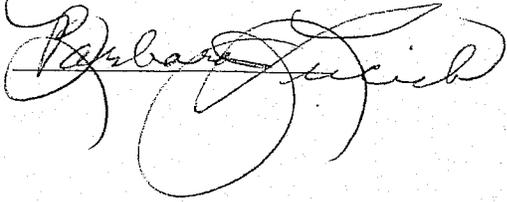
Handwritten signature of Georgia Bollinger in cursive script, written over a horizontal line.Handwritten initials or signature in cursive script, consisting of a large 'C' and 'A' or similar characters, located in the bottom right corner of the page.

July 13, 2005

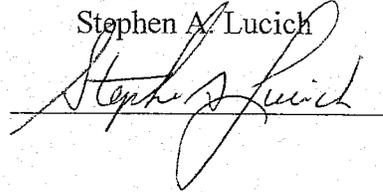
To The San Luis Obispo Co. Planning Commission:

As ^{Lucich} ~~third~~ generation landowners in San Luis Obispo County, residing in the Old Creek/Santa Rosa Creek area, we consider our family stewards of the land. Due to the right of ownership, we oppose your possible amending of Title 22 Land Use Ordinance. Please make note of this opposition. We are extremely opposed to others (namely The Cayucos Advisory group) being allowed to dictate how our land should/should not be used.

Barbara J. Lucich



Stephen A. Lucich



PLANNING COMMISSION

EXHIBIT: 6020004N

DATE: 7-14-05

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ca

#3



JOHN TAYLOR
<farmkid23@sbcglobal.net>

07/13/2005 10:33 AM

To: Lfranklin@co.slo.ca.us
CC:
Subject: Request by the County of San Luis Obispo to amend Section 22.92.020

My name is John Taylor and my family has owned a several ranches in the area since the 1860's. I am a 4th generational owner. With the way agriculture is in general these days as a profitable occupation, it doesn't look good! You cannot future increase this burden by decreasing our rights and property values by introducing this new ordnance. I fought for this country in Vietnam and I never thought that when I came home that I would have to fight the people I was trying to protect. It breaks my heart! I do not agree with it at all and I will do what ever possible to not allow its passage.

John W Taylor owner

Garrett J Taylor future owner 5th generation

CL
ar

ITEM #3



"pamela jardini"
<planningsolutions@fi
x.net>

To: <mwulkan@co.slo.ca.us>
cc:
Subject: adelaide amendment

07/14/2005 08:17 AM

Mike,
Please include this letter in the hearing item today. Ms Demski is out of town and unable to attend the meeting.

Thank you,
Pamela Jardini



agent for Ms. Demski @adelaideamendment.doc

CL
AB

July 13, 2005

Planning Commissioners
County Government Center
San Luis Obispo, CA 93408

RE: Amendment to Section 22.92.020, Adelaide Planning Area

Dear Commissioners,

My property is located north of Cayucos and east of Highway 1, within the area to be affected by this proposed amendment. My 560 acre parcel is zoned Agriculture and is a working sheep ranch.

Currently, my property is developed with a residence for one of my employees, livestock barns (corrals and feed storage), storage barns for the farm equipment, fenced pasture areas (specific to the operation of the sheep ranch), miscellaneous farm support structures and an agricultural pond.

I have reviewed the proposed amendment and understand the County's concern regarding ridgetop development. I support the County's allowance of the filing of a Minor Use Permit or a Conditional Use Permit to allow ridgetop development under certain circumstances.

As I have stated above, my property's primary purpose is the sheep ranch. The location of all my buildings, residential or agricultural, is determined by the operation of the ranch. In other words, the ranch must be structured such that the workings of the ranch are feasible by the proper placement of the buildings. Therefore, it may be necessary to locate buildings on a ridgetop.

I thank you for taking the time to review my letter. If I can assist you in any way that will empower you with the ability to make decisions that will continue to assist supporting agricultural operations in this County, please do not hesitate to call me. After all, maintaining and even enhancing the agricultural viability of the land in San Luis Obispo County is paramount.

Sincerely,

Ms. Lydia Demski
5308 Cabrillo Highway, Cayucos

CL
a4

Fitzhugh Ranch

Walter & Judith Fitzhugh
2650 Eton Rd.
Cambria CA. 93428-4102

Phone 805-927-8353
Fax 805-927-3090
Email fitzhughranch@aol.com

Subject: Adeliada Visual Standards; G020004N

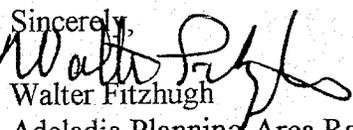
July 12, 2005

Dear SLO Co. Planning Commission:

The proposed amendment to establishes "critical viewsheds" for Hwy. 1 and the "Cayucos Fringe" as I see it has some flaws.

1. The map that is displayed includes areas that can not be seen from Hwy. 1 or the Cayucos Fringe.
2. The map is of such poor quality that it can't be determined where the actual boundaries are of this view shed.
3. Slope limitation states that access roads shall be located on slopes less than 20%. If this is adopted than the proposed trails by the Parks Commission that would be within the boundaries of this new subsection D to the Adeliada Planning Area could not happen. The proposed trails are an access that cross agricultural land portions which would require the construction of the trail on land over 20% slope and would be within the "critical viewsheds" for Hwy. 1 and the "Cayucos Fringe"

In conclusion I feel that this needs to go back to the drawing board to make a workable solution for everyone.

Sincerely,

Walter Fitzhugh
Adeliada Planning Area Rancher
927-8353

PLANNING COMMISSION

EXHIBIT: G020004N

DATE: 7-14-05

DO NOT REMOVE FROM FILE



#3

G.F. GARCIA & SONS, INC.
GENERAL ENGINEERING CONTRACTORS

FACSIMILE TRANSMITTAL SHEET

TO: Lona Franklin	FROM: Eleanor Garcia
COMPANY: SLO Co Dept of Planning & Building	DATE: 7/11/05
FAX NUMBER: 788-2373	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

To Lona Franklin
Re: County File No. G02004N
Members of the Planning Commission and Board of Supervisors:

I own property on Toro Creek Road, as a matter of fact, I was born and raised on Toro Creek Road. I have lived out here almost 74 years. I am very concerned about the proposed amendment to the Land Use Ordinance. I am a cattle rancher and have two water storage tanks that have been in existence for over 40 to 50 years. The tanks are on the hill to get maximum gravity to water troughs for the cattle.

I truly feel that the property owners are slowly, and sometimes without notice, having their rights taken away. We out here like to think we are also entitled to views of the land or Ocean if need be. The Coastline is being all built up in City limits till one can hardly see the shoreline. I, for one, do not want a hilltop building because the wind blows so hard up these canyons it can sometimes be unbearable— but that should be my choice.

Please acknowledge receipt of this fax— Thank you very much.

Eleanor M. Garcia
Eleanor M. Garcia
1710 Toro Creek Road, Morro Bay, CA 93442

CL
AB

July 12, 2005

Re: Increasing Boundaries of Estero Bay Watershed

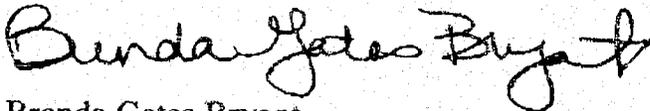
TO WHOM IT MAY CONCERN:

As a property owner in the Cypress Mountain quadrant and representing my families home ranch in the York Mountain quadrant; grave concerns have been brought to our attention over a new proposal which includes building restrictions for ranches reaching through the Adelaide domain.

Our children represent a 6th generation in local ranching families, our historical family ranch has embraced 4 of those generations. It has always been our hopes that the roots established on our working ranches would sustain us hereafter. We strongly feel the restrictions proposed are dictated by a populous which does not honor the ranching traditions which we have maintained through hard work, perseverance and great sacrifice. This infringement on the rights of all property owners and their descendants is a shameful act!

Any of us local ranchers are a far cry from exploiting the land we love, our hearts are true with keeping the traditions and values of ranching life alive. It is my strongest desire to provide a nurturing environment to call "home" for my children and my "children's" children. Please reconsider the effects this would have on the livelihood of family ranches. Thank you for your consideration on this matter.

Sincerely,



Brenda Gates Bryant
Bryant Family Homestead - Dover Canyon
L. Gates Home Ranch - York Mountain



"James Molnar"
<jmolnar@starband.net>

07/11/2005 09:39 PM

To:
<psmolnar@tcsn.net>, <lfranklin@co.slo.ca.us>
cc:
Subject:

"Pete Clark" <peteclark007

Appeal to file #G020004n

To who it may concern,

My name is James Molnar and I am a Fifth Generation Native of the Central Coast, born and raised in Cayucos on a family cattle ranch.

I am writing in response to an e-mail I received on the amendment mentioned above. I oppose this for several reasons. This is obviously some local residents looking to control the rights of local property owners by limiting what they can do with their land. I feel the County Board have established some wonderful guidelines to preserve the integrity of the scer Central Coast, however this amendment goes too far.

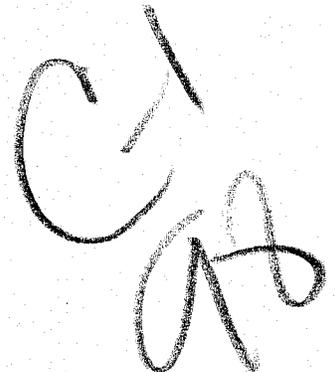
As I am for guidelines and regulations, I feel if the rights of property owners continue to be taken away, there could be n end to it. The Coastal Commission has been challenged on many of their proposed plans to limit property owners rights along the Coast. Now we have the " Cayucos Fringe Critical Viewshed" and the "Highway 1 Critical Viewshed". I fear next it will be the El Pomar Critical Viewshed and then the Carrizo Plains Critical Viewshed. Where will it stop?

I truly hope the opponents ban together to fight for our property rights and for the future generations to follow.

Thank You,

James A. Molnar

Please have this forwarded to the Planning Commission and the Board of Supervisors and have proof of receipt sent ba to me to confirm all entities have received this. Thank you



Matthew Rasich
P O Box 39373 Bahrman Road
Anza, Ca. 92539

PLANNING COMMISSION
EXHIBIT: 6020004N
DATE: 7-14-05
DO NOT REMOVE FROM FILE

July 11, 2005

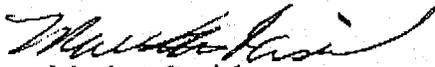
Department of Planning & Building

Dear Commissioners

I received a notice of public hearing from the planning commission advising me of a meeting on July 14th. Regarding county file # G02004N. I am a property owner of 4 parcels totaling 168 acres on Cayucos Creek Road. I am definitely against any amendments which will limit my choosing of where I wish to build a residence and which would jeopardize my views of the ocean and valleys. I purchased this land in 1978 and hope to build a residence on any part of this property that would suit me and comply with current codes. Changing of this land use ordinance will greatly limit my rights and the rights of other land owners and also reduce the value of my land which I must be compensated for by San Luis Obispo County if this ordinance passes.

I would also like to address any changes in road grade limits because in this part of the county just about all coastal hills have more than a 20% grade. Changing this ordinance would also limit property rights and uses which I would be against.

Sincerely,


Matthew Rasich

Assessment # 046,191,053 - 046,191,054 - 046,191,955 - 046,191,056



Subj: GO2004N - Adelaida Area plan amendment proposal
Date: Monday, July 11, 2005 8:32:00 PM
From: Esmitty995
To: lfranklin@co.slo.ca.us, sbianchi@co.slo.ca.us

PLANNING COMMISSION

EXHIBIT: GO20004N

DATE: 7-14-05

DO NOT REMOVE FROM FILE

To: San Luis Obispo County Planning Commission
c/o Lona Franklin, Planning Commission Secretary

Fr: Smith Held, Cayucos Creek resident, Old Creek avocado grower

Re: Proposed Establishment of 'critical viewsheds' in Cayucos area
County File No. GO2004N

To the Planning Commission members,

As a resident of the Cayucos Creek area, and an avocado grower in the Old Creek area, I strongly urge you not to adopt the proposed development standards referenced above. It is bad for agriculture, it unfairly erodes property values, and it is unnecessary. Further, the proposed amendment oversteps the scope of the initial authorization made by the Board of Supervisors.

It will harm my agricultural operation because it adds another layer of oversight to our farming operations. It attempts to dictate from an office how and where we can work in the field.

It erodes property values because it further limits the development potential of the land. As I read the amendment, I cannot build my house on the top where it is flat, and I can't build my house off the top because it is too steep.

It is unnecessary because the owners and stewards of the land have done a fine job of creating/protecting the viewshed in the past without the amendment. The ultimate effect of the amendment from a development

100

skyline-ing our ridgetops, taking the right to do so from the owners of the land is an unfair precedent. It diminishes the value of the real estate to appease the subjective aesthetics of non-stakeholders. The eroded value, in the aggregate, for the affected land holders is easily in the millions of dollars. Shall we install toll-booths on Cayucos Creek Road to mitigate the losses?

The net effect of the amendment is a further shift in the control of private property from the land-owners to the planning department. This taking of property rights doesn't seem to have a provision for compensation for the value it removes from our property.

While I recognize the planners' desire to protect our special area, I think we have been doing a fine job of protecting it without them. I urge you not to adopt this faulty amendment. I further urge you NOT to send it back for modification but to kill it now because we don't need it.

Sincerely,

Smith Held
(805) 995-2773
555 Picachio Road, Cayucos (home)
2565 Old Creek Road, Cayucos (ranch)

101

To: Planning Commission

7 / 7 / 05

C/O Loan Franklin

From: Pat Molnar

RE: County file No: G020004N

Members of planning commission and Board of supervisors

I own property on Old Creek Road in Cayucos and I am concerned about the proposed amendment to the land use ordinance.

I do not wish to see any new development on ridge tops myself. But I do realize that the topography and the placement of existing structures could propose a great financial burden if a person has to adhere to the new standards being imposed.

I am also a cattle rancher and a farmer and many of my domestic water tanks are also feeding stock troughs. The reason we put water tanks on the hilltops is to maximize Gravity to ensure a better grazing pattern through water placement.

Also living up Montecito road I realize that almost every hill is greater than 20% slope. This will cause great limitations to our operation and potential home sites if a road can not be constructed on slopes greater than 20%. As you know most Ag roads are also used as residential as well. There are people in our community that do not want new structures on any land that is open space. I feel that adding this 20% slope rule to the amendment is a trap that is intended to stop all development.

I also feel that if a land owner chooses to build on a ridge top you should be given a choice to use landscaping or other measures to hide the new structure. This ordinance should not impose any more financial burdens on farmers and ranchers who are by far the majority of the people that own the land being affected by this amendment.

There are many laws in place at this time that will ensure open space and a green belt for the Cayucos area. Asking a land owner to set land aside for open space or asking them to orient there new home in a particular fashion in my opinion is unreasonable.

Please keep in mind that the people that own these properties have a right to the views we all enjoy.

Respectfully,

Pat Molnar
1155 Montecito, Rd.
Cayucos, Ca. 93430
995-0173
440-4932

C-1
102

Charles A. & Sarah M. Micek
6948 Purple Ridge Drive
Rancho Palos Verdes, CA
90275-3063

#3

(310) 377-1981

SHEET 1 OF 3

Dear Victor Holanda, AICP Director in The San Luis Obispo County Planning and
Building Department
County Government Center
San Luis Obispo, CA 93408

REVISED

July 7, 2005

In regard to your letter of June 20, 2005 by Lona Franklin, secretary of San Luis Obispo County Planning Commission, giving notice of a public hearing on July 14, 2005 of various amendments especially on Cayucos, we have the following comments which we consider very serious.

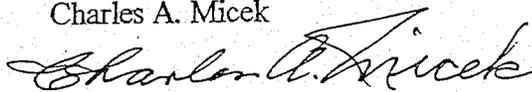
Forty five years ago, we bought several building lots in Morro Strand in Cayucos, California and paid property taxes. These lots were properly sold and legally subdivided. We planned to retire there. Since then by applying silent sneaky maneuvers by the officials, an Urban Reserve Line was created which requires a 1 acre parcel per residence. No other place in San Luis Obispo County has that rule. With a few other tricks applied by officials made the whole development worthless to their owners. Sadly, we do not even qualify for eminent domain.

One excuse for the above mentioned crime is the establishment of "Critical viewsheds" for Highway 1 and "Cayucos Fringe" by officials to protect scenic views. Looking toward the ocean from our property, I do not appreciate the view of Highway 1 or the smog, odor and pollution created by your autos and other noisy vehicles.

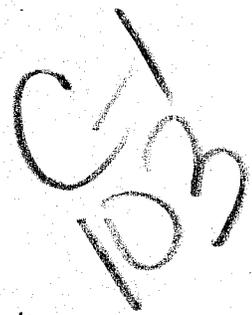
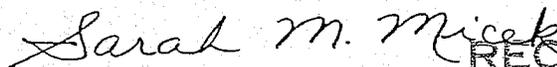
We consider your making our property useless a crime. This crime against our society must be corrected now! How can this happen in a country calling itself a Democracy?

Sincerely,

Charles A. Micek



Sarah M. Micek.



RECEIVED

JUL 11 2005

Planning & Bldg

THIS IS A CORRECTED COPY OF THE
3 SHEETS WE MAILED TO YOU ON JULY 5, 2005

REVISED
JULY 7, 2005

Sheet 2 of 3

Copies of sheets 1, 2 and 3 sent to the following:

Victor Holanda, AICP Director in The San Luis Obispo County Planning and
Building Department

County Government Center
San Luis Obispo, CA 93408

George W. Bush
President of The United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

Harry Ovitt, District 1
Shirley Bianchi, District 2
Jerry Lenthall, District 3
Katcho Achadjian, District 4
James Patterson, District 5

Above 5 are located at:
Room 370, County Government Center
San Luis Obispo, CA 93408

CAYUCOS LAND CONSERVANCY
PO BOX 336
CAYUCOS, CA 93490

CALIFORNIA COASTAL COMMISSION/LAND USE UNIT
45 FREEMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105

REAL ESTATE COMMISSIONER'S OFFICE
2201 BROADWAY
SACRAMENTO, CA 95818-2500

REAL ESTATE COMMISSIONER'S OFFICE
2550 MARIPOSA MALL, ROOM 3070
SACRAMENTO, CA 95821-2777

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104



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

{ SHEET 3 OF 3
JULY 7, 2005
REVISED

NOTICE OF PUBLIC HEARING

- WHO:** San Luis Obispo County Planning Commission
- WHEN:** Thursday, July 14, 2005, at 8:45 a.m. (All items are advertised for 8:45 a.m. To find out the agenda placement call the Planning Department at 781-5600)
- WHAT:** Hearing to consider a request by the **County of San Luis Obispo** to amend Section 22.92.020 – Areawide Standards, Adelaida Planning Area – of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes “critical viewsheds” for Highway 1 and the “Cayucos Fringe,” together with development standards to protect scenic views as seen from Highway 1 and other roads, as well as public beaches, in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest. **County File No: G020004N.** APN's: Various. Supervisorial Districts: 2, 1. Date Accepted: N/A.
- WHERE:** The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: A copy of the staff report will be available on the Planning Department website, www.sloplanning.org approximately 7 - 10 days before the hearing. You may contact **Mike Wulkan**, Project Manager, in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408 (805) 781-5600.

ENVIRONMENTAL INFORMATION: Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing

DATED: June 20, 2005

LONA FRANKLIN, SECRETARY
COUNTY PLANNING COMMISSION

C-1
105

Charles A. & Sarah M. Micek
6949 Purple Rider Drive
Rancho Palos Verdes, CA
90275 3063

(310) 377-1981

SHEET 1 OF 3

Dear Victor Holanda, AICP Director in The San Luis Obispo County Planning and Building Department
County Government Center
San Luis Obispo, CA 93408

July 5, 2005

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One excuse for the above mentioned crime is the establishment of "Critical viewsheds" for Highway 1 and "Cayucos Fringe" by officials to protect scenic views. Looking toward the ocean from our property, I do not appreciate the view of Highway 1 or the smog, odor and pollution created by your autos and other noisy vehicles.

We consider your making our property useless a crime. This crime against our society must be corrected now! How can this happen in a country calling itself a Democracy?

Sincerely,

Charles A. Micek

Charles A. Micek

Sarah M. Micek.

Sarah M. Micek

RECEIVED

JUL 07 2005

Planning & Bldg

Copies of sheets 1, 2 and 3 sent to the following:

Victor Holanda, AICP Director in The San Luis Obispo County Planning and
Building Department
County Government Center
San Luis Obispo, CA 93408

George W. Bush
President of The United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

Harry Ovitt, District 1
Shirley Bianchi, District 2
Jerry Lenthall, District 3
Katcho Achadjian, District 4
James Patterson, District 5

Above 5 are located at:
Room 370, County Government Center
San Luis Obispo, CA 93408

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

SHEET 3 OF 3

NOTICE OF PUBLIC HEARING

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- WHEN:** Thursday, July 14, 2005, at 8:45 a.m. (All items are advertised for 8:45 a.m. To find out the agenda placement call the Planning Department at 781-5600)
- WHAT:** Hearing to consider a request by the **County of San Luis Obispo** to amend Section 22.92.020 – Areawide Standards, Adelaida Planning Area – of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes “critical viewsheds” for Highway 1 and the “Cayucos Fringe,” together with development standards to protect scenic views as seen from Highway 1 and other roads, as well as public beaches, in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest. County File No: G020004N. APN's: Various. Supervisorial Districts: 2, 1. Date Accepted: N/A.
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If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing

DATED: June 20, 2005

LONA FRANKLIN, SECRETARY
COUNTY PLANNING COMMISSION

CL
102



Mike Wulkan

07/06/2005 12:03 PM

To: GSte914343@aol.com

cc:

Subject: Re: County File No: Go20004N

Dear George and Kathy Stewart,

The proposed Land Use Ordinance amendment would not prevent development, but they are intended to preclude certain development on prominent ridgetops where the development would silhouette against the sky as seen from Highway 1 and other specified roads.

The Planning Commission staff report, which includes the proposed ordinance amendment, is now available on our website: www.sloplanning.org. To see the report, click on "Agendas" under "General Information," then click on "July 14" in the table of Planning Commission hearings, then click on "view agenda," then scroll down to hearing item #3 and click on the underlined file number in the project description.

Please feel free to contact me if you have any further questions. My phone number is 781-5608.

Mike Wulkan
Senior Planner
San Luis Obispo County Department of Planning and Building
GSte914343@aol.com



GSte914343@aol.com

07/06/2005 09:38 AM

To: mwulkan@co.slo.ca.us, caispuro@co.slo.ca.us

cc:

Subject: County File No: Go20004N

Re: Apn 046201022

Mr. Wulkan

We recently received a notice concerning your proposed amendments to Section 22.92.020-Areawide Standards, Adelaida Planning-of the County Land Use Ordinance.

We have owned a 25ac parcel on Old Creek Road across the road from the fishing shack, at Whale Rock Reservoir, for over twenty-five years. Having paid taxes for that period of time we hope to build on the property after our retirement. While I respect the need for planning, I think it must come with reasonable assurances that property use and value be respected by the County.

This particular parcel has a limited number of natural building sites, and includes a nice view of the lake. My fear is that it is your intention to deny us the possibility to build on the parcel. This would not only be a huge financial loss, but a terrible loss to us personally. I hope you take this into consideration!

I was unable to locate your staff report on your website at this time. Perhaps you could be more specific on where this staff report is located. I would like to be able to respond to the report prior to the meeting on July 14, 2005. I would also like to discuss the issue with you personally to understand how this applies to our parcel.

George & Kathy Stewart
203 Mission Lane
San Luis Obispo, CA 93405
gste914343@aol.com
805-543-7194

Handwritten signature/initials: G-1 109

APN 046201022

CC: Supervisor Harry Ovitt
Supervisor Shirley Bianchi

110
C

ATTACHMENT 4: PLANNING COMMISSION STAFF REPORT

11/11



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

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE July 14, 2005	CONTACT/PHONE Mike Wulkan (805) 781-5608	APPLICANT County of San Luis Obispo	FILE NO. G020004N
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SUBJECT
Request by the County of San Luis Obispo to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas (coastal zone boundary) on the south and southwest.

RECOMMENDED ACTION
Recommend to the Board of Supervisors:

- Adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
- Approval of this Land Use Ordinance amendment as shown in the attached Exhibit G020004N:A, based on the recommended findings contained in this report.

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 Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 2, 2005 for this project.

LAND USE CATEGORY Agriculture, Rural Lands, Recreation, Open Space	COMBINING DESIGNATIONS Geologic Study Area, Flood hazard, Sensitive Resource Area, Energy or Extractive Area	ASSESSOR PARCEL NUMBER N/A	SUPERVISOR DISTRICT(S) 2, 1
--	---	-------------------------------	-----------------------------------

PLANNING AREA STANDARDS:
Section 22.92,020 - Areawide standard B: Road Design and Construction
Section 22.92.030 – Combining Designations – Geologic Study Area

EXISTING USES:
Undeveloped, agricultural uses, scattered residences, tank farm

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture, Rural Lands/undeveloped, agricultural uses, scattered residences
East: Agriculture, Rural Lands, Open Space/undeveloped, agricultural uses, scattered residences
South: Agriculture, Rural Lands/undeveloped, scattered residences, Cayucos, City of Morro Bay
West: Agriculture/ undeveloped, agricultural uses, scattered residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Agricultural Liaison Board, Public Works, Agricultural Commissioner, CDF/County Fire, Caltrans, County Farm Bureau, and the California Coastal Commission.	
TOPOGRAPHY: Gently sloping to steeply sloping, including ridgetops and narrow valleys	VEGETATION: Grassland, coastal scrub, chaparral, coast live oak woodland, foothill woodland, riparian
PROPOSED SERVICES: Water supply: On-site wells Sewage Disposal: Individual septic systems Fire Protection: County Fire/CDF	AUTHORIZATION DATE: August 13, 2002

PROJECT BACKGROUND

This proposal is a county-initiated amendment to the Land Use Ordinance that would establish development standards to protect scenic views in a portion of the Adelaida Planning Area in the vicinity of Cayucos. The amendment was authorized for processing by the Board of Supervisors on August 13, 2002, with support from the Cayucos Citizens Advisory Council and some landowners.

This proposed amendment implements a proposed program in the Board of Supervisors-approved Estero Area Plan update (not yet in effect). Program A2(a) for the Adelaida Planning Area calls for the county to process amendments to establish a new Sensitive Resource Area combining or similar designation, together with standards to protect the viewshed as seen from Highway 1 in the Adelaida Planning Area in the vicinity of Cayucos.

Amendments to the Coastal Zone Land Use Ordinance that are proposed in connection with the Estero Area Plan update already include standards to protect views inland of the Highway *within the coastal zone*. Those standards would apply to a proposed "Highway 1-Cayucos Critical Viewshed" that covers areas inland of and generally visible from Highway 1, between the highway and the first prominent ridgeline or ridgetop approximately between Villa Creek and the first ridgeline northerly of Highway 41.

PROJECT DESCRIPTION

This amendment (see attached Exhibit A) establishes two "critical viewsheds" in the Adelaida Planning Area, accompanied by development standards to protect views from the coast and area roads. The "Highway 1 Critical Viewshed" covers areas that are generally visible from Highway 1 and vicinity, outside of the coastal zone and within one mile of the highway, approximately between Villa Creek and the first ridgeline northerly of Highway 41. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views along the coast. Within the "Highway 1 Critical Viewshed," proposed standards protect visual resources in the Adelaida Planning Area by applying standards similar to those proposed in the Estero Area Plan Update for the "Highway 1-Cayucos Critical Viewshed." Under these standards, proposed, typical residential structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards are met. The basic standards prohibit silhouetting of structures against the sky as viewed from Highway 1 or public beaches, and require 80 percent landscape screening of structures as seen from those locations. If those standards cannot be met, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative measures to meet the intent of the Plot Plan standards. Those measures include

Handwritten initials: "C" and "113"

minimizing site disturbance, locating development in the least visible portion of the site, and permanently preserving an appropriate amount of open space on areas not intended for development. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

The other viewshed proposed by this amendment is the "Cayucos Fringe Critical Viewshed." It covers areas in the Adelaida Planning Area that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize those areas offer scenic views that help define the rural character of this area. Within the areas seen from the specified rural roads, proposed standards protect visual resources through standards that are similar to but not as comprehensive as the standards for the previously described "Highway 1 Critical Viewshed." Under these standards, proposed, typical residential structures, commercial structures, and certain other development are subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit is needed to implement specified design and landscaping measures to reduce visual impacts. As with the preceding, proposed standards for the "Highway 1 Critical Viewshed," these standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

AUTHORITY

The Land Use Element, in *Framework for Planning (Inland)*, sets forth the authority by which the Land Use Ordinance can be amended. The following factors shall be considered pursuant to the Land Use Element:

Guidelines for Amendments to Land Use Ordinance

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals of the Land Use Element that are stated in Chapter 1.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
 - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*
 - b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;*
 - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
 - a. *Provisions for privacy and usable open space;*
 - b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*

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3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

The proposed amendment meets the guidelines as set forth in the Land Use Element for ordinance amendments, because the proposed standards help assure that development will be designed with maximum consideration of the visual impacts of project sites from the coast and public roads. The standards accomplish that by avoiding special site constraints--ridgelines and ridgetops upon which development would silhouette against the sky--while allowing alternatives in cases where compliance with the standards is not feasible or more environmentally damaging; for example, with respect to other site constraints such as natural terrain and significant vegetation. As a result, the proposed amendment will promote development that is compatible with existing and potential adjacent land uses within the context of the area's rural character.

ADVISORY GROUP COMMENTS

This proposed amendment was referred to the Cayucos Citizens Advisory Council (CCAC). At its May 4 meeting, the CCAC recommended approval of the proposed amendment, provided that language is deleted that exempts from the standards agricultural and agricultural accessory structures that are greater than 1,000 square feet in area (see attached Exhibit C: letter from E. J. Carnegie dated May 8, 2005).

This proposed amendment was also referred to the Agricultural Liaison Board for review. At a meeting on May 23, the Agricultural Liaison Board unanimously recommended approval of the amendment as proposed.

AGENCY REVIEW

This proposed amendment was referred to the following county departments and other agencies: Public Works, Agriculture Department, CDF/County Fire, Caltrans, Farm Bureau, and the California Coastal Commission. The only comments received were from the Agriculture Department (see the two memos from Lynda L. Auchinachie dated February 27, 2004 and March 17, 2005 in Exhibit C). In its memos, the Agriculture Department recommends that agricultural structures of 1,000 square feet and smaller be exempted from the proposed standards. In addition, in order to be consistent with the *Agriculture and Open Space Element* of the County General Plan, the Agriculture Department recommends, in effect, that proposed agricultural structures that are currently exempt from land use permit requirements continue to be exempt. Both of those recommendations are reflected in the proposed amendment that is shown in Exhibit A.

STAFF COMMENTS

The CCAC recommends deleting language from the proposed standards that exempts agricultural and agricultural accessory structures that are greater than 1,000 square feet in area. The intent of this recommendation was apparently to make all agricultural structures subject to the standards. This could be a burden for the variety of production agricultural uses in the area, and would be counter to the recommendations of the Agriculture Department. Furthermore, most agricultural and agricultural accessory structures are currently exempt from land use permit requirements, and are considered ministerial projects (they do not require discretionary review). In order to be consistent with the *Agriculture and Open Space Element* of the County General Plan--the first goal of which is to not require permits for improvements that are currently exempt, and to keep permit levels at the lowest level possible, consistent with protection of agricultural resources and sensitive habitats--the proposed standards exempt agricultural structures that are normally considered ministerial projects.

Attachments

Exhibit G020004N:A

Exhibit B:

Exhibit C:

Ordinance Amendment

Negative Declaration and Notice of Determination

Correspondence

Letter from Cayucos Citizens Advisory Council

Memos from Agriculture Department

Staff report prepared by Mike Wulkan and
reviewed by Kami Griffin

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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 (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 2, 2005 for this project.

Ordinance Amendment

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan. The proposed amendment is consistent with the Land Use Element, because it will not result in changes to land use categories or allowable uses, and will help maintain the rural character of agricultural and rural areas between communities. The proposed amendment is consistent with the *Agriculture and Open Space Element* of the County General Plan, because it does not require land use permits for agricultural structures that are currently exempt, and it keeps permit levels for agricultural structures at the lowest level possible, consistent with protection of agricultural resources and sensitive habitats.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance, as set forth in the Land Use Element, *Framework for Planning (Inland)*, because the proposed ordinance standards help assure that development will be designed with maximum consideration of the visual impacts of project sites from the coast and public roads, and promote development that is compatible with existing and potential adjacent land uses within the context of the area's rural character.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding rural and agricultural area.

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Exhibit G020004N:A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CRITICAL VIEWSHEDS

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

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection C** to read as follows:

C. Highway 1 Critical Viewshed. The following standards apply within the Highway 1 Critical Viewshed (see Figure 92-1). This Critical Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, public beaches and the ocean.

1. **Purpose.** This Critical Viewshed covers areas that are generally visible from Highway 1 and vicinity within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

Every year, many thousands of people visit or pass through the scenic coastal area of Cayucos, especially by driving along this stretch of Highway 1, a State Scenic Highway and National Scenic Byway. Many of those visitors are tourists who make a significant contribution to the local economy. Protection of the scenic views east of the highway will help maintain the area's rural character that both residents and tourists appreciate, and that helps make this area a desirable place to live and visit.

2. **Applicability.** The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; communications facilities; and residential access roads that are required by the Land Use Ordinance to have a land use permit.

3. **Permit Requirement.** Plot Plan permit approval, except as follows:

a. **Project not visible.** An exemption from Subsections C4a and b may be granted if documentation is provided demonstrating that the proposed structures will not be visible from Highway 1 or public beaches. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.

b. **Project not consistent with Plot Plan requirements.** If the Plot Plan application cannot be found consistent with Subsections C4a and b, the application may be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall comply with Subsections C5a through f.

- c. **Other land use permit required by the Land Use Ordinance.** Projects for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall be subject to such land use permit requirements, and shall comply with Subsections C5a through f.
4. **Plot Plan Requirements.** A landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with Subsections C4a and b.
- a. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from Highway 1 or public beaches.
- b. **Landscaping.** A landscaping plan shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from Highway 1 or public beaches using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.
5. **Discretionary Permit Requirements.** Minor Use Permit and Conditional Use Permit applications and proposed land divisions shall include a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the intent of Subsections C4a and C4b and the following standards:
- a. **Exemptions from standards.** An exemption from Subsections C4a and b and Subsections C5c, d, e, and f may be granted if documentation is provided demonstrating that the proposed structures and access roads will not be visible from Highway 1 or public beaches. Such documentation shall at a minimum provide topographic and building elevations with preliminary grading and building plans.
- b. **Site disturbance.** Minimize vegetation removal, landform alterations and grading of cut and fill slopes, especially where visible from Highway 1 and public beaches. Graded areas shall blend in with adjacent terrain to achieve a natural appearance.
- c. **Location of development.** Locate development, including accessory structures, water tanks and access roads, in the least visible portion of the site as viewed from Highway 1 and public beaches, consistent with protection of other resources. Visible or partially visible development locations shall only be considered if no non-visible development locations are identified, or if such locations would be more environmentally damaging. Visible or partially visible development locations may be approved where visual effects are reduced to an insignificant level, as determined by the review authority. Use topographic features first and vegetation second to screen development from public view.
- d. **Building Visibility for Ridgetop and Other Development.** Where compliance with Subsection C4a is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the structures shall comply with the following. Other structures in visible locations shall also comply with the following.

- (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
 - (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment.
- e. **Screening.** Alternatives to the screening required by preceding standard C4b may be approved if visual effects are otherwise reduced to an insignificant level through use of topographic features or design of structures.
- f. **Land divisions.**
- (1) **Slope limitation.** Access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
 - (2) **Cluster requirement.** Land divisions and their building sites shall be clustered in accordance with Chapter 22.22 or otherwise concentrated in order to comply with preceding standards C5b and C5c.

This amendment extends the visual resource protections as seen from the coast in the vicinity of Cayucos--as proposed in the Estero Area Plan Update--to the portion of the Critical Viewshed from the Highway 1 and the coast that is in the Adelaida Planning Area. Although in a different Planning Area, the upper part of the viewshed from the coast contains ridgetops and steep hillsides that contribute greatly to the scenic backdrop and that should receive the same level of protection as the lower part of the viewshed. The proposed visual standards for the Adelaida Planning Area are similar to the proposed standards for the Highway 1 Critical Viewshed. Under this amendment, proposed residential and residential accessory structures, commercial structures,, and certain other development is subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards can be met regarding certain ridgetop development and landscape screening. Otherwise, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative methods to meet the intent of the Plot Plan standards. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

SECTION 2: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection D** to read as follows:

D. Cayucos Fringe Critical Viewshed. The following standards apply within the Cayucos Fringe Critical Viewshed (see Figure 92-2). This Critical Viewshed is established to protect a resource of public importance: views of this scenic area as seen from the public roads within this area.

This Critical Viewshed covers areas that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize this area offer scenic views that help define the rural character of this area.

1. **Slope limitation - land divisions.** Access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
2. **Special Development Standards.** The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; and communications facilities.

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- a. **Application Content.** The application submittal shall include documentation necessary to demonstrate whether or not proposed structures will be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D.
- b. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D. Where compliance with this standard is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the application may be converted to a Minor Use Permit application (if a Minor Use Permit or Conditional Use Permit is not otherwise required) after the applicant pays the difference in application fees. The Minor Use Permit or Conditional Use Permit shall be accompanied by a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the following standards:
 - (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
 - (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment.
 - (3) The required landscaping plan and visual analysis shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from any of the county-maintained roads listed in Subsection D using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.

This amendment establishes standards to protect visual resources in areas that are seen from various rural roads in an area roughly corresponding to the "Cayucos Fringe." The "Cayucos Fringe" is a large area that includes the watersheds above Cayucos, where hilly and steep terrain, ridgelines and ridgetops, and narrow valleys offer scenic views that help define the rural character of this area. The visual standards for this area are similar to, but not as comprehensive as the standards for the Highway 1 Critical Viewshed described in preceding Section 1. Under this amendment, proposed residential and residential accessory structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if the structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit (or a Conditional Use Permit, if that is already required) is needed to implement certain design and landscaping measures to reduce visual impacts. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

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SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2005, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

ATTEST:

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

[SEAL]

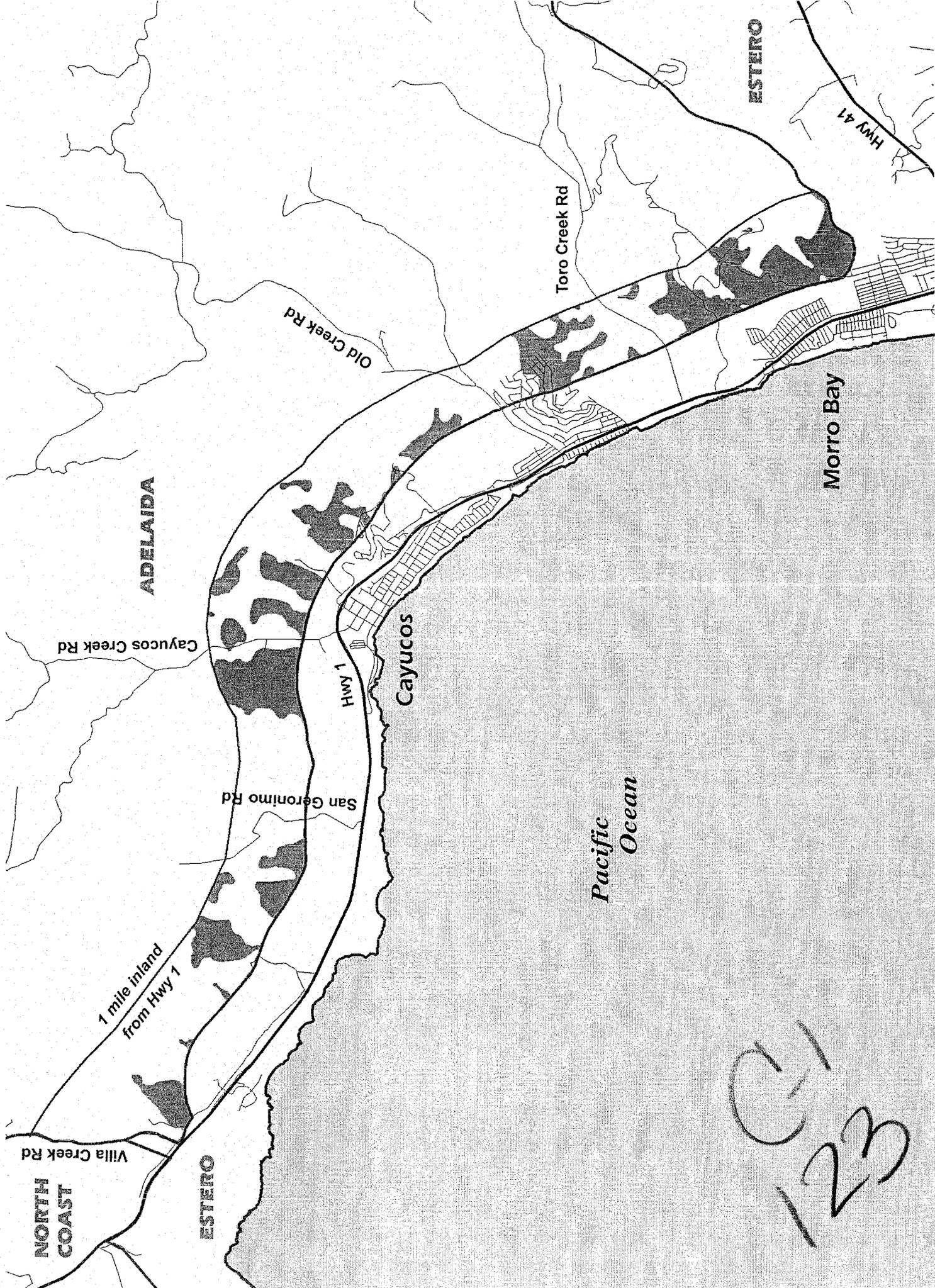
ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

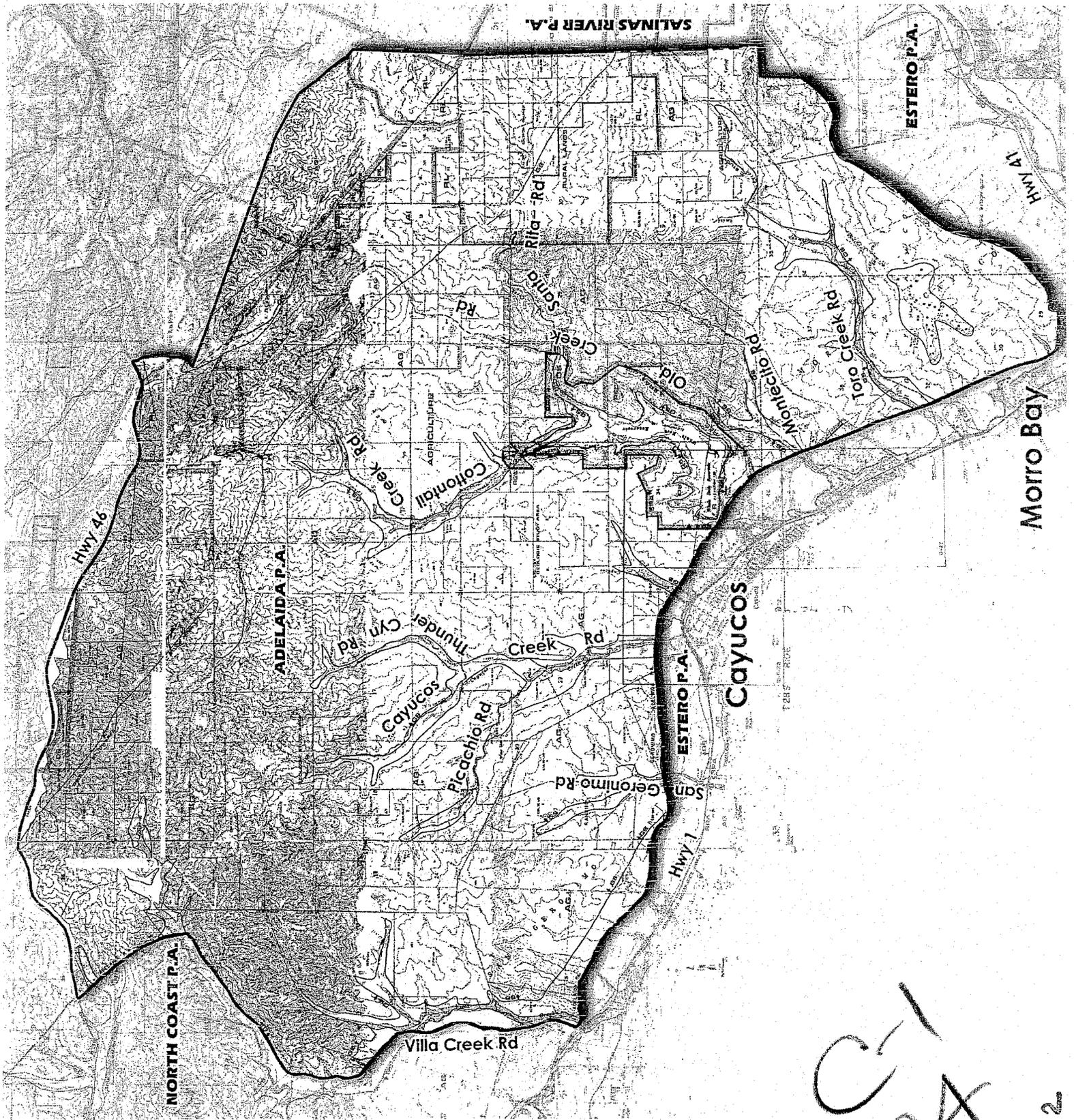
By: _____
Deputy County Counsel

Dated: _____

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Fig. 92-2

EXHIBIT B: NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (Mw)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-411

DATE: 6/2/05

PROJECT/ENTITLEMENT: County Land Use Ordinance Amendment (Adelaida visual standards), G020004N

APPLICANT NAME: County of San Luis Obispo
ADDRESS: County Government Center, San Luis Obispo, CA 93408
CONTACT PERSON: Same as applicant Telephone: 781-5600

PROPOSED USES/INTENT: Request to amend Article 9 (Title 22 of the County Code Section 22.92.020) - Areawide Standards, Adelaida Planning Area - of the County Land Use Ordinance. The proposed amendment establishes "critical viewsheds" for Highway 1 and other public vantages that affect portions of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new developments through measures such as limiting ridgetop development, screening and development in the least visible locations, and in new land divisions, clustering development on less steep slopes.

LOCATION: The proposed project is within the Agriculture, Rural Lands, Recreation and Open Space land use categories, and is located in the Adelaida Planning Area, generally between Villa Creek Road to the northwest; and Del Mar Park (Morro Bay) to the south, extending easterly approximately one mile from Highway 1.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on June 16, 2005
20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County Board of Supervisors _____ as [] Lead Agency [] Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Handwritten signature/initials

County of San Luis Obispo

Signature Project Manager Name Date Public Agency



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

Project Title & No. County of San Luis Obispo Land Use Ordinance Amendment , ED 04-411, G020004N

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Mike Wulkan
Prepared by (Print) Mike Wulkan Signature 4-15-05 Date

Steven McMASTER Reviewed by (Print) Ellen Carroll, Signature Environmental Coordinator 4/20/05 Date
(for)

Project Environmental Analysis

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

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

A. PROJECT

DESCRIPTION: Request by the County of San Luis Obispo to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest.

ASSESSOR PARCEL NUMBER(S): N/A

SUPERVISORIAL DISTRICT # 2, 1

B. EXISTING SETTING

PLANNING AREA: Adelaida, Rural

LAND USE CATEGORY: Agriculture, Rural Lands, Recreation, Open Space

COMBINING DESIGNATION(S): Geologic Study, Flood Hazard, Sensitive Resource Area
, Energy Extractive Area

EXISTING USES: Undeveloped , agricultural uses , scattered residences, tank farm

TOPOGRAPHY: Gently sloping to steeply sloping, including ridgetops and narrow valleys

VEGETATION: Grasses

PARCEL SIZE: over 38,000 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture, Rural Lands; undeveloped, agricultural uses, scattered residences	<i>East:</i> Agriculture, Rural Lands, Open Space; undeveloped, agricultural uses, scattered residences
<i>South:</i> Agriculture, Rural Lands; undeveloped, scattered residences, Cayucos, City of Morro Bay ,	<i>West:</i> Agriculture; undeveloped , agricultural uses, scattered residences

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

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

Setting. The coastal area of San Luis Obispo County is known throughout the state and nation for its beauty and diversity. The scenic and visual qualities of this area are a resource of public importance, as evidenced by designations along Highway 1 (from Highland Drive in San Luis Obispo to the northern county line) of a State Scenic Highway and more recently, the National Scenic Byway Program's "All American Road" designation.

Two "critical viewsheds" are proposed. The Highway 1 Critical Viewshed" covers areas that are generally visible from Highway 1 and vicinity within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the coastline. The "Cayucos Fringe Critical Viewshed" covers areas that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize this area offer scenic views that help define the rural character of this area.

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Impact. This amendment establishes standards to protect visual resources as seen from the coast in the vicinity of Cayucos by applying standards similar to those proposed in the Estero Area Plan Update to the inland portion of the "Highway 1 Critical Viewshed" that is in the Adelaida Planning Area. This upper part of the viewshed from Highway 1 contains ridgetops and steep hillsides that contribute greatly to the scenic backdrop. Under these standards, proposed typical residential structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards can be met. The basic standards prohibit silhouetting of structures against the sky as viewed from Highway 1 or public beaches, and require 80 percent landscape screening of structures as seen from those locations. If those standards cannot be met, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative measures to meet the intent of the Plot Plan standards. Those measures include minimizing site disturbance, locating development in the least visible portion of the site, and permanently preserving an appropriate amount of open space on areas not intended for development. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

This amendment also establishes standards to protect visual resources in areas that are seen from various rural roads in the "Cayucos Fringe." The "Cayucos Fringe" is a large area that includes the watersheds above Cayucos, where hilly and steep terrain, ridgelines and ridgetops, and narrow valleys offer scenic views that help define the rural character of this area. The visual standards for this area are similar to but not as comprehensive as the standards for the proposed "Highway 1 Critical Viewshed" described above. Under these standards, proposed typical residential structures, commercial structures, and certain other development are subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit is needed to implement specified design and landscaping measures to reduce visual impacts. As with the preceding, proposed standards for the "Highway 1 Critical Viewshed," these standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

The proposed amendment strives to preserve the unique character of these areas and strengthen protection of public viewsheds. Therefore, there will not be any significant impacts.

Mitigation/Conclusion. No mitigation measures are necessary.

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

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Setting. Close to 90 percent of the area affected by this amendment is in the Agriculture land use category. Existing uses in this generally hilly area consist primarily of scattered residences and agricultural uses--primarily grazing, avocado and citrus orchards.

As described in the NRCS Soil Survey, soil classes range primarily from Class "II" in the alluvial valley bottoms to Classes VII and VIII on the very steep, rocky outcrops.

Impact. The proposed visual standards do not apply to most agricultural activities; for example, crop production and grazing, agricultural roads, agricultural structures that require ministerial approval (or are exempt) or are 1,000 square feet and smaller. Those agricultural structures that are subject to the standards need to be located so that they do not silhouette against the sky as seen from Highway 1 or public beaches. In addition, extensive landscape screening needs to be provided to screen structures from Highway 1 or public beaches. If it is infeasible to meet those standards, alternatives are available through the discretionary land use permit. Given the large average parcel size in the area, it should be possible to locate most agricultural structures to meet these standards. Water tanks and windmills, for example, might require ridgetop locations in some cases, but would most likely be exempt from the standards due to size and lack of a discretionary permit requirement. The Agricultural Commissioner (comments attached) recommends that the proposed standards do not apply to agricultural structures that require ministerial approval (or are exempt) or to those that are 1,000 square feet and smaller. Those recommendations have been incorporated into the proposed standards. In addition, for discretionary projects within the proposed Highway 1 Critical Viewshed, this amendment requires permanent preservation of an appropriate amount of open space on areas not intended for development, which could potentially result in protection of agricultural resources on the site. For all those reasons, no significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Impact. The proposed amendment to establish visual standards for new development will not affect development potential, and will not result in the disturbance of material or generation additional vehicle trips. When future development occurs, there will be operational emissions and short-term construction emissions. Those potential emissions will be determined at the time specific development is proposed. At such time, the APCD CEQA Air Quality Handbook will be used to help determine potential impacts and appropriate mitigation measures. Therefore, no significant air quality impacts are expected to occur.

Mitigation/Conclusion. At the time of proposed development, standard construction mitigation measures for air quality would be required as needed. No mitigation measures are necessary to implement this amendment.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Setting. Several plant communities are found in the area affected by this amendment, including open grassland and coastal scrub closer to the coast, and combinations of chaparral, coast live oak woodland, foothill woodland, and grasslands at higher elevations further inland. Riparian habitats occur in the upper portions of certain watercourses such as Villa, Cayucos, Little Cayucos, and Cottontail Creeks.

Special-status plants species could occur within the area affected by this amendment, such as Dudleya, Jones' layia, Carmel Valley bush mallow, and Most beautiful jewel flower. Several special-status animal species could potentially occur: in the riparian areas, California red-legged frog, southwestern pond turtle, steelhead, and nesting Cooper's hawk, and in the grasslands, woodlands, and coastal scrub habitat, burrowing owl, American badger, and various raptors.

Impact. The proposed amendment could potentially affect biological resources to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that are potentially biologically sensitive. However, the proposed amendment includes exceptions to the prohibition on silhouetting of structures when alternative locations are more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the biological significance of alternative development locations could be evaluated, any necessary mitigation measures required, and measures to reduce the visibility of development applied. In addition, for discretionary projects within the proposed Highway 1 Critical Viewshed, this amendment requires permanent preservation of an appropriate amount of open space on areas not intended for development, which could potentially result in protection of biological resources on the site. Therefore, this amendment will not result in any significant impacts on biological resources.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The area affected by this amendment has historically been occupied by the Chumash and Salinan Native Americans. Much of the area has not been examined for archaeological resources, historic structures or paleontological resources, but they could potentially occur. Archaeological resources are more likely to occur near watercourses, and some archaeological resources have been identified in the area by site-specific reports.

Impact. The proposed amendment could potentially affect cultural resources--primarily archaeological resources--to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that are potentially culturally sensitive. This situation would be more likely when alternative development locations are in proximity to watercourses. However, the proposed amendment includes exceptions to the prohibition on visible ridgetop development when alternative locations are more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the cultural significance of alternative development locations could be evaluated, any necessary mitigation measures required, and measures to reduce the visibility of development applied. In addition, for discretionary projects within the proposed Highway 1 Critical Viewshed, this amendment requires permanent preservation of an appropriate amount of open space on areas not intended for development, which could potentially result in protection of cultural resources on the site. Therefore, this amendment will not result in any significant impacts on cultural resources.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the area affected by the proposed amendment ranges from nearly level to very steeply sloping. Most of the area is within the Geologic Study Area combining designation. The landslide risk potential ranges from low to very high. The liquefaction potential during a ground-shaking event ranges from low in most of the area to high in and around certain creeks. Potentially active faulting has been identified within the area. The project is within a known area containing serpentine or ultramafic rock or soils.



Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per LUO section 22.14.070 (c) to evaluate the area's geological stability relating to the proposed use.

DRAINAGE – The project area contains several major drainage systems and a number of smaller tributaries to these drainages; the creeks generally originate in the Santa Lucia Range and flow west, discharging into the Pacific Ocean. The area affected by the proposed amendment includes several portions of creeks within the 100-year Flood Hazard designation, such as the upper reaches of Villa, Cayucos, Little Cayucos, and Cottontail Creeks. In addition, parts of the eastern bank of Whale Rock Reservoir are subject to flooding associated with 100-year storage in the reservoir.

For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION - The soil types are variable, ranging from alluvial soils in valley bottoms to rocky outcrops on steeply sloping terrain.

As described in the NRCS Soil Survey, soil surfaces are variable, with most soils ranging from moderate to high erodibility, and moderate to high shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

Impact. The proposed amendment could potentially affect geology, drainage and sedimentation/erosion to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that have potentially greater concerns regarding geology, drainage and sedimentation/erosion. However, the proposed amendment includes exceptions to the prohibition on visible ridgetop development when alternative locations are more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the potential impacts of alternative development locations could be evaluated, any necessary mitigation measures required, and measures to reduce the visibility of development applied. Therefore, this amendment will not result in any significant impacts on geology and soils.

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed.

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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

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

Setting. The area affected by the proposed amendment is not located in an area of known hazardous material contamination, but on individual properties; for example; the former Chevron oil tank farm, contamination could be a concern. The project area includes areas within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The proposed visual standards do not propose or affect the use of hazardous materials. The visual standards do not affect or present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:

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

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Setting. The area affected by the proposed amendment is not within close proximity to loud noise sources. Noise conflicts with sensitive noise receptors (e.g., residences) are not expected to occur.

Impact. The proposed visual standards do not relate to noise concerns, and will not generate loud noise, expose additional areas to significant stationary or transportation-related noise sources, or result in conflicts with surrounding uses. Therefore, no significant noise impacts are expected to occur.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The proposed visual standards will affect the location and design of proposed development on particular parcels, but will not affect development potential. Therefore, this amendment will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

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10. PUBLIC SERVICES/UTILITIES -
Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The area affected by the proposed amendment is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is located in Cayucos. The closest Sheriff substation is in Los Osos. The area of the proposed amendment is located in the Cayucos Elementary, San Luis Coastal, Templeton Unified, and Coast Unified School Districts.

Impact. The proposed visual standards will affect the location and design of proposed development on particular parcels, but will not affect the types or density of land uses. No additional development will result from this proposed amendment. The direct and cumulative impacts of future development will be within the scope of the general assumptions of allowable uses within the project area that were used to estimate the fees in place. Therefore, the amendment will not result in significant impacts to utilities or public services.

Mitigation/Conclusion. The proposed amendment will not result in additional development potential, and therefore will not result in significant impacts to utilities or public services. For future development, public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address direct and cumulative impacts, and will reduce those impacts to less than significant levels.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Setting. The *County Trails Plan* shows two potential trails within the area affected by this amendment: a trail from Templeton to Whale Rock Reservoir, and a trail around Whale Rock Reservoir. Proposed development within the area affected by the proposed amendment is not likely to affect those potential trails, which would be primarily located either along the Santa Rita Road right-of-way--a County road--or on publicly owned property. In addition, proposed development within the project area will not affect any park or other recreational resource.

For proposed land divisions within the area affected by this amendment, prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed visual standards will not result in additional development potential, and therefore will not create a significant need for additional park or recreational resources. The proposed standards will not affect existing or planned trails, parks or other recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Setting. Future development within the area affected by the proposed amendment will access onto the following public road(s): Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, Toro Creek Road, and Highway 46. All of preceding roads are considered local roads, except for Old Creek and Santa Rita Roads, which are collector roads, and Highway 46, an arterial road. Except for Highway 46, the preceding roads are rural roads that carry relatively low traffic volumes in a sparsely populated area.

Impact. The proposed visual standards would not result in additional development potential, and will therefore not increase vehicle trips or reduce levels of service on existing public roadways.

The proposed amendment could potentially affect road access to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that have potentially greater access and safety concerns. However, the proposed amendment includes exceptions to the prohibition on silhouetting of structures when alternative locations are infeasible or more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the potential impacts of alternative development locations could be evaluated, and any necessary mitigation measures required to address potential access concerns. Therefore, the proposed amendment will not result in limited or unsafe access or unsafe conditions on roads, or conflict with adopted policies.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Soil types within the project area are variable, so limitations for on-site wastewater systems might relate to poor filtering characteristics, slow percolation steep slopes, shallow depth to bedrock, floods, and wetness. These limitations are summarized as follows:

Poor Filtering Characteristics – due to the very permeable soil; without special engineering, larger separations will be required between the leach lines and the groundwater basin to provide adequate filtering of the effluent; to achieve compliance with the Central Coast Basin Plan, depth to groundwater information will need to be provided at the building permit stage.

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for

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the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent “daylighting” to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Wetness or High Groundwater – this characteristic occurs when the soil is frequently in a saturated condition, which could be due to several possible factors, such as high groundwater or a low-lying area that is being regularly fed by a water source. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g., high groundwater, etc.) that contains soil does not remain in a saturated condition for any length of time. Otherwise, special engineering will be required to provide this separation. Prior to building permit approval, it must be shown to the satisfaction of the County that future leach lines of a new septic system show that at least a five foot separation will exist between the bottom of the trench and the top of the high groundwater area. An engineered system may be required to achieve Basin Plan criteria.

Flooding – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

Impact. The proposed visual standards will not result in any specific development or in additional development potential, and will therefore not directly affect wastewater systems or water quality.

The proposed amendment could potentially affect wastewater systems to the extent that development that is precluded from visible ridgetops might need to be relocated to other, steeper, less visible locations on a particular site that have potentially greater concerns with regard to locating septic systems. However, the proposed amendment includes exceptions to the prohibition on silhouetting of structures when alternative locations are infeasible or more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the potential impacts of alternative development locations could be evaluated, and any necessary mitigation measures required in order to address potential access concerns. In addition, future development will be required to meet standard ordinance and other requirements for septic systems. Therefore, the proposed amendment will not have an impact on wastewater systems or water quality.

Mitigation/Conclusion. No significant wastewater or water quality impacts were identified, and no mitigation measures are necessary. Future development will be required to meet standard ordinance and other requirements for septic systems. Leach lines will need to be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to issuance of building permits, septic systems will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

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14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The area affected by the proposed amendment primarily overlies the Villa, Cayucos and Toro Creek groundwater basins. Future development within the area would generally use on-site wells as the water source. According to the December 2003 Final Environmental Impact Report prepared for the Estero Area Plan update, the Villa, Cayucos and Toro Creek groundwater basins have a safe annual yield well in excess of projected future water demand.

The topography of the project area ranges from nearly level to very steeply sloping. The project area contains several major drainage systems and a number of smaller tributaries to these drainages; the creeks generally originate in the Santa Lucia Range and flow west, discharging into the Pacific Ocean. As described in the NRCS Soil Survey, most of the soil surfaces are considered to have moderate to high erodibility.

Impact. The proposed visual standards will not result in any specific development or in additional development potential, and will not affect water use, water demand, or water quality.

Mitigation/Conclusion. No potentially significant water quantity or quality impacts were identified, so no specific measures above standard requirements have been determined necessary. For future development, standard drainage and erosion control measures will be required and will provide sufficient measures to adequately protect surface water quality.

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15. LAND USE - <i>Will the project:</i>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed amendment was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County General Plan; refer also to Exhibit A on reference documents used). Referrals were sent to outside agencies to review for policy consistencies (e.g., Agricultural Commissioner for the *Agriculture and Open Space Element*, CDF for Fire Code).

The proposed amendment is consistent with Framework for Planning, Part I of the Land Use Element; in particular the General Goals to maintain and protect a pleasant environment, and to encourage protection of agricultural land. In addition, the amendment is consistent with the Guidelines for Amendments to the Land Use Ordinance, which include principles that development respect physical site constraints and be compatible with adjacent land uses.

The *Agriculture and Open Space Element* is the part of the County General Plan that is most applicable to this proposed amendment; in particular, the first goal, AG1. This goal includes provisions to not require permits for agricultural practices and improvements that are currently exempt, and to maintain the required level of permit processing for non-exempt projects at the lowest possible level, consistent with protection of agricultural resources and sensitive habitat. In order to be consistent with those provisions, the proposed visual standards--which apply within an area that is almost entirely within the Agriculture land use category--have been drafted so that they do not apply to agricultural and agricultural accessory structures that normally require ministerial approval or are exempt (or are 1,000 square feet in area or smaller). Without such an exemption, implementation of the proposed visual standards would require elevating permit levels for many agricultural structures in contradiction to AG1. The proposed visual standards have been drafted to be consistent with AG1, as recommended in attached comments from the Agricultural Commissioner

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The *Agriculture and Open Space Element* also includes policies that apply to scenic corridors (AGP 30, OSP 24, and OSP 25). However, those policies are not fully applicable to the proposed visual standards, which primarily target ridgetop development, but do not establish other standards within a defined corridor adjacent to roadways as is typical for a scenic corridor. The scenic corridor policies identify certain roads that should be studied to determine whether and where scenic corridors should be established, but with the exception of Highway 1, none of the roads listed in this proposed amendment are specified in the *Agriculture and Open Space Element* policies. In addition, implementation of those policies is intended to apply to discretionary development only, whereas these proposed visual standards apply to certain ministerial development as well (but not to agricultural structures that are exempt or require ministerial approval). However, the proposed visual standards are consistent with the intent of the scenic corridor policies to not interfere with agricultural uses on private lands, to be compatible with agricultural operations, and to balance protection of scenic resources with protection of agricultural resources and facilities.

The area affected by the proposed amendment is not within or adjacent to a Habitat Conservation Plan area. The proposed standards will not affect the types of uses that are allowable, only potential their design and location; therefore there will be no conflict with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. The amendment, as proposed, is not inconsistent with applicable plans and policies; therefore, no additional measures above what will already be required were determined to be necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	In File**
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Cayucos Citizens Advisory Council</u>	None
<input checked="" type="checkbox"/>	Other <u>Farm Bureau, Ag Liaison Committee</u>	None

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|---|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County documents</u> <input type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input type="checkbox"/> Real Property Division Ordinance <input checked="" type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Estero Area Plan and Update EIR <input type="checkbox"/> Circulation Study <u>Other documents</u> <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
|---|--|

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Estero Area Plan, Board of Supervisors-Approved Plan, November 2004: Coastal Zone Land Use Ordinance Amendments

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EXHIBIT C: CORRESPONDENCE

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Cayucos

CITIZENS ADVISORY COUNCIL

P.O. BOX 781 • CAYUCOS, CA 93430

May 8, 2005

Mike Wulkan, Senior Planner
Dept. of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Mike:

On Wednesday, May 4, 2005, the CCAC met to discuss under Old Business of its agenda, the proposed County-initiated Land Use Ordinance Amendment: Adelaida Visual Standards; G020004N. After much discussion a consensus was reached to approve the document, with a motion for a minor modification.

That motion was moved and seconded to approve the entire document, but with the following changes under

Section 1: Chapter 22.92, under C, item 2 Applicability and

Section 2: Chapter 22.92, under D, item 2 Special Developments Standards

That each should state:

"The following standards apply to the following uses and activities; residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and . . . required by Land Use Ordinance to have a land use permit."

Both should reflect the same wording for consistency
[motion was to remove strike throughs as noted above]

A roll call vote was taken, and the motion was approved by a vote of 9 ayes/2 nays.

Should you have any other concerns regarding this please feel free to call or email. It is our understanding that this proposal should soon be moving forward for public hearings for the County Planning Commission and Board of Supervisors. Please keep the council informed of these scheduled hearings. We thank you for the opportunity to review and comment on the document.

Thank you


E J Carnegie
President

995-3659

ecarnegi@calpoly.edu



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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: March 17, 2005
TO: Mike Wulkan, Senior Planner
FROM: Lynda L. Auchinachie, Agriculture Department *JA*
SUBJECT: Adelaida Visual Planning Area Standard LUO Amendment (0823)

Thank you for the opportunity to comment on the proposed Adelaida Visual Planning Area Standards.

The Agriculture and Open Space Element outlines goals and policies to preserve and protect agricultural resources and operations. One of the goals identified to support county agricultural production (AGP1) states the following:

“Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats.”

The proposed permit requirements for agricultural and agricultural accessory structures appear to be inconsistent with this goal as these structures are typically exempt from the land use process. For this reason, the Agriculture Department does not support the proposed new permitting requirements.

If you have any questions, please call 781-5914.

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