

CALIFORNIA COASTAL COMMISSION

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February 19, 2003

MEMORANDUM

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Liz Fuchs, Project Manager
Steve Monowitz, Coastal Planner
Tania Pollak, Coastal Planner
Allyson Hitt, Coastal Planner

RE: **EVALUATION OF SAN LUIS OBISPO COUNTY'S FIRST YEAR RESPONSE TO THE PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM.** For public hearing and Commission consideration at its meeting of March 5, 2003 to be held at the Embassy Suites Hotel (333 Madonna Rd.) in San Luis Obispo.

EXECUTIVE SUMMARY

This is a status report and evaluation of San Luis Obispo County's first year response to the Coastal Commission's *Periodic Review of the San Luis Obispo County Local Coastal Program*. On July 12, 2001, the Commission adopted 165 recommendations for corrective action to improve the County's LCP in 12 areas of coastal protection. Recommendations ranged from proposed changes in staff procedures to the need for major LCP amendments. High priority recommendations included the need to:

- Update the North Coast Area Plan to improve protection of coastal resources, including agriculture, habitat, and sensitive critical viewsheds;
- Implement short and long-term growth controls in Cambria;
- Conduct comprehensive habitat conservation planning and address resource management issues concerning public service constraints in Los Osos;
- Adopt new water quality policies and ordinances, including requirements for Best Management Practices and grading controls;
- Amend the ESHA definition and identification process;
- Improve LCP standards to avoid and minimize impacts of new development on ESHA;

- Adopt strong procedures and resource protection standards to address Certificates of Compliance (COCs), Lot-Line Adjustments, and residential development in rural areas;
- Incorporate comprehensive public access components into LCP Area Plans;
- Adopt standards to protect against future shoreline structures in new development;
- Modify coastal development permitting procedures to provide a more protective framework for coastal resource protection.

The Commission supported the County in Periodic Review implementation by awarding over \$200,00 in LCP Grants, including \$124,000 specifically to implement the recommendations of the Commission. In this implementation grant, the Commission recognized that the grant funds were not sufficient to address all of the Periodic Review recommendations, and required that the funds be targeted for some of the major and minor changes to address Periodic Review recommendations in six priority policy areas: new development and public service issues in Cambria, ESHA identification and protections, post construction runoff controls and BMPs, Agricultural recommendations on lot-line adjustments and non-agricultural development, scenic and critical viewshed recommendations, and improving implementation procedures. The Commission also awarded the County money to work on the update of the North Coast Area Plan. The County has been reimbursed for \$116,894 for work on the NCAP (\$73,803) and Periodic Review (\$43,091).

As detailed in this report, although the County of San Luis Obispo has made some progress in background work and the development of LCP amendments to address the Periodic Review, few actual substantive changes to the LCP have been accomplished to date. In addition, many of the proposed responses fall short of addressing the primary intent of the Commission's recommendations. Moreover, the County has pursued a phased approach that does not address many of the higher priority recommendations that involve substantive major amendments to the LCP. Thus, many of the more important recommendations were specifically not included in the Phase One response of the County. This includes all of the Agriculture recommendations, most of the water quality recommendations, and many of the ESHA recommendations. In one case, the County has specifically rejected a Commission-adopted modification to address the definition of ESHA problem identified in the Periodic Review in favor of developing alternative language for submittal to the Commission in the future.

Amending LCPs does require significant time and resources of local governments. This is particularly true for comprehensive LCP updates such as the Estero and North Coast Area Plan Updates that in theory could address many of the Periodic Review recommendations. Thus, one of the most significant accomplishments of the County to date has been the release of a revised public review draft of the Estero Area Plan. Although not yet reviewed in detail by the Commission, this draft plan includes new policies and standards that may address the identified need for effective habitat conservation planning in Los Osos, as well as other identified resource

issues in the Estero area. Nonetheless, if the Commission's Periodic Review process is to be successful in leading to meaningful changes in the San Luis Obispo County LCP, more significant progress will be needed by the County in the coming year. This is particularly true for the high priority resource protection recommendations concerning new development and protection of ESHA, water quality, visual resources, and rural agricultural lands.

BACKGROUND

Pursuant to California Coastal Act section 30519.5(a), the Commission has conducted a Periodic Review of the San Luis Obispo County Local Coastal Program (LCP) and has identified instances where LCP implementation is not effectively carrying out Coastal Act policies. Major issues addressed by this review include environmentally-sustainable development, water quality, the protection of agriculture and scenic rural landscapes, and the preservation of sensitive species and habitats. An Executive Summary of the Periodic Review, adopted by the Commission on July 12, 2001, is attached to this report as Exhibit 1.

The recommended corrective actions contained in the Periodic Review were transmitted to the San Luis Obispo County Board of Supervisors On November 9, 2001. Coastal Act section 30519.5 (b) requires that San Luis Obispo County respond to the recommendations contained in the Periodic Review within one year of this transmittal, either by taking action to implement the recommendations, or by forwarding the commission a report setting forth its reasons for not taking the recommended action. In reply to this requirement, San Luis Obispo County has, among other things, submitted a draft "Phase 1" report, attached as Exhibit 2, that responds to approximately one-half of the recommendations (i.e., those that that San Luis County Board of Supervisors agreed to consider on February 19, 2002).

As established by Coastal Act section 30519.5(b), the Commission is to review the County's one-year response, and "where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of [the Coastal Act]".

ANALYSIS

I. IMPLEMENTATION ACTIONS

Since the Commission adopted the Periodic Review on July 12, 2001, the County has been working towards implementation of the recommendations on various fronts. With financial and technical assistance from the Commission, the County has instituted new policies and procedures, increased coordination with Commission staff on planning and development issues, and continued to pursue major updates to two of the four Area Plans (North Coast and Estero), as well as other LCP amendments.

A. LCP Grants

The Commission has provided substantial financial support to the County for update of the LCP, both prior to, and in response to, adoption of the Periodic Review recommendations. In addition to an \$80,000 grant awarded to the County to enable County staff to participate in the actual Periodic Review, the Commission awarded the County three additional local assistance planning grants totaling \$220,506. All three of these grants were intended to help develop amended LCPs:

- A grant for \$80,000 was awarded in 1999 for the North Coast Area Plan LCP Update (Administrative Draft Preparation). This grant was to respond to Coastal Commission findings adopted for the previous review of the North Coast Area Plan Update in 1998 regarding project scope, accuracy of information, changed conditions and issue areas, and providing for and encouraging participation at each step in the update process.
- A grant for \$16,506 was awarded in 2000 LCP Update to provide supplemental funds for the County's North Coast Area LCP update (FY 99/00 grant). The additional funds, for use only through March 15, 2003, were targeted for public hearing and County adoption costs associated with the North Coast Area update/Periodic Review North Coast provisions.
- A grant for \$124,000 was awarded in 2001 for implementing the LCP Periodic Review Recommendations. This grant supported the County's preparation of the "Phase 1 Periodic Review Implementation" report (October 2002), containing proposed changes to procedures, and some proposed amendments to the LCP. This grant extends to the end of this year. Remaining work tasks include: continuing coordination meetings between the County, Commission and other affected agencies and groups; providing quarterly updates to community advisory councils on progress made on Periodic Review issues; preparing proposed minor and major LCP amendments; and the processing and adoption of proposed amendments by public hearings before the County Planning Commission and Board of Supervisors, and the Coastal Commission.

It should be noted that in awarding the \$124,000 implementation grant, the Commission recognized that the grant funds were not sufficient to address all of the Periodic Review recommendations, and required that the funds be targeted for some of the major and minor changes to address Periodic Review recommendations in six priority policy areas: new development and public service issues in Cambria, ESHA identification and protections, post construction runoff controls and BMPs, Agricultural recommendations on lot-line adjustments and non-agricultural development, scenic and critical viewshed recommendations, and improving implementation procedures. The County has been reimbursed for \$116,894 for work on the NCAP (\$73,803) and Periodic Review (\$43,091).

B. Procedural Updates

Many of the corrective actions recommended by the Periodic Review do not necessitate amendments to the LCP, and are being implemented through changes to the County's internal

policies and procedures. The Phase I response submitted by the County includes many such actions, in the form of new Policies and Procedures memorandums that address issues such as application requirements, monitoring and enforcement, and policy interpretations. An evaluation of these actions is contained in the attached table.

C. Interagency Coordination

Increased coordination between Commission and County staff is another way in which the County is implementing Periodic Review recommendations. Monthly meetings between the County and Commission staff have provided valuable opportunities to consult on projects, appeals, plan updates, and other pressing coastal issues. However, restrictions on travel resulting from the state budget crisis have interfered with these coordination efforts.

D. LCP Amendments

Updating and revising the LCP is another a critical component of Periodic Review implementation. In 2002, the Commission worked with the County to incorporate recommended changes into currently pending LCP amendments as follows:

SLO LCPA 3-00, Cambria Commercial Design Plan - In January 2002, the Commission approved a modified version of the Design Plan. The recommended changes, which were accepted by the County on March 5, 2002, help implement recommendations regarding priority uses, water quality, environmentally sensitive habitats, and flood hazards in the historic village of Cambria.

SLO LCPA 1-01 Part B, Procedural and Clarifying Amendments – On August 20, 2002, the Commission suggested modifications to the County's proposed amendment of Ordinances regarding permits, appeals, and other procedural issues. These modifications implement many of the recommendations in Chapter 12, and help to resolve a critical implementation problem identified by the Periodic Review – the use outdated maps to delineate sensitive habitats. Although the County has declined to accept the specific language proposed by the Commission, they are working on a revised version in coordination with Commission staff and interested parties. The County intends to resubmit a revised version of the amendment with most of the suggested modifications included.

SLO LCPA 1-01 Part C, Grading Ordinance – The County's proposed update to LCP Ordinances regulating grading and drainage will be considered by the Commission on the same day as this review (Agenda Item W21a). Staff is recommending modifications intended to implement Periodic Review recommendations regarding water quality and habitat protection.

SLO LCPA 3-01, Los Osos Wastewater Treatment Facility Site – On August 8, 2002, the Commission approved a modified version of LCP Amendment 3-01, which designates a site for the Los Osos Wastewater Treatment Facility. The County accepted the modifications on October 8, 2002, and the amendment took affect on November 7, 2002. The amendment not only provides an important step towards resolution of the Los Osos area's water quality and

supply problems, but also includes provisions that implement Periodic Review recommendations for habitat protection.

SLO LCPA 1-02, Oceano Specific Plan – The County has submitted the Oceano Specific Plan for incorporation into the San Luis Bay Area Plan. Although only a small portion of the planning area lies within the coastal zone, the Plan provides an opportunity to implement Periodic Review recommendations regarding the protection of wetlands, coastal water quality, and dune habitats.

The county also continues to make progress on other LCP amendments underway at the local level. These include:

Phase I Draft Amendments – The Phase I amendments included as part of Exhibit 2 represents the County's initial attempt to develop amendments to Coastal Plan Policies and Implementation Plan Ordinances that respond to the generally non-controversial recommendations that the County Board of Supervisors agreed to consider. The Commission staff's analysis of these amendments is provided in the attached table. The County will be responding to this evaluation and the comments it receives from other interested parties during upcoming local hearings, and then will submit the locally approved version for Commission certification this summer.

Port San Luis Harbor Master Plan Update – The Port San Luis Harbor District has made significant progress towards an update of its master plan, which will also take the form of an amendment to the San Luis Bay Area Plan, and responds to Periodic Review recommendations regarding Commercial Fishing and Recreational Boating.

Estero Area Plan Update – The County has recently released a Public Review Draft of the Estero Area Plan Update, to be followed by an environmental review document in the near future. Although the Commission staff has not yet had an opportunity to review the Draft Update, staff has provided a great deal of input to the County, particularly regarding ESHA protection in Los Osos.

Cambria Residential Design Plan – The County is in the process of developing new standards for residential development in Cambria that will respond to Periodic Review recommendations regarding urban design and the protection of sensitive Monterey Pine forest habitat.

North Coast Area Plan Update – Following the release of the Project Description in 2000, the County has been working to address technical issues and environmental constraints. The next step will be for the County to release a Public Review Draft of the Update and the accompanying environmental review. It is unclear when this draft may be available.

II. Evaluation

As indicated above, both the Commission and the County have devoted significant resources towards Periodic Review Implementation. In the first year following the Periodic Review, recommendations have been implemented through changes to County procedures, and through the County's acceptance of modifications to pending amendments. In addition, the County has made progress towards implementation of a number of recommendations by drafting a first phase of LCP amendments. Many other recommendations will be advanced through the LCP amendment process.

A key element of current implementation efforts is the Area Plan Updates, which are progressing at different speeds. The draft Estero Update is moving forward through public review, and will provide an opportunity to address many pressing resource issues faced by that region in the upcoming year. The North Coast Update, though, has not advanced beyond the project description stage. This may be, in part, related to pending negotiations between the Hearst Corporation and the American Land Trust regarding a potential conservation agreement, and a perception that the outcome of these discussions will have considerable consequence on the content of the plan. While it is clear that these efforts should be coordinated, there are many important coastal resources issues in the North Coast that are not directly related to the Hearst Ranch that deserve immediate attention. Thus, it is both necessary and appropriate for the County to reinvigorate the North Coast Update process.

As can be expected, the complexities of the issues addressed in the Area Plan Updates and the Periodic Review demand considerable amounts of staff work and public review. Within this context, the one-year response required by the Coastal Act must be viewed as an opportunity for the Commission to check in on the progress of implementation efforts. Indeed, the Commission has consistently recognized that Periodic Review implementation is a multi-phased task that will require ongoing negotiation and development. With this in mind, the one-year report submitted by the County responds only to a select number of recommendations. The Commission staff's evaluation of this response is provided in the attached table.

As shown in the Table, the shortcomings of the Phase I response are twofold. First, many of the responses do not completely respond to the recommendation, lack specificity, and/or are in the form of voluntary programs rather than implementable standards. Second, the Phase I response is completely silent on what, if any, progress has been made towards implementation of the other equally important recommendations of the Periodic Review. As summarized below, many of the issues of critical concern to the Commission have not, or only been partly addressed in the Phase I report and by other implementation efforts:

Address short-term development constraints in Cambria (e.g. water supply) (Recommendation 2.13). In response to this recommendation, the County has proposed draft LCP amendment language that is inadequate to resolve the short-term issues related to Cambria Water Supply due to the amount of time before it takes affect (3 years after final adoption of a North Coast Area Plan Update). The Cambria Community Services District has recently adopted a moratorium to address short-term water supply questions. In coordination with the CCSD and

the County, the Coastal Commission has recently adopted permit conditions through its appeal process that address the water supply issue in so-called "pipeline" projects, and the County is implementing this permitting approach now as well. The County's Periodic Review response should be updated to reflect these recent developments. In addition, the County should take action through the RMS system to put meaningful development constraints in place for Cambria until the water supply issue is resolved. This would also address, in part, Recommendation 2.12 regarding more effective use of the certified RMS system.

Conduct comprehensive habitat conservation planning and address resource management issues concerning water and wastewater supply in Los Osos (Recommendations 2.20 and 4.6). While the County's response indicates that the Los Osos Area Plan Update will reduce buildout potential, it does not clearly correlate the amount of buildout allowed to that which can be sustained by available public services and protect coastal resources. Additionally, although the response includes improvements to water quality protection standards, it does not adequately address the portion of the recommendation that deals with water supply issues. The County's response does propose a new TDC program and development standards to address habitat protection in Los Osos, but these will need to be further evaluated as part of the Commission's review of the Estero Area Plan Update, including yet-to-be completed biological evaluations.

Adopt new water quality policies and ordinances, including requirements for Best Management Practices and grading controls (Chapter 3 Recommendations). The County has adopted new water quality policies and ordinances for the Cambria commercial area (proposed Commission modifications accepted by the County). Additional water quality policies are proposed in the public review draft of the Estero Area Plan, including the required use of BMPs and addressing the 85th percentile numerical standard. More detailed review of this submittal is needed to more fully evaluate the extent to which Periodic Review recommendations are addressed. The Commission has also been working with the County to address water quality recommendations through modification of the County's grading ordinance.

Amend the ESHA definition and identification process (Recommendation 4.1). Although the County has recently not accepted a proposed Commission modification that would have addressed this problem, the County's Phase One document has proposed a definition for ESHA that may address the identified problem. The County proposes a similar change to the definition of sensitive streams and riparian habitat that provides a good response to a portion of recommendation 4.01. A similar change is also needed to the definition of Marine Habitats. The proposed change to the definition of ESHA should also be updated to reflect the Coastal Act definition and the CEQA definition referenced in the recommendation. The County should also consider referencing the field review process discussed in the final report as a means of determining whether a site contains ESHA.

Certificates of Compliance (COCs), Lot-Line Adjustments, and Residential development in rural areas (Recommendations 5.7, 5.4, and 5.8). Overall, the County has chosen to not respond specifically to any of the Agriculture recommendations. This includes recommendations to improve the required processing of Certificates of Compliance, Lot-line adjustments, and

residential development in rural areas that may have significant impacts on coastal resources. It should be noted, though, that the County staff has coordinated informally with Commission on review of pending COCs (e.g. the COC's processed for the Hearst Ranch). The County has also proposed LCP amendment language to respond to the recommendation that LLAs be evaluated against LCP resource protection requirements, and that LLAs involving more than four lots be approved pursuant to parcel or tract map review, consistent with new state law (SB 497)

Incorporate comprehensive public access components into LCP Area Plans (Rec. 6.1). The County's response is to draft amendments that incorporate a specific access component into each of the Area Plans. Although the County has drafted Access components for the North Coast and Estero Area Plans, these plans are far from certification. The County has also suggested amending the LCP to include the comprehensive access planning requirement, but it also notes that this recommendation shall be implemented as a program; however, it should be mandatory, rather than optional.

Adopt standards to protect against future shoreline structures in new development (Rec. 7.7). This recommendation would implement Coastal Act section 30253, which requires that new development not require the construction of shoreline protective devices, by requiring the use of a "no future seawall" deed restriction. The County has chosen to not respond to this recommendation in Phase 1.

Modify coastal development permitting procedures to provide a more protective framework for coastal resource protection (Chapter 12). The County has implemented a number of the less controversial recommendations, however, significant progress is needed on the proposed changes regarding permit and appeal processing.



Attachment 1. Review of County Response to Periodic Review Recommendations
2/19/2003

No. NEW DEVELOPMENT	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
2.1	Improve Findings for Service Extensions Beyond USL and/or denial of projects. Amend Policy 1 and IP	The County has drafted amendments to the LCP that add a reference to existing provisions of the Land Use Ordinance within Coastal Plan Policy 1 for Public Works (Availability of Service Capacity)	The response to 2.01 does not address the recommendation to develop new ordinances that implement Public Works Policy 1.
2.2	Improve County & Commission Coordination (particularly regarding Development Outside Urban Service Lines (USL) that create new urban development potential).	The County has developed an internal policy to coordinate with the Commission on Periodic Review Issues, such as the USL issues addressed by this recommendation, during monthly meetings.	Additional opportunities for improved coordination should be considered, such as developing special noticing procedures and/or procedures for interagency pre-application meetings.
2.3	Clarify LCP Authority on New Urban Development outside of USL. Amend LCP	No response in Phase 1.	
2.4	Reduce Development Potential on Urban Edges	No Response in Phase 1.	
2.5	Consider Policies/Programs to Support Greenbelt/Open Space	The County has drafted an amendment to the LCP that would provide a policy supporting greenbelt formation and maintenance. This draft policy is proposed to be implemented as a program.	The response to recommendation 2.05 provides only general policy support for greenbelt formation. This should be supplemented with new development standards that will maximize protection and maintenance of greenbelt areas
2.6	Encourage Redevelopment options in Urban Areas. Amend LCP to include incentives and regulatory mechanisms to transfer development potential outside of the USL to inside the USL.	The County has drafted an amendment to the LCP that would incorporate a Policy to encourage urban infill. The draft Policy indicates that it will be implemented as a program.	The response does not adequately respond to the recommendation because it does not establish specific programs or new development standards.
2.7	Strengthen standards to address development potential on non-conforming lots	No Response in Phase 1.	
2.8	Evaluate options for Processing Non-conforming lots	No Response in Phase 1.	
2.9	Update North Coast Area Plan to Protect Coastal Resources of Hearst Ranch.. Concentrate Development at Limited Existing Nodes	No Response in Phase 1.	
2.10	Require Resource Capacity Studies prior to major development proposals	No Response in Phase 1.	
2.11	Update LCP to address large residential development	No Response in Phase 1.	
2.12	Strengthen Implementation of RMS and ISCA	No Response in Phase 1.	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
2.13	Address Cambria Short-term Development. Continue 1% growth rate until 1/1/02. After which no approvals without certain water supply findings.	The County has drafted an amendment to the North Coast Area Plan that would prohibit new development that relies on additional water from San Simeon or Santa Rosa Creeks three years after final adoption of the North Coast Area Plan Update unless in-stream flow, water management, and lot reduction issues are addressed	The response is inadequate to resolve the short-term issues related to Cambria Water Supply due to the amount of time before it takes affect. The response should be updated to reflect recent developments regarding Commission, County, and CCCSD coordination on this issue.
2.14	Establish Watershed/ Basin Management Programs	No Response in Phase 1.	
2.15	Consider Additional Options for Water Conservation. Consider additional LCP policies and standards	No Response in Phase 1.	
2.16	Cambria Long Term Development Buildout Reduction. Amend LCP Expand TDC program. Consider Assessment District. Incentives for minimum lot size.	The County has drafted a program encouraging the development of an open space district to enable the purchase of small substandard lots in Cambria, for inclusion in the North Coast Area Plan Update. The response does not favor the expansion of TDC programs also states that the bonuses required to make TDC's feasible are at cross purposes to the density reduction objective.	Since the response relies on the creation of special districts to reduce Cambria buildout potential, more information is needed regarding: how, when, and where such districts will be formed; the purpose of such Districts; and, how the creation of such District's will interface with development standards and review procedures. Where feasible, these procedures and objectives should be incorporated into the LCP as standards, rather than as a general program. In addition, the County should evaluate whether an expanded TDC program that applies bonuses to redevelopment would provide an effective means of achieving
2.17	Prohibit Creation of New Development Potential in Cambria and Los Osos. Prohibit new subdivisions.	The County has drafted a new standard that requires projects creating a new residential lot of 7,500 square feet or less to retire an equivalent legal building site on a 1:1 basis, for inclusion in the North Coast and Estero Area Plan Updates.	The proposed standards should be applied to the creation of all lots that will result in new development potential, not just new lots of fewer than 7,500 square feet.

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
2.18	Address Cumulative Impacts to Urban Design in Cambria. Amend LCP. Modify TDC standards.	The County has drafted a new standard that would establish new criteria for the use of TDC's to be included in the North Coast Area Plan Update. Additional standards regarding urban design will be contained in the Cambria Residential Plan currently under development.	The response to recommendation 2.18 provides some good criteria for the use of TDC's, but does not respond to the need to establish standards the specify the minimum amount of open space that must be preserved and the maximum amount of footprint that can be allowed.
2.19	Los Osos Short-Term Development. Consider policies to ensure basin-wide management of groundwater supplies.	No Response in Phase 1.	
2.20	Los Osos Long Term Development. Amend LCP to support reduction in buildout.	The County proposes to reduce Los Osos buildout potential and incorporate provisions to address nonpoint source pollution as part of the Estero Area Plan Update	While the response indicates that the Update will reduce buildout potential, it does not correlate the amount of buildout allowed to that which can be sustained by available public services and protect coastal resources. Additionally, although the response includes improvements to water quality protection standards, the does not adequately address the portion of the recommendation that deals with water supply issues. Finally, while the response proposes a new TDC program to benefit habitat protection in Los Osos, it does not include the specific development standards needed to protect ESHA at both the site specific and regional levels..
WATER QUALITY			
3.1	Modify existing policies and ordinances to reference Water Board's Basin Plan and add criteria to address runoff from confined animal facilities.	No response in Phase 1.	Although the County has proposed some measures to address water quality, discussed below, the proposals do not address the specific standards and criteria identified in Recommendation 3-1.

Attachment 1. Review of County Response to Periodic Review Recommendations
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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
3.2 a	Add program to the LCP to support educational efforts to address resource impacts from agricultural activities.	County has proposed amendments to add policies to the Estero Area Plan encouraging education and assistance programs for agriculturalists and landowners to reduce erosion, sedimentation, nutrient levels, and use of pesticides.	The proposed policies should be expanded to address potential impacts to habitat and nonpoint source pollution caused by irrigation. The proposed policies should be incorporated into all LCP planning areas.
3.2 b	Amend IP to modify exemptions from grading permit requirements for agricultural grading.	No response in Phase 1.	
3.2 c	Amend IP to allow grading for agricultural cultivation within 100 feet of an ESHA	No response in Phase 1.	
3.2 d	Add program encouraging NRCS to develop programs to implement BMPs for agricultural grading activities on agricultural lands.	No response in Phase 1.	
3.3	Area Plan Updates: Complete North Coast Area Plan Update with recommended water quality protection	No response in Phase 1.	
3.4	Expand Erosion Control Studies - Lodge Hill. Amend LCP.	The County agrees with this recommendation, and proposes to amend the existing LCP language to prepare a coordinated management program to reduce erosion in the Lodge Hill area.	The County's proposed changes address in large part the recommendation by adding the use of best available management methods to reduce erosion and by integrating the program with the Forest Management Program. However, the County's proposal does not establish the goals of retention of forest cover and retaining a natural flow regime as specified in the Recommendation. Further, the program defines no completion date or specific criteria to complete the program, and the use of the term "should" rather than "will" does not assure implementation of the program.

Attachment 1. Review of County Response to Periodic Review Recommendations
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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
3.5	Address Post Construction run-off. Incorporate procedures into planning process.	The County proposes to implement the recommendation through amendments to the Land Use Ordinance Drainage Standards (Section 23.05.050) requiring the use of BMPs for new development.	Although the County's proposal does not specifically incorporate the procedures proposed in Recommendation 3.5, the requirement for BMPs to address nonpoint source pollution addresses the intent of the recommendation.
3.6 a and 3.11	Adopt policies and ordinances restricting development on steep slopes.	No response in Phase 1.	
3.6 b and 3.9	Modify criteria citing watercourses on USGS maps and requirements for erosion control plans.	Through the ESHA recommendations, the County proposes to modify the definition of streams.	The County's proposal does not modify the specific ordinance and criteria for requiring erosion control plans.
3.6 c and 3.12	Modify Grading and/or Drainage Plan Ordinance to require Water Quality Control Plan.	The County proposes to implement the recommendation through amendments to the Land Use Ordinance Drainage Standards (Section 23.05.050) requiring the use of BMPs for new development.	The County's proposal partially addresses the recommendation through the use of BMPs. The amended ordinance language should also include the criteria of maintaining peak runoff rates and volumes similar to pre-development rates and require the protection of drainage courses and the long-term maintenance of BMPs as detailed in the recommendation.
3.6 e	Update IP Title 19 standards and requirements to improve protection of water quality from residential septic systems.	No response in Phase 1.	
3.7 a	Update LCP CH.9 to provide the framework for a comprehensive Watershed and Water Quality Protection Component of LCP.	No response in Phase 1.	
3.7 b	Update LCP to include program encouraging watershed planning.	No response in Phase 1.	
3.13 a	Require Operation and Maintenance components of updated Harbor Plans. Update LCP by adding policies and standards to implement BMPs.	No response in Phase 1.	

Attachment 1. Review of County Response to Periodic Review Recommendations
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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
3.13 b	Add program to educate boaters and boating facility operators on implementing BMPs	The County proposes to amend the Estero Area Plan to educate boaters on waste discharge.	The proposed modification partially addresses the recommendation. The County should develop a more comprehensive program to address the other issues outlined in Recommendation 3.13b, such as boat maintenance activities, fueling, and spill containment. A program for the San Luis Bay region should also be developed.
ENVIRONMENTALLY SENSITIVE HABITAT AREAS 4.1	Revise LCP definition of ESHA and determine presence of ESHAS based on site specific information rather than maps	The County has drafted amendments to the LCP's definitions of Environmentally Sensitive Habitat Area and Coastal Streams and Riparian Vegetation, and to modify implementing ordinances, stating that these areas should be protected including, but not limited to, when they are shown by the LCP maps.	The proposed definition for sensitive streams and riparian habitat provides a good response to a portion of recommendation 4.01. A similar change is also needed to the definition of Marine Habitats. The proposed change to the definition of ESHA should also be updated to reflect the Coastal Act definition and the CEQA definition referenced in the recommendation. The County should also consider referencing the field review process discussed in the final report as a means of determining whether a site contains ESHA.
4.2	Revise & Update ESHA Combining Designations	No response in Phase I.	
4.3	Update IP Requirements for Biological Investigations & Reports	No response in Phase I.	
4.4	Identify, & Implement the Resource Dependent Criteria for Development in ESHA. Revise Table "O"	No response in Phase I.	
4.5	Prohibit Subdivisions that Create new lots in ESHA. Amend ordinances.	No response in Phase I.	
4.6	Develop Comp. Habitat Conservation, Protection & Management Programs	No response in Phase I.	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
4.7	Revise Biological Report Requirements	The County has drafted amendments to LCP Ordinance 23.07.170 that requires Biological Reports to include constraints analyses.	The response does not adequately respond to the need to assess impacts associated with fire clearance and to identify ways in which transitional habitat values of buffer areas should be protected.
4.8 a	Expand Application of Rural Area SRA Standards regarding "Site Planning- Development Plan Projects in Area Plans	No response in Phase I.	
4.8 b	Evaluate all Available Alternative Locations that Avoid and Minimize Impacts to ESHA.	No response in Phase I.	
4.9	Thoroughly review & Pursue project alternatives that avoid impacts to ESHA	No response in Phase I.	
4.10	Incorporate New Standards and Review Procedures to Implement ESHA and Viewshed Protection Consistent with Coastal Act Section 30010.	No response in Phase I.	
4.11	Minimize Intensity of Non-Resource Dependent development to maximum degree feasible.	No response in Phase I.	
4.12	Establish Maximum disturbance limitations	No response in Phase I.	
4.13	Require Conservation easements/Deed restrictions over all ESHA outside development envelope	No response in Phase I.	
4.14	Coordinate review with DFG, USFWS, & NMFS of projects that pose impacts on Listed Species	No response in Phase I.	
4.15	Specify Mitigation Requirements	No response in Phase I.	
4.16	Specify mitigation monitoring and evaluation requirements	The County has developed a new internal policy and procedure document that establish mitigation monitoring procedures.	The response describes appropriate procedures for monitoring and evaluating mitigation requirements. However, mitigation requirements should be established within a new ordinance to provide a sufficient basis for the County and Commission to require their implementation.
4.17	Pursue changes to CZLUO to be consistent w/ 30236 and ESHA Policy 23 regarding streambed alterations.	The County has drafted amendments to the CZLUO to amend the CZLUO.	The response addresses the recommendation, with the exception that it does not specify mitigation standards.
4.18	Delete exemption for stock pond (of under 10 acre feet) stream diversion that may impact habitat	No response in Phase I.	

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4.19	Analyze streambed alterations for consistency with 23.07.174b	No response in Phase 1.	
4.20	Improve coordination w/ DFG Stream Alteration process	The County has developed a new internal policy and procedure requiring that streambed alteration agreements be obtained prior to coastal development permit approval	The response indicates that the County has appropriately implemented this recommendation.
4.21	Pursue alternatives to Streambed alterations	The County has drafted amendments to the CZLUO requiring that alternatives be considered.	The proposed amendment provides an appropriate means for implementing the recommendation.
4.22	Encourage research regarding Setback effectiveness	No response in Phase 1	
4.23	Apply 100' setback in Urban Areas Where Feasible.	The County has drafted amendments to the CZLUO that maintain the minimum setback of 50 feet in urban areas, and 100 feet in rural areas, but adds a provision that a larger setback is preferable depending on site characteristics.	The proposed amendment does not provide a sufficient basis to require a minimum 100 foot riparian setback where feasible in urban areas, or to require that all development be setback the maximum feasible distance.
4.24	Improve implementation of setback standards & adjustments	The County has drafted an amendment to the CZLUO that supplements ESHA development standards by requiring alternative evaluations and mitigation where impacts cannot be avoided.	The response to recommendation 4.24 provides good standards for alternative analyses, but does not address the specific mitigation and enforcement components of the recommendation.
4.25	Consider limiting pedestrian & equestrian trails within riparian areas to Passive recreation	The County has developed a new internal policy and procedure that establish guidelines for allowing recreational uses within riparian setback areas.	The response indicates that the County has appropriately implemented this recommendation.
4.26	Incorporate additional standards for stream diversions & wells	No response in Phase 1.	
4.27 a	Incorporate standards for development in and adjacent to Streams and Other Aquatic Habitat	The County has drafted an amendment to the CZLUO to better specify when development is permitted in and adjacent to streams.	The draft amendment provides an appropriate means of implementing the recommendation
4.27 b	Update IP to implement Water Quality and Habitat Protection Standards for new Agricultural Development in coordination with voluntary programs.	No response in Phase 1.	
4.28	Complete follow-up review on Aquaculture facility	The County has indicated that it is pursuing compliance with landscape screening requirements of the permit	The response does not address the full range of follow-up issues that must be evaluated in accordance with D870182 (which are not limited to landscaping).

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4.29	Misc policy clarifications	The County has drafted an amendment to the CZLUO.	The draft amendment provides an appropriate means of implementing the recommendation
4.30	Incorporate standards for wetland delineations	The County has developed a new internal policy and procedure intended to provide for better identification and protection of wetlands.	The response does not identify the specific standards for conducting wetland delineations, in accordance with Section 13577(b)(1) of Title 14 of the California Code of Regulations to ensure accurate identification of Coastal Act wetlands. Standards for wetland delineations should be a part of the LCP as opposed to an internal County policy document.
4.31	Evaluate biological significance of manmade wetlands	No response in Phase I.	
4.32	Prohibit variances to wetland & other ESHA protection standards	No response in Phase I.	
4.33	Develop standards for the breaching of coastal lagoons	No response in Phase I.	
4.34	Provide standards for wetland monitoring and restoration activities	No response in Phase I.	
4.35	Review mosquito abatement activities	No response in Phase I.	
4.36	Coordinate Mgt & protection of Open Space Easements to protect wetlands and other ESHA	No response in Phase I.	
4.37	Develop comprehensive forest habitat management & protection program	The County has drafted amendments to the North Coast Area Plan, for inclusion in the Update, that would establish new programs encouraging development of a forest masterplan and a small lot open space district.	The response is inadequate because it only provides programmatic support for a Forest Management Plan and does not provide development standards needed to implement such a plan.
4.38	Pursue alternatives to avoid tree removal	No response in Phase I.	
4.39	Increase tree replacement requirements where avoidance is not possible	No response in Phase I.	
4.40	Incorporate programs & standards necessary to respond to threats posed by Pitch Canker and Sudden Oak Death	No response in Phase I.	
4.41	Provide greater incentives for participation in Cambria TDC program and other updates to the program	No response in Phase I.	
4.42	Develop additional methods for lot retirement	No response in Phase I.	
4.43	Reduce buildout potential - Cambria	No response in Phase I.	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
4.44	Identify all ESUs and apply ESHA protection	No response in Phase 1.	
4.45	Urban development allowed in areas that do not represent long-term viable habitat but still maintain sensitive species w/ participation in off-site mitigation- "bank"	The County has drafted an amendment that would add a policy encouraging the establishment of off-site mitigation banks to mitigate impacts of urban development.	The response is inadequate because it only provides programmatic support for off-site mitigation programs rather than specific development standards required to implement such an approach.
4.46	Coordinate ESHA protection with LOCCSD sewer HCP	No response in Phase 1.	
4.47	Utilize TDC's in Los Osos	No response in Phase 1.	
4.48	Coordinate w/ Parks & landowners for better Sand stabilization	No response in Phase 1.	
4.49	Refer to Oceano Dunes OHVRA findings	No response in Phase 1.	
4.50	Amend LCP to related to Oceano Dunes OHVRA in conjunction with CDP 4-82-300	No response in Phase 1.	
4.51	Re-evaluate zoning in south county dune habitats	No response in Phase 1.	
4.52	Resolve illegal subdivisions in Calendar-Garrett area- protect area as ESHA	No response in Phase 1.	
4.53	Work with agencies to identify habitat of special species	No response in Phase 1.	
4.54	Identify Elephant Seal beaches as ESHA	The County has drafted an amendment to the North Coast Area Plan, to be included in the Update, clarifying that beaches used by Elephant Seals are protected Marine Habitats.	The proposed amendment provides and appropriate means of implementing the recommendation.
4.55	Establish standards for visitation of sensitive areas	No response in Phase 1.	
4.56	Prohibit installation of new revetments and outfalls on beaches used by Elephant Seals	The County has drafted an amendment to the North Coast Area Plan, to be included in the Update, prohibiting the installation of new revetments and outfalls.	The proposed amendment provides and appropriate means of implementing the recommendation.
AGRICULTURE			
5.1	Amend Ag Policy 1 to require ag viability report for re-zonings.	No response in Phase 1.	
5.2	Amend CZLUO requirements to define ag viability reports	No response in Phase 1.	
5.3	Amend CZLUO to Expand contents of Ag Viability Reports	No response in Phase 1.	
5.4	Amend CZLUO to add criteria for lotline adjustments on agriculturally zoned land	No response in Phase 1.	
5.6	Explore adopting a merger ordinance for non-conforming Ag parcels	No response in Phase 1.	
5.7	Amend LCP to add standards to address Certificates of Compliance and Conditional Certificates of Compliance	No response in Phase 1.	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
5.8	Develop standards for residential development on ag lands	No response in Phase 1.	
5.9 a	Amend Table O to define certain land uses as supplemental uses for agriculturally zoned lands	No response in Phase 1.	
5.9 b	Amend LCP Agriculture Policy 3(b) to require economic analysis for supplemental uses only.	No response in Phase 1.	
5.9 c	Amend CZL UO and Ag Policy 3(b) to require ag/open space easements for supplemental uses where appropriate to protect ag resources.	No response in Phase 1.	
5.9 d	Amend CZL UO and Ag Policy 3 to clarify requirements for all "S" and S-P" special uses in agriculturally designated areas	No response in Phase 1.	
5.9 e	Amend Table O to exclude electric generating plants and mining from agriculturally zoned lands.	No response in Phase 1.	
PUBLIC ACCESS AND RECREATION			
6.1	Incorporate Comprehensive Access Components into Each Area Plan	Proposed LCP amendment will add new Shoreline Access Policy 12 to the LCP describing the contents of the access component to be prepared when an area plan is updated, including both the current draft updates to the North Coast and Estero Area Plans .	This recommendation suggests incorporating a specific access component into each of the Area Plans, but this proposal means the access components will not be completed until the Area Plans are updated which could be several years or more. The County also notes that this recommendation shall be implemented as a program; however, it should be mandatory, rather than optional.

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
6.2	Amend LCP Lateral Access Requirements to Provide for Blufftop Accessways	Proposed LCP amendment to add clarifying language to include blufftop trail and other dedications where appropriate, to evaluate lateral access alternatives when the shoreline is constrained.	The proposal meets the intent of the recommendation, except that as worded it is not clear that after evaluation such access will be required. The County's proposed revisions should be clarified. The County shall evaluate alternative siting of accessways along the blufftop and require such access when beach access is constrained by rocky shoreline. Also, the phrase "and other limitations" should be specifically defined or deleted.
6.3	Continue Efforts to Accept and Open Outstanding Access OTDs	Develop a new Policy and Procedure. The County is implementing this recommendation in several ways: County Planning and Parks Departments currently collaborate on coastal access planning, permitting, grant writing, and development of a new Coastal Access Master Plan. The County is identifying potential offers and other opportunities for acceptance. In addition, in the past decade, the County accepted a considerable number of offers of dedication. The County currently constructs and maintains accessways as part of the Parks Department. The County proposes a new Policy and Procedure that establishes guidelines for accepting and opening dedications.	Proposed procedures will guide County staff and help to assure that OTDs are documented and recorded. However, in reviewing the procedures, it appears they address only the recording of OTDs. No procedures are proposed for accepting and opening OTDs.
6.4	Amend the LCP to Allow Direct Dedications & Evaluate Accessway Performance Standards	No response in Phase I	
6.5	Develop an LCP Program to Document and Pursue Prescriptive Rights	No response in Phase I	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
6.6	Develop LCP Program to assure Protection of Existing and Potential Public Accessway Rights	Develop a new policy and procedure to guide how certain processes occur within the Department of Planning and Building and establish procedures to protect existing and potential public access. Policies may include conducting inventories of potential and existing accessways and quiet title actions, referring requests for road abandonment to applicable agencies for review and comment, accepting all dedicated street ends, and coordinating with the CCC to maximize protection of public access opportunities.	As stated in section D of County's response, the Access Components of Area Plans should include updated information and policy language. However, "may" should be changed to "should" or "shall".
6.7	Comprehensive Public Recreation Planning	Add new LCP Policy 8 (Comprehensive Public Recreation Planning) to reflect existing planning being done and to incorporate consideration of planning for public recreation when an update of an Area Plan is done.	The County also proposes that this policy be implemented as a program, which limits the intent of the recommendation by making it optional rather than mandatory. Also, it may be years before the Area Plans are updated.
6.9	Habitat Conservation Plan to include Access Review	No response in Phase 1	
COASTAL HAZARDS			
7.1	Modify CZLUO to define more specifically what existing structures are for purposes of allowing future armoring.	Amend LCP Language to clarify existing structures are principal structures only and not accessory structures	Proposed amendment addresses recommendation.
7.2	Revise Coastal Policy 6 to base setbacks on a projected 100-year economic life	Adopt a new program for an Arcawide Management Plan	The County response to 7.2 and 7.3 addresses only the first part of this

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
7.3	Revise CZL UO to change methods to determine setbacks based on project 100 yr economic life of structure Add requirement for safety factor as developed through Areawide Shoreline Management Plan.	LCP amendment will delete portions of the regulation that would allow for use of the stringline setback method for determining a bluff setback. The County did not agree to base the bluff setback on a projected 100 year economic life of the structure or to add a requirement to incorporate a safety factor. Rather, the County agreed to evaluate bluff setbacks and the development of a safety factor as part of an Areawide Shoreline Erosion and Bluff Retreat Management Plan. Please see the proposed new Coastal Hazards Policy 11 contained in 7.02.	recommendation but does not modify the life of structure standard. A management plan is not required to improve the LUP policy standard to improve setbacks, just an LUP Amendment to Policy 6. Only the factor of safety need be looked at through an Areawide Management Plan.
7.4	Modify Ordinance to eliminate exceptions to setback requirements for roof and wall projections.	No response in Phase I	
7.6	Amend LCP Hazard Policy 1 to restrict new lots in high wave hazard areas unless urban infill or part of Areawide Management Plan.	No response in Phase I	
7.7	Strengthen measures to ensure no future armoring	No response in Phase I	
7.8	Adopt Area-wide Shoreline Erosion and Management Plan for Cayucos/Cambria as a Program in the LCP.		They are proposing a new Policy 11 that, in part, addresses this recommendation.. See 7.2, 7.3
7.9	Modify CZL UO to require access easements be mapped	Proposed LCP amendment to Section 23.04.420 g. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code.	Proposed amendment addresses recommendation.
7.10	Amend LCP permit application requirements to map existing coastal access. Access easements or recorded Offers to Dedicate easements	Proposed LCP amendment to Section 23.02.033(a)(8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code	The County's proposal addresses the recommendation. Consider clarifying the map requirement to include a legal description as well as the graphic depiction in the form of a site map, or similar document of the area to be dedicated or granted.

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
7.11	Revise Conditions of Approval for access requirements	Proposed new staff Policy and Procedure that will establish guidelines for writing condition language for requiring access easements.	Subsection (D) proposed language includes only requirements concerning <i>lateral</i> access. It should also include language for <i>vertical or blufftop</i> access, where applicable. It should also note requirements that forms need to be reviewed by the Coastal Commission (CZLUO 23.04.420(g)). The proposed changes do not fully carry out the recommendation
7.13	Amend Coastal Policies 6 and 4 to require that Highway 1 conform to setback requirements and that relocation alternatives considered	No response in Phase 1	Revisions to Policy 6.01 is an acceptable way to address this recommendation except that 6.01 does not seem to incorporate the objective of realigning the road to avoid of armoring. This could be addressed by changing the paragraph as follows: The Access Component should consider realignment alternatives for Highway One and other roads critical to coastal access, to avoid the need to place shoreline armoring to protect these roads and to ensure that any impacts to access from highway/road realignment are mitigated such that no public access is lost and new opportunities are maximized.
7.14	Amend NCAP to consider alternatives for realignment of Hwy 1 to avoid shoreline protection	LCP amendment(s). The County has addressed this recommendation in the proposed solution to CCC Recommendation 6.01: new Coastal Shoreline Access Policy 12	The County's addition of subpart (12) addresses one part of the analysis recommended (p.296-297 of Exhibit A). What changes are proposed to address the other improved information related to slope stability analysis?
7.15	Modify CZLUO to update required contents of geo reports	LCP amendment to Section 23.04.118 b. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code to add a requirement that requires geologic evaluation reports to include additional information consistent with guidelines developed by the State Department of Conservation and other relevant agencies.	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
7.17	Modify LCP to update seismic mapping and extend GSA to new faults.	LCP amendment will add a new Coastal Hazards Policy 12 to add new program to develop and maintain Geologic Hazards Mapping program consistent with the Safety Element and updated information.	The County's proposal to update Seismic Mapping is good as far as it goes, but addresses only half of the recommendation. It needs to include the implementation mechanism to extend the GSA combining district to reflect updated information and to specify that new development be restricted in the Special Studies Zone resulting from updated mapping. A requirement (not a program) to update the zoning maps should be included.
7.18	Expand Flood Hazard Designation to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek and Ellylsy Creek.	FH designation already exists on the current adopted 1:1000 combining designation maps for Arroyo del Puerto, Oak Knoll, and Villa Creek. FH designation has been expanded to Ellylsy Creek as part of the North Coast Area Plan 2000 Project Description. Little Pico Creek may not be subject to flooding at all, and given it's rural location, should not be a candidate for the Flood Hazard designation	CCC findings on LCPA 1-97 make the same recommendation regarding designations on these creeks. If the County has revised the FH designation on the zoning maps, the revised maps implemented those changes should be submitted as part of the next LCP amendment.
7.19	Flood Hazard in Cambria - no new development permitted until West Village Flood Management Plan Recommendations approved.	No response in Phase 1	
7.20	Modify CZL UO to minimize encroachment of vegetation clearance on public lands or sensitive habitat areas.	No response in Phase 1	
SCENIC & VISUAL RESOURCES			
8.1	Enact a Critical Viewshed Protection Policy for the North Coast Area.	No response in Phase 1	The most significant recommendation of the Periodic Review related to scenic resources—to enact a Critical Viewshed policy for North Coast (8.1) - is not addressed. such a priority recommendation should be addressed in Phase 1 and as part of the NCAP Update.

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
8.2	Create a Scenic SRA Combining Designation.	Revise Chapter 7, Combining Designations, Coastal Zone Framework for Planning, that defines the types of SRAs to include a Scenic Viewshed. Applied to scenic and visually sensitive areas. Amend CZLUO to modify the SRA Combining Designation section to clarify the an SRA may include scenic and visual resource areas.	The County's proposal addresses half the recommendation, but there also needs to be the means to implement that designation. The specific standards for development in a Scenic SRA (CZLUO 23.07.1.60) needs to accompany the change in the framework definition
8.3	Strengthen enforcement program and condition compliance monitoring.	No response in Phase 1	
8.4	Create a funding mechanism for an open space district.	No response in Phase 1	County actions have addressed recommendation.
8.5	Pursue National Scenic Byway designation for Highway One in Estero and North Coast P.A.s	The County of San Luis Obispo Council of Governments (SLOCOG) initiated an effort in 2001 to begin the Scenic Byway nomination process for Highway One between San Luis Obispo and Monterey County. In January 2002, the nomination was made and submitted to the Federal Highway Administration.	
8.6	Strengthen public viewshed protection policy language.	No response in Phase 1	
8.8	Complete specific plans rather than design plans.	No response in Phase 1	
8.9	Monitor and evaluate current TDC program	As part of the North Coast General Plan Update, the Cambria TDC Program was reviewed. County proposes LCP amendment that will add a new Section proposing an open space district to achieve the goal of purchasing many of the substandard lots in Cambria.	It is unclear if this is proposed instead of a TDC program. Such an Open Space District may be a good step but it appears the implementation would only occur through acquisition rather than considering mitigation as well. The level of buildout should be consistent with Commission recommendations

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8.10	Support continued under-grounding of overhead utilities.	The County continues to support undergrinding of utilities in a variety of ways. The County recently undergrounded utilities along Highway One north of Cayucos. In addition, the County is participating in the current (but separate) Highway One Beautification and Modernization Program sponsored by Cal Trans. A new approach for undergrinding may be via the Federal Scenic Byway Program. If approved, substantial new funding could be available for beautification via grant programs.	County actions address recommendations. The County and Commission staff should discuss what measures the CCC may take to help support continued funding for undergrinding efforts.
8.11	Evaluate implementation techniques to protect community of Harmony, including designation of Harmony as a special community of historic importance or by applying the Historic Combining Designation..	No response in Phase 1	
ARCHAEOLOGICAL RESOURCES			
9.1	Update archaeological overlay maps	No response in Phase 1; Deferred to Phase 2.	
9.2	Evaluate requirement for Geoarchaeological Surveys	No response in Phase 1; Deferred to Phase 2.	
9.3	Evaluate use of conservation easements	No response in Phase 1; Deferred to Phase 2.	
9.4	Evaluate permit exemptions. Amend LCP permit exemptions to require a cdp if archaeological resources may be impacted.	No response in Phase 1; Deferred to Phase 2.	
ENERGY/INDUSTRIAL DEVELOPMENT			

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
10.1	Update LCP to address Onshore FiberOptic Cable Projects. Update designations, siting criteria, mitigation and monitoring requirements.	Proposed LCP amendment to add a new Section that will address issues associated with underground fiber optic cable projects by providing the policy framework that addresses consolidated cable corridors, reuse of abandoned pipelines, and mitigation/monitoring requirements during construction.	The proposed policy language for new section J raises some concerns. First, para 2 should be modified to delete reference to offshore hard bottom habitat as being conducive for lines, as such configurations are not preferred for siting. Second, in policy 42, at least some level of field surveys should be done in all cases not just in SRAs. Third, Policy 43 and 44 should clarify that first avoidance of sensitive resources areas should be pursued and only if that is not feasible then location in SRAs is possible with the attendant mitigation. Fourth, In Policy 42 some clarification should be made as to any distinction between important and significant sensitive resource as both terms are used.
10.2	Update LCP area plans to provide guidance for locating and mitigating new energy facilities	Proposed LCP amendment to modify an existing policy to provide guidance during area plan updates on the impacts of potential new energy facilities.	This lacks sufficient specificity.
10.3	Update LCP standards for abandonment and cleanup requirements for EX development	Proposed LCP amendment to add a new policy that will address the standards and requirements for abandonment and cleanup of major sites in the EX Combining Designation during the area plan update process.	This lacks sufficient specificity. Policy language and implementing standards for abandonment and cleanup should be developed.
COMMERCIAL FISHING AND RECREATIONAL BOATING			
11.1	Add a public information program to educate boaters on habitat value of Morro Bay and other sites	No response in Phase 1	

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No.	Final Periodic Review Recommendation	County 1 Yr. Response	CCC Staff Comment
11.2	Coordinate review of Baywood Boat Launch Ramp	The county is doing this on an ongoing basis and will continue to coordinate the review of this proposal with other agencies and interested individuals as long as it is active.	The recommendation is being addressed and such coordination efforts are ongoing.
11.3	Update Port San Luis Master Plan	No response in Phase 1	
IMPLEMENTATION			
12.1	Update LCP & Post-Certification Maps	The County response indicates that LCP maps are reviewed for accuracy during area plan updates, and that the Coastal Zone boundary is accurately delineated. The County also proposes to reinforce use of existing rules of interpretation as they apply to LCP maps.	The response to not address the recommendation to update sensitive resource area maps. It is unclear if the County intends to do this as part of the pending area plan updates.
12.2	Increase Coordination for Projects that Cross Jurisdictions	The County has developed a new internal policy and procedure that establishes guidelines for the review of projects that cross jurisdictional boundaries.	The response provides an important step towards effective implementation of this recommendation.
12.3	Resolve Areas of Deferred Certification	The County proposes to resolve the two areas of deferred certification through the Esatero Area Plan Update	The response provides an appropriate means for implementing the recommendation.
12.4	Revise LCP Permit Exemptions	No response in Phase 1.	
12.5	Update LCP regarding Temporary Events	No response in Phase 1.	
12.6	Identify & Review Categorical Exclusions	The County has identified the one instance where a Categorical Exclusion is currently in effect, and concluded that this exclusion is not resulting in adverse impacts to coastal resources.	The County has implemented the recommendation to initiate a review of Categorical Exclusions in coordination with Commission staff.
12.7	Improve Noticing & Processing Procedures	The County has developed an internal policy and procedure that establish guidelines for improving coastal development permit noticing and processing procedures	The response does not include the changes to the LCP needed to bring noticing and processing procedures into conformance with the Coastal Act and California Code of Regulations. The Commission has identified many of the necessary changes in its review of LCP Amendment 1-01 Part B.

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12.8	Clarify Allowable & Principally Permitted Uses	The County has responded to this recommendation by indicating that the recommended revisions to Table O are unnecessary.	The response to this recommendation does not implement the suggestion to revise Table O. As indicated in the Periodic Review, the existing table does not effectively identify the principal permitted use in each land use category, and does not make it clear that only resource dependent development is permitted in ESHA.
12.9	Update Permit Application Requirements	No response in Phase 1.	
12.10	Provide Legal Documents for Executive Director Review & Approval	The County has developed a new internal procedure for providing legal documents for the review and approval of the Coastal Commission Executive Director.	The County has implemented the recommendation.
12.11	Clarify Appealability of Projects Involving Conditional Uses	The County has drafted amendments to the CZLUD to clarify that conditional uses are appealable to the Coastal Commission	The proposed amendment partly implements the recommendation, but should be supplemented to indicate that uses listed by Table O as "S-#-P" are also conditional.
12.12	Improve Methods of Ensuring Compliance w/ Permit Conditions	The County has developed an internal policy and procedure to improve compliance with permit conditions.	The response represents and initial step towards implementation of the recommendation, but needs to be followed up with the development of better tracking tools.
12.13	Increase Coordination of Enforcement Actions	The County has developed an internal policy to coordinate with Commission staff on enforcement and other issues during monthly meetings.	The response relies completely on monthly coordination meetings and should be supplemented with additional actions to enhance coordination between County code enforcement officers and the Commission's enforcement staff.

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12.14	Improve Coordination regarding Emergency Actions	The County has developed an internal procedures to coordinate with Commission staff on emergency permits when feasible. The County has also drafted an amendment to the LCP Policy regarding Emergency Permits that encourages the County to seek funding for preparation of an Emergency Permit Procedural Manual and Emergency Prevention Implementation Plans. Additionally, the County has drafted an amendment to CZLUO Emergency provisions requiring the Planning Director to consult with the Commission regarding emergency actions when reasonable.	The response provides an effective means for implementing the recommendation, provided that the County can secure financing.
12.15	Expand Standards for Approval of Variances	No response in Phase I.	
12.16	Clarify Non-conforming Use Provisions	The County has drafted amendments to the CZLUO to clarify requirements for lot line adjustment (including but limited to the adjustment of non-conforming lots) in accordance with recent changes to the Subdivision Map Act.	The response provides an appropriate means for implementing the portion of the recommendation applying to the adjustment of non-conforming lots. It does not, however, provide standards for the development or certification of non-conforming lots.
12.17	Provide Opportunities to Efficiently Resolve Appeals	No response in Phase I.	
12.18	Institute Appeal Provisions for Variances	The County has drafted an amendment to the CZLUO which clarifies that local decisions which can be appealed to the Commission, in accordance with existing standards for appealability, include actions on Variances, Exceptions, and Adjustments.	The response does not implement the recommendation to clarify that all actions on variances are appealable to the Commission regardless of other factors (on the basis that the development allowed by variance is not principally permitted).
12.19	Improve Coordination with Grant Programs	The County has proposed to implement this recommendation by continuing its coastal grants program, and by coordinating with Commission staff on coastal grants during monthly coordination meetings.	This recommendation is being implemented with limited success.

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12.20	Seek Additional Funding and Staffing Resources	The County indicates that it has implemented this recommendation by applying for and receiving grants that facilitate coastal resource planning and protection.	While the County and the Commission have successfully obtained grant funds, the application of these funds to actual implementation of most of the recommendations has yet to occur.
12.21	Develop and LCP "Quick Reference Guide".	No response in Phase 1.	



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(As revised to incorporate errata/clarifications of the July 12, 2001 action)

TO: COMMISSIONERS AND INTERESTED PERSONS

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SUBJECT: EXECUTIVE SUMMARY: PRELIMINARY REPORT ON THE PERIODIC REVIEW OF THE SAN LUIS OBISPO COUNTY LCP

California Coastal Act section 30519.5 requires that the Coastal Commission periodically review certified Local Coastal Programs to determine whether they are being effectively implemented in conformance with the Coastal Act. Accordingly, staff has prepared a report that identifies preliminary options for improving LCP implementation in San Luis Obispo County. The *Preliminary Report on the Periodic Review of the San Luis Obispo County LCP* provides an initial framework for important public policy discussions concerning a variety of coastal resource protection issues in the County. These include environmentally-sustainable urban development, coastal water quality protection, maintaining agriculture and scenic rural landscapes, and preservation of sensitive species and habitats. Before summarizing these issues, it is important to understand the fundamental role of *Periodic Review* in the Commission's coastal management program.

LCP PERIODIC REVIEW & THE PARTNERSHIP WITH LOCAL GOVERNMENT

The Commission's partnership with local government is the cornerstone of coastal management in California. Under the Coastal Act, counties and cities are responsible for achieving statewide coastal resource protection goals through the implementation of Local Coastal Programs (LCPs). Working with local governments, the Commission initially assures that the goals of the Coastal Act are integrated into these LCPs, and that they contain policies and procedures adequate to protect coastal resources of local and statewide importance. But once an LCP is certified by the Commission, local governments assume the principal responsibility for issuing coastal development permits. Local governments such as San Luis Obispo County also become the custodians of their LCPs, and play a vital role in keeping these plans current and responsive to

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environmental and social change. Since certification of its LCP in 1988, San Luis Obispo County has amended its LCP 26 times. Of course, many of these were piecemeal changes to the LCP, highlighting the need for comprehensive updates. Most recently, the County and its Advisory Councils have been developing comprehensive planning updates for the sensitive North Coast and Estero coastal areas. Overall, since LCP certification the County has been working on a variety of fronts, along with an informed and active citizenry, to respond to the complex and dynamic challenges of coastal resource protection through local implementation.

But effective local implementation of statewide resource protection goals is also dependent on the Commission continuing to work actively with local governments, in order to help frame local decisions within the broader context of statewide coastal protection. The Commission plays an important role in advising local government, providing information, and assisting with interpreting the goals of the California Coastal Act. The Commission also plays an important role in monitoring local actions. In the case of San Luis Obispo, Commission and County staff regularly discuss local development proposals and alternatives for achieving coastal resource protection. The ability of citizens or the Commission to appeal local decisions to the Commission is also important in assuring that the statewide perspective on coastal resource management remains vital in LCP implementation. The certified LCP is the main standard of review for such appeals, and while people may not always agree on its correct implementation, the Commission monitoring and appeal process allows for maximum public participation in the interpretation and application of the LCP through individual decisions.

For day-to-day LCP implementation to be truly effective, though, it is important to periodically conduct a comprehensive review and evaluation of individual coastal permit decisions and other coastal management activities. Periodic evaluation focuses people's attention on how an LCP is functioning in light of environmental, social, and economic change. It allows for the incorporation of new knowledge into the LCP, and the adjustment of existing policies, programs, and implementation practices, informed by the lessons learned about what works in the coastal management process. In short, the periodic review of LCPs is critical to the success of coastal management in California.

This is why Coastal Act section 30519.5 requires that the Commission periodically review the implementation of certified Local Coastal Programs. Regrettably, few periodic reviews have been completed thus far by the Commission, mostly due to the lack of resources needed to undertake these comprehensive planning evaluations. But increased funding has become available in recent years, and the Commission is committed to a strategy for systematically reviewing LCP implementation based on identified priorities for coastal resource protection in California. In December of 1998, the Commission identified San Luis Obispo County as its top priority for Periodic Review. In making this decision, the Commission recognized the extreme sensitivity and statewide significance of coastal resources in San Luis Obispo, as well as the tremendous growth pressures in this county located mid-way between the metropolitan regions of San Francisco and Los Angeles. In addition, the Land Use Plan of the County's LCP, which

contains the core coastal protection policies for San Luis Obispo, was approved by the Commission in 1983, nearly 20 years ago. The County has been issuing coastal development permits for just under 13 years (since final LCP certification in 1988), without a comprehensive evaluation from the Commission.

As summarized below, much has changed since the 1988. Over the last 13 years the County has made great strides in protecting coastal resources. But there are also many areas where the LCP should be strengthened, and where daily implementation can be improved, to respond to changing circumstances and new knowledge about effective coastal resource protection. Under section 30519.5, if the commission determines that a certified local coastal program is not being carried out in conformance with any policy of the Act, the Commission submits to the local government recommendations for corrective actions that should be taken. These actions can include suggested amendments to the LCP as well as intergovernmental coordination measures or actions by other state and local government agencies to improve implementation of the LCP.

The *Preliminary Report* of the San Luis Obispo Periodic Review is the first step in the development of a set of recommendations to the County as envisioned by section 30519.5. Many of the policy issues raised are complex, and there are variety of concerns and alternative policy options that should be deliberated. Informed public discussion and communication between the County and the Commission over the next several months will be important in developing final recommendations that not only address identified needs for enhanced coastal resource protection, but that are also practical and that will lead to meaningful changes to the County's LCP and its implementation. Overall, by providing this mechanism for evaluation and feedback, Coastal Act 30519.5 assures an ongoing process of keeping the LCP current and effective as a guiding standard for coastal management and decision making at the local level. The periodic review offers the opportunity to enhance coastal management by reviewing whether the LCP is achieving the results it was intended to achieve. It is also an opportunity to evaluate the cumulative impacts of coastal development and revise and update the LCP to address them.

Finally, while Commission staff have been working on the Periodic Review, the County has been conducting other significant planning efforts, including ongoing work with the Estero and North Coast Area Plan Updates. Much of the information collected and evaluated for the Periodic Review has emerged out of the extensive and ongoing coordination between the Commission, the County and the local Advisory Councils on these updates. Appendix E of the report contains the most recent staff-to-staff communications on these planning efforts, as well as other significant planning that has been taking place, such as the environmental review for the new Los Osos Wastewater Treatment Plant.

As shown Appendix E, Commission staff has been engaged in a productive dialogue with the County and local Advisory Council on the Estero Plan Update, which has produced substantial comments and responses to guide future policy development. Commission staff has also commented on the new North Coast Area Plan Project Description and the Draft Cambria Design Plan. The NCAP Project Description circulated by the County in fact reflects many of the

modifications that the Commission suggested in its 1998 action on the North Coast Area Plan LCP Amendment submitted by the County. Although the modified amendment ultimately was not accepted by the County, significant discussions occurred at the staff level after this action in an effort to maximize opportunities to identify mutually-agreeable updates to the LCP. Commission staff also worked closely with the County for more than six months on the Avila Beach Specific Plan LCP Amendment in order to achieve certification of this important update to the LCP. This update was certified by the Commission in November 2000 and elements of that Plan are reflected in the Review.

Throughout the past year, every effort has been made to integrate these parallel planning efforts with the Periodic Review. Much more detailed analysis and discussion of particular proposed Area Plan changes remains to be done. Still, there is no doubt that the Periodic Review has been significantly informed by these other planning efforts and, alternatively, that the work of the Review has helped shaped the Commission staff feedback to the County. Over the next several months, Commission staff will be coordinating with the County, local Advisory Councils, community service districts and other members of the public to develop a final set of Periodic Review recommendations for Commission consideration, tentatively set for the Commission's May, 2001 meeting in Santa Cruz.

Continued coordination between the County and the Commission as part of the ongoing updates of the LCP will be critical to the successful implementation of the LCP improvements suggested by the periodic review. But, as noted in the review, many of the issues raised concerning LCP implementation can be addressed simply through improved post certification monitoring and procedures, including enhanced daily coordination and communication. Ultimately, it is the strength of the partnership between the Commission and San Luis Obispo County, and an understanding of the shared goals that the Commission, County, and the public have in coastal resource protection, that will enable the LCP to be updated so as to respond effectively to the dynamic changes of life along the California Coast. An overview of some of these changes in San Luis Obispo County follows.

CHANGES SINCE LCP CERTIFICATION

Periodic Review is essential for keeping LCPs current in light of changed circumstances. It also is important to evaluate changed circumstances because of their integral connection to the effective implementation of the local coastal policies and programs. This is particularly true in the case of natural resource changes, where new information and scientific understanding is constantly evolving. Plans and policies put in place over fifteen years ago could not have anticipated the range and complexity of resource management problems that characterize the coastal environment of today.

In San Luis Obispo County, significant environmental, social, legal, and economic changes have occurred since certification of the County's LCP in 1988. Most fundamental, population growth

and development pressures continue to place significant pressure on coastal resources. Population has increased almost 20% since 1988 and is projected to increase 57.8% over the 1988 population by 2020. The County also has issued more than 2,800 coastal development permits under the LCP. Most of these permits were for some type of residential construction. Approximately 2,186 new residential units have been authorized throughout the coastal zone.

Significant changes have also occurred that speak directly to the need for a periodic review of the San Luis Obispo County LCP. These include newly discovered endangered species and environmental threats, acquisition and designation of new protected areas, changes in statewide resource policy, and improved knowledge and public appreciation of coastal resources. Even a short list of these changes underscores the importance of periodically evaluating LCP implementation.

For example, in the case of the North Coast, at least two new species that rely on coastal waters (red-legged frog and steelhead) have been identified as threatened under the federal *Endangered Species Act* since LCP certification. Protection of the riparian zones and creeks, therefore, is even more vital to adequate protection of coastal habitats. When coupled with the new knowledge about the limited capacities of the creeks, it becomes critical to revisit the applicable coastal policies, and update them to account for this new resource management condition.

Similarly, the emergence of the Elephant seal colony at Piedras Blancas, and the spread of Pitch Canker disease among Monterey pine forest require new analyses and policies for incorporation into the LCP. These are examples where both science and resource conditions have evolved (without predictability) to the point that existing policies no longer anticipate, and are inadequate to address, the new resource circumstances. Following is a summary list of significant changes in San Luis Obispo since LCP certification.

Resource Changes

- The listing of several endangered species, including the steelhead trout, red-legged frog, the western snowy plover, the morro shoulderband snail, and morro manzanita and four other plants endemic to Los Osos.
- The emergence of Pitch Canker Disease as a significant threat to the pine forest in and around Cambria.
- Emergence of significant new breeding colonies of elephant seals at Piedras Blancas in the early 1990s.
- Increasing purchase of remote coastal ranchlands for the development of "Statement Homes".
- Designation of the San Simeon fault as an active fault by the State Geologist.
- Emergence of MTBE pollution as a major groundwater quality concern.

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- Increases in tourism and shoreline recreation; increased popularity of recreational boating, hiking, mountain biking and other forms of outdoor coastal recreation.
- Significant flood events in Cambria.
- Greater than a 100% increase in visitor-serving accommodations on the North Coast.
- Increased shoreline erosion.
- Designation of California Coastal Trail from Oregon to Mexico as the National Millennium Trail for the State.
- Designation of Route One as a Scenic Highway.
- Significant impacts from oil and gas contamination in Avila Beach and Guadalupe Dunes.

New Resource Programs

- Designation of the *Monterey Bay National Marine Sanctuary* in 1992.
- Establishment of the *Morro Bay National Estuary Program*.
- Establishment of the *Guadalupe Nipomo Dunes National Wildlife Area*.

Improved Resource Management Knowledge

- New information concerning the limited capacities of the five major water supply creeks and groundwater basin in the North Coast and Estero planning areas
- Improved knowledge about the effectiveness of visual resource protection policies from the Commission's experience in Big Sur
- Enhanced Public Appreciation of rural and coastal landscapes
- Discovery of new archeological sites

Legal Changes

- Significant changes in 5th amendment Takings jurisprudence
- Adoption of a new *California Nonpoint Source Pollution Control Program*

As shown even by this short list, much can change in just over a decade. These changes highlight the importance of having a responsive coastal management system, and of conducting periodic

reviews on a regular basis. Thirteen years is far too long a time period to wait in between such evaluations. The longer the time period between comprehensive evaluations, the more likely it is that coastal resources will be lost due to changing circumstances that have not been addressed through comprehensive planning. Also, the longer the time span between comprehensive reviews means that greater staff resources are required to collect and evaluate the accumulated data, in this case of more than a decade of LCP implementation. As summarized in the next section, though, the County and the public have responded to many of the coastal resource protection challenges in San Luis Obispo, leading to many positive changes as well.

COASTAL MANAGEMENT ACHIEVEMENTS IN SAN LUIS OBISPO

The Periodic Review shows that the County, local citizen groups, and others have taken significant steps to respond to changing conditions through LCP implementation and other resource management efforts. Major accomplishments in coastal management since 1988 include:

- **Property and conservation easement acquisitions** have occurred, including at the East-West Ranch, Sur Sur Ranch/Forest Service, Williams/TPL, CT Ranch/TNC sites and the Estero Bluffs, Morro Palisades and Powell Property. Conservation easements also have been negotiated for 5.7 miles of coastline between Montana de Oro and Avila Beach and for the 3,000 acre Guadalupe oilfield and the Guadalupe Nipomo Dunes National Wildlife area was established.
- **County Acceptance of Public Access OTDs.** The County has picked up many outstanding offers to dedicate public access throughout its coastal zone.
- **Agricultural land preserves** under Williamson Act contracts have increased countywide and more than 7,000 new acres of land have come under contracts in the coastal zone.
- **Funding and studies for Erosion Control and Forest Management**, including development of a targeted erosion control program in Lodge Hill of Cambria.
- **Remediation for Avila Beach and Guadalupe Oil Spills** has been undertaken with over \$60 million in mitigation implemented.
- **Ongoing coastal planning** has been undertaken. Specific Plans have been developed in Avila Beach, and are being developed for Oceano and the Morros. Substantial LCP enhancements for the North Coast and Estero planning areas are proposed, including a critical viewshed policy for the North Coast, and a comprehensive habitat conservation program for Los Osos; and Design Plans are being developed in Cambria.

- **Public participation** has increased through the establishment and staffing of formal Coastal Community Advisory Councils and the development of materials to facilitate public involvement in coastal planning and management.
- **Substantial funding for coastal resource protection and enhancement projects** has been assured through Coastal Resource Grant Programs and through major project mitigation.

These achievements highlight that effective coastal management relies on more than the coastal development permitting process. Property acquisitions, nonprofit management, funding of research and programs and, perhaps most important, public participation, all contribute to the capacity of the coastal management system to respond effectively to changes along the coast.

Nonetheless, even with these significant accomplishments in furthering coastal resource protection and management in San Luis Obispo, the Periodic Review also identifies major areas where the LCP and its implementation can be strengthened to respond to ongoing and new coastal resource management challenges in the County. Improvements are needed in every resource area protected by the Coastal Act, and these are detailed in the Preliminary Report. A brief summary of the key findings and preliminary recommendations follows.

SUMMARY OF PRELIMINARY REPORT

The following sections are not complete listings of the preliminary recommendations found in the full report. Only major findings and an abbreviated listing of recommendations is provided.

Intergovernmental Coordination and Procedural Improvements. LCP implementation and coastal resource protection can be vastly improved in all policy areas through investment in the coastal resource management process, including support for enhanced coordination and teamwork between the Commission and the County planning staffs. Procedural changes that facilitate such coordination, maximize opportunities for public participation, and clarify noticing and appeal procedures, will equally benefit the coastal development review process.

The Coastal Act envisioned a planning and regulatory program built on public participation and ongoing coordination between coastal management staffs at the local and state level. However, staffing constraints faced by both the County and the Commission has made coordination between the agencies and the interested public more difficult. The review of the County's LCP indicates that in many cases, the standards of the certified LCP are structured in conformance with the Coastal Act. Nevertheless, implementation issues arise when there are differences in policy interpretations, problems in notification, and inadequate or unclear analyses and permit findings. Better coordination early in the permitting process may help reduce appeals from County actions and improve ongoing decision-making. Similarly, clarification of noticing requirements and other implementation procedures, as suggested in Chapter 12, will enhance the efficiency and effectiveness of the development review process as well as maximize opportunities for public participation. Given limited staff resources, the County, Commission

and the community should work to identify alternative ways to improve monitoring and exchange of information, and to perfect LCP implementation procedures.

Environmentally-Sustainable Development. *Improved policies and programs are needed to assure that future urban development, particularly in Cambria and Los Osos, is environmentally-sustainable, and that sensitive coastal stream habitats and groundwater basins are protected. New policies are needed to address the cumulative impacts of development on rural agricultural lands.*

While the County has partially met the Coastal Act goal of concentrating urban development, pressures have driven residential growth beyond the urban-rural boundaries at the northern edge of Cambria and on the urban edge of Los Osos. In addition, new development threatens to permanently alter rural agricultural viewsheds and undermine agricultural viability outside of urban areas. The character of rural lands is being adversely affected by cumulative development patterns on legally-recognized but non-conforming lots, facilitated by lot-line adjustments that create attractive residential home sites.

In addition, urban development is being authorized without adequate public services. The total projected buildout will create deficits over the sustainable yield of available water supplies in San Simeon Acres, Cambria, Cayucos, and Los Osos. While the County has taken some positive steps, such as retiring development potential of close to 300 lots through a TDC program in Cambria and implementation of retrofit programs, the projected buildout will create substantial deficits in available capacity of services. Immediate short-run strategies are needed in Cambria to avert damage to groundwater basins and sensitive habitats. Serious longrun strategies are needed to address the problem of too many small lots in Cambria.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

Urban Areas

- Strengthen the implementation Resource Management System (RMS) to assure more proactive resource management in urban areas with inadequate public services.
- Implement measures to control short-term growth and long-term buildout reduction in Cambria. Implement an aggressive policy to protect the groundwater basins supplying Cambria. Prohibit new subdivisions in Cambria and Los Osos that create new development potential.
- Expand the TDC program to allow more sending sites, limit the amount of TDC any one receiving site can use, and address cumulative impacts of TDCs on receiving areas.

- In the Estero Area, implement measures to control short-term growth and long-term buildout reduction in Los Osos. Consider policies to assure that new development relying on groundwater is not approved until a safe yield or alternative water source is determined.
- Improve County-Commission coordination and findings on projects outside Urban Services Lines (USL) and clarify the controlling authority of the LCP with respect to whether new development is appropriate outside USL.
- Evaluate potential for reduction of development intensities on the perimeter of urban areas.
- Consider programs and policies to establish or support greenbelt and open space areas on the urban fringe of developed areas, e.g. Los Osos.
- Encourage urban redevelopment inside the USL prior to authorizing development outside of USL boundaries.
- Develop strategies to address future development that may be facilitated by the construction of a new wastewater treatment plant in Los Osos.

Rural Areas (see also, Agriculture below)

- Minimize expansion of development nodes in the rural North Coast by rezoning viable grazing lands currently zoned for recreation back to Agriculture. Limit new visitor serving development to existing commercial nodes at San Simeon Village and San Simeon Acres.
- Apply resource protection policies more strictly to lot-line adjustments in rural lands and amend current lot line adjustment review criteria. Evaluate options for new lot-line adjustment policies to protection agricultural land, and methods for processing non-conforming parcels.
- Update the LCP to address large residential developments in rural areas, including assuring viewshed protection, addressing water impacts, and limiting the impacts of non-agriculturally related residential development on agricultural lands and operations.
- Establish a watershed/basin management program and additional requirements for minimizing water use.
- Expand the RMS to require resource capacity studies in rural lands.

Enhanced Water Quality Protection. Updated policies and programs are needed to assure implementation of Best Management Practices in new development, address urban and agricultural nonpoint source runoff, and enhance coastal watershed protection.

Coastal water quality impacts are a growing concern in California. Nonpoint source pollution is increasingly recognized as the most important pollution problem to address to achieve clean coastal waters. Significant work has been done in California, at the federal level and nationwide in improving our techniques for managing nonpoint source pollution. In January, 2000, the Commission adopted the *Plan for California's Nonpoint Source Pollution Control Program*.

In San Luis Obispo County, erosion and sedimentation from grazing and other agricultural practices, and runoff containing residues of pesticides and other chemicals are identified as a contributing factor to water quality problems. The LCP currently exempts many agricultural activities from permit review and thus from measures to ensure adequate implementation of best management practices. LCP implementation has also resulted in some development on steep slopes, particularly in urban areas such as Cambria and Cayucos, which increases the potential for erosion and runoff.

The LCP also does not contain current policies and ordinances to achieve the goals of the Commission's nonpoint source pollution control program, including strengthened performance standards, the use of current best management practices to minimize erosion and sedimentation, and adequate monitoring to assure the effectiveness of measures required. Comprehensive urban runoff programs should be implemented as well. Finally, the LCP needs to be updated to reflect new information on management measures to address discharge from boats and pollutants generated from boat maintenance activities.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

- Expand the LCP Watershed Chapter to include a comprehensive Water Quality Component. Incorporate the management measures of the *Plan for California's Nonpoint Source Pollution Control Program* into the LCP with amendments to the policies and ordinances, and through implementation of a variety of non-regulatory and educational programs.
- Develop watershed plans for each water basin and/or planning area to address cumulative nonpoint source pollution.
- Modify existing policies to protect sensitive areas from grazing impacts and to address pollution from nutrients, pesticides, and irrigation. Modify the grading and permit exemptions to minimize water quality impacts from agricultural uses.
- Change existing LCP policies and ordinances to reflect current knowledge (e.g., minor changes to the definition of the wet season).
- Incorporate tools into the planning process to address water quality concerns for development that does not require an erosion control plan under the LCP.
- Modify the existing drainage policy to improve the management of post-construction runoff by requiring that projects incorporate the most up-to-date BMPs, including a requirement to

size post-construction BMPs to accommodate the runoff from the 85th percentile storm runoff.

- Incorporate performance standards and monitoring requirements into erosion control plans.
- Develop programs to address ongoing operations of harbors and boating facilities, including education programs incorporating best management practices for waste disposal and maintenance activities, and fuel spills.

Maintaining Agricultural Lands. Improved policies and standards are needed to address non-agricultural land uses in rural areas and on nonconforming agricultural parcels, and to improve viability analyses of agricultural lands.

Keeping viable agricultural lands zoned for agriculture is critical under the Coastal Act. The County has sought to redesignate approximately 305 acres of agricultural lands through a number of LCP amendment submittals, about half of which were found by the Commission to be consistent with the Coastal Act and the LCP. An important step in avoiding inappropriate conversions is assessing the viability of continued agricultural use. The County has, in some cases, proposed converting agricultural lands without adequate findings as to the ongoing feasibility of agricultural uses.

Long-term protection of agricultural lands is impacted by other factors as well, including subdivisions and lot-line adjustments, legalization of lots through certificates of compliance, development on nonconforming agricultural parcels, and approval of non-agricultural development in rural agricultural areas. Overall, the County has not significantly increased the number of non-conforming lots as a result of new subdivisions, and has in several cases brought a non-conforming lot into compliance with the minimum parcel sizes under the LCP in order to further protect of agricultural lands. Additional nonconforming lots have been recognized, though, through the certificate of compliance process established by the Subdivision Map Act. These lots then become candidates for lot-line adjustments to facilitate residential development not associated with a bonafide agricultural use. The cumulative effect of future additional subdivisions, lot-line adjustments, and certificates of compliance could significantly change land use patterns, decrease overall parcel sizes, and may decrease the overall long-term viability of agricultural lands, inconsistent with the Coastal Act. In approving the supplemental and non-agricultural uses on agricultural lands, though, the County has not fully implemented sufficient measures to determine that the land is not viable for on-going agricultural activities. Expanding allowable supplemental uses on agricultural lands without more thorough analysis of effects on agricultural viability may not adequately protect agricultural lands as required by the Coastal Act.

Finally, intensification of agricultural land uses is an emerging trend and results in increased impacts to coastal resources through such things as habitat loss, landform alteration and increased water use. Potential vineyard development is a particular concern. The LCP's current

program and standards may not be sufficient to address these concerns, especially given the limited exemptions from permit review for grading and other agricultural operations. As discussed previously, water quality protection may also be at risk from intensified agricultural land uses.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

- Develop a new LCP policy and ordinance to strengthen review of lot-line adjustments for conformance with the resource protection policies of the LCP.
- Evaluate policy alternatives to prohibit lot-line adjustments from increasing the number of developable parcels.
- Establish criteria regarding lot-line adjustments on existing non-conforming lots in agricultural lands so that lot-line adjustments are approved only if they maintain or enhance agricultural viability.
- Explore adopting a merger ordinance for non-conforming Agricultural parcels, as provided in the Subdivision Map Act.
- Pursue policies and programs to address the issuance of Certificates of Compliance and Conditional Certificates of Compliance.
- Require any other proposed development that would convert agricultural land to other non-agricultural uses to conduct an agricultural viability analysis.
- Update the existing LCP ordinance that outlines the required components of viability reports to ensure that agricultural viability is adequately assessed.
- Further restrict the non-agricultural uses allowed on agricultural lands.
- Develop LCP standards for large residential developments on Agricultural Land.
- Evaluate Table O for revisions to address non-agricultural uses and to clarify conditional uses on agricultural land. For example, consider defining residences that are not developed in direct support of bonafide agricultural operation to be a conditional, supplemental use. Require agricultural protection easements on the parcel in conjunction with residential development.
- Modify agricultural exemptions to require coastal development permits for changes in the intensity of use of agricultural lands that result in grading and landform alteration, alteration of drainage and runoff or increased sedimentation, impacts to environmentally sensitive habitat area, or grading within 100 feet of a stream or waterbody.
- Enhance LCP standards to improve protection of coastal resources by: (1) limiting new or expanded crop production to slopes of less than 30%; (2) incorporating erosion control

measures; (3) incorporating cover crops into vineyards and hedgerows, which increase the habitat and reduce erosion potential; (4) maintaining oak trees and protecting ESHA, and planting vines away from oaks; (5) reducing the use of fumigants, pesticides, and fertilizers; and (6) assuring wildlife travel corridors through limitations on fencing or other mechanisms. These revisions may be authorized under a combination of general planning law and the Coastal Act.

- Strengthen implementation of existing LCP water management requirements.
- Develop LCP policies and standards to address potential conversion of rural grazing landscapes to intensive crop production that would impact scenic vistas, alter watersheds, and adversely impact habitat values.

Preservation of Scenic Rural Character. LCP changes are needed to better preserve the special character of the County's rural agricultural lands, including further concentrating future development at appropriate locations, protecting sensitive viewsheds through a critical viewshed policy, and establishing a protective visual resource overlay. Support should also be increased for special communities.

The County has made significant efforts to implement a number of programs intended to restore visually degraded areas where feasible, and/or to add to the overall attractiveness of special communities. These include the Oceano Urban Area Program, the Avila Specific Plan, the Cambria Forest Management Plan, various Design plans in Special Communities, and the Overhead Utility Undergrounding Project. In addition, a number of properties with significant scenic resources have been purchased for public use or are under a conservation easement.

However, in many other cases, important public viewsheds have been degraded since certification of the LCP and will continue to suffer the cumulative impacts of new development under the current practices of development approval. Inadequate regulatory control over siting and design of new development, over-dependence on vegetative screening to mitigate substantial visual impacts, lack of enforcement of permit conditions, missed opportunities to eliminate non-conforming uses, and a development in critical viewsheds are all contributing to an erosion of irreplaceable visual resources. Impacts of cellular towers and fiber optic cables are an emerging trend that needs to be addressed. In the Harmony Coast area and in Cambria, the cumulative impacts resulting from the buildout of existing lots could significantly affect the visual resources and community character.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

- Enact a Critical Viewshed Protection Policy.

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- Create a Scenic SRA combining designation separate from the existing general SRA, which includes scenic resources as one element.
- Strengthen the County's enforcement program and condition compliance monitoring.
- Create a funding mechanism for an open space district to purchase scenic properties and retire development rights.
- Pursue National Scenic Byway Designation for Highway One in the Estero and North Coast Planning Areas.
- Strengthen Public Viewshed Protection Policy language to clarify that scenic viewsheds need to be protected from all public viewing areas, including state coastal waters.
- Restore the small scale neighborhood SRA designations to Cayucos.
- Monitor and evaluate the current TDC program and its effect on receiving sites.
- Support continued undergrounding of overhead utilities. Highway 1 through the Hearst Ranch should be identified as a priority area for undergrounding of utilities.
- Evaluate designation of Harmony as a Special Community of Historic Importance.

Sensitive Coastal Habitat Protection. Policy implementation refinements and new and updated LCP standards are needed to assure adequate identification and protection of sensitive habitats.

As previously described, there are numerous changed circumstances related to the type, extent, and status of Environmentally Sensitive Habitat Areas (ESHA) present throughout the San Luis Obispo coastal zone. Revisions and updates to the LCP, and improved procedures for LCP implementation, are needed to respond to this new information, as well as to address the following additional issues identified by the Review:

- Incomplete maps of sensitive habitats have been relied upon to identify and protect ESHA;
- Project alternatives that avoid impacts to ESHA have not been adequately pursued;
- Mitigation requirements have not effectively offset impacts to ESHA;
- "Takings" concerns have unnecessarily compromised effective ESHA protection; and,
- The absence of comprehensive habitat protection and management plans for the Los Osos and Cambria areas has interfered with the effective protection of sensitive Monterey pine forest, coastal scrub, and maritime chaparral ecosystems.

Preliminary Alternatives:

The report identifies a range of alternatives to respond to these issues, including the following:

- Revise the LCP definition of ESHA so it conforms to the Coastal Act and is not limited to areas mapped by the LCP. Similarly, revise the definition of streams so that is not limited to streams mapped by the U.S. Geological Survey.
- Supplement the use of LCP ESHA maps with site specific evaluations and other available information to determine the presence of ESHA. Use the site-specific biological delineations generated during project reviews to routinely update LCP ESHA maps.
- Update the Area Plans to include species that fit the definition of ESHA from a local or regional level (e.g., Monarch butterfly over-wintering sites, Elephant seal haul-out areas).
- Continue efforts to develop a Habitat Conservation Plan for the Los Osos area and to incorporate this plan into the Estero Area Plan Update.
- Pursue development of a comprehensive forest management and protection plan for the pine forest in and around Cambria, potentially as part of the North Coast Update. This plan should, among other things: emphasize the importance of avoiding the removal of pines, particularly those that display a resistance to pitch canker; provide a framework for guiding off-site tree replacement; update the TDC program; establish protocols for handling diseased wood; and prescribe mitigation that facilitates the acquisition of the most sensitive forest habitats as a means to offset the cumulative impacts of buildout on forest resources.
- Expand requirements for biological reports to ensure that all information necessary to address habitat impacts, and identify less damaging alternatives, is available during project review. Coordinate the update of these requirements, as well as the review of biological reports, with the Department of Fish and Game and the U.S. Fish and Wildlife Service, among other applicable regulatory agencies and interested parties.
- Revise Table O to clarify that resource dependent uses are the only allowed uses within an ESHA or setback, and to acknowledge the restrictions on development in or adjacent to ESHA.
- Stringently enforce the LCP's prohibition of subdivisions that create new building sites in ESHA, and revise LCP provisions regarding clustered subdivisions so that all land divisions are effectively set back from, and protective of, ESHA.
- Update SRA standards to require that *all* development concentrate proposed uses in least sensitive portions of properties (not just development that triggers development plan review).
- Require all parcels that are geographically contiguous, and under common ownership, to be addressed by an overall development plan where development of any one of these parcels may pose impacts to ESHA.

- Analyze economic backed expectations where ESHA impacts cannot be avoided and where non-resource dependent development may need to be accommodated in order to prevent a taking. Restrict such development to the minimum necessary to avoid a taking of private property while maximizing consistency with the LCP.
- Establish maximum disturbance envelopes for new development in sensitive areas.
- Specify minimum mitigation requirements for unavoidable impacts, including monitoring and maintenance provisions adequate to ensure mitigation effectiveness or corrective action.
- Improve implementation of ESHA setback standards, evaluate effectiveness of current setback standards, and require 100 foot setbacks wherever possible (including in urban areas).
- Limit the use of variances so they do not result in adverse impacts to ESHA.
- Modify existing policies and ordinances to further restrict and avoid streambed alterations and to minimize their adverse impacts.

Public Access: Through acceptance of offers to dedicate public access and new acquisitions, the County has made major gains in providing new public access since certification. However, there are still areas where access is not available, areas where existing access may be threatened and areas where easements are sited in a way that may not maximize access. In addition, since certification of the LCP, new priorities for completing the California Coastal Trail have emerged. Modifications to the LCP to develop an updated comprehensive Access Component could address many of the concerns raised in the review.

The County has accepted numerous outstanding Offers to Dedicate Public Access (OTDs), mostly for lateral access along the shoreline. Since certification, the County has required additional access mitigation - 60 lateral shoreline easements, five vertical shoreline easements and five trail easements - primarily in Cambria, Cayucos, and Los Osos. However, these required easements represent only about 37% of the cases where the County has authorized development along the shoreline. In some cases the County actions requiring access OTDs appear to conflict with the intent of the LCP policies by including limitations in the condition language that do not assure that the access will be provided. In some cases, access requirements site easements in a way that will not assure maximum public access.

A related concern is assuring the adequate distribution of pedestrian access throughout the County. There are many stretches of coastline in the County lacking adequate vertical access; the two longest areas are each approximately 15 miles long. An important component of assuring this distribution of access is completing the segments of the California Coastal Trail. To date, only approximately 37% of the trail in San Luis Obispo County is complete.

The LCP also needs to strengthen protection of existing public access, for example by tightening provisions that would prevent future loss of access through quiet title actions and better addressing potential prescriptive rights. Finally, the potential conflict between providing access and protecting sensitive resources will continue to grow. Since 1988, the snowy plover, which nests on sandy beaches, was listed as a threatened species. A new colony of elephant seals also became established at Piedras Blancas. Both these species are found in shoreline areas with public access. While the County has generally been successful in balancing the provision of public access with the protection of sensitive resources in its regulatory program, there is increasing potential for future conflict.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

- Continue efforts to complete an updated Comprehensive Access Component to include: a complete inventory of existing and potential access, including an analysis to document informal use and potential prescriptive rights; strategies for increasing public acquisition of areas; identification of areas where lateral access should be expanded to include blufftop access; and management of passive recreation in sensitive rural areas.
- Update the LCP to improve the siting of access dedications, including the use of blufftop trails.
- Continue efforts to accept any remaining outstanding OTDs and amend the LCP to allow for direct dedication of public access easements to the County.
- Develop a mechanism to address future quiet title actions and ensure the protection of public access opportunities.
- Analyze the long-term supply and demand for low-cost visitor serving recreation, and evaluate the need to further provide for such uses through LCP amendments.
- Continue to work with other resource agencies to develop strategies to manage sensitive habitats in recreation areas. Policies should assure that where the Coastal Trail is on a beach that is seasonally occupied by sensitive species, a supplementary blufftop trail is provided. Include public access management and enhancement as a component of all habitat management planning and conservation plans.

Coastal Hazards: Implementation of the LCP has resulted in more armoring of the shoreline as a response to coastal hazards, mostly in Cayucos and Cambria. The LCP needs to improve measures to avoid and minimize additional armoring, and to ensure that future construction and maintenance of shoreline protection devices reduce and mitigate adverse impacts to the greatest degree feasible.

Changes to LCP Hazards provisions and implementing procedures are needed to respond to the new information available regarding shoreline erosion hazards and the impacts that shoreline protection devices pose on coastal resources. Additional changes are needed to address the following issues that have been identified from a review of the approximately 56 permits for new or expanded shoreline armoring (mostly in Cayucos and Cambria) authorized by the Commission and the County since LCP certification: (1) implementation of existing setback policies has been insufficient to prevent additional shoreline armoring due to inadequate estimates of erosion rates; (2) accessory structures have been allowed in the setback areas; (3) approval of variances to setback standards in areas of high erosion hazard; and (4) an unrealistic estimated economic life of 75 years.

The LCP also does not adequately address resiting of development at risk from erosion, particularly older structures that are likely to be redeveloped. Since many of the existing shorefront structures are older structures, reconstruction or redevelopment is likely to occur. Without standards to site redevelopment as far landward as possible, additional armoring will be likely.

Other problems with LCP implementation include: lateral access OTDs required to mitigate the impact of shoreline protective devices on coastal access have, in some cases, been recorded on public lands and have also not been accompanied by conditions that ensure easements remain free of future encroachments (e.g., expansion of shoreline protective devices); emergency armoring along Pacific Coast Highway has been constructed with minimal engineering, inadequate consideration of alternatives, without mitigation of impacts on coastal resources, and inconsistent permit follow-up; geologic evaluations have not provided the data necessary to conduct an adequate review of site stability and project alternatives; and in some areas, existing LCP policies are inadequate to fully address seismic hazards and flooding concerns.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

- Modify policies to define "existing coastal development" as only the principle structure, and specify that armoring is not allowed for the sole purpose of protecting accessory structures. Strengthen setback policies to base required setbacks on a 100-year rather than a 75-year economic life of a structure. Re-examine the regional average erosion rates to estimate a minimum setback distance that better reflects current shoreline changes.

- Develop standards to prohibit new subdivisions, lot splits, or lot legalizations that create new lots in high wave hazard areas.
- Strengthen standards for new development on vacant lots subject to hazards, or for demolition and rebuilding of structures, to require that the applicant assumes the risk of building without assurances that future armoring will be allowed.
- Implement an area-wide shoreline erosion and bluff retreat management plan for Cayucos and Cambria. Identify specific types of armoring acceptable for specific areas, include procedures for evaluating alternatives. Also incorporate procedures to address emergency armoring, with provisions for coordinating for field inspection, guidance on types of temporary structures preferred, and requirements that emergency armoring be removed if a follow-up permit is not granted.
- Clarify policies that Highway 1 must comply with setback standards to be safe from erosion for 100 years, and pursue alternatives to armoring including relocation of the Highway where feasible and appropriate.
- Modify ordinances to require mapping of all public access easements and recorded OTDs.
- Update and expand requirements for geologic evaluation reports within the GSA combining designation.
- Update seismic mapping and expand the GSA designation to include new faults identified since certification. Require complete geologic investigation of these areas prior to approving new development.
- Expand the flood hazard designation.
- Develop and implement a flood analysis and management plan for West Village in Cambria.
- Prohibit the removal of vegetation on public lands to protect private development from fire hazards unless the impacts of such removal are appropriately mitigated.
- Resite existing structures outside of hazardous areas when proposed for redevelopment.
- Require reductions in building footprints where necessary to avoid erosion hazards.
- Develop mitigation programs to pay for beach nourishment where shoreline protection devices may adversely affect beach sand supplies.
- Pursue acquisition of areas subject to high hazards.

Archaeological Resource Protection: San Luis Obispo County has a rich archaeological heritage. Since certification of the LCP in 1988, the number of registered archeological sites registered in San Luis Obispo County has increased from 1,000 to 2,055 sites, the majority of which fall within the coastal zone. This increase is due to more expansive real estate disclosure laws and CEQA requirements. The principal sources of destruction of

archaeological resources are from urbanization and uncontrolled public access. Two factors must be addressed to adequately protect archaeological resources: adequate identification of resources and avoidance or adequate mitigation of impacts to known resources, including onsite monitoring in areas of known resources. Overall, with few exceptions, the County has protected archaeological resources in conformance with LCP and Coastal Act requirements.

- Update Archeological Resources Overlay Maps to reflect a more accurate location of archaeologically sensitive areas. The proposed Estero Area Plan Update from February, 1999 offers a possible option to update maps.
- Pursue options to strengthen protection of archaeological resources including evaluating requirements for geoarchaeology surveys.

Energy and Industrial Development: New issues since certification of the LCP include a significant increase in proposed fiber optic cables, wireless communication facilities¹, and the closure, or pending closure, of several energy facilities. The LCP should be updated to address these emerging issues.

Preliminary Alternatives:

The report identifies a range of alternatives, including the following:

- Update LCP designations and policies to identify and establish cable corridors and consolidated landing sites.
- Expand LCP ordinances to require that fiber optic cable projects are installed with suitable mitigation measures such as drilling monitoring, erosion control, revegetation, public access mitigation and other measures necessary to protect all scenic resources and habitat values.
- Update LCP policies to address the abandonment and decommission of energy facilities and power plants. Incorporate more specific standards to address abandonment procedures, site remediation, and rezoning.

NEXT STEPS

The Periodic Review Preliminary Report is being submitted for consideration by the Commission, the County and the public. The Commission hearing in February 2001 will initiate a public review and comment period. During this public comment period the Commission staff will work with the County, local Advisory Councils, and the public to refine the policy options that might best respond to the identified LCP program needs. This step will also allow for more specific public evaluation and integration of the program changes already developed by the

¹ Recommendations regarding wireless communications facilities are addressed in the staff report on SLO LCP Amendment No. 2-99, also scheduled for hearing at the February 2001 Commission meeting.

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County in the Estero and North Coast Area Plan Updates. Following the public review period, the Commission staff will submit a Final Report and recommendations to the Commission for action, tentatively scheduled for May 2001 at the Commission's public meeting in Santa Cruz.

B. RECOMMENDATIONS FOR CORRECTIVE ACTION

New Development and Public Services

Recommendation 2.1: Improve Required Coastal Development Permit Findings for Service Extensions Beyond USL. Development proposals that require the extension of urban services across the USL should not be approved unless the required findings of Public Works Policy 1 and corresponding ordinances can be made. Amend Policy 1 by adding reference to CZLUO 23.04.430-432 as appropriate implementing ordinances. Add new implementing ordinance(s) to clarify required information and findings to support Public Works Policy 1.

Recommendation 2.2: Improve County/Commission Coordination. The County and the Commission should take full advantage of coordinated reviews of development proposals outside of the USL, particularly those that may create new urban development potential.

Recommendation 2.3: Clarify LCP Authority with respect to New Urban Development proposed outside USL. Amend LCP (Framework, Policies, Ordinances, Area Plans) as necessary to clarify where and under what circumstances the provision of urban services to new development outside of the USL is appropriate.

Recommendation 2.4: Reduce Development Potential on Urban Edges. Evaluate potential for reduction of development intensities on the perimeter of urban areas, including adjusting land use designations, allowable densities, relocating the USL/URL where appropriate, and evaluating consistency of such with Coastal Act section 30250.

Recommendation 2.5: Consider Policies and Programs to Support Greenbelt Formation and Maintenance. Consider incorporation of programs and policies to establish or support greenbelt and open space areas on the urban fringe of developed areas (e.g. Los Osos). Build on and integrate with open space and habitat protection proposals already put forth by the County in the Estero Update. Mitigation banking should be further evaluated as a potential implementation mechanism.

Recommendation 2.6: Encourage Concentration of Development in Urban Areas. Amend the LCP to provide incentives for development, including broad redevelopment strategies, within the USL. For example, the County should consider developing planning and regulatory mechanisms to transfer development potential from outside the USL to inside the USL.

Recommendation 2.7: Strengthen Standards to address development potential on Non-conforming Lots. Amendment of current lot-line adjustments review criteria should be considered that would require adjustments to reasonably comply with all LCP Coastal Plan Policies and Ordinances within the constraints of Constitutional takings jurisprudence. See Agriculture Final Recommendation 5.4.

Recommendation 2.8: Evaluate Options for Processing Non-conforming lots in Single Ownership. The County and Commission should evaluate options available for processing non-

conforming parcels in a common ownership, including identification of non-conforming parcels and options for lot merger, to maximize protection of agricultural lands. As part of this effort, the County and Commission should consider policy, ordinance, and program options, including those that would provide incentives to encourage voluntary merger of non-conforming parcels.

Recommendation 2.9: Update North Coast Area Plan to Protect Coastal Resources of the Hearst Ranch. Rezone Recreational lands on the Hearst Ranch to Agriculture, update combining designations, and establish LCP standards that require a Land Use Capacity Analysis prior to consideration of any development proposals and LCP amendments for non-agricultural development on the Hearst Ranch. The County should limit the location of such development to concentration in or immediately adjacent to San Simeon Acres if feasible or, if not feasible, to small-scale infill development within the commercial zoning of San Simeon Village. Other than these two locations, no new visitor-serving or other non-agricultural development should be allowed in the public viewshed except for underground utility placement, restoration, public access improvements and intensification, demolitions, resubdivisions, and temporary events.

A Land Use Capacity Analysis should include at least the following: a comprehensive agricultural viability analysis for any areas proposed for non-agricultural development; a visitor-serving development supply and demand analysis; a comprehensive environmental constraints analysis, including evaluation of sensitive habitats, in-stream flow habitat values, water availability, groundwater basins, highway capacity, cultural resources, scenic resources, community character and hazardous areas. Specific performance standards that address the concerns raised by the Coastal Commission's 1998 NCAP Findings, such as required water monitoring and highway capacity limits, should be incorporated into the NCAP. Standards for protection of agricultural lands and mitigation of development impacts should be developed, including provision for agricultural conservation easements.

Recommendation 2.10: Require Resource Capacity Studies prior to Major Development Proposals. See Recommendation 2.9

Recommendation 2.11: Update LCP to address Large Residential Development. See Agriculture Recommendation 5.8.

Recommendation 2.12: Strengthen Implementation of the RMS System and ISCA. Implement Phase 2 of RMS contemplated in the Framework for Planning: establish an expanded RMS task force that includes Coastal Commission staff and other resource agencies; include CCC staff in review process for Resource Capacity Studies. The ISCA program currently in the LCP needs to be followed in evaluating new development proposals for Los Osos until such time as the Estero Area Plan is updated to address groundwater management issues and the protection of water supply for Agriculture in the Los Osos groundwater basin.

Recommendation 2.13: Address Cambria Short-term Development Constraints. Continue implementation of the 1% growth rate in Cambria until 1/1/02, after which time coastal development permits for new development that would require a new water connection or that

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would otherwise create additional water withdrawals from Santa Rosa or San Simeon Creeks should not be approved unless the Board of Supervisors can make findings that (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and habitats; (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development; (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation, reuse of wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use); (4) substantial progress has been made by the County and the CCSD on achieving implementation of buildout reduction plan for Cambria; and (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.

Recommendation 2.14: Establish Watershed/Basin Management Programs. Establish Coordinated Resource Management Programs (CRMP) to promote watershed management, including resource identification and water quality monitoring, and to address competing rural and urban uses in North Coast and Estero Area groundwater basins. See also, Recommendation 3.7b.

Recommendation 2.15: Consider Additional Options for Water Conservation. Additional LCP policies and standards should be considered that would strengthen requirements for minimizing water use, such as xeriscaping and native drought-tolerant landscaping requirements.

Recommendation 2.16: Cambria Long-term development (Buildout Reduction). The LCP needs to be amended to address long-term development potential in Cambria. The County should work to expand the TDC program by identifying other sensitive areas that would benefit from transfer of potential development to more suitable locations. Expansion should include Special Project Area #2, as well as watershed areas, other scenic corridors and other small lot tracts in undeveloped areas that support significant coastal resources, particularly contiguous blocks of sensitive pine forest habitat. More aggressive policy options should be considered as well, including development of an Assessment District to retire lots/create open space and promote forest protection. Other mechanisms should be evaluated such as the ability to use mitigation fees or erosion control fees to address long-term buildout. Further attention could be focused on alternatives for reducing development potential on single and double lots and creating incentives for the minimum lot size of 7000 square feet. As part of this process, the County should establish a task force charged with identifying management options and strategies for reducing buildout in Cambria by a specific deadline.

Recommendation 2.17: Prohibit Creation of New Development Potential in Cambria and Los Osos. The County should consider prohibiting subdivisions that create new development potential in the communities of Cambria and Los Osos. Subdivisions that include no net gain in development potential (e.g. includes lot retirement) might be considered

Recommendation 2.18: Address Cumulative Impacts to Urban Design in Cambria. Through community planning and LCP amendments, cumulative impacts to urban design should

be addressed, particularly concerning the potential role of TDC use. Consider standards to better address the amount of TDCs any one site can use based on the capability of the lot (size, slope, etc.) to handle the increase in square footage. Address minimum area of landscape that must be preserved, regardless of lot size; as well as a maximum footprint area.

Recommendation 2.19: Los Osos Short-term Development. Similar to Cambria, focused attention is needed on pending studies concerning the safe yield of the Los Osos groundwater basin and the role that a future wastewater treatment facility might play in determining this yield. The County should consider policies and standards to assure that new development that relies on the groundwater basin is not allowed until a safe-yield or alternative water source is determined. Policies and mechanisms to ensure basin-wide management of groundwater supplies should be considered.

Recommendation 2.20: Los Osos Long-term development. Amend Estero Area Plan, including changes to support a reduction in buildout, to reflect an updated Buildout analysis, preservation of groundwater basins, and sensitive habitat protection needs identified through the HCP. Options that build on the currently proposed TDC approach for habitat protection should be evaluated and incorporated into the LCP (see Chapter 4 ESHA).

Water Quality and Marine Resources

Recommendation 3-1: Modify and adopt the following polices and standards in the LCP.

Agriculture Policy 8: Proper soil conservation techniques and grazing methods should be encouraged in accordance with Basin Plan receiving water objectives adopted to meet the water quality requirements of the California Regional Water Quality Control Board.

Coastal Watershed Policy 14: Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance with Basin Plan receiving water objectives adopted by the California Water Quality Control Board.

Ordinance 23.08.046 c(2): Application content. Where this section requires land use permit approval for a specific animal raising activity, the permit application shall include the following in addition to all information required by Sections 23.02.030 ...

- (i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.
- (ii) The applicant's plans for animal waste disposal, including plans showing measures to confine runoff, adequate capacity to allow for proper wastewater disposal, and measures to prevent seepage to groundwater.
- (iii)...

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e(2): Erosion and Sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel. ...

Similar requirements should be incorporated into CZLUO 23.08.052.

Recommendation 3-2: Deleted and replaced with 3-2 a-d.

Recommendation 3-2a: Add program to the LCP encouraging the County to continue supporting educational efforts to address resource impacts from agricultural activities. Efforts should include: a) reducing nonpoint source pollution, including sedimentation, from grazing and other agricultural practices; b) using BMPs and other management strategies to protect habitat areas; c) reducing the contamination of surface waters and groundwater from pesticides; d) reducing water quality degradation from nutrients; and e) reducing nonpoint source pollution caused by irrigation, by encouraging irrigation techniques that conserve water and retain water on-site. The County should use monitoring data and information from watershed planning efforts to target priority locations for educational efforts. In addition, the County should assess and document the effectiveness of educational efforts in preventing and/or minimizing nonpoint source pollution.

Recommendation 3-2b: Amend Ordinance 23.05.026 (d) to modify the exemptions granted from grading permit requirements for agricultural grading. The following grading activities could be exempt from requiring a grading permit, except when associated with grading for roadwork or pads for structures:

- grading of less than 50 cubic yards if Planning Director determines there are no potential impacts to coastal resources;
- tillage of existing agricultural fields;
- maintenance of existing agricultural roads, provided maintenance activities do not widen the road;
- grading further than 100 ft. from ESHA;
- grading which removes no significant trees;
- grading which removes ¼ acre or less of native vegetation,;
- grading on slopes under 30%, if designed per NRCS standards;
- grading performed under a program developed by NRCS or another appropriate agency, that has been reviewed and permitted as outlined in Recommendation 3-2d.

Recommendation 3-2c: Amend Ordinance 23.05.034(c) to allow grading for agricultural cultivation within 100 feet of an ESHA, consistent with the above exemption, if grading is designed to avoid adverse impacts to the ESHA, including preventing polluted runoff into coastal waters and preventing loss of habitat.

Recommendation 3-2d: Add program to Chapter 7 of the LCP (Agriculture) encouraging NRCS or other appropriate agencies to develop program(s) to implement BMPs for

agricultural grading activities on agricultural lands. The programs must be certified as consistent with all LCP policies through one of the following mechanisms: a) County review and issuance of a master permit, b) through an LCP amendment, or c) through the Commission's federal consistency review process. Once the program is certified, implementation of specific projects under the program will be exempt from individual grading permits.

Recommendation 3-3: Area Plan Updates. The proposed update of the North Coast Area Plan (January 2000) includes a variety of policies to improve the protection of water quality. These management strategies should be incorporated into the Area Plans. Proposed policies and strategies include: Policies to prohibit point-source discharges into the marine environment; Rural Area Program to designate Areas of Special Biological Significance (ASBS) for protection from development of impacts of any future wastewater outfall structure(s); Improved controls on land divisions and lot line adjustments to minimize the impact of water extraction from riparian creek areas for non-agricultural uses and policies and programs specific to Lodge Hill. The proposed revisions to the North Coast Area Plan Standards offer the opportunity to strengthen the water quality protection provisions of the LCP if expanded to address the issues raised through this review.

Recommendation 3-4: Expanding Erosion Control Studies. The County has targeted the Lodge Hill area to reduce erosion in the area and proposes to implement recommendations of a 1999 erosion control study. These recommendations generally focus on 1) paving roads, and 2) developing a comprehensive master plan for the community. The master plan should design for buildout of the community and incorporate the street drainage network into the plan. In general, implementing the study's recommendations could reduce erosion and sedimentation, and improve water quality in Lodge Hill. The comprehensive plan, though, should also address drainage issues from road paving, and should encourage infiltration of water and maintenance of the natural flow regime, to the extent feasible, by encouraging dispersal of sheet flow from roads into natural vegetated areas. The County should also incorporate measures to site development to retain forest cover.

Recommendation 3-5: Address Post-Construction Runoff. Incorporate into the planning process the following checklist of three questions, developed through the Model Urban Runoff Program, to help coastal planners identify and mitigate water quality impacts of proposed development (see Table 3-2, below).

Table 3-2: Water Quality Checklist

1. Would the proposal result in changes in soil infiltration rates, drainage patterns, or the rate and amount of surface runoff?
2. Would the proposal result in discharge into surface waters or wetlands or other alteration of surface water/wetland quality (e.g., temperature, dissolved oxygen, or turbidity)?
3. Would the proposal result in impacts to groundwater quality?

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If the proposed project raises water quality issues based on the above questions, or other review, best management practices (BMPs) should be incorporated into the project design to address post-construction runoff.

Recommendation 3-6: Deleted and Replaced.

Recommendation 3-6a and Recommendation 3-11: Add policy or ordinance to prohibit subdivisions on slopes over 30%, where the subdivision would result in building pads, access roads, or driveways to be located on slopes over 30%, or where grading would result on slopes over 30%. For subdivision requests on slopes over 20%, the applicant should include the location of building pads and access roads, located to minimize erosion and sedimentation, and should require that development maintain pre-development flows by detaining stormwater flows on site.

Recommendation 3-6b and Recommendation 3-9: Modify criteria citing watercourses on USGS map. One requirement for sedimentation and erosion control plans is land disturbance activities that are "within 100 feet of a watercourse shown on current 7 ½ minute USGS quad map. Modify Section 23.05.036 of the CZLUO to include the following criteria for requiring a sedimentation and erosion control plan: where a) a watercourse supports fish, or b) has significant flow 30 days after last significant storm. References to watercourses throughout the LCP should include these criteria and meet the criteria under ESHA Recommendation 4.1.

Recommendation 3-6c and Recommendation 3-12: Deleted and replaced with the following: Modify the LCP grading and/or drainage ordinance (Sections 23.05.020 through 23.05.038 and/or 23.05.040 through 23.05.050) to require, as requirement for filing a plot plan, minor use permit, or development plan, a water quality control plan for all projects and activities which require land use permits or grading permits. Single family residences on slopes under 20% shall be exempt from this requirement if BMPs to assure the goals and objectives of the Modified Chapter 9 are included in the development plan and sized appropriately to ensure the protection of water quality and to meet the design goal criteria. The water quality plan shall:

- identify the type and size of BMPs necessary to maintain peak runoff rates and volumes similar to pre-development rates, and accommodate runoff from the 85th percentile storm runoffs;
- protect or restore natural drainage courses and where feasible use vegetated drainage systems to decrease erosion and filter nonpoint source pollution;
- minimize pollutant loads;
- limit impervious surfaces;
- require the long-term maintenance of BMPs to assure that standards are met.

Recommendation 3-6d and Recommendation 3-8: Deleted.

Recommendation 3-6e: To improve protection of water quality from residential septic systems, update Title 19 to include the following standards and requirements:

- Add as one of the criteria for siting that septic tank and leach field systems shall avoid poorly drained soils (Ordinance 19.20.222)

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- Require inspection and maintenance reports to be submitted by the property owner and/or septic operator at least every three years. The first report should be submitted three years from the date of issuance of the building permit. The property owners and/or septic operators shall be responsible for proposing and undertaking all measures necessary to ensure the continuing proper operation and adequate capacity of the septic tank and leach line systems.
- Add the following setbacks to Ordinance 10.20.222 (c) (2):
 - Storm drainage pipes: 25 ft.
 - Escarpments: 25-50 ft.
 - Property Line: 5-10 ft.
 - Building foundations: 10-20 ft, or 30 ft when located upslope from a building in slowly permeable soils.
- Require that septic systems shall not adversely impact surface waters or cause the groundwater nitrate concentration to exceed 10.0 mg/l N or any such drinking water quality objectives established by the California Department of Health Services or Regional Water Quality Control Board, at any source of drinking water on the property nor on any off-site potential drinking water source. Where groundwater nitrate concentration may exceed the applicable water quality objective or where surface waters may be adversely affected from the septic systems, install denitrification system(s) to reduce total nitrogen loadings by 50%.

Recommendation 3-7a: Update Chapter 9 (Coastal Watersheds) of LCP to provide the framework for a comprehensive Watershed and Water Quality Protection component of the LCP. The chapter should include the following elements:

- a revised introduction to reflect the new knowledge and concern of nonpoint source pollution since 1988, including the recently adopted statewide nonpoint source pollution plan, which forms the basis for protection of water quality from nonpoint source pollution;
- a discussion of the need for watershed based policies and programs, including non-regulatory programs, to fully address water quality issues;
- updated goals and objectives for water quality protection (see following list of goals for guidance);
- modifications to existing policies and ordinances, as discussed in modified Recommendations 3-1 through 3-13;
- a program to encourage watershed planning (see discussion below);
- a program that requires the County to participate in water quality sampling and/or monitoring to measure water quality conditions and the effectiveness of management measures taken to reduce nonpoint source pollution.

As guidance for developing the LCP Watershed and Water Quality Component, the Commission suggests the following:

The chapter should include development of findings of fact, for the basis for specific policies, ordinances, and programs. These findings could be developed to include such provisions as the following:

The County finds that uncontrolled drainage and development of land has a significant adverse impact upon the health, safety and welfare of the community. More specifically,

- a) Nonpoint source runoff can carry pollutants into receiving water bodies, degrading water quality;
- b) The increase in nutrients such as phosphorus and nitrogen accelerates eutrophication of receiving waters, adversely affecting flora and fauna;
- c) Improperly channeling water may increase erosion or lead to excess sedimentation;

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- d) Construction requiring the alteration of natural topography and removal of vegetation may increase erosion or lead to excess sedimentation;
- e) Excess sedimentation (siltation) of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna;
- f) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge;
- g) Improperly managed stormwater runoff can increase the incidence and extent of flooding, damaging habitat, as well as endangering property and human life;
- h) Improperly managed stormwater runoff can interfere with the maintenance of optimum salinity in estuarine areas, thereby disrupting biological productivity;
- i) Substantial economic losses result from these adverse impacts on community waters;
- j) Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

The chapter should include suggested goals and objectives. These goals and objectives could include such provisions as the following:

- a) To protect, restore, and maintain the chemical, physical and biological integrity of coastal waters;
- b) To minimize harm to the community by activities that adversely affect water resources;
- c) To encourage the construction of drainage systems which aesthetically and functionally approximate natural systems;
- d) To encourage the protection of natural systems and the use of them in ways that do not impair their beneficial functioning;
- e) To encourage the use of drainage systems that minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the systems;
- f) To minimize the transport of pollutants to coastal waters;
- g) To maintain or restore groundwater levels;
- h) To protect, maintain or restore natural salinity levels in estuarine areas;
- i) To minimize excess erosion and sedimentation;
- j) To prevent damage to wetlands;
- k) To prevent damage from flooding, while recognizing that natural fluctuations in water levels are beneficial; and
- l) To protect, restore, and maintain the habitat of fish and wildlife;

Included in the chapter should be policies such as the following:

- a) New development shall be designed to maintain predevelopment hydrological conditions to the maximum extent practicable.
- b) New development shall protect the absorptive, purifying, and retentive functions of natural systems that exist on a site, and shall, where possible, restore natural drainage systems.
- c) New development shall minimize pollutant loads.
- d) New development shall minimize impervious surfaces.

The chapter should also include standards and ordinance provisions to implement the policies. These standards could include such provisions as follows:

- a) New development shall implement Best Management Practices (BMPs) necessary to accommodate runoff from the 85th percentile storm runoffs as defined by the BMP Design Goal, and assure that development maintains peak runoff rates and volumes similar to pre-development rates.¹

¹ The BMP Design Goals is the size of a storm event that is used (along with other information) to determine the size of a structural BMP. Considering the long-run records of local storm events, the 85th percentile event would be larger than or equal to 85% of the storms. The 85th percentile storm can be determined by reviewing local precipitation data or relying on estimates by regulatory agencies. For example, the Los

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- b) Development shall minimize site disturbance by clustering building site locations and placing roads along contours.
- c) To reduce impervious surfaces, permeable materials shall be used where possible for driveways and walkways. Walkways and driveways shall be limited to the smallest functional size.
- d) A water quality control plan shall be required for projects and activities that require land use permits or a grading permit. (See Recommendation 3-6c, Urban and Rural Development section.)

Recommendation 3-7b: The LCP should be updated to include a program to encourage watershed planning, including a finding that watershed planning is necessary to fully address water quality impacts inside the coastal zone. Watershed planning may require the participation and coordination of various agencies. Through this program, the County should facilitate watershed-planning efforts by:

- identifying priority watersheds or subwatersheds for watershed planning, consistent with criteria established for determining critical coastal areas. Priority areas should focus initially on watersheds with known water quality problems, or where development pressures are such that nonpoint source pollution can be anticipated to be a major concern;
- ensuring full public participation in the development of the plan;
- assessing land uses in the priority areas that degrade coastal water quality;
- pursuing funds to support the development of watershed plans; and
- participating in intergovernmental efforts for watershed planning.

General Components of a watershed plan (to guide implementation by many agencies) should include:

- Purpose and Objectives of the Plan;
- Description of approval process, including identification of participating stakeholders, and any required agreements or MOUs;
- Description of the Watershed, including description and data on such items as physical, hydrologic, climatic and natural resource features, land uses, types of land cover, water body use and classification, water body standards, natural and cultural resources, economic base, population demographics, farm demographics, governmental units;
- Resources Inventory
- Problem Identification, describing the specific water resource management problems including the sources and causes of impairment of point sources, nonpoint sources, physical and chemical pollutants, and problem or impediments;
- Problem Analysis, including an assessment of the cumulative impacts of development on water quality and hydrology in order to designate areas to further emphasize on site management of runoff;
- Alternative Management Strategies, including identifying specific measures to minimize the cumulative impact of new development on the watershed and avoiding the alteration of natural drainage patterns; using BMPs, proposed land use changes, structural solutions, and financial incentives; identifying which areas of the watershed which, if restored, could improve water quality; integrating agriculture management measures including developing watershed specific nutrient and pesticide management programs;
- Preparation of Draft Water Resources Management Plan;
- Monitoring and Evaluation Component to evaluate the effectiveness of BMPs used to control polluted runoff;
- Implementation Funding Strategy and Budget;

Angeles Regional Water Quality Control Board has determined that 0.75 inch is an adequate estimate of the 85th percentile, 24-hour storm event for typical municipal land uses within its jurisdiction.

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- Public Participation and Educational Strategy.

Recommendations 3-8 through 3-12: Deleted and/or incorporated into above modified recommendations.

Recommendation 3-13: Deleted.

Recommendation 3-13a: For updated Harbor Plans, require an operation and maintenance component that addresses water quality protection. Update the LCP by adding policies and standards to implement effective runoff control strategies and pollution prevention activities, by requiring, where appropriate, the following best management measures:

- providing buildings and/or enclosed areas where possible for maintenance activities;
- constructing new or restore former wetlands where feasible and practical;
- requiring use of porous pavement where feasible;
- requiring installation of oil/grit separators to capture petroleum spills and coarse settlement;
- requiring use of catch basins where storm water flows to the marina basin in large pulses;
- requiring filters to storm drains that are located near work areas and placement of absorbents into drain inlets.

Where fuel stations are added or redesigned, require them to reduce pollution from discharges through measures:

- writing and implementing a fuel spill recovery plan;
- using automatic shutoffs on fuel lines and at hose nozzles to reduce fuel loss;
- installing personal watercraft floats at fuel docks to help drivers refuel without spilling;

To reduce contamination of surface waters, require, as appropriate:

- sewage pumpout, dump station, and restroom facilities, and require maintenance of facilities;
- establish no discharge zones to prevent sewage from entering waters.
- filter additions to storm drains that are located near work areas;
- removal of old style fuel nozzle triggers that are used to hold the nozzle open without being held;
- install fish-cleaning stations with appropriate sewer hookups at marinas and boat launch sites;
- require a management plan and appropriate facilities to store, transfer, and dispose of liquid materials;
- build curbs, berms, or other barriers around areas used for liquid material storage to contain spills;
- prepare a hazardous materials spill recovery plan and update it as needed.

Recommendation 3-13b: Add the following program to Chapter 5 of the LCP (Commercial and Recreational Boating): In partnership with Harbor Districts and other agencies, the County shall participate in, and encourage, efforts to educate boaters and boating facility operators to implement management measures to reduce water pollution from boating activities. To support public education programs, the County should encourage the development of programs that support the installation of infrastructure that will enable the public to implement appropriate BMPs.

Educational information could include the following:

- Management practices for maintenance activities which minimize in-water work, and encourage maintenance activities in enclosed buildings, within spray booths, or under tarp enclosures.
- The use of vacuum sanders to remove paint from boats and collect paint dust.
- The benefits of absorbents in drain inlets.
- The need to use chemical and filtration treatment systems only where necessary.
- The importance of using low-toxicity or non-toxic hull paints, antifreeze, and coolants, and recycling products when possible.

Infrastructure and facility modifications could include:

- Install easy-to-read signs on the fuel dock that explain proper fueling, spill prevention, and spill reporting procedures. Locate and design boat fueling stations so that spills can be contained, such as with a floating boom, and cleaned up easily.
- Place trash receptacles and recycling containers in convenient locations for marina patrons.
- Provide boaters with trash bags.
- Provide facilities that extract used oil from absorption pads if possible, or for the disposal of it in accordance with petroleum disposal guidelines.

Fueling Facilities and Operations could include:

- Have spill containment equipment storage, such as a locker attached to the fuel dock, easily accessible and clearly marked.
- Promote the installation and use of fuel/air separators on air vents or tank stems of inboard fuel tanks to reduce the amount of fuel spilled into surface waters during fueling.
- Prohibit the use of detergents and emulsifiers on fuel spills.

Sewage Management modification could include:

- Provide sewage pumpout service at convenient times and at a reasonable cost.
- Provide portable toilet dump stations near small slips and launch ramps.
- Provide restrooms at all marinas and boat ramps.
- Establish practices and post signs to control pet waste problems.
- Establish no discharge zones to prevent sewage from entering waters.

Environmentally Sensitive Habitat Areas

Recommendation 4.1: Revise the LCP's Definition of ESHA.

- Revise definitions of SRA and ESHA contained in Section 23.11.030 so that they conform to the Coastal Act definition. Clarify that ESHA, and the application of ESHA protection standards, is not limited to the areas mapped as Combining Designations. As proposed on page 7-10 of the Estero Update, use the definition of "habitat for rare and endangered species" provided by the CEQA guidelines as an additional tool to define ESHA.

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- Determine the presence of ESHA based on the best available information, including current field observation, biological reports, the National Diversity Database, and US Fish and Wildlife Critical Habitat Designations and Recovery Programs. Where the available information indicates that an area may contain ESHA, but that area is not mapped as ESHA by the LCP, a Field Review Team comprised of County staff, project biologist(s), and representatives from involved wildlife agencies and organizations, shall conduct a Site Specific Constraints Analysis.
- As proposed by both the North Coast and Estero Updates, recognize all riparian habitats as ESHA regardless of whether they are mapped by USGS quadrangles.
- Replace the LCP's definition of streams, currently limited to streams shown by USGS maps, with an alternative definition, such as used by the Department of Fish and Game:

A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

Recommendation 4.2: Revise and Update ESHA Combining Designations.

- Recognize maps as a tool for identifying potential locations of ESHA, but that the actual presence and extent of ESHA must be determined in the field. Establish Field Review Teams, comprised of County staff, the project biologist(s) and representatives from involved wildlife agencies and organizations, to evaluate sites where the Combining Designation Maps do not effectively address the potential presence of ESHA.
- Incorporate other rare and valuable habitat types into the ESHA Combining Designation Programs. These should include, but not be limited to, the additional sensitive habitats identified by the North Coast and Estero Updates.
- Maintain the Combining Designation maps as a dynamic geographic database that can be routinely updated as new information becomes available. To facilitate such efforts, the County should establish standard formatting requirements for field surveys and biological reports that could be directly incorporated into such a system. Coordination with other resource management entities involved with mapping sensitive habitats (e.g., the Morro Bay National Estuary Project) should also be pursued along with other grant programs and cooperative mapping efforts.

Recommendation 4.3: Update Requirements for Biological Investigations and Reports.

- Revise CZLUO Section 23.07.170 so that biological reports are prepared for all development within or adjacent to ESHA, not just those sites that have been mapped as ESHA. Use the Field Review process recommended above to determine the need for biological reports when development is located on a site that has the potential to support ESHA, but is not mapped as

ESHA by LCP Combining Designations. Where the Site Specific Constraints Analysis identifies the presence, or potential presence, of any sensitive habitat type, natural community, and/or particular plant or animal species that meets the revised definition of ESHA, a biological report should be required.

- Evaluate particular areas, particularly urban areas, where it may be appropriate to exclude new development from Site Specific Constraints Analyses. Incorporate such exclusions into the LCP based on scientific evidence demonstrating the absence of ESHA in such areas.
- Develop comprehensive habitat conservation and management programs for areas with particular habitat protection needs (e.g., Los Osos dune scrub and maritime chaparral habitats, Cambria Pine Forest, coastal watersheds that support Steelhead trout, and Cayucos Creeks; please see recommendation 4.6). Upon incorporation of such programs into the LCP, development within particular habitat areas may be excluded from the need to provide site-specific biological investigations and reports. Instead, the biological information required at the application stage would be related to implementation of the area wide habitat protection program (e.g., contribution to area wide program that retires development potential in ESHA).
- Update the minimum requirements for biological reports specified by CZLUO Section 23.07.170 in coordination with state and federal resource management agencies.
- The location and extent of ESHA on and adjacent to a development site should be described and mapped by the Biology Report, in a format that allows it to be incorporated into a GIS based Combining Designation map system (see Recommendation 4.2 above). The delineation should not be limited to the particular locations where rare plants or animals are observed at one point in time. Rather, it should consider the full range of the sites physical characteristics (e.g., soil type, vegetation, topographical features) that represent potential habitat for such rare plant and animal species. In addition, where previously disturbed but restorable habitat for rare and sensitive plant and animal species exist on a site that is surrounded by other valuable habitat areas, these areas should be delineated and protected as ESHA as well. Implementation of this recommendation will also require the incorporation of additional standards for Biological Reports within CZLUO Section 23.07.170.
- Biological reports and their accompanying ESHA delineations should be submitted for the review and comment of the California Department of Fish and Game, the US Fish and Wildlife Service, and to the National Marine Fisheries Service (as applicable), as well as to the California Coastal Commission, before applications for development in or adjacent to ESHA are filed as complete. The incorporation of such a requirement into the LCP (e.g., within Section 23.07.170 of the CZLUO) should be accompanied by a specific time frame for such reviews (e.g., 14 days) to ensure that they would not result in undue delays in the development review process.

Recommendation 4.4: Identify, and Implement Where Feasible, the Resource Dependent Criteria for Development in ESHA.

- Revise "Table O", such as through the addition of a new preamble, to clarify that Resource Dependent Uses are the only principally permitted use within an ESHA or their required setbacks. All other uses that may be permitted to accommodate an economic use should be considered conditionally permitted uses.
- Where non-resource dependent uses are proposed in or adjacent to ESHA, and may be necessary to accommodate to avoid a "taking" (i.e., there are no feasible alternatives that avoid impacts to ESHA), analyze whether there is a reasonable economic backed expectation for the non-resource dependent use (see Recommendation 4.10, below).
- Provide exceptions to the above standards in areas that are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see Recommendation 4.6, below).

Recommendation 4.5: Prohibit Subdivisions that Create new Lots in ESHA.

- Implement the provisions of 23.07.170c.
- Revise Cluster Division Ordinance to require much smaller building sites, that they be located entirely outside ESHA and its setback, and that all of the ESHA area be retained and protected as Open Space. Make clustered division mandatory, rather than optional, for all divisions on parcels containing ESHA.
- Clarify that the parcel sizes established by CZLUO Sections 23.04.020 – 033 do not apply to sites that support ESHA, within which land divisions are prohibited.

Recommendation 4.6: Develop Comprehensive Habitat Conservation, Protection and Management Programs for Areas with Particular Habitat Protection Needs and Challenges.

- In urban areas that contain numerous existing lots within ESHA that has been fragmented or degraded by surrounding development, develop programs allowing for non-resource dependent uses that contribute to the protection of surrounding viable habitat areas threatened by development. The current effort to develop a Habitat Conservation Plan as part of the Los Osos Wastewater Treatment project and Estero Area Update should continue to be pursued, with ongoing coordination between the Los Osos CSD, involved regulatory agencies, and interested parties. As proposed by Preliminary Recommendation 4.36, a similar approach, involving a comprehensive forest management plan for Cambria would go a long way towards managing cumulative buildout in a manner that will protect the long-term health and survival of sensitive Monterey Pine Forest habitats.
- The constraints and opportunities associated with the protection of the coastal creeks and lagoons within the Cayucos urban area also warrants the incorporation of comprehensive

creek protection plans (i.e., within the Estero Area Plan). Such plans could be used to perfect setback standards, and prescribe specific mitigation measures, that enhance the riparian environment and clarify development requirements.

- Comprehensive habitat protection plans may prove to be equally useful for the protection of sensitive habitats in rural areas. The North Coast creeks and arroyos are examples of sensitive rural habitat areas that could benefit from such plans. HCP Planning efforts being initiated by State Parks, Community Services Districts, and others, should be closely coordinated with the County and Commission staff to ensure that they will effectively carry our Coastal Act and LCP requirements.

Recommendation 4.7: Revise Biological Report Requirements.

- In addition to the information that is currently required to be included in biology reports pursuant to CZLUO Section 23.07.170, the reports should identify the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. Biological Reports should identify where revisions to the project are available to avoid and minimize impacts on ESHA, which should be considered by the County in the evaluation of project alternatives.
- County analysis of development in or adjacent to ESHA should include an assessment of the impacts posed by fire safety requirements, such as vegetation clearance and roadway improvements. Where fire safety measures required to accommodate new development may impact ESHA beyond what was anticipated by the project's Biological Report, a supplemental report may be required. In any instances where fire clearance requirements would impact ESHA, project alternatives that avoid these impacts should be identified and pursued. Where impacts to ESHA associated with fire safety precautions can not be avoided, these impacts should be minimized and mitigated in accordance with Recommendations 4.11 – 4.16.
- Biological evaluations should not only insure adequate setbacks for sensitive habitat areas, but should also specify the ways in which the transitional habitat values of the buffer area can be protected. This should include limitations on the types of uses allowed, and requirements for the maintenance of the natural features that protect the adjacent habitat area.

Recommendation 4.8a: Expand Application of Rural Area SRA Standards regarding "Site Planning – Development Plan Projects" Contained in Area Plans.

- As proposed in both the North Coast and Estero Area Plan Updates, require *all* development (not just those located in rural areas that trigger Development Plan review) to concentrate proposed uses in the least sensitive portions of properties and retain native vegetation as much as possible. Apply this standard throughout the coastal zone.

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- Provide flexibility in non-habitat related setback requirements where necessary to avoid and minimize ESHA impacts.

Recommendation 4.8b: Evaluate all Available Alternative Locations that Avoid and Minimize Impacts to ESHA. Require all applications for development within an ESHA or its setback to include an overall development plan for all properties that are geographically contiguous and in common ownership² at the time of the application.

Recommendation 4.9: Thoroughly Review and Aggressively Pursue Project Alternatives that Avoid Impacts to ESHA.

- The full range of project alternatives that would avoid impacts to ESHA, from alternative sites to different designs (including reductions in project sizes) should be pursued and required. This should include a critical analysis of the habitat constraints identified in the biological report and the options available to respond to these constraints (see Recommendation 4.7).
- In accordance with Policy 1 for ESHA, the requirements of CZLUO Section 23.07.170 should apply to development that is further than 100 feet from the ESHA where such development poses adverse impacts to the habitat.

Recommendation 4.10: Incorporate New Standards and Review Procedures to Implement ESHA and Viewshed Protection Consistent with Coastal Act Section 30010. To effectively resolve takings concerns where it is not feasible to avoid impacts to ESHA or development in scenic coastal areas (see Recommendations 8.1 and 8.6), incorporate additional standards and review procedures within the LCP that will protect coastal resources to the maximum extent possible consistent with Coastal Act Section 30010. For example, the County should consider developing a process for evaluating the following when a non resource dependent use is proposed in or adjacent to ESHA, or when structural development is proposed in significant coastal viewsheds, and no alternatives to avoid such development is available:

- a) whether limiting uses within ESHA to those that are resource dependent consistent with Coastal Plan Policy 1 for ESHA would deprive the landowner of all economically beneficial use of the property; and,
- b) whether there is a reasonable investment-backed expectation of approval of such a non-resource dependent use.

Some of the information that should be evaluated as part of such an analysis includes:

1. Date the applicant purchased or otherwise acquired the property, and from whom.

² Parcels that are owned in fee as well as parcels subject to existing purchase options, even if separated by roads, streets, utility easements or railroad rights-of-way.

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2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in 4 above, that applied to the property at the time the applicant acquired it, or which may have been imposed after acquisition.
6. Any changes to the size or use of the property since the time the applicant purchased it, including a discussion of the nature of the changes, the circumstances and the relevant dates.
7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
9. Any offers to buy all or a portion of the property which the applicant solicited or received since the time of purchase, including the approximate date of the offer and the offered price.
10. The applicant's cost associated with ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt services costs (such as mortgage and interest costs), and operation and management costs.
11. Apart from any rent received from leasing all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

In order to approve a non-resource dependent development within ESHA or its setbacks, or any development that conflicts with the scenic resource protection provisions proposed in Recommendations 8.1 and 8.6, the following findings should be made and accompanied by supporting evidence:

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1. Based on the economic information provided by the applicant, as well as other relevant evidence, a resource dependent use would not provide an economically viable use of the applicant's property.
2. Restricting development on the applicant's property to a resource dependent use would interfere with the applicant's reasonable investment-backed expectations.
3. The amount of development represents the minimum necessary to provide the applicant with an economically viable use of his or her property.

Provide exceptions to the above requirements for development on lots where ESHA issues are addressed by a comprehensive habitat conservation program that has been incorporated into the LCP (see Recommendation 4.6, above).

Recommendation 4.11: Minimize the Intensity of Non-Resource Dependent Development to the Maximum Degree Feasible.

- In instances where the County concludes that, in order to avoid a taking of private property, a non-resource dependent use must be accommodated in ESHA, or that development must be accommodated within a scenic coastal area contrary to Recommendations 8.1 and 8.6, the County should require that such development be limited to the minimum required to avoid a taking.
- Prohibit access roads that disturb ESHA or encroach within scenic coastal areas unless the road is necessary to provide an economically viable use of the overall development plan area.

Recommendation 4.12: Establish Maximum Disturbance Limitations. Incorporate new standards into the Area Plans that establish maximum disturbance envelopes for unavoidable non-resource dependent development in ESHA. Such standards should be customized to the particular circumstances of the area, considering factors such as the size and configuration of lots, biological sensitivity and resource management principles, agricultural viability, and other coastal resources constraints (e.g., visual).

Recommendation 4.13: Require Conservation Easements/Deed Restrictions Over All ESHA Outside Development Envelope.

- Where non-resource development must be accommodated within or adjacent to ESHA, minimize the long-term impacts of such development by requiring all ESHA on the project site outside of the development envelope to be restricted to natural resource management, restoration and enhancement.
- Submit such easements and deed restrictions for the review and approval of the California Coastal Commission Executive Director pursuant to Section 13574 of the California Code of Regulations.

Recommendation 4.14: Coordinate Review of Projects that Pose Impacts on Listed Species with DFG, USFWS, and NMFS. Information that should be provided to justify the Findings required by Section 23.07.170b (i.e., that significant adverse impacts to the habitat will be avoided), when not otherwise provided through the CEQA process, includes: concurrence of the Department of Fish and Game and/or U.S Fish and Wildlife Service if species listed under state or federal Endangered Species Act are involved; and, concurrence from the National Marine Fisheries Service if marine habitats are involved. The timing of this review should be coordinated between the County and wildlife agencies to ensure compliance with the Permit Streamlining Act.

Recommendation 4.15: Specify Mitigation Requirements.³

- Require on-site mitigation for development *adjacent* to ESHA. Where the impacts to ESHA posed by adjacent development have been avoided and minimized, but still pose adverse affects, mitigate by requiring implementation of an on-site habitat management, restoration, and enhancement program proportional to the potential impacts of the development.
- Require on-site and off-site mitigation for development *within* ESHA. Where development directly in an ESHA can not be avoided, and has been minimized to the greatest degree feasible, protect all ESHA outside the development envelope by implementing an on-site habitat management, restoration, and enhancement program that will reduce the adverse impacts of the development to the greatest extent feasible. In addition, require off-site mitigation to offset the reductions in habitat quantity and quality attributable to the development. In most cases, this should be in the form of acquiring and permanently protecting the same type of habitat, in an area otherwise threatened by development. The size and habitat quality of the off-site mitigation area should be proportional to the biological productivity of the area of impact. Incorporation of in-lieu fee programs into the LCP to implement such off-site mitigation is an option.

Recommendation 4.16: Specify Mitigation Monitoring and Evaluation Requirements. To ensure mitigation effectiveness, established minimum requirements for monitoring and implementation. In general, this should include: preparation of a 5 year implementation and monitoring plan, for the review and approval of the Planning Director, that identifies the specific mitigation objectives and the performance standards that will be used to evaluate success; and, the submission of a report at the conclusion of the 5 year period, again for the review and approval of the Planning Director, that either documents the successful implementation of the mitigation or proposes corrective actions and additional monitoring and reporting that will be implemented until the mitigation objectives have been achieved to the satisfaction of the Planning Director.

³ E.g, CZLUO Sections 23.07.170a(1) and 23.07.174d(2)(ii)

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Recommendation 4.17: Pursue changes to Section 23.07.174b of the CZLUO to achieve conformance with Coastal Act Section 30236, as well as with ESHA Policy 23.

- This ordinance should specifically require that all permitted streambed alterations employ the best mitigation measures feasible, including but not limited to:
 - 1) avoiding the construction of hard bottoms
 - 2) using box culverts with natural beds rather than closed culverts
 - 3) providing for wildlife movement
 - 4) pursuing directional drilling for pipes and cables to avoid stream bed disturbance
- A reference to the updated section of the LCP addressing mitigation requirements, as proposed by Recommendations 4.15 and 4.16, should also be provided.
- Part (1) should state that streambed alterations are limited to necessary water supply projects. The incorporation of specific criteria to define what constitutes a “necessary” water supply project should be considered. A preliminary suggestion is to define such projects as those essential to protecting and maintaining public drinking water supplies, or accommodating a principally permitted use where there are no feasible alternatives.
- Part (4), allowing streambed alterations for the maintenance of flood control channels, should be considered for deletion. Necessary maintenance activities can be accommodated under part (2) of this ordinance, which includes the Coastal Act criteria for such activities (part (4) does not include these important criteria).

Recommendation 4.18: Delete the exemption for stream diversion structures associated with agricultural stock ponds of under 10 acre feet that may impact stream habitat.

Recommendation 4.19: Analyze streambed alterations for conformance with CZLUO Section 23.07.174b.

Recommendation 4.20: Improve coordination with the Department of Fish and Game’s Streambed Alteration process. Where possible, streambed alteration agreements should be obtained prior to or concurrent with the County’s review of the permit application, rather than as a condition of approval. This will provide greater opportunity to make adjustments to the project that would better protect the stream habitat.

Recommendation 4.21: Pursue Alternatives to Streambed Alterations. Evaluate alternative access routes to avoid development in a stream. Where alternative routes outside of riparian habitats are not available, pursue designs that avoid fill, culverts, and minimize in-stream bridge supports and disruption of natural creek flows and vegetation.

Recommendation 4.22: Encourage Additional Research Regarding the Effectiveness of Setback Distances.

- Such studies appears to be warranted given the apparent decline in the health of riparian resources such as the Steelhead trout, southwestern pond turtle, red-legged frog, and other rare and endangered species. Incorporation of a program that would encourage such studies, potentially in coordination with local universities and/or resource management agencies and organizations, should therefore be considered.
- Pursue individual watershed management programs for coastal streams. Such program could address appropriate setback distances as well as other important riparian and water quality issues.

Recommendation 4.23: Apply a Minimum Standard Setback of 100 feet in Urban Areas Where Feasible. Consider applying a 100' standard setback, rather than 50' or less, in urban area where a 100' setback is feasible and would achieve better protection of stream resources. In all cases, development should be setback the maximum feasible distance from riparian vegetation, as determined through a site specific constraints analysis.

Recommendation 4.24: Improve Implementation of Setback Standards and Adjustments.

- Explore and require, unless more environmentally damaging, alternative alignments for new or improved roads and other uses allowed in setback areas that conform to standard setback requirements. For example, consider new alignments to existing non-conforming roads where there may be impacts associated with intensified use or fire safety improvements. If realignment is appropriate, abandonment and revegetation of the pre-existing road should also be required.
- In instances where alternative alignments are not feasible or more environmentally damaging, provide more specific guidance on what is required to mitigate adverse effects to the greatest degree feasible (CZLUO Section 23.07.172d(1)(ii), as referenced by 23.07.174d(1)). Please see Recommendations 4.15, 4.16, 4.17, and 4.27a.
- Critically evaluate "after-the-fact" permit applications where development has illegally encroached into setback areas. Before off-site mitigation is considered, evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation should be an additional requirement where necessary to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

Recommendation 4.25: Consider Limiting Pedestrian and Equestrian Trails within Riparian Setback Areas to Passive Recreation.

- Where intensive recreational activities may adversely impact ESHA, they should be directed to areas outside of riparian setbacks.
- Where trails are allowed within or adjacent to riparian areas or other ESHA, require the provision of interpretive signing.

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Recommendation 4.26: Incorporate Additional Standards for Stream Diversions and Water Wells.

- Prohibit diversion or extraction of surface and subsurface streamflows where adverse impacts to steelhead or other important riparian resources would result.
- Prohibit in-stream barriers to fish migration unless such structure comply with streambed alteration standards and provide effective fish ladders or by-pass systems.
- Where water supply projects have the potential to impact fish habitat or other stream resources, limit diversions to peak winter flows that exceed the amount the needed to sustain the resources, and require off-stream storage where year-round water supplies are needed.
- To the degree feasible, water diverted from coastal streams should be treated after use and returned to the watershed of origin in like quality and quantity.

Recommendation 4.27(a): Incorporate Additional Standards for Development In and Adjacent to Streams and other Aquatic Habitats. All permitted development in or adjacent to streams wetlands, and other aquatic habitats should be designed and conditioned to prevent loss or disruption of the habitat (e.g., smothering of Steelhead spawning gravel and rearing habitats); protect water quality; and maintain and enhance biological productivity. To achieve this objective, CZLUO Section 23.07.174 should be updated in conjunction with updates to Coastal Watersheds Policies and the grading ordinance. These updates should incorporate standards that:

- necessitate flood control and other necessary instream work be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation (e.g., limit the number of access routes to and from the construction area, locate stockpile and staging areas away from drainage courses and sensitive vegetation);
- require that all allowable instream development be designed to mimic natural habitat conditions wherever feasible (e.g., consider bridges that minimize disruption of natural drainage courses as an alternative to culverts, incorporate natural materials such as root wads, gravel, and native vegetation);
- prescribe methods to control drainage in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction (e.g., identify and evaluate location and capacity of silt fences/hay bails, drainage inlets, detention basins; encourage vegetated drainage features, such vegetated drainage swales and created wetland detention areas to facilitate filtration and habitat enhancement; and
- establish standards for the breaching of beach berms that support coastal lagoons (see Recommendation 4.33)

Recommendation 4.27(b): Develop and Implement Water Quality and Habitat Protection Standards for New Agricultural Development and Habitat Enhancement Projects in Coordination with Voluntary Assistance and Education Programs.

Improve water quality and habitat protection standards applicable to habitat enhancement projects and new agricultural development within 100 feet of ESHA by updating CZLUO Section 23.07.174e(6) in accordance with the agriculture and water quality recommendations of this report. New water quality and habitat protection standards applicable to such development should be developed and implemented in coordination with voluntary assistance and education programs. To minimize the need for permit review and ensure that habitat restoration activities and agricultural development in and near ESHA complies with Coastal Act Sections 30230, 30231, 30236, and 30240, the new LCP Water Quality Component should encourage:

- The certification of volunteer, education, and assistance programs that ensure habitat enhancement projects and agricultural development within setback areas effectively protect sensitive habitats, water quality, and other coastal resources. Such certification could be accomplished through the issuance of a "master" coastal development permit for program implementation; incorporating a categorical exclusion into the LCP for the implementation of such programs; or through Coastal Commission concurrence with a Federal Consistency Determination submitted by the federal agency responsible for program funding and/or implementation.
- Coastal development permit exemptions for individual projects that are implemented pursuant to certified programs.

Recommendation 4.28: Complete the Follow-Up Review on D870182 for the Aquaculture Facility North of Cayucos.

Recommendation 4.29: Miscellaneous Policy Clarifications.

- Identify the correct reference for CZLUO Section 23.07.174e(7)
- Delete CZLUO Section 23.07.174e(2)

Recommendation 4.30: Incorporate Standards for Wetland Delineations. In addition to pursuing an alternative to the LCP's current map based system for protecting wetlands and other environmentally sensitive habitats, new standards that facilitate a complete and accurate delineation of all wetlands during the local review process should be incorporated into the LCP. The provisions of Section 13577(b)(1) of the California Code of Regulations, Title 14, should be used as guidance in formulating these delineation standards. A potential location for these standards would be within the updated biological report requirements (see Recommendation 4.7).

Recommendation 4.31: Evaluate Biological Significance of Manmade Wetlands. Where necessary to address competing resource protection interests, consider the biological significance of man made wetlands. Allow adjustments to standard wetland setbacks from biologically

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insignificant manmade wetlands where the lesser setback will not disrupt sensitive habitats and is needed to achieve a more important resource protection objective.

Recommendation 4.32: Prohibit Variances to Wetland and Other ESHA Protection Standards Where Variances Can be Avoided. Consider changes to the variance provisions that would prohibit exceptions to wetlands and other ESHA setback and protection standards where those impacts could otherwise be avoided, unless the variance is needed to achieve consistency with Coastal Act Section 30010.

Recommendation 4.33: Develop Standards for the Breaching of Coastal Lagoons. Require a CDP for lagoon breaching activities, and limit such development to situations where it represents the least environmentally damaging feasible alternative for relieving a flood hazard, public health hazard, or water pollution problem. Lagoon breaching should also be allowed and encouraged where man made alterations have interrupted the natural breaching cycle. The decision to breach should be based on a comprehensive assessment of environmental conditions and alternatives available to address the hazard or resource concern.

The LCP should incorporate standards to ensure that where allowed, lagoon breaching mimics natural breaching to the extent feasible, and is carried out in a manner that is the most protective of wetland resources and other environmental resources particular to each site. Such standards should include:

- Coordination with all applicable regulatory agencies, including the California Coastal Commission, California Department of Fish and Game, the US Army Corps of Engineers, the Monterey Bay National Marine Sanctuary, and the Regional Water Quality Control Board.
- Development of a breaching plan based on a scientific assessment of the lagoon environment that addresses the need for breaching and available alternatives; impacts on endangered species and habitats; public health and safety; and public access and recreation
- Requiring the breaching activity to be conducted in a controlled manner that reduces lagoon water levels the minimum necessary to abate the hazard.
- Breaching plans and permits should also include short term and long term monitoring provisions that evaluate the health of the lagoon and the impacts of breaching

Recommendation 4.34: Provide Standards for Wetland Monitoring and Restoration Activities. Incorporate specific requirements (e.g., within Sections 23.07.172 and 23.05.034 of the CZLUO) for the monitoring and restoration of wetland resources to

enhance effectiveness and ensure that such activities are carried out in a manner that will not harm wetland resources.

For example, the LCP should be updated to require clear performance criteria that relate logically to restoration goals. Where there is sufficient information to provide a strong scientific rationale, the performance criteria shall be absolute (e.g., specified abundance of particular species). Where absolute performance criteria cannot reasonably be formulated, relative performance criteria should be specified. Relative criteria are those that require a comparison of the restoration site with reference sites. The rationale for the selection of reference sites, the comparison procedure, and the basis for judging differences to be significant should also be specified. If any comparison requires a statistical test, the test should be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted. The design of the sampling program should relate logically to the performance criteria and chosen methods of comparison. The sampling program should be described in sufficient detail to enable an independent scientist to duplicate it. Frequency of monitoring and sampling shall be specified for each variable to be monitored. Sample sizes shall be specified and their rationale explained.

The use of independent consultants to evaluate the success of restoration projects and report their findings to the County should also be considered.

Recommendation 4.35: Review Mosquito Abatement Activities. Investigate whether mosquito abatement practices are being reviewed and permitted in conformance with ESHA Policy 12 and San Luis Bay SRA Program 8.

Recommendation 4.36: Coordinate the Management and Protection of Open Space Easements Obtained to Protect Wetlands and other ESHA. Evaluate ways to better obtain and protect open space easements over sensitive portions of bayfront property per Morro Bay SRA Program 23. This could include partnering with the Morro Bay National Estuary Program, and other qualified agencies and organizations. Similar efforts should be made to ensure that other open space easements obtained to protect ESHA are being effectively managed.

Recommendation 4.37: Develop a Comprehensive Forest Habitat Management and Protection Program. As part of the North Coast Update, consider incorporating the Cambria Monterey Pine Forest Management Plan currently being developed by the Cambria Forest Committee to guide and regulate buildout and forest management so that the long-term conservation of the Cambria pine forest ecosystem can be ensured and enhanced. In coordination with this effort, the North Coast Area Plan should be updated to include standards regarding the location and extent of off-site and on-site mitigation (e.g., tree replacement, contributions towards the acquisition of significant forest habitats); identification of additional TDC sending sites and appropriate receiver sites; and, provisions for the on-going management and preservation of protected forest areas.

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Recommendation 4.38: Aggressively Pursue Project Alternatives That Avoid Tree Removal

- Require development to be sited and designed in a manner that first avoids, then minimizes, removal of Monterey Pine. Make full use of flexible setbacks, and allow such flexibility in all areas of the pine forest, not just Lodge Hill.
- Apply an updated version of Pine Forest Preservation Standard 6c for the Cambria Urban Area to all areas with pine forest habitat.

Recommendation 4.39: Increase Tree Replacement Requirements Where Avoidance is not Possible

- Protect all native Monterey Pines, not just mature trees, by requiring replacement of all trees required to be removed, including saplings. Where feasible, replant saplings.
- Analyze the location and biological viability of locations and densities of replacement trees during development review.
- For situations where on-site replacement is not possible, develop and implement a framework for off-site replacement that maximizes long-term habitat protection and enhancement.
- Require that all replacement trees be from disease-free local Cambria stock only, and that invasive exotic species be avoided in landscaping.

Recommendation 4.40: Incorporate Programs and Standards Necessary to Respond to the Threats Posed by Pitch Canker and Sudden Oak Death

- Prohibit the removal of pine trees that clearly display a resistance to pitch canker (e.g., a healthy tree surrounded by diseased trees).
- Establish standard protocols for handling dead and diseased wood. These should include standard conditions that require: cleaning of cutting and pruning tools with a disinfectant prior to use on each individual tree; covering of all wood material being transported offsite to avoid dispersal of contaminated bark beetles; identification of the location to which the material will be transported (prohibit transfer to areas free of the disease). These conditions should also specify that in situations where wood material cannot be properly disposed of directly after cutting, it shall be cut into small logs and stored on-site under a clear plastic tarp until necessary preparations have been made for their removal. Other tree parts (i.e., branches, small limbs) should be chipped and left as a thin layer on-site.
- Designate location for green waste management and recycling facility.

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- Coordinate with CDF and the US Forest Service regarding methods for preserving genetic resources (e.g., seeds and saplings). Potentially combine with green waste facility recommended above.
- Develop and require Forest Management Plan(s), backed by Forest Management District(s), to provide for long term management of the forest.

Recommendation 4.41: Provide Greater Incentives for Participation in the Cambria TDC Program and other Updates to the Program

- Reduce maximum size of development in urban areas to provide greater incentive to participate in TDC program and reduce the impact that density bonuses may be having on the forest. Eliminate footprint and GSA bonus available for Lodge Hill. To the degree feasible, implement this recommendation as a component of the Cambria Design Plan currently being developed.
- As part of the Cambria Design Plan or North Coast Update, formulate a more specific structure for allocating density bonuses to ensure that such bonuses provide an adequate contribution towards the protection of forest habitats otherwise threatened by development.
- Identify new "Special Project Areas" (i.e., sender sites) that contain the most biologically significant areas of pine forest habitat in conjunction with the CCSD's Cambria Forest Management Plan and other forest protection efforts.

Recommendation 4.42: Develop Additional Methods for Lot Retirement.

- Recognizing that new development within the forest has both direct and cumulative impacts on forest resources, and that the Monterey Pine Forest is increasingly threatened, a mitigation fee could be required for all new development within forested areas and applied to the acquisition and protection of the most sensitive forest areas.
- Creating an Open Space District could raise funds for the additional acquisitions. Efforts to establish an Open Space District should be coordinated with the Cambria Community Services District.

Recommendation 4.43: Reduce Buildout Potential.

- Prohibit subdivisions that create new building sites in or within 100 feet of pine forest habitat.
- Establish very large minimum lot sizes within rural areas comprised of pine forest habitat (e.g., 160 acres).
- Expand clustering standards and revise Cluster Division Ordinance to achieve much more consolidated development envelopes. This should include, but not be limited to: applying Monterey Pine Forest SRA Standard 4 to all development (not just subdivisions and large

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scale projects); and, reducing the maximum clustered parcel size of 10 acres in the Rural Lands Category.

- Prohibit any lot line adjustment that would result in greater development intensity within forest habitat as compared to the development that would be possible under the existing configuration.

Recommendation 4.44: Identify all habitat areas within the urban area that represent Ecologically Significant Units and vigorously apply ESHA protection standards to such areas.

Recommendation 4.45: For those urban areas that do not represent long-term viable habitat due to fragmentation, small size, surrounding uses, etc., but still maintain sensitive species habitat, allow development to occur in exchange for participation in a comprehensive area wide off-site mitigation program to be incorporated in the LCP.

Recommendation 4.46: To the degree feasible, coordinate the above with the Los Osos Sewer Project and an area wide HCP.

Recommendation 4.47: Continue to pursue incorporation of a TDC program as part of the Estero Area Plan Update, with the changes recently proposed in response to comments of Commission staff and further coordination.

Recommendation 4.48: Continue to work with beachfront homeowners and State Parks towards the development of a stand stabilization program that will address concerns regarding blowing sand and provide habitat restoration/enhancement.

Recommendation 4.49: Refer to the findings recently adopted by the Commission on Oceano Dunes OHVRA regarding vehicles in dunes.

Recommendation 4.50: Update LCP provisions related to new and on-going development activities within the Oceano Dunes State Off-Highway Vehicle Recreation Area in conjunction with Coastal Commission actions related to Coastal Development Permit 4-82-300 as well as with the Habitat Conservation Plan currently being developed. Consider prohibiting special off-road events in the Open Space area designated by the area plan intended to be maintained in its natural state and provide a buffer from the OHV area.

Recommendation 4.51: Re-evaluate existing and proposed land use designations and development standards in South County dune habitats to ensure protection, and where feasible, enhancement of all ESHA (e.g., RS and Industrial designations over the undeveloped land of the Callendar-Garret Village area south and west of Hwy 1; proposed redesignation of RL land use category to Recreation after termination of oil extraction activities). The evaluation of existing designations, as well as any updates intended to address habitat protection needs, should be coordinated with the community and other involved wildlife management entities.

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Recommendation 4.52: Resolve lot history and any potentially illegal subdivisions in the Callendar-Garret area that may facilitate non-resource dependent development in areas known to support rare and endangered plant species. Designate and protect such areas as ESHA in coordination with an area wide program that implements ESHA protection consistent with Coastal Act Section 30010 (protecting constitutional private property rights).

Recommendation 4.53: Work with the US Fish and Wildlife Service, the California Department of Fish and Game, the California Department of Parks and Recreation, the Point Reyes Bird Observatory and other interested parties to identify all shoreline areas that provide habitat, or potential habitat, for the Western snowy plover and Least tern. Designate and protect these areas as ESHA. Re-evaluate land use designations in and around these habitats, and craft standards for future development to ensure effective protection. Work with land owners/managers to make certain that current and future use of these habitat areas are designed and managed in accordance with habitat continuance and enhancement. Particular emphasis should be placed on the protection of important nesting areas, including but not limited to the Morro Bay Sandspit.

Recommendation 4.54: Identify beaches used by Northern Elephant Seals and classify as ESHA.

Recommendation 4.55: Establish standards and programs to manage human visitation and observation of beaches used by elephant seals, such as by updating the marine resource provisions of the Coastal Plan Policies and Section 23.07.178d of the Coastal Zone Land Use Ordinance.

Recommendation 4.56: Prohibit the installation of new revetments and outfalls on beaches used by Elephant Seals wherever it can be avoided.

Agricultural Resources

Recommendation 5-1: Amend Agriculture Policy 1 by adding the following language: For any proposed rezoning of agricultural lands to another designation, an agricultural viability report shall be prepared.

Recommendation 5-2: Modify the CZLUO to expand the factors that should be considered as part of the required viability studies for proposed rezoning of agriculturally designated lands to include the following:

Incorporate an Agricultural Viability Report definition, for example:

A report that assesses the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size, economic factors and any other factors relevant to the particular parcel. The report shall describe the role that each factor plays as a variable influencing the site and

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*surrounding area's viability for agricultural production. The feasibility analysis should analyze both
the site and the larger area's current and past productivity as an agricultural unit for at least the
preceding five years, but including sufficient time to include cycles of weather.*

Recommendation 5-3: Modify the CZLUO to expand and specify the contents of the Agriculture Viability Reports for proposed rezoning of agriculturally designated lands.

Expand and specify the contents of the Agriculture Viability Report. For example, CZLUO 23.04.024(a)(1), Existing land uses and (3) Site characteristics...including topography, soils, climate water availability and adjacent land uses, could be expanded to include more specific information, where appropriate, such as:

1. *Soils*
 - a. *The identification of all soil types that are found in the area (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
 - b. *Storie index and Capability Classification ratings of all identified soil types (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
 - c. *The expected animal unit month (AUM) yield for each identified soil type (As stated in the most recent Soil Survey published by the United States Department of Agriculture).*
 - d. *The expected net dollar return per acre for crops that are currently cultivated on each soil type.*
 - e. *An identification of crop types that could be potentially grown on each identified soil type, and also the expected net dollar return for such crops.*
 - f. *An identification of soil types used exclusively for grazing.*
 - g. *An identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouses), and where identified, a description of their location and nature of operation(s).*
2. *Geographic*
 - a. *The description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, storie index rating, texture, development, unique qualities) affecting agricultural operations in the area.*
 - b. *The description of management techniques that are currently used, or could be used, in order to improve soil quality for agricultural operations.*
 - c. *An identification of agricultural operations that use more than one parcel for production in the area, and where identified, a description of their current practice and average acreage for each individual operation.*
 - d. *A description of the relationship or proximity of agricultural and urban land uses.*
3. *Water*
 - a. *The availability of water in the area (condition of basin e.g.).*
 - b. *An identification of the water source (riparian, appropriative, etc.).*
 - c. *An identification of any water quality problems affecting agricultural operations in the area.*
 - d. *The current cost of water.*
4. *Access*
 - a. *Description of whether adequate access to agricultural support facilities (cold storage, equipment repair/sales, markets) in the area currently exist.*
 - b. *Where access is problematic, an identification of the nature of the conflict; and how the conflict impacts agricultural operation(s).*

CZLUO 23.04.024(a)(2) Present annual income derived from agricultural operations.... and (4) the potential of the site to support future food-producing agricultural uses...could be expanded to include consideration of such factors as, where appropriate:

1. *History*
 - a. *An identification of the types of agricultural operations that have taken place in the area in the past and where have they occurred.*

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- b. An identification of how long agricultural operations have been conducted in the area.*
 - c. An identification of those parcels that have been used for agricultural operations in the area consistently in past, and where applicable an identification of such time periods.*
 - d. An identification of significant past management practices that have been used in the area in order to increase agricultural yields.*
- 2. Risk Factors*
- a. A discussion of the effect of drought years on agricultural operations in the area and, if so, what the cost of water is during these periods.*
 - b. An analysis of whether the costs of production and labor are predictable for agricultural operations in the area.*
 - c. A discussion of whether commodity prices are consistent or inconsistent from year to year for crops grown in the area.*
 - d. A discussion of whether salt-water intrusion into well water supply is an issue, and if so, how it affects agricultural operations in the area.*
 - e. An identification of whether there is a problem with crop quality in the area.*
 - f. An identification of whether the agricultural market is volatile for crops grown in the area.*
- 3. Economics*
- a. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development; and,*
 - b. An analysis of the operational expenses excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development.*
 - c. Cost shall be determined by, and consist of, the following variables:*
 - 1. Fixed Costs for any given crop are assumed to be constant, regardless of the annual yield. Fixed costs shall include only current costs and shall not speculate on potential future circumstances.*
 - a. Land cost (i.e. rent, lease, property tax, etc.) shall NOT be included into the cost analysis (See Coastal Act Section 30241.5)*
 - b. Capital costs including: 1) land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.); 2) equipment (i.e., trucks, tractors, buildings, special equipment (e.g. irrigation), etc.); 3) herd expenses (i.e., payment for bulls and heifers); and 4) miscellaneous expenses. Cost determination must also include depreciation and interest expenses.*
 - c. Cultivating cost including operating costs for: 1) labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits); 2) materials (i.e., water, seed, feed supplements, salt, fertilizer, and pesticides); 3) machinery; 4) fuel and repair; and 5) outside consultants (i.e., veterinary and management).*
 - 2. Variable Costs are the harvest costs and are based on the amount of yield only. Depending on the crop yield, variable costs fluctuate for any given year. In most cases, this is expressed as the cost per unit of yield (tons, 100 weight, or pounds).*
 - d. Gross Revenue shall be determined by and consists of the following variables:*
 - 1. Gross returns for each crop type.*
 - 2. Past return figures should factor in the appropriate Producer Price Index (PPI) figure in order to account to inflation over time.*
 - e. Evaluative methods to incorporate the above cost and revenue figures shall include, where relevant:*
 - 1. Determination of the net economic impact on private and public sectors and, second, a test for agricultural viability. Net economic impact refers to change in dollar flow within the community brought about by a given change in land use. "Net economic impact" equals total public revenues minus total public costs, plus private sector income. This should be computed according to the existing land use, the proposed development, and any viable project alternatives. This may be accomplished through the following process:*
 - a. Cost/Revenue analysis that determines public costs associated with conversion of agricultural land and also revenues generated by increases in property tax within the project site. Public service marginal costs should compute the new and/or incremental costs of adding*

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development to the public service system, which includes the cost of capital improvements necessary to accommodate such development. This should also state, and if possible quantify, those costs or externalities not easily accounted for in cost computations. One externality could include the probable change in assessed value of parcels adjacent to the development. Public service revenues are generated by increases in property tax within the project site.

- b. Input/Output analysis that looks at the private sector of the areas economy in terms of its purchases and sales to other sector both locally and from outside the area. From this information, multipliers for each sector should be developed. Determination of the input figures will reveal the affect of removing the subject number of acres, for the subject crop, from agricultural production. This will reveal the effect to the private sector economy.*
- 2. Determination of the minimum acreage for a viable agricultural operation (farm family approach). In order to determine net income, production costs by crop should be computed on a per acre basis and subtracted from gross market receipts expected from that crop. The resulting figure represents the farmer's income per acre of productive land. The per acre income figure should then be divided into the County's Median Income figure to compute the number of acres required to support a farm family.*
- 3. Determination of net return per acre, per crop type, for the area only. By crop type, determine gross revenue per acre for subject crop types then subtract from gross revenue figures the cost per acre associated with each crop type.*

The report shall include maps and photos (aerial and site photos) of the area being evaluated that, at a minimum, identify the following on all such figures: parcel lines, parcel numbers, farm boundaries, owners and/or leasees of each parcel and/or farm, wells and/or any other water supply lines, storie ratings, capability classifications, slopes, and roads.

For purposes of this determination, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the County's certified local coastal program.

Recommendation 5-4: Modify CZLUO to add the following criteria for lotline adjustments on agriculturally zoned lands:

- lotline adjustments shall not create new subdivision potential and shall not increase the number of lots which can support non-agricultural development. To assess the total potential for non-agricultural development, including residential development, the County should consider the original intent of each lot, whether the lot was created to support future development, and whether the lot would otherwise be developable pursuant to identified criteria to protect the public welfare. Lotline adjustments should not allow future development for those lots which were not originally created to support development;
- lotline adjustments shall not create new parcels where the only building site would be on prime agricultural soils; within ESHA, critical viewsheds, or in a defined hazardous area; or would require significant landform alteration to accommodate future development;
- applications for lotline adjustments shall identify the purpose of the adjustment and the proposed uses for each adjusted parcel;

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- lotline adjustments shall not be approved unless the adjustment will maintain or enhance the agricultural viability of the site. To assure the protection of long-term viability, applications for lotline adjustments which support, in part, non-agricultural development must include an economic analysis of agricultural potential, consistent with that required under Ordinance 23.04.024 for land divisions.
- lotline adjustments or subdivisions which support, in part, non-agricultural development, the lotline adjustment or subdivision shall maximize the protection of agricultural lands by clustering and minimizing the area of lots intended for non-agricultural uses, including reducing the parcel size to be less than the 20 acre minimum parcel size required for agricultural lands. Lots for non-agricultural uses shall be clustered where there is less agricultural potential due to the soil types, topography or other site constraints and shall maximize the extent of *undivided* agricultural lands.
- lotline adjustments or subdivisions which support, in part, non-agricultural development, shall identify the location of all access roads and building envelopes, assuring adequate buffers between future residences and associated access uses so as to minimize conflicts with the adjacent agricultural operations, and minimize roadway lengths and site disturbance. Where possible, non-agricultural development shall be sited close to existing roads, while minimizing impacts from access roads or driveways on agricultural operations;
- lotline adjustments or subdivisions which support, in part, non-agricultural development, shall require an agricultural easement over the agricultural parcel(s) which prohibits future subdivision of the parcel(s). In addition, for parcels intended to support non-agricultural uses, a deed restriction should be required prohibiting future subdivision of the parcel(s);
- ensure that all geographically contiguous parcels in common ownership are addressed through a comprehensive evaluation.

Recommendation 5-5: Deleted

Recommendation 5-6: Undertake a study to identify: 1) existing non-conforming lots on agriculturally zoned lands adjacent to conforming lots, and 2) non-conforming lots which meet the standards under the Subdivision Map Act for potential lot mergers.

Recommendation 5-7: Processing of Certificates of Compliance. In the interest of good public policy and avoidance of unnecessary judicial review, amend the LCP with standards such as the following:

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- Amend CZLUO 21.02.020(a) to require that within three calendar days of receipt, the County provide to the Coastal Commission [notice/a copy] of all certificate of compliance applications submitted to the County for any property lying wholly or in part outside of an urban area (as defined by the USL for each area).

- Amend CZLUO 21.02.020(c) to
 - 1) require that upon request, the complete application content for a certificate of compliance be provided to the Coastal Commission. Such requests shall be made by the Commission within 7 calendar days of receipt of the [notice/application] submitted pursuant to CZLUO 21.02.020(a).

 - 2) provide an administrative consultation process, through which the Executive Director of the Coastal Commission may consult with the County Planning Director about individual applications for certificates of compliance for which the application content has been requested. The Executive Director shall request consultation within 7 calendar days of receiving a complete certificate of compliance application. No certificates of compliance shall be issued by the Planning Director until such time as a requested consultation has taken place. Any staff reports prepared pursuant to CZLUO 21.02.020(c)(1) shall be provided to the Executive Director.

 - 3) provide an administrative conflict resolution process for cases in which the Executive Director and County Planning Director do not agree on the issuance of a certificate of compliance. For example, provide for review by the Board of Supervisors as currently provided for subdividers pursuant to CZLUO 21.04.020.

Recommendation 5-8: Develop LCP standards for residential developments on Agricultural Land. Update the CZLUO to establish performance standards for residential development on agriculturally zoned lands which protect the maximum amount of agricultural lands. Such standards could include the following:

- non-agricultural uses on agricultural lands should be subordinate and accessory to agricultural operations;
- single family residences and associated accessory development should minimize site disturbance;
- roads and driveways shall be the minimum width and length necessary , and shall be designed to avoid unnecessary cut and fill, particularly by conforming to natural landforms;
- residential structures and residential accessory structures shall be sited to retain the maximum amount of agriculturally designated lands available for agricultural production, consistent with all other LCP policies;

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- residential structures and residential accessory structures shall be sited and designed to protect ESHA, avoid impacts to critical viewsheds to the maximum extent feasible, and maintain the rural character of the area.

Recommendation 5-9 Deleted and replaced.

Recommendation 5-9a: Amend Table O to define the following land uses as supplemental uses for agriculturally zoned land:

Bed and Breakfast facilities;
Eating and Drinking places;
Outdoor Retail sales;
Paving Materials;
Petroleum Extraction;
Rural Recreation and Camping;
Stone and Cut Stone Products;
Warehousing;
Waste Disposal sites;
Wholesaling and Distribution;
Temporary Events which are for profit and non-agriculturally related.

Recommendation 5-9b: Modify Agriculture Policy 3 (b) to specify that an economic analysis is required for supplemental uses only. To implement Agriculture Policy 3 (b), modify Ordinance 23.04.050(5) to require the following information as a condition of filing for all supplemental uses:

- existing land uses on the site;
- present annual income derived from agricultural operations
- income generated from other, non-agricultural operations on the site;
- site characteristics affecting agricultural land use and production, including topography, soils, climate, water availability, and adjacent land uses;
- the potential of the site to support future food-producing agricultural uses and estimated annual income from such uses;
- estimated income from proposed supplemental development;
- potential effects of the proposed development on agricultural food production, both short-term and long-term;
- recommendations and conclusions of the development's effects on agricultural production.

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Recommendation 5-9c: Modify Ordinance 23.04.050 (7) and Agriculture Policy 3 (h) to require agriculture easements and, where appropriate, open space easements for all supplemental uses except temporary events, and for non-supplemental uses where it is determined that an easement is necessary to assure the protection of agricultural lands.

Recommendation 5-9d: Modify Agriculture Policy 3 and Ordinance 23.04.050(b) (3) through (6) to clarify that *all* uses identified as special uses under Table O ("S" or "S-P" uses) in agriculturally designated areas, whether also defined as supplemental uses or not, must comply with the existing criteria to: a) obtain permits for development, b) meet the required findings to locate development off prime soils and avoid conflicts with surrounding agricultural lands, c) provide the information currently specified for a permit application, d) comply with the siting and design standards for development, with the following exceptions:

- non-supplemental uses are exempt from economic analysis, as required under Recommendation 5-9b;
- residential and residential accessory structures are exempt from Ordinance 23.04.050 (6) (ii), requiring that non-agricultural uses be limited to a maximum of 2% of the gross site area.

Recommendation 5-9e: Modify Table O to exclude as electric generating plants and mining as allowable uses on agriculturally zoned lands.

Recommendations 5-10 – 5-12: Deleted. Addressed through Recommendation 3-2 a—d.

Public Access

Recommendation 6.1: Incorporate Comprehensive Access Components into Each Area Plan

- All of the Area Plans in the LCP should be amended to include a specific access component, consistent with Section 30500 of the Coastal Act. This component should include at a minimum, the following information: (1) Statements of the public access goals, objectives, policies, ordinances, standards, programs, and other management objectives relevant to each planning area; (2) a comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.
- The Access Component should include a Public Trails Plan to ensure future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the Periodic Review for development of:
 - Planning objectives
 - Siting and Design policies and standards
 - Acquisition and management policies and standards
- The Comprehensive Public Access Component should consider realignment alternatives as recommended by Recommendation 7.14 and should include a policy that will ensure that any

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impacts to access from highway realignment are mitigated such that no public access is lost and new access opportunities are maximized.

Recommendation 6.2: Amend LCP Lateral Access Requirements to Provide for Blufftop Accessways, where superior access would be provided. Where the area between the MHTL and the toe of the bluff is constrained by rocky shoreline, evaluate whether alternative siting of accessways along the blufftop would maximize public access consistent with the Coastal Act.

Recommendation 6.3: Continue Efforts to Accept and Open Outstanding Access OTDs. The County should continue efforts to ensure all outstanding OTDs are accepted and opened.

Recommendation 6.4: Amend LCP to Provide for Direct Dedications of Accessways and Evaluate Performance Standards for these Accessways. As discussed in the Commission's Public Access Action Plan, the County should amend the LCP to allow for direct dedication of public access to the County where appropriate. Performance standards for these dedications and other access OTDs should be evaluated to address such issues as coastal erosion and long-term trail maintenance.

Recommendation 6.5: Develop an LCP Program to Document and Pursue Prescriptive Rights as part of the Access Component. As part of protecting historic use areas, the County shall develop a program to document informal use and potential prescriptive rights as part of the Access Component. Information developed under this documentation effort shall be used to protect prescriptive rights in future County planning and development reviews. Such a program could be coordinated with the efforts of the Commission's Public Access Program to document prescriptive rights, and could include the participation of other agencies and interested groups.

Recommendation 6.6: Develop LCP Program to Assure Protection of Existing and Potential Public Rights. The County should develop a program to assure comprehensive review of quiet title actions and other changes in intensity of land use, including potential abandonments of public rights-of-way, that may adversely impact public access. A more expanded review of potential loss of historic offers to the public should be pursued. The County has recognized this concern in the proposed Estero Area Plan Update Circulation Chapter regarding Los Osos: "Preservation of all rights-of-way and offers of dedication for roads, ways, vertical and other accessways." The County could further protect public access opportunities by accepting all dedicated street ends within Los Osos. The County and Commission should discuss options for coordinating and pooling resources to evaluate quiet title actions, to maximize protection of public access opportunities.

Recommendation 6.7: Comprehensive Public Recreation Planning. Through a comprehensive Public Access planning process, long-term supply and demand and opportunities for low-cost visitor-serving coastal recreation should be analyzed. The LCP should be evaluated

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for potential amendments to provide for such uses. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including that which may be needed in the future.

Recommendation 6.8: Deleted.

Recommendation 6.9: Habitat Conservation Plan Access Review. Ensure that public access management and enhancement consistent with LCP policies is considered as a component of all habitat management and natural community conservation plans within the coastal zone.

Coastal Hazards

Recommendation 7.1: Modify CZLUO 23.05.090(a) to define more specifically what existing structures are for purpose of allowing future armoring. For example, as follows: *“existing coastal development” for purposes of this section shall consist only of the principle structure and shall not include accessory or ancillary structures such as garages, decks, steps, eaves, landscaping, etc. No shoreline protection device shall be allowed for the sole purpose of protecting the accessory structure(s).*

Recommendation 7.2: Revise Coastal Policy 6 to change setbacks to require that they be based on a projected 100-year economic life.

Recommendation 7.3: Revise CZLUO 23.04.118: Eliminate the stringline method for determining setbacks, section (a). Modify section (b) to base setback on a projected 100 year economic life of structure. Add requirement to incorporate a safety factor either as a multiplier or as a set distance, as developed through an Areawide Shoreline Management Plan.

Recommendation 7.4: Modify CZLUO 23.04.118 “Exceptions to Bluff Setbacks Requirements” section (c) to eliminate subpart (3) roof and wall projections.

Recommendation 7.5: Deleted and incorporated into 7. 8.

Recommendation 7.6: Modify Hazard Policy 1 to ensure that in shoreline areas subject to erosion, subdivisions and lot splits shall not be permitted unless they are within (1) an urban infill area and (2) a region covered by an Areawide Shoreline Management Plan that has been certified into the LCP.

Recommendation 7.7: Strengthen Measures to ensure no future armoring.

Modify standards in shorefront areas subject to beach or cliff erosion, inundation, wave uprush, etc., to avoid future shoreline protective devices as a result of new development. For new development on vacant shorefront lots, or for demolition and rebuilding of structures, where geologic evaluations conclude that the development can be sited and designed to avoid the need

for a future shoreline protective device, require recordation of a deed restriction that ensures that no shoreline protective device(s) shall be constructed to protect the development approved and ensures waiver of any rights to construct such devices that may exist under Public Resources Code Section 30235.

Recommendation 7.8: Adopt Areawide Shoreline Management Plans as a program in the LCP: Pursue funding to develop and implement Area-Wide Shoreline Erosion and Bluff Retreat Management Plans for Cayucos and Cambria, and, if appropriate, for other shoreline hazard areas. The Area-wide Plans should assess specific sections of these coastline areas based on factors including, but not be limited to, geology, wave conditions, and sand budget. The management plans should include:

- A re-examination of regional average annual erosion rates in order to reflect current shoreline changes.
- Standard engineering plans defining the specific types of armoring that would be acceptable for specific areas, and where appropriate, identification of the types of armoring that should never be considered for certain areas in order to minimize risks and minimize impacts from armoring to public access and scenic resources from the shoreline and water recreation areas.

Standard alternatives feasibility analysis worksheet that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only created as a last resort. The analysis may require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, etc.), an examination of all other options (removal, relocation, "do nothing", sand replenishment, etc.), and a conclusion that a shoreline protective device would be the "best option" (most protective of the public trust, best long term solution, etc.) for the subject site.

- Standard conditions and monitoring requirements that may include discussion of mechanisms to ensure shoreline protection effectiveness and public safety with provisions for the removal of ineffective or hazardous protective structures as well as programs to address beach replenishment and sand supply.
- Procedures to address emergency armoring, such as: coordination with property owners and for field inspections before and after storm seasons; guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.

Preliminary Recommendation 7.9: Modify CZLUO 23.04.420 (g) to ensure that the easements are protected against further encroachment by requiring that the easements be mapped in detail in conjunction with recordation.

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Preliminary Recommendation 7.10: Modify CZLUO 23.02.033 ((a)(8) Public Access Locations. Applications for projects between the ocean and the nearest public road shall include the locations of nearest public access points to the project and the mapped locations of any existing public access easements or recorded offers to dedicate public access easements.

Recommendation 7.11: Revise condition language for requiring access easements to provide that access is required unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

Recommendation 7.12: Deleted and Incorporated into 7.8

Recommendation 7.13: Policy 6 should clarify that Highway 1 must comply with setback standards similar to other existing structures. Establish setbacks based on assuring that the highway will be safe from erosion without need for armoring for 100 years. Policy 4 should be expanded to clarify that consideration of alternatives should include possible relocation of the structure to be protected, including Highway 1.

Recommendation 7.14: Amend the NCAP to consider alternatives for the Realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of Highway 1.

Recommendation 7.15: Modify CZLUO section 23.04.118 to update required contents of geologic evaluation reports within the GSA combining designation.

Recommendation 7.16: Delete and incorporate into 7.8.

Recommendation 7.17: Modify LCP to update seismic mapping and identification and extend GSA CD to new faults identified and traces of faults in order to require complete geologic investigation pending new development. New development should be restricted in the Special Studies Zones resulting from updated mapping.

Recommendation 7.18: Expand FH Designation to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek and Ellyslly Creek.

Recommendation 7.19: For areas subject to FH combining designation in Cambria, no new development except public services shall be approved until the County has approved the recommendations of the flood analysis and management plan for the West Village that is currently being developed.

Recommendation 7.20: Modify the Coastal Policies or the CZLUO to provide standards that require:

- 1) that any fire clearance area is shown on the site plan for new development proposals as part of the application content;
- 2) that any proposed new development of structures adjacent to public parklands or lands designated as Open Space be sited and designed such that any required fuel

- modification for the proposed development is confined to the private property in order to avoid impacts to habitat and recreational resources on public lands;
- 3) where structures cannot feasibly be sited to avoid fuel modification on adjacent public lands, that alternative mitigation is provided which can include measures such as off-site restoration or provision of in-lieu fees for restoration;
 - 4) that where feasible, proposed structures are sited so that a natural vegetation buffer of sufficient size is maintained between the necessary fuel modification areas and the public parkland. Development, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation should not be permitted in the buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.
 - 5) These standards should not apply to ongoing fire suppression and management activities conducted on public parklands necessary to minimize fire hazards to adjacent property.

Scenic and Visual Resources

Recommendation 8.1: Enact a Critical Viewshed Protection Policy for the North Coast Area that applies to any new development within "critical viewsheds" to be designated north of Cayucos (except any location within the Urban Reserve Lines at Cambria or San Simeon Acres, or in San Simeon Village, or the existing community of Harmony) and for the Estero Area that applies to portions of the Morro corridor. The following actions should be taken to develop this policy:

Designate "critical viewsheds" in these areas by taking into account all public vantage points from:

- State Highway Route One,
- public beaches, shoreline recreation areas and offshore state coastal waters,
- bluff overlooks, turnouts, and designated future public use areas (particularly, between the first public road and the sea outside of the designated Urban Services Lines).

Develop standards for new development within designated Critical Viewsheds that provide:

- no new development will be allowed that can be seen or that could potentially degrade public views (e.g., construction and grading that can be seen by normal, unaided vision from any public vantage points)
- mechanisms to resolve private property takings concerns where it is not feasible to comply with the critical viewshed protection policy and standards (alternatives include incorporating review procedures within the LCP as outlined in Recommendation 4.10 of this report as well as development of a Transfer of Development Rights program.
- all new parcels must contain building sites outside the critical viewshed (i.e., at least one location per parcel that will accommodate a reasonable residential development that will

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be entirely hidden from public view). Residential development includes any grading needed to provide a driveway or other improvement.

- underground utility placement, restoration, public access improvements and intensification, demolitions, resubdivisions, and temporary events can be allowed within the Critical Viewshed;
- Provide strict design, density and mitigation standards that allow improvements and enhancements of recreational support facilities within existing, isolated commercial visitor serving nodes (Harmony, San Simeon, Piedras Blancas, Ragged Point).

Additional standards should be considered to guide review of development in Critical Viewsheds. For example:

- Provide for project specific visual analysis with story poles or comparable demonstration techniques, including consideration of views from state waters.
- Avoid viewshed impacts through application of sensitive design measures and siting that uses existing topography. Allow landscape screening with planting, earthen berms or other measures only where no building site can be concealed from view and where such measures would be in keeping with the character of the surrounding area and also be consistent with all other resource and protection policies.
- Provide guidelines for preferential use of non-reflective, earth tone building materials for mitigating public view impacts;
- Provide that all exterior lighting (except traffic signals, navigational aids and similar safety devices with no reasonable alternative) shall be concealed or shielded so that no light source is directly visible from public viewing areas, and that no artificial lighting of the shoreline or sea results.
- Require utility extensions to be installed underground or otherwise concealed from public view (e.g., suspended under bridges); pursue all opportunities to remediate existing visually intrusive utility lines (e.g., undergrounding, conversion to shared poles, etc.).
- Where fencing is required, standard range fencing that does not impair public views, nor the passage of light, air, or common native wildlife is preferred. Fencing that interferes with public views should be avoided.
- Address maintenance of landscaping where landscaping could either block important public views or is specifically required to mitigate impacts to public views by screening development.
- Provide exceptions for development that requires a location in the viewshed in order to properly function and no other location is feasible for such things as necessary public facilities (including public access improvements), agricultural improvements needed to support grazing operations and crop production, and necessary resource protection and restoration projects.

In developing the Critical Viewshed Policy and standards, approaches of the Coast Highway Management Plan being developed for the Big Sur Coast in Monterey County under the National Scenic Byways program may provide possible guidance.

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Recommendation 8.2: Create a Scenic SRA Combining Designation. All highly scenic areas in the Coastal Zone should be mapped and designated as Sensitive Coastal Resource Areas. Creation of a coastal visual SRA could incorporate and expand upon inland standards that require assessing visibility of the project, requiring a site visit as part of the application process and other standards on ridgetop development, slopes, rock outcroppings, building feature and landscaping.

Preliminary Recommendation 8.3: Strengthen Enforcement Program and Condition Compliance Monitoring. Develop a project tracking system to facilitate monitoring and enforcement of mitigation measures, and coordination with other affected departments, as funding allows.

Preliminary Recommendation 8.4: Create a Funding Mechanism For An Open Space District. The County should consider creating a permanent source of funding for open space acquisitions. A 1/2 cent sales tax, bond initiative or creation of a countywide or coastal zone open space district could provide millions of dollars annually for the purchase of property and retirement of development rights. The County should also strategically pursue grants and other outside funding supplies to augment such a funding mechanism.

Recommendation 8.5: Pursue National Scenic Byway Designation for Highway One in the Estero and North Coast Planning Areas. Consider including Highway One north of Cayucos and the scenic Morro corridor (already designated by the County as a State Scenic Highway) for inclusion in the National Scenic Byways program. This will allow implementation funding to be sought under the Federal Highway Administration's scenic byway program.

Preliminary Recommendation 8.6: Strengthen Public Viewshed Protection Policy Language. The LCP should be amended to clarify that scenic viewsheds need to be protected from all public viewing areas, including state coastal waters. This could be accomplished through additional language in existing LCP visual policies and ordinances. For example, Policy 2 could be amended as follows:

Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from all major public-viewing areas, including state waters. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

To effectively resolve takings concerns where it is not feasible to comply with the scenic resource protection policies and standards, incorporate additional standards and review procedures within the LCP (as outlined in Recommendation 4.10 of this report) that will maximize protection of coastal resources and conform to Coastal Act Section 30010. Alternatives such as Transfer of Development Rights should also be considered.

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Ordinance 23.04.021 (c)(6) could be modified as follows:

New land divisions where the only feasible building site would be on a slope or ridgetop where a building would be silhouetted against the skyline as viewed from any public viewing area, including state lands shall be prohibited.

Recommendation 8.7: Deleted.

Recommendation 8.8: Complete Specific Plans, Rather Than Design Plans to further define and describe area plan standards.

Recommendation 8.9: Monitor and Evaluate Current TDC Program to assess the effect of the current TDC program implementation on community character and its overall performance in reducing buildout and preserving forest resources.

Recommendation 8.10: Support Continued Undergrounding of Overhead Utilities. The County Undergrounding Committee should continue to receive strong support for their work, and the Coastal Commission should work with the PUC to ensure that this important program is retained. The committee should consider including the overhead utilities across and along Highway One through the Hearst Ranch on the next priority list submitted to the Board of Supervisors.

Recommendation 8.11: Evaluate implementation techniques to protect the community character of Harmony including designation as a Special Community of Historic Importance or by applying the Historic Combining Designation.

Archaeological Resources

Recommendation 9.1: Update Archeological Resources Overlay Maps. Updating the LUE maps to reflect a more accurate location of archaeologically sensitive areas will assist with site identification. The proposed Estero Area Plan Update from February, 1999 offers a possible option to update maps:

Protection of Resources Not Within the AS Combining Designation. All land use permit applications that propose development within 100 feet of the bank of a coastal stream (as defined in the Coastal Zone Land Use Ordinance), or within 300 feet of such stream where the slope of the site is less than 10 percent, shall be subject to the standards for the Archaeologically Sensitive (AS) combining designation in the Coastal Zone Land Use Ordinance and in this plan.

Recommendation 9.2: Evaluate Requirement for Geoarchaeology Surveys. Through Area Plan Updates, conduct an assessment of potentially buried archaeological resources and identify requirements for undertaking more specific Geoarchaeology Surveys.

Recommendation 9.3: Evaluate Use of Conservation Easements. Disturbance to archaeological data could also be avoided on larger sites by requiring a conservation easement over the area containing archaeological resources. Avoiding impacts through such easements where feasible may be more protective of the resources than reliance on data recovery. The LCP should be modified to consider such conservation easements instead of data recovery on larger sites, where possible.

Recommendation 9.4: Evaluate Permit Exemptions. The County should consider including standards in permit requirements (CZLUO23.03.040) that development that requires a coastal development permit should not be exempt from permit requirements if archaeological resources may be impacted. Rural lands may contain archaeological resources and exempt development may be destructive to these resources.

Energy and Industrial Development

Recommendation 10.1: Update LCP to Address Onshore Fiber Optic Cable Projects. In updating its LCP Area Plans, Land Use designations and/or siting criteria standards should be revised to encourage consolidated cable corridors. Evaluate potential reuse of abandoned oil/gas facilities pipelines for possible alternative use for communication cables. Additional mitigation measures should be developed to address potential impacts from drilling such as requirements for Drilling Fluid Monitoring Plans. Monitoring requirements should be included that provide for qualified monitors onsite with ability to stop drilling should fractures occur which could release bentonite. The CZLUO should be revised to include more specific mitigation for access/recreation impacts, avoidance or minimization of sensitive resources during construction, as well as mitigation measures such as erosion control, revegetation, and other measures necessary to protect scenic resources and habitat values.

Recommendation 10.2: Update Energy Policies of LCP Area Plans. As part of the update of LCP Area Plans, the County should update information on current energy demand and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with other LCP and Coastal Act policies.

Recommendation 10.3: Update LCP to Address Abandonment of Energy Facilities. As part of the Area Plan Updates the County should update and revise standards and requirements governing abandonment and clean up of sites in the EX Combining Designation. Updating of standards could include revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

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Commercial Fishing and Recreational Boating

Recommendation 11.1: Develop a Program to Educate Boaters on the Sensitive Habitat Values of Morro Bay and Other Aquatic Habitats.

Recommendation 11.2: Coordinate the Review of the Proposed Boat Launch Ramp in Baywood Park with Commission Staff, the Department of Fish and Game, and other involved regulatory Agencies and Interested Individuals. As the design and environmental analysis of the proposed boat launch ramp progresses, continued coordination with Commission staff, as well as with biological experts and other regulatory agencies and interested parties, should be pursued.

Recommendation 11.3: Update the Port San Luis Master Plan and Associated Sections of the San Luis Bay Area Plan. Recognizing that circumstances regarding the operation, maintenance, and financing of Port San Luis Harbor facilities have changed since the relevant sections of the LCP were certified, a comprehensive update of the Port San Luis Master Plan and associated LCP provisions is in order. Given the wide range of coastal resource issues raised by future development of uplands owned by the Port San Luis Harbor District, this update should be closely coordinated with Commission and County staff.

The San Luis Bay Area Plan and the Port San Luis Master Plan shall be updated to include a standard to ensure adequate capacity on Avila Beach Road for priority uses under the Coastal Act and LCP. As well, a program should be developed to encourage analysis of the effects of development in Avila Valley on capacity of Avila Beach Road inside the coastal zone. The program should encourage revisions as needed to the General Plan standards for the amount and intensity of development to ensure that adequate road capacity to serve priority uses within the coastal zone will be provided.

Procedures

Recommendation 12.1: Update LCP and Post-Certification Maps.

- The County and the Commission staff should coordinate a review of LCP Maps for accurate delineations of coastal zone boundary and sensitive resource areas and update as necessary.
- The Coastal Commission staff, in coordination with the County, should update the Post-Certification maps to accurately reflect permit and appeal jurisdictions. Once updated, the Commission should provide electronic versions of these maps for use in updating LCP maps.
- Recognize that the appealability of development based on geographic criteria (e.g., the presence of an SRA, a location between the first public road and the sea) should be determined according to what is on the ground as opposed to what is shown on the LCP and Post-Certification Maps. An exception to this is that roads constructed without the proper permits should not be considered as the first public road.

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Recommendation 12.2: Increase Coordination for Projects that Cross Jurisdictional Boundaries

- Coordinate permit jurisdiction determinations when projects may involve development within the Commission's original jurisdiction.
- Develop a coordinated permit review procedure for development that straddles permit jurisdictions to avoid, where feasible, the need for separate coastal development permits from the County and the Commission.

Recommendation 12.3: Resolve Areas of Deferred Certification. Update the LCP to eliminate Areas of Deferred Certification (e.g., Sweet Springs Marsh and the Otto property) and establish local permit jurisdiction over future development in such areas.

Recommendation 12.4: Revise LCP Permit Exemptions. LCP permit exemptions (Section 23.03.040 of the CZLUO) should be revised so they conform to Coastal Act Section 30610 and associated sections of the California Code of Regulations.

Recommendation 12.5: Update LCP Provisions Regarding Temporary Events. LCP provisions regarding temporary events, should be updated consistent with the Commission's guidelines, and as recently incorporated into the San Luis Bay Area Plan, so they apply countywide.

Recommendation 12.6: Identify and Review Categorical Exclusions. Clarify where Categorical Exclusions may have been previously approved and how they are being implemented. The Commission staff, in coordination with the County, should evaluate whether these exclusions may be impacting coastal resources and therefore may warrant rescission.

Recommendation 12.7: Improve Noticing and Processing Procedures. The Commission staff should coordinate with the County to resolve noticing and processing issues related to CDPs, CDP amendments and extensions, grading permits, emergency permits, and appeals. In some cases, changes to the LCP may be needed to bring LCP noticing and processing requirements in conformance with the Coastal Act and the California Code of Regulations. The Commission too should improve its noticing procedures. In particular, Commission staff should provide the following notice to the County:

- The date on which Notices of Final Action are received. This will inform the County of the Coastal Commission appeal period for those projects that are appealable, and the effective date of the local permit for unappealable development;
- Whether any appeals have been received at the conclusion of the Coastal Commission appeal period. If no appeals have been filed, this notice will confirm the County's ability to release local building permits. If an appeal has been filed, this notice will allow the County to send the Commission a copy of the local file in a more timely manner.

Recommendation 12.8: Clarify Allowable and Principally Permitted Uses.

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- Revise Table O to identify that allowable uses are further limited by Combining Designations (e.g., resource dependent development is the only principally permitted use in ESHA).
- Update Table O to differentiate the principally permitted land use within each land use designation from conditionally permitted uses. All uses currently subject to special standards and criteria should be identified as a conditional use (i.e., all uses currently listed as "S-#-P";
- Table O should also list Land Divisions, Certificates of Compliance, and Lot Line Adjustments as conditionally permitted development within the particular land use designation where they may be allowed.

Recommendation 12.9: Update Permit Application Requirements. Review permit application requirements and current methods for implementing these requirements to ensure that all information necessary to evaluate project consistency with LCP standards is being obtained at the application stage rather than as a condition of approval.

Recommendation 12.10: Provide Legal Documents for Executive Director Review and Approval. Enhance coordination regarding the format and content of legal documents related to open space and public access easements and consider changes to permit procedures that would facilitate such coordination.

Recommendation 12.11: Clarify Appealability of Projects Involving Conditional Uses. Section 23.01.043c4 should identify that if any component of a proposed development constitutes a conditional use, the entire project shall be appealable to the Coastal Commission.

Recommendation 12.12: Improve Methods for Ensuring Compliance with Permit Conditions. Among other means available to achieve effective compliance with permit conditions, the County could develop a tracking system that would be available to all relevant County departments and Commission staff.

Recommendation 12.13: Increase Coordination of Enforcement Actions. Coordinate responses to violations with Commission staff and other involved regulatory agencies.

Recommendation 12.14: Improve Coordination Regarding Emergency Actions. When time allows, consult with the Commission regarding alleged emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the Coastal Commission.

To facilitate improved coordination and emergency permit processing, the County should prepare an Emergency Permit Procedure Manual. In addition, the County should initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies.

Recommendation 12.15: Expand Standards for Approval of Variances. Incorporate additional standards regarding the use of variances into the LCP. For instance, where a variance

is needed to prevent the strict application of ESHA protection standards from resulting in a taking, approval of the variance should be accompanied by information and analyses needed to establish that the variance is warranted under Coastal Act Section 30010.

Recommendation 12.16: Clarify LCP Provisions Regarding Nonconforming Uses. Clarify LCP provisions regarding nonconforming uses and structures, and consider incorporating new standards for the development/adjustment/certification of non-conforming parcels as addressed in Chapter 5 of this report. With respect to the adjustment of non-conforming parcels, Section 21.02.030(c) of the County's Real Property Division Ordinance should be revised to require lot line adjustments to conform to all elements of the LCP (not just the zoning and building ordinances). These new standards should be crafted in a way that conforms to all applicable local, state, and federal laws.

Recommendation 12.17: Provide Additional Opportunities to Efficiently Resolve Appeals

- Incorporate new procedures into the LCP that would provide additional opportunities to resolve appeals at the local level and use existing LCP provisions that allows the County to modify its approval of a project in order to resolve an appeal filed by two Commissioners.
- Improve procedures for providing Commission staff with all information relevant to appealed projects. The information transmitted must include all documents and materials used by the local government in its consideration of the coastal development permit application. Where the County has a question regarding the need or relevance of particular documents or materials, such questions shall be referred to the Commission staff.
- Provide Commission staff with copies of County staff reports prior to the local hearing.

Recommendation 12.18: Institute Appeal Provisions for Variances. Amend the LCP to identify that any development approved by variance is a conditionally permitted use appealable to the Coastal Commission. An appropriate location for this change would be within Section 23.01.045 of the CZLUO.

Recommendation 12.19: Improve Coordination with Grant Programs. Commission and County staff should work with local state and federal grant sources, as well as the recipient of grants, in a way that will facilitate the coastal resource protection and planning improvements called for by this report.

Recommendation 12.20: Seek Additional Funding and Staffing Resources. Both the Coastal Commission and the County should attempt to secure the funding necessary to further develop and implement the recommendations of the Periodic Review. In particular, the Commission should continue to offer LCP Grants that will facilitate the County's ability to commit staff resources to this effort, and the County should take full advantage of these and other grant opportunities. In addition, the Commission should seek funding to staff the Central Coast District Office at a level that will enhance its ability to assist and coordinate with San Luis Obispo County.

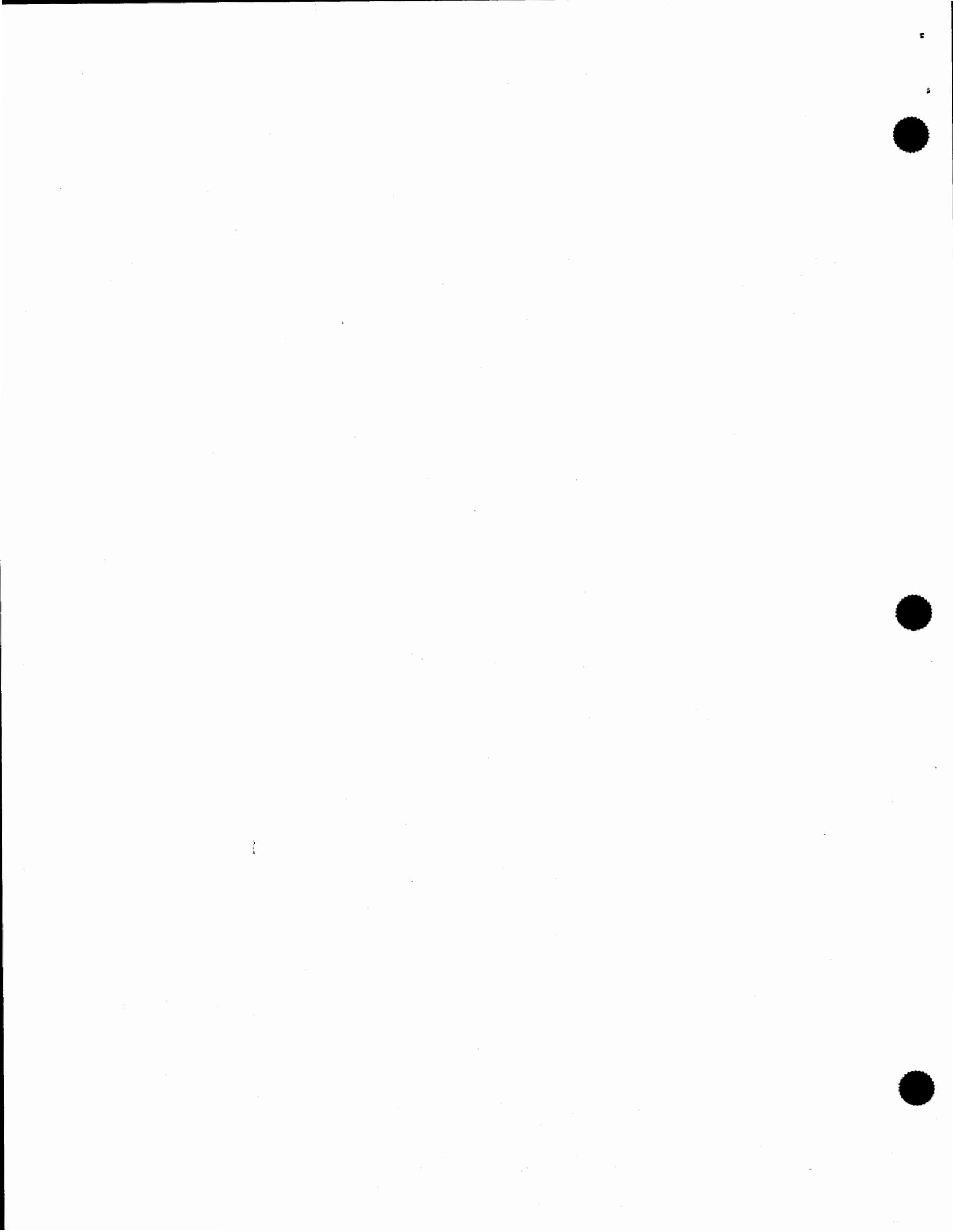
Adopted Report

San Luis Obispo County LCP Periodic Review

July 12, 2001

*As revised August 24, 2001 to incorporate changes from
the addendum and hearing of July 12, 2001*

Recommendation 12.21: Develop an LCP “Quick Reference Guide”. Compile the portions of the LCP that contain the policies, ordinances and standards applicable to new coastal development in a single document that would provide applicants and administrators with a quick reference guide to applicable regulatory standards.



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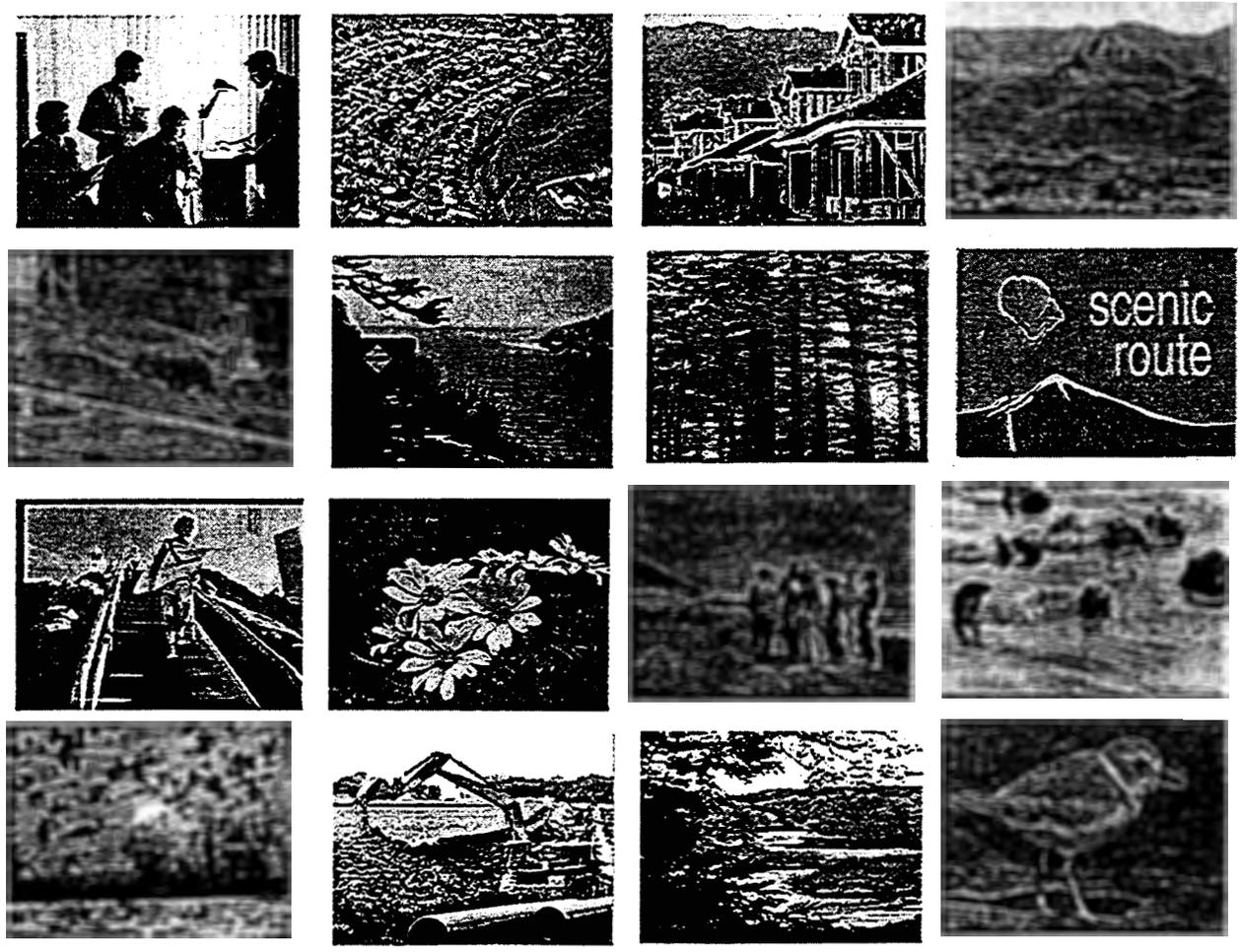
County of San Luis Obispo



CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**Coastal Commission Draft
Phase 1
Periodic Review Implementation
Proposed draft changes to Procedures, Plans and Ordinances**

October 2002



This report was partially funded by a grant from the California Coastal Commission.

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Phase 1 - Introduction

The purpose of this Draft Report is to develop implementing actions responding to the California Coastal Commission's (CCC) 2001 Periodic Review of the County's Local Coastal Program (LCP). After consideration, the County chose to implement many of the Commission's recommendations. This draft includes proposed changes to department policy & procedures, amendments to the Local Coastal Program, and other actions. A separate document containing only LCP amendments was circulated for public review in October 2002, with the intent of starting public hearings in December 2002.

This package of draft changes is called 'Phase 1' because it represents recommendations that the County agreed to consider. Phase 2 will likely involve more difficult and possibly controversial changes. ***In reviewing this draft please note:***

1. This is a first draft, and is meant to show the Coastal Commission the County's progress in responding to the 87 recommendations that the County agreed to consider.
2. As developed, the draft changes cannot be adopted until all the following occur:
 - a. **Public Review.** The County provides notice, availability of copies of drafts, and a minimum of 60 days of public review, prior to scheduling for any public hearing. Full participation of the public, stakeholders, groups and advisory councils is encouraged.

- b. **Environmental Review.** The proposed amendments function as a project description must be subject to environmental review for possible effects on the environment.
- c. **Public Hearings.** Further opportunity for review and comment will be provided before the County Planning Commission, Board of Supervisors, and California Coastal Commission.

Organization of Phase 1 - Implementation Report

This report is Phase 1 of the County's implementation of the Periodic Review. On August 24, 2001, the California Coastal Commission (CCC) made approximately 176 recommendations for corrective action as part of the review of the County's Local Coastal Program. Phase 1 is comprised of approximately 66 specific County actions intended to implement CCC recommendations. The County agreed to consider those recommendations at the Board of Supervisor's meeting of February 19, 2002. *The County proposes to implement the recommendations in four general ways:*

- 1. **Actions.** The County will perform a certain action, such as continuing a grant program. In some cases, the County action will be to show existing provisions that already implements a CCC recommendation.
- 2. **Develop a new Department Policy and Procedure.** Policies and Procedures describe internal processes County staff follows to perform certain tasks. These procedures are prepared, approved, and followed by staff of the County Department of Planning and Building. An example of a Policy and Procedure is a policy directing monthly meetings between the County and CCC staff, and outlining needed agenda topics.
- 3. **Amend a Coastal Plan Element.** An amendment to an element of the County's Local Coastal Program (LCP) such as:

North Coast Area Plan	Framework for Planning
Estero Area Plan	Coastal Plan Policies
San Luis Bay Coastal Area Plan	
South County Coastal Area Plan	

- 3. **Amend an Ordinance.** An amendment to an ordinance of the County's Local Coastal Program (LCP) such as:

Title 21 - Real Property Division Ordinance
Title 23 - Coastal Zone Land Use Ordinance

Symbols used in this report

Organization. Each recommendation is organized by chapter and numbered according to the CCC final report of August 24, 2001. Generally, each recommendation includes:

1. **CCC Recommendation.** These are directly from the CCC Final Report of August 24, 2001.
2. **County Proposed Solution:** *The County describes the general approach to the corrective action.*
3. **Explanation.** *Further explanation is sometimes necessary to show the effects of the change.*

If no proposed solution is shown, work is still ongoing as of this date, and will likely be contained as part of Phase 2 - Periodic Review Implementation.

Symbols:

Text to be added

~~Text to be deleted~~

★ Grant Priority - For tracking grant use

SECTION 00.-Formatting ordinance changes

Who to Ask & How to Comment

Questions of the County:



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Department of Planning and Building
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Questions of the California Coastal Commission:



California Coastal Commission
California Coastal Commission

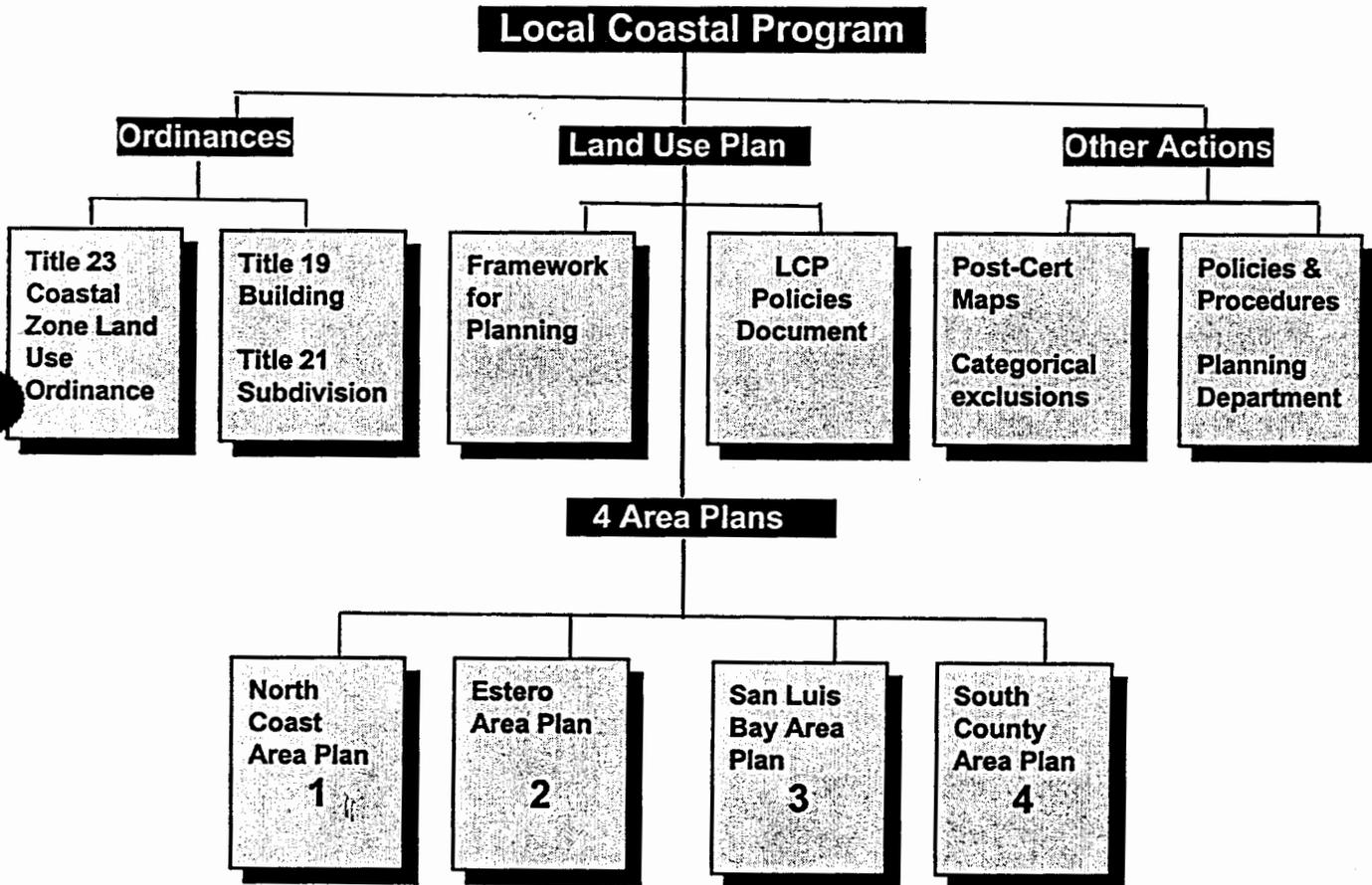
(San Francisco Office) (415) 904-5200
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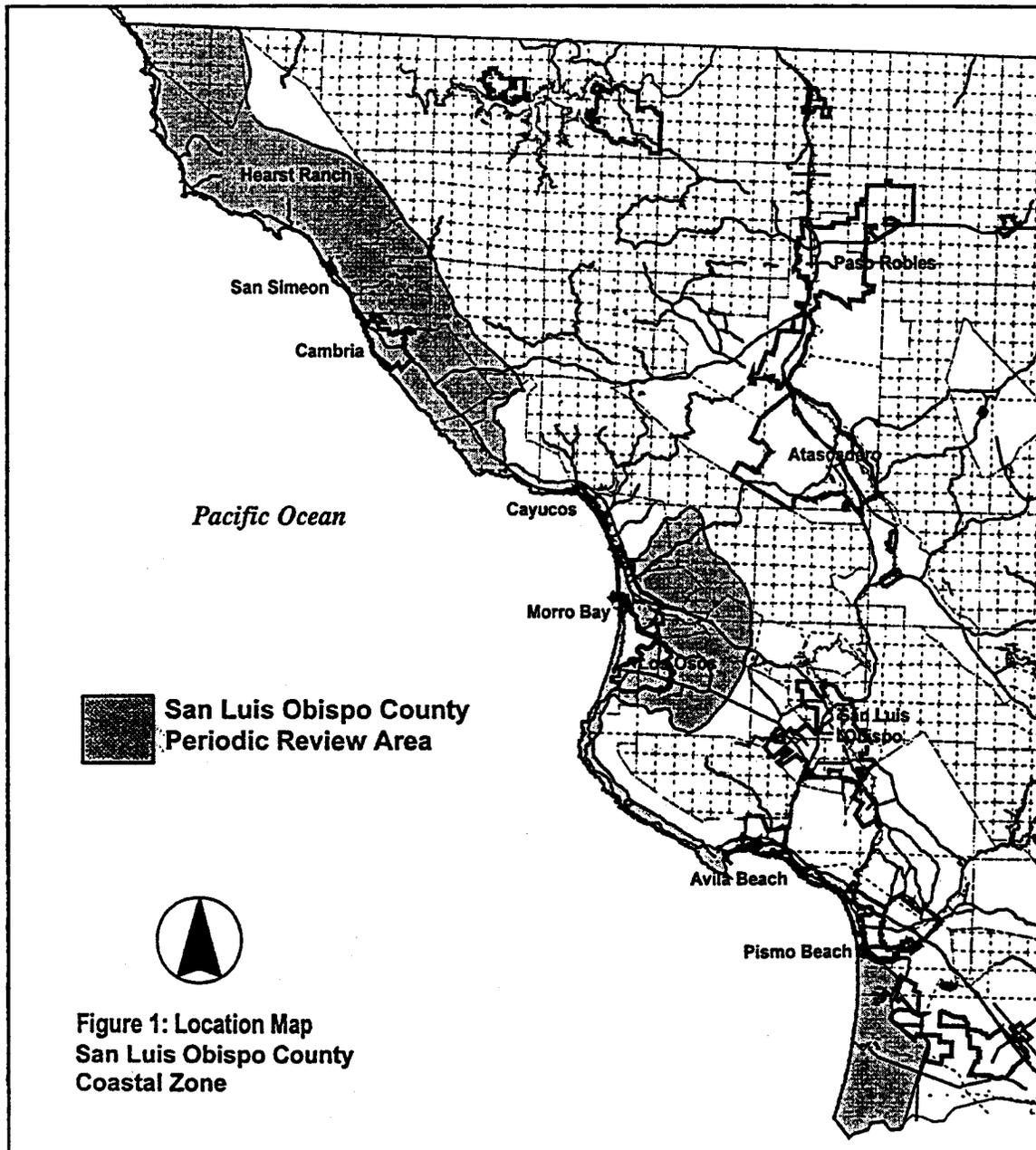
Written Comments:

Steve Monowitz, Coastal Analyst
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Local Coastal Program Documents



Periodic Review Area



**Figure 1: Location Map
San Luis Obispo County
Coastal Zone**

Ch 1 - Introduction

Page 6

Coastal Commission Draft
Periodic Review Implementation

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New Development and Public Services

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

2.01

CCC Recommendation:

Improve Required Coastal Development Permit Findings for Service Extensions Beyond USL. Development proposals that require the extension of urban services across the USL should not be approved unless the required findings of Public Works Policy 1 and corresponding ordinances can be made. Amend Policy 1 by adding reference to CZLUO 23.04.430-432 as appropriate implementing ordinances. Add new implementing ordinance(s) to clarify required information and findings to support Public Works Policy 1.

2.01

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will amend Public Works Policy 1 to reference implementing ordinance Sections. This amendment will implement the CCC recommendation by adding reference to additional (current) Sections addressing the required findings.

1. Revise Chapter 8 - Public Works, Coastal Plan Policies, Policy 1 - Availability of Service Capacity, Page 8-6, by modifying the text as follows:

Policy 1: Availability of Service Capacity

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.021c, (Divisions of Land), 23.04.430 and 23.04.432 (Other Development) OF THE CZLUO.]

2.02**CCC Recommendation:**

Improve County/Commission Coordination. The County and the Commission should take full advantage of coordinated reviews of development proposals outside of the USL, particularly those that may create new urban development potential.

2.02

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by agendaizing periodic review topics to be covered during monthly meetings between the County and staff of the California Coastal Commission. The new policy is found with recommendation 12:13. The proposed topics are as follows:

Draft AGENDA:

1. Current Events and New Issues.
2. Project review & recommendations. (Rec. 2.02)
3. Appeals.
4. Plan Updates & Proposed LCP Amendments.
5. Resource Management & Resource Capacity Studies. (Rec. 2.12)
6. Water availability & related moratoria. (Rec. 2.13)
7. Enforcement Case status & Issues. (Rec. 12.13)
8. Emergency Permits. (Rec. 12.14)
9. Funding and Grant Program availability/status. (Rec. 12.20)
10. Upcoming CCC agenda items.
11. Upcoming County meetings/hearings.

2.05**CCC Recommendation:****Consider Policies and Programs to Support Greenbelt Formation and Maintenance.**

Consider incorporation of programs and policies to establish or support greenbelt and open space areas on the urban fringe of developed areas (e.g. Los Osos). Build on and integrate with open space and habitat protection proposals already put forth by the County in the Estero Update. Mitigation banking should be further evaluated as a potential implementation mechanism.

2.05

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new policy that acknowledges ongoing efforts in the County to provide greenbelt areas around our coastal communities. This amendment will implement the CCC recommendation by adding a new policy.

00. Revise Chapter 6 - Environmentally Sensitive Habitats, Coastal Plan Policies, by adding new Policy 5 - Supporting Greenbelt Formation and Maintenance, Page 6-8, and renumbering the following policies:

Policy 5: Supporting Greenbelt Formation and Maintenance.

The county should continue programs and policies that support greenbelt and open space areas on the urban fringe of coastal communities. In conjunction with the development of Habitat Conservation Plans (HCP's), certain greenbelt areas may be suitable as habitat mitigation banks to help offset impacts from development in adjacent urban areas. Other areas may be best utilized for open space, agriculture, or public recreation. Mitigation banking should be further evaluated as a potential implementation mechanism. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

2.06

CCC Recommendation:

Encourage Concentration of Development in Urban Areas. Amend the LCP to provide incentives for development, including broad redevelopment strategies, within the USL. For example, the County should consider developing planning and regulatory mechanisms to transfer development potential from outside the USL to inside the USL.

2.06

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new policy that would place more emphasis upon planning for development within an Urban Services Line during the update of an area plan. This amendment will implement the CCC recommendation by adding a new policy.

00. Revise Chapter 8 - Public Works, Coastal Plan Policies, by adding new Policy 10 - Encouraging development within the Urban Services Line, Page 8-9:

Policy 10: Encouraging development within the Urban Services Line.

During the periodic update of the Local Coastal Program, including area plan updates, the County and California Coastal Commission should require new or expanded urban development to be located within the Urban Services Line (USL) of coastal communities. The USL defines areas where the capital improvement program and community plans should schedule extensions of public services and utilities needed for urban development. Proposals to increase urban density or intensity of urban land uses outside of the USL should be discouraged. Other non-

regulatory methods to encourage infilling of development within communities may include greenbelt programs, transfer of development credits programs, and open space initiatives.
[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

2.13 ★ Grant Priority

CCC Recommendation:

Address Cambria Short-term Development Constraints. Continue implementation of the 1% growth rate in Cambria until 1/1/02, after which time coastal development permits for new development that would require a new water connection or that would otherwise create additional water withdrawals from Santa Rosa or San Simeon Creeks should not be approved unless the Board of Supervisors can make findings that:

- (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and habitats;
- (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development;
- (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation, reuse of wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use);
- (4) substantial progress has been made by the County and the CCSD on achieving implementation of buildout reduction plan for Cambria; and
- (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.

2.13

County proposed solution: Draft amendment(s) to the North Coast Area Plan document of the Local Coastal Program.

Explanation: This LCP amendment will add a new Section that will outline measures to be taken to address Cambria's short-term water supply problems in addition to the water emergency recently declared by the CCSD. This amendment will implement the CCC recommendation by including the language in the draft update of the North Coast Area Plan for the community of Cambria.

North Coast Area Plan Project Description approach in 2000:

- B. Limitation on construction of new development served by the CCSD.** For residential permits, the maximum number allowed by the County's Growth Management Ordinance Plan up to a maximum of 125 per year. If after three (3)

years of final adoption of the North Coast Area Plan Update, the following performance standards have not been met, no further development of any type, which relies on additional water supplied by San Simeon or Santa Rosa Creeks will be permitted.(Mod107)

1. **In-Stream flow management study. The completion of an instream flow management study for Santa Rosa and San Simeon Creek, which determines that additional withdrawals to support an identified amount of new development, will not adversely affect riparian and wetland habitats or agricultural activities.**
2. **Water Management Strategy. The completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply (desalinization), and potential off stream impoundments. The amount of new development shall be limited to the amount of water supplied by the implementation of the strategy. The recommendations of the strategy shall be approved by the County.**
3. **Small Lot reduction ballot measure. The County and CCSD shall cooperate to place a lot reduction ballot measure before the Cambria electorate.(Mod107)**

2.16 ☆ Grant Priority

CCC Recommendation:

Cambria Long-term development (Buildout Reduction). The LCP needs to be amended to address long-term development potential in Cambria. The County should work to expand the TDC program by identifying other sensitive areas that would benefit from transfer of potential development to more suitable locations. Expansion should include Special Project Area #2, as well as watershed areas, other scenic corridors and other small lot tracts in undeveloped areas that support significant coastal resources, particularly contiguous blocks of sensitive pine forest habitat. More aggressive policy options should be considered as well, including development of an Assessment District to retire lots/create open space and promote forest protection. Other mechanisms should be evaluated such as the ability to use mitigation fees or erosion control fees to address long-term buildout. Further attention could be focused on alternatives for reducing development potential on single and double lots and creating incentives for the minimum lot size of 7000 square feet. As part of this process, the County should establish a task force charged with identifying management options and strategies for reducing buildout in Cambria by a specific deadline.

2.16

County proposed solution: Draft amendment(s) to the draft North Coast Area Plan Update document of the Local Coastal Program.

Explanation: This recommendation has several parts: First, the County, through the update of the North Coast Area Plan, developed detailed small lot studies and funded the Hausrath Study in 1996 that compared costs and feasibility of various buildout scenarios. The study concluded that some level of buildout reduction could effectively occur with the establishment of a district and corresponding fee structure. The program depends upon the creation of a special district.

With regards to the existing Cambria TDC Program, Special Project Area # 2 - Visible Hillside, is currently a sender area for TDC's. For a number of reasons, the Land Conservancy of San Luis Obispo County found it necessary to focus on purchasing lots in Special Project Area #1 - Fern Canyon area. As a result, not many lots in Special Project Area # 1 have been purchased. Since there is nothing to prevent the Land Conservancy from purchasing lots in this new area, no further changes are necessary or proposed.

TDC is a good tool for solving some location problems for development, but the necessary density bonuses to make it financially feasible, are at cross purpose to providing buildout reduction. A community using TDC will likely become larger in number of dwellings and population that if no program existed. Because of this, the Hausrath Study recommended a broader approach not involving TDC and density bonuses, but rather a buy-down approach involving the direct purchase of about 100 small lots per year. The following is the description of the proposed program:

This LCP amendment will add a new program setting forth the creation of an open space district in Cambria. This amendment will implement the CCC recommendation by setting forth the policy direction of such an effort.

00. Revise Chapter 6 - Combining Designations, draft North Coast Area Plan Update; Page 6-17, by adding a new Section as follows:

7. **Small Lot - Open Space District.** The County, the community of Cambria, and others should work together in developing an open space district to begin purchasing many of the small and substandard lots in Cambria. The objective of the program is to preserve the forest from being physically displaced as the small lot areas build out with homes. Secondary benefits may be less building density, better fire clearance, more privacy between homes, larger yards, and more landscaping in neighborhoods.

Opportunity exists to begin a program to purchase some of the small substandard lots in Lodge Hill, Happy Hill, and Park Hill on an annual basis, and then commit them to open space. In conjunction with the forest management district, the lots can be used for a variety of purposes such as pocket parks, viewsheds, and habitat preservation, and other uses to benefit the community. The program will have an additional benefit in reducing crowding of buildings, traffic, water and service demand, and enhance the values of properties near open space lots.

The goal of the program in Cambria is to pursue actions sufficient to reach Plan Alternative Level III, which is a maximum number of 7,421 dwelling units. In an effort to further reduce significant unavoidable adverse impacts (such as water and traffic), a

future general plan amendment should be initiated to consider additional alternatives that further reduce residential buildout densities in the Cambria area.

2.17

CCC Recommendation:

Prohibit Creation of New Development Potential in Cambria and Los Osos. The County should consider prohibiting subdivisions that create new development potential in the communities of Cambria and Los Osos. Subdivisions that include no net gain in development potential (e.g. includes lot retirement) might be considered.

2.17

County proposed solution: Draft amendment(s) to the updates of the North Coast and Estero Area Plans documents of the Local Coastal Program.

Explanation: This LCP amendment will add a new standard that will require a 1:1 retirement of small lots, when new residential subdivision is proposed. This amendment will implement the CCC recommendation in Cambria by ensuring that not net increase in lots occurs. The County may consider a similar provision in the update of the Estero Area Plan.

3. Revise Chapter 7-Standards, draft North Coast Area Plan Update, Cambria Communitywide Standard 3.D, Page 7-5, by adding a new subsection as follows:

D. New Residential Subdivisions. Projects creating new residential lots, 7,500 sq. ft. or smaller, shall be required to permanently retire an equivalent legal building site on a 1:1 basis in the East and West Lodge Hill, Happy Hill, and Park Hill neighborhoods. Moving water meters to more appropriate areas with the donor (sender) lot retired is one suggested method of meeting this requirement. Proof of the required retirement shall be submitted prior to recordation of the final parcel or subdivision map. Retired sites shall be covered by a recorded open space or conservation easement to prohibit development in perpetuity. Easements may be held by the County or County-approved nonprofit organization.(Mod109)

2.18

CCC Recommendation:

Address Cumulative Impacts to Urban Design in Cambria. Through community planning and LCP amendments, cumulative impacts to urban design should be addressed, particularly concerning the potential role of TDC use. Consider standards to better address the amount of TDC's any one site can use based on the capability of the lot (size, slope, etc.) to handle the increase in square footage. Address minimum area of landscape that must be preserved, regardless of lot size; as well as a maximum footprint area.

2.18

County proposed solution: Draft amendment(s) to the North Coast Area Plan document of the Local Coastal Program regarding TDC's, and further address in the draft Cambria Residential Design Plan.

Explanation: This LCP amendment will amend the current criteria for use of TDC's by adding new limits and other provisions. This amendment will partially implement the CCC recommendation.

Revise Chapter 7 - Planning Area Standards, draft North Coast Area Plan Update, Cambria Urban Area, Residential Single Family Standard # 13, Page 7-110, by adding new text as follows:

13. Criteria for retirement of lots using TDC's and gaining additional square footage. For lots in Lodge Hill eligible to receive TDC's, the number of TDC's that can be used on any one house shall be evaluated against the following criteria:

- A. Site Design. The use of TDC's will not result in an appearance which would be incompatible with homes in the surrounding area. This evaluation shall include the massing and overall appearance of the home as seen from the street in consideration of homes on either side of the home and across the street.**
- B. Maximum TDC use. Total increase in Maximum Footprint or Gross Structural Area. The maximum number of TDC's shall not exceed the following:
Single lot - 100 sq. ft.
Double lot - 300 sq. ft.
Triple lot - 400 sq. ft.
*The final number of TDC's that can be used may be less based on the characteristics of each individual lot.***
- C. Limitation on use of TDC's. TDC's shall not be used to increase building size on sites that contain wetlands, rare or endangered species, identified cultural resources, geologic hazards, slopes in excess of 25%, or where in the opinion of the Planning Director, excessive grading or tree removal is being proposed.**

2.20**CCC Recommendation:**

Los Osos Long-term development. Amend Estero Area Plan, including changes to support a reduction in buildout, to reflect an updated Buildout analysis, preservation of groundwater basins, and sensitive habitat protection needs identified through the HCP. Options that build on the currently proposed TDC approach for habitat protection should be evaluated and incorporated into the LCP (see Chapter 4 ESHA).

2.20

County proposed solution: Draft amendment(s) to the proposed 2002 draft Estero Area Plan Update document of the Local Coastal Program.

Explanation: This LCP amendment will add the following 4 series of changes corresponding to the CCC recommendation organized as follows:

1. *Reduction in buildout.*
2. *Preservation of groundwater basins.*
3. *Sensitive habitat protection needs identified through the HCP.*
4. *Options that build on the currently proposed TDC approach.*

1. **Buildout Results Comparison:** The proposed 2002 draft achieves the following buildout reductions as expressed in potential dwelling unit and resulting population:

Revised Public Review Draft Plan - Los Osos Buildout Summary (6/02)								
	SF Res Units	MF Res Units	Total Res Units	Population	Retail (sf)	Office (sf)	Service (sf)	Overnight Units
Existing Plan	6,736	1,995	8,731	21,304	711,612	310,447	198,634	96
Revised Draft Plan	6,200	1,833	8,033	19,601	668,059	61,580	284,586	309
Net Change from Existing Plan	- 536	-162	- 698	- 1,703	- 43,553	- 248,867	+ 85,952	+ 213

2. **Preservation of groundwater basins:** The following five pages are excerpts from the proposed 2002 draft Estero Area Plan Update addressing water quality recommendations. In addition to the following, planning areawide standards are proposed that would require implementation of best management practices in connection with new development.

**NONPOINT SOURCE POLLUTION
 POLICIES, PROGRAMS, STANDARDS
 DRAFT REVISIONS FROM THE 2-99 DRAFT ESTERO AREA PLAN
 Revised 11-20-00
 Text to redline & strikeout 6-14-02**

POLICIES

Comment: The 2002 proposed draft plan will also include policies and standards to assure new development and divisions of land will not exceed groundwater resources. In Los

Osos, buildout has been reduced to a level that can be supported by available groundwater, without seawater intrusion, consistent with the latest groundwater study.

Page 6-20, add new Section IV, Areawide Water Quality, to read as follows:

IV. AREAWIDE WATER QUALITY

Polluted stormwater runoff is also known as nonpoint source pollution, and includes natural sources. It is the major contributor of pollution to affected streams, lakes, marine waters, groundwater basins, wetlands, and estuaries in California, and is an important contributor of pollution to harbors and bays (California Clean Water Act, Section 305(b) Report on Water Quality, 1998). Of the seven priority problems identified in the Morro Bay National Estuary Program's *Comprehensive Conservation and Management Plan for Morro Bay*, four involve nonpoint source pollution: sedimentation, bacteria, nutrients, and heavy metals/toxic pollutants.

The following policies address the control of nonpoint source pollution throughout the Estero Planning Area. Implementation of these and other policies, together with the implementing programs and standards in this plan and in other parts of the Local Coastal Program, will help prevent and control polluted runoff, thus leading to improved coastal water quality and enhanced coastal resources and uses.

Please refer to following Section V for policies regarding nonpoint source pollution within the Morro Bay estuary and its watershed. Additional policies for protecting water quality within coastal watersheds are found in the *Coastal Plan Policies* in the chapter titled Coastal Watersheds.

In the Estero Planning Area, the policies regarding nonpoint source pollution are implemented by programs and planning area standards. Implementing programs are described in the following Section VI for the entire planning area and the Morro Bay estuary and its watershed. Planning area standards to help avoid and control nonpoint source pollution are found in Chapter 7, Section III. Standards apply to public and private development throughout the Estero Planning Area.

Detailed performance standards for grading and drainage in new development are found in the *Coastal Zone Land Use Ordinance (CZLUO)*. Those standards, together with standards for protection of environmentally sensitive habitats—especially for buffer areas between development and sensitive areas—will help protect the quality of coastal waters.

A. Policies

1. *Maintain, and where feasible, restore the quality and biological productivity of coastal waters, streams, wetlands, estuaries, and lakes in order to protect human health and maintain optimum populations of marine and other wildlife.*
2. *Control, and where feasible, prevent nonpoint source pollution resulting from private and public development and land management practices.*

3. Avoid, and if not feasible, minimize impacts to watershed from erosion, runoff, pollution, and water diversions by new public and private development. (MOVED FROM SECTION V, MORRO BAY ESTUARY AND ITS WATERSHED)
4. Minimize erosion, siltation and water pollution by promoting sound land management practices and minimizing the amount of impervious surfaces on public and private lands. Use voluntary measures on private lands. (MOVED FROM SECTION V, MORRO BAY ESTUARY AND ITS WATERSHED)
5. Encourage agriculturalists and other landowners to participate in education and assistance programs and other voluntary and cooperative programs, that encourage sustainable land management practices (Best Management Practices) that reduce erosion, sedimentation and nutrient levels in the watershed. (MOVED FROM SECTION V, MORRO BAY ESTUARY AND ITS WATERSHED, AND REVISED)
6. Encourage agriculturalists and other landowners to take steps to reduce pesticide use, explore use of integrated pest management, consider environmental impacts in choosing pesticides, and use other measures that can reduce contamination of surface and groundwater from pesticides.
7. Promote use of engineered, vegetated treatment systems such as constructed wetlands, vegetated swales or vegetated filter strips where they will reduce nonpoint source pollution from private and public development.

Page 6-20, renumber Section IV, Morro Bay Estuary and Its Watershed as Section V. Move Policies 3,5 and 6 to new Section IV, Areawide Water Quality. Add the following new policy 2 (and renumber those that follow) in Section V to read as follows, :

2. Where feasible, implement provisions of Total Maximum Daily Loads (TMDLs) as they are developed for Chorro Creek, Los Osos Creek and the Morro Bay estuary.

PROGRAMS

Page 3-52, D1, Cayucos Drainage Plan, revise as follows:

1. Cayucos Drainage Plan. The County Public Works Department should prepare or facilitate preparation of a master drainage plan for Cayucos showing needed measures to prevent flooding, mudflows and associated storm damage. The drainage plan should include provisions to maintain natural drainage courses so that they can handle storm water runoff. The drainage plan should take into account the cumulative drainage and geologic impacts of future development. The plan should also include strategies to implement the plan's recommendations.

Page 6-27, add new Section D., Areawide Water Quality, to read as follows:

D. Areawide Water Quality

1. **Street Sweeping.** The County Public Works Department should establish a program to sweep streets just before each rainy season in order to reduce the amount of debris, bacteria and other pollutants entering creeks, the Morro Bay estuary and the ocean.
2. **Roads and Bridges.** The County Public Works Department should identify opportunities to reduce runoff, sedimentation and the volume and concentration of pollutants entering surface waters from County bridges and paved and unpaved roads. Measures to control sediment may include vegetated filter strips, grassed swales, detention basins, constructed wetlands, infiltration trenches, and sediment traps.
3. **Sediment Reduction on County-owned Lands.** The County should install and maintain sediment traps where appropriate in order to reduce sediment transport to coastal waters. The County should develop and implement other Best Management Practices to reduce sedimentation that can be used according to varying conditions and needs. The County should seek technical assistance from and coordinate with agencies such as the Natural Resources Conservation Service, Coastal San Luis Resource Conservation District and the California Department of Fish and Game.
4. **Creek Restoration on County-owned Lands.** Where streambank erosion is a concern, the County should implement creek restoration projects and other management measures to improve streambank morphology and stability, enhance riparian habitat and improve water quality. The County should seek technical assistance from and coordinate with agencies such as the Natural Resources Conservation Service, Coastal San Luis Resource Conservation District and the California Department of Fish and Game.
5. **Fertilizer and Pollutant Runoff from County-owned and Managed Lands.**
 - a. **The County should develop and implement a variety of Best Management Practices to decrease fertilizer runoff from County-owned and managed properties such as the Dairy Creek Golf Course and the Morro Bay Golf Course.**
 - b. **The Parks Division of the Department of General Services should provide receptacles for disposal and pick-up of pet waste in recreation areas heavily used by pets.**

Page 6-27, add new Section E., Morro Bay Estuary Water Quality, to read as follows:

E. Morro Bay Estuary Water Quality

1. **Los Osos Runoff Control.** The County Public Works Department should coordinate with and assist the Los Osos Community Services District in developing and implementing Best

Management Practices to control runoff in Los Osos, consistent with the State's Nonpoint Source Pollution Plan and Phase II of the NPDES Storm Water Regulations

2. Los Osos Drainage Plan. The Los Osos Community Services District, the County Public Works Department and/or the County Flood Control and Water Conservation District should prepare a master drainage plan for Los Osos and vicinity. The plan should use a watershed management approach to minimize flooding, erosion, sedimentation and stormwater pollutants, while providing for reuse and recharge of water and where appropriate, opportunities for recreation and environmental enhancement. This should be accomplished by emphasizing use of engineered, vegetated treatment systems such as constructed wetlands, vegetated swales or vegetated filter strips, as well as retention basins, culverts, filters, or other appropriate measures. Of particular interest is reducing the sediment load in surface drainage from the Los Osos street system into Morro Bay in streets such as Skyline Drive, Pine Avenue, Ramona Avenue, Pismo Avenue, El Moro Avenue, and Santa Ysabel Avenue. After completion of a master drainage plan for Los Osos and vicinity, the County should amend this area plan as needed to implement the recommendations of the drainage plan. Planning area standards should require new development to be consistent with provisions of the master drainage plan. (MOVED FROM PAGE 3-53, D2 AND 3, AND REVISED)..
4. Live-aboard Boats. The County Division of Environmental Health should provide technical assistance to the City of Morro Bay, the U.S. Coast Guard and the California Department of Fish and Game in their enforcement and educational efforts to decrease levels of bacteria from live-aboard boats.
5. Abandoned Boats. The Sheriff's Dive Team should assist in efforts to remove illegal moorings and abandoned, derelict boats and vessels in the back bay to reduce the potential for bacterial pollution in the vicinity of shellfish harvest areas.
6. Pump-Out Facilities. The County Division of Environmental Health should assist in efforts to improve accessibility of pump-out facilities to boat owners, and in providing educational materials to boaters about the impacts of waste discharge and the locations of pump-out facilities.

STANDARDS

Page 7-20, D, Circulation, revise 2 as follows:

2. Road Design, Construction and Maintenance. Roads shall be designed, constructed and maintained to protect sensitive resources (such as aquatic habitat and scenic vistas) and to minimize terrain disturbance, vegetation removal and disturbance of natural drainage courses to the maximum extent feasible. In addition, the following measures shall be implemented:
 - a. Contour slopes to blend in with adjacent natural topography.

- b. Replant graded areas with native vegetation.
- c. Include pollution prevention procedures in the operation and maintenance of roads and bridges to reduce pollution of surface waters.
- d. Apply fertilizers and nutrients at rates that establish and maintain vegetation without causing nutrient runoff to surface waters.

CONSOLIDATED WITH A3, PAGE 7-29

Page 7-21, F., Water Quality, Drainage, Groundwater Recharge, retain, revise and add standards as follows:

- 1. Wastewater. Wastewater from on-site sewage disposal systems shall not adversely affect groundwater resources or sensitive habitat.
- 2. Municipal Well-Head Protection-Referrals. The purpose of this standard is to protect groundwater resources from contamination by proposed development.

Land use permit applications requiring discretionary review for uses within one mile of a municipal well (locations of municipal wells are shown in Figure 7-4) that have the potential to release toxic or hazardous materials (e.g. gas stations, businesses that handle hazardous wastes) shall be referred to the County Environmental Health Division for review and appropriate recommended measures that assure protection of water quality. Recommended measures may include, but are not limited to the following:

- a. Determining the extent of areas that contribute water to municipal wells, and making further recommendations as appropriate.
 - b. Relocating proposed uses relative to municipal wells, especially where such uses involve the manufacture, storage or handling of hazardous materials.
 - c. Concentrating or clustering development relative to the location of municipal wells.
 - d. Reducing the density or intensity of proposed uses.
 - e. Limiting the amounts of potential contaminants that may be stored or handled.
- 3. Chemical Control. Land use permit applications that require discretionary review for projects that have potential to release toxic or hazardous materials (e.g. gas stations, businesses that handle hazardous wastes) shall include measures, and where applicable, Best Management Practices that: a) minimize the amounts of potential contaminants that may be stored or handled; b) assure proper containment and c) prevent release of contaminants into the environment. These measures and practices shall be referred to the

- County Division of Environmental Health for review and for recommendations that shall be implemented through the land use permit.
4. Landscape Plans–Nutrient Runoff. Landscape plans that are required by Chapter 23.04 of the Coastal Zone Land Use Ordinance shall include a note that fertilizers and nutrients are to be applied at rates that establish and maintain vegetation without causing nutrient runoff to surface waters.
 5. Natural Drainage Courses and Setbacks. To the maximum extent feasible, all drainage courses shall be retained in or enhanced to appear in a natural condition, without channelization for flood control. Except as otherwise shown in Table 7-2, “Coastal Stream Setbacks” for Cayucos, new development shall be set back a minimum of 50 feet from the top of any stream bank, and the setback area shall be maintained in an undisturbed condition and restored with a vegetated buffer strip where applicable. Greater setbacks (from streams and riparian vegetation) may be required by other standards in this chapter or by the Coastal Zone Land Use Ordinance.
 6. Impervious Surfaces. New development shall be designed to minimize the amount of impervious surfaces.
 7. Stormwater Infiltration. The design of drainage facilities in new land divisions and other development subject to discretionary review shall maximize groundwater recharge through on-site or communitywide stormwater infiltration measures. Examples of such measures include constructed wetlands, vegetated swales or filter strips, small percolation ponds, subsurface infiltration basins, infiltration wells, and recharge basins. Where possible, recharge basins shall be designed to be available for recreational use.
 8. Runoff. Runoff from roads and development shall not adversely affect sensitive habitat, groundwater resources and downstream areas, and shall be treated to remove floatable trash, heavy metals and chemical pollutants as necessary prior to discharge into surface or groundwater.
 9. Development Location. New development shall be sited to avoid areas with high constraints or sensitivity for erosion potential, such as areas of alluvium near stream channels, areas underlain by the Franciscan Formation with slopes greater than 20 percent and areas of existing landslides.
 10. Drainage Plan Requirements. For development that requires discretionary review and is subject to drainage plan approval per Chapter 23.05 of the Coastal Zone Land Use Ordinance, the drainage plan shall include Best Management Practices to minimize post-development loadings of total suspended solids.
3. Programs Relating to the proposed Habitat Conservation Plan (HCP) from the 1999 draft:

Comment: The proposed 2002 draft will incorporate detailed habitat conservation strategies consistent with the proposed HCP currently being prepared.

P. 6-24 & 6-25.

Specific Combining Designations.

B. Los Osos Habitat Conservation

1. Habitat Conservation Plan. The County should coordinate with the Los Osos CSD, the U.S. Fish and Wildlife Service and the community on the Habitat Conservation Plan being prepared for sensitive habitats in the Los Osos area.

Under Section 10 of the endangered species act, the incidental take of a species (that is, species destruction that occurs as a by-product of another activity), may be allowed if a permit is obtained and a habitat conservation plan (HCP) is prepared. The habitat conservation plan must specify what impacts will result from the taking and the measures the permit applicant will take to minimize and mitigate the impacts.

2. Habitat Monitoring. The County should monitor development and conservation activities in sensitive habitats in the Los Osos area in order to keep track of the cumulative effects of these activities.

A number of activities may occur in sensitive habitats, including purchase and protection, cluster development and easement dedication, transfer of development credits, or other changes. These activities may have both negative and positive impacts on sensitive habitats, and thus a monitoring system is required to track the cumulative effects of change.

Much of the spatial and other information needed for a monitoring system is already available. Tasks that remain to be completed are:

- Assemble the database at a central location using a G.I.S.-based system
- Establish a schedule for database updates
- Establish procedures for periodic assessment and reporting of status changes and their impacts on sensitive habitat

C. Other Sensitive Habitat

1. Protection and Management of Sensitive Habitats. The County should work closely with public agencies and conservation organizations to protect and manage sensitive resources.

- a. Strategies. Strategies to protect and manage sensitive habitats may include encouraging acquisition in fee or by easements (such as conservation easements) by public agencies or conservation organizations, obtaining easements in

connection with development projects, and implementing programs such as transfer of development credits and mitigation banking.

b. Location and Types of Habitat. The County should pursue protection and management of the following sensitive habitats (not in priority order):

- Eto and Warden Lakes
- Villa Creek Lagoon and sandy beach—while limited public access should be provided and monitored due to the sensitive nature of this area, wetlands should be protected and not be disturbed by trails or other improvements.
- Ecologically significant areas containing riparian habitat, oak woodland, coastal sage or maritime chaparral communities.
- A greenbelt on both sides of Los Osos Creek (within and outside the urban reserve line).
- The shoreline of the Morro Bay estuary between 4th Street and the Elfin Forest.

c. Characteristics of Sensitive Habitat. Where feasible, the County should seek to protect contiguous areas of sensitive habitat that:

- Support or could support rare, threatened or endangered species
- Include a range of vegetation types and slopes to provide heterogeneity
- Are sufficiently large to support ecosystem processes.
- Include buffer areas that separate habitat from incompatible uses
- Include continuous wildlife corridors

P. 6-34.

Table 6-1 (Excerpt), Schedule for Completing Recommended Programs

PRO-GRAM NO.	PROGRAM	RESPONSIBLE AGENCIES	POTENTIAL PROGRAM FUNDING	TIME FRAME	TARGET DATE	PRIORITY
RE LOS OSOS HABITAT CONSERVATION						
B1.	HABITAT CONSERVATION PLAN	LOS OSOS CSD, FISH & WILDLIFE	COUNTY, FEDERAL	SHORT-TERM	2000	HIGH
B2.	HABITAT MONITORING	CO. PLANNING	COUNTY	ON-GOING	ON-GOING	HIGH
CO. PLANNING FISH & WILDLIFE CO. PARKS		COUNTY DEPARTMENT OF PLANNING AND BUILDING U.S. FISH AND WILDLIFE SERVICE COUNTY DEPARTMENT OF GENERAL SERVICES, PARKS DIVISION				

4. TDC text from 1999 draft: The following text from the draft Estero Area Plan Update addresses the TDC provisions as part of CCC Recommendation 2.20:

P. 6-11:

III. LOS OSOS HABITAT CONSERVATION**A. Policies**

The following policies are intended to preserve and manage habitats that support sensitive species, while acknowledging the rights of private land owners, the responsibilities of land management entities, and the concerns of county residents. These policies recognize that habitat alteration, especially the cumulative alteration by small, individual development projects, is the primary threat to sensitive species. Accordingly, species will be preserved by conservation of highly sensitive biological communities that contain habitats that support a diversity of native plant species, and numerous rare, endangered, threatened, or sensitive species of plants and animals.

- ..2. *Protect sensitive habitats by implementing a community-based transfer of development credits program, (underline added) and concentrating or clustering development to protect sensitive species and contiguous areas of habitat (see Chapter 4 for full policy statements).*

P. 6-16:

The County has developed new programs to protect sensitive habitats. A community-based transfer of development credits program (underline added) has been established for the Los Osos area. Selected parcels in the vicinity of Los Osos Creek, parcels on southern hillsides along the periphery of the community, and parcels west of Pecho Valley Road are eligible to be considered as transfer of development credit sending sites (see Chapter 6, Combining Designations; see Figure 6-4 opposite). In the eastern fringe of Los Osos, a planning area standard streamlines the development review process where owners provide conservation easements (Chapter 7, Planning Area Standards).

P. 6-27:

E. Los Osos Community-Based Transfer of Development Credits (TDC) Program**1. Establishment of Program**

A voluntary, community-based transfer of development credits (TDC) program is established within and immediately adjacent to Los Osos.

2. Objectives

The main objective of this TDC program is to help establish a greenbelt around Los Osos that clearly defines the urban edge of the community, prevents urban sprawl, discourages conversion of agricultural lands, protects unique and sensitive habitat, and protects scenic qualities. This program is also intended to protect other sensitive habitat and scenic areas within Los Osos.

These objectives can be accomplished by shifting development potential away from certain areas called TDC sending sites (TDCS) to other areas called TDC receiving sites (TDCR).

3. Overview

The TDCS sites include agricultural properties just outside of the urban reserve line, and other properties within and on the periphery of the urban reserve line, such as areas along Los Osos Creek and the Morro Bay shoreline, and areas at the higher elevations of the southern hillsides. This program encourages shifting development potential from TDCS sites to TDCR sites within the urban reserve line that are appropriate for higher intensity development. The procedure to allow simple transfers of development credits is established in Section 23.04.440 of the Coastal Zone Land Use Ordinance.

4. Program Administrator

The County will work with a non-profit corporation or public agency approved by the Planning Director to act as the program administrator pursuant to Section 23.04.440 of the Coastal Zone Land Use Ordinance.

5. Eligibility

Participation in the Los Osos community-based TDC program is limited to sites designated TDCS and TDCR as shown on maps at the back of Chapter 7.

6. Development Standards

Development standards for TDCR sites, including maximum densities and intensities of development, are listed in the text of Chapter 7 by the land use categories in which the TDCR sites are located.

7. Location and Description of TDCR and TDCS Sites

The locations of TDCR and TDCS sites are shown in Figure 6-4 and at the back of Chapter 7. They are also shown on maps included within the text portion of Chapter 7 in connection with development standards for specific sites. The TDCR and TDCS sites are described as follows:

- a. South Bay Blvd. Area (TDCR). The area bounded by South Bay Blvd., 18th Street, Ramona Avenue and Santa Ysabel Avenue that is within the Residential Single-Family and Commercial Retail land use categories is eligible to be participate in the TDC program as a TDCR site. Under the TDC program, development could include a combination of neighborhood commercial, senior housing, multi-family, and recreational uses.
- b. RSF Parcels Eligible for Secondary Dwellings (TDCR). All parcels in the Residential Single-Family land use category that are equal to or greater than 6,000

square feet in area are eligible to participate in the TDC program as TDCR sites. Under the TDC program, secondary dwellings could be developed on parcels that would otherwise be too small according to Coastal Zone Land Use Ordinance standards for Los Osos.

- ~~e. Eastern Hillides (TDCR). Properties at the lower elevations between Highland Drive and a planned extension of South Bay Blvd. in the Recreation and Residential Single Family categories are eligible to participate in the TDC program as TDCR sites if development credits are transferred from specified properties at the upper elevations of the Eastern Hillides (see the following described Eastern Hillides TDCS sites). Planning area standards in Chapter 7 provide for density bonuses as an incentive to transfer development credits to these TDCR sites.~~
- d. Eastern Hillides (TDCS). Properties at the upper elevations above a planned extension of South Bay Blvd. in the Residential Suburban categories are eligible to participate in the TDC program as TDCS sites. Planning area standards in Chapter 7 provide for density bonuses as an incentive to transfer development credits from these TDCS sites to the preceding described Eastern Hillides TDCR sites).
- e. Western Hillides (TDCS). Properties at the upper elevations of the Western Hillides in the Residential Suburban category are eligible to participate in the TDC program as TDCS sites.
- f. West of Pecho Valley Road (TDCS). A parcel west of Pecho Valley Road in the Western Fringe of the West of Pecho Area is eligible to participate in the TDC program as a TDCS site.
- g. Los Osos Creek and Vicinity (TDCS). Certain parcels in the vicinity of Los Osos Creek are eligible to participate in the TDC program as TDCS sites: parcels in the Agriculture land use category outside of and immediately adjacent to the urban reserve line, and other parcels in the Residential Rural and Residential Suburban categories adjacent to and west of Los Osos Creek within the urban reserve line in the Creekside Area.

Note that specific standards regarding eligible properties are found in Chapter 7- Planning Area Standards, Draft Estero Area Plan Update, but omitted here.

End County response to CCC Recommendation 2.20

Water Quality and Marine Resources

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

3.04

CCC Recommendation:

Expanding Erosion Control Studies. The County has targeted the Lodge Hill area to reduce erosion in the area and proposes to implement recommendations of a 1999 erosion control study. These recommendations generally focus on 1) paving roads, and 2) developing a comprehensive master plan for the community. The master plan should design for buildout of the community and incorporate the street drainage network into the plan. In general, implementing the study's recommendations could reduce erosion and sedimentation, and improve water quality in Lodge Hill. The comprehensive plan, though, should also address drainage issues from road paving, and should encourage infiltration of water and maintenance of the natural flow regime, to the extent feasible, by encouraging dispersal of sheet flow from roads into natural vegetated areas. The County should also incorporate measures to site development to retain forest cover.

3.04

County proposed solution: Draft amendment(s) to the North Coast Area Plan document of the Local Coastal Program.

Explanation: This LCP amendment will amend the existing Lodge Hill program to update and encourage coordination with forest management efforts.

Revise Chapter 6, North Coast Area Plan Update, *Combining Designation Programs*; Page 6-16, by modifying as follows:

6. **Erosion Control Program (SRA).** The county ~~should will~~ prepare a coordinated resource management program as part of Phase IV of Local Coastal Program ~~implementation~~ Development to reduce erosion in the ~~Lodge Hill~~ Cambria Pine Forest. The program should be integrated with the Forest Management Program, and should utilize the best available management methods ~~may include road system improvements, establishment of a formalized drainage system, stabilization of cut banks or other techniques to protect the forest and to~~ reduce area-wide erosion and sedimentation problems. Siltation shall be controlled and prevented from entering Santa Rosa Creek, or damaging other coastal resources to the maximum extent feasible. Until implementation of the certified program, and establishment of a long term funding source, an erosion control/forest management fee of \$400 per new dwelling unit shall be paid to a special trust fund established by the county for use in the ~~implementation of an erosion control programs for Lodge Hill.~~ In addition, a manual will be prepared by the county as a part of the program ~~Phase IV of Local Coastal Plan Development~~ to address special development issues pertaining to the Pine Forest. The manual will emphasize techniques

that may be used to prevent erosion, to enhance and preserve the landscape, and recommend special development regulations. ~~affecting development.~~

3.05 ☆ Grant Priority

Recommendation:

Address Post-Construction Runoff. Incorporate into the planning process the following checklist of three questions, developed through the Model Urban Runoff Program, to help coastal planners identify and mitigate water quality impacts of proposed development (see Table 3-2, below).

Table 1: Water Quality Checklist

1. Would the proposal result in changes in soil infiltration rates, drainage patterns, or the rate and amount of surface runoff?
2. Would the proposal result in discharge into surface waters or wetlands or other alteration of surface water/wetland quality (e.g., temperature, dissolved oxygen, or turbidity)?
3. Would the proposal result in impacts to groundwater quality?

If the proposed project raises water quality issues based on the above questions, or other review, best management practices (BMPs) should be incorporated into the project design to address post-construction runoff.

3.05

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will amend the Drainage Standards section to add a new subsection that will address best management practices in water runoff from new development.

SECTION 00. Section 23.05.050 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to add new subsection (e) as follows:

23.05.050 - Drainage Standards:

- a. **Design and construction.** Drainage systems and facilities subject to drainage plan review and approval that are to be located in existing or future public rights-of-way are to be designed and constructed as set forth in the county Engineering Department

Standard Improvement Specifications and Drawings. Other systems and facilities subject to drainage plan review and approval are to be designed in accordance with good engineering practices.

- b. **Natural channels and runoff.** Proposed projects are to include design provisions to retain off-site natural drainage patterns and, when required, limit peak runoff to pre-development levels.
- c. **Areas subject to flooding.** Buildings or structures are not permitted in an area determined by the County Engineer to be subject to flood hazard by reason of inundation, overflow, high velocity or erosion, except where such buildings or structures are in conformity with the standards in Section 22.07.066 of this title and provisions are made to eliminate identified hazards to the satisfaction of the County Engineer. Such provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or by other means. The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mudflow will not be a hazard to the building or adjacent property. The County Engineer in the application of this standard shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program, authorized by U.S. Code Sections 4001-4128 and contained in Title 44 of the Code of Federal Regulations Part 59 et seq., which are hereby adopted and incorporated into this title by reference as though they were fully set forth here.
- d. **Development adjacent to coastal bluffs.** The drainage plan shall incorporate measures to minimize increased erosion to the coastal bluff as a result of development.
- e. **Water Runoff.**

(1) Best Management Practices - Residential Development. All new residential development subject to discretionary review shall provide Best Management Practices (BMPs) to address polluted runoff. BMPs shall be sized and developed to meet the requirements of the *California Storm Water Best Management Practices Handbook (Municipal)*. Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g. installing pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on the site (e.g., percolation basins). The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids.

- b. **Best Management Practices - Non Residential Development.** All new non-residential development subject to discretionary review shall use best management practices (BMPs) to control and prevent pollutants from entering the storm drain system. BMPs shall be chosen and sized to meet the guidance of the *California Storm Water Best Management Practices Handbook (Industrial/Commercial)*. Such measures shall include both source control and treatment control practices to ensure that contaminants do not

leave the site. Stormwater runoff from non-residential development shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other non-residential cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system. Street sweeping and cleaning shall use best management practices outlined in the above referenced handbook or the Model Urban Runoff Program to keep contaminants and cleaning products from entering the storm drain system. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids.

Environmentally Sensitive Habitat Areas

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

4.01 ☆ Grant Priority

CCC Recommendation:

Revise the LCP's Definition of ESHA.

1. Revise definitions of SRA and ESHA contained in Section 23.11.030 so that they conform to the Coastal Act definition. Clarify that ESHA, and the application of ESHA protection standards, is not limited to the areas mapped as Combining Designations. As proposed on page 7-10 of the Estero Update, use the definition of "habitat for rare and endangered species" provided by the CEQA guidelines as an additional tool to define ESHA.
2. Determine the presence of ESHA based on the best available information, including current field observation, biological reports, the National Diversity Database, and US Fish and Wildlife Critical Habitat Designations and Recovery Programs. Where the available information indicates that an area may contain ESHA, but that area is not mapped as ESHA by the LCP, a Field Review Team comprised of County staff, project biologist(s), and representatives from involved wildlife agencies and organizations, shall conduct a Site Specific Constraints Analysis.
3. As proposed by both the North Coast and Estero Updates, recognize all riparian habitats as ESHA regardless of whether they are mapped by USGS quadrangles.
4. Replace the LCP's definition of streams, currently limited to streams shown by USGS maps, with an alternative definition, such as used by the Department of Fish and Game:
5. A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

4.01

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will modify the definition of Environmentally Sensitive Habitat Areas to apply to unmapped features when certain ESHA characteristics exist. This amendment will implement the CCC recommendation by revising the definition.

SECTION 00. Section 23.11.030 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

Coastal Streams and Riparian Vegetation. Streams, drainage ways and adjacent riparian vegetation appearing as, but not limited to, dotted or dashed blue lines on the 7.5 minute USGS topographic quadrangle maps, and shown on the Combining Designation maps of the Land Use Element. Also includes unmapped drainage ways and other features when identified by the County as having equivalent characteristics and natural function as other coastal streams. A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

The above amendment would allow for better identification and protection of coastal streams and riparian vegetation and makes the County's definition of a stream consistent with the definition used by the California Department of Fish and Game.

SECTION 00. Section 23.11.030 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

Environmentally Sensitive Habitat Area. A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. They include, but are not limited to, wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations. Also includes unmapped features and areas when identified by the County as having equivalent characteristics and natural function as other environmentally sensitive habitat areas. Is the same as an Environmentally Sensitive Habitat.

The above proposed change will allow for better identification and protection of Environmentally Sensitive Habitat Areas and bring the County's LCP into conformance with the Coastal Act.

SECTION 00. Section 23.07.170, of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

The provisions of this Section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat Area (ESHA) as defined by 23.11 of this title including, but not limited to; and as ESHA's mapped by the Land Use Element combining designation maps.

SECTION 00. Section 23.07.170 a., Application content) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (4) Identifies the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. These identified constraints will be used by the County during the evaluation of project design alternatives prepared by the applicant that result in impacts to ESHA being avoided or minimized.
- (5) Verifies that applicable setbacks...

The above proposed change will allow for better identification and protection of Environmentally Sensitive Habitat Areas and bring the County's LCP into conformance with the Coastal Act.

4.07 ☆ Grant Priority

CCC Recommendation:

Revise Biological Report Requirements.

1. In addition to the information that is currently required to be included in biology reports pursuant to CZLUO Section 23.07.170, the reports should identify the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. Biological Reports should identify where revisions to the project are available to avoid and minimize impacts on ESHA, which should be considered by the County in the evaluation of project alternatives.
2. County analysis of development in or adjacent to ESHA should include an assessment of the impacts posed by fire safety requirements, such as vegetation clearance and roadway improvements. Where fire safety measures required to accommodate new development may impact ESHA beyond what was anticipated by the project's Biological Report, a supplemental report may be required. In any instances where fire clearance requirements would impact ESHA, project alternatives that avoid these impacts should be identified and pursued. Where impacts to ESHA associated with fire safety precautions can not be avoided, these impacts should be minimized and mitigated in accordance with Recommendations 4.11 – 4.16.
3. Biological evaluations should not only insure adequate setbacks for sensitive habitat areas, but should also specify the ways in which the transitional habitat values of the buffer area can be protected. This should include limitations on the types of uses allowed, and requirements for the maintenance of the natural features that protect the adjacent habitat area.

4.07

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This ordinance amendment will add language to Section 23.07.170 that requires biological surveys submitted to the County to also include a detailed description of environmental constraints. The purpose of this amendment is to continuously update the County's ESHA maps. This amendment would allow for better protection of Environmentally Sensitive Habitat Areas.

SECTION 00. Section 23.07.170 a. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to add subsection (4) and renumber remaining Sections to read as follows:

23.07.170 - Environmentally Sensitive Habitats:

a. Application content.

- (4) Identifies the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. These identified constraints will be used by the County during the evaluation of project design alternatives prepared by the applicant that result in impacts to ESHA being avoided or minimized.

4.16 ☆ Grant Priority

CCC Recommendation:

Specify Mitigation Monitoring and Evaluation Requirements. To ensure mitigation effectiveness, established minimum requirements for monitoring and implementation. In general, this should include: preparation of a 5 year implementation and monitoring plan, for the review and approval of the Planning Director, that identifies the specific mitigation objectives and the performance standards that will be used to evaluate success; and, the submission of a report at the conclusion of the 5 year period, again for the review and approval of the Planning Director, that either documents the successful implementation of the mitigation or proposes corrective actions and additional monitoring and reporting that will be implemented until the mitigation objectives have been achieved to the satisfaction of the Planning Director.

4.16

County proposed solution: Draft a new Policy and Procedure.

Explanation: The county has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by establishing a formal consultation procedure with outside agencies for projects that require Findings under Section 23.07.170b of the CZLUO be made with regards to ESHA.



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

ESTABLISH MITIGATION MONITORING PERFORMANCE
STANDARDS FOR EFFECTIVENESS OF MITIGATION
MEASURES

Updated _____

Approved / Date

A. PURPOSE

In an effort to verify that mitigation measures incorporated into projects are being carried out, and more importantly, effective, the Planning Director should have the ability to review a Reporting Plan prepared at the end of the monitoring period to evaluate the overall effectiveness of the original mitigation. Although the environmental review process under the California Environmental Quality Act does not provide for the monitoring of the *effectiveness* of mitigation measures, local jurisdictions should be taking a careful look at whether the repeated use of mitigation measures on different projects is meeting the goal of environmental protection in the field.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

To help ensure the effectiveness of mitigation measures incorporated into projects to reduce environmental impacts, each set of mitigation measures created for a project should include a set of performance standards describing the desired outcome. At the end of the monitoring

period (e.g. five years), the Planning Director shall review a Reporting Plan (prepared by a qualified individual) that evaluates the overall effectiveness of the original mitigation measure(s). If any of the mitigation measures has not met the performance standards, corrective actions shall be taken by the applicant and/or landowner to meet the original intent of the mitigation measure(s).

D. REFERENCES

Periodic Review Final Report (July 12, 2001); Recommendation 4.16
Public Resources Code 21081.6 (CEQA)

4.17 ☆ Grant Priority**CCC Recommendation:**

Pursue changes to Section 23.07.174b of the CZLUO to achieve conformance with Coastal Act Section 30236, as well as with ESHA Policy 23.

1. This ordinance should specifically require that all permitted streambed alterations employ the best mitigation measures feasible, including but not limited to:
 - A. Avoiding the construction of hard bottoms;
 - B. Using box culverts with natural beds rather than closed culverts providing for wildlife movement;
 - C. Pursuing directional drilling for pipes and cables to avoid stream bed disturbance;
2. A reference to the updated section of the LCP addressing mitigation requirements, as proposed by Recommendations 4.15 and 4.16, should also be provided.
4. Part (1) should state that streambed alterations are limited to necessary water supply projects. The incorporation of specific criteria to define what constitutes a "necessary" water supply project should be considered. A preliminary suggestion is to define such projects as those essential to protecting and maintaining public drinking water supplies, or accommodating a principally permitted use where there are no feasible alternatives.
5. Part (4), allowing streambed alterations for the maintenance of flood control channels, should be considered for deletion. Necessary maintenance activities can be accommodated under part (2) of this ordinance, which includes the Coastal Act criteria for such activities (part (4) does not include these important criteria).

4.17

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will amend the language in 23.07.174 b The purpose of this amendment is to provide for better protection of ESHA.

SECTION 00. Section 23.07.174 b (1) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.07.174 b. - Streams and Riparian Vegetation:

- (1) Necessary water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries, and lakes. (A "necessary" water project is a project that is essential to protecting and/or maintaining public drinking water supplies, or to accommodate a principally permitted use where there are no feasible alternatives).
- ~~(4) — Maintenance of existing flood control channels.~~

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California State Water Resources Control Board.

In addition, every streambed alteration conducted pursuant to this title shall employ the best mitigation measures feasible, including but not limited to:

- a. Avoiding the construction of hard bottoms;
- b. Using box culverts with natural beds rather than closed culverts to provide for better wildlife movement; and
- c. Pursuing directional drilling for pipes, cables, and conduits to avoid surface streambed disturbance.

4.20 ☆ Grant Priority

CCC Recommendation:

Improve coordination with the Department of Fish and Game's Streambed Alteration process. Where possible, streambed alteration agreements should be obtained prior to or concurrent with the County's review of the permit application, rather than as a condition of approval. This will provide greater opportunity to make adjustments to the project that would better protect the stream habitat.

4.20

County proposed solution: Draft a new Policy and Procedure.

Explanation: The county has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by establishing a requirement that Fish and Game Stream Alteration Agreements be obtained prior to local land use approval.



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

**ESTABLISH THE REQUIREMENT THAT FISH AND GAME
STREAM ALTERATION AGREEMENTS BE OBTAINED
PRIOR TO LOCAL LAND USE APPROVAL**

Updated _____

Approved / Date

A. PURPOSE

In an effort to reduce the potential for projects to be changed after local land use approval, applicants should be required to obtain Fish and Game Stream Alteration Agreements prior to receiving local land use approval. This way, any changes to the project description resulting from the Fish and Game process can be incorporated into the project prior to the local land use compliance approval. This will also help reduce project description/condition compliance inconsistencies during field inspections.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

When a California Department of Fish and Game Stream Alteration Agreement (pursuant to Section 1600 of the Fish and Game Code) is necessary for a project requesting local approval of a Coastal Development Permit, the Stream Alteration Agreement shall be obtained prior to the local approval of the Coastal Development Permit.

D. REFERENCES

Periodic Review Final Report (July 12, 2001); Recommendation 4.20
Fish and Game Code Section 1600

4.21 ☆ Grant Priority

CCC Recommendation:

Pursue Alternatives to Streambed Alterations. Evaluate alternative access routes to avoid development in a stream. Where alternative routes outside of riparian habitats are not available, pursue designs that avoid fill, culverts, and minimize in-stream bridge supports and disruption of natural creek flows and vegetation.

4.21

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: See Recommendation 4.24 for proposed language.

4.23 ☆ Grant Priority

CCC Recommendation 4.23

Apply a Minimum Standard Setback of 100 feet in Urban Areas Where Feasible. Consider applying a 100' standard setback, rather than 50' or less, in urban area where a 100' setback is feasible and would achieve better protection of stream resources. In all cases, development should be setback the maximum feasible distance from riparian vegetation, as determined through a site specific constraints analysis.

4.23

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will add language to 23.07.174d that encourages development to increase the riparian setback in urban areas to 100 wherever feasible (currently the minimum setback in urban areas is 50 feet. This amendment would allow for better protection of riparian habitat and water quality.

SECTION 00 Section 23.07.174 d. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.07.174 - Streams and Riparian Vegetation.

- d. **Riparian Setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. ~~a minimum of 50 feet within urban areas (inside~~

~~the URL) and 100 feet in rural areas (outside the URL) except as provided in subsection b. of this Section, and as follows: In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental considerations.~~

4.24 ☆ Grant Priority**CCC Recommendation:****Improve Implementation of Setback Standards and Adjustments.**

1. Explore and require, unless more environmentally damaging, alternative alignments for new or improved roads and other uses allowed in setback areas that conform to standard setback requirements. For example, consider new alignments to existing non-conforming roads where there may be impacts associated with intensified use or fire safety improvements. If realignment is appropriate, abandonment and revegetation of the pre-existing road should also be required.
2. In instances where alternative alignments are not feasible or more environmentally damaging, provide more specific guidance on what is required to mitigate adverse effects to the greatest degree feasible (CZLUO Section 23.07.172d(1)(ii), as referenced by 23.07.174d(1)). Please see Recommendations 4.15, 4.16, 4.17, and 4.27a.
3. Critically evaluate "after-the-fact" permit applications where development has illegally encroached into setback areas. Before off-site mitigation is considered, evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation should be an additional requirement where necessary to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

4.24

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will add a new subsection 23.07.170(d)(6). The purpose of this amendment would allow for better protection of Environmentally Sensitive Habitat Areas by examining alternatives to locations of permitted roads, bridges, and other crossings.

SECTION 00. Section 23.07.170 (d) (6) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby added as follows:

23.07.170 - Environmentally Sensitive Habitats:

d. Development standards for environmentally sensitive habitats:

- (1) New development within or adjacent to the habitat shall not significantly disrupt the resource.
- (2) New development within the habitat shall be limited to those uses that are dependent upon the resource.
- (3) Where feasible, damaged habitats shall be restored as a condition of development approval.
- (4) Development shall be consistent with the biological continuance of the habitat.
- (5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.)
- (6) **Alternatives analysis required. Existing and proposed roads, bridges and other crossings will be allowed within required setbacks only after an alternatives analysis has been completed to determine if another feasible, and less environmentally damaging alternative exists. If, after completion of the alternatives analysis, the approval authority determines that another less environmentally damaging alternative does exist, that alternative shall be utilized and any existing bridge or road within the setback shall be removed and the area of disturbance restored to natural topography and vegetation. If, after completion of the alternatives analysis, staff determines that another, less environmentally damaging alternative does not exist, the proposed bridge or road will be allowed when accompanied by all feasible mitigation measures to reduce potentially adverse impacts to the environment.**

4.25 ☆ Grant Priority

CCC Recommendation:

Consider Limiting Pedestrian and Equestrian Trails within Riparian Setback Areas to Passive Recreation.

1. Where intensive recreational activities may adversely impact ESHA, they should be directed to areas outside of riparian setbacks.
2. Where trails are allowed within or adjacent to riparian areas or other ESHA, require the provision of interpretive signing.

4.25

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by establishing guidelines for allowing recreational uses within riparian setback areas:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

**RECREATIONAL USES WITHIN RIPARIAN SETBACK
AREAS (4.25)**

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for allowing recreational uses within riparian setback areas.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to provide maximum public access and recreational opportunities consistent with sound resource conservation principles and constitutionally protected rights of private property owners. Where intensive recreational activities may adversely impact environmentally sensitive habitat areas, it shall be redesigned to lessen impacts.

D. PROCEDURES

1. Determine whether proposed recreational activity would adversely impact ESHA.
- B. If it is determined that proposed recreational activity would adversely impact ESHA, the project shall be redesigned to lessen impacts. This may include directing recreational activities to outside riparian setbacks.
- C. Where trails are allowed within or adjacent to riparian areas or other ESHA, require provision of interpretive signing where appropriate.

E. REFERENCES

Recreation and Visitor-Serving Facilities Coastal Plan Policy 1
Environmentally Sensitive Habitat Coastal Plan Policies 18-26
CZLUO Section 23.07.174: Streams and Riparian Vegetation

4.27 (a) ☆ Grant Priority**CCC Recommendation:**

Incorporate Additional Standards for Development In and Adjacent to Streams and other Aquatic Habitats. All permitted development in or adjacent to streams wetlands, and other aquatic habitats should be designed and conditioned to prevent loss or disruption of the habitat (e.g., smothering of Steelhead spawning gravel and rearing habitats); protect water quality; and maintain and enhance biological productivity. To achieve this objective, CZLUO Section 23.07.174 should be updated in conjunction with updates to Coastal Watersheds Policies and the grading ordinance. These updates should incorporate standards that:

1. Necessitate flood control and other necessary instream work be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation (e.g., limit the number of access routes to and from the construction area, locate stockpile and staging areas away from drainage courses and sensitive vegetation);
2. Require that all allowable instream development be designed to mimic natural habitat conditions wherever feasible (e.g., consider bridges that minimize disruption of natural drainage courses as an alternative to culverts, incorporate natural materials such as root wads, gravel, and native vegetation);
3. Prescribe methods to control drainage in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction (e.g., identify and evaluate location and capacity of silt fences/hay bails, drainage inlets, detention basins; encourage vegetated drainage features, such vegetated drainage swales and created wetland detention areas to facilitate filtration and habitat enhancement; and
4. Establish standards for the breaching of beach berms that support coastal lagoons (see Recommendation 4.33)

4.27(a)

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will amend the language in 23.07.174(d)(1). The purpose of this amendment is to provide for better protection of Environmentally Sensitive Habitat Areas.

SECTION 00. Section 23.07.174 d. (1) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.07.174 - Streams and Riparian Vegetation

- (1) **Permitted uses within the setback:** Permitted uses are limited to those specified in Section 23.07.172(d)(1)-(for wetland setbacks), provided that the findings required by that Section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats should be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures should include, but not limited to:

- (i) Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.
- (ii) Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

4.28 ☆ Grant Priority

CCC Recommendation: Complete the Follow-Up Review on D870182 for the Aquaculture Facility North of Caycos.

4.28

County proposed solution: Initiate a specific action to implement the recommendation.

Explanation: The county is currently undertaking an effort to complete condition compliance on the Alexander Abalone Farm on the Harmony Coast. The Planning and Building Department approved a landscaping and screening plan on May 16, 2002. The applicant is currently installing the landscaping, and installation will be verified by the Planning and Building Department. Once the landscaping installation is verified, the project will go on the Planning Commission's consent agenda to notify the Commission that condition compliance is complete.

4.29 ☆ Grant Priority

CCC Recommendation:
Miscellaneous Policy Clarifications.

1. Identify the correct reference for CZLUO Section 23.07.174e(7).
2. Delete CZLUO Section 23.07.174e(2).

4.29

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will correct the Section reference and would allow for better protection of riparian habitat.

SECTION 00. Section 23.07.174 e. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.07.174 - Streams and Riparian Vegetation.

e. **Alteration of riparian vegetation:** Cutting or alteration of natural vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:

- (1) For streambed alterations allowed by subsections a and b above;
- (2) ~~Where no feasible alternative exists;~~
- (7) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174 d. 2 can be made.

4.30 ☆ Grant Priority**CCC Recommendation:**

Incorporate Standards for Wetland Delineations. In addition to pursuing an alternative to the LCP's current map based system for protecting wetlands and other environmentally sensitive habitats, new standards that facilitate a complete and accurate delineation of all wetlands during the local review process should be incorporated into the LCP. The provisions of Section 13577(b)(1) of the California Code of Regulations, Title 14, should be used as guidance in formulating these delineation standards. A potential location for these standards would be within the updated biological report requirements (see Recommendation 4.7).

4.30

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by requiring biologists to identify, map, and evaluate wetlands under at least two criteria: the Army Corps of Engineers and the Coastal Act. This new Policy will lead to better identification and protection of wetlands in the coastal zone.



Policies and Procedures

No. 7.00:00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

REQUIRE BIOLOGICAL SURVEYS (As required by 23.07.170)
TO INCLUDE (when applicable) WETLANDS IDENTIFIED, MAPPED,
AND EVALUATED UNDER AT LEAST CRITERIA (the Army Corps
of Engineers and the Coastal Act).

Updated _____

Approved / Date

A. PURPOSE

Better identification and protection of wetlands in the coastal zone.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

Require biological surveys (prepared pursuant to 23.07.170) to identify, map, and evaluate wetlands (when applicable) based on at least two criteria (the Army Corps of Engineers three-component system and the Coastal Act one-component system).

Implementation of this Policy may require training of biologists and review of report formats to ensure consistency.

D. REFERENCES

Periodic Review Final Report (August 24, 2001); Recommendation 4.30

CZLUO Section 23.07.170: Environmentally Sensitive Habitats

4.37 ☆ Grant Priority**CCC Recommendation:**

Develop a Comprehensive Forest Habitat Management and Protection Program. As part of the North Coast Update, consider incorporating the Cambria Monterey Pine Forest Management Plan currently being developed by the Cambria Forest Committee to guide and regulate buildout and forest management so that the long-term conservation of the Cambria pine forest ecosystem can be ensured and enhanced. In coordination with this effort, the North Coast Area Plan should be updated to include standards regarding the location and extent of off-site and on-site mitigation (e.g., tree replacement, contributions towards the acquisition of significant forest habitats); identification of additional TDC sending sites and appropriate receiver sites; and, provisions for the on-going management and preservation of protected forest areas.

4.37

County proposed solution: Draft amendment(s) to the North Coast Area Plan document of the Local Coastal Program.

Explanation: This LCP amendment will add two new programs that will encourage the development of a forest management plan and creation of a small lot open space district.

Revise Chapter 6, North Coast Area Plan Update, *Combining Designation Programs*; Pages 6-14 and 6-17, by adding and modifying as follows:

P.6-14, 2000 NCAP Update:

- 4. Monterey Pine Forest - Forest Management Plan (SRA & TH). Coastal Conservancy Project.** ~~The county will should work with the State Coastal Conservancy or other appropriate agency to complete a study for the preservation of the Monterey Pine forests in the North Coast Area. most heavily forested and steep slope areas of Lodge Hill. The county should work to define the project areas and to designate wildlife corridors that could be preserved. The project should include evaluation of: Since the forest and drainage are related, the study should be integrated with the Erosion Control Program for Lodge Hill, to provide an integrated and coordinated approach to habitat management.~~

~~The purpose of the plan is to provide a technical assessment of the condition of the forest, and develop guidelines and implementation methods, with the goal of preserving and restoring the Monterey Pine Forest. The county and affected agencies should facilitate the preparation of the management plan by assisting in funding, a possible grant application, formation of a special district, or other actions within the ability of the county. Solutions should be coordinated with the community and affected agencies.~~

~~The plan should recommend practical implementation methods and may include:~~

A. Funding and Management. ~~Recommendations for funding sources and appropriate management agency, district, or group.~~

B. Development of Forest Management Guidelines for:

1. **Genetics.** Protection of the genetic integrity of the forest.
2. **Fire protection.** Fire protection and weed abatement.
3. **Tree removal.** Tree removal and trimming.
4. **Tree diseases.** Treatment for diseased trees.
5. **Landscape control.** Control of exotic species that may harm the forest.
6. **Development impacts.** Construction, grading, and paving near pines.
7. **Greenwaste disposal.** Location of an appropriate local site for disposal.

C. **Effectiveness of regulations.** Review of existing codes and county regulations affecting the forest.

D. **Forest enhancement.** Evaluation of the possibility of expanding the forest in other appropriate areas to mitigate the loss of habitat in developing urban areas such as Lodge Hill.

E. **Mitigation fund.** Until the formulation of a Forest Management District, or an equivalent, the county should set up a new forest impact mitigation fund to deposit fees collected for removal of Monterey Pines. The fees shall be used for creation and start-up of a Forest Management District, habitat enhancement, inspection, enforcement, education, and other efforts for the forest.

5. **Forest Management District - Monterey Pine Forest (SRA).** The county should assist in the formation of a forest management district or other appropriate organization based upon the recommendations of the forest management plan. The purpose of the district is to implement the recommendations of the plan, and provide for the long term management of the forest. On-going functions of the district may include grant management, education, agency coordination, open space management, tree inspection and removal advice, restoration efforts, erosion control, and other activities.

P.6-17, 2000 NCAP Update:

7. **Small Lot - Open Space District.** The county, the community of Cambria, and others should work together in developing an open space district to begin purchasing many of the small and substandard lots in Cambria. The objective of the program is to preserve the forest from being physically displaced as the small lot areas build out with homes. Secondary benefits may be less building density, better fire clearance, more privacy between homes, larger yards, and more landscaping in neighborhoods.

Opportunity exists to begin a program to purchase some of the small substandard lots in Lodge Hill, Happy Hill, and Park Hill on an annual basis, and then commit them to open space. In conjunction with the forest management district, the lots can be used for a variety of purposes such as pocket parks, viewsheds, and habitat preservation, and other uses to benefit the community. The program will have an additional benefit in reducing crowding of buildings, traffic, water and service demand, and enhance the values of properties near open space lots.

The goal of the program in Cambria is to pursue actions sufficient to reach Plan Alternative Level III, which is a maximum number of 7,421 dwelling units. In an effort to further reduce significant unavoidable adverse impacts (such as water and traffic), a future general plan amendment should be initiated to consider additional alternatives that further reduce residential buildout densities in the Cambria area.

4.45 ☆ Grant Priority**CCC Recommendation:**

Urban development allowed w/participation in off-site mitigation bank. For those urban areas that do not represent long-term viable habitat due to fragmentation, small size, surrounding uses, etc., but still maintain sensitive species habitat, allow development to occur in exchange for participation in a comprehensive area wide off-site mitigation program to be incorporated in the LCP.

County Proposed Solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new Environmentally Sensitive Habitat Policy 5. This amendment will implement the CCC recommendation by adding a new program to allow development to occur in urban areas that do not represent a long-term viable habitat due to fragmentation, small size, surrounding uses, etc., but still maintain sensitive species habitat in exchange for participation in a comprehensive area wide off-site mitigation program.

1. Revise Chapter 4, Coastal Plan Policies, Environmentally Sensitive Habitats; Page 6-8, by adding a new Environmentally Sensitive Habitat Policy 5 - Off-site Mitigation Bank for Urban Development, and renumbering the remaining policies as follows:

Policy 5: Off-Site Mitigation Bank for Urban Development

The county should encourage creating a program that would allow development to occur on sites in urban areas that contain sensitive species habitat but do not represent long-term viable habitat in exchange for participation in an off-site mitigation program. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

4.54 ☆ Grant Priority**CCC Recommendation:**

Identify Beaches used by Elephant Seals. Identify beaches used by Northern Elephant Seals and classify as ESHA.

4.54

County proposed solution: Draft amendment(s) to the North Coast Area Plan document of the Local Coastal Program. Note that the beach and intertidal area currently being used by elephant seals

is generally between Piedras Blancas Lighthouse and San Simeon Point. This area is already designated as a Marine Habitat on the official Combining Designation maps.

Explanation: This LCP amendment will amend the text to identify the beach and intertidal area between Piedras Blancas Lighthouse and San Simeon Point as a Marine Habitat used by the Elephant Seals. This amendment will implement the CCC recommendation by providing clarification that the Elephant Seals are part of this marine habitat.

3. Revise Chapter 6 - Combining Designations, North Coast Area Plan Update, LCP Standard 2, Page 6-23, by adding new text as follows:

11. Marine Habitats in the North Coast (SRA, ESH, MH) including Northern Elephant Seal haulout areas.

The north coast offers a rich diversity of marine life that utilize the ocean, intertidal and beach areas as identified as Marine Habitats on the Combining Designation maps. The County and other responsible agencies should continue to protect these sensitive areas from encroachment of incompatible development and other activities.

A. Visitor Management -Elephant Seal Haulout Areas. The County should continue to support management efforts by non-profit and other agencies of visitors. Improvements that may be found consistent include signage, fencing, bollard lines, handrails, observation platforms and blinds, parking and other facilities as needed to provide for safe visitor enjoyment and to protect the seals from harassment.

B. Limitation on shoreline structures - Elephant Seal Haulout Areas. The installation of new revetments and outfalls on beaches used by Elephant Seals shall be prohibited.

4.56 ★ Grant Priority

CCC Recommendation:

Prohibit installation of new revetments and outfalls on beaches used by Elephant Seals. Prohibit the installation of new revetments and outfalls on beaches used by Elephant Seals wherever it can be avoided.

4.56

County proposed solution: Draft amendment(s) to the North Coast Area Plan document of the Local Coastal Program, as shown in recommendation 4.54 above.

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Agricultural Resources

Recommendations 5.01 (Ag Reports) and 5.04 (Lot Line Adjustment Criteria) were categorized as "agrees" by the County on February 19, 2002. Because of new issues, these have been deferred to Phase 2 of the Periodic Review.

Ch 5 - Agriculture

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Coastal Commission Draft
Periodic Review Implementation

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Public Access

The following recommendations were categorized as “agrees” by the County on February 19, 2002.

6.01

CCC Recommendation

Incorporate Comprehensive Access Components into Each Area Plan.

1. All of the Area Plans in the LCP should be amended to include a specific access component, consistent with Section 30500 of the Coastal Act. This component should include at a minimum, the following information: (1) Statements of the public access goals, objectives, policies, ordinances, standards, programs, and other management objectives relevant to each planning area; (2) a comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.
2. The Access Component should include a Public Trails Plan to ensure future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the Periodic Review for development of:
 - a. Planning objectives;
 - b. Siting and Design policies and standards; and
 - c. Acquisition and management policies and standards.
3. The Comprehensive Public Access Component should consider realignment alternatives as recommended by Recommendation 7.14 and should include a policy that will ensure that any impacts to access from highway realignment are mitigated such that no public access is lost and new access opportunities are maximized.

6.01

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new policy to the LCP describing the contents of the access component to be prepared when an area plan is updated. For information purposes, both the current draft updates to the North Coast and Estero Area Plans have prepared these access components. This amendment will implement the CCC recommendation by adding new Shoreline Access Policy 12.

1. Revise Chapter 2, Shoreline Access, Coastal Plan Policies document, by adding new Policy 12 - Comprehensive Public Access Planning, Page 2-20, as follows:

Policy 12: Comprehensive Public Access Planning

As part of the periodic update of an area plan, the draft plan shall include development of a Comprehensive Public Access Component consistent with Section 30500 of the California Coastal Act:

1. **Contents.** The update of the area plan should include the following information:
 - a. **Goals and Objectives.** Statements of the public access goals, objectives, policies, ordinances, standards, programs, and other management objectives relevant to each planning area; and
 - b. **Access Inventory.** A comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.
2. **California Coastal Trail.** The Access Component should include a Public Trails Plan to facilitate future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the 2002 Periodic Review for development of:
 - a. **Planning objectives;**
 - b. **Siting and Design policies and standards; and**
 - c. **Acquisition and management policies and standards.**
3. **Protection of Access Opportunities during Road Realignments.** The Access Component should consider realignment alternatives for Highway One and other roads critical to coastal access, and ensure that any impacts to access from highway/road realignment are mitigated such that no public access is lost and new access opportunities are maximized.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM]

6.02**CCC Recommendation:**

Amend LCP Lateral Access Requirements to Provide for Blufftop Accessways, where superior access would be provided. Where the area between the mean high tide line (MHTL) and the toe of the bluff is constrained by rocky shoreline, evaluate whether alternative siting of accessways along the blufftop would maximize public access consistent with the California Coastal Act.

6.02

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will add clarifying language to include blufftop trail and other dedications where appropriate. This amendment will implement the CCC recommendation by looking at lateral access alternatives when the shoreline is constrained. The County will evaluate whether alternative siting of accessways along the blufftop would be appropriate and maximize public access.

SECTION 00. Section 23.04.420 d of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

d. Type of access required:

(1) Vertical Access:

- (i) Within urban and village areas:** Within an urban or village area where no dedicated or public access exists within one-quarter mile of the site, or if the site has more than one-quarter mile of coastal frontage, an accessway shall be provided for each quarter mile of frontage.
- (ii) In rural areas:** In rural areas where no dedicated or public access exists within one mile, or if the site has more than one mile of coastal frontage, an accessway shall be provided for each mile of frontage.
- (iii) Prescriptive rights:** An accessway shall be provided on any site where prescriptive rights of public access have been determined by a court to exist.
- (iv) Additional accessways:** The applicable approval body may require accessways in addition to those required by this Section where the approval body finds that a proposed development would, at the time of approval or at a future date, increase pedestrian use of any adjacent accessway beyond its capacity. Existing Ordinance, Underline added for emphasis.

(2) Vertical access dedication. Accessways shall be a minimum width of five feet in urban areas and 10 feet in rural areas.

(3) Lateral access dedication: All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. Where the area between the mean high tide line (MHTL) and the toe of the bluff is constrained by rocky shoreline or other limitations, the County shall evaluate whether alternative siting of accessways along the blufftop is appropriate. This consideration would help maximize public access consistent with the LCP and the California Coastal Act.

6.03

CCC Recommendation:

Continue Efforts to Accept and Open Outstanding Access OTD's. The County should continue efforts to ensure all outstanding OTD'S are accepted and opened.

6.03

County proposed solution: Initiate a specific action to implement the recommendation by continuing our coastal access program, and developing a new Policy and Procedure.

Explanation: The County is implementing this recommendation in several ways: County Planning and Parks Departments currently collaborate coastal access planning, permitting, grant writing, and development of a new Coastal Access Master Plan. As part of the data collection phase for the Master Plan, the County and consultant are identifying potential offers and other opportunities for acceptance. In addition, in the past decade, the County accepted a considerable number of offers of dedication. The County currently constructs and maintains accessways as part of the parks department.

The County proposes a new Policy and Procedure that establishes guidelines for accepting and opening dedications as follows:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

**CONTINUE EFFORTS TO ACCEPT AND OPEN
OUTSTANDING ACCESS OTDS (6.03)**

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for accepting and opening outstanding access offers-to-dedicate (OTDs).

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to ensure that all outstanding offers-to-dedicate are accepted and opened, consistent with the policies in the Local Coastal Program and the California Coastal Act. Procedures in this document prescribe actions to be taken by the County when processing an offer-to-dedicate.

D. PROCEDURES

1. For all projects adjacent to the ocean, Permit Center Staff shall require a site plan clearly depicting Mean High Tide line at project intake.
2. A project referral will be sent to General Services.
3. If access is required, the land use permit conditions of approval shall require a access dedication prior to issuance of any construction permit.
4. At the Planner Assignment step in Building Permit approval, a hold shall be added so the access dedication is required prior to issuance.

- 5. A "Procedure and Checklist for Coastal Agreements" tracking sheet (see attached) shall be started and the procedures detailed on the tracking sheet shall be followed.

Once the "Procedure and Checklist for Coastal Agreements" is completed, and all other holds are resolved, the construction permit may be issued.

F. REFERENCES

Procedure and Checklist for Coastal Agreements

PROCEDURE AND CHECKLIST FOR COASTAL AGREEMENTS

If more than one agreement is being requested, check this box and fill out a separate form for each agreement.

Project Number: _____

Project Name: _____

Agent/Phone: _____

Agent's Address: _____

DATE

COMPLETED

TASK

- | | |
|-------|--|
| _____ | 1. Applicant requests that the agreement be initiated. |
| _____ | 2. Add Approval Steps to Computer Tracking System. |
| _____ | 3. Send stock memo to County Counsel requesting agreement. Include the following: <ul style="list-style-type: none"> a. Complete staff report and Developer's Statement b. Minutes from hearing and a current title report (within 6 months) |
| _____ | 4. Counsel sends back original agreement. <ul style="list-style-type: none"> a. Attach Clerk page if necessary b. Attach site plan and land use category map |
| _____ | 5. Check that a separate subordination agreement has been prepared for each |

trustor and beneficiary for each deed of trust (compare with current Title Report or Lot Book Guarantee).

- _____ 6. Send copy of agreement to General Services
- _____ 7. Send copy of agreement to the Executive Director of the California Coastal Commission. Include the following:
- a. Transmittal Cover Letter
 - b. Offer to Dedicate and Subordination Agreement forms
 - c. Current title report (within 6 months)
 - d. Staff Report with Conditions of Approval
 - e. CZLUO Section 23.04.420g(4).

(CONTINUED ON BACK)

- _____ 8. After a 30 day review period, the Executive Director returns approved agreement or recommends revisions. If revisions are requested, County Counsel revises the original agreement and the procedure resumes at task #6. If no comments are received at the end of the 30 day review period, go to task #9.
- _____ 9. Send original agreement to applicant.
- a. Request Exhibits (if required)
 - b. Request recording fees (if required)
- _____ 10. Applicant requests revisions.
- _____ 11. Applicant returns executed agreement.
- a. Check title report, verify notarized signatures
 - b. Check exhibits (if required)
- _____ 12. Send executed agreement to Counsel. Include the following:
- a. Resolution, Current Title Report
 - b. Copy of Executive Director's written approval.
 - c. An executed and notarized subordination agreement for each deed of trust encumbering the property.
- _____ 13. County Counsel signs and returns agreement and resolution.
- _____ 14. Planning Director signs agreement.
- _____ 15. Make 2 copies of the agreement and resolution.
- a. Keep 1 copy of each for file.
 - b. Send 1 copy to General Services - wait 1 week for OK

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- _____ 16. Collect recording fees - \$7.00 for first page, \$3.00 each additional page, add \$10.00 journal entry fee
- a. After fees are paid, have document recorded
- _____ 17. Other: _____
- _____ 18. Clean File, AFTER:
- a. Checking that no other agreements or CC&R's are necessary
- b. Copy County Counsel memos for central files.
- c. Signoffs have been completed in computer tracking system

Applicant's Address: _____

6.06

CCC Recommendation:

Develop LCP Program to Assure Protection of Existing and Potential Public Rights. The County should develop a program to assure comprehensive review of quiet title actions and other changes in intensity of land use, including potential abandonments of public rights-of-way, that may adversely impact public access. A more expanded review of potential loss of historic offers to the public should be pursued. The County has recognized this concern in the proposed Estero Area Plan Update Circulation Chapter regarding Los Osos: "Preservation of all rights-of-way and offers of dedication for roads, ways, vertical and other accessways." The County could further protect public access opportunities by accepting all dedicated street ends within Los Osos. The County and Coastal Commission should discuss options for coordinating and pooling resources to evaluate quiet title actions, to maximize protection of public access opportunities.

6.06

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by establishing procedures to protect existing and potential public access as follows:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

**PROTECTION OF EXISTING AND POTENTIAL PUBLIC
COASTAL ACCESS RIGHTS (6.06)**

Updated _____

Approved / Date _____

A. PURPOSE

To establish guidelines to ensure the protection of existing and potential public access opportunities.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to protect existing and potential public access opportunities in accordance with the California Coastal Act.

D. PROCEDURE

As part of the Area Plan Updates and the County Coastal Access Master Plan, the County will incorporate policies to protect existing and potential public access opportunities. These policies may include:

- Conducting an inventory of existing and potential accessways.
- Conducting an inventory of potential quiet title actions that could result in lost coastal access.
- Referring all requests for road abandonment and quiet title actions to applicable agencies, including local Community Services District and Advisory Councils, for review and comment.
- Accepting all dedicated street ends.
- County/Coastal Commission coordination to evaluate quiet title actions and to maximize protection of public access opportunities.

E. REFERENCES

Access Policy 1, Recreation Policy 1, Recreation Policy 2

6.07

CCC Recommendation:

Comprehensive Public Recreation Planning. Through a comprehensive Public Access planning process, long-term supply and demand and opportunities for low-cost visitor-serving coastal recreation should be analyzed. The LCP should be evaluated for potential amendments to provide for such uses. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including that which may be needed in the future.

6.07

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program, and add new Policy and Procedure.

Explanation: This LCP amendment will add new LCP Policy 8 - Comprehensive Public Recreation Planning. On a programmatic level, this is already being done when the County updates an area plan. For example, early in an update base data is developed about overnight facilities, parkland, and other public and private recreational uses. Based on this data and community input, the amount of land designated for recreation, availability of services and traffic capacity, and location of 'V'-Visitor Serving Overlay designations is reviewed. This amendment will implement the CCC recommendation by incorporation of consideration of planning for public recreation when an update of an area plan is done.

1. Revise Chapter 3 - Recreation and Visitor-Serving Facilities, Coastal Plan Policies, adding a new policy # 8 - Comprehensive Public Recreation Planning, Page 3-11, as follows:

Policy 8: Comprehensive Public Recreation Planning. As part of the periodic update of the area plans, long-term supply and demand and opportunities for low-cost visitor-serving recreation should be analyzed. The area plan should be evaluated for potential amendments to provide for such uses. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including that which may be needed in the future. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

**PLANNING FOR LOW-COST VISITOR-SERVING
RECREATION (6.07)**

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for providing low-cost visitor-serving opportunities.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to encourage low-cost visitor-serving recreation opportunities.

D. PROCEDURE

Through the Area Plan updates, the County will incorporate a comprehensive Public Access planning component which analyzes long-term supply and demand opportunities for low cost visitor-serving recreation opportunities. The County will also evaluate the Local Coastal Plan for potential amendments to provide for such uses and to ensure that an adequate level of limited public services is being reserved for priority visitor-serving uses, including those which may be needed in the future.

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Coastal Hazards

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

7.01

CCC Recommendation:

Modify CZLUO 23.05.090(a) to define more specifically what existing structures are for purpose of allowing future armoring. For example, as follows: "existing coastal development" for purposes of this section shall consist only of the principal structure and shall not include accessory or ancillary structures such as garages, decks, steps, eaves, landscaping, etc. No shoreline protection device shall be allowed for the sole purpose of protecting the accessory structure(s).

7.01

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will add clarifying language to define more specifically what existing structures are for the purpose of allowing future armoring.

SECTION 00. Section 23.05.090 a. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- a. **Where allowed:** Construction of shoreline structures that would substantially alter existing landforms shall be designed by a registered civil engineer or other qualified professional and shall be limited to projects necessary for:
- (1) Protection of existing coastal development, consisting only of the principal structure and not including accessory structures such as garages, decks, steps, eaves, landscaping, etc. No shoreline protection device shall be allowed for the sole purpose of protecting accessory structure(s); or
 - (2) Protection of public beaches and recreation areas in danger of erosion;
 - (3) Coastal dependent uses; or
 - (4) Existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible.

7.02**CCC Recommendation:**

Bluff Setback Requirements. Revise Coastal Hazards Policy 6 to change setbacks to require that they be based on a projected 100-year economic life.

07.02

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: The County agreed in concept to this recommendation. The intent of the bluff setback is to avoid or minimize the construction of shoreline protection devices consistent with Sections 30253 and 30235 of the Coastal Act. The implementation of this recommendation requires a study to determine the best method of achieving this objective. This LCP amendment will add a new Coastal Hazards Policy 11. This amendment will implement the CCC recommendation by adding a new program to prepare an Areawide Shoreline Erosion and Bluff Retreat Management Plan that will include an evaluation of required bluff setbacks.

1. Revise Chapter 7, Coastal Plan Policies, Hazards, Page 11-05, by adding a new Coastal Hazards Policy 11 - Areawide Shoreline Management Plan as follows:

Policy 11: Areawide Shoreline Erosion and Bluff Retreat Management Plan

The County should seek grant funding and develop a program with a long-term comprehensive approach to avoid the permanent armoring of the shoreline or to minimize impacts to shoreline in existing developed areas. The program should also offer a means to address some area specific constraints. This includes the preparation of an Areawide Shoreline Erosion and Bluff Retreat Management Plan focusing on annual bluff erosion rates, bluff setbacks, emergency armoring procedures, and shoreline protection structure design, engineering, monitoring and maintenance. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

7.03**CCC Recommendation:**

Bluff Setback Criteria. Revise CZLUO 23.04.118: (1) Eliminate the stringline method for determining setbacks, section (a). (2) Modify section (b) to base setback on a projected 100 year economic life of structure. Add requirement to incorporate a safety factor either as a multiplier or as a set distance, as developed through an Areawide Shoreline Management Plan.

07.03

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance and Coastal Plan Policies documents of the Local Coastal Program.

Explanation: Recommendation 1: The County agreed to eliminate the stringline method for determining a bluff setback and this LCP amendment will delete portions of the regulation that would allow for use of the stringline setback method for determining a bluff setback.

SECTION 00. Section 23.04.118 a. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby deleted and remainder of Section is renumbered as follows:

~~a. **Stringline setback method:** Where 50 percent of the lots adjacent to the coastline within 300 feet of the site are developed at the time of application, no part of a proposed new structure, including decks, shall be located closer to the seaward property line of the site than the greatest distance determined by either of the following:~~

~~(1) A line between the most seaward portions of the structures on the adjacent lots;
or~~

~~(2) Where there is substantial variation of land from between adjacent lots, the average setback of structures on the adjoining lots shall be used.~~

Explanation: Recommendation 2: The County did not agree to base the bluff setback on a projected 100 year economic life of the structure or to add a requirement to incorporate a safety factor. Rather, the County agreed to evaluate bluff setbacks and the development of a safety factor as part of an Areawide Shoreline Erosion and Bluff Retreat Management Plan. The County has addressed this recommendation in the proposed solution to CCC Recommendation 7.02. Please see the proposed new Coastal Hazards Policy 11 contained in 7.02.

7.09

CCC Recommendation:

Mapping Access Easements. Modify CZLUO 23.04.420 (g) to ensure that the easements are protected against further encroachment by requiring that the easements be mapped in detail in conjunction with recordation.

07.09

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will add a requirement that easements be mapped in detail by a licensed professional in conjunction with recordation.

SECTION 00. Section 23.04.420 g. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- G. Access title and guarantee:** Where public coastal accessways are required by this Section, approval of a land division, or land use permit for new development shall require guarantee of such access through deed restriction, or dedication of right-of-way or easement. Before approval of a land use permit or land division, the method and form of such access guarantee shall be approved by County Counsel, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The recorded document shall include the mapped location of the easement prepared by a licensed professional. The method of access guarantee shall be chosen according to the following criteria:

7.10

CCC Recommendation:

Application Requirements. Modify CZLUO 23.02.033 a. (8) Public Access Locations. Applications for projects between the ocean and the nearest public road shall include the locations of nearest public access points to the project and the mapped locations of any existing public access easements or recorded offers to dedicate public access easements.

07.10

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment amends the Section to require applications for projects between the ocean and the nearest public road to include the locations of nearest public access points to the project and the mapped locations of any existing public access easements or recorded offers to dedicate public access easement.

SECTION 00. Section 23.02.033(a)(8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (8) Public access locations.** Applications for projects between the ocean and the nearest public road shall include the mapped locations of nearest public access points to the project. Applications shall also show the mapped locations of any existing public access easements or recorded offers to dedicate public access easements on the subject property.

7.11

CCC Recommendation:

Conditions of Approval. Revise condition language for requiring access easements to provide that access is required unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

7.11

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will establish guidelines for writing condition language for requiring access easements. The new condition language will require access unless verification is provided that such recorded easement already exists on the property and is consistent with the Local Coastal Plan. The new procedure related to condition language for requiring access easements is as follows:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

COASTAL ACCESS CONDITION LANGUAGE (7.11)

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for writing condition language for requiring access easements to provide that access is required unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to work to require coastal access in accordance with the Coastal Act and the Local Coastal Plan (LCP) unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

D. PROCEDURE

Standard coastal access condition language is revised as follows:

Coastal Access

Prior to issuance of construction permits, the applicant shall provide the County's Parks Division with a recorded offer to dedicate lateral access unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property and is consistent with the LCP. Prior to recording an offer to dedicate lateral coastal access, a

draft offer to dedicate shall be reviewed and approved by County Counsel and the Parks Division. The lateral offer to dedicate shall include the area of the subject parcel from toe of bluff to mean high tide line.

7.14

CCC Recommendation:

Amend the NCAP - Highway One realignment. Amend to consider alternatives for the Realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of Highway One.

07.14

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: The County has addressed this recommendation in the proposed solution to CCC Recommendation 6.01. Please see the proposed new Coastal Shoreline Access Policy 12 contained in 6.01.

7.15

CCC Recommendation:

Contents of Geological Reports. Modify CZLUO Section 23.04.118 to update required contents of geologic evaluation reports within the GSA combining designation.

07.15

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will add a requirement that requires geologic evaluation reports to include additional information consistent with guidelines developed by the State Department of Conservation and other relevant agencies.

SECTION 00. Section 23.04.118 b. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- b. Bluff retreat setback method:** New development or expansion of existing uses on bluffs shall be designed and set back from the bluff edge a distance sufficient to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures that would in the opinion of the Planning Director require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be

prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. The report shall accompany the land use permit application, and shall contain the following information:

- (1) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport.
- (2) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development.
- (3) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints, and faults.
- (4) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.
- (5) Wave and tidal action, including effects of marine erosion on seacliffs.
- (6) Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage).
- (7) Potential effects of seismic forces resulting from a maximum credible earthquake.
- (8) Effects of the proposed development including sighting and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and adjacent area.
- (9) Potential erodibility of the site and mitigation measures proposed to minimize erosion problems during and after construction. Such measures may include but are not limited to landscaping and drainage design.
- (10) The area of demonstration of stability shall include the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined a 20-1/4 degree angle from the horizontal passing

through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater.

- (11) Any other factors that may affect slope stability.
- (12) Additional information consistent with guidelines developed by the State Department of Conservation and other relevant agencies.

7.17

CCC Recommendation:

Update Seismic Mapping. Modify LCP to update seismic mapping and identification and extend GSA CD to new faults identified and traces of faults in order to require complete geologic investigation pending new development. New development should be restricted in the Special Studies Zones resulting from updated mapping.

County Proposed Solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new Coastal Hazards Policy 12. This amendment will implement the CCC recommendation by adding an new program to develop and maintain Geologic Hazards Mapping program consistent with the Safety Element and updated information.

1. Revise Chapter 7, Coastal Plan Policies, Hazards, Page 11-05, by adding a new Coastal Hazards Policy 12 - Geologic Hazards Mapping as follows:

Policy 12: Geologic Hazards Mapping

As part of the periodic update of an area plan, the draft plan shall include development of a dynamic Geologic Hazards Map consistent with the Safety Element and updated geologic information. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

7.18

CCC Recommendation:

Amend the NCAP - FH Designations. Expand FH Designation to Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek and Ellyslly Creek.

County Proposed Solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

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Explanation: FH designation already exists on the current adopted 1:1000 combining designation maps for Arroyo del Puerto, Oak Knoll, and Villa Creek. FH designation has been expanded to Ellysly Creek as part of the North Coast Area Plan 2000 Project Description. Little Pico Creek may not be subject to flooding at all, and given it's rural location, should not be a candidate for the Flood Hazard designation.

Scenic and Visual Resources

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

8.02 ☆ Grant Priority

CCC Recommendation:

Create a Scenic SRA Combining Designation. All highly scenic areas in the Coastal Zone should be mapped and designated as Sensitive Coastal Resource Areas. Creation of a coastal visual SRA could incorporate and expand upon inland standards that require assessing visibility of the project, requiring a site visit as part of the application process and other standards on ridgetop development, slopes, rock outcroppings, building feature and landscaping.

8.02

County proposed solution: Draft amendment(s) to the Coastal Zone Framework for Planning, and the Coastal Zone Land use Ordinance portions of the Local Coastal Program.

Part 1 Framework Amendment:

Explanation: This LCP amendment will add clarifying language to acknowledge that a Sensitive Resource Area (SRA) may include scenic and visual resource areas described by the LCP in maps or text. This amendment will implement the CCC recommendation as follows:

00. Revise Chapter 7, Combining Designations, Coastal Zone Framework for Planning, *that defines the types of SRA's, Page 7-2 & 7-10, by modifying the text as follows:*

P. 7-2

Summary of Designations

The LUE uses the following 14 combining designations:

P. 7-3

SRA

Sensitive Resource Area: Applied to areas having high environmental quality and special scenic, ecological or educational significance. The SRA includes one Scenic Viewshed designation and four types of Environmentally Sensitive Habitats: Wetlands, Coastal Streams and Riparian Vegetation, Terrestrial Habitats and Marine Habitats.

WET

Wetlands: Applied to lands that may be covered by shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mud flats and fens.

SRV	Coastal Streams and Riparian Vegetation: Applied to stream courses (those shown on U.S.G.S. 7.5 quadrangle maps) and adjoining riparian vegetation.
TH	Terrestrial Habitats: Applied to sensitive plant or animal habitats within land areas.
MH	Marine Habitats: Applied to sensitive habitat areas for marine fish, mammals and birds.
SCENIC	Scenic Viewshed: Applied to scenic and visually sensitive areas.

LCP **Local Coastal Program:** Applied to areas of the county within the coastal zone, to which the Local Coastal Program applies.

P. 7-10

SRA - SENSITIVE RESOURCE AREA

Purpose:

1. To identify areas of high environmental quality, including but not limited to important scenic and geologic features, wetlands and marshlands, undeveloped coastal areas and important watersheds.
2. To identify Environmentally Sensitive Habitats as coastal resources protected by the California Coastal Act. Such areas include wetlands, coastal streams and riparian vegetation, terrestrial (land) habitats and marine habitats.
3. To enhance and maintain the amenities accruing to the public from the preservation of the scenic and environmental quality of San Luis Obispo County.
4. To provide for review of proposed alterations of the natural environment and terrain in areas of special ecological and educational significance.
5. To identify for the purposes of the Land Use Element areas defined as "Scenic and Sensitive Lands" in the County Open Space Plan, or areas with unique or endangered resources as identified by local, state, or federal governments.
6. To provide locational and design guidelines for siting development that may occur outside of SRA's whenever possible so as to preserve the scenic and environmental qualities of the coastal zone, while retaining the ability to establish proposed land uses and minimum parcel sizes as allowed by the Coastal Zone Land Use Ordinance.

General Objectives: The Coastal Zone Land Use Ordinance provides detailed criteria for the review of projects proposed in the Sensitive Resource Area combining designation to achieve the following objectives:

1. Environmentally Sensitive Habitats should be identified and protected by construction setbacks, use limitations, and other appropriate regulations.
2. Buildings and structures should be designed and located in harmonious relationships with surrounding development and the natural environment.
3. Buildings, structures and plant materials should be constructed, installed or planted to avoid unnecessary impairment of scenic views.
4. Potentially unsightly features should be located to be inconspicuous from streets, highways, public walkways and surrounding properties; or effectively screened from view.
5. Natural topography, vegetation and scenic features of the site should be retained and incorporated into proposed development.
6. Buildings and non-farm structures on agricultural property should be located to cause the least possible conflict with agricultural production by siting them away from the productive agricultural land, while still protecting to the greatest extent possible the scenic and environmental quality of the sensitive resource area.
7. Sensitive Resource Areas should be considered candidate 'sender' areas for possible Transfer of Development Credits programs, and potential resource management districts.

8.02 - Part 2 Ordinance Amendment

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment would modify the SRA Combining Designation section to clarify the an SRA may include scenic and visual resource areas. This amendment will implement the CCC recommendation by adopting clarifying language.

SECTION 00. Sections 23.07.160 - 166 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

P. 7-17

23.07.160 - Sensitive Resource Area (SRA):

The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) and/or text of the Land Use Element to identify areas with special scenic and environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act. The requirements of this title for Sensitive Resource Areas are organized into the following sections:

23.07.162	Applicability of Standards
23.07.164	SRA Permit and Processing Requirements
23.07.166	Minimum Site Design and Development Standards
23.07.170	Environmentally Sensitive Habitats
23.07.172	Wetlands
23.07.174	Streams and Riparian Vegetation
23.07.176	Terrestrial Habitat Protection
23.07.178	Marine Habitats

23.07.162 - Applicability of Standards:

The standards of Sections 23.07.160 through 23.07.166 apply to all uses requiring a land use permit that are located within a Sensitive Resource Area combining designation.

23.07.164 - SRA Permit and Processing Requirements:

The land use permit requirements established by Chapters 23.03 (Permit Requirements), and 23.08 (Special Uses), are modified for the SRA combining designation as follows:

a. **Initial submittal:** The type of land use permit application to be submitted is to be as required by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by planning area standards. That application will be used as the basis for an environmental determination as set forth in subsection c of this section, and depending on the result of the environmental determination, the applicant may be required to amend the application to a Development Plan application as a condition of further processing of the request (see subsection d).

b. **Application content:** Land use permit applications for projects within a Sensitive

Resource Area shall include a description of measures proposed to protect the resource identified by the Land Use Element (Part II) area plan.

c. Environmental determination:

- (1) When a land use permit application has been accepted for processing as set forth in Section 23.02.022 (Determination of Completeness), it shall be transmitted to the Environmental Coordinator for completion of an environmental determination pursuant to the California Environmental Quality Act (CEQA).
- (2) The initial study of the environmental determination is to evaluate the potential effect of the proposed project upon the particular features of the site or vicinity that are identified by the Land Use Element as the reason for the sensitive resource designation.
- (3) Following transmittal of an application to the Environmental Coordinator, the Planning Department shall not further process the application until it is:
 - (i) Returned with a statement by the environmental coordinator that the project is exempt from the provisions of CEQA; or
 - (ii) Returned to the Planning Department accompanied by a duly issued and effective negative declaration which finds that the proposed project will create no significant effect upon the identified sensitive resource; or
 - (iii) Returned to the Planning Department accompanied by a final environmental impact report approved by the Environmental Coordinator.

d. Final permit requirement and processing:

- (1) If an environmental determination results in the issuance of a proposed negative declaration, the land use permit requirement shall remain as established for the initial submittal.
- (2) If an environmental impact report is required, the project shall be processed and authorized only through Development Plan approval (Section 23.02.034).

e. Required findings: Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

- (1) The development will not create significant adverse effects on the scenic and 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.
- (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.
- (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

[Amended 1995, Ord. 2715]

23.07.166 - Minimum Site Design and Development Standards:

All uses within a Sensitive Resource Area shall conform to the following standards:

- a. Surface mining is not permitted except in areas also included in an Energy and Extractive Resource Area combining designation by the Land Use Element. Where the dual designation exists, surface mining is allowed only after approval of surface mining permit and reclamation plan, approved in accordance with Section 23.08.180.
- b. Shoreline areas shall not be altered by grading, paving, or other development of impervious surfaces for a distance of 100 feet from the mean high tide line, 75 feet from any lakeshore, or 50 feet from any streambank, except where authorized through Development Plan approval. Where the requirements of the California Department of Fish and Game or other public agency having jurisdiction are different, the more restrictive regulations shall apply. Special requirements for setbacks from wetlands, streams, and the coastline are established by Sections 23.07.172 through 23.07.178.
- c. Construction and landscaping activities shall be conducted to not degrade lakes, ponds, wetlands, or perennial watercourses within an SRA through filling, sedimentation, erosion, increased turbidity, or other contamination.
- d. Where an SRA is applied because of scenic or other prominent geological features

visible from off-site (such as rock outcrops), those features are to be protected and remain undisturbed by grading or development activities.

- e. Where an SRA is applied because of specified species of trees, plants or other vegetation, such species shall not be disturbed by construction activities or subsequent operation of the use, except where authorized by Development Plan approval.

8.05

Recommendation:

Pursue National Scenic Byway Designation for Highway One. Pursue the designation in the Estero and North Coast Planning Areas. Consider including Highway One north of Cayucos and the scenic Morro corridor (already designated by the County as a State Scenic Highway) for inclusion in the National Scenic Byways program. This will allow implementation funding to be sought under the Federal Highway Administration's scenic byway program.

8.05

County proposed solution: The County of San Luis Obispo Council of Governments (SLOCOG) initiated an effort in 2001 to begin the Scenic Byway nomination process for Highway One between San Luis Obispo and Monterey County. In January 2002, the nomination was made and submitted to the Federal Highway Administration.

8.09

CCC Recommendation:

Transfer of Development Credits program Monitoring. Monitor and Evaluate Current TDC Program to assess the effect of the current TDC program implementation on community character and its overall performance in reducing buildout and preserving forest resources.

8.09

County proposed solution: Prepare amendments to the draft North Coast Area Plan Update document of the Local Coastal Program.

Explanation: As part of the North Coast General Plan Update, the Cambria Transfer of Developments Credits Program was reviewed. While considered a successful program, it has not retired the number of lots originally expected, nor has it achieved substantial reduction in the buildout for the community. The program has allowed for larger houses in return for open areas, and is proposed to continue.

However, to successfully reduce buildout at the scale needed to preserve the community character, a more ambitious effort has been determined to be necessary. The County funded the 1996 Hausrath Study which concluded that an open space or assessment district could provide significant reductions in buildout, bring the size of the community closer to resource availability, and be more cost effective for the community.

This draft amendment will add a new Section that will propose an open space district to achieve the goal of purchasing many of the substandard lots in Cambria. This amendment will implement the CCC recommendation as follows:

00. Revise Chapter 6, Combining Designations, draft North Coast Area Plan Update, Page 6-17, by adding a new program # 7 as follows:

7. Small Lot - Open Space District. The County, CCSD, the community of Cambria, and others should work together in developing an open space district to begin purchasing many of the small and substandard lots in Cambria. The objective of the program is to preserve the forest from being physically displaced as the small lot areas build out with homes. Secondary benefits may be less building density, better fire clearance, more privacy between homes, larger yards, and more landscaping in neighborhoods.

Opportunity exists to begin a program to purchase some of the small substandard lots in Lodge Hill, Happy Hill, and Park Hill on an annual basis, and then commit them to open space. In conjunction with the forest management district, the lots can be used for a variety of purposes such as pocket parks, viewsheds, and habitat preservation, and other uses to benefit the community. The program will have an additional benefit in reducing crowding of buildings, traffic, water and service demand, and enhance the values of properties near open space lots.

The goal of the program in Cambria is to pursue actions sufficient to reach Plan Alternative Level III, which is a maximum number of 7,421 dwelling units. In an effort to further reduce significant unavoidable adverse impacts (such as water and traffic), a future general plan amendment should be initiated to consider additional alternatives that further reduce residential buildout densities in the Cambria area.

8.10

CCC Recommendation:

Undergrounding of Utilities. Support Continued Undergrounding of Overhead Utilities. The County Undergrounding Committee should continue to receive strong support for their work, and the Coastal Commission should work with the PUC to ensure that this important program is retained. The committee should consider including the overhead utilities across and along Highway One through the Hearst Ranch on the next priority list submitted to the Board of Supervisors.

8.10

County proposed solution: The County continues to support undergrounding of utilities by maintaining staff support to the Undergrounding Committee to utilize state funding for these tasks. New support by the Coastal Commission to keep the undergrounding funds available from the state will help the County achieve the undergrounding priorities.

The County recently undergrounded utilities along Highway One north of Cayucos. The priorities for undergrounding have been set for the next 5 years, and the Hearst Ranch area had not been proposed as a priority. The County agrees that this could be considered in 2004, when undergrounding priorities are reviewed. In addition, the County is participating in the current (but separate) Highway One Beautification and Modernization Program sponsored by Cal Trans.

A new approach for undergrounding may be via the Federal Scenic Byway Program. The County recently nominated Highway One between San Luis Obispo and Monterey County as a Scenic Byway, and submitted the nomination to the Federal Highway Administration. If approved, substantial new funding could be available for beautification via grant programs.

Ch 8 - Scenic Resources

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Archaeological Resources

Recommendation 9.1 (Updating Maps) was categorized as "agree" by the County on February 19, 2002. Because of timing difficulties, all recommendations have been deferred to Phase 2.

Ch 9 - Archaeology

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Coastal Commission Draft
Periodic Review Implementation

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Energy and Industrial Development

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

10.01

CCC Recommendation:

Update LCP to Address Onshore Fiber Optic Cable Projects. In updating its LCP Area Plans, Land Use designations and/or siting criteria standards should be revised to encourage consolidated cable corridors. Evaluate potential reuse of abandoned oil/gas facilities pipelines for possible alternative use for communication cables. Additional mitigation measures should be developed to address potential impacts from drilling such as requirements for Drilling Fluid Monitoring Plans. Monitoring requirements should be included that provide for qualified monitors onsite with ability to stop drilling should fractures occur which could releases bentonite. The CZLUO should be revised to include more specific mitigation for access/recreation impacts, avoidance or minimization of sensitive resources during construction, as well as mitigation measures such as erosion control, revegetation, and other measures necessary to protect scenic resources and habitat values.

10.01

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new Section that will address issues associated with underground fiber optic cable projects proposed by telecommunications companies. This amendment will implement the CCC recommendation by providing the policy framework that addresses consolidated cable corridors, reuse of abandoned pipelines, and mitigation/monitoring requirements during construction.

00. Revise Chapter 4, Coastal Plan Policies, under Policies for Energy and Industrial Development, starting on Page 4-28, by modifying the text to add new Section J. as follows:

J. TELECOMMUNICATIONS FIBER OPTIC CABLE PROJECTS

The use of fiber optic technology has emerged as a major component of telecommunications systems. With the enactment of the Telecommunications Act of 1996 there has been a dramatic increase in the competition and proliferation of new companies in the telecommunications industry with the rapid deployment of advanced technologies. The development of very fine and pure glass strands known as fiber optics that carry large quantities of digital information, combined with the massive expansion of use of the world wide web Internet system, and the

potential for use of these fiberoptic cables to carry movies, television, and most other types of communications, has changed the way that traditional telephone companies operate.

San Luis Obispo County has been in the unique geographical position of being located in the middle of a state that has major urban population bases, and also has the offshore geography (hard ocean bottom configurations) conducive to laying trans-Pacific telecommunications cable lines to places like Japan, China and Australia. Within county jurisdiction, Montana de Oro State Park is a major landing site for several telecommunication companies' trans-Pacific cable systems. The cities of Morro Bay and Grover Beach also have landing site facilities.

Fiber optic cable projects have impacts that are different from pipeline projects. For example, borings under stream crossings or in the nearshore areas use a drilling fluid product called bentonite that can accidentally be released into surface waters. Construction activities can impact public access if staging areas need to be located in public parking areas or along the shoreline. The following policies address the development of onshore fiber optic cable projects.

Policy 41: Cable Line Routes in Sensitive Habitats

Except for work on cable lines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act and Section 23.03.040 of the CZLUO, a field survey funded by the applicant shall be conducted along the proposed cable line route in all sensitive resource areas. The survey shall identify the type and extent of impacts from the construction and operation of the proposed cable line on important coastal resources, including sensitive habitat and sensitive or endangered flora species, visual resources and archaeological resources. Measures to mitigate these impacts shall also be evaluated and where appropriate required. Examples are cable line route relocation, measures to enhance the revegetation of temporarily disturbed areas (e.g., separation of topsoil and vegetative materials from excavation spoils for subsequent spreading over excavation spoils) and archaeological investigations or excavation programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 42: Cable Line Route Selection

When feasible, cable lines shall be routed to avoid important coastal resources including recreation areas, sensitive habitats, and archaeological areas. Unavoidable routing through recreation areas, habitat, or archaeological areas, or other areas of significant coastal resources, shall be done in a manner that minimizes the extent of disturbance, erosion potential and the impacts of a spill, should it occur (by considering drilling fluid spill volumes, durations, and projected path in a Drilling Fluid Monitoring Plan). [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 43: Construction Requirements

In sensitive resource areas the extent of cable line construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 44: Site Restoration

Upon completion of cable line construction the site shall be restored to the approximate pre-construction condition. Measures shall be taken during the restoration effort to protect and enhance wetland habitats in accordance with the habitat protection, erosion, and revegetation policies of the Plan. A revegetation program shall be required where it is determined that a disturbed area would not naturally revegetate sufficiently quickly to prevent substantial erosion or disruption of adjacent habitat. If necessary, required revegetation techniques would be determined based upon an investigation conducted by a qualified biologist. Additional measures necessary to prevent erosion until the vegetation is established may also be required. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 45: Consolidation of Cable Line Corridors/Reuse of other Utilities

New onshore cable line corridors are encouraged to be consolidated within existing cable line corridors or placed in existing abandoned gas/oil pipelines where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

10.02

CCC Recommendation:

Update Energy Policies of LCP Area Plans. As part of the update of LCP Area Plans, the County should update information on current energy demand and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with other LCP and Coastal Act policies.

10.02

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will modify an existing policy to address new energy facilities. This amendment will implement the CCC recommendation by providing guidance during area plan updates on the impacts of potential new energy facilities.

00. Revise Chapter 4, Coastal Plan Policies, Policy 1 - New Facilities and Expansion of Existing Sites; Page 4-8, by modifying the text as follows:

Policy 1: New Facilities and Expansion of Existing Sites

When new sites are needed for industrial or energy-related development, expansion of facilities on existing sites or on land adjacent to existing sites shall take priority over opening up additional areas or the construction of new facilities unless it can be shown that 1) alternative locations are infeasible and that the environmental impacts of opening up a new site are less than the impacts of expansion on or adjacent to existing sites; 2) to do otherwise would adversely affect the public welfare; and 3) adverse environmental impacts are mitigated to the maximum extent feasible. Priority shall be given to coastal-dependent industrial uses. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. Cogeneration methods utilizing existing facilities should have priority. Review shall determine that the location will ensure public safety.

~~As part of the update of coastal Area Plans, information on current energy demand should be considered in order to anticipate the need for additional energy facilities and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with LCP and Coastal Act policies. Adverse environmental impacts from the siting or expansion of coastal-dependent industrial or energy developments shall be mitigated to the maximum extent feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]~~

10.03**CCC Recommendation:**

Update LCP to Address Abandonment of Energy Facilities. As part of the Area Plan Updates the County should update and revise standards and requirements governing abandonment and clean up of sites in the EX Combining Designation. Updating of standards could include revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

10.03

County proposed solution: Draft amendment(s) to the Coastal Plan Policies document of the Local Coastal Program.

Explanation: This LCP amendment will add a new policy that will address the cleanup of major sites in the EX Combining Designation. This amendment will implement the CCC recommendation by addressing the concern about abandonment and cleanup through standards and requirements during the area plan update process.

00. Revise Chapter 4, Coastal Plan Policies, A. General Policies; Page 4-9, by adding the text as follows:

Policy 1B: Abandonment of Energy and Oil Facilities

As part of the Area Plan update process, the County should update and revise standards and requirements governing abandonment and clean up of major sites in the EX Combining Designation. Updating of standards should consider including revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

Ch 10 - Energy & Industrial

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Commercial Fishing and Recreational Boating

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

11.02

CCC Recommendation:

Baywood Boat Launch Review. Coordinate the Review of the Proposed Boat Launch Ramp in Baywood Park with Commission Staff, the Department of Fish and Game, and other involved regulatory Agencies and Interested Individuals. As the design and environmental analysis of the proposed boat launch ramp progresses, continued coordination with Coastal Commission staff, as well as with biological experts and other regulatory agencies and interested parties, should be pursued.

11.02

County proposed solution: Initiate a specific action to implement the recommendation.

Explanation: The county is doing this on an ongoing basis. The County Parks Department is also working with the Los Osos Citizens Advisory Council to decide whether to continue with the boat launch proposal. The county will continue to coordinate the review of this proposal with other agencies and interested individuals as long as it is active.

Ch 11 - Fishing & Boating

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Implementation of the Local Coastal Program

The following recommendations were categorized as "agrees" by the County on February 19, 2002.

12.01

CCC Recommendation:

Update LCP and Post-Certification Maps.

1. The County and the Coastal Commission staff should coordinate a review of LCP Maps for accurate delineations of coastal zone boundary and sensitive resource areas and update as necessary.

County proposed solution: According to Coastal Zone Framework for Planning, LCP maps are reviewed for accuracy when an update to an area plan is prepared. The Coastal Zone boundary was established by the California Coastal Act of 1976, and is shown accurately on the official Post Certification and Appeal Maps.

2. The Coastal Commission staff, in coordination with the County, should update the Post-Certification maps to accurately reflect permit and appeal jurisdictions. Once updated, the Coastal Commission should provide electronic versions of these maps for use in updating LCP maps.

County proposed solution: The CCC will initiate a specific action to implement the recommendation.

3. Recognize that the appealability of development based on geographic criteria (e.g., the presence of an SRA, a location between the first public road and the sea) should be determined according to what is on the ground as opposed to what is shown on the LCP and Post-Certification Maps. An exception to this is that roads constructed without the proper permits should not be considered as the first public road.

12.01

County proposed solution: Initiate a specific action to implement the recommendation. Recommendation #3 involves adopted rules of interpretation contained in the Coastal Zone Land Use Ordinance. The specific action should be to reinforce use of these rules of interpretation when the County or CCC is making decisions. For information, the following shows the current adopted rules of interpretation for mapped symbols:

23.01.041 - Rules of Interpretation:

Any questions about the interpretation or applicability of any provision of this title, are to be resolved as provided by this Section.

c. Map boundaries and symbols: If questions arise about the location of any land use category or combining designation boundary, or the location of a proposed public facility, road alignment or other symbol or line on the official maps, the following procedures are to be used to resolve such questions in the event that planning area standards (Part II of the Land Use Element), do not define precise boundary or symbol location:

- (1) Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.
- (2) Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the category shall be considered to extend to the centerline of the right-of-way.
- (3) Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the Planning Department, based upon the character and exact location of the particular feature used as a boundary. *Underline added - this includes ESHA's, SRA's and location of known archaeological resources and identified endangered species.*
- (4) In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries is to be determined through Development Plan review and approval (Section 23.02.034), before any development.
- (5) In other cases where boundaries are not related to property lines or contours, planning area standards of the Land Use Element define the precise boundary location or the necessary procedure for determining its location.
- (6) Symbols used to delineate a combining designation may not be property specific. In the case of Historic, and Energy and Extractive area symbols, the text of the applicable Land Use Element area plan will identify the extent of the area covered by the symbol application.
- (7) Symbols indicating proposed public facilities are not property specific. They show only the general area within which a specific facility should be established. The actual distance around a symbol where a facility may be located is defined by Chapter 8, Part I of the Land Use Element.

12.02 ☆ Grant Priority

CCC Recommendation:

Increase Coordination for Projects that Cross Jurisdictional Boundaries.

1. Coordinate permit jurisdiction determinations when projects may involve development within the Coastal Commission's original jurisdiction.
2. Develop a coordinated permit review procedure for development that straddles permit jurisdictions to avoid, where feasible, the need for separate coastal development permits from the County and the Coastal Commission.

12.02

County proposed solution: Draft new Policy and Procedure, CCC will initiate legislative changes.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by adding project review and jurisdictional coordination to monthly meetings between Coastal Commission and County staff. The language for the new procedure regarding monthly meetings may be found with recommendation 12.13. The new procedure related to jurisdictional issues is as follows:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

COUNTY/COASTAL COMMISSION COORDINATION (12.02)

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for coordinating reviews of projects that cross jurisdictional boundaries.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to work with the Coastal Commission to enhance the efficiency and effectiveness of the development review process of projects that cross jurisdictional boundaries. It is also the policy of this department that questions regarding permit and appeal jurisdictions are resolved in a coordinated manner that ensures the Local Coastal Plan is implemented consistent with Coastal Plan Policies.

D. PROCEDURE

Accurate determinations of the coastal zone boundary and permit jurisdictions is a critical procedural step in the development review process. Determinations of permit jurisdictions may be difficult along shoreline areas, where permit jurisdictions may change over time due to the ambulatory nature of the mean high tide line.

This department supports enhanced coordination and teamwork between the Coastal Commission and the County to identify opportunities for new coordination mechanisms or improved coordination in existing processes when making permit jurisdiction

determinations when projects may involve development within the Coastal Commission's original jurisdiction or reviewing development that straddles permit jurisdiction to avoid, where feasible, the need for separate coastal development permits from the County and Coastal Commission.

The County will discuss any jurisdictional issues at the monthly meetings between the County and Coastal Commission staff.

12.03 ☆ Grant Priority

CCC Recommendation:

Resolve Areas of Deferred Certification. Update the LCP to eliminate Areas of Deferred Certification (e.g., Sweet Springs Marsh and the Otto property) and establish local permit jurisdiction over future development in such areas.

12.03

County proposed solution: Draft amendment(s) to the Estero Area Plan document of the Local Coastal Program.

Explanation: As part of the draft Update of the Estero Area Plan, this LCP amendment will add land use categories and standards for the two subject areas. After certification by the California Coastal Commission, the Area of Deferred Certification will be eliminated.

Both properties are under public ownership. The California Coastal Commission recommendation is implemented by the County proposing both areas to be redesignated on the official maps from Recreation and Residential Single Family to Open Space, as shown in the 1999 Public Hearing Draft Estero Area Plan.

12.06 ☆ Grant Priority

CCC Recommendation:

Identify and Review Categorical Exclusions. Clarify where Categorical Exclusions may have been previously approved and how they are being implemented. The Coastal Commission staff, in coordination with the County, should evaluate whether these exclusions may be impacting coastal resources and therefore may warrant rescission.

12.06

County proposed solution: Initiate a specific action to review the recommendation.

Explanation: The County administered several categorical exclusions prior to our 1988 certification of the Local Coastal Program. The principal value of the Residential Categorical Exclusion was that an applicant only had to get necessary permits from the County. Other development needed a permit from the County, followed by a permit from the California Coastal Commission. This process proved difficult and time consuming.

After certification of the County's Local Coastal Program in 1988, all previous categorical exclusions were voided, and authority to issue Coastal Development Permits was delegated to the County. The purpose of an exclusion changed somewhat, since nearly all permits were to be processed at the County. A key provision is that development cannot be categorically excluded if it can be appealed to the Coastal Commission.

The County currently has only one categorical exclusion approved and certified by the California Coastal Commission. According to the section, a Plot Plan is still required, which must be found consistent with all County plans and ordinances. The principal value is that reduced noticing and resulting savings in permit costs and processing time results. As long as consistency is required, the section appears to protect coastal resources in the same manner that non-excluded development provides. After review, no change is suggested or recommended by the County. For information, the following is the text of the applicable section:

23.03.044 - Categorical Exclusion for Single-Family Dwellings.

Pursuant to Section 30610(e) of the Coastal Act, the construction or remodel (including grading or tree removal necessary for construction) of a single-family dwelling on an existing lot is excluded from the requirement of a coastal development permit under this title, provided that Plot Plan approval, or where applicable a grading permit, is obtained consistent with all applicable provisions this title and the Local Coastal Program and the development:

- a. Is not located in an appealable area and does not constitute appealable development pursuant to Section 23.01.043 of this title; and
- b. Is located within an urban reserve line as shown in the Land Use Element.

12.07 ☆ Grant Priority

CCC Recommendation:

Improve Noticing and Processing Procedures. The Coastal Commission staff should coordinate with the County to resolve noticing and processing issues related to CDPs, CDP amendments and extensions, grading permits, emergency permits, and appeals. In some cases, changes to the LCP may be needed to bring LCP noticing and processing requirements in conformance with the California Coastal Act and the California Code of Regulations. The Coastal Commission too should improve its noticing procedures. In particular, Coastal Commission staff should provide the following notice to the County:

1. The date on which Notices of Final Action are received. This will inform the County of the Coastal Commission appeal period for those projects that are

appealable, and the effective date of the local permit for unappealable development;

2. Whether any appeals have been received at the conclusion of the Coastal Commission appeal period. If no appeals have been filed, this notice will confirm the County's ability to release local building permits. If an appeal has been filed, this notice will allow the County to send the Coastal Commission a copy of the local file in a more timely manner.

12.07

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure for monthly meetings as specified in recommendation 12.13. An added topic is Coordination of Noticing. Note that this recommendation is a change in the way the California Coastal Commission processes notices, so no further County changes are proposed. In addition, the following new draft policy and procedure explains future discussions between the two agencies:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

NOTICING AND PROCESSING PROCEDURES (12.07)

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for improving noticing and processing procedures to ensure that the best procedures are utilized for filing Notices of Final Action.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to resolve noticing and processing issues related to Coastal Development Permits, Coastal Development Permit amendments and extensions, grading permits, emergency permits and appeals. In some cases, changes to the LCP may be needed to bring LCP noticing and processing requirements in conformance with the California Coastal Act and the California Code of Regulations.

D. PROCEDURE

This department shall work with the California Coastal Commission to develop effective and efficient noticing procedures while ensuring noticing standards are implemented consistent with the California Coastal Act and Administrative Regulations. The County and California Coastal Commission will explore ways of transferring Notices of Final Action electronically and coordinating completion dates of the Coastal Commission appeal period.

12.08

CCC Recommendation:

Clarify Allowable and Principally Permitted Uses.

1. Revise Table O to identify that allowable uses are further limited by Combining Designations (e.g., resource dependent development is the only principally permitted use in ESHA). (Agree)
2. Update Table O to differentiate the principally permitted land use within each land use designation from conditionally permitted uses. All uses currently subject to special standards and criteria should be identified as a conditional use (i.e., all uses currently listed as "S-#-P"; (Disagree)
3. Table O should also list Land Divisions, Certificates of Compliance, and Lot Line Adjustments as conditionally permitted development within the particular land use designation where they may be allowed. (Disagree)

12.08

County proposed solution: Initiate a specific action to show how existing LCP language implements the recommendations.

Explanation: Recommendation 1: The County agreed that allowable uses are further limited by Combining Designations (e.g., resource dependent development is the only principally permitted use in ESHA). This provision is found in CZLUO Section 23.07.170 d (2) which reads as follows:

23.07.170 - Environmentally Sensitive Habitats:

d. Development standards for environmentally sensitive habitats:

- (1) New development within or adjacent to the habitat shall not significantly disrupt the resource.
- (2) New development within the habitat shall be limited to those uses that are dependent upon the resource. Underline added.
- (3) Where feasible, damaged habitats shall be restored as a condition of development approval.
- (4) Development shall be consistent with the biological continuance of the habitat.
- (5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.)

Explanation: Recommendation 2: The County did not agree that Table 'O' - Allowable Use chart needed update to differentiate the principally permitted land use within each land use designation from conditionally permitted uses. Coastal Zone Framework for Planning Chapter 6 contains Table 'O' - Allowable Use Chart. On the previous page to Table 'O', is found the following explanation which addresses the recommendation, and reads as follows:

Coastal Zone Framework for Planning, Chapter 6, page 6-27.

C. ALLOWABLE LAND USES IN THE COASTAL ZONE

The following charts (Coastal Table O) list uses of land that may be established in the land use categories shown by the LUE area plans in the coastal zone. After determining what land use category and combining designation applies to a particular property, the chart can be used to find what uses are allowable. The chart will also show where to look in the Coastal Zone Land Use Ordinance to find the standards that apply to the planning and development of such land uses, as well as what permit is needed before a use can be established.

IMPORTANT: When determining the land use category and combining designation (if any) applicable to a particular property, also check the planning area standards and any policies from the Coastal Plan Policies Document that may apply to the property. (Planning area standards can be found in the LUE area plan that covers the part of the county containing the property in question. The LCP Policy Document may include additional requirements or standards affecting the type of development proposed.) Those standards may limit the uses allowed by the following charts, or set special permit requirements for a particular land use category, community or area of the county.

The column headings at the top of the charts are the land use categories, and the left column lists land uses, grouped under general headings. When the proposed land use is known, reading across the columns will show where the use is allowable. If a proposed use doesn't seem to fit the general land use headings, the definitions of uses in Section D of this chapter can help determine the proper group of uses to look for. A particular use of land need not be listed in the use definitions to be allowable. If a proposed use is not specifically mentioned, the planning director will, upon request, review a proposed use and identify the listed use it is equivalent to, as described in Chapter 2 of this document.

The letter "A" on the chart means that the corresponding use in the left column is "Allowed" in that land use category, if consistent with the LUE, LCP and other applicable regulations. Though some uses with an "A" in various categories (such as crop production) are identified in the Coastal Zone Land Use Ordinance as requiring no permit, in most cases the "A" means a use can be established with a plot plan approval as part of a building permit (or more intensive permit process if required by the CZLUO based on the size of the use), subject to the Coastal Zone Land Use Ordinance standards that must be considered in planning and developing a use. Underline added.

The letter "S" means that a use is allowable in a particular land use category only when special standards or permit procedures are followed. The number after the "S" refers to the key following the charts, which explains where to look in the Coastal Zone Land Use Ordinance to find the special standards. A "P" means that the use is principally permitted and encouraged over non-principally permitted uses. A "PP" means the same as a "P" where found in the text. A blank space in a land use category column means the corresponding use on the left side of the chart is not allowable in that land use category. Underline added.

KEY TO COASTAL TABLE O**USE STATUS****DEFINITION**

- A** Allowed use, unless otherwise limited by a specific planning area standard. Coastal Zone Land Use Ordinance Chapter 23.03 ("Required Level of Processing") determines the permit necessary to establish an "A" use, and Chapters 23.04 through 23.06 determine the site design, site development, and operational standards that affect the use. See also the "Planning Area Standards" sections of the Land Use Element Area Plans and the LCP Policy Document to find any standards that may apply to a project in a particular community or area.
- S** Special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The following list shows where in the Coastal Zone Land Use Ordinance to find the special standards that apply to particular uses.
- P** Principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses.

"S" NUMBER**APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT**

- | | | |
|----|-------------|---|
| 1 | 23.08.120 b | MISCELLANEOUS USES |
| 2 | 23.08.120 a | MISCELLANEOUS USES |
| 3 | 23.08.040 | AGRICULTURAL USES |
| 4 | 23.08.060 | CULTURAL, EDUCATIONAL & RECREATIONAL USES |
| 5 | 23.08.080 | INDUSTRIAL USES are allowable subject to the special standards found in Section 23.08.080. For new or expanded uses within the Petroleum Refining and Related Industries and Marine Terminals and Piers use groups, a specific plan is required prior to acceptance of land use permit(s) subject to the standards as set forth in Section 23.08.094. |
| 6 | 23.08.100 | MEDICAL & SOCIAL CARE FACILITIES |
| 7 | 23.08.140 | OUTDOOR COMMERCIAL USES |
| 8 | 23.08.160 | RESIDENTIAL USES |
| 9 | 23.08.170 | RESOURCE EXTRACTION |
| 10 | 23.08.200 | RETAIL TRADE |
| 11 | 23.08.220 | SERVICES |

- 12 23.08.260 TRANSIENT LODGINGS
- 13 23.08.280 TRANSPORTATION, UTILITIES & COMMUNICATION

- 14 Uses are allowable in the Open Space land use category on privately-owned land subject to Coastal Zone Land Use Ordinance Section 23.08.120a in addition to the special standards in Chapter 23.08, only when authorized by a recorded open space agreement executed between the property owner and the county. On public lands, uses designated are allowable subject to Coastal Zone Land Use Ordinance Section 23.08.120b, in addition to the special standards found in Chapter 23.08.

- 15 Listed processing activities are allowable in the Rural Lands and Agriculture land use categories only when they use materials extracted on-site pursuant to Coastal Zone Land Use Ordinance Section 23.08.120a, or when applicable, the Coastal Zone Land Use Ordinance Surface Mining Standards, Section 23.08.180 et. seq.

- 16 23.08.020 ACCESSORY USES
- 17 23.08.240 TEMPORARY USES
- 18 23.08.050 INTERIM AGRICULTURAL USES
- 19 23.08.400 WHOLESALE TRADE
- 20 23.08.300 ELECTRIC GENERATING PLANTS

Explanation: Recommendation 3: The County did not agree that Table 'O' should also list Land Divisions, Certificates of Compliance, and Lot Line Adjustments as conditionally permitted development within the particular land use designation where they may be allowed.

The purpose of Coastal Table 'O' - Allowable Use Chart is to regulate activities and physical uses of land. Land Divisions, Certificates of Compliance, and Lot Line Adjustments are regulated by the Coastal Zone Land Use Ordinance and Real Property Division Ordinances. They are defined as "Subdivision Development" to be consistent with the Coastal Act definition of "Development". Most 'Subdivision Development' is conditional according to the LCP.

12.10 ★ Grant Priority

CCC Recommendation:

Provide Legal Documents for Executive Director Review and Approval. Enhance coordination regarding the format and content of legal documents related to open space and public access easements and consider changes to permit procedures that would facilitate such coordination.

12.10

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. The following new Policy will implement the CCC recommendation by formalizing many of the processes involving coastal access. The new procedure, including language to address this recommendation, is also found with Coastal Access Recommendation 6.03. For information purposes, the following is the existing provisions for CCC review of documents. (No change is proposed to the ordinance)

CZLUO Section 23.04.420 g (4):

- (4) **Procedures for open space easements and public access documents.** Pursuant to Section 13574 of Title 14 of the California Administrative Code, all land use permits and tentative subdivision maps subject to conditions of approval pertaining to public access, open space, agricultural or conservation easements shall be subject to the following procedures:
- (i) All legal documents shall be forwarded to the executive director of the Coastal Commission for review and approval as to the legal adequacy and consistency with the requirements of potential accepting agencies;
 - (ii) The executive director of the Coastal Commission shall have 15 working days from the receipt of the documents in which to complete the review and to notify the applicant and the county of recommended revisions, if any;
 - (iii) If the executive director of the Coastal Commission has recommended revisions to the applicant, the land use permit shall not become effective pursuant to Section 23.02.034d of this title until the deficiencies have been resolved to the satisfaction of the executive director;
 - (iv) The land use permit may become effective (Section 23.02.034d) upon expiration of the 15 working day period if the Coastal Commission has not notified the applicant and the county that the documents are not acceptable.



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

**COASTAL COMMISSION REVIEW AND APPROVAL
OF LEGAL DOCUMENTS (12.10)**

UPDATED _____

Approved / Date

A. PURPOSE

To establish guidelines for providing legal documents for review and approval of the Coastal Commission Executive Director.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to coordinate with the California Coastal Commission regarding format and content of legal documents related to open space and public access easements.

D. PROCEDURES

For all locally required easements and dedications within the Coastal Zone, a "Procedure and Checklist for Coastal Agreements" tracking sheet (see attached) shall be started and the procedures detailed on the tracking sheet shall be followed. This will ensure the Executive Director is provided with all locally required easements and dedications within the Coastal Sone for review and approval.

Attachment: Procedure and Checklist for Coastal Agreements (12.10)

PROCEDURE AND CHECKLIST FOR COASTAL AGREEMENTS (12.10)

If more than one agreement is being requested, check this box and fill out a separate form for each agreement.

Project Number: _____

Project Name: _____

Agent/Phone: _____

Agent's Address: _____

DATE

COMPLETED

TASK

1. Applicant requests that the agreement be initiated.

2. Add Approval Steps to Computer Tracking System.

3. Send stock memo to County Counsel requesting agreement. Include the following:

a. Complete staff report and Developer's Statement

b. Minutes from hearing and a current title report (within 6 months)

4. Counsel sends back original agreement.

a. Attach Clerk page if necessary

b. Attach site plan and land use category map

5. Check that a separate subordination agreement has been prepared for each trustor and beneficiary for each deed of trust (compare with current Title Report or Lot Book Guarantee).

6. Send copy of agreement to General Services

7. Send copy of agreement to the Executive Director of the California Coastal Commission. Include the following:

a. Transmittal Cover Letter

b. Offer to Dedicate and Subordination Agreement forms

c. Current title report (within 6 months)

d. Staff Report with Conditions of Approval

e. CZLUO Section 23.04.420g(4).

- _____ 8. After a 30 day review period, the Executive Director returns approved agreement or recommends revisions. If revisions are requested, County Counsel revises the original agreement and the procedure resumes at task #6. If no comments are received at the end of the 30 day review period, go to task #9.
- _____ 9. Send original agreement to applicant.
 - a. Request Exhibits (if required)
 - b. Request recording fees (if required)
- _____ 10. Applicant requests revisions.
- _____ 11. Applicant returns executed agreement.
 - a. Check title report, verify notarized signatures
 - b. Check exhibits (if required)
- _____ 12. Send executed agreement to Counsel. Include the following:
 - a. Resolution, Current Title Report
 - b. Copy of Executive Director's written approval.
 - c. An executed and notarized subordination agreement for each deed of trust encumbering the property.
- _____ 13. County Counsel signs and returns agreement and resolution.
- _____ 14. Planning Director signs agreement.
- _____ 15. Make 2 copies of the agreement and resolution.
 - a. Keep 1 copy of each for file.
 - b. Send 1 copy to General Services - wait 1 week for OK
- _____ 16. Collect recording fees - \$7.00 for first page, \$3.00 each additional page, add \$10.00 journal entry fee
 - a. After fees are paid, have document recorded
- _____ 17. Other: _____
- _____ 18. Clean File, AFTER:
 - a. Checking that no other agreements or CC&R's are necessary
 - b. Copy County Counsel memos for central files.
 - c. Signoffs have been completed in computer tracking system

Applicant's Address: _____

12.11 ☆ Grant Priority

CCC Recommendation:

Clarify Appealability of Projects Involving Conditional Uses. Section 23.01.043c(4) should identify that if any component of a proposed development constitutes a conditional use, the entire project shall be appealable to the California Coastal Commission.

12.11

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will provide clarifying language to the appeals ordinance. This amendment will implement the CCC recommendation by amending the Section to identify that if any component of a proposed development constitutes a conditional use, the entire project shall be appealable to the California Coastal Commission.

SECTION 00. Section 23.01.043c(4) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (4) Any approved development not listed in Coastal Table O, Part I of the Land Use Element as a Principal Permitted (PP) Use. Appealable Uses on Coastal Table 'O' - Allowable Use Chart are designated as 'A' (Allowable) or 'S' (Special-Conditional Use).

12.12

CCC Recommendation:

Improve Methods for Ensuring Compliance with Permit Conditions. Among other means available to achieve effective compliance with permit conditions, the County could develop a tracking system that would be available to all relevant County departments and Coastal Commission staff.

12.12

County proposed solution: Draft new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will implement the CCC recommendation by improving methods for ensuring compliance with permit conditions as follows:



Policies and Procedures

No. 7.00:00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

CONDITION COMPLIANCE (12.12)

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for improving methods for ensuring compliance with permit conditions.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to enhance the efficiency and effectiveness of the condition compliance process. To this end, the County will work to develop tools to enhance condition compliance, including a tracking system that would be available to all relevant County departments and Coastal Commission staff.

12.13 ☆ Grant Priority

CCC Recommendation:

Increase Coordination of Enforcement Actions. Coordinate responses to violations with Coastal Commission staff and other involved regulatory agencies.

12.13

County proposed solution: Include key Enforcement Issues during monthly meetings. Describe in new Policy and Procedure.

Explanation: The County has developed a new policy and procedure that will guide how certain processes occur within the Department of Planning and Building. This new Policy will

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Periodic Review Implementation

implement the CCC recommendation by regularly discussing Enforcement Case status, new cases, and cases involving the CCC during monthly coordination meetings between County and CCC staff. The new Policy and Procedure reads as follows:



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

COUNTY/COASTAL COMMISSION MONTHLY MEETINGS

Updated _____

(CCC Rec.'s: 2.02, 2.12, 12.13, 12.14, 12.20)

Approved / Date

A. PURPOSE

To establish guidelines for conducting monthly meetings and coordinating information between County and Coastal Commission staff.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to conduct monthly meetings with Coastal Commission staff to enhance the efficiency and effectiveness of the two agencies. In certain cases, other agencies may also be involved based on the topic and jurisdiction.

D. PROCEDURE

This department supports enhanced coordination and teamwork between the Coastal Commission and the County planning staffs. The department will work together with the Coastal Commission to identify opportunities for new coordination mechanisms or improved coordination in existing processes. The following are suggested topics to discuss each month:

E. DRAFT AGENDA:

1. New Issues and Current Events.
2. Project Review & Recommendations. (Rec. 2.02)

3. Coordination of Noticing. (Rec. 12.07)
4. Appeals. (Rec. 2.02)
5. Plan Updates & Proposed LCP Amendments.
6. Resource Management & Resource Capacity Studies. (Rec. 2.12)
7. Water availability & related moratoria. (Rec. 2.13)
8. Enforcement Case status & Issues. (Rec. 12.13)
9. Emergency Permits. (Rec. 12.14)
10. Coordination for Projects that Cross Jurisdictional Boundaries. (Rec. 12.02)
11. Funding and Grant Program availability/status. (Rec. 12.20)
12. Upcoming CCC agenda items.
13. Upcoming County meetings/hearings.

12.14 ☆ Grant Priority**CCC Recommendation:**

Improve Coordination Regarding Emergency Actions. When time allows, consult with the Coastal Commission regarding alleged emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the California Coastal Commission.

To facilitate improved coordination and emergency permit processing, the County should prepare an Emergency Permit Procedure Manual. In addition, the County should initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies.

12.14

County proposed solution: Draft amendment(s) to the Coastal Plan Policies and Coastal Zone Land Use Ordinance documents of the Local Coastal Program. Also note that emergency permits are agenda items for monthly County/CCC staff meetings described in Recommendation 12.13

Explanation: This LCP amendment will amend Hazards Policy 10: Emergency Provisions and CZLUO Section 23.03.045 - Emergency Permits. This amendment will implement the CCC recommendation by adding a new program to prepare emergency plans and manual, and provide consultation with CCC staff when the County reviews a request for an Emergency Permit.

1. Revise Chapter 10, Coastal Plan Policies, Hazards Policy 10, Page 11-5, by modifying the text as follows:

Policy 10: Emergency Provisions

The requirements for obtaining a Land Use Permit may be waived in case of emergency as provided for in the Coastal Zone Land Use Ordinance.

~~The County should seek grant funding and develop a program to facilitate improved coordination and emergency permit processing, including preparation of an Emergency Permit Procedure Manual. The County should also initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM AND PURSUANT TO CHAPTER 23.03 OF THE COASTAL ZONE LAND USE ORDINANCE.]~~

SECTION 00. Section 23.03.045 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.03.045 - Emergency Permits.

The purpose of this Section is to establish procedures for the issuance of emergency permits in situations that constitute an emergency as defined by this Section. Emergency permits may be granted by the Planning Director as provided by this Section, in accordance with Section 30624 of the Coastal Act and Sections 13329 of Title 14 of the California Administrative Code of Regulations.

- a. **Emergency defined.** For the purposes of this Section, an emergency is a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- b. **Permit procedure.** In cases of such emergency, the Planning Director may issue an emergency permit in accordance with the following provisions:
 - (1) Applications in cases of emergencies shall be made to the Planning Director in writing if time allows, or by telephone or in person if time does not allow.
 - (2) The information to be reported during the emergency, if it is possible to do so, or as soon as possible after the emergency shall include the following:
 - (i) The nature of the emergency;
 - (ii) The cause of the emergency, insofar as this can be established;

- (iii) The location of the emergency;
 - (iv) The remedial, protective or preventative work required to deal with the emergency;
 - (v) The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
- (3) The Planning Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows. When reasonable, the Director shall also consult with the California Coastal Commission regarding claims of emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the California Coastal Commission.
- (4) The Planning Director shall provide public notice of the proposed emergency work, with the extent and type of notice determined by the nature of the emergency.
- (5) The Planning Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if he or she finds that:
- (i) An emergency exists that requires action more quickly than permitted by the procedures for regular permits administered pursuant to this title, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit;
 - (ii) Public comment on the proposed emergency action has been reviewed, if time allows; and
 - (iii) The work proposed would be consistent with the requirements of the certified Local Coastal Program.
- (6) Within 30 days of the notification required in subsection b(1) of this Section, the property owner shall apply for a land use permit as required by this title and any construction permits required by Title 19 of this code. Failure to file the applications and obtain the required permits shall result in enforcement action pursuant to Chapter 23.10 of this code.
- (7) The Planning Director shall not issue an emergency permit for any work to be undertaken on any tidelands, submerged lands, or on public trust lands, whether

filled or unfilled; requests for emergency work in these areas shall be referred to the California Coastal Commission.

- (8) The Planning Director shall report emergency permits to the Planning Commission at their next regular meeting and to the California Coastal Commission pursuant to Section 23.02.070. The decision to issue an emergency permit is solely at the discretion of the Planning Director although subsequent coastal permits required for the project are subject to all applicable hearing requirements as specified in Title 23.



Policies and Procedures

No. 7.00.00

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600

SUBJECT

Effective Date _____

COUNTY/COASTAL COMMISSION COORDINATION (12.14)

Updated _____

Approved / Date

A. PURPOSE

To establish guidelines for coordinating reviews of emergency permits.

B. APPLICABLE TO

All Planning Department staff.

C. POLICY

It is the policy of this department to work with the Coastal Commission to enhance the efficiency and effectiveness of the emergency permit process. This includes, when feasible, consultation with the Coastal Commission regarding alleged emergencies.

D. PROCEDURE

This department supports enhanced coordination and teamwork between the Coastal Commission and the County planning staffs. The County will work to prepare an Emergency Permit Procedure Manual. In addition, the County may initiate a process to identify areas that are susceptible to emergency situations and prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies.

12.16 ☆ Grant Priority

CCC Recommendation:

Clarify LCP Provisions Regarding Nonconforming Uses. Clarify LCP provisions regarding nonconforming uses and structures, and consider incorporating new standards for the development/adjustment/certification of non-conforming parcels as addressed in Chapter 5 of this report. With respect to the adjustment of non-conforming parcels, Section 21.02.030(c) of the County's Real Property Division Ordinance should be revised to require lot line adjustments to conform to all elements of the LCP (not just the zoning and building ordinances). These new standards should be crafted in a way that conforms to all applicable local, state, and federal laws.

12.16

County proposed solution: Draft amendment(s) to the Sections 21.02.010 and 21.02.030 of the Real Property Division Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will update the ordinance to comply with state law changes to the Subdivision Map Act regarding consistency of Lot Line Adjustments with adopted plans. The changes required by Senate Bill 497 to the Map Act went into effect January 1, 2002. This amendment will implement the CCC recommendation by requiring approval of certain lot line adjustments to be consistent with the policies, standards and ordinances of Local Coastal Program.

SECTION 00. Section 21.02.010 of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended to read as follows:

21.02.010 - When parcel or tract map required:

- (a) Every division of land, improved or unimproved, shall be preceded by the filing of a parcel or tract map pursuant to this title except the following divisions:
- (1) The financing or leasing of apartments, offices, stores or similar spaces within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;
 - (2) Mineral, oil or gas leases;
 - (3) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
 - (4) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a

~~greater number of parcels than originally existed is not thereby created,~~
processed in compliance with Section 21.02.030;

- (5) The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the financing or leasing is not subject to review under other local agency ordinances regulating design and improvements;
 - (6) The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
 - (7) Leases of agricultural land solely for agricultural purposes. As used in this Section, "agricultural purposes" means, and is limited to, the cultivation of food or fiber or the grazing or pasturing of livestock;
 - (8) Short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code;
 - (9) Land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless the planning director determines on the basis of substantial evidence that public policy necessitates a parcel map. Such determination shall be confirmed at the next regular subdivision review board meeting no sooner than ten days following the filing by the divider of sufficient information regarding the division to enable the planning director to make his determination. In the event the applicant is dissatisfied with the action taken by the planning director, he may appeal to the board of supervisors within ten days of the determination which is being appealed. Proof of conveyance shall be submitted to the planning director. Approvals granted pursuant to this subsection shall be null and void two years from the date of approval.
 - (10) Within the Coastal Zone, land divisions in connection with purchase of such land by a public agency for public recreational use. [Added 1988, Ord. 2343]
- (b) Except as provided in subsection (a) or (c) of this Section, each of the following divisions of land ~~and lot line adjustments, regardless of the number of parcels created,~~ shall be preceded by the filing of a tentative and parcel map pursuant to this title:
- (1) Where the land before division contains less than five acres, each proposed parcel abuts upon a maintained public street or highway, and no dedications or improvements are required by the subdivision review board.

- (2) Where each proposed parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway. For purposes of this subsection, "approved access" shall mean access for which improvements exist or are proposed as a condition of approval of the parcel map in accordance with Section 21.05.020.
- (3) Where the land consists of a parcel or parcels of land, having approved access to a public street or highway, which comprises part of a tract of land designated (zoned) for industrial or commercial development, and which has the approval of the subdivision review board as to street alignments and widths.
- (4) Where each proposed parcel has a gross area of forty acres or more, or each of which is a quarter-quarter section or larger.
- (5) Lot line adjustments, resubdivisions or other reconfigurations of existing lots involving 5 or more parcels.

[Amended 1992, Ord. 2581]

- (c) Except as provided in subsections a. and b. of this Section, any division or lot line adjustment resulting in five or more parcels shall be preceded by filing a tentative and tract map pursuant to this title.
- (d) All divisions of land not otherwise specifically exempted from parcel map requirements by this title and for which a tentative and final map is not required by this title shall be preceded by the filing of a tentative and parcel map pursuant to this title.
- (e) The requirements for a parcel map may be waived by the subdivision review board, provided the subdivision review board finds that the proposed division of land complies with the requirements of the Subdivision Map Act, or county ordinances enacted pursuant thereto, as to area, improvement and design, flood-water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, general plan consistency, land use designation (zoning) and other requirements of the Subdivision Map Act, or county ordinances enacted pursuant thereto.

[Amended 1992, Ord. 2581]

- (f) The procedures and requirements for waiver applications shall be the same as those set forth for the processing of tentative parcel maps for four or fewer parcels. (Ord. 1986 §2 (part), 1979).

SECTION 00. Section 21.02.030 of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended to read as follows:

21.02.030 - Lot line adjustments.

- (a) **General.** Lot line adjustments between ~~two or more~~ four or fewer existing adjoining parcels, adjacent parcels, where the land taken from one parcel is added to an adjacent adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, shall be processed pursuant to this Section Reconfiguration or resubdivision of 5 or more parcels shall be preceded by the filing of a tentative or tract map pursuant to this title.
- (b) **Application contents.** Lot line adjustment applications consisting of the following shall be submitted to the planning department:
- (1) **Form.** A completed application form as required by the planning department.
 - (2) **Preliminary title report.** Two copies of a preliminary title report concerning the property, not more than six months old, with an updated title report required at the time recordation of the certificates of compliance.
 - (3) **Lot line adjustment map.** Fifteen copies of a lot line adjustment map accurately drawn to scale. Measurements shall be identified by feet, square feet or acres to the nearest tenth. One copy of a reduction of the map on material measuring eight and one-half inches by eleven inches, shall also be submitted. The map shall meet the following criteria:
 - (i) **Size and scale.** The size and scale of the prints shall be the same as those for tentative maps set forth in Section 21.02.044.
 - (ii) **Record data.** All exterior and interior lines shall be shown on the map and shall be identified by course and bearing description, based on survey data, calculated data, or information of record. If a survey is done, any monuments established must be shown on a record of survey filed in accordance with the Land Surveyors Act, Business and Professions Code sections 8700, et seq.
 - (iii) **Lot lines.** Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from and subordinate to remaining and new lines.

- (iv) **Lot areas.** The area of all existing and proposed parcels shall be identified and listed in acres or square feet.
- (v) **Existing structures.** All existing structures, wells, septic tanks, driveways, and other improvements located on the original parcels shall be accurately located, identified, and drawn to scale. The distance between structures, the distances from existing structures to the boundary lines of the existing and the proposed parcels, and the height of each structure shall be shown. Such distances shall be established by a registered civil engineer's or licensed land surveyor's survey when deemed necessary by the planning department.
- (vi) **Streets.** The locations, names, county road numbers, and widths of all adjoining and contiguous highways, streets and ways.
- (vii) **Easements.** The locations, purpose, and width of all existing and proposed easements, streets (with proposed names) and appurtenant utilities.
- (viii) **Drainage.** The approximate location of all watercourses, drainage channels, and existing drainage structures.
- (ix) **Landforms.** The approximate location of other topographic or man-made features, such as bluff tops and ponds.
- (x) **Lakes and ocean.** Approximate high-water lines in lakes or reservoirs, and the mean high tide line of the ocean.
- (xi) **Flood hazard.** The location of all areas subject to inundation or storm water overflow.
- (xii) **Property description.** A description of the property as well as the assessor's parcel number(s) for the property.
- (xii) **Map information.** A north arrow and scale and a vicinity map.
- (4) **Verification of parcel legality.** The application shall include copies of recorded certificates of compliance or other information to confirm that the parcels to be adjusted are existing legal parcels. [Added 2001, Ord 2943]
- (5) **Statement of explanation.** The application shall contain any additional information necessary to explain the request. A statement shall be prepared and submitted by the applicant showing how the proposed lot line adjustment

satisfies the criteria that are required by this Section. [Amended 1993, Ord. 2602]

- (6) **Other information.** Any additional information required by the list(s) maintained by the planning department, prepared under Government Code section 65940, which specify in detail information required to be submitted prior to the determination by the planning department that an application is complete.
- (7) **Coastal zone.** For lot line adjustments within the coastal zone, include two copies of a list of names and addresses of all residents and property owners within one hundred feet of the exterior boundaries of the parcels to be adjusted. The names and addresses shall be typed on gummed labels, and submitted to the planning department. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

(c) **Criteria to be considered.**

- (1) **Lot line adjustments - limited to 4 or fewer parcels.** Lot line adjustments are limited to 4 or fewer parcels. A lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot line adjustment will conform ~~with~~ to the County's General Plan, Local Coastal Program, and zoning and building ordinances. The County shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the General Plan, Local Coastal Program, and zoning and building ordinances. The criteria to be considered includes, but is not limited to, standards relating to parcel design and minimum lot area. These criteria may be considered satisfied if the resulting parcels maintain a position with respect to said criteria which is equal to or better than such position prior to approval or conditional approval of the lot line adjustment. [Amended 1993, Ord. 2602]
- (2) **Reconfiguration or resubdivision involving 5 or more parcels.** Reconfiguration, including other adjustments or movement of parcel lines shall be preceded by the filing of a tentative or tract map pursuant to this title.

- (d) **Action on lot line adjustments.** The County shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the General Plan, Local Coastal Program, and zoning and building ordinances. The authority to approve, conditionally approve, or disapprove lot line adjustment applications is delegated as follows:

- (1) **Action by subdivision review board.** Except as provided in subsection (d)(2) below, the subdivision review board is delegated the authority to approve, conditionally approve, or disapprove lot line adjustment applications. Notice of hearing shall be given pursuant to Section 21.04.010. Provided, however, for lot line adjustments within the coastal zone, notice and hearing requirements shall be as set forth in Sections 21.04.010 and 21.08.020 of this title. The subdivision review board shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the provisions of Title 19 and Title 22 or Title 23 of this code, or except to facilitate the relocation of existing utilities, infrastructure, or easements. The decision of the subdivision review board shall be final unless appealed to the board of supervisors pursuant to Section 21.04.020 of this title. [Amended 1988, Ord. 2343; Amended 1992, Ord. 2582; Amended 2001, Ord. 2943]
- (2) **Action by planning director.** The planning director (or designated staff member) is delegated the authority to approve, conditionally approve, or disapprove lot line adjustment applications which are not located within the coastal zone of the County, are exempt from the provisions of the California Environmental Quality Act, and are not being processed in conjunction with any land use permit application. Provided, however, at the request of the applicant or in the discretion of the planning director, any lot line adjustment application may be referred to the subdivision review board for review and decision pursuant to subsection (d)(1) above. Notice of hearing shall be given pursuant to Section 21.04.010. The planning director shall not impose conditions or exactions on the approval of a lot line adjustment except to conform to the provisions of Title 19 and Title 22 of this code, or except to facilitate the relocation of existing utilities, infrastructure, or easements. The decision of the planning director shall be final unless appealed to the board of supervisors pursuant to Section 21.04.020 of this title. [Added 2001, Ord. 2943]
- (e) **Final processing.** The lot line adjustment shall be reflected in a deed which shall be recorded when all conditions of approval have been satisfied. Any applicable deeds of trust shall be revised in a recorded document or documents to conform to the new configuration of the resulting parcels. The lot line adjustment shall be completed and finalized by the filing of a certificate of compliance for each of the resulting parcels. Provided, however, at the discretion of the applicant, the lot line adjustment may be completed and finalized by the filing of a parcel map pursuant to this title and the Subdivision Map Act. Any such parcel map may be based on compiled record data when sufficient information exists on filed maps to locate and retrace the exterior boundary lines on the parcel map. The determination as to whether sufficient information exists shall be made by the County surveyor.

- (f) **Expiration.** An approved or conditionally approved lot line adjustment shall expire unless completed and finalized within two years after its approval or conditional approval. The expiration of an approved or conditionally approved lot line adjustment shall terminate all proceedings and no certificate of compliance recognizing the lot lines described in said lot line adjustment shall be recorded without first processing a new lot line adjustment application. Upon application by the applicant, filed prior to the expiration of the approved or conditionally approved lot line adjustment, the time at which the lot line adjustment expires may be extended by the subdivision review board for a period or periods not exceeding a total of one year. (Ord. 1986 § 2 (part), 1979)
- (g) **Approvals within the coastal zone.** For lot line adjustment applications located within the coastal zone that are appealable to the coastal commission, approval shall not be final until either all appeal periods have expired and no appeal has been filed, or the coastal commission has approved the application.

[Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

[Amended 1992, Ord. 2581; Amended 2001, Ord. 2943]

12.18

CCC Recommendation:

Institute Appeal Provisions for Variances. Amend the LCP to identify that any development approved by variance is a conditionally permitted use appealable to the California Coastal Commission. An appropriate location for this change would be within Section 23.01.045 of the CZLUO.

12.18

County proposed solution: Draft amendment(s) to the Coastal Zone Land Use Ordinance document of the Local Coastal Program.

Explanation: This LCP amendment will clarify that appealable development approved by the County - which approval also includes a Variance or other Adjustment to LCP standard, - that all the actions are appealable. This amendment will implement the CCC recommendation by clarifying that a Variance, Exception or Adjustment to standards accompanying approval of appealable development is also appealable to the California Coastal Commission.

SECTION 00. Section 23.01.043c. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

- c. **Appealable development.** As set forth in Public Resources Code Section 30603(a) and this title, a decision by the County on a permit application, including any Variance, Exception, or Adjustment granted, for any of the following projects may be appealed to the California Coastal Commission:

12.19

CCC Recommendation:

Improve Coordination with Grant Programs. The Coastal Commission and County staff should work with local state and federal grant sources, as well as the recipient of grants, in a way that will facilitate the coastal resource protection and planning improvements called for by this report.

12.19

County proposed solution: Initiate a specific action to implement the recommendation.

Explanation: The County will implement this recommendation in 2 ways: First, by continuing our Coastal Grant Programs, and second, by incorporating discussion of funding and grant information with Coastal Commission staff during our monthly coordination meetings. The following Recommendation 12.20 shows County accomplishments of the Coastal Grant Program. Recommendation 12.13 establishes Policy and Procedures for discussing funding during our monthly County/CCC coordination meetings.

12.20

CCC Recommendation:

Seek Additional Funding and Staffing Resources. Both the California Coastal Commission and the County should attempt to secure the funding necessary to further develop and implement the recommendations of the Periodic Review. In particular, the Coastal Commission should continue to offer LCP Grants that will facilitate the County's ability to commit staff resources to this effort, and the County should take full advantage of these and other grant opportunities. In addition, the Coastal Commission should seek funding to staff the Central Coast District Office at a level that will enhance its ability to assist and coordinate with San Luis Obispo County.

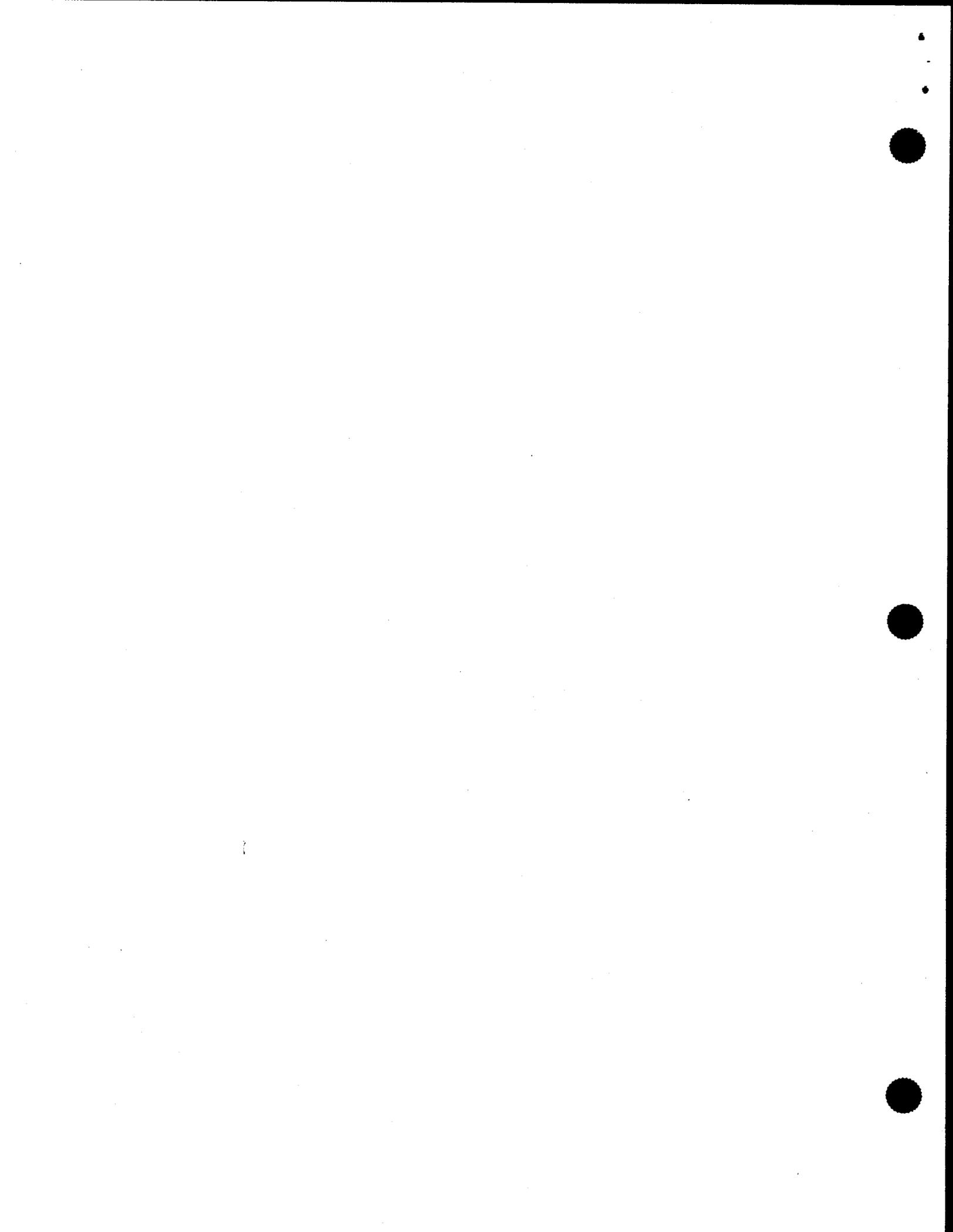
12.20

County proposed solution: Initiate a specific action to implement the recommendation.-Continue the Coastal Grant Programs.

Explanation: The County implemented this recommendation. We applied for and received approval for a number of grant projects related to Periodic Review Recommendations. The following table shows the performance of the County's grant program:

	Year/ Source	Project Name	Amount	Status
1	1999 CCC	Periodic Review	\$80,000	Spent
2	1999 CCC	North Coast Update	\$80,000	Spent
3	2000 CCC	North Coast Update	\$16,850	Spent
4	2001 CIAP	Periodic Review	\$45,000	No contract yet
5	2001 CIAP	LCP Area Plan Updates	\$45,000	No contract yet
6	2001 CIAP	LCP Misc Projects	\$64,000	No contract yet
7	2001 CRG	Periodic Review	\$45,000	No contract yet
8	2001 CRG	LCP Area Plan Updates	\$45,000	No contract yet
9	2001 CRG	LCP Misc Projects	\$60,000	No contract yet
10	2001 CCC	Periodic Review Implementation	\$124,000	Work on-going, no contract yet
		Total	\$604,850	
Notes: CCC is California Coastal Commission CRG is Coastal Resource Grant Program CIAP is Coastal Impact Assistance Program				

END of Recommendations





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

February 13, 2003

Mr. Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Douglas: *Peter*

SUBJECT: SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM

We look forward to meeting with your Commission next month in San Luis Obispo. We also appreciate the Commission and your staff continuing to work with San Luis Obispo County on successfully implementing the Local Coastal Program (LCP). As noted in your letter of November 9, 2001 to the Chair of the Board of Supervisors, we agree there will need to be a multi year effort and likely additional funding to fully respond to the comprehensive package of Periodic Review recommendations developed by your staff. However, we would like to emphasize, as described below, the significant achievements that have occurred as a result of working together over the last year.

- Periodic Review Package of LCP Amendments addressing over 50% of the recommendations completed and in scheduled public hearings;
- Oceano Specific Plan LCP Amendment submitted to the Commission;
- Hearst/American Land Conservancy Framework for Conservation endorsed unanimously by the County Board of Supervisors;
- Estero Area Plan Update and LCP Amendment public review draft completed;
- Los Osos Habitat Conservation Plan (HCP) Multi Agency Memorandum of Understanding approved unanimously by the County Board of Supervisors;
- Cambria Commercial Design Plan LCP Amendment adopted;
- Cambria Water Moratorium conditions of approval for "pipeline projects" approved and consistent with Coastal Commission action;

SLO Periodic Review
1-Year Response, W9a
Exhibit 3, page 1 of 10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

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COASTAL COMMISSION
CENTRAL COAST AREA

November 5, 2002

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Calif. 94105-2219

**Re: *Response to the California Coastal Commission's Periodic Review
of the San Luis Obispo County Local Coastal Program***

Dear Mr. Douglas:

It has been almost a year since we received the formal transmittal of the Final Action of the Commission on the Periodic Review of San Luis Obispo County's certified Local Coastal Program. The purpose of this letter is to respond and update the Commission on progress the County has made in implementing the recommendations pursuant to Public Resources Code 30519.5.

The County has worked closely with your staff in prioritizing recommendations, coordinating grant funding, and developing solutions. Although we have not formally adopted all of the recommendations, we are pleased to report that the County has made progress in implementing many of the 166 recommendations in the Commission's Final Report. A summary report of our progress is included for your review.

Specifically, on February 19, 2002, the County Board of Supervisors authorized staff to pursue actions and amendments to the LCP that included 87 of the 166 recommendations. In consultation with Commission staff, the County's implementation effort was divided into two phases for ease of implementation.

On October 21, 2002, the County noticed and distributed a public review draft of Phase 1 - LCP amendments. Concurrently, the Department of Planning and Building drafted 14 new Policy & Procedures for internal use that will result in better coordination, accuracy of project review, and protection of coastal resources. The attached draft was prepared for Coastal Commission use that also includes policies and procedures and other actions not subject to LCP amendment.

SLO Periodic Review
1-Year Response, W9a
Exhibit 3, page 2 of 10

Correspondence

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>

November 5, 2002
Page 2

We expect to begin public hearings on the Phase 1- LCP Amendments with the County Planning Commission in December 2002, followed by hearings before the Board of Supervisors and California Coastal Commission. After submittal of Phase 1 - LCP Amendments to the Coastal Commission, we intend to request that the Board of Supervisors initiate work on Phase 2 - Major LCP Amendments. In addition, the County is actively in the process of updating the North Coast and Estero Area Plans. Adoption of these plans will implement many of the remaining recommendations.

The Coastal Commission approved a \$124,000 grant to the County for calendar year 2002 to help offset the county's costs in implementation of Periodic Review. On May 20, 2002, the County signed an agreement with the State to utilize the grant, although work in addressing many of the Phase 1 recommendations had already begun. We appreciate the Commission's ongoing assistance in these planning efforts and look forward to working with the Commission as we enter public hearings and continue to work on Periodic Review implementation. We hope this will clarify the County's progress in addressing the recommendations of Periodic Review.

If you have any questions please contact John Euphrat at (805)781-5194 or by email at jeuphrat@co.slo.ca.us.

Sincerely,



Victor Holanda, AICP
Planning Director

CC: Shirley Bianchi, Chair of the Board of Supervisors
David Edge, County Administrator

Attachment

SLO Periodic Review
1-Year Response, W9a
Exhibit 3, page 3 of 10
Correspondence



Friends of the RanchLand

PO BOX 721 • CAMBRIA • CALIFORNIA 93428 • (805) 927-7219

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JAN 27 2003

January 23, 2003

Planning Commission
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Comments on Public Review Draft Phase I
Periodic Review Implementation (1/23/03)

Honorable Commissioners:

Friends of the RanchLand, an environmental organization with nearly 1,000 members primarily from the North Coast, urges the Commission to strengthen the County's Periodic Review Implementation by amending the Draft in the following ways:

1. We implore you to respond to the entire Periodic Review instead of the piecemeal approach currently reflected in the Draft, whereby the County has responded to only 20% (33 of 165 total) of Coastal Commission recommendations on improving the LCP;
2. We ask that you set specific timelines for the implementation of proposed programs to facilitate timely compliance with the Coastal Act (This County has been out of compliance for many years);
3. We request that stronger, mandatory language be used to ensure the effective implementation and enforcement of programs and policies under Periodic Review;
4. We urge you to withdraw all non-errata changes proposed in the document entitled "Recommendation & Errata Changes" that was distributed by staff at the Commission's December 12, 2002 hearing and is patently illegal; and
5. We ask that you withdraw the Negative Declaration prepared in association with the Draft and instead prepare a full Environmental Impact Report to evaluate potentially significant environmental effects associated with inconsistencies between the Draft and existing land use regulations and policies.

These recommendations will ensure better protection of the County's rich coastal resources, preserve environmentally sensitive habitats, ensure scenic and recreational values, and protect public access. Ultimately, these recommendations will ensure that the County administers its LCP in a manner consistent with the Coastal Act.

Sincerely,

Doug Buckmaster
President

✓cc: California Coastal Commission

SLO Periodic Review
1-Year Response, W9a
Exhibit 3, page 4 of 10
Correspondence

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VIA FAX AND
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JAN 14 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



Coastal Zone Management Division
Department of Planning and Building
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Re: Supplemental Comments on Errata Sheet & Negative Declaration,
Public Review Draft Phase I Periodic Review Implementation

Dear Coastal Zone Management Division:

In a letter dated December 19, 2002, and on behalf of Friends of the RanchLand, the Environmental Defense Center submitted a letter to the County of San Luis Obispo Coastal Zone Management Division ("County") regarding the Public Review Draft of Phase I Periodic Review Implementation ("Draft"). In that letter, we urged the County to strengthen the Draft to ensure that the County administers its Local Coastal Program ("LCP") in a manner consistent with the California Coastal Act.

This letter supplements our previous letter. First, we urge County staff to withdraw from consideration the document entitled "Recommendation & Errata Changes." The "errata changes" included in that document widen the inconsistencies between the County's LCP and the Coastal Act, and were not included in the original Draft distributed to the public for review and comment. Second, we respond to the County's preparation of a Negative Declaration ("ND") in association with the Draft, and urge the County to reject the ND and instead either prepare a full Environmental Impact Report ("EIR") or improve the Draft to ensure that no significant environmental impacts will result.

I. The County should withdraw the "errata changes" because they fail to conform to the Coastal Act and were not included in the original Draft for public review.

During the Planning Commission ("Commission") hearing on December 12, 2002, staff distributed a document entitled "Recommendation & Errata Changes for Periodic Review Phase I at the Planning Commission." In this document, staff urged the Commission to consider several "errata changes" to the Draft. The Division should withdraw these "errata changes" because they are substantial amendments to the Draft that were not included in the original Draft for public review and comment. In addition, the "errata changes" further weaken the County's LCP and result in additional inconsistencies between the Draft and the Coastal Act.

First, while County staff classifies these changes as "errata," several of the changes listed on the document are not corrections of typographical errors, but rather will result in *significant amendments* to the Draft. While the County has publicly noticed the Draft and continues to

SLO Periodic Review
1-Year Response, W9a
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make it available for public review and comment, the County provided no such notice for the "errata changes" document to interested parties nor the general public, and as a result, opportunities for public review and comment of the proposed "errata changes" are inadequate.

Next, most of the "errata changes" weaken current proposals within the Draft, even while the Draft currently fails to achieve consistency between the County's LCP and the Coastal Act. Instead of proposing to further weaken the Draft language through the "errata changes," the County should seek ways to improve and enhance its LCP.

Finally, the "errata changes" document states that the proposed amendments to the Draft are the result of input from unidentified "members of the public." It appears that the County is yielding to developers and other interests who seek to weaken the County's LCP, furthering their private interests at the expense of the public's coastal resources. Other members of the public, including Friends of the RanchLand, continue to voice their concern over inconsistencies between the Draft and the Coastal Act and feel that the County should instead focus its efforts on *improving* consistency with the Coastal Act. At a minimum, the County should specifically identify those "members of the public" whom the County relied on in drafting the "errata changes."

Proposed Amendment 2(B). The County proposes to substitute the term "Commercial Development" for "Non-Residential Development." Such terminology would preclude certain types of development from the best management practices ("BMP") requirement. For example, development that is not residential and not commercial (such as agricultural development) would not be required to use best management practices to control and prevent polluted runoff. However, agricultural activities *must* be subject to BMP because agricultural runoff is one of the primary sources of pollution of our nation's waters. In fact, the U.S. Environmental Protection Agency ("EPA") recently concluded that agricultural activity impacts 59% of the rivers and streams identified as impaired in the United States. U.S. EPA, National Water Quality Inventory: 1998 Report to Congress, 841-R-00-001 (1998).

In light of this finding, the County should require agricultural development to apply BMPs to reduce runoff associated with agricultural pollution. Such BMPs include integrated pest management, improved pesticide and nutrient management planning, livestock manure management, wetland and riparian area restoration, buffer strips, vegetated waterways, and many other techniques to reduce agricultural pollution runoff. Hence, this "errata change" should be withdrawn to preserve the Draft's current distinction between "Residential Development" and "Non-Residential Development," and to require agricultural development to comply with the best management practices to reduce polluted runoff.

Proposed Amendment 2(C). The County proposes to eliminate an entire geographic feature from the County's LCP by removing the term "drainages" from the definition of Environmentally Sensitive Habitat Areas ("ESHA"). Modifying the ESHA definition in this way would fail to implement the Coastal Commission's recommendations, which require the County to adopt the California Department of Fish and Game's broad definition of "stream" that includes drainages and other minor waterways. Such waterways are environmentally sensitive because they constitute important animal movement corridors and often contain biologically valuable, geographically limited and easily disturbed wetland habitats. Removing the term "drainage"

from ESHA does not make the County's definition of "stream" consistent with the definition used by Fish and Game.

Proposed Amendment 2(D). The County proposes to exempt from riparian setback requirements certain agricultural activities that are currently exempt from the CZLUO Grading Ordinance. The activities that the "errata changes" seek to exempt from the riparian setback requirement include certain excavations, fills, and agricultural cultivation activities. See CZLUO § 23.05.026. Exempting these activities from the County's LCP violates the Coastal Act and does not satisfy the Coastal Commission's recommendation for riparian setback requirements.

The Coastal Act requires that development adjacent to ESHA (including agricultural development such as grading and removal of riparian vegetation) "shall be sited and designed to prevent impacts which would significantly degrade those areas." Pub. Res. Code § 30240(b). By exempting agricultural activities from the setback requirement, the County could allow agricultural development to occur immediately alongside riparian ESHA. This, in turn, could allow the significant degradation of adjacent ESHA by introducing harmful pesticides, sediments, and other pollutants into waterways. The U.S. Environmental Protection Agency recently concluded that runoff from agricultural activity was a major cause of pollution of our nation's rivers and streams. U.S. EPA, National Water Quality Inventory: 1998 Report to Congress, 841-R-00-001 (1998). In addition, the National Marine Fisheries Service concludes that sedimentation from agricultural grading near riparian areas can smother gravel beds required by steelhead for spawning. See 64 Fed. Reg. 73479 (Dec. 30, 1999). The Department of Fish and Game's 1996 Steelhead Management Plan also identifies human activities that discharge sediment into streams (e.g. agricultural grading) as reasons for the decline of steelhead. Exempting agricultural developments from the proposed riparian setback requirement would result in site specific and cumulatively significant impacts to animal movement corridors, to riparian habitats, to rare species, to water quality and to stream substrate, and would thus conflict with Section 30240(b) of the Coastal Act.

In addition, we note that agricultural development should not receive the blanket exception from the LCP Policy that the "errata change" seeks to impose. The Coastal Act defines "development" as "grading, removing, dredging, mining, or extraction of any materials," even when related to agricultural activity. Pub. Res. Code § 30106. Agricultural activity thus falls under the coastal permit process, which requires that "any person wishing to perform or undertake any development in the coastal zone...shall obtain a coastal development permit" to ensure compliance with the provisions of the Coastal Act. Pub. Res. Code § 30600(a). While exempted from the definition of "development," the removal or harvesting of major vegetation for agricultural purposes may still be subject to this coastal permit process. In a memo titled "Agricultural Activities Involving Removal of Major Vegetation," the Executive Director of the Coastal Commission concluded that if an activity involves the removal of major vegetation for agricultural purposes, the activity may still require a coastal permit if the activity's "possible adverse environmental effects [are] such that a coastal permit is necessary to protect coastal resources." Memorandum from Michael Fischer, Executive Director, California Coastal Commission to Regional Executive Directors, 3 (March 27, 1981). In making this determination, the Coastal Commission considers, in part, the "[a]djacency of expanded farming operations to wetlands, coastal streams, and watershed," the "[n]atural resource value of the area

to be cultivated, wildlife habitat, including riparian communities,” and the “effect of expanded operation on water resources and supply.” *Id.* at 4. In addition, the Commission found that expansion of agricultural activities into non-farmed areas may involve significant “changes in the intensity of use of land or water” and hence qualify as “development” under the Coastal Act, even if it does not involve removal of “major vegetation.” *Id.*

The County should not seek to exempt certain agricultural activities from the riparian setback requirements, since the Coastal Act and official Coastal Commission policy generally requires coastal permits for undertaking such activities.

Proposed Amendment 2(E). The Draft proposes a new requirement whereby a road or road crossing could be constructed within ESHA setbacks only after an alternatives analysis concludes that no other less environmentally damaging alternative exists. However, the “errata changes” document seeks to exempt agricultural operations from this alternatives analysis requirement in violation of the Coastal Act. The Coastal Act prohibits *all* uses in ESHA, including agricultural, that are not dependent on ESHA or that would result in significant disruption of the habitat values. Pub. Res. Code § 30240(a). Furthermore, the construction of roads adjacent to ESHA and within or adjacent to ESHA setbacks “shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat...areas.” Pub. Res. Code § 30240(b). Hence, agricultural road-building must not be exempted from the alternatives analysis and least damaging alternative requirements. Furthermore, agricultural road construction is not an ESHA-dependent activity and is entirely prohibited by the Coastal Act.

The Coastal Act also prohibits major alterations of streams and rivers (e.g. road and bridge construction) except for “necessary water supply projects ... flood control projects where no other method for protecting existing structures is feasible and where such protection is necessary for public safety ... or ... developments where the primary function is the improvement of fish and wildlife habitat.” Pub. Res. Code § 30236. This language excludes agricultural road construction in stream and river ESHA setback areas and implies a need to evaluate alternatives and implement the least damaging feasible alternative to lessen impacts of development on ESHA.

Furthermore, construction of new roads in wetlands is not one of the eight uses of wetlands allowed by the Coastal Act. Pub. Res. Code § 30233. “When no other alternative exists, and when consistent with the other provisions of this section,” the Act allows for “limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity.” (Coastal Commission Statewide Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas, 105 (1994). Thus, while the Section 30233 of the Act prohibits the diking, filling and dredging in wetlands for construction of new roads, it does require an alternatives analysis when one of the eight allowed uses in coastal wetlands, such as limited expansion of existing roads, is proposed, and it requires that only the least damaging option may be approved.

In addition to violations of the Coastal Act, this “errata change” also fails to satisfy the Coastal Commission’s recommendation by removing altogether the requirement of selecting the least environmentally damaging alternative. The Draft included language that requires the County to

utilize the least environmentally damaging alternative, and if no such alternative exists, to adopt all feasible mitigation measures. The "errata changes" strike this mandatory language and replace it with a suggestion to "examine at least two other feasible locations *with the goal of* locating the least environmentally damaging alternative," (emphasis added). This new language does not require the County to *actually adopt* the least environmentally damaging alternative, and eliminates *all* references to mitigation measures. This is inconsistent with Coastal Commission Recommendation 4.24, which suggested that the County require alternative alignments and mitigation "to the greatest degree feasible."

The proposed "errata change" is also inconsistent with the California Environmental Quality Act ("CEQA"), which prohibits approval of projects (such as road construction in an ESHA) when a feasible alternative that substantially lessens or avoids a significant impact and fulfills most of the basic project objectives exists. Pub. Res. Code § 21081(a)(3); CEQA Guidelines § 15002(a)(3). Moreover, in passing CEQA, the California Legislature declared that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. To be consistent in its application of laws designed to protect the County's natural resources, the County should require thorough analyses of alternatives to road construction projects and only consider permitting alternatives that are the least damaging to ESHA.

Proposed Amendments 2(H) through 2(L). These "errata changes" attempt to remove lot line adjustments and other reconfigurations of existing lots from the Draft language. These proposed amendments would no longer require the initial filing of tentative or parcel maps for certain lot line adjustments and other reconfigurations of existing lots. Such a change is inconsistent with Coastal Commission Recommendation 12.16, which requires the County to require *all* lot line adjustments to conform to *all* LCP elements.

II. The County should reject the Negative Declaration, and instead either prepare a full EIR or improve the Draft to ensure consistency with the Coastal Act.

On December 6, 2002, the County voiced its intent to prepare a Mitigated Negative Declaration and concluded that the proposed changes to the County's LCP "will not have a significant effect on the environment." However, as currently proposed, the Draft *will* result in *significant* environmental impacts. We urge the County to either amend the Draft to reduce environmental impacts to insignificant levels, or to prepare an EIR outlining the current Draft's environmental effects, alternatives, and mitigation measures.

In its Initial Study, the County relied on several erroneous conclusions in determining that the Draft will not have any significant environmental effects. For example, in concluding that the Draft will have no significant impacts on biological resources, the County explains that the Draft "will make the Local Coastal Program more consistent with the Coastal Act" and "will strengthen standards for development within environmentally sensitive areas." However, our previous letter identified several inconsistencies between the Draft, the Coastal Act, and the Coastal Commission's recommendations with respect to ESHA and other biological resources. Elsewhere in the Initial Study, the County states that the Draft will make the County's LCP

