COMMUNITY ADVISORY COUNCIL TRAINING MANUAL

COMMUNITY ADVISORY COMMITTEE
TRAINING MANUAL

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THE BASIS FOR PLANNING

THE BASIS FOR PLANNING

One of the duties assigned to Community Advisory Councils is the responsibility to review general plan and development projects that are proposed in their community. Therefore, it is very important that the members both know and understand planning and land use policy and law. This section explains the definition and purpose of planning, and some important aspects of planning.

What is Planning?

Planning can be defined as the process by which public agencies, mostly cities and counties, determine the intensity and distribution of various land uses in a community. Good planning should be both reactive and pro-active.

- Planning can be done on an urban, suburban, rural or regional scale.
- Planning also involves a political and public decision making process.
- Plans and policy documents are designed to guide future development towards a specified goal or goals.

Why Plan?

The legal basis for all planning regulations is the power of the local government to protect the public health, safety and welfare of its residents. Planning is important for:

- Identifying community issues
- Predicting future demand for services
- Establishing goals and policies for directing and managing growth
- Regulating land use in a manner that encourages and supports orderly development and the beneficial use of land
- Protecting and enhancing significant natural, historic, archeological and scenic resources.

The Authority for Planning in California

The "Planning, Zoning and Development Laws" (Government Code sections 65000 et seq.) lay out the legal basis for the state's interest in planning.

Each city and county must have a legislative body and a planning agency. The legislative body for San Luis Obispo County is the Board of Supervisors. The Board of Supervisors is responsible for the planning and provision of services related to public needs and the requirements of state and federal laws. There are five elected Board of Supervisor members. Each member is elected for a four year term. Two of the terms are staggered so that all Board members are not standing for election at the same time. As the elected representatives of the people of San Luis Obispo County, the Board of Supervisors establishes overall county priorities and set policy. The Board appoints members of the community to sit on the Planning Commission and establishes the duties assigned to the Department of Planning and Building staff.

Some Important Aspects of Planning

Local government decisions or actions can be divided into three categories:

1. Legislative
2. Quasi Judicial (Discretionary)
3. Ministerial

Legislative Actions

Legislative actions establish rules, policies, or standards of general applicability and are political in nature. They tend to deliver a public purpose and make provision for the ways and means of implementation. Legislative acts are subject to the California Environmental Quality Act (CEQA) and become binding only after they have been approved by the Board of Supervisors. These types of acts are also subject to citizen initiative and referendum, which means that they can be voted on as measures placed on a ballot.

Some examples of legislative acts are:

- the adoption of an amendment to a general plan element or a specific plan
- zoning or re-zoning decisions
- incorporation or annexation decisions
- adoption of rules and regulations

Quasi-Judicial Actions

Quasi-judicial (discretionary) actions are decisions that apply legislative policy to individual development projects. Quasi-judicial actions merely interpret, rather than set, policies and involve some discretion on the part of the local government. The Hearing Officer's, Subdivision Review Board's or Planning Commission's actions are legally binding. The decision, however, can be appealed to the Board of Supervisors. Quasi-judicial acts are also subject to review under CEQA.

Some examples of quasi-judicial acts are:

- action on a variance from the ordinance
- action on a tentative land division map
- action on a land use permit or land use permit/local coastal development permit

Ministerial Actions

Ministerial acts are actions on which the local government has no discretion. If the project meets specific standards, it must be approved. The standards are typically set through the approval of a discretionary project or through the adoption of an ordinance. These types of decisions are usually made by the staff of the Department of Planning and Building. Ministerial acts are typically not subject to CEQA, however there are instances where these acts are projects as defined by CEQA.

Some examples of ministerial acts are:

- approval of a final land division map that substantially conforms to the tentative map
- issuance of a building permit for a development that is consistent with the applicable zoning and building codes
- implementation by a local agency or administrator of non-discretionary (not quasi-judicial) duties imposed by ordinance or statute

THE GENERAL PLAN

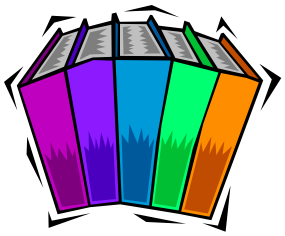
THE GENERAL PLAN

California Planning Law requires the adoption of a comprehensive plan (Government Code section 65300):

"Each planning agency shall prepare, and the legislative body of each county and city shall adopt, a comprehensive, long-term general plan for the physical development of the county of city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning"

A comprehensive plan is a Master Plan or General Plan which represents the community's view of its future. It is a constitution for development consisting of goals and policies upon which decision-makers base all their land use and planning decisions. The adoption of a general plan is subject to CEQA.

Required Elements of General Plan



State law requires that every general plan must contain the following components or "elements":

Land Use - The Land Use Element designates the general location and intensity of housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other land uses.

Conservation - The Conservation Element addresses the conservation, development and use of natural resources, including water, forests, soils, rivers, and mineral deposits.

Noise - The Noise Element identifies and appraises noise problems within the community and forms the basis for distributing new noise-sensitive land uses.

Circulation - The Circulation Element identifies the general location and extent of existing and proposed major roads, transportation routes, terminals, and public utilities and facilities. It must be correlated closely with the Land Use Element.

Open Space - The Open Space Element details plans and measures for preserving open space for natural resources, outdoor recreation, public health and safety, and the identification of agricultural land.

Safety - The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood and wildfire hazards.

Housing - The Housing Element is a comprehensive assessment of current and projected housing needs for all economic segments of the community and region. It sets forth local housing policies, and programs to implement those policies.

Optional Elements of the General Plan

Government Code section 65303 provides for additional or optional elements of a general plan. These elements may address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county.

The County of San Luis Obispo has adopted seven optional elements:

> ***Recreation -*** The Recreation Plan is an optional element of the general plan designed to preserve and protect the county's existing and proposed recreation resources. This element is under revision to become the Parks and Recreation Element. Once adopted, this element will combine, update and replace the existing Recreation Plan, the Parks and Recreation Master Plan and the Trails Plan.
>
> ***Historic & Esthetic -*** The Historic and Esthetic Elements are part of the County's Environment Plan. The goal of the Historic Element is the preservation of sites, buildings and areas that are of historical significance in the county. The Esthetic Element deals with aesthetic conservation by addressing primarily noise, odor and visual pollution. It supplements the Noise Element and also provides a basis for regulations that help prevent visual deterioration of scenic areas.
>
> ***Energy -*** The Energy Element was developed to enhance public awareness of energy efficiency and conservation. It is an educational document with policies which will be implemented through discretionary approvals of development projects. It supplements the Conservation Element.
>
> ***Offshore Energy -*** The Offshore Energy Element was developed to enhance public awareness and participation in decisions regarding offshore oil and gas activities and related onshore facilities. It is an educational document that provides a summary of county policy and direction regarding development of off-shore petroleum resources.
>
> ***Economic -*** The Economic Element was adopted to establish a commitment to economic vitality, to set priorities for types and locations of desirable economic development and to identify strategies for retaining existing businesses and attracting new ones that provide employment for county residents. The Economic Element's main goal is to recognize the importance of economic activity in enabling the residents to find employment and pursue the lifestyles they value.'
>
> ***Agriculture -*** The Agriculture Element is part of the County's Agriculture and Open Space Element. It provides strategies for maintaining productive agriculture in the county. It contains policies and measures for managed production of resources, use of agriculture land for both agriculture itself and related uses and identification of agricultural land.

Amending and Updating the General Plan

Before any portion of the general plan can be changed, a thorough review of the requested change must be completed. Amending the general plan is an important decision. The process is governed by state law that requires each amendment request be evaluated by the local planning agency and the legislative body (the Planning Commission and the Board of Supervisors) at public hearings before a decision is made. In the Coastal Zone, amendments must also be approved by the California Coastal Commission.

State law limits the Board of Supervisors' consideration of requested general plan amendments to four times each year (three times in the Coastal Zone). The county schedules consideration of general plan amendments three times during the year (typically spring, summer and winter), reserving the fourth hearing for unexpected needs.

Any part of the general plan can be changed through the amendment process. This includes, land use categories or combining designations (the county's equivalent to zoning) shown on the Official Maps, or any portion of the plan's text. Most amendments that are requested are to the County's Land Use Element, however, any of the adopted elements can be amended. Amendments can be at the request of an individual property owner, a community, department staff or the Board of Supervisors.

What Is Considered When Amending the General Plan

A general plan amendment is carefully reviewed to determine how it relates to the specific site and affects its neighborhood and community (which may include the entire county). The decision-makers want to be sure that any development allowed as a result of the general plan amendment will "fit in" with the surrounding area and support adopted community goals. The following are evaluated as part of any decision to amend the general plan:

Relationship to community planning goals regarding orderly growth. The potential effects of the proposed change on how and where a community will grow will be carefully reviewed. A proposed change that furthers community planning goals is more likely to be approved than one that hinders them. The two most significant community planning goals are:

- To fully develop vacant or under-used land within existing community boundaries before expanding them for new development (this is called "in-fill " development); and

- To avoid "leapfrog" growth, which is an inefficient and expensive form of development. It is more efficient to develop land that is within, or adjacent to, an area where improved roads, water and sewer lines and police fire protection already are provided.

Relationship to surrounding land uses. If the proposed change would result in different uses being allowed, it is important that those new uses be compatible with the uses on neighboring properties. For example, if the proposed change would allow an auto dismantler in a residential neighborhood, the request is unlikely to be supported.

Relative size of the change. An amendment that would result in “spot zoning” where a relatively small area located within a much larger one would be designated for a different land use, may be difficult to justify when such a change would grant a special privilege to only one or a few property owner(s).

Land capability and service availability. Will the land proposed for change be able to support the types of development that could be allowed by the amendment, if approved? Several items are considered as that question is explored, including the area’s topography, available services, existing streets and the presence of sensitive environmental resources.

Relationship to other general plan elements. Most general plan amendments are requests to change a site’s land use category (zoning) as shown on the Official Maps contained in the Land Use Element. These requests must remain consistent with all the other elements that comprise the general plan. To maintain consistency, other elements of the general plan may require amendment at the same time as the requested amendment to the Land Use Element.

Environmental impacts. The potential environmental impacts of a proposed change (i.e.: traffic, biological, archeological, water, visual, etc) will be carefully reviewed. Significant impacts will need to be mitigated through revision of the request or application of standards.

THE COASTAL ACT & LOCAL COASTAL PLANS

THE COASTAL ACT AND LOCAL COASTAL PLANS

Coastal Act

The California Coastal Act was adopted in 1976 (California Public Resources Code Section 30000 et. seq.). This code was established as a result of a citizen's initiative, Proposition 20, that was approved by the voters of California in 1972. This Act created a unique partnership between the State (acting through the California Coastal Commission) and local government to manage the conservation and development of coastal resource through a comprehensive planning and regulatory system.

The California Coastal Commission has the authority to regulate land use in the coastal zone. The coastal zone is a defined mapped area running generally along the coastal areas of the state. The Commission has 12 voting members and 4 non-voting members. Six of the voting members are "public members," and six are local elected officials who come from specific coastal districts. All voting members are appointed either by the Governor, Senate Rules Committee, or the Speaker of the Assembly. Each appoints four commissioners: two public members and two elected officials. Each Commissioner may appoint an alternate to serve in his or her absence. The Secretaries of the Resource Agency, the Business and Transportation Agency, the Trade and Commerce Agency and the Chair of the State Lands Commission serve as non-voting members and may appoint a designee to serve in their place. Coastal Commission staff that focus on San Luis Obispo County work out of the Santa Cruz office of the California Coastal Commission.

Local Coastal Plans

Under the California Coastal Act, local governments are required to create Local Coastal Plans (LCPs) that govern decisions that determine the short and long term conservation and use of coastal resources. LCPs identify the location, type, densities and other regulations for future development along the coast. Each LCP includes a land use plan and its implementing measures (e.g. zoning ordinances). Together they comprise a local government's Local Coastal Program.

The California Coastal Act requires coastal cities and counties to incorporate the following policies into their LCPs:

> The protection and expansion of public access to the shoreline and recreational opportunities and resources; including commercial visitor-serving facilities.
>
> The protection, enhancement and restoration of environmentally sensitive habitats, including intertidal and nearshore waters, wetlands, and bays.
>
> The protection of productive agricultural lands, commercial fisheries and archeological resources.
>
> The protection of the scenic beauty of coastal landscapes and seascapes.
>
> The establishment, to the extent possible, of urban-rural boundaries and directing new housing and other development into areas with adequate services to avoid wasteful urban sprawl and leapfrog development.

The provision for the expansion, in an environmentally sound manner, of existing industrial ports and electricity-generating powerplants, as well as for the siting of coastal-dependent industrial uses.

The protection against loss of life and property from coastal hazards.

When the Local Coastal Program is complete and certified by the California Coastal Commission, development permit authority, for the most part, is returned to the local government. For most areas, the permits that are issued by the local government are submitted to the Commission for review to determine if the local government is following its LCP.

Appeals

Some local land use decisions may be appealed to the California Coastal Commission and are overruled by the Commission if they are found to be contrary to the local government's LCP or the Coastal Act.

The County of San Luis Obispo's Local Coastal Program is made of the following:

- Land Use Element and Local Coastal Plan
  - Coastal Framework for Planning
  - Coastal Area Plans
- Coastal Plan Policies
- Coastal Zone Land Use Ordinance (Title 23 of the County Code)
- Official Maps

IMPLEMENTATION OF THE GENERAL PLAN

IMPLEMENTATION OF THE GENERAL PLAN

The General Plan is implemented by Specific Plans, Zoning Ordinances, and Subdivision Ordinances.

Specific Plans

Specific Plans are often used by cites and counties to plan the future of particular areas at a finer level of detail than that provided by the general plan. Specific plans implement the general plan, and in some cities and counties take the place of zoning. All zoning and public works decisions must be in accordance with the general plan.

Specific plans must:

- Describe allowable land uses
- Identify open space
- Detail infrastructure availability
- Detail financing for that portion of the community covered by the plan
- Establish development and design standards
- Are subject to review under the California Environmental Quality Act

The county has a number of adopted specific plans:

Avila Beach Specific Plan
Blacklake Specific Plan
Lake Nacimiento Resort Specific Plan
Los Ranchos/Edna Specific Plan
Oceano Specific Plan
Woodlands Specific Plan

Zoning Ordinances

A zoning ordinance is the local law that typically details the allowable uses and development standards for each piece of property within the community. The County's zoning ordinances are called the Land Use Ordinance and the Coastal Zone Land Use Ordinance (Titles 22 and 23 of the County Code respectively).

Zoning ordinances describe the requirements for setbacks, special uses, and permit review and approval procedures.

Zoning ordinances must:

- Be consistent with the general plan and any applicable specific plan
- Further the objectives and policies of the general plan
- Not obstruct the attainment of the general plan's objectives and policies

- Not be so vague or uncertain that a person of common intelligence and understanding must guess as to its meaning
- Be subject to initiative and referendum (voted on as a measure on a ballot)
- Serve to protect the public health, safety and welfare
- Are subject to review under the California Environmental Quality Act

Amendments to the Zoning Ordinances

The Zoning Ordinance can be changed after a thorough review of the requested change. Local ordinance requires that each amendment request be evaluated by the local planning agency and the legislative body (the Planning Commission and the Board of Supervisors) at public hearings before a decision is made. In the Coastal Zone, amendments must also be approved by the California Coastal Commission.

Any change to the Zoning Ordinance must be consistent with the general plan. Zoning Ordinance amendments can include changes to regulations that affect a permitted use, adding allowable uses in a particular category and modification of special planning area standards (in the Coastal Zone, adding uses and modifying planning area standards require the processing of a general plan amendment). Amendments can be at the request of an individual property owner, a community, department staff or the Board of Supervisors.

Subdivision Ordinances

The "Subdivision Map Act" (Government Code Sections 66410 et. seq.) is the California State law that governs the division of land. A land division or subdivision is defined by the State Subdivision Map Act as:

"….the division of land, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future."

Proposals to divide property in the county need to be filed with either a "tentative parcel map" or a "tentative tract map" application. Generally, a parcel map is required when the division creates fewer than five parcels. A tract map is required when five or more parcels will be created. Parcel maps and tract maps require environmental review under the provision of the California Environmental Quality Act.

In general, land cannot be subdivided in California without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances based on the state Subdivision Map Act. The county's local ordinance is called the Real Property Division Ordinance (Title 21 of the County Code). The general plan, and the zoning, subdivision and other ordinances, govern the design of the subdivision, the size of its lots, and the types of improvements that will be required as conditions of approval.

Lots within the subdivision cannot be sold and are not legal divisions of land until a final map has been recorded. The subdivider has at least two years (with extensions, the map can be good for a number of years more) in which to comply with the improvement requirements, environmental conditions, and other conditions of approval. Compliance with all the conditions applied to the map allows the final map to record.

Tentative maps. The tentative map must show how the property will be split up and the exact location of the lot lines. The local government will look at the design of the subdivision to ensure that it meets the requirements of the general plan and the subdivision ordinance. An environmental impact analysis must be done and an advertised public hearing held before a tentative map is considered for approval. If approved, the map is subject to conditions that the subdivider must meet within a specific time period. At this stage, while conditions remain to be met, no lots have been officially approved, and no lots can be sold.

Final maps. When all of the conditions set for the approved tentative map have been satisfied, and compliance certified by county officials, the Board of Supervisors must approve a final map. Unlike a tentative map, which can be denied if it does not meet county standards, the final map must be approved (with some exceptions) if it substantially complies with the previously approved tentative map. Once approved, the map is recorded at the County Recorder's Office.

Other Land Divisions. There are also a number of other related applications. These include "lot line adjustments," "public lots," "certificate of compliance," and "voluntary mergers."

> Lot Line Adjustment - A lot line adjustment is a modification of the boundary between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. For example, if neighboring property owners want to move a lot line that interferes with a barn or fence, a lot line adjustment is used.
>
> Public Lot - A public lot is a request by a public agency to waive the requirement for filing a parcel map. It is used when land is conveyed to or from a governmental agency, public entity or public utility.
>
> Certificate of Compliance - A certificate of compliance is a determination by the county that your parcel is a legally created parcel which complied with provisions of the Subdivision Map Act and county ordinances in effect when it was created. If the county determines that the parcel was not created legally, a Conditional Certificate of Compliance will be issued. The certificate requires compliance with conditions that would apply to the land division if it was completed legally.
>
> Voluntary Merger - A voluntary merger is used to combine two or more contiguous parcels under common ownership into a single parcel. All owners of record for the property need to agree to and sign the voluntary merger. For example, a voluntary merger is used when your house straddles a lot line, and you own both lots.

Findings that must be made to approve Land Divisions

The Review Authority must make the following findings when approving a tentative map or parcel map (Government Code section 66474):

- The proposed map is consistent with applicable county general and specific plans.
- The proposed map is consistent with the county zoning and subdivision ordinances.
- The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans.
- The site is physically suitable for the type of development proposed.
- The site is physically suitable for the proposed density of the development proposed.
- The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA), Government Code Section 21000 et. seq. was enacted in 1970 by the California Legislature as a system of checks and balances for land use, development, and management decisions. CEQA places environmental review and protection requirements on projects which need approval by public agencies. CEQA requires that public agencies examine the environmental costs and benefits of proposals which have the potential to change the physical environment. Public agencies and private project applicants alike are urged to redesign projects or to create alteratives, whenever possible, which reduce or eliminate potential negative environmental effects.

CEQA requires that a project's physical changes to the environment must be fully assessed, described and disclosed to the public. The public's right to learn about issues, and to voice environmental concerns during the governmental decision-making process, is affirmed through CEQA.

The purpose of CEQA is to disclose to decision makers and the public the significant environmental effects of proposed activities, identify ways to avoid or reduce environmental damage, prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures, disclose to the public reasons for agency approval of projects with significant environmental effects, and foster interagency coordination in the review of projects.

CEQA is California's primary environmental review and protection law. CEQA requires all public agencies to give major consideration to preventing negative environmental effects while providing a satisfying living environment for every Californian.

Environmental Review

Environmental review is the evaluation process that CEQA requires public agencies to conduct before taking action to approve a project. Environmental review is a set of procedures used to identify a project's potential impacts, develop ways to reduce those impacts, and report the results of the analysis to the public.

CEQA contains processing time requirements. An agency has 30 days to check the application and let an applicant know if additional information is required. After a project has been determined to be complete, a Negative Declaration should be completed within six months and an Environmental Impact Report (EIR) should be completed within one year. Time limits may be extended with the agreement of the applicant.

Applicability of CEQA

CEQA is applied to projects that require discretionary approval by a governmental agency. A discretionary approval requires the use of judgment or subjective criteria on the part of approver. For example, a project that requires a public hearing in front of the Planning Commission, where the Planning Commission takes an action to approve or deny, is a discretionary project. CEQA defines a project as a discretionary proposal that might result in physical changes to the environment. Some examples of projects under CEQA are land use permits, land divisions and general plan or ordinance amendments. Both public (proposed by a governmental entity) and private (proposed by a landowner, applicant, or developer) are treated the same way by CEQA. Any project is subject to environmental review under CEQA.

CEQA does not apply to non-discretionary (ministerial) projects. A ministerial approval simply involves a comparison of a project with specific standards. A building permit (which is simply reviewed against building codes) is a ministerial project.

The most basic steps of the environmental review process are:

1. Determine if the activity is a “project” subject to CEQA;

2. Determine if the "project" is “exempt” from CEQA - This means that there are no impacts associated with a project based on its size and scope (as defined by CEQA);

3. Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:

Negative Declaration (ND) - This means that the proposed project would produce no significant environmental impacts but does not fall into one of the defined exemptions.

Mitigated ND - This means that the proposed project would produce no significant environmental impacts if certain conditions (mitigations) are met. These conditions need to be agreed upon by the applicant and staff in order for the project to move forward for approval. If an agreement cannot be reached, the project cannot be approved and may be placed on an agenda with a recommendation for denial.

Environmental Impact Report (EIR) - This means the project has the potential to produce significant environmental impacts. The EIR thoroughly analyzes those potential environmental impacts and recommends specific mitigation measures designed to address each impact. When an EIR is recommended by staff, an applicant may request that the Board of Supervisors decide whether or not to require an EIR.

Environmental Determinations

Categorical Exemptions - CEQA permits an exemption from environmental review requirements, of certain types of projects which are not expected to damage the environment. There are specific categories that are set forth in CEQA that if a project falls into one of those categories, it can be determined to be categorically exempt from CEQA.

The Initial Study - If a project is not exempt from CEQA, an Initial Study is completed. An Initial Study is an analysis of a project intended to: (1) provide information; (2) enable an agency to identify methods for changing a project with the intent of eliminating or reducing (mitigating) substantial environmental damage; (3) assist in the preparation of EIRs by identifying the environmental damages upon which an EIR should focus; (4) identify possible appropriate mitigation measures; and (5) ensure that all potential areas of environmental damage are identified. Initial Study preparers will generally complete an Initial Study Checklist as part of the Initial Study process. The Initial Study Checklist includes categories of potential physical damage, such as air quality and noise impacts, and provides a summary of potential environmental impacts of the project.

Negative Declaration or Mitigated Negative Declaration - The term “Negative Declaration” is often misunderstood. A Negative Declaration is simply a statement that a project will not create significant environmental harm. A Mitigated Negative Declaration is a statement that environmental damage has been mitigated to a less-then-significant level. A Negative Declaration or a Mitigated Negative Declaration is issued after an Initial Study has been prepared showing that there will be no significant environmental impacts as a result of the project.

Environmental Impact Report - When an Initial Study indicates that a project has the potential to significantly damage the environment, CEQA requires than an Environmental Impact Report (EIR) be prepared. An EIR is an informational document to be used by the public and by decision-makers when making choices about projects. In an EIR, significant environmental damages (also called effects or impacts) are identified; methods (mitigation measures) for reducing or avoiding damage are identified; and project alternatives are developed which seek to reduce or avoid adverse environmental effects.

Significant and Cumulative Impacts

The term "significant impact" means substantial adverse damage to the physical environment. Sometimes, significant impacts are identified which can be eliminated or significantly reduced using various strategies. In these cases, impact reduction strategies (mitigation measures) will be recommended rather than stating that expected damage is potentially significant. If significant impacts are expected, an Environmental Impact Report (EIR) will be required. During that process, damage will be assessed and quantified so that scientifically based findings of significant impact can be accurately reported.

Cumulative impacts represent the sum of many smaller impacts from many different project proposals. For example, a project site might be located in an area which has poor drainage. An agency may know that every time it approves a construction project site, runoff will increase downstream flood potential to some degree. The project's impacts become significant when added to those caused by many others in the project area. Examples of cumulative impacts include air and water pollution and traffic problems.

Mitigation Measures

A mitigation measure is a strategy taken to reduce or eliminate a project's expected environmental damage (i.e. no oak trees may be removed). Sometimes, mitigation measures are designed to repair, restore or rehabilitate a damaged area (i.e. all illegal fill will be removed from the floodplain and natural vegetation restored). Others may provide compensation for losses by providing substitute resources or environments (i.e. trees will be planted off-site to replace those removed during construction).

Mitigation Monitoring

To make sure that mitigation plans are effective, CEQA requires that agencies verify completion of mitigation measures. Agencies prepare and adopt mitigation monitoring plans which ensure that agency staff checks to make sure that mitigation measures are done correctly. When all mitigation requirements have been completed, and it can be assured that the mitigation will be successful, the mitigation monitoring plan is concluded.

Public Notice and Review

Public hearings are not specifically required under CEQA. San Luis Obispo County has adopted procedures which require a public hearing for Final EIRs. In addition, County hearing bodies accept testimony on the environmental review, as well as the project itself, when project hearings take place.

Public notice and review are CEQA requirements. The public review period for Negative Declarations is 20 to 30 days depending upon the project. The review period for an EIR ranges from 30 to 90 days, again, depending upon project characteristics. Public review is considered an important part of the CEQA process. Anyone can and is encouraged to comment upon the adequacy of environmental review.

THE COUNTY'S UNIQUE SYSTEM

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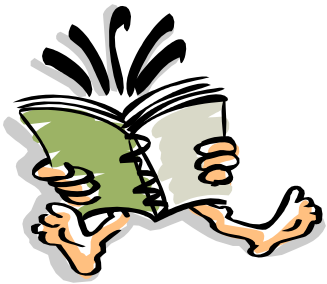


The Land Use Element and Land Use Ordinance

This is your guide to the county Land Use Element (LUE) and Land Use Ordinance (LUO), and how they each affect land development and building projects in the unincorporated areas of the county. It is divided into two sections: an introduction which explains how county regulations apply to land use, and step-by-step instructions for using the LUE/LUO system.

Land Development in the County

Understanding the county's land use regulations is important to anyone who is considering a development project, large or small, anywhere in the unincorporated area (those parts of the county that are not within official city limits) of San Luis Obispo county. Land use regulations provide guidelines and standards for many important aspects of community development, including:

- how and where communities grow;
- how a particular property can be used;
- the permit procedures and regulations that must be followed to develop a site.

There are four documents that contain these regulations:

1. The Land Use Element (LUE) - Inland and Coastal**
2. The Land Use Ordinance (LUO) - Inland and Coastal**
3. The Real Property Division Ordinance
4. The Building and Construction Ordinance.

**The Coastal Zone refers to property located along California's coastline created by the California Coastal Act enacted in 1976 by the California Legislature.

Land Use Element (LUE)

All land is included in one of 13 land use categories (zoning) that are established in the Land Use Element

The 13 land use categories are:

AG - Agriculture
RL - Rural Lands
RR - Residential Rural
RS - Residential Suburban
RSF - Residential Single Family
RMF - Residential Multi-Family
PF - Public Facilities
CR - Commercial Retail
O & P - Office & Professional
CS - Commercial Service
IND - Industrial
REC - Recreation
OS - Open Space

The LUE also describes “combining designations”, or overlay categories that identify those areas where unusual or dangerous conditions exist. For example, floodplains, fault zones, airport approaches, or other conditions may require additional consideration when development is planned for a particular site. Combining designations are applied in addition to a particular land use category.

The nine combining designations are:

AR - Airport Review	H - Historic Site
EX - Energy/Extractive Area	EX1 - Extractive Resource Area
GSA - Geologic Study Area	SRA - Sensitive Resource Area
FH - Flood Hazard	TDCS - TDC -Sending Site
TRCR - TDC Receiving Site	

Three components of the LUE:

1. The Official Maps
2. Framework for Planning
3. The Area Plans

…..are used to determine the type and scope of development.

The fourth:

4. Coastal Plan Policies

…..is an additional set of policies only used for development within the Coastal Zone.

The **Official Maps** illustrate the official and exact location of land use categories and combining designations.

The **Framework for Planning**:

- defines planning goals
- provides a comprehensive overview of land use policies
- designates the intensity and distribution of public and private land uses including,
- housing, commercial, industry, education and public facilities
- sets guidelines for general plan amendments

The **Coastal Zone Framework for Planning**:

- contains all of the above and also includes “Coastal Table O”, a listing of the land uses allowed within each land use category.

There are 15 different **Area Plans**, each providing land use policies, programs and unofficial maps detailing land use categories and combining designations, that apply to a specific geographical area.

The 15 Area Plans are:

- Adelaida
- El Pomar-Estrella
- Estero
- Huasna-Lopez
- Las Pilitas
- Los Padres
- Nacimiento
- North Coast
- Salinas River
- San Luis Bay
- San Luis Bay (Coastal)
- San Luis Obispo
- Shandon-Carrizo
- South County
- South County (Coastal)

The Coastal Zone Area Plans contain ***planning area standards***, that reflect unique development considerations for a particular area.

Land Use Ordinance (LUO)

The reason that you are unlikely to see a concrete batch plant next to your house is because of the regulations contained in the LUO. The LUO describes where different land uses can be established through Table 2-2 (the allowable use table) in the Inland areas of the county (those areas outside of the Coastal Zone). Table 2-2 is a listing of the land uses allowed within each land use category.

The LUO also lists the standards (requirements) and the permit procedures for land development, including features of site design such as minimum parcel size, required width of yards (setbacks), allowed building heights, number and design of off-street parking spaces, and standards for grading, drainage, curb and gutter improvements and tree removal.

The LUO also includes inland ***planning area standards***, that reflect unique development considerations for a particular area.

Coastal Zone Land Use Ordinance (CZLUO)

The CZLUO does not contain the allowable use table nor the planning area standards as these are found in Coastal Framework for Planning and the Coastal Area Plans. It does contain all the other sections that the LUO contains.

Real Property Division Ordinance (Title 21)

Standards and procedures for dividing land, lot line adjustments and certificates of compliance are contained in Title 21. This guide does not include instructions for using this document. For more information on land divisions, please refer to the information bulletin “Guide to Land Divisions.”

Building and Construction Ordinance (Title 19)

Technical code requirements for building construction are contained within Title 19, in conjunction with the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, etc. This guide does not include instructions for using this ordinance and the various codes. For more information on building and construction, please refer to the information bulletin "Guide to Construction Permits."

Permits

The Department of Planning and Building issues two permit types. Construction Permits and Land Use Permits.

Construction Permits

Construction permits are required so the county can ensure new structures are safe and built to county standards. They include building, grading, electrical, plumbing and mechanical permits.

In most instances, a construction permit is not an application that the Community Advisory Council will review since this stage is ministerial (if the application meets legal requirements, we ***must*** issue a permit) and there is no referral or consultation process with the Advisory Council. If a hearing has previously been required because the project required a land use permit or a land division and the Council has participated, you may want to request that your liaison provides status checks on the progress of the related building permits. In addition, construction plans are available for public review.

Land Use Permits

There are four kinds of land use permits:

- Plot Plan
- Site Plan Review (Inland only)
- Minor Use Permit
- Conditional Use Permit (Inland only) / Development Plan (Coastal Zone only)

Plot Plan approval, required for simple development projects, is given by the Planning Director through the planning department staff.

Site Plan Review approval, required to review more project details, such as landscaping or signage, is given by the Planning Director through the department staff.

Minor Use Permit approval, required for projects that may have the potential to cause neighborhood concerns, is given by the Hearing Officer (the Planning Director or his designee).

Development Plan or Conditional Use Permit approval, required for larger projects or other land uses that may have the potential to affect the neighborhood or community, is granted by the Planning Commission.

Plot Plan and Site Plan decisions are appealable to the Planning Commission. Minor Use Permit, Conditional Use Permit and Development Plan decisions are appealable to the Board of Supervisors.

In addition there are other types of approvals that are associated with land use including:

Variance, a request by an applicant who wants relief from specific standards that can only be waived or modified through finding the property different from all other property in the area.

Waivers and Adjustments are used to waive or modify ordinance standards as provided in the ordinances.

What are the steps in the process?

Pre Application Meeting - A meeting with staff and staff from other departments to initially review the proposed development of the property

File Application - Submittal of the application materials that are required or identified as needed. During the first 10 days after application submittal, a copy of the project is referred to applicable agencies including the Community Advisory Council in the area.

Completeness Determination - Within 30 days of submittal (as required by state law), staff completes the initial review of the project. The site is viewed and a letter sent to the applicant requesting additional information if needed.

Application Accepted - Once the application is complete, a letter formally accepting the application is sent. This action starts the time clock for processing.

Environmental Review - The application will be subject to an environmental review to determine if significant environmental impacts could result for the proposed project.

Public Notice - This step provides a notice to the newspaper and to properties within a minimum of 300 feet from the boundaries of the project. This notice must be in the newspaper a minimum of 10 to 30 days before the hearing depending upon the type of environmental review.

Staff Report to the Decision-Maker - A report is prepared by Department staff that documents all the policies, facts and recommendations from other agencies (including the Community Advisory Councils) that led to the recommendation on the project. This will include the environmental determination, findings for the decision and the recommended conditions of approval.

Decision - The Review Authority (Staff, Hearing Officer, Subdivision Review Board, or Planning Commission) considers all the information that is provided at the hearing including the staff report, information the applicant provides, and comments from the public, the Community Advisory Council and individual community members.

Appeal - Decisions on land use and associated permits may be appealed. A new public hearing will be held by the applicable hearing body.

How long does the process take?

Processing times vary depending upon the site, and the complexity and environmental impacts associated with the project.

In most cases, from the time an application is submitted, a land use permit that requires a public hearing takes approximately 4 to 8 months to process. A Plot Plan is generally approved simultaneously with the construction permit. A Site Plan takes about two to six months. A land division application that requires a public hearing takes approximately six to ten months to process. A lot line adjustment takes about four to seven months.

How do Community Advisory Councils participate?

There are several points at which the Community Advisory Council can participate in the process, including:

Before the application is submitted. The Planning Department often tells applicants as part of pre-application meetings to go to the Community Advisory Council in the area before the project is submitted. This is often a way to get early input, even before a project has completed its design and can most easily be changed based on comments from the community. This is a voluntary process and may not occur on all projects.

Application referral - During the first review of the application, the department sends a project referral to the Community Advisory Council for the area. This is a good time to try to work with the applicant to see if they can modify the project to meet the concerns of the community.

Environmental Review - The environmental review is looking at potential impacts that could occur from the project. The Community Advisory Council can submit comments or information that you want the department to consider during this stage of project review. You can also submit comments on the proposed environmental documents (such as the Negative Declaration) or appeal the determination that was made using the “Request for Review” procedure.

Public Hearing - During the public hearing that occurs before the decision-makers, the Community Advisory Council can submit additional letters on the project. If these are received prior to the staff report being completed, they will be included in the staff report. In addition, members of the Community Advisory Council can attend and participate in the public hearing.

Appeal - If the Community Advisory Council does not agree with the decision, you can appeal most decisions to the Board of Supervisors.

WHAT IS THE LUE / LUO?

WHAT IS THE LUE/LUO?

The Land Use Element and Land Use Ordinance include a number of components.

Official Maps
The first determination you should make is what land use category is applied to your property. You do this by looking at the official maps, which show the precise location of land use categories. Each area plan contains unofficial maps, but only the official maps provide the detailed and official designation of property.

Planning Area Standards
The official maps also define which of the 15 planning areas your property is in. The last chapter of each Coastal Area Plan and Article 9 in the Inland Land Use Ordinance contains standards that can restrict uses, set land use permit levels, and provide design and development standards. Area Plan standards always override the standards and land use permit levels in the LUO or CZLUO.

Table 2-2 / Table O
Chapter 22.06 of the Land Use Ordinance contains “Table 2-2" and Chapter 6 of the Coastal Framework for Planning contains “Table O”. These tables list the allowable uses in each land use category and contains detailed definitions and descriptions of these uses.

Combining Designations
The official maps also define which, if any, combing designations apply to your property. Chapter 22.14 of the LUO and Chapter 7 of the CZLUO includes “combining designation standards” which can set land use permit levels and provide additional design and development standards. These standards are applied in addition to LUO and coastal area plan planning area standards. In cases where the provisions of these chapters conflict with other chapters of the LUO/CZLUO, the combining designation standards prevail. Where planning area standards conflict with the provisions of Chapter 22.14 of the LUO and Chapter 7 of the CZLUO, the planning area standards prevail.

Special Use Standards
Article 4 of the LUO and Chapter 8 of the CZLUO includes “special use standards” which can limit specific uses, set land use permit levels (in the CZLUO only) and provide additional design and development standards. These standards are applied in addition to other standards in the LUO/CZLUO and planning area standards. In cases where the “special use standards” conflict with other chapters (except the combining designation standards) of the LUO/CZLUO, the “special use standards” prevail. Where planning area standards conflict with the “special use standards”, the planning area standards prevail.

Table 2-3 / Table 3-A
Chapter 22.08 of the LUO contains Table 2-3 and Chapter 3 of the LUO contains Table 3-A. If a land use permit level has not been set by planning area standard, combining designation standards or special use standards, the tables will set the land use permit level.

Site Design and Development Standards
Articles 3 and 5 of the LUO and Chapters 4, 5 and 6 of the CZLUO contain site design, development and operational standards. They are minimum standards which should not be used as a “cookbook” for development design.

Required Information
Article 6 of the LUO and Chapter 2 of the CZLUO contains the minimum application submittal requirements. For some applications, additional information not specified in the ordinances may be required. A pre-application meeting can determine what additional information is needed.

Non-Conforming Uses
Chapter 22.72 of the LUO and Chapter 9 of the CZLUO contains standards and definitions for non-conforming uses. These regulations allow what is typically called “grand-fathered” uses.

Enforcement
Chapter 22.74 of the LUO and Chapter 10 of the CZLUO contains the enforcement provisions used when violations of the land use regulations of the county occur.

Definitions
Article 8 of the LUO and Chapter 11 of the CZLUO are where you will find definitions for most land use terms. In the LUO this also includes definitions of specific land uses. In the Coastal Zone, the definitions of specific land uses are found in Chapter 6 of the Coastal Framework for Planning.

INLAND - STEP-BY-STEP GUIDE TO USING THE LUE AND LUO

These 6 steps should be followed to determine what you can do on your property:

1. Study the official maps.
2. Read the planning area standards in Article 9 of the LUO.
3. Read Table 2-2 and any applicable special use standards in the LUO.
4. Read any applicable combining designation standards in the LUO.
5. Determine the site design and development standards of the LUO.
6. Prepare the application.

These steps may or may not apply to a specific project. Skip the steps that do not apply. Be sure to keep complete notes for easy reference. If questions arise that are not explained by this guide, call the Planning and Building Department at (805) 781-5600 or make an appointment with a planning staff member.

STEP 1 -

Study the Maps

This is where you find which land use category and combining designations apply to your property.

Any parcel and its land use category can be found on the official maps, which should always be consulted when considering a development proposal.

Without checking the official maps, there are two less accurate ways of determining the land use category and combining designations that apply to your property.

You can either use the unofficial report maps included in each area plan, or call the zone phone at (805) 781-1087, which will provide the land use category and combining designations (if any) that apply to your parcel. You will need to input your assessor parcel number on your touch tone phone.

✔ Make a note of the land use category and combining designations (if any) that apply to your site.

STEP 2 -

Read the Standards

You will need to know if there are any special standards that apply to your parcel because of its specific location.

There may be special requirements that apply to new development in certain communities or other distinct areas of the county. They are listed in the Article 9 and are organized by planning area alphabetically.

Standards are requirements that are mandatory for a development proposal to satisfy. They can include special setbacks and permit requirements, as well as other improvements that will be required when a site is developed. Standards can also limit certain land uses in areas where they would otherwise be allowed. Planning area standards may be more restrictive than the requirements of the LUO. When they differ, the planning area standards override other standards in the LUO.

✔ As you read the standards, make a note of any that apply to your site.

STEP 3 -

Read Table 2-2

Table 2-2 in the Land Use Ordinance lists the different land uses allowed in each of the 13 land use categories and the permit level required to establish those uses.

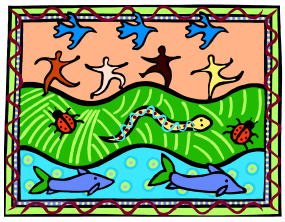
On the chart, a blank space means the use is not allowed. An "A1" indicates it is allowed subject to the land use permit required by 22.06.030 (Table 2-3), an "A2" indicates that it is allowed subject to the land use permit required by the specific use standards (Article 4), a "P" indicates that it is a permitted use and a Zoning Clearance is required, an "SP" indicates that it is a permitted use and a Site Plan Review is required, a "MUP" indicates that it is a permitted use and a Minor Use Permit is required, and a "CUP" indicates it is a permitted use and a Conditional Use Permit is required. Make sure you check the notes where referenced in the Table as they could provide additional limitations.

✔ Note whether the use is allowable and the permit level. Also note the applicable standards in Article 4 that apply.

Can't find your use?

When your project does not exactly match a use listed in Table 2-2, check the definitions in Article 8. Pick one or more uses that are similar to the proposed use, and look them up in the definitions. The definitions list more details about the range of activities for each land use on the table.

STEP 4 -



Check the Combining Designations

Look in Chapter 22.14, "Combining Designations" of the LUO for the section heading that is the same as the combining designation that applies to your site.

Chapter 22.14 contains requirements that apply only to sites covered by a combining designation. These requirements apply in addition to any standards of the area plans and other requirements of the LUO.

There may also be planning area standards that apply to a combining designation, so check Article 9 for any additional planning area standards that may affect your site.

✔ Note any special standards in Chapter 22.14 or in Article 9 that apply because of the combining designation.

STEP 5 -

Site Design and Development Standards

To find any specific requirements for site design, development and operational standards for various uses, look in Article 3 and Article 5 of the LUO.

These chapters divide the standards into different categories, such as minimum parcel size, minimum site area, density, tree removal, fire safety, noise standards, etc. Keep in mind that planning area standards may supersede any of these standards.

✔ Note any design and development standards that apply to your project.

STEP 6 -

Prepare your Application

Article 6 of the LUO describes the procedures and application content requirements for Business Licenses, Zoning Clearances, Plot Plans, Site Plan Reviews, Minor Use Permits, and Conditional Use Permits.

Application packages are available from the Planning and Building Department and on the Department Web Page.

When a project involves multiple uses, a single land use permit application may be used. The required permit would be the highest permit required for any of the individual uses.

If your project involves multiple application types (for example, a land division and minor use permit), they may be processed concurrently and would be reviewed only by the highest Review Authority for the application type. For instance, a minor use permit with a tract map would both be heard and acted on by the Planning Commission, which reviews tract maps, not the Administrative Hearing Officer, who reviews Minor Use Permits.

COASTAL ZONE - STEP-BY-STEP GUIDE TO USING THE LUE AND LUO

These 7 steps should be followed to determine what you can do on your property:

1. Study the official maps.
2. Read the planning area standards.
3. Read Table O in Coastal Framework for Planning and any applicable special use standards in the CZLUO.
4. Read any applicable combining designation standards in the CZLUO.
5. Determine the site design and development standards of the CZLUO.
6. Determine the land use permit level.
7. Prepare the application.

These steps may or may not apply to a specific project. Skip the steps that do not apply. Be sure to keep complete notes for easy reference. If questions arise that are not explained by this guide, call the Planning and Building Department at (805) 781-5600 or make an appointment with a planning staff member.

STEP 1 -

Study the Maps

This is where you find which land use category and combining designations apply to your property.

Any parcel and its land use category can be found on the official maps, which should always be consulted when considering a development proposal.

Without checking the official maps, there are two less accurate ways of determining the land use category and combining designations that apply to your property.

You can either use the unofficial report maps included in each area plan, or call the zone phone at (805) 781-1087, which will provide the land use category and combining designations (if any) that apply to your parcel. You will need to input your assessor parcel number on your touch tone phone.

✔ Make a note of the land use category and combining designations (if any) that apply to your site.

STEP 2 -

Read the Standards

You will need to know if there are any special standards that apply to your parcel because of its specific location.

There may be special requirements that apply to new development in certain communities or other distinct areas of the coastal zone portions of the county. They are listed in the chapter entitled “Planning Area Standards,” which is the last chapter of each coastal Area Plan.

Standards are requirements that are mandatory for a development proposal to satisfy. They can include special setbacks and permit requirements, as well as other improvements that will be required when a site is developed. Standards can also limit certain land uses in areas where they would otherwise be allowed. Planning area standards may be more restrictive than the requirements of the CZLUO. When they differ, the planning area standards override those in the CZLUO.

✔ As you read the standards, make a note of any that apply to your site.

STEP 3 -

Read Table O

Coastal Table O in Coastal Framework for Planning lists the different land uses allowed in each of the 13 land use categories.

On the chart, a blank space means the use is not allowed. An "A" indicates it is allowed and an "S" means it is a special use, allowed only after meeting special standards in the CZLUO. The number following an "S" and the key at the end of the chart refers to the section in the CZLUO that discusses the special standards. A "P" means that it is a principally permitted use and should be encouraged over non-principally permitted uses, but not over agriculture or coastal dependent uses. (Note - if a use is an "S" use it is considered appealable to the California Coastal Commission

The chart heading entitled "definition of use on page," refers to the page in Framework for Planning that will provide the definition for the land use identified.

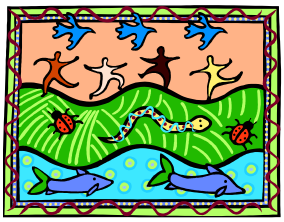
For example, if the proposed use were a convenience store, it would be found in the "Retail Trade" section of the chart as "Food & Beverage Retail Sales". If the land use category was Residential Multi-Family, the chart notes that it is an S-10 use. This refers you to Section 23.08.200 in the CZLUO that lists special requirements for retail trade establishments and special standards for convenience stores.

✔ Note whether the use is allowable. If it is a special "S" use, write down the applicable section of Chapter 22.08 of the CZLUO and note any special standards in Chapter 8 that apply.

Can't find your use?

When your project does not exactly match a use listed in Coastal Table O, pick one or more uses that are similar to the proposed use, and look them up in the definitions section following Table O. The definitions provide more details about the range of activities for each land use listed on the chart.

STEP 4 -



Check the Combining Designations

Look in Chapter 7, "Combining Designations" of the CZLUO for the section heading that is the same as the combining designation that applies to your site.

Chapter 7 contains requirements that apply only to sites covered by a combining designation. These requirements apply in addition to any standards of the area plans and other requirements of the CZLUO.

There may also be planning area standards that apply to a combining designation, so check the area plan standards for any additional standards that may affect your site.

✔ Note any special standards in Chapter 7 or in the coastal Area Plan that apply because of the combining designation.

STEP 5 -

Site Design and Development Standards
To find any specific requirements for site design, development and operational standards for various uses, look in Chapters 4, 5, and 6 of the CZLUO.

These chapters divide the standards into different categories, such as minimum parcel size, minimum site area, density, tree removal, fire safety, noise standards, etc. Keep in mind that planning area standards may supersede any of these standards.

✔ Note any design and development standards that apply to your project.

STEP 6 -

What Level of Permit is Required?
Land use permit requirements for most projects are listed in Table 3-A in Chapter 3 of the CZLUO.

Chapter 3 also contains a list of uses and projects that are exempt from permit requirements. If a land use permit is required and the type of permit has not been set through planning area standards or Chapters 7 or 8 of the CZLUO, use Table 3-A to determine the permit level.

✔ Note the type of land use permit your proposed use must have.

STEP 7 -

Prepare your Application
Chapter 2 of the CZLUO describes the procedures and application content requirements for Business Licenses, Zoning Clearances, Plot Plans, Site Plans, Minor Use Permits, and Development Plans.

Application packages are available from the Planning and Building Department and are on the Department Web Page.

When a project involves multiple uses, a single land use permit application may be used. The required permit would be the highest permit required for any of the individual uses.

If your project involves multiple application types (for example, a land division and minor use permit), they may be processed concurrently and would be reviewed only by the highest Review Authority for the application type. For instance, a minor use permit with a tract map would both be heard and acted on by the Planning Commission, which reviews tract maps, not the Administrative Hearing Officer, who reviews Minor Use Permits

COMMUNITY ADVISORY COUNCILS & PARTICIPATION IN THE PLANNING PROCESS

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Community Advisory Councils play a unique role in the land use planning process. They serve as the eyes and ears of the community. They help highlight issues that are emerging in the community. They provide an opportunity for members of the local community to have their voice heard. This is a serious responsibility because it requires an open ear to hear from all segments of the community. All perspectives must be considered when the community makes recommendations about the future of the community.

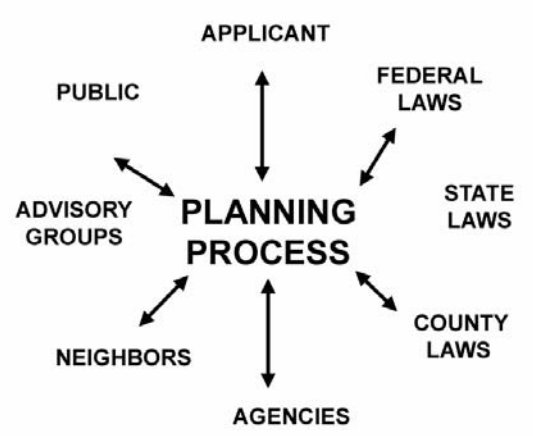
But saying all this, the Community Advisory Councils are as the name implies, advisory. They do not make the final decisions on plans or projects. This can often be very frustrating to the citizens who take their time to sit on a Community Advisory Council and who may feel that the decision made on a general plan or specific project did not carry out the recommendation from the community.

How Are Decisions Really Made?

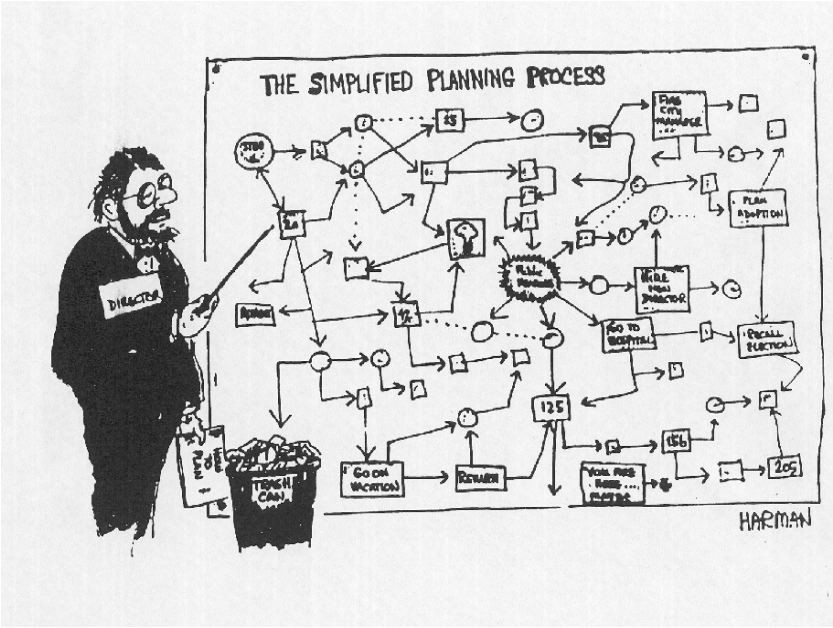
Decisions about planning for the future are made by several different bodies including the :

- ✔ Board of Supervisors
- ✔ Subdivision Review Board
- ✔ Planning Commission
- ✔ Hearing Officer

When a Board, Commission, or Hearing Officer make a decision, they hear from a variety of agencies on a wide variety of subjects, and they hear the recommendation of the Community Advisory Council. The chart illustrates the complexity of this task. To be successful, all the parts have to be working together to accomplish the task of planning, and it is a never-ending circle.



Sometimes this process can seem pretty confusing or overwhelming but perhaps a simple flow chart would help to explain the process.



If this has not made everything clear, let's consider other ways of explaining how to participate in the planning process.

Referrals from County Planning and Building Department

Comments from the Community Advisory Council are requested through the referral process. Community Advisory Councils are kept informed about plans and projects that are under review through two types of referrals:

General Plans/Specific Plans, Amendments and Ordinances - For community-wide general plans, specific plans and ordinances, the Board of Supervisors requires a 60 day review period before the public hearing at the Planning Commission and if the Planning Commission makes substantial changes to the document, again between the time of the Planning Commission hearing and the Board of Supervisors hearing.

Subdivision and Development Projects - For a proposed development (such as a subdivision or shopping center project), the project is referred to the Community Advisory Council within the first 10 days after application submittal.

Purpose of the Referral

The purpose of referrals is to get feedback from other agencies, departments, service providers and advisory councils about a particular plan or project. For the agencies and service providers (such as water companies), we request that they provide us information within 14 days. They can inform the planning department that additional information is needed in order to complete review of the project or make comments that the planner will incorporate into the staff report.

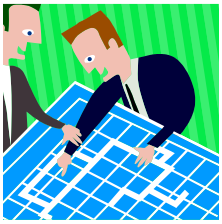
We know that Community Advisory Councils need more time for their review. In order to provide as much time as possible for community review, we send a special referral form to Community Advisory Councils. The assigned planner may identify specific issues or questions that the Community Advisory Council might want to focus upon. It is very important for the Community Advisory Council to provide information to the Department about the project such as; what design modifications should occur, is the proposal compatible with the existing development in the area, is the proposal consistent with the vision or goals of the community, and what does the community like about the proposal?.

You should also indicate on the referral form that you have no comments on the project, that comments are attached in a separate memo or letter, or that comments will be submitted at a later date. It is important that some written communication with the Department occurs as the decision-makers want to know that the project has been reviewed by the community and what comments the community had regarding the project. It is important that you provide written materials, even if only to make "no comment".

Referral for subdivisions and development projects will include copies of the following:

- ✔ Referral cover sheet
- ✔ Application forms
- ✔ Site Plan (8 ½ "x 11") that shows the project layout
- ✔ Architectural elevations and floor plans (reductions) or subdivision map
- ✔ Land use category map
- ✔ Other items that may be appropriate.

How to Review a Plan or Project



What happens when the Community Advisory Council receives a referral? Each Community Advisory Council needs to evaluate the significance of the issues and design a system that works best to get community input. On major issues such as development of a community plan, specific plan and ordinances, the Community Advisory Council, in conjunction with the Planning Department, may want to hold community workshops. In addition to these meetings, the Community Advisory Council may want to take a formal position that would be sent to the decision-makers as a recommendation.

There are several ways that a Community Advisory Council may consider specific development proposals. Community Advisory Councils are encouraged to establish procedures for the review of projects. The following are the common examples.

1. **Minor Projects** - Some projects may be so small that they do not require review by the entire Community Advisory Council. The project referral form should be returned to the department by the Chair or by a sub-committee indicating that there is "No Comment" on the project.

2. **Subcommittees** - Some Community Advisory Councils have formed a land use subcommittee to review all projects and develop recommendations on what should be considered by the entire Council. These subcommittees may determine that some projects raise no issues and require no comment. The subcommittee may recommend that other projects be reviewed by the full Council.

3. **Community Advisory Council Review** - Some communities place all projects on the agenda and take action on each project. In each case, the action of the Community Advisory Council should be reflected on the referral form or in a letter or memo that describes the action of the Council.

To ensure that everyone in the community is aware of when a plan or project is being considered, the Community Advisory Council agenda should list the plans or projects that will be discussed. It is also important to let the applicant for a project know that their application is being reviewed. They will want an opportunity to tell the community about their project and to listen to the comments of the community. In addition, you will want to hear from any person from the community who wants to comment on the project before the Council makes a decision on the project. By providing an opportunity for comment, the applicant and department staff can consider possible changes to the project.

Your comments can be presented to the decision-makers in various forms, such as:

- ✔ General Comments and Concerns - These types of comments are aimed at identifying things that the community likes or dislikes about the project or plan, things they would like to see changed, conditions that they want to see required for the project if it is approved. Since the project may go through some changes based on the environmental and staff review, the comments from the Community Advisory Council can be a great help to the department staff and the applicant in looking for things that could be changed in the project to make it acceptable and resolve the concerns of the community.

- ✔ Specific formal recommendation to approve or deny a project and the conditions you would like to see on the project to address community concerns. You may want to take this type of action later in the process when any changes recommended earlier in the process have been made to the project. **It is particularly important that the decision-makers understand what the basis was for the Council to come to any recommendation. You will want to include what the Council used as reasons for coming to a particular conclusion and you may want to say what the vote was on the project.**

To assist the Community Advisory Councils, the department provides a referral recommendation form that will help the advisory council pull together their comments. If the form is completed, it is sent to the decision-makers with the staff report.

In addition, some Community Advisory Councils provide a way for each member of the audience to share any comments they may have about a project. You may want to have copies of the form provided to members who attend the meeting. Or you may want to develop your own form to forward specific comments from attendees to the decision-makers. Having the attendees directly participate through written correspondence is a good way for everyone from the community, not just Community Advisory Council members, to participate in the process.

What is Considered in the Decision on a Project?

When the decision-makers are reviewing a proposed project, a number of key factors must be considered including:

- ✔ Consistency with the General Plan and/or Specific Plan for the area
- ✔ Requirements of county ordinances
- ✔ State and federal status, case law and the constitution
- ✔ Subdivision Map Act and local rules for dividing property
- ✔ Available resources to serve the project
- ✔ Environmental Impacts of the project
- ✔ Surrounding development within the area
- ✔ Public Comments (including the comments received from Community Advisory Councils)

These are all factors that the Community Advisory Council should also consider when reviewing a project as well. When providing comments, you may want to tie your comments to these factors that must be considered so that the decision-makers clearly understand how you have addressed these issues. This is why the training program is being developed so that the Council will have more information on the issues that decision-makers use in making decisions.

Council Comments

The Community Advisory Council will see a wide variety of projects including:

General Plans/Specific Plans
These are the long-range plans that guide the development of the community and surrounding rural areas. They set the goals and "vision" of the community. These are the plans that will be used to review projects that will be submitted to the county.

General Plan Amendments
These are requests to change the long-range plan for the community and may be proposed by the county, the community, or individual property owners. When the Community Advisory Council reviews these types of projects, it must make sure that the change will help to achieve the goals and "visions" that are found in the long-range plan and that they will avoid making piecemeal changes for one particular property that will change the direction of the plan for the entire community.

Land Use Permits
These are several types of applications that are submitted for permits to use a particular property. These are called land use permits and the types of land use permits that may be referred to the Community Advisory Council include Site Plans, Minor Use Permits, Development Plans and Conditional Use Permits. In reviewing these projects, the Community

Advisory Council will want to look at whether the project is helping to achieve the goals and "vision" as set out in the general plan. The council will want to identify if they feel the project will be an asset to the community and whether it will fit in the character of the community. There are different areas that have been set aside for different types of development by the general plan and this will determine what types of uses and standards may apply to a property. The council can also comment if you believe there will be impacts that will result if the project is approved. These may include service impacts, such as impacts to water, schools, or traffic, or impacts to the environment, such as impact to air quality, loss of vegetation or animals, etc.

Subdivisions or Land Divisions

These are applications that propose to increase the number of parcels or lots that exist on a property. This can range from a relatively simple two-way division of the property to a very large multi-lot project or planned development. Each will have different impacts depending upon the location of the project. Similar to the Land Use Permits, the Community Advisory Council will want to look at whether the subdivision is helping to achieve the goals and "vision" as set out in the general plan. The council may want to identify if they feel the project will be an asset to the community and whether it will fit in to the surrounding community character. It is important that you recognize that there are different areas that have been set aside for different size parcels and that projects will come in all shapes and sizes. The council can also identify if they believe there will be impacts that will result if the project is approved. These may include service impacts, such as impacts to water, schools, or traffic, or impacts to the environment, such as impacts to air quality, loss of vegetation or animals, etc.

Variance

A Variance is a request to grant an exemption from strict compliance with the regulations on the property. A Variance may only be granted in specific cases where regulations would deprive property of the uses enjoyed by similarly zoned lands. A Variance may not be granted to permit a use that would not otherwise be allowed in that zone, such as an industrial building in a residential zone. When the council is considering a Variance, it should understand the specific requirement that the applicant is asking to be varied. For example, in the Coastal Zone, if an applicant is building on an existing lot where the slopes are more than 30%, they will be required to apply for a Variance. If there are no locations on the property where the slopes are less than 30%, there may be no choice but to grant a Variance. If the Variance is denied and no development is allowed on the property, this may be considered a "taking" under state and federal law, which could require financial compensation to the landowner. However, if the property contains an area that has slopes that are less than 30% and that could accommodate reasonable development, there may be no basis for granting the Variance.

Lot Line Adjustments

These are projects that are often mistaken as divisions of property. A lot line adjustment proposes to take no more than four existing lots of record and to rearrange them into a new pattern. This can involve a simple "fence-line" adjustment between neighbors where perhaps a fence or portion or a building has been incorrectly located over the property line. Other times, this can result in a complete new pattern of lots that will cluster or locate parcels into new areas of the site. There is no increase in the total number of lots on the property. When reviewing these projects, the council may want to look at how the project will fit with the "vision" of the plan. However, these projects are not subject to the same standards as subdivisions of property and the decision-makers have greater restrictions on what types of conditions and improvements can be required with the project. If you want to adjust the lot lines between more than four lots, a land division is required.

How much time do CACs have to review a project?

There are timelines that are established by state law for completion of the review of projects. This is called the "Permit Streamlining Act". These rules change from time to time but set standards that the planning department must meet in reviewing projects. These do not pertain to the development of general plans, specific plans, or general plan amendments.

The "Permit Streamlining Act" (Govt. Code Sections 65920-65963.1) applies only to discretionary projects that are adjudicative/quasi-judicial in nature such as subdivision approvals, use permits, and variances. Under this law, the clock starts ticking when the county finds that a development application has submitted all the information needed to process the application and the application is found to be "complete" for purposes of processing.

The county has 30 days to determine whether the application is complete, and if not, to provide the applicant a detailed explanation of what else is needed. When the additional information is provided, the department has an additional 30-days to review the materials and determine if all of it has been submitted and if not, the project will remain on "Information Hold". If your advisory group is reviewing a project and identifies information that is needed during this 30-day period, you will want to contact the project planner so that the staff may consider requesting the information for the project in the initial review period.

Once the application is deemed complete, a whole new set of deadlines is triggered. The county must act on a project within six months if the application requires a Negative Declaration under CEQA, and within one year if the application requires an Environmental Impact Report. If the county misses the deadlines, the applicant can require the county to hold a public hearing and take action on the application, or the development may be "deemed approved" under the Permit Streamlining Act.

It is important that the Community Advisory Council understand that their comments and review must be provided in a timely fashion so that the department can meet the requirements of state laws.

The Role of the Community Liaison

A Community Liaison has been assigned by the Department to each of the Community Advisory Councils. This staff person is a resource available to help the Council understand planning matters. However, the community liaison has a limited amount of time available to perform liaison duties. This will vary depending upon other assignments that the liaison must complete within the department and the plans and projects being reviewed by the Council. They will attend most community advisory meetings, and may attend land use subcommittee meetings in lieu of regular community advisory council meetings.

The liaison is responsible for keeping the community informed about projects that may be happening in the community. The liaison may not know all the answers on all projects and will need to "get back" to the Community Advisory Council with information that is requested or with information on the status of various projects. However, the liaison should have information on projects that have been referred to the Council. The liaison can keep you up to date on the

actions that decision-makers take on projects of interest. They can also serve as a conduit to get information to other county departments when the council is interested in items that other county departments are responsible for.

In addition to the Community Liaison, there are staff persons who are assigned to individual projects or plans who can help to provide information to the Community Advisory Council. The liaison should be able to provide you information about the project manager of the application or proposed community or design plan.

You can reach the department staff and liaison through their e-mail access at:

first initial plus last name@co.slo.ca.us

How are Comments from the Community Advisory Council used?

The Department receives comments from the Community Advisory Councils in many ways. This includes comments from the CAC meeting that the Community Liaison brings back to the staff person. This helps the staff know what occurs at your meeting. In addition, we may get telephone calls from the Chair or land use subcommittee representative concerning projects. Finally, we receive formal referral forms or letters that provide a record of the action of the Council.

Each of the recommendations of the Community Advisory Council is given serious consideration by the department staff. We review the comments to see if there are changes that could be made to the project that would address concerns raised by the community as represented by the Council. When the Community Advisory Council recommends that a project be denied, this is reviewed with the project manager's supervisor and possibly management of the department as this indicates the community does not believe this project is appropriate for the community. This is taken very seriously and weighed in the preparation of the staff recommendation of the report.

In instances where a Community Advisory Council wishes to see a project denied, it is even more important to identify why you are recommending this action and what "Findings" you want the county decision-maker to consider when making a decision on the project. Although the Community Advisory Council may wish that a project be denied, general plan policies and ordinance requirements may support further consideration of the project for approval. If that is the case, the staff will try to address each of the reasons or concerns that may have led the Council to come to its recommendation. That is why it is so important that the comments from the Council include the basis for its recommendation.

The staff report for the project will indicate the recommendation from the Community Advisory Council. In addition, a copy of the referral response will be attached in the staff report provided to the decision-makers wherever it is provided. If this is a project where the community had major concerns, the council may want to have the Chair or a designated representative attend the hearing to represent and discuss the council position. They should be available to answer any questions that may arise about their recommendation and will also hear all the other comments that the decision-makers receive on the plan or project. This will help them to understand how the decision-makers may have come to their conclusions and how it related to the recommendations of the Council.

The decision-makers give very serious consideration to the comments from the community. They must weigh these comments against the all the rest of the information that is provided during the hearing in coming to a final decision on the plan or project. Where possible, they will try to support the comments received from the Community Advisory Council, but they are not legally required to follow the advisory council's recommendation.

Findings - The Basis for Decisions

The decisions of the Board of Supervisors, Planning Commission, Subdivision Review Board, and Hearing Officer must be based on a rational decision-making process. They must each adopt written "findings" explaining the factual reasons for the decision and the conditions placed on the project (if it is approved). A finding is a formal and written determination or conclusion based on the evidence presented and prepared by a hearing body in support of its decision.

The courts have established that findings are:

> ***"Legally relevant sub-conclusions which expose the agency's mode of analysis of facts, regulations, and policies, and bridge the analytical gap between raw data and ultimate decisions."***
> - Topanga Assn for a Scenic Community vs County of LA

In other words, findings are the legal footprints that decision-makers leave to explain how they progressed from the facts through policies to the decision. There must be evidence in the record to support the findings. A requirement to produce findings of fact is often found in due process rules of state legislation and in California it applies to most discretionary permits. If a decision is challenged in court, the findings will be used to trace the reasoning of the decision-maker and to determine whether its action was legally justified.

Simple Findings - are used for non-controversial projects and for projects that are meeting all the requirements, and not asking for variances, exceptions or waiver of special standards.

Complex Findings - are used for controversial projects, projects that are likely to be appealed or to be under legal challenge where the basis for the particulars of the decisions will be necessary for the appeal body or the courts to understand how they came to the conclusions, where there are special circumstances and findings are required by the plans/ordinances, and where there are major environmental issues.

What Can be Required with a Project?

When reviewing a project, the department and decision-makers must consider the specifics of the proposal when deciding what types of requirements for improvements (or exactions) can be conditions of approval. There are two tests that must be met when imposing certain types of requirements on a project.

Nexus - is the term applied to the requirement that the county must establish that there is a clear relationship between the dedication or fee that is required as a condition of the approval and the purpose or impact that it is serving. If the courts find that there is no such nexus, the decision to include the condition could be considered a "taking" of the property. For example, if there is a problem that is identified with traffic impacts but the county instead required that a neighborhood park be required as a condition of the project, there may not be a clear "nexus" between the condition and the impact.

Rough Proportionality - is the term applied to the requirements that the county establish that there is a roughly proportional basis for the amount for the exactions set for the property and the extent of the impacts that the project will bring. Again, if the courts find that there is no such "rough proportionality", the decision could be considered a "taking" of the property. For example, if a road is already impacted in the present condition and the new project will add only a small increase, the county could not require the new project to build the entire new road, but only that portion that is based upon its impacts.

During the review of the project, the planning staff will consider both of these tests when recommending conditions that are placed on the project. This should be considered when the Community Advisory Council is making its decisions as well.

Other legal considerations - In addition to these two specific legal issues that must be addressed in the review of projects, there are sometimes other legal considerations that will arise and must be considered by staff and the decision-makers. Often these are identified during the public hearing on the projects in response to comments from the project applicant or other interested parties. This can influence the course of the decision that is made on a project as staff must ensure that legal concerns are addressed and do not call into question the decision of the hearing body.

When the decision makers come to a different conclusion

After considering all of the information provided during the public hearing, the decision maker will take an action. Sometimes, this will not be a decision that agrees with the recommendation of the Community Advisory Council. It is important that the Council remember that their role is to act as an advisor to the decision-maker and that they understand they are not given the final say on the plan or project.

One of the ways to understand why the decision-makers have come to a different decision is to ask for feedback from the decision makers directly. You may want to invite the decision-maker to your meeting to hear why they made the decision. Also, the findings and minutes of the meetings will provide information for the Council to better understand the conclusions the decision-makers come to on a plan or project.

Appeals

There is also a formal appeal process available for the Community Advisory Council to use. An appeal can be filed by an applicant or an interested individual or group. If appealed, the matter will be heard by the Board of Supervisors. The Board will consider all the information that the original Review Authority did, and any additional information that is provided to the Board based on the issues of the appeal. In most instances, the appeal must be accompanied by an appeal fee as established by the Board of Supervisors. The Board can act to approve or deny the appeal and may include additional conditions on the project to address the concerns raised in the appeal.

In most instances, the decision of the Board of Supervisors will be final. However, for some projects located in the coastal zone, an appeal may also be filed to the California Coastal Commission.

What if the project changes either before or after approval?

Communication between the Community Advisory Council members, the community liaison, and the project manager assigned to the project is very important. If the project is revised after initial referrals have been mailed out, a re-referral may be appropriate when the community has identified concerns regarding the project or when a project would be so different from the original project that staff may want the advisory council to take another look.

Revisions can be proposed at many stages in the review and development of the project. It can occur in the early stages of review in response to comments from the community, staff, neighbors, or other agencies. It can also change in response to environmental review and needed mitigation for possible impacts.

Revisions can also occur during public hearings on projects. Revisions may result from conditions that are placed on the projects to change the design, lessen impacts that were identified in the review of the projects or to make the project “fit” into the community in response to comments from the Community Advisory Council. Finally, the decision-makers can require changes during the public hearing in order to be able to support approval of the projects. If these changes occur, the community liaison or assigned staff planner can help the community stay informed when the community has identified concerns regarding the project, or the revised project would be so different from the original projects that the Council may want or need to review it again.

Revisions can also be proposed following the approval of the projects. These are often “fine-tunings” that occur when the final conditions are being included in the projects and final engineering is completed. Many of these are reviewed and found to be in conformance with the original project that was approved. However, in some instances, these revisions will be so substantial or the items that are proposed for change were clearly of such concern to the community or neighbors that the department will require the project “go back” through the public hearing process through a reconsideration of the project. Often this will focus on the changes, rather than the entire project, as the original approval is still valid and can proceed.

When will the project begin or be completed?

A frequently asked question is “when is the project going to be built?” or “when will the project be completed? This will depend on the developer of the project and their proposed timing. The only time this is not the case is where specific conditions have been established that set out when the development must occur. The approval of a Land Use Permit is generally good for an initial two year period. Up to three one-year time extensions may be granted if additional time is needed to complete the project and nothing has changed that would affect the project and prevent it from going forward, such as a moratorium based on limited resources. For subdivisions of property, there is an initial approval period of two years, followed by up to five one-year time extensions unless the project has an established phasing schedule.

In general, these extensions of time are not referred to the Community Advisory Council for comment; however, many of them are found on the consent agenda of the decision-making body.

Once building permits have been issued for the project and construction has moved beyond the foundation, the timelines are generally as established under the Uniform Building Code, unless a schedule was set under the conditions of approval.

DEPARTMENT OF PLANNING AND BUILDING DOCUMENTS

DEPARTMENT OF PLANNING AND BUILDING DOCUMENTS

COUNTY GENERAL PLAN

Land Use Element (including Circulation Element):

Framework for Planning (Last revised November 5, 2002 Ord. 2983)
Coastal Zone Framework for Planning (Last revised February 6, 2001 Ord. 2933)
Coastal Plan Policies (Last revised June 3, 2003Ord. 3006)

Adelaida Area Plan (Last revised November 5, 2002Ord. 2983)
El Pomar-Estrella Area Plan (Last revised September 23, 2003 Ord. 3015)
Estero Area Plan (Last revised October 9, 2001 Ord. 2947)
Huasna-Lopez Area Plan (Last revised November 5, 2002Ord. 2983)
Los Padres Area Plan (Last revised November 5, 2002 Ord. 2983)
Las Pilitas Area Plan (Last revised November 5, 2002 Ord. 2983)
Nacimiento Area Plan (Last revised November 5, 2002 Ord. 2983)
North Coast Area Plan (Last revised August 21, 2001 Ord. 2944)
Salinas River Area Plan (Last revised November 5, 2002 Ord.2983)
San Luis Bay (Inland) Area Plan (Last revised November 5, 2002 Ord.2983)
San Luis Bay (Coastal) Area Plan (Last revised April 2, 2002 Ord. 2968)
San Luis Obispo Area Plan (Last revised November 5, 2002 Ord.2983)
Shandon-Carrizo Area Plan (Last revised November 5, 2002 Ord. 2983)
South County (Inland) Area Plan (Last revised November 5, 2002 Ord.2983)
South County (Coastal) Area Plan (Last revised March 14, 1989Ord No. 2378)

Other Elements:

Environment Plan (Conservation Element) - November 1974
Transportation Plan (Circulation Element) - June 1979
Agriculture & Open Space Element - December 1998
Housing Element - July 2004
Noise Element - May 1992
Safety Element - December 1999
Recreation Plan - January 1968 (under update)
Energy Element - April 1995
Off-Shore Energy Element - December 1992
Economic Element - October 1999

Official Maps

- 92 - individual official land use category maps at 1 inch = 1,000 feet (outside of urban and village areas, but including California Valley)
- 144 - individual official land use category maps at 1 inch = 40 feet (inside of urban and village areas, except California Valley)

Specific Plans

Lake Nacimiento Resort Specific Plan (adopted February 1976)
Los Ranchos/Edna Specific Plan (Revised March 2001)
Black Lake Specific Plan (Revised May 1998)
Avila Beach Specific Plan (Adopted October 2000)
Woodlands Specific Plan (Revised December 2004)
Oceano Specific Plan (Adopted April 2002)

Design Plans

Templeton Design Plan (Revised October 2003)
Santa Margarita Design Plan (Adopted October 2001)
San Miguel Design Plan (Adopted April 2003)
Olde Towne Nipomo Design Plan (Adopted April 1999)
Cambria Commercial Design Plan (Adopted May 2002)

COUNTY ZONING ORDINANCE

Land Use Ordinance (Title 22) - Includes Planning Area Standards
Coastal Zone Land Use Ordinance (Title 23)

OTHER ORDINANCES

Public Facilities Fees (Title 18)
Building and Construction Ordinance (Title 19)
Road Naming and Addressing (Title 20)
Real Property Division Ordinance (Title 21)
Growth Management Ordinance (Title 26)

OTHER ADOPTED DOCUMENTS

Rules of Procedure to Implement the California Land Conservation Act of 1965
RMS Annual Resource Summary (annually updated)
Countywide Design Guidelines (Not adopted into the General Plan)

LISTED ANIMAL SPECIES
LISTED PLANT SPECIES
SAN LUIS OBISPO COUNTY

LISTED ANIMAL SPECIES - SAN LUIS OBISPO COUNTY

WILDLIFE GROUP	COMMON NAME	SCIENTIFIC NAME	FEDERAL STATUS	STATE STATUS
Mammals	San Joaquin antelope squirrel	*Ammospermophilus nelsoni*	None	Threatened
	Giant kangaroo rat	*Dipodomys ingens*	Endangered	Endangered
	Morro Bay kangaroo rat	*Dipodomys heermannii morroensis*	Endangered	Endangered
	San Joaquin kit fox	*Vulpes macrotis mutica*	Endangered	Threatened
	Southern sea otter	*Enhydra lutris nereis*	Threatened	None
	California gray whale	*Eschrichtius robustus*	Endangered	None
Birds	American peregrine falcon	*Falco peregrinus anatum*	None	Endangered
	Bald eagle	*Haliaeetus leucocephalus*	Threatened	Endangered
	Brown pelican	*Pelecanus occidentalis*	Endangered	Endangered
	California clapper rail	*Rallus longirostris obsoletus*	Endangered	Endangered
	California black rail	*Laterallus jamaicensis*	None	Threatened
	California condor	*Gymnogyps californianus*	Endangered	Endangered
	California least tern	*Sterna antillarum browni*	Endangered	Endangered
	Least Bell's vireo	*Vireo bellii pusillus*	Endangered	Endangered
	Southwestern willow flycatcher	*Empidonax trailii extimus*	Endangered	Endangered
	Swainson's hawk	*Buteo swainsoni*	None	Threatened
	Western snowy plover	*Charadrius alexandrinus nivosus*	Threatened	Special Concern
Reptiles (not including sea turtles)	Blunt nosed leopard lizard	*Gambelia sulis*	Endangered	Endangered
Amphibians	Arroyo southwestern toad	*Bufo microscaphus californicus*	Endangered	Special Concern
	California red-legged frog	*Rana aurora draytonii*	Threatened	Special Concern
	California tiger salamander	*Ambystoma californiense*	Endangered	Special Concern
Fish	Southern steelhead	*Onchorynchus mykiss*	Threatened	Special Concern
	Tidewater goby	*Eucyclogobius newberryi*	Endangered	Special Concern
Invertebrates	Longhorn fairy shrimp	*Brachinecta longiantenna*	Endangered	None
	Vernal pool fairy shrimp	*Brachinecta lynchi*	Threatened	None
	Morro shoulderband snail	*Helminthoglypta walkeriana*	Endangered	None

LISTED PLANT SPECIES - SAN LUIS OBISPO COUNTY

COMMON NAME	SCIENTIFIC NAME	FEDERAL STATUS	STATE STATUS
California jewelflower	*Caulanthus californicus*	Endangered	Endangered
California seablite	*Suaeda californica*	Endangered	None
Camatta canyon amole	*Chlorogalum purpureum* var. *reductum*	Threatened	Rare
Chorro Creek bog thistle	*Cirsium fontinale* var. *obispoense*	Endangered	Endangered
Gambel's watercress	*Rorippa gambellii*	Endangered	Threatened
Hoover's wooly-star	*Eriastrum hooveri*	Threatened	None
Indian Knob mountainbalm	*Eriodictyon altissimum*	Endangered	Endangered
La Graciosa thistle	*Cirsium loncholepis*	Endangered	Threatened
Surf thistle	*Cirsium rhothophilum*	None	Threatened
Marsh sandwort	*Arenaria paludicola*	Endangered	Endangered
Hearst's manzanita	*Arctostaphylos hookeri* ssp. *hearstiorum*	None	Endangered
Morro manzanita	*Arctostaphylos morroensis*	Threatened	None
Nipomo Mesa lupine	*Lupinus nipomoensis*	Endangered	Endangered
Pismo clarkia	*Clarkia speciosa* ssp. *immaculata*	Endangered	Rare
Purple amole	*Chlorogalum purpureum* var. *purpureum*	Threatened	None
Salt marsh bird's beak	*Cordylanthus maritimus* ssp. *maritimus*	Endangered	Endangered
San Joaquin wooly-threads	*Monolopia congdonii*	Endangered	None
Dwarf goldenstar	*Bloomeria humilis*	None	Rare
Hearst's ceanothus	*Ceanothus hearstiorum*	None	Rare
Maritime ceanothus	*Ceanothus maritimus*	None	Rare
Beach spectacle pod	*Dithyrea maritima*	None	Threatened
Dudley's lousewort	*Pedicularis dudleyi*	None	Rare
Adobe sanicle	*Sanicula maritima*	None	Rare
Cuesta Pass checkerbloom	*Sidalcea hickmanii* ssp. *anomala*	None	Rare
Parish's checkerbloom	*Sidalcea hickmanii* ssp. *parishii*	None	Rare