

DRAFT

May 13, 2004 PC Meeting – draft minutes for Commissioner review of Estero Plan Update		
<u>9:12:04</u> AM	ESTERO PLAN UPDATE	
<u>9:12:19</u> AM	John Euphrat, staff	Reports on the amount of time available for review of this Area Plan Update. Fifteen hours are presently scheduled. No additional time nor money are budgeted for this item. Gives the schedule for today. Gives future schedule.
<u>9:16:06</u> AM	Commissioner Roos	Requests clarification of whether replacement pages will be provided, with staff responding that a draft will be prepared following conclusion of the hearings.
<u>9:16:58</u> AM	Mike Wulkan, staff	States replacement pages will be available before the final action is taken. These are in process at this time.
<u>9:19:10</u> AM	Mike Wulkan, staff	Introduces Nancy Orton, staff, and Nicole Carter, consultant for the EIR. Refers to appendices, stating a new appendix G is in process which should be ready by the next meeting, concerning habitat conservation plan general information. Acknowledges correspondence received since last meeting, which is included in the staff report passed out this morning.
<u>9:21:19</u> AM	Commissioner Liberto-Blanck	Asks about the letter that suggests seeking legislation to include Chevron property. Asks how it affects the Estero Area Plan, with staff responding. This will come up today, and the Commission can consider it.
<u>9:22:28</u> AM	Mike Wulkan, staff	Displays suggested agenda overhead. 1. Recap 4/22/04 meeting; revise Dune Sands ESHA standards; Review chapter 8, cover rural area land use and Cayucos land use.
<u>9:23:30</u> AM	Mike Wulkan, staff	Recaps previous meeting. New maps are attached to staff report, pages 3 and 4. Changes to Dune Sands ESHA are shown in Exhibit A. Details changes. First, if a dwelling is destroyed 75% or more, it should be able to be rebuilt. Language is proposed to accomplish that. Exemptions from Dune Sands ESHA standards for minor developments. Gives details. Refers to site disturbance standards, giving details. States the findings that would be required to employ said standards. Refers to language in Exhibit A. Speaks to Habitat Conservation Plan, and relationship with Federal Endangered Species Act. ESHA standards can be waived if they are inconsistent with the FESA. Gives details. Refers to Landscape requirements, noting changes. Speaks to adjustment of limitation on site disturbance, which has been changed so one will not be penalized for restoring habitat.
<u>9:31:27</u> AM	Chairman Mehlschau	Requests information about "destroyed structures", giving a hypothetical situation and asks how it would be handled, with staff responding.
<u>9:32:02</u> AM	Mike Wulkan, staff	If destruction were more than 75%, then the new structure would have to comply with new standards, which is different from the rest of the county. The structure could be replaced without having to comply with these standards, as long as it goes back to the same footprint as it was. That is different from rest of county.
<u>9:33:00</u> AM	Commissioner Nielsen	Requests clarification of 500 square feet of site disturbance, giving a hypothetical example. Asks if habitat could be restored, with staff responding

		that site disturbance of 500 square feet or less would likely be small projects. States if one is within Los Osos USL there is a 500 foot exemption, but outside the Los Osos USL, there is none.
<u>9:34:56</u> <u>AM</u>	Mike Wulkan, staff	States that anywhere within URL one must have an approved HCP, participate in an HCP, or comply with FESA.
<u>9:35:52</u> <u>AM</u>	Commissioner Nielsen	Requests information about areas outside the URL, with staff responding, outside the URL is almost exactly the same boundary as the Los Osos Dune Sands ESHA.
<u>9:36:32</u> <u>AM</u>	Commissioner Nielsen	Asks about definitions of a TH, with staff responding, a TH is a terrestrial habitat, which is a kind of ESHA.
<u>9:38:10</u> <u>AM</u>	Commissioner Nielsen	Requests further information about how the 10,000 and 20,000 square foot determinations were made, with staff responding habitat is to be protected to the maximum extent feasible. That is the basis of the standards. The goal is to protect as much habitat as possible while allowing reasonable areas for development.
<u>9:39:59</u> <u>AM</u>	Commissioner Nielsen	Asks about restrictions on the number of dwellings, with staff responding most of the areas are zoned residential suburban. Gives examples and outcomes.
<u>9:41:58</u> <u>AM</u>	Mike Wulkan, staff	States the maximum would be 13 dwelling units clustered, with 20,000 square feet maximum site disturbance, and open space. If the site is all ESHA and cannot be developed according to the biological report, then the property could not be divided. That is a restatement of an existing ordinance of the Coastal Land Use Ordinance.
<u>9:43:20</u> <u>AM</u>	Mike Wulkan, staff	Further clarifies changes in the staff report distributed this morning.
<u>9:44:41</u> <u>AM</u>	Chairman Mehlschau	Requests public comment be limited to those issues addressed by staff.
<u>9:45:06</u> <u>AM</u>	Eric Greening	Expresses concern about fire clearance conundrum. Exempting it means you can impose the impact, and also means you do not have to quantify or mitigate. That is unacceptable. Non-conforming development being treated as if it does is not acceptable. With plants, endomism is on a small scale, which sounds like very little, but it could be occupied by the last remaining area of endangered plant species. More care must be taken in such an area. Making more and more exceptions will lead to collision with California Coastal Commission, holding up the entire area plan.
<u>9:47:54</u> <u>AM</u>	Commissioner Roos	Requests clarification of "endomism," with Mr. Greening responding an area that is not duplicated elsewhere is an endomism. Root is endemic, which means it is here and not elsewhere.
<u>9:49:13</u> <u>AM</u>	Jeff Edwards	Distributes a site plan of the 66 acres previously referred to by Commissioner Nielsen. States his grave concerns about this property and designation as Dune Sands ESHA. Requests exclusion of the developable portion of the property and make the Dune Sands overlay coterminus with the open space. Speaks to a Lot Line Adjustment approved for Michael Tutt on March 11, 2004. Requests Commission act to include the open space component of that project in the greenbelt overlay and exclude the remaining eight acres.

<u>9:52:49</u> <u>AM</u>	Commissioner Roos	Requests clarification of mapped areas, and whether they meet existing rules, with Mr. Edwards responding. The Colmar matter has not yet been filed, but the Tutt matter was previously reviewed.
<u>9:53:58</u> <u>AM</u>	Commissioner Nielsen	Requests information as to when the project will come forward, with Mr. Edwards responding the vesting map will be submitted soon.
<u>9:54:29</u> <u>AM</u>	Commissioner Liberto-Blanck	States she spoke ex parte with Eric Greening about the plan.
<u>9:54:50</u> <u>AM</u>	David Chipping	Los Osos. Comments on response to letter from Connor, about unmapped ESHA. Gives an example from Oxnard where a plant that was thought to be extinct was found. Under the Coastal Act, it received automatic protection. Unmapped ESHA automatically protects something that comes up unexpectedly. One should not remove that aspect of the protection from the Coastal Plan. As far as confusion about mapping overlays defining ESHAs and ones that define mitigation areas, where habitat exists is different from what can be done with a piece of land where such habitat exists. Gives examples of when federal policies apply. States the Coastal Act has higher mitigation standards than CEQA. Speaks to small square footage disturbance, giving example of a 50 foot x 50 foot home, and how disturbance for fire suppression would affect this.
<u>9:59:23</u> <u>AM</u>	Rich Nyznyk	Reiterates his request to not rename this greenbelt ESHA. Gives reasons. Refers to letter previously submitted, regarding "the farm." Clarifies his request regarding two APN's where both properties were requested to be removed. Refers to an approved lot line adjustment. Requests clarification that both APN's are removed from the greenbelt.
<u>10:02:51</u> <u>AM</u>	break	
<u>10:18:50</u> <u>AM</u>	RECONVENE	
<u>10:19:49</u> <u>AM</u>	Commissioner Roos	Requests information about habitat, with staff responding. Refers to map submitted by Mr. Edwards, with staff clarifying details regarding ESHA and adverse impacts from development as well as compliance issues.
<u>10:21:46</u> <u>AM</u>	Commissioner Liberto-Blanck	Requests staff speak to issues raised by Mr. Greening, with staff responding not including fuel modification areas for fire suppression was a decision made by this Commission, but this can be looked at again. States brush clearance for fire suppression could be included in the disturbance limitations if certain findings could be made, which would allow adjustment.
<u>10:23:50</u> <u>AM</u>	Nancy Orton, staff	States reasons why fire suppression can be allowed while still being subject to limitations due to sensitive habitat area. States Fire Department has distributed guidelines about how to deal with fire suppression clearing within sensitive habitat.
<u>10:26:55</u> <u>AM</u>	Commissioner Liberto-Blanck	Reiterates statements by staff, with Ms. Orton affirming.
<u>10:27:48</u> <u>AM</u>	Discussion	

<u>10:29:13</u> <u>AM</u>	Nicole Carter, EIR Consultant	States many factors enter fire management. States the statement from South Bay Fire Department is clear. Significant impacts can result even without clear-cutting. Gives examples. States the fire department is sophisticated and works with property owners.
<u>10:30:22</u> <u>AM</u>	Commissioner Roos	States he likes what staff came up with. States he is satisfied with today's presentations.
<u>10:30:40</u> <u>AM</u>	Commissioner Liberto-Blanck	Agrees with Commissioner Roos.
<u>10:30:54</u> <u>AM</u>	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to tentatively approve Exhibit A to Los Osos Dune Sands Environmentally Sensitive Habitat Area standards as set forth in staff report, with all changes proposed included.
<u>10:32:04</u> <u>AM</u>	Commissioner Roos	Requests clarification regarding "The Farm.", with staff responding. Reiterates Mr. Nyznyk's testimony, stating the Shielbelhut property has had snails or snail shells found on it. The lot line adjustment has not yet been recorded. States staff does not have a strong position either way, but prefers leaving it in.
<u>10:34:24</u> <u>AM</u>	Commissioner Liberto-Blanck	States she wishes to leave it in, because not enough information has been received to take it out, with Commissioner Roos stating his agreement.
<u>10:34:57</u> <u>AM</u>	Commissioner Nielsen	States more information is required to take properties out of the greenbelt. There is still an opportunity to be exempted from the ESHA. Supports leaving the farm in, with Commissioner Roos stating his agreement.
<u>10:36:07</u> <u>AM</u>	Mike Wulkan, staff	Recommends reviewing chapter 8. This is a Coastal Access component, a compilation of the goals, policies and programs that relate to Coastal Access. New items will be highlighted. Page 8-3 discusses a major goal of maximizing access along the coast and protecting private property as well. Page 8-9 includes coastal access policies; references pedestrian circulation, regional bikepaths. Protection of resources and agricultural operations is included, and consistent with Coastal Act language, using the same language. Page 8-11 starts discussion about standards. Highlights some. Page 8-12 refers to new development.
<u>10:42:16</u> <u>AM</u>	Commissioner Roos	Requests clarification of Minor Use Permits being required, which are usually for smaller projects, with staff stating it is projects of two or more dwelling units. Adding a garage would not kick in these standards.
<u>10:43:21</u> <u>AM</u>	Mike Wulkan, staff	Page 8-13 refers to programs and future actions by the Board of Supervisors, as well as funding. Programs are taken from chapters 4 and 5. Hiking and equestrian trails has been previously covered, and will be shown in the Parks and Recreation Element, being developed now. Tables appear on pages 8-23 and 8-24. On 8-14 there is a new program with County General Services for a plan regarding future offers to dedicate, a program for General Services and Planning to document prescriptive rights, and a program that public land holdings appropriate for public access be retained in public ownership. A program in the rural area to develop parkland, equestrian oriented with an off-highway bike path, connecting Cayucos and Morro Bay is included. Protection of sensitive habitat, including Snowy Plover protection is a new program. That

		concludes summary of Chapter 8-Coastal Access.
<u>10:46:14</u> <u>AM</u>	Commissioner Roos	Requests information about parking criteria, with staff responding the criteria are in a through e of third bullet.
<u>10:47:16</u> <u>AM</u>	Commissioner Liberto-Blanck	Page 8-5 refers to south of Los Osos, a sand spit owned by State, and a map on 7-18. The portion of the sand spit within Morro Bay is privately owned, with staff stating he is not aware of a program to acquire that.
<u>10:48:24</u> <u>AM</u>	John Euphrat, staff	States the majority is owned by Morro Bay, and he is not aware of plans to purchase.
<u>10:48:58</u> <u>AM</u>	Mike Wulkan, staff	States the sand spit is protected, and refers to location of the discussion within the proposed plan.
<u>10:50:05</u> <u>AM</u>	Eric Greening	States most of this looks easy, but there is difficulty finding balance between public access and resource protection. These two goals often come into conflict. Page 8-9 under B-1, second paragraph, it would be better to reference the California Coastal Trail which would extend from one end of the area to the other, with the trail from Los Osos to Cayucos being a segment of that, to be consistent with changes in the circulation chapter. And next page says "pursue improved coastal access and amenities . . . in connection with new development." Suggests striking "in connection with new development " Language within the plan could be misconstrued as calling for development on that property. Cayucos residents are very concerned about this, especially if it turns out to be a desalination plant.
<u>10:53:19</u> <u>AM</u>	Joy Fitzhugh, Farm Bureau	Refers to page 8-9, #2 Coastal Trail. "Class 1" should be included, so that the trail is clearly divided from the roadway. That is as opposed to "Class 2" which is a road shoulder. On page 8-14, prescriptive rights, second line, which says "should document potential public prescriptive rights.", states the county should not be in the business of trying to log who trespasses. People in agriculture do have a problem with trespass. Suggests striking from the paragraph.
<u>10:55:56</u> <u>AM</u>	Teresa McClish	Speaks for Cuesta Inlet Property. The majority ownership does not have a problem, but some do not like the prescriptive rights paragraph, because it says "anything existing shall be maintained." and in a separate section says "consistent with protection of special habitat." The habitat is tread constantly by dogs and bicycles, and many others. This is too broad. Staff responds to Commissioner Nielsen's request for page number, stating page 8-12 last bullet speaks to Cuesta Inlet.
<u>10:58:18</u> <u>AM</u>	Commissioner Liberto-Blanck	Requests clarification of prescriptive rights, with staff responding.
	Mike Wulkan, staff	The intent of this policy (2 programs) is to give an idea where we have possible prescriptive rights, so public access can be maximized, and interaction can be had between different access trails within the coastal communities This comes from general policy of coastal act goals to prevent interference with public access to the coast. States documentation of potential prescriptive rights has been started. Chapter 8 has a list of existing sites. That is the intent.
<u>11:00:16</u>	Tim McNulty,	States prescriptive rights is a very old right of the public. State law has a

<u>AM</u>	County Counsel	statute that allows a property owner to file a document that he knows of access but does not approve, and thereby, the continued use would not constitute a future right. Historical use of private property for access can be taken to court. Use must be documented, or it can be lost. If someone tries to prevent the use, and those who use somehow "go away" the access could be lost. That is the idea of documentation, to record the access.
<u>11:02:33 AM</u>	Commissioner Roos	Gives a hypothetical situation to clarify the prescriptive rights issue, with County Counsel responding. If an agreement were made between two properties owners who subsequently have a falling out, no prescriptive right could be established, if you had authority to use the property. That is only when using property contrary to desires of owner. The only way to get prescriptive access is to trespass, with County Counsel affirming and stating the trespass must be done in the open and with knowledge of owner.
<u>11:04:19 AM</u>	Discussion	
<u>11:05:17 AM</u>	Commissioner Nielsen	Requests information about whether potential public prescriptive rights were identified by the county, would the property owner have access to a legal property to remove his property from that list, with county counsel responding. There must be documentation that use occurred for a period of time. A historical record of use is of value in such a case.
<u>11:06:51 AM</u>	Discussion	
<u>11:07:24 AM</u>	Chairman Mehlschau	Requests some language further defining what the county plans to do regarding prescriptive rights and documenting use, with staff responding.
<u>11:08:10 AM</u>	Commissioner Roos	States this should be taken out. Staff has stated there is adequate access in rural areas, so there is no problem, no big areas that are fenced off. In this time of declining budgets we should do this.
<u>11:09:02 AM</u>	Commissioner Liberto-Blanck	States her agreement with Commissioner Roos
<u>11:09:22 AM</u>	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to remove the second bullet, "Prescriptive Rights." on page 8-14 and revise the first bullet so it does not refer to potential public prescriptive rights.
<u>11:10:32 AM</u>	Commissioner Liberto-Blanck	Requests clarification of page 8-9, regarding the first bullet, creating a Class 1 bike lane, with staff responding that a Class 1 bike path was recommended, but no part of the circulation map was revised. Part of the bike path may have to be Class 2.
<u>11:11:48 AM</u>	Richard Marshall, Public Works	States the use of "where feasible" would be appropriate here, because the South Bay Boulevard corridor between Los Osos and Morro Bay has been analyzed, and some places are fairly constrained. States Class 1 standards talk about pedestrians, and multi-use situations.
<u>11:12:45 AM</u>	Commissioner Liberto-Blanck	States it should be referred to as the California Coastal Trail, with staff responding that can be included.
	Mike Wulkan,	This is the second sentence under the first bullet. Proposes language.

	staff	Developing a coastal trail from Los Osos to Cayucos, where feasible, that is part of the California Coastal Trail.
<u>11:13:28</u> <u>AM</u>	Commissioner Nielsen	Suggests adding "consistent with the California Coastal Trail and county trails plan."
<u>11:13:38</u> <u>AM</u>	MOTION	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Cooper, and unanimously carried, to revise the second sentence under the first bullet, page 8-9 to read: "Developing a coastal trail from Los Osos to Cayucos that is part of the California Coastal Trail, and is consistent with the California Coastal Trail and County Trails Plan."
<u>11:15:42</u> <u>AM</u>	Discussion	
<u>11:15:57</u> <u>AM</u>	MOTION	Thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Cooper, and unanimously carried, to strike on page 8-10 bullet 3 "in connection with new development."
	Commissioner Nielsen	States that in regard to one speaker's request for more specificity regarding the Cuesta Inlet, the discussions today are policy level and the Commission is trying to balance use against environmental concerns, and the language on page 8-12 does that.
<u>11:17:16</u> <u>AM</u>	Nicole Carter, EIR Consultant	Refers to method of discussion that has been used so far. States Coastal access is discussed in the EIR in Section 5.1 Circulation. Impacts of development were considered less than significant. Also, information about coastal access is in 5.8 Biology. Impacts are considered significant.
<u>11:19:17</u> <u>AM</u>	Commissioner Liberto-Blanck	Requests input from Ms. Carter regarding impacts, with Ms. Carter responding.
<u>11:19:38</u> <u>AM</u>	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Cooper, and unanimously carried, to approve chapter 8 as modified.
<u>11:21:27</u> <u>AM</u>	Mike Wulkan, staff	Addresses chapter 4. Refers to page 4-6, stating this applies throughout the planning area. Policies in rural area are aimed at protecting resources, maintaining the existing extent of the urban areas, and creating a hard edge between urban and rural development, among others. On page 4-8 land use policies begin for rural areas. Gives details, listing.
<u>11:24:28</u> <u>AM</u>	Mike Wulkan, staff	States purposes of Open Space Policy 1 and 2. On page 4-9 agricultural areas -- provide incentives for agricultural use, not converting, and preventing development.
<u>11:25:22</u> <u>AM</u>	Commissioner Roos	Asks meaning of preventing development, with staff responding it means not changing the general plan. The intent is not to prevent development on existing lots, but to prevent the spread of urban and suburban size lots in agricultural areas.
<u>11:26:35</u> <u>AM</u>	Discussion	
<u>11:28:08</u> <u>AM</u>	Commissioner Nielsen	Suggests eliminating #3 because the material is covered adequately in point #2, with staff responding.
<u>11:29:29</u>	Mike Wulkan,	Suggests if #3 is deleted, #2 should be revised to include "or amend the

<u>AM</u>	staff	planning area standards such that more intensive development would not be allowed." or something similar, with Commissioners agreeing that staff shall develop language.
<u>11:31:11 AM</u>	Mike Wulkan, staff	Discusses a hard area around Los Osos to contain urban development within. States Cayucos wants a similar greenbelt surrounding their community. #6 had language added previously, "without interfering with agricultural development." Regarding the Morros area, to protect scenic aspects of the Morros. States a Morro Bay Specific Plan is being developed at this time. On page 4-13, Agriculture Policies, #11 needs to be changed to read: "Require decommissioning of marine terminal facilities, . . ."
<u>11:33:38 AM</u>	Commissioner Roos	States there is a proposal to use that, and if the principles were present, they would probably object to that language. That is the desalination plant. States we should not state it is decommissioned and make that a county policy.
<u>11:34:37 AM</u>	John Euphrat, staff	States there is no permit for the use, it has been discontinued. Any proposal that comes in after today will have to be consistent with the agriculture element. A pipeline system in place below the sand exists now, and are seen as conduits that could potentially be used. There is no application for a desalination plant. The proposed language would not affect it one way or the other. That property would be required to be cleaned up. A pending application exists to clean up the property by Chevron. Explains the clean-up proposed. Explains decommissioning in detail. Suggests adding language to clarify, such as "other than existing facilities that can be reused as part of a new project."
<u>11:39:55 AM</u>	Commissioner Nielsen	States this language is extremely important.
<u>11:40:16 AM</u>	Mike Wulkan, staff	States chapter 7 contains more specific language, but this statement can be modified to cover re-use of facilities. States language will be developed for consideration later today.
<u>11:41:04 AM</u>	Mike Wulkan, staff	Refers to Chapter 12, bike path between Cayucos and Morro Bay -- we can strike "except for new development." Refers to page 4-15, Policies regarding rural lands category, which is the Cayucos hillsides. The Cayucos hillsides are the areas commonly referred to as paper lots. Both areas are subject to geological hazards.
<u>11:44:35 AM</u>	Commissioner Liberto-Blanck	Requests clarification of who maintains lots acquired through tax default, with staff responding the county maintains those it acquires. That is one possible solution, to have a regional open space committee. There are legal lots that could be developed in the future, though it is unlikely.
<u>11:46:47 AM</u>	Mike Wulkan, staff	If the county acquires tax defaulted lots, the maintenance is done by the county. Discussion has taken place between the county and conservation organizations, where the lots have been given over the conservation organizations. County General Services does the maintenance. One possible solution is a regional open space district or some way to fund these acquisitions. Gives example of Cayucos Land Conservancy, which has received a grant to study ways to acquire properties. They may have acquired some by acquisition, or by transfer from the county. They are looking at ways to preserve the area. Theoretically, development would be possible in the

<p>11:56:08 AM</p>	<p>Mike Wulkan, staff</p>	<p>future, if all impacts could be dealt with. On page 4-17 are policies for Recreation category. The existing are Montana de Oro State Park, and a small property owned by Chevron. Policy 2 says "immediately adjacent to urban areas on sites that do not have prime land or significant habitat. This is in the Coastal Act. If we look to rezone land to recreation, it should not impact agriculture, sensitive habitat and should be adjacent to an urban area.</p> <p>Page 4-18 Residential Suburban categories. Points out the 2 areas, and describes same. The policies for those areas are to not move the urban reserve lines to encompass existing residential suburban categories outside the URL. That's consistent with keeping a hard boundary. Page 4-19 there is a policy for the fringe area of Morro Bay. There are some programs on page 4-55, for the Adelaida Planning Area, requested by the Cayucos Citizens Advisory Council. One is to establish a new sensitive resource area. This is now in process. There is a program to delete the EX combining designation for the tank farm above Cayucos, to establish a referral area within which certain projects within the Whale Rock Reservoir area would be referred to Environmental Health if those projects could include contaminants being released into the watershed. There is also a proposal to change the boundaries of the Coastal Zone, which is the email from Dick Moom. If the Commission wishes to do something along the lines the Advisory Council suggests, wording can be developed.</p>
<p>11:56:21 AM</p>	<p>Commissioners</p>	<p>Please expand on the email from Mr. Moon, with staff responding, pointing out on map existing Coastal Zone boundaries, and defining Coastal Zone. Explains recommendation of the Advisory Council. They advise expansion of the Coastal Zone. The State Legislature would have to be requested to change the Coastal Zone boundaries. Regarding page 4-55 c. Requests information about commercial or industrial zones in the area, with staff responding in recreation category there is possibility of some projects other than agricultural use. The idea is to get anything that might have contaminants to be reviewed if it is in the watershed of Whale Rock Reservoir.</p>
<p>11:57:48 AM</p>	<p>Commissioner Nielsen</p>	<p>Requests confirmation that moving the Coastal Zone line, it would be moved only to the extent it is in the Estero Plan, with staff responding the existing coastal zone boundary is the one between Estero and Adelaida. This proposal of moving the Coastal Zone inland would make part of Adelaida coastal and subject to those regulations.</p>
<p>11:59:17 AM</p>	<p>Mike Wulkan, staff</p>	<p>Page 4-9 is the proposal to delete policy 3 and revise policy 2. "Do not convert agricultural land to other land use categories or revise planning area standards so as to enable more intensive development." With that language the would be no problem deleting #3. Chapter 4 is concluded.</p>
<p>12:00:55 PM</p>	<p>Eric Greening</p>	<p>Refers to letter from Dick Moon. States it appears the Cayucos Advisory Committee has gone a step further. Refers to discussion about the tanks, states none of those is in the Estero Planning Area, nor in the coastal zone. All are in the Adelaida Planning Area. States the Commission should entertain Mr. Moon's concerns. They are trying to get control of their watershed and watershed, and have that local. Refers to 4-18 Whale Rock watershed, states "now in Adelaida" which makes him wonder if in the past the coastal zone was wider there. With the Estero Marine terminal there will be projects that</p>

		propose to use that. The planning of that property should occur as a whole under coastal policies.
<u>12:04:27</u> PM	Mike Wulkan, staff	Regarding the marine terminal, see page 4-55 2d, which is a program to add planning area standards to the marine terminal ownership so they are consistent with the standards in this plan. States that the planning area boundary of Adelaida was changed in 1990 to follow the coastal zone. In the past there was an Inland Estero and a Coastal Estero. The Inland Estero was never subject to coastal regulation.
<u>12:06:13</u> PM	Joy Fitzhugh, Farm Bureau	Page 4-8, Open Space, states supporting agriculture is important to water quality. States slowing sedimentation impact agriculture. States all open space land is not publicly owned. Would like "agriculture" there. On page 4-10, thanks Commission for their revision. Page 4-37, encouraging acquisition of sensitive resources is still opposed by Farm Bureau. They are not in favor of the county acquiring such land. Page 4-55, states they are concerned about amendments and establishing SRA's and impacts on agriculture. States the Coastal Commission wanted to put restrictions on agriculture to protect the public viewshed. States they do not support that at all. States the Farm Bureau is not in favor of expanding the Coastal Zone at all. Also page 4-55, the establishment of a referral area, states this extra activity may not be needed, due to other regulations above the Whale Rock Reservoir.
<u>1:31:37</u> PM	Chairman Mehlscha	Requests rereading of item b2 on page 4-9, second phrase, with staff responding..
<u>1:32:18</u> PM	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to delete policy 3 and revise policy 2 on page 4-9, to read as follows: "Do not convert agricultural land to other land use categories or revise planning area standards so as to enable more intensive development."
<u>1:32:30</u> PM	Chairman Mehlschau	Requests #4-13 wording, with staff responding.
	Mike Wulkan, Staff	States the policy language should be narrowed. Reads proposed new #11. States that in Chapter 7, specifics regarding the plan will be given. The policy language here should be broad.
<u>1:33:46</u> PM	MOTION	Thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Cooper, and unanimously carried, to revise #11 on page 4-13 to read: "Require a plan for the decommissioning of the marine terminal facilities, correction of any hazardous conditions, and restoration of the site to enable future use that is consistent with the Agriculture Land Use Category."
<u>1:34:06</u> PM	MOTION	Thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Cooper, and unanimously carried, to delete the phrase "in connection with new development" to #12 on page 4-13.
<u>1:34:37</u> PM	Commissioner Roos	States page 4-8 was discussed, with staff responding that the policy is only for open space, and so would not cover agricultural land. Suggests including the word "agriculture" following the word "recreation."
<u>1:35:41</u> PM	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to revise Policy A.2. on page 4-8 to

		read as follows: "Slow the process of bay sedimentation and support efforts to ensure that water quality supports recreation, agriculture, viable commercial fishing and shellfish mariculture industries, and a healthy ecosystem that harbors a diversity of wildlife."
<u>1:37:58</u> PM	Discussion	Discussion takes place regarding changing the coastal zone boundary, with Commissioner Roos stating this is not the proper time to discuss it. Commissioner Cooper states his agreement. Commissioner Liberto-Blanck requests affirmation of whether advisory groups should have an opportunity to discuss this first.
<u>1:38:46</u> PM	MOTION	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Roos, and unanimously carried, to tentatively approve "Chapter 4 Land Use Policies and Programs" for the rural area, as covered so far.
<u>1:40:00</u> PM	Mike Wulkan, staff	In Chapter 7 are standards for the rural area. The first thing in Chapter 7, page 7-10, these standards apply everywhere, including urban areas. These are general standards for environmentally sensitive standards. Clustering is discussed. On page 7-11, there is a discussion of cluster options, which would provide options for cluster subdivisions that are less strict than for other subdivisions.
<u>1:41:52</u> PM	Commissioner Roos	Refers to "g" -- that paragraph should refer to a through f, not a through g, with staff confirmation.
<u>1:42:21</u> PM	Mike Wulkan, staff	Unmapped ESHA is referred to in the plan, referred to on page 7-11. All are considered environmentally sensitive habitat, and development within those areas would have to be clustered or concentrated. On page 7-13 some requirements for land divisions and development design appear. In 1a, development has to result in no adverse impact in environmentally sensitive areas. If it does, you cannot divide. 1b is new development prohibited unless not silhouetted against the sky. On page 7-14 standards for site disturbance in environmentally sensitive habitat limits site disturbance to the maximum extent feasible. Item 2 at the bottom of the page discusses site disturbance, and needs to be revised to be consistent with earlier changes: "Site disturbance includes disturbance of the following areas . . . add "utility trenching, and in 4th line delete fuel modification areas, then continue "site disturbance does not include, and then delete . . . all the way to "other features." Site disturbance does not include and then add "activities" -- Page 7-15. This standard protects water quality, requiring within 1 mile of a municipal water well requires . . . review. The requirement is for a referral to Environmental Health for their review. Page 7-15 has planning areawide standards that require maximization of . . . On page 7-17 standards require referral areas or planning impact areas for Morro Bay, Cayucos and Los Osos. These are areas within which projects get referred to the cities or advisory groups for their review. Maps appear on pages 7-21, Figure 7-3, page 7-18 has Morro Bay impact area. The Cayucos Impact area is shown on 7-20.
<u>1:49:05</u> PM	Commissioner Roos	Questions page 7-15 E-1, "existing prescriptive rights" -- requests legal definition, with staff responding it is a prescriptive right that has already been determined by the courts.

<u>1:50:00</u> PM	Commissioner Liberto-Blanck	Requests information on standards regarding light pollution of the night sky, with staff stating he recalls nothing from the advisory councils on this, but the ordinance requires certain methods. States she wishes a standard about the night sky, with staff responding language from the El Pomar plan could be applied here. Commission directs staff to bring back language to the next meeting.
<u>1:52:07</u> PM	Mike Wulkan, staff	Rural area standards begin on page 7-22. On 7-23 a standard appears for new land divisions in Los Osos groundwater basin, which requires before approval a finding must be made that at buildout the project is sustainable. This standard is proposed for Los Osos, and new lots cannot be created unless water is available.
<u>1:53:46</u> PM	Discussion	
<u>1:57:04</u> PM	Mike Wulkan, staff	Item C page 7-23, displays on overhead screen. This is the Irish Hills Scenic Backdrop critical viewshed. It is a sensitive resource area. The idea is to protect views as seen from LOVR and a narrow corridor of 100 feet on either side of LOVR where visual standards would apply. Those are found in the back of the document in the package of amendments. Item D is another critical viewshed, the Hwy 1/Cayucos area, shown on 7-25 and displayed overhead. It extends from Morro Bay along Via Creak to Hwy 1. This would be a sensitive resource area designation, unlike Irish Hills which is simply critical viewshed.
<u>1:59:48</u> PM	Commissioner Nielsen	States the designation should be identified, with staff responding it is identified in Chapter 6.
<u>2:00:42</u> PM	Commissioner Roos	Requests clarification of standards expressed in two different verbiages, with staff responding the intent is the same, and the wording for item D could be used for both. Item C should say all applicable standards . . . apply, for example, those in Chapter 4."
<u>2:02:25</u> PM	Mike Wulkan, staff	Page 7-27 the primary purpose is to protect scenic backdrops, important animal and plant habitats. This is already in existence, and is being refined. Clustering is required, as discussed earlier. On page 7-28 Coastal Terrace, west of Cayucos extending up the coastline, staff recommends consolidating items a and b regarding biological report. Delete language . . .
<u>2:04:26</u> PM	Commissioner Liberto-Blanck	Asks for definition of Land Use Permit, with staff responding it is a broad category, and could be ministerial.
<u>2:04:54</u> PM	Mike Wulkan, staff	Refers to bottom of page 7-28, Dunes Sands outside the Los Osos area, and intent is to recognize those areas can support endangered species, and require following the standards. Recommends change to item #3, last sentence on the page. Gives proposed language. States a map will be displayed showing those areas outside Los Osos that have Los Osos Dune Sands.
<u>2:07:05</u> PM	Mike Wulkan, staff	Certain types of soils are referred to on page 7-30. This is recommended by the Agriculture and Open Space Element. A1 lists the allowable uses. Bottom of page 7-30 in Agriculture category are standards for Los Osos Marine Terminal. Pages 7-31, 32 and 33 have actual standards. What is being

		required is storage tanks, unnecessary storage tanks shall be dismantled, in accordance with required development plan and any ... corrected. Standard 2 requires development plan be filed. On page 7-33, the requirements of the development plan are listed. Recommends revising wording in b3 to add the application include any reuse of existing facilities. Explains. #3.
<u>2:11:01</u> PM	Mike Wulkan, staff	Details some permitting requirements. A section of the California Code has special requirements for construction near landfills. On page 7-36 a map appears. States uses are limited, and lists uses. Estero Bluffs is now public and the uses listed are consistent with the intended uses by State Parks. On page 7-37 there are no significant changes.
<u>2:13:04</u> PM	Commissioner Nielsen	Requests clarification on page 7-28. Point 3. States the SRA is outside the URL. Section 6b refers to sensitive resource area. The language proposed to be inserted requires participation in the Los Osos HCP, but does not address individual HCP, with staff responding because it is in rural area, they are not required to comply
<u>2:15:12</u> PM	John Euphrat, staff	States residents of Los Osos do have the option of doing their own.
<u>2: 5:52</u> PM	Joy Fitzhugh, Farm Bureau	Refers to pages 7-15 and 7-23. Asks if changes to 4-10 #6 will suffice or should Coastal Access and Recreation being consistent with protection of ongoing future agriculture be included. Same thing on 7-23, both c and d where Irish Hills Lackdrop is discussed. Please insert "As long as it does not interfere with agricultural production." Compliments on fine work done by Mike Wulkan and Nancy Orton.
<u>2:17:33</u> PM	Eric Greening	States his agreement about the good work that has been done by staff. Points out that before it is determined that this area plan is not the place to look at changing the Coastal Zone Boundary, you should interface with others, and it should be mentioned in the plan. On Los Osos Dunes Sands, is the language an obstacle to the likely possibility that impacts on Dunes Sands habitat inside the community of Los Osos will require off site mitigation outside that community. We have not seen the habitat conservation plan, but it may become a program, and the habitat outside the community may become impacted. Any language that exempts this area from habitat conservation plan is going to have to be mitigated somewhere. On page 7-33 a small change where any proposal not yet accepted by the county would not be accommodated in this plan. It should say "and any re-use proposed for" so as not to give privileged status to some applicants. States night sky should be protected and language should be included, such as in El Pomar-Estrella Plan.
<u>2:21:51</u> PM	Mike Wulkan, staff	Page 7-15, comments by Joy Fitzhugh, it would be appropriate to add "opportunities to provide access along the coast shall be maximized"
<u>2:22:36</u> PM	John Euphrat, staff	States language could be changed in #3 to read, "Public access shall be consistent with protection of sensitive habitat and agricultural uses."
<u>2:23:16</u> PM	Discussion	
<u>2:26:51</u>	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner

<u>PM</u>		Liberto-Blanck, and unanimously carried, to modify Areawide Standard E-3 on page 7-15 by adding the word "agriculture" to the end of the sentence.
<u>2:27:14</u> <u>PM</u>	Mike Wulkan, staff	States the actual standards that implement the critical viewsheds are in the Coastal Zone Land Use Ordinance package of amendments at the back of this book, so that would be the place to deal with that.
<u>2:28:41</u> <u>PM</u>	MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to revise the last sentence of item C on page 7-23 to read: "All applicable standards in the Coastal Zone Land Use Ordinance apply within this area (e.g., those in Chapter 23.04)."
<u>2:29:21</u> <u>PM</u>	MOTION	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Roos, and unanimously carried, to make the definition of "site disturbance" in Item 2.b.(2) on page 7-14 the same as the definition in Los Osos ESHA standards.
<u>2:29:38</u> <u>PM</u>	Commissioner Nielsen	Changes to 7-28 2a Application Content, which is a biological report.
<u>2:30:08</u> <u>PM</u>	Discussion	
<u>2:31:08</u> <u>PM</u>	MOTION	Thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Roos, and unanimously carried, to delete on page 7-28, #2.a. as revised, the words "that is subject to the scenic protection standards in Chapter 23.04 of the Coastal Zone Land Use Ordinance.", and to add the phrase "except for the standard that requires participation in the Los Osos HCP." to the end of #3.
<u>2:31:45</u> <u>PM</u>	MOTION	Thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Roos, and unanimously carried, to add the words "in accordance with the required development plan" to #1 Storage Tanks and Related Equipment" on page 7-32.
<u>2:32:48</u> <u>PM</u>	Commissioner Nielsen	Refers to revision required on page 7-33, and proposes language.
<u>2:33:11</u> <u>PM</u>	Commissioner Liberto-Blanck	Indicates agreement with Commissioner Nielsen."
<u>2:34:05</u> <u>PM</u>	MOTION	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Roos, and unanimously carried, to add the phrase "re-use of existing facilities," to b.(3) on page 7-33, following the words "Plans for proposed decommissioning," in the first line.
<u>2:34:20</u> <u>PM</u>	Commissioner Liberto-Blanck	Refers to concern by Eric Greening that Commission not make decision too quickly regarding expansion of the Coastal Zone. States the recommendations are tentative.
<u>2:35:11</u> <u>PM</u>	Mike Wulkan, staff	States a summary of the EIR as it applies to these standards should be given, and maps reviewed.
<u>2:35:34</u> <u>PM</u>	Nicole Carter, EIR Consultant	Some properties are changing from Agriculture to Rural Lands. There is not a whole scale change, and the potential for environmental impact is less than that. Water supply, traffic related issues such as noise, wastewater, are not

2:38:46 PM	Mike Wulkan, staff	<p>issues, drainage is a less than significant impact, and there are no significant impacts to agriculture. Aesthetic impacts are less than significant. Geology, and cultural resources were looked at. Significant and unavoidable impacts, circulation had a class 1 impact. Air quality was considered.</p> <p>States changes to land use categories will be covered. Following page 7-179 starts a series of maps. They are numbered in lower right corner. States he will start with map #M-2. Displays overhead, it will change from Agriculture to Rural Lands. This 22-acre piece is Class 7 soils, which is unsuitable for range land. Staff recommends to go from Agriculture to Rural Lands on 22 acres. The next map, M-3 is a boundary adjustment between the Estero and San Luis Obispo Planning Area. This is in the Coastal Zone. Right now it is in the San Luis Obispo Planning Area, but part of it is in the Coastal Zone. The Estero Planning line is proposed to be moved to put all the property within Estero. Map #M-4, shows a proposed change from public facilities to agriculture on two 10-acre properties. Describes. Public Facilities zoning is not appropriate because it is privately owned. It should be zoned Agriculture, which is consistent with surrounding lands. Displays map #M-5. Staff recommends change from Agriculture to Rural Lands. Next map, #M-6, shows combining designation changes. Gives key changes, pointing out on overhead map. Expanding the shoreline and sensitive resource area around Cayucos, and points out same on map. That is to protect coastal views, marine mammals and sensitive plants. The next several maps, M-8, M-8a, M-8b, M-8c and M-8d show the areas of Los Osos Dunes Sands which are being designated environmentally sensitive habitat. Most of these sites were zoned Agriculture though most were publicly owned. Displays maps.</p>
2:50:33 PM	Commissioner Nielsen	Map M-6, requests clarification of "unused", with staff stating it means the number "1" was not used in this map.
2:51:30 PM	Eric Greening	States most of the changes appear routine. Suggests the Commissioner may want to be tentative about Public Facilities for the Los Osos Sewer. The Coastal Commission sent that back to the CSD who may end up relooking at some of the originally proposed sites.
2:53:26 PM	MOTION	Thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Roos, and unanimously carried, to accept the changes suggested by staff to maps M-2, M-3, M-4, M-5, M-6 and M-8 versions A, B, C, and D.
2:54:09 PM	MOTION	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Nielsen, and unanimously carried, to tentatively adopt the standards, as amended.
2:54:33 PM	MOTION	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Nielsen, and unanimously carried, to continue this item to May 27, 2004 at 8:45 a.m.