

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

**Th5b****RECORD PACKET COPY**

June 30, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director *C.L.L.*
Steve Monowitz, Coastal Planner

SUBJECT: **SAN LUIS OBISPO COUNTY LCP AMENDMENT NO. SLO-MAJ-1-03**
CERTIFICATION REVIEW: Concurrence with the Executive Director's determination that the action of San Luis Obispo County accepting the Commission's certification of LCP Amendment No. SLO-MAJ-1-03 is legally adequate. For Commission review at the meeting of July 15, 2004 in Costa Mesa.

A. BACKGROUND

The Commission acted on San Luis Obispo County Amendment No. SLO-MAJ-1-03 on February 20, 2004. The amendment includes the following components:

1. Amend portions of Title 23 of the Implementation Plan regarding Affordable Housing to recognize "owner builder" units as a type of affordable housing.
2. Supplement and revise the Land Use Plan (LUP) and Implementation Plan (IP) to carry out the County's Phase 1 response to the Coastal Commission Periodic Review of the San Luis Obispo County Local Coastal Program.
3. Update permitting, appeals, and noticing procedures by resubmitting amendments previously considered by the Commission in August 2002 (SLO LCPA 1-01 Part B, Procedures and Miscellaneous changes).

The Commission rejected the amendment as submitted but certified the proposed amendment if modified to:

- Delete the statement that comprehensive access planning is not required in agricultural areas.
- Qualify the statement that hard ocean bottom configurations are conducive to laying trans-Pacific cable lines with an acknowledgement that although such geography may be preferred by the industry, hard ocean bottom configurations are sensitive habitat areas to be avoided.



California Coastal Commission
July 15, 2004 Meeting in Costa Mesa

Staff: SM Approved by: *C.L.L. 6/30/04*

- Clarify that the range of project alternatives to be considered when new development is proposed within or adjacent to environmentally sensitive habitat areas is not limited to those identified by the applicant.
- Require implementation of project alternatives that avoid impacts to ESHA, and minimize such impacts when avoidance is not possible.
- Remove the proposed exemption of new agricultural roads from the requirement to avoid sensitive habitat areas.
- Restore language from the initial Phase 1 package that requires new or improved roads to avoid ESHA where less-environmentally damaging alternatives are available, and to mitigate the impacts of such crossing where they cannot be avoided.
- Limit the proposed exemption of agricultural activities from riparian setback standards to nonstructural agricultural developments that incorporate best management practices¹.
- Require all development (not just residential and commercial) to implement Best Management Practices to protect coastal water quality.
- Clarify the timing of the proposed changes to the existing drainage ordinance in relationship to the more comprehensive update of ordinance that is currently pending as LCP Amendment 1-01 Part C.
- Delete the proposed new objective for Sensitive Resource Areas that states that preservation of scenic resources shall be balanced with the implementation of safety related improvements.
- Require public access dedications, easements, and deed restrictions to include legal descriptions of the access area and the affected properties.

B. EFFECTIVE CERTIFICATION

On April 20, 2004, San Luis Obispo County held a public hearing and adopted Resolution No. 2004-119, which acknowledged receipt of the Commission's resolution of certification and accepted and agreed to the Coastal Commission's modifications (see Exhibit A). The County conducted an additional public hearing on June 22, 2004, and adopted Resolution 2004-205, which modified Resolution 2004-119 to clarify that the County accepted and agreed to *all* of the Coastal Commission modifications, including the modifications contained in the staff report addendum that were inadvertently left out from the previous resolution (see Exhibit B).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that San Luis Obispo County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of San Luis Obispo County LCP

¹ This exemption is currently provided by LUP ESHA Policy 26



Amendment No. SLO-MAJ-1-03 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of San Luis Obispo County accepting the Commission's certification of San Luis Obispo County LCP Amendment No. SLO-MAJ-1-03 is legally adequate, as noted in the attached letter (Exhibit C), to be sent after Commission concurrence.





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Transmittal

RECEIVED

May 7, 2004

MAY 10 2004

Charles Lester, Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Executive Director Checkoff:
San Luis Obispo County Amendment Major Amendments LCP# 1-03

- (1) Phase 1 County Response to Periodic Review
- (2) Multiple amendments to the Local Coastal Program

Dear Charles,

On April 20, 2004, the San Luis Obispo County Board of Supervisors reviewed the Commission's actions of February 20, 2004, agreed to all of the suggested modifications, and directed staff to submit the attached resolution to the Commission.

Attached are the required materials for the county to complete the amendment process. We are hoping that you will be able to schedule this for the June Coastal Commission hearing.

We wanted to take this opportunity to thank you and your staff for your ongoing assistance in bringing this phase to completion. If we have overlooked anything, or if there are any questions, please contact me at your earliest convenience.

Sincerely,

John Hofschroer, Senior Planner
Coastal Zone Management Division

cc: Steve Monowitz, Coastal Analyst
John Euphrat, Principal Planner
Attachments

CCC Exhibit A
(page 1 of 11 pages)

RECEIVED

MAY 10 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Tues day April 20, 20 04

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian
Michael P. Ryan and Chairperson Harry L. Ovitt

ABSENT: None

RESOLUTION NO. 2004-119

RESOLUTION ACKNOWLEDGING RECEIPT AND AGREEING TO CALIFORNIA COASTAL
COMMISSION'S MODIFIED LANGUAGE PERTAINING TO
LOCAL COASTAL PROGRAM - MAJOR AMENDMENT NUMBER 1-03

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on June 3, 2003, and approved amendments to the Local Coastal Program; and

WHEREAS, the County submitted Local Coastal Program - Major Amendment Number 1-03, to the California Coastal Commission for certification on July 29, 2003; and

WHEREAS, on February 20, 2004, the California Coastal Commission recommended approval with suggested modifications to the Local Coastal Program - Major Amendment Number 1-03; and

WHEREAS, on February 20, 2004, the California Coastal Commission certified Local Coastal Program - Major Amendment Number 1-03 provided certain modified language suggested by the California Coastal Commission was adopted by the County, said language is contained in the California Coastal Commission staff reports, dated January 29, 2004, attached hereto and incorporated by reference herein; and

WHEREAS, pursuant to the California Code of Regulations, title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), the San Luis Obispo County Board of Supervisors may now accept and agree to the terms and modifications suggested by the California Coastal Commission on Local Coastal Program - Major Amendment Number 1-03, and take formal action to satisfy the terms and modifications.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on April 20, 2004, that the Board of Supervisors of San Luis Obispo County, acknowledges receipt and hereby agrees to the modified language, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Program Major Amendment Number 1-03 as set forth in Exhibits A and B attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the Land Use Element and Local Coastal Program, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code, be amended and adopted as follows:

BE IT FURTHER RESOLVED AND ORDERED that pursuant to California Code of Regulations, title 14, sections 13544.5(b) and 13547(b), the Board of Supervisors directs staff to submit this resolution to the Executive Director of the California Coastal Commission for a determination, in writing, that the County's action is legally adequate to satisfy the conditions of certification set forth in the California Coastal Commission's certification order.

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

CCC Exhibit A
(page 2 of 11 pages)

AYES: Supervisors Bianchi, Achadjian, Ovitt, Pinard, Chairperson Ovitt

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

HARRY L. OVITT

Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

By: CHERIE ASPURO Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Date: 3-05-04

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I, JULIE L. RODEWALD, County Clerk of the County of San Luis Obispo, and CHERIE ASPURO, Clerk of the Board of Supervisors, do hereby certify the foregoing is a full and correct copy of the resolution adopted by the Board of Supervisors, and now remaining of record in my office.

Witness my hand and seal of said Board of Supervisors this 5-4-04

JULIE L. RODEWALD
County Clerk and ex-officio Clerk
of the Board of Supervisors

By Cherie Aspuro
Deputy Clerk

Exhibit A
Comparison of Suggested Modifications

Table A - Coastal Commission Suggested Modifications
Phase 1 Proposed LCP Amendments - SLO County Periodic Review

Mod	Topic	① Original CCC Periodic Review Recommendation (8/24/01)	② County Response: BOS approved for submittal (7/10/03)	③ CCC Recommended Modification (2/20/04 CCC Hearing)
A-1	New Policy for Comp Coastal Access Plan w Plan Update	<p>6.01 CCC Recommendation Incorporate Comprehensive Access Components into Each Area Plan.</p> <p>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.</p> <p>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:</p> <p>a. Planning objectives;</p> <p>b. Siting and Design policies and standards; and</p> <p>c. Acquisition and management policies and standards.</p> <p>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.</p>	<p>1. Revise Chapter 2, Shoreline Access, Coastal Plan Policies document, by adding new Policy 12 - Comprehensive Public Access Planning, Page 2-20, as follows:</p> <p>Policy 12: Comprehensive Public Access Planning</p> <p>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 (the following shall not apply to agricultural areas):</p> <p>1; Contents. The update of the area plan shall include the following information:</p> <p>a. Goals and Objectives. Statements of the public access goals, objectives, policies, ordinances, standards, programs, fiscal implications and other management objectives relevant to each planning area; and</p> <p>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.</p> <p>2; California Coastal Trail. The Access Component shall 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:</p> <p>a. Planning objectives;</p> <p>b. Siting and Design policies and standards, subject to thorough and specific environmental review; and</p> <p>c. Acquisition and management policies and standards.</p> <p>3; Protection of Access Opportunities during Road Realignments. The Access Component shall 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. Further, consider alternatives for the realignment of Highway One to avoid further placement of scenic and visual resources of the highway.</p> <p>[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM]</p>	<p>1. Revise Chapter 2, Shoreline Access, Coastal Plan Policies document, by adding new Policy 12 - Comprehensive Public Access Planning, Page 2-20, as follows:</p> <p>Policy 12: Comprehensive Public Access Planning</p> <p>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 (the following shall not apply to agricultural areas):</p> <p>Remainder not recommended for suggested modifications.</p>

CCC Exhibit A
 (page 5 of 11 pages)

Table A - Coastal Commission Suggested Modifications
Phase 1 Proposed LCP Amendments - SLO County Periodic Review

Mod	Topic	① Original CCC Periodic Review Recommendation (8/24/01)	② County Response: BOS approved for submittal (7/10/03)	③ CCC Recommended Modification (2/20/04 CCC Hearing)
A-2	New Fiberoptic Policy guiding Trans Pacific Cables	<p>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.</p>	<p>J. TELECOMMUNICATIONS FIBER OPTIC CABLE PROJECTS</p> <p>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.</p> <p>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.</p>	<p>J. TELECOMMUNICATIONS FIBER OPTIC CABLE PROJECTS</p> <p>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.</p> <p>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. <u>While conducive to the interests of the cable industry, the hard ocean bottom configurations are sensitive habitat areas to be avoided. Cable lines installed on underwater rocky outcroppings also have the potential to cause conflicts with fishing by snagging fishing gear. Accordingly, Policy 42 below requires the routing of cable lines to avoid recreation areas and sensitive habitats, among other sensitive resource areas.</u> 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.</p>

CCC Exhibit A
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Table A - Coastal Commission Suggested Modifications Phase 1 Proposed LCP Amendments - SLO County Periodic Review				
Mod	Topic	① Original CCC Periodic Review Recommendation (8/24/01)	② County Response: BOS approved for submittal (7/10/03)	③ CCC Recommended Modification (2/20/04 CCC Hearing)
B-1	Drainage Standards 23.05.050	<p>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).</p> <p style="text-align: center;">Table 1: Water Quality Checklist</p> <ol style="list-style-type: none"> 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? <p>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.</p>	<p>SECTION 11. 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 a new subsection (e) as follows:</p> <p>e. Water Runoff:</p> <ol style="list-style-type: none"> (1) Best Management Practices - Residential Development. All new residential development subject to discretionary review shall use Best Management Practices (BMPs) to address polluted runoff. BMPs shall be consistent with the guidance found in documents such as 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 (or equivalent) storm event. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids. (2) Best Management Practices - Commercial Development. All new commercial (excluding agricultural) 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 consistent with the guidance found in documents such as 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 commercial development shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile (or equivalent) storm event. Restaurant and other commercial 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 	<p>Only Subsection (2) below is recommended for modification.</p> <ol style="list-style-type: none"> (2) Best Management Practices - Commercial Non-Residential Development. All new commercial (excluding agricultural) 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 consistent with the guidance found in documents such as 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 commercial development shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile (or equivalent) storm event. Restaurant and other commercial 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

CCC Exhibit A
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Table A - Coastal Commission Suggested Modifications
Phase 1 Proposed LCP Amendments - SLO County Periodic Review

Mod	Topic	① Original CCC Periodic Review Recommendation (8/24/01)	② County Response: BOS approved for submittal (7/10/03)	③ CCC Recommended Modification (2/20/04 CCC Hearing)
B-2	Application Contents Development in ESHA CZLUO 23.07.170 a.	<p>4.07 ☆Grant Priority CCC Recommendation: Revise Biological Report Requirements.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>SECTION 17. 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 read as follows:</p> <p>(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. This evaluation shall also include assessment of impacts that may result from the application of fire safety requirements.</p> <p>(5)(4) Verifies that applicable setbacks from the habitat area required by Sections 23.07.170 to 23.07.178 are adequate to protect the habitat or recommends greater, more appropriate setbacks.</p> <p>(6) Alternatives analysis required. Proposed roads, bridges and other crossings except for those that support existing agricultural operations will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative.</p> <p>(7) Critically evaluate "after-the-fact" permit applications where unpermitted 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.</p>	<p>(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 to evaluate, and require implementation of project design alternatives prepared by the applicant that result in impacts to ESHA being avoided or and unavoidable impacts minimized. This evaluation shall also include assessment of impacts that may result from the application of fire safety requirements.</p> <p>(5)(4) Verifies that applicable setbacks from the habitat area required by Sections 23.07.170 to 23.07.178 are adequate to protect the habitat or recommends greater, more appropriate setbacks.</p> <p>(6)(7) Critically evaluate "after-the-fact" permit applications where unpermitted 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.</p> <p>(6) d. Alternatives analysis required. <u>Proposed Construction of new improved, or expanded roads, bridges and other crossings except for those that support existing agricultural operations</u> will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. <u>If, after completion of the alternatives analysis, the approval authority determine that another less environmentally damaging alternative exists, the 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.</u> If after completion of the alternatives analysis staff determines that another less environmentally damaging alternative does not exist, the bridge or road may be allowed only if accompanied by all feasible mitigation measures to avoid and minimize adverse impacts.</p>

CCC Exhibit A
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Table A - Coastal Commission Suggested Modifications
Phase 1 Proposed LCP Amendments - SLO County Periodic Review

Mod	Topic	① Original CCC Periodic Review Recommendation (8/24/01)	② County Response: BOS approved for submittal (7/10/03)	③ CCC Recommended Modification (2/20/04 CCC Hearing)
B-3	ESHA - Coastal Stream Riparian Setbacks CZLUO 23.07.174 d.	<p>4.23 ★Grant Priority CCC Recommendation</p> <p>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.</p>	<p>SECTION 19 Section 23.07.174 d and e. of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:</p> <p>23.07.174 - Streams and Riparian Vegetation.</p> <p>d. Riparian Setbacks. New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible, a minimum of 50 feet in urban areas (inside the URL) and 100 feet in rural areas (outside the URL) except as provided in subsections 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 consideration. These setback requirements do not apply to agricultural activities under Section 23.05.028.</p> <p>(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.</p> <p>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 be limited to:</p> <p>(i) Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.</p> <p>(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.</p> <p>e. Alteration of riparian vegetation. Cutting or alteration of natural riparian vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:</p> <p>(1) For streambed alterations allowed by subsections a and b above;</p> <p>(2) Where an issue of public safety exists;</p> <p>(3) Where expanding vegetation is encroaching on established agricultural uses;</p> <p>(4) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists;</p> <p>(5) To increase agricultural acreage provided that such vegetation clearance will:</p> <p>(i) Not impair the functional capacity of the habitat;</p> <p>(ii) Not cause significant streambank erosion;</p> <p>(iii) Not have a detrimental effect on water quality or quantity;</p> <p>(iv) Be in accordance with applicable permits required by the Department of Fish and Game.</p> <p>(6) 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 b can be made.</p>	<p>23.07.174 - Streams and Riparian Vegetation.</p> <p>d. Riparian Setbacks. New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible, a minimum of 50 feet in 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 consideration. These setback requirements do not apply to <u>non-structural agricultural developments that incorporate adopted best management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats, activities under Section 23.05.028.</u></p> <p>(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.</p> <p>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 <u>should be provided include, but are not be limited to:</u></p> <p>(i) Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.</p> <p>(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.</p> <p>e. Alteration of riparian vegetation. Cutting or alteration of natural riparian vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:</p> <p>(1) For streambed alterations allowed by subsections a and b above;</p> <p>(2) Where an issue of public safety exists;</p> <p>(3) Where expanding vegetation is encroaching on established agricultural uses;</p> <p>(4) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists;</p> <p>(5) To increase agricultural acreage provided that such vegetation clearance will:</p> <p>(i) Not impair the functional capacity of the habitat;</p> <p>(ii) Not cause significant streambank erosion;</p> <p>(iii) Not have a detrimental effect on water quality or quantity;</p> <p>(iv) Be in accordance with applicable permits required by the Department of Fish and Game.</p> <p>(6) To locate a principally permitted use on an existing lot of record where feasible alternative exists and the findings of Section 23.07.174 d.2 b can be made.</p>

CCC Exhibit A
 (page 9 of 11 pages)

Table A - Coastal Commission Suggested Modifications
Phase 1 Proposed LCP Amendments - SLO County Periodic Review

Mod	Topic	① Original CCC Periodic Review Recommendation (8/24/01)	② County Response: BOS approved for submittal (7/10/03)	③ CCC Recommended Modification (2/20/04 CCC Hearing)
B-4	Scenic discussion in Framework for Planning (change made at hearing)	<p>8.02 ★ Grant Priority</p> <p>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 outcrops, building feature and landscaping.</p>	<p>SRA - SENSITIVE RESOURCE AREA</p> <p>2. Revise Chapter 7, Combining Designations, Coastal Zone Framework for Planning, that defines the types of SRA's, Page 7-10, by modifying the text as follows by adding a new number 8 to the general objectives:</p> <p>8: The preservation of scenic resources shall be balanced with the implementation of safety-related improvement projects.</p>	<p>8: The preservation of scenic resources shall be balanced with the implementation of safety-related improvement projects.</p>

CCC Exhibit A
 (page 10 of 11 pages)

Exhibit B
Coastal Commission Staff Report *
(Including amendments not proposed for modification)

* Staff report dated 1/29/04
regarding SLO LCRA 1-03.
Available for review upon
request.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Transmittal

RECEIVED

June 28, 2004

JUN 29 2004

Charles Lester, Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Corrected Resolution and Exhibit
for Executive Director Checkoff:
San Luis Obispo County Amendment Major Amendments LCP# 1-03

- (1) Phase 1 County Response to Periodic Review
- (2) Multiple amendments to the Local Coastal Program

Dear Charles,

On April 20, 2004, the San Luis Obispo County Board of Supervisors reviewed the Commission's actions of February 20, 2004, agreed to all of the suggested modifications, and directed staff to submit the attached resolution to the Commission.

Unfortunately, we found that our submittal inadvertently left out several changes contained in your staff report addendum. Upon advise from Steve Monowitz, we adopted a revised resolution and exhibit on June 22, 2004, which should correct this problem. Please attach this material with the material we submitted in May to make the package complete.

Attached are the required materials for the county to complete the amendment process. We are hoping that you will be able to schedule this for the July Coastal Commission hearing.

We wanted to take this opportunity to thank you and your staff for your ongoing assistance in bringing this phase to completion. If we have overlooked anything, or if there are any questions, please contact me at your earliest convenience.

Sincerely,

John Hofschroer, Senior Planner
Coastal Zone Management Division

cc: Steve Monowitz, Coastal Analyst
John Euphrat, Principal Planner
Attachments

CCC Exhibit B
(page 1 of 5 pages)

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

Tues day June 22, 20 04

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian, and
Chairperson Harry L. Ovitt

ABSENT: Supervisor Michael P. Ryan

RESOLUTION NO. 2004-205

RESOLUTION ACKNOWLEDGING RECEIPT AND AGREEING TO CALIFORNIA COASTAL
COMMISSION'S MODIFIED LANGUAGE PERTAINING TO
LOCAL COASTAL PROGRAM - MAJOR AMENDMENT NUMBER 1-03
(MODIFICATION TO RESOLUTION NO. 2004-119)

The following Resolution is now offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on June 3, 2003, and approved amendments to the Local Coastal Program; and

WHEREAS, the County submitted Local Coastal Program - Major Amendment Number 1-03, to the California Coastal Commission for certification on July 29, 2003; and

WHEREAS, on February 20, 2004, the California Coastal Commission certified Local Coastal Program - Major Amendment Number 1-03 provided certain modified language suggested by the California Coastal Commission was adopted by the County, said language is contained in the California Coastal Commission staff reports, dated January 29, 2004, attached hereto and incorporated by reference herein; and

WHEREAS, on April 20, 2004, the County of San Luis Obispo Board of Supervisors held a meeting and adopted Resolution 2004 -119, accepting and agreeing to the terms and modifications suggested by the California Coastal Commission on Local Coastal Program - Major Amendment Number 1-03; and

WHEREAS, Exhibit A of adopted Resolution 2004-119 was subsequently found to incorrectly reflect the exact language recommended by the California Coastal Commission; and

WHEREAS, Exhibit A attached to this Resolution acts to correct the language in adopted Resolution No. 2004-119; and

WHEREAS, this Resolution in coordination with adopted Resolution No. 2004-119 accurately reflects the terms and modifications as suggested by the California Coastal Commission for LCP amendment 1-03; and

WHEREAS, pursuant to the California Code of Regulations, title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), the San Luis Obispo County Board of Supervisors may now accept and agree to the terms and modifications suggested by the California Coastal Commission on Local Coastal Program - Major Amendment Number 1-03, and take formal action to satisfy the terms and modifications.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on June 22, 2004, that the Board of Supervisors of San Luis Obispo County, acknowledges receipt and hereby agrees to the corrected language, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Program Major Amendment Number 1-03 as set forth in Exhibit A attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the Land Use Element and Local Coastal Program, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code, be amended and adopted as follows:

CCC Exhibit B
(page 2 of 5 pages)

BE IT FURTHER RESOLVED AND ORDERED that pursuant to California Code of Regulations, title 14, sections 13544.5(b) and 13547(b), the Board of Supervisors directs staff to submit this Resolution to the Executive Director of the California Coastal Commission for a determination, in writing, that the County's action is legally adequate to satisfy the conditions of certification set forth in the California Coastal Commission's certification order.

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

AYES: Supervisors Achadjian, Pinard, Bianchi, and Chairperson Ovitt

NOES: None

ABSENT: Supervisor Ryan

ABSTAINING: None

the foregoing Resolution is hereby adopted.

HARRY L. OVITT

Chairman of the Board of Supervisors

ATTEST:

Julie L. Rodewald

Clerk of the Board of Supervisors

BY: CHERIE AISPUR Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Date: 6-8-04

STATE OF CALIFORNIA
COUNTY OF CALAVERAS
I, JAMES B. LINDHOLM, JR., County Counsel, do hereby certify that the foregoing Resolution of the Board of Supervisors of the County of Calaveras, California, is a true and correct copy of the original as the same appears in the minutes of the Board of Supervisors of the County of Calaveras, California, and that the same has been duly adopted and is now in full force and effect.
Witness my hand and seal of said County of Calaveras this 6-28-04 day of June.
JAMES B. LINDHOLM, JR.
County Counsel
[Signature]

Exhibit A

Corrected Suggested Modifications

(2 pages)

This exhibit shows modifications to Exhibit A and B as attached to Resolution 2004-119 adopted by the Board of Supervisors on April 20, 2004.

Chapter 4 - Coastal Policy Document - Section J to read 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 population bases, and also has the offshore geography conducive to laying trans-Pacific telecommunications cable lines to places like Japan, China and Australia. Hard ocean bottom configurations are sensitive habitat areas to be avoided. Cable lines installed on underwater rocky outcroppings also have the potential to cause conflicts with fishing by snagging fishing gear. Accordingly, Policy 42 below requires the routing of cable lines to avoid recreation areas and sensitive habitats, among other sensitive resource areas. 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.

Chapter 4 - Coastal Zone Land Use Ordinance - Section 23.04.420g 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 access area prepared by a licensed professional, as well as legal descriptions of the access area and the affected properties. The method of access guarantee shall be chosen according to the following criteria:

Chapter 5 - Coastal Zone Land Use Ordinance - Section 23.05.050 - introduction paragraph to read as follows:

23.05.050 - Drainage Standards: [The submitted amendment does not correspond with the update to the same ordinance approved by the California Coastal Commission in March 2002 as SLO LCPA amendment No. 1-01 Part C. Since the County has not yet acted to accept or reject the California Coastal Commission's suggested modifications to LCPA amendment 1-01 Part C, it is premature to propose alternative changes to this section. Therefore, the currently proposed amendment to Section 23.05.050 shall only take effect after September 5, 2004, if the County declines to accept the California Coastal Commission suggested modifications to LCPA amendment 1-01 Part C.]

Chapter 7 - Coastal Zone Land Use Ordinance - Section 23.07.170d to read as follows:

- d. Alternatives analysis required. Construction of new, improved, or expanded roads, bridges and other crossings will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. The bridge or road may be allowed in the proposed location when accompanied by all feasible mitigation measures to avoid and/or minimize adverse environmental effects, only when the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does not exist. If however, the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does exist, that alternative shall be used and any existing bridge or road within the setback shall be removed and the total area of disturbance restored to natural topography and vegetation.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



DRAFT

July 15, 2004

Harry Ovitt, Chair
Board of Supervisors
County Government Center, Room 310
San Luis Obispo, CA 93408

Subject: County of San Luis Obispo Local Coastal Program (LCP) Major Amendment No. 1-03 (Phase 1 Periodic Review Implementation and Other Amendments)

Dear Supervisor Ovitt:

We have received County of San Luis Obispo Resolutions 2004-119 and 2004-205 adopted by the Board of Supervisors on April 20, 2004 and June 22, 2004, respectively. By those actions, the County acknowledge receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-03, and incorporated the Commission's suggested modifications into the County's LCP.

I have determined, and the Commission has concurred, that the County's action with respect to LCP Major Amendment 1-03, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's July 15, 2004 meeting in Costa Mesa. As a result, the County's LCP, as amended by LCP Major Amendment 1-03, was certified as of July 15, 2004 and is now in effect.

If you have any questions, please contact Steve Monowitz of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Diane Landry
District Manager
Central Coast District Office

cc: John Hofschroer, SLO County Dept of Planning & Building

CCC Exhibit C
(page 1 of 1 pages)