

# Appendix C: Modifications to the Estero Area Plan

*Note: This appendix is included with this Public Review Draft of the Los Osos Community Plan to describe and illustrate proposed changes to the Estero Area Plan that are intended to occur concurrently with the adoption of the Los Osos Community Plan. The adopted version of the Community Plan will not include this appendix.*

TABLE C-1: Summary of Modifications to the Estero Area Plan		
ID	Affects	Description
1	Chapter 1	Revise Section VII, Subsection C.4
2		Replace a diagram in Section VII
3	Chapter 6	In Section III, delete Subsection E.12
4		Delete Figure 6-3
5		Retitle Section IV, Subsection A and Section V, Subsection A.
6		Retitle Section VI, Subsections C and E.
7	Chapter 7	Retitle Section III and revise the preamble.
8		Add new Subsection H to areawide standards.
9		Remove an annotation to Figure 7-6.
10		Renumber Subsection H and I of areawide standards.
11		Renumber and revise Subsection J of areawide standards.
12		Delete combining designation standard B.3 from the rural standards.

Text to be added is indicated with blue coloring and an underline.

~~Text to be deleted is indicated with red coloring and a strikethrough.~~

## C.1 Changes Affecting Chapter 1

1. *In Section VII (Relationship of the Estero Area Plan to the Local Coastal Program), revise Subsection C.4 (Page 1-11), as follows:*

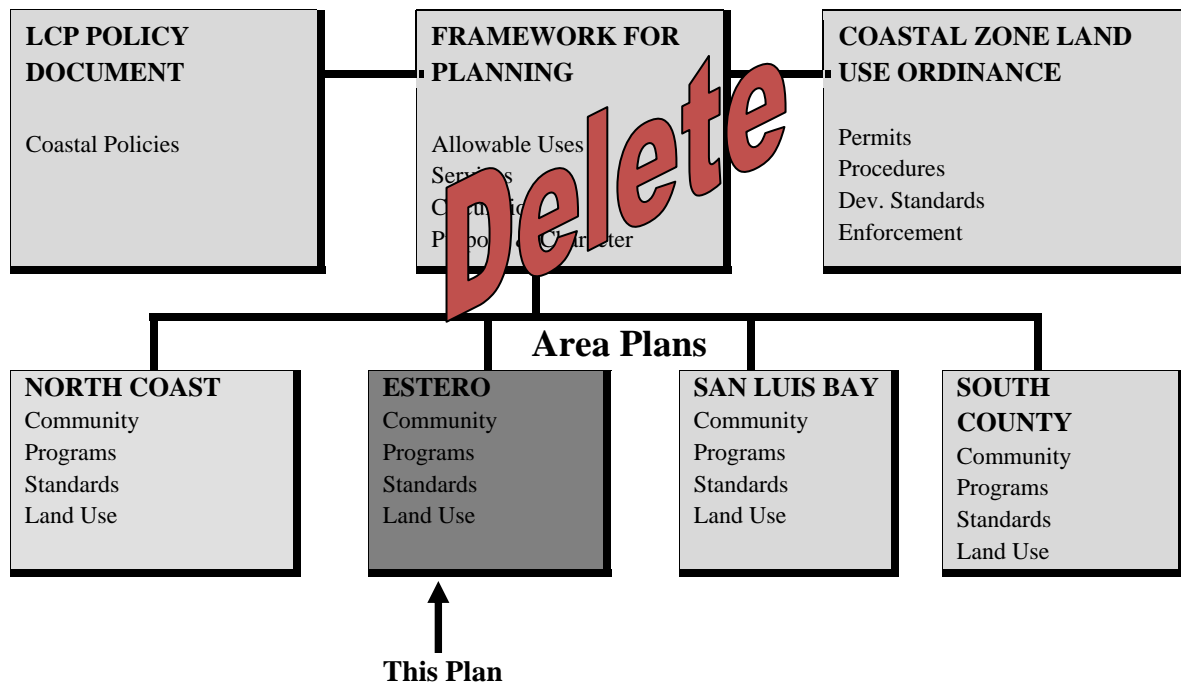
4. **The Area Plans.** The area plans ~~replace the former community general plans, and~~ provide goals, objectives, policies, programs, and standards unique to each area. The Coastal Zone of San Luis Obispo County is divided into four areas: ~~segments~~, North Coast, Estero, San Luis Bay, and South County. Community plans may also be adopted as a component of an area plan, in order to focus specifically on an urban or village area. For example, the Estero Area Plan also incorporates the Los Osos Community Plan by

reference, though the Community Plan is actually a separate document. The area plans (and related community plans) work with the other elements of the LCP and the county general plan. Key provisions found in the area plans are land use maps, programs, and standards that guide development. In addition, standards guide resource management, conservation, environmental protection, and community character.

2. In Section VII (Relationship of the Estero Area Plan to the Local Coastal Program), delete and replace the diagram labeled “County of San Luis Obispo Land Use Element and Local Coastal Program” following Subsection C (Page 1-12), as follows:

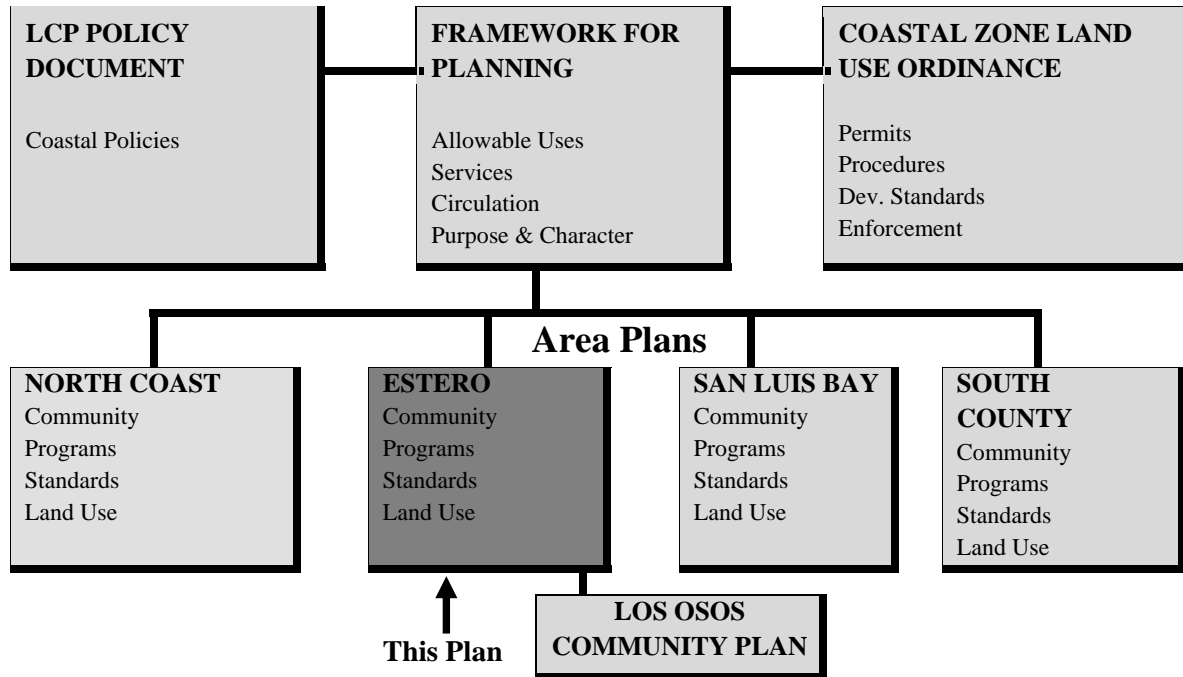
Delete old diagram:

## County of San Luis Obispo Land Use Element and Local Coastal Program



Replace with new diagram:

## County of San Luis Obispo Land Use Element and Local Coastal Program



### C.2 Changes Affecting Chapter 6

3. *In Section III (Combining and Other Designations), delete Subsection E.12 (Page 6-9), as follows:*

#### **Cayucos and Vicinity**

~~12. **Los Osos Dune Sands Habitat (SRA).** The southern shore of the Morro Bay estuary, extending to the southern slopes of the first range of the Irish Hills and to Los Osos Creek, is comprised of sandy soils — primarily “Baywood fine sands,” as identified by the Natural Resources Conservation Service in the Soil Survey of San Luis Obispo County, Coastal Part (see Figure 6-3). These sands also underlie some areas outside of Los Osos, and occur in the city of Morro Bay. The areas underlain by these sands outside of Los Osos are included in the Sensitive Resource Area combining designation and are also an Environmentally Sensitive Habitat (Terrestrial Habitat). These sands provide the soil characteristics that support globally rare habitat in a unique composition of the following biological communities, as described in detail in the Environmental Impact Report for the Estero Area Plan Update. The habitats of Los Osos have been disturbed from time to time for agriculture,~~

silviculture and development. However, they usually recover quickly and result in high quality vegetative cover.

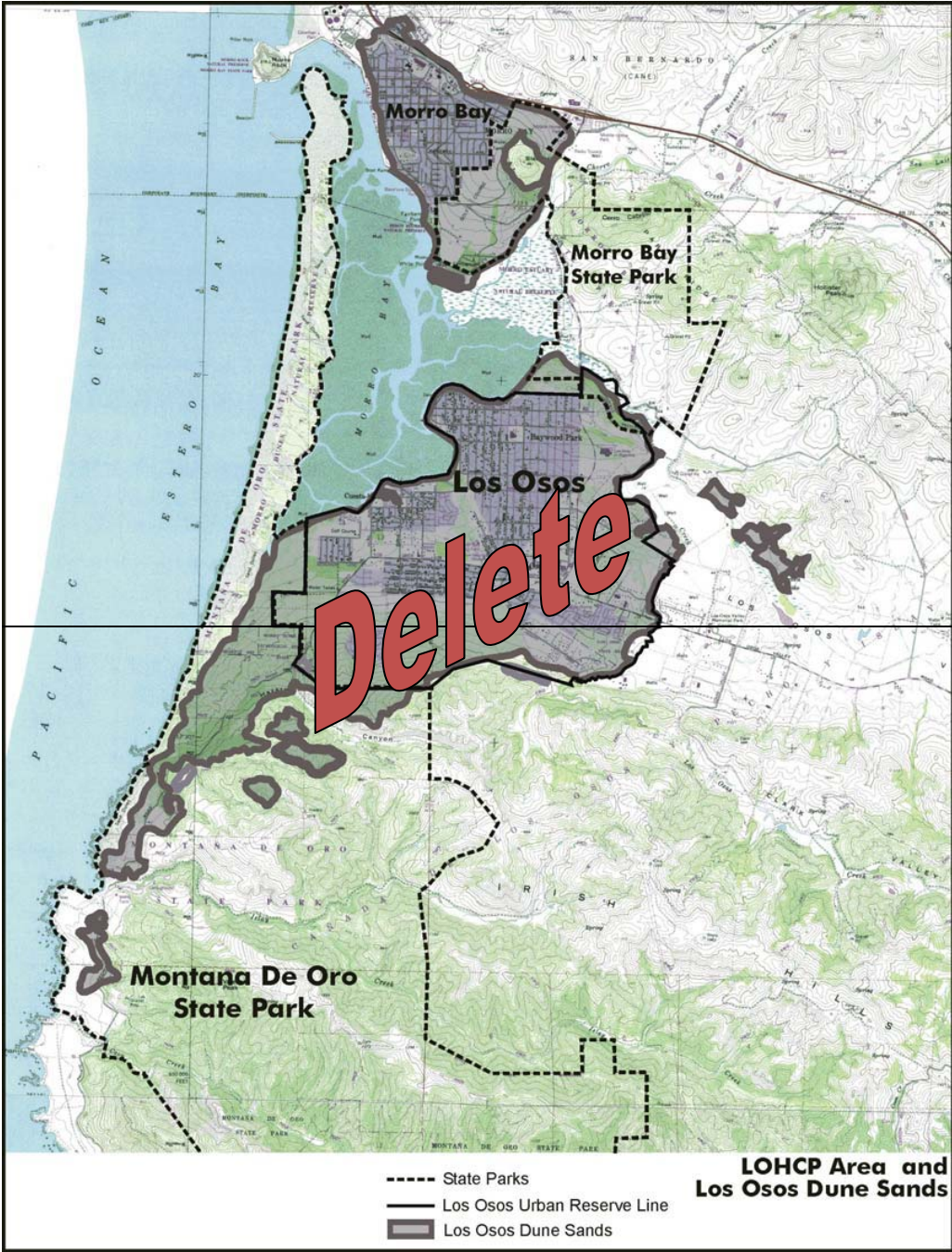
- Coastal foredune communities usually occur adjacent to open, sandy beaches and barren active dunes near the coast. They often integrate with dune scrub communities on more stabilized dunes away from the coast and in areas with well established dune hummocks. Coastal foredunes usually contain a low diversity of species, with plants that are tolerant of repeated burial by shifting sands and that usually have small and somewhat succulent leaves.

- Central dune scrub communities are generally located inland from the coastal foredune communities. They are primarily established on recent to ancient coastal sand dunes. Away from the coast, these communities typically integrate with chaparral, coast live oak woodland or coastal sage scrub communities. Central dune scrub generally contains a high diversity of species, with plants that are characterized by semi-woody shrubs. Coastal dune scrub habitat is one of the most endangered habitats in California (Morro Bay National Estuary Program, Comprehensive Conservation and Management Plan, 2000).

- Central (Lucian) sage scrub communities occur extensively in the Estero Planning area at low elevations on the coast and along steep slopes with shallow soil. They typically integrate with dune scrub or maritime chaparral communities. The plants that occur in the central sage scrub communities are characteristically aromatic, low growing and drought tolerant.

- Central maritime chaparral communities have a limited distribution in the Estero Planning Area and are most often established on well drained, sandy substrates within the zone of summer fog incursion. They tend to form a mosaic with central dune scrub, coastal scrub and coast live oak communities. Stiff, woody shrubs dominate in central maritime chaparral. Together, these communities support a diversity of native plant species and a number of rare, endangered or threatened species of plants and animals, including the Morro manzanita, Indian Knob mountainbalm, Morro shoulderband snail, and perhaps the last known population of the endangered Morro Bay kangaroo rat. Many species in these habitats are found nowhere else in the world. In order to protect the Los Osos Dune Sands, planning area standards are included in Chapter 7 of this plan. The standards recognize that the most valuable habitat surrounds the more developed portion of Los Osos.

4. Delete Figure 6-3 (Page 6-11).



5. *In both Section IV (Areawide Water Quality) and Section V (Morro Bay Estuary and its Watershed), retitle Subsection A (Pages 6-13 and 6-14, respectively) as follows:*

A. Policies, ~~Cayucos and Rural~~ Area-wide

6. *In Section VI (Programs), retitle Subsections C (Page 6-21) and E (Page 6-22) as follows:*

C. Water Quality, ~~Cayucos and Rural~~ Area-wide

E. Morro Bay Estuary and its Watershed: Protection and Management,  
~~Cayucos and Rural~~ Area-wide

C.3 Changes Affecting Areawide Standards, in Section III of Chapter 7

7. *Retitle Section III (Page 7-3) and edit its preamble, as follows:*

III. AREAWIDE STANDARDS, EXCLUDING LOS OSOS

The following standards apply throughout the Estero Planning Area, or in the specific locations or land use categories listed, ~~but not in the Los Osos urban area.~~ For the Los Osos urban area, please refer to the communitywide standards in Section 7.3 of the Los Osos Community Plan. The standards are intended to protect natural and cultural resources, encourage high quality residential development, and provide an efficient transportation system that encourages walking, bicycling and other types of transportation.

8. *Add new Subsection H to the Areawide Standards (Page 7-10) as follows:*

H. Los Osos Planning Impact Area

Within the planning impact area shown in Figure 7-6, applications for land divisions, general plan amendments, Minor Use Permits, and Development Plans shall be referred to the Los Osos Community Advisory Council or its successor for review and comment.



9. Remove an errant annotation following Figure 7-6 (Page 7-16) as follows:

~~(For Reference Only)~~

10. Renumber existing Subsections H (Light and Glare) and I (Shoreline Development) as Subsections I and J, respectively.

**I.H.** Light and Glare.

**J.I.** Shoreline Development

11. Renumber existing Subsection J (Los Osos Groundwater Basin) as Subsection K, and revise the standard as follows:

**K.J.** Los Osos Groundwater Basin.

~~New development using water from the Los Osos Groundwater Basin (see Figure 7-7) shall be required to offset water use within the Los Osos Groundwater Basin and shall not result in a net increase in water use.~~

1. **Basin Plan compliance.** Development of land uses that use water from the Los Osos Groundwater Basin shall be prohibited until the Board of Supervisors determines that successful completion and implementation of specific programs identified in the Los Osos Basin Plan (“Basin Plan”) have occurred. The following programs from the Basin Plan must be successfully completed and implemented to address existing resource constraints prior to development of new dwelling units or commercial uses:
  - a. Program “M” – Groundwater Monitoring
  - b. Program “E” – Urban Efficiency
  - c. Program “U” – Urban Water Reinvestment
  - d. Program “A” – Infrastructure Program A
  - e. Program “P” – Wellhead Protection
  - f. At least one of the following additional programs:
    - Program “B” – Infrastructure Program B
    - Program “C” – Infrastructure Program C
    - Program “S” – Supplemental Water Program

2. **Amendments to Title 26.** Development of new dwelling units that use water from the Los Osos Groundwater basin shall be prohibited until 1) a growth limitation for the Los Osos Groundwater Basin is established in Section 26.01.070.k of the Growth Management Ordinance to reflect current basin conditions and the successful completion of the programs identified in the BMP and 2) the Board of Supervisors determines that the specific programs identified in the BMP and required by these standards as a prerequisite for additional development have been successfully completed and implemented and are effective, as follows.
  - a. The BMP program(s) shall be completed to the satisfaction of the Director of Public Works, in consultation with the Los Osos Groundwater Basin Watermaster.
  - b. As part of the review for Basin Plan effectiveness, the County shall consider data collected as part of the Groundwater Monitoring program (Program “M”). If the data indicate that completed programs have not been effective in reducing groundwater demand, increasing the perennial safe yield or facilitating seawater retreat as predicted in the BMP, then the development of new residential units shall be limited accordingly.
  - c. As part of the review for Basin Plan effectiveness, the Board of Supervisors shall consider trends in commercial development and commercial water demand to ensure that such demand is not growing beyond a proportional relationship with the community’s population.
3. **Growth limitation standards.** Development of new residential units that use water from the Los Osos Groundwater Basin shall be prohibited until successful implementation of all programs identified in Subsection K.1. Once this has been achieved, Section 26.01.070.k of the Growth Management Ordinance may be modified to allow development of new residential units as follows:
  - a. **Implementation of one additional program.**
    - i. **Implementation of Program “B”.** Upon successful implementation of Program “B,” an additional 1,230 residential units may be constructed within the Los Osos Groundwater Basin.
    - ii. **Implementation of Program “C”.** Upon successful implementation of Program “C,” an additional 680 residential units may be constructed within the Los Osos Groundwater Basin.
    - iii. **Implementation of Program “S”.** Upon successful implementation of Program “S,” assuming groundwater desalination producing 250 acre-feet per year, 550 residential units may be constructed within the Los Osos Groundwater Basin.
  - b. **Implementation of more than one additional program.** In the event that more than one additional BMP program is pursued, additional residential dwelling units may be constructed within the Los Osos Basin. The number of additional units allowed shall be as indicated in the following table, which are in addition to those indicated in Subsection 3a:



<u>Previously Implemented Program</u>	<u>New Program(s) to Be Completed</u>	<u>Additional Dwelling Units</u>
<b>B</b>	<u>C</u>	<u>560</u>
	<u>C + D</u>	<u>1,030</u>
	<u>C + S</u>	<u>1,550</u>
	<u>C + D + G</u>	<u>3,020</u>
	<u>C + D + S</u>	<u>2,020</u>
<b>C</b>	<u>B</u>	<u>1,110</u>
	<u>B + D</u>	<u>1,580</u>
	<u>B + S</u>	<u>2,100</u>
	<u>B + D + G</u>	<u>3,570</u>
	<u>B + D + S</u>	<u>2,570</u>
<b>S (250 AFY)</b>	<u>Additional S (+500 AFY = 750 AFY)</u>	<u>1,590</u>
	<u>B + C</u>	<u>2,230</u>
	<u>B + C + D</u>	<u>2,700</u>
	<u>B + C + G</u>	<u>3,620</u>

4. Exemptions. All development approved (pursuant to land use permits or entitlements) prior to the effective date of this standard that complies with Title 19 retrofit requirements shall be exempt from the provisions of these standards in Subsections K.1, 2 and 3.

#### C.4 Changes Affecting Rural Area Combining Designation Standards, in Section IV of Chapter 7

#### 12. Delete Combining Designation Standard B.3 (Page 7-22)

~~3. Los Osos Dune Sands Habitat (SRA).~~ In order to ensure the long-term preservation of the rare and sensitive Los Osos Dune Sands habitat in the rural areas (an Environmentally Sensitive Habitat), new development within this SRA (see Figure 6-3 for location) shall comply with the following standards:

~~a. Habitat Conservation Standards.~~ These provisions are intended to ensure the long-term preservation of the rare and sensitive Los Osos Dune Sands habitat (much of which is an Environmentally Sensitive Habitat), recognizing that habitat in the "Los Osos Dune Sands SRA-TH" area is of relative high quality compared to that on smaller, isolated, undeveloped lots.

~~b. Los Osos Dune Sands Habitat (SRA).~~ The following provisions are intended to ensure the long-term preservation of the rare and sensitive Los Osos Dune Sands habitat (which is an Environmentally Sensitive Habitat). Such habitat is of relative high quality compared to that on smaller, isolated, undeveloped lots. Following are the specific objectives:

- ~~• Preserve, maintain, and protect rare and specific endangered species;~~

- ~~Preserve, maintain, and enhance the following environmentally sensitive areas: 1) Los Osos Dune Sands habitat, and 2) natural land forms that are barren or covered with non-native plants and that are potentially restorable to native plant cover such as Morro manzanita and Indian Knob mountainbalm;~~
- ~~Eliminate any incentives for the illegal or inappropriate removal of Dune Sands habitat;~~
- ~~Ensure that all new development is compatible with and sensitive to Los Osos Dune Sands habitat;~~
- ~~Subordinate all public and private development to the protection of critical natural areas~~

**Los Osos Dune Sands Development Standards.** ~~The following standards apply to new development within the areas designated "Los Osos Dune Sands SRA TH" except where the Planning Director determines that the proposed activity is otherwise sufficiently minor that no adverse effects on habitat can result. Within this area, the highest conservation priority is avoiding disturbance of sensitive Los Osos Dunes habitat.~~

~~(1) Required Findings. Approval of a land use permit shall not occur unless the review authority first finds that, in addition to the required findings for Environmentally Sensitive Habitats specified in Chapter 23.7 of the Coastal Zone Land Use Ordinance, the project incorporates all feasible and reasonable means of maintaining Los Osos Dune Sands habitats.~~

~~(2) Resource Maintenance and Restoration Plan and Biological Survey. Land use permit applications shall include a resource maintenance and restoration plan and biological survey prepared by a qualified biologist approved by the Environmental Coordinator. The recommendations of this plan and survey shall be incorporated into the project design and conditions at the discretion of the Planning Director.~~

~~(i) Required contents. The resource maintenance and restoration plan and biological survey shall recommend design, construction, restoration/ enhancement, maintenance, and monitoring measures for the entire site, as applicable, to achieve the preceding specified purposes of the Los Osos Dune Sands SRA.~~

~~(ii) Survey methodology. Biological survey methodology shall at a minimum comply with California Department of Fish and Game and U.S. Fish and Wildlife Service guidelines.~~

~~(iii) Monitoring. The monitoring measures recommended in the resource maintenance and restoration plan may include frequent monitoring during and soon after the completion of initial habitat restoration and/or enhancement activities, and less frequent monitoring after plants are well established.~~

~~(iv) Referrals. The resource maintenance and restoration plan and biological survey shall be referred for review and comment to the California Department of Fish and Game, and the California Coastal Commission if requested by the Coastal Commission. The Planning Director may require that the plan be revised to include any additional project modifications recommended by these agencies as being necessary to reduce impacts to sensitive habitat.~~

~~(3) Landscaping Plan. A landscaping plan in accordance with Chapter 23.04 of the Coastal Zone Land Use Ordinance shall be required where development will disturb existing or potential native dune plant habitat. The landscaping plan shall include restoration planting on the site, including areas to be permanently protected, as recommended by the required resource maintenance and restoration plan. Invasive, non-native plants, including Pampas grass, Acacia, Genista, and non-native iceplants, pose a threat to the indigenous plant community and shall not be approved as part of proposed landscaping. The use of other non-native plants shall be limited to the outdoor living space immediately adjacent to the proposed development (i.e.,~~

~~within the defined building envelope) and shall not be used within a conservation easement or other area to be set aside for permanent protection.~~

~~(4) Conservation Instruments. If proposed development will disturb sensitive habitat supporting or potentially supporting Morro manzanita, Indian Knob mountainbalm, or other rare or endangered species, as determined by the required resource management and restoration plan and biological survey, all portions of the property beyond the maximum area of site disturbance specified in this standard shall be permanently protected by agreements, easement controls, or other appropriate instrument, consistent with applicable legal requirements to allow reasonable use of the site.~~

~~(5) Long term maintenance and monitoring. When areas to be permanently protected through conservation instruments are to remain in private ownership, the owner shall enter into a long term maintenance and monitoring agreement with the county prior to issuance of building permits. The agreement and any easement shall provide for, but not be limited to, all of the following:~~

~~(i) The ongoing maintenance of remaining Los Osos Dune Sands habitat in a natural state.~~

~~(ii) The restoration of native plants, as recommended by the approved resource maintenance and restoration plan, and as shown in the approved landscape plan.~~

~~(iii) The long term monitoring of rare and endangered plants and the maintenance of supporting habitat, as recommended by the approved resource maintenance and restoration plan.~~

~~(iv) Requirements for financial security, including guarantees to cover the cost of:~~

~~(a) The proper completion of restoration measures (for example, plant installation and the eradication of nonnative species) within a specified time; and~~

~~(b) The proper maintenance of restored and undisturbed areas over a specified time (for example, five years), and the monitoring of those efforts.~~

~~These requirements may also include penalty provisions such as extensions of the monitoring period, in addition to the forfeit of funds provided, in response to a failure to perform as agreed.~~

~~(6) Site Disturbance. This standard is intended to provide maximum preservation of Los Osos Dune Sands and its associated habitat of rare and endangered species. New development causing site disturbance shall ensure protection of habitat for Morro manzanita, Indian Knob mountainbalm, or any other rare or endangered species determined to be present on the site. However, limitations on the amount of site disturbance shall be consistent with applicable legal requirements to allow reasonable use of the site.~~

~~Site disturbance includes disturbance of the following areas: areas disturbed by structures, roads, utility trenching, and pavement; areas on which grading or removal of native vegetation occurs. Site disturbance does not include activities that are consistent with the restoration and maintenance of native plant habitats as guaranteed by project approval.~~

~~(7) Resource Protection During Construction. Habitat containing Morro manzanita, Indian Knob mountainbalm, and other rare and endangered species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around such habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials.~~

~~(8) Permanent Fencing. Permanent fencing shall be restricted to that which will not impact the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the open space character of the Los Osos Dune Sands habitats.~~

~~(9) Utilities. Where feasible, utility connections shall be installed in a single corridor, and shall avoid surface disturbance of conservation easements or other areas to be set aside for permanent protection of sensitive habitat.~~

~~(10) Destroyed Structures. Where a dwelling has been destroyed pursuant to Coastal Zone Land Use Ordinance Section 23.09.033a, it may be restored or a new dwelling rebuilt within the existing footprint without having to comply with the preceding Los Osos Dune Sands Habitat standards.~~