

7. COASTAL HAZARDS

The Coastal Act Section 30253 requires in part that new development minimize risks and neither create nor contribute to erosion or require construction of protective devices. Section 30235 allows construction of shoreline protective devices when existing development is threatened by erosion and when designed to mitigate impacts.

A. Implementing Setback Standards

1) Summary of *Preliminary Periodic Review Findings* (Exhibit A, pp. 271-284)

The *Preliminary Report* found that while the County was generally requiring setbacks for new development, implementation of its LCP setback policies was not avoiding or minimizing the construction of shoreline protective devices. Ancillary structures were authorized in setback areas that can increase the exposure of structures to hazards and result in additional demand for shoreline armoring. Variances were granted which resulted in development within setback areas and development of shoreline protective devices. The *Preliminary Report* (page 279) determined that the setback standard itself, the method for determining the setback, and the restrictions on what is allowed in the setback all need to be strengthened to assure that new development will not result in future armoring of the shoreline. The *Preliminary Report* recommended measures to increase the setback based on an increase of the expected life of the structure from 75 years to 100 years, and recommended incorporation of a safety factor in determining the adequacy of the setback. It recommended further limitations on exemptions to the setbacks to minimize encroachment of primary and permanent structures in the setback.

In implementing the LCP through its issuance of permits, the County has authorized shoreline protective devices to protect new development. The *Preliminary Report* recommended that new development authorizations on vacant parcels require a deed restriction that ensures waiver of any potential rights for shoreline protective devices in the future.

2) Comments Raised

SLO County Response (Exhibit C)

For many of the proposed suggested revisions to setback standards in the LCP, the County suggested modifications or identified a need for more information. The County agreed to further define what constitutes existing development (7.1). While agreeing to eliminate the stringline method of determining setbacks, the County identified a need for more information on determining an expanded setback and proposed safety factor (PR 7.2 and 7.3). The County disagreed with PR 7.4 that would specify that structures within setbacks be designed to be relocated or removed if threatened. The County suggests that the same objective can be achieved by clarifying what is allowed within the setback and how the setback is measured. The County

disagreed with prohibiting new subdivisions and lots splits in high wave hazard areas without more clarification, and questioned the legality for restricting lot legalization in high wave hazard areas (PR 7.6).

Specific Clarifications/Errata (to be incorporated into the report)

There were comments concerning typographical errors on page 287 (page 289 in *Preliminary Report as Revised*) and suggestions to refer to concrete instead of cement on page 295 of the *Preliminary Report* (page 298 in *Preliminary Report as Revised*). These changes will be corrected.

3) Analysis

As found in the *Preliminary Report*, the implementation of the existing LCP setback policies is resulting in the construction of shoreline protective devices. In addition, development on coastal bluffs can contribute to instability of the bluff, particularly if the development includes landscape watering, which also leads to the development of protective devices. The Commission finds that in order to assure that implementation of the LCP will avoid or minimize future armoring of the shoreline consistent with Sections 30253 and 30235 of the Coastal Act, modifications to the method in which setbacks are determined and the extent of setbacks are recommended. Increasing the estimated life-of-structure standard upon which setbacks are calculated, from 75 years to 100 years as indicated in Recommendation 7.3 can increase setbacks. As discussed in the *Preliminary Report* pages 281-284, the 75-year economic life of structure may not be an accurate estimate and, when such setbacks are determined using that standard, armoring can be expected to occur.

However, the Commission notes that determination of a specific setback safety factor may be most effective when based on an evaluation of specific geologic conditions. Therefore, the Commission modifies Recommendation 7.3 to incorporate development of safety factors as part of an Area-Wide Shoreline Management Plan, as further discussed in Section B of this Chapter.

Recommendation 7.3: Revise CZLUO 23.04.118: Eliminate the stringline method for determining setbacks, section (a). Modify section (b) to base setback on a projected 100 year economic life of structure. Add requirement to incorporate a safety factor either as a multiplier or as a set distance, as developed through an Areawide Shoreline Management Plan.

As found in the *Preliminary Report*, the County implementation of the LCP resulted in exceptions to the bluff setbacks that allowed encroachment of portions of permanent structures (architectural features as chimneys, bay windows, balconies) in the setbacks. Such encroachments can increase the demand for future armoring. Recommendation 7.4 would eliminate the exception for encroachment of architectural features of a permanent structure and assure that any development permitted within the setback would be designed to be removed or relocated. The County suggests that the alternative to clarify what is allowed in the setback and how the setback is measured would accomplish the same objective. The Commission notes that the recommendation would eliminate encroachments of portions of primary structures on the

site. Subpart 2 already prohibits encroachment of decks or other solid structures or similar design elements. With these modification to the exceptions, the Commission agrees with the County that it is not necessary to specify that landscaping, minor earthworks or steps placed directly on natural grade need to be designed to be removed or relocated. As modified, recommendation 7.4 would assure that LCP implementation would minimize encroachment of structures that would contribute to future armoring of the shoreline.

Recommendation 7.4: Modify CZLUO 23.04.118 “Exceptions to Bluff Setbacks Requirements” section (c) to eliminate subpart (3) roof and wall projections, and to modify subpart (2) to provide that provide:” ~~The minimum setback requirements of this section do not apply to the following at grade earthworks, steps, and similar design elements should be designed to provided the structures are designed to be removed or relocated in the event of threat from erosion.~~

The Commission also finds that recommendations concerning subdivisions and lots splits require more specific clarification. Rather than relying on identification of what is considered to be “high wave hazard areas”, the Commission modifies Recommendation 7.6 to limit proposed subdivision or lot splits to urban infill areas or in areas addressed through area-wide management plans. As modified this recommendation would assure that strategies would be implemented to assure that new development sites created minimize future shoreline armoring. This recommendation, in combination with Recommendation 7.7 to require that such new development assume the risk that future armoring may not be permitted will ensure that the implementation of the LCP will minimize shoreline armoring consistent with policies of the Coastal Act.

Recommendation 7.5: ~~Reexamine regional average annual erosion rates.~~ Recent studies of the area for individual shoreline protection have shown that the estimate that the shoreline will retreat only 25 feet during the next 75 years is often low. ~~The minimum setback distances use this value for siting new development and the minimum distance should be revised to better reflect current shoreline changes.~~ Recommendation incorporated into 7. 8.

Recommendation 7.6: ~~Add new Policy standards.~~ Prohibit new subdivisions or lot splits or lot legalization ~~that create new lots in high wave hazard areas.~~ Modify Hazard Policy 1 to ensure that in shoreline areas subject to erosion, subdivisions and lot splits shall not be permitted unless they are within (1) an urban infill area and (2) a region covered by an Areawide Shoreline Management Plan that has been certified into the LCP.

4) Conclusion

The Commission finds that the *Preliminary Report* pages 271-301 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act Section 30235 and 30253. After further evaluation and consideration of public comments, pursuant to section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.1-7.6 as appropriate corrective actions for submission to the County.

B. Seawall Development in Existing Developed Areas

1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 285-288)

The *Preliminary Report* noted the challenge in minimizing armoring in already developed areas such as Cayucos where few vacant lots remain. Many of the coastal developments authorized by the County in this area were for remodels and reconstruction of existing structures. The *Preliminary Report* recommended minimizing armoring in these areas in part through a comprehensive approach to area wide shoreline management. The *Preliminary Report* also addressed impacts from emergency authorizations of shoreline protective devices and impacts to the scenic and visual resources of shoreline areas from development of shoreline protective devices.

2) Comments Raised

SLO County Response (Exhibit C)

In general the County comments noted agreement to include a program in the LCP to undertake Areawide Shoreline Management Plans for the Cayucos and Cambria areas, provided funding was available to support such studies. The County agreed that such Areawide Plans would be an appropriate mechanism to address such issues as pursuing additional setback of development through reconstruction of older structures, reevaluating the annual erosion rate, establishing emergency armoring procedures and development guidelines for design of shoreline protective devices to minimize visual resource impacts. (PR 7.8, 7.5, 7.12, 7.16). The County agreed to improve requirements to identify existing access easements on shoreline parcels where seawall projects may be considered.

The County disagrees with the Preliminary Recommendation to require applicants for new development on vacant shorefront lots to assume risk that a future seawall may not be permitted.

Public Comments (Exhibit D)

Other comments focused on the effect of the preliminary recommendations on properties in Cayucos. The Cayucos Advisory Council supports authorization of shoreline protective devices on vacant parcels in infill situations where adjacent properties have seawalls because of the existing pattern of development in Cayucos. The Council also supports use of the stringline to determine setbacks if neighboring properties agree. The Council also recommends that as older properties recycle, rather than remove seawalls, older walls should be replaced with walls properly sited and designed and that such walls should not encroach on public property.

3) Analysis

The Commission agrees that minimizing the cumulative impacts of shoreline armoring may require closer evaluation of site specific shoreline conditions, annual erosion rates, and patterns

of development, especially in areas such as Cayucos where lots are smaller and where there are few vacant lots. Developing a long-term comprehensive approach to avoid the permanent armoring of the shoreline or to minimize impacts to shoreline resources is preferable to the continued site-by-site armoring of the shoreline in existing developed areas and offers a means to address some of specific constraints in Cayucos. However, until such Area-Wide Plans are completed, the implementation of the LCP should assure that new development will minimize risks to life and property and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs as required by Section 30253 of the Coastal Act. As discussed in the *Preliminary Report*, the Commission finds that where new development is proposed on vacant lots, the LCP implementation should be strengthened to avoid the need for shoreline armoring. Recommendation 7.7 as modified more clearly describes mechanisms that the Commission has identified to assure that new development will be implemented in conformity with Section 30253 of the Coastal Act. Recommendation 7.8 suggests the framework for conducting an Area Wide Management Plan.

Recommendation 7.7: Strengthen Measures to ensure no future armoring. ~~Modify standards for new development on vacant lots or for demolition and rebuilding of structures subject to beach or cliff erosion, inundation, wave uprush, etc. in areas subject to hazards. The modified standards should require as a condition of new development that the applicant assumes the risk of building in the hazardous areas without assurances that future armoring will be allowed. This could be implemented by modifying and expanding the GSA combining designation to identify specific areas where no future shoreline armoring will be permitted.~~ Modify standards in shorefront areas subject to beach or cliff erosion, inundation, wave uprush, etc., to avoid future shoreline protective devices as a result of new development. For new development on vacant shorefront lots, or for demolition and rebuilding of structures, where geologic evaluations conclude that the development can be sited and designed to avoid the need for a future shoreline protective device, require recordation of a deed restriction that ensures that no shoreline protective device(s) shall be constructed to protect the development approved and ensures waiver of any rights to construct such devices that may exist under Public Resources Code Section 30235.

As modified, Recommendations 7.5, 7.12 and 7.16 are modified and incorporated into recommendation 7.8. This will clarify that measures to reevaluate annual erosion rates, determine appropriate safety factors in setbacks, as well as procedures to address emergency permitting and designs to minimize visual impacts of armoring can be developed through Areawide Shoreline Management Plans. In addition, Recommendation 7.15 will update LCP policies to ensure that setbacks and other measures are based on improved geologic evaluation reports. However, the Commission agrees that such plans are complex and that local government requires funding assistance to undertake such programs.

Recommendation 7.8: Adopt Areawide Shoreline Management Plans as a program in the LCP: Pursue funding to develop and implement ~~an~~ Area-Wide Shoreline Erosion and Bluff Retreat Management Plans for Cayucos and Cambria, and, if appropriate, for other shoreline hazard areas. The Area-wide Plans should:
~~as part of this plan assess~~ specific sections of these coastline areas ~~should be assessed~~ based on factors including, but not be limited to, geology, wave conditions, and sand budget. The management plans should include:

- A re-examination of regional average annual erosion rates in order to reflect current shoreline changes.
- Standard engineering plans defining the specific types of armoring that would be acceptable for specific areas, and where appropriate, identification of the types of armoring that should never be considered for certain areas in order to minimize risks and minimize impacts from armoring to public access and scenic resources from the shoreline and water recreation areas.
- Standard alternatives feasibility analysis worksheet that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only created as a last resort. The analysis may require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, etc.), an examination of all other options (removal, relocation, “do nothing”, sand replenishment, etc.), and a conclusion that a shoreline protective device would be the “best option” (most protective of the public trust, best long term solution, etc.) for the subject site.
- Standard conditions and monitoring requirements that may include discussion of mechanisms to ensure shoreline protection effectiveness and public safety with provisions for the removal of ineffective or hazardous protective structures as well as programs to address beach replenishment and sand supply.
- Procedures to address emergency armoring, such as: coordination with property owners and for field inspections before and after storm seasons; guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.

Recommendation 7.16: Delete and incorporate into 7.8 ~~The area wide shoreline retreat and management plan suggested for Cayucos and Cambria in Preliminary Recommendation 7.7 could also incorporate guidelines for identifying specific types of armoring that would be acceptable for specific areas to minimize visual impacts from armoring along the shoreline and water recreation areas.~~

4) Conclusion

The Commission finds that the *Preliminary Report* pages 271-301 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act Section 30235 and 30253. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.7-7.8 as appropriate corrective actions for submission to the County.

C. Mitigation of Access Impacts from Shoreline Armoring

1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp.289-290)

The *Preliminary Report* noted that County approvals of shoreline protective devices mitigated public access impacts through implementation of requirements to dedicate lateral access easements. However, as the report noted on pages 289-290, some access mitigation may be

negated by County authorizations which located the OTDs in areas which are already public lands, in areas which do not provide maximum public access or by encroachment of seawall development within easement areas. Preliminary Recommendations 7.9, 7.10 and 7.11 included measures to ensure that information on the location of existing access easements is more readily available in the review of coastal permits and that access mitigation is assured.

2) Comments Raised

SLO County Response (Exhibit C)

The County agrees with recommending improvements to require better identification of easement areas. However, they disagree with Recommendation 7.11 suggesting the alternative to clarify in the standard that applicability of access mitigation is dependent on a determination that an access easement already exists on the site.

Public Comments (Exhibit D)

No comments were received on the proposed recommendations concerning access mitigation.

3) Analysis

Recommendation 7.11 is proposed based on findings in the *Preliminary Report* page 287-288 that LCP implementation of access mitigation was required only “if applicable” and that this did not assure adequate mitigation of impacts from the development of shoreline protective devices. As suggested by the County, this assurance could be provided with modification to the recommendation that would also clarify that an access easement would not be required if one already existed on the property. The Commission agrees and modifies Recommendation 7-11.

Recommendation 7.11: Revise condition language for requiring access easements to clarify that phrases such as “if applicable” should not be part of access requirements. to provide that access is required unless verification is provided to the Department of Planning and Building that such recorded easement already exists on the property.

3) Conclusion

The Commission finds that the *Preliminary Report* pages 289-290 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with the Coastal Act Section 30211 and 30212. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.9, 7.10 and 7.11 as appropriate corrective actions for submission to the County to assure that the LCP is implemented consistent with public access policies of the Coastal Act.

D. Emergency Armoring of the Shoreline

1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 290-292)

The *Preliminary Report* found that significant shoreline armoring resulted from emergency authorizations. Review of these actions also shows that the armoring placed in an emergency usually remains, although in most cases mitigation is required. As more of the shoreline is armored, the demand will increase for maintaining or expanding existing armoring. While developing guidance for emergency permitting to reinforce the temporary nature of the development is possible, in most cases even placement of riprap and rock intended to be temporary is rarely removed.

2) Comments Raised

SLO County Response (Exhibit C)

The county responded that more information is needed on ways to address emergency armoring procedures; for example, more information is requested on the need for field inspection. The County agrees to consider developing such procedures if funding is available.

Public Comments (Exhibit D)

No public comments were received on this recommendation.

3) Analysis

The *Preliminary Report* concluded that steps could be taken to minimize the likelihood of future enforcement cases. For example, procedures can be established for coordination with property owners to clarify the types of emergency shoreline protection preferred and to assure measures taken are temporary. Field inspections of shoreline areas where development is subject to wave hazards before and after storm seasons can provide more specific information on shoreline conditions to inform decisions on allowable emergency authorizations. Through preparation of shoreline management plans, the County can provide advance information on the location of easement areas to assure emergency structures are not occupying public easements; provide for inspections to identify shoreline protective structures built without permits; and assure emergency structures are removed or regular permit follow-up is completed within the 30 day period. The Commission finds, however, that development of these improvements to LCP implementation can best be addressed as part of development of the Area Wide Management Plans recommended in Recommendation 7.8. Therefore, Recommendation 7.12 is deleted as a separate recommendation and development of emergency procedures is added to Recommendation 7.8.

Recommendation 7.12: ~~As part of shoreline management plans noted in Preliminary Recommendation 7.7, include procedures to address emergency armoring. Include procedures for coordination with property owners and for field inspections before and after storm seasons. Include guidance for types of temporary structures preferred and a provision for removal of temporary structures if no follow up permit is filed within 30 days.~~ Incorporated into 7.8

E. Mitigating the Impacts of Armoring Pacific Coast Highway

1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 292-294)

The impact to shoreline resources from maintaining Highway 1 was also noted in the *Preliminary Report*. Recommendations were made to expand LCP policies to ensure that new development related to Highway One conform to LCP setback standards, and relocation alternatives considered as part of updating the North Coast Area Plan in order to avoid or minimize future shoreline armoring.

2) Comments Raised

SLO County Response (Exhibit C)

The County disagrees with recommendations for avoiding armoring of Highway One (7.13 and 7.14) requesting further evaluation or modification.

Public Comments (Exhibit D)

Additional comments proposed deleting the recommendations on avoiding armoring related to Highway One, suggesting that the County and Caltrans should be responsible for evaluating alternatives and determining the preferable mix of armoring and realignment of Highway 1. Comments noted that in other areas of the County, shoreline armoring is needed to protect public access roads where relocation due to other sensitive resources is not a feasible alternative.

3) Analysis

As found in the *Preliminary Report* pages 292-293, in prior actions on permits to Caltrans for projects on Highway One and on the LCP Amendment 1-97, the Commission required that alternative alignments to avoid or minimize future shoreline armoring be considered. Recommendations 7.13 and 7.14 reinforce those previous Commission actions and suggest that the LCP modify policies to clarify that Highway 1 projects should conform to other LCP setback standards to avoid or minimize shoreline armoring. Recommendation 7.14 as modified would not mandate relocation of Highway 1. Rather it suggests that as the North Coast Area Plan is updated and revised, the planning process should consider the possible relocation of Highway 1 as a less damaging alternative to placement of additional shoreline armoring in order to implement the LCP consistent with Section 30235 and 30253 of the Coastal Act while also protecting the scenic and recreation values of Highway 1. Modifications to Recommendation 7.14 would further clarify that alternatives should be considered as part of the Area Plan updates.

Recommendation 7.13: Policy 6 should clarify that Highway 1 must comply with setback standards similar to other existing structures. Establishing ~~ing~~ setbacks based on assuring that the highway will be safe from erosion

without need for armoring for 100 years. Policy 4 should be expanded to clarify that consideration of alternatives should include possible relocation of the structure to be protected, including Highway 1.

Recommendation 7.14: Amend the NCAP to ~~Provide~~ consider alternatives for the Realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of Highway 1.

4) Conclusion

The Commission finds that the *Preliminary Report* pages 292-294 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with Coastal Act Sections 30211 and 30212. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.13 and 7.14 as appropriate corrective actions for submission to the County.

F. Flooding Hazards

1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 299-300)

The *Preliminary Report* page 297-298 noted flooding hazards in the County and, in particular, flooding hazards in the West Village of Cambria. The Report noted that the LCP incorporates the FEMA coastal high hazards area maps and subsequent updates, but found that the LCP should be updated to identify additional areas where flood hazards exist and revise policies and hazard designations to minimize risks from flooding hazards consistent with the Coastal Act. The *Preliminary Report* recommended expanding the Flood Hazard Combining Designation standards to more creeks in the North Coast Area and recommended that no new development should be authorized until a flood analysis and management plan for the West Village of Cambria is completed in order to assure that LCP will be implemented consistent with Section 30253(1) of the Coastal Act.

2) Comments Raised

SLO County Response (Exhibit C)

The County comments requested further information on whether the additional creeks identified appear on updated FEMA maps and agreed to expand the designation to be consistent with existing information in the County's Safety Element. The County noted that a moratorium on new development pending completion of a flood management plan for the West Village is a major policy question and noted that County Public Works Department is currently working on a flood analysis and management plan.

Summary of Public Comments (Exhibit D)

Other comments suggested the 100-year flood plain standard for West Village is not sufficient as it floods every 4 or 5 years, especially with climate change and sea level rise. The Cambria Community Services District commented that the *Preliminary Report* should recognize that a Flood Control Benefit Assessment Zone is planned by the County and financed by the property owners. The County is making progress on developing a project to minimize flood hazards. The Draft EIR for the Flood Plan is now under public review.

3) Analysis

No changes are recommended to 7.18. As discussed in the *Preliminary Report*, the policies of the LCP need to be revised to reflect more comprehensive measures to minimize risks from flooding in order to be implemented consistent with Section 30253(1) of the Coastal Act. Recommendation 7.18 addresses potential flood hazards identified in the North Coast Area. While the Commission found in its action on LCP Amendment 1-97 that there is little development threatened along many of the rural streams in the North Coast Area, the North Coast Project Update identified additional potential flood hazards along several creeks. Recommendation 7.18 would result in an implementation mechanism to assure that existing development standards to minimize risks from flooding are applied to any future development in areas subject to flood hazards. Recommendation 7.19 will assure that ongoing efforts to develop a management strategy to address flood hazards risk in the West Village of Cambria are incorporated into future development by prohibiting new development in the West Village pending implementation of the comprehensive flood management plan. There has been substantial progress in developing this flood management plan. With these modifications the LCP implementation will minimize risks to life and property in flood hazards areas of the West Village area of Cambria.

Recommendation 7.19: For areas subject to FH combining designation in Cambria, no new development except public services shall be approved until the County has ~~certified and implemented a~~ approved the recommendations of the flood analysis and management plan for the West Village that is currently being developed.

4) Conclusion

The Commission finds that the *Preliminary Report* pages 297-298 presented evidence and analysis showing that the San Luis Obispo County LCP has not been effectively implemented in conformance with Coastal Act Section 30253. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendations 7.18 and 7.19 as appropriate corrective actions for submission to the County.

G. Fire Hazards

1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 300-301)

As noted in the *Preliminary Report* page 298, while the County's implementation of LCP policies does not appear to raise significant concerns regarding conformance with Coastal Act Section 30253, the LCP still needs to be strengthened to reflect stronger protections for habitat and recreation when implementing required fuel modification standards. The Commission has seen an increase in impacts to habitat and recreation areas as a result of the siting of new development in a manner that then requires fuel modification to take place on public recreation lands in order to comply with fire code requirements. The *Preliminary Report* recommended policy modifications (PR 7.20) to ensure that fuel modification necessary to protect private structures would avoid encroaching into public habitat and recreation lands.

2) Comments Raised

SLO County Response (Exhibit C)

The County agreed with the intent of the recommended policy revisions but suggested alternatives to make the policy standards more clear and to consider possible mitigation programs such as in-lieu fee programs (if funding is available to support development of the program).

Public Comments (Exhibit D)

Other comments on the *Preliminary Report* suggested that the recommendation placed a higher value on habitat and recreation protection than on protection of life and property, and would prevent any fire management measures on public or private lands to avoid risk of major fires at the urban/wildland interface. Comments suggested that the recommendation superceded the Uniform Fire Code and that current Fire Management Plans developed by the California Dept. of Forestry and Fire Protection, San Luis Obispo County Fire Dept. and a variety of local community groups offered a preferred plan for managing fire hazards. Comments suggested clearance methods which conserve rare plant species by pruning rather than removal are to be preferred over wholesale clearance. Comments note in-lieu fees are not effective. Other comments suggested that water storage for fire safety and response is limited and therefore new development should be set back from wildlands and provide adequate fire protection measures.

3) Analysis

The discussion and recommendation in the *Preliminary Report* did not clearly indicate the intent of the proposed suggested revisions to the LCP development standards and the Commission agrees that the recommendation should be revised and clarified. Under current LCP implementation, fuel modification required by applicable fire codes and necessary for minimizing risks to life and property takes place both on private lands and on public lands. On private lands in developed areas such fuel modification can be required to protect developed

structures. In rural areas, fuel modification and fire management on private and public lands is necessary to minimize wildland fire risks at the urban interface, in addition to protecting existing structures.

The Commission recognizes the need to implement comprehensive fire management to avoid serious wildland fire risks. Creating defensible space around structures and employing other fire protection measures is important to minimize risks consistent with the Coastal Act. In some cases there may be habitat benefits from fire management techniques. However, fuel modifications necessary to create defensible space around authorized development can impact habitat and recreation resources of public parklands. Creating this defensible space required by fire codes requires some clearance of vegetation. According to the Fire Chiefs Association, the standard for such clearance in most areas is 30 feet from the building and clearance rarely extends more than 100 feet, but does not require removal of all vegetation.⁶⁶

For properties adjacent to parklands, if the building envelopes for new structures are designed immediately adjacent to the public lands, fuel modification to protect the resulting private structures would be required to take place primarily on public lands and could result in added fuel management responsibilities on public agencies.

The recommended LCP policy update would not preclude ongoing wildland fire management on public or private lands. Rather, it recommends development standards to mitigate the impacts of fuel modification when considering the siting and design of new development adjacent to public recreation lands. Recommendation 7.20 as modified would ensure that when the County considers a coastal development permit application for new development, that any development authorized is sited and designed so that necessary fuel modification takes place on private lands. It is not intended to affect ongoing fire management measures on public lands or maintenance of required fuel modification zones to protect existing development as part of implementing ongoing fire management plans. It addresses siting and development of new private structures.

Recommendation 7.20: Modify the Coastal Policies or the CZLUO to provide standards that require: 1) that any fire clearance area is shown on the site plan for new development proposals as part of the application content; 2) that any proposed new development of structures adjacent to public parklands or lands designated as Open Space be sited and designed such that any required fuel modification for the proposed development is confined to the private property in order to avoid impacts to habitat and recreational resources on public lands; 3) where structures cannot feasibly be sited to avoid fuel modification on adjacent public lands, that alternative mitigation is provided which can include measures such as off-site restoration or provision of in-lieu fees for restoration; 4) that where feasible, proposed structures are sited so that a natural vegetation buffer of sufficient size is maintained between the necessary fuel modification areas and the public parkland. Development, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation should not be permitted in the buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values. These standards should not apply to ongoing fire suppression and management activities conducted on public parklands necessary to minimize fire hazards to adjacent property. ~~siting new development to ensure that any required vegetation clearance will be done fully on the private property and will not encroach on any sensitive public lands or habitat areas. And, if development~~

⁶⁶ Letter from Greg O'Sullivan, President, Fire Chiefs Association of San Luis Obispo County, May 2, 2001.

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~~cannot be sited to avoid encroachments, to require mitigation in lieu fee to support habitat restoration programs.~~

3) Conclusion

The Commission finds that the *Preliminary Report* pages 300-301 presented evidence and analysis showing that the San Luis Obispo County LCP should be strengthened in order to ensure conformance with the Coastal Act 30253. After further evaluation and consideration of public comments, pursuant to Section 30519.5 of the Coastal Act, the Commission adopts final recommendation 7.20 as modified as an appropriate corrective action for submission to the County.