

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

**PRESENT: Supervisors**

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AFFIRMING THE DECISION OF THE HEARING OFFICER AND  
CONDITIONALLY APPROVING THE APPLICATION OF CAL FIRE AND RALPH  
COVELL FOR MINOR USE PERMIT /COASTAL DEVELOPMENT PERMIT  
DRC2011-00035

The following resolution is hereby offered and read:

WHEREAS, on December 16, 2011, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Cal Fire and Ralph Covell for Minor Use Permit / Coastal Development Permit DRC2011-00035 (hereinafter referred to as the "Project"); and

WHEREAS, as lead agency, Cal Fire prepared and adopted a Mitigated Negative Declaration for the Project on December 5, 2011, and filed a Notice of Determination on December 8, 2011, pursuant to the California Environmental Quality Act;

WHEREAS, Greenspace – Cambria Land Trust has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors and determination and decision made on February 7, 2012; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard with respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the Board of Supervisors considered the Mitigated Negative Declaration prepared and adopted by Cal Fire pursuant to the California Environmental Quality Act.
4. That the appeal filed by Greenspace – Cambria Land Trust is hereby denied and the decision of the Hearing Officer is affirmed.
5. That the application of Cal Fire and Ralph Covell for Minor Use Permit / Coastal Development Permit DRC2011-00035 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

(SEAL)



**EXHIBIT A – FINDINGS**  
**Cal Fire/Covell Minor Use Permit & Coastal Development Permit DRC2011-00035**

*CEQA*

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration dated December 5, 2011 by Cal Fire is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

*Minor Use Permit*

- B. The proposed project is consistent with the San Luis Obispo County General Plan because the shaded fuel break project as conditioned is consistent with all applicable General Plan policies, including policies for Environmentally Sensitive Habitats, Coastal Watersheds, Hazards, and Visual and Scenic Resources.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed shaded fuel break project will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. As stated in Coastal Plan Policies above, and incorporated herein by reference, the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project does not include any new structures or uses within this area, and will only include the 100 foot shaded fuel break as proposed in the attached maps and project description.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Bridge St., a local road constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is not located within the area between the first public road and the ocean.

*Sensitive Resource Area*

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed shaded fuel break is proposed to enhance the habitat area by leaving healthy plants at a minimum density of 150 trees per acre (as required in the Public Resource Code). A County approved monitor will be on site during project activities to ensure healthy habitat will remain when the project is complete.

- I. As designed, natural features and topography have been considered in the design and siting of the proposed project.
- J. The proposed clearing of material is the minimum necessary for the proposed project, and will not create significant adverse effects on the identified sensitive resource. There will be no disturbance or removal of top soil with this proposed project.
- K. The soil and subsoil conditions are suitable for the proposed project, and there will be no disturbance or removal of native soils with this proposed project. All vegetation removal will occur above grade.

*Environmentally Sensitive Habitat*

- L. There will be no significant negative impact on the identified sensitive habitat, and the proposed use will be consistent with the biological continuance of the habitat as the project has been designed to avoid impacts to the maximum extent feasible. To ensure this is the case, a County approved monitor shall be on site during project activities.
- M. The proposed use will not significantly disrupt the habitat, as the project site is located along the edge of the urban developed neighborhood. The purpose of the project is to remove "ladder fuel" material which will include forest thinning; healthy trees and plants will remain.

**EXHIBIT B - CONDITIONS OF APPROVAL**  
**Cal Fire/Covell Minor Use Permit & Coastal Development Permit DRC2011-00035**

**Authorized Use**

1. This approval authorizes a Minor Use Permit/Coastal Development Permit to allow a shaded fuel break along the southern, western, and portions of the eastern edges of the CT Ranch property (along the urban reserve lines). This project covers approximately 50 acres which includes a 100 foot wide buffer area where "ladder fuel" will be removed along the edge of the property (as shown on the attached maps). This "ladder fuel" includes down, dead and diseased trees as well as shrubs and some small trees, however large trees and the forest canopy will not be removed. Removal will occur through a combination of hand crews and mechanical equipment (small bob cat size masticator only). The project shall specifically include the following:
  - a. All trees and snags 10 inches or larger will remain.
  - b. There shall be no soil disturbance with this proposed project as all activity will occur above grade.
  - c. The fuel break will be a maximum of 100 feet and will be considered "shaded" as the canopy shall remain within this area.
  - d. Riparian and/or wetland areas shall be tagged and avoided with a minimum buffer of 50 feet from the riparian or wetland area. The county approved monitor shall inspect tagging and project activities to ensure riparian habitat is not impacted.
2. Cal Fire shall submit a monitoring plan to be reviewed and approved by the County which will demonstrate how the project will comply with the anticipated goals to ensure habitat health as outlined in the Mitigated Negative Declaration prepared by Cal Fire and as outlined in the Cambria Forest Management Plan of April 2002. Monitoring shall occur as outlined in section 6 (page 6-7) in numbers 1-4 of the Cambria Forest Management Plan (attached) and include the "Cambria Forest Site Condition Checklist" which is outlined in Chapter 3 of the Cambria Forest Management Plan. The results of the monitoring data shall be archived and analyzed as required by the Cambria Forest Management Plan (also outlined in section 6 titled "What to do with the Results: Archiving and Analyzing Monitoring Data").
3. The applicant shall submit a mitigation program for review and approval by the County which is consistent with the seed dispersal program outlined within the Cambria Forest Management Plan (attached page 4-26 regarding Scatter Cones and/or seeds). Seeds and/or scatter cones shall be disbursed on a site(s) that will allow for maximum regrowth with regards to site conditions and shall be spread across a minimum of 50 acres. Success of this mitigation shall be included within the monitoring plan results listed in condition of approval no. 2 above.
4. The applicant shall obtain approval from the Air Pollution Control District (APCD) for the project prior to work commencing. Cal Fire shall comply with all APCD requirements for the project.
5. Cal Fire shall comply with all mitigation measures outlined within the Mitigated Negative Declaration dated December 5, 2011 as well as submit any required mitigation monitoring and reporting plans as required by the California Environmental Quality Act.

6. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.
7. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.