

Final Report Land Use and the California Environmental Quality Act in San Luis Obispo County

2000-2001 Grand Jury
San Luis Obispo County

April 27, 2001

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GRAND JURY

COUNTY GOVERNMENT CENTER
San Luis Obispo, California 93408

Wednesday, April 27, 2001

To the Residents of San Luis Obispo County:

The 2000-2001 San Luis Obispo County Grand Jury has completed an investigation of Land Use and the California Environmental Quality Act in San Luis Obispo County, and issued a Final Report dated today. Under the California Penal Code the San Luis Obispo County Board of Supervisors is required to respond to the Presiding Judge of the Superior Court within 90 days.

This is a mid-term release of that final report and is for your review and information. This report will also be included in the Grand Jury Final Report released at the end of this Grand Jury session as well as on the website: www.slocourts.net.

Respectfully,

By: Denise Mortorff, Pro Tempore
For: Helen J. Summerfield
Foreman 2000-2001 Grand Jury

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Final Report

Land Use and the California Environmental Quality Act in San Luis Obispo County

Introduction

The 2000/2001 San Luis Obispo County Grand Jury received a complaint requesting a review of the policies and practices of the San Luis Obispo County Government in carrying out the requirements of the California Environmental Quality Act (CEQA)¹.

It has been alleged to the Grand Jury that the county is not adequately complying with CEQA requirements. On the one hand, county staff assures us that it is following the letter of the law. On the other hand, citizens who are monitoring growth and development in the county believe that the spirit of the law is not being observed. The same source, and others, suggests that State CEQA Guidelines are not being honored.

The CEQA process is highly political and should be conducted in a very open manner. This requires a good faith effort on the part of the elected officials entrusted with the process and a meaningful involvement by the public affected by the process. Both are crucial in the development and implementation of good public policy.

CEQA is a process of disclosing the environmental consequences of a project decision. Project decisions, in the context of this report, are decisions regarding land use as governed by the Subdivision Map Act² and the Land Use Ordinance³. Decisions are made by duly constituted groups with authority to make land use decisions and accompanying CEQA documents.

¹ Public Resources Code, Sections 21000 et. seq. (The California Environmental Quality Act).

² Government Code, Sections 66410 et. seq. (The Subdivision Map Act).

³ Title 26 of the San Luis Obispo County Code,

Acknowledgements

The Grand Jury is grateful to the many individuals that voluntarily provided information and testimony important to this effort. Because of the confidentiality of the Grand Jury process, names are not disclosed.

The county staff was found to be very cooperative, professional and well informed in their subject area. We can be proud to have the excellence of the Planning and Building Department staff serving the county.

Purpose

The purpose of this report is twofold:

To provide some basic information on how environmental considerations and decisions are made—how it works.

To evaluate how planning and development decisions are made in the context of CEQA and make recommendations for improvement—how well it works.

Methodology

In an effort to understand the CEQA review process and more broadly the land use decision making, the Grand Jury interviewed a variety of witnesses, examined planning documents, and read extensively. The interviewees represented many differing points of view on the process.

The Grand Jury identified those people and departments who have the responsibility for the interpretation and oversight of CEQA. The following groups and individuals were interviewed for more than thirty hours of testimony:

- County Planning and Building Department in order to understand the CEQA requirements

and how county planners interpret and administer the requirements.

- A public environmental law firm for their point of view on the CEQA process.
- Several community advisory councils.
- A representative of the San Luis Obispo Council of Governments. (SLOCOG)
- Environmental consulting firms.
- A developer who has built subdivisions in San Luis Obispo County.
- An outside legal counsel with extensive background in CEQA law and land use matters.
- A Superior Court judge.

In addition, the County Planning and Building Department provided their project files, which contain CEQA information, for review by the Grand Jury. Jurors also attended Board of Supervisors meetings and Planning Commission meetings in order to develop a better understanding of the process; information was also gathered from a wide variety of sources. Jury members observed the Planning Department's presentation of their strategic plan to the Planning Commission.

Special Counsel

Michael H. Remy, a Sacramento, California attorney, provided advice and counsel in the preparation of this report.

Mr. Remy served as staff counsel for the California Department of Water Resources between 1970 and 1974 and currently provides ongoing advice and litigation representation to many public agencies, planning consultants, environmental organizations, and project applicants. He is one of the authors of "Guide to the California Environmental Quality Act (CEQA)".

Background

CEQA

CEQA was the outgrowth of a report by the California State Assembly titled "The Environmental Bill of Rights". It applies to certain activities of state and local public agencies. A public agency or a

private activity must comply with CEQA when it undertakes a project that requires some discretionary approval by a public agency and may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Projects emanate from the land use planning process. CEQA is not used to develop a project, rather it is used to illustrate the environmental consequences of a project.

The environmental review required imposes both procedural and substantive requirements. At a minimum, an initial review of the project and its environmental effects must be conducted. A more substantial review, in the form of an environmental impact report, may be necessary in other cases.

The environmental impacts of concern may involve the land, air, water, minerals, plants, animals, noise, and objects of historical or visual significance. The "environment" includes both natural and manmade conditions.

Under CEQA, the environmental costs and benefits of a project must be given the same consideration and value as economic costs and benefits.

Depending upon the characteristics of a project and its potential for significant environmental effects, CEQA review may pursue any of three basic directions:

- An exemption (statutory or categorical);
- A negative declaration (including a mitigated negative declaration); or
- An environmental impact report (EIR).

The CEQA process is summarized in Figure 1.

In the first step the lead agency, in this case the County Planning and Building Department, examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any

farther. The agency may prepare a notice of exemption.

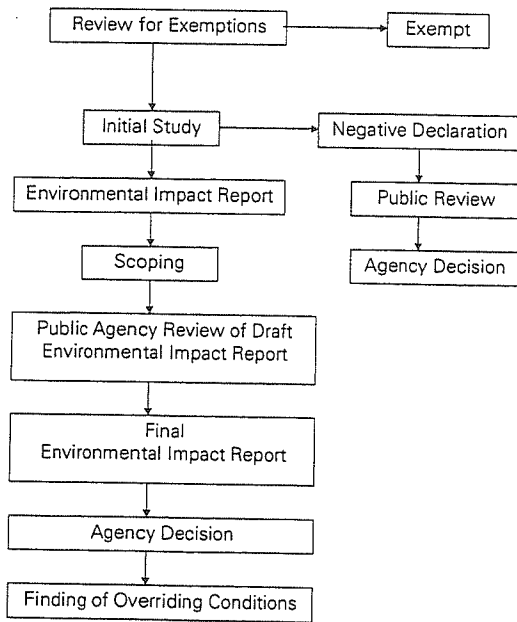


Figure 1. Summary of Environmental Review Process.

If the project is not exempt, the lead agency takes the second step and conducts an initial study to determine whether the project may have a significant effect on the environment. If the initial study shows that there is no substantial evidence that the project may have a significant effect, the lead agency prepares a negative declaration.

If the initial study shows that the project may have a significant effect, the lead agency takes the third step and prepares or causes the preparation of an environmental impact report.

The agency decision and the finding of overriding considerations, if necessary, occur simultaneously. CEQA allows, "If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'...."⁴

⁴ State CEQA Guidelines, Section 15093.

Significant Effect On The Environment

The following is the definition of significant effects from the State CEQA Guidelines : "Significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or esthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to the physical change may be considered in determining whether the physical change is significant."⁵

Authority

The California Environmental Quality Act⁶ (CEQA) is a state statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

The State CEQA Guidelines⁷ are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. These guidelines may be cited as the "State CEQA Guidelines." The State CEQA Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, Negative Declarations, and Mitigated Negative Declarations by public agencies. The fundamental purpose of the State CEQA Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. To that end, the State CEQA Guidelines are more than mere regulations which implement CEQA. They incorporate and interpret both the statutory mandates of CEQA and the principles advanced by judicial decisions.

⁵ State CEQA Guidelines, Section 15382.

⁶ Public Resources Code, Sections 21000 et seq. (The California Environmental Quality Act).

⁷ California Code of Regulations, Title 14, Division 6, Chapter 3.

A list of references and related websites is included in Appendix B for further detailed information.

Basic Purposes of CEQA

The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

CEQA was intended to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.⁸

Selected CEQA Processes in San Luis Obispo County

Because of the complexity of CEQA, we focused our investigation on five major areas: public involvement, cumulative impact analysis, mitigation, negative declarations and decision-making. Each is discussed separately below.

Public involvement

The CEQA process is designed to give full disclosure of discretionary land use related decisions that have environmental consequences. It is in this context that the public is afforded the opportunity to participate and comment on the environmental documents. This requires a good faith effort on the

part of the lead agency as well as an involved public. Both must be sincere and forthcoming in their efforts.

Participation Required

"Public participation is an essential part of the CEQA process."⁹

Two of the basic purposes of CEQA are to inform governmental decision makers and the public about the potential significant effects, if any, of proposed land use related activities and to provide opportunities for other agencies and the public to review and comment on draft environmental documents. CEQA and the State CEQA Guidelines establish a number of specific steps during the review and consideration of a project when the lead agency must inform other agencies and the public of the project and its potential environmental consequences.

The Environmental Coordinator

Article 2 of the County's Environmental Quality Act Guidelines¹⁰ states "*The Environmental Coordinator shall take prudent action necessary to ensure that the County environmental review process for all projects is open to public participation.*" The county planning staff reports that the Planning and Building Department meets all legal requirements. However, a number of the individuals interviewed for this report expressed the opinion that "the public is left out of the loop." Upon request, the Environmental Coordinator or another member of the Coordinator's staff will meet and confer with any person to discuss the status and progress of the environmental review process for any project. First, however, the person must be aware of the project, not always an easy step to accomplish. Any person may submit information of an environmental nature which is germane to the project under review. Project files are available in the department office for review as the files are a matter

⁹ State CEQA Guidelines, Section 15201.

¹⁰ County of San Luis Obispo Environmental Quality Act Guidelines, Adopted August 15, 1995.

⁸ Friends of Mammoth v. Board of Supervisors, 8 Cal 3d 247.

of public record. All letters dealing with the project are included in the file and are attached to the staff report when the proper county body is reviewing the project.

The public's right to learn about issues, and to voice concerns about a project's impact on the environment during the government's decision-making process, is affirmed through CEQA.

Early Information

If a project is determined not to be exempt from CEQA then the Planning and Building Department initiates an initial study of the proposed project. The Environmental Coordinator performs the initial study. The scope of the project is identified and evidence supporting the proposed scope is documented. This is the earliest overall view of a project that is done by county staff. County staff advises that they refer all projects to the advisory councils at the initial study phase. It is at this point that the public has an opportunity to comment on the project.

We have noted that at least one developer has taken steps towards improving public participation by meeting with community advisory councils and other elements of the community such as homeowners associations. They meet early in the planning process, before the project is finalized with the county planning staff. Encouraging other developers to do the same thing would have a beneficial effect in informing the public.

CEQA provides specific guidelines¹¹ for providing notice of projects. But the county is not responsible for soliciting public participation. For land use decisions¹² all properties within 300 feet of a proposed project must be notified of the project after the application is accepted and a public hearing is scheduled. The 300-foot rule does not work well in rural or undeveloped areas in which there may be only one property owner within 300 feet of the proposed project. Word of mouth among the

neighbors may provide the earliest public notice. The county staff reports they often provide notice to an expanded area.

Marin County citizens have formed the Marin Conservation League, an independent umbrella organization that disseminates information on land use and environmental issues including notices.¹³

Area Advisory Councils

Area advisory councils¹⁴, of which there are 12 in the County, could be a natural conduit for public participation in the CEQA process. The councils need adequate and timely notification in order to function as participants. To arrive at a consensus as requested by the Board of Supervisors, it is necessary for the councils to meet and discuss issues. Most councils meet only once a month, which creates problems in reacting to projects in a time frame that fits into the mandated schedules within CEQA.

Electronic Information

The Legislative Analyst's Office (LAO) in a study published in 1997¹⁵ recommended that CEQA documents be made electronically available. As a first step towards making more efficient use of previously generated information, the LAO recommended that CEQA documents such as EIRs be made accessible electronically to project developers, interest groups, state and local government agencies, and the public. Putting documents on-line on the Internet could do this.

For retrieval purposes documents and information need to have a geographic reference such as USGS Quadrangles or Global Positioning System coordinates.

Additionally, a County Planning and Building Department web site on the Internet could support communication and collaboration on a wide range of

¹¹ State CEQA Guidelines, Section 15062.

¹² Public Resources Code, Sections 21092.2 and 21092.3.

¹³ See Appendix B for the Marin County web site address.

¹⁴ See Appendix A for a list of the area advisory councils.

¹⁵ CEQA: Making It Work Better, March 20, 1997.

concerns involving public understanding and participation in land use issues.

While development of these information systems is important, equally important is a commitment to the ongoing maintenance of the systems.

CEQA Annual Report

It is interesting to note that neither the State CEQA Guidelines nor the San Luis Obispo County CEQA Guidelines suggest or recommend an annual report of CEQA actions in the county. It is clear from our investigation that an annual report to the residents of the county, summarizing actions taken relative to CEQA would be of great interest and assistance in helping the public understand what was being done on behalf of the environment in their county.

Careful consideration needs to be given to the data sources for the information to be included in the report. Collection of the data needed in this report should be made a routine part of the process. Collaboration with the public in developing the report format and the information to be included would be important.

A CEQA annual report would be a stewardship statement to the public.

Importance of Public Participation

While CEQA and the San Luis Obispo County CEQA Guidelines put emphasis on the value and necessity of public participation, the perception of the public is that it is difficult to be involved in CEQA matters. The timing of required responses and the lack of easily accessed information about projects and their environmental impacts make participation an unfriendly process to most of the public. We note however, that state law prescribes the timing.

To be effective the public must both care and be informed. One witness offered the following perceptive insight: "CEQA assumes that the public will be proactive, but when the public is shut out of

the initial study (review), the public can only be reactive. The public needs education and stimulation. The weaknesses and the strengths of CEQA are about the process of land use decisions, not about laws. It allows decision makers to make bad decisions. The decisions are informed, and unless they constitute a violation, they are not illegal. The benefit to the public is that the decision-making is exposed to the public."

It is the opinion of the Grand Jury that more must be done to aid public participation.

Training

Various resources are available for training of the public. For example Section 21159.9 of the Public Resources Code requires the Office of Planning and Research to *establish a public education and training program for planners, developers, and other interested parties to assist them in implementing this division*. We also note that the Planning and Conservation League¹⁶ provides seminars on CEQA and the Citizens Guide to CEQA.

The Department of Planning and Building Strategic Plan has as one of its objectives holding a countywide advisory council study session; the first one is scheduled for April 28, 2001.

A proactive training process for the advisory councils and the public is important. Good stewardship requires a good public understanding of the process.

Cumulative Impact Analyses

Requirements

Many problems associated with growth are cumulative in nature in that relatively minor environmental impacts of individual projects can be collectively large. For example, traffic, water, schools, air quality and wildlife habitat are resources that are particularly susceptible to the cumulative impacts of development.

¹⁶ See website listed in Appendix B.

Environmental Impact Reports (EIRs) are required to include a cumulative impact analysis¹⁷ - that is, an analysis of the impacts of the project in conjunction with all related past, present, and reasonably foreseeable future projects. However, the requirement is “open-ended,” creating uncertainty regarding the scope of the analysis, particularly for complex projects.

Many professionals involved in CEQA issues find it difficult to assess cumulative impacts and there is little guidance available in the State CEQA Guidelines.

Although cumulative impacts are especially difficult to assess, there are, however, some opportunities that should be seized to satisfy this need. These concerns and opportunities are discussed below.

Project Description

The concept of “project” is probably the single most important one in CEQA. Unfortunately, the word “project” is used to convey numerous and different events. It is, however, very clear that for purposes of preparing an EIR it is most important that an accurate, finite and well defined “project” be described. This concept is as important for the preparation of a Request for Proposal(RFP) as it is for the issuance of a Notice of Preparation or Draft EIR.

A RFP is a public solicitation for services, in this case, consultant services. The Notice of Preparation is a CEQA requirement for public notice that an EIR will be prepared for a project.

State CEQA Guidelines, Section 15124, sets forth what a project description should contain. Subsection (b) emphasizes the importance of a clearly written statement of objectives. Compatibility with project objectives is one of the criteria for selecting a reasonable range of project alternatives. Clear project objectives simplify the selection process by providing

a standard against which to measure possible alternatives.

The state court of appeal has declared that an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA.¹⁸

Piecemealing

Projects are not to be piecemealed. *“The Lead Agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.”*¹⁹

In general, the county must fully analyze each project in a single environmental review. A project must not be split into two or more segments nor may a project be narrowly defined. Chopping large projects into many little ones may have major cumulative environmental consequences.

A separate focusing on isolated parts of the whole is not acceptable.

Tiering

Tiering is an appropriate method that can be used to avoid piecemealing.

Section 21068.5 of the Public Resources Code provides: *“Tiering’ or ‘tier’ means the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific environmental impact reports which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report.”*

¹⁸ State CEQA Guidelines, Section 15124. Discussion.

¹⁹ State CEQA Guidelines, Section 15003 (h).

¹⁷ State CEQA Guidelines, Section 15130

Alternatives Analyses

An EIR must include an analysis of the environmental impact for a range of reasonable project alternatives.²⁰ The CEQA statute, however, provides few guidelines as to the kinds of alternatives that must be considered or the level of detail required. This has led to analyses of alternatives that contribute little to the decision-making of public agencies. Alternatives analysis is the essence of project planning. However, often alternatives evaluations in EIRs entail assessment of one or more alternatives that the project proponent has no intention of ever implementing. A common concern, justified or not, is that a specific alternatives analysis process is biased in favor of the proposed project alternative.

Alternatives analyses must be conducted to yield useful results.

Framework for Planning

The Framework for Planning²¹ provides direction for the management of the planning program in the county. The Land Use Element and the accompanying Land Use Ordinance²² provide the basis for county decisions on land use and development, and represent the values and goals of the county regarding land use. It has three major sections: Framework for Planning, the area plans and the official maps. The following is excerpted:

“The Land Use Element (LUE) is a plan describing the official county policy on the location of land uses and their orderly growth and development. The Land Use Element is one of several parts (or elements) of the San Luis Obispo County General Plan. The plan has been prepared in accordance with state law, and has been adopted by the county Board of Supervisors. The LUE coordinates policies and programs in other county general plan elements that affect land use, and provides policies and standards for the management of growth and development in each unincorporated community and the rural areas of the

county. The LUE also serves as a reference point and guide for future land use planning studies throughout the county.

“California law requires each county to establish a planning agency to develop and maintain a comprehensive long-term general plan. The Government Code (Section 65302a) mandates a land use element designating the proposed general distribution, general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of the lands. The land use element is to include standards of population density and building intensity recommended for the territory covered by the plan, and is also to identify areas subject to flooding, which must be reviewed annually.”

The Framework for Planning - Inland Area is silent on the treatment of cumulative effects. This is because cumulative effects are identified separately as part of the CEQA process, rather than part of the land use process.

General Plan

Counties are required to adopt and periodically update local general plans. General plans, covering multiple years, may consider, among other things, the long-term environmental impact of alternative land uses and development of the area. This focus facilitates the identification and mitigation of the cumulative effects of development. Within the context of the general plan, individual projects can be reviewed under CEQA.

Due in part to fiscal constraints, however, general plans are not updated on a comprehensive and timely basis. Accordingly general plans are not very useful to take into account the cumulative impacts of development. Instead, there is a reliance on CEQA review of individual projects to address these impacts. This is because CEQA review costs (but not general planning costs) are reimbursed by project developers. The County Planning Department’s Strategic Plan indicates that approximately 75% of budget is derived from project fees.

Because CEQA’s focus is on individual projects, it is a poor substitute for the general plan process in

²⁰ State CEQA Guidelines, Section 15126.6.

²¹ Framework for Planning (Inland), County of San Luis Obispo. Revised November 18, 1999.

²² Title 22, San Luis Obispo County Code.

assessing and mitigating the cumulative impact of land use decisions on the environment. Specifically, without considering in advance the environmental impact of alternative land uses over time, the county may require insufficient mitigation for a project. This could result in an increased mitigation burden on subsequent future projects.

The CEQA approach is further frustrated because most of the interim environmental decisions are based on negative declarations.

General plans in the county could be evaluated to determine whether they are current and valid or whether they require significant updating and the inclusion of environmental analysis. The status of the county's general plans is presented in Appendix D, the planning areas are shown in Appendix E and a description of the general plan is in Appendix G.

As shown in Appendix D there have been a myriad of amendments to the various area plans. These amendments may have a deteriorating effect on the general plan, calling into question its validity. Moreover, the finding of consistency of a project with the general plan may be a spurious one.

Chapter 8 of the Framework for Planning provides "*Whenever an amendment is proposed to an element of the County General Plan all other elements must be reviewed to determine whether they must also be amended...*" The Grand Jury believes this is a mandate for maintaining the plans in a current and valid status. We note also in this chapter the requirement for a capital improvement program. We found no requirement for an annual report.

While state law provides for periodic amendments to the general plan, those amendments should be consistent with the overall vision of the plan.

Continuing Planning Process

As noted above, general plans are not updated on a comprehensive and timely basis. There is no rigorous effort to keep the plans in a current and valid state. This leads to a lack of confidence in the plans. Although there are a number of general plan

amendments listed in Appendix D, they are very specific in nature and do not ensure the integrity of the entire plan.

A methodology to evaluate the status of plans does not exist; such a methodology could importantly begin with a verification of the "vision" statement for the plan. The population projections shown in Appendix F could serve as an indicator of need for plan update.

General Plan Annual Report

The State mandated annual report²³ is in the form of a Local Government Planning Survey conducted by the Governor's Office of Planning and Research. It is an update on the management of the planning program rather than a report on planning, growth and development issues of concern to local citizens. It is simply a perfunctory submission of an electronic form; there is no reporting to the public.

A substantive annual report on the implementation of general plans would be a start in evaluating cumulative effects. An annual report for local use would include a status of the general plan and provide information on growth and development activities related to the implementation of the plan. For example, permits issued (subdivision, building, water and sewer hookups, etc.) population and other growth indicators, resource concerns from the Resource Management System, summary of environmental determinations, plan amendments, etc. could be included in an annual report. Cumulative impacts compared to a baseline and plan build out could also be reported. A capital improvement program could also be included.

Careful consideration needs to be given to the data sources for the information to be included in the report. Collection of the data needed in this report should be made a routine part of the process.

The county's Resource Management System and Growth Management Ordinance, as discussed later, could be useful tools in maintaining the general plans

²³ California Government Code, Section 65400.

in a current and valid state but are not currently utilized in such a manner.

It would be important to identify the information that the citizens need in order to understand what is happening and include that information in the annual report. The annual report could be given wide distribution as well as published on the internet.

Resource Management System And Growth Management Ordinance

Through the Resource Management System (RMS), studies of several major resources are conducted and the results reported on an annual basis:

- Water Supply
- Water Systems
- Sewage
- Roads
- Schools
- Air Quality

The “level of severity” for these resources is defined and presented in Appendix I. The annual report on the RMS is a “stand alone” document that is not tightly integrated with the general plan process.

Because the RMS attempts to balance land development with the resources necessary to sustain such development, it should logically be an integral part of the cumulative impacts analysis. Further, the RMS and Growth Management Ordinance²⁴ activities are a valid part of a continuing planning process and the needed annual report to the public. Integration of the RMS, Growth Management and the general plans with a CEQA analysis could partially provide a sound basis for determining cumulative effects on a current basis.

There is a fundamental weakness in the RMS process because the Board of Supervisors does not certify the level of severity. In some cases they simply direct that resource capacity resources studies be prepared.

Following the annual review of resources the Board of Supervisors makes a discretionary decision on the amount of growth to be allowed for the following year by the setting of a growth cap. The Growth Management Ordinance governs this decision and limits the overall growth to a maximum annual increase of 2.3% in the unincorporated areas of the county. The annual decision by the Board is whether to continue the maximum rate or set a lower rate. The Board may also determine the geographical distribution of the allocations resulting from the rate setting.

Although the growth rate setting process could be useful in assisting in the study of cumulative impacts, it is flawed because it has no internal substantive CEQA review supporting the growth rate decision - a General Rule Exemption was used for year 2001 allocations.

The General Rule Exemption states: *“The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”*²⁵

Certainly the setting of the growth rate has major environmental consequences that should be disclosed at the time the rate is set. This is especially important in the context of the level of severity warnings²⁶ for the various resources reported in the RMS.

To understand the CEQA clearance for the allocations, the Grand Jury requested the Planning and Building Department to provide information on how each of the allocations for calendar year 2000 were cleared environmentally. From that request we learned the county’s position is that the CEQA clearance is given when the underlying land use (viz. subdivision approval) is approved. The tabulation prepared by county staff of the underlying CEQA clearances for the year 2000 allocations disclosed that in some cases exemptions were used and in most cases negative declarations were used. Some of the

²⁴ Title 26, San Luis Obispo County Code.

²⁵ State CEQA Guidelines, Section 15061(b) (3).

²⁶ See Appendix I.

negative declarations were 10 years old. We do not believe this is an adequate assessment of cumulative impacts and believe the county's use of the General Rule Exemption in setting the growth rate is seriously flawed. It seems inconsistent with the CEQA statute and is poor public policy.

Resource Capacity Study

In response to the 1999 Annual Resource Summary Report²⁷, the Board directed staff to prepare a resource capacity study of water resources based on the Department of Water Resources (DWR) evaluation of the groundwater basins. In connection with the Board action on the 2000 annual report, it was reported the DWR final report is not expected until April 2001 and that makes preparation of the resource capacity study "infeasible". Although we found a preliminary work plan for the resource capacity study there was no evidence of preparatory work to enable the study. Certainly, the DWR work is only a portion of the overall work required; other important work could be ongoing.

Capital Budget

The RMS annual report could be enhanced by the addition of an analysis of funding to meet the needs of resource capacity expansions. This would be consistent with the requirements of the Framework For Planning. Additionally, other resource capacity expansions needed to mitigate cumulative impacts could also be identified along with appropriate cost estimates. A "fiscal reality" to providing these needed expanded resources (e.g. road construction, schools, water and other needed resources) to sustain growth and development would be important. A capital budget would identify funding sources and schedule the capacity expansions required. The budget could be clearly committed in a report to the public.

Project Tracking System

The county's project tracking system is antiquated and in need of updating to reflect current needs and available technology such as a Geographic Information System (GIS). The data base currently is difficult to understand and manipulate for meaningful results; information from the system is not readily accessible to the public.

Development of a new database and GIS is currently under development by the county. A well conceived database could be an essential component of a continuing planning process and be an important tool in support of cumulative impact analysis as well as annual reports. Accessible information for the public is also important.

El Pomar-Estrella Area Plan Update

El Pomar-Estrella Area Plan Update offers an opportunity to establish a general plan based approach to CEQA and cumulative effects analysis. We noted that the scope of work²⁸ includes CEQA cumulative impacts analysis.

As discussed above, the update could formally tie in the RMS and growth management decisions. Additionally, the update could include a mechanism for an annual report - a sort of dimensions of growth - for the public to understand how its vision of the future is being attained.

Most importantly, a strategy could be developed to assure that the plan is kept "current and valid". This would include an analysis of where the community is on the "build-out curve" as well as an updated environmental cumulative effects analysis.

Mitigation

A mitigation measure is a strategy taken to minimize, avoid, rectify, reduce, eliminate or compensate for significant environmental effects by providing substitute resources or environments. Specific minimum measurable performance standards must be included in the Negative Declaration, as well as consequences if performance standards are not

²⁷ San Luis Obispo County Department of Planning and Building.

²⁸ Prepared by Crawford Multari & Clark.

met. A public agency should not approve a project as proposed if there are feasible mitigation measures or feasible alternatives available that would avoid or lessen the significant adverse environmental effects of such projects.

The Environmental Coordinator in the County Planning Department reviews projects for potentially significant adverse environmental impacts and where possible, develops mitigation measures or project alternatives that will reduce these impacts to insignificant levels. The types of projects which generally cause environmental damage include: any project that will substantially pollute water supply, or use prime farmland for non-agricultural purposes, or cause substantial flooding, erosion or siltation. Sometimes, significant adverse impacts are identified which can be eliminated or significantly reduced using various strategies. Then, impact reduction strategies (mitigation measures) will be recommended.

Follow up of Mitigation Measures

Enforcement appears to be the weak link in the CEQA process. In the opinion of those involved in the process, the county does a good job of *identifying* the environmental impacts. But *oversight and enforcement* are not well done. For major projects, mitigation is adequate, with on-site monitors in place. Small projects are not as well monitored and enforced. The mitigation measures provided are not always practical, nor do they always achieve the desired result. They may not be cost effective in terms of what is accomplished.

The county has an obligation to make sure that the applicant completes all mitigation measures. For enforcement, agencies must rely on the authority conferred by other laws - local zoning, subdivision, and related land use regulations. Perhaps, as noted by one staff member, A[t]he best mitigation monitors are concerned members of the public.

CEQA requires a monitoring and mitigation plan. Including the mitigation measures as conditions of approval will make them enforceable. Bonding can

also be an effective tool in assuring that mitigation measures are completed.

Negative Declarations

State CEQA Guidelines section 15070 requires that a public agency prepare a proposed negative declaration or a mitigated negative declaration for a project subject to CEQA when:

“(a) the initial study shows that there is no substantial evidence that the project may have a significant adverse effect on the environment, or

(b) the initial study identifies potentially significant effects, but:

(1) revisions in the project plans or proposals made by the applicant, or agreed to by him, before the proposed Mitigated Negative Declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant adverse effects would occur, and

(2) there is no substantial evidence that the project as revised may have a significant adverse effect on the environment.”

Accordingly, under State law, negative declarations must be restricted to projects that clearly will have a minimal environmental impact. Every project has some environmental impact. For example in land use, every movement away from the status quo impacts the environment in some way. The significance of such impact, however, entails a subjective judgment call as to whether or not the impact and relating mitigation is substantial enough to require an EIR or, conversely, is appropriate for the negative declaration process.

A negative declaration is a determination that a project will not create significant environmental harm, or that potential damage has been mitigated to a less-than-significant level. For example, the project will not substantially pollute the water supply, or use prime farmland for non-agricultural purposes, or cause substantial flooding, erosion or siltation.

A negative declaration statement must include:

- (a) a brief description of the project;
- (b) the location of the project;

- (c) a proposed finding that the project will not have a significant adverse environmental effect;
- (d) a copy of the initial study supporting the finding;
- (e) mitigation measures included in the project.

The lead agency must provide adequate notice to the public in a timely fashion to allow the public and other agencies to review the negative declaration or the mitigated negative declaration. The review period allowed by the lead agency must be at least twenty days. The Grand Jury was told that a great weakness of the process in San Luis Obispo County is the use of the negative declaration process as substitute for in depth EIRs. When it comes to the environment the County tends to “run it [negative declaration] up the flag pole and see who screams”.

The Public Resources Code requires all state and local agencies to establish monitoring or reporting programs²⁹. These monitoring and reporting programs are intended to provide feedback to staff and decision makers regarding the effectiveness of the mitigation measures. The measures may be incorporated in the conditions of approval. By its nature, the CEQA process is Apolitical@ - meaning that staff planners may advise; but they do not make the final decisions. One perceptive observer commented: “We must appreciate that the planning process is a political process, involving many players and many judgments. In essence, it becomes a balancing act.” Staff may work up a case, but ultimately the go/no-go decision is a political one made by the Board of Supervisors or their appointed designees. Representative government works best when the elected representatives and the public are fully advised of pertinent facts and consequences. For environmental issues, CEQA facilitates the necessary education process through the use of Negative Declarations and Mitigated Negative Declarations when a full EIR is not appropriate. But this works only when all involved know what the issues and relevant facts are. Some concerns that we heard with regard to the Negative Declaration process in San Luis Obispo County include:

- Area advisory councils do not receive timely or adequate information about projects that might have environmental impact.
- Similar projects are approved without considering that their cumulative impact on the environment is both adverse and significant.
- Many conditions of approval are just “standard”. They need to be tailored to the specific project. “Planning people never came out to the site” is a frequent comment on the process.
- The County’s method of public involvement for negative declarations is to post them at the end of the agenda. There are times when an agenda item cannot be identified because it is camouflaged in unclear language or codes. Negative declarations are also posted in the Planning and Building Department.

Decision-making

While the emphasis of this review has been on CEQA and the full disclosure of environmental impacts, it is important to understand the basic decisions are land use decisions. Growth and development decisions about how the land will be used cause the changes to the environment. The Subdivision Map Act³⁰ and the Land Use Ordinance³¹ govern land use decisions.

It is important to note that CEQA is a mechanism for disclosing the environmental impacts of land use decisions. CEQA is not a land use decision-making tool.

State CEQA Guidelines Section 15025(c) provides further information on decision-making and delegations by the legislative body.

The Planning Commission makes many of the land use and CEQA decisions. The Subdivision Review Board makes the decisions when the issues relate to comparison to established planning standards. Finally, the Board of Supervisors hears any

²⁹ AB3180, Public Resources Code, Section 21081.60.

³⁰ Government Code, Sections 66410 et seq. (The Subdivision Map Act).

³¹ Title 22, County of San Luis Obispo Code.

appeals; they also are the approving body for the general plans.

Advisory councils provide important community guidance but do not have decision-making authority. We note that the Board of Supervisors has not developed a uniform statement of roles and responsibilities for these councils.

See Appendix A for an explanation of these groups.

Opportunities For Enhanced Land Use Stewardship

Several pending land use/CEQA project decisions, as discussed below, may be made in the near future. These present an opportunity for enhanced stewardship utilizing the principles discussed herein.

Growth Management Ordinance (GMO) Review

Possible amendments to the Growth Management Ordinance were discussed at the Board of Supervisors August 8, 2000, meeting; twelve issues³² were presented by the Planning staff. To avoid piecemealing, to assure consideration of the "whole" and to assure beneficial alternatives analysis, a single EIR for ALL proposed changes should be employed. This includes the twelve issues mentioned above plus others that could surface through a public scoping process that should be included as part of the environmental work. A significant public involvement process would help to insure the integrity and public acceptance of the work.

Special emphasis on integrating the RMS into a comprehensive continuing planning process and a methodology for a substantial CEQA analysis to support the growth decision would be important to be evaluated in the EIR.

³² See Appendix K.

We are disappointed that the appropriate opportunity to review the Growth Management Ordinance in a comprehensive fashion has been lost. In a request for proposal³³ (RFP), the county has not only piecemealed the Growth Management Ordinance review but has also improperly merged it with an EIR for eight South County Planning Area general plan amendments. This violates all of the piecemealing principles we have discussed above.

The RFP simply provides for three alternatives for amendments to be evaluated; all deal only with growth rate and allocations³⁴.

Proper project objectives in formulating a range of reasonable alternatives are important. The "project description" for an EIR must include a "statement of objectives sought by the proposed project".³⁵ A clearly written statement of the objectives will help the lead agency to develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project".³⁶

The county staff has advised us that the selected consultant will prepare the project description. The Grand Jury believes this is inappropriate; this should be a fundamental function of the Planning and Building Department.

As discussed above, the concept of "project description" is probably the single most important one in CEQA. The project description of the RFP (PS-704) is a very general one. However some other information allows one to piece together a very complex and multifaceted project description. If one compares the obligations stated in Guidelines Section 15124 to what is described in the RFP, it is going to be very challenging to meet all the obligations

³³ County of San Luis Obispo, Request For Proposal PS-704, County Growth Management Ordinance (Title 26) Amendments And Cumulative Assessment Impact Report. March 14, 2001.

³⁴ See Appendix J for further details of RFP PS-704.

³⁵ CEQA Guidelines, Section 15124 (b).

³⁶ Ibid.

triggered by CEQA under the concept of “project”. For example Section 15124 (b) requires a statement of the objectives sought by the proposed project. The RFP hides the objective. However, under the heading of “Ordinance Consistency” the reader is told that “the proposed project may affect the rate or amount of development by: short-to mid-term acceleration of growth rates above the existing GMO (e.g., annual 10% over cap allotment) or changes to land use densities within the South County planning area.” One has to ask: Is that one of the objectives of the “project”? If the objective is “short-to mid-term acceleration of growth rates” than one can ask what is a range of reasonable alternatives for achieving that objective.

As the project description is currently written it is going to be very difficult to determine what alternatives should be considered and studied. Mixing approvals such as amendments to the county Growth Management Ordinance with general plan amendments pertaining to the South County Planning Area is an ill-advised combination of actions to make up a project for which an EIR is being prepared. It is theoretically possible to write an EIR that describes such an assemblage of actions to make up a project that will withstand court review or criticism. The County of Inyo court observed³⁷: “*The primary harm caused by the ‘incessant shifts among different project descriptions’ was that the inconsistency confused the public and commenting agencies, thus vitiating the usefulness of the process ‘as a vehicle for intelligent public participation.’ The court added that ‘[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input.’*”³⁸

Although it is theoretically possible to write an adequate EIR for the project as described by the RFP, we do not believe that the public will be able to understand or follow the analysis. Such an analysis will confuse intelligent public participation.

South County Planning Area General Plan Amendments

Nipomo, in the South County Planning Area, had the highest growth rate in the county in the past decade (1990-2000). It grew 42% as compared to the countywide growth of 18%³⁹. In addition to having the highest growth rate, the South County Planning Area has a number of complex interrelated planning and environmental issues that come in to play. These include:

- Resource Capacity Study to be completed to determine groundwater availability,
- The completion of several water reports,
- Eight county general plan amendments.
- A lawsuit filed on the Growth Management Ordinance,
- Amendments to the Growth Management Ordinance,
- A Supplemental Environmental Impact Report (SEIR) for the Woodlands, and
- The Nipomo Community Advisory Council’s goal to update their general plan.

In view of these issues, a comprehensive strategy, which would avoid piecemealing and properly account for cumulative effects, needs to be developed. Such a strategy would logically be developed in close collaboration with the local community.

As discussed in Request For Proposal PS-704, eight county general plan amendments have been authorized for consideration, which would increase the density in the South County/Nipomo Mesa area over what has been previously considered. The project is described as “*Prepare an EIR to evaluate the potential cumulative environmental impacts of ...the eight general plan amendments currently authorized for processing. The analysis would focus on potentially significant cumulative effects, with a concentration on the groundwater basin’s ability to provide a sustainable water supply.*”⁴⁰

³⁷ Guide to the California Environmental Quality Act, by Michael Remy, Tina Thomas, et al., p.362.

³⁸ 71Cal.App.3d at pp. 197-198.

³⁹ 2000 - Resource Management System Report.

⁴⁰ See Appendix L for a listing of the eight general plan amendments.

The line between environmental analysis and planning analysis is blurred. The important point is to be aware of the importance of both in making good decisions. As we discussed earlier, because general plans are not updated on a comprehensive and timely basis, they are not very useful to take into account the cumulative impacts of development. Instead, there is a reliance on CEQA review of individual projects to address these impacts. This is because CEQA review costs (but not general planning costs) are reimbursed by project developers.

The staff planning analysis will be important to the decision-making. A framework for evaluating the proposed amendments along with alternative courses of action is needed. The eight proposed amendments need to be evaluated in the context of the County General Plan and the South County Area Plan; consistency with the "vision" would be especially important.

The impacts on the integrity of the general plan are especially important. A myriad of plan amendments, without a total evaluation of the general plan, has the potential for rendering the plan invalid. A clear description of the impact on the integrity of the general/area plans resulting from the range of alternatives evaluated is necessary.

An improved project description could assist in better land use stewardship.

Woodlands

On August 8, 2000, the Board of Supervisors directed the Woodlands, a planned major new development in Nipomo, to prepare a Supplemental Environmental Impact Report (SEIR). In this regard, county staff prepared a scope of work, which would: *"In addition to the CEQA section requirements for preparing a Supplemental EIR, this scope is also based on other CEQA principles (such as looking at the whole of a project, consideration of cumulative effects, etc.), and the county's desire to prepare a legally adequate SEIR."*⁴¹

The Woodlands appealed the county's scope of work at the Board of Supervisors February 27, 2001 meeting. In their response to the appeal, the Board of Supervisors approved the applicant's limited scope of work with emphasis on water issues only. Unfortunately it discounts the efforts of the county staff to be responsive to CEQA in its broadest sense.

While the Grand Jury understands that only "new information" or "changed circumstances", as defined by CEQA, can trigger the preparation of the SEIR, the appropriate scope and content is within the sound discretion of the Board. The fact that the Board ignored the scope and content recommended by the staff could be a problem later on when the Board will be required to certify the SEIR as adequate and complete before approving the project. If the draft SEIR attracts comments from the public and other agencies that address the lack of proper scope of the SEIR, the Board will be required once again to exercise its discretion on the proper scope, when and if, it is asked to certify the final SEIR.

Analyzing and understanding cumulative impacts is a difficult process and is sometimes overlooked. It is interesting that during a recent Board of Supervisors public hearing, after being reminded that more than 1,000 projects had been approved in the South County planning area, most with negative declarations, one member of the Board remarked: "the sheer numbers approved after Woodlands approval shows that someone has not been paying attention to the cumulative impacts." It seems to the Grand Jury that the Board of Supervisors has the ultimate responsibility for paying attention to cumulative impacts on the environment.

Funding

Adequate funding is required to support public involvement activities, the general planning process and to study and quantify the adverse cumulative impacts of development. The Grand Jury reviewed a report prepared by the Finance Department regarding the funding for the Planning and Building Department. The county does have a partial cost recovery system through the CEQA fee schedule. The county may strengthen funding mechanisms by

⁴¹ Board of Supervisors Agenda Item Transmittal, February 27, 2001.

applying for grants and levying fees to recover fully the costs of general planning or master environmental reviews: “A lead agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this division in order to recover the estimated costs incurred by the lead agency in preparing a Negative Declaration or an environmental impact report for the project and for procedures necessary to comply with this division on the project.”⁴²

In levying fees for environmental documents such as initial studies, negative declarations and environmental reports, it is important that general and administrative (G&A) costs be added to the base fee. The Grand Jury was told that Marin County does this very effectively. The local governments may want to consider this model as an approach to full cost recovery. These fees need to be dedicated to planning activities such as cumulative impact analysis and other general plan activities supporting environmental work. It would be inappropriate to divert these moneys to the general fund.

The Planning Department’s strategic plan provides an excellent vehicle for determining funding needs because it ties the objectives of the Department to the budget. Additional or increased fees could support these funding needs.

Methodology For Improvement

As discussed throughout this report there are a number of issues relating to the implementation of CEQA and land use matters in the county. The Grand Jury has considered a number of options for enhancing the performance of the county. In our discussions with the staff we found that the Planning and Building Department has formed a task force called “Vision 20/20” whose job it is to implement improvements in the planning process. We commend the director for this effort. The Vision 20/20 task force would be the logical group to review and make recommendations on enhancing and better integrating the county’s planning and environmental

work. We have included an agenda for their consideration in Appendix M.

Findings

- a) The public perception of CEQA as it is applied in San Luis Obispo County is that it is difficult to discover what is being done and the public does not feel included in the process. The staff of the County Planning Department feels that they are following the letter of the law on noticing and public participation.
- b) A number of options exist to be pro-active in the education and involvement of the advisory councils and the public. Good stewardship requires a good public understanding of the process.
- c) The advisory councils find that the time frame for responding to a project proposal is not compatible with the way the councils work and that at times they feel as if they are being left out of the loop.
- d) The Board of Supervisors has not developed a uniform statement of roles and responsibilities for the advisory councils.
- e) The summary listing of negative declarations that are appended to the Board of Supervisor’s agendas appear to be written for planning technicians and not for public understanding.
- f) There is a feeling that negative declarations are published to see if anyone will complain and that the process of appealing is unnecessarily cumbersome.
- g) The general public has a responsibility to use the sources that do exist as described in the body of this report, to become informed on matters within the county relating to CEQA and land use planning.
- h) An annual CEQA report would be a stewardship statement to the public.
- i) General plans and area plans can facilitate the identification and mitigation of the cumulative impacts of development; however, they are in need of updating.
- j) Provisions for a continuing planning process are not included in the Framework for Planning.
- k) Substantive annual reports to the public on the general plans are not prepared.

⁴²Public Resources Code, Section 21089(a).

- l) The Resource Management System (RMS) is a separate process from cumulative impacts analysis.
- m) There is a fundamental weakness in the RMS process because the Board of Supervisors does not certify the level of severity.
- n) A water resource capacity study, resulting from the RMS process, needs to be completed.
- o) A capital budget to fund resource capacity expansion to sustain growth and development is inadequate and incomplete.
- p) The RMS/Growth Management System and growth rate setting discretionary decision is made with the use of an inappropriate CEQA general rule exemption.
- q) The county's project tracking system is antiquated and in need of updating.
- r) General amendments to the Growth Management Ordinance, Title 26 of the County Code are inappropriately limited to the South County Planning Area.
- s) The El Pomar Estrella Area Plan update offers an opportunity to establish a general plan based approach to CEQA and cumulative effects analysis.
- t) The Board of Supervisors has not developed a uniform statement of roles and responsibilities for these councils.
- u) RFP PS-704 for an EIR for the South County mixes general plan amendments and growth management amendments.
- v) RFP PS-704 requires the selected consultant to prepare the project description. This is inappropriate; this should be a fundamental function of the Planning and Building Department.
- w) The substantiation for negative declaration determinations are not easily accessible for the general public.
- x) A mitigation monitoring and reporting program's effectiveness depends in large part upon the quality of the mitigation measures themselves. Measures need to be specific - what is required to be done, when it is to be done, and who is responsible for ensuring its completion.
- y) Mitigation measures sometimes fail to address the actual environmental impact of projects and are not always effective or reasonable.
- z) County follow-up could be enhanced to assure that all the required mitigation measures have been undertaken and completed.
- aa) The environmental staff lacks available time to gain first-hand field experience regarding mitigation measures. This can result in inadequate environmental protection.
- bb) The Board of Supervisors granting of the Woodlands appeal of the scope of work discounts the efforts of the county staff to be responsive to CEQA in its broadest sense.
- cc) Adequate funding is required to accomplish CEQA and general plan objectives. The basis of fees, including general and administrative fees is an important aspect.
- dd) The Planning and Building Department has formed a task force called "Vision 20/20" whose job it is to implement improvements in the planning process.
- ee) The Planning and Building Department's strategic plan is an excellent management tool that ties objectives with the budget and provides a systematic follow-up to assure objectives are achieved.

Recommendations

The recommendations, which follow, are presented in summary form. It will be necessary to study the body of the report to understand fully the nature of the concerns.

In responding to this report, the County Board of Supervisors should schedule the response as a separate agenda item outside of the consent agenda and hold a public hearing to allow broad public participation.

All recommendations accepted by the Board should be included in the county's strategic plan to assure adequate funding and systematic follow-up. The Board's responses to these recommendations should be in the format of the strategic plan.⁴³

1. The county should enhance communication with the public and advisory councils by:

- A. creating and maintaining a San Luis Obispo County web site, which would contain:
- agendas for and minutes of meetings of the Board of Supervisors, Planning Commission and the Subdivision Review Board,
 - the staff reports that support resolutions and recommendations to the bodies discussed above at the time the reports are provided to those bodies in advance of their meetings,
 - a description of each project that is granted a CEQA exemption with the reasons for the exemption,
 - other information developed in consultation with the advisory councils and the public, and
 - access to the county's project tracking system. As part of this effort, the project tracking system should be fully developed and updated. The information needs of the local communities should be sought out and included in the system. A geographic information system (GIS) technology should be employed.
- B. Improve communications with and the effectiveness of area advisory councils by:
- defining uniform roles and responsibilities,

- assigning dedicated staff to support adequately the councils' activities,
- asking advisory councils to provide a performance evaluation for the annual performance review of the staff member assigned as their primary point of contact,
- providing training to the advisory councils so that they can better understand and appreciate land use planning and CEQA,
- providing the earliest possible notice of projects that are being proposed in the council's area of interest, and
- utilizing public EIR scoping meetings to invite public participation as a part of the notice of preparation required by Section 15082 of the State CEQA Guidelines.

2. The county should expand and develop dedicated funding sources to provide additional planning and environmental staff and related resources by:

- identifying adequate funding sources for planning and environmental work to provide the necessary budget to accomplish the recommendations contained herein,
- assuring that all fees recover all costs including general and administrative costs,
- establishing a dedicated account to assure that the fees collected are utilized for planning and environmental work only,
- fully staffing the Planning Department to assure all plans are up to date and environmental processes are fully supported, and
- adding sufficient staff to allow adequate understanding and enforcement of mitigation requirements.

3. The county mitigation processes and procedures should be strengthened to:

- provide for an extensive public airing of environmental issues prior to the issuance of a negative declaration, or mitigated negative declaration, that is consistent with the intent of CEQA and which is uniform for all projects,

⁴³ See Appendix H for an example.

- require that staff expand the negative declaration checklist used in reviewing projects potentially subject to CEQA by attaching, and placing in publicly-available project file (possibly on a web site), a detailed statement in plain language, of the reasons staff concludes that (a) the project will not, with reasonable certainty, adversely impact the environment in any significant way and (b) that the cumulative effect of the project, together with like projects, will not, with reasonable certainty, adversely impact the environment in any significant way,
- require that staff clearly identify projects recommended for approval on the basis of negative declarations on all agenda as such and provide full and adequate notice of such projects and of the proposed negative declaration treatment to all interested parties, including (but not necessarily limited to) area advisory councils and newspapers of general circulation, not less than 30 days in advance of any consideration by a county agency, and
- a County procedure should be written to implement these requirements.

4. The county should reevaluate recent land use project/CEQA processing decisions in the broad context of public stewardship responsibilities especially in view of developing an enhanced understanding of cumulative effects by:

- assuring that the EIR supporting the possible amendments to the Growth Management Ordinance is not piecemealed, rather it should consider a wide range of alternatives that apply county-wide. The scope should be developed in cooperation with the local communities and the effort conducted with extensive public participation. Consideration should be given to amending RFP PS-704 to be responsive to the discussion on page 14 of this report,
- conducting a comprehensive planning and environmental analysis for the eight general plan amendments proposed in the South County

Planning Area. Details are given beginning on page 15 of this report, and

- developing a work plan to direct the water resource capacity study and preparatory work to enable the study should be completed in advance of the DWR report, see page 11 of this report.

5. The county should evaluate policy decision making by:

- directing the staff to prepare a single annual report that contains information about the general plan, CEQA actions, and the capital budget. This composite report should be combined with the RMS annual report,
- amending the RMS process to include an annual policy decision on the level of severity, and
- directing the Vision 20/20 Task Force to:
 - refine and adopt the agenda included in Appendix M,
 - use a peer review group in the process ,
 - develop a time table for its implementation, and
 - advise the Grand Jury of the results.

Accuracy Verification

In accordance with the provisions of the Penal Code,⁴⁴ county representatives appeared before the Grand Jury on April 4, 2001, to read and discuss the findings in order to verify the accuracy of the findings. This report reflects these discussions as well as the evidence considered in the Grand Jury's investigation.

Required Response

As prescribed by the Penal Code,⁴⁵ the County Board of Supervisors is required to respond to all the Findings and Recommendations.

⁴⁴ Penal Code, Section 933.05(d) attached as Appendix C.

⁴⁵ Penal Code, Section 933.05(b) attached as Appendix C.

Appendices

Appendix A - Decision-making Groups

Board of Supervisors

MEMBERSHIP

The membership of the Board of Supervisors represents the five supervisorial districts. Members of the Board of Supervisors are as follows:

- Supervisor Harry L. Ovitt - First District;
- Supervisor Shirley Bianchi- Second District;
- Supervisor Peg Pinard - Third District;
- Supervisor K. H. "Katcho" Achadjian - Fourth District;
- Supervisor Mike Ryan - Fifth District.

PURPOSE

The Board of Supervisors serves as the Legislative body of San Luis Obispo County for the planning and provision of services related to public needs and the requirements of state and federal laws. California law provides for five Supervisors to be elected by district. Each Supervisor is elected for a four-year term. Two of the Supervisors' terms are staggered so that all Supervisors are not standing for election at the same time. As the elected representative of the people of San Luis Obispo County, the Board of Supervisors establishes overall county priorities and sets policy.

SERVICE DELIVERY PROGRAMS

Annual County Audits: This program complies with Government Code Section 25250, which states that it is the Board of Supervisors duty to examine and audit the financial records of the County. In addition, this program satisfies the Federal Single Audit Act (Public law 98-502) relative to the auditing of federal monies received by the County. (Mandated)

Radio broadcast of Board meetings: Through this program the Board seeks to reach and inform as many citizens as possible regarding the issues taken up at the weekly public business meeting of the Board of Supervisors. (Discretionary)

Service to Public: The majority of the Board's activities center around services to the public which are provided in its capacity as the legislative body of the County. Members of the Board of Supervisors represent the people residing within their supervisorial district, while also working for the

general welfare of the entire County. (Mandated/Discretionary)

USER INFORMATION

The Board of Supervisors meetings begin at 9:00 a.m. in the Government Center Board Chambers located at 1050 Monterey Street, San Luis Obispo. Agendas will be made available for upcoming meetings. Questions regarding an Agenda Item should be directed to the County Administrative Office at (805) 781-5011. Questions regarding action taken by the Board should be directed to the Clerk of the Board at (805) 781-5245.

Planning Commission

San Luis Obispo County is a general law county. It is governed by a variety of statutes enacted by the California State legislature. The County provides a spectrum of local government services including law enforcement, criminal justice, courts and records, health services, welfare services, road construction and maintenance, water and sewage system operation, land use planning, libraries and recreation.

Each commissioner also represents a Supervisorial District and is appointed by the Supervisor of that district.

MEMBERSHIP

- District 1 - Bob Roos
- District 2 - Doreen Liberto-Blanck
- District 3- Cynthia Boche
- District 4- Eugene Mehlschau
- District 5- Wayne Cooper

The Planning Commission meets the 2nd and 4th Thursdays of each month in the Board of Supervisors' Chambers of the County Government Center. When special plans or projects are being considered by the Commission they will occasionally hold one extra meeting during the month on a date to be selected by the Commission. Copies of the

Commission 's agenda are located in the back of the Board Chambers. Anyone interested in obtaining an agenda prior to the Commission meeting may pick one up in the Planning Department, Room317 of the Main Courthouse, County Government Center. A subscription service is available to receive agendas mailed to you for a nominal annual fee.

Each Commission meeting begins promptly at 8:45AM. The meeting starts with time being set aside for members of the public to directly address the Commission on matters of interest that are not scheduled on public hearing time. It is requested that each presentation be limited to three minutes and address issues that are under the jurisdiction of the Planning Commission.

Once the public comment portion of the agenda has been concluded, the Commissioners then consider the Public Hearing schedule. All Public Hearings are advertised to begin at 8:45 a.m.

Public hearings on some items may be legally required by either State statutes or local ordinance. The Commission's Public Hearing schedule consists of current planning items such as Development Plans, Variances, Minor Use Permits, Tract Maps, as well as long range planning items such as updates to the County General Plan documents and Ordinance changes.

The last part of the agenda deals with Planning Staff Updates that are informative in nature regarding available training sessions, seminars, and conferences. This portion of the agenda is not open to the public for testimony.

CITIZEN PARTICIPATION

If you wish to address the Commission during the Public Comment Period or scheduled Public Hearings, please step to either speaker's podium and state your name and address for the record. The Chairman will recognize you when the appropriate item is under consideration. It is requested that all public testimony be limited to three minutes so that everyone has an opportunity to express their opinions and concerns.

ACTIONS TAKEN BY THE COMMISSION

Actions of the Planning Commission take the form of ordinances, resolutions and commission orders. Letters with adopted ordinances, resolutions, and amended findings and conditions are mailed to the applicant within 14 days after each meeting.

APPEAL PERIOD

All actions of the Planning Commission are subject to appeal to the Board of Supervisors. Any party wishing to appeal an action has up to 14 calendar days in which to file the appeal with the Planning Commission Secretary.

Subdivision Review Board

The county's Real Property Division Ordinance was amended on November 26,1992 to change the Subdivision Review Board (SRB) from an advisory agency to a final action and hearing body for review of parcel maps, lot line adjustments, certificates of compliance, public lots and time extensions for such applications (where applicable). These rules of procedure are adopted to reflect this new role. In some instances, projects on file with the Department of Planning and Building prior to the effective date of these rules will be reviewed under the previous procedures with the SRB acting as a recommending body to the Board of Supervisors.

MEMBERSHIP

The SRB is composed as follows: The County Director of Planning and Building, County Engineer, County Director of Environmental Health, County Environmental Coordinator, and County Air Pollution Control Officer shall constitute the regular members of the SRB. These County and District officers may designate a staff member to serve in their place as a regular member and shall designate a staff member as an alternate member to serve and vote in place of any regular member who is absent or who disqualifies himself or herself from participating in a meeting of the SRB. The County Director of Planning and Building or designated staff member shall serve as Chair of the SRB.

DUTIES OF THE SUBDIVISION REVIEW BOARD

- (a) The SRB is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative parcel maps, requests for the waiver of the filing of a parcel map as defined in Section 21.48.015(e), lot line adjustments as defined in Section 21.48.017, certificates of compliance and conditional certificates of compliance as defined in Section 21.48.016, and notices of violation as defined in Section 21.48.248.

In addition, the SRB is authorized to make decisions on adjustment requests for tentative parcel maps filed under Section 21.48.090, time extension requests for tentative parcel maps filed under Section 21.48.165, and modification requests for recorded parcel maps under Section 21.48.232.

- (b) The SRB, as the Review Authority, is authorized to approve, conditionally approve, or disapprove certain development plan applications that are submitted and filed in conjunction with tentative parcel map applications pursuant to the provisions of Title 22 or Title 23 of this code.

REGULAR MEETINGS

Regular meetings shall be held at 9:00 a.m. on the first Monday of each month in the Board of Supervisors chambers unless otherwise noticed. Special meetings may be called by the Chair or by a majority of the membership of the SRB. However, when such special meeting is called, the subdivider, subdivision engineer, site planner, property owner(s), and/or their appointed representative, property owners who received notice of the public hearing, and all SRB members and other concerned parties and all persons who have requested notice shall be notified in writing no later than three days prior to the meeting date.

Area Advisory Councils

Avila Valley Advisory Council
Harlan Hobgood, Chairman
P.O. Box 65
Avila Beach, CA 93424-0065
595-9505-Home; 878-0333-Work
(Election 2nd Monday of May)
Meet 2nd Monday of month @ 7 PM
PG&E Community Center
6588 Ontario Road, Avila Beach

Cayucos Citizens' Advisory Council
Laurie Niblock, President
P.O. Box 781
Cayucos, CA 93430-0781
995-0910
(Election 1st Wednesday in April)
Meet 1st Wednesday of month @ 7PM
Cayucos Vet's Hall
10 Cayucos Drive, Cayucos

Edna Area Group
Rachelle Steiger, Chair
Edna Valley Advisory Council
3920 Broad St., Ste. S PMB136
San Luis Obispo, CA 93401
541-5058-phone; 549-8452-fax
(Election 2nd Wednesday of Sept.)
Meet 2nd Wednesday of month @ 7 PM
Los Ranchos School Media Center
5785 Los Ranchos Rd., San Luis Obispo

Los Osos Community Advisory Council
Mary Ellen Simkins
P.O. Box 6361
Los Osos, CA 93412-6361
543-4171
(Election at the end of March)
Meet 4th Thursday of month @ 7 PM
South Bay Community Center
2180 Palisades Ave., Los Osos

Nipomo Community Advisory Council
Jesse Hill, Chairman
P0 Box 1165
Nipomo, CA 93444-1165
931-0942 (Phone & Fax)
(Election in January)
Meet 4th Monday of month @ 6:30 PM
Nipomo Community Services Office
148 S. Wilson Avenue, Nipomo
Sylvia Folley, Secretary

North Coast Advisory Council
Claudia Harmon, Chairperson
P.O. Box 533
Cambria, CA 93428-0533
927-1934
(Election 3rd Wednesday of May)
Meet 3rd Wednesday of Month @ 7PM
Cambria Vet 's Hall
1000 Main Street., Cambria

North County Advisory Committee
Cliff Smith/Walt Nielsen, Co-Chairs
3420 Silla Rd.
Atascadero, CA 93422-2540
Cliff Smith: 461-0512
(Election 3rd Thursday in January)
Meet 3rd Thursday of month @ 9 AM
Templeton Community Center
420 Crocker, Templeton
(Inactive group)

Oceano/Halcyon Advisory Council
Tom Ramler, Chair
P.O. Box 517
Oceano, CA 93445-0517
473-2001 or 474-9156
(Election 3rd Monday of December)
Meet 3rd Monday of month @ 7PM
Oceano Comm. Service Dist., Bd. Room
1655 Front Street, Oceano

San Miguel Advisory Council
Suzie Albright, Chairperson
P.O. Box 425
San Miguel, CA 93451-0425
467-3763
(Election 4th Wednesday of May)
Meet 4th Wednesday of month @ 7:30 PM
San Miguel Community Center
L and 12th Streets, San Miguel

Santa Margarita Area Adv. Council
Tina Salter, Chairperson
P.O. Box 627
Santa Margarita, CA 93453-0627
438-5185
(Election 2nd Wednesday of April)
Meet 2nd Wednesday of month @ 7PM
Santa Margarita School Library
22070 H Street, Santa Margarita

Shandon Advisory Committee
John Scribner, Chairperson
P.O. Box 92
Shandon, CA 93461-0092
239-0467
(Election 1st Wednesday of November)
Meet 1st Wednesday of month @ 7 PM
Senior House ~ Shandon Park
101 W Centre, Shandon

Templeton Area Advisory Group
Scott Cosgrove, Chairman
P.O. Box 1135
Templeton, CA 93465-1135
434-1312
(Election 3rd Thursday of January)
Meet 3rd Thursday of month @ 7 PM
Templeton Community Service District
420 Crocker, Templeton

Appendix B - Sources Of Information

<http://slocourts.net/>

Superior Court website which contains information on the court, the Grand Jury, Legal Links, County links, etc.

http://ceres.ca.gov/topic/env_law/ceqa/guidelines/

The regulations contained in this chapter are prescribed by the Secretary for Resources to be followed by all state and local agencies in California in the implementation of the California Environmental Quality Act. These State CEQA Guidelines are binding on all public agencies in California.

<http://ceres.ca.gov/planning/>

LUPIN - California Land Use Information Network. 2000 Planning, Zoning, and Development Laws.

http://ceres.ca.gov/topic/env_law/ceqa/more/faq.html#require

Frequently Asked Questions About CEQA

http://elib.cs.berkeley.edu/cgi-bin/doc_home?elib_id=827

South County General Plan

<http://www.fhwa.dot.gov/reports/pittd/cover.htm>

Public involvement techniques reference and manual of procedures.

<http://groups.yahoo.com/group/NipomoCommunity>

Internet based communication system for Nipomo Community Advisory Council. This is a free service that allows you to easily create and join email groups. Email groups offer a convenient way to connect with others who share the same interests and ideas.

<http://www.courtinfo.ca.gov/opinions/>
California Courts

http://ceres.ca.gov/images/CEQA_process_chart.gif

CEQA Flow Chart

http://ceres.ca.gov/planning/ceqa/more_CEQA.html

Technical Advice Series

http://ceres.ca.gov/topic/env_law/ceqa/more/tas/CEQA_Mitigation/CEQA_Mit.html

Example of OPR Technical Advice- Mitigation Monitoring - AB 3180

<http://www.pcl.org/>

Planning & Conservation League and PCL Foundation. Protecting California's Environment Through Public Education, Policy Research and Legislation

<http://ice.ucdavis.edu/ceqa/>

CEQA Related Web Sites.

<http://conservationleague.org>

Marin Conservation League Web Site.

Practice Under the California Environmental Quality Act, by Stephen L. Kostka and Michael H. Zischke, Continuing Education of the Bar, 2300 Shattuck Avenue, Berkeley, CA 94704, phone: (800) 924-3924. Concise, authoritative, and comprehensive, this two-volume set is intended for use by both environmental planners and attorneys.

State Clearinghouse Handbook, Governor's Office of Planning and Research, 1400 Tenth Street, Sacramento, CA 95814, phone: (916) 322-3170. The requirements and procedures of the State Clearinghouse regarding the review of environmental documents and federal grants are described in detail in this handbook.

CEQA Deskbook, by Ronald E. Bass, Albert I. Herson, and Kenneth M. Bogdan, Solano Press Books, P.O. Box 773, Point Arena, CA 95468, phone: (707) 884-4508. This is a “how-to” manual offering practical advice on complying with CEQA’s procedures and legal requirements. It includes the current statutes and State CEQA Guidelines.

Guide to the California Environmental Quality Act, by Michael Remy, Tina Thomas, et al., Solano Press Books, P.O. Box 773, Point Arena, CA 95468, phone: (707) 884-4508. The CEQA practitioner’s “Bible” is a highly respected and comprehensive discussion of the Act, including recent case law. It includes a copy of the current statutes and the State CEQA Guidelines.

Appendix C - Penal Code, Section 933.05

933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or

personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Appendix D - General Plan Status

Source: County Planning and Building Department

The status of the County's General Plans, as reported to the State in 1999 is: Framework for Planning (Part I of the LUE) updated 1988. 4 of the 15 Area Plans & Official Maps (Parts II and III of the LUE) have been updated:

- Huasna - 1991,
- South County - 1994,
- Salinas River - 1996,
- San Luis Obispo - 1996 .

Revisions on other plans in progress:

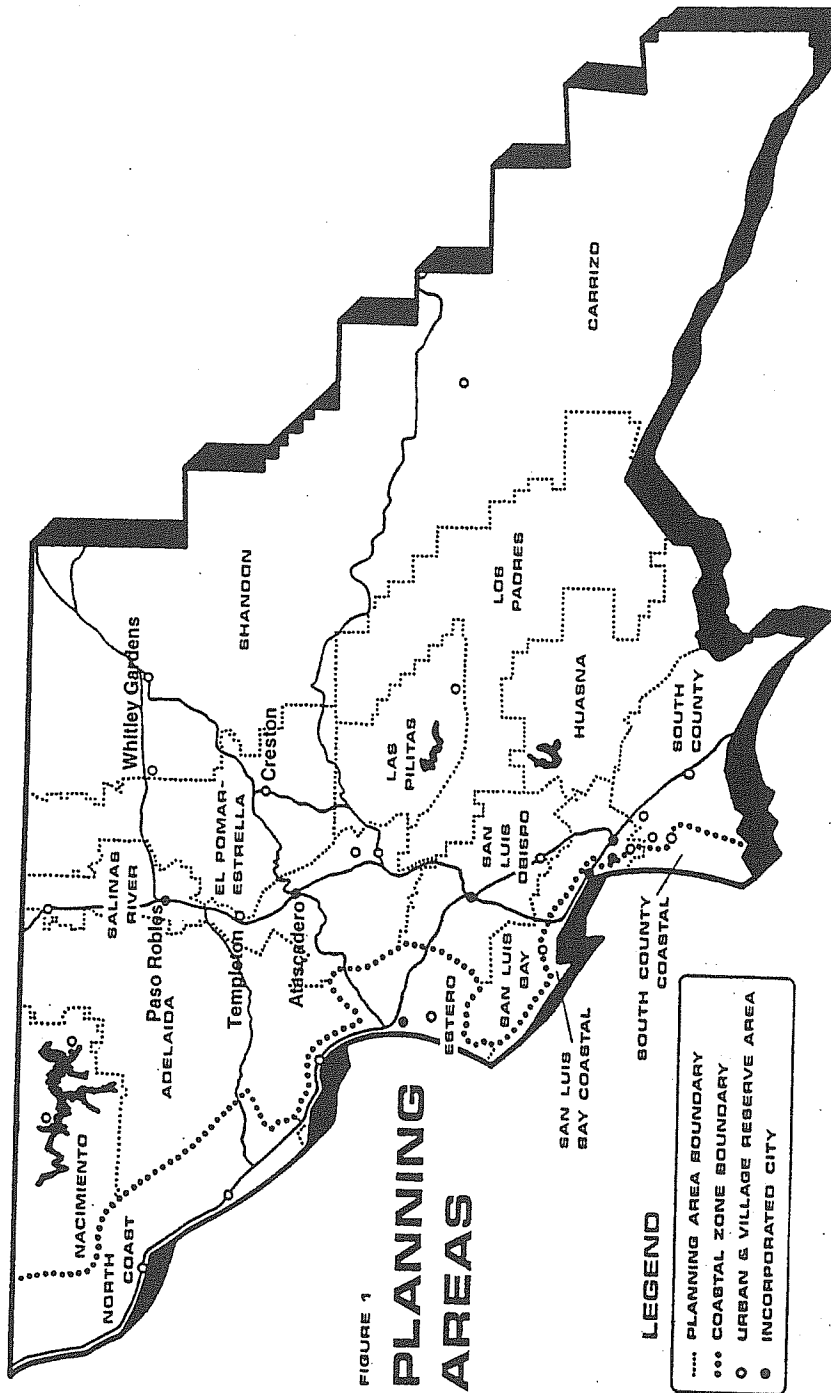
- Estero,
- El Pomar/Estrella,
- South County Coastal,
- San Luis Bay Coastal & Inland
- North Coast Area

Each of the area plans has been amended and updated as follows:

- Huasna-Lopez Area Plan (Last revised November 7, 1996)
- Los Padres Area Plan (Last revised November 7, 1996)
- Las Pilitas Area Plan (Last revised November 7, 1996)
- Nacimiento Area Plan (Last revised November 7, 1996)
- North Coast Area Plan (Last revised September 8, 1992)
- Salinas River Area Plan (Last revised May 27, 1999)
- San Luis Bay (Inland) Area Plan (Last revised March 7, 2001)
- San Luis Bay (Coastal) Area Plan (Last revised March, 1997)
- San Luis Obispo Area Plan (Last revised September 21, 2000) Shandon-Carrizo Area Plan (Last revised November 7, 1996)
- South County (Inland) Area Plan (Last revised May 27, 1999)
- South County (Coastal) Area Plan (Last revised March 14, 1989)
- Adelaida Area Plan (Last revised January 9, 1997)
- El Pomar-Estrella Area Plan (Last revised May 28, 1998)
- Estero Area Plan (Last revised November 5, 1996)

Appendix E – Planning Areas

Source: County Planning Department



Appendix F- Population Projections

Source: County Planning and Building Department

San Luis Obispo County Population Projections, July 1999							
PLANNING AREA or Community	Population in Households (Population in group quarters not included)						
	1990 ¹	1995 ²	2000	2005	2010	2015	2020
ADELAIDA	2,399	3,060	3,226	3,441	3,634	3,801	3,936
EL POMAR/ESTRELLA	5,935	6,832	7,555	8,341	9,119	9,872	10,614
ESTERO	27,515	27,764	28,996	30,796	32,535	34,105	35,639
Morro Bay	9,379	9,221	9,662	10,145	10,552	10,959	11,371
Cayucos	2,946	2,876	3,312	3,657	3,959	4,202	4,373
Los Osos	14,369	14,444	14,768	15,676	16,639	17,488	18,380
Estero (Rural)	821	1,223	1,254	1,318	1,385	1,456	1,515
HUASNA-LOPEZ	625	773	850	871	889	902	913
LAS PILITAS	1,262	1,355	1,398	1,491	1,575	1,647	1,705
LOS PADRES	254	322	330	345	359	372	383
NACIMIENTO	2,787	2,700	2,955	3,426	3,895	4,385	4,889
NORTH COAST	6,187	6,265	7,497	8,400	9,411	10,545	11,815
Cambria	5,377	5,401	6,599	7,394	8,284	9,282	10,400
North Coast (Rural)	810	864	898	1,006	1,127	1,263	1,415
SALINAS RIVER	52,177	56,010	60,462	68,142	75,219	79,499	83,538
³ Atascadero	22,876	23,982	25,516	28,588	31,150	31,150	31,150
Paso Robles	18,529	20,020	22,170	25,701	29,220	32,579	35,794
San Miguel	1,123	1,200	1,252	1,389	1,526	1,660	1,788
Santa Margarita	1,066	1,208	1,291	1,343	1,391	1,433	1,469
Templeton	2,796	3,173	3,992	4,364	4,724	5,064	5,375
Salinas River (Rural)	5,788	5,961	6,241	6,757	7,208	7,613	7,962
SAN LUIS BAY	43,881	45,786	49,077	53,249	57,301	59,970	62,637
³ Arroyo Grande	14,215	14,719	16,122	17,626	18,988	18,988	18,988
Avila Beach	381	379	385	415	443	470	496
Grover Beach	11,615	11,905	12,781	13,426	14,104	14,816	15,564
Oceano	6,127	6,300	6,741	7,262	7,785	8,304	8,814
Pismo Beach	7,625	7,922	8,567	9,693	10,807	11,873	12,917
San Luis Bay (Rural)	3,918	4,358	4,481	4,827	5,174	5,519	5,858
SAN LUIS OBISPO	43,478	43,252	45,420	47,718	50,093	52,567	55,144
San Luis Obispo (City)	40,478	39,814	41,774	43,905	46,145	48,499	50,973
San Luis Obispo (Rural)	3,000	3,438	3,646	3,813	3,948	4,068	4,171
SHANDON-CARRIZO	1,902	2,470	2,565	2,804	3,036	3,255	3,455
SOUTH COUNTY	14,845	16,786	19,243	22,097	25,020	27,907	30,727
Nipomo	7,097	8,416	10,074	12,023	14,006	15,924	17,754
Nipomo (Rural)	7,748	8,370	9,169	10,074	11,014	11,983	12,973
COUNTY TOTAL (Households only)	203,247	212,706	229,574	251,121	272,086	288,827	305,395
Incorporated Cities	124,717	127,583	136,592	149,084	160,966	168,864	176,757
Unincorporated Area	78,530	85,123	92,982	102,037	111,120	119,963	128,638
GROUP QUARTERS ⁴	13,915	14,519	15,109	15,723	16,362	17,027	17,719
Incorporated Cities	2,329	3,174	3,303	3,437	3,577	3,722	3,873
Unincorporated Area	11,586	11,345	11,806	12,286	12,785	13,305	13,846
COUNTY TOTAL (Households + Group Qtrs)	217,162	227,225	244,683	266,844	288,448	305,854	323,114

1 Numbers in bold are from the 1990 U.S. Census.
2 Numbers in bold are from the California State Department of Finance.
3 No increase indicated beyond 2010 for Atascadero and Arroyo Grande, in recognition of city buildout policies.
4 Group quarters includes nursing homes, school dormitories, military barracks, prisons, jails, hospitals, etc.
Source: San Luis Obispo County Department of Planning and Building

Appendix G- General Plan

Source: County Planning and Building Department Web Site

The San Luis Obispo County General Plan is a long-term guide to land use. The general plan is a foundation upon which all land use decisions are based. Its main purpose is to embody the public policy relative to the distribution of future land use, both public and private, and to provide the County Board of Supervisors, Planning Commission, Subdivision Review Board and Zoning Administrator concrete direction for decision-making that express the community development goals.

California Planning Law requires the adoption of a comprehensive plan:

"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 or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning." -Government Code, Section 65300

There are 7 required general plan elements:

- Land Use
- Conservation
- Circulation
- Open Space
- Housing
- Noise
- Safety

The county has adopted five optional elements:

- Recreation
- Historic
- Esthetic
- Offshore Energy

The Land Use Element (LUE) has the broadest scope of the seven required elements. It designates the general distribution and intensity of uses of land for housing, commercial, industry, open space, education, public facilities, and other categories of public and private uses. Because the LUE is so extensive, it is sometimes mistaken for the entire general plan. There are three components that make up both the Inland Land Use Element and the Coastal Zone Land Use Element:

- Framework for Planning (including Table O)
- The Area Plans

- Coastal Zone
- North Coast
- Estero
- San Luis Bay
- South County
- Inland
- Nacimiento
- Adelaida
- Salinas River
- El Pomar/Estrella
- Shandon/Carrizo
- Las Pilitas
- Los Padres
- San Luis Obispo
- San Luis Bay
- Huasna/Lopez
- South County
- Official Maps

Framework for Planning provides a comprehensive overview of the county's land use policies and defines the land use categories (zoning) applied to properties. It also contains Table O, a matrix that specifies the uses that are allowed in each land use category, as well as a definition for each type of use. Framework also sets the guidelines for amendments to the general plan.

The Area Plans are 15 separate reports containing policies, programs, land use regulations and maps for geographic areas of the county. Within each area plan are development standards - called planning area standards that set special requirements

Implementing the General Plan

In San Luis Obispo County, all of the required elements of the general plan have been adopted and the county is currently implementing these elements.

The Land Use Ordinance (LUO) and the Coastal Zone Land Use Ordinance (CZLUO) are the principal methods of implementing the general plan. The LUO and CZLUO set requirements for how particular land uses may be designed and developed. As law, they are one way that the policies of the Land Use Element are implemented and enforced.

The LUO lists "standards" (requirements) and permit procedures for developing land. These

standards include features of site design, such as minimum parcel size, the required width of yards (setbacks), the height of buildings, and the number and design of off-street parking spaces, as well as standards for grading, drainage and tree removal.

In addition, the Land Use Element is implemented through the Real Property Division Ordinance and the Building and Construction Ordinance. The Real Property Division Ordinance contains the technical regulations and procedures for land divisions. The Building and Construction Ordinance, in conjunction with the Uniform Building Code, Plumbing Code, Mechanical Code, etc., contain the technical code requirements for building construction.

The Growth Management Ordinance implements the general plan by setting the annual rate of growth so that it is consistent with the resources available to support that growth.

The Address and Road Name Ordinance specifies the requirements and standards for the naming of roads, the addressing of properties and the installation of road signs and individual addresses for structures. This ordinance was developed to aid public safety officials in locating properties during times of emergency.

Amendment and Update of the General Plan

State law allows the general plan to be amended up to four times a year, with the exception that the plan can be amended at any time to accommodate projects providing affordable housing. Changes to the general plan, including changes to the land use categories assigned to an individual property, can be initiated by private individuals or by the county. The first step in amending the general plan is to receive authorization from the Board of Supervisors to process the amendment. After an application is submitted, the department forwards the request to the Board who decides whether to continue with the review of the amendment. If authorization is granted, the project is reviewed for possible environmental impacts. A staff analysis is prepared and the project is given a public hearing by the Planning Commission and Board of Supervisors. The Commission can hear an amendment at any time throughout the year. The Board has set periods for these hearings which occur in the months of April, August and December, with the fourth time period held in reserve for special circumstances. Notices of these hearings are printed in the local newspapers.

Comprehensive updates of general plan elements are prepared by the department, with public participation, in order to keep them up-to-date and to respond to changing issues and conditions. The Area Plans are being updated on a rotating basis, with two or three plans being updated at a time.

Appendix H - Strategic Plan Format

Source: County Planning and Building Department

Planning and Building

Budget Unit: 2800

Prepare required federal reports on grants (00-01).	N/A	N/A	N/A	10
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Long-Range Planning

This service program includes coordination with community advisory groups for the preparation and updating of the county general plan, area plans and related ordinances and accompanying environmental documents, and providing staff liaison to each of the 12 advisory groups. Also includes responding to new state or federal mandates; processing proposed general plan and ordinance amendments initiated by private parties and/or the Board of Supervisors; amendment and updating of Local Coastal Program components and implementation of the Resource Management System. Includes the department-wide mapping/graphics program, development of a county-wide geographic information system (GIS), administration of the agricultural preserve program, and preparation of special studies such as community design plans and specific plans. Also includes coordination with special districts, agencies such as LAFCO and the seven incorporated cities.

Total Expenditures: \$1,036,048 Total Staffing (FTE): 12.25

Department Goals

- o Develop community plans that are responsive to local needs.

Performance Measures	1998-99 Actual	1999-00 Adopted	1999-00 Projected	2000-01 Recommended
Percentage of responses from assigned staff liaison to questions raised at the advisory committee meetings no later than the next scheduled meeting.	100%	100%	100%	100%
Percentage of major ordinance and plan amendments reviewed by the public a minimum of 60 days prior to final approval.	100%	100%	100%	100%
Number of updated or streamlined ordinance revisions related to property development and construction.	N/A	4	9	4
Percentage of community advisory committees included in the development of new or updated general plan elements and major planning documents in their areas.	N/A	100%	100%	100%
Percentage of community and advisory committees receiving a rating of "above average or better" for plans that meet their needs.	N/A	80%	96%	90%
Number of proposed Land Use Ordinance amendments developed regarding minimum parcel size criteria for division of agricultural land.	N/A	N/A	N/A	1
Number of drafts prepared of the North Coast Area Plan Update and Oceano Specific Plan.	N/A	N/A	N/A	2

Operations

Land Based

D- 12

Appendix I- Resource Management System – Levels of Severity

Source: County Planning and Building Department

2000 Annual Resource Summary Report <i>Summary of Level of Severity Recommendations</i>							
Planning Area	Community	(1) WTR SPL	(2) WTR SYS	(3) SWR	(4) RDS	(5) SCL	(6) AIR
El Pomar/Estrella	Creston	I				III	II
Estero	Cayucos	II	II			III	II
	Los Osos/Baywood	II	II	III	III	II	II
	Morro Bay						II
Nacimiento	Heritage Ranch					III	II
North Coast	Cambria	III	III		III	III	II
	San Simeon	III	III			III	II
Salinas River	Atascadero					III	II
	Garden Farms	I	II			III	II
	Paso Robles					III	II
	San Miguel	I				III	II
	Santa Margarita	I				III	II
	Templeton	I	II		III	III	II
San Luis Bay	Arroyo Grande					III	II
	Avila Beach					III	II
	Grover Beach					III	II
	Oceano					III	II
	Pismo Beach				III	III	II
San Luis Obispo	SLO Urban Area				III	III	II
	Los Ranchos/Edna				III	III	II
Shandon/Carrizo	Carrisa Plains					I	II
	Shandon	I				III	II
South County	Nipomo	II			III	III	II
Groundwater Basins	Cuyama Valley	III					
	Los Osos Valley	II					
	North Coast	III					
	Paso Robles	I					
	San Luis Obispo Ck	II					
	S.Maria:						
	Tri-Cities Mesa	II					
	Nipomo Mesa	II					
	Santa Maria Valley	III					

Notes: (1) = Water Supply, (2) = Water system, (3) = Sewage, (4) = Roads, (5) = Schools, (6) = Air Quality; Entries in bold typeface indicate levels of severity certified by the Board of Supervisors, i.e. I, II, III, as opposed to levels of severity that are merely "recommended".

The RMS utilizes three alert levels (called levels of severity) to identify differing levels of resource deficiencies.

Level I is the first alert level. Level I occurs when sufficient lead time exists either to expand the capacity of the resource, or to decrease the rate at which the resource is being depleted.

Level II identifies the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity.

Finally, Level III occurs when the demand for the resource equals or exceeds its supply.

Levels of severity for each RMS resource are determined by calculating the number of years until the remaining resource capacity would become exhausted, based on assumptions about population growth and the rate of resource consumption.

Appendix J- Growth Management Issues

Source: County Planning and Building Department

Excerpts from: County of San Luis Obispo. Request For Proposal PS-704, County Growth management Ordinance (Title 26) Amendments And Cumulative Assessment Impact Report. March 14, 2001.

PROJECT BACKGROUND

On August 8, 2000, the County of San Luis Obispo "initiated" a number of amendments to the County's Title 26 - Growth Management Ordinance (GMO) relating to development in the South County planning area. The following is a list of those amendments supported for processing by the Board of Supervisors:

1) at a countywide level, allow for the use of unused allocations from prior years (up to 10% above the allocation of any given year) - currently there are about 3,000 unused allocations from prior years;

2) change how the allocations will be dispensed as follows: a) redefine categories from "Major projects" and "Small Projects" to "Category 1 - Multi-family residences in phased or specific plan development (allotted 20%)", "Category 2 - Developers of one single family residence (allotted 50%)", and "Category 3 - Developers of more than one residence (allotted 30%)"; b) if the allotment is not used in any one category it can be transferred to another category; c) no single applicant shall receive more than 6% of the maximum annual allocations; and

3) for areas coming out of moratoria (e.g. Los Osos), reserve 2.3% of the affected community's housing inventory from overall County's annual allocations for that community's use.

Also, in May, 2000, the Board of Supervisors approved the following:

1) exempted 180 "pipeline applicants/projects" in the South County area from Title 26; the categorical exemption issued for these changes to the GMO was challenged with a lawsuit as it related to amendments

applicable to the South County. The lawsuit was dismissed after a stipulated agreement was reached as follows: no additional density changes to the South County Area Plan would be allowed until an EIR was prepared to address 1) the impacts of the 180 additional exempted residences approved by the Board of Supervisors, and 2) determine the water availability for the South County planning area.

Eight county general plan amendments within the area have been authorized for consideration which would increase the density in the South County/Nipomo Mesa area over what has been previously considered. The description for each of these GPAs is found in Table A and Figure 2.

2) Other factors or information that are relevant to this issue include:

a. the completion of several water reports (e.g. "Final Draft Water Resources of the Arroyo Grande-Nipomo Mesa Area" by Dept. of Water Resources (2000); Ludhorf & Scalmini water study (2000), Santa Barbara Co. 1999 Groundwater Report; Woodlands Specific Plan EIR (1998);

b. due to uncertain water availability, the annual update of the County's Resource Management System recommended and Board of Supervisors required, that a Resource Capacity Study be completed to determine groundwater availability;

a. State water is now being provided to communities within the groundwater basin, namely Santa Maria, which is providing additional recharge into the basin.

The recent water reports appear to come to different conclusions ranging from "overdraft" to "water levels are near historically high levels" for the Santa Maria groundwater basin.

PROJECT LOCATION

The South County planning area encompasses approximately 82,357 acres located in the southwesterly corner of San Luis Obispo County.

PROJECT DESCRIPTION

Prepare an EIR to evaluate the potential cumulative environmental impacts of 1) the Board-supported amendments to the GMO relating to the South County planning area, and 2) the eight general plan amendments currently authorized for processing. The analysis would focus on potentially significant cumulative effects, with a concentration on the groundwater basin's ability to provide a sustainable water supply.

Appendix K- Growth Management Ordinance Issues

Source: County Planning and Building Department

	ISSUE	CEQA REVIEW REQUIRED?	TITLE 26 AMENDMENT REQUIRED?	PROCEDURAL CHANGES REQUIRED?	COMMENTS
1	Select next year's allocations	T	T	T	Allow an "advance" on following year's allocations
2	Allow the use of unused allocations	T	T		Use the unused allocations from prior years where the maximum was not reached
3	Exempt "Woodlands"	T	T		Provide a specific exemption from Title 26 for residential units in the Woodlands Specific Plan
4	TDC Program	T	T	T	Allow an applicant to "trade" a credit for an allocation
5	Set limit on allocations requested by single applicant	T	T	Y	Modify the ordinance limits on the number of allocation request accepted from a single applicant more than the 2.5% of the countywide total for multi-family and 5% for all others that is currently allowed
6	Community Growth Rates	T	T	T	Develop individual community growth rates similar to those established for the Nipomo Area and Cambria
7	Consider Agricultural Water Use	Y	Y	Y	General Plan gives priority to Agricultural use of water resources. Policy giving priority to non-agricultural uses would be inconsistent, or policy amendments needed.
8	Additional exemptions for "pipeline" projects	T	T	T	Define "pipeline" projects and provide additional exemptions from Title 26
9	Address non-residential development in Title 26	T	T	Y	Develop "residential equivalencies for non-residential uses that incorporate such impacts as water uses and trip generation
10	Include new subdivisions	T	Y	Y	Tie land division approval more closely to RMS, adopt rating system for approval of new land divisions, tie new land divisions to reduction in inventory of existing vacant lots to a percentage needed to achieve build-out, or differentiate between urban and rural land divisions
11	Special consideration to communities emerging from moratoriums	T	T	Y	Give priority to, or allow exemptions from Title 26 for, communities that are or will in the near future be coming out of moratorium
12	Impacts of vesting maps				Parcels created with a "Vesting" map at a time before adoption of Title 26 are exempt from the ordinance, therefore creating more growth than envisioned by Title 26

Appendix L- South County General Plan Amendments

Source: County Planning and Building Department

	Residential	Commercial/Other
<u>Patterson Academy</u> - change 34.5 acres from AG to RL for school use	75-student dormitory	300 student high school 200-child development center
<u>Nipomo Oaks /Mehlshau</u> - change 202 acre site from AG to RMF, RS, CR, CS	300 RMF or equivalent care facility 30 residences (1 primary & 1 secondary/lot)	650,000 sf of CR 784,000 sf of CS
<u>Brand</u> - change 32 acres from RL to RS (allows 32 lots); change 40 acres from RL to CS	64 residences (1 primary & 1 secondary/lot)	523,000 sf of CS
<u>Craig/Lucia MarUSD</u> - change 14.5 acres of 40 acre site from RR to REC	16 residences (1 primary/lot)	500 student elem. school
<u>Cypress Ridge</u> - change 122 acres from RS to REC w/ use limitations Had Previous EIR	- 7 residences	103 lodge bungalows 7,000 sf reception/conference fac. restaurant
<u>Green Canyon/ Helenius</u> - change 21 acres from AG to RR (allows 4 lots) on Nipomo Bluff edge	8 residences (1 primary & 1 secondary/lot)	0
<u>County(Summit Station)</u> - remove planning area standard to allow future subdivision	37 residences	0
<u>Robertson</u> - add to NCSD service area; remove planning area standard to allow future subdivision	8 residences	0
<u>Woodlands</u> - allow 1,320 res. over 10-12 years vs. 27 years/220 yrs Had Previous EIR	1,320 mixed residential	

Appendix M– Vision 20/20 Task Force Agenda

The Vision 20/20 Task Force should include in its agenda the issues discussed below.

Some of the recommendations should be in the form of changes to the Framework For Planning, as appropriate, so as to incorporate the ideas into the regular management of the programs. Timelines for implementation should also be provided.

- Develop a methodology for a comprehensive continuing planning process- a methodology to keep plans current and valid. This would include a process whereby the general plan and the area plans were annually certified as being current and valid so that findings of consistency with these plans would be legitimate. An annual certification of the validity of the plans would be appropriate.
- Develop a methodology for identifying and evaluating cumulative impacts that is kept current on an annual basis. It should be developed in cooperation with local communities.
- Develop a methodology to integrate the Resource Management System into the proposed continuing planning process and annual reports.
- Develop a method for the county Board of Supervisors and county government in general to encourage the area advisory councils and other interested organizations to actively monitor projects for adverse and beneficial environmental impacts and to make their concerns known to their elected Supervisors as well as to county agencies having responsibility for considering such projects.
- Develop a schedule for updating the general plan and the various area plans to assure that the plans are current and valid.
- Develop a requirement and format for a capital budget and identification of funding sources for resource capacity expansions to sustain growth and development as well as other capital needs for plan implementation.
- Develop a requirement for an annual report on the general plan that would include:
 - identification of the data elements and methodology for regular collection of the data to support the information contained in the annual report,
 - coordination with the advisory councils and the public to identify the important information to be included in the annual report
 - the proposed capital budget.
 - report on projects, including exempt (CEQA) projects, each negative declaration, and appeals with results.
 - implementation of the general plans (by geographic area). .
- Develop a countywide policy on a public scoping process including the publishing of the results of scoping of projects.
- Develop a countywide policy that addresses the 300-foot notification rule to insure that more neighbors are sent notices of proposed projects and hearings.
- Develop a methodology to require that staff periodically hold well-advertised educational forums to inform members of the public of the nature and extent of the environmental review process within county government. This should be not less than annually, perhaps in connection with Earth Day, or some other widely recognized environmental awareness celebration. Active participation by a broad spectrum of community members in the planning process might provide more effective, reasonable mitigation measures.
- Develop a training/career development program to assure that environmental enforcement staff have or obtain field experience and other training regarding the effectiveness of various mitigation measures.
- Develop a requirement that in approving projects on the condition that certain environmental mitigation measures be undertaken, the county would:
 - specify realistic measures and timetables to be incorporated into the development plan as a condition for project approval that adequately mitigate the adverse

environmental impacts of the project to a level of insignificance;

- follow-up periodically to confirm that the measures have been timely and adequately completed; and
- initiate and diligently pursue enforcement proceedings where necessary.