

Jessica Applegate

From: David Broadwater
Sent: Tuesday, October 21, 2025 11:48 AM
To: Planning Commission Public Comments
Subject: P.C. 10-21-25 Agenda Item G.1 - 2045 Gen. Pin. Draft
Attachments: deb Scope DEIR 2045 Gen Plan UpDate.pdf

to:
Atascadero Planning Commission
re:
10-21-25 Agenda Item G.1: Draft 2045 General Plan
date:
10-21-25

Please incorporate the attached comments on the Draft 2045 General Plan into your deliberations and the record of this meeting. They were submitted to the Community Development Department regarding the Draft EIR during the Scoping Period on 8-12-24, and remain relevant today.

Thank you,
David Broadwater
Atascadero

ATTENTION:

This email originated from outside the City's network. Use caution when opening links and attachments.

To: Atascadero City Community Development Department
re: 2045 General Plan Update - DEIR Scope NOP
date: 8-12-24
from: David Broadwater, 54-year resident

Please incorporate these comments in the record of the scoping process for the Draft Environmental Impact Report on the 2045 General Plan Update. They pertain to the Land Use, Open Space and Conservation Element, Land Use and Community Form Element, and Recreation and Open Space Element, and are additionally relevant to the Economic Development Element and Public Services and Infrastructure Element.

We have an enormous and unique environmental, economic and community resource right in our own back yard. Yet, it remains untapped due to its abuse, neglect of our General Plan and lack of enforcement of our Municipal Code and California laws. That resource is the Salinas River and the ecosystem it supports. We extract our water from the aquifers under it, but don't fully recognize or utilize the potential laying at our feet. It's time to change that, and reap the rewards the Salinas River has to offer us, if we'll only take advantage of them. Within our grasp is the opportunity to stimulate our economy, create businesses and jobs, and to enhance the quality of life for Atascaderans.

For decades, numerous local people have enjoyed walking, riding horses, walking dogs and bird watching along the banks of the River, and experiencing the large ponds created by the beavers whose dams clean the water and recharge the aquifer upon which we depend. Now, folks come from far and wide to see and learn about the benefits this once nearly extinct species provides.

But, for far too long, this area has been ravaged by motorized vehicles (dirt bikes, ATVs, trucks, etc.) rampaging through it night and day, destroying vegetation and trails, scaring people, spooking

horses and driving wildlife away. As a result, the degradation of this resource continues unabated.

The General Plan Update presents an opportunity to, not only repair the damage, but to become acknowledged as stewards of the Salinas River. We're the city closest to its headwaters and have a responsibility to demonstrate its proper care. How we treat it affects those downstream all the way to Monterey Bay.

Included below are excerpts from the current General Plan, and the General Plan Update process, which can serve as a foundation for realizing the potential awaiting us. Following those, are excerpts from the Municipal Code and California laws and regulations. They represent tools available now to protect the Salinas River corridor and prevent further damage to it with our own law enforcement capabilities.

Finally, I add some concluding remarks from a broader and, perhaps, philosophical perspective.

Initially, I object to the removal of Conservation as an element of the proposed 2045 General Plan in the Notice of Preparation for this DEIR. No justification is provided for the elimination of Conservation as an element of the General Plan. As demonstrated by the excerpt below from the City-issued Notice Of Preparation, Conservation is absent from the proposed elements.

The current Land Use, Open Space & Conservation Element is split into two other elements. Land Use is combined with Community Form (whatever that is), Open Space is combined with Recreation (constructed human-related facilities), and Conservation is gone. Apparently, the objective of preserving and protecting the natural environment, and the community's ability to interact with it is no longer worthy of any consideration.

The City is obligated to issue a justification for the deletion of Conservation and explain the consequences of this decision.

City 2045 General Plan DEIR NOP:

"General Plan Elements:

...

"The 2025 General Plan contains the following elements:

- Land Use, Conservation, and Open Space Element

...

"The 2045 General Plan Update would include the following elements:

- Land Use and Community Form Element

...

- Recreation and Open Space Element"

I recommend the retention and inclusion of a Conservation Element in the 2045 General Plan to bring the principles and policies embedded in the current General Plan, enhanced by community input regarding the General Plan Update, into fruition. Those include: Protecting creeks, the Salinas River, and their riparian ecosystems and wildlife habitats; Providing more public access and trails to those areas for passive recreation, e.g., pedestrian, equestrian and mountain biker; and Enhancing the City's economic vitality and the community's quality of life by those two methods.

Further, I recommend securing those principles and implementing those policies by establishing districts zoned for those purposes. This would include designating zones for the protection, reclamation and preservation of the Salinas River corridor and riparian area, for interconnected and adjacent trails (including the Anza Trail) for passive (non-motorized) recreation, and for an interpretive river center for public education, habitat preservation and scientific research.

GENERAL PLAN

Below are excerpts from the Land Use, Open Space & Conservation Element of the current General Plan. It appears that the City has been deficient in implementing some of the guidelines

that are meant to form the basis of its decision-making. Some text is emphasized in **bold**.

Land Use, Open Space & Conservation Element

...

E. Land Use, Open Space, and Conservation Goals, Policies and Programs

...

2. Open Space Policies

...

Goal LOC 6. Preserve natural flora and fauna and protect scenic lands, sensitive natural areas...

Policy 6.1: Ensure... **not degrade scenic and sensitive areas, ... creeks, riparian corridors, wetlands,**... valuable **habitats**.

Programs:

...

4. Scenic and sensitive lands... **creeks, riparian corridors, wetlands... habitat value shall be protected** from **destruction, overuse, and misuse by the use of zoning,**

5. Public and private development in **close proximity** to scenic and sensitive lands, including **creek reservations,**... **flood plains... shall be designed to minimize impacts.**

6. ... **open space dedications shall be required...** impact, **floodplains, creek reservations...**

7. ...**shall** carefully evaluate... projects to **require the preservation... watersheds... other natural features.**

...

Goal LOC 8. **Watershed... shall be protected.**

Policy 8.1: **Ensure... development** along... **Salinas River... riparian areas** does **not... adversely impact riparian ecosystems** and water quality.

Programs:

1. **Work with other agencies** to implement the Erosion Control Assistance Program for **review** of development proposals to **minimize sedimentation** of creeks and the **Salinas River.**

2. Update the Appearance Review Manual to include provisions

for **preserving, reclaiming and incorporating riparian features** in conjunction with new development.

3. The **waterways** in the City shall be **maintained in a natural state...**

...

6. **Prohibit** new structures or **disturbance of riparian habitat** along **creek banks...**

...

9... **Salinas River shall be preserved for open space and recreational use... left in their natural state for public enjoyment and habitat** purposes.

10. **Land disturbance shall be minimized in proximity to watercourses** including necessary flood protection measures,

11. **Areas subject to flooding... shall be protected** from unsound development consistent with the City's flood hazard ordinance requirements.

...

13. **Support** the establishment and **protection of floodable terraces, wetlands, and revegetation** along **creeks and streams.**

Policy 8.2: Establish and **maintain setbacks** and development standards for **creek side development.**

Program:

1. ... **setbacks** and development standards **along the banks... Salinas River** to ensure... **protection of the riparian ecosystem...**

....

Policy 8.3: **Preserve public creek reserves** for **public access,** and **ensure** that **recreational use** does **not impact habitat value and open space**

Programs:

1. **Develop** park, **trail,** and **recreational amenities...** in public **creek reserves.**

2. **Require... trail easements** and **access points** as part of... development

...

Goal LOC 11. Provide an adequate supply of City park facilities to all Atascadero residents.

Policy 11.1: **Acquire parkland...** future development of **park and recreation facilities**

Programs:

...

7. **Require** new subdivisions along the Salinas River to provide controlled **public access** to the **Salinas River** and **De Anza Trail** for **pedestrian and equestrian recreation**.

8. **Support** the development of **equestrian staging areas** and **trail systems** throughout the community including a **Salinas River / De Anza trailhead** at the north end of town and other **appropriate locations**.

GENERAL PLAN UPDATE

Below are excerpts from documents derived from the General Plan Update process, expressing the desires of the community for improved access to and enjoyment of our natural surroundings, especially the Salinas River area. Some text is emphasized in **bold**.

Community Engagement Series #1 Summary: Vision for the Future

Recreation and Open Spaces

- **Increase Walking/Biking Trails.** Recommendations to **create more walking** and **biking** and **walking trails** and **make connections** between existing trails, parks and **open spaces** and throughout the city. ...
- **Increase or Improve and Maintain Parks and Open Space.** **Acquire and create more parks and open space,**...
- **Value Rivers as a Community Asset.** **Create more... open space, access points and paths** all along... rivers (**particularly the Salinas River** throughout town) with amenities (tables/benches, places to recreate) to make them safer and more enjoyable. Maintain regular stream/creek cleanups. **Create a river center** for **research (Cal Poly/Cuesta students/professors)** and **education**.

- Parks and **Open Space as Economic Opportunity**... creating **more attractions, open spaces, increasing and improving... river-related features and recreational options and events** promoting their use will help **create jobs, draw visitors interested in nature and ecotourism.**
- **Protect and Preserve Native Flora, Fauna and Habitat.** **Plant more trees** in the city... **regenerate/protect native wildlife, habitat, and plants, specifically beavers...**
- Provide **More Outdoor Recreational Facilities and Activities.**
- ...
- **Provide Family-Inclusive and Age-Specific Activities.** Provide activities that are inclusive of all ages... caring for **playgrounds** and **connecting them to trails** providing **easy hikes** and **nature walks** with **educational signage.**

Existing Conditions Atlas

Recreation and Open Spaces

Parks, Open Spaces and Trails: ...

... Opportunities exist to **improve linkages** to parks through **new or expanded trails** (... **Juan Bautista de Anza National Historic Trail**).

... **New trail connections** could be created to better **link** major **recreational destinations** and the **Salinas River**...

...

Creeks and Rivers: ... The waterways **provide important wildlife corridors** connecting the **Salinas River** to the Santa Lucia Mountains are designated **critical habitat** areas for South-Central California Steelhead Trout. They also **provide recreational opportunities** for many residents. The creeks have been highly impacted by problems with trash, illegal dumping, off-road vehicle use, and urban pollution that has significantly degraded the quality of the habitat. **Protecting and enhancing** these areas can better **support the local ecosystem**, and improve water flow (and reduce localized flooding risks), and **increase the quality of life** for residents. In addition, the **Salinas River** has been identified as a

key natural resource that should be **protected and bolstered** as a **region**

MUNICIPAL CODE

Illegal and damaging activities are occurring in the Salinas River riparian corridor, and being conducted with impunity due to the lack of law enforcement by City officials authorized to enforce the Atascadero Municipal Code, violations of which are misdemeanors, not infractions.

Below are the relevant sections of the Municipal Code, including Title 5 Public Welfare - Chapter 8 Waterway Intrusions, Title 1 General Provisions - Chapter 3 Penalty Provisions, and Title 12 Code Enforcement - Chapter 1 Violations, Penalties And Enforcement and Chapter 2 Administrative Citations.

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code

Atascadero, California Municipal Code

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5

Title 5 PUBLIC WELFARE

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8

Chapter 8 WATERWAY INTRUSIONS

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8-5_8_02

Section 5-8.02 Prohibited uses and activities.

Each of the following uses and activities is prohibited:

(a) The parking, operation or use of private motorized vehicles, including but not limited to motorcycles, ATVs, dune buggies, recreational vehicles, automobiles, go-carts, motorized skateboards

or trucks in the riparian corridor.

(b) Allowing or causing the accumulation, storing, placement, dumping or disposing of pollutants in the riparian corridor, unless done with a properly issued City grading permit or in an emergency flooding situation to protect life and property.

(c) Allowing or causing the migration of pollutants into the riparian corridor. (Ord. 236 §1, 1992)

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8-5_8_03

5-8.03 Enforcement.

A violation of any provision of this title shall be a misdemeanor. Penalties for a violation of this chapter shall be as set forth in Chapter 3, Title 1 of this Code. (Ord. 236 §1, 1992)

Chapter 8 of Title 5 clarifies the terms used in Section 5-8.02:

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_5-chapter_8-5_8_01

5-8.01 Definitions.

(a) "Riparian corridor" means the area of land within the normal high water levels and the land containing riparian vegetation immediately adjacent to the following waterways:

- (1) Atascadero Creek;
- (2) Graves Creek;
- (3) Salinas River.

The definition above shall apply until superceded by an "Official Creekway Map" as adopted by the City Council. When such a map or maps are adopted, the "riparian corridor" shall be that area so designated on that map for that area of the waterway

(b) "Intrusion" means any encroachment or activity into the riparian corridor, as listed in Section 5-8.02 below, which may adversely impact the drainage, flora and fauna of the specified riparian corridors.

(c) Pollutants means any harmful substance, including but not limited to chemicals, fuels, fill materials, lumber, petroleum products, sewage, domestic animal waste and any other substance which could adversely impact drainage; cause flooding; contaminate water; destroy or damage flora or fauna. (Ord. 236 §1, 1992)

Chapter 3 of Title 1 cites violations which are “specifically deemed a misdemeanor by this Code”, as in Section 5-8.03 regarding Waterway Intrusions above. Violations include, in addition to overt acts of commission, covert acts of omission.

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_1

Title 1 GENERAL PROVISIONS

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_1-chapter_3

Chapter 3 PENALTY PROVISIONS

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_1-chapter_3-1_3_02_1

1-3.02.1 Infractions: misdemeanors.

Any violation of the provisions of this Code, as amended from time to time, shall be deemed an infraction, unless deemed a misdemeanor pursuant to Section 1-3.03 relating to prior convictions, or unless deemed a misdemeanor by the City Attorney when the complaint is filed with the Clerk of the Municipal Court, or unless specifically deemed a misdemeanor by this Code.

...

1-3.05 Prohibited acts.

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 10 § 30, 1979)

...

Chapters 1 and 2 of Title 12 set forth the financial and penal punishments for misdemeanors, and authorize police officers and non-safety employees to issue administrative citations for violations of the Municipal Code.

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12

Title 12 CODE ENFORCEMENT

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12-chapter_1

Chapter 1 VIOLATIONS, PENALTIES AND ENFORCEMENT

...

12-1.05 Misdemeanor.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by Section 12-2.02 of this Code. Any person convicted of a misdemeanor under the provisions of this Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 460 § 4, 2004)

...

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12-chapter_2

Chapter 2 ADMINISTRATIVE CITATIONS

https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_12-chapter_2-12_2_02

12-2.02 Authority.

(a) Any responsible person violating any non-emergency health or safety violation provision of this Code, its adopted codes, or applicable State Code, may be issued an administrative citation by

an enforcement officer as provided in this chapter. A violation of this Code includes, but is not limited to, all violations of this Code, the Uniform Codes adopted by the City Council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this Code.

...

CALIFORNIA VEHICLE CODE

Below are two sections of the California Vehicle Code: Division 16.5. Off-Highway Vehicles and Division 17. Offenses and Prosecution. Section 38319 of the CVC makes it illegal to damage land, plants and animals with an off-highway motor vehicle and Section 40000.24 makes that a misdemeanor. As set forth in Municipal Code Section 12-2.02 above, City of Atascadero police officers and non-safety employees are authorized to enforce these sections of the CVC. As with the Municipal Code, violations include acts of omission in addition to acts of commission.

[https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=38319.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=38319)

California Legislative Information

VEHICLE CODE - VEH

DIVISION 16.5. OFF-HIGHWAY VEHICLES [38000 - 38604] (Division 16.5 added by Stats. 1971, Ch. 1816.)

CHAPTER 5. Off-Highway Vehicle Operating Rules [38280 - 38321] (Chapter 5 repealed and added by Stats. 1976, Ch. 1093.)

ARTICLE 6. Littering and Environmental Protection [38319 - 38321] (Article 6 added by Stats. 1976, Ch. 1093.)

38319.

No person shall operate, nor shall an owner permit the operation of, an off-highway motor vehicle in a manner likely to cause malicious or unnecessary damage to the land, wildlife, wildlife

habitat or vegetative resources.
(Added by Stats. 1976, Ch. 1093.)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=40000.24.

California Legislative Information

VEHICLE CODE - VEH

DIVISION 17. OFFENSES AND PROSECUTION [40000.1 - 41610]

(Division 17 enacted by Stats. 1959, Ch. 3.)

CHAPTER 1. Offenses [40000.1 - 40273] (Chapter 1 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Violation of Code [40000.1 - 40008] (Article 1 enacted by Stats. 1959, Ch. 3.)

40000.24. A violation of any of the following provisions shall constitute a misdemeanor and not an infraction:

...

(e) Section 38319, relating to protection of the environment.

(Amended by Stats. 1984, Ch. 1015, Sec. 3.)

CALIFORNIA DFW LAWS AND REGULATIONS

Under the California Department of Fish and Wildlife's Fish and Wildlife Protection and Conservation regulations, any activity by anyone that alters or disrupts the natural flow of a river, its banks, channel or bed is committing an illegal act. Note that section 1602 below pertains to the protection and conservation of beaver habitat.

As to whether Section 12-2.02 of the Atascadero Municipal Code authorizes a City official to issue an administrative citation due to violation of these CDFW regulations, i.e., whether either is considered an "applicable State Code", is unknown at this time by the author of this letter. I encourage the City to seek that authority.

<https://wildlife.ca.gov/Conservation/Mammals/Beaver#574411146-laws-and-regulations>

California Department of Fish and Wildlife Beaver

...

Laws and Regulations

...

FGC § 1602. Fish and Wildlife Protection and Conservation (opens in new tab).

Any person, state or local governmental agency, or public utility must notify CDFW prior to beginning any activity that may divert or obstruct the natural flow of any river, stream, or lake; or change the bed, channel, or bank of any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

Modification of a beaver dam or lodge may require a LSA Agreement. Contact your CDFW local office before installing any beaver devices.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC§ionNum=1602

California Legislative Information

FISH AND GAME CODE - FGC

DIVISION 2. DEPARTMENT OF FISH AND WILDLIFE [700 - 1958]

(Heading of Division 2 amended by Stats. 2015, Ch. 154, Sec. 21.)

CHAPTER 6. Fish and Wildlife Protection and Conservation [1600 - 1617]

(Chapter 6 repealed and added by Stats. 2003, Ch. 736, Sec. 2.)
1602.

(a) An entity shall not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or

ground pavement where it may pass into any river, stream, or lake, unless all of the following occur:

...

CONCLUSION

Something rather profound is emerging from the process of updating our city's General Plan, including and transcending people's desire for enhanced interaction with, and protection of, the Salinas River corridor. There is a nascent recognition of the need to expand and deepen our relationship with it.

While there's widespread desire within our community for more open and natural spaces, trails connecting them, especially along the Salinas River, there's also a broader vision for the future about the value of the River as a regional economic, recreational, educational, and tourist attraction, creating businesses and jobs for Atascaderans.

We can improve the quality of life and stimulate the economy for our neighbors, and be known as premier custodians of that which nourishes our souls and bodies. It's time for a change in our perspective and philosophy in our relationship with this irreplaceable and invaluable resource. If we treat it well, the Salinas River and the environment to which it gives life will return the favor in manifold and unforeseen ways.

Situated as we are, the city nearest the River's headwaters, we can't escape our responsibilities as its caretaker, nor can we afford to separate them from our opportunities. If we accept them, it will take sustained community commitment and resources, but the alternative is to resign ourselves to continued befoulment of our own nest.

The City of Atascadero has a legal and ethical responsibility to enforce its own and the state's laws to protect the invaluable resource that is the Salinas River, its watershed and riparian corridor

from the historical and current degradation to which it has been, and is being, subjected.

The least we can do right now is to begin enforcing the law. There's simply no reason or excuse for not doing so. Only then can we begin to truly respect and embrace that which nurtures us in so many ways. Some straightforward law and order in this area is mandatory, and only a first step in that direction.

This is a simple and fervent plea for you to honor your oaths of office and perform your duties as our elected representatives.