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

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
April 1, 2005 LOCAL EFFECTIVE DATE April 22, 2005 APPROX FINAL EFFECTIVE DATE May 6, 2005	Tammy Seale (805) 781-1162	David Pierson	DRC2004-00103

SUBJECT
Request by **DAVID PIERSON** for a Minor Use Permit/Coastal Development Permit to allow construction of up to four (4) water test /agricultural wells on a 112-acre parcel. The proposed project is within the Agriculture land use category and is located on the south side of Highway 1, west of the intersection with Villa Creek Road, approximately 4.5 miles northwest of Cayucos, in the Estero planning area.

RECOMMENDED ACTION
Approve Minor Use Permit/Coastal Development Permit DRC2004-00103 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
A Class 3 Categorical Exemption was issued on February 9, 2005 (ED04-360).

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBERS	SUPERVISOR DISTRICT
Agriculture	Archaeologically Sensitive Area Coastal Appealable Zone Sensitive Resource Area Streams & Riparian Vegetation Wetlands	046-151-008	2

PLANNING AREA STANDARDS:
Estero Rural Area Standards –Agriculture, Site Selection and Sensitive Resource Area, Location Criteria
Does the project meet applicable Planning Area Standards? Yes - see discussion

LAND USE ORDINANCE STANDARDS:
Local Coastal Plan/Coastal Appealable Zone, Sensitive Resource Area - Streams & Riparian Vegetation and Wetlands, Archaeologically Sensitive Area
Does the project conform to the Land Use Ordinance Standards? Yes - see discussion

FINAL ACTION
This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.

The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

EXISTING USES: Agriculture - Grazing	
SURROUNDING LAND USE CATEGORIES AND USES: North: Highway 1 South: Pacific Ocean	 East: Commercial/Residential – Abalone Farm West: Agriculture - Grazing
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Public Works, Environmental Health, Agriculture Commissioner, Cayucos Fire Department, Paso Robles Beach Water Association, Cal Trans, and California Coastal Commission	
TOPOGRAPHY: Moderately to steeply sloping	VEGETATION: Grassland, coastal scrub, sea bluff scrub, freshwater and brackish marsh, and riparian
PROPOSED SERVICES: Water supply: On-site well (proposed) Sewage Disposal: N/A Fire Protection: Cayucos Fire Department	ACCEPTANCE DATE: December 20, 2004

DISCUSSION

PROJECT HISTORY

The subject property owned by David Pierson includes three parcels that total 121.64-acres. The project site is roughly rectangular and extends from Highway 1 on the northern boundary to the Pacific Ocean on its southern edge. Historical uses of the site were for kelp farming and cattle grazing. The existing water sources on the property include one well in the Ellysly Creek Valley and a couple of springs in the canyon up-hill from Ellysly Creek. The applicant has indicated that he is interested in eventually developing two single-family residences on the southern portion of property; however, development of two single-family residences is not included in this permit application. In the future, the applicant must demonstrate a water supply sufficient to support the proposed development. Additionally, the applicant has an immediate need for alternative water supply to support the existing agricultural uses.

The proposed project is a request to drill up to four test wells for low intensity agricultural uses and evaluation of water supply for future residences. The applicant proposes multiple well sites in recognition that the preferred site(s) may not be successful. If wells at test sites 1 and 2 provide adequate water, the applicant will not drill at test sites 3 and 4. The wells, once constructed, will be capped or used to support the low intensity agricultural operations by providing additional livestock watering sources.

The applicant has identified the well sites in order of preference (corresponding with the numbering on the site plan) based upon a Test Well Site Study conducted by Cleath & Associates. The study identified sites based on the likelihood of encountering the different sandstone beds along or immediately adjacent to the existing road. Drilling of test sites 1 and 2 will occur simultaneously in order for appropriate analysis by the applicant's hydrogeologist. Drilling of test wells 3 and 4 will occur based on the results of the test wells 1 and 2. All proposed well site locations are accessible from existing access roads on Mr. Pierson's property and adjacent property to the east. Exhibits 4, 5, and 6 show the locations of the proposed well sites. The applicant has agreed to relocate test site 1 outside of the 100-foot riparian setback. The new location will remain a level site near the existing access road. As conditioned, the well site locations avoid all known sensitive resources including cultural resources, botanical resources, wetlands, and geologically unstable areas.

PLANNING AREA STANDARDS:

Estero Rural Area Standards - Sensitive Resource Area (SRA) Location Criteria. Locate all new development (excluding utility corridors where it is demonstrated that the alternative will be visually less obtrusive and environmentally less damaging) so that preferably no new structures extend above the highest horizon line of knolls, hilltops, and ridgelines such that the structure is silhouetted against the sky when viewed from nearby collector or arterial roads. When such siting is infeasible or environmentally more damaging, the structures shall require Development Plan review and shall be designed and be of such materials and colors to be harmonious and unobtrusive as feasible.

Large portions of the property are visible from Highway 1. The applicant has requested several well sites based on the recognition that reliable groundwater is sporadic in the region and several wells may need to be drilled before a successful site is identified. In addition, available groundwater is a function of geology and may not be available in areas screened from the highway. Three of the well sites may be visible from Highway 1. However, the project is a series of test wells that will not result in any permanent structure highly visible from the highway. The project has been conditioned to minimize visibility of any well-related structures (e.g. wellheads, filters). The project is consistent with this standard.

Estero Rural Area Standards – Agriculture Site Selection. New development is to concentrate residential and agricultural structures in the non-prime areas where terrain, access, and agricultural operations would permit.

The applicant chose the four test well sites based on the likelihood of encountering different sandstone beds along or immediately adjacent to the existing roads which will result in minimal additional grading for drilling equipment access. The project is consistent with this standard.

LAND USE ORDINANCE STANDARDS:

Coastal Access: New development between the first public road and the ocean typically requires dedication of public access. However Coastal Zone Land Use Ordinance (CZLUO) section 23.04.420 (c) identifies when new access is required. Construction of new agricultural/test wells would not require new access dedication since the wells will be used to serve the existing agricultural use (grazing). If additional development such as a single-family residence is proposed in the future, supported by the wells constructed under this authorization, access will be required at that time.

Local Coastal Plan/Coastal Appealable Zone: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. This project is located between the ocean and the first public road and therefore within the Coastal Appealable Zone Combining Designation. Therefore, any decision made by the county regarding this project's land use application may be appealed by the California Coastal Commission pursuant to Public Resources Codes Section 30603(a).

Streams and Riparian Vegetation: Ellysly Creek, a mapped coastal stream, crosses the northern end of the subject property and contains associated wetlands and riparian habitats. Well site 1 will be relocated outside of the 100-foot riparian setback and well sites 2, 3, and 4 are located

over 100 feet from wetlands, Ellysly Creek, and associated riparian areas. Access to all well sites is via existing access roads.

Geologic Study Area: The proposed well sites avoid areas of known unstable soils and landslides, rockfalls, flooding, and seismically induced liquefaction or ground rupture.

Archaeologically Sensitive Area: The subject property contains three known archaeological sites. The proposed well sites are located outside of the boundaries of the archaeological sites.

COASTAL PLAN POLICY DISCUSSION: This project complies with the Coastal Plan Policies; the most relevant policies follow.

Environmentally Sensitive Habitats
Policy 5: Protection of Environmentally Sensitive Habitats. The project is consistent with this policy because the proposed well sites do not impact the populations of San Luis County Morning Glory scattered onsite. However, due to the nature of the morning glory's reseeding during the dry season, distribution varies seasonally. As a result, a registered botanist will identify existing populations prior to well drilling and relocate well sites if necessary to avoid any impacts.
Policy 15: Wetland Buffer. The proposal is consistent with this policy because the proposed well sites 2, 3, and 4 are setback a minimum of 100 feet from any wetland or riparian area and well site 1 will be relocated outside of the 100-foot riparian setback. The project includes conditions to control any drill spoils disposal and avoid impacts to downstream habitats.
Policy 18: Coastal Streams and Riparian Vegetation. The proposal is consistent with this policy as discussed in Policy 15 above.
Policy 25: Buffer Zone for Riparian Habitats. The proposal is consistent with this policy as discussed in Policy 15 above.
Agriculture
Policy 1: Maintaining Agricultural Lands: The proposal is consistent with this policy because the well sites affect minimal site area and the wells will support grazing or other agricultural operations.
Policy 4: Siting of Structures: The proposal is consistent with this policy because the well sites affect minimal site area.
Coastal Watersheds
Policy 9: Techniques for Minimizing Sedimentation: The proposal is consistent with this policy because it has been conditioned to control and address drill spoils.
Visual and Scenic Resources
Policy 1: Site Selection for New Development: The proposal is consistent with this policy because the well development will only be minimally visible from both directions on Highway 1.
Policy 4: New Development in Rural Areas: The proposal is consistent with this policy as discussed in Policy 1 above.
Archaeological Resources
Policy 1: Protection of Archaeological Resources: The proposal is consistent with this policy as the proposed well sites are located outside of the recorded archaeological sites and the Cultural Resource Investigation serves as a record of locations of isolated cultural items and historic ranch features.

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

COMMUNITY ADVISORY GROUP COMMENTS: Cayucos Citizens' Advisory Council Land Use Committee – The committee presented the following comments: (1) As long as the use of the wells is limited to low intensity agriculture purposes, the committee's concerns are minimal. If the landowner desires to expand the use of the wells, the committee is concerned for the availability of sufficient water supply for the project and the surrounding area as well as the possibility of the occurrence of salt-water intrusion. (2) All sites where drilling is not used or abandoned should be returned to their natural state. (3) Any possible visual impacts of completed wells should be mitigated as much as possible if the wells are visible from the scenic corridor of Highway 1.

AGENCY REVIEW:

Agriculture Commissioner – The proposed test well sites are relatively small areas that consist of non-prime soils within close proximity to the existing access road. As a result, the project should not have a significant impact on agricultural resources or operations, and it is consistent with Agriculture and Open Space Element Policies.

Environmental Health – The applicant will need to apply for permits for each test well, prior to drilling. The well placement shall be a minimum of 100 feet from any source of contamination.

Paso Robles Beach Water Association – Stated that the project is not in PR Beach Water Association service area and questioned whether project is environmentally sound.

Public Works- No concerns.

CalTrans and the California Coastal Commission did not provide comments prior to the preparation of this staff report.

LEGAL LOT STATUS:
The lot was legally created by a certificate of compliance at a time when that was a legal method of creating lots.

Staff report prepared by Tammy Seale and reviewed by Matt Janssen.

EXHIBIT A - FINDINGS

CEQA Exemption

1. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303.

Minor Use Permit

2. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

3. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

4. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

5. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.

6. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

7. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act. Although the project is adjacent to the coast, the proposed wells do not constitute the type and level of development that would require access dedication.

Archeological Sensitive Area

8. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no development is proposed within the archaeologically sensitive area.

Streams and Riparian Vegetation

9. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the well sites are located in excess of 100 feet from the wetland areas.

10. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed wells have been designed and to minimize impacts to the stream and riparian vegetation.

11. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

12. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because sedimentation and erosion control measures were put in place when the well site was prepared.

13. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

14. The proposed use will not significantly disrupt the habitat.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the construction of up to four test / agricultural wells to determine water availability and to provide service to potential cattle grazing operation. This approval does not authorize water use to serve more intensive agricultural operations (e.g. vineyards) or residential uses or the combining wells and installation of infrastructure to serve more intensive agricultural or residential uses.

2. The locations of the test well sites are approved as identified in the "Test Well Siting Study" submitted as part of this permit application with the exception of Site 1 which shall be relocated to be a minimum of 100 feet from the upland edge of riparian vegetation.

3. All site disturbances related to well drilling activities shall be restored to previous site conditions upon completion of the well. This includes disturbance associated with wells drilled, but not utilized. All wells not in use shall be capped.

4. Any permanent facilities related to the well construction (e.g. wellheads, filters, pumps) shall be limited to the minimum necessary and shall be limited to the least visible low lying facilities possible. In addition, any permanent facility shall be dark colored and incorporate natural materials (e.g. untreated wood, rock) to screen them from Highway 1.

Conditions to be completed prior to well construction and access

Access

5. The applicant shall provide the Department with verification of an access agreement between the applicant and owner of adjacent property.

Archaeological Resources

6. The applicant shall avoid the known archaeological sites on the subject property. Well drilling activities, including staging or spoils disposal, are not allowed within the identified archaeological sites.

Environmental Health

7. The applicant shall provide the County Department of Planning and Building with copies of permits from the Department of Environmental Health for each of the proposed wells.

Riparian/Wetland Protection

8. The applicant shall provide construction fencing or clearly stake the boundary of the 100-foot buffer from all wetland and riparian areas prior to drilling test wells 1 and 2. Well drilling activities, including staging or spoils disposal, are not allowed within the buffer area.

9. All drill spoils or muds shall not be stored or disposed of on- or off-site in a location or manner that could result in the downslope transport of these materials to Ellysly Creek or any other waterway.

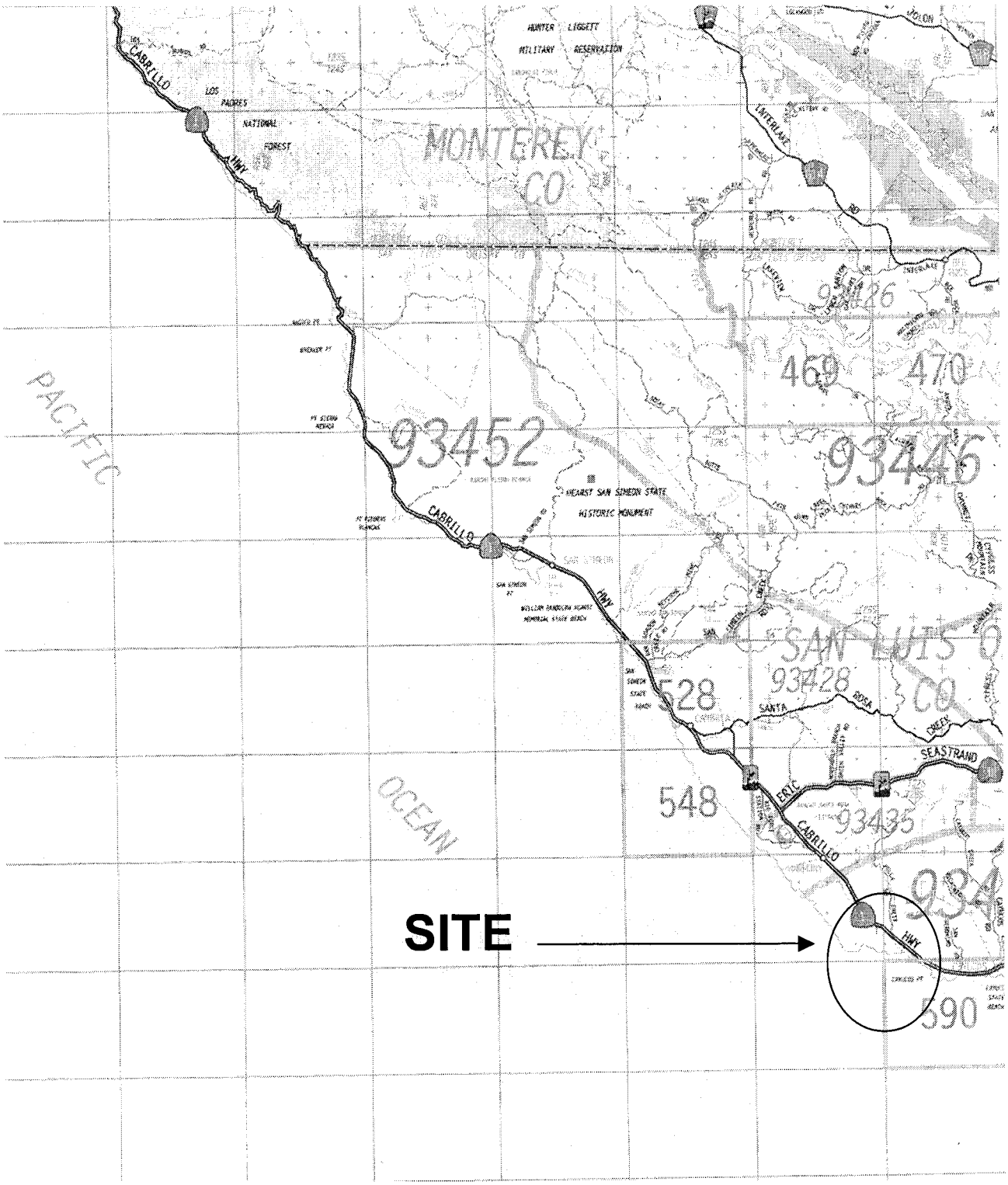
Conditions to be completed during well construction and access

Sensitive Resource Protection

10. The applicant shall retain a qualified botanist onsite to identify locations of San Luis Obispo Morning Glory. If found, wells sites shall be relocated to avoid impacts.

Miscellaneous

11. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

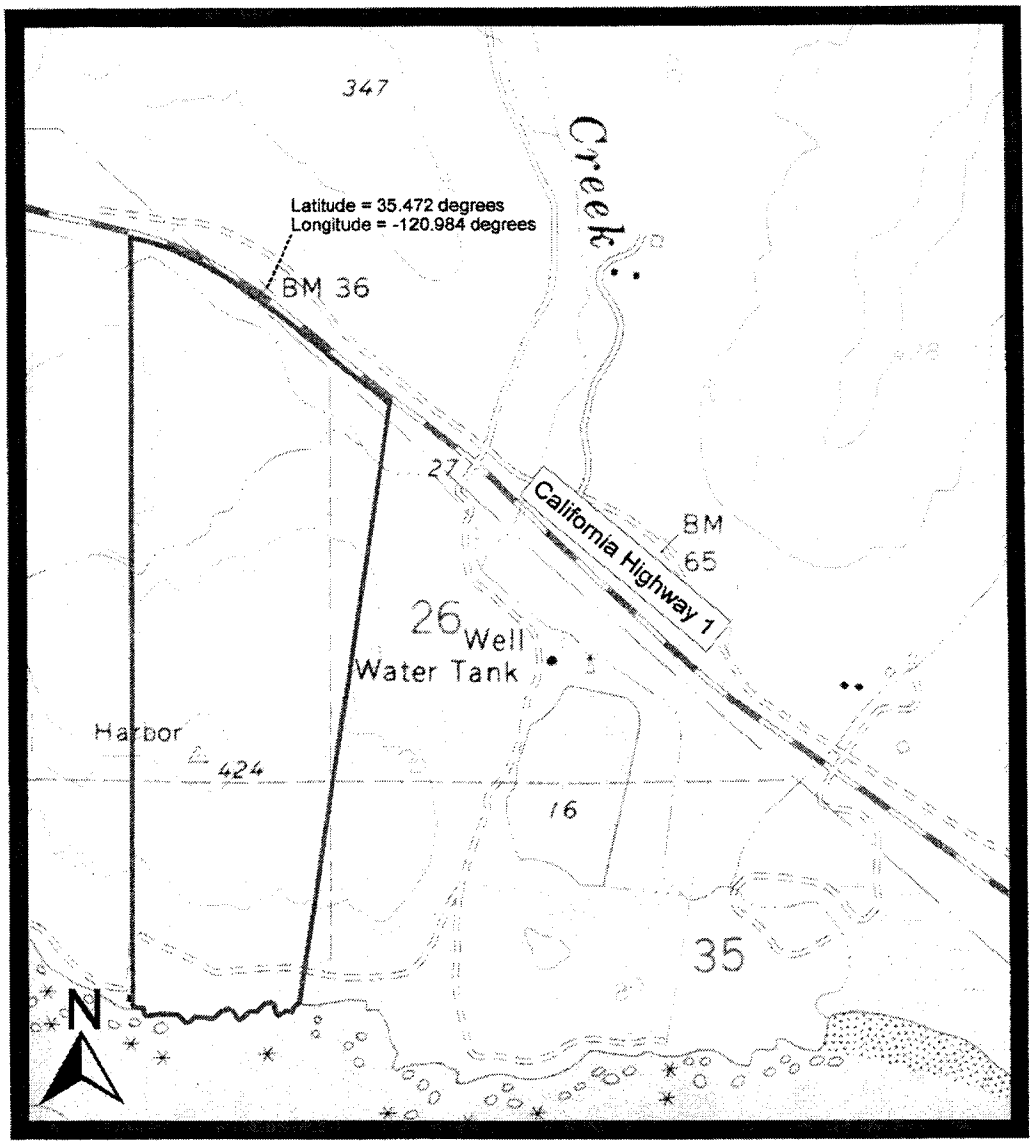


PROJECT

Minor Use Permit
Pierson DRC2004-00103

EXHIBIT

Exhibit 1
Vicinity Map



Cayucos QuadrangleUSGS 7.5 Minute Series[Topographic] San Luis Obispo County, California

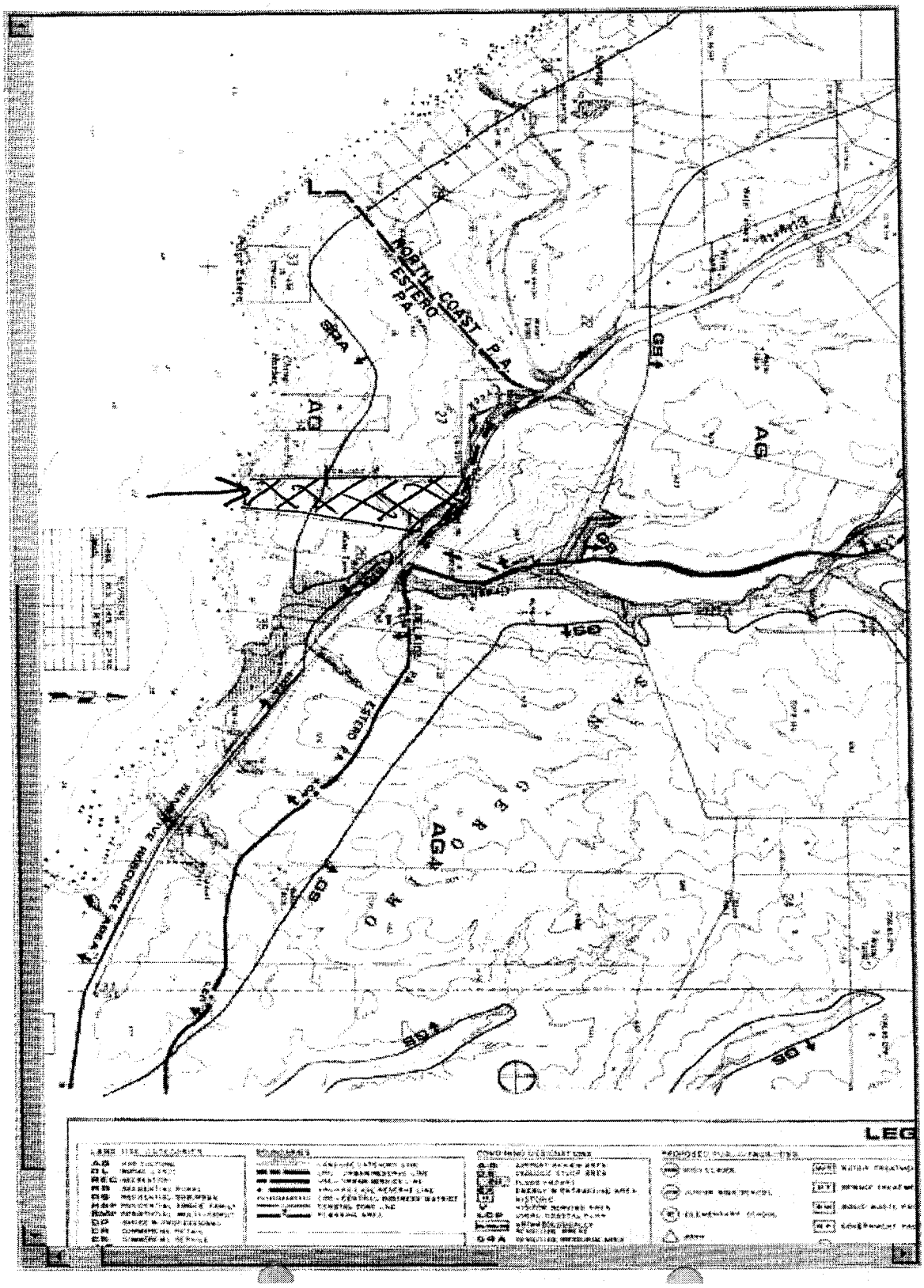
Property lines approximate after Curto and Holland figure 1

Scale 1 inch = 1,000 feet

Figure 1
Area Map

Pierson Property

Cleath & Associates

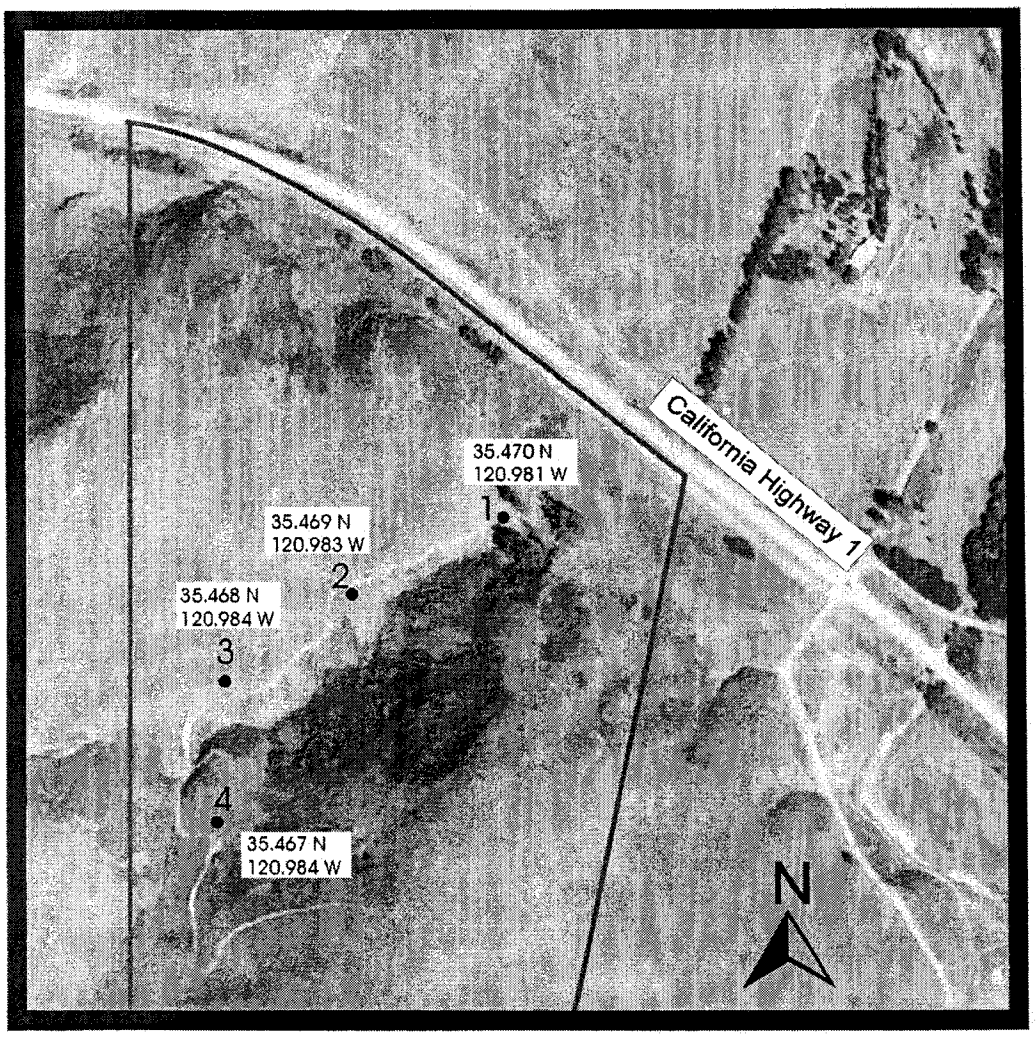


PROJECT

Minor Use Permit
Pierson DRC2004-00103

EXHIBIT

Exhibit 3
Land Use Map



Explanation

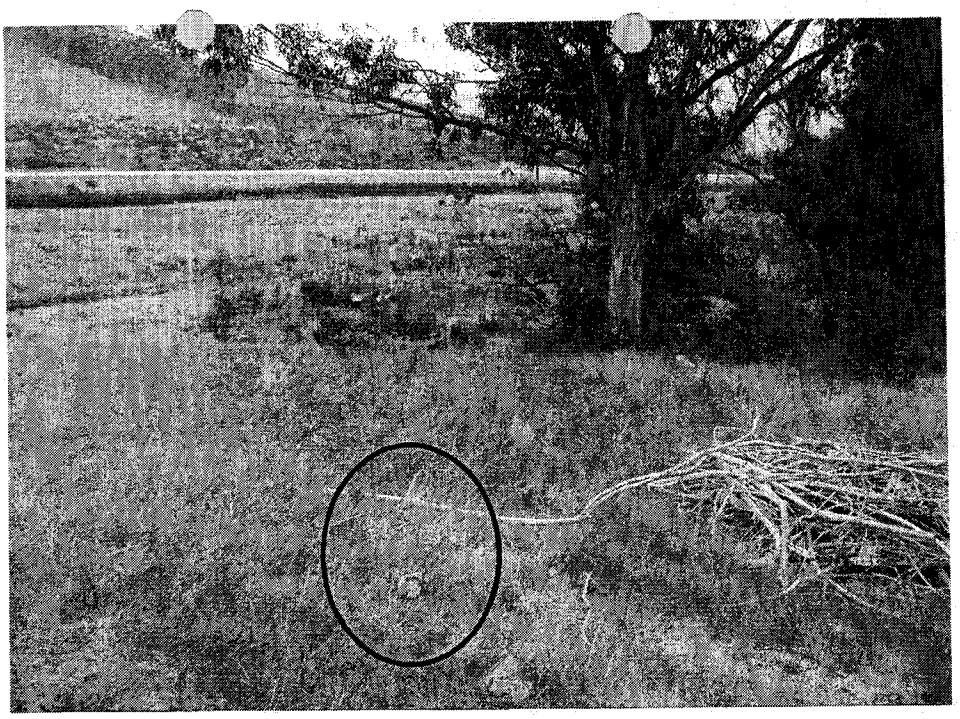
3 • Driling site

Property boundary

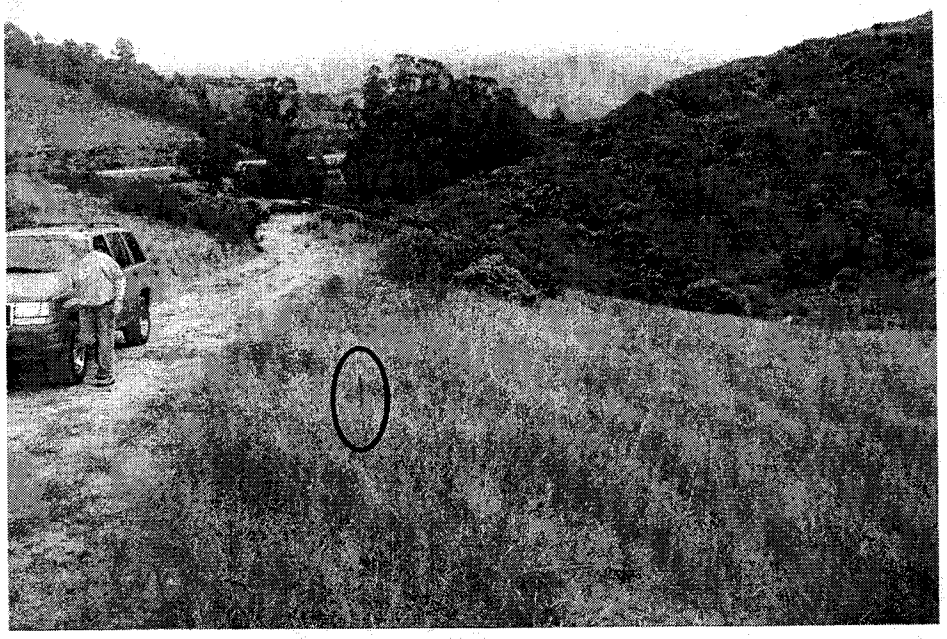
Figure 6
Drilling Site Locations

Pierson Property

Cleath & Associates



Well Site #1



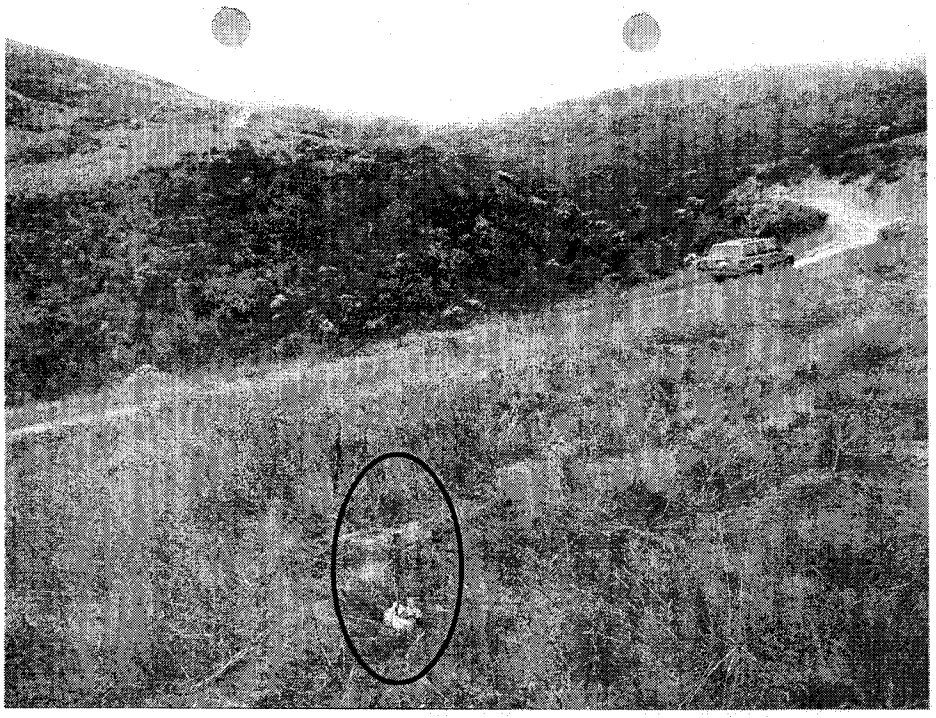
Well Site #2

PROJECT

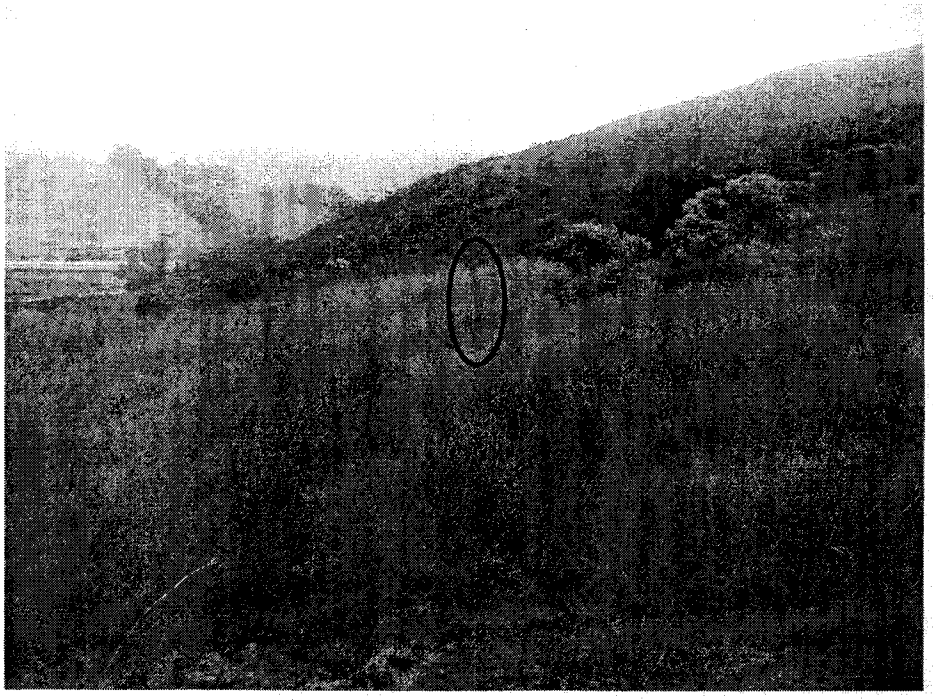
Minor Use Permit
Pierson DRC2004-00103

EXHIBIT

Exhibit 5
Locations of Well Sites 1 and 2
(Well Site 1 to relocate 100' from riparian area)



Well Site #3



Well Site #4