

SAN LUIS BAY

State Tidelands Grant, 1955

The Port San Luis Harbor District, located on the Central California Coast in San Luis Obispo County, is a major center for commercial, recreational and industrial activities.

The coastline (8,400 acres of State tidelands) is under the control of the District and represents a fascinating interaction between land, water, and human enterprise. Since the Port's development in the late 1800s, the harbor has served a critical function in the economy, and in the identity, of San Luis Obispo County.

The importance of the harbor was recognized by the local community in 1953 by voting for the formation of the Harbor District. At that time, the Harbor District served purely commercial harbor functions, which were enterprise in nature. Commercial fishing, agricultural exports and a marine oil terminal were the primary cargoes transferred at the harbor. At the time, these functions provided much of the funding required for the District to operate through the collection of wharfage and rental income. Uses of the harbor included: (3) commercial piers, commercial fishing, recreational boating, marine repairs, and the wholesale processing of fresh fish, including abalone processing.

The State Legislature gave impetus to the development of the harbor in 1954 by approving the local vote and formation of the Harbor District (State Harbor & Navigation Code Section 6000 et seq.) and (1955) by granting to the District those state-owned tidelands encompassing the whole San Luis Bay (Chapter 647 of Statutes of 1955, as amended by Chapter 302 of Statutes of 1957). Harbor Districts are formed to (Code 6012 [d]) improve and develop the harbor including "dredging, ship ways, berths, anchorage and turning basins, the construction of jetties, breakwaters, bulkheads, seawalls, wharves, ferry slips, warehouses, roads and spurs tracks or line railroads...".

The tidelands granted (Chapter 647 - 1955; Chapter 302 - amended 1957) to the Harbor District by the State of California, were mandated "to be used for harbor, aviation, wharves, docks, piers, slips, quays, and other structures." The land was also "to be used for establishment of public buildings, parks, playgrounds, public recreation, public fishing, and public access and public navigation."

The State tidelands grant mandates specific functions that the District must guarantee for public use. The grant mandates that the District provide "facilities and appliances necessary or convenient for the promotion and accommodation of commerce and commercial as well as recreational navigation by air and by water." It also mandates that "the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays or any other improvements and facilities constructed on said lands."

The original intent of Port San Luis to obtain the State Tidelands Grant was to develop a public harbor to meet the needs of the people of the state. The tidelands grant was based on this objective, and mandated that the District also provide recreational and visitor-serving uses within the granted lands. The Harbor District, while complying with the State Lands Commission's directive, has recognized the need to provide additional non-enterprise services to ensure the enjoyment, safety, and access of the State granted lands.

Harbor District Functions since the Harbor District's formation, the Port has taken on more than just harbor enterprise (oil industry and commercial fishing) functions. As a result of the California Coastal Act of 1976, the District has been required to provide non-enterprise coastal-dependent visitor-serving and recreation uses. The Coastal Act Section 30701 also declares that the Ports of the State of California, constitutes one of the State's primary economic and coastal resources and are an essential element of the national maritime (including recreational) industries.

In 1984, the State and County gave the Avila State Beach and Pier properties to the Harbor District. Avila Beach is the most popular beach in San Luis Obispo County, and contains many amenities and services that the Harbor District provides to the public. These amenities or services include: public rest rooms, maintenance of beach/buildings, maintenance of the 1,630-foot Avila Pier, utility costs, and lifeguard and security services.

Harford Pier, which is another public access pier, has been designated a national historic structure by the California State Historic Preservation Office. The State Historic Preservation Office, as a result, has required the Harbor District to preserve and restore the pier, which serves a major commercial and recreational fishing function. In addition, the California State Department of Forestry has required the District to upgrade the pier with fire safety devices including the construction of a fire sprinkler system under the entire 1,424-foot pier, at substantial cost to the District.

The Harbor District has implemented and provided new coastal access facilities within Avila Beach area, by improvements to beach launching ramps, construction of public rest rooms and handicap access to the facilities. The District has also assisted in providing access to the Pecho Coast and Point San Luis Lighthouse, where access has never before been provided. The District wishes to continue to provide coastal access in compliance with California Coastal Act Section 30212. Tax revenues for the Harbor District fund many non-enterprise public programs. These tax funded improvements are essential in maintaining and enhancing the community's use of the public facilities at Port San Luis.

*The full text of the State Tidelands Grant (State Lands Commission)
[Chapter 647 of California Statutes of 1955, as amended by Chapter 302 of
Statutes of 1957 follows]:*

(c) Any court in which any person is convicted of operating a motor vehicle while under the influence of intoxicating liquor, shall, unless the court, in case of the first conviction only, recommends to the department that there be no license suspension, require the surrender to it of any operator's or chauffeur's license held by such person and the court shall thereupon forward any said license to the department.

(d) Nothing in this section as amended shall change any suspension or revocation made under the authority of this section prior to the amendment hereof.

CHAPTER 302

An act to amend Section 1 of Chapter 647 of the Statutes of 1955, relating to tidelands and submerged lands in San Luis Obispo County.

In effect
September
11, 1957

[Approved by Governor May 6, 1957. Filled with
Secretary of State May 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 647 of the Statutes of 1955 is amended to read:

Section 1. There is hereby granted to the Port San Luis Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands described as follows:

That portion of San Luis Bay lying within the tract bounded by a line beginning at the point of intersection of the O.H. W.M. along the shore of the Pacific Ocean and the most southerly line of Lot 7 in Block 14 of Tract No. 57, El Pismo Manor No. 1, as per map thereof recorded in Book 5, page 76 of Maps in the Office of the County Recorder of the County of San Luis Obispo, State of California, thence due South, into the Pacific Ocean, a distance of 3 miles, thence N 60° W 5500 feet, thence N 80° W 7000 feet, thence S 70° 19' 57" W 16,180 feet, thence N 30° E 3 miles, more or less, to the intersection with O.H. W.M. of the Pacific Ocean, said intersection bearing S. 27° 58' 11" W 190 feet, from that certain lighthouse at Point San Luis having a latitude of 35 degrees, 9 minutes, 37.28 seconds North and longitude 120 degrees, 45 minutes, 35.38 seconds West, thence following the line of Ordinary High Water Mark along the shore of San Luis Bay to the point of beginning, together with all salt marsh, tidelands, submerged lands and swamp and overflowed lands within San Luis Creek.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to-wit:

(a) That said lands shall be used by said district, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges including those certain leases (1) between the State of California and Port San Luis Transportation Company, dated April 13, 1951, as amended March 26, 1954 (P. R. C. 560.1), (2) between the State of California and the Union Oil Company of California, dated February 28, 1941 (Lease 675/PC—33.9), (3) between the State of California and the Union Oil Company of California, dated November 21, 1949 (Lease P. R. C. 478.1), and (4) between the State of California and California Packing Corporation and Carmel Canning Company, dated September 5, 1951 (P. R. C. 644.1).

(b) That said lands shall be substantially improved by said district within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State."

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls; or charges or in facilities for any use or service

in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes, without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

Sec. 2. This act shall become operative November 21, 1957.

CHAPTER 303

An act to amend Section 28128 of the Government Code, relating to compensation for public services in counties of the twenty-eighth class.

In effect
September
11, 1957

[Approved by Governor May 6, 1957. Filed with
Secretary of State May 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28128 of the Government Code is amended to read:

28128. In a county of the twenty-eighth class the following shall receive as compensation for the services required by them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand six hundred dollars (\$6,600) a year.

(b) The district attorney, nine thousand dollars (\$9,000) a year. He shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor four thousand five hundred dollars (\$4,500) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed

San Luis
Obispo
County:
Compensa-
tion

Senate Bill No. 331

CHAPTER 647

An act conveying certain tidelands, lands lying under inland navigable waters, swamp and overflow lands, situate at San Luis Bay and San Luis Creek, to the Port San Luis Harbor District, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, reserving rights to the State.

[Approved by Governor May 21, 1955. Filed with Secretary of State May 21, 1955.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the Port San Luis Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands described as follows:

That portion of San Luis Bay lying between the line of ordinary high tide line of the Pacific Ocean and a line parallel thereto and distant westerly therefrom three miles and bounded on the north by that certain lighthouse, with latitude 35 degrees, 9 minutes 38 seconds north and longitude 120 degrees, 45 minutes 37 seconds west, at Point San Luis at the westerly end of San Luis Bay and a line extending south 30 degrees, no minutes west therefrom and on the south by the most southerly line of Lot 7 in Block 14 of Tract No. 57, El Pismo Manor No. 1, as per map thereof recorded in Book 5, page 76 of maps in the Office of the County Recorder of the County of San Luis Obispo, State of California, extending into the Pacific Ocean on a bearing due south, together with all salt marsh, tidelands, submerged lands, and swamp and overflowed lands within San Luis Creek.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to-wit:

(a) That said lands shall be used by said district, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the

promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges including those certain leases (1) between the State of California and Port San Luis Transportation Company, dated April 13, 1951, as amended March 26, 1954 (P. R. C. 560.1), (2) between the State of California and the Union Oil Company of California, dated February 28, 1941 (Lease 675/PC—33.9), and (3) between the State of California and California Packing Corporation and Carmel Canning Company, dated September 5, 1951 (P. R. C. 644.1).

(b) That said lands shall be substantially improved by said district within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters

over said lands for said purposes together with the right of navigation.

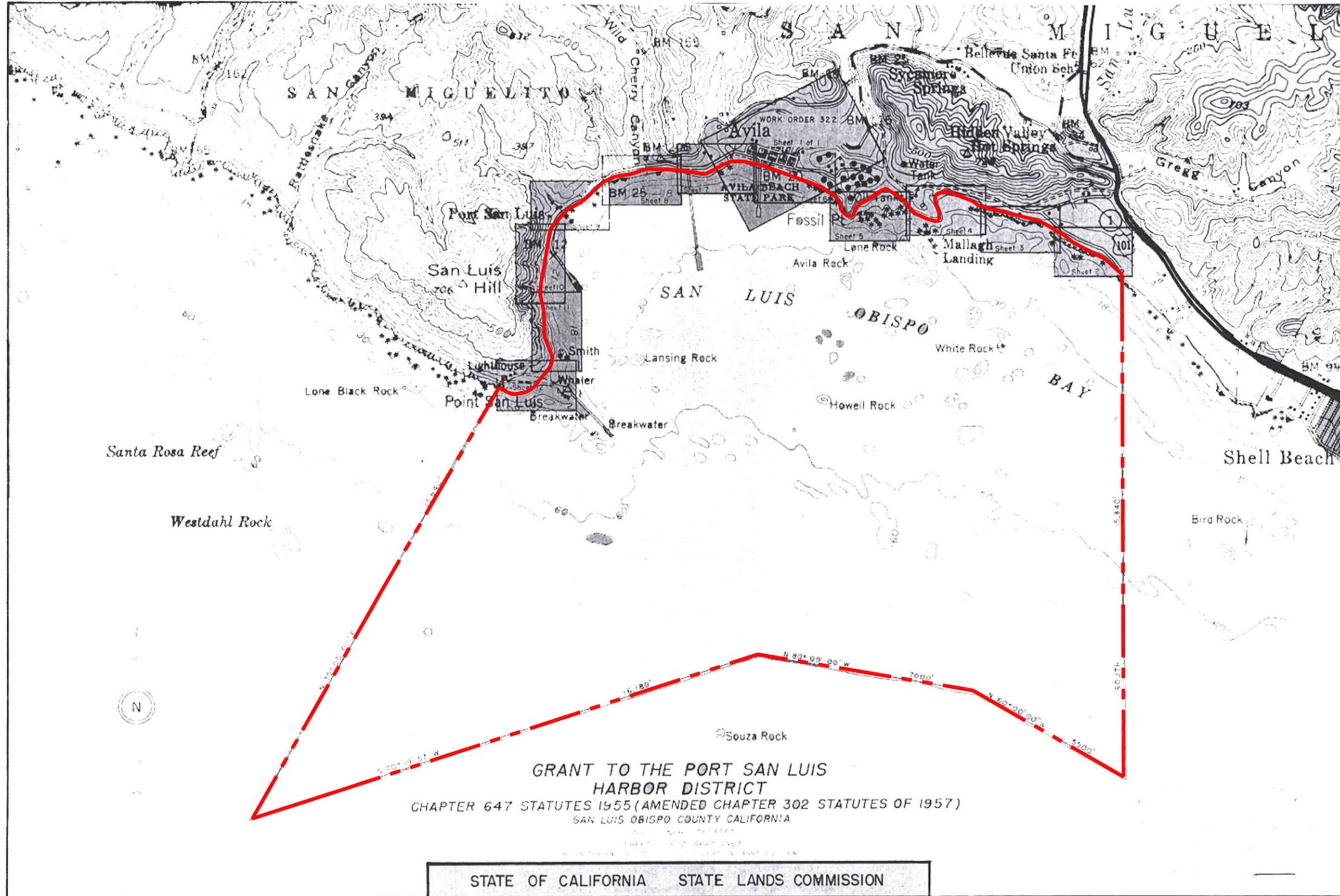
(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes, without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

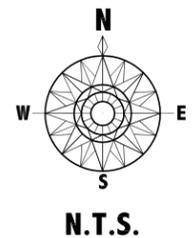
SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of San Luis Obispo County, the area of state lands described in this act. Said district shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state land described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs as a condition precedent to the grant of lands hereunder.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

TIDELANDS BOUNDARY MAP



PREPARED UNDER W/O 2106



PORT SAN LUIS MASTER PLAN



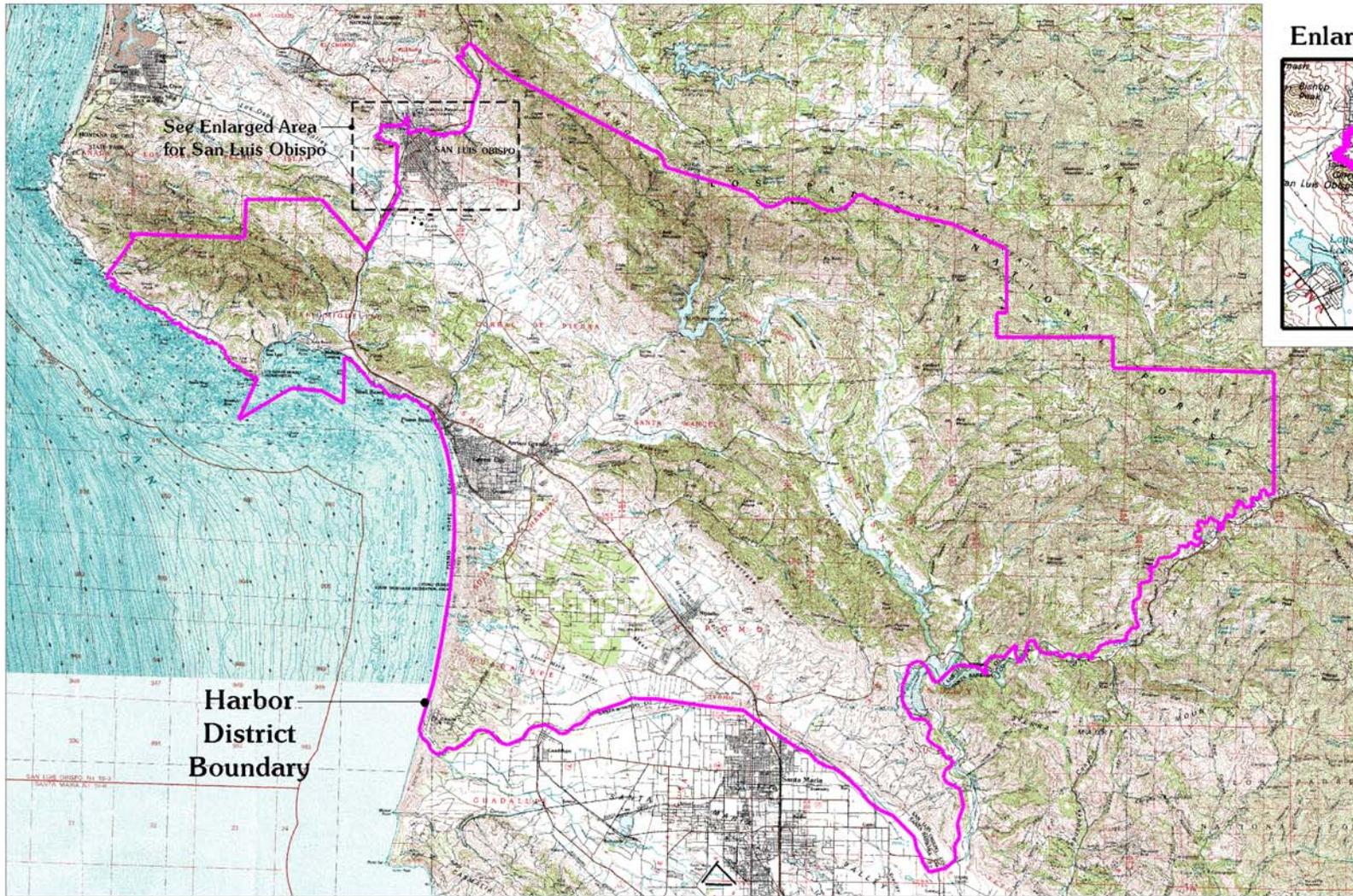
ERM DESIGN GROUP

Creating Sustainable People Places

3765 South Higuera Street, Suite 102 • San Luis Obispo, California 93401 • 805.543.1794 • 805.543.4609 fax
 Via Montgomery, Redwood City, CA 94063 • 415.974.4477 • www.ermdesign.com

June 10, 2003

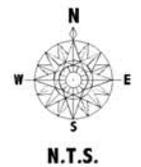
DISTRICT BOUNDARY



Enlarged San Luis Obispo Area



Harbor District Boundary



PORT SAN LUIS MASTER PLAN



RRM DESIGN GROUP

San Luis Obispo • California
1700 South Mission Avenue • San Luis Obispo, California 93401 • 805.325.1704 • 805.325.8800 fax
123 South Central Express • Cambria, California 93428 • 805.927.0704 • 805.927.2112 fax
www.rrmgroup.com

June 10, 2003