



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 15, 2015	CONTACT/PHONE Megan Martin, (805)781-4163	APPLICANT California State Parks	FILE NO. DRC2014-00062
LOCAL EFFECTIVE DATE May 29, 2015	mamartin@co.slo.ca.us		
APPROX FINAL EFFECTIVE DATE June 12, 2015			
SUBJECT Request by California State Parks for a Minor Use Permit/Coastal Development Permit (DRC2014-00062) to allow the installation of improvements to comply with the American Disabilities Act which includes the following: 1) Two ADA concrete pre-fabricated restrooms; 2) Five additional ADA parking spaces; 3) Replacement of the kiosk/pay station/fee collection building; 4) A new picnic area to include a shade shelter with picnic tables; 5) Adjust the existing guardrail to provide necessary required ADA parking and access to the proposed picnic area; 6) Installation of 3" to 4" of asphalt overlay of Oso Flaco Lake Road; 7) Replacement of signs required for parking and hours of operation; 8) Installation of informational panels which are to comply with ADA requirements. As a result of development, the proposed project will disturb approximately 40 cubic yards and remove five Willow trees. The project is located at the east end of Oso Flaco Lake Road within the Agriculture and Recreation land use category. The site is in the South County Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00062 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION California State Parks, as Lead Agency, issued a Class 1 and Class 3 Categorical Exemption for the proposed project on November 25, 2014.			
LAND USE CATEGORY Recreation and Agriculture	COMBINING DESIGNATION Local Coastal Plan, Coastal Appealable Zone, Terrestrial Habitat Wetland, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 092-011-015, 092-011-016, 092-391-018, 092-391-018	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: South County Coastal Planning Area – Habitat Protection			
LAND USE ORDINANCE STANDARDS: Section 23.01.043(c) – Appeals to the Coastal Commission Section 23.07.120 – Local Coastal Program Area (LCP) Section 23.04.050 – Non-Agricultural Uses in the Agriculture Land Use Category Section 23.04.124 – Height Limitations Section 23.07.160 – Sensitive Resource Area Section 23.08.070(c) – Public park facilities Section 23.07.160 – Sensitive Resource Area Section 23.07.172 – Wetlands Section 23.07.170 – Environmentally Sensitive Habitats <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
EXISTING USES: Oso Flaco Lake Day Use Area, Parking Lot, Kiosk			
SURROUNDING LAND USE CATEGORIES AND USES: North: Recreation / Oso Flaco Lake Natural Area South: Recreation / Oso Flaco Lake Natural Area East: Agriculture / Agricultural uses West: Agriculture / Agricultural uses			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Building Division, Oceano Community Services District, Coastal Commission, State Parks, Oceano/Halcyon Advisory Council	
TOPOGRAPHY: Generally level to gently sloping	VEGETATION: Unimproved parking lot, Willows
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Cal Fire	ACCEPTANCE DATE: March 22, 2015
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

DISCUSSION

PROJECT HISTORY

Oso Flaco Lake Natural Area was established in 1982 and is maintained by California State Parks. The area is open sunrise to sunset at a daily vehicle charge of \$5.00. A trailhead leading to Oso Flaco Lake and Oceano Dunes begins at the parking lot area at the end of Oso Flaco Lake Road.

This is one of the only areas available to the public that provides for ADA accessibility. Common use of the Oso Flaco Lake Natural Area includes bird watching, use of the existing trail network, and pedestrian access to the Dunes. The area is also used by local schools and the Dune Center; both groups lead hikes and environmental talks whose purpose is to educate the public about the Dunes history. This area also provides access to one of the only fresh water lakes in the coastal area.

PROJECT DESCRIPTION

The project includes improvements to the existing Oso Flaco Lake Day Use area to comply with the American Disabilities Act (ADA). California State Parks is proposing to install two ADA concrete pre-fabricated restrooms, 10' above the centerline of Oso Flaco Lake Road. The existing kiosk/pay station/fee collection building will be demolished and rebuilt at a height of 10' above the centerline of Oso Flaco Lake Road. A new picnic area within the unimproved parking area will be constructed to include a 10' foot tall 704 square foot shade shelter with picnic tables. The existing parking lot area will be improved to include five additional ADA parking spaces, guardrail to provide necessary required ADA parking and access to the proposed picnic area, and installation of 3" to 4" of asphalt overlay of Oso Flaco Lake Road which extends from the first entrance gate toward the existing pedestrian bridge (approximately 1,340 feet of resurfacing). Signage for parking and day use operation will be posted within the parking lot as well as informational panels to comply with ADA requirements. The proposed project will disturb approximately 40 cubic yards of soil and remove five Willow trees.

PLANNING AREA STANDARDS

The project site is located in the South County Coastal Planning Area. The following standard applies to lands within the Recreation land use category in the rural portions of the South County Coastal Planning Area:

Habitat Protection. Natural buffer areas for sensitive habitat areas shall be identified and fenced. Fences or other appropriate techniques shall be maintained where needed to preclude vehicular access in such areas as the Dune Lakes, Oso Flaco Lake and natural areas in the eastern portion of the park and lease area.

Staff Response: The proposed project complies with this planning area standard. The Oso Flaco Lake area is known as a Sensitive Resource Area. The existing day use area does not allow vehicular access to Oso Flaco Lake or its surrounding sensitive habitats, and, the proposed project will not allow for vehicular access into the Oso Flaco Lake area. The existing kiosk/pay station/fee collection building will be demolished and rebuilt at the site and will continue to preclude vehicular access from this natural area. Parking will be provided at an onsite parking lot where visitors may leave their vehicles and walk in to the park via a trail that accesses the lake and coast. Fencing surrounding the sensitive habitat area will remain and is maintained by California State Parks.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c) – Appeals to the Coastal Commission

As set forth in the Public Resources Code Section 30603(a), and the Coastal Zone Land Use Ordinance, the proposed Minor Use Permit/Coastal Development Permit is appealable to the California Coastal Commission because proposed development is between the sea and the first public road (ROAD), it is within 100 feet of a wetland, and is partially within an Environmentally Sensitive Habitat Area (ESHA).

Section 23.04.050 – Non-Agricultural Uses in the Agriculture Land Use Category

This section establishes standards for non-agricultural uses in the Agriculture category consistent with Local Coastal Plan Agricultural policies 3, 4, and 5.

Section 23.04.050(b)(4) – Required findings

Supplemental non-agricultural uses may be established only if the following findings are made by the applicable approval body:

- (1) For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and
- (2) The least amount of prime soils possible will be converted; and
- (3) The proposed use will not conflict with surrounding agricultural lands and uses

Staff Response: The project site is located within the Agriculture land use category adjacent to agricultural uses. The proposed project will occur entirely within an existing parking area that serves the Oso Flaco Lake Natural Area. No agricultural land will be converted as a result of this project. The proposed use will not conflict with the surrounding agricultural lands and uses because the Oso Flaco Lake Natural Area is an existing and established use.

Section 23.04.124 – Height Limitations

The maximum height for new structures is permitted by land use category. The proposed structures (new pre-fabricated restrooms, kiosk, and picnic area with a shade shelter) are proposed in the Agriculture land use category. The maximum height for new structures in the Agriculture land use category is 35 feet above average natural grade. The proposed structures comply with this standard.

Section 23.07.120 – Local Coastal Program Area (LCP)

The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation.

Section 23.07.160 – Sensitive Resource Area

The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The standards of this section apply to all uses requiring a land use permit that are located within a Sensitive Resource Area combining designation.

Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

- (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design.

Staff Response: The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed project will limit development to the existing Oso Flaco Lake parking lot and Day Use Area. No development or improvements, including the staging of equipment, will occur in the adjacent wetland area that is the basis for the Sensitive Resource Area designation.

- (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.

Staff Response: Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed project will occur in an already disturbed parking lot and on the existing Oso Flaco Lake Road. The project includes 40 cubic yards of site disturbance (soil movement) that will all be within the existing parking lot area and along Oso Flaco Lake Road as well as repaving Oso Flaco Lake Road.

- (3) Any proposed topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

Staff Response: The proposed clearing of topsoil and trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource. The applicant will avoid removal and/or trimming of the adjacent Willow trees to the greatest extent feasible to locate the proposed shade structure and picnic tables within the existing parking and allow for the ADA parking spaces. The Willow trees are not within the sensitive resource area and their removal will not impact the adjacent sensitive resource and its habitats.

- (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

Staff Response: The soil and subsoil conditions are suitable for any proposed excavation. Site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff because the project is proposed in an existing parking lot where the site surface has already been designed to prevent soil erosion and sedimentation through undue surface runoff. The proposed project includes a new shade shelter with picnic tables, kiosk/pay station/fee

collection building and two new pre-fabricated restrooms, the site already has drainage improvements in place that will prevent potential soil erosion and sedimentation with the addition of these structures.

Section 23.07.166 – Minimum Site Design and Development Standards

Construction and landscaping activities shall be conducted to not degrade lakes, ponds, wetlands, or perennial watercourses within an SRA through filling, sedimentation, erosion, increased turbidity, or other contamination:

Section 23.07.172 – Wetlands

Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected. Only principle permitted uses will be allowed in wetlands to include, hunting, fishing, wildlife management, education and research projects.

Staff Response: The existing parking lot area and project site is within 100 feet of a coastal wetland, identified by the Coastal Act as an Environmentally Sensitive Habitat. The proposed project will provide for ADA improvements in areas already disturbed (i.e. parking lot, Oso Flaco Lake Road, existing trail) and will not significantly disrupt the habitat or resource.

The project includes establishment of a shade structure and picnic tables, five ADA parking spaces, kiosk/pay station/fee collection building, and two new pre-fabricated waterless restrooms. All development will support the existing trail and Oso Flaco Lake Natural Area. The CZLUO establishes a limited number of uses that may be within a wetland setback area (within 100 feet). Those uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads. The intent of these uses is to support the existing passive recreation (trail and nature area) of the Oso Flaco Lake Natural Area and provide for ADA access. Establishment of these uses will occur within the existing parking area and not extend into the wetland area located adjacent and therefore not create any adverse environmental effects.

Section 23.07.172(c) - The Department of Fish and Game review 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.

Staff Response: The proposed project was referred to the Department of Fish and Game for review and comment. Staff has not received comments.

Section 23.07.172(d) - Wetland setbacks. New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided through a setback adjustment. Permitted uses within the wetland setback buffer are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

- (1) Alternative routes are infeasible or more environmentally damaging

- (2) Adverse environmental effects are mitigated to the maximum extent feasible

Staff Response: The project will locate ADA parking spaces and a shade shelter with picnic tables within 100 feet of a wetland. These uses will be ancillary and will directly support the existing Oso Flaco Lake Natural Area, a passive recreational amenity and visitor-serving use. The project will not result in any adverse environmental effects on the adjacent sensitive resource because development will occur completely within the existing and disturbed parking lot area to the area; therefore, staff finds the uses may be located within the wetland setback buffer area.

Section 23.07.170 – Environmentally Sensitive Habitats

Provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat.

Section 23.07.170(b) – Required findings

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

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

Staff Response: The proposed project site is located adjacent to a wetland, a defined Environmentally Sensitive Habitat. Development will not occur within the wetland. Proposed development includes five new ADA parking spaces, a shade shelter and picnic area, two new pre-fabricated waterless restrooms, and a new kiosk/pay station/fee collection building. The restrooms, one van accessible ADA parking space and kiosk will be located approximately 200 feet away from the extent of the wetland boundary. The picnic area and four new ADA parking spaces will be located within 100 feet of the wetland boundary but will not extend beyond the boundaries of the existing parking lot area and therefore will not impact the habitat or the resource.

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

Staff Response: The proposed uses will not significantly disrupt the habitat because development will not occur within the wetland areas and will not result in the expansion of the existing parking area or use.

Section 23.08.070(c) – Public park facilities

Public parks as principal uses are subject to Minor Use Permit approval. Setbacks are established by the proposed facility use. A picnic area is required to have the picnic areas setback 25 feet from all property lines. The applicant is proposing to establish the picnic area approximately 80 feet from the closest property line.

COASTAL PLAN POLICIES:

Shoreline Access: Policy No(s): 1, 4, 7, 8
Recreation and Visitor Serving: Policy No(s): 1, 2, 4
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: Policy No(s): 1, 2, 7, 16, 18, 29, 31, 35, 36
Agriculture: Policy No(s): 11
Public Works: Policy No(s): 1
Coastal Watersheds: N/A
Visual and Scenic Resources: N/A
Hazards: N/A
Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access

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.

Staff Response: The proposed project complies with this policy. The proposed development will improve the existing visitor serving facilities located at Oso Flaco Lake Day Use Area and maintain access to the ocean via a trail from the existing parking lot.

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.

Staff Response: The proposed project complies with this policy. Existing facilities at Oso Flaco Lake Day Use area include a parking area, trail, and kiosk. Proposed development and improvements will comply with the American Disabilities Act to include two new ADA pre-fabricated restrooms, five ADA parking spaces, replacement of the kiosk/pay station/fee collection building, a new picnic area to include a shade shelter with picnic tables, adjusting the existing guardrail to provide necessary required ADA parking and access to the proposed picnic area, and improvements to Oso Flaco Lake Road.

Policy 7: Development of Uniform Access Signs. A uniform signing 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.

Staff Response: The proposed project complies with this policy. The project includes new signs to be placed as required for parking and hours of operation to include what type of uses are permitted while visiting the Oso Flaco Lake Day Use facility. The proposed project will also include interpretation signs and/or information panels to be adjusted for the project as needed for ADA and public knowledge.

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 burden 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.

Staff Response: The proposed project is adjacent to a sensitive resource (wetland and terrestrial habitat) as well as adjacent to agricultural uses. Development will include improvements to the existing parking area and trail use area that accesses the ocean. The project would not increase burden on access to the shoreline but would improve it and comply with ADA requirements to expand the availability of coastal access. It is not expected the improvements would hinder agricultural activities on adjacent sites.

Recreation and Visitor-Serving Uses

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.

Staff Response: The proposed project complies with this policy. The Oso Flaco Day Use area is a lower-cost coastal recreational facility. It provides coastal access from Oso Flaco Lake Road to the ocean. An improved parking lot is available for visitors and a pedestrian trail connects the parking lot to the ocean. The proposed project will allow for improvements to an already existing coastal recreational facility, the intent of which is to encourage coastal access within the area.

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.

Staff Response: The proposed project complies with this policy. Oso Flaco Lake Day Use area is not designated a visitor-serving use; however, it is considered a public use area and it does provide a public access amenity. The project site is adjacent to a sensitive resource (wetland and terrestrial habitat) as well as adjacent to agricultural uses. The applicant considered the coastal resource (wetland and terrestrial habitat) and will maintain development within areas already disturbed including the existing trail, picnic area, parking area, and Oso Flaco Lake Road.

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.

Staff response: The project site is located within the Agriculture land use category adjacent to agricultural uses. The proposed project will occur entirely within an existing parking area. No agriculture or soils will be converted as a result of this project. The proposed use will not conflict with the surrounding agricultural lands and uses because the Oso Flaco Lake Natural Area is an existing and established use.

Environmentally Sensitive Habitats

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.

Staff Response: The existing parking lot area and project site is within 100 feet of a coastal wetland, identified by the Coastal Act as an Environmentally Sensitive Habitat. The proposed project will provide for ADA improvements in areas already disturbed (i.e. parking lot, Oso Flaco Lake Road, existing trail) and will not significantly disrupt the habitat or resource.

The project includes establishment of a shade structure and picnic tables, five ADA parking spaces, kiosk/pay station/fee collection building, and two new pre-fabricated waterless restrooms. All development will support the existing trail and Oso Flaco Lake Natural Area. The CZLUO establishes a limited number of uses that may be within a wetland setback area (within 100 feet). Those uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads. The intent of these uses is to support the existing passive recreation (trail and nature area) of the Oso Flaco Lake Natural Area and provide for ADA access. Establishment of these uses will occur within the existing parking area and not extend into the wetland area located adjacent and therefore not create any adverse environmental effects.

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 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.

Staff Response: California State Parks completed a Project Evaluation for the proposed improvements between September and October 2014 and found that the proposed project would not result in significant impacts to the project site or the adjacent properties and their habitats. California State Parks, as Lead Agency, issued a categorical exemption (15301, 15303) stating that project activities consist of the minor alteration of an existing public facility, involving negligible expansion of use, and installation of small new facilities included as

“modifications to existing facilities for handicap access”, “trail and road repairs” and “installation of kiosk restrooms, interpretation signing and/or panels.”

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.

Staff Response: The proposed project complies with this policy. Improvements to the public facility will not impact the coastal wetland or the natural ecological function and productivity of the adjacent sensitive habitat because the proposed improvements are will occur in already disturbed areas with no expansion of the previously disturbed parking area.

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.

Staff Response: The proposed project complies with this policy as well as the Coastal Zone Land Use Ordinance required wetland setback requirements. The proposed improvements to the Oso Flaco Lake Day Use area will be adjacent to a coastal wetland; however, proposed improvements are completely within already disturbed areas (i.e. existing parking area, Oso Flaco Lake Road). The improvements will not result in any unstable soil or geologic conditions, the parking area will remain unpaved and will not result in the increase in sediment or introduce new sediment to the wetland area, and will not affect drainage patterns resulting in increased surface runoff. Development is located in areas that are consistent with the location of existing facilities and will not impact the habitat value of the site or the immediate area.

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.

Staff Response: The existing public facility is immediately adjacent to a wetland area. The improvements will be within 100 feet of the wetland; but, completely within the existing public use area, already disturbed by human occupancy and development. The Project Evaluation completed by California State Parks found that the proposed project will not have an adverse impact on the continuance of the habitat or in the areas adjacent to the parking lot area and trail.

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.

Staff Response: The project site is owned and managed by California State Parks (the applicant). California State Parks completed a Project Evaluation and found that the improvements to the existing day use area would not adversely affect the adjacent habitat. Existing amenities include a day use parking area and trail for coastal access. Proposed improvements are sited and designed to prevent impacts that would significantly degrade the adjacent wetland. All improvements are within already disturbed areas and based on the project evaluation completed by California State Parks, it is not anticipated that these improvements would have an impact on the adjacent sensitive resource.

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 adjoining sensitive habitat areas shall minimize adverse impact on these areas.

Staff Response: The proposed project complies with this policy. The existing trail that accesses the coast from the parking area is currently maintained by California State Parks. The trail will not be modified or redesigned and will therefore not have an adverse impact on adjoining sensitive habitat area (wetland and terrestrial habitat.)

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.

Staff Response: The proposed project does not involve the removal of any vegetation characterized as rare or endangered or those that serve as cover for endangered wildlife. Improvements to the day use area will occur in areas already disturbed (i.e. existing parking lot, Oso Flaco Lake Road, picnic area) and currently used by the public for coastal access.

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.

Staff Response: The proposed project will not disturb or destroy any dune vegetation with the proposed improvements to the day use area.

Agriculture

Policy 11: Agriculture Use in State Parks. State Park and Recreational development within the coastal zone 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.

Staff Response: The project site is located in both the Recreation and Agriculture land use categories. Proposed improvements will occur within an unimproved parking lot, along Oso Flaco Lake Road, and along the existing trail that accesses the coast. No land will be removed from agricultural productivity immediately adjacent to the Oso Flaco Lake Day Use area.

Public Works

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.

Staff Response: The proposed project will be installing ADA accessible pre-fabricated waterless restrooms; however, no additional water or waste disposal service is necessary for the proposed project.

COMMUNITY ADVISORY GROUP COMMENTS:

The Oceano/Halcyon Advisory Council supported the proposed project at a regular meeting on January 26, 2015.

AGENCY REVIEW:

Public Works – “Outside of flood zone, past county maintained road. No concerns.” (Tim Tomlinson, January 25, 2015.)

Environmental Health – “Applicant to contact Division of Drinking Water at State Water Resources Control Board regarding water supply at this site.” (Leslie Terry, January 28, 2015.)

Staff Response: The applicant contacted Jeff Densmore with the State Water Resources Control Board who in electronic correspondence to the county stated “I have reviewed the project at Oso Flaco Lake and there is no need for the Division of Drinking Water to issue a permit in this situation since there will be no potable water at the site.” Staff contacted Environmental Health and with the above statement, their concerns have been met.

Building Division – Comments incorporated into Exhibit B – Conditions of Approval.

Oceano Community Services District – None received.

Coastal Commission – None received.

California State Parks – California State Parks is the applicant for the proposed project. No formal comments on the project were received.

LEGAL LOT STATUS:

The three (3) APNs are each a portion of one legal parcel (Parcel A) of Parcel Map CO74-166. The one (1) legal parcel was created at a time when that was a legal method of creating lots.

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.