COUNTY OF SAN LUIS OBISPO

LOCAL COASTAL PROGRAM POLICY DOCUMENT
A PORTION OF THE SAN LUIS OBISPO COUNTY LAND USE ELEMENT
OF THE GENERAL PLAN

COASTAL PLAN POLICIES

ADOPTED BY
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
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PROGRAM CERTIFIED BY
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May 1992	Ord. 2544
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CHAPTER 1: INTRODUCTION

The coastal zone in San Luis Obispo County spans 96 miles of coastline. Along most of California the coastal zone boundary generally extends inland only 1,000 yards, while in San Luis Obispo County the coastal zone extends further inland in several areas because of important habitat, recreational, and agricultural resources. Those areas include the lands surrounding Nipomo Dunes, Hearst Ranch and other north coast areas, and the Morro Bay watershed.

The coastal zone of San Luis Obispo County is known throughout the state for its beauty and diversity. The north coast is characterized by the rugged headlands to Big Sur. The rocky shoreline along the Hearst Ranch is highly valued for the offshore views of the sea otter as well as scenic cliffs and rocky points. The beach, sandspit and extensive wetlands of Morro Bay form a unique setting as well as a laboratory for wetland habitat study. The sheltered coves and beaches of Avila and Pismo Beach State parks provide a contrast to the marine terrace and offshore rocks of the north county coastline.

While San Luis Obispo County has retained extensive areas of unspoiled coastline, former adopted plans and policies have been only partly responsible; and would likely not have been adequate to provide the needed balance between development and preservation in the anticipated years of continuing growth. With the adoption of the Land Use Element/Land Use Ordinance (a comprehensive update of the Land Use Element of the general plan and zoning ordinance), stronger policies and more appropriate land use designations were adopted to ensure protection of San Luis Obispo County's resources. Because that program could not address all the concerns of the Coastal Act, however, revisions to the Land Use Element/Land Use Ordinance were required to address issues such as detailed protection for habitat resources, active preservation of prime agriculture lands, and provision of maximum opportunities for recreational use of county beaches while allowing orderly growth and development.

Relationship to the Coastal Act

The California Coastal Act of 1976 mandates that local governments prepare a land use plan and schedule of implementing actions to carry out the policies of the Coastal Act. This document represents the county's commitment to implement the Coastal Act through both general plan policies and identification of detailed land use recommendations. Based on these policies, the county's proposed Land Use Element/Land Use Ordinance system have been amended to include the standards, programs and specific actions required to implement the Local Coastal Program.

Under the Coastal Act mandate, local governments are confronted with the need for implementing policies that are more specific and that address non-traditional issues not commonly associated with the normal role of a local government general plan. These Coastal Act policies address specific issues of shoreline access for the public, visitor-serving facilities, coastal-dependent industrial and energy-related facilities and activities, protection of sensitive habitats, protection and preservation of visual and scenic resources.

In addition, the Coastal Act establishes a framework for prioritizing land uses. The Coastal Act places as its highest priority the preservation and protection of natural resources, including environmentally sensitive habitat areas (wetlands and dunes), and prime agricultural lands. Only uses that are dependent on such resources are allowed within habitat areas. For agricultural land, the Coastal Act specifically addresses protection of the maximum amount of prime agricultural land in production. On non-agricultural land, coastal-dependent development has the highest priority, with public recreation uses the next priority. Where land is not required for habitat

preservation, agriculture, coastal-dependent uses, or public recreation, other development is permitted. However, the Coastal Act requires that visitor-serving commercial recreation development have priority over private residential, general industrial and general commercial development. Such prioritization of uses are addressed in the land use recommendations for the Local Coastal Program/Land Use Element.

In enacting the Coastal Act, the Legislature established the following basic goals of the state for the coastal zone:

a. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and the constitutionally protected rights of private property owners.

d. Assure priority for coastal-dependent and coastal-related development over other development on the coast.

e. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses (including educational uses) in the coastal zone.

In addition to these goals, the Legislature requires that government agencies shall not "exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation...."

Relationship of the Land Use Element/Land Use Ordinance

San Luis Obispo County has special tools available to implement the Local Coastal Program. The county has adopted a Land Use Element (LUE) and Land Use Ordinance (LUO) system that has replaced typical general plan designations and zoning districts. The Land Use Element serves as both a graphic statement of county land use policies and intentions about future growth, and as a precise guide for day-to-day land use decisions. The Land Use Ordinance contains standards for development based more on the effects of specific land uses, than on separate zoning districts. The Land Use Element also coordinates policies and programs in other county general plan elements that have land use implications, and serves as a reference point and guide for future planning studies throughout the county.

The Land Use Element is intended to be different from the way general plan elements have traditionally been organized, implemented and used. Where general plans were formerly "goal-oriented" documents, the Land Use Element replaces such "plans" with "processes." These processes include a framework to accommodate detailed annual review and testing of land use policies and updating of decision-supporting information.

After an extensive schedule of public hearings before the Planning Commission and Board of Supervisors, the county's Land Use Element and Land Use Ordinance were adopted in the fall of 1980. The hearings provided an extraordinary level of public review. The recommendations of the Local Coastal Plan provide a more detailed level of policies, programs and standards to address the issues of the Coastal Act, and underwent a similar schedule of public hearings from 1981 to 1983. The Local Coastal Plan was finally certified by the Coastal Commission on April 12, 1984.

The Local Coastal Plan is incorporated into existing county policies and regulations through amendment to the Land Use Element and certification of a Land Use Ordinance for the Coastal Zone (CZLUO). The coastal zone boundary encompasses portions of four of the Land Use Element Planning Areas: North Coast, Estero, San Luis Bay and South County. The majority of the North Coast and Estero Planning Areas are within the coastal zone while generally only the portions lying west of Highway 1 are included in the San Luis Bay and South County Planning Areas. Within the four planning areas, the text of the Land Use Element area plans have been amended to include the more specific data necessary to address Coastal Act provisions, including additional standards, programs and/or policies. In this manner, the Local Coastal Plan will become additional standards interfaced with the Land Use Element. This process eliminates the need for a separate document as well as clearly indicating how Local Coastal Plan policies relate to the Land Use Element.

In addition to amended portions of the Land Use Element and the Coastal Zone Land Use Ordinance, this document states the policy commitment of San Luis Obispo County to implement the mandates of the Coastal Act. This policy document of the Local Coastal Plan is part of the Land Use Element of the county general plan and is similar to other policy documents such as the Open Space Plan and Transportation Plan. The Land Use Element is the coordinating mechanism for incorporating the policies of this document which have land use implications. In the area of housing concerns, the Housing Element serves as the primary policy tool. Any development standard or land use changes that are not incorporated in the LUE would require amendment to the LUE. The amendment process is set for three times annually.

Adoption of the Land Use Plan Portion of the Local Coastal Program

After the Local Coastal Plan Policy Document and changes to the Land Use Element were reviewed and approved locally, they were submitted to the State Coastal Commission. The Commission found that the land use plan was consistent with the policies of Chapter 3 of the Coastal Act. (Chapter 3 of the Act contains the Coastal Resources Planning and Management Policies, which constitute both standards that local plans must meet to be certified by the state and yardsticks for evaluating proposed developments within the coastal zone.) Upon certification of the land use plans and accompanying ordinances, the permit authority for new development within the coastal zone is returned to local government. After transfer of permit authority to the county certain actions taken by local government in implementing the Local Coastal Plan will remain appealable to the State Commission pursuant to Section 30603 of the Coastal Act. Likewise, the Coastal Commission retains authority over certain areas such as tidelands and other areas below the mean high tide line.

The State Coastal Commission is also required to periodically review the progress of local governments in carrying out the Coastal Act. This review is to occur at least once every five years.

The issue of principally permitted uses are addressed in the Local Coastal Plan: The Land Use Element/Land Use Ordinance establishes land use categories that are applied to each property. Fourteen categories were developed. Within each land use category, a number of uses are allowable, identified in a series of charts, which may be found in Coastal Table "O" of Framework for Planning. The charts establish whether a use is allowed (unless otherwise limited by a specific planning area standard); a special use, (allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard), or not permitted within the land use category. Each land use category establishes a wide-range of uses. To implement the Coastal Act, the LCP establishes uses that are principal permitted (PP). The allowable uses chart in Coastal Table "O" identifies those uses which are considered principally permitted (PP) uses for purposes of this appeal process.

The Local Coastal Program Development and Adoption Process

The Local Coastal Program evolved in several phases. The first phase concentrated on developing a work program for identifying issues that would need to be addressed in the Local Coastal Plan. From this identification of issues, funding for the tasks which were to be undertaken was established. Formulating the work program involved both the public and affected agencies.

The second phase involved actual preparation of background reports that inventoried the information upon which the recommendations of the Local Coastal Plan would be based. The background documents were discussed in meetings with local groups and individuals, in addition to detailed input from other government agencies. Based on the information collected, the policy recommendations of the LCP and revisions to the Land Use Element were formulated. Much staff time was devoted to preparation of the countywide Land Use Element. The LUE provided a comprehensive base for the coastal plan. Staff effort during these months was concentrated on San Luis Obispo County's critical planning issues: agriculture, environmentally sensitive habitats, energy development, shoreline access, and recreation. Public hearings on the land use plan held at the local level with the Planning Commission and the Board of Supervisors from 1981 to 1983. When the Local Coastal Plan was thoroughly reviewed and adopted by the Board, it was transmitted to State Coastal Commission. The third phase involved preparation of implementing ordinances which were certified in October of 1986. Following approval (certification) of the land use plan by the state, implementing ordinances were prepared to carry out the land use plan.

It is acknowledged that the land use plan will need revision from time to time in accordance with changing conditions. The Coastal Act requires that Local Coastal Programs be reviewed at least once every five years to determine whether the program is being effectively implemented in conformity with the policies of the Act. Local recommendations for revisions of the certified land use plan could be considered as part of the five-year review process or they could be initiated by the county at any time, subject to the approval of the state commission.

Relationship of the Land Use Element, Local Coastal Plan Policy Document, and Coastal Zone Ordinance:

The LCP Policy Document is part of the Local Coastal Program and Land Use Element. Many of the policies include programs and standards. Some of the policies have been implemented in the Coastal Zone Land Use Ordinance (CZLUO) and planning areas standards. The following procedures shall be utilized in implementing the policies:

1. Only the numbered policies shall be used. Other text is for background purposes only.

2. Many policies have been implemented in applicable ordinances. Each individual numbered policy will state where it has been implemented. When a policy has been implemented in ordinance, the ordinance shall prevail in case of conflict with the policy.

3. When a policy is partially implemented into ordinance, only the applicable portion of the policy shall prevail in case of conflict.

4. When a policy is not implemented into ordinance it shall be administered as an equivalent to a planning area standard or program where applicable.

5. When a planning area standard conflicts with a policy, the planning area standard shall prevail.

6. When a planning area standard conflicts with an ordinance section, the planning area standard shall prevail.

7. When a policy is a program, it shall be implemented as an equivalent to a planning area program.

CHAPTER 2: SHORELINE ACCESS

INTRODUCTION

The right of public access to all coastal tidelands is guaranteed by the Public Resources Code (Section 30210) and has been upheld by court decisions. The California Coastal Act of 1976 contains policies which require that existing legal rights of public access to the coast be protected, and that reasonable requirements for public access be established in new developments along the coast.

The Coastal Act requires each local government to prepare a shoreline access component as part of its Local Coastal Program. This access component includes the policies by which access requirements will be established and identifies: l) actions that public agencies should take to provide and protect existing and future access, and 2) standards for access that should be incorporated in future development.

Relationship to Coastal Act Policies

The Coastal Act provides specific direction in the following provisions. These policies constitute the legislative basis for the county to make policy recommendations through the Local Coastal Program.

30210. In carrying out the requirement of Section 4 of Article X, the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30106 defines development as follows:

> "Development means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 commencing with Section 4511).
>
> As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line."

30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section "new development" does not include: (1) Replacement of any structures pursuant to the provisions of subdivision (g) of Section 30610; (2) The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area height or bulk of the former structure by more than 10 percent and that the reconstructed residences shall be sited in the same location on the affected property as the former structure; (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure; (4) The reconstruction or repair of any seawall, provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure; (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the regional commission or the commission determines that such activity will have an adverse impact on lateral public access along the beach. As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Additional Provisions of the Coastal Act:

Section 30001.5(c): It is the basic goal of the state to: "... maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."

Section 30500(a): "Each local coastal program ... shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided."

Section 30604(c): "Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200)."
In addition to the Coastal Act policies, Article XV, Section 2 of the California Constitution reads as follows:

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay inlet, estuary, or other navigable water in this state, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this state shall be always attainable for the people.

Further, Sections 66478.1 to 66478.4 of the Government Code refer to portions of the Subdivision Map Act. Relevant portions are summarized below:

> No local agency shall approve coastal or ocean front subdivisions, or subdivisions involving waterways, lakes or reservoirs, unless public access is provided by fee or easement from a public highway to "land below the ordinary highwater mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision, "or to that portion of the bank or stream bordering or lying within the proposed subdivision." (66478.4(a))

Additionally, no local agency shall approve a subdivision that does not provide for dedication of a public easement (designed in extent, width, and character to achieve public use of the waterway) along a portion of the waterfront bordering or within the proposed subdivision.

> Reasonable access is to be determined by the local agency, considering: (1) mode of access; (2) size of subdivision; (3) common use of bank or stream, or type of coastline or shoreline and appropriate uses; (4) likelihood of trespass and means of avoiding trespass. The subdivision need not be disapproved if access is not provided and the local agency finds that reasonable access is available nearby. Access route(s) may be conveyed or transferred to other governmental agencies.

Shoreline access is particularly important, because development between the first public road and mean high tide will remain appealable to the Coastal Commission. All development located between the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach (whichever is the greater distance) will be appealable to the State Coastal Commission even with the certification of the Local Coastal Plan.

Background Inventory

The background report on Shoreline Access (August 1979) provides a detailed inventory of existing access areas in both urban and rural portions of the county. A detailed discussion of each site included: location, ownership, shoreline use, topography, public safety, sensitive habitats, existing land use, existing access and parking, issues and considerations. Those discussions of access may be found in Chapters III and IV of that document.

A brief summary of access characteristics is provided by planning area with further breakdown into the rural portion and the individual communities.

NORTH COAST PLANNING AREA

Rural Area of North Coast. Shoreline use within the highly scenic area of the North Coast is characterized by passive recreational activities associated with ocean viewing, walking, picnicking, etc. This access is of statewide and national significance as the southern entrance to the Big Sur area. The area north of San Simeon Point has an abundance of informal vehicular turnouts used by motorists traveling through the area, and in addition, there are two state beaches, San Simeon State Beach and the William Randolph Hearst Memorial State Beach. Both beaches have facilities and improvements for public shoreline use. Two existing visitor- serving locations provide limited day use and overnight accommodations. An additional access point would be provided should visitor-serving uses be developed in the San Carpoforo/Ragged Point area of Hearst Ranch. Remaining portions of the rural area currently have limited access. Much of the area between Cambria and Villa Creek is not appropriate for new public access unless such access is consistent with protection of the agricultural operations.

San Simeon Village and San Simeon Point. San Simeon Village is presently a visitor-serving commercial center owned by the Hearst Corporation. The Sebastian store is the only existing commercial use, and is surrounded by other historic buildings associated with the development of the Hearst Castle. San Simeon Point is a highly scenic area with stands of Monterey Pine and cypress groves, tidal rock formations and scenic views of the coastline. Both of these areas have been desirable destination points for visitors seeking access to the coastline.

The San Simeon Village and point areas have been identified as appropriate for expansion of visitor-serving recreation facilities. These proposals include provisions for improvement and expansion of public access.

San Simeon Acres. San Simeon Acres is a visitor-serving community with primary shoreline use by motorists traveling along Highway 1. The southern portion of the community is characterized by residential development. With the completion of a stairway at Ruta Lane and the existence of offers-to-dedicate from coastal commission permits, adequate public access will exist to meet most community needs. However, an additional vertical accessway will be necessary on Balboa Avenue at the southerly end of the community. This should be acquired through a permit condition for new development in this area.

Cambria. The west side of Moonstone Beach Drive is within state park holdings and therefore provides adequate public access. Along Nottingham Drive in Park Hill, two multi-lot areas of state park holdings provide adequate access for community demand. A county park adjacent to the mouth of Santa Rosa Creek provides parking, picnic facilities and a swimming pool. Sea Cliff Estates on South Windsor Boulevard provides adequate vertical access as a function of a subdivision requirement for street layouts. In the central area of Cambria, the Fiscalini Ranch is presently inaccessible and undeveloped. When this area is developed, the new demand for access will require major improvements and facilities to accommodate this demand. Within the West Lodge Hill area, the streets ending west of Sherwood Drive contain easement offers to the county. Although presently unimproved, these easements would provide adequate vertical access. A three acre unimproved county park site is located south of

Lampton and Sherwood Drives in the West Lodge Hill area. Low intensity improvement will ensure public access to the shoreline in this area of Cambria.

ESTERO PLANNING AREA

Rural Area of Estero. Access within Estero Bay is characterized by sizable state park holdings, including Cayucos State Beach, Morro Strand State Beach, Atascadero State Beach and Montana de Oro State Park. Shoreline activities here range from active to passive recreational uses. The terrace north of Cayucos extending to Villa Creek and the terrace south of Cayucos extending to Morro Bay are the primary areas where additional access should be addressed.

Cayucos. The shoreline within the community of Cayucos is highly accessible to the public as a result of a series of beachwalks and stairways leading to Cayucos and Morro Strand state beaches. Vertical access to the shore is obtained through 22 access lanes and 13 stairways maintained by the county. Further improvement at the state park holdings is needed to improve public access.

South Bay. Access within the community of South Bay is characterized by a wide variety of uses, topography and intensity. Few facilities or improvements exist. Primary shoreline use is by local residents due to the proximity of the shoreline to residential neighborhoods. Prescriptive rights may exist around much of the bayfront. Within the community of Baywood Park there are existing street easements around the bay which would offer ample vertical bluff-top access if improved. In addition, several areas around the bay have been earmarked for public acquisition by state agencies. The Sweet Springs area has been used by local residents and visitors for passive recreational activities. The area provides unique vistas of Morro Bay and Morro Rock. Informal trails extend through the groves of trees to the springs. The area is presently under private ownership. The lack of improvements and proper facilities for the level of access needs to be addressed to prevent further degradation of the wetlands. Cuesta-by-the-Sea Inlet is also currently in private ownership except where state tidelands may extend. The historic location of the mean high tide is unknown at this time, and would require detailed studies of previous dredging. The area is used by the public for boat launching and storage. No facilities or formal parking have been provided. These factors in conjunction with the proposed access standards will provide for adequate public access.

SAN LUIS BAY PLANNING AREA

Rural Area. In general, adequate shoreline access has been obtained within the San Luis Bay planning area through the public holdings of Avila and Pismo State Beaches and access areas at Mallagh's Landing and within the city of Pismo Beach. Two areas within the rural portion need consideration for access. The first is the stretch of coast between Point San Luis and Point Buchon, presently inaccessible to the public. This is the location of the Diablo Canyon Nuclear Power Plant and surrounding property is in agricultural use. No new access to this area other than for scientific research and study is recommended due to safety concerns, high bluffs and the condition of the access roads used to reach the area; however, lateral access should be secured for the area extending from mean high tide to the bluff.

The Mallagh Landing area (Pirate's Cove) between Avila and Shell Beach is privately owned but has experienced intensive recreational use. Prescriptive rights may exist within this area. Currently facilities and improvements are inadequate to accommodate the existing level of use and impacts of this use include destruction of archaeological resources and contribution to erosion of the bluff-top. As a condition of development, access along the sandy beach and upland area shall be secured along with a long-term maintenance program. A management plan should

be developed jointly by the county and the developer to assure restoration and adequate support facilities for the area.

Port San Luis Harbor District. Port San Luis Harbor District owns the existing landfill area and pier and the sandy beach extending to the Avila State Beach holding. Public access is available throughout the area; however, only limited improvements have been made in the sandy beach area. The Harbor District has identified a long-range project to increase harbor efficiency and increase commercial fishing and recreational boating activities. Access conditions which should be addressed through the permit process are included in the Land Use Element. In addition to the sandy beach, the District is also working to acquire the Point San Luis Coast Guard Light Station. Access is along a single-lane road. The Harbor District is developing plans to improve public access to the facility.

Oceano Beach Subdivision. Adequate lateral access exists at Pismo Beach State Park which stretches between the subdivision and the shoreline. Conflicts exist between the residential uses and the vehicular use of the beach in this area. Existing vertical access is obtained through the undeveloped street-ends. Road easements have been offered to the county as part of the previous plan to pave the strand.

SOUTH COUNTY PLANNING AREA

Rural Area South of Oso Flaco Lake. The holdings of Pismo Beach State Park and Vehicular Recreation Area extends about two miles south of the Union Oil property; however, the majority of remaining property is in private ownership. Unauthorized vehicular activity occurs on the Guadalupe oil fields directly north of the Santa Maria oil fields. Pedestrian access occurs throughout the region, with the entry road to the Guadalupe oil field providing the only specific access point. Small turnout areas serve as day use access parking sites for fishermen or others wishing pedestrian access. Dedication of coastal access was required in conjunction with a permit for expansion of the oil field.

Pismo State Beach and Pismo Dunes State Vehicular Recreation Area. Pismo State Beach and Pismo Dunes State Vehicular Recreation area are two contiguous units of the California State Park system covering over 2,000 acres. A wide variety of natural habitats and recreational activities are present, including recreational vehicle use, hiking, picnicking and camping. These activities and other issues related to Pismo Beach State Park are discussed in more detail in the Recreation and Visitor-Serving Facilities component. Because public access to the shoreline is related to other major factors, access considerations for Pismo State Beach are discussed in detail in the Recreation chapter, but are briefly summarized here:

1. Oso Flaco Lake would serve as the main off-road vehicle (ORV) access point to the dunes. This staging area will be improved with a campground and associated facilities.

2. All access points will need to be controlled to allow the park to be managed within the carrying capacity of the resource.

3. ORV use will be permitted only in designated areas.

Issues Relating to Shoreline Access

The right of public access to all coastal tidelands is guaranteed by the California Constitution and has been detailed in the requirements of the California Coastal Act. The act requires acknowledgment of existing rights of access (including those acquired through historic use) and mandates that reasonable access be provided in new developments along the coast. The access component of the LCP assures opportunities for optimum public access within the county.

A wide range of management strategies will be needed to ensure adequate shoreline access in San Luis Obispo County because of the diversity of access levels and types. A summary of the most frequently used strategies is provided below.

1. Public Actions

a. Public Acquisition. The acquisition of land by a public agency or dedication of property by an individual is the most direct way of ensuring long-term public access. Agencies that may be considered in acquisition programs for coastal areas include the State Department of Park & Recreation, State Department of Fish & Game, the Coastal Conservancy, or local counties or cities.

Direct or total acquisition of fee title through purchase may be the most desirable acquisition method to ensure long-term public access. Direct acquisition requires the designated agency to pay fair market price for the land.

While assuring public access is a benefit to both local residents and visitors to the coast, there are problems involved in acquiring, developing and managing access areas. These include a lack of available money in the public sector to finance acquisition, development and maintenance of shoreline access. Most local and state organizations are fiscally constrained and must weigh the benefits gained by increasing public access against anticipated costs. The State Coastal Conservancy makes grants for the development of coastal public accessways of regional significance; however, the total budget for the entire state is insufficient to meet any substantial portion of San Luis Obispo County's access needs. Federal funds such as the Land and Water Conservation Fund which could be used to acquire and develop recreation areas and access, but matching funds from the local agency are required.

A problem with the potential public funding is that much of it is for acquisition and development of access, and not maintenance and operation. These funds must come out of the general annual funding of the public agency which accepts responsibility for the access. Particularly in hazardous areas and highly sensitive habitats, such maintenance and operation costs are often considerable.

The establishment of a county coastal access acquisition and improvement fund would provide a vehicle that could accept in-lieu fees where access is not required of new development. This would provide funds earmarked for acquisition and maintenance of coastal access. A second alternative for funding maintenance is the requirement of user fees. This poses concerns for limiting access for low income groups. Fees also require personnel for their collection.

Major problems in motivating public agencies or private property owners to accept the responsibility for public access are legal obligations and the cost of liability insurance. Laws on liability differ for public and private property owners. A recently passed law (effective January 1979) limits the liability of private owners. This law is particularly important for existing access on private land or situations where provision of access is required as a condition of a permit and the private landowner maintains ownership. The new law states that private property owners are not liable for the safety of others that use their land for recreational purposes, unless the person was expressly invited (rather than merely permitted) on the premises by the landowner. It is necessary, however, to warn the public of obvious danger.

In general, liability with access that is publicly owned is greater. If accessways are in natural condition, then the risk is assumed to be on the persons using the area. If improvements are made, the agency becomes liable for maintenance. Most recent studies undertaken by the Coastal Commission indicate that liability insurance does not increase demonstratively with acceptance of typical accessway.

b. **Deed Restriction.** A deed restriction is a covenant created at the time of subdivision which binds successive owners to allowing public access and recreation on a particular portion of the parcel. Coastal Act policies affirm the public's interest in land adjoining the public tidelands. Deed restrictions are appropriate for lateral accessways along the shoreline when no action or improvements are needed to make the accessway usable to the public.

c. **Grant.** Grant of a parcel for public access and recreation as a beach results in a complete transfer of ownership. The grantee retains no interest in the land. It is important that an agency be ready to accept such a grant, and that the grant is in accordance with the recipient's procedures.

d. **Easements.** Other less-than-total ownership methods allow public access without high purchase costs. Such "less-than-fee" interests - often called easements - present a tradeoff between permitted and prohibited actions. Easements often allow access for recreational purposes but prohibit building, vegetation removal or other improvements.

e. **Offer for Dedication.** Several offers to dedicate easements have been received by the Coastal Commission during the past few years as a condition for granting a Coastal Commission building permit. Offers recommended for acceptance are discussed in the Combining Designation chapter of each planning area.

f. **Development Conditions.** Performance standards are permit conditions required of new developments. Such standards can provide specific measures to permit public access. Most performance standards are site specific; that is, they are designed to control land uses, site coverage, and other design elements which would interfere with public access to the shore.

g. **In-Lieu Fees.** New development proposals approved without provisions for public access could be required to pay a fee to the county, which would be used to fund acquisition and improvement of access in areas more suitable for use. A special county coastal access acquisition and improvement fund could be established. An ordinance would be drafted that would specify the nature of fees as well as the areas and circumstances where in-lieu fees would be appropriate.

2. Private Sector

The private sector can play a major role in assuring maximum public access. This is particularly important due to the lack of public acquisition funds. Through the development permit process the county can require various levels and types of access conditions, thereby achieving public access without the high cost of initial acquisition and improvement costs.

a. Prescriptive Rights. A public prescriptive right is a right of access over real property which comes into being as the public crosses land to gain access to the beach. Over time, the public gains rights through use. By law, the public must use the property for five years before a prescriptive right may exist. The establishment of prescriptive rights can be resolved between the property owners and interested individuals or groups. However, where this cannot be resolved, the government or an individual or group may bring suit on behalf of the public to confirm the public easement (prescriptive right) to such land for the public. Some areas present evidence that prescriptive rights may exist because they have been kept open through use during past years. However, there are several problems with prescriptive rights. The following basic findings must be made:

-- The public must produce evidence that persons have used the land for the prescriptive five-year period, without permission and without effective interference, as they would have used public land.

-- The use must be substantial.

-- The public must show that the land has been used by members of the general public, not only neighbors or friends of the fee owner.

-- The use of the area has been with the actual or presumed knowledge of the owner and without significant objection of attempts by the owner to prevent or halt such use.

In many areas where demand is regional in nature, more land than just the accessway gained through implied dedication is needed. Land is needed for parking, restroom facilities and other improvements associated with public access. These lands must be acquired through public purchase or through a condition of a permit for development. This is especially true when the land is being used for non-priority uses and there is a need to offset the public loss.

The Coastal Act requires that prescriptive rights be protected, which can be done through regulating development and acquisition. Pursuing establishment of such rights through the courts may only be advantageous in cases where access cannot be acquired by purchase or permit conditioning.

b. Permit Conditioning. Access can be achieved through conditions on permits for new development located along the shoreline. Cities and counties may require dedication of public access (or deed restrictions allowing for access) when approving subdivisions and development applications. More importantly, the Coastal Act (Section 30212) requires that public access be provided from the nearest public roadway to and along the coast in new development projects. Under the Coastal Act definition of development (Section 30106), structures including a road, building, pipe, telephone line or fence which affects access are considered development. However, there is a concern for making the requirements for access reasonable and commensurate with the development, though in some cases this may not result in the desired level of improvement.

Of additional concern is how to deal equitably with development along the shoreline where access is unsuitable because of a threat to public safety, natural resources or adjacent land use. In such instances, local governments could require payment of a fee in-lieu-of the dedication of access. Based on legal precedent (Quimby Act, Government Code, Section 66477) fees could be charged and deposited in a local fund for securing public access in nearby areas more suitable for use.

3. Local Versus Out-of-County Demand

An important aspect of shoreline use is the distinction between local demand versus out-of-county demand. Out-of-county demand generally may include a need for overnight facilities. Private commercial enterprises provide lodging accommodations such as hotels, motels, lodges, RV parks and campgrounds. In addition, the State Department of Parks & Recreation provides a variety of shoreline use opportunities for local and out-of-county visitors. Many of the state parks along the coast provide picnic areas and other recreational opportunities which are used by county residents as well as out-of-county visitors local day-use demand and the provision of overnight accommodations. This is particularly important in urban areas where shoreline use is primarily by local residents, in contrast to the effect of visitor-serving demand for support services.

4. Protection of Environmentally Sensitive Habitat Areas

Frequently, existing access patterns and intensities have damaged and degraded the value of sensitive habitats and natural resources. Such areas may need to be protected through provision of fences and signs indicating the sensitivity of the area. A determination of the level and type of access (foot trails, restricted vehicular, etc.) which an environmentally sensitive habitat can tolerate is an essential element in planning access. This is particularly important in areas where prescriptive rights may exist.

5. Restoration and Enhancement of Shoreline Access and Recreational Areas

The lack of a public jurisdiction or non-profit organization which would assume responsibility for the improvement, maintenance and liability of accessways has contributed to overuse, trespassing and vandalism. Littering, trampling of vegetation and bluff faces, off-road vehicle trespass, overnight camping and parking have occurred in areas adjacent to state or county property, as well as on private property isolated from public access. Some of these areas need improvements (such as revegetation, stairway construction, development of foot trails, trash receptacles, restricted parking areas). Dedication of easements, purchase, or fencing and posting of private property are possible actions to correct such concerns.

6. Need For Access Corridors to Beach

There are presently a few areas of the county where public access does not exist. Some level of access would be desirable in such areas as Dune Lakes, the Point Buchon to Point San Luis area, the Fiscalini Ranch area and Villa Creek. Some of these areas, such as Dunes Lake, may be appropriate for only limited access for scientific and educational study at the discretion, and with the permission, of the property owner.

Other areas, such as Pirate's Cove at Mallagh Landing, are private property currently used for public recreation. Access corridors in these areas need to be established in order to guarantee continued accessibility to these beaches for the future. Generally, where ownership is private and anticipated to remain so, proposals for future development could provide public access as a permit condition unless access is available within a close proximity.

7. Protection of Public Safety

Portions of the county coastline are steep bluff and rocky areas with safety hazards, but design solutions can overcome many of such problems. Fences along bluff edges, stairways down steep bluffs, signs and handrails can be built where problems are identified. However, where severe hazards exist, physical access may not be prudent and the area may most appropriately be restricted to use as a vista point.

8. Agriculture

The Coastal Act policies to protect agricultural land affect access locations, types and intensities. While actual beach use does not have a negative impact on agriculture, the conflict between agriculture and access is related to trails through agricultural land. Public use of such trails often results in problems related to trash, crop theft, trespassing and vandalism of agricultural property or equipment. Fenced trails or natural physical features which confine both vehicle and pedestrian/equestrian access are necessary. The large agricultural areas of the county include the Oso Flaco Lakes area, the area between Cambria and Cayucos and the Hearst Ranch. New public access in some of the agricultural areas of the county may be inappropriate.

POLICIES FOR SHORELINE ACCESS

To implement the provisions of the Coastal Act, the following policies represent the commitment of San Luis Obispo County to preserving, protecting and providing access to the coast.

Policy 1: Protection of Existing Access

Public prescriptive rights may exist in certain areas of the county. Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. These rights shall be protected through public acquisition measures or through permit conditions which incorporate access measures into new development. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.420 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

This policy provides protection for the possible existence of public prescriptive rights as required by Coastal Act Policies 30211 and 30000.5. The establishment of prescriptive rights can be resolved between the property owners and interested individuals or groups. However, where this cannot be resolved, the government or an individual or group may bring suit on behalf of the public to confirm that the prescriptive rights of use exist. The Local Coastal Plan identifies areas where prescriptive rights may exist, and sets standards and programs (such as public acquisition) for new development regarding these potential public access rights. Development which incorporates these standards would not interfere with the possible existence of prescriptive rights and thus would be permitted. However, the Local Coastal Plan may not have identified all areas where prescriptive rights exist and for such areas the appropriate amount of public use should be established through the review process at the time of development.

Procedures for ensuring public input on existing prescriptive rights that may exist on projects between the first public road and the shoreline are included in the Coastal Zone Land Use Ordinance.

Policy 2: New Development

Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. Such access can be lateral and/or vertical. Lateral access is defined as those accessways that provide for public access and use along the shoreline. Vertical access is defined as those accessways which extend to the shore, or perpendicular to the shore in order to provide access from the first public road to the shoreline. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 a. AND c. OF THE CZLUO.]

Lateral accessways must be a minimum of 25 feet wide of dry sandy beach wherever possible. Where topography limits the sandy beach to less than 25 feet, the lateral access will extend from mean high tide to the toe of the bluff. More than 25 feet may be required to ensure that the public may use the sandy beach at all times.

Wherever possible, the accessway should be measured and established from a fixed line landward of and parallel to the mean high tide line, such as a parcel boundary. To assure that the public will have the ability to use some dry sandy beach at all times of the year, site review should consider: 1) variations of the high water line during the year, 2) topography of the site, 3) the location of other lateral accessways on neighboring or adjacent property, and 4) the privacy needs of the property owner.

Vertical accessways will be required at the time of new development when adequate vertical access is not available within a reasonable distance of (one-quarter mile within urban areas and one mile in rural areas) and where prescriptive rights may exist. The vertical accessways should usually be sited along the borders of the project site and should extend from the road to the shoreline (or bluff edge if access is required to reach a bluff top viewing area).

The size and location of vertical accessways should be based upon the level and intensity of proposed or existing access. Site review shall consider: safety hazards; adequate parking provisions; privacy needs of adjacent residential property owners; provisions for requiring adequate public notification of accessway; and levels of improvements or facilities necessary to provide for existing level of access.

A vertical accessway in existing subdivided areas should be a minimum of five feet and should be sited no closer than five feet to an existing or proposed residential structure. In unsubdivided areas, vertical accessways should normally be a minimum of 10 feet. Vertical bluff top access between residential structures shall be limited to pass and repass use of the accessway. This provides for public access along the shoreline but would not allow for any additional use of the vertical accessway. Access activities on these accessways are limited to walking to pass through. Pass and repass right of access is usually applied to areas where topographic constraints make use of the beach dangerous, where habitat values of the shoreline would be adversely impacted by public use of the shoreline or where the accessway may encroach closer than 20 feet to a residential structure.

In some areas of the county, access may need to be limited and controlled such that adequate protection is given to agricultural uses and sensitive habitat areas. The level and intensity of access should be consistent with the following considerations:

> Within agricultural holdings, new vertical access shall be required only where the access can be sited along a property boundary (to minimize impacts on the agricultural operation) unless a more appropriate location exists.

Maximum access within new development may be inconsistent with the protection of sensitive habitats. To optimize public access while protecting resources and land uses, limited forms of access and mitigation methods should be considered. Such mitigation methods may include establishment of a monitoring and maintenance program to assess the impacts of public use and to propose protection limitations. For example, access near a sensitive habitat may be restricted to a particular time of year to avoid conflicts with nesting seasons or other seasonal conditions. In other areas, such as Dune Lakes, this may require limitation on access to scientific or educational study, at the discretion and with the permission of the property owner.

In some areas it may be appropriate to require no new vertical access. This may be where adequate access exists nearby, or where adequate mitigation cannot be given to protect agricultural operations or sensitive habitat areas.

Policy 3: Access Acquisition

In implementing the above policies, purchase in fee (simple) is to be used only after all other less costly alternatives have been studied and rejected as inappropriate or infeasible. In addition to fee simple purchase and offers of dedication or deed restriction for public access as a condition of development approval, other alternatives may include the purchase of easements, or the establishment of in-lieu fees where access is not appropriate. Offers-to-dedicate and deed restrictions to allow for public access are the most frequently used means of guaranteeing public access. Deed restrictions are most appropriate for large projects which are in single ownership and where continuity can be maintained over time. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

The Land Use Element for the coastal zone areas has been amended to specify actions needed to ensure public access for portions of the coast and implement access policies. These are established as programs and standards through the Local Coastal Plan (LCP) combining designation. Programs are the actions which should be undertaken by a public agency to provide and maintain public access. Standards are the actions by which private development must incorporate access conditions and will indicate the need for lateral and/or vertical accessways and necessary improvement.

Policy 4: Provision of Support Facilities and Improvements

Facilities necessary for public access shall be provided. This may include parking areas, restroom facilities, picnic tables or other such improvements. The level of these facilities and improvements should be consistent with the existing and proposed intensity and level of access use and provisions for on-going maintenance. Requirements for coastal access and improvements are identified in the specific Planning Area Standards and the Land Use Ordinance for the coastal zone. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 h. OF THE CZLUO.]

Policy 5: Acceptance of Offers to Dedicate

Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept the responsibility for maintenance and liability of the accessway. New offers to dedicate public access shall include an interim deed restriction that restricts the property owner from interfering with the present use by the public of the areas subject to the easement prior to acceptance of the offer. Existing offers for dedication having such an interim deed restriction, shall remain open and unobstructed during the period when the offer is outstanding. Once a public agency or private association agrees to accept the responsibility for maintenance and liability of the access, the property owner's responsibility under the interim deed restriction may be relinquished. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420g. OF THE CZLUO.]

Examples of public and private agencies which may be appropriate to accept offers of dedication include the California State Department of Parks and Recreation, State Department of Fish and Game, State Lands Commission, the Coastal Conservancy, the county or local community service districts. In addition, private agencies may include local, state and national conservation organizations.

In general, the responsibility for accepting and maintaining public access should be based upon the expected users of the accessway. For example, where the principal users will be local residents and limited facilities are needed for visitors to the coast, the county, local districts or homeowners associations should assume this responsibility. Detailed recommendations are provided in the LCP combining designation in the four coastal planning areas. Where easements (road right-of-ways, etc.) extend to the shoreline, and have been previously offered to and/or accepted by the county, these easements should be accepted, improved and maintained for shoreline access by the county or other appropriate public agency. Where vertical accessways are required over a private road, a recorded easement over the private road should extend to the specific access point at the shoreline.

Where access is largely for visitors to the community, the responsibility should rest with the most appropriate state agency and the costs borne statewide.

Policy 6: Public Safety

The level and intensity of shoreline access is to be consistent with public safety concerns related to bluff stability, trail improvements as well as the provision of adequate facilities such as signs, fences and stairways. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420h. OF THE CZLUO.]

Policy 7: Development of Uniform Access Signs

A uniform signing system PROGRAM should be developed. Such signs would assist the public in locating and recognizing access points. Where agriculture and sensitive habitats are located, signs may be posted indicating the permitted level of access, the restrictions on access and a description of the sensitive habitat resource. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420i. OF THE CZLUO.]

Once accessways are accepted by a public agency, they shall be signed and posted to indicate any restrictions or presence of sensitive habitats or hazards.

Policy 8: Minimizing Conflicts with Adjacent Uses

Maximum access shall be provided in a manner which minimizes conflicts with adjacent uses. Where a proposed project would increase the burdens on access to the shoreline at the present time or in the future, additional access areas may be required to balance the impact of heavier use resulting from the construction of the proposed project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420k. OF THE CZLUO.]

Policy 9: Restoration and Enhancement of Shoreline Access Areas

Areas that have been severely degraded through overly intense and unrestricted use should be restored by such techniques as revegetation with native plants, trail consolidation and improvement and through the provision of support facilities such as parking, defined trail and/or beach walk stairway systems, trash receptacles, restrooms, picnic areas, etc. In extremely degraded areas (especially sensitive habitat areas), a recovery period during which public access would be controlled and limited may be necessary. This should be determined through consultation with the property owner and appropriate public agencies to establish the means of controlling public access that is reasonable and cost effective. Any limitation of use shall be evaluated periodically to determine the need for continued limited use. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420j. OF THE CZLUO.]

Policy l0: Protection of Property Rights and Privacy

The acquisition of rights for access and view purposes and other uses by the public should be consistent with the protection of the property and use rights of property owners. Access routes should be selected and designed so as to minimize the public impact on private property.

> This is not meant to be exclusionary against public access rights but to cause a balance to be struck in protecting the individual citizen's property and privacy. Nothing in the Local Coastal Program is to be construed as encouraging, permitting, or endorsing trespass or invasion of private property rights or privacy. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.420k. OF THE CZLUO.]

Policy 11: Taking of Private Property

In meeting the foregoing policies for ensuring public access to the shoreline, careful consideration must be given to the requirements of Section 300l0 which declares that no local governments may "... exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation...." [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Comprehensive Public Access Planning

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

1. Contents. The update of the area plan shall include the following information:

a. Goals and Objectives. Statements of the public access goals, objectives, policies, ordinances, standards, programs, fiscal implications and other management objectives relevant to each planning area; and

b. Access Inventory. A comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.

2. California Coastal Trail. The Access Component shall include a Public Trails Plan to facilitate future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the 2002 Periodic Review for development of:

a. Planning objectives;

b. Siting and Design policies and standards, subject to thorough and specific environmental review; and

c. Acquisition and management policies and standards.

3. Protection of Access Opportunities during Road Realignments. The Access Component shall consider realignment alternatives for Highway One and other roads critical to coastal access, and ensure that any impacts to access from highway/road realignment are mitigated such that no public access is lost and new access opportunities are maximized. Further, consider alternatives for the realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of the highway.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM]

[Added 2004, Ord. 3006]

Relationship to Land Use Element/Coastal Zone Land Use Ordinance

Based on the county's LUE/LUO system, shoreline access requirements are identified through the above basic policies as implemented in Land Use Element programs and standards, and Coastal Access Section of the Coastal Zone Land Use Ordinance. The purposes of such requirements will be to:

1. Provide maximum public access between the first public road and mean high tide.

2. Relate the intensity and location of new development to the existing extent of access where possible prescriptive rights may exist.

3. Identify areas where public actions are necessary to provide public access or the necessary improvements.

Development Review Process for Establishing Access. New development between the first public road and the shoreline will be required to provide maximum public access in accordance with policies of the LCP. The Coastal Zone Land Use Ordinance has been be amended to establish both the procedure and the requirements for types and scale of development. Notification of interested persons is established to allow for public input on proposed access. This procedure will include a means of providing public hearing where substantial concern is raised regarding a project as provided for in the Coastal Zone Land Use Ordinance.

The permit review procedures on projects located between the first road and the shoreline are found in the CZLUO and include consideration of:

1. Presence of public safety hazards or military security considerations.

2. Proximity of sensitive habitats and agriculture as designated by the LUE (possible mitigation techniques should be outlined).

3. Adequacy of public access areas nearby.

4. Privacy of adjacent residents (landscaping and buffering techniques should be utilized).

5. Adequacy of improvements or facilities at the access point.

6. Evidence of existing use and possible existence of prescriptive rights.

In the future the county may consider an LCP amendment enabling use of in-lieu fees. New development proposals could be approved without provisions for vertical access where a finding can be made that adequate public access exists nearby but where it is determined that adequate public access exists nearby, an in-lieu fee may be approved where the project would significantly impact available public access areas. In-lieu fees should be used to provide or improve public access within the general area in which fees were collected. In-lieu fees would be accumulated in a special coastal access fund, which could be used to fund access where there is not presently access or where facility improvements are necessary for public safety or desirable to provide for the existing carrying capacity, or to provide for on-going maintenance and operations costs.

Recommendations for Public Access by Planning Area. The San Luis Obispo County coastline presents varying degrees of accessibility to the public. For example, in the South County Planning Area, a substantial portion of the shoreline is within state park holdings. The community of Cayucos has a series of accessways which can provide ample opportunities for local residents as well as visitors to get to the shoreline. However, other areas of the county coastline do not presently have formal public access, including the Hearst Ranch holdings in the North County and the South Bay shoreline which is subdivided primarily for single- family residential development.

The Land Use Element indicates the location and intensity of access appropriate to a particular area. This includes programs and standards necessary to protect and provide public access. Specific development standards are included in this report to address special problems and conditions of individual communities. They will be part of the basis for approval or disapproval of a project application. Proposed programs are also noted. The programs are recommended actions to be initiated by the county or other specified public agency to address identified local problems or conditions, and are designed to achieve community objectives.

The arrows on the LCP combining designation maps schematically indicate where public access currently exists and where public access should be provided in the future through public acquisition and improvement or through conditions for new development. Additional access may be required for new development on a case-by-case basis as specified by the Coastal Access Section of the Coastal Zone Land Use Ordinance.

Findings

The countywide policy for the protection of existing access, especially where public prescriptive rights may exist, ensures the provision of maximum public access to the shoreline as prescribed in Section 30210. The detailed community-by-community recommendations for the location of proposed new accessways, and the Coastal Access Section of the Coastal Zone Land Use Ordinance, fulfills the Coastal Act Policy Section 302ll. The standards and policies for new development which require a minimum offer of dedication of a 25-foot lateral accessway fulfills the mandate of Section 30212. All public access recommendations are consistent with the protection of sensitive habitats. The LUE/LCP represents the county's intent to fulfill Coastal Act requirements for public access and as such fulfill the Coastal Act Section 30530 that requires each local coastal program prepare a specific public access component.

CHAPTER 3: RECREATION & VISITOR-SERVING FACILITIES

INTRODUCTION

One of the primary goals of the California Coastal Act is to "... maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and the constitutionally protected rights of private property owners." To achieve this goal, the Coastal Act requires local government to provide and protect recreational opportunities in the coastal zone through appropriate land use designations and management techniques in the Local Coastal Plan.

Relationship to Coastal Act Policies

To ensure that the Coastal Act goal of providing maximum recreational opportunities, the following Coastal Act policies must be addressed in the preparation of the Local Coastal Plan:

30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. (Part) Lower cost visitor and recreational facilities ... shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30240. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

30250. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.

The Coastal Act gives priority to coastal dependent activities. To distinguish between coastal-dependent and coastal-related recreational activities, the following definition will be used:

Coastal-Dependent Recreation: Ocean swimming, ocean and pier fishing, boating, surfing, sunbathing, beach activities, clamming, nature study, and scuba diving.

Coastal-Related Recreation: Picnicking, bicycling, beach volleyball, camping, jogging, walking, driving, and horseback riding.

Non-coastal Dependent Recreation: Recreational activity such as baseball, basketball, bowling, golf, swimming (pool), tennis, and roller skating.

Background Report

The background report entitled Recreation and Visitor-Serving Facilities provides an inventory of public recreational areas within the coastal zone. In addition, existing and potential areas for private visitor-serving facilities were discussed. A summary of the information concerning public recreation areas and private visitor-serving opportunities is discussed by planning area.

NORTH COAST PLANNING AREA

One of the most popular recreational areas in the county, this planning area has three units of the State Park System: Hearst San Simeon State Historical Monument, William Randolph Hearst Memorial State Beach, and San Simeon State Beach. Two of these units (the State Historical Monument and San Simeon State Beach) have adopted general development plans.

Hearst San Simeon State Historical Monument. The monument often receives over 2,000 paid visitors a day. The existing facilities (always considered temporary) are extremely inadequate for this level of use. The general development plan identifies a new visitor staging area containing a small auditorium, interpretive displays, concessions, restrooms and ticket offices. While the number of existing parking spaces (600) will not be increased because it is felt that the monument is at capacity, the lot will be landscaped and general circulation improved. Due to the large attendance at the castle, demand for tourist serving facilities and camping spaces in the North Coast Planning Area during peak use periods often exceeds supply. Development of the visitor staging area will help meet some of the immediate day use demands of castle visitors. An additional area reserved for private development adjacent to the staging area has been proposed.

William Randolph Hearst Memorial State Beach. This eight-acre state beach provides day use only. Visitor-serving facilities will be provided in the proposed San Simeon Village development and staging area.

San Simeon State Beach. The park unit serves as an important en route camping and day use facility for those traveling along Highway 1, especially visitors to Hearst Castle. Existing facilities include 25 picnic sites and 134 campsites, in addition to several vehicle turnouts and a boat launch. Additionally, an overflow overnight parking area is available to the public during the peak visitor use season on a one-night only basis. These facilities are inadequate to handle the over one million visitors annually using the park.

The State Department of Parks and Recreation has adopted a new general development plan. Existing campsites will be renovated with an additional 225 sites to be provided in several phases. Other recommended development proposals include additional parking, group camping and day use facility, information signs, pedestrian trails, tree planting and erosion control measures. The purpose of the development plan is to increase visitor enjoyment opportunities and facilities and to change San Simeon State Beach from an en route campground to a destination point.

Private visitor serving facilities are available at frequent locations within the North Coast Planning Area. Both San Simeon Acres and Cambria provide for existing and projected visitor-serving uses. Several rural locations, including Ragged Point and Harmony, provide isolated pockets of visitor-serving uses. In addition, in response to the unmet recreational demand, the Hearst Ranch (which includes most of the coastal land north of San Simeon Acres) has identified a number of potential areas for tourist recreation facilities.

San Simeon Acres. San Simeon Acres is a small commercial village developed to serve the tourist/recreational users in the North Coast. Economic development in the village is entirely oriented to tourist serving facilities. The proximity of the community to Hearst San Simeon State Historical Monument encourages further visitor serving development. Motels, restaurants and specialty shops are concentrated on the Highway 1 frontage roads, with multiple-family residential units available for employees of the area or retirement.

Future development will continue to be oriented towards visitor serving facilities. Possible constraints on expansion of visitor serving uses within San Simeon Acres would include the future road capacity of Highway 1 and attendance levels at Hearst San Simeon Historical Monument.

Cambria. As in San Simeon Acres, tourism is Cambria's major economic base. Commercial activities are concentrated in three main areas: East Village, West Village and Moonstone Beach. East Village serves as Cambria's principal shopping and service center. In addition, the historic character also attracts visitors that are stopping within the Cambria area. West Village is located adjacent to Highway 1 and is primarily oriented to tourist serving commercial uses, consisting of craft stores, gift shops and eating establishments. The final commercial area in Cambria is located along Moonstone Drive, a scenic road located between Highway 1 and the ocean, which is the major overnight accommodations center with restaurants, hotels and motels.

In addition, the Land Use Element identifies a phased recreation/visitor-serving center for the central portion of the community known and the Fiscalini Ranch. Areas designated for commercial retail development would permit both visitor-serving and local resident shopping facilities.

Possible limitations on expansion of tourist-serving facilities within Cambria include projected road capacity of Highway 1 and future service considerations. Under the existing Coastal Commission permit, the Cambria Service District must reserve 20% of the existing water supply for commercial and tourist-serving commercial uses.

Rural Areas. Recreation opportunities may exist in portions of the rural areas in conjunction with agricultural uses. These may include low intensity hiking, riding, hunting camps, or intensive uses such as dude ranch or recreation vehicle parks. Two specific ranch holdings have identified and proposed visitor serving uses in conjunction with preserving remaining agricultural use. These include the Hearst Ranch to the north and a ranch holding adjacent to San Simeon State Beach.

Hearst Ranch is the major agricultural holding in the North Coast Planning Area. The ranch encompasses over 118,000 acres of which 77,000 acres are located within San Luis Obispo County. The Land Use Element identifies over 98% of the Ranch as intended to remain in agricultural use, with specifically designated areas for resort tourist development to serve visitors to the central coast. The Coastal Act states that visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction to visitors (Section 30250(c)). Three sites on the ranch are identified for low-intensity visitor-serving recreation facilities. Two other sites (the Hearst Castle Staging Area and the San Simeon Village Area) are identified for intensive visitor-serving commercial centers. Each of the sites is still in the conceptual planning stages, and the precise extent and layout of facilities will be determined through the Development Plan process. The Land Use Element identifies detailed standards for the phasing and design of each area.

The second proposed visitor-serving use of the Hearst Ranch is located north of San Simeon State Beach. A recreational vehicle park has been proposed to be integrated with the development of trails and camping facilities at the state park. This site could provide for short-term visitor-serving needs should the park improvements not be completed for a significant period of time.

ESTERO PLANNING AREA

This planning area has three state beaches, two state parks and a natural preserve, which encompass over 67% of the oceanfront areas and ensure coastal access. No general development plans have been adopted for these state park units.

Cayucos State Beach. Cayucos State Beach is located at the northern end of the community of Cayucos, and is a major day use recreational facility within this portion of the coastal zone. The 15-acre beach also has a fishing pier which was used by over 200,000 visitors in 1978. As a day use facility, the state beach provides coastal access for both tourists and local residents. Many utilize stairways to the beach along Pacific Avenue.

Morro Strand State Beach. This 33-acre state beach is also located in Cayucos, adjacent to Pacific Avenue and Studio Drive, and is an important day use facility, providing coastal access for both visitors and local residents. Five picnic tables and restroom facilities are adjacent to the primary parking area located at the southern end of Pacific Avenue. Parking spaces available in this area are inadequate to accommodate the 144,000 visitors per year.

Atascadero State Beach. Coastal issues pertaining to this state beach will be contained within the city of Morro Bay Local Coastal Program. The access recommendations of the LCP propose dedication of the area between Morro Strand and Atascadero State Beach.

Morro Bay State Park. Covering over 2,000 acres, this park provides 135 campsites, 50 picnic sites, an 18-hole golf course, a museum and marina, most of which is located within Morro Bay and will be addressed in that city's Local Coastal Program. Portions of the park within the county include much of the Chorro-Los Osos Estuary and mud flats. These are sensitive resource areas requiring full protection under the Coastal Act.

The State Department of Parks and Recreation is presently pursuing additions to Morro Bay State Park. Highest priority should be given to acquisition of bay front areas of sensitive wetland habitat.

Los Osos Oaks Preserves. This is a small undeveloped park containing an outstanding example of a pygmy oak forest. Only limited passive recreation is appropriate for this preserve.

Montana de Oro State Park. Located at the southern end of Morro Bay, Montana de Oro State Park is the largest park within the coastal zone encompassing over 21.4 miles of the coast. This highly visual area has been recommended for nomination as a National Landmark. Though primarily a day use facility, the park does provide 46 camping sites in addition to 25 picnic sites. The State Department of Parks and Recreation proposed a new general development plan for the park in 1978. However, due to budget cuts this plan was dropped.

When a general development plan is proposed for Montana de Oro State Park, the following concerns must be addressed: improvements to parking facilities, development of vista points and turn-outs, on-going habitat management programs, and identification of future acquisitions.

Private visitor-serving areas within the Estero Planning Area are provided in Morro Bay and the community of Cayucos. South Bay is primarily a residential community with substantially less visitor-serving development. Each community is discussed below:

Morro Bay. As a major visitor-serving coastal area, Morro Bay provides a wide range of lodging, food, and service facilities. Specific recommendations for expanding or improving visitor-serving facilities is addressed in the LCP for the city. The availability of these services, however, is directly related to the need for expansion of services and facilities in the unincorporated community of South Bay.

Cayucos. Cayucos is a moderately sized community three miles north of Morro Bay. The economy of Cayucos is also heavily-oriented toward recreation and visitor-serving uses. Existing tourist-serving facilities are scattered throughout the community. In addition, the one remaining large oceanfront area located north of the Veteran's Memorial Hall is identified for visitor-serving uses, and another area for expansion of visitor-serving use is provided in the most northerly portion of the community. The latter parcel is currently under a 10-year agricultural preserve contract as part of a larger holding; however, it is a logical extension of the community that would establish a stable urban-rural boundary. Upon notice of non-renewal of the agricultural contract, consideration of an amendment from the agricultural designation will be undertaken.

South Bay. Unlike the previously discussed communities, South Bay does not presently provide substantial visitor serving uses. The commercial retail centers in Los Osos and Baywood Park are primarily oriented to serving the needs of local residents. Substantial expansion of these two commercial retail centers is provided in the recommendations of the Land Use Element.

While it is anticipated that Morro Bay will continue to provide the major visitor-serving facilities for visitors to this area, two areas within the community of South Bay are proposed to allow for development of visitor-serving use. The first is located at the intersection of Los Osos Valley Road and the proposed extension of Ravenna Drive. The second area would be integrated with the neighborhood shopping area at Los Osos Valley Road/Pecho Drive which has been designated for provision of visitor-serving uses. This would provide facilities for visitors to both Montana de Oro and Morro Bay State Parks. Development must be sized and sited sensitive to the surrounding residential communities.

SAN LUIS BAY / SOUTH COUNTY PLANNING AREAS

These planning areas include major public use areas at Avila State Beach, Pismo State Beach and State Vehicular Recreation Area, and the facilities for boating at Port San Luis Harbor. (For Port San Luis see Commercial Fishing and Recreational Boating.)

Avila State Beach. Avila State Beach is a small, ten-acre site maintained and operated by the Port San Luis Harbor District. The beach (with picnic tables, fire rings and restrooms) receives heavy day use by local residents, with over one million visitors annually. Fronting the community of Avila Beach, this state beach has substantial parking problems in peak use periods, though the District owns and maintains a parking area located two blocks east of the beach. Another major constraint on the state beach is the capacity of Avila Road.

Pismo State Beach and Pismo Dune State Vehicular Recreation Area. These two contiguous state park units will be treated jointly. Stretching from Pismo Beach to Oso Flaco Lake in the south, the two parks encompass over 2,000 acres of beaches, wetlands and sand dunes. Combined, the state beach and vehicular recreation area are the major visitor attraction within the coastal zone with over three million visitors per year. Providing a wide variety of recreational opportunities, the parks are famous for clamming, driving on the beach and recreational vehicle use within the dunes.

Existing facilities include a golf course and two developed campgrounds. Camping is also allowed on the beach and within the dunes. In 1975, the State Department of Parks and Recreation developed a general development plan for the two state park units. (Note: This state park facility is discussed in detail in the final portion of this chapter.)

Private visitor-serving facilities are available in the unincorporated communities of Avila and Oceano in addition to the coastal cities. Types of visitor-serving uses vary with the recreation area.

Avila Beach. Due to the popularity of its beaches, Avila is a major recreation area in the county. Commercial retail uses within Avila are concentrated in the central business district and serve both the community and visitors. The major tourist serving facility for Avila Beach, however, is the San Luis Bay Inn. Based on the small projected population increase for Avila Beach, future commercial development will continue to emphasize visitor-serving uses.

Oceano. Oceano is the southern most area within the coastal zone with only a small portion of the community actually within the coastal zone. The economic base of the community is agriculture. Commercial services are primarily provided in the central business district located along Highway 1, which is oriented towards serving the surrounding community. A second commercial area along Highway 1 and Roosevelt Drive serves beach users. As a major access to Pismo State Beach, the beach-oriented commercial area is largely visitor-serving. Adequate opportunities for expansion of visitor-serving facilities are provided in the plan. To ensure future development in the commercial areas adjacent to the beach, the standards for future commercial retail uses should be directed toward visitor-serving uses.

Pismo Beach/Grover City. These two incorporated communities provide major visitor- serving use in the southern portion of the county. The LCP for each city will specify provisions for expansion or improvement to the visitor serving capacity. The availability of these services, however, is directly related to the need for services in the surrounding unincorporated areas.

Issues and Concerns

In the background report, four major planning issues were raised: 1) availability of overnight camping facilities; 2) visitor-serving facilities in rural areas; 3) road capacities; and 4) the Pismo State Beach/Pismo State Vehicular Recreation Area.

Camping. Overnight camping plays an important role in providing lower-cost recreational facilities. However, demand for camping spaces presently exceeds supply. With currently over 1,800 spaces available in both public and private campgrounds, people are still being turned away during peak use periods. In some cases, people are camping in inappropriate areas. Trash and effluent dumping are serious aspects of this overcrowding problem. Proposed development in state parks and beaches would add 554 campsites; however, many of these would not be developed for a number of years. To meet increasing demands for overnight camping and to ensure that lower-cost recreational facilities are available, the State Department of Parks and Recreation should be encouraged to implement their development plans as soon as possible. Additional sites will need to be provided by the private sector.

Visitor Serving Facilities in Rural Areas. The Coastal Act states that visitor-serving facilities that cannot feasibly be located in existing areas shall be located in existing isolated developments or at selected points of attraction to visitors (Section 30250(c)). Three areas for visitor-serving facilities have been proposed for the Hearst Ranch in the North Coast planning area. While other provisions of the Coastal Act excludes most rural locations for visitor-serving facilities, the large recreational demand generated in this area by Hearst Castle and the heavy tourist use of Highway 1 necessitate some visitor-serving facility development.

Road Capacity. A possible constraint in future recreational development is the projected road capacity of coastal access routes. The major coastal access route within San Luis Obispo is State Highway 1. Section 30254 of the Coastal Act states that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. With the future capacity of Highway 1 in rural areas limited, the relationship of the highway to recreational development becomes a key issue.

When existing planned public works, such as this highway, can only accommodate a limited amount of new development, the Coastal Act gives priority to certain types of use, including recreation and visitor-serving facilities. A study completed by the Regional Transportation Planning Agency (1979) for the Local Coastal Program projected that traffic on Highway 1 within the northern rural areas could exceed road capacity at peak hours by the mid-1980's. More recent data based upon Caltrans traffic counts in the northern rural areas indicates a 17% reduction in traffic volume during 1979 and 1980 from the traffic levels during 1978, and a 35% reduction from that projected for 1980 in the study completed by RTPA. A reversal of this recent trend toward traffic reduction could affect projects that generate traffic within the north coast of this county. Traffic volumes on Highway 1 in Monterey County are already exceeding capacity during peak periods. This could affect projects that generate additional traffic within the north coast of this county. In that case, opportunities to maximize recreation and visitor-serving facilities in this coastal area may be expanded by development of alternate access modes including transit, tour buses, airport facilities and other appropriate alternatives.

Another important coastal access route heavily used by recreation users is Avila Road. As the only access to the community of Avila Beach, Avila State Beach, Port San Luis and Diablo Canyon, all future development will impact road capacity. However, based on the small scale of development proposed at Port San Luis and Avila Beach, road capacity should not be exceeded until 1995 unless major residential or commercial development occurs, a major new construction program is undertaken at Diablo Canyon, or a substantial expansion of the port facilities for a minor crew base to serve OCS development is pursued.

Another potential road capacity concern will be the proposed off-road vehicle staging area at Oso Flaco Lake. Before development of this staging area begins, potential impacts on Highway 1 and Oso Flaco Lake Road must be evaluated and mitigation measures proposed. Grant funds may be sought to mitigate the impacts from the proposed recreational use.

Pismo State Beach and State Vehicular Recreation Area. These state park facilities attract over three million visitors annually according to the State Department of Parks and Recreation. The issues and concerns raised by development in these facilities are many, ranging from habitat protection and defining appropriate areas and types of recreation use, to controlling public access and protection of nearby private property. A detailed summary of information on these park facilities is presented in the final portion of this chapter.

A final concern must be addressed in determining the appropriate level of recreational use: recreation carrying capacity. (The total use a recreational site can tolerate without a deterioration of the physical and biological environment or the visitors' enjoyment.) To adequately protect these resources, this concept should be utilized in location, siting and development of all recreational areas and facilities. The Coastal Act gives priority to preservation of environmentally sensitive habitat areas over the provision of recreational opportunities; however, many highly used recreational areas within the coastal zone are in or adjacent to sensitive habitat areas, including Morro Bay, Oso Flaco and Dunes Lake and the Pismo Dunes. This situation gives the state park system a dual role in providing recreational opportunities while protecting environmental resources.

The determination of carrying capacity is a complex process, requiring consideration of many variables. While some habitat areas (such as dry sandy beaches) can tolerate a high intensity of daytime recreational use, others (such as wetlands) can tolerate only a very low level of use. It is necessary that the recreational carrying capacity for all recreation areas be determined, monitored and readjusted as conditions warrant.

POLICIES FOR RECREATION AND VISITOR-SERVING FACILITIES

To implement the provisions of the Coastal Act, the following policies represent the county's commitment to preserve, protect and provide coastal recreation opportunities.

Policy 1: Recreation Opportunities

Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion of existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities. Visitor-serving facilities include all lodging establishments included in the definition of Hotels, Motels in Chapter 7 of Framework for Planning of the Land Use Element and Local Coastal Plan; provided that hotels and motels which are condominium or planned development projects may be approved only where specifically identified as an allowable use by planning area standards of the Land Use Element and Local Coastal Plan. The new construction of non-visitor-serving or non-principally permitted uses shall only be permitted if it can be found that they would not prejudice the provision of adequate visitor-serving facilities to meet the foreseeable demand over the next 20 years. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.] [Amended 1992, Ord. 2544]

Policy 2: Priority for Visitor-Serving Facilities

Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Low Cost Facilities

Larger visitor-serving projects shall make provisions for services which are geared to a range of costs, including low cost facilities. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 4: Visitor-Serving Uses in Agricultural Areas

Where visitor-serving facilities are proposed within areas designated as agriculture on the LUE, the findings specified in agriculture Policy 3 as implemented in the CZLUO in the Agriculture chapter shall be met. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Coordination with Local Government - Priority for Development of State Park Holdings

The State Department of Parks and Recreation should give high priority to development of existing holdings unless undertaken for environmental protection only. Future acquisitions for park expansion should occur in conjunction with an approved development plan. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 6: County Review of State Park Plans

The State Department of Parks and Recreation shall submit a Master Plan for county approval before implementation of State Park General Development Plans. Subsequent site development plans will be reviewed and approved based on their consistency with the Master Plan and other applicable LCP regulations and sensitivity of planning for carrying capacity of the area and habitat protection. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Low Cost Facilities within State Parks

The State Department of Parks and Recreation should provide lower cost recreation facilities such as overnight camping and youth hostels where possible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 8: Comprehensive Public Recreation Planning

As part of the periodic update of the area plans, long-term supply and demand and opportunities for low-cost visitor-serving recreation shall be analyzed. The area plan shall be evaluated for potential amendments to provide for such uses consistent with other policies in the Local Coastal Plan and the Coastal Act that balance development with the protection of coastal and other important community resources. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor- serving uses, including that which may be needed in the future. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004; Ord. 3006]

Relationship to the Land Use Element/Land Use Ordinance

The Land Use Element identifies areas for recreation activities and specifies the appropriate level and intensity of use. This includes: 1) existing state and local parks; 2) proposed public acquisition areas; and 3) areas for development of visitor-serving uses on privately owned lands.

To implement the policies of the LCP, programs and standards are included in the Land Use Element. Programs are actions that public agencies should undertake to protect and provide rec-reational opportunities. Standards are criteria that will be used in determining the consistency of state park general development plans and site plans and visitor-serving development on private lands.

County Review of State Park Plans. The State Department of Parks and Recreation has become the major provider of recreational opportunities within the county's coastal zone. State park development along the coastline offers a variety of amenities, from primitive campsites to full recreational vehicle hook-ups. There are also county park facilities within the coastal zone which provide additional day use facilities.

Section 30403 of the Coastal Act requires that Local Coastal Programs "should provide the common assumptions upon which state functional plans for the coastal zone are based...." The Coastal Act also requires that after a local coastal program has been certified, the development review authority of the Coastal Commission will be delegated to the local government implemen-ting the plan (Section 30519). Based on this, state parks' development plans will be required to be reviewed by the county and found consistent with the adopted Local Coastal Plan.

Some overlap of responsibilities exists between the LCP, County, General Services Department and the State Department of Parks and Recreation in planning for recreation and access in the coastal zone. The state and county, in additional to responsibility for acquisition of parks, are required to prepare detailed master plans for facility development. This is beyond the scope of the LCP and the requirements of the Coastal Act. However, the LCP must establish policies and standards relating to both the level of recreation uses and adequate protection of habitat values within the park areas. This will establish a framework for facility planning in the coastal zone.

The following development plans have been reviewed and addressed in the Local Coastal Plan: San Simeon State Beach, Hearst Castle Staging Area, Pismo State Beach and Pismo State Dune Vehicular Recreational Area. The remaining state park holdings do not have general development plans. The Local Coastal Plan must address and establish standards by which the general development plans will be reviewed. These standards can provide direction for improve-ments needed or expansions of the holdings. Many of the essential issues in the development of public recreation include budgetary constraints on both site-development and maintenance. The programs suggested identify, in many instances, actions which are needed to ensure public access and recreation opportunities while protecting coastal resources from existing and potential abuse. Programs and standards are indicated for each state park or county park holding where further development is needed or anticipated by the four coastal planning areas.

Pismo State Beach and State Vehicular Recreation Area. Due to the major signifi-cance of planning for recreational development within the Pismo Beach and State Vehicular Recreation Area, a detailed summary of the background information used in preparing the recommendations is provided below. The detailed standards are found in the South County Planning Area (Recreation category) portion of the LUE.

Attendance. Pismo State Beach and Dune Vehicular Recreation Area is among the most popular units of the State Park System with an annual attendance of well over three million visitors. Attendance in three year's time has increased by 50% since 1976-77. These figures may be high due to difficulty in tallying park users because of uncontrolled access. This increase in use probably reflects more visitors during the off season than an actual increase during peak use periods.

The State Park Department identified the major demand for recreational use at Pismo Dunes is from the greater Los Angeles area. Figure 1 indicates the origin of visitors as found in that study.

Due to the increasing cost and potential shortage of gasoline, attendance figures may drastically change. However, since the origin of most visitors is within 3-4 hours travelling time, atten-dance will probably continue to increase.

Recreation Use. Pismo State Beach is unique because its hard sand surface supports vehicle use. Nowhere else in California can the experience of driving along a beach for several miles be found. On major holidays, traffic is often bumper to bumper on much of the 7-1/2 miles available to vehicles. Often in conjunction with vehicular use of the beach is beach camping. This drive-on camping is also unique in California. In the city of Pismo Beach, vehicular use of the beach is prohibited.

The dunes provide off-road vehicle users with opportunities for a variety of recreation uses. Dune tours, competition events and primitive camping are the most popular. Access to the dunes is presently available from the beach or via Oso Flaco Road. The dunes provide for other recreational activities as well as including hiking, horseback riding, fishing, hunting, and nature study. Much of these activities are centered around the Dune Preserve unit and the Oso Flaco Lake area.

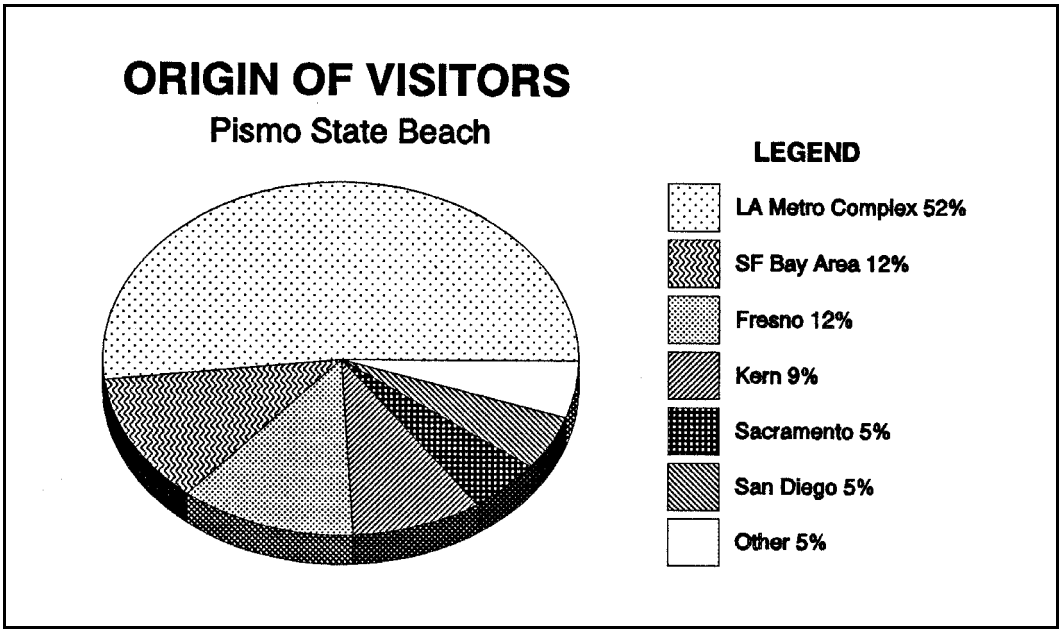


Figure 3-1: Origin of Visitors to Pismo State Beach

Environment. The Nipomo Dunes, upon which most of the state beach and vehicular area is located, extends from Pismo Beach south to Point San in Santa Barbara County. These sand dunes are recognized as an outstanding example of a coastal dune ecosystem and have been accepted as a National Landmark. Several plant communities are present, including the coastal strand and coastal sage scrub community. The California Native Plant Society has identified nine rare or endangered plant species within the Nipomo Dunes.

Located along the periphery of the sand dunes are a series of fresh water lakes. Dune Lakes are located inland from state and county holdings within the dunes and are privately held and managed wetlands that qualify for agricultural preserve status. A twenty-year agricultural preserve contract exists on these properties. These areas have been well-managed and remain pristine with a high habitat value. Alternatives for development of the recreation areas which would impact these areas could substantially diminish this value.

Oso Flaco Lake and Little Oso Flaco Lake are located south of the major recreation areas. Recent state acquisitions have included the western 626 acres of the Union Oil property just to the north, 132 acres of agricultural land (including Little Oso Flaco Lake), and 595 acres of dune habitat to the west and south (including Oso Flaco Lake and Coreopsis Hill). The county owns the entrance road and causeway over Oso Flaco Lake. This is a sensitive wetland habitat, but one which has experienced substantial degradation, particularly from encroaching dunes.

The combination of these wetlands and the arid dunes provides a unique habitat for many varieties of wildlife, especially birds. Over 86 water-associated bird species have been identified within the dune and wetland areas, including two endangered species, the Least Tern and the California Brown Pelican. Also found within the dune-wetland complex are numerous species of mammals, reptiles and amphibians.

Conflicts and Adverse Impacts. High intensity recreational use of the Pismo Beach State Park and Recreation Vehicle Area has led to inevitable conflicts between types of recreational use and degradation of the environment. Conflicts exist between the types of vehicles used within the dunes and along the sandy beach (i.e., street legal vehicles, off-road vehicles, ATC's, etc.). A major source of these problems is uncontrolled access to the beach and dunes. On the beach, this problem has lead to difficulty with regulation enforcement, density control of beach camping and vehicle circulation. In addition, a major conflict exists between unrestricted vehicular use, particularly by off-road vehicles, and the Oceano residential community.

Beach camping has become a major concern. On major holidays, camping is a potential health hazard due to uncontrolled access and the inadequacy of sanitary facilities. Presently, limited support facilities are provided for 320 beach campsites, the maximum number permitted on an interim basis by the Coastal Commission permit. This level is exceeded approximately 20 days per year and uncontrolled overflow camping is allowed at these times. This overflow may exceed 15,000 persons. Beach camping further restricts vehicle traffic to a narrow band on the wet sand.

Vehicle use of the beach is viewed by many as incompatible with other more passive recreational uses. Traffic accidents and vehicle code violations on the beach are frequent, with traffic control and accident investigation occupying much of the park ranger's staff time.

The overriding concern within the dunes is resource protection, because the unique flora of much of the inland dunes is being severely degraded by recreational vehicle use. The sensitive dune vegetation deters wind erosion and stabilizes dunes. Disturbance of this vegetation by off-road vehicles leads to dune destabilization. In sensitive areas such as Dune Lakes and Oso Flaco Lake, such destabilization results in excessive sedimentation of these important wetland habitats.

Another concern in the back dunes are is the potential conflict between recreational use of the dunes and the adjoining industrial facilities. Acquisition and development of the entire western portion of the Union Oil property by the State Department of Parks and Recreation as proposed in the 1975 General Development Plan would bring recreational uses, especially ORV's, in closer proximity to the refinery. This may result in trespass and dune erosion problems for the refinery. The proposed Highway 1 campground and staging area shown in the General Development Plan would allow overflow camping directly across the railroad tracks from the refinery.

Access. Access to the beach has generally been uncontrolled. As a means of controlling beach camping density, two control stations were placed on streets leading to the beach as temporary stations used only during the beach camping season. Beach camping conditions were improved as a result of these contact stations; however, beach control remains a problem. The problems that result from lack of beach control are twofold. First it is virtually impossible to control density when access cannot be controlled. Second, law enforcement problems increase as access control decreases. In the past, local citizens have vehemently opposed control or information stations because they believe the stations are the first step toward the initiation of a day-use fee for beach access. Since several streets are under the control of local communities, their cooperation is needed in the control of beach access.

Carrying Capacity. Recreational carrying capacity is defined as the amount of recreation use that an area can support without causing excessive damage to the physical environment and lessening visitor enjoyment. The design of facilities proposed in the 1975 development plan was based on these figures.

As identified in the development plan, the day use and camping facilities would serve a theoretical maximum of 31,450 people (see Figure 2). This carrying capacity was based on observed use patterns and densities at Pismo State Beach and other state parks. For overnight camping, an estimated carrying capacity of 6,000 people could be accommodated, including 1,900 people in the overflow campground which was envisioned to be operative only on those several days of the year when the capacity of the other facilities would be exceeded. The carrying capacity for beach camping would be 1,000 people based on 200 campsites.

The carrying capacity contained in the 1975 General Development Plan raises several issues which must be further evaluated, including the capability of providing overflow camping at several of the alternative camping and staging area sites, as well as the continued feasibility of beach camping with the associated sanitation problems.

Certain factors must be recognized in development of the two state park units. These are:

1. The Nipomo dune-wetland complex is a unique, but fragile ecosystem.

2. Historical use of the dunes has included surf fishing, clamming, and walking along the beach. These uses should not be precluded by other uses of the beach and dunes.

3. Recreation vehicle use is the dominant recreational element and will continue within the two park units, consistent with availability of staffing and facilities of the State Department of Parks and Recreation.

4. Continued use of the dunes by off-road vehicles has led to environmental degradation of this habitat and has eliminated historical daytime uses.

5. Park development will not be able to meet all user demands; specifically, camping facilities during peak use periods. Based on recent review of impacts, a decrease in the total number of users during major weekends should be initiated, and further decrease may be necessary if justified through continuing review.

CARRYING CAPACITY OF INDIVIDUAL AREAS

Type of Use	Type of Area	Linear Ft. of Beach Frontage	Linear Ft. of Beach / Person	No. Of Sites	Est. No. Of People / Car*	No. Of Vehicles	Instantaneous Capacity (People)	×	Turnover Factor	Daily Capacity (People)
OVERNIGHT USE	SB BEACH	8,000	8	200	5	200+	1,000	×	1.0	1,000
	SB INLAND	---	---	185	5	185+	920	×	1.0	920
	SVRA HIKE-IN	---	---	---	---	---	80	×	1.0	80
	SVRA DUNE-PRIMITIVE	---	---	120	5	120+	600	×	1.0	600
	SVRA BACK DUNES	---	---	300	5	300+	1,500	×	1.0	1,500
	SVRA BACK DUNES OVERFLOW	---	---	380	5	380+	1,900	×	1.0	1,900
	TOTAL					1,185+	6,000			6,000
DAY USE	SB BEACH, NON-VEHICLE	10,000	1	---	4	1,280 **	10,000	×	1.5	15,000
	SB BEACH VEHICLE	28,000	5	---	4	1,400	5,600	×	2.0	11,200
	SB INLAND, PICNIC & OTHER	---	---	80 Picnic	4	200 ***	800	×	1.5	1,200
	SVRA OHV STAGING & DUNES	---	---	50 Picnic	2	1,200	2,400	×	1.25	3,000
	SVRA NATURAL AREAS & OTHER NON-OHV AREAS	---	---	30 Picnic	4	100	700	×	1.5	1,050
	TOTAL					4,280	26,800			31,450

Figure 3-2: Carrying Capacity of Individual Areas

LEGEND

SB State Beach
SVRA State Vehicular Recreation Area

* Maximum of 8 Persons Per Unit for Overnight Use
** 50 Percent Off-Beach Parking Provided
*** Not Including Off-Beach Parking

Summary of the General Development Plan. The 1975 General Development Plan made specific recommendations for correction of existing problems and conflicts. These recommendations included further expansion of the two park units. Pismo State Beach would be increased from 1,090 acres to approximately 1,270 acres and that of Pismo Dunes State Vehicular Recreational Area from 810 acres to approximately 2,940. In addition to acquisition, the plan includes the following:

1. Controlled vehicle access.

2. Reduction in vehicle traffic on the beach primarily through:

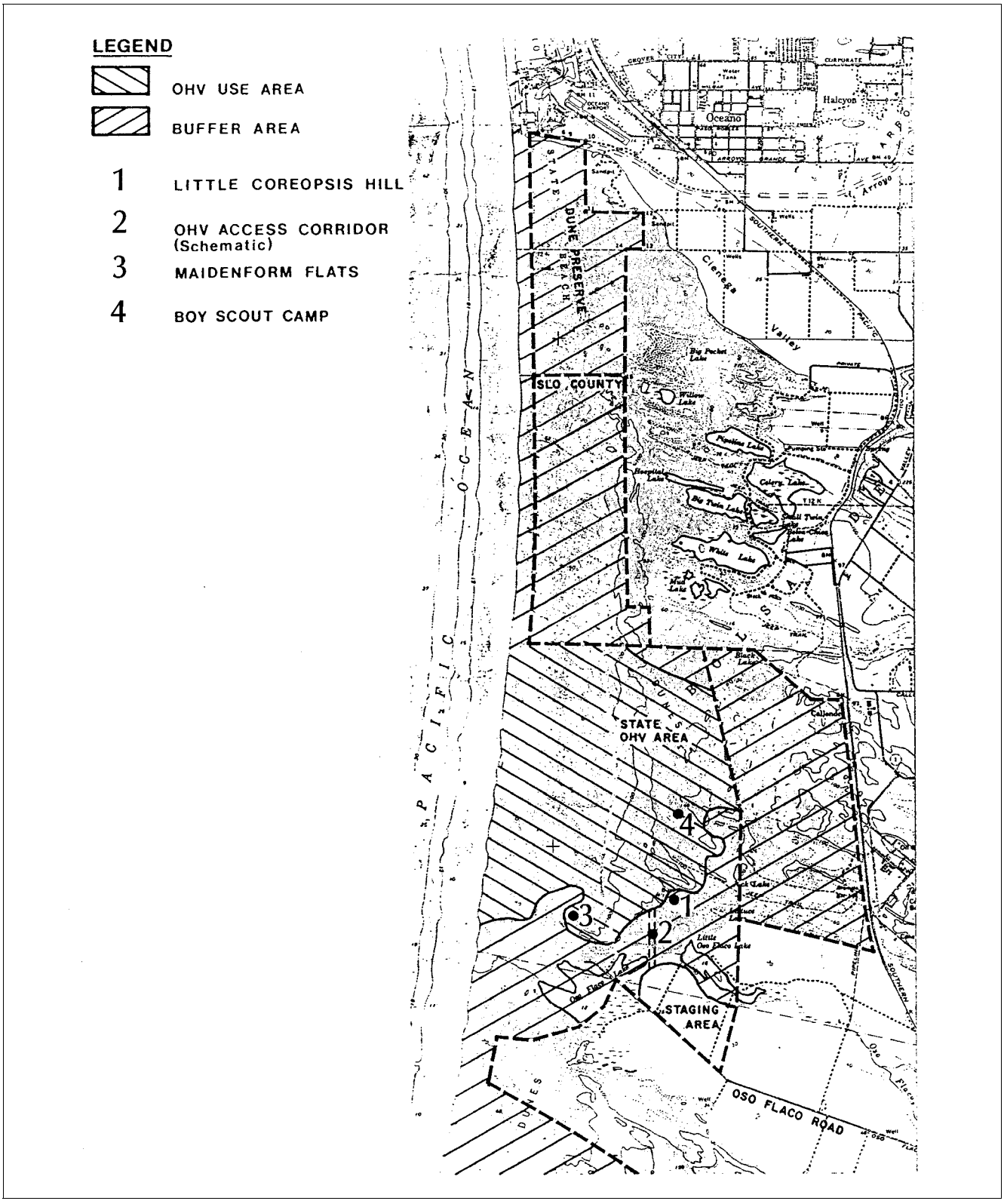
- **a.** Development of new access to dunes
- **b.** Development of off-beach parking
- **c.** Reduction in beach camping densities
- **d.** Conversion of one mile of beach to play beach with non-vehicular use

3. Continuity in administration of recreational lands.

Recommendations contained within the plan provided for the following recreational uses and facilities:

- Six miles of hard sand beach for automobile touring.
- Oceano and North Beach campgrounds for tent and trailer camping.
- Initially 320 primitive beach camping units on the firm sand above high tide, eventually to be reduced to 200.
- Two miles of beach for day use only without automobile traffic.
- Parking areas adjacent to the day-use beach.
- Picnic areas.
- Nine-hole golf course, clubhouse, and concession-operated restaurant.
- Two equestrian staging areas for parking trailers and unloading horses.
- Hostel for bicyclists and hikers.
- Hike-in campground for bicyclists and hikers.
- Extensive trail system for bicycling, hiking and horseback riding.
- Two thousand acres of sand dunes for off-highway vehicle recreation.
- Primitive camping facilities for dune vehicles.
- Inland camping area for off-highway vehicle users.
- Vehicle association center with administration facilities for off-highway vehicle recreation.
- Concession-operated facilities for dune vehicle service, rental, and storage and food service.
- Operation center with information and first aid facilities.
- Dune preserve of 570 acres.
- Oso Flaco and Jack Lakes natural areas, which consist of 800 acres.
- Forty-acre dune arboretum.
- Hike-in campground in the Oso Flaco Lakes natural area.
- Facilities to interpret the lakes and dune ecology.

Identified within the plan were two potential sites for the State Vehicular Recreation Area (SVRA) dune campground/staging area. The two sites were the Highway 1 site located on the land west of the railroad tracks and the Union Oil refinery and Oso Flaco Lake located at the southern end of the proposed acquisition area.



Map 1: Off-Road Vehicle Staging Area Alternatives

With adoption of the 1975 General Development Plan, the Department of Parks and Recreation initiated steps to acquire portions of the Union Oil Company holdings within the dunes, which included the designated off-road vehicle (ORV) staging area. Due to difficulty in the acquisition and development of this location, the department decided to pursue the Oso Flaco site as the major dune access point. After meeting opposition to selection of that site, the State Parks Department postponed all efforts to develop a site or revise the General Development Plan until the county's Local Coastal Plan is completed and certified.

The LCP staff, working closely with the Department of Parks and Recreation, identified seven alternative sites for the development of the ORV staging area. These included: 1. Beach camping, 2. Oceano, 3. Highway 1 4. Highway 1 (Calendar), 5. Highway 1 (Union Oil), 6. Oso Flaco, 7. Day use only. Map 1 identifies the location of these alternatives. A detailed summary of the advantages and disadvantages of each alternative is provided in Appendix F.

In evaluating the 1975 General Development Plan and issues, options and alternatives, certain factors were recognized as necessary to be incorporated in a revised General Development Plan to ensure a wide range of recreation opportunities, adequate public access, and protection of substantial environmental and archaeological resources.

Choosing the alternative which is most appropriate for the location of the staging area is a difficult decision. It is obvious that none of the alternatives will resolve all conflicts between the users of the dune and the habitat values of the area. The Coastal Act requires that park and recreation areas be developed in a manner consistent with habitat protection. Great emphasis is placed on wetlands protection. But each alternative has impacts to habitat values so detailed siting considerations must provide specific mitigation. For example, the alternatives which access from Highway 1 (Nos. 3, 4, 5) would require alterations to the stabilized back dune areas and would add significant impacts to Black Lakes, one of the managed wetland habitats at Dune Lakes. This alternative requires additional acquisitions for the staging area. Major opposition to this acquisition and use has been expressed by the property owner and it appears that a lengthy acquisition/condemnation process would occur. During this period, appropriate management and habitat programs would be held in abeyance.

The alternative at Oso Flaco Lake would also have impacts on wetlands but could leave the back dunes area permanently reserved as an undisturbed buffer. In addition, the Oso Flaco site has already undergone substantial degradation and through development of the staging area, a restoration program could be implemented. A second offsetting benefit to a staging area at this location is that presently unregulated ORV activity could be effectively managed and confined to established corridors.

The Coastal Act also established a priority for protection of agricultural lands. The Oso Flaco Lake site would require transition of a portion of the agricultural lands presently owned by state parks. Impacts to surrounding agricultural uses would need to be mitigated. This loss of agricultural land would only appear appropriate where it can be found that, on balance, this alternative is the most protective of the overall habitat values of the area. The location of a staging area in this vicinity would eliminate uncontrolled ORV access onto adjacent agricultural properties.

The critical decisions on the extent and intensity of recreational use is dependent on the ability to minimize the impacts of off-road vehicle use. Documented research has clearly shown that uncontrolled and indiscriminate off-road vehicle activities can eliminate critical areas of vegetation. These can be stands of rare or endangered plants or simply native coastal dune scrub which provide the primary stabilizing factor in the dune. This has been particularly critical in impacts on the wetlands of Oso Flaco and Little Oso Flaco Lakes. Unregulated use has lead to substantial encroachment of unstabilized dunes.

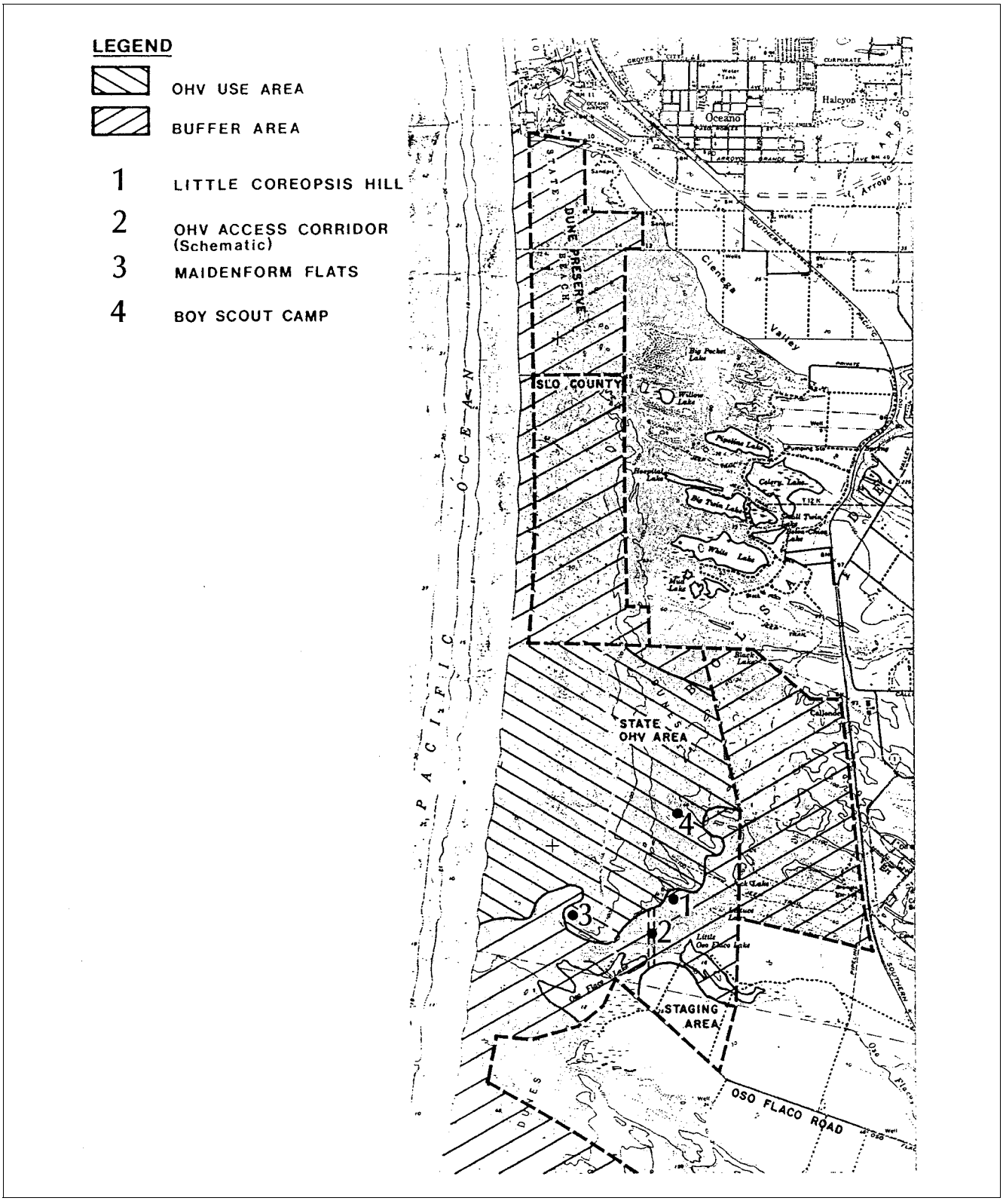
Ongoing efforts by local clubs and statewide off-road groups to encourage greater awareness of proper use of the dunes have included: fencing of rare or protected habitat areas and education efforts such as maps specifying appropriate use areas.

A continuing commitment on the part of all users and the managing agencies is necessary to find that the following program for development of Pismo Beach and State Vehicular Recreation Area is consistent with Coastal Act requirements.

See the South County Planning Area document in the LUE for specific standards for development in the Pismo State Beach and Vehicular Recreation Area.

Findings

Through the previously discussed policies, programs and standards, the Coastal Act goal of maximizing recreational opportunities consistent with protection of coastal resources has been met. Section 30213 of the Act requires the protection, encouragement, and where feasible, provisions for lower cost recreation facilities. Through the future development of overnight camping as required in programs and standards for both private and public recreation development, this policy has been addressed. The act also gives priority to recreational and visitor-serving land uses. Areas have been identified within each community and appropriate areas in the rural portion of the county where recreation uses would be permitted. Policies in the Act concerning the impact of recreation development on coastal resources have been addressed through detailed standards for both public and private recreation development which require siting consistent with protection of these resources.



Map 2: Off-Road Vehicle Use Areas

CHAPTER 4:ENERGY &INDUSTRIAL DEVELOPMENT

INTRODUCTION

While emphasizing protection, enhancement, and restoration of coastal resources, the Coastal Act recognizes that energy related development on or adjacent to the ocean is necessary for the social and economic well-being of the state and the nation and to insure preservation of both inland and coastal resources.

Relationship to Coastal Act Policies

Energy development in the coastal zone is permitted based on Coastal Act Section 30001.2 which states:

30001.2. The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such development in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

The Coastal Dependency Criterion. Coastal Act policies addressing industrial development distinguish between coastal-dependent and other development. According to Section 30101 of the Act, coastal-dependent development or use means that "which requires a site on, or adjacent to, the sea to be able to function at all." Examples of coastal-dependent energy facilities include: oil and gas separation and treatment facilities supporting offshore petroleum development, marine terminals, and liquefied natural gas terminals. Onshore oil wells in the coastal zone are also considered to be coastal dependent since their functioning is dependent on the oil field location. Electrical generating plants and oil refineries may be designated coastal dependent. Electrical generating plants that use ocean water for cooling must be at or near the coast, but plants can also use inland water supplies when available. For refineries, transportation costs for crude oil and refined products dictate locations nearer end use markets rather than sources of supply; hence, locations in and near metropolitan markets are optimal. Since the principal metropolitan areas in California are coastal areas and many refineries receive imported oil by tanker, this leads to the coincident location of refineries in or near coastal areas.

Additional Coastal Act policies regarding coastal-dependent development include Sections 30001.5(d), 30255, and 30260 as follow:

30001.5. (In part) The Legislature finds and declares that the basic goals of the state for the coastal zone are to:

> **(d)** Assure priority for coastal-dependent and coastal-related development over other development on the coast.

30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

30260. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded

coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Where the coastal location lies within or adjacent to environmentally sensitive habitat areas, Section 30007.5 of the act establishes a balance as follows:

> The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division, such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Oil and Gas Development. Oil and gas development may be permitted in the coastal zone subject to the provisions of Section 30260 and the following conditions:

30262. Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage form such subsidence.

(f) With respect to new facilities, all oil field brines are re-injected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to re-injections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations

begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

In addition, the Act encourages consolidation and multi-company use of facilities:

30261. (a) Multi-company use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil-spills, and, (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

The Act also requires that adequate protection be provided against oil spills. Section 30232 states:

30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Though refineries are not necessarily coastal dependent, Section 30263 establishes criteria for locating refineries in the coastal zone:

30263. (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

Thermal Power Generating Plants. Siting of new or expanded thermal electric generating plants is addressed in Section 30264 of the Coastal Act:

30264. Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater

relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

This section recognizes that the State Energy Resources Conservation and Development Commission may decide to select sites in the coastal zone upon a showing that these sites have greater relative merit than available alternates. This siting authority is limited within the coastal zone to areas not designated by the State Coastal Commission under Section 30413(b), which states that:

30413. (b) The (Coastal) commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, the specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of such locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to Section 25309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

Liquefied Natural Gas. Section 30261.(b) of the Coastal Act authorizes the siting of one liquefied natural gas facility in the California coastal zone. Since the passage of the Coastal Act, additional legislation (SB 1081) has deleted this section of the Act. Senate Bill 1081 mandated a complex siting procedure involving a number of agencies under the lead of the California Public Utilities Commission (CPUC).

Other Coastal Dependent Uses. The Coastal Act recognizes that other uses are also coastal-dependent. Those that the Act mentions specifically include ports and commercial fishing facilities. This is discussed in the Commercial Fishing and Recreational Boating chapter. In addition, related activities, such as kelp harvesting and processing, aquaculture, and fish hatcheries, may also be considered coastal dependent.

The California Aquaculture Development Act was recently passed by the state legislature. This Act amends Section 30411 of the Coastal Act. Of major significance to the LCP effort is Section 30411(c) which reads:

(c) Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1. The Department of Fish and Game may identify coastal sites it deems appropriate for aquaculture facilities. If the department identifies these sites, it shall transmit information identifying the sites to the commission and the relevant local government agency. Such sites shall be identified in conjunction with the appropriate local coastal program prepared pursuant to this division. The commission, and where appropriate, local governments, shall be consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Game for uses as are consistent with the policies of Chapter 3 (commencing with Section 30200) of this division.

Such uses, because they are coastal-dependent, are given priority over other land uses on oceanfront lands (Section 30255). Development of aquaculture must also address Sections 30230, 30231 and 30233a(8) regarding protection for the marine environment.

Other Coastal Act policies concerning coastal-dependent industrial uses include Sections 30222, 30233 (a)(1), 30235, and 30254. These policies acknowledge special conditions for development of coastal-dependent uses.

Amendment Procedures for Energy Facilities. The Act also addressed amendment of the Local Coastal Plan for public works or energy facility projects. Section 30515 states:

> Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.
>
> If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing approve and certify the proposed amendment if it finds after a careful balancing of social, economic, and environmental effects that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.

Background Report

A background energy paper (Industrial and Energy-Related Facilities and other Coastal-Dependent Industry) identifies Coastal Act policies which must be addressed in the plan. The report also indicates issues involved in siting industrial and energy-related facilities within the coastal zone; inventories existing industrial and energy-related facilities and activities and their expansion or modification plans; and identifies other potential industrial and energy-related activities that affect the coastal zone. These include onshore and offshore oil and gas production, processing and transportation facilities, power plant siting, liquefied natural gas terminals and their associated transportation networks and major utility transmission corridors.

Issues and Concerns

The issues involved in the siting of industrial and, particularly, major energy facilities in the coastal zone are complex. Many energy-related facilities proposed today are massive projects, often involving construction costs of millions of dollars, serving the needs of hundreds of thousands of consumers and having substantial local environmental impact. The principal concerns related to impacts on coastal resources include:

1. **Shoreline Access and Recreation Opportunities:** Facilities may impose barriers due to structures, fencing around the site, pier facilities across the beach, pipeline rights-of-way, and safety zones. These barriers may impede lateral or vertical access to the shoreline, block views, pose public safety and security concerns, or consume limited oceanfront land.

2. **Water Quality:** Critical concerns regard safe operating procedures in all aspects of the exploration, development, and production process, plus cleanup capability which considers containment and recovery at the source of a spill and at critical resource areas such as beaches and coastal habitats.

3. **Land Resources:** Coastal-dependent development, unless carefully sited, can result in destruction or adverse impacts on habitats, agricultural land, or archaeological sites. Indirect or secondary impacts may

stem primarily from the residential and commercial growth needed to support coastal-dependent facilities, such as water, sewer, housing for employees, road capacity, etc. Traditional energy generation methods, in addition, raise concerns for their high technology and low labor intensive uses. New development sited adjacent to existing facilities raises issues of the ultimate intensity and level of development.

4. **Air Quality:** The effect on local air quality of emissions from marine terminals, oil and gas separation and treatment facilities and LNG may be substantial. Emissions from these facilities are regulated by state and federal law and must reflect conditions established through the county's Air Quality Maintenance Plan.

5. **Aesthetics:** Energy and industrial facilities, particularly when sited in rural areas or within view corridors, may have major impacts on scenic and visual resources. Some impacts can be mitigated through proper siting, screening and landscaping; others cannot be reduced, mitigated or minimized.

6. **Marine Resources:** Energy facilities that may require ocean water for cooling or heating purposes (e.g., power plants and LNG terminals), can have major impacts on marine resources. This can occur through the entrapment of organisms in water intake systems, discharge of water at a different temperature, and through use of biocides.

   A secondary concern is the possibility of an oil spill resulting from an accident at a marine terminal, tanker grounding or OCS oil production accident which may have a severe biological impact on the affected area and its immediate biota.

POLICIES FOR ENERGY AND INDUSTRIAL DEVELOPMENT

The Coastal Act specifically provides that coastal-dependent industrial activity shall be encouraged to locate or expand within existing sites. (Section 30260). Based on this Coastal Act provision, the following general policy shall apply to all industrial, energy-related, and coastal-dependent development in the coastal zone.

A. GENERAL POLICIES

Policy 1: New Facilities and Expansion of Existing Sites

When new sites are needed for industrial or energy-related development, expansion of facilities on existing sites or on land adjacent to existing sites shall take priority over opening up additional areas or the construction of new facilities unless it can be shown that 1) alternative locations are infeasible and that the environmental impacts of opening up a new site are less than the impacts of expansion on or adjacent to existing sites; 2) to do otherwise would adversely affect the public welfare; and 3) adverse environmental impacts are mitigated to the maximum extent feasible. Priority shall be given to coastal-dependent industrial uses. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. Cogeneration methods utilizing existing facilities should have priority. Review shall determine that the location will ensure public safety.

As part of the update of coastal Area Plans, information on current energy demand should be considered in order to anticipate the need for additional energy facilities and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with LCP and Coastal Act policies. Adverse environmental impacts from the siting or expansion of coastal-dependent industrial or energy developments shall be mitigated to the maximum extent feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

[Amended 2004, Ord. 3006]

The following policy is a result of a voter initiative that was approved by the voters in a general election on November 4, 1986. The initiative was called "Measure A" and it established an additional procedure for approval of onshore support facilities supporting offshore oil and gas development.

Policy 1A

Section 1. No permit, entitlement, lease, or other authorization of any kind within the County of San Luis Obispo which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity shall be final unless such authorization is approved by a majority of the votes cast by a vote of the people of the County of San Luis Obispo in general or special election. For the purpose of this ordinance, the term "onshore support facility" means any land use, installation, or activity required to support the exploration, development, production, storage, processing, transportation, or related activities of offshore energy resources.

Section 2. Authorizations obtained from the County after January 1, 1986, shall be subject to the provisions of this ordinance.

Section 3. If any section, sentence, clause, phrase, or part of this ordinance shall be held invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall be given full effect consistent with the intent and purpose of the ordinance. (Enacted by voter initiative Measure A, 11/04/86.)

Policy 1B

Abandonment of Energy and Oil Facilities. As part of the Area Plan update process, the County should update and revise standards and requirements governing abandonment and clean up of major sites in the EX Combining Designation. Updating of standards should consider including revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

[Added 2004, Ord. 3006]

B. PETROLEUM EXTRACTION OPERATIONS AND PROCESSING FACILITIES

Existing petroleum extraction and processing facilities within the county coastal zone are presently limited to the Guadalupe Dunes. The following policies shall apply to all future or expanded petroleum extraction operations and processing facilities in the coastal zone:

Policy 2: Exploration and Production Wells

All exploratory and production oil and gas development in designated Land Use Element Sensitive Resource Areas shall be subject to Development Plan review. All other exploratory wells shall require Minor Use Permit review except where more strict standards exist in the Coastal Zone Land Use Ordinance. Development Plan approval is required for establishing new oil fields or other resource extraction production areas that involve multiple wells and related facilities. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.173 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 3: Abandonment of Facilities

Upon completion or abandonment, all above-ground oil production and processing facilities shall be removed from the site, and the area in which they were located shall be restored by appropriate contouring, reseeding, and planting to conform with surrounding topography and vegetation. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.174 OF THE COASTAL ZONE LAND USE ORDINANCE.]

C. MARINE TERMINALS

Marine terminals are required whenever water-borne shipments of crude oil or products are transported. Such terminals generally include a berthing system for vessels, loading and unloading equipment, storage tanks and terminal control and safety equipment. Six marine terminals are located in San Luis Obispo County five in Estero Bay and one in Port San Luis. The county has permit jurisdiction over portions of marine terminals on land (i.e., pipelines, storage tanks and other associated facilities). The portions of a marine terminal seaward of the mean high tide line are regulated by the Coast Guard and State Lands Commission and require a permit from the Coastal Commission. Under the county's Land Use Element/CZLUO/Land Use Ordinance, marine terminals and piers are special uses in several categories as shown on Coastal Table 'O' Allowable Use Chart for the coastal zone.

The San Luis Obispo Area Coordinating Council position statement on the proposed Notice of Sale for federal offshore Lease Sale #53 (11/24/80) documented the following concerns for any facility or operation that would increase the present risk of oil spills along the coast north of Shell Beach:

1. The coastline from Shell Beach to Morro Bay includes some of the most biologically productive, environmentally sensitive, pristine and irreparable (in the event of oil pollution) habitats and coastal resources along the San Luis Obispo County coastline. These include the important kelp-bed and rocky-intertidal habitats, the Morro Bay estuary, important off-shore rocks, a proposed state underwater park and the southern range of the threatened California Sea Otter.

2. Present state-of-the-art of oil spill containment and recovery equipment is ineffective in the typical sea conditions found along the San Luis Obispo County coast. (This is supported by the findings of the Oil Spill Containment study of the California Coastal Commission).

3. Due to the lack of effective oil-spill containment equipment, the prevailing wind pattern, and the predominance importance of wind as a major driving force of spilled oil on the sea, any oil spills originating in this area will in most situations hit this portion of the coast.

As a result of these findings, any proposed facility or operation that would increase the present risk of an oil spill (i.e., expansion of operations) or reduce the present risk (i.e., transportation of oil by an onshore pipeline) requires careful scrutiny.

Policy 4: Abandonment of Piers

At such time as piers are no longer needed for petroleum operations, the county or the State Department of Parks and Recreation or other agency shall be offered the right of first refusal, if the pier is determined to be appropriate for recreation use. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Expansion of Marine Terminals

Where increased petroleum exports require expansion of facilities, priority shall be given to expansion of existing or construction of additional onshore pipelines rather than expansion or construction of new marine terminals.

Should expansion or construction of onshore pipelines prove infeasible, new or expanded marine terminals shall be designed and operated to: a) provide maximum feasible and legally permissible multi-company use; b) minimize the total volume of oil spilled; c) minimize the risk of collision from movement of other vessels; d) have ready access to the most effective feasible containment and recovery equipment for spills; and e) have onshore deballasting facilities to receive fouled ballast water from tankers where operationally or legally required.

Any such construction or expansion shall require Development Plan review and be subject to the following:

a. Phasing plan for the staging of development indicating the anticipated timetable, and site plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.

b. Oil spill contingency plan (using the most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment equipment and personnel.

c. A fire protection system approved by the governing fire authority.

d. All facilities not requiring an ocean site to be able to function, shall be setback from the ocean including: wastewater and ballast water processing facilities, major petroleum storage facilities, offices and warehouses (excluding facilities housing oil spill containment and recovery equipment).

e. Adequate screening of facilities from public view by careful site design, the provision of contoured banks and mounds, extensive landscaping (including irrigation systems) the use of decorative walls and fences and the removal of unused or unsightly equipment from public view.

f. Any part of the facilities that cannot effectively be screened by the above methods shall be painted with non-reflective paint of colors that blend with the surrounding natural landscape.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 6: New Marine Terminals

No new marine terminal facilities shall be constructed along the coast of San Luis Obispo County north of Shell Beach. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

D. PIPELINES

The technical performance of oil and gas pipelines is governed by federal regulations administered through the Federal Department of Transportation. In California, however, the Public Utilities Commission has responsibility for administering federal regulations covering public utility pipelines.

Policy 7: Pipeline Routes in Sensitive Habitats

Except for pipelines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act and Section 23.03.040 of the CZLUO, a field survey funded by the applicant shall be conducted along the proposed pipeline route in all sensitive resource areas. The survey shall identify the type and extent of impacts from the construction and operation of the proposed pipeline on important coastal resources, including sensitive habitat and sensitive or endangered flora species, visual resources and archaeological resources. Measures to mitigate these impacts shall also be evaluated and where appropriate required. Examples are pipeline route relocation, measures to enhance the revegetation of temporarily disturbed areas (e.g., separation of topsoil and vegetative materials from excavation spoils for subsequent spreading over excavation spoils) and archaeological investigations or excavation programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 8: Pipeline Route Selection

When feasible, pipelines shall be routed to avoid important coastal resources including recreation, sensitive habitats, archaeological areas and seismically active or geologically unstable areas. Unavoidable routing through recreation, habitat, or archaeological areas, or other areas of significant coastal resources, shall be done in a manner that minimizes the extent of disturbance, erosion potential and the impacts of a spill, should it occur (by considering oil spill volumes, durations, and projected path). Where new petroleum pipeline segments (excluding natural gas) pass through sensitive resource areas, recreation areas, archaeological areas or seismically active areas, the segment shall be isolated (in the case of a break) by automatic shutoff valves. The county may determine whether spacing automatic shutoff valves at intervals less than the maximum set by the Department of Transportation is required to protect sensitive coastal resources. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 9: Construction Requirements

In sensitive resource areas the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 10: Site Restoration

Upon completion of pipeline construction the site shall be restored to the approximate pre-construction condition. Measures shall be taken during the restoration effort to protect and enhance wetland habitats in accordance with the habitat protection, erosion, and revegetation policies of the Plan. A revegetation program shall be required where it is determined that a disturbed area would not naturally re-vegetate sufficiently quickly to prevent substantial erosion or disruption of adjacent habitat. If necessary, required revegetation techniques would be determined based upon an investigation conducted by a qualified biologist. Additional measures necessary to prevent erosion until the vegetation is established may also be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 11: Geologic Requirements

Geologic investigations shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential fault zones, seismically active areas, or moderately high to high risk landslide areas as identified in the Geologic Study Area combining designation, the Seismic Safety Element or inferred by more recent studies or investigations. This report shall investigate the potential risk and shall recommend such mitigation measures as pipeline route changes and or engineering measures to help assure the

integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Pipeline Consolidation

New pipeline corridors shall be consolidated within existing pipeline or electrical transmission corridors where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

E. POWER PLANTS AND ELECTRICAL TRANSMISSION LINES

The construction or operation of new power plants and expansion or alterations to existing plants is governed by Coastal Act policy. The Coastal Act recognizes that power generating and other facilities which may be incompatible with coastal resource protection goals are necessary for the social and economic well being of the state and nation. Section 30001.2 of the Act provides the basis for allowing this type of development in the coastal zone.

The Act requires the Coastal Commission to designate specific areas of the coastal zone that are not suitable for siting power plants. After these designations are adopted, the governing entity (the State Energy Commission) cannot approve a power plant in a designated area. Map 3 identifies those areas designated as inappropriate for power plant siting. In areas of the coast that the commission does not designate, a power plant may be built without Coastal Commission approval. An area not recommended for designation may nonetheless contain valuable coastal resources and the county and the Coastal Commission can participate in the Energy Commission proceedings. This could include proposed modifications to the proposed site and plant that would mitigate any potential adverse effects on coastal resources. The Energy Commission must implement any recommendations made by the Coastal Commission unless those recommendations are found to cause more environmental damage or are not feasible.

The Coastal Act requires the commission to "every two years revise and update the designations." These biennial revisions will give the commission an opportunity to examine the designations as more coastal resource data becomes available and may help to implement this county's Local Coastal Plan. This biennial revision also affords local governments the opportunity to recommend areas for designation.

Concerns have been raised for the siting of additional power plants in San Luis Obispo County which require high technology and high capital costs. The Coastal Commission's Power Plant Siting designations define power plants as thermal electric power plants with generating capacity greater than 50 megawatts and related facilities. These designated areas should not be interpreted to discourage the location of power generating facilities utilizing alternative sources of energy and low technology, low capital energy. Such power generating uses could include solar, wind, or wave-resources or plants which could provide energy on a decentralized basis--for local, small scale use instead of regional or out-of-the-area use. These facilities may have lesser environmental consequences than major power plant sitings.

Policy 13: County Involvement in Power Plant Siting

The county shall review proposed power plant sitings and participate in Energy Commission proceedings to encourage safe and environmentally sound decisions. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 14: Request for Coastal Commission Designation

The county should request biennial review that the following areas be considered as designated areas inappropriate for power plant siting:

a. Little Morro and Chorro valleys should be reviewed based on their prime agriculture soil capability.

b. The communities of Cayucos and Pismo Beach have not been designated and should be reviewed based on urban land use and viewshed considerations.

c. The coastal terrace between the southern border of the Diablo Canyon Nuclear Power Plant site and Point San Luis is a two mile stretch of coastline which has not been designated as inappropriate for siting power plants.

The area has prime soil capability as well as environmentally sensitive habitats. With the existing location of the Diablo Canyon Nuclear Power Plant on the terrace, concerns may be raised for the total intensity of industrial development that could be located on the terrace as well as the impacts of additional development on the onshore and offshore environmentally sensitive habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 15: Alternative Energy Facilities

The county should encourage the development of small-scale power generating facilities that may have substantially less environmental, social and economic impacts. Such facilities could provide energy for local use, and may include those using solar, wind, wave and other low-technology and low capital intensive methods. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

The California Public Utilities Commission (CPUC) and the California Energy Commission are the agencies responsible for review and approval of transmission lines which includes technical, safety performance and environmental concerns. The CPUC had the authority to regulate all service, design, construction and related activities of electrical utilities, including the location and method of construction of transmission and distribution facilities. All transmission lines proposed in the coastal zone are considered developments under the Coastal Act, so the county will have permit review authority based on the following policies:

Policy 16: Siting within Viewsheds

Transmission line rights-of-way shall be routed to minimize impacts on viewsheds in the coastal zone, especially in scenic rural areas, and to avoid locations in or adjacent to significant or unique habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetation removal shall be minimized and disturbed areas shall revegetated with plants similar to those in the area. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 17: Undergrounding Requirements

Where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

Above-ground pipeline or transmission facilities should be sited outside view corridors of scenic areas where alternate corridors are feasible. Where above-ground pipeline or transmission facilities must be sited within a scenic corridor, the pipelines and/or utility lines should not be located along the road right-of-way for continuous extended distances unless the alternative routes are technically or economically infeasible.

Siting of transmission lines should avoid the crests of roadways to minimize their visibility on distant views. Lines should cross roadways at a downhill low elevation site or a curve in the road unless the alternative routes are technically or economically infeasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 18: Consolidation of Transmission Corridors

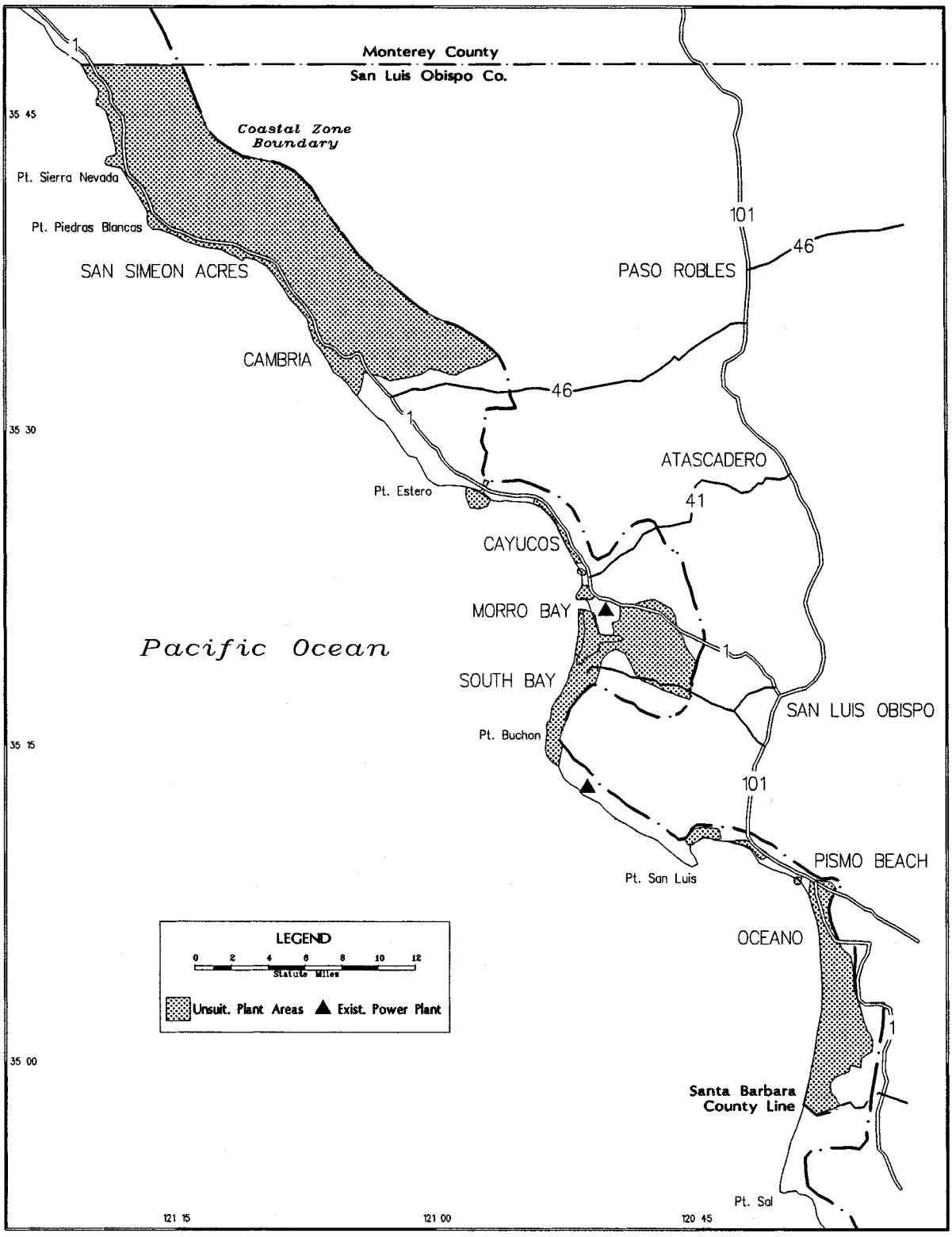
New major steel tower electrical transmission facilities shall be consolidated with existing corridors unless there are social, aesthetic, technical, and economic concerns for which it can be shown that the anticipated impacts are greater than those resulting from the placement at an alternative site. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 19: Consolidation of Corridors

Existing rights-of-way should be utilized for other related utilities to provide consolidated corridors wherever such uses are compatible or feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 20: Access and Construction Roads

Access and construction roads should be located to minimize landform alterations. road grades and alignments should follow the contour of the land where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]



Map 3: Coastal Commission Designations of Areas Unsuitable for Power Plant Construction

F. LIQUEFIED NATURAL GAS (LNG)

Although Point Conception has been selected by the California Public Utilities Commission as the location for the one LNG facility within the California Coastal Zone, Rattlesnake Canyon was ranked second by the California Coastal Commission. The County Board of Supervisors adopted a resolution urging that Rattlesnake Canyon not be selected and recommended inclusion of 22 conditions which are incorporated here by reference.

Policy 21: Resolution 78-300

Should the Liquefied Natural Gas Plant be considered for the Rattlesnake Canyon, the conditions proposed in County Resolution 78-300 shall be requested to be applied through the PUC and FERC review process. (See Appendix D.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

G. AQUACULTURE

Aquaculture activities range from oyster and abalone culture to fish hatcheries and fish farms. Both public and private sector enterprises are currently making significant contributions to the state economy from the production of salmon, trout, abalone and oysters. The aquaculture industry will play an increasingly important role in food production as a result of expanding demand for food and the declining yields of world fisheries. As a coastal-dependent use under the Coastal Act, aquaculture should be encouraged to locate where operations are feasible. The California Aquaculture Development Act authorizes the Department of Fish and Game to identify coastal sites that it deems appropriate for aquaculture facilities. A preliminary study of aquaculture needs has been completed. This study found that identifying specific sites prior to development is not practical at this time. In lieu of specific site identification, broad criteria for land and water areas suitable for aquaculture have been established and were used in recommending where aquaculture should be considered.

Policy 22: Coastal-Dependent Facilities

Aquaculture shall be defined as the culture and husbandry of aquatic organisms, including but not limited to shellfish, mollusks, crustaceans, kelp and algae. Aquaculture facilities sited on or near the shoreline shall be required to be coastal-dependent facilities. Development shall be sited and designed to prevent adverse impacts on agricultural land, designated environmentally sensitive habitat areas, and natural vegetation buffer areas shall be maintained to protect riparian habitats.

Development standards shall include:

- Facilities shall be compatible with natural surroundings. Shoreline facility structures shall be screened. Intake and outfall lines shall be placed underground except where not feasible for certain activities such as salmon culture.

- Shoreline access shall be provided with the access policies of the LCP and shall include adequate provision for lateral beach access if channels and pipes must be placed above ground. Aquaculture facilities incompatible with adjacent high use recreational areas shall be required to erect barriers designed to discourage encroachment.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.045 OF THE COASTAL ZONE LAND USE ORDINANCE.]

H. OFFSHORE OIL AND GAS DEVELOPMENT

The federal government and the state of California have proposed a number of lease sales which may result in offshore oil and gas development along the San Luis Obispo County coast. The sales include Lease Sale (LS) #53 in May, 1981; LS #73 in May, 1983; LS #80 in May, 1984; and potential state sales of the state tidelands. Specific position statements have been developed by the county regarding the size, timing and location of those sales and are hereby incorporated by reference (Five Year OCS Oil and Gas Leasing Program, 9-17-79; DEIS Five Year OCS Oil and Gas Leasing Program, 10-15-79; DEIS Lease Sale #53, 6-26-80; San Luis Obispo County Area Council of Governments Position Statement on the Proposed Notice of Sale for LS #53, 11-24-80).

The following policies provide guidance for minimizing onshore environmental and socio-economic impacts associated with offshore oil and gas development. They include policies on offshore oil drilling in general as well as more specific policies on onshore support facilities, including service bases and partial processing facilities. Other associated policies for onshore facilities are discussed under the prior sections on marine terminals and pipelines. The determination of allowable sites for these facilities can be found in the allowable uses chart for the coastal zone, definition of terms, and land use maps in the Land Use Element.

Policy 23: Onshore Petroleum Pipeline

Upon successful offshore exploratory development, the county shall consider participating with affected agencies and organizations to examine the extension, size, throughput, and location of onshore petroleum pipelines, extending from major metropolitan refining centers to San Luis Obispo County petroleum processing and storage facilities and northward to intercept petroleum presently exported through existing marine terminal operations at Estero Bay and Port San Luis. Such groups may include the state of California, Santa Barbara County, the Santa Barbara County Pipeline Working Group, or the appropriate committees of the Bureau of Land Management's Intergovernmental Planning Program. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 24: Requirement for Petroleum Transportation

Offshore oil shall be transported to refining centers by pipeline, where feasible, rather than by petroleum tankers to minimize increased air pollutant emissions and the increased probability of oil spills.

Proposals for expanding, modifying or constructing new oil processing facilities shall be conditioned to require shipment of oil by pipeline when constructed, unless such transport would not be feasible for a particular operation as determined by the Pipeline Working Group (PWG), the operator and the county.

The county in conjunction with the OCS Pipeline Working Group shall examine the applicability and feasibility of designating existing marine terminals as nonconforming uses and requiring the shipment of oil through the new pipelines. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 25: Air Pollution Standards

Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution Control District (APCD) standards. As a condition of approval, the APCD Officer may:

a. Require an air pollutant emission/oil throughput limitation by which allowable oil throughput through the facility is based upon the amount of air pollutant emissions.

b. Set limits on the timing of loading operations when projected oxidant levels exceed designated levels.

c. Require establishment of an ambient air monitoring system in a manner approved by the APCD to continuously monitor pollutants and record wind speed and direction.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 26: Subsea Pipeline

Recommend that all offshore to onshore subsea pipelines shall be buried from a point offshore commencing where wave action first causes significant bottom disturbance seaward of low tide. (This is under the jurisdiction of state and federal agencies.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 27: State Oil and Gas Sanctuaries

Request that the state of California maintain the continuation of the designated oil and gas sanctuaries in the State Tidelands of San Luis Obispo County. To maintain this designation federal OCS tracts adjacent to the state tidelands should not be leased for oil and gas development. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

SERVICE AND SUPPLY BASES. These facilities are the logistical links between onshore and offshore activities during the exploration and development phase of offshore oil and gas development. The main activity of a service base is the transfer of materials and workers between shore and offshore operations. A service base generally includes berthage for supply and crew boasts, dock space for loading and unloading, warehouses, open storage areas, and space to house supervisory and communication personnel. In addition to being either a temporary base serving exploration or a permanent base serving offshore production, a service base can also be major or minor. The primary differentiation is the shipment of heavy equipment and major supplies requiring barges or large supply boats (180'+) in comparison to small supply, crewship bases requiring crew boats of up to 80 feet in length. The following policies pertain to service bases in San Luis Obispo County:

Policy 28: Service Base Improvements

A proposed service base in an existing port and harbor shall study the feasibility of improving the present level of facilities and moorage for recreational boating and commercial fishing. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 29: Service Base Limitation

Service bases shall be concentrated to a single facility and site and shall be further limited, where possible, to minor service bases. All heavy equipment and large quantities of bulky supplies should be transported from existing deep water ports or any proposed Oil Supply Base in the northern Santa Barbara Channel area. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 30: Development Plan Review

Proposed service bases for offshore oil and gas development shall require Development Plan review and include the following:

a. A detailed examination of alternative sites addressing access, site requirements, displacement of existing uses, proximity to offshore oil development, necessary harbor and wharfage requirements, and suggested mitigation measures. Potential sites to be examined include: Port San Luis, the existing oil industry piers and facilities at Avila Beach, and potential sites south of Point Conception.

b. Phasing plan for the staging of development indicating the anticipated time table, and site plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.

c. Oil spill contingency plans (using the most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal, and reporting of incidents, and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment equipment and personnel.

d. An identification of necessary facilities for the service base to function and the identification of facilities and potential locations to site all facilities and operations that are not absolutely necessary to be sited adjacent to the wharfage at the service base (i.e., major warehouse, major storage areas, and personnel overnight parking areas).

e. A fire protection system approved by the governing fire authority.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 31: Conflict with Other Harbor Users

Service bases shall be sited in such a manner as to minimize conflicts with other harbor uses through the use of segregated wharfage, dock and fueling area, careful site design in the location of wharfage and vessel approval lanes, and segregated vehicular traffic and parking facilities and areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 32: Service Base Locations

Service bases shall be sited in the most appropriate location in close proximity to areas of potential offshore oil development. No service base shall be sited in areas north of Point San Luis due to distance from leasing areas and their high environmental sensitivity of the area unless substantial leasing has been permitted in the northern portion of the county and it is demonstrated that: 1) the alternative sites are infeasible or more environmentally damaging, and 2) adverse environmental impacts are mitigated to the maximum extent feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

PARTIAL OIL AND GAS PROCESSING FACILITIES. These facilities are required to remove impurities and separate crude oil, natural gas, and formation water from a crude oil well stream. Such a processing plant normally consists of facilities for well stream separation of oil, gas and formation water, oil treatment and storage, gas processing and treatment, liquefied petroleum gas storage, and waste water treatment facilities. Three alternative strategies are available for processing crude oil produced offshore once associated gas has been separated, including: 1) pumping the entire well stream to shore for processing; 2) removing free water from the liquid well stream at the production platform and pumping the remaining well stream to shore for processing; and 3) processing the entire well stream offshore at an offshore storage and treatment facility. The advantages to the county of an onshore facility include: 1) local control of air pollutant emissions (allowing the imposition of much more stringent state emission standards); 2) significant reduction in the probabilities of an ocean oil spill; and, 3) property tax revenues.

Specific policies and standards for the siting of these facilities have been developed through the county's Resource Management and Energy Facility Siting Study of the Guadalupe Dunes.

Policy 33: Onshore Processing

Encourage construction of an onshore partial processing plant in place of an offshore storage and treatment facility. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 34: Consolidation of Related Facilities

Require development of partial processing facilities within the existing oil refinery site or within the adjacent area planned for industrial use on the Nipomo Mesa unless it is infeasible or more environmentally damaging than alternative sites. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 35: Development Plan Review

Proposed partial oil and gas processing facilities serving offshore oil development shall be subject to Development Plan review and require the following:

a. Phasing plan for staging of development, indicating the anticipated time table and site plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.

b. A fire protection system approved by the governing authority.

c. Screening of the facilities from public view through height limitations, careful site design, artificial contoured banks and mounding, extensive landscaping, and decorative walls and fences.

d. Any part of the facilities that cannot effectively be screened by the above methods shall be painted with non-reflective paint and with colors which blend with the surrounding natural landscape.

e. Oil spill contingency plan (using most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containmental equipment and personnel.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

I. GUADALUPE DUNES ENERGY MANAGEMENT

The Nipomo Dunes ecosystem is an 18 square mile area, lying in northern Santa Barbara and southern San Luis Obispo counties. The area is considered to be the largest and most beautiful remaining dune-lagoon complex in California (California Department of Parks and Recreation, 1968). Recognizing that the area's ecological and scenic values are of national significance, the U.S. Secretary of the Interior designated all of the coastal area between Point Sal and Pismo Beach (with the exception of a portion of the Guadalupe LeRoy oil field) a National Natural Landmark and placed it in the National Registry of Natural Landmarks.

Although the Guadalupe oil field in San Luis Obispo County physically lies within the Nipomo Dunes system, the decision of the Secretary of the Interior to exclude it from Natural Landmark designation was based on the disturbance of that area by oil wells and roads. (This is an example of the potential conflict between energy development and protection of coastal resources.)

The national goal of reducing dependence on foreign energy supplies is likely to increase the potential for energy development in and around the Nipomo Dunes. Although Guadalupe oil field production has generally been declining, the recent lifting of heavy crude oil price controls has been significant inducement for new and expanded production facilities. In addition, the federal government has identified plans to hold oil and gas lease sales for offshore areas of central and northern California to begin in June, 1981 (OCS Lease Sale No. 53). This has raised the potential for onshore support facilities to be located in or around the dunes. This is because the dunes lie directly across the closest landfall point from the offshore area, with the highest potential for finding commercial petroleum deposits. There is also a possibility that the state of California may eventually lease areas within the state tidelands for oil and gas development.

In passing the California Coastal Act of 1976, the legislature recognized potential conflicts between energy development and coastal protection. However, it found that "notwithstanding the fact that coastal energy development may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state."

In developing a Local Coastal Program to implement the policies of the Coastal Act, San Luis Obispo County sought to obtain more detailed information on the portion of the Nipomo Dunes ecosystem within San Luis Obispo County (the Guadalupe Dunes unit). To accomplish this, a consultant was selected to prepare a detailed study of the area, with the goal of providing adequate information for a management plan to ensure that anticipated energy development in the dunes is compatible with the valuable coastal resource and is consistent with the requirements of the Coastal Act. Specific objectives of the project were to:

1. Prepare an inventory of natural resources in the study area.

2. Prepare scenarios of potential future energy development.

3. Assess impacts of all potential energy development.

4. Develop mitigation measures and performance standards for anticipated energy facilities, including alternative siting strategies.

The recommended management plan was intended to be incorporated into the county's Local Coastal Program. The proposed management plan has been extracted, summarized and is incorporated herein by reference as the basis for the final plan.

The study presented two development alternatives, both of which would be consistent with the Coastal Act and take into account potential conflicts between protection of a unique coastal resource and the need for energy development. Alternative 1 would not allow new or expanded coastal-dependent or resource-dependent development outside the existing oil production area (Leroy Lease). Under this alternative, the need to protect the especially sensitive habitat of the Guadalupe Dunes outweighs the economic benefits to be derived from new or expanded coastal-dependent or resource-dependent uses within the area. Alternative 2 would allow limited coastal-dependent and resource-dependent development based on the findings that no alternative location is feasible for some facilities associated with the recovery of petroleum resources. The potential disruption of the habitat area can be minimized to a level where the economic benefits that would be derived by such development outweigh the impacts on the ecosystem.

The following policies are based on the selection of Alternative 2 by the Board of Supervisors:

Policy 36: Resource-Dependent Development

The county may permit resource-dependent development within the Guadalupe Dunes only if consistent with the standards specified in the *Energy Facility Siting Management Plan for the Nipomo Dunes System* (Volume II Guadalupe Unit, October 2, 1980), and the certified Local Coastal Program. The following findings are made in determining that potential development is consistent with Coastal Act policies:

The entire Guadalupe Dunes habitat area is a portion of the largest remaining dune-lagoon complex within California.

The entire Guadalupe Dunes habitat area is a unique coastal resource and all areas within the dunes are especially sensitive to disturbance.

Although feasible alternative locations within Union Oil's Leroy lease or outside the Guadalupe Dunes are available for some potential facilities, recovery of petroleum resources within the area is not feasible unless some facilities are located within undisturbed portions of the dunes.

The potential disruption of the Guadalupe Dunes habitat area and loss or degradation of habitat values as a result of siting coastal-dependent or resource-dependent uses within the currently undisturbed habitat area may be minimized to a level where economic benefits derived from such development outweigh the impacts on the ecosystem. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 37: Resource-Dependent Uses

Other than those uses and activities approved by the Coastal Commission for Union Oil's Leroy lease, permitted facilities within the dune areas shall be limited to uses that absolutely require a site within the Guadalupe Dunes to be able to function at all. Such development would be subject to environmental review, with particular emphasis on potential alternative locations. Specific policies related to the types of permitted facilities may be found in Section E of the Appendix. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 38: Siting to Minimize Disruption

For development that is permitted within the Guadalupe Dunes, facility siting must ensure the minimum amount of habitat disruption with consideration of the following in accordance with the policies in the Energy Facility Siting Management Plan:

a. Alternative locations

b. Habitat preservation

c. Site restoration

d. Wetlands development

e. Significant biotic areas (i.e., dune swales and giant Coreopsis stands)

f. Beach area where facilities or structures would potentially interfere with public access and recreational use of the sandy beach

g. Areas of prime visual quality

h. Consolidation of facilities

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 39: Resource Sensitivity Maps

The resource sensitivity map in the *Energy Facility Siting Management Plan for the Nipomo Dunes System* (Volume II Guadalupe Unit) identifies areas within the Guadalupe Dunes which would be susceptible to the least amount of disturbance. The resource sensitivity map also identifies areas with the highest habitat value and susceptibility to disturbance. These maps shall be used as a general siting criteria for new development. New development in the Guadalupe Dunes shall be permitted where it is consistent with the sensitivity of the resources as identified on the maps and with reconnaissance by a qualified biologist of the specific area proposed for development. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 40: Mitigation Strategies

The following mitigation strategies are designed to minimize habitat disruption from various development activities at new locations:

a. Much unnecessary damage to the dune habitat may be avoided by requiring pre-construction consultation between design engineers and environment specialists. This is necessary to determine the appropriate specific site location and to select construction procedures least likely to disturb the dune habitat. An initial archaeological survey and testing program is a necessary part of the permit review process to avoid siting in an area of unexpected high habitat value.

b. Access roads and well site construction shall be designed consistent with the resource sensitivity map and other specific criteria defined in the Energy Facility Siting Management Plan for the Nipomo Dunes System and through reconnaissance by a qualified biologist of the sites.

c. Oil and gas drilling and production activities, pipeline installation, site abandonment and habitat restoration, oil spill and clean-up measures shall meet the criteria defined in the *Energy Facility Siting Management Plan.*

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

J. TELECOMMUNICATIONS FIBER OPTIC CABLE PROJECTS

The use of fiber optic technology has emerged as a major component of telecommunications systems. With the enactment of the Telecommunications Act of 1996 there has been a dramatic increase in the competition and proliferation of new companies in the telecommunications industry with the rapid deployment of advanced technologies. The development of very fine and pure glass strands known as fiber optics that carry large quantities of digital information, combined with the massive expansion of use of the world wide web Internet system, and the potential for use of these fiberoptic cables to carry movies, television, and most other types of communications, has changed the way that traditional telephone companies operate. San Luis Obispo County has been in the unique geographical position of being located in the middle of a state that has major urban population bases, and also has the offshore geography conducive to laying trans-Pacific telecommunications cable lines to places like Japan, China and Australia. Hard ocean bottom configurations are sensitive habitat areas to be avoided. Cable lines installed on underwater rocky outcroppings also have the potential to cause conflicts with fishing by snagging fishing gear. Accordingly, Policy 42 below requires the routing of cable lines to avoid recreation areas and sensitive habitats, among other sensitive resource areas. Within county jurisdiction, Montana de Oro State Park is a major landing site for several telecommunication companies' trans-Pacific cable systems. The cities of Morro Bay and Grover Beach also have landing site facilities. Fiber optic cable projects have impacts that are different from pipeline projects. For example, borings under stream crossings or in the nearshore areas use a drilling fluid product called bentonite that can accidentally be released into surface waters. Construction activities can impact public access if staging areas need to be located in public parking areas or along the shoreline. The following policies address the development of onshore fiber optic cable projects.

[Amended 2004, Ord. 3006]

Policy 41: Cable Line Routes in Sensitive Habitats

Except for work on cable lines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act and Section 23.03.040 of the CZLUO, a field survey funded by the applicant shall be conducted along the proposed cable line route in all sensitive resource areas. The survey shall identify the type and extent of impacts from the construction and operation of the proposed cable line on important coastal resources, including sensitive habitat and sensitive or endangered flora species, visual resources and archaeological resources. Measures to mitigate these impacts shall also be evaluated and where appropriate required. Examples are cable line route relocation, measures to enhance the revegetation of temporarily disturbed areas (e.g., separation of topsoil and vegetative materials from excavation spoils for subsequent spreading over excavation spoils) and archaeological investigations or excavation programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 42: Cable Line Route Selection

When feasible, cable lines shall be routed to avoid important coastal resources including recreation areas, sensitive habitats, and archaeological areas. Unavoidable routing through recreation areas, habitat, or archaeological areas, or other areas of significant coastal resources, shall be done in a manner that minimizes the extent of disturbance, erosion potential and the impacts of a spill, should it occur (by considering drilling fluid spill volumes, durations, and projected path in a Drilling Fluid Monitoring Plan). [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 43: Construction Requirements

In sensitive resource areas the extent of cable line construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 44: Site Restoration

Upon completion of cable line construction the site shall be restored to the approximate pre-construction condition. Measures shall be taken during the restoration effort to protect and enhance wetland habitats in accordance with the habitat protection, erosion, and revegetation policies of the Plan. A revegetation program shall be required where it is determined that a disturbed area would not naturally revegetate sufficiently quickly to prevent substantial erosion or disruption of adjacent habitat. If necessary, required revegetation techniques would be determined based upon an investigation conducted by a qualified biologist. Additional measures necessary to prevent erosion until the vegetation is established may also be required. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 45: Consolidation of Cable Line Corridors / Reuse of other Utilities

New onshore cable line corridors are encouraged to be consolidated within existing cable line corridors or placed in existing abandoned gas/oil pipelines where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

[Added 2004, Ord. 3006]

Relationship to the Land Use Element / Coastal Zone Land Use Ordinance

Most energy and industrial facilities in San Luis Obispo County are within the coastal zone, and include both coastal dependent industrial uses (such as marine terminals) as well as resource- dependent facilities (such as the oil field and refinery facilities in the Guadalupe Dunes).

The county's Land Use Element and Coastal Zone Land Use Ordinance use three designations which are applied countywide to energy and industrial facilities, including the Public Facilities or Industrial land use categories and a combining designation for energy or extractive areas. In addition, many sites have a Sensitive Resource Area designation to recognize special resources. Where needed, special standards relating to resource protection have been adopted. Because existing facilities in the county vary widely in character and function, these land use and combining designations are applied differently for individual sites, with any applicable special development standards identified in the text.

The purpose and general objectives of the Energy and Extractive Combining Designation are found in Framework for Planning Chapter 8 with additional standards found in the Coastal Zone Land Use Ordinance.

Findings

Through the policies discussed in this chapter and the land use designations, programs and standards provided in the land use plan, the Coastal Act provisions for coastal-dependent industrial and energy-related development have been met. Section 30101 of the Act identifies those industrial and energy-related developments or uses that require a site on or adjacent to the sea to be able to function at all and gives priority to these uses over other developments. Recommendations for coastal dependent and resource-dependent development in the Nipomo Dunes have been developed. Development will be permitted only where it is consistent with the protection of the sensitive habitats as required by Section 30240 of the Act. The land use plan provides for the appropriate expansion of existing sites as defined by Section 30260.

CHAPTER 5: COMMERCIAL FISHING & RECREATIONAL BOATING

INTRODUCTION

The Coastal Act requires San Luis Obispo County, through the Local Coastal Plan, to protect and, where feasible, upgrade commercial fishing facilities and recreational boating opportunities within the coastal zone. As an important and appropriate use of the coastline, the Coastal Act gives priority to development dependent on coastal resources, which includes commercial fishing and recreational boating.

This section of the Local Coastal Plan includes policies necessary to protect and provide commercial fishing and recreational boating opportunities. Also identified are actions that public agencies should undertake to implement these policies and standards for development of commercial fishing and recreational boating facilities.

The commercial fishing industry in San Luis Obispo County uses the harbors of Port San Luis, Morro Bay, and San Simeon. Port San Luis and Morro Bay harbors provide docking, mooring and processing facilities while San Simeon harbor serves primarily as a limited harbor of refuge. This report will concentrate on the commercial fishing fleet based at Port San Luis, since harbor development in Morro Bay for both commercial fishing and recreational boating will be addressed in detail through the preparation of the city of Morro Bay's Local Coastal Program.

Relationship to Coastal Act Policies

The following Coastal Act policies apply specifically to commercial fishing and recreational boating activities:

30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors or refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

30233. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities; (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps; (3) In wetland 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;....(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities; (5) 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.

(b) 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 current systems.

(c) In addition to other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary....

30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland....

Background Report

A background report on "Commercial Fishing and Recreational Boating" (August 1978) identified the major issues confronting the commercial fishing industry in the county; the potential for increasing recreational boating and commercial fishing facilities; and a discussion of past and present harbor expansion plans.

Port San Luis. Port San Luis is located in the northwest section of San Luis Obispo Bay, about one mile west of the community of Avila Beach. The port is protected from the northwest by Point San Luis but is exposed to the south and southwest.

The harbor is owned and operated by the Port San Luis Harbor District, which was formed in 1954. The district serves the entire southern half of the county and the city of San Luis Obispo. They own the pier and all the tidelands of San Luis Bay under the trust of the state which includes 1 1/2 miles of waterway and beach. The district is supported by both tax revenue and user fees. The port district is currently attempting to be self-supporting through user-fee revenues.

Existing Facilities. Present development at Port San Luis consists of a 2,400-foot rubblemound breakwater which was constructed by the Army Corp of Engineers in 1913; a wharf 1,456-feet long with terminal facilities for unloading fish from commercial fishing boats and mooring spaces for 248 boats; a service and repair area for commercial, sport-fishing and small recreational boats; two fish buyer installations, a seafood restaurant; and parking spaces for 150 vehicles and 100 vehicles with boat trailers. Support facilities on the landfill area include the harbor master's office, public restrooms, boat-storage area, boat repair and maintenance area, stationary and mobile launching and landing hoists. The U.S. Coast Guard Auxiliary maintains a boating safety detachment at Port San Luis for a portion of the year.

Other facilities located in the bay include a 3,082-foot pier completed in 1985 used by Union Oil for transporting petroleum products and a 1,463-foot recreational pier at Avila State Beach. A PG&E barge landing dock is about 100 feet seaward.

The existing breakwater and configuration of Port San Luis afford protection only from the northwest. Because the harbor is exposed to southerly storms which occur in winter, the district has provided no permanent berthing.

Proposed Developments. The Harbor District has identified a long-range project to increase harbor efficiency, increase commercial fishing and recreational boating activities, and provide services to other coastal-dependent uses. Several proposed developments are outlined in detail in the master plan, including the following:

1) improvements to the old port beach and bluff area;

2) mixed use development on the harbor terrace;

3) improvements to the Avila pier and beach facilities;

4) lighthouse point and open waters; and

5) Harford pier and landing.

In 2004, the Port San Luis Harbor District updated its Master Plan. Relevant provisions have been incorporated into the LCP according to the standards provided in the San Luis Bay Area Plan.

The proposed development plan for the Harbor will be designed to provide boat haulout and repair capacity facilities. It should be noted that Port San Luis is one of very few facilities that provides an area where individual owners can do their own work and repairs.

The lower western and southwestern portion of the Harbor Terrace area, which has been disturbed as a result of prior grading activities, shall be used to accommodate additional boat storage for smaller boats that can be trailered, other facilities that serve commercial fishing and recreational boating, and public access and visitor-serving facilities, according to the specific Planning Area standards contained in the San Luis Bay Area Plan. It should be noted that this site has previously undergone substantial site alteration. Extensive landscaping, revegetation, and stabilization of unstable slopes will be necessary to reduce the potential visual impacts of new development and ensure its structural integrity. This is the maximum project which is currently considered for inclusion in the LCP to establish the type and intensity of use permitted. [Amended 2007, Ord. 3069]

Traffic Analysis for Port Development. Impacts to the circulation and utility systems serving the Port District would be minimal. Two main roads, San Luis Bay Drive and Avila Road together with Harford Drive, provide access to Avila Beach and Port San Luis from Coastal Highway 101. Avila Road is a two-lane winding road that follows San Luis Obispo Creek for about 4.5 miles to Port San Luis.

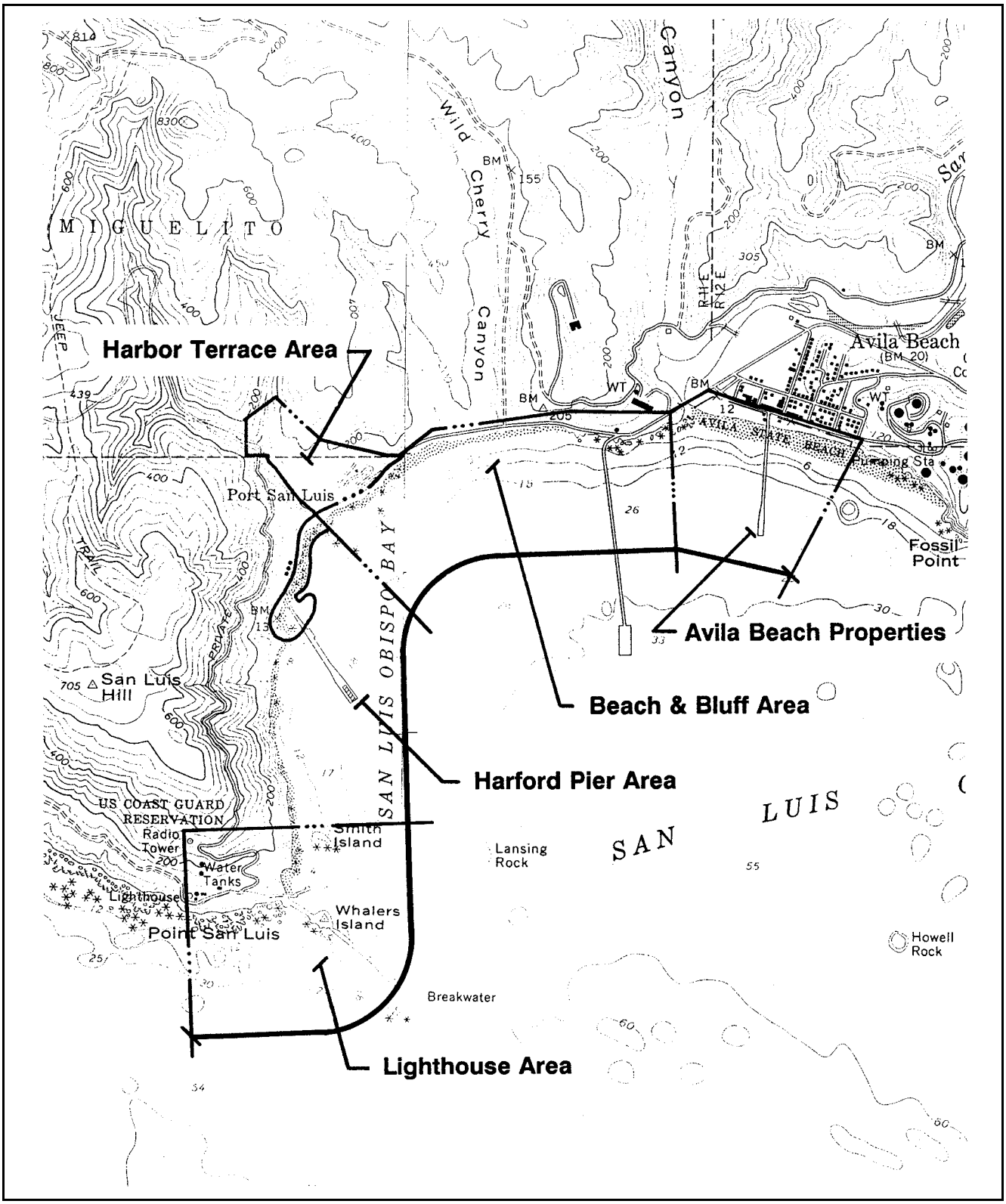
Analysis of the traffic generated by development in the community of Avila, Port San Luis, the Diablo Canyon nuclear power plant and the surrounding areas has shown that the present capacity of Avila Road is 1280 vehicles per hour, based upon Level of Service (LOS) "C". During May 1994, a peak period of 711 vehicles per hour was observed. (Updated traffic volume information for Avila Beach Drive may be found in the Annual Resource Summary Report.) [Amended 1995, Ord. 2702]

The limited improvements that the proposed harbor development envisions would not significantly impact the traffic capacity of Avila Road. The landfill site would provide for winter boat storage and visitor parking during the summer months. A breakwater is not included in the proposed development, thus no permanent slips could be provided. The maximum increase in moorings is estimated to be able to accommodate 100 additional boats. However, these would in many instances be boats that would have been trailered to the port for day use. From this analysis the port development would not significantly impact the load capacity. The report does identify, however, that a major expansion of the port facilities that could result if the construction of a breakwater were feasible in the future would substantially impact the capacity of Avila Road. A major expansion of the port would require an amendment to the Local Coastal Plan and the traffic impacts would be re-evaluated at that time. [Amended 1995, Ord. 2702]

A final impact of the port development would be the visual impacts associated with the hillside project. Any development on the Harbor Terrace site will require significant revegetation and slope stabilization pursuant to the Planning Area standards contained in the San Luis Bay Area Plan. [Amended 2007, Ord. 3069]

Recreational Boating. The need for expanded recreational boating facilities in San Luis Obispo County has been well documented. However, opportunities to meet this demand are few, while constraints are many. Outside of Morro Bay, provision of suitable recreational boating facilities are limited by the lack of natural harbors. Both Port San Luis* and San Simeon Harbors would need newer additional breakwaters to ensure the protected conditions necessary for recreational boating facilities. Such developments would require much time, money and could lead to adverse impacts on marine resources and the natural movement of sand along the shore. While no specific projects have been proposed, the Port San Luis District has been actively pursuing funding for additional breakwater developments.

Providing dry storage and improving boat launch facilities will be the most feasible approach to help in alleviating boating demand. As discussed under Port San Luis, harbor development will include improvements to the existing boat launching facility. The proposed landfill would also offer areas for boat launching while the hillside development will provide storage for trailerable boats. Development of San Simeon State Beach will also include improvements to the boat launch at Leffingwell Landing.



Map 4: Port San Luis Harbor District

POLICIES FOR COMMERCIAL FISHING, RECREATIONAL BOATING, AND PORT FACILITIES

Based on the information summarized in the draft background report, the following policies will guide the development of commercial fishing and recreational boating facilities within the coastal zone.

Policy 1: Protection of Commercial Fishing and Recreational Boating Opportunities

Commercial fishing and recreational boating shall be protected and where feasible upgraded. Commercial fishing needs shall be assigned first priority. Recreational boating facilities shall be designed and located to not interfere with the needs of the commercial fishing industry. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Priorities for Development of Facilities

Where feasible, oceanfront recreational development should give priority to boat ramps, dry storage and other recreational boating facilities as otherwise consistent with the policies of the Coastal Act. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

NOTE: Policies 3 through 10 address the development that may occur within the Port San Luis Harbor District. For detailed specifics on development standards, refer to the San Luis Bay Planning Area, Chapter 8, Planning Area Standards, Public Facilities Category.

Policy 3: Port San Luis Harbor Master Plan

New development of facilities under jurisdiction of the Port San Luis Harbor District shall be permitted where consistent with the Local Coastal Program and Chapter 3 of the Harbor Master Plan. The policies of Chapter 3 have been extracted from the Master Plan and summarized in Policies 4 through 6 below. Specific standards for development are incorporated under public facilities in Chapter 8 of the LUE for the San Luis Bay Planning Area. Map 4 identifies the five planning areas as follows: Harford Pier, Harbor Terrace, Avila Beach, Beach and Bluff, and Lighthouse Areas. (Note: The number in parentheses at the end of the paragraph correlated to the policy number in the Harbor Master Plan.) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 4: Priorities for Development of Facilities and Allocation of Service Capacity

Priorities for development of the harbor will reflect the goals and priorities as follows:

Priority I: Coastal-Dependent Uses
Commercial fishing and related mariculture/aquaculture.
Sport fishing.
Recreational boating and other oceanfront recreational uses.
Energy-related facilities.

Priority II: Coastal-Related Uses
Other visitor-serving retail commercial uses and other coastal-related uses.

Priority III: Other Uses

Other uses which are neither coastal-dependent or coastal-related. Priorities and policies of the California Coastal Act shall be considered in all harbor development. Prior to approval of any use which is not coastal-dependent the Harbor District shall make a finding that adequate resources and services have been reserved for all coastal dependent uses proposed in the Master Plan. (PSL Policy G-3) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]
[Amended 1995, Ord. 2702]

Policy 5: Port San Luis Service Capacity

Proposed development of projects and related improvements shall be within the circulation and utility capacity available to the harbor area, or to be guaranteed through a planned program of improvements as specified in the Harbor Master Plan. These capacity limits are recognized for each service as follows:

a. **Water:** Usage shall not exceed the 100 AFY available to the Harbor District from its Lopez entitlement. Adequate water pressures for fire suppression shall be maintained in all district water mains at all times.

b. **Sewer:** Wastewater generation shall not exceed available capacity owned by the Harbor District in the Avila Beach county water district wastewater treatment plant and/or such other facility as may be constructed.

c. **Traffic:** Avila Beach Road shall not be subjected to traffic levels exceeding level of service "C", based on the average hourly weekday two-way 3:00 p.m. to 6:00 p.m. traffic counts to be conducted during the second week in May of each year. [Amended 1995, Ord. 2702]

d. **Parking:** All new uses shall be required to provide additional parking consistent with the County Coastal Zone Land Use Ordinance requirements or to provide an in-lieu contribution to a district-wide parking program.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 6: Development of Offshore Oil Support Facilities in Port San Luis

Any portion of a new or expanded crew base for offshore oil development which is within the county's LCP permit jurisdiction shall require county development plan approval. For any such crew base, an environmental impact report shall be prepared under the joint direction and review of the Harbor District and County. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 7: Permit Requirement for Crew Bases

Any proposed crew base for offshore oil and gas development shall require development plan review. Review and approval shall include the following:

a. A detailed examination of alternative sites addressing immediate and cumulative impacts on public access to the sea, recreational uses including boating, fishing industry viability, and air and water quality; site requirements; displacement of existing uses; proximity of offshore oil development; necessary harbor and wharfage requirements; and feasible mitigation measures. Potential sites to be examined shall include: existing oil industry piers and facilities, the proposed multi-use harbor, and potential sites south of Point Conception.

b. Phasing plan for the staging of development indicating the anticipated timetable; and site plans for project initiation, expansion possibilities, completion, consolidation possibility and decommissioning.

c. Oil spill contingency plan indicating the location and type of cleanup equipment, waste disposal, and reporting of incidents, and provisions for periodic drills by the operator to test the effectiveness of cleanup and containment equipment and personnel.

d. An identification of:

(1) necessary facilities for the crew base to function:

(2) coastal-dependent components of a crew base: and

(3) potential locations to site all noncoastal-dependent facilities and operations inland (e.g., warehouse, storage areas, and parking areas).

e. The crew base shall be limited to a minor crew base, used only for transport of personnel and incidental supplies. Incidental supplies shall not include cargo operations and shall be limited to small packages of groceries, medical supplies, electrical and mechanical parts, and other similar items that can be carried by hand.

f. Harbor improvements shall be sited in such a manner to avoid to the maximum extent feasible conflicts with other harbor uses through consideration of segregated wharfage, dock and fueling areas, careful site design in the location of wharfage and vessel approach lanes, and segregated vehicular and traffic and parking facilities as mitigation measures.

g. In approving any development for a new or expanded crew base, the county shall determine in writing, based upon timely and adequate facts and analysis, as follows:

(1) There is a need for a coastal-dependent crew base to service offshore oil and gas development in the Santa Maria Basin.

(2) The proposed location is the least environmentally damaging feasible alternative, taking into account land use considerations at all sites considered and at adjacent properties.

(3) Failure to approve the crew base would adversely affect the public welfare.

(4) The project location, design, and county requirements mitigate the adverse environmental impacts to the maximum extent feasible.

(5) The development includes no components which do not require a location on or adjacent to the sea in order to function at all.

(6) The crew base shall be available to all users on a fair and equitable basis in order to alleviate the need for additional bases.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 8: Oil Support Facilities

Oil support facilities shall be allowed, subject to compliance with all other applicable requirements of the Local Coastal Program (LCP), as follows: certain major emergency uses in accordance with Policy 9, and conditional uses in accordance with Policy 10. Any new or expanded facilities* or uses not allowed by the Local Coastal Program shall require an amend-ment to the LCP and San Luis Obispo County Development Plan approval before they can be accommodated.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 9: Major Emergency Use by Oil Company Support Vessels

Oil company support vessels, including oil spill clean-up vessels, crew, and supply boats, will be allowed to use facilities designated by the district in one of the following

* "New or expanded facilities" is defined to mean any development which requires a permit or which requires only an administrative permit under the Coastal Act. (PSL Policy G-6) actual or imminent circumstances: medical emergency, fire, foundering vessels, or oil spills. In any such emergency, the Harbor Master shall report the occurrence at the next meeting of the Harbor Commission. To prevent emergencies, vessels primarily designed and equipped for oil spill clean-up may be permitted to moor in the harbor on a yearly basis. Any such emergency use shall be subject to emergency permit requirements pursuant to the LCP or, within the Coastal Commission's permit jurisdiction, to emergency permit or waiver provisions of the Coastal Act. (PSL Policy G-7)

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 10: Conditional Oil-Related Uses.

Oil-related uses serving research and exploratory drilling operations (as contrasted with operational construction, drilling, and recovery) and requiring no more than "minor"***** new construction, may be permitted consistent with the LCP (when considering the individual and cumulative impacts of the request and reasonably expected similar requests) if:

a. Alternative locations are infeasible or more environmentally-damaging; and

b. To do otherwise would adversely affect the public welfare; and

c. Service capacities for existing coastal-dependent uses in the district's jurisdiction, and those existing uses projected growth patterns shall not be significantly impacted; and

d. Adverse environmental effects are mitigated to the maximum extent feasible; and

e. Ordinances are enacted requiring permit conditions, necessary findings for issuance, mitigation measures, sunset provisions, public hearings, and penalties for violation of permits or the ordinances. (See Standards No. 6 and 7 for other facility and permit requirements.)

*"Minor": New or expanded construction valued at $5,000 or less.

The Land Use Element/Local Coastal Program provides a series of regulations on permitting and siting oil support facilities. These include: crewbase siting, emergency use by support vessels, conditional oil-related use serving research and exploratory drilling operations involving only minor new construction. (PSL Policy G-6, G-7, G-8.)

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 11: San Simeon Harbor of Refuge

Improvements at San Simeon Harbor shall be limited to a small-scale recreational boating area, boat-launching ramp and parking area. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD]

Relationship to the Land Use Element Land Use Ordinance

In implementing these policies, detailed standards relating to proposed improvements have been developed. These standards and the required findings are incorporated in the Land Use Element and will be used in reviewing all projects for development within the Port. Improvements which are not included in the plan at this time would require an amendment to the Local Coastal Program. This is particularly important when addressing potential improvements which might be needed to provide support services for the offshore oil and gas development. The policies concerning Industrial and Energy Facilities identify criteria for locating service base and support facilities and the necessary information upon which approvals would be based.

In addition to the county's coastal development permit, permits will be required from the following state and federal agencies:

California Coastal Commission:	Require a permit for proposed development which is seaward for the mean tide.
U.S. Army Corp of Engineers:	Requires a permit for all projects involving filling of navigable waters.
California Department of Water Quality Control Board:	Requires permit for wastewater discharge requirements.

A coordinated review of the project should be undertaken to insure a timely response to the proposed project and incorporation of the concerns of each of these agencies into the approval of the development plan.

Findings

A number of Coastal Act policies have been addressed in the consideration of the proposed development. Section 30224 states that new boating facilities shall be provided "in natural harbors, new protected water areas, and in areas dredged from dry land." Further, facilities serving the commercial fishing and recreational industries shall be protected and, where feasible, upgraded. The proposed development program, while significantly reduced in scope and scale, does provide necessary expansion of onshore support facilities that become particularly important when no breakwater system is included. These include the development of areas where commercial and recreational boats can be removed from the water during the winter storm period. The present open moorings have resulted in considerable storm damage to boats and shore facilities. The construction of additional hoist facilities and consolidation of storage and repair areas will increase the capability of the port to provide services to both commercial and recreational users.

The marine environmental policies of the Coastal Act (Sections 30230 et seq.) require the maintenance, enhancement and restoration of marine resources including biological productivity and water quality. As indicated previously, the reduced scale of the district's proposed development, which excludes the construction of a breakwater, would not significantly impact marine habitats or contribute to degradation of water quality.

Section 30233 permits filling of open coastal water only for new or expanded boating facilities where: 1) it would be consistent with other provisions of the Coastal Act; 2) there is no feasible alternative; and 3) where appropriate mitigation measures have been provided. While detailed engineering plans have not been prepared for the proposed landfill, the uses assigned are primarily coastal-dependent and will improve the utility of the existing harbor landfill site.

CHAPTER 6: ENVIRONMENTALLY SENSITIVE HABITATS

INTRODUCTION

A basic goal of the California Coastal Act of 1976 is to "protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources." To achieve this goal, the Local Coastal Program identifies and protects sensitive habitat areas through the designation of appropriate land uses and management techniques. Environmentally sensitive habitats are defined by the Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

Relationship to Coastal Act Policies

The following are Coastal Act Policies which address the issues of environmental protection.

30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreation, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained, and where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30233. (Portion) (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities; (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps; (3) In wetland 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 navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored; (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities; (5) 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; (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas; (7) Restoration purposes; (8) Nature study, aquaculture, or similar resource-dependent activities.

(b) 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 current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division...

30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such constructions that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish-kills should be phased out or upgraded where feasible.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

30411. (b) The Department of Fish and Game, in consultation with the Commission and the Department of Navigation and Ocean Development, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility.... Any such study shall include consideration of all the following: (1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities; (2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project; (3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values.

30607.1. Where any dike and fill development is permitted in wet- lands in conformity with this division, 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 areas 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 of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

30108.2. "Fill" - means earth or other substance or material, including piling placed for the purpose of erecting structures thereon, placed in a submerged area.

Background Report

Environmentally sensitive habitat areas found within the county's coastal zone are identified in the background report, Natural Resource Areas. The report summarizes information on the natural resources of the coastal zone, including information on present conditions, sensitivity to disturbance, current impacts, land use and zoning. These habitat areas are identified according to the following categories: unique plant habitats; rare and endangered animal habitats; wetlands; coastal streams; rocky points; intertidal areas; and kelp beds. The value of each habitat is discussed, as well as possible protection techniques. A summary chart indicating the habitat type by area, prior zoning, ownership, current use, and other designations (i.e., National Landmark) follows. Marine resources are not as easily identified. The background report may be consulted for detailed information, though no specified recommendations are made. The purpose of the Local Coastal Plan is to recommend policies and standards that will ensure protection of these designated environmentally sensitive habitat areas.

Issues and Concerns

Issues related to specific habitat areas were identified in the back- ground report. For many of the habitat areas, common issues arise. These include concern for the following:

Type of Ownership. The acquisition of land by a public agency or the dedication of property by an individual may be the most direct way of land preservation. Where a public ownership may be desirable to allow for the appropriate level of public access that is consistent with habitat preservation. Public ownership can also provide for long-term assurance against private development on the property. Direct acquisition of fee title may not be necessary to provide for Reserved for Figure 3 here habitat protection. A "less-than-fee" interest (often called easements) may be purchased or dedicated at the time of development. The easement may permit public access or it may restrict more use or development of the property. However, where an environmentally sensitive habitat is located on a private holding, it is sometimes more desirable to maintain the private ownership status. The advantage of private ownership is that the property owner can restrict public access to the habitat to ensure adequate protection of the habitat values. The property owner may also provide a more thorough level of management and control than a public agency with limited management capability.

Development Standards. Development standards in the county Land Use Element and Coastal Zone Land Use Ordinance are mandatory requirements for new development. The standards must be satisfied to enable a permit to be approved. The Local Coastal Plan proposes standards for new development that provides for the protection of all habitat areas. Such standards include measures to control the location of structures, grading, setbacks and intensity of use. The level of review also provides for protection to the habitat. For instance, the requirements for site plan review include submittal of grading and drainage plans, and a survey of the extent of the habitat area. This additional information can ensure property siting to protect identified habitat values.

HABITAT TYPE	AREA	CURRENT ZONING	OWNERSHIP	CURRENT USE	OTHER DESIGNATIONS
PLANT COMMUNITY	Nipomo Dunes	Unclassified	Public, State, Private	Recreation, Education, Private	Recommended for National Landmark
	Los Osos Oak Forest	Residential	State	Reasearch, Education	
	Los Osos Bishop Pines	Agriculture, Residential, Uncl. Commercial	Private	Residential	
	Camp San Luis Relict Grassland	Agriculture	State	Research, Education	
	Montana de Oro Grassland	Unclassified	State	Recreation	
	Black Hill	State	State	Research	
	Coon Creek	Unclassified State	State	Education, Recreation	
	Hazard Canyon	Unclassified	State	Recreation, Education	
	Morro Bay Sandspit	Unclassified	State	Recreation, Education	
	Arroyo de la Cruz	Agriculture Unclassified	Private	Agriculture	Recommended for National Landmark
	Piedras Blancas Dunes	Agriculture	Private, Coast Guard	Private, Education, Research	Recommended for National Landmark
	Cambria - Monterey Pine Forest	Unclassified Agriculture	Private	Private	
RARE AND ENDANGERED WILDLIFE RANGE	Morro Bay Kangaroo Rat	Residential Unclassified	Private, State	Redsidential Open Space	
	American Peregrine Falcon		State	Ecological Reserve	
	California Sea Otter	Commercial Residential	Private	Commercial Residential	
	Fairbanks Property	State	State	Education	
COASTAL STREAMS	(See text discussions)				

Figure 6-1: Sensitive Habitat Areas

Erosion Control. Uncontrolled erosion through natural or development activities can threaten the stability of an environmentally sensitive area. Specific recommendations for erosion control are discussed in the Watershed chapter.

Other habitat types pose individualized needs and demand special management strategies. Coastal streams that serve as anadromous fish habitats are susceptible to impacts from surrounding properties. In-stream alterations, riparian vegetation removal, water diversions and pollution contribute to the need to protect streams that provide fish and other habitat values.

A second unique concern is the impact of off-road vehicles on habitat areas. Uncontrolled ORV use of bayfront areas and the coastal dunes can damage the habitat of a variety of species. Where this access is appropriate, it must be provided at a level which is consistent with the carrying-capacity of the area.

The recommendations of the Local Coastal Program address these concerns by ensuring protection of environmentally sensitive habitat areas, by establishing programs, policies, standards and ordinances.

POLICIES FOR ENVIRONMENTALLY SENSITIVE HABITATS

A. SENSITIVE HABITATS

Environmentally sensitive habitat areas are settings in which plant or animal life (or their habitats) are rare or especially valuable due to their special role in an ecosystem. Designation of environmentally sensitive habitats include but are not limited to: 1) wetlands and marshes; 2) coastal streams and adjacent riparian areas; 3) habitats containing or supporting rare and endangered or threatened species; 4) marine habitats containing breeding and/or nesting sites and coastal areas used by migratory and permanent birds for resting and feeding. The Coastal Act provides protection for these areas and permits only resource-dependent uses within the habitat area. Development adjacent must be sited to avoid impacts. While each of these habitat types is discussed in greater detail, general policies for protection of habitats are as follows:

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 PURSUANT 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 habitats 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 PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 3: Habitat Restoration

The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT 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.]

[Added 2004, Ord. 3006]

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.]

[Added 2004, Ord. 3006]

B. WETLANDS

Coastal wetlands, tidal marshes, mudflats, freshwater marshes and related bodies of water are a dynamic, fragile link between oceanic and terrestrial ecosystems. Wetlands help improve the quality and quantity of water, as well as providing important wildlife habitats. By slowing run- off water, wetland vegetation causes silt to settle out, improving water quality. By retaining water during dry periods and holding it back during floods, wetlands will keep the water table high and relatively stable. By providing nesting, breeding and feeding grounds, wetlands support the diversity as well as health of wildlife. Several rare and/or endangered species are found within local coastal wetlands, including the California Brown Pelican and the California Least Tern.

The Coastal Act identifies wetlands and estuaries as environmentally sensitive habitats and requires that the biological productivity and the quality of such areas be maintained and, where feasible, restored. The special value of wetlands and estuaries is further recognized in Section 30603 of the Act in that the Coastal Commission retains appeal authority for any development approved by the county within 100 feet of any wetland after certification of the Local Coastal Program.

The Coastal Act defines "wetland" in Section 30121 as follows:

> "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and includes salt- water marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

To provide accurate delineation of wetlands within the coastal zone, the United States Fish and Wildlife Service and California Department of Fish and Game are conducting field surveys of wetlands within the county. These wetlands are being mapped using the following criteria established by the Fish and Wildlife Service.

> "Wetland" is defined as land where the water table is at, near, or above the land surface long enough to do either of the following: a) promote the formation of (hydric) soils that are saturated with water at or near the surface and are deficient of oxygen long enough during the growing season to result in soil properties that reflect dominate wetness characteristics near the soil surface (within 10"); or b) support the growth of hydrophytic plants which grow in water or in wet habitats.

The primary wetland areas within San Luis Obispo County include: San Carpoforo Creek Lagoon, Arroyo de La Cruz Creek Lagoon, San Simeon Creek Lagoon, Santa Rosa Creek Lagoon, Pico Creek Lagoon, Morro Bay (includes Sweet Springs, Cuesta-by-the-Sea Marsh and Los Osos Estuary), Pismo Marsh, Oceano Lagoon, Dune Lakes, Oso Flaco Lake and the Santa Maria River mouth. East of these wetlands is identified as a Sensitive Resource Area and specific recommendations are included in the Land Use Element by planning area. Other small isolated wetlands exist and would need to be addressed at the time of a specific development project.

In general, the upland extent of a wetland is determined to be land that is flooded or saturated at some time during years of normal precipitation. Because of their proximity to the heavily populated coastline, coastal wetlands are especially vulnerable to disturbance. To ensure their protection, a wide range of resource management techniques will be necessary.

Fee Simple Acquisition. The most obvious method of wetland protection is through acquisition by a public agency. All coastal wetlands below the mean high tide line are historically state property and are administered by the State Lands Commission. Various pro- grams are available to provide funding for wetland acquisition. The State Department of Parks and Recreation is the county's largest public owner of wetlands. The Bagley Conservation Fund provides funds and the State Beach, Park, Recreational, and Historical Bond Act of 1974 allows for the issuance of bonds to raise funds for the State Department of Parks and Recreation to acquire wetlands. Money raised through the sale of hunting and fishing licenses as well as funds provided by the Environmental Protection and Research Act of 1970 allows the California Department of Fish and Game to acquire coastal wetlands. Under the Federal Coastal Zone Management Act of 1972, wetlands designated as Estuarine Sanctuaries may allow the State to receive matching federal funds for acquisition of the wetland. The State Coastal Conservancy was established by the State Legislature in 1977 to implement a program of resource protection including wetland preservation and restoration.

Dedication or Easement. A much less used method of wetland preservation within this county is public easement or dedication, which in most instances involves surrender of development rights by the property owner within the wetland in return for lowered assessments. The county does not currently have complete guidelines for an Open Space Easement Program though open space easements have been granted. Usually, an easement would be granted for at least 10 or 20 years. Coastal wetlands may also be preserved from development through the Agricultural Preserve Program. This method does not require that adjoining land be eligible for inclusion under the agricultural preserve program; however, unless wetland is designated by the county (after consulting the Department of Fish and Game) as an area of great importance for protection or enhancement of state wildlife resources or to be a managed wetland, it will not qualify. A managed wetland is an area that is diked off, to which water is occasionally admitted, and for three years prior to the agricultural contract was used as a waterfowl hunting preserve, game refuge or used for agricultural purposes (Williamson Act, 41201, J & L). Based on this, most county wetlands would not be eligible unless adjoining agriculture lands are included.

Permit Process. Development within coastal wetlands has been subject to a number of permit procedures from various state and federal agencies. Under Section 10 of the Rivers and Harbor Act of 1899, it is unlawful to build, excavate, or fill or modify any navigable water of the United States unless permitted by the Army Corps of Engineers. Under Section 404 of the Federal Water Pollution Control Act Amendments of 1972, this was expanded to cover all waters of the United States. Most coastal wetlands within this county are covered by these laws.

Section 208 of the Federal Water Pollution Control Act Amendments of 1972 controls water quality problems related to nonpoint pollution sources, primarily sedimentation. Within San Luis Obispo County, this program is administered by the California Regional Water Quality Control Board; which also controls discharge of sewage and other wastewaters into wetlands.

Sections 1601 and 1603 of the Fish and Game Code require that any party planning any significant streambed alteration reach an agreement with the Department of Fish and Game.

Watershed Control. Within the watershed of a wetland, two key natural processes are directly related to the condition of the wetland. These are the processes of erosion and runoff and will be discussed under the section entitled Coastal Watersheds. The county's major role in wetland protection, up to now, has been through the control of adjacent land uses.

The following policies are established for protection of the wetland habitat areas within the coastal zone:

Policy 7: Protection of Environmentally Sensitive Habitats

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 9: Public Acquisition

The California Department of Parks and Recreation, the California Department of Fish and Game and other public and private sources should be encouraged to acquire or accept offers-to-dedicate coastal wetlands wherever possible.

Priorities for acquisition should be:
. Sweet Springs Marsh
. Santa Maria River mouth
. Villa Creek Lagoon
. Properties surrounding Morro Bay which include wetland habitat.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 10: Open Space Easements and Williamson Act Contracts

San Luis Obispo County shall continue to encourage the use of open space easements or Williamson Act contracts to ensure preservation of coastal wetlands. The county will develop guidelines to facilitate use of open space easements to include requirements for length of dedication (i.e., perpetuity or 10 years), appropriate management responsibility, etc. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

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 14: Mosquito Abatement Practices

Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Biological control measures are encouraged. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 15: Vehicle Traffic in Wetlands

No vehicle traffic shall be permitted in wetlands. This shall not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland. Pedestrian traffic shall be regulated and incidental to the permitted uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

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.

The minimum buffer strip may be adjusted by the county if the minimum setback standard would render the parcel physically unusable for the principal permitted use. To allow a reduction in the minimum standard set-back, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standard shall be reduced to only the point at which the principal permitted use (development), modified as much as is practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25 feet. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 18: Wetland Buffers Less than 100 Feet

For buffers less than 100 feet as established consistent with Policy 15 (above) mitigation measures to ensure wetland protection shall be required, and shall include (where applicable) vegetative screening, landscaping with native vegetation, drainage controls and other such measures.

When the minimum buffer strip is adjusted by the county, it shall be done on a case-by-case basis only after the investigation of the following factors:

a. Soil type and stability of development site, including susceptibility to erosion.

b. Slope of land adjacent to the wetland and the ability to use natural topographic features to locate development.

c. Types and amount of vegetation and its value as wildlife habitat including: 1) the biological significance of the adjacent lands in maintaining the functional capacity of the wetland, and 2) the sensitivity of the species to disturbance.

d. Type and intensity of proposed uses.

e. Lot size and configuration, and the location of existing development.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

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.]

C. COASTAL STREAMS

Coastal streams directly affect the coastal environment. They significantly influence flooding, natural ecosystems, sediment transport, agricultural water supply and groundwater recharge within the coastal zone. There are numerous coastal streams within San Luis Obispo County, both perennial (running year round) and ephemeral (during the rainy season only) as identified as dotted or dashed lines on USGS quadrangle maps.

Degradation of coastal streams results from many causes, including stream channelization, water diversion and intensive land uses adjacent to and within the watershed of streams. A major concern of the Coastal Act is to prevent unnecessary stream alterations and projects which significantly increase sedimentation.

The Coastal Act identifies coastal streams as environmentally sensitive habitat areas and requires that their biological productivity and quality be protected. Stream alterations are limited to water supply projects, flood control projects when there are no other methods available for protecting existing development and projects for improvement of fish and wildlife habitat. Any alteration must employ the best mitigation measures feasible. In Section 30603, the Coastal Commission retains appeal authority after certification of the Local Coastal Plan for any development approved by the county within 100 feet of any stream.

Riparian vegetation plays an important role in the coastal stream environment, acting as a filter to remove sediment before it reaches the stream. By shading the stream, riparian vegetation keeps the water's temperature within a narrow range. This is important to many fish species, especially for steelhead trout which require a fairly constant water temperature. The interaction of the stream environment with the surrounding streamside riparian vegetation makes it necessary to provide as much protection as possible for this vegetation. The United States Fish and Wildlife Service in cooperation with the California Department of Fish and Game are currently mapping riparian vegetation within the coastal zone.

Anadromous fish are those that move from the oceans into fresh waters to reproduce. An important recreation species, the steelhead rainbow trout, have suffered a marked decline within this county. San Luis Obispo County is the southern-most area in the State where runs still occur. Since the steelhead trout has undergone marked declines and current data was inadequate to ensure proper management of the resource, a special study was undertaken to survey six coastal streams--representing a cross section of stream conditions and impacts. The study identified specific activities impinging upon the steelhead streams including modification of riparian vegetation, de-watering and impoundment, channelization and agricultural/urban developments. The loss of riparian vegetation is the consequence of channelization (Arroyo Grande Creek), urban intrusion (Santa Rosa, Arroyo Grande, and Morro Creeks) and agricultural appropriation (all streams).

Streams and creeks are sensitive areas. Development activity within and adjacent to a watercourse has profound effects on stream hydrology and water quality. To ensure protection of the coastal stream environment, a variety of resource management techniques are available. Since fee simple acquisition would not be practical, current protection is afforded by permit requirements.

Development Permits. Sections 1601 and 1603 of the California Fish and Game Code require that any party planning any significant (for private parties) streambed alteration reach an agreement with the California Department of Fish and Game. Section 5650 of the Code also makes it unlawful to place in or allow to pass into any stream any material deleterious to fish, plant life or birdlife. Under Section 404 of the Federal Water Pollution Control Act, the Army Corps of Engineers has permit control over filling in or modification of most of our coastal streams. Under Section 208 of this same act, the California Regional Water Quality Control Board is given permit authority over most types of discharge into coastal streams. A special study has been completed for the regional board to implement Section 208 in regard to nonpoint pollution sources. Specifically, this study identified county water bodies where sedimentation has become a problem.

Land Use. The county's major role in protection of the stream environment has been control over development of adjacent land uses and within the watershed.

The following policies provide protection for coastal stream habitats:

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.]

Policy 24: Program to Control Grazing Impacts

As recommended in the conclusions of the stream survey study, the California Department of Fish and Game may institute a pilot program on publicly owned land utilizing fencing and sediment basins to control grazing impacts on riparian vegetation and costal streams. If the project is successful, the Department of Fish and Game shall institute a voluntary program providing funds to interested local ranchers who wish to utilize this program. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 25: Streambed Alterations

Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

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.]

D. TERRESTRIAL ENVIRONMENTS

Terrestrial environments within San Luis Obispo County's coastal zone include unique plant habitats and rare and endangered animal habitats. Unique plant habitats include endemics (only found in one place) plant species, endangered plant species and representative natural plant com- munities. Those species that have been identified as rare or endangered, or their habitats, are discussed.

The high ecological value of these areas is reflected by the fact that most are within public holdings. All these areas (whether in public or private holdings) are also sensitive to disturbance by man's activities. Management techniques available are:

1. **Fee Simple Acquisition.** Many designated areas have been acquired through this method and it is still the most desired resource management technique available.

2. **Easements.** As described under wetlands, there are open space easements or Williamson Act contracts available for preservation of habitat areas within this county.

3. **Development Permits.** The county has established a review process for impacts to designated wildlife or vegetation habitat areas in the CZLUO. They are mapped as terrestrial habitats on the LUE combining designation maps.

   Under the 1973 Endangered Species Act, the federal government will not allow federal funding for any project that will adversely impact designated species. Within the coastal zone this would specifically relate to the designated Morro Bay Kangaroo Rat habitat area located west of Pecho Road in South Bay, though it would also relate to several bird species with extensive habitat areas within the county.

   The California Department of Fish and Game currently exercises control over designated critical habitat areas for rare or endangered wildlife species.

   This applies to the designated Morro Bay Kangaroo Rat habitat in South Bay. The Department of Fish and Game also designates rare or endangered plant species. Since the program has just begun, there are currently no designated plant species within this county. For designated plant species, the Department of Fish and Game must be contacted concerning development that would adversely impact the plant species for development of mitigation measures. As plant species and habitat areas are recognized through this program, protection should be extended.

4. **Resource Protection Zones.** The Coastal Act required state agencies with property within the coastal zone to develop and recommend Resource Protection Zones (RPZs) identifying adjoining properties where development could adversely impact their holdings. For San Luis Obispo County, this specifically pertained to holdings of the State Department of Parks and Recreation and the Department of Fish and Game. Though this section of the Coastal Act was subsequently amended, the conversations between the appropriate staffs and the Local Coastal Program staff has served to bring to the county's attention the agency's concerns.

The following policies related to protection of identified terrestrial habitats within the coastal zone:

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 31: Design of Trails In and Adjoining Sensitive Habitats

San Luis Obispo County, or the appropriate public agency, shall ensure that the design of trails in and adjoining sensitive habitat areas shall minimize adverse impact on these areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 32: Public Acquisition

The California Department of Parks and Recreation, Department of Fish and Game and other public and private organizations should continue to acquire or accept offers-to-dedicate for sensitive resource areas wherever possible. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 33: Agriculture and Open Space Preserves

The county should encourage the uses of Agriculture Preserves or Open Space Pre- serves to protect sensitive habitat areas where public acquisition is not feasible. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT AS A PROGRAM.]

Policy 34: Rare and Endangered Species Survey

The State Department of Fish and Game should continue to identify rare or endangered plant and animal species within the county. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

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 PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

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.]

E. MARINE HABITATS

Marine habitats include rocky points, near-shore reefs, rocky intertidal areas, offshore rocks and kelp beds. These near and onshore areas provide habitat for marine birds, mammals, fish and invertebrates. The Coastal Act requires that the biological productivity and the quality of coastal waters appropriate to maintain optimum populations of marine organisms be maintained and that habitat areas be enhanced and, where feasible, restored. While these habitat areas are sensitive to disturbance, they have, for the most part, suffered very little degradation. Three potential impacts that might adversely affect these resources are: increased coastal access, offshore drilling and expanded marine terminal facilities. Since much of the sensitive marine habitat areas are already within state holding, protection for these areas from other potential impacts are readily available.

Recreational or commercial harvesting of any marine species is strictly controlled by the Fish and Game Code. Marine mammals are protected by the Marine Mammal Protection Act of 1972. In addition, the Endangered Species Act provides special protection to those species identified as threatened or endangered and includes the California Sea Otter and the Gray Whale. Under the Federal Water Pollution Control Act, the Regional Water Quality Control Board has authority over any waste discharge into coastal waters. The county's principal role in protection of marine habitats includes control of access and regulation of development adjacent to these areas.

The following policies relate to protection of marine habitat areas along the coast:

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.]

Policy 40: Shoreline Access Consistent with Habitat Protection

Coastal access shall be monitored and regulated to minimize impacts on marine resources. If negative impacts are demonstrated, then the appropriate agency shall take steps to mitigate these impacts, including limiting the use of coastal access. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.178 AND 23.04.420j OF THE CZLUO.]

Policy 41: Habitat Signs

The appropriate agency (in conjunction with the county Fish and Game Commission) should provide signs indicating that collecting from tide pools, etc., is illegal. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 42: Marine Sanctuary Designation

The county should continue to investigate whether appropriate offshore areas should be nominated for Marine Sanctuary Designation. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Relationship to the Land Use Element / Coastal Zone Land Use Ordinance

Environmentally sensitive habitat areas are mapped and discussed in the Local Coastal Plan as Sensitive Resource Areas (SRA). SRA's are applied in addition to a basic land use as a combining overlay designation. Combining designations are established to highlight the need for more intensive project review in areas where additional performance standards may be required. These designations are applied through both the text and the maps of the Land Use Element, and are used in conjunction with the land use categories to guide land use patterns. Proposed development within or near a sensitive resource area will be reviewed in accordance with these policies, applicable planning area standards for the SRA and ESH combining designations, and Sections 23.07.160-178 of the Coastal Zone Land Use Ordinance.

Note that not all areas identified as Sensitive Resource Areas (SRA) reflect an environmentally sensitive habitat as defined by the Coastal Program. The SRA combining designation has also been used to identify non-habitat related concerns for visual siting issues. The overlay process allows for a more specific review of siting alternatives to ensure protection of both habitat and scenic values.

The principal implementation tool for applying Land Use Element policies to land development activities is the Coastal Zone Land Use Ordinance. The Coastal Zone Land Use Ordinance establishes performance criteria and procedures for development review.

Findings

The policies outlined in this chapter provide for the protection of environmentally sensitive habitat ESH areas as required by the Coastal Act. The ESH areas have been mapped in the LUE and appropriate setbacks from habitat areas have been established.

Shoreline retaining structures will be permitted only where they would be constructed consistent with habitat preservation as required by Section 30235. The county will work with the State Department of Fish and Game and the State Water Resources Control Board to ensure that development is sited in accordance with Section 30230. The environmentally sensitive resource areas in the land use plan. The standards and programs outlined in each planning area and the criteria outlined in the Coastal Zone Land Use Ordinance will ensure the protection of biological productivity and quality of coastal habitats as required by Section 30231.

CHAPTER 7: AGRICULTURE

INTRODUCTION

A major goal of the California Coastal Act of 1976 is protection of "the maximum amount of prime agricultural land." The Coastal Act also requires protection non-prime agricultural land wherever feasible (30242). To achieve these goals, the Coastal Act requires each local government to address protection of agricultural areas through the designation of appropriate land uses and management techniques in the Local Coastal Program. The purpose of this agricultural component is to present policies to guide agricultural land preservation and to identify: 1) actions public agencies should take to protect agricultural land; and 2) standards to guide development in agricultural areas.

Relationship to Coastal Act Policies

To ensure that the goal of preserving the maximum amount of agricultural land is addressed, the Coastal Act contains a comprehensive set of policies to be used as guidelines in the development and implementation of the Local Coastal Program (LCP). These are:

30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242. All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Background Report

A background report entitled "Coastal Agricultural Study" (December 1979) identified opportunities and constraints to preserving agricultural land within the coastal zone. The aim of the report was to: 1) survey agricultural land use; 2) assess the agricultural economy; 3) evaluate the major costs of agricultural operations; and 4) appraise various programs and strategies that could be implemented to protect coastal zone agriculture.

Over 65% of the lands within the coastal zone are in agricultural use, including both prime agricultural valleys and extensive grazing lands in the northern portions of the coastal zone. At present, 42% of the total county land area is in agricultural preserves, subject to zoning restrictions in use and minimum parcel sizes ranging from 40 to 640 acres. Thirty three percent of the total county land area is subject to land conservation contracts. The coastal zone has a similar proportion of land in preserve, but nearly all of such land is under agricultural preserve contract.

The following discussion summarizes the background report for agricultural use and potential of agricultural areas within the coastal zone.

Hearst Ranch. This ranch covers 77,000 acres extending from Pico Creek north of Cambria to the Monterey County line. The ranch includes most of the coastline in the area and extends inland to the east side of the Santa Lucia range.

Topography is varied, including flat and gently-rolling shoreline terraces, narrow coastal valleys and the steep slopes of the Santa Lucia range. Most of the ranch is open, with tree and brush cover limited to relatively small areas in protected valleys and on hillsides and mountain ridges. The combination of climate and soils restricts tree and brush growth.

Existing agricultural land use consists of a cow-calf operation using horned and polled Hereford cattle. Approximately 2,500 head of cows, bulls and horses are run on the ranch with about 1,800 head of calves born each year. Most calves are separated from their mothers and sold in the spring. Around 35 acres of non-irrigated feed crops are grown in Arroyo de la Cruz for supplement.

Potential Class II soils are limited to narrow zones along the larger creeks and some coastal and inland flats. Intensive use of these areas is questionable because their small size does not appear to warrant the expense of irrigation development. Class III lands are more extensive, but the coastal climate is not favorable for most feed and grain crops. The majority of the ranch consists of Class VI and VII lands suitable only for grazing.

According to the Hearst Corporation, past experience has shown that the land is best suited for livestock operations. A variety of crops, including alfalfa, Sudan grass, barley, oats, flax and peas have been tried in the coastal flats and Arroyo de la Cruz, but these crops had very limited success because of excessive wind, fog, dampness and lack of sunshine.

Other adaptable irrigated crops are strawberries, artichokes, brussel sprouts and other cole crops in the coastal valleys and lemons and avocados in sheltered inland areas. However, such crops are unlikely because of the isolation of the ranch from available packing labor and transportation facilities.

Cayucos - Cambria Area. The general area between Villa Creek west of Cayucos and the Hearst Ranch boundary is mostly grazing land. The coastal zone in this area broadens to include most of the west slope of the Santa Lucia Range. Hearst Ranch consists of similar land but is described separately because of its size and self-contained operation.

Topographic features include narrow marine terraces, narrow coastal valleys and mostly steep rolling slopes on the flank of the Santa Lucia Range. Most of the area is open grassland, but trees occur in protected valleys, the Cambria area and the upper slopes and crest of the Santa Lucia Range.

Crops grown in the area are primarily used as feed on associated ranches. Land devoted to crops are limited to the following valleys:

Intervening areas are extensive rangelands. Forty thousand acres of the Cayucos-Cambria area is in agricultural preserves in which average property size is 740 acres within a range of 100 to 3,000 acres. Interior properties not in preserves are generally in the same size range.

The limited valley lowlands are mostly designated Class II if irrigated, and Class III without irrigation. Rolling and steep hills are Classes IV through VII. The area contains some of the best dryland range in the county, with annual livestock carrying capacities of one animal unit per seven acres.

AREA	CROP OR USE	ACRES
Villa Creek	Misc. Non-irrigated Field Crops	250
Green Valley	Oats	250
Santa Rosa Creek	Irrigated Pasture and Oats	250
San Simeon Creek	Non-irrigated Field Crops	250

Grazing would continue to be the major agricultural use of the Cayucos-Cambria area. Sheltered portions of the limited valley areas have potential for avocados and lemons. Avocados can be grown on moderately sloping hillsides provided there is a water supply for drip irrigation.

Morro Bay to Villa Creek. The narrow coastal zone strip between Morro Bay and Cayucos is largely urbanized. The strip between Cayucos and Villa Creek consists of undeveloped coastal terraces on the south side of Highway 1 (used for grazing) and hills on the north side of the highway involving portions of large cattle ranches. Recent sales and smaller lot sizes in the coastal terrace area raise the expectation for future attempts to convert these non-prime agricultural lands.

Morro Valley. This valley is a sizeable cropland area extending 4.5 miles northeast from the city of Morro Bay. The flats between Morro and Little Morro creeks is about one-half mile wide. All the valley's croplands lie within the coastal zone. The elevation of the valley ranges from 50 to 350 feet. Adjacent hills rise rather abruptly into steep rolling slopes.

Morro Valley contains a variety of irrigated and non-irrigated crops. Planting of avocado orchards has been a significant development in recent years. Crops and uses include: vegetables (tomatoes and some peas), orchards (mostly avocados), irrigated pasture, irrigated field crops (mostly Sudan Grass), non-irrigated field crops (mostly garbanzos), dry farm grain and hay (mostly barley) and feed lots.

Most of the Morro Valley lowlands are rated Class II if irrigated and Class III if not. Adjacent hillsides are mostly Class VI and VII.

The lower valley adjacent to the city of Morro Bay has been in more intensive irrigated use in the past with predominant crops being sugar beets, corn, alfalfa and dry beans. After the area was subdivided into 10 and 20 acre parcels in 1974 and 1975 the use has changed to lower value field crops.

Chorro Valley. The coastal zone includes the portions of Chorro Valley extending five miles from Morro Bay to Camp San Luis Obispo. Chorro Valley parallels Los Osos Valley on the north side of the Morros. Highway 1 provides the major access. The elevation of the valley floor ranges from sea level to 200 feet and averages one-half mile in width. Larger watershed tributaries are San Bernardo Creek and San Luisito Creek which also contain lowlands suitable for farming.

Approximately 1,150 acres of Chorro Valley within the coastal zone is in cropland use including vegetables (mostly tomatoes and peas), corn, miscellaneous irrigated field crops and pasture, dry field crops (mostly garbanzos), dry farm grain (mostly barley) and feed lots.

Most of the valley lowlands and adjacent grazing lands are in ownerships exceeding 100 acres. Agricultural preserve ownerships, commonly including both farm and grazing land, average over 900 acres and range between 500 and 3,000 acres. There are two clusters of small rural lots, located at the intersections of Highway 1 with San Bernardo Creek Road and San Luisito Creek Road. In general, parcels of one to five acres are not being used agriculturally, while some parcels of five to 20 acres are being used for vegetable production. Some state-owned land near Camp San Luis Obispo is being leased for field crop production. Average field sizes are 15 acres for row crops, 30 acres for irrigated field crops, 35 acres for dry field crops and 40 acres for dry farm grain.

Lowlands along Chorro Creek and the larger tributaries are Class II land if irrigated and Class III if non-irrigated. Adjacent hillsides are mostly Classes VI and VII. Most of the lowlands along Chorro Creek are being used for crops, and irrigated uses are intermixed with non- irrigated uses. Tributary valleys are mainly being used as dryland pasture because they are primarily parts of ranchland ownerships.

Los Osos Valley. This valley consists of the broad lowland extending 10 miles from Los Osos to San Luis Obispo and bounded by the Morros on the north and the Irish Hills on the south. Los Osos Creek directly drains only a small part of this area since the creek is mostly located in a narrow parallel valley to the south known as Clark Valley. The coastal zone includes the west half of Los Osos Valley, Clark Valley and adjacent hillsides. Principal access is provided by Los Osos Valley Road.

The valley floor averages a mile in width and ranges in elevation from sea level at Morro Bay to 180 feet at the inconspicuous drainage divide between the Los Osos Creek and San Luis Creek watersheds.

Irrigated uses within the coastal zone involve only 240 acres in contrast to 1,500 acres for dry farm uses. Irrigated uses are concentrated on the east side of Los Osos Creek just west of Los Osos and Baywood Park and crops include sugar peas, lettuce, potatoes, tomatoes, corn and irrigated pasture.

Most row crop production involves six properties ranging in size from 30 to 280 acres. Only a small portion of the larger properties (30 acres on the average) is suitable for row crop production. For individual crops, average field size is 15 acres; however, the common practice is to grow several different crops on each farm. The row cropland area along lower Los Osos Creek was significantly modified by urban growth influences from Los Osos in recent years. This area represents the most significant loss of prime agricultural land in the entire coastal zone.

The most extensive cropland use in Los Osos Valley is for dry farm field and grain crops. In 1978, 957 acres were planted in garbanzo beans and 554 acres were planted in barley. Relative acreages change from year to year because of rotation between these two crops. Property size has little significance because most properties contain both farm and grazing land and leasing is a common practice. However, field sizes for both garbanzos and barley average 60 acres and range from 10 to 200 acres. Clark Valley contains around 85 acres of field and grain crops on seven different properties, indicating that this land is probably leased by one or more farmers. Specialty agricultural uses include a nursery and two feed lots near Los Osos totaling approximately 15 acres. Cattle grazing is the major use of steeper slopes as well as an associated use of land in Los Osos Valley.

Most of the Los Osos Valley lowlands are rated Class II if irrigated and Class III if non-irrigated. Bottomland along lower Los Osos Creek is Class I if irrigated and Class II if non-irrigated. Hillsides are predominantly Classes VI and VII, suitable only for grazing.

Point San Luis to Montana de Oro State Park. The coastal zone between Point San Luis and Montana de Oro State Park consists of a marine terrace and the lower slopes of the Irish Hills. Agricultural uses of the coastal terrace is divided among barley, garbanzo beans and grazing.

This area involves 10 fields separated by arroyos. Most of the land is owned by two large cattle companies. Agricultural uses and large ownerships will probably remain intact to ensure security for the Diablo Canyon Nuclear Power Plant.

Oceano to Point San Luis. The coastal zone between Oceano and Point San Luis is a narrow, mostly urbanized, strip of land. Hillside properties transected by the coastal zone boundary are partly used for cattle grazing.

Cienega Valley. Consisting of the lower portion of Arroyo Grande Valley, Cienega Valley occupies about 1,400 acres, generally bounded by Highway 1 or the Arroyo Grande Creek channel on the north, the Nipomo Mesa bluffs on the east and sand dunes on the southwest. The coastal zone includes only 700 acres in the southwestern half of the valley west of the Southern Pacific Railroad. The valley is flat, ranging from 20 to 40 feet in elevation. Celery is the most predominant Cienega Valley crop, with substantial acreages of lettuce, corn, cole crops, sugar beets and strawberries.

Land use has remained stable in recent years, except for the strip between Highway 1 and Arroyo Grande Creek which was allowed to develop primarily in mobilehome and recreational vehicle parks. Increased pressure to expand these uses in the agricultural areas may occur if the State Department of Parks and Recreation chooses to prevent camping within the Pismo Dunes and beach area. Such a policy would create additional demand for new or expanded private recreational vehicle parks.

Farmlands within the coastal zone south of Arroyo Grande Creek are divided among 10 landowners, average 65 acres in size, and range from 10 to 200 acres. Field sizes for specific crops average 30 acres and range from 5 to 40 acres. Nearly 200 acres of the northwestern area is divided into legal lots of 5 acres, but they remain grouped into larger ownerships; transfer of these lots to new owners could result in conversion from agriculture to rural homesites. Most of the valley, however, is divided into legal lots of 10 to 40 acres.

All farmlands in Cienega Valley are irrigated and yielding crops greatly exceeding $200 per acre. The gross value of celery approaches $4,000 per harvested acre. Most of the valley is prime land according to crop value and land capability, although Class III soils at the southern end of the valley result from high water table, more difficult drainage and accumulation of salts in the soil.

Nipomo Mesa. Only the western portion of the mesa (west of Highway 1), is located within the coastal zone. The mesa, bordered by Oso Flaco Valley to the south, Cienega Valley to the north and the sand dunes to the west, supports a wide variety of agricultural specialty operations, including strawberries, citrus and greenhouses. However, only two agricultural operations on the mesa fall within the coastal zone and both are under agricultural preserve contract. One agricultural preserve includes the Dune Lakes and adjoining agricultural land within the Cienega Valley. It was established to ensure protection of the lake's wildlife habitat values. The second agricultural preserve incorporates over 200 acres of irrigated crops and grazing land for sheep.

Oso Flaco Valley. This valley is a part of the Santa Maria Valley in the southwestern corner of San Luis Obispo County. The triangular 12,000 acre area is bounded by sand dunes on the west, the Nipomo Mesa on the north and Santa Maria River on the south. Primary farm accesses are Highway 1, Oso Flaco Lake Road and Division Road. The coastal zone boundary is located just west of Highway 1. The valley is mostly flat with slopes of 1% or less and is relatively isolated by surrounding physical features.

Around 8,000 acres of the valley is used for intensive irrigated uses, of which 3,700 acres is within the coastal zone. Lettuce and cole crops (mostly broccoli) make up the majority of the acreage with miscellaneous vegetables. Sugar beets, irrigated feed crops and pastures comprise the remainder.

The farmland west of Highway 1 is divided into 11 ownerships averaging more than 300 acres each of prime farmland, and ranging from 100 to 1,000 acres. Most farms devote portions of property to different crops. The average field for row crops is 70 acres, but they range from five acres to 500 acres. The coastal portion is divided into legal lot sizes averaging 100 acres and typically ranging from 40 to 250 acres.

Excepting the Santa Maria River channel lands and minor drainage features within the valley, the entire valley lowland is prime agricultural land. Vegetation crop values range from $1,500 to $3,500 per harvested acre, and there are typically two or more harvests per year. Oso Flaco Valley contains the largest concentration of Class I and II soils in the county. Some soils are rated Class III because of sandy textures or high water table, but they are nevertheless used for high value vegetable production due to excellent climate, level terrain, available irrigation supplies and reasonably good soils.

There does not appear to be much pressure to convert these lands to urban uses. Direct displacement of some agricultural land, as well as secondary development pressure, is likely if the State Department of Parks and Recreation chooses the Oso Flaco Lake area as a proposed vehicle staging area for the Pismo Dune State Recreation Area. Methods for reducing the impact to the agricultural uses are provided in the policies for development of Pismo State Beach and Vehicular Recreation Area. (See Policies).

POLICIES FOR AGRICULTURE

In light of the Coastal Act policies and present agricultural use within the coastal zone, the following policies will guide development in and adjacent to agricultural areas. San Luis Obispo County recognizes the importance of agriculture to the economy and welfare of the county. Over 65% of the coastal zone is identified for continued agricultural use with an additional proportion of the large state parks and recreation holdings retained in agricultural use.

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.

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban 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 lands 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 on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Divisions of Land

Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:

a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.

b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.

c. Adequate water supplies are available to maintain habitat values and to serve the proposed development and support existing agricultural viability.

Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

(This may lead to a substantially larger minimum parcel size for non-prime lands than identified in the Coastal Zone Land Use Ordinance. Before the division of land, a development plan shall identify parcels used for agricultural and non-agriculture use if such uses are proposed. Prior to approval, the applicable approval body shall make a finding that the division will maintain or enhance agriculture viability.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Non-Agricultural Uses

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.

Non-agricultural developments shall meet the following requirements:

a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.

b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.

c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.

d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.

e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.

f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.

g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.

h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:

Agricultural Easement. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.

Open Space Easement. The applicant shall grant an open space easement to the county over all lands shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

Development proposals shall include the following:

a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).

b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.

c. A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.

d. Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050 OF THE CZLUO.]

Policy 4: Siting of Structures

A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050a. OF THE CZLUO.]

Policy 5: Urban-Rural Boundary

To minimize conflicts between agricultural and urban land uses, the urban service line shall be designated the urban-rural boundary. Land divisions or development requiring new service extensions beyond this boundary shall not be approved. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.432 AND 23.04.021 OF THE CZLUO.]

Policy 6: Lot Consolidation

In some portions of the coastal zone where historical land divisions created lots that are now sub- standard, the Land Use Element shall identify areas where parcels under single contiguous ownership shall be aggregated to meet minimum parcel sizes as set forth in the Coastal Zone Land Use Ordinance. This is particularly important for protection of prime agricultural lands made up of holdings of small lots, that would not permit continued agricultural use if sold individually. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Water Supplies

Water extractions consistent with habitat protection requirements shall give highest priority to pre- serving available supplies for existing or expanded agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 8: Agricultural Practices

Proper soil conservation techniques and grazing methods should be encouraged in accordance with 208 Water Quality Standards adopted to meet the water quality requirements of the California Regional Water Quality Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 9: Aquaculture

Opportunities for development or expansion of aquaculture activities may be appropriate in non-prime agricultural areas. Development plan review is required to determine compatibility with agricultural and other surrounding uses. (See also Coastal-Dependent Policy 22 in the Industry/Energy Chapter.) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.045 OF THE CZLUO.]

Policy 10: Definition of Nursery Specialty (Green-House) Uses

Soil-dependent greenhouse shall be defined as: a) those greenhouse uses which require location on prime soils in order to obtain growing medium; b) do not require impervious surfaces to cover the prime soils (i.e., concrete, asphalt, wood) or otherwise render soils unusable after discontinuance of use.

Non-soil dependent greenhouses or nurseries shall be defined as: a) those greenhouses which can be established on flat or gently sloping land with less than 15% slope; b) do not require location on prime soils native to the site as a growing medium (i.e., do not use native soils to grow plants); c) development may require the use of impervious flooring (i.e., concrete, asphalt, wood).

Soil-dependent greenhouses and nurseries are an allowable use on prime agricultural soils and a permitted use on non-prime soils and shall be subject to development plan approval. Prior to issuance of a development permit, the county shall make the finding based on information provided by environmental documents, staff analysis and the applicant that all significant adverse impacts of the development, as addressed in the following standard, consistent with other applicable agricultural policies of this section, have been identified and mitigated.

a. The county shall prohibit greenhouses on slopes greater than 15%.

b. The county shall require on-site mitigation of adverse impacts for greenhouses located in or adjacent to urban areas. These may include landscape buffers, mitigation of noise and dust, etc.

c. The county shall encourage new or expanded greenhouse operations to practice water and energy conservation by one or more of the following methods: 1) recycling of irrigation water; 2) use of drip irrigation systems; 3) construction of small off-stream water reservoirs for water use during summer months; 4) passive solar or open ventilation systems; and 5) other methods acceptable to the county.

Non-soil dependent greenhouse and nursery development are an allowable use on non-prime agricultural soils consistent with the standards described in Policy 7 and shall be subject to development plan approval. Prior to issuance of a development permit, the county shall make the finding based on information provided by environmental documents, staff analysis and the applicant, that all significant adverse impacts of the development as addressed in the following standards, consistent with applicable agricultural policies of this section, have been identified and mitigated:

a. The county shall require impoundments of runoff so that the total runoff shall not be greater than if the site were uncovered, unless the applicant can demonstrate that increased runoff will not cause erosion and damage or be otherwise detrimental to downstream property owners.

b. The county shall require that runoff containing fertilizers or pesticides be stored on-site and not released to any perennial or intermittent streams, but disposed of according to standards established by the U.S. Environmental Protection Agency and the State/Regional Water Quality Control Board.

c. The county shall prohibit the use of herbicides or soil sterilants under any asphalt or concrete paving installed as part of a greenhouse/nursery development.

d. The county shall prohibit greenhouses/nurseries on slopes greater than 15%.

e. The county shall require on-site mitigation of adverse impacts for greenhouses/nurseries located in or adjacent to urban areas. These may include landscape buffers, mitigation of noise and dust, etc.

f. The county shall encourage new or expanded greenhouse/ nursery operations to practice water and energy conservation by the methods discussed under development of soil- dependent greenhouses. (Section c. above)

Development Standards for Greenhouses and Nurseries. Development of greenhouses and nurseries shall comply with the setback and landscaping/screening requirements of the Land Use Ordinance except that a 50 foot setback shall be maintained from any street and a minimum of 100 feet from any existing residence on a neighboring property.

Landscaping and screening shall be installed within 60 days of completion of the greenhouses, nurseries or accessory buildings. Such landscaping shall not interfere with solar access and shall reasonably block the view of the greenhouse/nursery structures and parking areas from the nearest public road(s) within three years of project completion. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO THE FOLLOWING SECTIONS OF THE COASTAL ZONE LAND USE ORDINANCE: SECTION 23.11 (DEFINITION OF GREENHOUSES); SECTION 23.08.054 (STANDARDS); SECTION 23.08.041 (SETBACKS)]

Policy 11: Agriculture Use in State Parks

In processing State Park and Recreation development plans and projects for park units within the coastal zone, the county shall require that: 1) the development retain the maximum amount of agricultural soils (prime and non-prime) in agricultural production within each State Park unit; b) the Department provide site specific justification for removing agricultural soils (prime and non-prime) from production or for not offering lands capable of farm production for lease. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Access in Agricultural Areas

Consistent with other applicable LCP access policies which provide for access dedications, the county shall require at the time a Coastal Development permit is processed, the establishment of vertical and/or lateral access to the beach for which no established vertical or lateral access exists. The county shall close undeveloped trails which are hazardous or conflict with existing agricultural operations and when an alternative safe, existing or potential access is available for the same beach. Access trails shall be located on agriculturally unsuitable land to the greatest extent possible. Where it is not possible to locate access on agriculturally unsuitable land, trails shall be located at the edge of the field and/or along parcel lines that would not significantly disrupt the agricultural operations.

Improvements and management of accessways shall be provided in agricultural areas adequate to avoid adverse impacts on, and protect the productivity of, adjacent agricultural soils. Improvement and management practices shall include, but not be limited to, the following:

a. Limit the seasons of the year when public access is permitted by using seasonal barriers and signs; and

b. Develop access trails with fences or other buffers to protect agricultural lands.

Consistent with the access section of the CZLUO access requirements may be waived if it can be conclusively demonstrated that the adverse impacts on agricultural operations are substantial and cannot be feasibly mitigated. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Relationship to Land Use Element Coastal Zone Land Use Ordinance

Coastal Act policies require that the maximum amount of prime agricultural lands be maintained in production and that conflicts between agricultural and urban land uses be minimized. To carry out the goals of the Coastal Act, the Local Coastal Program delineates long-range urban/rural boundaries to support long-term agricultural use free from urban encroachment. The Coastal Zone Land Use Ordinance contains standards for minimum parcel size, limits on non-agriculture uses and other regulations consistent with preservation of agricultural lands.

The Land Use Element contains detailed maps, programs and standards to assist implementation of the general plan and guide future development within the coastal planning areas. These are discussed in the area plans to respond to Coastal Act Policies.

Programs are actions to be initiated by the county or other specified public agencies. Standards are actions mandated by the Land Use Element which are necessary to enable proposed development to achieve consistency with the general plan. The standards must be used in conjunction with both the land use categories in the review of individual development proposals. The planning area standards take precedence over the Land Use Ordinance in cases where the standards of the two documents differ.

Findings

The policies proposed within the Local Coastal Plan meet the Coastal Act goal of preserving agricultural land. Section 30241 of the Act requires the development of a stable urban/rural boundary and establishes criteria where land can be converted to non-agricultural uses. The establishment of the urban reserve line for each community and the policies regulating expansion of this line meet the requirements of the Coastal Act. The minimum parcel sizes required by the Coastal Zone Land Use Ordinance and refined by the Program and Standards of the Land Use Element ensure that both prime and non-prime agricultural lands are not converted to non-compatible uses or broken down into sizes that would preclude continued agricultural production as required in Sections 30241 and 30242.

CHAPTER 8: PUBLIC WORKS

INTRODUCTION

The policies of the Coastal Act require that public works facilities (water, sewer and roads) be adequate to serve new development. Based on this policy and others related to new development, the Land Use Plan has designated the kinds, intensities and locations of land uses. The Coastal Act further requires that the kinds, intensities and locations of land uses must be correlated with the availability of resources and services. Where resources or services can only accommodate a limited amount of new development, the Coastal Act requires that provisions be made for allocating resources or services so that coastal dependent land uses, essential public services and basic industries, public and commercial recreation and visitor-serving land uses are not precluded by other development.

Relationship to Coastal Act Policies

The following Coastal Act policies address the requirements for public works projects:

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

30412. (Portion)

(c) Any development within the coastal zone or outside the costal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the Commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of such development:

(1) The sitting and visual appearance of treatment works within the coastal zone.

(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for such service areas to allow for phasing of development and use of facilities consistent with this division.

(3) Development, projections, which determine the sizing of treatment works for providing service within the coastal zone.

The Commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the Commission and any regional commission.

(d) The Commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.

Other Coastal Act policies, concerned primarily with agriculture and groundwater, may have a major impact on public works and special districts.

30241. (Portion)

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(g) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse efforts of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

There are a number of privately owned companies under the jurisdiction of the Public Utilities Commission (including gas and electric companies and transit companies) that carry out public works that may affect coastal resources. While subject to different state requirements, public works proposed by such companies will also be required to be consistent with Coastal Act policies.

Section 30114 (Portion) of the Coastal Act defines "Public Works" as:

(a) All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. A railroad whose primary business is the transportation of passengers shall not be considered public works nor a development if at least 90 percent of its routes located within the coastal zone utilize existing rail or highway rights-of-way.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.

(d) All community college facilities. (Section 30114).

Section 30118 of the Coastal Act defines a "Special District" as: "Any public agency, other than a local government ... formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area."

Section 30120 of the Coastal Act states that the definition of "treatment works" shall have the same meaning as set forth in the Federal Water Pollution Control Act which defines treatment works as "any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature ... including outfall sewers, sewage collection systems ... extensions, improvements, remodeling, additions and alterations...."

Background Report

A background report entitled *Public Works Inventory* (July 1979) provides detailed descriptions of water, sewer demand and capacity for individual communities. The base information was compared to total buildout capabilities. An analysis of anticipated deficit or surplus of capacity, and an evaluation of anticipated needs for supplemental water or expansion of sewering capabilities is provided for each community. This detailed information is also presented in the Public Services chapter of the planning areas. Alternative water resources are discussed in Chapter 3 of the inventory. Many of the supplemental water facilities are dependent upon a countywide decision to develop major facilities to deliver water resources from either the State Water Project or the Nacimiento Project. The final chapter of the background report provides a discussion of the Resources Management System of the Land Use Element.

Issues and Concerns

A major function of local government is providing public services within its jurisdiction; however, delivering adequate services at an affordable price has become increasingly difficult. While growth sometimes provides financial support for the increased service demands it creates, the cost to government of providing needed services frequently exceeds the return. In addition, the problems of inflating service costs can be aggravated by the locations where service demands are felt, particularly when such demands occur at the urban fringe. The economics of land use often result in development occurring first in urban fringe areas where land cost is less, instead of adjacent to existing development. Such "leapfrog" growth requires extension of services across intervening undeveloped land, resulting in higher costs for extension than would be required for concentric growth. Because utility extension costs can be more immediately transferred to purchasers of new development than can the cost of the raw land, development of fringe areas continues to be proposed if service extensions are possible at all. The difficulty with that approach from a community standpoint is that in addition to increasing the costs of extending services, premature fringe development can also lead to inappropriately timed land use conversions.

Many of the coastal communities in San Luis Obispo County are now or will in the near future reach the limits of available local resources. Detailed public service information is discussed in Chapter 3 of the Land Use Element. In response to these identified concerns, the Land Use Element/Land Use Ordinance program includes both an urban services phasing concept and a Resource Management Program.

An additional concern is raised when resources to serve a community are limited, and regards allocating an adequate portion of the resources for those uses which are given priority under the Coastal Act including: coastal-dependent uses, essential public services, public recreation, commercial recreation and visitor-serving land uses.

County Review Authority for Special Districts and Public Works. Once the county's LCP is certified all local public agencies, special districts and utility companies must carry out public works consistent with the adopted coastal plan. According to Section 30519 of the Coastal Act, the Coastal Commission's permit authority over such agencies will, after certification, be delegated to the local government. Local decisions regarding major public works (those costing over $100,000) will be appealable to the Coastal Commission.

This development review authority requires that the county establish a procedure for issuance of permits from "any utility and ... local government or special district or any agency thereof" (Section 30111). "Development," as defined in the Act, includes the erection of any structure; grading; changes in the density or intensity of land use; and any facility of any private, public or municipal utility. This procedure may exempt projects which involve repair or maintenance to existing public works or other projects which are identified as having minimal impact (e.g., construction of utility distribution lines to serve development which is consistent with the plan).

For projects not anticipated at the time of LCP certification, agencies or companies that undertake public works projects "may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet the public needs of an area greater than that included within such certified LCP...." (Section 30515). If the county does not wish to amend the LCP, a request for amendment may be appealed to the Coastal Commission.

Appeals may also be made to the State Coastal Commission on any permit action taken by the county concerning any development which constitutes a major public works project (defined as costing more than $100,000), for any project that is not necessary for protection of life and public property; or any public works located in appealable areas. Appealable areas are between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or mean hightide line of the sea where there is no beach; within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff. The county is required to provide notification to the public and the Coastal Commission for all permits issued concerning public works that are appealable.

The Coastal Act includes the following exceptions to the development review the county will assume after certification. These are "any development proposed or undertaken on any tidelands, submerged lands or on public trust lands ... or within any state university or college within the Coastal Zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority."

POLICIES FOR PUBLIC WORKS

The following public works policies address and implement Coastal Act provisions concerning public services and capacities.

Policy 1: Availability of Service Capacity

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

a. It can be serviced by adequate private on-site water and waste disposal systems; and

b. The proposed development reflects that it is an environmentally preferable alternative.

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

[Amended 2004, Ord. 3006]

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 3: Special Districts

The formation or expansions of special districts shall not be permitted where they would encourage new development that is inconsistent with the Local Coastal Program. In participation on LAFCo actions, the county should encourage sphere-of-influence and annexation policies which reflect the Local Coastal Program. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 4: Urban Service Line Amendments

Amendments to an urban service line must be found consistent with the Coastal Act and the Local Coastal Program. Approval of LCP amendment by the Coastal Commission or its successor in interest is required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

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 require-ments 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 reason-able 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.]

[Added 2004, Ord. 3006]

Relationship to the Land Use Element Coastal Zone Land Use Ordinance

The Land Use Element/Coastal Zone Land Use Ordinance establishes minimum requirements for water, sewer and road services. These standards assure that adequate water resources are available, appropriate sewage disposal is provided and adequate road access is supplied at the time of new divisions of land or at the time of issuance of building permits on existing subdivided lots. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved to a level consistent with the available resources.

A basic problem in providing services is defining appropriate boundaries between urban and non-urban areas, and proper levels of service for each. The Land Use Element establishes such boundaries through the urban reserve line, urban service line and village reserve line.

Urban Reserve Line. Under the LUE, the urban reserve line has become more useful as a planning tool than in previous community land use plans. The urban reserve line was formerly little more than a "desire line," either used to roughly define physical areas where the community intended to grow within the long and often indeterminate term of its land use plan; or simply represented a referral area where projects in adjacent unincorporated areas would be submitted to the city for review and comment.

In the Land Use Element, the URL represents the ultimate limits for community growth based upon both the needs of individual communities for areas of additional growth (during the term of the LUE), as well as the capacities of community resources to support such growth. The urban reserve line defines growth areas around urban centers in which the county, or the county and affected city, will actively coordinate plans, policies and standards relating to building construction, subdivision development, land use and zoning regulations, street and highway construction, public utility systems and other matters related to the orderly development of urban areas.

The amount of land included in each urban reserve line by the Land Use Element is based on the following factors:

1. Community population projections.

2. The land absorption rate (how much land is actually being converted to urban uses each year).

3. Existing and planned (committed in actual Capital Improvement Programs) capacities of local services (infrastructure systems such as water and sewer) to support continuing local development.

4. Coastal Act policies.

The community land use policies in the LUE area plans give particular attention to identifying suitable areas within the urban reserve line for the full range of urban and suburban land uses, where such uses could be in the future supported by expanded services. Urban reserve lines will be reviewed annually to determine the continuing validity and need for change of these boundaries. Maps depicting the URL are found in the Land Use Element Planning Area reports. Any changes in the URL require an amendment to the Land Use Plan documents.

Urban Service Lines (USL). Within the urban reserve line of each community is the urban service line (USL). The USL encompasses the area where urban services are now provided. Placement of the USL is based upon existing service system capacities and upon community plans and the Coastal Act requirements for orderly growth consistent with available services and natural resource constraints.

The urban services line allows for orderly phasing of community expansion within an urban reserve line, as illustrated in Figure 4. The USL should be reviewed on an annual basis, along with the growth projections and service capabilities on which it is based. That review will support the planning process reflecting up-to-date conditions within the community, ensuring that community growth is in property relationship to available resources. Review of the USL thereby allows for orderly expansion of the community with timely extensions of necessary services. To meet the requirements of the Coastal Act for identification of stable urban/rural boundaries, the location of the urban services line have been modified for each community.

The USL is the Urban-Rural boundary and reflects the capital improvement program (CIP) and community plans for scheduling extensions to public services and utilities needed for urban development. As improvements are scheduled and constructed, the USL may be expanded by amendment of the Land Use Plan. Areas of communities located between the urban service and urban reserve lines are sometimes designated on the LUE maps for urban uses, at Residential Single-Family densities or greater. In such areas the land use categories are "holding zones" where development of designated uses would be appropriate when urban services and facilities can be provided and the USL is amended to include these areas. The area plans contain standards identifying appropriate interim uses where particular uses could not be compatibly established in advance of full urban services. Expansion of the USL requires amendment of the Land Use Element. Service extension outside the USL must be accompanied by an LCP amendment to expand the USL.

Village Reserve Lines (VRL). There are many areas in the county where homes are grouped in settlements of greater density than surrounding rural areas, but which are not self-sufficient communities. The LUE recognizes these villages as having both individual character and unique problems, as well as needing specialized solutions to their problems. (San Simeon acres and Callendar/Garrett are identified as villages). The village reserve lines (VRL) distinguish developed areas from the surrounding rural countryside. A land use plan has been developed for each village, with particular attention given to their unique problems, opportunities and development potentials. The LUE/CZLUO establishes the urban reserve line and urban service line to provide the stable urban/rural boundaries. This system meets the requirements of the Coastal Act. An additional agency is involved in making decisions on where communities should grow and develop through the provision of services, the Local Agency Formation Commission. LAFCo is responsible for identifying and providing for the future service area and boundaries of cities and all special districts, except school districts. The California Government Code (Section 54774) states that one purpose of the Local Agency Formation Commission (LAFCo) is "...the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances." In order to see that such orderly formation and development is carried out, the code further directs that "...the Local Agency Formation Commission shall develop and determine the Sphere of Influence of each local governmental agency within the county."

The San Luis Obispo County LAFCo has adopted general policies and criteria for spheres of influence. Those criteria contain the following definitions:

Spheres of Influence: Lines adopted by LAFCo that will delineate the ultimate limits of local governmental agencies in the county after consideration of many factors including the general plans of the various cities, boundary lines of existing special districts and the county urban reserve lines.

Sphere of Service: The area around a community, city or special district where short-term growth (10-year period) will be allowed and within which urban services are planned to be provided as indicated by an agency's capital improvement program."

ORDERLY PHASING OF COMMUNITY EXPANSION WITHIN AN URBAN RESERVE LINE

LEGEND

URBAN RESERVE LINE
Boundary between urban land uses and rural countryside. Defines primary area for urban growth during twenty year horizon of Land Use Element.

URBAN SERVICE LINE
Area where urban services exist or are to be extended within the five to ten years after each annual LUE review. USL reviewed yearly to evaluate whether location is realistic in terms of community growth patterns and capacity of community resources.

DEVELOPED AREA
Areas within the community that are already substantially developed.

PROPOSED URBAN EXPANSION AREA
Ares for future urban uses and densities which will need full urban services, especially community water and sewer systems.

PROPOSED SUBURBAN EXPANSION AREA
Planned for future suburban uses and densities, requiring community water but able to accommodate individual septic tanks on an interim basis.

Figure 8-1: Orderly Phasing of Community Expansion within an Urban Reserve Line

The definitions of the sphere of influence and sphere of service lines correspond directly to the definitions of the urban reserve and urban services lines (respectively), in the Land Use Element. The intent of the Land Use Element is to provide data useful to LAFCo in establishing Spheres of Influence and fulfilling their mandate to ensure that local governmental agencies undergo orderly formation and development. Continued coordination in the future between the LUE and the Spheres of Influence will support the orderly growth of coastal communities and will also support service agencies in keeping pace with that growth.

Resource Management System. The Land Use Element also establishes the Resource Management Program and the procedure for annual review of capital improvement projects. In most general terms, the goal of the Resource Management System is to support population growth balanced with the resources required to support that growth. A workable resource management policy must be based on the realization that the question is not whether population growth should be accommodated, but where and how much growth can be accommodated consistent with the protection of natural resources and community values. The RMS must resolve issues of distribution and location, rather than growth versus no-growth. In guiding future growth, the RMS relies upon anticipating which resources may face shortages and how the shortages may be overcome or if they cannot be overcome without adversely affecting the productivity of the natural environment, how the growth can be redirected elsewhere.

The Land Use Element identifies appropriate locations for different land uses on the basis of minimizing conflicts between them. The Resource Management System refines that approach by also considering where the necessary resources exist or can be readily developed to support new land uses. The RMS was designed for use in urban areas by initially estimating capacity levels for four essential resources: water, sewage disposal, schools and roads. While other resources are needed to support the human use of land, those four have the most direct relationship to physical development, and are the most critical in an urban context.

The Resource Management System uses three levels of alert to identify potential and progressively more immediate urban resource deficiencies. The alerts are intended to occur while sufficient time is available for correcting a shortage before a crisis develops. Threshold population levels corresponding to the three levels of concern have been defined for the basic resources of each community. When resource monitoring indicates a threshold population level may have been reached, the Planning Department will notify the Board of Supervisors. Implementation of a public works project or management techniques would then occur only after public hearings on the validity of resource information being used, and action by the Board, including the adoption of ordinances if necessary to address specific community resource problems.

> **Level I: Resource Capacity Problem.** The first indication that a potential resource capacity problem exists or is anticipated. A resource problem is identified when either the initial area plan resource inventory (where data are sufficiently accurate) or data obtained from capacity studies after LUE adoption indicate the capacity of a resource will be reached within a time period critical to the particular resource.
>
> **Level II: Diminishing Resource Capacity**. Reached when a public work project is needed to correct a deficiency, and the time needed to complete the project is the same as the time when the resource is estimated to reach its maximum safe yield (e.g., remaining sewer plant capacity is enough to handle the current growth rate for five more years, which is also the time needed to complete a plant expansion project). The primary purpose of Level II is to identify the point at which a public work project must be initiated, and if necessary, to extend the time available to correct the resource deficiency.

Level III: Resource Capacity Met or Exceeded. This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded, and creates a deficiency of sufficient magnitude that drastic actions must be taken to protect public health and safety. While the intention of the Resource Management System is to entirely avoid reaching Level III through a prior series of alerts, it is still possible that such a situation may occur.

The alerts are intended to occur while sufficient lead time is available for correcting a shortage before a crisis develops. Once an alert level has been identified, it is with the discretion of the County Board of Supervisors to implement resource management techniques which may range from conservation measures and capital improvement programs to develop restrictions. The Land Use Element planning area reports identify the existing level of concern based upon available information concerning water, sewer, roads and school capacity.

Short-term and long-range public works projects necessary to assure continued and expanded service capabilities entail major capital outlays. Present and foreseeable fiscal constraints must be acknowledged and evaluated at each stage.

Capital Improvement Program. The scheduling of public facility development and property acquisition is an important means for accomplishing the goals of the Local Coastal Plan. The development of public facilities and acquisition of property should be consistent with the general plan. Where development regulations ensure general plan conformity for the use and development of private property, the county's capital improvement program (CIP) is the bridge between the general plan and the development of public facilities. The CIP is annually reviewed for conformity with the general plan as required by Section 64101 and 65402 of the Government Code. Those sections require departments that prepare capital programs and construct capital projects to annually submit their proposed capital projects for inclusion in the capital improvement program report. Likewise, those sections also require, for purposes of coordination, any governmental entity in the county, special district, school district or others to annually file their proposed capital programs with the county planning agency for conformity review. Another section of the Government Code (65403) encourages special district (school districts and others) to prepare a five-year plan for their capital improvement program.

The CIP annual review should be coordinated with the annual general plan review process to allow for continuing responsiveness to changes in community conditions, and to determine the ability of the county to financially support new facilities. The full potential of a CIP can be most effectively realized if the program is based upon the long-range perspective of community needs identified in the general plan. A close examination of the Land Use Element will identify many projects that may be considered in the capital improvement program. However, inclusion of such projects in the CIP will be dependent upon the availability of funds which will likely continue to become more limited over time.

The objectives of the Capital Improvement Program are as follows: 1) inform the public of scheduled projects; 2) comply with Coastal Act notification requirements for appealable projects; 3) insure consistency with coastal act policies; 4) implement the Resource Management System; 5) provide the necessary lead time to find and develop the public works.

For major long-range public works program, the CIP review will allow the project to be reviewed as it progresses from a schematic stage to the final design phase. The final permit will not be issued until: 1) California Environmental Quality Act (CEQA) requirements have been fulfilled on the project; 2) the proposals are specific enough to meet the requirements of Section 23.05 of the Coastal Zone Land Use Ordinance; 3) sufficient information has been supplied to allow for analysis of the fiscal impacts of the project; and 4) all necessary state and local public hearing requirements have been made.

The Coastal Act requires all public work projects to be consistent with the adopted Local Coastal Plan and delegates permit authority over such development to the county. The Capital Improvement Plan allows for review of all county, special district, and private agency's long-range public works plans. The Coastal Zone Land Use Ordinance requires permits for most public works projects (Chapter 23.03)

To implement these public works policies, the Land Use Element area plans contain available information on water, sewer, roads and school capacities and recommend appropriate urban reserve lines, urban service lines and village reserve lines.

In addition, each planning area establishes necessary programs and standards to implement public works concerns. The "programs" are actions to be initiated by the county or other specified public agencies. The "standards" are actions mandated by the Land Use Element which are necessary to enable private developments to achieve consistency with the general plan.

Findings

The Coastal Act requires that public works facilities are adequate to service new development. Based on this policy and others related to new development, the Local Coastal Plan has identified appropriate policies and land use designations. Policy 2 requires that new or expanded public works facilities shall be designed to accommodate but not exceed projected development within the designated urban reserve lines. This policy will fulfill the intent of Section 30254. The land use plan has designated that new development should be located within the urban service line where services will be available in accordance with Sections 30241 and 30250. The Resource Management System will consider the necessary resources which exist or can be readily developed to support new land uses consistent with the protection of coastal resources, specifically including the biological productivity of coastal waters (30231 and 30250). Policy 7 requires that all public works projects within the coastal zone must receive a county permit. The policies outlined in this chapter for the review of public works projects and for the expansion of development of new facilities will meet the requirements of the Coastal Act.

CHAPTER 9: COASTAL WATERSHEDS

INTRODUCTION

A basic goal of the California Coastal Act of 1976 is to "...protect, maintain and where feasible, enhance and restore the overall quality of the coastal zone environment." A major concern of the Act is to ensure protection of the biological productivity and quality of coastal waters. Such waters include streams, estuaries, wetlands and lakes. A second concern is that new development not create or contribute to erosion. Erosion, sediment movement and runoff are all parts of a natural cycle in which landforms are built up, worn down by wind and water and then built up again. Most of the time these processes are slow enough for nature to respond to the changing landforms. Man's activities, however, may speed up or slow down the natural rates of the cycle, taxing nature's ability to adjust.

To meet these Coastal Act goals, this component of the Local Coastal Plan will discuss policies and programs to guide watershed management within the coastal zone. Watershed management refers to practices and measures designed to improve land and water use, alleviate floodings, and reduce erosion and sedimentation.

Relationship to Coastal Act Policies

These are the Coastal Act policies that address watershed management.

30253. (Portion) New development shall:

> **(2)** Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Background Report

A background inventory was prepared on watersheds and groundwater basins within the San Luis Obispo County coastal zone. This included information on groundwater basin boundaries, basin safe yield, issues dealing with coastal resources, and the quality and biological productivity of major creeks and streams. Mapping of water basin characteristics includes: boundaries, basin limits and recharge area. Water characteristics relating to groundwater extractions for urban and agricultural use are also discussed in the Public Works background report and Public Works policy chapter.

In addition to the inventory, a detailed study of erosion sources in the Morro Bay watershed was completed to augment existing information on that basin. While siltation was actually decreased in the estuary since the 1950's, the California Department of Fish and Game has observed recent changes in the biota of the salt marsh portion of the estuary which may indicate increasing siltation (large amounts of eroded soil are transported directly into the bay during winter storms and rapid water runoff). This study highlighted the sources of runoff, the volume of the erosion, chances of the sediment reaching the bay and the relative quantity of sediment that would enter the by. Sources investigated included natural physical features (gully, streambank and landslide areas), transportation facilities, rural residential homesite development, gravel pits, landfill, feedlots, cropland and rangeland. Conclusions indicated that ineffective agricultural practices can contribute substantially to sediment problems.

Issues and Concerns

As development occurs, the hydrology of an area undergoes some important changes. Most coastal communities and agriculture are dependent upon local groundwater resources for their water supply. As urbanization increases and agricultural use intensifies, demand increases for the limited groundwater resources. When withdrawal of groundwater continues at rates significantly greater than natural recharge, there may be a severe lessening in water quality and quantity. In coastal areas, groundwater basins are often in subterranean contact with the ocean and are thus vulnerable to saltwater intrusion. Increased demands for groundwater can lead to a lowering of the water levels and saltwater may intrude into the basin so that salty or brackish water begins to appear in wells. The lowering water levels will also lead to increased pumping costs and the need for deeper wells. Additional impacts to natural habitats dependent upon the water resources will also occur.

Competing demands from agricultural and urban users can affect the long-term protection of agriculture and the phasing or urban expansion. Expansion of historic agriculture water extraction can reduce opportunities for the design of urban services where water supplies are entirely based on groundwater resources. Groundwater management (which can include relocating of wells to optimize withdrawals while ensuring resource protection, development of storage facilities and recharge basins and other programs) can make better use of resources.

A second change to localized hydrological conditions that occurs with new development is the creation of impermeable surfaces such as roofs, streets, sidewalks and parking lots. Such surfaces reduce the amount of water infiltrating into the soil and greatly increase runoff. Increased runoff, if not properly controlled, often causes: 1) a greater frequency of floods downstream; 2) greater flood peaks; 3) increased erosion and sedimentation; and 4) decreased groundwater recharge. Major concerns about flooding are addressed under the Hazards chapter and regulations to control runoff are contained in the Land Use Ordinance.

The effects of progressive alteration of the land surface may also lead to an increase in erosion and sedimentation rates. Land alteration for construction and agricultural purposes often involves the removal of vegetation, exposing the soil to the elements. When exposed to rainfall or wind, soil said bare may easily erode, at rates substantially accelerated over natural conditions.

The amount of soil erosion depends on the soil characteristics, the steepness and length of the slope, the intensity of rainfall, vegetation, land use and construction methods or agricultural practices. Agriculture has often been identified as a major source of erosion, sediment and runoff. Increased awareness of agricultural and construction impacts can support mitigation of impacts and decreased sedimentation; however, existing agricultural activities generally do not constitute development under the definition of the Coastal Act. Thus, county regulations would only relate to larger grading activities, substantial vegetation removal, or construction of agricultural or residential buildings.

Many methods have been used to control erosion and sedimentation caused by urban development, ranging from temporary procedures to permanent facilities; from selecting the proper season for construction to building of substantial engineering works. The major concerns in erosion and sedimentation control are: 1) selection of an appropriate site for the project; 2) reducing the area and duration of the exposure of soil to erosion; 3) mechanically retarding runoff before it can affect offsite properties or receiving waters or trapping the sediment removed from a site.

Other local, state and federal agencies are involved in protecting water- shed characteristics. The agencies below are discussed with regard to their regulatory or advisory role concerning groundwater extractions, water quality protection, and control of erosion, sedimentation and runoff.

State Water Resources Control Board. The Division of Water Rights requires permits for projects involving the appropriation of water. These are projects which extract water from surface streams or known underground stream channels. The amount of water extracted and the manner of extraction must ensure protection of the water quality of the groundwater basin and coastal dependent habitat areas which might be affected by the extraction. (Extractions for use on riparian lands or from groundwater basins do not require water rights permits. These must only receive a permit from the County Health Department.)

Central Coast Regional Water Quality Control Board (RWQCB). The Regional Water Quality Control Board as the regional agency for the State Water Resources Control Board, is responsible for regional enforcement of water quality laws and for the coordination of water quality control activities. The Board has also been designated as the areawide "208" planning agency as required by the federal Water Quality Control Act. These amendments require the Board to establish water quality standards and outline a program for control of nonpoint pollution sources, including erosion and sedimentation. On November 9, 1979, the Regional Board adopted amendments to the Central Coast Basin Plan and established guidelines to control erosion and sedimentation. To protect water quality, the amendments prohibit "significant soil disturbance activities": a) in geologically unstable areas; b) on slopes in excess of 30% (excluding agricultural activities); and c) on soils rated as having severe erosion hazard by a soil specialist list. The Basin Plan also prohibits discharge or placing silt, slash, sawdust, etc. on floodplains where it can wash downstream.

The plan requires a farm management or erosion control plan prescribing erosion control practices (best management practices) to be approved by the Soil Conservation Service or a Resource Conservation District (for agriculture) or the appropriate local jurisdiction for construction. Further, the plan also requires that:

> "Local units of government development Local Coastal Programs shall establish a clear policy on erosion and sedimentation and adopt an ordinance consistent with best management practices by January 31, 1981, for their land areas within the coastal zone."

California Coastal Commission. The Coastal Commission is given permit authority over most types of development within the coastal zone. "Development" as defined in the Coastal Act, includes the extraction of any materials and thus includes the drilling of wells. Upon adoption of the Local Coastal Program, the permit authority will be delegated to the county.

California Department of Fish and Game. The Department of Fish and Game administers and enforces the fish and game code. The department's role in regulation watershed alteration and erosion is through control of the alteration of stream beds by a requirement that any proposal for such activity by public or private parties submit a plan. If the department should determine that the plan would have adverse effects on fish and wildlife resources, they may request modifications to ensure protection. It is also unlawful to pass into any water substances harmful to fish and wildlife or impede the passage of fish up or downstream with debris or other substances.

Resource Conservation Districts. Coastal San Luis Resource Conservation District is authorized to develop general conservation plans for practices associated with agriculture, recreation, urban development and watershed to preserve water and soil resources. The districts have no regulatory powers and serve only an advisory role.

Soil Conservation Service (SCS). The Soil Conservation Service is responsible for developing and carrying out national soil and water conservation programs. The service is mandated to prevent erosion and control floods by providing technical assistance to other agencies and property owners. The SCS has no regulatory powers and serves in only a purely advisory manner.

Cooperative Extension Service. The Cooperative Extension is managed by the University of California. The service provides for the improvement of agricultural production and practices through its research and educational program. The Cooperative Extension Service has no regulatory powers.

Army Corps of Engineers. The Army Corps of Engineers requires permits on certain streams for depositing of materials within the stream. In addition, the Corp requires permits for activities within all navigable waters.

The county's primary role in watershed management is through approval of the location and design of new development. Setting of priorities for allocation of new development that is in coordination with available water resources can ensure protection of existing and potential agricultural viability. This must be balanced with phasing of urban growth and providing for priority uses under the Coastal Act including visitor-serving and other coastal-dependent uses. Policies regarding public works are found in the Public Works chapter.

The second role is concerned with control of erosion and sedimentation sources. Traditionally, watershed management concerns have not played an important role in development approval of small projects. Construction of single family homes on an existing lot is exempt from CEQA requirements, and the cumulative impacts of development often escape scrutiny. Once a site has been developed, the county's role in erosion and sedimentation control is minor.

The Coastal Zone Land Use Ordinance (CZLUO) establishes standards for new development concerning grading, drainage and other site alterations. The CZLUO adopted new grading and drainage plan requirements that will be tied to slope, area graded or paved, and flood and geologic study area considerations. These proposed ordinance requirements will fulfill the basin plan amendment requirements which requires local jurisdictions to enact ordinances consistent with the basin plan.

POLICIES FOR COASTAL WATERSHEDS

To implement the provisions of the Coastal Act regarding watershed management, the following policies represent a commitment that all new development ensure watershed protection.

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 4: Chorro and Morro Basins

The county and the city of Morro Bay will jointly develop a groundwater management program which provides for agricultural demand and for phased urban growth consistent with available groundwater resources and with the protection of aquatic habitats. The Chorro and Morro groundwater basins have been identified as experiencing potential for seawater intrusion, usually during drought conditions. Development of a successful groundwater management program for these basins necessitates coordinating both urban and agricultural/rural extractions. The city of Morro Bay has completed an investigation of the groundwater capacity of these basins. (*City of Morro Bay, Preliminary Water Management Plan*, February, 1981.) This includes the evaluation of existing and potential agricultural demand. A variety of management techniques are suggested, including development of recharge basins, well site relocations and use of reclaimed water to satisfy agricultural demands.

In the interim, before development of a management program, to ensure that agricultural and residential demand doesn't negate the alternative management strategies, or adversely impact aquatic habitats, all development which would cause an intensification of groundwater use in the basins shall be evaluated for conformity with the recommended management techniques and the protection of aquatic habitats. This will apply where a development project would require more than one acre-foot of water annually.

A county/city program shall be established which would result in the following:

a. Referral of any division of land, permit activity or grading in the Morro and Chorro watershed within the city of Morro Bay's Sphere of Influence, as contained in the coastal zone boundary, to the city for review and comment.

b. Consideration of "Best Management Practices" during the review of permit application on agricultural parcels or parcels suitable for agricultural use in order to control agricultural practices that would result in sedimentation, contamination of the groundwater basin, misuse of water resources or otherwise adversely affect the groundwater basins.

c. Water basin management planning in cooperation with other affected agencies.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM EXCEPT THAT PARAGRAPH 2 SHALL BE IMPLEMENTED AS A STANDARD.]

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 6: Priority for Agriculture Expansion

Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

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:

Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;

When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;

The county may approved grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [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 on 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.]

Policy 12: Agricultural Practices

Agricultural practices shall minimize erosion and sedimentation through accepted management practices that aid soil conservation. The Soil Conservation Service should be encouraged to continue education programs regarding soils management. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 13: Vegetation Removal

Vegetation clearance on slopes greater than 30% in geologically unstable areas or on soils rated as having severe erosion hazards shall require an erosion and sedimentation control plan. Stream vegetation removal is discussed in greater detail in the Sensitive Habitat chapter. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 14: Soil Conservation Techniques

Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance with the 208 water quality standards adopted by the California Water Quality Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Relationship to the Land Use Element/Coastal Zone Land Use Ordinance

The Land Use Element identifies the types and intensity of development and the detailed standards by which proposed development will be reviewed. The patterns of use and the services necessary to serve the identified areas must address watershed management issues. In the critical groundwater basins, management programs must be completed. In the interim, specific measures are proposed to ensure that a full range of management options are available.

Detailed performance criteria for grading and drainage requirements in new development are found in the Coastal Zone Land Use Ordinance. In critical areas, detailed sedimentation and drainage plans must be submitted. It should be noted, however, that some aspects of agricultural practices which can contribute to erosion sources are not addressed.

Findings

The Coastal Act requires that new development not create nor contribute to long-term erosion (30253). The policies discussed in this chapter, as well as the Coastal Zone Land Use Ordinance requirements for grading and drainage plans, will fulfill the requirements of this Coastal Act policy. Implementation of the policies and plans will ensure the protection of the biological productivity and the quality of coastal waters (Section 30231) through the control of sediment entering coastal waters. Adoption of buffers as proposed within the chapter on Environmentally Sensitive Habitat Areas will also help protect coastal waters.

CHAPTER 10: VISUAL AND SCENIC RESOURCES

INTRODUCTION

The coastal area of San Luis Obispo County includes a variety of superb scenery. The economic stability of the recreation and tourist industries are highly dependent on the quality of the scenic coastal areas accessible and attractive to the general public. Local residents as well as visitors can achieve a higher quality of life through active enjoyment of the county's coastal environment. Therefore, the identification and protection of visual resources within the coastal zone is a critical aspect of planning for long-term change and development within highly scenic coastal regions.

The definition and identification of visual resources is a subjective task. Visually pleasing as well as visually unattractive landscape perceptions are a highly individualized matter. Scenic resources are difficult to quantify.

Visual resources are often related to the value of open space. Major components of the attractiveness of the landscape range from sensitive natural environment to areas of natural hazards. For example, an area designated as a sensitive habitat due to the presence of a fragile ecosystem may be located in a particularly scenic area of the coast (e.g., Morro Bay Estuary, Los Osos Oak Forest, Nipomo Dunes). Similarly, a hazardous bluff or steep canyon may be designated a geologically unsound area, while it may also be located in a highly scenic area.

Relationship to Coastal Act Policies

Scenic qualities of the coastal areas are discussed in several sections of the Coastal Act:

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30253. ... new development shall:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The Coastal Act defines these special communities and neighborhoods as follows:

1. Areas characterized by a particular cultural, historical or architectural heritage that is distinctive in the coastal zone;

2. Areas presently recognized as important visitor destination centers on the coastline;

3. Areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast;

4. Areas that add to the visual attractiveness of the coast.

The California Coastal Commission adopted the following statement regarding Section 30251:

> "The primary concern under this section of the Act is the protection of ocean and coastal views from public areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, coastal streams and waters used for recreational purposes, and other public preserves rather than coastal views from private residences where no public vistas are involved."

Background Report

A background report (Visual and Scenic Resources Study, January, l980) provides a detailed description of the scenic qualities of county coastal areas. Visual resources in the coastal zone have been inventoried and evaluated for: 1) the rural concern or protection of visual corridors from public roads including offshore viewing; and 2) protection of community character (which contributes to a unique beach related experience for visitors or residents). The latter resources are discussed in Chapters 3 and 4 of the background report.

The background report also includes recommendations for each community and for the rural areas, which were based on review of existing plans and ordinances for the level of protection given to visual resources.
A brief summary of visual and scenic characteristics in the coastal zone is provided below. The discussion is divided into rural areas within the coastal zone and by urban areas where special communities or small-scale neighborhoods are important visual elements.

A. RURAL AREAS

The rural areas provide major scenic corridors along public roadways. These areas are summarized extending from north to south along the coast.

North County Line to San Simeon Creek. This portion of rugged coastline along Highway 1 is known internationally for its awesome beauty as the headlands to the Big Sur area.
A diversity of picturesque coastal characteristics are visible from the winding drive. This area contains a variety of environmentally sensitive habitats such as the California Sea Otter Preserve, San Simeon Creek Lagoon, Piedras Blancas Dunes and the Arroyo de la Cruz wetlands. The vegetation includes low grasses and shrubs and occasional stands of Monterey Cypress, oaks and pines.

Non-agricultural development in this area is limited to the Hearst Castle State Historical Monument, Piedras Blancas Lighthouse, San Simeon Village and the visitor facilities at San Simeon Acres and Ragged Point.

The visual integrity of this area is related to the distance and range of views. The directional changes of Highway 1 allows the viewer to see the curve of the coastline for miles, with the Santa Lucia Mountains providing a backdrop to the coastal views. New, highly visible development on the ocean side of Highway 1 would detract from the spectacular ocean views and the pristine rural ambience that characterizes the area.

San Simeon Creek to Villa Creek. Visual resources of this area include the Monterey pine-forested hillsides of Cambria, the open farm and grazing lands of Green Valley and Harmony Valley, as well as a variety of ocean views. Moonstone Beach Drive in north Cambria presents the motorist with an opportunity to view the ocean at a slower speed than on Highway 1. Highway 1 turns inland at Cambria and the ocean is not visible until the southbound traveler reaches Villa Creek.

This area contains the first significant concentrations of urban settlements at San Simeon Acres and Cambria. These communities are small-scale residential and visitor-serving areas. Development pressures in this region could greatly reduce the high visual integrity. Inappropriately sited, sprawling or leap-frog development could conflict with protection of the existing view corridors.

Villa Creek to Point San Luis. Estero Bay is an area of visual contrast between the moderately intensive development of Cayucos, Morro Bay and South Bay; the industrial development of the PG&E plant in Morro Bay and the marine terminal oil loading facilities at Toro Creek; and the pastoral agricultural lands comprising the majority of the area. Prominent natural features of this area include the Morro Bay sand spit and estuary, Morro Rock and its sister peaks, the sandy beaches of the state parks and the pristine coastal terraces of Montana de Oro State Park.

At Villa Creek, the southbound traveler is again able to view the ocean. The lack of man-made structures on the west side of Highway 1 creates a scenic vista of Estero Bay highlighted by the community of Cayucos and the distant view of Morro Rock. This is the predominant scenic element of the area, combining the near views of the meandering Villa Creek channel and lagoon and the open coastal terraces with distant views of Cayucos and Morro Rock.

South of Cayucos Point Highway 1 passes through the community of Cayucos. The pier, sandy beach and concentrated development nestled into the cove west of Highway 1 lends diversity to the scenery. Highway 1 through Cayucos provides an overlook for Estero Bay. The open hillsides east of Highway 1 present a pleasant backdrop to the bay views. The panoramic views available within Montana de Oro State Park are related to the elevation of Pecho Road and the overviews of the rugged cliffs, coastal terraces, the Morro Bay area and the low-scale development of South Bay.

The volcanic peaks extending from Islay Hill to Morro Rock provide a unique scenic backdrop to Highway 1. Four of the peaks lie within the coastal zone: Morro Rock, Black Hill, Cerro Cabrillo and Hollister Peak. Morro Rock, Black Hill and portions of Cerro Cabrillo lie within Morro Bay State Park and thus provide permanent open space.

Port San Luis to Oceano Beach Subdivision. This area is characterized by a few sheltered sandy beaches amid a rocky coastal terrace and the wide sandy beach and dunes of the northern portion of Pismo Beach State Park. The area contains both high and low quality visual elements. Natural features of high scenic value include the sheltered sandy cove and the surrounding rocky seashore at Mallagh Landing, the sandy beach at Avila and Port San Luis, the open hillsides surrounding Avila Beach which provide a scenic backdrop, Oceano Lagoon with its marsh-associated vegetation and the broad expanse of sand of the Pismo State Beach.

Several visually distracting elements conflict with the total visual quality. These detractors include: the oil storage tanks on the hillsides above Avila Beach; the bluff-top parking area at Mallagh Landing which has been severely degraded as a result of vehicular overuse; the oil loading pier at Port San Luis; and encroaching urban development within the sand dunes at Oceano.

Oceano Beach Subdivision to County Line. The area south of the Oceano Beach Subdivision to the Santa Maria River contains few ocean viewing opportunities from public accessways. Views from the railroad corridor that passes through the area highlight the expanses of agricultural use and sand dunes. Highway 1 (the only public roadway in this area) extends out of the coastal zone approximately one-half mile south of the Oceano Airport. The highway reenters the coastal zone at the Dune Lakes and Calendar Dunes area. The Dune Lakes (a series of 10 freshwater lakes with marsh and riparian communities) are barely visible from Highway 1. Their high scenic and visual value are, in general, only available to visitors with permission to enter the private property.

As the road turns inland, it passes through groves of Eucalyptus trees. Oso Flaco Lake Road to the south is a county road through the agricultural land of the Santa Maria Valley. The road leads to Oso Flaco Lake and the dunes and beach of Pismo Beach Recreation Vehicle Area.

Offshore Viewing. Offshore viewing (unlike the previous view corridors) is primarily concerned with the visual quality of the ocean as seen from the shore rather than the ability to see or enhance a view along a public highway or park. From a planning perspective this would infer the protection of such natural phenomenon as offshore rocks or reefs which add visual variety to the seascape. More important than preservation of such outward phenomenon is man-induced development that affects views. Predominant among these are coastal industrial development, including offshore oil and gas production and processing platforms, onshore support facilities (including industrial piers and storage areas) and marine terminals including large Liquefied Natural Gas (LNG) terminals and deep water port facilities. Specific offshore viewing concerns include the location and appearance of offshore drilling and loading platforms, LNG terminal sites, the protection of offshore rocks and reefs, as well as long-range views across bays, coves and inlets.

B. URBAN AREAS - SPECIAL COMMUNITIES / SMALL-SCALE NEIGHBORHOODS

Special coastal communities and neighborhoods are an integral part of the experience of the coast, and are often built on the most scenically-desirable areas. Coastal neighborhoods with distinctive qualities are a value to both local residents as well as visitors. Maintaining their present qualities will often require retaining the present scale and mix of development.

All communities and/or neighborhoods on the coast can be described as "special" simply because of their proximity to and/or view of the ocean. The purpose of the special communities, small-scale neighborhood designations is to identify areas with unique, visually pleasing characteristics and to set standards and guide- lines for new development that will not detract from these features.

By both location and visitor-serving orientation, most special communities provide convenient and maximum access to the shore. The following visitor destination points are identified as Special Communities: 1) San Simeon Village; 2) San Simeon Acres; 3) Cambria's Moonstone Beach Drive, Main Street and Downtown; 4) Cayucos' Ocean Boulevard; 5) San Luis Bay's Port San Luis; 6) Avila Beach.

Distinct from these visitor destination points are small-scale neighborhoods that have primary use by local residents and secondary use by the general public as access to the scenic shoreline. The following residential areas are recognized as small-scale neighborhoods: 1) Cayucos' Pacific Avenue and Studio Drive; 2) Baywood Peninsula; and 3) Oceano. In addition, communitywide visual features are discussed for the communities of Cambria and South Bay.

C. SPECIAL COMMUNITIES

San Simeon Village. San Simeon Village is a special community north of Cambria and oceanward of the state park area for Hearst Castle. San Simeon Village is a popular visitor attraction due to its historic relationship to the Hearst Castle. The village is surrounded by large stands of eucalyptus and oak trees. The W.R. Hearst Memorial State Beach picnic area is located adjacent to the village.

The small-scale Spanish architecture structures are well maintained, and visually complement surrounding landforms and vegetation. The Sebastian Store is a California Historic Landmark built in the l860's. The Pacific Schoolhouse (built in l88l) sits on a grassy knoll. These historical and architectural elements are highly visible characteristics of the village scenery and should be integrated in development of the area as a visitor-serving destination point.

San Simeon Acres. San Simeon Acres is a resort-commercial and high density residential area midway between Cambria and San Simeon Village. For motorists driving south on Highway 1 from the winding drive of Big Sur, San Simeon Acres is the first area where major services and facilities are presently available. The development is highly visible and accessible from Highway 1, which divides the community. A sandy beach extends laterally along the majority of the community.

The highly visible commercial development with related parking facilities, signs and, in some instances, lack of landscaping has resulted in a low visual quality in much of this area. There is no integrating architectural style or common historical period reflected in the types of development. Recognizing these visual concerns, the San Luis Obispo County Board of Supervisors approved funding for a community project to undertake landscaping and construction of an accessway to the sandy beach area.

Cambria - Moonstone Beach Drive. Moonstone Beach Drive is located west of Highway 1 in north Cambria. The drive is characterized by open coastal terraces and bluffs. The lack of structures and development on the west side of Moonstone Beach Drive creates unobstructed views of the ocean. California Department of Parks and Recreation owns most of the coastal terrace including Leffingwell Landing picnic, boat launch and parking area.

Visitor-serving facilities such as lodges and restaurants, and residential development are located on the east side of Moonstone Beach Drive.

The motorist on Moonstone Beach Drive enjoys unobstructed ocean views at reduced auto speed. This also presents a safe opportunity for bicycle and pedestrian use of Moonstone Beach Drive. Long-range views from this area extend to Piedras Blancas Lighthouse and Hearst Castle.

Cambria - Main Street. Main Street through Cambria is located on the east side of Highway 1, at the base of a pine-forested hillside. The north end of Main Street is visible from Highway 1, though downtown shops located further east are not. The area is characterized by small-scale buildings which include architectural details (window treatment, shutters, roofs, moldings and trim, color, exterior material trim details) that are varied and interesting. Although no single architectural style characterizes Main Street, the combination of styles blends to create a readily-apparent rural village atmosphere. Several architecturally distinct and historically interesting buildings and residences are present.

The commercial establishments serve both visitor and local resident needs. The clustering of shops and services as well as low-traffic use are conducive to pedestrian and bicycle use with proper street design and treatment.

Main Street includes a mixture of several highly attractive features with only a few visually unharmonious elements. The use of oversized commercial signs and lack of landscaping for individual sites (as well as along streets and parking areas) is incongruent with the high visual integrity of the pine-forested hillside backdrop and small-scale buildings.

Cayucos - Ocean Boulevard. Ocean Boulevard is presently characterized by small-scale commercial development. Recent development has used a western-rural style of architecture which includes extensive use of wood-detailed facades. The Ocean Boulevard area is a special community due to the commercial-service orientation of the development that is within walking distance of the beach. Two historically significant structures are the John Cass home and the present Veteran's Hall which was a Cass warehouse.

San Luis Bay/Port San Luis. San Luis Bay is characterized by a variety of highly scenic features and includes such well known landmarks as Avila Beach, Port San Luis and Mallagh Landing. Avila Beach is a special community containing high intensity residential and commercial development. Port San Luis provides small-scale harbor facilities used by commercial fishermen and recreational boaters. To the south of Avila Beach, and within a sheltered cove, is the sandy beach known as "Pirate's Cove" or Mallagh Landing.

The cove is located below a high coastal bluff and is surrounded by grazing lands.

The scenic elements of San Luis Bay include the concentrated small-scale development of Avila Beach as well as Port San Luis, which results in a landscape which is often described as similar to a Mediterranean village. The open hillsides provide an attractive backdrop and panoramic views result from the southerly-oriented cove.

The community of Avila Beach is characterized by small-scale residential and commercial development. The commercial and visitor-serving facilities are within walking distance of the beach, which encourages bicycle and pedestrian use. Avila Beach provides low-cost recreational opportunities for visitors, as well as residents, due to the presence of the state beach picnic facilities and county parking which can be used without charge. It is a highly desirable visitor destination due to the sheltered sandy cove and moderately-priced lodging and recreational opportunities.

Several visually distracting elements interfere with the otherwise high visual integrity. These elements include storage tanks and petroleum facilities, deteriorating residential structures and overuse at Mallagh's Landing.

D. SMALL SCALE NEIGHBORHOODS

Cambria. Cambria is an unincorporated community approximately 20 miles north of Morro Bay. Its scenic physical setting is highly valued by residents as well as visitors to the area. The combination of pristine coastline views, pine-forested hillsides and the open space landscape are important resources which contribute to Cambria's attractiveness.

Within much of these forested areas are premature subdivisions of 25 foot lots that were developed without regard for topography and physical features. This is a complex issue that requires consideration of habitat concerns, visual concerns, public service availability, etc.

Due to the complexity and unique characteristics of the Moonstone Beach Drive and Main Street areas, the community character and visual qualities of these areas were discussed previously as special communities.

South Bay. South Bay is a small-scale residential community consisting of the identified neighborhoods of Los Osos, Baywood Park and Cuesta-by-the-Sea, situated around the southern tidelands of Morro Bay. The community is bordered on the north by tidelands, with low sand dunes on the west, forested and open space slopes on the south, and agricultural land on the east.

The scenic setting of South Bay encompasses many significant and unique natural resources. These scenic features are an attraction for both local residents and visitors. South Bay is an entry way for visitors to Morro Bay and Montana de Oro State Parks. Vistas of the bay, Morro Rock and the sand spit are available from a variety of positions on the hillsides, along the banks of the estuary and from several major public roads.

Some of the development within South Bay contributes to the attractiveness and adds character to the area. In particular, the Pasadena Drive neighborhood on the Baywood peninsula maintains a small-scale low-density nature consistent with the topography and vegetation of the peninsula. The small commercial area on Second Street within the Baywood Village is an attractive element of the community and can be characterized as a special community. The low density commercial area, consisting of restaurants and a variety of shops and offices is uniquely situated near the bayfront within walking and viewing distance of a pier area used for ocean and bay viewing. Lower speed automobile traffic, parking and the concentration of shops and services is conducive to safe bicycle and pedestrian use.

The presence of a few visually unattractive elements have detracted from high scenic quality. Some of these visual detractors include: 1) the lack of natural vegetation or landscaping for single-family homes, as well as street landscaping; 2) sprawling residential developments that intrude on the open space hillsides and hilltops providing a scenic backdrop for the coastal community and coastal views; 3) bulky two-story residential development on bayfront lots which obscure ocean views and require removal of native vegetation (such as Pygmy Oaks); and 4) overuse from vehicles and pedestrian trampling the bay front shoreline areas such as Sweet Springs, Cuesta Inlet and the Otto Estate easement on Pasadena Drive.

Oceano Beach Subdivision. The Oceano Beach Subdivision is between Pismo State Beach and Highway 1, approximately two miles south of the city of Pismo Beach. The subdivision is characterized by residential parcels and the sensitive habitat of the Oceano Lagoon. The rolling sand dunes are highest along the beach side of Strand Way and slope down toward the lagoon on the inland side of the neighborhood. The older residences are generally smaller one and two-story residences resembling the cottage character. The majority of new construction is taller and bulkier, changing the community character from small-scale low density, beach residential neighborhood to a more intense urban character.

E. COMMUNITY SMALL SCALE DESIGN NEIGHBORHOODS

Cayucos - Studio Drive and Pacific Avenue. Studio Drive and Pacific Avenue are residential neighborhoods characterized by 25 to 40 foot wide lots. Most of the structures are low profile one-story houses. The Studio Drive area is immediately adjacent to Highway 1, from which a view of the ocean is usually available.

Any structure within the northern portion of Studio Drive will block some view of the ocean, but two-story structures will also eliminate vistas of the distant ocean and the horizon, cutting off all visual connection with the ocean. One-story structures on Studio Drive, however, do not block vistas from the highway. Based on these criteria, the Studio Drive area should remain as a lower profile area of one-story structures, where two-story structures would block these vistas, to preserve community character.

A public view of the ocean from Highway 1 exists for nearly all of the length of Pacific Avenue. An even more significant public view exists from the major public ocean front road, Pacific Avenue. In addition, the neighborhood is predominantly one-story houses.

Issues and Concerns

The California Coastal Act of 1976 established a comprehensive program to ensure protection of the natural and scenic resources in the coastal zone. Protection strategies must be designed to achieve these Coastal Act policies by minimizing or eliminating any adverse effects. A summary of the most frequently used strategies follows.

Public Acquisition. Public acquisition of aesthetic resources can be accomplished through outright purchase or through purchase of selected rights to protect views or sensitive habitat areas. Direct public acquisition is often used by public agencies such as the State Department of Parks and Recreation and Department of Fish and Game. Public ownership also incurs continuing maintenance and management costs.

Other agencies that may be considered in acquisition programs include the Coastal Conservancy, State Lands Commission, private organizations, Sierra Club, local citizens' groups, Bureau of Land Management, U.S. Fish and Wildlife Services or local governments. The Nature Conservancy or other non-profit organizations such as Small Wilderness Areas Preserves (SWAP) are other opportunities which can be considered.

Open Space or Visual Easements. "Less-than-fee" interests (also called easements) are a type of acquisition. An agency may purchase only the development rights and therefore have a "less-than-fee" interest in a property. Such easements may be either positive (such as providing beach access) or they may be negative (such as prohibiting building, tree removal or landform alterations). Property owners are often likely to sell or donate negative easements, since many wish to preserve the natural features of their land, yet not permit public access.

Performance and Development Standards. The county can establish ordinances regulating such factors as height and setback requirements, open space zoning, sensitive resource areas, minimum agricultural preserve size and subdivision regulations. Such provisions would be designed to preserve a scenic feature or area.

Architectural Review Process. Where a unique community character is identified, one process for reviewing proposed additions, modifications or new construction is an architectural review board. This board is often comprised of architects, planners, builders and interested citizens from the community and allows for local input on proposed buildings or uses. Project review consists of measuring or evaluating a project against an established guide for specific types of projects. This approach has been used for residential areas where a common interest exists in preserving a particular character or style, in business districts or visitor serving centers where a common design theme and development concept has been established. (It should be noted that the architectural review board process requires consensus as to the appropriate design standards and the cooperation of the property owners within the area proposed for review.)

Historic Site Combining Designation. In many coastal communities, portions of business district or visitor-serving centers are of historic interest. While individual uses or structures may not qualify for registration as a historic building under state or federal standards, buildings may reflect periods of development within a community and preservation can establish or complement the community's character. The Historic Site combining designation can be applied to individual buildings or general districts to allow for additional review to ensure that new uses and alterations to existing uses are designed with consideration for preserving and protecting the historic resource.

POLICIES FOR 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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

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. Wherever 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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Stringline Method for Siting New Development

In a developed area where new construction is generally infilling and is otherwise consistent with Local Coastal Plan policies, no part of a proposed new structure, including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures; except where the shoreline has substantial variations in landform between adjacent lots in which case the average setback of the adjoining lots shall be used. At all times, this setback must be adequate to ensure geologic stability in accordance with the policies of the Hazards chapter. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.118 OF THE CZLUO.]

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. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.021 OF THE CZLUO.]

Policy 5: Landform Alterations

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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

Policy 6: Special Communities and Small-Scale Neighborhoods

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO CHAPTER 23.11 (DEFINITIONS) OF THE CZLUO.]

Policy 7: Preservation of Trees and Native Vegetation

The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.064 OF THE CZLUO.]

Policy 8: Utility Lines within View Corridors

Where feasible, utility lines within public view corridors should be placed underground whenever their aboveground placement would inhibit or detract from ocean views. In all other cases, where feasible, they shall be placed in such a manner as to minimize their visibility from the road. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE CZLUO.]

Policy 9: Signs

Prohibit off-premise commercial signs except for seasonal, temporary agricultural signs. Design on-premise commercial signs as an integral part of the structure they identify and which do not extend above the roofline. Information and direction signs shall be designed to be simple, easy-to-read and harmonize with surrounding elements. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.306, 23.04.310, AND 23.04.312 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy l0: Development on Beaches and Sand Dunes

Prohibit new development on open sandy beaches, except facilities required for public health and safety (e.g., beach erosion control structures). Limit development on dunes to only those uses which are identified as resource dependent in the LCP. Require permitted development to minimize visibility and alterations to the natural landform and minimize removal of dune stabilizing vegetation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 11: Development on Coastal Bluffs

New development on bluff faces shall be limited to public access stairways and shoreline protection structures. Permitted development shall be sited and designed to be compatible with the natural features of the landform as much as feasible. New development on bluff tops shall be designed and sited to minimize visual intrusion on adjacent sandy beaches. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Relationship to the Land Use Element Coastal Zone Land Use Ordinance

The four Land Use Element planning areas within the coastal zone include programs and standards that provide for the protection of visual and scenic resources. These programs and standards can be found in Chapters 7 and 8 of the specific Planning Area document. In addition to the programs and standards, the land use and combining designations will be used to protect scenic qualities. For example, designation of a scenic coastal terrace for agriculture will require that the development be consistent with agricultural use. Scenic bayfront areas may be designated with the Sensitive Resource Area combining designation, which provides for a more intense level of review for proposed new development.

Findings

The Coastal Act policies related to protection of visual and scenic resources have been addressed within this chapter.

In response to Section 30251, the scenic and visual qualities of coastal areas have been considered and are protected through the adopted policies and the application of appropriate land use designations, programs and standards described in the Land Use Element.

Section 30253 requires the protection of special communities and neighborhoods where appropriate. These communities have been specifically defined and discussed. Special standards and programs are applied within each planning area. The policies described in this chapter will protect these special community features.

CHAPTER 11: HAZARDS

INTRODUCTION

The Coastal Act of 1976 requires that new development be located in areas that are relatively safe from hazardous conditions, and that development shall not aggravate or create erosion, geologic instability or other hazardous conditions. To achieve this goal, the Coastal Act requires each local government to ensure public safety within the coastal zone by locating new development in a safe location and using suitable management techniques.

Relationship to Coastal Act Policies

The following sections of the Coastal Act relate to hazard protection:

30253. (Portion) New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish-kills should be phased out or upgraded where feasible.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (l) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Background Report

Extensive studies have been conducted which inventory and describe hazardous areas in the county. A background report entitled Hazards summarized such studies and discussed the mapped information in the coastal zone based on the adopted Seismic Safety Element. In addition, information concerning Geologic Study Areas for the Cambria and Cayucos areas was updated to reflect more recent geologic analysis.

Issues and Concerns

A hazard unique to coastal areas is the bluff erosion that results from wave action, water currents and wind patterns. This coastal erosion is subject to seasonal fluctuations, especially during winter storms which can accelerate bluff erosion. In contrast to these natural oceanic and geologic conditions that affect erosion, human activity can increase or control erosion rates.

The importance of coastal bluffs is further recognized in Section 30603 of the Coastal Act which requires the Coastal Commission to retain appeal authority after certification of the Local Coastal Program for any development approved by the county within 300 feet of the top of the seaward face of any coastal bluff.

In 1977 the State Department of Navigation and Oceanic Development prepared an atlas of shoreline erosion along the California Coast. The atlas indicates areas where coastal erosion is serious and development would be threatened. The atlas identified areas in Cayucos and portions of West Lodge Hill where present development is critical to coastal erosion. Other large portions of the county's coastline, although presently undeveloped, are identified as critical for future development.

The Land Use Element and Coastal Zone Land Use Ordinance have been amended to address the issue of bluff erosion, by changes to the maps and text which identify bluff erosion areas which require review for all proposed development.

POLICIES FOR HAZARDS

Based on the information summarized in the draft background report, the following policies and standards will guide the kinds, locations and intensities of development in hazardous areas of the coastal zone.

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 the 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 geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]

Policy 3: Development Review in Hazard Areas

The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial

development shall be prohibited within the l00 year floodplain (l% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

Policy 4: Limitations on the Construction of Shoreline Structures

Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for:

a. protection of existing development (new development must ensure stability without depending upon shoreline protection devices);

b. public beaches and recreation areas in danger of erosion;

c. coastal dependent uses;

d. existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible.

These structures shall be permitted provided they are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, fish and wildlife provided that non-structural methods (e.g., artificial nourishment) have been proven to be infeasible or impracticable.

Shoreline structures include revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls and other such structures that alter natural shoreline processes. Retaining walls shall be permitted only where necessary to stabilize bluffs where no less environmentally damaging alternative exists or where necessary for those projects defined above. Where shoreline structures are necessary to serve the above, siting shall not preclude public access to and along the shore and shall be sited to minimize the visual impacts, erosive impacts on adjacent unprotected property, encroachment onto the beach and to provide public overlooks where feasible and safe. The area seaward of the protective devices shall be dedicated for lateral public access. The protective devices shall utilize materials which require minimum maintenance and shall specify within the plans the agencies or persons responsible for maintenance.

In addition to county review, most shoreline structures require review by federal and state agencies. These may include permits required by the federal Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Department of Fish and Wildlife, California Regional Water Quality Control Board, State Lands Commission, California Coastal Commission, etc. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Design and Construction of Shoreline Structures

Shoreline structures developed consistent with Policy 4 (including projects for maintenance and repair) shall be designed and constructed to mitigate or eliminate effects on local shoreline sand movement and supply. Construction activities shall be carefully managed to minimize unnecessary effects on natural landforms and shoreline processes. Upland grading and drain- age shall be designed and constructed to avoid adverse impacts on bluff lines by channeling drainage away from the bluff where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.090 OF THE CZLUO.]

Policy 6: Bluff Setbacks

New development or expansion of existing uses on blufftops shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.118 OF THE CZLUO.]

Policy 7: Geologic Study Area Combining Designation

The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the *Assessment and Atlas of Shoreline Erosion* (DNOD, 1977) as being critical to future or present development. Maps clearly distinguish the different geologic and seismic hazards which the county covers by the GSA combining designation. These hazards shall include steep slopes, unstable slopes, expansive soils, coastal cliff and bluff instability, active faults, liquefaction and tsunami. [THIS POLICY SHALL BE IMPLEMENTED BY DESIGNATING GSA AREAS ON THE COMBINING DESIGNATION MAPS AND PURSUANT TO SECTION 23.07.080 OF THE CZLUO.]

Policy 8: Coastal Access and Pipelines

New development shall not be permitted on the bluff except where public access or pipelines for coastal dependent uses are necessary and no feasible alternative exists. Pipeline design shall be adequate to ensure pipeline integrity considering wave action and bluff erosion. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE CZLUO.]

Policy 9: High Fire Risk Areas

Fire hazard areas shall be defined as those having potential for catastrophic fire. The county shall designate and show on the Hazards maps those high risk fire areas as delineated by the State Division of Forestry.

New residential development in high risk fire areas shall be required to be reviewed and conditioned by the Fire Warden to ensure that building materials, access, brush clearings and water storage capacity are adequate for fire flow and fire protection purposes. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.082 OF THE CZLUO.]

Policy 10: Emergency Provisions

The requirements for obtaining a Land Use Permit may be waived in case of emergency as provided for in the Coastal Zone Land Use Ordinance.

The County shall seek grant funding and develop a program to facilitate improved coordination and emergency permit processing, including preparation of an Emergency Permit Procedure Manual. The County shall also initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM AND PURSUANT TO CHAPTER 23.03 OF THE COASTAL ZONE LAND USE ORDINANCE.]

[Amended 2004, Ord. 3006]

Policy l1: Areawide Shoreline Erosion and Bluff Retreat Management Plan

The County should seek grant funding and develop a program with a long-term comprehensive approach to avoid the permanent armoring of the shoreline or to minimize impacts to shoreline in existing developed areas. The program should also offer a means to address some area specific constraints. This includes the preparation of an Areawide Shoreline Erosion and Bluff Retreat Management Plan focusing on annual bluff erosion rates, bluff setbacks, emergency armoring procedures, shoreline protection standards, structural design, engineering, monitoring and maintenance. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

Policy l2: Geologic Hazards Mapping

As part of the periodic update of an area plan, the draft plan shall include development of a dynamic Geologic Hazards Map consistent with the Safety Element and updated geologic information. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

Relationship to the Land Use Element Coastal Zone Land Use Ordinance

The LUE and CZLUO specifically describes two combining designations to identify areas that require careful project review. The Geologic Study Area and Flood Hazard Zone identify hazardous areas. These combining designations are discussed as follows:

Geologic Study Area Combining Designations - This designation is applied to areas where natural conditions of the land may pose potential hazards to life and property for new developments. The LUO establishes standards that are applied where seismic, landslide or liquefaction hazard areas have been identified in the Seismic Safety Element (1975).

Flood Hazard Combining Designations - This designation is applied to areas where natural terrain characteristics would pose potential hazards to life and property for new development through potential inundation by 100-year frequency floods. The LUO establishes standards that will minimize the effects of development on drainageways and watercourses. Development adjacent to stream and wetlands are also controlled by policies and standards described within the environmental habitats chapter. The 100-year floodplain has been mapped by the U.S. Department of Housing and Urban Development for the Federal Flood Insurance Program (November 1977).

The information used in the identification of the Geologic Study Area combining designations and the Flood Hazard combining designations will be updated periodically to reflect the most recent surveys.

To address Coastal Act requirements, the Geologic Study Area combining designation was amended to include all coastal bluffs or cliffs greater than 10 feet in vertical relief and those identified in the Coastal Erosion Atlas (DNOD, 1977) as being critical to future or present development. The purpose of this amendment is to ensure that bluff and cliff developments in hazard areas will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.

Findings

The Coastal Act requires that new development shall minimize risks to life and property in hazard areas (Section 30253). Through the use of the combining designation, the design and location of new development will be reviewed to ensure protection of public safety and development. This same review process will prevent new development from contributing to erosion or geologic stability. Policies recommended within the Local Coastal Program to control development of protective devices and other construction minimizing alteration of natural land forms and coastal processes will also meet the requirements of the Coastal Act.

CHAPTER 12: ARCHAEOLOGY

INTRODUCTION

The coastal zone of San Luis Obispo County contains many potentially significant archaeological sites. There are presently over 1000 known archaeological sites in the county with 446 sites in the coastal zone registered with the San Luis Obispo County Archaeological Society. The potential abundance of as yet unidentified archaeologically significant sites is due to the fact that early California Indians found the coastal area to be as desirable a living environment as we do today.

Relationship to the Coastal Act

Archaeological resources are protected by the following Coastal Act policy:

30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Issues and Concerns

One of the basic issues raised in protecting archaeological resources is the conflict between the need to inventory existing and potential sites and the preservation of those sites once their location becomes public knowledge. Archaeologists avoid revealing site locations because of the temptation for many people to search for artifacts once a site is publicly known.

A second protection issue is that the location of known sites does not reflect the potential importance of portions of the coast that have not yet been surveyed (in fact, the majority of the coast.) This is an important issue when defining the types of projects that should require a preliminary survey of archaeological resources, because most known sites have been discovered as a result of development activity and public access.

In general, urbanization and uncontrolled public access appear to be the principal sources of destruction of archaeological sites. The direct threats posed by urbanization include: grading activities (both agricultural and construction related); residential and industrial construction; construction of roads and highways; water projects (eroding and burying sites); pipeline projects; off-road vehicles; recreational developments; natural forces (water and wind); and unauthorized collection of artifacts. One of the most significant indirect threats to the integrity of archaeological sites is public access. Vandalism has always been a source of site destruction and its probability increases with enhanced access to areas of archaeological significance. Any increase in temporary or permanent population in the vicinity of a site increases its vulnerability to disturbance. Construction of public roads that provide access to areas of archaeological significance or publication of known site locations can also increase vandalism.

Single-family residential development on individual building lots presents an important dilemma in determining the necessary scope of archaeological review. Under the California Environmental Quality Act (CEQA), single-family residences and residential projects of less than four units are exempt from environmental review unless archaeological resources are known to be on the property. Thus, the information necessary to locate

structures to preserve archaeological resources may not be available or used. Proposed development on large lots will have some flexibility to enable clustering structures on the least damaging portions of a site.

Several existing regulatory codes address the protection of archaeologic or historic resources; however, the shortfall for land use planning of these existing regulations is that they are directed toward publicly owned lands. Many known archaeological resources are on private property and acquisition funds to buy the property are seldom available. Therefore, development review standards can be the most effective method of protecting potentially significant archaeological finds.

The county has prepared sensitivity maps that identify areas of existing and potential archaeological resources. This work was completed by the California Archaeological Site Survey Regional Office, which is the repository of all local official archaeological records.

Sensitivity maps identify areas where a high probability exists that archaeological resources will be found based on the review of known archaeological recordings and the likelihood of previous settlement patterns. While the maps will not identify all archaeological resources, sensitivity maps can be used to identify those areas where a strong potential for resources exists without revealing specific known sites.

POLICIES FOR ARCHAEOLOGICAL RESOURCES

Because archaeological resources are scarce and non-renewable resources, the following general policies represent the county's commitment to ensure that any proposed development would be designed and located to minimize its impacts on archaeological resources:

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 2: Vandalizing of Resources

Activities other than development, which could damage or destroy archaeological sites, including off-road vehicle use on or adjacent to known sites and unauthorized collecting of artifacts, shall be prohibited. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Identification of Archaeological Sites

The county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be defined as follows:

- Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office.

- Within urban areas, the county shall maintain maps in the Land Use Element (combining designation) which reflect generalized areas of known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office.

Specific archaeological site information shall be treated as confidential to protect the archaeological resources. Development within an archaeological sensitive areas shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Early information on sensitive sites where new development is anticipated can be used to design and locate structures and site alterations to eliminate impacts. A preliminary archaeological survey can also help facilitate the timing of construction: if there is no evidence of the potential existence of archaeological resources, construction can commence; if the preliminary survey does indicate the presence of archaeological resources, mitigation measures can be designed into the development.

Early identification can save both time and money for the applicant. Concerns have been raised by previous applicants about the expense and time-consuming delay if a project is stopped. Work crews, equipment and capital remain suspended until mitigation measures are drafted. Although all construction must cease if a site is discovered during any phase of construction, a preliminary survey can usually determine the potential extent of resources and thus avert unnecessary delays through an appropriate mitigation plan.

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

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

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.

b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.

c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.

d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities

Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.05.140 AND 23.07.106 OF THE CZLUO.]

Relationship to the Land Use Element/Coastal Zone Land Use Ordinance

Archaeological information will remain confidential, and will be used only to assist property owners in the design of development projects in a manner which protects resources. The sensitivity maps, in conjunction with the Site Survey Office's official maps of known sites, will be used to identify known and potential archaeological resources. The CZLUO addresses the protection of archaeological resources through the review process.

Findings

Through the maintenance of a sensitivity map and parcel number list of known archaeological sites, and through the establishment of pre-construction requirements and appropriate review procedures, the county has greatly improved the methods for protecting archaeological resources. The policies provide for the protection of both known and potential archaeological resources as required by the Coastal Act Section 30244.

CHAPTER 13: AIR QUALITY

INTRODUCTION

Air quality is affected by urban development, urban and rural burning and motor vehicles. Hence, increases in population and urbanization also affect air quality. Within San Luis Obispo County, an important air quality determinant is the natural occurrence of an inversion layer. The coastal areas of the county are particularly vulnerable to fog conditions as well as inversion layers. Temperature inversion layers along the coast may be the lowest in the state and pollutants generated by industry and automobiles along the coast generally flow inland causing air pollution concentration and secondary pollution formation in inland areas. However, fog serves a useful purpose in its ability to inhibit formation of photochemical oxidant (smog), thus reducing poor air quality to some extent.

Federal, state and local government agencies provide air quality monitoring programs and regulatory controls. The federal Environmental Protection Agency has assisted the county in establishing monitoring programs. The State Air Resources Control Board has adopted strict vehicle emission standards for carbon monoxide, oxides of nitrogen and hydrocarbons. The county Air Pollution Control District regulates local stationary pollution sources. A detailed air pollution ordinance has been adopted which includes emission standards for industrial operations as well as controls on incinerator and open burning. Enforcement is handled jointly by the Air Pollution Control Officer and the county Agricultural Commissioner. Present regulations prohibit most open burning except for agricultural purposes.

Relationship to the Coastal Act

Only two sections of the Coastal Act directly address the issue of air quality. Under Section 30253.(3) of the Coastal Act, new development shall "be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board as to each particular development." In addition, under Section 30253.(4), new development shall "minimize energy consumption and vehicle miles travelled."

A number of other sections of the Coastal Act reinforce these policies either directly or indirectly. Section 30250 urges that new development be located near existing developed areas to prevent excessive sprawl. Section 30252 also urges that new development be sited to assure the potential for public transit for high intensity uses, and that non-automobile circulation be encouraged within the development.

Under Section 30241, protection of agricultural land by establishing stable urban-rural boundaries, limiting conversions of agricultural land, and controlling public service and facility extensions further acts to limit sprawl and thus reduce the distances people travel.

In addressing the issue of air quality, the Local Coastal Program must be consistent with both the Coastal Act and state and federal air quality standards.

POLICY FOR AIR QUALITY

The following policy addresses the Coastal Act concern for air quality:

Policy 1: Air Quality

The county will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.06.080 OF THE CZLUO.]

Findings

The Local Coastal Program designates stable urban and rural boundaries as required in Section 30241 of the Coastal Act. New or expanded urban development has been provided near existing development to reduce sprawl and minimize energy consumption and vehicle miles travelled as required in Section 30253(4) and Section 30250 of the Coastal Act. Through this concentration of development, the land use plan will contribute to a reduction in vehicle miles travelled and result in improved public transit and carpools by increasing the density of population along a given route.

The majority of shoreline access recommendations consistent with Section 30210 of the Coastal Act in the shoreline access component stress passive recreational uses and also stresses the need to provide pedestrian trails. Recommendation for bicycle use also provides opportunities to reduce vehicular air quality impacts. Detailed standards to minimize air quality impacts of this development are included in the Industrial and Energy-related Development Chapter. Based on these provisions, the county has met both directly and indirectly the intent of Section 30253.(3) and 30253.(4) to address the issue of air quality.

APPENDIX A

COASTAL ACT DEFINITIONS

Coastal-dependent Development or Use - means any development or use which requires a site on, or adjacent to, the sea to be able to function at all. (Section 30101)

Coastal-related Development - means any use that is dependent on a coastal-dependent development or use. (Section 30101.3)

Coastal Zone - means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the State's outer limit of jurisdiction, including all off-shore islands, and extending inland generally 1,000 yards from the mean high tide lines of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed areas the zone generally extends inland less than 1,000 yards.... (Section 30103(a)(in part)

Commercial Fishing - "Vessels of a commercial nature" shall mean vessels for which the State of California Department of Fish and Game has issued a current commercial fishing license, and whose owner or operator holds a current commercial fishing license, and which within the current calendar year has been actively used for commercial fishing activities. Such use shall be evidenced by proof that the vessel has grossed a minimum $5,000 during the calendar year or that the vessel has fished at least 60 days during the calendar year. Gross earnings or fish sales shall be evidenced by State of California Department of Fish and Game commercial fish receipts or other west coast states. (This definition shall be used to identify commercial fishing vessels for priority for coastal-dependent facilities.)

Commercial Recreation Facilities - means any developments serving a recreation function which are operated by private business for profit. Commercial recreation facilities include, but are not limited to, private beaches, stables, sporting equipment sales and rentals.

Development - means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or OF any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511.)

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Section 30106)

Energy Facility - means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy. (Section 30107)

Environmentally Sensitive Area - means any area in which 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 be easily disturbed or degraded by human activities and developments. (Section 30107.5)

Feasible - means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Section 30108)

Fill - means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (Section 30108.2)

Local Coastal Program - means a local government's: (a) land use plans; (b) zoning ordinances; (c) zoning district maps; and (d) within sensitive coastal resources areas, other implementing actions which when taken together meet the requirements of, and implement the provision and policies of, this division at the local level. (Section 30108.6)

Prime Agricultural Lands - means any of the following:

a. All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification;

b. Land which qualifies for rating 80-100 in the Story Index Rating;

c. Land which supports livestock use for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture;

d. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant productions not less than $200 per acre. (Section 51201 of the Government Code, Section 30113 of the PRC Code)

Public Recreation Facilities - Public recreation facilities shall be defined as lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

Public Works - means the following:

a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long

Beach, Los Angeles, nor San Diego Unified Port District or any of the developments within these ports shall be considered public works.

c. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

d. All community college facilities. (Section 30114)

Special District - means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. (Section 30118)

Treatment Work - shall have the same meaning as set forth in the Federal Water Pollution Control Act (33USC 1251 et seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

APPENDIX B

SHORELINE ACCESS TERMS

Prescriptive Rights - Also referred to as implied dedication. Basically, prescriptive rights are those rights acquired by the public where the public has used the land for the prescriptive period of five years as if it were public land, without asking or receiving permission from the fee owner, with the actual or presumed knowledge of the owner and without significant objection or bona fide attempts by the fee owner to prevent or halt such use. The finding of prescriptive rights is a complicated legal principle which must be determined by a court of law. A more detailed discussion of prescriptive rights may be found in the Manual on Prescriptive Rights which was prepared by the State Attorney General's Office (November 28, 1977).

Easement - To obtain public access in new development, the county may require applicants to offer to dedicate an access easement as a condition of development. The size of these easements are based on the size and location of the accessway.

Pass-and-Repass - Due to the adjacent residential uses or location of sensitive habitats, the use of an accessway may be limited to the public's right of pass-and-repass. This allows for walking and running along the shoreline. It permits the public the right to "pass" over a part of property to get to the shore. It is the most minimal level of use allowed.

Sensitive Habitats - Sensitive habitats referred to in this component refers to those environmentally sensitive habitats identified in the LCP both in the text and in maps.

Accessway - General term to define where public access occurs. It may be lateral or vertical access.

In-lieu Fees - New development proposals which are approved without provisions for public access could be required to pay a fee to the county, which would be used to fund acquisition and development of accessways.

APPENDIX C

ENVIRONMENTALLY SENSITIVE HABITAT AREA DEFINITIONS

Anadramous - Saltwater species that return to fresh water for breeding.

Aquaculture - Means the culture and husbandry of aquatic organisms, including, but not limited to fish, shellfish, mollusks, crustaceans, kelp, and algae. Aquaculture shall not mean the culture and husbandry of commercially utilized inland crops, including but not limited to: rice, watercress, and bean sprouts.

Biological Productivity - Biological productivity generally refers to the amount of organic material produced per unit time.

Biotic - Of or relating to life.

Buffer Zone - A neutral area separating conflicting sources.

Coastal Dependent Industrial Facility - A coastal-dependent industrial facility is one which requires a site on, or adjacent to, the sea to be able to function at all.

Density Transfer System - Allowing increased density on a parcel of land to make up for the decreased density on other parcels of land.

Dredge Spoils - The excess materials unearthed as a result of excavation or dredging activities.

Ecosystem - The complex of a community and its environment functioning as an ecological unit in nature.

Endemic - Native.

Entrainment - The process of drawing in and transporting solids by the flow of water.

Estuary - A nutrient rich area where the ocean tide meets a river. An estuary is a coastal water body usually semi-enclosed by land, but has open, partially obstructed or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

Fen - A wetland.

Functional Capacity - Refers to the ability of a particular ecosystem to be self-sustaining and to maintain natural species diversity.

Groin - A rigid structure built out from a shore to protect the shore from erosion, to trap sand or to direct a current for scouring a channel.

Healthy Populations - Refers generally to the maintenance of natural species diversity, abundance and composition.

Hydrology - The science dealing with the properties, distribution and circulation of water on the surface of the land, in the soil and underlying rocks and in the atmosphere.

Hydrophytic Plant - A plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in wet habitats).

Lake - A lake is a confined, perennial water body mapped by the United States Geologic Survey on the 7.5 quadrangle series, or identified in a local coastal program.

Littoral Drift - Wave action which occurs between high and low watermarks.

Mesophytic Plant - Any plant growing where moisture and aeration conditions lie between extremes. (Plants typically found in habitats with average moisture conditions, not usually wet or dry.)

Non-Point Pollution Sources - Any pollution whose source cannot be specifically pinpointed.

Open Coastal Water - Open ocean overlying the continental shelf and its associated coastline with extensive wave action, salinities exceed 30 parts per thousand with little or no dilution except opposite mouths or estuaries.

Performance Criteria or Standards - Those development standards which new development proposals must meet to be approved.

Permeable Surface Ratios - The proportion of land surfaces that allows infiltration to those that do not allow infiltration.

Relict - A persistent remnant of an otherwise extinct flora or fauna or kind of organism.

Revetment - A stone or concrete facing to sustain an embankment.

Riparian - Relating to or living or located on a bank of a natural watercourse (as a river) or sometimes of a lake or a tidewater.

Riparian Habitat - A riparian habitat is an area of riparian vegetation and associated animal species. This vegetation is an association of plant species which grow adjacent to freshwater watercourses, including perennial and intermittent streams, lakes and other bodies of fresh water.

River - A river is a natural watercourse as designated by a solid line or dash and three dot symbol shown on the United States Geologic Survey map most recently published, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil, or debris.

Siltdiapers, Curtains and Weirs - Containment measures for the control of excess silt materials during dredging, grading or erosion control activities.

Stream - A stream is a natural watercourse as designated by a solid and three dot symbol shown on the United States Geologic Survey map most recently published which is intended to show any well-defined channel with distinguishable bed and bank that shows evidence of having recently contained flowing water as indicated by scour of deposit or rock, gravel, soil or debris.

Surface Water Flow - Water that flows on the land surface as distinguished by water which flows underground.

Type Locality - An area where a species would be expected to be found.

Upland - A non-wetland area.

Upland Limit of a Wetland - The upland limit of wetland is designated as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; 2) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or 3) in the case of wetlands without vegetation or soil, the boundary between land that is flooded or saturated at some time each year and land that is not.

Vernal Pool - A vernal pool may be defined generally as, "...a small depression, usually underlain by some subsurface layer which prohibits drainage into the lower soil profile, in which, during the rainy season, water may stand for periods of time sufficient to prohibit zonal vegetation from developing. The habitat is intermediate in duration or inundation between marshes (never or only rarely dry) and most zonal communities (never or only rarely submerged)." (Robert F. Holland, "Vegetation of Vernal Pools: A Survey")

Wetland - Means land within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. (Section 30121)

Xerophytic plant - Any plant growing in a habitat in which an appreciable portion of the rooting medium dries to the wilting coefficient at frequent intervals. (Plants typically found in very dry habitats.)

ENVIRONMENTALLY SENSITIVE HABITATS
COMMON AND SCIENTIFIC TERMS

Beach almond - *Prunus fasciculata* var. *Punctata*
Bishop pine - *Pinus muricata*
Black-crowned night heron - *Nycticorax nycticorax*
Black rail - *Laterallus jamaicensis coturniculus*
Brown pelican - *Pelecanus occidentalis californicus*
California clapper rail - *Rallus longirostris obsoletus*
Coast live oak - *Querus agrifolia*
Compact cobweb thistle - *Cirsium occidentale compacta*
Giant coreopsis - *Coreopsis gigantea*
Great blue heron - *Ardea herodias*
Hybrid sand verbena - *Abronia*
Least tern - *Sterna albifrons brownii*
Pygmy or Los Osos oak - *Quercus agrifolia frutescens*
Morro manzanita - *Arctostaphylos morroensis*
Monterey pine - *Pinus radiata*
Morro Bay kangaroo rat - *Dipodomys heermanni morroensis*
Peregrine falcon - *Falco peregrinus anatum*
Purple needlegrass - *Nassella pulchra*
Sea otter - *Enhydra lutris*
Shagbark manzanita - *Arctostaphylos rudis*

APPENDIX D

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

Mon day May 15, 19 78

PRESENT: Supervisors Hans Heilmann, M. E. Willeford, Kurt P. Kupper
Richard J. Krejsa, and Chairman Howard D. Mankins

ABSENT: None

RESOLUTION NO. 78-300

RESOLUTION RELATIVE TO SITING OF LIQUEFIED NATURAL GAS TERMINAL AT RATTLESNAKE CANYON

WHEREAS, San Luis Obispo County has reviewed the environmental and safety issues related to the construction and operation of a liquefied natural gas terminal at Rattlesnake Canyon; and

WHEREAS, the large breakwater required at Rattlesnake Canyon would have major and possibly widespread impacts on the marine environment and could have great impact on land if materials for the breakwater were quarried from the Kaiser site at Santa Margarita; and

WHEREAS, four major archeological sites on the National Register of Historic Sites would be impacted by site preparation and plant construction; and

WHEREAS, the safety, environmental and economic implications of the proximity of a liquefied natural gas terminal at Rattlesnake Canyon to the nuclear power plant at Diablo Canyon are unresolved;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of San Luis Obispo County hereby recommends that Rattlesnake Canyon be assigned the lowest ranking (least preferred) by the California Coastal Commission.

BE IT FURTHER RESOLVED, that the twenty-two conditions on the attached list be adopted by the California Coastal Commission for inclusion in a Public Utilities Commission permit for a liquefied natural gas terminal at Rattlesnake Canyon. Moreover, the site-specific terms and conditions submitted by Santa Barbara County for Point Conception should be applied to Rattlesnake Canyon as appropriate, if a permit action were to be considered.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 15 day of May, 1978.

AYES: Supervisors Krejsa, Kupper, Heilmann, Willeford, Chairman Mankins

NOES: None

ABSENT: None

Howard D. Mankins
Chairman of the Board of Supervisors of
the County of San Luis Obispo,
State of California.

ATTEST:
County Clerk and Ex-Officio Clerk,
Board of Supervisors, County of San Luis Obispo,
State of California.

COUNTY OF SAN LUIS OBISPO
TERMS AND CONDITIONS ON RATTLESNAKE CANYON

NOTE: THESE ARE ADOPTED AS STANDARDS ACCORDING TO ENERGY AND INDUSTRIAL DEVELOPMENT POLICY NO. 21.

1. San Luis Obispo County shall maintain control over any extraction, removal or disposal of any materials within the County. (This could be a major factor since Western LNG Terminal Associates tentative plans for a terminal at Rattlesnake Canyon indicate the need for providing 6.65 million tons of stone for a breakwater, blasting 1.6 million cubic yards of submerged rock pinnacles and of excess on-shore material. It is proposed to obtain the breakwater stone from Catalina Island and to dump the blasted rock at an EPA-approved site about 20 miles northwest of Rattlesnake Canyon in about 100 fathoms of water.) (San Luis Obispo County Planning Department)

2. If Rattlesnake Canyon is selected and once site specific terminal design and construction plans are available, San Luis Obispo County shall perform a full review of the project and have the opportunity to propose additional terms and conditions on the use of the site. (Santa Barbara County has offered 141 conditions on Point Conception. Nearly every condition serves to require compliance by the applicant with Santa Barbara County Ordinances or to define relationships between the County and the PUC and between the County and the applicant.) (San Luis County Planning Department)

3. Wave basin model tests of the breakwater proposed for the Rattlesnake Canyon site shall cover an area adequate to include effects on Port San Luis and Avila Beach. (Sand transport to beaches and wave conditions for boating and swimming may be involved.) (San Luis Obispo County Planning Department)

4. Impacts of the temporary provision of housing for construction workers shall be mitigated by appropriate measures funded by the applicant firm. (1550 - 2000 workers expected during 14-month-long peak during the total 51-month or less construction period.) (San Luis Obispo County Planning Department)

5. Impact of construction worker's children on the Lucia Mar School District shall be mitigated by appropriate measures funded by the applicant firm. (San Luis Obispo County Planning Department)

6. Mass transportation of construction workers and barging of construction materials shall be used to minimize impact on Avila Road. If the feasibility of mass transit is questioned, San Luis Obispo County shall make the final decision. (San Luis Obispo County Planning Department)

7. An emergency plan including evacuation of permanent residents, workers and transients from Avila Beach and Port San Luis and access by emergency vehicles to the LNG site shall be required before issuance of a license. (San Luis Obispo County Planning Department)

8. Tank trucks or other road vehicles shall not be used to transport LNG from the Rattlesnake Canyon terminal. (San Luis Obispo County Planning Department)

9. LNG tankers should burn low sulfur diesel fuel or LNG while approaching the berth, while discharging cargo and until they return to the north/south shipping lanes. (Clean Air Coalition)

10. Monitoring equipment and/or station should be financed and maintained by applicant as directed by the Air Pollution Control District to monitor air quality impacts of the terminal. (Clean Air Coalition)

11. Any increase in emissions as a result of this facility, due either to tanker/support vessel traffic or on-shore facilities, should be mitigated by legally enforceable trade-offs within the county as approved by the Air Pollution Control Office and Air Resources Board so no net increase of pollutants results. (Clean Air Coalition)

12. Any Nuclear Regulatory (NRC) decision relating to seismic activity of the Hosgri Fault should be used as a basis for design of all on-shore and off-shore facilities. If any on-shore or off-shore facilities are completed before a final NRC decision, all construction shall be modified in response to the new findings or more stringent conditions resulting from such findings. Further, subsequent decisions by the NRC Appeals Board will be binding. (League of Women Voters)

13. Emergency planning should not be limited to four miles and should include all resident and transient populations. (League of Women Voters)

14. The issue of growth and development at Port San Luis and Avila Beach should be fully explored along with the implications of protecting the recreational population from possible LNG hazards, ensuring vehicle access to the LNG site in the event of an accident and ensuring the prompt evacuation of recreational and permanent population in the area. (League of Women Voters)

15. Specific holding patterns for LNG tankers should take into account the safety of all population, residential and recreational, consider queuing caused by operational delays and weather and consider a ship arrival every other day. (League of Women Voters)

16. Emergency operating plans for foul weather, including criteria for ceasing off-loading operations and for declaring emergency conditions, should be devised. (League of Women Voters)

17. Plans for regulating other tanker traffic going to Avila, fishing vessels, recreational vessels and LNG support vessels and LNG support vessels within the immediate area of the terminal and traffic lanes should be devised. (League of Women Voters)

18. Study and recommendations of alternate salvage operations and methods for on-shore, berthside and off-shore accidents should be part of LNG facility planning. (League of Women Voters)

19. Feasibility of in-ground storage tanks as possible mitigation of earthquake damage should be studied. (League of Women Voters)

20. Feasibility of underwater cryogenic pipeline should be studied. (League of Women Voters)

21. A security system for Rattlesnake Canyon should be independent of Diablo Canyon Nuclear Power Plant's security system and be able to cope with a breaching of Diablo's security. (League of Women Voters)

22. As new data and recommendations on LNG handling and transportation become available, they should be used to evaluate the facility and procedures. Appropriate retro-fitting or modification should be undertaken with public meeting and input. (League of Women Voters)

APPENDIX E

NOTE:ALTERNATIVE 2 POLICIES SHALL BE IMPLEMENTED AS STANDARDS AND PURSUANT TO ENERGY AND INDUSTRIAL POLICIES 36-40.

ENERGY FACILITY SITING MANAGEMENT PLAN FOR THE NIPOMO DUNES SYSTEM (Volume II Guadalupe Unit; San Luis Obispo County) prepared by the Envicom Corporation October 22, 1980. The following is an amended excerpt of Alternative 2 from this study.

ALTERNATIVE 2 - LIMITED COASTAL-DEPENDENT AND RESOURCE-DEPENDENT DEVELOPMENT

Despite the fact of the uniqueness and sensitivity of the Guadalupe Dunes habitat area, resource-dependent development within environmentally sensitive habitats may be permitted by Section 30240(a) of the Coastal Act, and coastal-dependent development by Section 30260, but only if there are no feasible* alternative locations outside the dunes and the development is designed to minimize impacts on the dune system. However, the types of permitted facilities and their locations within an environmentally sensitive habitat area may be restricted in order to minimize loss of habitat value. Because the resource inventory for the Guadalupe Dunes has shown it to be a unique coastal resource that is extremely sensitive to disturbance, permitted uses should be limited to those that absolutely require a site within the designated habitat area in order to be able to function at all.

The management plan contained in the following sections allows implementation of Alternative 2. The management plan contains the following components that are intended to minimize the loss or destruction of habitat values within the Guadalupe Dunes while allowing limited coastal-dependent and energy related development: 1) a description of permitted facilities; 2) resource protection strategies; 3) facility siting policies; and 4) impact mitigation techniques.

In order to implement Alternative 2, the following findings are necessary:

1. The entire Guadalupe Dunes habitat area is a portion of the largest remaining dune-lagoon complex within California, of which less than 15 percent of California's original 3.5 million acres of wetlands remains.

2. The entire Guadalupe Dunes habitat area is a unique coastal resource and all areas within the dunes are especially sensitive to disturbance.

3. Although feasible alternative locations within Union Oil's Leroy lease or outside of the Guadalupe Dunes are available for some potential facilities, recovery of petroleum resources within the area is not feasible unless some facilities are located within the undisturbed portions of the dunes.

* The term "feasible" as used in the proposed management plan is defined by Section 30108 of the Coastal Act as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

4. The potential disruption of the Guadalupe Dunes habitat area and loss or degradation of its habitat values as the result of the siting of coastal-dependent or resource-dependent uses within the currently undisturbed habitat area may be minimized to a level where the economic benefits that would be derived by such development outweigh the impacts on the ecosystem.

A. PERMITTED FACILITIES

Policy 1

Other than those uses and activities approved by the Coastal Commission for Union Oil's Leroy lease, permitted facilities within the dune areas outside the Leroy lease shall be limited to those uses that absolutely require a site within the Guadalupe Dunes in order to be able to function at all. This development shall be subject to environmental review with particular emphasis on alternative locations. Based on this general policy, the following specific policies regarding permitted facilities are recommended. (Specific recommended design standards for permitted facilities are contained in a subsequent section.)

1. Exploratory and Production Wells

Policy 2

Exploratory and production oil and gas wells may be permitted within the undeveloped portions of the dunes if it can be demonstrated that directional drilling from a site within the Leroy lease or outside the dunes is not feasible.

2. Accessory Oil and Gas Production Equipment

Policy 3

Accessory equipment and facilities used for the production of oil and gas (e.g., separation/treatment facilities, enhanced recovery equipment, storage tanks, etc.) need not be located at a production site in order to be able to function. It may be possible to limit equipment at a production well site to a pumping unit (or units in the case of multiple wellhead sites) and related equipment and transport the wellhead mixture by pipeline to a remote location outside the dunes for processing. Likewise, it may be possible to transport materials used for enhanced recovery (e.g., water, steam and diluent) to a production site by pipeline to a remote storage and generation location. Except for equipment necessary for initial production testing, the required configuration for oil and gas production is to limit equipment within the dunes to necessary pumping equipment and related equipment. All accessory production equipment, tanks, etc., shall be located within the developed portion of the Leroy lease or at a remote location outside of the dunes unless demonstrated to be infeasible or where such siting would have greater environmental impacts than concentrating equipment within a production island. Portable equipment (e.g., water softeners, portable steam generators for cyclic steam injection) may be used at a production site provided that their use be occasional and temporary.

3. Onshore Pipelines

Policy 4

New pipelines for onshore production within the Guadalupe Dunes shall be permitted only if it can be demonstrated that: a) all or a portion of the pipeline must be located within the study area in order to be able to produce from a petroleum reservoir located beneath the Guadalupe Dune; and b) no feasible alternative routing is possible. Accessory facilities to any pipeline (e.g., pumping stations, storage tanks, etc.) shall not be permitted within the study area unless their location within the dunes is necessary for the pipeline to be able to operate. Similar to accessory production facilities, accessory pipeline-related facilities and equipment shall be located within the developed portion of the Leroy lease or at a remote site outside of the dunes.

Should a new pipeline for onshore production be permitted within the Guadalupe Dunes, it shall be required to locate within the existing pipeline corridors leading from the Leroy lease to either Union Oil's Santa Maria refinery or the Battles gas processing plant (see Figure 8) or, alternatively, within existing road corridors.

4. Onshore Facilities for Offshore Oil and Gas Development

Policy 5

The location of an offshore to onshore marine pipeline corridor across the Guadalupe Dunes is not actually dependent upon the resources within the Guadalupe Dunes in order to be able to function at all. However, a potential corridor is available leading from the Leroy lease to either Union Oil's Santa Maria refinery or the Battles gas processing plant (see Figure 8) which could be utilized if necessary to locate an offshore to onshore pipeline across the Nipomo Dunes system. In addition, an access corridor across the Leroy lease to the ocean would also have to be designated so as to provide for access to the coast and a pipeline landfall points. If an onshore marine pipeline is sited within the Guadalupe Dunes it shall be located along an existing oil field service road with the actual crossing of the beach and foredunes at a point north of the Santa Maria River wetland and coastal ponds.

Policy 6

An onshore separation/treatment facility for offshore oil and gas and storage tanks and other equipment related to a marine terminal shall not be permitted within the Guadalupe Dunes. A remote location outside of the dunes (e.g., Union Oil's Santa Maria Refinery property) is feasible and shall be required, using the pipeline corridor discussed above to connect with an ocean landfall point.

Similar to the offshore to onshore pipeline, an onshore separation/treatment facility or marine terminal for offshore oil and gas would not be permitted within the Guadalupe Dunes, since these are not actually dependent on the dune habitat in order to be able to function. A remote location outside of the dunes (e.g., Union Oil's Santa Maria refinery property) should be required using the pipeline corridor discussed above to connect with an ocean landfall point. Although a marine terminal is dependent on a coastal location in order to be able to function, storage tanks and other equipment can be located inland in order to protect sensitive habitats.

B. RESOURCE PROTECTION STRATEGIES

For development that is permitted within an environmentally sensitive habitat, such as the Guadalupe Dunes, the Coastal Act requires that it be accomplished in a manner which will not result in "significant disruption of habitat values" (Coastal Act, Section 30240). The following resource protection strategies for the siting of permitted energy facilities within the Guadalupe Dunes are required to ensure the minimum amount of habitat disruption.

1. Alternative Locations

Policy 7

Prior to permitting the development or expansion of any use in the undisturbed areas outside of the Leroy lease, an applicant for that use shall demonstrate conclusively to the permitting agency that there are no feasible least environmentally damaging alternative locations or routing within the Leroy lease or outside the dunes in which to place all or part of the proposed equipment.

2. Habitat Preservation

In light of the restricted extent of the central California coastal dune area habitat, it is suggested that the use of any of the habitat for energy development, outside of Union Oil's Leroy lease, be allowed only in the instance that the company or lessor desiring such use record an irrevocable offer to dedicate to a public agency an easement, primarily for habitat protection, for an area of similar dune habitat of comparable size to that degraded, as a public preserve. This area should be of equal value in terms of its scientific importance to the area destroyed and could be administered by the county, state or federal government.

3. Site Restoration

Policy 8

In addition to the individual and blanket indemnity bonds required by Section 3204 et. seq. of the "California Laws for Conservation of Petroleum and Gas," for all wells drilled within the state of California, the operators of all new energy facilities within the Guadalupe Dunes should be required to post a surety bond in an amount sufficient to ensure restoration of a site to its original condition upon abandonment of a facility. Recommended procedures for site restoration are contained in Section VII.D.6.

4. Wetlands Development

Policy 9

In accordance with Section 30233(c) of the Coastal Act, no temporary or permanent energy facility development or accessory facilities, including pipelines and access roads, shall be permitted in areas within the wetlands at the mouth of the Santa Maria River (i.e., generally those areas mapped in Figure 4 as salt marsh, open water, those portions of the riverbed grasslands dominated by wetlands plants, and in permanent and ephemeral ponds).

5. Significant Biotic Area

Policy 10

No facilities or equipment shall be located within dune swales, Giant Coreopsis habitat or other areas of unique or special biotic significance. These areas shall be protected in accordance with the certified Land Use Plan Policies.

In addition to the general wetlands policies described above and supported by the California Coastal Act, the Guadalupe Dunes contain several areas of unique or special biotic significance which should be protected. These are described below.

a. Dune Swales

Those areas depicted as dune swales in Figure 4 are a unique resource to the area in that those areas of native herbs and grasses have not been extensively damaged by cattle grazing. While grazing has occurred here, these swales can easily recover to become important preserves if further grazing and petroleum facility use is controlled. Although a restoration program is possible for dune swales crossed by temporary linear-type facili- ties (e.g., surface pipelines, non-paved access roads, etc.) as is occurring with Union Oil's recently constructed pipeline to their Santa Maria refinery, the areas of dune swales within the Guadalupe Dunes are so small in extent that it is possible to easily avoid them in a careful corridor siting program.

b. Giant Coreopsis Stands

A second significant biotic area within the Guadalupe Dunes is the Giant Coreopsis habitat. This plant species is considered to be unique by virtue of its highly restricted distribution and the fact that it reaches its northern distributional limit within the Guadalupe Dunes, thus adding to its scientific importance. Therefore, those areas depicted on Figure 4 as stands of Giant Coreopsis should be avoided. It should be furthermore noted that isolated individuals or small populations of Giant Coreopsis may have been overlooked during the resource inventory of the Guadalupe Dunes. If additional species are found during future investigations of the area or site-specific studies, their location should be recorded and the site avoided.

6. Beach Area

Policy 11

From the standpoint of vegetation and wildlife, the sandy beach areas (designated as O_b on Figure 4) have a low sensitivity to disturbance due to the low occurrence there of plants and animals. However, portions of the beach area of the Guadalupe Dunes is extensively used for passive public recreational activities (e.g., hiking, fishing, etc.). The placement of structures or facilities in the beach zone could interfere with lateral access along the beach. No facilities shall be located on the sandy beach area, with the exception of subsurface pipelines in accordance with certified Land Use Plan policies.

7. Areas of Prime Visual Quality

Policy 12

The prominent sandy areas in the northern portion of the Guadalupe Dunes, visible from Oso Flaco Road, differ significantly from the remainder of the Guadalupe Dunes which are either heavily vegetated or well screened from public view. Areas of high visibility and high scenic quality, depicted with the symbol "I" on Figure 5, in the Environmental Impact Report shall be avoided for the placement of above ground facilities.

8. Consolidation of Facilities

The Coastal Act strongly encourages the consolidation of facilities at one or a few locations. It is possible to consolidate several wells at a single production island, through use of directional drilling techniques, but the amount of subsurface area that can be covered from a single point is limited by the depth of the petroleum reservoir.

Through a system of gathering and distribution lines, it is sometimes possible to consolidate all field production at a single point for processing and storage. For oil and gas processing/storage facilities that will handle production from within the Guadalupe Dunes, three consolidation/colocation alternatives are possible. There are:

a. Consolidation of all field production at a single processing/storage facility within each lease.

b. Consolidation/colocation of processing/storage facilities for petroleum production from the Mobil property at existing or proposed facility locations within Union Oil's Leroy lease.

c. Consolidation of all production from within the Mobil property at a new location in the agricultural/grazing lands east of the study area.

If it is considered that processing/storage facilities need not actually be located within the dunes in order to function, then alternative a's allowing new processing/storage facilities to be built within each lease would be an unnecessary addition of new facilities to the study area.

Alternative b would appear to most closely conform to the Coastal Act policy regarding consolidation since all production would be processed at the existing Union Oil Leroy lease production area. However, the lands involved are privately owned and the right to use them for production facilities is subject to negotiation.

Under Alternative c, any future production from within the Mobil property would be consolidated at a location outside of the dunes. The only equipment that would be permitted within the dunes would be pumping units at each wellhead. Wellhead production would be transported by pipeline to the remote location outside the dunes for processing and storage. This alternative could be implemented by requiring Mobil Oil, as a condition of a coastal development permit for drilling within the dunes, to transport all lease production to a site outside the dunes for processing. A potential conflict with this alternative would be in the case where an alternative site outside the dunes is on prime agricultural land (see Section VI.I for discussion of Coastal Act policy on agriculture). Since the Guadalupe Dunes are a portion of the largest remaining dune-lagoon complex in California, of which only 15 percent of California's original wetlands remain, it is recommended that a greater weight be given to the preservation of the dunes habitat when evaluating the alternative of siting on prime agricultural land.

Policy 13

Permitted exploratory and development wells within the habitat area shall be consolidated to the maximum extent feasible, based upon the objective drilling depth. New onshore production facilities shall be permitted according to the following siting priority (a lower priority shall only be permitted if the higher priority is found to be infeasible);

a. Consolidation at an existing location or proposed facility locations within Union Oil's Leroy lease.

b. Consolidation at a new location in the agricultural/grazing lands east of the study area.

c. Consolidation at a single processing/storage facility within each lease.

C. RESOURCE SENSITIVITY MAP

If limited energy development is to be permitted within currently undeveloped portions of the Guadalupe Dunes (e.g., Mobil property), the Coastal Act required that it be accomplished in a manner that does not result in substantial degradation of the values that make it an environ- mentally sensitive habitat. The concept of "habitat value" is not defined by a single resource value, but rather it is the summation of all resource values which serve to make that habitat unique. In defining the scope of work for this study, the factors of vegetation, wildlife, visual resources, active dune areas and archaeological resources were considered to be those qualities which made the Guadalupe Dunes unique.

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* NOTE: The inventory of the visual, biotic and archaeologic resources for the Leroy lease portion of the Guadalupe Dunes was not done as part of this study. As noted on each of the inventory maps (Figures 4, 5 and 7), the information for the Leroy lease was obtained directly from studies performed in support of Union Oil's application for a coastal development permit to allow expansion of drilling/production operations within its lease (Dames and Moore; 1977A and B, 1978A and B; 1979A, B, C and D). As is evident from these maps, with the exception of archaeology, the inventory for the Leroy lease differs somewhat in detail (e.g. map units, scale) to that conducted herein for the Mobil property portion of the Guadalupe Dunes study area, the resource inventory for the Leroy lease was utilized to the extent possible to allow a comparison of sensitivity to disturbance of areas within the Leroy lease to areas outsite the lease. However, in utilizing the resource sensitivity map (Figure 17) to compare the sensitivities of areas within the Leroy lease to dune areas outside the lease, the potential differences in mapping of the two areas should be noted.

In essence, Figure 17 depicts the variation in "habitat value" or susceptibility to habitat degradation within the study area. Its usefulness is that it allows the identification of areas within the Guadalupe Dunes which would be susceptible to the least amount of disturbance, taking into account all factors of importance to its overall quality. Likewise, taking into account all factors, the resource sensitivity map identifies those areas with the highest habitat value and susceptibility to disturbance and, which therefore, should be avoided.

Although the Guadalupe Dunes are treated in this study as a single unit within the larger Nipomo Dunes system, each of the resource characteristics demonstrated some variation in sensitivity and quality from one location to the next. This provided the opportunity to develop the resource sensitivity map, depicted in Figure 17, which is a composite map of the variation in sensitivity of all resource factors inventoried and mapped during the course of this study (e.g., vegetation, wildlife, visual resources, active dune areas, and archaeologic resources)*. Appendix F is a summary of the methodology used to derive the resource sensitivity map.

Policy 14

The resource sensitivity map places all locations within the Guadalupe Dunes into one of five categories ranging from highest (1) to lowest (5) sensitivity. With the exception of exploratory wells, it is recommended that areas designated 1 or 2 on the Resource Sensitivity Map shall be avoided due to their especially high sensitivity and qualities. Permitted facilities may be located within areas designated as 4 or 5 on the map. In areas designated as 3 on the map, development shall only be permitted if it can be demonstrated that alternative locations in areas of lower resource sensitivity are not feasible.

Policy 15

For linear types of facilities, such as access roads and pipeline corridors, there should be somewhat less restrictive siting policies due to their impacts being only temporary or less intensive. Pipeline or road alignment in areas designated as 2 and 3 on the map may be permitted. However, siting within areas designated as 2 shall be minimized and avoided if possible.

D. IMPACT MITIGATION TECHNIQUES

The resource protection strategies and resource sensitivity map, described in the previous sections, are designed to guide the siting of new development to the least sensitive areas. The impact mitigation strategies described in the following subsections are required to minimize habitat disruption from various development activities at new locations.

1. Pre-Construction Activities

The resource inventories, prepared of this report, are not intended to replace detailed site-specific studies normally required as part of an environmental impact report. The resource inventories and resource sensitivity map are intended to guide preliminary site selection. Final site selection and design will normally still be a part of the environmental and permit review process. As part of the permit review process, the following pre-construction measures are required to avoid final siting of a facility in an area of unexpected high habitat value.

Policy 16

Pre-construction consultation between design engineers and environmental specialists shall be required in order to avoid unnecessary damage to the dune habitat. The goal of this consultation is to determine satisfactory specific site locations and to select con- struction procedures consistent with the habitat policies herein.

Policy 17

An archaeological survey of proposed development areas shall be required to locate and define the nature and extent of cultural deposits present. Once sites have been recorded and defined, an attempt shall be made to find areas outside of site boundaries which are suitable for development. Making sure an area is clear of cultural resources in active dune areas may necessitate subsurface testing even in areas where no surface remains are present. Monitoring of construction activities by a qualified archaeologist and a Native American representative shall be required in sensitive archaeological areas.

Policy 18

If avoidance of impacts to archaeological sites is not possible by relocation, a testing program to evaluate the significance of the potentially affected archaeological sites shall be done. This information is necessary to decide what type of facility design will result in the least amount of impact to archaeological deposits. This testing is also necessary to provide adequate site boundary definition and to evaluate the cultural resources so a significance determination can be made. Once the significance of sites is established with certainty, then a combination of minimum impact facility design and mitigation data recovery programs shall be implemented. Prior to preparing mitigation recovery programs, a site specific research design shall be prepared. All phases of cultural resource evaluation should be coordinated with local Chumash people and other interested Native Americans. Page D-24 in the Appendix section of the Environmental Impact Report lists pertinent local groups which shall be consulted as part of an archaeological investigation.

Policy 19

Construction crews performing work in the area shall be instructed to cease all activity if any archaeological materials are encountered and notify the appropriate agency. A qualified archaeologist shall then investigate the deposits and make appropriate recommendations.

2. Access Roads and Wellsite Construction

Standard construction practices are expected to be followed in the study area, with heavy earth-moving equipment used for clearing rights-of-way and wellsites.

The following mitigation measures are required to minimize the potential adverse effects of these construction activities within the Guadalupe Dunes.

Policy 20

The resource sensitivity map (Figure 17) should be utilized for preliminary road alignment and wellsite location so as to avoid critical wildlife areas (e.g., wetlands), sensitive vegetation, known archaeological resources and areas of prime visual quality. In general, the open, sandy areas are preferable in order to pre- vent vegetation removal. Specific road alignment will require on-site investigation during the actual road planning phase.

Policy 21

All access roads shall avoid crossing a ridgeline and shall be contoured around a hill instead of across a hill.

Policy 22

The area of disturbance within an access road corridor shall be minimized by keeping all materials, vehicles and activities within the right-of-way.

Policy 23

Roads shall be designed and sited so that wind erosion is minimized. To avoid inducing wind scour and erosion from new temporary roads in dune areas, alignment of any portions of the roads shall be avoided, if feasible, at angles closer than 20 degrees to the dominant wind direction (generally northwest to southeast).

Policy 24

New access roads shall be prohibited if they facilitate unauthorized public motorized access within the dunes. New access roads shall incorporate adequate fencing or security measures to prevent public vehicular access to the dunes.

Policy 25

Vegetation removal for wellsites shall only be permitted if an alternative location in a less sensitive, open sandy area is not feasible.

Policy 26

If more than one well is necessary for lease exploration/development, clustering of multiple wells at a single site shall be required to the maximum extent feasible.

Policy 27

If multiple wellsites are necessary for lease production, they shall be connected by a single access road to the maximum extent feasible. Figure 18 in the Envicom Report contains examples of preferred and undesirable wellsite layout configurations.

Policy 28

In many cases, the area disturbed during construction activities becomes much larger than is actually necessary, as a result of shortcuts, turnarounds, and clearing of areas larger than required. Construction activity shall be confined to the minimum areas required by fencing off restricted areas, pre-staking work areas to confine equipment and activities to predetermined areas and/or by monitoring by the construction foreman.

Policy 29

Location of borrow pit sites and spoil dumping areas shall be located away from the dunes to reduce the area of dune habitat disturbed during the construction phase. However, caution shall be exercised to prevent the introduction of weedy species when using borrow materials from outside the dunes.

Policy 30

In order to minimize wildlife losses as the result of construction activities, construction work shall be prohibited from November through July within 300 feet of the rivermouth and wetlands areas (see Section V.C.3).

Policy 31

Erosion control shall be required in cleared areas during the construction phase of a project. Natural erosion control methods will decrease the likelihood of invasion by introduced weeds and exotics and increase the chances for rapid natural revegetation in temporarily disturbed areas. Acceptable natural erosion control methods include the use of snow fences or other removable physical barriers, jute or excelsior netting, and spraying with water for temporary dust suppression. Unacceptable methods include use of chemical soil stabilizers, crude oil and planting or seeding with exotics. Although recommended by other studies (Dames and Moore, 1979C) and approved for use within Union's Leroy lease by the Coastal Commission, the use of strawmulch or hydromulch within the dunes should only be used with caution. Unless strawmulch is obtained that is free of weed seeds, which is expensive, its use will likely cause the introduction and spread of weedy species in the dunes. For hydromulch, it is not as effective in dunes as the use of jute netting. Hydromulching of large areas requires the use of a large vehicle which can cause damage to fragile dune vegetation.

3. Oil and Gas Drilling

The drilling of an exploratory or development oil and gas well involves large amounts of very heavy equipment and materials which are moved to the wellsite and stored in predetermined areas. Large, noisy diesel engines are generally used for drilling rigs. Drilling operations nor- mally proceed for one week to three months, round-the-clock, and are accompanied by heavy service-vehicle traffic. Drilling mud and drilling by-products ("cuttings") are stored on-site during drilling. When drilling is completed the well is tested, treated and prepared for production. The casing is then set and wellhead equipment is installed.

The following mitigation measures are required to minimize the potential adverse effects of drilling activities within the Guadalupe Dunes:

Policy 32

Drilling mud, cuttings and wastes shall be stored in impervious containers.

Policy 33

Covered tanks shall be utilized instead of sumps for drilling muds and water so that waterfowl and shorebirds are not attracted to the sumps where they may be harmed.

Policy 34

All toxic or harmful wastes shall be removed from the dune area for proper disposal.

Policy 35

In order to minimize wildlife disturbance, drilling activities within 300 feet of the rivermouth and wetlands area shall be prohibited from November through mid-August. However, this policy is not intended to prohibit well maintenance activities which by their nature are necessary to the continued safe and orderly operation of a well.

Policy 36

Lighting in and around a drill site within 300 feet of the river mouth and wetlands shall be equipped with shielding so as to prevent disturbance at night to nearby wildlife habitats.

4. Oil and Gas Production

If a well is successful, equipment is needed at the wellhead to pump fluids in or out of the well, control the flow of products or treat the petroleum before it is pumped to centralized storage tanks. Common items are pumps, regulators, separators, heater-treaters and filters. The centralized production facilities, which need not be located at the wellhead and can be actually located outside the dunes, are used to collect, store and further treat the petroleum products from individual wells. This equipment may include monitoring devices, skimmers, separators, heater-treaters, stock tanks, chemical tanks, compressors, filters, pumps and saltwater storage tanks.

The following mitigation measures are required to minimize the potential adverse effects of equipment used for oil and gas production from within the Guadalupe Dunes:

Policy 37

All production equipment, with the exception of items which are necessary for the flow of fluids into and out of the wellhead, shall be located at a remote site outside the dunes if feasible or, alternatively, consolidated within the existing Leroy lease production area.

Policy 38

Except for an initial production testing period, a low profile pumping unit shall be utilized, if feasible, at locations designated 1 or 2 on the Visual Resources Map.

Policy 39

Permanent facilities requiring protection from the wind and windblown sand shall, where feasible, be oriented so as to minimize the disruption of normal wind flow. For example, by facing the corner or shorter wall of a structure, rather than a larger wall, into the wind, scour and deposition of sand can be minimized.

Policy 40

Noise and vibration from machinery at production areas within 50 feet of a wetland shall be controlled so that noise levels are less than 65 dB(A) at 50 feet from the perimeter of the facility. In particular, noise in the frequency range of 1000 to 8000 Hz shall be controlled to minimize disturbance to nearby wildlife habitats. Maintenance activities of an occasional and temporary nature (e.g., work over rigs) are excluded from this requirement.

Policy 41

If facilities are sited within the dunes on the sides of slopes, they shall be oriented so that they face landward rather than towards the high public use beach area.

Policy 42

Facilities located within the dunes shall be laid out in an asymmetrical pattern and oriented so that the minimum amount of surface area faces public view.

Policy 43

Facilities sited in open dunes shall be painted in a neutral color so as to blend in with the sandy areas. In partially vegetated areas, facilities shall be painted in a camouflage pattern with a greenish-gray (bayberry) color.

Policy 44

Rough rather than smooth textured building materials shall be used for sheds and offices so as to minimize reflected light.

5. Pipeline Installation

Small lines (brine disposal, flowlines from wellhead to storage tanks) and large transportation lines are usually buried. Installation of small lines (less than 4 inches) requires plows, trenches or backhoes. Large-scale pipeline construction involves several distinct sequential activities. The right-of-way is cleared and graded; a ditcher digs the trench; the pipe sections are welded and inspected; a single machine cleans, coats and wraps the pipe; the pipeline is placed and backfilled; and the earth is tramped, leveled and restored.
The following mitigation measures are required to minimize the adverse effects of pipeline installation within the Guadalupe Dunes:

Policy 45

Similar to the measures proposed for access road construction, the resource sensitivity map (Figure 1 in the Envicom Report) shall be utilized for preliminary planning to locate a pipeline corridor which shall have the minimum effect on habitat values. However, the final alignment of a pipeline corridor shall require a specific on-site investigation.

Policy 46

The preferred location for pipeline installation is within the existing pipeline corridors leading from Union Oil's Leroy lease to either Union's Santa Maria refinery or the Battles gas processing plant. Alternatively, pipeline corridors shall be consolidated with access roads, if feasible. If a pipeline corridor must deviate from this right-of-way, vegetated areas shall be avoided consistent with all applicable policies of the certified Land Use Plan.

Policy 47

All pipeline construction equipment and activities shall be restricted to within the pipeline right-of-way.

Policy 48

Pipelines shall be sited and designed so that wind erosion is minimized. To avoid inducing wind scour and erosion, alignment of pipeline corridors within the dune area shall be restricted to no closer than 20 degrees from the dominant wind direction, where feasible.

Policy 49

In undeveloped areas, staging facilities for pipeline construction shall be located outside the dune areas.

6. Site Abandonment and Habitat Restoration

Termination of production at a well site involves removal of tubing and downhole equipment by a small rig. The hole is filled with drilling mud and capped with cement. The well casing is cut below ground and the area is filled and tramped. All usable wellhead and auxiliary production equipment is removed.

The following are required in order that temporary or abandoned sites are restored to a natural condition:

Policy 50

All road pavement and structure foundations shall be removed.

Policy 51

A detailed dune restoration program shall be required of every new oil and gas project operation within the dunes enhancing the regrowth of native vegetation. This strategy is based on currently available information on dune habitats, including observations of the progress of natural revegetation on dunes within the project area. Appendix G is an example of a comprehensive, site-specific plan proposed for implementation on the foredunes at Morro Sandspit in Montana de Oro State Park, San Luis Obispo County, located about 20 miles northwest of the project area. A similar plan for a section of the project area should be developed, when needed, taking into account the location and potential natural vegetation of the area to be revegetated. The suggestions below are appropriate as guidelines for developing such a plan.

a. Remove and conserve topsoil during ground clearing at initiation of construction.

b. To provide inexpensive mulch and a natural seed source, replace topsoil and above-ground vegetation immediately after construction or disturbance is complete.

c. In areas where needed (e.g., on foredunes or backdune ridges subject to wind erosion), use jute or excelsior netting as a means of erosion control.

d. Restrict vehicle and foot traffic in the recovery area by posting signs, installing fences or other measures. In active dune areas the vegetation to be used for dune stabilization for revegetation shall be limited to native plants compatible with the habitat area.

It is especially important in all dune areas that the plant species used for dune stabilization or revegetation be native to that dune area. The use or accidental establishment of non-native plants, especially the highly aggressive Hottentot fig (Carpobrotus edulis) and European beachgrass (Ammophila arenaria) would be highly detrimental to nearby native vegetation and dune arthropod communities (Slobodchikoff and Doyen, 1977).

Because of limited knowledge on dune restoration methods, the County should pursue a grant through the Coastal Energy Impact Program (CEIP) to carry out a comprehensive research program on dune restoration techniques.

7. Oil Spill and Clean-up

Although the likelihood of oil spillage is low, the potential consequences of a spill in a sensitive habitat require substantial preventive action prior to and after the installation of equipment. In some installations, pressure detectors activate automatic valves to control equipment failures. More often, malfunctions are controlled manually. Most operators have emergency plans that conform to state and federal regulations. The first step, containment of petroleum, may require the bulldozing of levees. Vacuum trucks can remove oil if a deep layer has formed. Various absorbents may also be employed, and any residual oil is usually burned.

In order to minimize the substantial adverse effects of oil spillage within the Guadalupe Dunes, the following mitigation measures are required.

Policy 52

An approved oil spill prevention and clean-up plan shall be required of every oil and gas operator within the study area. This plan shall include all of the following components: a) preventative measures to be taken to avoid spillage of petroleum or petroleum production wastes; b) methods to be utilized to contain spilled liquids; c) methods to be utilized to remove oil, oily debris and oil contaminated sand or soil from spill area; d) sites for disposal of oil spillage; e) notification and coordination with appropriate federal, state, local and private cooperative agencies; and f) traffic and crowd control at scene of spill.

Policy 53

All crude oil and chemical storage tanks shall be required to have berms around them so as to be able to contain 150 percent of the capacity of the largest tank at the site.

Policy 54

All major liquid-carrying pipelines except water pipelines shall be equipped with automatic shutoff valves at various points along a line so as to minimize the amount of contents lost in the event of pipe breakage or leakage.

Dispersal equipment (e.g., gas-operated horns) shall be available at each production site to be used, if necessary, after a spill to discourage use of an area by wildlife and waterfowl.

APPENDIX F

ALTERNATIVE STAGING AREAS FOR PISMO STATE DUNES VEHICULAR RECREATION AREA

The advantages and disadvantages of each alternative are presented in the following tables. Factors considered for each site were:

Environmental Impacts

- vegetation loss
- wildlife habitat loss
- dune stabilization
- integrity of natural areas
- agricultural lands

Circulation

- access from highways
- access from site to dune use area
- circulation through adjacent communities
- railroad crossing
- road improvements

Services and Land Use

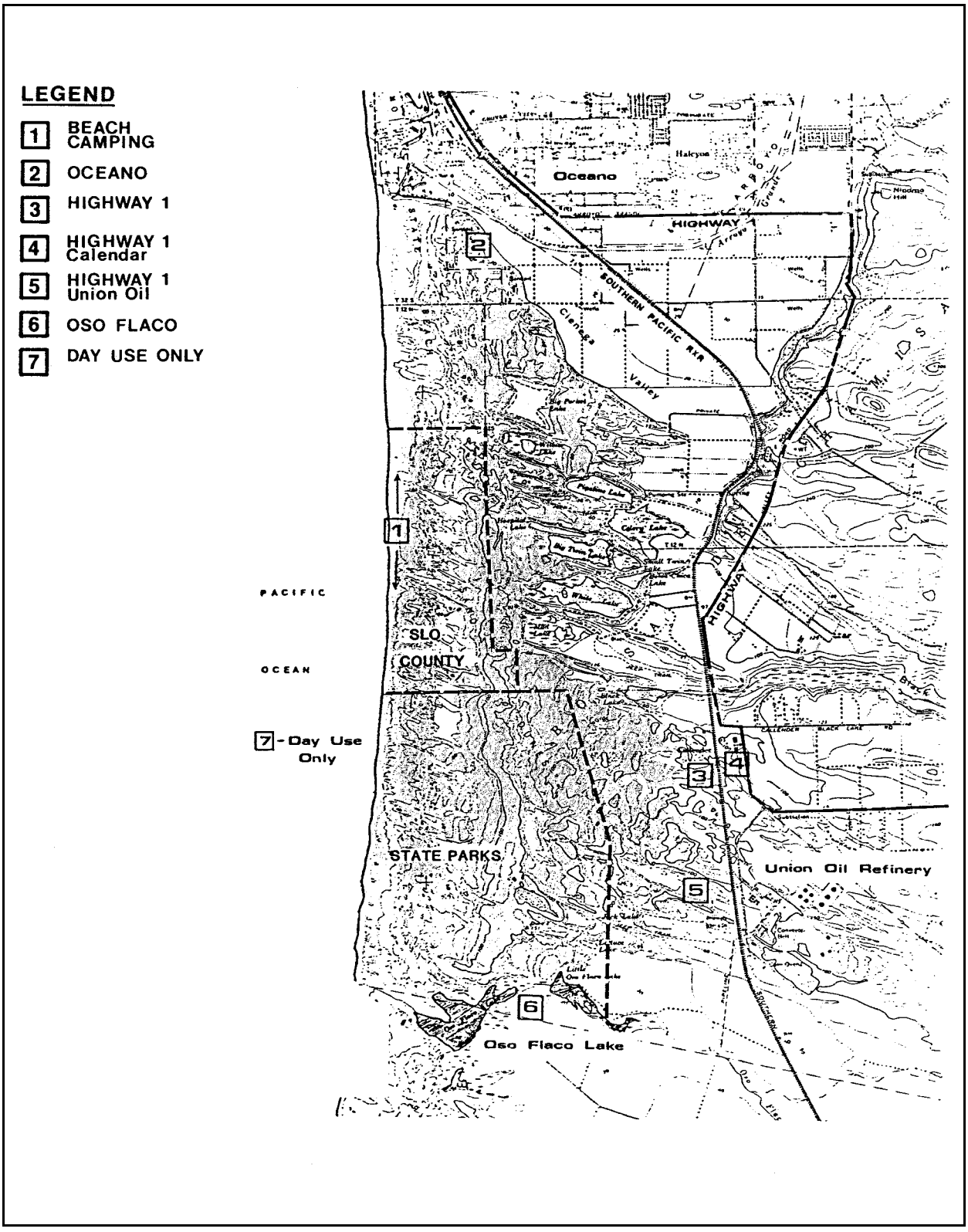
- proximity to services
- proximity to utilities
- compatibility to adjacent land uses

User Enjoyment

- weather
- aesthetics
- recreation potential

Mitigation measures are also included for each alternative. However, mitigation measures for many impacts will be the same regardless of the site chosen. These would include:

- dune revegetation
- fencing
- posting
- other barriers
- buffer zones
- noise control
- signs on highways to indicate when full
- other techniques to ensure environmental protection and visitor enjoyment



Map 5: Off-Road Vehicle Staging Area Alternatives (Pismo Beach State Park)

The Alternatives Include:

1. Beach camping
2. Oceano
3. West of railroad - PG&E
4. East of railroad
5. West of railroad - Union Oil
6. Oso Flaco Lakes
7. Day use only

ALTERNATIVE 1 - BEACH CAMPING

This alternative would continue the existing use of the dunes with overnight camping on the sandy beach.

Advantages

1. Slight environmental impacts to compacted beach sand habitat with the exception of the Razorback Clam population.

2. Offers unique recreational and camping experience.

3. Easy access to the ORV use area from camping area.

Disadvantages

1. Carrying capacity varies greatly with tidal movements.

2. Beach location is not suitable for construction of permanent facilities.

3. Carrying capacity is dependent upon total amount of sanitary facilities provided. Overuse poses immediate health hazards.

4. Beach access is dependent upon availability of beach ramps.

5. Difficulty in density control for all recreational use areas.

6. Conflicts with non-ORV traffic along the beach.

7. Adverse impacts on Razorback Clam.

8. Poor weather conditions make site undesirable at times.

9. Effective park ranger management is limited due to the need to cross Arroyo Grande Creek in high tide or high flow periods.

10. Traffic would pass through existing urban areas.

Mitigation Measures

1. Fund additional park ranger staff to allow for extensive patrolling.

2. Develop and maintain sufficient sanitary facilities.

3. Staff and control all access points.

4. Limit total amount of overnight camping level of sanitary facilities.

ALTERNATIVE 2 - OCEANO

This alternative would be located in an area presently used for recreational use as a stable and lies adjacent to a sand quarry site. Access corridors would either be located to the north along Arroyo Grande Creek or require a crossing through the California Department of Parks and Recreation Dune Preserve.*

Advantages

1. Close proximity to support services within 1 mile.

2. Easy access from Highways 1 and 101.

3. Minor environmental disruption.

4. Existing buffer (Arroyo Grande Creek) between site noise and urban area.

5. Site stability.

6. Availability of utilities.

7. Alternate access is available for adjoining agricultural users.

8. Existing recreational use of a portion of the site.

9. Control of conflicts with Dune Lakes Property.

Disadvantages

1. Substantial distance to ORV use area (approximately 3 miles) would require additional patrolling.

2. Promotes ORV traffic on the beach and conflicts with non-ORV beach users.

3. Requires corridor through State Parks Dune Preserve.*

4. Loss of prime/non-prime agricultural lands (40+ acres).

5. Requires construction of improved road access including bridge over Arroyo Grande Creek and railroad crossing. This cost must be borne by San Luis Obispo County; however, OHU grants funds may be available to cover portion of total cost.

6. Increased traffic through Oceano.

7. Portion of site access is within 100 year flood zone.

8. Location is within airport hazard zone; however the proposed use appears to be permitted in this zone.

9. Possible vehicle use in known archeological resource area.

10. Unacceptable to State Department of Parks and Recreation at this time with present Dune Preserve lands classification.

* State Parks Dune Preserve - This unique unit of Parks and Recreation was established to preserve the Dune habitat in its natural conditions. All vehicular access is prohibited within the 430 acres; however, the present enforcement capability is inadequate. Section 5019.71 of the Resources Code establishes procedures for identifying these natural preserves and once established it would require a lengthy process and hearings to reclassify this area to allow the access proposed for this alternative. This Dune Preserve is one of very few established preserves within the State Parks holdings.

Mitigation Measures

1. Return Oso Flaco Lakes acquisition to agricultural production.

2. Provide buffering for adjacent dunes and agricultural lands.

3. Provide necessary ranger patrolling to control traffic within Dune Preserve.

4. Survey and provide protection for archeological resources.

5. Construct a restricted access corridor through State Parks Dune Reserve.

ALTERNATIVE 3 - WEST OF RAILROAD (PG&E)

This alternative is located in the stabilized dune area presently owned by Pacific Gas and Electric Company. A major new accessway would be necessary with a railroad overpass.

Advantages

1. No loss of agricultural land.

2. Close proximity to primary ORV dune use area.

3. Weather conditions good.

4. Realignment of Highway 1 could provide ease in access.

5. Traffic from Highway 101 would not pass through urban areas.

6. Does not require elimination of hunting at Oso Flaco Lakes.

7. Allows for non-vehicular use of other portions of park.

Disadvantages

1. Construction and ORV use may cause destabilization of dunes.

2. Requires construction of railroad overpass ($1,000,000+) and/or realigning of railroad holding zone ($175,000).

3. Location adjacent to railroad presents safety problem.

4. Distance to support services is great (4+ miles).

5. Conflict with habitat at Dunes Lake with uncontrolled ORV use.

6. Loss of rare and endangered plant habitat.

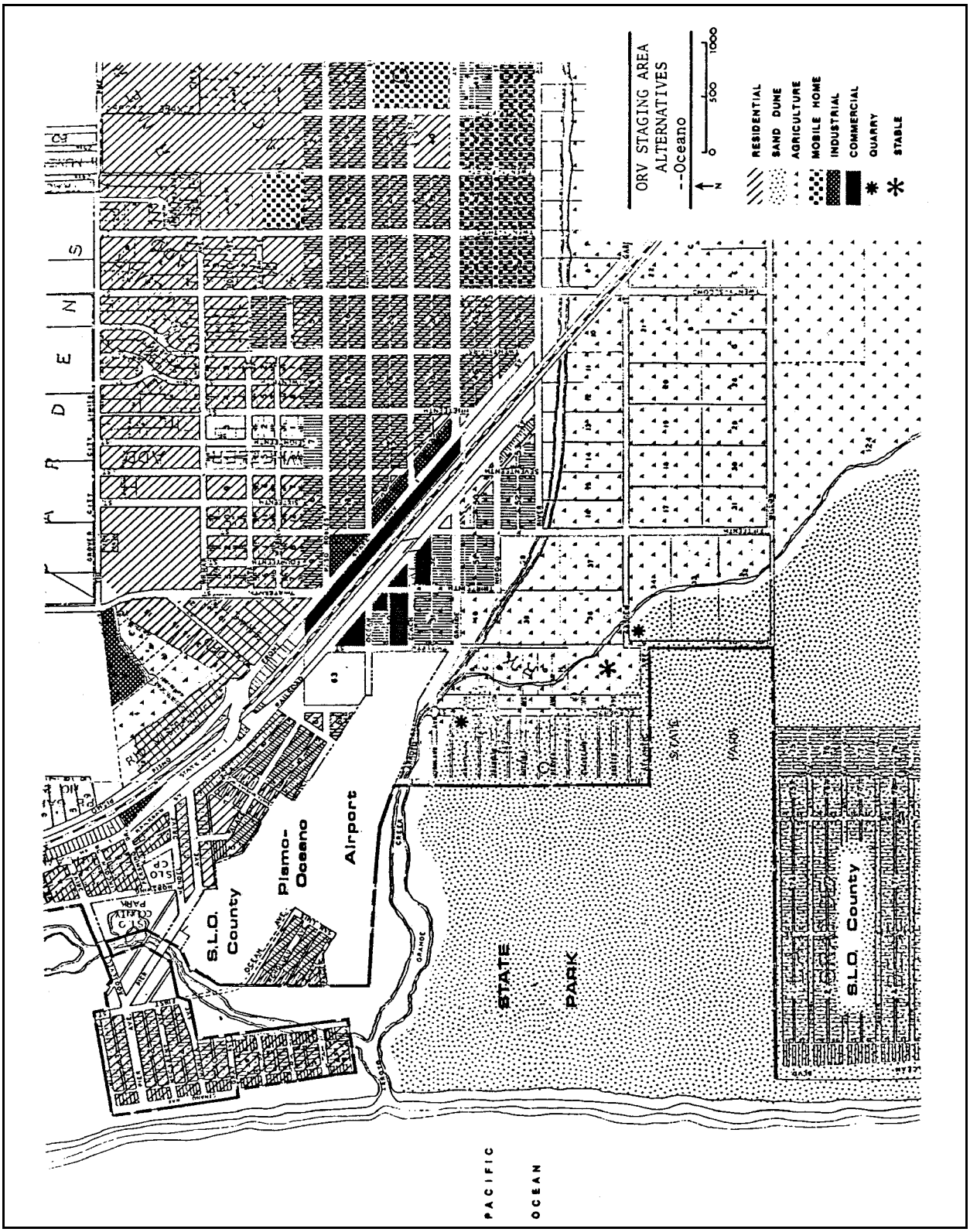
Mitigation Measures

1. Undertake a program of revegetation of dunes.

2. Establish buffering to protect Black Lake and Dune Lakes Properties.

3. Development of service area in vicinity.

4. System of signs notifying users when facilities are full.



Map 6: Off-Road Vehicle Staging Area Alternatives (Oceano)

ALTERNATIVE 4 - EAST OF RAILROAD

This alternative would be located on the industrially zoned property lying between Highway 1 and the railroad track. A new major accessway through the stabilized dune would be necessary; however, development of the camping/staging area would be located outside of the major dunes complex.

Advantages

1. Immediate access from Highway 1.

2. Adjacent to industrial uses to north, south and east.

3. Construction of staging area is facilitated by physical characteristics of site.

4. Existing buffering provided by tree coverage on site.

5. Close to utilities.

6. Weather conditions good.

7. Site is closer to ORV dune use area.

8. Ease in visitor control.

9. Eliminates construction of campground within stabilized dune area.

Disadvantages

1. Requires construction of a major new accessway to the Dunes.

2. Loss of 12-40 acres of industrial land with rail access.

3. Location adjacent to railroad poses safety problems.

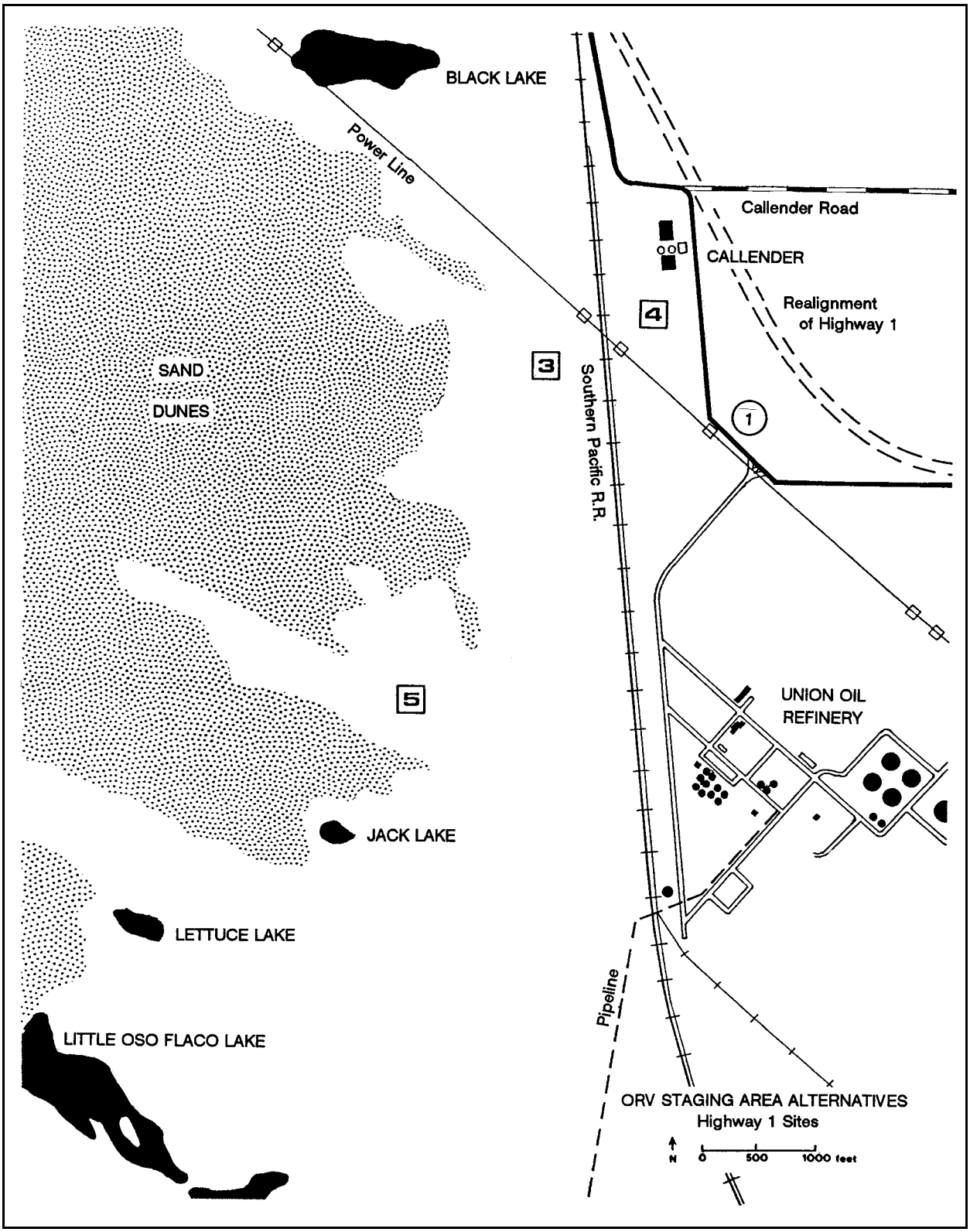
4. Requiring construction of railroad overpass or realignment of railroad holding zone.

5. Potential user conflicts on adjacent industrial areas where fencing cannot be maintained.

6. Loss of foredune stabilizing vegetation and potential to increase shifting sand within access corridor.

7. Trespass and noise impacts on Dune Lake wetland habitat.

8. Distance to support services is great.



Map 6: Off-Road Vehicle Staging Area Alternatives (Highway 1 Sites)

Mitigation Measures

1. Require proposed realignment of Highway 1 to be completed in conjunction with facility development.

2. Provide landscaping and screening from highway.

3. Fence and maintain limited access corridor to eliminate impact on stabilizing dune vegetation.

4. Development of support services in vicinity.

ALTERNATIVE 5 - WEST OF RAILROAD (UNION OIL)

This alternative would require construction of a major overpass to relocate day use and overnight camping use to a site in the stabilized and heavily vegetated dunes area. It requires maintenance of a new accessway to the dune use area and requires state acquisition of this remaining holding.

Advantages

1. Not adjacent to wetlands; minor impacts on wildlife.

2. No loss of agricultural land.

3. Close proximity to major dune use area.

4. Weather conditions good.

5. Proposed realignment of Highway 1 could provide

6. Traffic from Highway 101 would not pass through urban areas.

Disadvantages

1. Construction of a major new access into the dune would result in potential for dune destabilization.

2. Would require construction of railroad overpass (estimated cost $1 million +) or realignment of railroad holding zone.

3. Support services not immediately available (4 + miles).

4. Surrounding vegetated areas could be impacted.

5. Incompatible with industrial development on Union Oil property. Removes visual and wind pattern air quality buffer.

6. Loss of rare and endangered plant habitat.

7. Traffic capacity and site distance conflicts with existing alignment of Highway 1.

8. Property owner strongly objects to use of property for staging area.

9. Difficult to construct facilities within dune habitat.

Mitigation Measures

1. Requires revegetation of dunes.

2. Construct screening and fencing to buffer location near refinery as much as possible.

3. Provide support service facilities in vicinity.

4. Survey and design to mitigate loss of rare and endangered plant.

5. Require improvement to Highway 1 as condition of construction of staging area.

ALTERNATIVE 6 - OSO FLACO LAKES

This alternative would use Oso Flaco Lakes Road and the existing causeway as staging area and campground for dune users. State Department of Parks and Recreation has recently acquired the site and tentatively proposed campground facilities.

Advantages

1. Close proximity to ORV use area (1/2 - 1 mile).

2. Developed two-lane access road.

3. Causeway over lake is present.

4. Land proposed for campground is already acquired.

5. Site could provide further protection to wetlands than presently exists through proximity of State Park personnel located at campground.

6. On grade railroad crossing could be used.

7. Good weather conditions.

Disadvantages

1. Adverse impacts on sensitive wetlands habitat at Oso Flaco and Little Oso Lakes.

2. Loss of 60 acres prime agricultural lands.

3. Adverse impacts on adjacent agricultural lands.

4. Requires prohibition of hunting from lakes.

5. Corridor through Natural Area to user area would be required; this would continue substantial sedimentation.

6. No support services. Closest services are presently located at Guadalupe, four miles to the south.

7. Road improvements for widening, parking and emergency use would have to be completed by San Luis Obispo County.

8. Railroad crossing poses safety hazard.

Mitigation Measures

1. Provide alternate access for adjacent agriculture users.

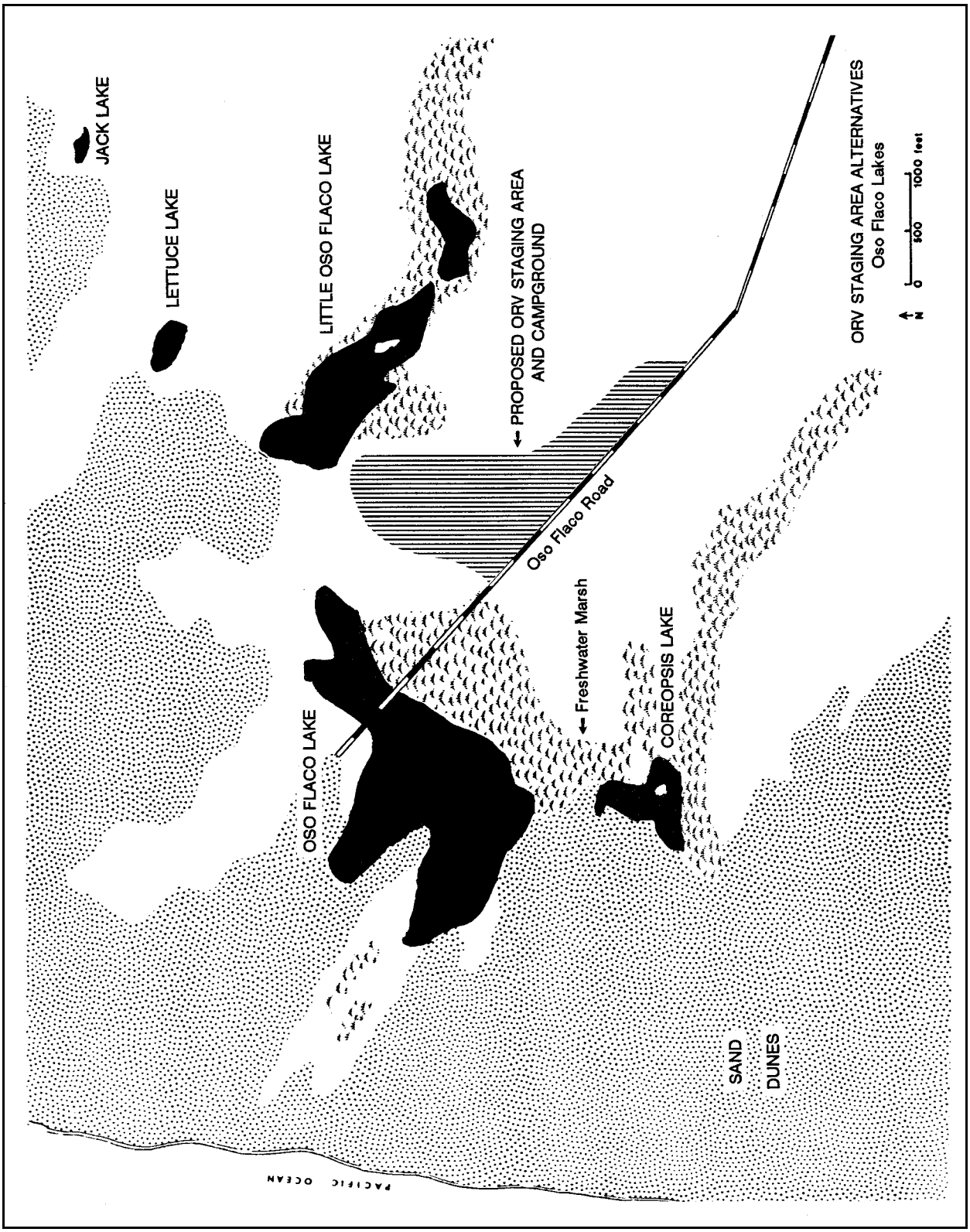
2. Adequate setbacks of staging area to buffer wetlands.

3. Require noise control.

4. Protective moat for adjacent agriculture lands.

5. Construct and maintain fenced traffic control area through natural area.

6. Undertake program to revegetate dunes for control of stabilization and control of sediment.



Map 6: Off-Road Vehicle Staging Area Alternatives (Oso Flaco Lakes)

ALTERNATIVE 7 - DAY USE ONLY

This alternative would regulate dune use and eliminate any overnight camping/staging area from the State Park or County holdings.

Advantages

1. Substantial savings for Park Department.

2. Lesser environmental impacts from dune habitat.

3. Increased business for private sector.

Disadvantages

1. Loss of a unique recreational camping experience.

2. Requires identification of campground facilities from private holdings.

3. Increased vehicle travel.

4. Increased fuel use, increased user expense.

5. Limit park utilization.

Mitigation Measures

1. Facilitate development of private campgrounds in appropriate areas.