



Promoting the wise use of land

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

SUBDIVISION REVIEW BOARD

MEETING DATE November 4, 2013	CONTACT/PHONE Holly Phipps / 781-1162 / hphipps@co.slo.ca.us	APPLICANT Kerry Mormann	FILE NO. COAL 08-0145 SUB2008-00039
SUBJECT A request by Kerry Mormann for a Lot Line Adjustment to adjust the lot lines between three parcels of 3.19, 62.81, and 19.24 acres each for the purpose of sale and/or development. The adjustment will result in three parcels of 32.0, 29.0, and 24.2 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Rural Lands land use category and is located approximately 0.5 miles south of Highway 227, and approximately .8 miles southwest of Corbett Canyon Road, south of the City of San Luis Obispo. The site is in the San Luis Bay Inland planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Lot Line Adjustment COAL 08-0145 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, found that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 26, 2013 and is hereby adopted for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology and soils, hazards / hazardous materials, noise, public services / utilities, water / hydrology, land use and are included as conditions of approval.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Energy Extractive Resource Area, Flood Hazard	ASSESSOR PARCEL NUMBER 044-211-002 & 044-241-002	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: Section 22.22.050 Subdivision Design, Rural Lands land use category;			
EXISTING USES: Active oil field			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / Single-family residence <i>East:</i> Rural Lands and Agriculture / single-family residence <i>South:</i> Rural Lands / Oil production field and adjacent parcel is vacant <i>West:</i> Rural Lands and Agriculture / single-family residence			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health Division, Agricultural Commissioner, Regional Water Quality Control Board, Cal Trans, Plains Exploration and Production, Department of Conservation's Division of Oil and Gas, and Geothermal Resources (DOGGR).	
TOPOGRAPHY: Nearly level (proposed building envelopes) to very steeply sloping (rest of site)	VEGETATION: Oak woodland, riparian
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: October 9, 2012

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
3.19	32.0
62.81	29.0
19.24	24.2

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the three parcels that will better reflect topography, therefore staff concludes that the proposed lot line configuration is equal to or better than the existing situation.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

According to Section 22.22.050 of the Land Use Ordinance, the minimum parcel size for the Rural Lands use category is 20 acres to 320 acres. The minimum parcel size in the Rural Lands category based upon features including: remoteness, fire response times, access, and slope is 20 acres.

ACCESS

The parcel(s) do not have frontage on a public road. In order to assure access, the adjusted parcel(s) must be provided access from a road by the recordation of either Offer(s) of Dedication or Declaration(s) of Restrictive Covenant. This requirement is reflected in the conditions of approval.

ENVIRONMENTAL

The subject properties are currently undeveloped. The existing lot line configuration would allow for the development on the said property, as would the proposed parcel configuration. However, development on the reconfigured parcels shall be limited to building envelopes that will reduce future impacts that could result from grading on steep slopes and locates future development away from rare plants (e.g. Pismo clarkia). Some of the key environmental issues are discussed below:

Biological Resources. A Biological Resource Assessment and Rare Plant Survey were completed on the Mormann Property. Special Plant species that were observed within the study area include the following: black-flowered figwort, dune larkspur, Pismo clarkia, and Well's manzanita. Occurrences of these species were recorded and mapped. A Site Assessment for the California Red-legged frog (CRLF) was completed and identified suitable habitat for CRLF within the on-site portion of Cañada Verde Creek. The applicant has agreed to implement CRLF avoidance measures for any potential future development as well as measures for the northern Pacific pond turtle, and the two striped garter snake. The applicant has agreed to implement mitigation measures for rare plant species to reduce future impacts to less than significant.

Flood Hazard. The property includes areas within the Flood Hazard (FH) combining designation including portions of the building envelopes. Public Works has reviewed the proposed project and the location of the building envelopes (Tim Tomlinson, April 8, 2013). Septic Systems located within the 100 year flood zone shall comply with the requirements of the National Flood Insurance Program and be constructed so that their leach fields shall be resistant to scour and erosion and their septic tanks sealed to prevent leakage while inundated. Calculations shall be provided to show that the tanks shall not be subject to floatation while inundated. To mitigate flood hazard to future development, the applicant has agreed to implement mitigation measures to reduce future impacts to less than significant.

Energy Extractive Resource Area (EX). The project is located within the Energy Extractive Resource Area (EX) combining designation. The Inland Framework for Planning states that the purpose of the EX designation is to:

1. To encourage land development that is designed to minimize adverse effects on drainage ways and watercourses.
2. To avoid damage to property improvements through flood inundation; destruction of natural resources; loss of water retention facilities, open space and wildlife habitats; and impairment of public and private water supplies.
3. To encourage a coordinated land and water management program which will support non-structural land uses in flood-prone areas.
4. To support location of permanent structures and other artificial obstructions to not adversely restrict water flow.

When located within an EX area, all proposed land uses required to have a land use permit approval per Section 22.06.030 or by planning area standards in Article 9, are subject to the requirements of this Section. Proposed land uses not directly related to energy or extraction operations are subject to Minor Use Permit approval, unless the project would be otherwise be required to have a Conditional Use Permit.

Any future development for a single-family residence would be required to obtain a use permit. The use permit application shall include a mineral resource report prepared by a geologist or mining engineer that evaluates:

- (1) The estimated extent and commercial value of any mineral resources located on the site or known to be within the vicinity of the proposed uses;
- (2) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;
- (3) The feasibility of conducting resource extraction operations at the same time as the proposed use.

The existing lot line configuration would allow for the development of the property subject to the above mentioned permit requirements. The proposed lot line adjustment would also allow for the development of the property subject to the above permit requirements. The proposed lot line adjustment is not proposing any development at this time. However, any future development would be required to meet the permit and finding requirements for the EX combining designation. If these findings cannot be made then development would not be allowed at that time.

Oil and Gas Lease. The property is also subject to an oil and gas lease known as the Morehouse Lease. The Morehouse Lease was first leased by Plains Exploration and Production Company by PXP's interest in September 17, 1947. Effective September 1, 1986, the Morehouse Lease became a part of Price Canyon Unit Agreement, by execution of the agreement by Kerry Mormann's predecessor in interest, which has been filed for record in the County of San Luis Obispo. The Lot Line Adjustment is subject to both the Lease terms and the terms of the Price Canyon Unit Agreement. PXP is the current Operator of the Arroyo Grande Field within which the Lease and Unit are located and has rights and responsibilities of the Operator for the said Lease, Unit and Field (Letter dated May 13, 2013, PXP).

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGER) has reviewed the proposed project (January 8, 2009). Records indicate 5-wells drilled within the project area. There is one-well not abandoned to current plugging standards, one-well meeting current plugging standards, and three-wells owned by Plains Exploration and Production that are presently idle. Drilling in the area began before the establishment of the Division in 1915, and there is a possibility that undocumented wells may be found.

If any future structure to be constructed will be located over or in the proximity of a previously plugged and abandoned well, there is the possibility that the well may need to be plugged and abandoned to current Division specifications. Section 3208.1 Public Resources Code authorizes the State and Oil and Gas Supervisor to order the re-abandonment of any previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The cost of re-abandonment operations is the responsibility of the owner of the property upon which a structure will be located. Furthermore, if any abandoned or unrecorded wells are uncovered or damaged during exaction or grading, remedial operations may be required, (Department of Conservation, January 2009).

LEGAL LOT STATUS:

The three existing parcels are portions of lots 59, 60 and 61 of Oak Park which was filed for record September 3, 1883 in Book A, Page 152 of Maps, and were legally created by deed at a time when that was a legal method of creating parcels. Certificates of compliance, C2005-0264, Parcels #1, #2, and #3, were recorded on October 26, 2005, which certified the legality of the three existing legal parcels.

Staff report prepared by Holly Phipps and reviewed by Steve McMasters.