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May 23, 2013

TO: San Luis Obispo County Board of Supervisors

RE: Proposed purchase of the La Grande Tract in the Ocean Dunes SVRA

Dear Supervisors,

In view of recent statements made by members of the California Off-Highway Motor Vehicle Recreation Commission and support expressed by the City of Grover Beach for revival of the idea of selling to the state the County-owned land in the Oceano Dunes State Vehicular Recreation Area known as the La Grande Tract, we feel obliged to remind your Board of the reasons why you previously chose not to pursue the sale of this land to the California Department of Parks and Recreation (DPR), and why the County should not contemplate doing so now.

Consistent with the Coastal Act, in 1981 the County submitted a draft Local Coastal Plan to the California Coastal Commission for review. After a series of negotiations, the Commission certified the County's Land Use Plan in 1984. The County's South County Coastal Planning Area Standards, which contain portions of the County's LCP, contain specific standards for the development and operation of the ODSVRA.

The two standards of particular relevance to any proposal to sell the La Grande Tract to State Parks are as follows:

4. General Development Plan [for the ODSVRA] shall be revised in accordance with the Local Coastal Plan (LCP)

and

9. ORV use shall be permitted only in identified unfenced vehicular use area. These areas are identified in Figure 4. No ORV use will be allowed in the designated natural areas. These buffer areas reflect areas required for habitat protection. ORV use is prohibited in vegetated areas. ORV use of the county held portion (generally lying between the sandy beach and Dune Lakes) shall be limited to the Sand Highway west to the sandy beach. This will minimize conflict with the Dune Lake Properties to the east and the State Department of Parks and Recreation Dune Preserve to the north. The map of ORV use areas indicates a buffer area along these critical interface areas.

In the LCP's map of ORV use areas ("Figure 4"), the La Grande tract is marked as a buffer area. DPR continues to permit ORV use on the La Grande Tract and has yet to revise its General Development Plan in accordance with the LCP to reflect the buffer designation.

On December 4, 2006, in anticipation of sale of the La Grande Tract to DPR, the County Planning Director made a determination that the sale of the La Grande Tract to DPR would be consistent with the County General Plan. This determination was appealed to the Planning Commission, which, after receiving public testimony, reversed the Planning Director's decision and determined that the sale would violate the General Plan and the LCP.

Specifically, the Planning Commission determined that the sale would be inconsistent with the Coastal Area Planning Standards which designate the La Grande Tract as a natural buffer area. DPR and off-road groups appealed the Planning Commission's determination to the County Board of Supervisors. In relevant part, the Board denied the appeal and upheld the determination of the Planning Commission, concluding that sale of the La Grande Tract to DPR would not be in conformity with the County's LCP and Ag/Open Space Policies. This determination was legally challenged by an off-road group, who also argued that DPR's General Development Plan "preempted" the Local Coastal Program (*Friends of Oceano Dunes et al. v. County of San Luis Obispo*). This case was dismissed in 2010 at the request of petitioners, the equivalent of a court judgment. As a result, both the authority of the LCP and the County's determination of nonconformity are beyond legal challenge.

The stated position of the California Coastal Commission on the proposed La Grande Tract purchase is that "the relevant LCP policies and figures reflect...the County and the Commission's long term desire to provide increased protection of sensitive dune habitats, among other ways by...establishing a buffer area on all County owned lands," and that the County's sale of the land "would result in the continuation of a use that is inconsistent with the land use designations established by the certified LCP."*

On March 24, 2010, the board of the San Luis Obispo County Air Pollution Control District accepted a scientific study determining that ORV activity on the Oceano Dunes, having denuded the dunes of vegetation and destabilized sand surfaces subject to wind disturbance, is a significant cause of particulate matter pollution that exceeds threshold levels set by the state as hazardous to human health. The County Health Commission has urged your board to take all actions necessary to revegetate and stabilize the dunes. The health of our residents would be well served by the County using its land parcel in the ODSVRA for revegetation and dune stabilization efforts.

In any event, we believe the County should share the concern expressed by Coastal Commission staff that "a transfer of ownership to State Parks for the stated purpose of continued OHV use may affect implementation of the long term planning and resource management requirements established by CDP 4-82-300 and the certified LCP."*

Thank you for your attention to this matter,



Andrew Christie, Director
Santa Lucia Chapter of the Sierra Club

*Letter to Supervising County Planner Matt Janssen from Steve Monowitz, Central Coast District Manager, California Coastal Commission, April 17, 2007.