

Exhibit 6
LCP Policies and Ordinances Cited
(A-3-SLO-09-055 & A-3-SLO-09-069)

LUP Policies Cited

Agriculture

Policy 1: Maintaining Agricultural Lands

Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

Permitted uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural land and uses.

Permitted Uses on Non-Prime Agricultural Lands. Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non- agricultural soils, that the least amount of non-prime land possible is converted and that the use will not conflict with surrounding agricultural land and uses.[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

ESHA

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats

New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing

resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUENT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

Policy 2: Permit Requirement

As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitat and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUENT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 3: Habitat Restoration

The county or Coastal Commission should require restoration of damaged habitats a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUENT TO SECTION 23.07.170 OF THE CZLUO.]

Policy 4: No Land Divisions in Association with Environmentally Sensitive Habitats

No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). These building areas (building envelopes) shall be recorded on the subdivision or parcel map. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

Policy 5: Supporting Greenbelt Formation and Maintenance

The county shall 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 shall be further evaluated as a potential implementation mechanism. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 6: Off-Site Mitigation Bank for Urban Development

The county shall participate in creating a program (e.g. through the update of area plans) 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.]

Policy 7: Protection of Environmentally Sensitive

Coastal Wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved, and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 8: Principally Permitted Use

Principally permitted uses in wetlands are as follows: hunting, fishing and wildlife management; education and research projects. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-172 OF THE CZLUO.]

Policy 11: Regional Water Quality Control Board "208" Program

California Regional Water Quality Control Board shall administer programs identified through the "208" nonpoint source studies to ensure protection of coastal wetlands and water quality. (The county has incorporated the Basin Plan Amendment requirements into the COASTAL ZONE Land Use Ordinance.) [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 12: State Department of Fish and Game Review

The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 13: Diking, Dredging or Filling of Wetlands

All diking, dredging and filling activities shall conform to the provisions of Section 30233, 30411 and 30607.1 of the Coastal Act. These policies establish the appropriate uses, criteria for evaluation of a project and requirements for restoration or replacement. Allowable activities within open coastal waters, wetlands (with the exception of Morro Bay and the Santa Maria River mouth), estuaries and lakes include:

- a. New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.*
- b. Maintenance dredging of existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- c. In wetlands areas only, entrance channels for new or expanded boating facilities, and in a degraded wetland, identified by the Department of Fish and*

Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigational channels, and any necessary support service facilities be greater than 25 percent of the total wetland area to be restored.

d. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.

e. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

f. Mineral extraction, including sand for restoration of beaches, except in environmentally sensitive areas.

g. Restoration purposes.

h. Nature study, aquaculture, or similar resource-dependent activities.

i. Maintenance of flood control facilities by permit.

The wetlands of Morro Bay and the Santa Maria River mouth are identified in Section 30233(c) as among those identified by the Department of Fish and Game in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California." Under this section, allowable uses within these wetlands shall be restricted and limited to very minor incidental public facilities, restorative measures consistent with PRC Section 30411 of the Coastal Act and nature study.

Diking, dredging, and filling for these types of development in wetlands, estuaries, coastal waters and lakes shall be permitted only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental impacts, and where consistent with the maintenance of the tidal flow and continued biological viability of the wetland habitat. The development must meet the following conditions:

a. Diking, dredging and filling shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.

b. Diking, dredging and filling shall be limited to the smallest area feasible that is necessary to accomplish the project.

c. Designs for diking, dredging and filling and excavation projects shall include protective measures such as silt curtains, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills and unnecessary dispersal of silt materials.

Dredge spoils shall not be deposited in areas where public access or environmental habitats would be significantly or adversely affected. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore currents. Limitations may be necessary on the timing of the operation, the type of operations and the quality and location of the spoils site.

Other mitigation measures are required under Section 30607.1. Where any dike fill development is permitted in wetlands in conformity with Chapter 3 of the Coastal Act, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided however, that if no appropriate restoration site is available an in-lieu fee sufficient to provide an area of equivalent productive value or surface area shall be dedicated to an appropriate public agency or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence or financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 16: Adjacent Development

Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 17: Wetland Buffer

In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.

Policy 19: Open Space Easement for Wetlands

Open space easements or offers to dedicate the wetland shall be a condition of major structural development (including single-family residence) for all property larger than one acre which contain wetlands habitat. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 20: Coastal Streams and Riparian Vegetation

Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 21: Development in or Adjacent to a Coastal Stream

Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 22: Fish and Game Review of Streambed Alterations

Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 23: County and State Review of Coastal Stream Projects

The State Water Resources Control Board and the county shall ensure that the beneficial use of coastal stream waters is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alterations) shall ensure that the quantity and quality surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of streams, wetland, estuaries and lakes. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Environmentally Sensitive Habitats Policy 26: Riparian Vegetation

Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding

vegetation is encroaching on established agricultural uses. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 27: Stream Diversion Structures

Stream diversion structures on streams appearing as dotted or dash lines on the largest scale U.S.G.S. quadrangle maps shall be sited and designed to not impede up and downstream movement of native fish or to reduce stream flows to a level which would significantly affect the biological productivity of the fish and other stream organisms. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 28: Buffer Zone for Riparian Habitats

In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 29: Protection of Terrestrial Habitats

Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 30: Protection of Native Vegetation

Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 35: Protection of Vegetation

Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.176 OF THE CZLUO]

Environmentally Sensitive Habitats Policy 36: Protection of Dune Vegetation

Disturbance or destruction of any dune vegetation shall be limited to those projects which are dependent upon such resources where no feasible alternatives exist and then shall be limited to the smallest area possible. Development activities and uses within dune vegetation shall protect the dune resources and shall be limited to resource dependent, scientific, educational and passive recreational uses. Coastal dependent uses may be permitted if it can be shown that no alternative location is feasible, such development is sited and designed to minimize impacts to dune habitat and adverse environmental impacts are mitigated to the maximum extent feasible.

Revegetation with California native plant species propagated from the disturbed sites or from the same species at adjacent sites shall be necessary for all projects. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 37: Recreational Off-Road Vehicle Use of Nipomo Dunes

Within designated dune habitats, recreational off-road vehicle traffic shall only be allowed in areas identified appropriate for this use. Detailed recommendations concerning protection of the dune habitat within Pismo State Beach and Pismo Vehicular Recreation area are found in the chapter regarding Recreation and Visitor-Serving Facilities. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 38: Protection of Kelp Beds, Offshore Rocks, Rocky Points, Reefs and Intertidal Areas

Uses shall be restricted to recreation, education and commercial fishing. Adjacent development shall be sited and designed to mitigate impacts that would

be incompatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 39: Siting of Shoreline Structures

Shoreline structures, including piers, groins, breakwaters, seawalls and pipelines, shall be designed or sited to avoid and minimize impacts on marine habitats. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.178 OF THE CZLUO.]

Coastal Watersheds

Policy 1: Preservation of Groundwater Basins

The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Water Extractions

Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health. (Public works projects are discussed separately.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Monitoring of Resources

In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 8.40.065 OF THE COUNTY CODE (WATER WELL REGULATIONS).]

Policy 5: Los Osos Groundwater Management

The county Planning and Engineering Departments should work with communities, property owners and the Regional Water Quality Control Board to develop and implement a basin-wide water management program for the Los Osos groundwater basin which addresses:

- existing and potential agricultural demand,*
- urban expansion in relation to water availability,*

- groundwater quality,
- possible need for alternative liquid waste disposal,
- protection of aquatic habitats including coastal waters, streams and wetlands.

The Resource Management System of the Land Use Element provides a framework for implementing this policy and an interim alert process for timely identification of potential resource deficiencies, so that sufficient lead time is allowed for correcting or avoiding a problem. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 7: Siting of New Development

Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except: ...

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat ...[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO COASTAL ZONE LAND USE ORDINANCE SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

Policy 8: Timing of Construction and Grading

Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 9: Techniques for Minimizing Sedimentation

Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based in evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site-specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 10: Drainage Provisions

Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

Policy 11: Preserving Groundwater Recharge

In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Public Works

Policy 1: Availability of Service Capacity

New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development...Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems...

Policy 2: New or Expanded public Works Facilities

New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines. Other special contractual agreements to serve public facilities and public recreation areas beyond the urban reserve line may be found appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.430 OF THE CZLUO.]

Policy 5: Capital Improvement Projects

To fully realize the potential of all capital improvement projects, the county will institute a coordinated capital improvement review process. Special districts and other governmental entities within the coastal zone shall:

- a. Be encouraged to annually prepare a report on current service capabilities, including existing levels of service and present or proposed service capacities.*
- b. Be encouraged to prepare a list of proposed public works recommended for planning, initiation or construction during future years in accordance with the requirements of the Capital Improvement Program Guidelines.*
- c. Submit proposed construction projects recommended for the ensuing fiscal year to the county for review, comment and findings as to the conformity of proposed projects with the Coastal Plan. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Policy 6: Resource Management System

The county will implement the Resource Management System to consider where the necessary resources exist or can be readily developed to support new land uses. Permitted public service expansions shall ensure the protection of coastal natural resources including the bio- logical productivity of coastal waters. In the interim, where they are identified public service limitations, uses having priority under the Coastal Act shall not be precluded by the provision of those limited

services to non-priority uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Permit Requirements

The county shall require a permit for all public works projects located within the coastal zone except:

a. For maintenance or repair activities that do not result in an enlargement or expansion of the facility.

b. Where the development is a state university, college, public trust lands or tidelands (which require a permit from the State Coastal Commission that must meet the requirements of Chapter 3 of the Coastal Act. The county Local Coastal Program will serve in an advisory function).

c. For those minor projects that can be categorically exempted as provided for in the Coastal Act on account of geographic area or function per Section 30610(e) where the categorical exclusions has been approved by the county and Coastal Commission.

d. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided that the county may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources including scenic resources. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO CHAPTER 23.03 OF THE CZLUO.]

Policy 8: Priority Development

Where existing or planned public works facilities can accommodate only a limited amount of new development, the following land uses shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use within the service area.

a. Uses which require location adjacent to the coast (coastal-dependent uses).

b. Essential public services and basic industries vital to the economic health of the region, state or nation including agriculture, visitor-serving facilities and recreation. Priority for development of such uses shall be given to lands within the USL that are already subdivided with services available and then to unsubdivided parcels within the USL with services available. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 9: Review of Treatment Works

For any development that constitutes a treatment works (PRC 30120), issuance of a permit shall be consistent with the certified LCP and PRC 30412 and shall address the following aspects of such development:

a. The siting and visual appearance of treatment works within the coastal zone.

b. The geographic limits of the service area within the coastal zone which is to be served by the treatment works and the timing of the extension of services to allow for phasing of development consistent with the certified LCP.

c. Projected growth rates used to determine the sizing of treatment works. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

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, agricultural conservation easements, and open space initiatives. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Archaeology

Policy 1: Protection of Archaeological Resources

The County shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas

Development shall require a preliminary site survey by a qualified archaeologist knowledgeable on Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 5: Mitigation Techniques for Preliminary Site Survey Before Construction

Where substantial resources are found as a result of a preliminary survey before construction, the county shall require a mitigation plan to protect the site. ... [THIS SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources

Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

Policy 2: Site Selection for New Development

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

Policy 4: New Development in Rural Areas

New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.

Policy 5: Landform Alteration

Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.

Hazards

Policy 1: New Development

All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD]

Policy 2: Erosion and Geologic Stability

New development shall ensure structural stability while not creating or contributing to erosion or geologic instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]

CZLUO Ordinances Cited

CZLUO 23.01.010 – Title and Purpose:

This title is known as the Coastal Zone Land Use Ordinance of the county of San Luis Obispo, Title 23 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety and welfare, and more particularly:

- a. To implement the San Luis Obispo County General Plan and the San Luis Obispo County Local Coastal Program, and to guide and manage the future growth of the county in accordance with those plans; and*
- b. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county; and*
- c. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development; and*
- d. To protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the county general plan.*
- e. To assist the public in identifying and understanding regulations affecting the development and use of land.*

CZLUO Section 23.01.032 - Jurisdiction Over Development Before LCP Certification.

The purpose of this section is to determine whether the county or the Coastal Commission has coastal development permit jurisdiction over development which was approved before the Coastal Commission delegated coastal development permit jurisdiction to the county.

- a. Development approved by the Coastal Commission. Any addition to development completed under the authority of a Commission-issued permit shall be reviewed by the county through an application for a new permit processed pursuant to this title, unless the Commission determines that the addition is contrary to any term or condition of the Commission-issued permit.*
- b. Proposals pending at time of LCP certification:*
 - (1) Any development proposal which the county approved before certification of the Local Coastal Program but which has not been submitted to the Coastal Commission for approval shall be re-submitted to the county through an application for a permit pursuant to this title. The decision on the application shall be based solely on the requirements of this title.*

(2) Any development proposal which the county approved before certification of the Local Coastal Program and for which an application has been filed with the Coastal Commission may, at the option of the applicant, remain with the Commission for completion of review and permit issuance. Commission review of any such application shall be based on the provisions of the certified Local Coastal Program. Alternatively, the applicant may re-submit the proposal to the county through an application for a permit pursuant to this title, and the decision on the application shall be based solely on the provisions of this title. Projects which elect to obtain a coastal permit from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in subsection a. above.

CZLUO Section 23.02.022 - Determination of Completeness:

Within the time periods specified by this section, the Planning Director shall determine whether a land use permit application includes the information required by this chapter and any information required by the list(s) maintained by the Department of Planning and Building, as allowed by Government Code Section 65940, which specify in detail the information required to be submitted prior to the department's determination of whether an application is complete, and shall notify the applicant of the results of that determination. The applicant shall be informed by a letter either; that the application has been accepted for processing; or that the application is incomplete. If the application is determined to be incomplete, the letter shall specify the parts of the application that are incomplete and shall indicate the manner in which the application can be made complete, including a list and description of specific information needed.

a. Plot Plans. The determination of completeness shall occur at the time of application filing. No Plot Plan application shall be accepted for processing unless it is determined to be complete at the time of filing.

b. Minor Use Permits, and Development Plans. The determination of completeness shall occur pursuant to the procedures and time limits set forth in Government Code Section 65943. When an applicant is notified that an application is incomplete, the time used by the applicant to prepare and submit the additional information shall not be considered part of the period within which the Planning Director must determine completeness. The time available to an applicant to prepare and submit additional information is limited by Section 23.02.056 (Application Deemed Withdrawn). When information requested to complete an application is received by the Planning Director, the information shall be reviewed for adequacy within the same time frame required for the initial completeness review by subsections a and b above for the respective application type.

CZLUO Section 23.02.035 - Additional Information Required.

For Minor Use Permits, and Development Plans, the following information is required in addition to the other requirements of this title, prior to acceptance of the application as complete. Waiver may be granted to some or all of these requirements by the Director of Planning and Building upon receipt of a written

request stating the specific conditions on the site that negate the need for the additional information or a waiver can be granted if the director determines, based on information available in the office of the Planning and Building Department, that the additional information is unnecessary. Where the applicant volunteers to complete an environmental impact report (EIR) pursuant to the requirements of CEQA, the additional information required by this section may be fulfilled as part of the EIR completed for the project.

a. Agricultural buffers: Where there is an existing agricultural use taking place on adjacent parcels and the applicant proposes an agricultural buffer, such buffer shall be shown on site plans, and incorporated into the site design or the lot configuration of the proposed land division.

b. Archeological report: The applicant shall provide an archeological surface search, prepared by a qualified individual approved by the Environmental Coordinator.

c. Botanical report: The applicant shall provide a botanical report, prepared by a qualified individual approved by the Environmental Coordinator.

d. Biological report: The applicant shall provide a biological report, prepared by a qualified individual approved by the Environmental Coordinator.

e. Building site envelopes: Any proposed building sites that minimize grading, tree removal and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on site plans for existing or proposed parcels greater than 10,000 square feet in size to demonstrate how the future development of the site(s) relates to the other information required by this section.

f. Noise study: Where required by the Noise Element or where the project adjoins a potential noise generator, a noise study shall be required to be prepared by a qualified individual approved by the Environmental Coordinator.

g. Tree inventory plan: The applicant shall provide a tree inventory plan which locates all trees, on a site plan, their size and species and any proposed for removal. The plan shall also include proposals for replacement of trees to be removed. In areas where no trees are proposed for removal, the limits of the wooded area may be designated by the outline of the canopy.

h. Visual Analysis: For applications that propose development along significant visual corridors, as identified in the Open Space Element or the Land Use Element, a visual analysis shall be required to be prepared by a qualified individual approved by the Environmental Coordinator.

i. Other information: To be based on the list(s) maintained by the Department of Planning and Building, as allowed by Government Code Section 65940, as required for specific cases to allow adequate review of the proposal, and determine consistency with the general plan and other applicable ordinances.

CZLUO Section 23.02.039: Effective Date of Land Use Permit for an Appealable Project

A decision by the county on an appeal (Section 23.01.042), Variance (Section 23.01.045), Minor Use Permit (Section 23.02.033) or Development Plan (Section 23.02.034), or for a project that is appealable to the Coastal Commission pursuant to Section 23.01.043 shall become effective after the 10 working day appeal period to the Commission has expired unless either of the following occur:

a. An appeal is filed in accordance with Section 13111 of Title 14 of the California Administrative Code.

b. The notice of final county action does not meet the requirements of Section 23.02.036. When either of the circumstances in this section occur, the Coastal Commission shall, within five calendar days of receiving notice of that circumstance, notify the county and the applicant that the effective date of the county action has been suspended.

CZLUO Section 23.04.092 - Affordable Housing Required in the Coastal Zone

This section provides for the implementation of California Government Code Section 65590, which requires that housing opportunities in the Coastal Zone for persons and families of low or moderate income shall be protected, encouraged and where feasible, provided. It also recognizes that the provision of affordable housing may not be feasible in some developments.

a. Applicability of standards: The standards of this section apply only to the following types of projects located within the Coastal Zone:

(1) New housing projects containing 11 or more dwelling units or parcels, created by a single developer. Such projects include multi-family rental or ownership units, single-family units where 11 or more units are proposed on a single building site or within a subdivision, or a subdivision of 11 or more residential lots for sale.

(2) Demolition or conversion of one or more single-family dwellings, multi-family dwellings, mobilehomes, mobilehome lots in a mobilehome park, hotel or motel to condominium, cooperative or similar form of ownership, where the proposed demolition or conversion involves three or more dwelling units in one structure, or 11 or more dwelling units in two or more structures if any such units were occupied by persons or families of low or moderate income (as defined by California Health and Safety Code Section 50093) in the 12 months prior to filing the land use or division application for the project, except where demolition or conversion is to provide for a "coastal dependent" or "coastal related" use as defined in Section 23.11.030 of this title and Sections 30101 and 30101.3 of the California Public Resources Code.

(3) Demolition or conversion of one or more single-family dwellings, multi-family dwellings, mobilehomes, mobilehome lots in a mobilehome park, hotel or motel to a non-residential use which is not "coastal dependent" as defined in Section

23.11.030 of this title and Section 30101 of the California Public Resources Code.

b. Requirements applicable to proposed demolitions or conversions:

(1) Demolition or conversion to non-residential use: The demolition or conversion of any residential structure to a non-residential use as described in Subsection a(3) of this section shall not be authorized unless the Review Authority finds that any residential use at that site is no longer feasible, based on substantial evidence provided by the applicant. If the Review Authority makes this finding, and the proposed demolition or conversion involves three or more dwelling units in one structure or 11 or more dwelling units in two or more structures, and the proposed demolition or conversion is not to provide for a "coastal dependent" or "coastal related" use as defined in Section 23.11.030 of this title and Sections 30101 and 30101.3 of the California Public Resources Code, then affordable replacement units as defined in Section 23.04.094 of this title shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within 12 months prior to filing of the request for a demolition or conversion permit.

(2) Demolition or conversion to condominium, cooperative or similar form of ownership:

Replacement units affordable to persons and families of low or moderate income as defined in Section 23.04.094 of this title shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within 12 months prior to filing of the request for a demolition or conversion permit.

(3) Continued availability of affordable housing: Affordable replacement housing units provided under Subsection b(1) or b(2) of this section shall be subject to the long-term housing affordability provisions described in Section 23.04.094 for a minimum period of time equal to 30 years minus the number of years beyond 10 years that the structure proposed for conversion or demolition has existed, but in no case less than 10 years.

c. Requirements applicable to proposed new housing projects: The following standards apply to the types of projects described in Subsection a(1) of this section:

(1) Amount of required affordable housing: Except as provided in Subsection c(2) of this section, 15 percent of the units will be provided as affordable housing for persons and families of low or moderate income as defined in Section 23.04.094. Provision of 15 percent of the project as affordable housing shall be presumed feasible unless the Review Authority finds that the project should not be reasonably expected to provide that level of affordable housing, as provided in Subsection c(2) of this section. Projects receiving a density bonus in return for agreeing to provide affordable housing for persons or families of very low-income or lower-income pursuant to Section 23.04.090 of this title are not required by

this section to provide more affordable housing than is required to qualify for the density bonus.

(2) Feasibility finding required for fewer affordable housing units: In order to approve a new housing project with fewer affordable housing units than otherwise provided by Subsection c(1) of this section, the Review Authority shall first find, based on substantial evidence provided by the applicant, that the level of affordable housing provided by the proposed project is all that may be feasibly accomplished in a successful manner within a reasonable period of time, taking into account the economic, environmental, social and technical factors affecting the project.

(3) Continued availability of affordable housing: Affordable housing units provided under Subsection c(1) or c(2) of this section shall be subject to the long-term housing affordability provisions described in Section 23.04.094 for a period of 30 years.

d. Location and timing for provision of affordable units: New or replacement affordable housing units required by this section may be placed on the same site as the other new housing units or demolished or converted units, or at some other site in the same community, provided that all other requirements of this title allow for such development. The affordable housing units must be completed, and their county construction permits finalized, before the construction permits for the market rate units shall be finalized by the county, except where the developer has posted a performance bond or entered into an alternative agreement ensuring provision of the affordable housing units, subject to approval by the Office of County Counsel and the Director of the County Department of Planning and Building. In any case, the period of time for provision of the new or replacement housing units required by this section shall not exceed that established by Section 65590 of the California Government Code.

CZLUO Section 23.04.210 - Visual Resources

The following standards apply within Critical Viewsheds, Scenic Corridors and Sensitive Resource Area (SRA) Combining Designations that are intended to protect visual resources, as identified in this title, the Official Maps, Part III of the Land Use Element, or the area plans of the Local Coastal Plan.

a. Applicability of standards. The following standards apply to new development required by the Coastal Zone Land Use Ordinance to have a land use permit, except that the following are exempt from some or all of the standards (a)-(d):

(1) Agricultural accessory structures that are 600 square feet or less in area, or other minor agriculturally-related development (e.g., fencing, wells).

(2) Project not visible. An exemption from the standards in the following subsections c(1), (2), (4), and (5) may be granted if documentation is provided demonstrating that the development will not be visible from the shoreline, public beaches, the Morro Bay estuary, any of the roads specified in the applicable area

plan planning area standards for Critical Viewsheds, Scenic Corridors or SRA's that are intended to protect visual resources. Such documentation shall be prepared by a qualified professional acceptable to the Planning Director and at a minimum shall provide scaled topographic and building elevations with preliminary grading, drainage, and building plans. An exemption from the standard in subsection c(6) may be granted if the preceding documentation is provided, and if it is determined by the Planning Director that open space preservation within the Critical Viewshed or SRA is not otherwise needed to protect the scenic and visual resource, sensitive habitat or watershed, as identified in the area plans.

b. Permit requirement. Minor Use Permit approval, unless Development Plan approval is otherwise required by this title or planning area standards of the area plans. The land use permit or land division application shall include the following:

(1) A landscaping plan, grading and drainage plan, lighting plan fencing plan, and visual analysis, including the use of story-poles as required, that is prepared by a licensed architect, a licensed landscape architect or other qualified professional acceptable to the Director of Planning and Building. The plans and visual analysis shall be used to determine compliance with the following standards.

c. Standards for Critical Viewsheds and SRAs for protection of visual resources. The following standards apply within areas identified as Critical Viewsheds or SRAs in the area plans for protection of visual resources.

(1) Location of development. Locate development, including, but not limited to primary and secondary structures, accessory structures, fences, utilities, water tanks, and access roads, in the least visible portion of the site, consistent with protection of other resources. Emphasis shall be given to locations not visible from major public view corridors. Visible or partially visible development locations shall only be considered if no feasible non-visible development locations are identified, or if such locations would be more environmentally damaging.

New development shall be designed (e.g., height, bulk, style, materials, color) to be subordinate to, and blend with, the character of the area. Use naturally occurring topographic features and slope-created "pockets" first and native vegetation and berming second, to screen development from public view and minimize visual intrusion.

(2) Structure visibility. Minimize structural height and mass by using low-profile design where feasible, including sinking structures below grade. Minimize the visibility of structures by using design techniques to harmonize with the surrounding environment.

(3) Ridgetop development. Locate structures so that they are not silhouetted against the skyline or ridgeline as viewed from the shoreline, public beaches, the Morro Bay estuary, and applicable roads or highways described in the applicable

planning area standards in the area plans, unless compliance with this standard is infeasible or results in more environmental damage than an alternative.

(4) Landscaping for hillside and ridgetop development.. Provide screening of development at plant maturity using native vegetation of local stock, non-invasive, or drought-tolerant vegetation without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). The use of vegetation appropriate to the site shall be similar to existing native vegetation. Alternatives to such screening may be approved if visual impacts are avoided through use of natural topographic features and the design of structures. Provisions shall be made to maintain visual screening for the life of the development.

(5) Land divisions and lot-line adjustments - cluster requirement. New land divisions and lot-line adjustments where the only building site would be on a highly visible slope or ridgetop shall be prohibited. Land divisions and their building sites that are found consistent with this provision shall be clustered in accordance with Chapter 23.04 or otherwise concentrated in order to protect the visual resources.

(6) Open space preservation. Pursuant to the purpose of the Critical Viewshed or SRA to protect significant visual resources, sensitive habitat or watershed, open space preservation is a compatible measure. Approval of an application for new development in these scenic coastal areas is contingent upon the applicant executing an agreement with the county to maintain in open space use appropriate portions of the site within the Critical Viewshed or SRA (for visual protection). Guarantee of open space preservation may be in the form of public purchase, agreements, easement controls or other appropriate instrument approved by the Planning Director, provided that such guarantee agreements are not to provide for public access unless acceptable to the property owner or unless required to provide public access in accordance with the LCP.

d. Standards for scenic corridors. The following standards apply within areas identified as Scenic Corridors in the area plans for protection of visual resources.

(1) Setback. Where possible, new development shall be set back a minimum of 100 feet from the edge of the right-of-way of the road along which the Scenic Corridor is established in the area plans, or a distance as otherwise specified in the area plan planning area standards. If there is no feasible development area outside of this setback, the project shall be located on the rear half of the property as long as the location is not more environmentally damaging. New development allowed in visible areas shall provide a landscaping screen consistent with the requirements of c(4) above. A landscaping plan in accordance with these requirements and the requirements of Chapter 23.04 shall be provided at the time of building permit application submittal.

(2) Signs. Signs that are required to have a land use permit, especially freestanding signs, shall be located so as to not interfere with unique and attractive features of the landscape, including but not limited to unusual

landforms, sensitive habitats, and scenic vistas from the road along which the Scenic Corridor is established.

e. General Visual Standards for Coastal Development. Notwithstanding subsections (a)-(d) above, all development requiring a coastal development permit must be consistent with the requirements of Coastal Plan Visual and Scenic Resource Policies 1-11 as applicable.

CZLUO Section 23.04.430: Availability of Water Supply and Sewage Disposal Services

A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. In communities with limited water and sewage disposal service capacities as defined by Resource Management System alert levels II or III:

a. A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line.

b. Development outside the urban services line shall be approved only if it can be served by adequate on-site water and sewage disposal systems, except that development of a single-family dwelling on an existing parcel may connect to a community water system if such service exists adjacent to the subject parcel and lateral connection can be accomplished without trunk line extension.

CZLUO Section 23.05.024: Grading Plan

a. When required: In any case where a proposed project requiring land use permit approval involves 50 or more cubic yards of earth moving, the land use permit application shall include a grading plan containing the information specified by subsection b of this section.

b. Grading plan content: A grading plan shall be neatly and accurately drawn to scale, including the following information:

(i) Existing ground contours or elevations of the site at five foot intervals.

(ii) Contours or site elevations after grading is completed, including any modifications to drainage channels.

(iii) Any required retaining walls or other means of retaining cuts or fills.

(iv) Elevations of the edge of the pavement or road at driveway entrance.

- (v) *Elevation of the finish floor of the garage or other parking area.*
- (vi) *Elevations at the base of building corners.*
- (vii) *An estimate of the volume of earth to be moved, expressed in cubic yards.*

Where a grading permit is required by Section 23.05.025 (Grading Permit Required), the grading plan shall also include all information required by Section 23.05.028 (Grading Permit Application Content).

CZLUO Section 23.05.040: Drainage

Standards for the control of drainage and drainage facilities provide for designing projects to minimize harmful effects of storm water runoff and resulting inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new development. The standards of Sections 23.05.042 through 23.05.050 are applicable to projects and activities required to have land use permit approval.

CZLUO Section 23.05.044: Drainage Plan Preparation and Content

Drainage plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. The County Engineer may require drainage plans to be prepared by a registered civil engineer.

a. Basic drainage plan contents: Except where an engineered drainage plan is required, a drainage plan is to include the following information about the site:

- (1) Flow lines of surface waters onto and off the site.*
- (2) Existing and finished contours at two-foot intervals or other topographic information approved by the County Engineer.*
- (3) Building pad, finished floor and street elevations, existing and proposed.*
- (4) Existing and proposed drainage channels including drainage swales, ditches and berms.*
- (5) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains, and drop inlets.*
- (6) Estimates of existing and increased runoff resulting from the proposed improvements.*
- (7) Proposed erosion and sedimentation control measures.*
- (8) Proposed flood-proofing measures where determined to be necessary by the County Engineer.*

b. Engineered plan content: Engineered drainage plans are to include an

evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by subsection a of this section.

CZLUO Section 23.05.046: Drainage Plan Review and Approval

All drainage plans are to be submitted to the County Engineer for review, and are subject to the approval of the County Engineer, prior to issuance of a land use or construction permit, as applicable. Actions of the County Engineer on drainage plans may be appealed to the Board of Supervisors in accordance with the procedure set forth in Section 21.01.042a of this title; except that where the site is within a Flood Hazard combining designation, the procedure described in Section 23.07.066d shall be used.

CZLUO Section 23.07.104 Archaeologically Sensitive Areas:

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

a. Archaeologically sensitive areas. The following areas are defined as archaeologically sensitive:

(1) Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.

(2) Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.

(3) Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.

b. Preliminary site survey required. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by an archaeologist knowledgeable in Chumash Indian culture and approved by the Environmental Coordinator. The purpose of the preliminary site survey is to examine existing records and to conduct a preliminary surface check of the site to determine the likelihood of the existence of resources. The report of the archaeologist shall be submitted to the Planning Department and considered in the evaluation of the development request by the applicable approval body.

c. When a mitigation plan is required. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by the archeologist. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts

on the resource. The mitigation plan shall be submitted to and approved by the Environmental Coordinator, and considered in the evaluation of the development request by the applicable approval body.

d. *Required finding.* A land use or construction permit may be approved for a project within an archaeologically sensitive area only where the applicable approval body first finds that the project design and development incorporates adequate measures to ensure protection of significant archeological resources.

e. *Archeological resources discovery.* In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply

CZLUO Section 23.07.170: Environmentally Sensitive Habitats

The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title and as mapped by the Land Use Element combining designation maps.

a. *Application content.* A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved by the Environmental Coordinator that:

(1) *Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures.*

(2) *Recommends conditions of approval for the restoration of damaged habitats, where feasible.*

(3) *Evaluates development proposed adjacent to environmentally sensitive habitats to identify significant negative impacts from noise, sediment and other potential disturbances that may become evident during project review.*

(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 to evaluate, and require implementation of project design alternatives that result in impacts to ESHA being avoided and unavoidable impacts minimized. This shall also include assessment of impacts that may result from the application of fire safety requirements.*

(5) *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.*

(6) *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.

b. Required findings: Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:

(1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

(2) The proposed use will not significantly disrupt the habitat.

c. Land divisions: No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map.

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.

e. 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.)

CZLUO Section 23.05.034(c): Grading adjacent to Environmentally Sensitive Habitat

Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat as shown in the Land Use Element except:

(1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.174d(2) (Streams and Riparian Vegetation) of this title; or

(2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

CZLUO Section 23.06.084: Odors: *Any non-agricultural land use conducted in, or within one-half mile of an urban or village reserve line is to be so operated as not to emit matter causing noxious odors which are perceptible at the points of determination identified in the following table: ...*

CZLUO Section 23.07.172 - Wetlands.

Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands.

a. Location of development: Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected.

b. Principle Permitted Uses in wetlands: Hunting, fishing, wildlife management, education and research projects.

c. Department of Fish and Game review. The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design.

d. Wetland setbacks: New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content)

determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.

(1) *Permitted uses within wetland setbacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:*

(i) *Alternative routes are infeasible or more environmentally damaging.*

(ii) *Adverse environmental effects are mitigated to the maximum extent feasible.*

(2) *Wetland setback adjustment: The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25 feet), provided that the following findings can be made:*

(i) *The site would be physically unusable for the principal permitted use unless the setback is reduced.*

(ii)

The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered.

(iii) *That the adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title.*

(3) *Requirements for wetland setback adjustment: Setbacks established that are less than 100 feet consistent with this section shall include mitigation measures to ensure wetland protection. Where applicable, they shall include landscaping, screening with native vegetation and drainage controls.*

The adjustment shall not be approved until the approval body considers the following:

(i) *Site soil types and their susceptibility to erosion.*

(ii) *A review of the topographic features of the site to determine if the project design and site location has taken full advantage of natural terrain features to minimize impacts on the wetland.*

(iii) *The biologists report required by Section 23.07.170 shall evaluate the setback reduction request and identify the types and amount of vegetation on the site and its value as wildlife habitat in maintaining the functional capacity of the wetland.*

(iv) *Type and intensity of proposed development.*

(v) *Lot size and configuration and location of existing development.*

e. Site development standards:

(1) Diking, dredging, or filling of wetlands: Diking, dredging, or filling activities in wetland areas under county jurisdiction shall be allowed only to the extent that they are consistent with Environmentally Sensitive Habitats Policy 13 of the San Luis Obispo County Coastal Plan Policies, and shall not be conducted without the property owner first securing approval of all permits required by this title. Mineral extraction is not an allowed use in a wetland.

(2) Vehicle traffic: Vehicle traffic from public roads shall be prevented from entering wetlands by vehicular barriers, except where a coastal accessway is constructed and designated parking and travel lanes are provided consistent with this title. The type of barrier and its proposed location shall be identified in the materials accompanying an application for a land use permit and must be approved by the Planning Director before permit issuance to insure that it will not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland.

(3) Open space easement required: A land use or construction permit for a structure larger than 1000 square feet in floor area shall not be approved on a parcel of one acre or larger that contains a wetland, unless the property owner first grants the county or an approved land trust an open space easement or fee title dedication of all portions of the site not proposed for development, as well as the entire wetland.

CZLUO Section 23.07.174: Streams and Riparian Vegetation

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

a. Development adjacent to a coastal stream. Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.

b. Limitation on streambed alteration: Channelization, dams or other substantial alteration of stream channels are limited to:

(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 as shown on Coastal Table "O" where there are no feasible alternatives.

(2) Flood control projects, including maintenance of existing flood control

channels, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;

(3) Construction of improvements to fish and wildlife habitat; 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 California State Water Resources Control Board.

In addition, every streambed alteration conducted pursuant to this title shall employ the best mitigation measures where 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.

c. Stream diversion structures: Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than 10 acre-feet, shall be designed and located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.

d. Riparian setbacks: New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. 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 non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.

(1) Permitted uses within the setback: Permitted uses are limited to those specified in Section 23.07.172d(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 shall 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 to be provided include, but are not limited to:

(i) Flood control and other necessary instream work should be implemented in a manner than 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.

(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

(i) Alternative locations and routes are infeasible or more environmentally damaging; and

(ii) Adverse environmental effects are mitigated to the maximum extent feasible; and

(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

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:

(1) For streambed alterations allowed by subsections a and b above;

(2) Where an issue of public safety exists;

(3) Where expanding vegetation is encroaching on established agricultural uses;

(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;

(5) To increase agricultural acreage provided that such vegetation clearance will:

(i) Not impair the functional capacity of the habitat;

(ii) Not cause significant streambank erosion;

(iii) Not have a detrimental effect on water quality or quantity;

(iv) Be in accordance with applicable permits required by the Department of Fish and Game.

(6) To locate a principally permitted use on an existing lot of record where no

feasible alternative exists and the findings of Section 23.07.174d(2) can be made

CZLUO Section 23.07.176: Terrestrial Habitat Protection

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

- a. Protection of vegetation. Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.*
- b. Terrestrial habitat development standards:*
 - (1) Revegetation. Native plants shall be used where vegetation is removed.*
 - (2) Area of disturbance. The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.*
 - (3) Trails. Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.*

CZLUO Section 23.08.288 - Public Utility Facilities

The requirements of this section apply to Public Utility Facilities where designated as S-13 uses by Coastal Table 'O', Part I of the Land Use Element. Public Utility Facilities for other than electric and communications transmission and natural gas regulation and distribution, require Development Plan approval pursuant to Section 23.02.034 (Development Plan).

- a. Permit requirements. In addition to the emergency repair and the general permit requirements of section 23.08.286a and b., Development Plan approval is required for any new facility or modification of any existing facility in the Agriculture, Rural Lands, Residential, Office and Professional, and Commercial land use categories. Development Plan approval is required for any new facility or modification to any existing facility which would increase the structure heights above those specified in section 23.04.124 or modify any operational standards causing an increase in any of the categories specified in chapter 23.06 of this title.*
- b. Application contents. In addition to the application materials required by Chapter 23.02 (Permit applications), permit applications shall also include descriptions of:*
 - (1) The proposed design capacity of the facility; the operating schedule; and how*

the proposed facility interacts with incoming and outgoing utility services.

(2) Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities.

(3) Proposed erosion control measures, revegetation, screening and landscaping during construction and operation.

(4) An oil and hazardous material spill contingency plan, including a demonstration that all materials can be contained on-site.

(5) For electric and telephone centers, estimates of the non-ionizing radiation generated and/or received by the facility. These will include estimates of the maximum electric and magnetic field strengths at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.

(6) The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic.

c. Development standards. The following standards apply in addition to any that may be established as conditions of approval:

(1) Environmental quality assurance. An environmental quality assurance program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Development Plan. Specific requirements of this environmental quality assurance program will be determined during the environmental review process and Development Plan review and approval process.

(2) Clearing and revegetation. The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil will be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season.

(3) Fencing and screening. Public Utility Facilities shall be screened on all sides. An effective visual barrier will be established through the use of a solid wall, fencing and/or landscaping. The adequacy of the proposed screening will be determined during the land use permitting process.

d. Limitation on use, sensitive environmental areas. Uses shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made by

the applicable approval body that there is no other feasible location on or off-site the property. Applications for Public Utility Facilities in the above sensitive areas shall include a feasibility study, prepared by a qualified professional approved by the Environmental Coordinator. The feasibility study shall include a constraints analysis, and analyze alternative locations.

CZLUO Section 23.11.030 – Definitions.

Environmentally Sensitive Habitat Area (Mapped ESHA). *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 wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations. Is the same as an Environmentally Sensitive Habitat.*

Environmentally Sensitive Habitat Area (Unmapped ESHA). *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, known wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats that may not be mapped as Land Use Element combining designations. The existence of Unmapped ESHA is determined by the County at or before the time of application acceptance and shall be based on the best available information. Unmapped ESHA includes but is not limited to:*

- a. Areas containing features or natural resources when identified by the County or County approved expert as having equivalent characteristics and natural function as mapped other environmental sensitive habitat areas;*
- b. Areas previously known to the County from environmental experts, documents or recognized studies as containing ESHA resources;*
- c. Other areas commonly known as habitat for species determined to be threatened, endangered, or otherwise needing protection.*

CZLUO Section 23.11.030 – Definitions.

Feasible. *Capable of being accomplished in a successful manner within reasonable period of time, taking into account economic, environmental, social and technological factors.*