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

**Tentative Notice of Action**

MEETING DATE November 13, 2015 LOCAL EFFECTIVE DATE November 27, 2015 APPROX FINAL EFFECTIVE DATE December 18, 2015	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT Land Conservancy of San Luis Obispo	FILE NO. DRC2014-00133
SUBJECT A request by the <b>LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY</b> for a Minor Use Permit/Coastal Development Permit (DRC2014-00133) to allow for the construction two parking areas, restroom and picnic facilities, an ADA accessible trail and multi-use trails to accommodate visitors to the 880 acre Pismo Preserve conservation area. The proposal includes an exception to Coastal Zone Land Use Ordinance Section 23.04.163(a) to allow parking within the 10-foot front setback. The proposed project will result in the disturbance of approximately 3.5 acres and 22,000 cubic yards of grading (7,000 cubic yards of cut / 15,000 cubic yards of fill) on the 880-acre site in the Rural Lands land use category. The project would also remove an existing dirt road (approximately 0.9 acre) and revegetate the area to grassland, resulting in a net disturbance area of approximately 2.6 acres. The project site is bordered by Mattie Road and Highway 101 to the west, Thousand Hills Road to the east, the Pismo Beach city limits (Pismo Heights neighborhood) to the south, and the Pismo Beach city limits and developed rural lands to the north. The site is in the San Luis Bay (Coastal) planning area, and San Luis Bay (Inland) sub-area of the South County planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2014-00133 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 8, 2015 for this project. Mitigation measures are proposed to address Aesthetics, Biological Resources, Cultural Resources, and Land Use and are included as conditions of approval.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Flood Hazard, Sensitive Resource Area; Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 079-241-013, 079-241-002 & 079-231-002	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.96.020(C) – Pismo Beach Hillside Sensitive Resource Area San Luis Bay, Coastal – Areawide Sensitive Resource Area #6 – Site Planning <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Section 23.04.108 – Setbacks, Section 23.04.163 – Location of Parking on the Site, Section 23.04.168 – Parking Lot Construction Standards, Section 23.04.210 - Visual Resources, 23.04.320 – Outdoor Lights, 23.05.024 - Grading Plan, 23.05.036 – Sedimentation and Erosion Control, 23.05.042 - Drainage Plan Required, 23.07.060 – Flood Hazard Combining Designation, 23.07.060 – Flood Hazard Combining Designation, 23.07.170 – Environmentally Sensitive Habitats, 23.07.174 - Streams and Riparian Vegetation <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			

**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.

**EXISTING USES:**

Undeveloped

**SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Agriculture/Grazing

*East:* City of Pismo Beach/Residential

*South:* City of Pismo Beach/Residential, commercial

*West:* City of Pismo Beach/Residential, commercial

**OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:**

The project was referred to: Public Works, Ag Commissioner, CalFire, Cal Trans, California Coastal Commission, HEAL SLO, Regional Water Quality Control Board, City of Pismo Beach, California Department of Fish and Wildlife, Native American Heritage Commission

**TOPOGRAPHY:**

Nearly level to steeply sloping

**VEGETATION:**

Grasses, coastal scrub, oak woodlands

**PROPOSED SERVICES:**

Water supply: Community system (City of Pismo Beach)

Sewage Disposal: Community sewage disposal system (City of Pismo Beach)

Fire Protection: Cal Fire

**ACCEPTANCE DATE:**

August 27, 2015

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 DESCRIPTION**

The project is a request by the Land Conservancy of San Luis Obispo County for a Minor Use Permit/Coastal Development Permit to allow for the construction two parking areas, restroom and picnic facilities, an ADA accessible trail and multi-use trails to accommodate visitors to the 880 acre Pismo Preserve conservation area. The proposed project will result in the disturbance of approximately 3.5 acres and 22,000 cubic yards of grading (7,000 cubic yards of cut / 15,000 cubic yards of fill) on the 880-acre site in the Rural Lands land use category. The project would also remove an existing dirt road (approximately 0.9 acre) and revegetate the area to grassland, resulting in a net disturbance area of approximately 2.6 acres. The project site is bordered by Mattie Road and Highway 101 to the west, Thousand Hills Road to the east, the Pismo Beach city limits (Pismo Heights neighborhood) to the south, and the Pismo Beach city limits and developed rural lands to the north. The site is in the San Luis Bay (Coastal) planning area, and San Luis Bay (Inland) sub-area of the South County planning area.

## BACKGROUND

The proposed site improvements are intended to enhance public access to and use of the 880-acre Pismo Preserve conservation area. The proposed improvements are as follows:

- a. an approximately 0.5-mile paved ADA accessible trail with an approximately 40 – 50 foot long bridge over a drainage area;
- b. a 0.6-acre aggregate base equestrian/overflow parking area with an adjacent restroom/maintenance building (approximately 200 to 360 square feet) and picnic area with tables and benches;
- c. a 0.4-acre paved parking lot (approximately 50 - 60 spaces) with an adjacent restroom/maintenance building (approximately 200 to 360 square feet);
- d. improvements to an existing paved access road at Mattie Road, extending it to the paved general parking lot;
- e. a paved road connecting the project access road to the equestrian/overflow parking area;
- f. various trail and interpretive signs and kiosks;
- g. appurtenant infrastructure including, but not limited to, water and sewer connections to City of Pismo Beach facilities, drainage improvements, and a water tank for fire suppression and
- h. 17 miles of multi-use trails for hiking, biking and equestrian uses.

The Land Conservancy of San Luis Obispo County acquired the site and placed it under a permanent open space easement in September 2014. The open space easement prohibits future development of the site, other than the proposed public improvements, and provides for over 17 miles of multi-use (hiking, biking, equestrian, etc.) trails that will be available to the public during daylight hours. No overnight camping will be allowed on the property.

## PROJECT HISTORY

A Lot Line Adjustment Coastal Development Permit (COAL 14-0026/SUB2013-00055) to adjust the lot lines between four parcels of 40, 132, 335, and 394 acres each, resulting in two parcels of 20 acres and 880 acres each was approved by the Board of Supervisors on July 15, 2014. The adjustment was finalized by recordation of certificates of compliance on September 16, 2014.

## PLANNING AREA STANDARDS

### COASTAL

San Luis Bay (Coastal) Planning Area – The area where the proposed parking area and restrooms will be located are within the coastal zone and within the San Luis Bay (Coastal) planning area. The plan contains general goals for preservation of Rural Lands zoned properties to retain their natural quality and provide a scenic backdrop along the Highway 101 corridor, and a site planning standard which states that development be located on moderate slopes retaining steeper slopes that are more visible undeveloped. The Coastal Zone Land Use Ordinance provides specific measures to address these goals and are discussed below under “Land Use Ordinance Standards.”

### INLAND

A portion of the property where the multi-use trails will be located are within the San Luis Bay (Inland) planning area. A discussion of pertinent standards follows.

Section 22.96.020(C) – Pismo Beach Hillside Sensitive Resource Area

This section contains site development standards which include the following applicable measures: locating development (including cut and fill banks and water tanks) below the 200-foot contour elevation line where feasible and minimizing the visibility of cut and fill slopes for access roads.

*The parking area, restrooms and ADA trail will all be located below the 200-foot contour line according to the proposed plans. Cut and fill slopes have been minimized in order to limit site disturbance. Retaining walls between five and six feet are proposed to the north of the ADA trail and paved parking area. These retaining walls have been conditioned to blend with the natural environment by using natural or natural appearing materials and colors.*

LAND USE ORDINANCE STANDARDS

COASTAL

The portion of the site where the structural development will be located (i.e., restrooms, ADA trail, and parking areas) are within the coastal zone and are regulated by standards contained in the Coastal Zone Land Use Ordinance (CZLUO). Applicable sections are discussed below.

Section 23.04.108 – Setbacks

No setbacks are specifically set forth for the Rural Lands land use category; however, a 10-foot front setback is required for the Recreation land use category and a 3-foot setback is allowed for residential land use categories for accessory structures less than 12 feet in height. The proposed structures comply with both standards.

Section 23.04.163 – Location of Parking on the Site

This section requires that parking be located outside of the required front setback for a project. Section 23.04.162 of the CZLUO allows modifications to the parking standards with approval of a Minor Use Permit as long as findings are made for the modification.

*The applicant has requested a modification to the standard to allow a portion of the proposed paved parking area to be located within the required 10-foot front setback. The proposed parking area is located on the most level portion of the site. By locating the parking area where it is proposed, grading and visual impacts are reduced. Staff has included findings for the modification for the Hearing Officer's consideration.*

Section 23.04.168 – Parking Lot Construction Standards

This section sets forth the surfacing requirements for parking lots.

*The southern parking area is within the Urban Reserve Line and will be paved with asphalt or concrete. The northern parking area (the equestrian area) is outside the Urban Reserve Line and is projected to have low turnover on an average day, therefore this area may be surfaced with an aggregate base. Both parking areas comply with these standards.*

Section 23.04.210 - Visual Resources

This section contains standards relative to sites within the Sensitive Resource Area (SRA) Combining Designation and are intended to protect visual resources. These standards include a Minor Use Permit at a minimum, unless a Conditional Use Permit is required, submittal of a landscaping plan, grading and drainage plan, lighting plan and fencing plan, locating development in the least visible portion of the site, minimizing structural height and mass, and preserving open space.

*The application is for a Minor Use Permit based on the scope of the proposed improvements. Preliminary grading, drainage and lighting plans have been submitted. A landscaping concept to use native vegetation appropriate to the hillside and grassland setting was submitted. A final landscape plan will be required before issuance of construction permits. No fencing plan was submitted as there is existing fencing to discourage trespassing onto the property. A condition has been added that any new fencing shall be reviewed and approved prior to issuance of construction permits. Structural development has been located below the 200-foot contour in order to minimize visual impacts from public vantage points. The two restroom buildings are between ten and twelve feet and will be dark colored cinderblock with brown/dark colored roofs in order to blend in with the surrounding hillsides. The 880 acre parcel was purchased by the Land Conservancy in order to preserve the majority of the site in open space for use as an outdoor recreation area for hiking, biking and equestrian uses.*

#### 23.04.320 – Outdoor Lights

This section sets forth the standards for outdoor lighting. Applicable standards include: lighting to be used only for illumination, not advertising; lighting being directed onto the lot; minimizing light intensity; and providing shielded lighting.

*As proposed and conditioned, the lighting for the parking areas will meet these standards.*

#### 23.05.024 - Grading Plan

This section sets forth when a grading permit is required and the content requirements for grading plan submittal.

*The application is for a land use permit approval which involves 50 or more cubic yards of earth moving. The submitted grading plan meets the standards of this section. Final grading plans will be part of the construction permit submittal.*

#### 23.05.036 – Sedimentation and Erosion Control

This section sets forth when a Sedimentation and erosion control plan is required and submittal requirements.

*As proposed and conditioned, the project will meet the standards of this section of the Ordinance.*

#### 23.05.042 - Drainage Plan Required

This section states that any project that involves more than 40,000 square feet of site disturbance shall prepare a drainage plan.

*As proposed and conditioned, the project will meet the standard of this section of the Ordinance.*

#### 23.07.060 – Flood Hazard Combining Designation

*A tiny portion of Flood Hazard on is located on the northeastern parcel boundary off Thousand Hills Road. This area is not located near proposed trails or structures, so these standards do not apply.*

#### 23.07.104 – Archaeologically Sensitive Area

This section sets forth the definitions of archaeologically sensitive areas; survey requirements; mitigation plan standards; and procedures if resources are found.

*Based on preliminary archaeological surveys prepared by a qualified archaeologist, the site contains resources that will be impacted by the proposed project; therefore the site is an archaeologically sensitive area according to the ordinance definition. Surveys have been completed in order to determine the location and extent of the resources within the areas proposed for disturbance. General measures have been proposed for avoidance and minimization of impacts, a specific monitoring plan that conforms to ordinance standards is included in the conditions of approval. The monitoring plan shall include provisions for the actions that will need to be taken if resources are found.*

#### 23.07.160 – Sensitive Resource Area Combining Designation

This section sets forth the land use permits requirements, application content, and specific findings required for land use permit approval.

*The application is for a Minor Use Permit based on the scope of the proposed improvements. The Sensitive Resource Area combining designation covers both the area within the coastal zone where the structural improvements will be located as well as the hillsides where the trails will be located (which will be in the coastal and inland areas). The trails will be constructed to use existing agricultural roads and existing contours to the greatest extent feasible and will provide for revegetation following construction to reduce visibility and assure erosion impacts are minimized. Preliminary grading, drainage and lighting plans have been submitted. A landscaping concept to use native vegetation appropriate to the hillside and grassland setting was submitted. A final landscape plan will be required before issuance of construction permits. No fencing plan was submitted as there is existing fencing to discourage trespassing onto the property. A condition has been added that any new fencing shall be reviewed and approved prior to issuance of construction permits. The structural development has been located below the 200-foot contour in order to minimize visual impacts from public vantage points. The two restroom buildings are between ten and twelve feet and will be dark colored cinderblock with brown/dark colored roofs in order to blend in with the surrounding hillside. The 880 acre parcel was purchased by the Land Conservancy in order to preserve the majority of the site in open space for use as an outdoor recreation area for hiking, biking and equestrian uses.*

#### 23.07.170 – Environmentally Sensitive Habitats

This section sets forth the application contents; including a biological report that evaluates the impact development may have on the habitat.

*A biological report was prepared for the property that focused primarily on the proposed development area where the restrooms, parking areas and ADA trail will be located; but also provided a general overview of the existing conditions and potential future impacts relative to trail development on the remainder of the property. The following is an excerpt from the Mitigated Negative Declaration for the project:*

*The following discussion is based on the results of the project's biological report (Terra Verde Environmental Consultants, Inc.; July 2015):*

#### Sensitive Vegetation

*The subject property contains marginally suitable habitat for 16 sensitive plant species; however, no such species were identified during the site survey. On-site coastal scrub vegetation contains potentially suitable habitat for the Black-flowered figwort (a California rare plant), but this species was not found on-site and is not expected to occur within the project area. The site does not contain suitable habitat for Pismo clarkia (a federally endangered and California rare plant).*

### Sensitive Wildlife

*The project site contains potential habitat for the American badger (California species of special concern), which has been documented within the Pismo Creek corridor approximately 2 miles to the northwest. No active dens were observed in the project footprint; however, suitably sized burrows were observed on-site. The project area does not contain suitable habitat for the California red-legged frog (federally threatened) or Western pond turtle (California species of special concern) due to lack of permanent water sources.*

*Numerous monarch butterflies were observed during the survey, many of which were observed near the site entrance to the property. Multiple eucalyptus trees along Mattie Road and Highway 101 provide roosting habitat for wintering monarch butterflies; however, these trees are generally beyond impact distance and no disturbances are anticipated as a result.*

*Bird of prey including the Peregrine falcon and Cooper's hawk are known to exist in the area and are protected under the Migratory Bird Treaty Act.*

*The project has been designed to avoid impacts where feasible and minimize impacts to sensitive habitats. Please see the Mitigated Negative Declaration for the discussion of mitigation measures established to protect these resources.*

### 23.07.174 - Streams and Riparian Vegetation

*This section sets standards for preservation and protection of the natural hydrological systems and riparian vegetation on a project site, including a 100-foot setback for development in rural areas.*

*Drainage 2 is a mapped Coastal Stream and is considered Environmentally Sensitive Habitat Areas (ESHA). Drainage 2 supports limited arroyo willows and riparian vegetation at the lower limits of the project site as well as some further up slope. Drainage 3 is not a mapped Coastal Stream, but is considered ESHA due to the presence of limited arroyo willows and riparian vegetation at the lower limits of the project site. The ADA trail will be located on an existing dirt road over Drainage 2 using an existing culvert. No additional improvements within this area are proposed. Impacts to Drainage 3 will be avoided by trail alignment and a free-span bridge.*

*The ESHA areas follow these two drainages upslope where trail alignments could be located within 100 feet of sensitive areas. It should be noted that these particular hillsides have very little vegetation due to extensive cattle grazing operations in the past and steepness of the slopes on the project site. This section of the Ordinance allows for vegetation removal and/or impact within the 100-foot setback when supporting passive recreation where no other feasible location exists to locate improvements. The proposed improvements, both structural and trails, have been sited on the most level portions of the property which reduces the amount of site disturbance required and also limits the impacts to known cultural resources on the property. Staff has included findings to support a riparian setback adjustment to allow proposed improvements along with conditions of approval to limit the amount of impacts to sensitive vegetation. No structures will be located closer than 10 feet from a stream bank.*

*The goals of the Land Conservancy by acquiring this property are to restore and enhance natural values, including habitats, on the site through land management.*

*The following is an excerpt from the Mitigated Negative Declaration regarding impacts and a summary of mitigation measures to the three drainages that occur on the project site (please see the Mitigated Negative Declaration for more specific information):*

*The proposed project would result in approximately 3.5 acres of site disturbance to construct various public improvements at the 880-acre Pismo Preserve conservation area with additional disturbance to construct the trail system. The project would also remove an existing dirt road (approximately 0.9 acre) and revegetate the area to grassland, resulting in a net disturbance area of approximately 2.6 acres. The proposed improvements would be sited near an existing access road along Mattie Road near the Highway 101 / Price Street onramp. The parking and restroom area does not contain special status plant species.*

*The proposed road improvements leading to the equestrian parking area will cross Drainage 1. The project proposes to install five 18" corrugated metal pipe storm drains to allow flow under the road crossing. The proposed ADA trail will be established on the existing dirt road over Drainage 2, using the existing culvert. Although work will occur near this drainage, the project will not remove coastal wetlands or riparian vegetation. The alignment of the ADA trail and proposed free-span bridge will avoid impacts to the arroyo wetlands in Drainage 3.*

*The proposed work in Drainage 1 and near Drainages 2 and 3 could impact water quality. Also, although the project would avoid direct impacts to wetlands and riparian vegetation, it could result in some trimming or removal of riparian vegetation during construction activities. The proposed project has the potential to impact migratory birds if construction activities occur during the typical nesting season (February 1 to September 15).*

*The proposed project has a moderate potential to impact the American badger if individuals inhabit the site prior to construction.*

*Mitigation measures proposed include: implementation of erosion, sedimentation, and runoff reduction measures; riparian vegetation protection measures; nesting bird surveys; avoidance of American badger burrows, and biological monitoring and volunteer education and training during trail construction.*

#### COASTAL PLAN POLICIES

Shoreline Access:  N/A  
Recreation and Visitor Serving:  Policy No(s): 1, 2, 3  
Energy and Industrial Development:  N/A  
Commercial Fishing, Recreational Boating and Port Facilities:  N/A  
Environmentally Sensitive Habitats:  Policy No(s): 1, 2, 3, 20, 21, 26  
Agriculture:  N/A  
Public Works:  N/A  
Coastal Watersheds:  Policy No(s): 7, 8, 9, 10  
Visual and Scenic Resources: Policy No(s): 1, 2, 4  
Hazards:  N/A  
Archeology:  Policy No(s): 1, 3, 4, 5  
Air Quality:  N/A

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

#### COASTAL PLAN POLICY DISCUSSION

##### **Recreation and Visitor Serving**

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.

*The proposal is to provide a parking area and public access to an 880 acre site for hiking, biking and equestrian uses. No fee will be required to enter the recreational/open space area which meets the intent of this policy.*

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 project meets this policy by providing hiking, biking and equestrian uses on an 880 acre parcel.*

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 project will provide hiking, biking and equestrian uses at no cost to the public.*

### **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.

*There are three drainages on the 880 acre project site. For the purposes of the County's review, all three drainage are considered Environmentally Sensitive Habitat. The discussion below is from the Mitigated Negative Declaration.*

*The proposed road improvements leading to the equestrian parking area will cross Drainage 1. The project proposes to install five 18" corrugated metal pipe storm drains to allow flow under the road crossing. The proposed ADA trail will be established on the existing dirt road over Drainage 2, using the existing culvert. Although work will occur near this drainage, the project will not remove coastal wetlands or riparian vegetation. The alignment of the ADA trail and proposed free-span bridge will avoid impacts to the arroyo wetlands in Drainage 3.*

*The proposed work in Drainage 1 and near Drainages 2 and 3 could impact water quality. Also, although the project would avoid direct impacts to wetlands and riparian vegetation, it could result in some trimming or removal of riparian vegetation during construction activities. The proposed project has the potential to impact migratory birds if construction activities occur during the typical nesting season (February 1 to September 15).*

*The proposed project has a moderate potential to impact the American badger if individuals inhabit the site prior to construction.*

*Mitigation measures proposed include: implementation of erosion, sedimentation, and runoff reduction measures; riparian vegetation protection measures; nesting bird surveys; avoidance of American badger burrows, and biological monitoring and volunteer education and training during trail construction.*

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.

*As stated previously under the CZLUO discussion, a biological report was prepared for the project. The report found no sensitive species or habitats within the within the area proposed for structure development. Measures were recommended to avoid and/or reduce impacts to any plant or animal species once the trail alignments are mapped and flagged. Please see the Mitigated Negative Declaration for specific impacts and mitigation measures.*

Policy 3 – Habitat Restoration. The County or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible.

*The applicant has proposed restoration of approximately 0.9 acres of grassland that is currently existing dirt roads on the property. The Land Conservancy, as a general policy, preserves and protects open space and 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.

*As previously stated above, the proposed road improvements will require crossing the three drainages. One will require installation of five 18' storm drains, the other will go over the drainage using an existing culvert. The third drainage will be crossed using a proposed free-span bridge to avoid impacts to arroyo wetlands.*

*Mitigation measures proposed include: implementation of erosion, sedimentation, and runoff reduction measures; riparian vegetation protection measures; nesting bird surveys; avoidance of American badger burrows, and biological monitoring and volunteer education and training during trail construction.*

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.

*See discussion above under Policy 20.*

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.

*Proposed work in Drainage 1 and near Drainages 2 and 3 avoid direct impacts to wetlands and riparian vegetation; however, the project could result in some trimming or removal of riparian vegetation during construction activities.*

*Proposed mitigation measures include riparian vegetation protection measures and are included as conditions of approval for the project.*

## **Coastal Watersheds**

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. Siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat.

*Grading for the structural development will not occur on slopes greater than 20 percent. Trail construction will follow existing contours as much as possible. Passive recreation is allowed within environmentally sensitive habitats.*

*The proposed improvements will avoid direct impacts to wetlands and riparian vegetation, but could result in some trimming or removal of riparian vegetation during construction and/or maintenance activities. Mitigation measures have been incorporated into the project to minimize these impacts.*

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.

*The following condition has been included to address this policy: To minimize potential impacts to onsite drainages and water quality, construction permit activities shall occur only when allowed by the project Stormwater Pollution Prevention Plan (SWPPP).*

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.

*The following condition has been included to address this policy: Prior to issuance of construction and/or grading permits for Construction Permit Area, the applicant shall submit to the County for review and approval of a sedimentation and erosion control plan (CZLUO Sec. 23.05.036) which identifies how disturbed soils will be stabilized to prevent wind and water erosion during construction and immediately after construction until the revegetation activities are begun. The plan shall include temporary best management practices (BMPs) to be installed during the rainy season that may include, but are not limited to, use of mulch, soil stabilizers, or other recognized surface stabilization measures [all compatible with project area sensitive species]. The plan shall include standard provisions for dust control by water truck or periodic application of soil stabilizers during construction.*

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 is addressed through CZLUO standards requiring and drainage plan. In addition, because the project involves over an acre of disturbance, a Stormwater Pollution Prevention Plan (SWPPP) is required and will address this policy.*

## **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.

*Structural development has been located below the 200-foot contour in order to minimize visual impacts from public vantage points. The two restroom buildings are between ten and twelve feet and will be dark colored cinderblock with brown/dark colored roofs in order to blend in with the surrounding hillsides. The 880 acre parcel was purchased by the Land Conservancy in order to preserve the majority of the site in open space for use as an outdoor recreation area for hiking, biking and equestrian uses.*

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.

*The structural development is sited below the 200-foot contour level to retain existing hillside views as much as possible. Trails will be sited along existing contours where feasible and will offer views of the ocean for visitors to the recreation/open space area.*

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.

*The structural development is sited below the 200-foot contour level to retain existing hillside views as much as possible. Trails will be sited along existing contours where feasible and will offer views of the ocean for visitors to the recreation/open space area. The applicant's landscape concept includes using native vegetation to blend with the existing grassland and hillside vegetation.*

## **Archaeology**

Policy 1 – Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures 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.

*The applicant has been working with an archaeologist and has been consulting with the Native American tribes to minimize disturbance to resources and have provided avoidance and mitigation measures for impacts during and after construction of the proposed trail and supporting infrastructure.*

Policy 3 – Identification of Archaeological Sites. The County shall establish and maintain archaeological site records of data files about known sites. In sensitive areas within rural areas, the county will maintain a parcel number list on file of known sites as prepared and updated by the California Archaeological Site Survey Office.

Specific archaeological site information shall be treated as confidential to protect the archaeological resources. Development within archaeologically sensitive areas shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented.

*Copies of archaeological reports are scanned and kept on file in the Planning and Building Department and marked confidential. These reports are not shared with the public.*

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.

*An archaeological report was prepared for the project that focused primarily on the parking area, but provided general avoidance and minimization measures for future trail construction. These measures were based on consultation with Native American tribes and are included as conditions of approval.*

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.

*Mitigation measures were included in the environmental document and are part of the conditions of approval for the project. These conditions require a combination of avoidance and impact minimization techniques, and a mitigation plan (Phase III) for those impacts that cannot be avoided. The measures include monitoring by an archaeologist and Native American representative.*

#### INLAND

The inland portion of the site contains the multi-use trails, not any structural development. The entire site is within the Sensitive Resource Area (SRA) combining designation. In this case, the SRA designation is primarily for visual resources, but also for protecting native vegetation and habitat resources.

Applicable standards for the SRA include: permit and processing requirements, specific findings that need to be made for projects within an SRA, construction standards to avoid degradation of watercourses, and preservation of native vegetation.

*Because a portion of the site is located within the coastal zone, the land use permit requirement was based on the Coastal Zone Land Use Ordinance standards since the inland portion of the site only contains the multi-use trails. Specific findings have been added to the project for the SRA designation. The environmental review completed for the project includes measures to avoid degrading drainages and streams and preserve native vegetation. These measures are included as conditions of approval for the project.*

#### AGENCY REVIEW

**Public Works** – Recommends conditions for drainage, Stormwater management, on-site access improvements (project will require an encroachment permit from the City of Pismo Beach for access to the site)

**Ag Commissioner**- No concerns with the proposed project

**CalFire** – See attached fire safety plan – requirements include a vegetation management plan, access standards, water storage and future pedestrian/bicycle access to the site

**Department of Fish and Wildlife** – No comments received

**Cal Trans** – No comments received

**California Coastal Commission** – See attached e-mail – issues concerning scope of facilities, alternative transportation, visual resources, sensitive habitats, free access, and fencing

**Regional Water Quality Control Board** – No comments received

**City of Pismo Beach** – Initial concerns regarding traffic, visual, cultural, resources – On-going discussions regarding traffic improvements part of the conditions of approval

**HEAL SLO** Supportive of the project

**LEGAL LOT STATUS:**

The one lot was legally created by a certificate of compliance recorded for Lot Line Adjustment COAL 14-0026 at a time when that was a legal method of creating lots.