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AB-1680 Coastal lands: public access program: Hollister Ranch. (2019-2020)

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Assembly Bill No. 1680

CHAPTER 692

An act to amend Section 30610.8 of, and to add Section 30610.81 to, the Public Resources Code, relating to coastal resources.

[Approved by Governor October 09, 2019. Filed with Secretary of State October 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1680, Limón. Coastal lands: public access program: Hollister Ranch.

The California Coastal Act of 1976 (coastal act) requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as provided. The coastal act requires every person receiving a coastal development permit or a certificate of exemption for development on any vacant lot within specified designated areas, prior to commencement of construction, to pay to the California Coastal Commission (the commission), for deposit in the Coastal Access Account, an in-lieu public access fee, with the amount of the fee determined by specified costs of acquisition, as provided. The coastal act, for purposes of those provisions governing the in-lieu public access fee amount and with respect to the Hollister Ranch public access program in the County of Santa Barbara, requires that the Hollister Ranch in-lieu fee for public access be \$5,000 for each permit. The coastal act also requires that all in-lieu public access fees received pursuant to those provisions be deposited in the State Coastal Conservancy Fund and be available for appropriation to the State Coastal Conservancy for specified conservancy purposes.

This bill would require the commission, in collaboration with the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, by April 1, 2021, to develop a contemporary public access program for Hollister Ranch that will replace the existing coastal access program for Hollister Ranch that the commission adopted in 1982, and would require that the public access program include specified components, as provided, including the first phase of public access to beach by land controlled by the Hollister Ranch Owners Association to be implemented by April 1, 2022. The bill would provide that a private person or entity impeding, delaying, or otherwise obstructing the implementation of the public access or other public access program requirements constitute a violation of the public access provisions of the coastal act. The bill would require the commission, in collaboration with the conservancy, the department, and the State Lands Commission, to submit a prescribed report to the Legislature within 30 days of missing a public access program deadline. The bill would require that all past, present, and future in-lieu fees received, as well as other moneys received by the conservancy for providing public access at Hollister Ranch from public and private sources, including nonprofit sources, be deposited in the Hollister Ranch Access Management Subaccount, which the bill would create in the State Coastal Conservancy Fund. The bill, upon appropriation by the Legislature, would require moneys in the subaccount to be used for any action necessary to implement the public access program for Hollister Ranch.

This bill would increase the amount of the Hollister Ranch in-lieu public access fee to \$33,000 for each permit, adjusted annually for inflation.

Existing law states the intent of the Legislature that the State Coastal Conservancy and the State Public Works Board use their authority to implement the public access policies and provisions of the coastal act at Hollister Ranch.

This bill would instead require the conservancy and the State Lands Commission to use their full authority to implement the public access policies and provisions of the coastal act at Hollister Ranch.

This bill would make legislative findings and declarations as to the necessity of a special statute for Hollister Ranch.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California coast is a public resource of enduring significance. It embodies natural and cultural resources, scenic beauty, public access, recreation and enjoyment, coastal dependent and related land uses, and vibrant and sustainable coastal communities and economies.

(b) California is a world leader in protecting its coast and advancing the right of all people to access and enjoy its beaches and ocean, as guaranteed by Article X of the California Constitution.

(c) Hollister Ranch is a 14,500-acre subdivision that includes 8.5 miles of publicly owned shoreline in the County of Santa Barbara, with no land-based coastal access for the public.

(d) The Gaviota Coast, of which Hollister Ranch is a significant part, is the least accessible stretch of coast in California, with fewer than two miles of publicly accessible shore in more than 60 miles of coastline.

(e) In 1982, the California Coastal Commission adopted the coastal access program for Hollister Ranch, which the Legislature expected to be implemented “in a timely fashion” and “as expeditiously as possible” pursuant to Section 30610.8 of the Public Resources Code.

(f) Access to Hollister Ranch for state officials and their designated representatives is critical to enable development of a contemporary public access program.

(g) In March 2019, the Director of the California Coastal Commission, the Director of the State Coastal Conservancy, the Director of the Department of Parks and Recreation, and the Director of the State Lands Commission signed an interagency collaboration agreement to establish a framework for effective and efficient communication and collaboration to develop a contemporary public access program for Hollister Ranch that is informed by meaningful and comprehensive public outreach and stakeholder engagement in a timely manner.

(h) The Legislature supports and encourages the efforts delineated in the collaboration agreement to provide meaningful, safe, equitable, and environmentally sustainable public access to the coast at Hollister Ranch.

(i) The public policy of protecting, expanding, enhancing, and promoting equitable public access to the state’s coast, tidelands, and waterways is embodied in the California Constitution, numerous statutes and regulations, and common law.

(j) Multiple barriers have prevented the public from accessing and enjoying an 8.5-mile stretch of the coast at Hollister Ranch for over three decades.

(k) The limits on coastal public access at Hollister Ranch contradict the clear legislative intent that a coastal public access program be implemented as expeditiously as possible at that property.

(l) The Legislature strongly encourages the ongoing process for all stakeholders to work together to develop a contemporary public access program for Hollister Ranch that will provide equitable public access consistent with the California Coastal Commission’s environmental justice policy.

SEC. 2. Section 30610.8 of the Public Resources Code is amended to read:

30610.8. (a) The Legislature hereby finds and declares that a dispute exists at the Hollister Ranch in the County of Santa Barbara with respect to the implementation of public access policies of this division and that it is in the interest of the state and the property owners at the Hollister Ranch to resolve this dispute in an expeditious manner. The Legislature further finds and declares that public access should be provided in a timely manner and that in order to achieve this goal, while permitting property owners to commence construction, the provisions of this section are necessary to promote the public’s welfare.

(b) For purposes of Section 30610.3 and with respect to the Hollister Ranch public access program, the in-lieu fee shall be thirty-three thousand dollars (\$33,000) for each permit, adjusted annually for inflation pursuant to the consumer price index. Upon payment by the applicant for a coastal development permit of this in-lieu fee to the State Coastal Conservancy for use in implementing the public access program, the applicant may immediately commence construction if the other conditions of the coastal development permit, if any, have been met. No condition may be added to a coastal development permit that was issued before the effective date of this section for any development at the Hollister Ranch.

(c) The State Coastal Conservancy and the State Lands Commission shall use their full authority provided under law to implement, as expeditiously as possible, the public access policies and provisions of this division at the Hollister Ranch in the County of Santa Barbara.

SEC. 3. Section 30610.81 is added to the Public Resources Code, immediately following Section 30610.8, to read:

30610.81. (a) (1) To ensure public access to Hollister Ranch in the County of Santa Barbara, the commission shall, in collaboration with the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, by April 1, 2021, develop a contemporary public access program for Hollister Ranch that will replace the existing coastal access program for Hollister Ranch that the commission adopted in 1982.

(2) The public access program for Hollister Ranch shall be informed by a public outreach and stakeholder engagement process and shall include, at a minimum, all of the following:

(A) A list of public access options to the state-owned tidelands at Hollister Ranch. Each option shall, at a minimum, include options for public access by land and shall include a description of the scope of access as well as an assessment of implementation costs and ongoing operation.

(B) A description of the physical environment at Hollister Ranch, including the shoreline, beach areas, coastal and marine habitat, existing land uses, and cultural and historical resources.

(C) A description of the current level of public access to the state-owned tidelands at Hollister Ranch.

(D) Educational and scientific research opportunities along the Hollister Ranch coast associated with the natural, cultural, and historical resources.

(E) Provisions to protect and preserve sensitive natural, cultural, and historical resources.

(3) In addition to the components required by paragraph (2), the public access program shall include all of the following:

(A) A summary of permits needed to implement the program.

(B) An implementation strategy.

(C) A program that implements specified portions of the program providing land access that includes a first phase of public access to the beach by land controlled by the Hollister Ranch Owners Association. On or before April 1, 2022, the State Coastal Conservancy shall fully implement the first phase of the public access to the beach. Implementation of this subparagraph is subject to appropriation of funding to provide for the specified land access.

(4) An action by a private person or entity to impede, delay, or otherwise obstruct the implementation of the public access pursuant to subparagraph (C) of paragraph (3) or other provisions of the public access program constitutes a violation of the public access provisions of this division.

(b) The commission, the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, or their designated representatives, shall have access to the common areas within Hollister Ranch in order to evaluate resources and determine appropriate public access opportunities and to fulfill implementation of the public access program identified in this section.

(c) If a public access program deadline required under subdivision (a) is not met for any reason, the commission, in collaboration with the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, shall submit a report to the Legislature within 30 days of missing the deadline. The report shall include an explanation for why the public access program has been delayed, a proposed completion date, and any other relevant information pertinent to the completion of the full implementation of the public access program for Hollister Ranch. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(d) Notwithstanding provision 2 of category (2) of Item 3760-490-721 of the Budget Act of 1984, all in-lieu fees received pursuant to subdivision (b) of Section 30610.8 before, on, or after January 1, 2020, as well as other moneys received by the State Coastal Conservancy for providing public access at Hollister Ranch from other public or private sources, including nonprofit sources, shall

be deposited in the Hollister Ranch Access Management Subaccount, which is hereby created in the State Coastal Conservancy Fund. Moneys in the subaccount, upon appropriation by the Legislature, shall be used for any action necessary to implement the public access program for Hollister Ranch.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding Hollister Ranch in the County of Santa Barbara.