

**ATTACHMENT B-1
Findings**

EXHIBIT LRP2008-0010:A

TO: Planning Commission
FROM: James Caruso, Project Manager
DATE: August 30, 2012
SUBJECT: Submittal of CEQA-Required Findings and Statement of Overriding Considerations for Agricultural Cluster Subdivision Program; State Clearinghouse No. 2010011079

I. BACKGROUND

In compliance with the requirements of the California Environmental Quality Act, (Public Resources Code Section 21000 et seq. and the California Environmental Quality Act Guidelines), the County of San Luis Obispo has conducted environmental review of the Agricultural Cluster Subdivision Program. The County issued a Notices of Preparation for the Draft Environmental Impact Report (DEIR). The DEIR was initially released in September 2011. In response to comments from the Air Pollution Control District (APCD), sections of the report related to air quality and greenhouse gas emissions were revised and recirculated in December 2011. After receiving public comment on the DEIR and recirculated DEIR sections, the County prepared a document entitled Final Environmental Impact Report (FEIR) for the Agricultural Cluster Subdivision Program. The FEIR includes the verbatim comments received on the DEIR, a list of persons, entities, and agencies providing comments, and the County's responses to the environmental points raised in the comments. These Findings are based upon the information contained in the record of proceedings, including the FEIR, which includes the DEIR and appendices, the responses to comments, staff reports, the Mitigation Monitoring and Reporting Program, the testimony and additional information presented at public hearings, and all of the materials set forth in the Record of Proceedings.

The California Environmental Quality Act (CEQA) provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Public Resources Code Section 21002 [emphasis added].) The procedures are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Public Resources Code Section 21002.)

CEQA's mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which Environmental Impact Reports are required. For each significant environmental effect identified in an Environmental Impact Report for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

- (1) that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR,"
- (2) "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding and such changes have been adopted by such other agency or can and should be adopted by such other agency," or

- (3) “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final Environmental Impact Report.” (Public Resources Code Section 21081; California Environmental Quality Act Guidelines, 14 California Code of Regulations Section 15091.) The California Environmental Quality Act defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors.” (Public Resources Code Section 21061.1; California Environmental Quality Act Guidelines, 14 California Code of Regulations Section 15364.)

Because the Agricultural Cluster Subdivision Program identified significant effects that may occur as a result of the project, and in accordance with the provisions of CEQA and CEQA Guidelines, the County of San Luis Obispo hereby adopts these Findings of Fact and Statement of Overriding Considerations. For each of the significant effects identified herein, as set forth in greater detail in these Findings below, the County makes the finding under Public Resources Code Section 21081(a)(1) and Public Resources Code Section 21081(a)(3) respectively.

In accordance with the provisions of CEQA and CEQA Guidelines, the County of San Luis Obispo has independently reviewed the record of proceedings and based on the evidence in the Record of Proceedings adopts these Findings of Fact and Statement of Overriding Considerations.

II. PROJECT OBJECTIVES

The proposed project consists of revisions to the Land Use Ordinance (Title 22 of the County Code), Coastal Zone Land Use Ordinance (Title 23 of the County Code), and the Agriculture Element of the County General Plan. The State CEQA Guidelines require that the EIR Project Description include “a statement of objectives sought by the proposed project” [State CEQA Guidelines, subsection 15124(b)].

The principal objective of the Agricultural Cluster Subdivision Program is to reduce environmental impacts associated with agricultural cluster subdivisions and protect lands for continued and enhanced agricultural production to a greater extent than the current regulations allow. More specifically, the program should:

- **Improve access to existing infrastructure and services.** Locate agricultural cluster subdivisions in closer proximity to existing infrastructure and services.
- **Implement Strategic Growth policies.** Align the agricultural cluster ordinance standards with the County’s adopted Strategic Growth policies of the County Land Use Element, which encourage development to be located within existing urban areas with adequate infrastructure and resources to accommodate future population growth.
- **Introduce program to the Coastal Zone.** Introduce the agricultural cluster subdivision program to the Coastal Zone to allow the reconfiguration of existing legal underlying lots into residential cluster parcels.
- **Accommodate cluster development.** Accommodate agricultural cluster subdivisions through clustering of small, self-sustaining parcels near existing infrastructure and away from remote agricultural lands.

- **Avoid creation of new land use conflicts.** Minimize land use conflicts between residential development and existing and future agricultural operations.
- **Continue agricultural cluster opportunities.** Continue to provide opportunities for cluster subdivisions throughout portions of the County’s Agriculture land use category.
- **Protect important farmland.** Reduce the amount of important farmland potentially converted to residential and non-agricultural uses in the Agriculture land use category.

III. PROJECT DESCRIPTION

Proposed Amendments

The County of San Luis Obispo has existing ordinances and policies governing agricultural cluster subdivision projects. The proposed ordinance changes will modify the existing criteria and standards to reduce environmental impacts associated with agricultural cluster subdivisions and protect lands for continued and enhanced agricultural production to a greater extent than the current regulations allow.

The proposed project consists of revisions to the Land Use Ordinance (Title 22 of the County Code), Coastal Zone Land Use Ordinance (Title 23 of the County Code), and the Agriculture Element of the County General Plan. These revisions are summarized below:

Amendments to the Land Use Ordinance (Title 22)

The Land Use Ordinance (LUO), Title 22 of the County Code, is the primary ordinance concerning land use in the Inland portion of the county. The following amendments are proposed to the LUO:

- **Eliminate the distinction between major and minor clusters.** Combining the Major Agricultural Cluster Ordinance (LUO Section 22.22.152) and Minor Agricultural Cluster Ordinance (LUO Section 22.22.154) into a single ordinance (LUO Section 22.22.150) with one set of standards for all eligible properties.
- **Eliminate agricultural cluster subdivision as an option in Rural Lands.** Allowing the agricultural cluster program to be used only in the Agriculture land use category.
- **Allow clusters only within 5 road miles of urban areas.** Modifying agricultural cluster eligibility criteria to include only parcels within the Agriculture land use category that are within five miles of the Urban Reserve Line (URLs) of Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, Templeton, and Paso Robles. Under the adopted project (environmentally superior alternative), the eligibility criteria would be modified to restrict cluster subdivisions to locations within two road miles of the identified URLs, rather than five miles as permitted under the project description in the Final EIR.
- **Eliminate the density bonus.** Modifying the method for calculating the allowable number of residential cluster parcels and eliminating the residential density bonus.
- **Increase the minimum parcel size.** Establishing a 2.5 acre minimum size for residential cluster parcels, which would allow each cluster parcel to accommodate individual on-site well and septic systems.
- **Add design standards.** Adding various site design and development standards to reduce impacts associated with agricultural cluster subdivisions and to protect agricultural lands. Some examples of design provisions include the following:

- Requiring that cluster lots be physically contiguous to each other.
- Requiring that clusters be located in a single cluster area (or up to two if environmental conditions warrant this).
- Clarifying that roads and other residential infrastructure be counted towards the 5 percent developable area.
- **Require protection by an agricultural preservation easement.** Adding a provision that the agricultural open space parcel be covered by an agricultural preservation easement.
- **Add application requirements.** Modifying and expanding application content requirements.
- **Clarify agricultural buffer requirements.** Establish that required agricultural buffers be located on the residential parcels, consistent with the County’s agricultural buffer policy.
- **Update section references.** Updating section references throughout.

Amendments to the Coastal Zone Land Use Ordinance (Title 23)

The Coastal Zone Land Use Ordinance (CZLUO), Title 23 of the County Code, is the primary ordinance concerning land use in the coastal portion of the County. The CZLUO is one component of the County’s Local Coastal Program (LCP), which has been certified by the California Coastal Commission. The proposed project would add a new section to Chapter 23.04, which would allow for agricultural lands clustering in the North Coast and Estero planning areas.

Some of the primary differences between the Inland and Coastal programs are as follows:

- **Density based on underlying lots.** The density for an agricultural cluster subdivision in the Coastal Zone would be based on the number of existing legally established underlying lots. As a result, the program would not lead to the creation of new lots in the Coastal Zone. The Inland area instead bases density on the number of parcels achievable with a standard agricultural subdivision.
- **No locational criteria.** Agricultural cluster subdivisions within the Coastal Zone would not be limited to within a specified distance of the identified URLs. The Inland area only extends agricultural clustering provisions to parcels within five road miles of identified URLs.
- **Agricultural viability report required.** An agricultural viability study addressing soils, geography, water, access, history, risk factors, and economic conditions is required to be submitted with the application for subdivision.
- **Cluster required for lot line adjustments.** With the exception of small boundary adjustments (“de minimis lot line adjustment”¹), lot line adjustments in the Agriculture land use category within the Coastal Zone will be required to adhere to agricultural cluster subdivision requirements.
- **Modified design provisions.** Design standards applying to the Inland area (e.g contiguous parcels, single cluster area, etc.) will not apply in the Coastal Zone. Coastal Zone design

¹ “De minimum lot line adjustment” is defined as follows: Lot-line adjustments proposing minor changes in the location of a lot-line for purposes unrelated to future development proposals and that do not result in a significant change in the underlying lot sizes may be determined to be de minimis by the Planning Director. Examples include adjustments to lot-lines to reflect existing improvements such as a fence or road, or a major watercourse or to better situate existing development of the site. De minimis adjustments shall not result in an increase in the number of building sites, buildable lots, or density of permitted development.

standards will, however, require such things as compliance with Coastal Plan Policies, reduction of visual impacts, and agrarian design for structures.

- **Modified findings for approval.** Findings for approval differ between the Inland and Coastal ordinances. The Coastal ordinance findings do not include findings pertaining to Inland design requirements (e.g. contiguous parcels, single cluster area, etc.), but do include findings relative to Coastal Plan policies.

Amendments to the Agriculture Element of the County General Plan

The following amendments are proposed to Chapter 2 of the Agriculture Element of the County General Plan:

- Modifying *Agriculture Policy 20: Agricultural Land Divisions* to specify that the creation of residentially sized parcels and the bonus agricultural parcel provide an incentive to landowners to choose the cluster approach as an alternative to a conventional subdivision.
- Modifying *Agriculture Policy 22: Major Agricultural Cluster Projects* to achieve consistency between the Agriculture Element and Agricultural Lands Clustering Ordinance.
- Eliminating *Agriculture Policy 23: Minor Agricultural Cluster Projects*.
- Updating section references throughout.

Project Background

Agricultural cluster subdivisions are discussed in the Agriculture Element of the General Plan. Specifically, there are four policies which govern agricultural cluster subdivisions:

- **Agriculture Policy 20: Agricultural Land Divisions.** This policy discusses how agricultural lands should be divided. It is intended to ensure long-term protection of agricultural resources.
- **Agriculture Policy 21: Minimum Parcel Size Criteria for the Division of Agricultural Lands.** This policy establishes how minimum parcel sizes should be determined to ensure agricultural viability. Minimum parcel sizes for conventional subdivisions dictate the number of residential cluster parcels allowed.
- **Agriculture Policy 22: Major Agricultural Cluster Projects.** This policy establishes provisions for the major agricultural cluster subdivision program. This program is intended only to occur in the Inland portion of the county.
- **Agriculture Policy 23: Minor Agricultural Cluster Projects.** This policy establishes provisions for the minor agricultural cluster subdivision program. This program is intended to apply Countywide.

These policies have been implemented in the Inland portion of the county through Section 22.22.150 of the Land Use Ordinance. Agricultural cluster subdivisions have not yet been implemented in the Coastal Zone portion of the County.

There are two types of agricultural cluster subdivisions established in the Land Use Ordinance:

- **Major agricultural cluster:**
 - Number of residences: Number of residences is based on the number of parcels qualifying under a conventional subdivision, plus up to a 100 percent density bonus.

- Location: Major agricultural cluster subdivisions may only be located on parcels within 5 miles of a designated Urban Reserve Line or Village Reserve Line, on land designated Agriculture or Rural Lands, except in certain portions of the County.
- Clustered area: Residential development must be clustered on 5 percent of the site, leaving 95 percent of the site open for agricultural uses.
- **Minor agricultural cluster:**
 - Number of residences: Number of residences is based on the number of parcels qualifying under a conventional subdivision, plus up to a 25 percent density bonus (or at least one parcel).
 - Location: Minor agricultural cluster subdivisions may occur on any land designated Agriculture or Rural Lands, except in Exclusion Areas.
 - Clustered area: Residential development must be clustered on 10 percent of the site, leaving 90 percent of the site open for agricultural uses.

The County’s first agricultural cluster subdivision, Varian Ranch, was recorded in 1987. Since that time, the County has processed and approved several agricultural cluster subdivisions, resulting in the creation of 367 residential cluster parcels. Another two agricultural cluster projects (Laetitia and Estrella River Vineyard) have been accepted for processing under the current ordinance and are currently under environmental review. If approved, as currently proposed, these projects would add 102 and 18 new cluster parcels, respectively.

The “environmentally superior” alternative is adopted as the project

The Final EIR identified and evaluated five alternatives to the proposed project. After evaluating the Final EIR, and considering public testimony, the County has adopted the “environmentally superior” alternative (State CEQA Guidelines Section 15126.6[e][2]) as the project. This alternative further restricts agricultural cluster projects to locations within two (rather than five) road miles of the identified URLs. It would reduce Impact GHG-1, greenhouse gas emissions, from a Class I, significant and unavoidable, impact to a Class II, significant but mitigable, impact. It would also reduce the magnitude of the other Class I impacts, but not to a level of insignificance.

IV. THE RECORD

For the purposes of CEQA and the Findings VI-VIII, the record of the Planning Commission and Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and Board of Supervisors during the public hearings on the project.
2. The Agricultural Cluster Subdivision Program Final Environmental Impact Report (August 2012).
3. The Agricultural Cluster Subdivision Program Staff Reports prepared for the Planning Commission/Board of Supervisors.
4. Matters of common knowledge to the Commission/Board which it considers, such as:
 - a. The County General Plan, including the land use maps and elements thereof;
 - b. The text of the Land Use Element;

- c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
- d. The County of San Luis Obispo Environmental Quality Act Guidelines;
- e. The County Annual Resources Summary Report;
- f. The Clean Air Plan, and South County Air Quality Mitigation Program;
- g. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances; and
- h. Additional documents referenced in the Final EIR for the Agricultural Cluster Subdivision Program.

V. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors recommends certification of the Final EIR for the Agricultural Cluster Subdivision Program, based on the following:

- A. The Board of Supervisors has reviewed and considered the Agricultural Cluster Subdivision Program Final EIR.
- B. The Final EIR for the Agricultural Cluster Subdivision Program has been completed in compliance with the California Environmental Quality Act.
- C. The Final EIR, and all related public comments and responses have been presented to the Board of Supervisors, and they have reviewed and considered the information contained in the Final EIR and testimony presented at the public hearings prior to approving the Agricultural Cluster Subdivision Program.
- D. The Agricultural Cluster Subdivision Program Final EIR reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

- A. **Agricultural Resources (Class III)**
 - 1. **Impact AG-2.** The proposed Agricultural Cluster Subdivision Program could result in the conversion of prime agricultural soils in areas currently designated Agriculture to residential and non-agricultural uses. Impacts would be Class III, less than significant.
 - a. **Mitigation** - Since existing and proposed ordinance standards would prohibit residential development on prime agricultural soils, no additional mitigation measures will be required.
 - b. **Findings** - Compliance with existing and proposed ordinance standards would ensure that impacts on agricultural resources pertaining to the conversion of prime agricultural soils would be reduced to a level of insignificance.
 - c. **Supportive Evidence** - Please refer to page 4.1-18 and pages 6-26 through 6-36 of the Final EIR.

2. **Impact AG-3.** The proposed Agricultural Cluster Subdivision Program could result in impacts related to agricultural/urban land use conflicts. Impacts would be Class III, less than significant.
 - a. **Mitigation** - Implementation of the proposed design standards and buffer requirement clarifications would reduce potential land use conflicts to less than significant levels. As such, no additional mitigation measures will be required.
 - b. **Findings** - Compliance with proposed ordinance standards would ensure that impacts related to agricultural/urban land use conflicts would be reduced to a level of insignificance. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to page 4.1-19 through 4.1-21 and pages 6-26 through 6-36 of the Final EIR.
3. **Impact AG-4.** The proposed Agricultural Cluster Subdivision program could result in development that may be inconsistent with policies in the Agriculture Element (AE) and Conservation and Open Space Element (COSE) of the County General Plan. Impacts would be Class III, less than significant.
 - a. **Mitigation** - The proposed program revisions are consistent with the key Agriculture Element and COSE policies. Thus, no mitigation measures are necessary.
 - b. **Findings** - Since the proposed program revisions would be consistent with the key Agriculture Element and COSE policies, impacts will not be significant.
 - c. **Supportive Evidence** - Please refer to pages 4.1-22 through 4.1-23 and pages 6-26 through 6-36 of the Final EIR.

B. Air Quality (Class III)

1. **Impact AQ-3.** The proposed Agricultural Cluster Subdivision Program may be inconsistent with applicable provisions of the Clean Air Plan. This is a Class III, less than significant, impact.
 - a. **Mitigation** - No mitigation measures are required.
 - b. **Findings** - The proposed program is consistent with the Clean Air Plan as it would require agricultural cluster development to be located closer to existing urban areas consistent with Clean Air Plan goals to reduce development in rural areas of the county. Therefore, impacts are considered less than significant. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.2-19 through 4.2-21 and pages 6-36 through 6-38 of the Final EIR.

C. Hydrology and Water Quality (Class III)

1. **Impact HWQ-2.** Development resulting from the Agricultural Cluster Subdivision Program could alter drainage conditions. These altered drainage conditions could result in physical effects on down-gradient properties. Because cluster subdivisions processed pursuant to the proposed amendments would be subject to existing ordinance standards requiring drainage plan review, this impact would be considered Class III, less than significant.
 - a. **Mitigation** - No mitigation measures are required.

- b. **Findings** - Drainage impacts are addressed through the County's Drainage Plan review process in accordance with Land Use Ordinance Chapter 22.52 / Coastal Zone Land Use Ordinance Chapter 23.05). Implementation of these existing ordinance standards would reduce impacts to less than significant levels. This impact is further reduced under the "environmentally superior" alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.7-17 through 4.7-18 and page 6-44 of the Final EIR.
- 2. **Impact HWQ-3.** Development resulting from the Agricultural Cluster Subdivision Program could cause erosion and ultimately lead to sedimentation of water courses. Because cluster subdivisions processed pursuant to the proposed amendments would be subject to existing ordinance standards that require an erosion and sedimentation control plan and State requirements for a Stormwater Pollution Prevention Plan, this impact would be considered Class III, less than significant.
 - a. **Mitigation** - No mitigation measures are required.
 - b. **Findings** - Erosion and sedimentation impacts are already addressed through the County's review of an erosion and sedimentation control plan. Additionally, both the County and State are involved in oversight of Stormwater Pollution Prevention Plans for larger projects. Implementation of these existing requirements would reduce impacts to less than significant levels. This impact is further reduced under the "environmentally superior" alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.7-18 through 4.7-20 and page 6-44 of the Final EIR.
- 3. **Impact HWQ-4.** Design and location requirements established in the Agricultural Cluster Subdivision Program could result in residential development occurring in flood hazard areas. Because individual agricultural cluster subdivisions processed pursuant to the proposed amendments would be subject to existing ordinance standards for development in flood hazard areas, this impact would be considered Class III, less than significant.
 - a. **Mitigation** - No mitigation measures are required.
 - b. **Findings** - Flood hazard concerns are already addressed through the standards established in Chapter 22.14 of the Land Use Ordinance and Chapter 23.07 of the Coastal Zone Land Use Ordinance. Additionally, engineered Drainage Plan review and approval will be required for projects in flood prone areas. Implementation of these existing requirements would reduce impacts to less than significant levels. This impact is further reduced under the "environmentally superior" alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.7-20 through 4.7-22 and page 6-44 of the Final EIR.
- 4. **Impact HWQ-5.** Residential development resulting from the Agricultural Cluster Subdivision Program could discharge both stormwater and non-stormwater pollutants into area watercourses. This is a Class III, less than significant, impact.
 - a. **Mitigation** - No mitigation measures are required.

- a. **Mitigation** - No mitigation is required beyond standard County ordinance requirements. New wastewater treatment systems would be required to comply with Title 19 of the County Code (Sections 19.07.022 and 19.07.023) to ensure septic system design and capacities are adequate. Compliance with these requirements would ensure less than significant impacts.
 - b. **Findings** - Future residential development resulting from the proposed amendments would be subject to existing standards in the Building and Construction Ordinance, Title 19 of the County Code, regulating the siting and design of individual wastewater systems, as well as RWQCB standards. Review and approval of projects under current procedures will ensure that impacts will be less than significant. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.9-20 through 4.9-21 and page 6-45 of the Final EIR.
2. **Impact PS-2.** The proposed Agricultural Cluster Subdivision Program could increase County population by up to 969 residents. This may incrementally increase demands on the San Luis Obispo County Sherriff Department, Cal Fire, and other emergency service providers.
 - a. **Mitigation** - No mitigation measures are required.
 - b. **Findings** - Impacts resulting from the construction of new or physically altered emergency service facilities would be considered during the project-level environmental review for individual agricultural cluster projects. At this time, however, no meaningful information is available regarding the exact location of these projects or the scope of improvements which would be necessary to maintain or achieve acceptable levels of service. Impacts are therefore too speculative for evaluation (CEQA Guidelines Section 15145). As required under existing ordinance provisions, individual cluster projects would pay public facilities fees and prepare a fire safety plan showing compliance with existing fire code requirements. The adopted project / “environmentally superior” alternative would further reduce demands on these services, since it would only generate about half as many new residents compared to the project evaluated in the Final EIR.
 - c. **Supportive Evidence** - Please refer to pages 4.9-22 through 4.9-24 and page 6-46 of the Final EIR.
3. **Impact PS-3.** The proposed Agricultural Cluster Subdivision Program could increase County population by up to 969 residents. This may incrementally increase demands on San Luis Obispo County parks, recreational services, and libraries.
 - a. **Mitigation** - Payment of required public facilities fees and Quimby Fees are already required by County ordinance. These existing measures serve to mitigate each project’s individual contribution towards significant impacts on parks/recreational facilities and libraries. The adopted project / “environmentally superior” alternative would further reduce demands on these services, since it would only generate about half as many new residents compared to the project evaluated in the Final EIR. No additional mitigation measures beyond existing requirements are necessary.

F. Transportation/Circulation (Class III)

1. **Impact T-3.** The proposed Agricultural Cluster Subdivision Program would lead to residential development in rural/agricultural areas of the county. Such development could affect conditions for secondary emergency access, such as topography, road width, and dead-end road width.
 - a. **Mitigation** - Projects are required to comply with CalFire/County Fire's Standard for "Access Roads and Driveways" requirement which sets parameters for maximum slope, minimum width, and maximum dead-end road length. No additional mitigation measures are required.
 - b. **Findings** - Projects are required to comply with CalFire/County Fire's Standard for "Access Roads and Driveways" requirement which sets parameters for maximum slope, minimum width, and maximum dead-end road length. Implementation of these existing requirements would reduce impacts to a less than significant level. This impact would be further reduced under the "environmentally superior" alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.10-15 through 4.10-17 and page 6-46 of the Final EIR.
2. **Impact T-4.** The proposed Agricultural Cluster Subdivision Program would lead to residential development in rural/agricultural areas of the county. Such development could not be adequately served by alternative transportation means.
 - a. **Mitigation** - No mitigation measures are necessary.
 - b. **Findings** - Based on the proposed standards, cluster development would occur in rural areas of the county at low residential densities. As a result, the program is not anticipated to increase demands on public transit or to provide opportunities for alternative transportation means. Impacts would be less than significant.
 - c. **Supportive Evidence** - Please refer to pages 4.10-16 through 4.10-17 and page 6-46 of the Final EIR.

G. Water Resources (Class III)

1. **Impact WR-2.** The Agricultural Cluster Subdivision Program will preclude the establishment of small community water systems to serve residential cluster parcels. As a result, new residential development will need to obtain water service from on-site wells. This may reduce the reliability of water service to the residential parcels.
 - a. **Mitigation** - No mitigation measures are necessary.

- b. **Findings** - Existing ordinance standards already address the sufficiency of water service to individual residences. County Environmental Health must provide a preliminary subdivision approval letter to each proposed subdivision prior to acceptance. The preliminary approval letter is issued after County Environmental Health is satisfied that there will be a compliant water source for the anticipated residential development. The California Fire Code and the County's Building and Construction Ordinance (Title 19 of the County Code) establish water storage and fire suppression requirements. In order to move forward in the process, a project must demonstrate that an on-site water service and storage capabilities can be sufficient to serve each parcel. Absent this, the County would be precluded from authorizing residential development. As existing ordinance standards are already designed to ensure that a reliable water system will service each parcel, this impact is anticipated to be less than significant.
 - c. **Supportive Evidence** - Please refer to pages 4.12-35 through 4.12-36 of the Final EIR.
2. **Impact WR-3.** Residential water quality may be affected by adjacent agricultural uses.
- a. **Mitigation** - No mitigation measures are necessary.
 - b. **Supportive Evidence** - Please refer to pages 4.12-36 through 4.12-37 and page 6-50 of the Final EIR.

VII. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. Air Quality (Class II)

1. **Impact AQ-1.** Construction activities resulting from the proposed Agricultural Cluster Subdivision Program would generate ozone precursors (ROG + NOx) and fugitive particulate matter, and would potentially result in human exposure to Naturally Occurring Asbestos (NOA), a toxic air contaminant.

a. Mitigation -

AQ-1(a) Construction Phase Mitigation. Based on their size, location, and proximity to sensitive receptors, individual agricultural cluster subdivision projects may be subject to the following mitigation measures:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel; and
- If the estimated ozone precursor emissions from the actual fleet for a given construction phase are expected to exceed the APCD threshold of significance after the standard mitigation measures are factored into the estimation, then BACT needs to be implemented to further reduce these impacts.

The following mitigation measures are required to reduce the proposed program's contribution to cumulative impacts relative to PM₁₀ emissions:

AQ-1(b) Dust Control. The following measures shall be implemented to reduce PM₁₀ emissions during construction:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt-stock-pile areas shall be sprayed daily as needed;
- Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

The above measures shall be shown on development plans.

Plan Requirements and Timing. Conditions shall be adhered to throughout all grading and construction periods for all project components. Prior to issuance of grading permits, applicants shall include, as a note on a separate informational sheet to be recorded with any map, the aforementioned dust control requirements. All requirements shall be shown on grading and building plans. **Monitoring.** Planning and Building inspectors shall perform periodic spot checks during grading and construction. APCD inspectors shall respond to nuisance complaints.

AQ-1(c) Cover Stockpiled Soils. If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin.

Plan Requirements and Timing. Conditions shall be adhered to throughout all grading and construction periods for all project components. **Monitoring.** Planning and Building inspectors shall perform periodic spot checks during grading and construction. APCD inspectors shall respond to nuisance complaints.

AQ-1(d) Dust Control Monitor. The contractor or builder shall designate a person or persons to monitor the dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Plan Requirements and Timing. The name and telephone number of dust monitor(s) shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition. The dust monitor shall be designated prior to approval of a Land Use Permit. **Monitoring.** Planning and Building shall contact the designated monitor as necessary to ensure compliance with dust control measures.

The following mitigation measure is required to reduce impacts related to naturally occurring asbestos (NOA) during site disturbing activities:

AQ-1(e) NOA Evaluation. Prior to any grading activities at the site, project applicants shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, project applicants must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Public health risk benefits can be realized by idle limitations for diesel engines. To help reduce the emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

AQ-1(f) California Diesel Idling Regulations.

- On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight rating of more than 10,000 pounds and licensed for operation on highway. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
 - Shall not operate a diesel-fueled auxiliary power system (ASP) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulations.
- **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
- The specific requirements and exceptions in the regulations can be reviewed at the following web sites:

www.arb.ca.gov/msprog/truck-idling/2485.pdf

www.arb.ca.gov/regact/2007/ordies107/froal.pdf

AQ-1(g) Diesel Idling Restrictions Near Sensitive Receptors. In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- Use of alternative fueled equipment is recommended; and
- Signs that specify that no idling areas must be posted and enforced at the site.

AQ-1(h) Developmental Burning. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of a fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and Cal Fire. Project applicants shall furnish the APCD with the study of technical feasibility which includes costs and other constraints) at the time of application.

AQ-1(i) Construction Permit Requirements. Individual agricultural cluster projects shall attain all necessary construction permits from the SLOAPCD. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California

statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
 - Portable generators and equipment with engines that are 50 hp or greater;
 - Electrical generation plants or the use of standby generator;
 - Internal combustion engines;
 - Rock and pavement crushing;
 - Unconfined abrasive blasting operations;
 - Tub grinders;
 - Trommel screens; and
 - Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).
- b. **Findings** - With the implementation of the above mitigation measures, construction-related impacts to Air Quality would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence** - Please refer to pages 4.2-5 through 4.2-14 and pages 6-36 through 6-37 of the Final EIR.

B. Biological Resources (Class II)

1. **Impact B-1.** The proposed Agricultural Cluster Subdivision Program would modify the County’s current development standards, leading to a potential change in development patterns and a change in physical impacts to grasslands, oak woodlands, and other sensitive plant habitat areas within the project area.

a. **Mitigation -**

BR-1(a) Sensitive Habitat Survey and Restoration Plan. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants within potentially sensitive areas and habitats as determined by the County based upon review of the California Natural Diversity Database (CNDDDB) to contract with a County approved biologist to survey for sensitive habitats as defined by the County or appropriate state or federal regulatory agencies. If sensitive habitats are found onsite, the applicant shall make all efforts to fully avoid impact to these areas. Where impacts cannot be avoided, the applicant shall contract with a County-approved biologist to develop a Sensitive Habitat Restoration Plan that provides specific measures to enhance and maintain the remaining on-site occurrences of sensitive habitats or to provide off-site mitigation where on-site mitigation cannot fully offset the impact. The Plan shall include the following actions:

- Provide an up-to-date inventory of on-site sensitive habitat(s);
- Define attainable and measurable goals and objectives to achieve through implementation of the Plan;
- Provide site selection and justification;
- Detail restoration work plan including methodologies, restoration schedule, plant materials (seed), and implementation strategies;
- Where off-site mitigation is necessary, establish a ratio for off-site restoration and a mechanism for preservation;
- Provide a detailed maintenance plan to include weeding and or spot spraying to keep non-native plant species from further reducing the extent of this habitat type on the property over time. This approach would also have the residual benefit of providing wildland fire protection. Enhancement and maintenance options shall employ recent techniques and effective strategies for increasing the overall area of the sensitive habitats on-site and shall include but not be limited to reseeded or stock container planting disturbed areas with an appropriate native plant palette;
- Define performance standards. Either in a County approved mitigation site within the proposed development site or in a County approved off site area, the total restored and/or created area shall include a minimum replacement ratio of 2:1 (sensitive habitat restored and/or created: sensitive habitat impacted) with at least 50% cover of native shrubs. Acreage may vary depending on the location of the mitigation site and restoration effort. The County may require additional acreage for off-site mitigation; and
- Provide a monitoring plan to include methods and analysis of results. Also, include goal success or failure and an adaptive management plan and suggestions for failed restoration efforts.

BR-1(b) Wetland Delineation. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants whose land is in potentially sensitive areas as determined by the County to contract with a County approved biologist to conduct a formal wetland delineation. The delineation shall use methodologies accepted by the Corps and CDFG, and as defined by the County or appropriate state or federal regulatory agencies. The biologist shall determine the location and extent of jurisdictional waters of the U.S. and State on the sites.

A Mitigation Plan shall be developed and implemented for areas of disturbance to riparian habitat and other potential wetland areas. The plan shall be prepared by a qualified biologist who is familiar with current Corps and CDFG restoration and mitigation techniques. County required compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The resource agencies may require a higher mitigation ratio as a result of the permitting processes.

The plan shall include the following components:

- Description of the impact site (i.e., location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);

- Goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, preserved, and/or created, specific functions and values of habitat type(s) to be established, restored, enhanced, preserved, and/or created (any lost wetland habitat shall be replaced on-site using regionally collected native plant material at a minimum ratio of 2:1);
 - Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
 - Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
 - Maintenance activities during the monitoring period (activities, responsible parties, schedule);
 - Monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
 - Completion of compensatory mitigation (notification of completion, agency confirmation);
 - Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism);
 - Identification of potential pollutant sources, that may affect the quality of the discharges to stormwater;
 - The proposed design and placement of structural and non-structural BMPs to address identified pollutants;
 - A proposed inspection and maintenance program;
 - A method of ensuring maintenance of all BMPs over the life of the project;
 - Long term protection, such as through means of an open space easement;
 - A proposed plan for construction worker education; and
 - A proposed plan for erosion and sedimentation control including construction BMPs.
- b. Findings** - With the implementation of the above mitigation measures, potential impacts to grasslands, oak woodlands, and other sensitive plant habitat areas within the project area would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. Supportive Evidence** - Please refer to pages 4.3-25 through 4.3-30 and pages 6-38 through 6-39 of the Final EIR.
- 2. Impact B-2.** The proposed Agricultural Cluster Subdivision Program would modify the County’s current development standards, leading to a potential change in development patterns and a change in physical impacts to special-status plant and wildlife species.
- a. Mitigation** -
- BR-2(a) Seasonally-Timed Rare Plant Surveys.** During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance

amendments, the County shall require project applicants to submit seasonally timed floral surveys conducted by a County-approved botanist per the requirements of the County or appropriate State or federal regulatory agencies for projects with the potential to impact special-status plant species. The floral surveys shall be based on the target list of plant species identified by the County based upon review of the California Natural Diversity Database (CNDDDB) to be completed during the appropriate season to determine the presence or absence of these species. Up to three separate survey visits may be required to capture the flowering period of all target species. The location and extent of any rare plant occurrences observed on a site shall be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special-status plant species are identified, the approved botanist shall submit written proof that the County and CDFG have been contacted. If federally-listed plant species are identified, then the USFWS must also be contacted.

BR-2(b) Special-status Plant Buffer. If State or Federally listed plant species are found as a result of appropriate plant surveys, site development plans shall be modified as feasible prior to approval of grading or land use permits to avoid such occurrences with a minimum buffer of 50 feet. The applicant shall establish conservation easements for such preserved areas, prior to issuance of the first grading permit. The proposed agricultural cluster subdivision shall be amended at that time to place these areas formally into open space.

BR-2(c) Special-status Plant Species Mitigation Plan. If total avoidance of the special-status species occurrences (if any) is economically infeasible or impractical as determined by the Environmental Coordinator, a mitigation program shall be developed prior to approval of grading or land use permits by a qualified botanist under contract with the applicant in consultation with CDFG as appropriate. A research study to determine the best mitigation approach for each particular species to be salvaged shall be conducted to adequately prepare the plan for species that have not been subject to mitigation requirements previously. The special-status plant species mitigation program shall include the following:

- The overall goal and measurable objectives of ensuring a viable core population of special-status species in the mitigation and monitoring plan;
- County required compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat restored and/or created to habitat impacted). The County may require additional acreage for off-site mitigation. The resource agencies may require a higher mitigation ratio as a result of the permitting processes. Potential sites for mitigation would be any suitable site within proposed open space, depending on the species, that is appropriately buffered from development;
- Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the special-status plant species. (i.e., annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of special-status plant species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed seed and/or topsoil collection, propagation, and reintroduction of special-status plant species into specified receiver sites);
- Success criteria based on the goals and measurable objectives to ensure a viable core population(s) on the project site in perpetuity;

- Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
- The County may require the applicant to provide the funding for a County Environmental Monitor to oversee and monitor compliance with the mitigation plan. The Environmental Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction, operational, and decommissioning stages of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building. The Environmental Monitor shall be under contract to the County of San Luis Obispo, and the entire expense of retaining and supervising the Environmental Monitor, including the County's administrative and overhead fees, shall be paid by the project applicant. The project applicant shall also be responsible for funding work required by mitigation measures requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The County's Environmental Monitor will coordinate with specialists to ensure their availability at appropriate times (prior to issuance of construction permits, during construction or post-approval).

BR-2(d) Special-status Plant Monitoring. If monitoring is necessary, then monitoring shall occur annually and shall last at least five years to ensure the successful establishment of a viable core population of special-status species in the mitigation and monitoring plan. In the case of annual plants it is difficult to determine whether a viable core population has been established in a five year period. Therefore, an important component of the mitigation and monitoring plan shall be adaptive management. The adaptive management program shall address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs. The plan shall include follow up surveys and remedial measures to address negative impacts to the special-status plant species and their habitats (i.e., removal of weeds, additional seeding/planting efforts) if the species or its habitat have not been successfully established at the time of the follow up surveys.

BR-2(e) Wildlife Surveys and Mitigation. For individual projects within sensitive areas as determined by the County, a wildlife survey shall be conducted by a qualified biologist prior to approval of grading permits or land use permits for proposed development areas that may contain sensitive wildlife as defined by the County or appropriate State or federal regulatory agencies. Such surveys shall be required prior to potential development. Appropriate mitigation measures shall be identified by a qualified biologist, and may include one of more of the following measures, as applicable:

- Pet Brochure. Applicants of residential projects adjacent to open space or other habitat areas shall be required to prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals, to sensitive habitat areas. The brochure shall also describe measures homeowners can take to minimize impacts of pets on wildlife. Similarly, the brochures shall inform potential homebuyers of the potential for coyotes or other wildlife to prey on domestic animals in areas where appropriate.
- Relocation. As determined by a qualified biologist in coordination with the appropriate resource agencies, sensitive species shall be relocated from development areas prior to ground disturbing activities.

- Wildlife Habitat Buffer. Wherever site development is proposed adjacent to wildlife habitat an appropriate buffer of native vegetation shall remain or be established between the habitat area and the proposed development, as identified by a qualified biologist.

BR-2(f) Bird Pre-Construction Survey. In order to avoid impacts to nesting raptors and other avian species, which could result in take that is prohibited under CDFG Code 3503 and 3503.5 and the federal Migratory Bird Treaty Act, construction activities for projects within areas that include trees or other sites that could include bird nests should be conducted between September 1st and February 1st outside of the peak breeding season. If construction in such areas is to be initiated between February 1st and September 1st, a pre-construction survey should be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities. If nesting raptors (or any other nesting birds) are identified during pre-construction surveys, an appropriate buffer; to be determined by a County-approved biologist in coordination with the California Department of Fish and Game, should be imposed within which no construction activities or disturbance should take place. If nests are identified, work may only proceed prior to September 1st if a County-approved biologist conducts periodic nest checks and confirms that the nest is no longer active (i.e. the young have fledged) and work re-initiation has been specifically authorized by the appropriate regulatory agency.

BR-2(g) Minimize Road Widths. Roadway widths adjacent to open space/agricultural areas shall be reduced to the minimum width possible, while maintaining Fire Department Requirements for emergency access, with slower speed limits introduced.

BR-2(h) Permits and Agreements. In the event that State listed species would be impacted as a result of development, developers shall submit signed copies of an incidental take permit and enacting agreements from the CDFG regarding those species as necessary under Section 2081 of the California Fish and Game Code prior to the initiation of grading or construction activities. If a species that is listed under the Federal Endangered Species Act is identified, developers seeking entitlements shall provide proof of compliance with the Federal Endangered Species Act, inclusive as necessary of signed copies of incidental take permit and associated enacting agreements.

- b. **Findings -** With implementation of the above mitigation measures, impacts to special-status plant and wildlife species would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence -** Please refer to pages 4.3-30 through 4.3-35 and pages 6-38 through 6-39 of the Final EIR.

3. **Impact B-3.** The proposed Agricultural Cluster Subdivision Program would modify the County’s current development standards, leading to a potential change in development patterns and a change in physical impacts to wildlife movement corridors.

a. **Mitigation -**

BR-3(a) Migration Corridors. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require project applicants to contract with a County-approved biologist to survey for migration corridors. If migration corridors are found on-site or adjacent to the

project site, the subdivision, grading and site development shall be designed to accommodate wildlife passage.

BR-3(b) Fencing Plan. For individual projects in areas determined to contain wildlife migration corridors, project applicants shall submit to the Department of Planning and Building for review and approval a fencing plan that accommodates for the passage of the identified wildlife species. The plan shall apply to existing fences that may not be removed as part of the project and any future fencing proposed in areas within or outside of the residential development area. The intent of the plan is to ensure that any existing and future fencing has been developed to allow for movement of the identified wildlife species through the project site. The plan shall include, at a minimum, the following:

- Identification of maintained likely and feasible movement pathways;
- Removal of non-essential interior fencing;
- Incorporation of measures to increase visibility of the fence;
- Incorporation of alternatives to wire fencing, such as wooden rail fences with occasional dropped rails for wildlife access or adjustable fencing to allow for seasonable wildlife passage;
- Incorporation of fencing modifications designed to enable movement by identified wildlife species through the designed movement pathways on the project site; and
- Placement of wildlife crossing signs at specific locations along major transportation corridors in the project vicinity to alter drivers of the potential to encounter wildlife crossing the road.

b. Findings - With the implementation of the above mitigation measures, impacts to wildlife movement corridors would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.

c. Supportive Evidence - Please refer to pages 4.3-35 through 4.3-37 and pages 6-38 through 6-39 of the Final EIR.

C. Cultural Resources (Class II)

1. Impact CR-1. The proposed Agricultural Cluster Subdivision Program would modify the County’s current development standards, leading to a potential change in development patterns and a change in physical impacts to identified or unrecognized historic resources.

a. Mitigation -

CR-1(a) Historical Resource Survey. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require an historical resource survey, conducted by a qualified professional (archaeologist, historian or historic architect as appropriate based on the resource) approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:

- Are located within an Historic combining designation;
- Contain a designated historic site;

- Are located in an area of known historic resources; or,
- Contain structures greater than 50 years old.

Should the historical resource survey identify significant resources, the mitigation measures recommended by the qualified professional shall be implemented by the project applicant. These measures shall be consistent with the Secretary of the Interior's Standards and could include, but not necessarily be limited to:

- Avoidance of significant historical resources;
- Graphic documentation (photographs, drawings, etc.);
- Prohibition of demolition of buildings and structures; and/or
- Restoration, stabilization, repair, and reconstruction.

b. Findings - With the implementation of the above mitigation measures, impacts to historic resources would be reduced to less than significant levels. This impact is further reduced under the "environmentally superior" alternative, which is the adopted project.

c. Supportive Evidence - Please refer to pages 4.4-15 through 4.4-18 and page 6-39 of the Final EIR.

2. Impact CR-2. The proposed Agricultural Cluster Subdivision Program would modify the County's current development standards, leading to a potential change in development patterns and a change in physical impacts to identified and previously unidentified pre-historic archeological resources.

a. Mitigation -

CR-2(a) Archaeological Surface Survey. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require an archaeological surface survey, conducted by a qualified archaeologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:

- Are located within an Archaeological Sensitive Area (AS) combining designation;
- Contain known archaeological sites, as recorded by the Central Coast Information Center at UC Santa Barbara;
- Are located in an area identified by the County of San Luis Obispo Planning and Building Department as archaeologically sensitive (e.g. Nipomo, Santa Margarita, Salinas River area); or,
- Contain physical features on-site that may indicate the presence of archeological resources (e.g. springs, creeks, rock outcrops).

Should the archaeological surface survey identify significant resources, the applicant shall avoid the resource if feasible. Should avoidance be infeasible, the following mitigation measure shall be required:

CR-2(b) Data Recovery Excavation. If avoidance of an archaeological site(s) is not possible, data recovery excavation shall be completed prior to issuance of grading permits. A data recovery plan shall be submitted by a qualified archaeologist for review by the County Environmental Coordinator. Data recovery shall be funded by the

applicant, shall be performed by a County-qualified archaeologist, and shall be carried out in accordance with a research design consistent with the requirements of the California Office of Historic Preservation Planning Bulletin 5, *Guidelines for Archaeological Research Design*. At a minimum, data recovery shall include:

- Mapping of site boundaries and the distribution of surface remains;
- Surface collection of artifacts;
- Excavation of a sample of the cultural deposit to characterize the nature of the site and retrieve a representative sample of artifacts and other remains within the proposed impact area;
- Monitoring of excavations at Native American sites by a tribal representative;
- Technical studies and analysis of the recovered sample, including radiocarbon dating, typological and technical analysis of tools and debris, identification and analysis of preserved faunal and floral remains, and other studies appropriate to the research questions outlined in the research design;
- Cataloguing and curation of all artifacts and records detailing the results of the investigations at a County-approved curation facility;
- Submission of a final technical report detailing the results of the investigations; and
- Preparation of an interpretive report suitable for distribution to the general public.

CR-2(c) Archaeological Resource Construction Monitoring. At the commencement of construction on sites that have been identified as having the potential to support cultural resources based on mitigation measure CR-1(a), a qualified archaeologist shall prepare an archaeological monitoring plan for the review and approval of the County. The monitoring plan shall include involvement of a Native American representative and shall include:

- Demonstration of an understanding of all applicable State and County regulations, policies and standards in regards to archaeological resources;
- An orientation for construction workers to describe site avoidance requirements, the possibility of exposing unexpected archaeological resources, and the steps to be taken if such a find is encountered;
- Monitoring of earth moving activities within native soil;
- Provisions for the event that archaeological remains are encountered during construction including halting all work in the vicinity of the find until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented;
- Provisions for curation and preservation of any discovered resources, and
- Provisions for a follow up report summarizing the results of the monitoring activities and any necessary mitigation.

- b. **Findings** - With the implementation of the above mitigation measures, impacts to archaeological resources would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.

c. **Supportive Evidence** - Please refer to pages 4.4-18 through 4.4-21 and page 6-39 of the Final EIR.

3. **Impact CR-3.** The proposed Agricultural Cluster Subdivision Program would modify current development standards, leading to physical impacts. If development occurs in fossil-bearing strata, significant fossil materials could be damaged or destroyed.

a. **Mitigation -**

CR-3(a) Paleontological Surface Survey. During environmental review for future agricultural cluster subdivision projects processed under the proposed ordinance amendments, the County shall require a paleontological surface survey, conducted by a qualified paleontologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that are located within an area:

- Overlying a geologic formation known to be paleontological sensitivity or fossil bearing;
- Containing known paleontological sites;
- Determined by the County of San Luis Obispo Planning and Building Department to be paleontologically sensitive; or,
- Containing physical features on-site that may indicate the presence of paleontological resources (as determined by rock type, past history of the rock unit in producing fossil materials, and fossil sites that are recorded in the unit).

Should the paleontological surface survey identify significant resources, the applicant shall avoid the resource if feasible. Should avoidance be infeasible, the following mitigation measure shall be required:

CR-3(b) Preparation of a Paleontological Resource Monitoring Plan. At the time of application for construction and/or grading permits, applicants for projects where paleontological sensitivity is moderate to very high, as determined by the paleontological surface survey, shall retain a qualified accredited paleontologist to prepare a Paleontological Resource Monitoring Plan based on the specific construction plans. The monitoring plan shall detail the procedures for monitoring construction in areas of high or unknown sensitivity, collecting fossil remains and relevant geographic and stratigraphic data, stabilizing and preserving recovered specimens, and cataloguing and curating the collection. The monitoring plan shall include provisions for collecting a representative sample of invertebrates prior to construction, documenting the site according to the standards developed by the National Research Council (1987), and assessing the potential of this site to contain significant vertebrate remains.

CR-3(c) Paleontological Monitoring. A qualified paleontological monitor shall observe any initial excavation, grading, or other ground disturbance which extends below the upper soil layers in *in situ* sedimentary rock where paleontological sensitivity is high. Paleontologists who monitor excavations must be qualified and experienced in salvaging fossils and authorized to temporarily divert equipment while removing fossils. They must be properly equipped with tools and supplies to allow for rapid removal and preparation of specimens, and trained in safe practices when working around construction equipment. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually.

CR-3(d) Treatment of Paleontological Remains Discovered During Monitoring. If paleontological resources are found during excavations or other ground disturbance, work shall cease temporarily in the immediate area of the discovery. Ground disturbance may be redirected to another area so that the significance of the fossil find may be assessed. If an accredited paleontologist is not already on-site, a vertebrate paleontologist with regional experience will be contacted to inspect the excavation, assess the significance of the fossil find, recover any exposed fossils of significance, and recommend additional mitigation measures, if necessary.

A standard sample (3 to 12 cubic meters) of matrix from each site will be taken for identification of microvertebrates (rodents, birds, rabbits), especially when the potential for microvertebrates is high. The monitors also will determine whether the fossils are part of an archaeological deposit. If the fossils are found with cultural material, the site then will be considered an archaeological discovery and treated according to the procedures specified in CR-2(c) (Archaeological Resource Construction Monitoring).

Significant fossils found during construction shall be preserved by prompt removal whenever feasible. Due to the potential for rapid deterioration of exposed surface fossils, preservation by avoidance is not an appropriate measure. When a significant fossil cannot be removed immediately, stabilization is needed to prevent further deterioration prior to removal. The fossil location must be stabilized under the direction of a professional paleontologist.

At the time of collecting, each specimen or group of specimens will be clearly located and plotted on a USGS topographical quadrangle map. Field methods, other excavation activities, and working conditions during monitoring of the paleontological resources will be recorded in a field notebook or on a paleontological resources record or worksheet such as those developed by the National Research Council (1987).

Recovered specimens will be stabilized and prepared for identification. Sedimentary matrix with microfossils will be screen washed and sorted to identify the contained fossils. Removal of excess matrix during preparation reduces long-term storage requirements. Competent qualified specialists will classify individual specimens to the lowest identifiable taxon, typically to genus, species, and element. Batch identification and batch numbering (e.g., "mammal, 25 specimens") should be avoided.

Paleontological specimens will be cataloged according to current professional standards, and a complete list of collected specimens must be prepared. A complete set of field notes, geologic maps, and stratigraphic sections must accompany the fossil collections.

All fossil remains recovered during construction and operation must be curated by a recognized, nonprofit paleontological specimen repository with a permanent curator, such as a museum or university. Specimens must be stored in a fashion that allows researchers to retrieve specific individual specimens in the future. In addition to the LACM and UCMP, qualified research facilities include California State Polytechnic University, San Luis Obispo; the Santa Barbara Museum of Natural History; or Santa Barbara City College.

The project paleontologist will complete a final report summarizing findings, describing important fossil localities (vertebrate, megainvertebrate, or plant) discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, site geology and stratigraphy, an itemized

inventory of recovered specimens, faunal lists, and site records. The report also should discuss the importance of the recovered fossil materials. The reports will be prepared by a professional paleontologist and distributed to the appropriate agencies, museums, colleges, or universities.

- b. **Findings** - With the implementation of the above mitigation measures, impacts to Cultural Resources would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence** - Please refer to pages 4.4-21 through 4.4-25 and page 6-39 of the Final EIR.

D. Geologic Hazards (Class II)

- 1. **Impact G-1.** The proposed Agricultural Cluster Subdivision Program would modify current land division and development standards. As a result, development could be located in areas affected by active or potentially active fault zones.

- a. **Mitigation -**

- G-1(a) Project-specific Geologic Evaluation.** Individual agricultural cluster subdivision applications require discretionary approval and are therefore subject to individual environmental determinations. In reviewing individual projects, the County shall consider the location of proposed development relative to existing faults, and shall require engineered grading plans, prepared by a civil engineer, and an engineering geology report and geotechnical (soils) engineering report for projects involving site development which can be affected by active or potentially active faults zones. The geologic reports shall be reviewed by the County Geologist and/or plans examiners, as applicable, and individual projects shall be conditioned to comply with the recommendations of the geologic reports.

- G-1(b) Fault Line Setbacks.** If development is proposed within an Alquist-Priolo Zone, a geologic study shall be conducted to determine the location of the fault trace. Based on the findings in the geologic study, all structures for human occupancy shall be setback a minimum of 50-feet from the fault trace.

- b. **Findings** - With the implementation of the above mitigation measures, potential seismic impacts would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence** - Please refer to pages 4.5-12 through 4.5-14 and page 6-39 of the Final EIR.

- 2. **Impact G-2.** The proposed Agricultural Cluster Subdivision Program would modify current development standards. As a result, development could be located in areas where soil related hazards (e.g. expansive soils, erosive soils, subsidence and settlement, landslide, and liquefaction) occur.

- a. **Mitigation -**

- G-2(a) Soils/Foundation Report.** Upon implementation of the proposed Agricultural Cluster Subdivision Program, individual property developers proposing development of new structures shall submit a soils/foundation report as part of the application for any proposed building permit(s). To reduce the potential for foundation cracking, one or

more of the following shall be implemented and/or as recommended by a qualified engineer:

- Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone;
 - Removal and recompaction of loose soils;
 - Removal of the highly expansive material and replacement with non-expansive compacted import fill material;
 - The use of specifically designated drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximated 6 inches above the expansive soils;
 - Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils; and
 - Where necessary, construction on transitional lots shall include over excavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
- b. **Findings** - With the implementation of the above mitigation measures, potential soil-related impacts would be reduced to less than significant levels.
- c. **Supportive Evidence** - Please refer to pages 4.5-16 through 4.5-17 of the Final EIR.

E. Greenhouse Gas Emissions (Class II)

1. Impact GHG-1. Greenhouse gas emissions under the Agricultural Cluster Subdivision Program could exceed the 4.6 metric tons CO₂E/year per capita threshold compared to existing conditions.

a. Mitigation -

GHG-1(a) SLOAPCD Standard Mitigation Measures. Agricultural cluster subdivisions shall apply all applicable and feasible standard mitigation measures listed in Table 3-5 of the Air Pollution Control District's 2009 CEQA Air Quality Handbook in order to reduce their project-specific greenhouse gas impacts or contribution towards a cumulative impact to a level of insignificance.

GHG-1(b) Local Programmatic Solutions. The County has committed to implementing programmatic solutions over time. While not all of the implementing regulations are presently in place, it is anticipated that implementation will occur within the next three years. The County intends to reduce greenhouse gas emissions from land use sources through the following programs:

- *Cal Green Code* - The Cal Green Code was put into effect in January 2011. Compliance with this code is required for all new building permits. The code requires consideration of energy and water efficiency in building design. Compliance would reduce electricity consumption beyond what would otherwise be required. The County is also considering crafting a local-based green code to tailor specifications and requirements to our own County's needs.
- *Climate Action Plan* - On November 22, 2011, the County adopted a Climate Action Plan, referred to as the "EnergyWise Plan." The Climate Action Plan includes a number of implementing actions that the County and private sector will need to undertake in order to curb the growth in greenhouse gas emissions. Examples include policies encouraging energy conservation, use of renewable energy, reduction of solid waste, strategic implementation of land use and transportation plans, water conservation, and improvement of agricultural practices. The plan will be implemented over time through the adopting of specific implementing ordinances. Because agricultural cluster subdivisions would be developed over a 20 or more year time span, it is likely that most projects would be subject to these provisions.

GHG-1(c) Statewide Programmatic Solutions. In order to fulfill explicit mandates from Assembly Bill 32 and Senate Bill 375, the state has had to embark on a number of plans to reduce greenhouse gas emissions on a statewide level. Again, not all of these plans have been completed, but most are underway. Because of the very strict timelines established in Assembly Bill 32, it is reasonable to conclude that new regulations will be forthcoming to help reduce greenhouse gas emissions in the state. It is anticipated that individual cluster subdivision projects occurring as a result of the Agricultural Cluster Subdivision Program would also be subject to one or more state programs to reduce greenhouse gas generation and emission.

- *Renewable Portfolio Standard (RPS)* - The renewable portfolio standard (RPS) is a standard specifying which percentage of electricity should come from renewable sources by a target date. AB 32 initially set this standard at 20 percent renewable energy by 2012. In April 2011, Governor Jerry Brown signed SB2X into law, which re-establishes California's RPS at 33 percent renewable energy by 2030. This mandate

applies to all public and private electricity providers in the state.

- *Assembly Bill 32 Scoping Plan* - The California Air Resource Board (CARB) is presently developing scoping plan to focus California's actions on reducing greenhouse gas emissions in order to achieve the goals established in Assembly Bill 32 and clarified in Senate Bill 375. Some of the programs proposed for implementation under this draft scoping plan include, but are not limited to, the following:
 - Developing a cap and trade system linked to cap and trade systems in other western state and provincial governments.
 - Reducing emissions from passenger vehicles by: 1) reducing greenhouse gas emissions; 2) reducing carbon content in fuel; and 3) reducing vehicle miles traveled.
 - Increasing energy efficiency requirements for buildings, appliances, and new technologies.
 - Increasing the Renewable Portfolio Standard to 33 percent (already in effect).
 - Developing and adopting a low-carbon fuel standard.
 - Developing greenhouse gas emission reduction targets on a regional basis.
 - Increasing the efficiency of light-duty vehicles.
 - Increasing efficiency of movement of goods, such as requiring ships to use port electricity.
 - An incentive program for solar roofs.
 - Increasing the efficiency of medium and heavy duty vehicles.
 - Inventory and control greenhouse gas emissions from industrial operations.
 - Support a statewide high speed rail network.
- Expand the use of green building practices.
- Limit use of high Global Warming Potential (GWP) gases, such as fluorocarbons.
- Reduce methane emissions from landfills by increasing waste diversion, reuse, and commercial recycling.
- Preserve forests for the value in carbon sequestration; consider forests as a source of biomass for energy generation.
- Encourage efficient use of water.
- Consider requiring the use of manure digesters or other forms of methane capture for livestock industries.
- Create incentive programs and encourage voluntary reduction.

GHG-1(d) Review for Compliance with Air Pollution Control District (APCD). The Air Pollution Control District has not yet adopted CEQA thresholds for greenhouse gas emissions. Adoption of such thresholds is, however, anticipated within the next year. As each agricultural cluster subdivision goes through the discretionary review process, referrals will be provided to the Air Pollution Control District. Once the thresholds are formally established, the District will be able to identify if a project exceeds impact

thresholds for greenhouse gas emissions and recommend mitigation strategies accordingly to reduce impacts as much as practicable. The County continues to use Bay Area Air Quality Management District thresholds in the interim. It is anticipated that the bulk of development that could occur under the Agricultural Cluster Subdivision Program will not be acted on by a Review Authority until the final APCD thresholds are in place. In either circumstance, each project may be evaluated and mitigation may be applied as part of the project-specific environmental review process based on either threshold.

- b. **Findings** - The total volume of GHG emissions anticipated under the Agricultural Cluster Subdivision Program equates to between approximately 0.59 and 10.77 metric tons CO₂E per capita. Emissions could therefore exceed the 4.6 metric tons CO₂E/year per capita threshold by up to 6.17 metric tons CO₂E. However, under the adopted project/“environmentally superior” alternative, GHG emissions would be reduced by 49 percent. This reduction combined with the mitigation measures identified above will reduce GHG emissions to less than significant levels.
- c. **Supportive Evidence** - Please refer to pages 4.6-7 through 4.6-20 and pages 6-43 through 6-44 of the Final EIR.

F. Hydrology and Water Quality (Class II)

- 1. **Impact HWQ-1.** Development resulting from the Agricultural Cluster Subdivision Program could alter drainage conditions, such as volume, velocity, direction, peak flow, soil absorption. Alteration of drainage conditions could result in physical alteration of drainage courses (“hydromodification”).
 - a. **Mitigation** -

HWQ-1(a) Project-Specific Review for Low Impact Development. All agricultural cluster subdivision projects will be subject to California Environmental Quality Act (CEQA) review. As part of the CEQA review process, projects shall be reviewed to ensure appropriate Low Impact Development (LID) measures and techniques, also known as Best Management Practices (BMPs), have been incorporated to avoid hydromodification impacts. Examples of LID measure to be considered include, but are not limited to: rain gardens, vegetated swales, bio-retention systems, infiltration planters, soil amendments, down-spout connections, reduced roadway surface (where permitted), porous paving systems, open-cell block pavers, porous turf pavement, and rain water harvesting.
 - b. **Findings** - With implementation of the above mitigation measure, hydrology and water quality impacts would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.7-14 through 4.17-17 of the Final EIR.

G. Noise (Class II)

1. Impact N-1. The proposed program could lead to residential development in rural and agricultural areas of the county. Such development could expose sensitive receptors to short-term construction–noise and vibration.

a. Mitigation -

N-1(a) Noise Reduction Plan. At the time of application for subdivision improvement plans or grading permits, the applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical consultant for review and approval by the County Department of Planning and Building. The Noise Reduction Plan shall include but is not limited to:

- Limit all phases of construction to the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday as required by County Land Use Ordinance Section 22.10.120(A)(4);
- Regular notification of all existing and future residences within 1,000 feet of the site boundary concerning the construction schedule;
- Shield especially loud pieces of stationary construction equipment;
- Locate portable generators, air compressors, etc. away from sensitive noise receptors;
- Limit grouping major pieces of equipment operating in one area to the greatest extent feasible;
- Place heavy traffic areas such as the maintenance yard, equipment, tool, and other construction oriented operations, in locations that would be the least disruptive to surrounding sensitive noise receptors;
- Conduct worker-training meetings to educate and encourage noise awareness and sensitivity. This training should focus on worker conduct while in the vicinity of sensitive receptors (i.e. minimizing and locating the use of circular saws in areas adjacent to sensitive receptors and being mindful of shouting and the louse use of attention drawing language); and
- Notify surrounding residences in advance of the construction schedule when unavoidable construction noise and upcoming construction activities likely to produce an adverse noise environment are expected. Noticing shall provide phone number of project monitor, County inspector, construction foreman, etc. This notice shall be given one week in advance, and at a minimum of one day in advance of anticipated activities have changed. Project representatives shall verbally notify all surrounding residential owners.

b. Findings - With implementation of the above mitigation measure, construction-related noise impacts would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.

c. Supportive Evidence - Please refer to pages 4.8-9 through 4.8-12 and page 6-44 through 6-45 of the Final EIR.

2. Impact N-3. The proposed Agricultural Cluster Subdivision Program could place noise-sensitive receptors in areas exposed to nuisance noise levels.

a. Mitigation -

N-3(a) Reduction of Nuisance Noise. For any noise sensitive development proposed within projected 60 dBA noise contours, the applicant shall prepare a site-specific acoustical study by a qualified acoustical engineer and shall implement any recommendations of that study; this study shall contain recommendations to mitigate any noise levels that exceed the County's standard of 60 dBA CNEL. Options could include one or more of the following approaches:

- Construction of a berm or wall;
- Design of individual homes such that structures block the line-of-sight from useable backyards to the noise source;
- For homes with backyards not blocked by intervening structures, backyard fencing of sufficient height to block line-of-sight to the noise source;
- Placement of windows and balconies away from the noise source, as applicable.
- Within residences, bathrooms and kitchens should be located toward the noise source, while bedrooms should be located away from the noise source; or
- Development should follow normal construction practices and building code requirements. Use of noise reducing building materials, such as double paned windows, shall be used to further reduce indoor noise levels by insulating against outdoor noise sources.

b. Findings - With implementation of the above mitigation measure, noise impacts would be reduced to less than significant levels. This impact is further reduced under the "environmentally superior" alternative, which is the adopted project.

c. Supportive Evidence - Please refer to pages 4.8-13 through 4.8-14 and pages 6-44 through 6-45 of the Final EIR.

H. Transportation and Circulation (Class II)

1. Impact T-1. Development resulting from the proposed Agricultural Cluster Subdivision Program may impact county roadways and intersections.

a. Mitigation -

T-1(a) Traffic Study and Facility Improvements. In certain cases, projects with the potential to significantly affect the County's roadway system or State Highways may need to provide a traffic study prepared by a qualified consultant. Projects will be referred to the Department of Public Works for consideration, and the Director of Public Works, or their designee, shall have the authority to request such reports. If State Highways may be affected, projects shall also be referred to Caltrans for their comments and the Department of Public Works shall make their determination to request a traffic study in consultation with Caltrans staff. Once reviewed and approved, the recommended measures identified in the traffic study shall be incorporated into the project design. Appropriate measures incorporated through a traffic study or through individual review of the project may include, but are not limited to the following:

- Payment of a County road impact fee
- Payment of a road impact fee for a nearby city
- Contributing funds towards a regional intersection or interchange improvement

- Constructing additional road improvements, such as widening, channelization, adding a turn lane, etc.
- b. **Findings** - With the implementation of the above mitigation measure, impacts to County roadways and intersections would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
 - c. **Supportive Evidence** - Please refer to pages 4.10-11 through 4.9-14 and page 6-46 of the Final EIR.
2. **Impact T-2.** Development resulting from the proposed Agricultural Cluster Subdivision Program may affect sight distance on public and private roads.
 - a. **Mitigation** -

T-2(a) Roadway Safety Analysis. Projects shall be referred to the Department of Public Works and/or Cal Trans for review. If either agency identifies concerns with respect to safety, the project applicant will be required to provide a roadway safety analysis prepared by a qualified traffic engineer. The engineer shall provide recommendations in accordance with County Policy (Reso 2008-152), which would be required to be reviewed by the Department of Public Works and/or Cal Trans and incorporated into the project. Such recommendations could include road improvements such as widening, signage, landscape design, and acceleration/deceleration lanes. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
 - b. **Findings** - With the implementation of the above mitigation measures, impacts related to sight distance on public and private roads would be reduced to less than significant levels.
 - c. **Supportive Evidence** - Please refer to pages 4.10-14 through 4.9-15 and page 6-46 of the Final EIR.
- I. **Visual Resources (Class II)**
 1. **Impact VR-1.** Development resulting from the Agricultural Cluster Subdivision Program may alter scenic vistas in rural/agricultural areas of the county.
 - a. **Mitigation** -

VR-1(a) Project-Specific Consideration of Scenic Resources. Individual agricultural cluster subdivision projects would require conditional use permit/development plan and tentative map approval, and would be subject to individual environmental determinations. During environmental review, agricultural cluster subdivision applications shall be considered for consistency with thresholds of significance for aesthetics and visual resources in accordance with Appendix G of the State CEQA Guidelines. Review of agricultural cluster subdivision projects shall consider the following:

 - Removal of trees or visually dominant vegetation shall be avoided to the extent feasible. When possible, development shall be sited to use existing mature vegetation as visual screening.

- Proposed structures and retaining walls shall be constructed using colors and materials that blend with the existing natural terrain and visual setting of the project site and surrounding landscape.
- Driveways or access roads and their associated cut and fill slopes shall be located to minimize visibility from major public roadways.
- Water tanks, propane tanks, and other infrastructure shall not be placed in visually prominent locations.
- Graded slopes shall be blended with surrounding natural contours.
- Proposed landscaping shall be blended with surrounding natural vegetation.
- Appropriate mitigation measures shall be discussed in the Initial Study for projects which have the potential to impact scenic resources.

VR-1(b) Architectural and Landscape Guidelines. Applications for agricultural cluster subdivisions shall include draft architectural and landscape guidelines, which include the following components:

- Tract landscaping shall consist of native drought-tolerant species and shall emulate and be compatible with the surrounding natural environment.
- Individual house landscape plans shall be prepared by a qualified landscape architect or other qualified professional and shall be designed to screen and blend the development into the surrounding area while preserving identified viewsheds. Individual lot landscaping plans shall incorporate plants consistent with the San Luis Obispo County Approved Plant List.
- Development plans shall include earth-tone colors on structure roofing and other on-site features to reduce potential visual contrast between the structures and natural terrain and backdrop. Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.
- Understories and retaining walls higher than six feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect.

b. Findings – With the implementation of the above mitigation measures, impacts to visual resources would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.

c. Supportive Evidence – Please refer to pages 4.11-9 through 4.11-12 and page 6-47 of the Final EIR.

2. Impact VR-2. Development resulting from the proposed Agricultural Cluster Subdivision Program may adversely affect scenic resources within the viewshed of Highway 1, a state scenic highway.

a. Mitigation – Refer to Mitigation Measures VR-1(a) and VR1(b), listed above.

b. Findings – With the implementation of Mitigation Measures VR1(a) and VR(b), which are listed above, impacts to visual resources would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.

- c. **Supportive Evidence** – Please refer to pages 4.11-12 through 4.11-13 and page 6-47 of the Final EIR.
3. **Impact VR-3.** Development resulting from the Agricultural Cluster Subdivision Program may conflict with the existing visual character or quality of rural and agricultural areas of the county, including community separators.
- a. **Mitigation** – Refer to Mitigation Measures VR-1(a) and VR1(b), listed above.
- b. **Findings** - With the implementation of Mitigation Measures VR1(a) and VR(b), which are listed above, impacts to visual resources would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence** – Please refer to pages 4.11-13 through 4.11-15 and page 6-47 of the Final EIR.
4. **Impact VR-4.** Development resulting from the Agricultural Cluster Subdivision Program may increase glare and ambient lighting in rural and agricultural areas with dark night skies.
- a. **Mitigation** -
- VR-4(a) Lighting Standards.** In addition to standard ordinance requirements, individual agricultural cluster subdivision projects shall comply with the following requirements:
- All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
 - Light fixtures with exposed light bulbs shall generally be avoided, but in no case shall be visible from off-site locations.
 - All light fixtures shall be shielded to confine the spread of light within the 5 percent residential development area.
 - Upward directed lighting for landscaping shall not be allowed.
- b. **Findings** - With the implementation of the above mitigation measures, impacts to visual resources would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence** – Please refer to pages 4.11-15 through 4.11-16 and page 6-47 of the Final EIR.

J. Water Resource (Class II)

1. Impact WR-1. Residential development resulting from the Agricultural Cluster Subdivision Program will require a long-term sustainable water source, which could create impacts in areas with known resource capacity issues.

a. Mitigation -

WR-1(a) Consideration of cumulative impacts as part of the project-specific environmental review process. The Initial Study prepared for any and all proposed agricultural cluster subdivisions shall consider and address any potential cumulative impacts on water resources that could result from the proposal. Such consideration shall also take into account existing and future water extraction from uses that may not presently be regulated (e.g. agricultural water demand). Appropriate, feasible mitigation measures to offset the project's contribution towards an impact shall be provided. Such measures may include, but are not necessarily limited to the following measures, which would be presumably implemented for all uses (e.g. not just agricultural cluster subdivisions) basin-wide where cumulative impacts are anticipated, in order to effectively mitigate those cumulative effects:

- **Groundwater Management Plan Requirements.** Compliance with any applicable measures in an established groundwater management plan that are intended to address cumulative basin-wide impacts.
- **Compliance with any applicable requirements from Title 8 (or any other applicable groundwater management ordinance) of the County Code.** In areas where groundwater resources are limited, the County may establish water fixture retrofit programs. Such programs are presently in place in the Nipomo Mesa Management Area and in the Los Osos area. Applicants seeking to develop may be required to offset net increases in non-agricultural water by retrofitting a specified number of fixtures based on an established ratio.
- **Compliance with landscaping ordinances.** In certain areas, the County may require low-water-use landscaping. When implemented basin-wide, this can substantially reduce residential water demand.
- **Best Management Practices.** To address cumulative impacts, a project may be required to have all residential development comply with the California Urban Water Conservation Council (CUWCC)'s Best Management Practices for residential development and landscaping. The practices require water-efficient landscaping, low-flow fixtures, and water-efficient appliances.
- **Purchasing water offsets.** If such a program should be developed to address cumulative effects in a groundwater basin, an applicant may be required to purchase surface water or other supplemental water allocations (e.g. State Water Project, Nacimiento Lake, Lopez Lake) to be dedicated to uses within urbanized areas in order to allow a commensurate reduction in municipal pumping from that basin. This may require the applicant to enter into an agreement with the purveyor of the allocation ensuring that groundwater pumping is reduced.

WR-1(b) Offset non-agricultural water use. Where resulting residential development would conflict with agricultural water demands, agricultural cluster subdivision projects shall be required to offset net increases in non-agricultural water demand with non-

agricultural water (water that has never been used, whether on or off the site, for an agricultural activity such as cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities). Mitigation measures that will offset the net increases shall be discussed and fully evaluated in a project-specific Initial Study. Measures offsetting non-agricultural water demand may include, but are not limited to, the following:

- Contributing proportionally towards an existing water mitigation program covering the underlying groundwater basin.
- Purchasing off-site water allocations (e.g. surface water allocations from Nacimiento Lake or the State Water Project) to be directed towards the agricultural use and subsidized by the residential development.
- Other feasible and suitable means identified by the Environmental Coordinator which would effectively negate any new conflicts in water demand brought about by residential development.

WR-1(c) Evaluation of the feasibility of water offset mitigation measures. The hydrogeologic analysis supplied with each agricultural cluster subdivision project shall consider and evaluate proposed mitigation measures to offset non-agricultural water use. Such evaluation shall consider both enforceability and nexus. Measures must be fully enforceable and able to be monitored without undue burden on County staffing or funding sources. Preference shall be given to mitigation by design over mitigation by policy. With respect to nexus, water offsets must have a direct relationship to impacts caused by net increases in non-agricultural water demand. As such, offsets would need to occur in the same basin or sub-basin where the identified availability constraints and impacts are being experienced.

- b. **Findings** – With the implementation of the above mitigation measures, water resource impacts would be reduced to less than significant levels. This impact is further reduced under the “environmentally superior” alternative, which is the adopted project.
- c. **Supportive Evidence** – Please refer to pages 4.12-29 through 4.12-35 and page 6-47 of the Final EIR.

VIII. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section IX). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

B. Agricultural Resources (Class I)

1. **Impact AG-1.** Development under the proposed Agricultural Cluster Subdivision Program could convert up to between 1,045 and 2,090 acres of Important Farmland, as mapped by the California Department of Conservation, in areas currently designated Agriculture to residential and non-agricultural uses. This would be reduced to between 530 and 1,060 acres under the adopted project / “environmentally” superior alternative. Nevertheless, impacts would remain significant and unavoidable.

- a. **Mitigation** – While the proposed program includes design standards to minimize agricultural impacts, it would still result in the conversion of between 1,045 and 2,090

acres of important farmland to residential and non-agricultural use. This impact would be reduced to between 530 and 1,060 acres under the recommended environmentally superior alternative. However, no measures are available that would avoid, minimize, or otherwise directly mitigate this loss of important farmland.

- b. **Supportive Evidence** - This impact is acceptable by reason of the overriding considerations discussed in Section IX. This impact is reduced under the adopted project / “environmentally superior” alternative, but not to a level of insignificance.

C. **Air Quality (Class I)**

1. **Impact AQ-2.** Long-term operational emissions under the Agricultural Cluster Subdivision Program could exceed SLOAPCD’s 25 lbs/day threshold for Ozone Precursors and Fugitive Particulate Matter (PM₁₀).

a. **Mitigation -**

AQ-2(a) Application of Standard Operational Mitigation. Projects which individually do not exceed the 25 pound-per-day threshold for both ozone precursors (ROG and NO_x) and fugitive particulate matter (PM₁₀) do not require operational mitigation. Projects which exceed one or both of these thresholds shall have the following mitigation measures applied:

- Projects generating 25-29 lbs/day of ozone precursors or fugitive particulate matter shall select and implement at least eight of the mitigation measures listed in Table 3-5 of the Air Pollution Control District’s 2009 CEQA Air Quality Handbook.
- Projects generating 30-34 lbs/day of ozone precursors or fugitive particulate matter shall select and implement at least 14 of the mitigation measures listed in Table 3-5 of the Air Pollution Control District’s 2009 CEQA Air Quality Handbook.
- Projects generating 35-50 lbs/day of ozone precursors or fugitive particulate matter shall select and implement at least 18 of the mitigation measures listed in Table 3-5 of the Air Pollution Control District’s 2009 CEQA Air Quality Handbook.
- Projects generating more than 50 lbs/day of ozone precursors or fugitive particulate matter shall implement all feasible mitigation measures listed in Table 3-5 of the Air Pollution Control District’s 2009 CEQA Air Quality Handbook.

AQ-2(b) Off-site Mitigation. Operational phase emissions from large development projects that cannot be adequately mitigated with on-site mitigation measures alone will require off-site mitigation in order to reduce air quality impacts to a level of insignificance. An off-site mitigation strategy should be developed and agreed upon by all parties prior to start of construction.

The off-site mitigation strategies include but are not limited to the list provided below:

- Develop or improve park-and-ride lots;
- Retrofit existing homes in the project area with APCD-approved natural gas combustion devices;
- Retrofit existing homes and /or businesses in the project area with energy-efficient devices;
- Construct satellite worksites;

- Fund a program to buy and scrap older, higher emission passenger and heavy-duty vehicles;
- Replace/repower transit buses;
- Replace/repower heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles);
- Fund an electric lawn and garden equipment exchange program;
- Retrofit or repower heavy-duty construction equipment, or on-road vehicles;
- Install bicycle racks on transit buses;
- Purchase Verified Diesel Emission Control Strategies (VDECS) for local school buses, transit buses or construction fleets;
- Install or contribute to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG , conductive and inductive electric vehicle charging, etc.);
- Fund expansion of existing transit services;
- Fund public transit bus shelters;
- Subsidize vanpool programs;
- Subsidize transportation alternative incentive programs;
- Contribute to funding of new bike lanes;
- Install bicycle storage facilities; and
- Provide assistance in the implementation of projects that are identified in city or county bicycle master plans.

AQ-2(c) Residential Backyard and Agricultural Burning. The following mitigation measures are required to minimize public nuisance and health impacts due to residential backyard and agricultural burning:

- a. Residential green waste burning shall be prohibited for all agricultural cluster development.
- b. Agricultural burning of materials from the agricultural land that is upwind of residential units shall be prohibited; for downwind locations, agricultural burning shall be prohibited within 1,000 feet of residential units.

AQ-2(d) Residential Wood Combustion. Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:

- All EPA-certified phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than 7.5 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally recognized testing lab;
- Pellet-fueled wood heaters; and

- Dedicated gas-fired fireplaces.
- b. **Findings** - The County of San Luis Obispo is currently in non-attainment for the state standard for ozone precursors and fugitive particulate matter. At build-out, the proposed program is estimated to produce 149.79 lbs/day of ozone precursors and 89.53 lbs/day of fugitive particulate matter. These emissions would be reduced to 75.99 and 45.42, respectively, under the adopted project / “environmentally superior” alternative; however, they would still exceed SLOAPCD’s 25 lbs/day threshold of significance. The mitigation measures listed above would reduce operational air quality impacts for projects that individually exceed the 25 lbs/day threshold; however, most projects will not exceed this threshold and therefore will not be required to incorporate mitigation. As a result, impacts would remain significant and unavoidable.
 - c. **Supportive Evidence** - These impacts are acceptable by reason of the overriding considerations discussed in Section IX. They are reduced under the adopted project / “environmentally superior” alternative, but not to a level of insignificance.

D. Noise (Class I).

1. **Impact N-1.** Long-term traffic generated as a result of the proposed Agricultural Cluster Subdivision Program could incrementally increase noise to unacceptable levels at existing receptors located adjacent to County roadways.
 - a. **Mitigation** - The only way to mitigate this impact would be to retrofit existing sensitive receptors with noise attenuation (e.g. solid core doors, and/or double paned windows) or to construct off-site noise barriers (e.g. sound walls). These measures would rely on the cooperation of off-site property owners, which cannot be assured. Impacts would therefore be significant and unavoidable.
 - b. **Supportive Evidence** - These impacts are acceptable by reason of the overriding considerations discussed in Section IX. They are reduced under the adopted project / “environmentally superior” alternative, but not to a level of insignificance.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

- A. The project’s significant, unmitigable, and unavoidable adverse effects are as follows:
 1. Development under the proposed Agricultural Cluster Subdivision Program could convert up to between 1,045 and 2,090 acres of Important Farmland, as mapped by the California Department of Conservation, in areas currently designated Agriculture to residential and non-agricultural uses. This would be reduced to between 530 and 1,060 acres under the adopted project / “environmentally superior” alternative. Nevertheless, impacts would remain significant and unavoidable.
 2. Long-term operational emissions under the Agricultural Cluster Subdivision Program could exceed SLOAPCD’s 25 lbs/day threshold for Ozone Precursors and Fugitive Particulate Matter (PM10). This impact is reduced under the adopted project / “environmentally superior” alternative, but not to a level of insignificance.
 3. Long-term traffic generated as a result of the proposed Agricultural Cluster Subdivision Program could incrementally increase noise to unacceptable levels at existing receptors located adjacent to County roadways. This impact is reduced under the adopted project / “environmentally superior” alternative, but not to a level of insignificance.

B. Findings – The Board of Supervisors has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Board of Supervisors find that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable."

C. Supporting Evidence

1. Social, Economic and Environmental Benefits. The project would result in the following social, economic and environmental benefits:

- a. **Overall Reduction in Environmental Impacts.** When compared to the development potential under the existing agricultural clustering provisions, the project would result in a reduction in impacts in every environmental subject area discussed in the Final EIR. This is due to the 95 percent reduction in development potential, revised locational criteria, and enhanced restrictive provisions of the proposed project. The specific environmental benefits of the project are discussed in the impact analysis in Section 4.1 through Section 4.12 of the Final EIR under the heading: Compared to Development Potential under the Existing Ordinance. As described in Section 6.2 of the Final EIR, these benefits are even greater under the environmentally superior alternative, which limits agricultural cluster subdivisions to locations within two miles of the identified URLs.
- b. **Reduction in Coastal Impacts.** The coastal version of the ordinance allows for the reconfiguration of legal underlying lots into 2.5-acre agricultural cluster parcels. Many of these underlying lots are located in environmentally sensitive areas (within sensitive habitats, on steep slopes, etc.) and, in some cases, they could be developed without a discretionary permit or environmental review. The proposed project would provide an alternative that allows these underlying lots to be reconfigured to avoid environmental impacts to the greatest extent possible while preserving 95 percent of the land undeveloped.
- c. **Preservation of Agricultural Land.** The project would preserve agricultural resources to a greater extent than the existing ordinance provisions. Agricultural cluster subdivisions processed under the proposed program will be subject to strengthened design standards to reduce agricultural/urban land use conflicts and will be required to place 95 percent of the land in a permanent agricultural conservation easement. The project would reduce the amount of Important Farmland that could potentially be converted to non-agricultural use by 88 percent (4,581 acres could be converted under the existing ordinance compared to 530 acres under the proposed project). The project would also require residential cluster parcels to be physically contiguous to each other in a single cluster area (or two areas, if environmental conditions warrant) which allows the agricultural land to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the agricultural land.
- d. **Preservation of Agricultural Land in the Coastal Zone.** The coastal version of the proposed ordinance revisions would allow for the reconfiguration of legal underlying lots in the Coastal Zone into 2.5-acre agricultural cluster parcels. Many of the underlying lots in the Coastal Zone are substandard in size and are therefore susceptible to conversion since their value in the rural residential housing market, in many cases, will exceed their agricultural production value. The project offers one

solution to this problem by enabling landowners to extract the residential value of their property while keeping the family farm intact.

- e. **Protection of Agricultural Water Supplies.** The project would enhance protection of agricultural water supplies since it would require all applications for agricultural cluster subdivisions to include a hydrogeologic analysis as substantial evidence to support the required finding that adequate water resources are available to service the anticipated residential uses without impacting supplies for existing and future agricultural uses.
- f. **Reduction in Greenhouse Gas Emissions.** The project would reduce greenhouse gas emissions and vehicle miles travelled consistent with the goals of Assembly Bill 32 (Global Warming Solutions Act) and Senate Bill 375 (Sustainable Communities Strategy). Based on the analysis in Sections 4.6 and 6.2 of the Final EIR, the proposed ordinance amendments would result in a 95 percent reduction in greenhouse gas emissions when compared to the development potential under the existing agricultural clustering provisions. This reduction is primarily the result of the proposed locational criteria restricting development to locations within two miles of the identified URLs.
- g. **Improved Air Quality.** The project would improve air quality by requiring agricultural cluster subdivisions to be located in closer proximity to existing URLs, near employment centers and commercial services, thereby reducing vehicle miles travelled. As described in Section 4.2 and Section 6.2 of the Final EIR, the project would reduce ozone precursors and PM10 emissions by 95 percent when compared to the development potential under the existing ordinance.
- h. **Improved Consistency with Strategic Growth Principles and Policies.** The project aligns the agricultural cluster ordinance standards with the County's adopted Strategic Growth policies of the County Land Use Element, which encourage development to be located within existing urban areas with adequate infrastructure and resources to accommodate future population growth.
- i. **Improved Consistency with Agriculture Element (AE) and Conservation and Open Space Element (COSE) Policies.** The project would improve consistency with the following AE and COSE policies:
 - AE Policy 11: Agricultural water supplies - The project would improve consistency with this policy since it would reduce the number of new residences that could be constructed in agricultural areas, thereby reducing competition between residential and agricultural uses for existing water supplies. It would also require all applications for agricultural cluster subdivisions to include a hydrogeologic analysis as substantial evidence to support the required finding that adequate water resources are available to service the anticipated residential uses without impacting supplies for existing and future agricultural uses.
 - AE Policy 18 and COSE Policy SL 3.1: Protection of agricultural land - The project would improve consistency with these policies since it would reduce the amount of agricultural land that could be converted to non-agricultural use. It would also result in the permanent conversion of agricultural land within two miles of the identified URLs through the requirement of an agricultural preservation easement. The project would not redesignate any land currently designated Agriculture, nor would it extend urban services into agricultural areas.

- j. **Reduction in Land Use Conflicts.** Minimizes land use conflicts between residential development and existing and future agricultural operations. This is mainly achieved through the following program features: 1) locational criteria restricting cluster development to areas near existing URLs, 2) standards requiring physically contiguous residential parcels and clarifying agricultural buffer policies, and 3) a required finding affirming that residential development will not adversely impact water supplies for existing or future agricultural uses.
2. **Mitigation Enhancement.** The Final EIR contains the following to substantially lessen the significant effects of the project:
 - a. Application of SLOAPCD's standard on and off-site mitigation packages for projects that individually exceed applicable thresholds for operational emissions. These measures would reduce operational air quality impacts to less than significant levels for projects that exceed the thresholds, but will not address the cumulative impacts of smaller agricultural cluster projects that fall below SLOAPCD's thresholds.
3. **Alternatives.** *Alternative 2(a), Two Road Mile URL Distance Limitation*, is adopted. This alternative was identified in the Final EIR as environmentally superior alternative (State CEQA Guidelines Section 15126.6[e][2]). It would reduce Impact GHG-1, greenhouse gas emissions, from a Class I, significant and unavoidable, impact to a Class II, significant but mitigable, impact. It would also reduce the magnitude of the other Class I impacts, but not to a level of insignificance.

The other project alternatives identified in the Environmental Impact Report, although feasible from a technical standpoint, are rejected for the following reasons:

- a. **Alternative 1: No project alternative.** This alternative assumes that the proposed Agricultural Cluster Subdivision Program is not implemented. This means that agricultural cluster subdivisions may still proceed in accordance with existing policies and ordinances. The alternative is rejected because it does not meet the project objective, which is to modify the current agricultural clustering provisions, and because it would result in greater impacts than the proposed project in every environmental subject area.
- b. **Alternative 2(b): Two Straight Mile URL Distance Limitation.** This alternative would restrict agricultural cluster subdivisions to locations within two miles (straight line distance) of the identified URLs. This alternative meets the project objectives, but it would have slightly greater impacts in every environmental subject area when compared to the proposed project, which would limit cluster subdivisions to locations within two road (rather than straight) miles of the URLs.

- c. ***Alternative 2(c): Establishing a URL Distance Limitation in the Coastal Zone.*** This alternative would establish locational criteria in the Coastal Zone to restrict cluster subdivisions to locations within two road miles of the following URLs: Cambria, Cayucos, Morro Bay, and Los Osos. This alternative would reduce the number of existing underlying parcels in the Coastal Zone which could participate in the program. As a result, a greater number of existing parcels would be developed in their current configuration with fewer restrictions than would be required under the proposed program. Therefore, this alternative would increase impacts in the following subject areas: agricultural resources, biological resources, geologic hazards, hydrology and water quality, visual resources, water resources, and land use policy consistency.
- d. ***Alternative 3: Reducing Residential Parcel Size.*** This alternative assumes that the proposed Agricultural Cluster Subdivision Program will be implemented as proposed; however, it also assumes that residential parcel sizes can be reduced down to 10,000 square feet in the Inland area. This alternative is rejected because it would allow for the creation of residential cluster parcels that are too small to accommodate agricultural buffers on-site and would necessitate the construction of small community water and wastewater systems in rural areas of the county, which is discouraged by existing General Plan policy. Further, residential development on 10,000 square-foot parcels could appear out of character with the visual setting of the county's rural and agricultural areas.
- e. ***Alternative 4: Reducing Residential Density on Existing Agricultural Parcels.*** This alternative assumes the program will be implemented as proposed; however, this it also assumes that Agriculture Element Policy 5 and Section 22.30.480 of the Land Use Ordinance would be modified to allow only one, rather than two, single family residences per existing parcel in the Agriculture land use category. Provisions allowing additional residences to be constructed as farm support quarters would remain unchanged. Assuming the continuation of historic development trends, this alternative would reduce development potential on agricultural land by 266 residential units. This reduction in development potential would partially offset the anticipated impacts of the Agricultural Cluster Subdivision Program. However, under this alternative, the program would be implemented as proposed. Therefore, compared to the CEQA baseline (existing physical conditions), this alternative would lead to the same amount of development and the same environmental impacts as the project. Further, the project objectives envision changes to the current agricultural clustering provisions, not to the allowed development potential on the existing parcels.
- f. ***Alternative 5: Basing Density on Underlying Parcels in the Inland Portion of the County.*** This alternative assumes that the proposed project will be implemented as proposed; however, it also assumes that the number of residential parcels that can be created would be equal to the number of underlying parcels (Inland portion of the county). Under this alternative, the program to be established in the Inland portion of the county would use the same base density methodology as the program proposed for the Coastal Zone. No new parcels could be created, but existing parcels could be reconfigured to accommodate residential development. While many antiquated subdivisions are known to exist in the county, others could still be identified in the future. Thus, without complete information about the number and

location of all underlying lots in the county, it's not possible to accurately compare the impacts of this alternative to the project or to determine whether or not it meets the project objectives.

Alternative Project Site. The proposed Agricultural Cluster Subdivision Program would be applied on a countywide basis. As such, the project areas are distributed throughout San Luis Obispo County. Nonetheless, to accomplish the goal of considering alternative development locations, this EIR does consider modification to the locations where the program would take effect. *Alternative 2* evaluates limiting the Agricultural Cluster Subdivision Program to locations within two miles of the identified URLs in the inland portion of the county and establishing a URL distance limitation in the Coastal Zone. As a result, *Alternatives 2* would consider modifying the locations in the county where agricultural cluster subdivisions could occur.

X. CEQA GENERAL FINDINGS

- A. The Board of Supervisors finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Agricultural Cluster Subdivision Program Final EIR.
- B. The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

XI. MITIGATION MONITORING PROGRAM

- A. County staff will be primarily responsible for ensuring that all mitigation measures are complied with. In general, policy-related mitigation measures will be implemented either through existing federal, state or local laws, County Ordinances, policies, and practices as identified in the Mitigation Monitoring Program. In other cases, policy-related mitigation measures will be implemented into the language of the proposed ordinances. Finally, in some cases, future development within areas identified in the Final EIR will be required to implement project-specific mitigation measures identified in the Final EIR. The County Department of Planning and Building and Environmental Divisions, will be responsible for implementing the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:
 - 1. On an on-going basis, through implementation of applicable federal, state and County laws.
 - 2. Through the provisions of the proposed ordinances, with mitigation measures programmed into the ordinances themselves.
 - 3. By future applicants for agricultural cluster subdivisions pursuant to these ordinances, prior to issuance of construction permit/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
 - 4. By future applicants for agricultural cluster subdivisions and subsequent building permits pursuant to these ordinances, during project construction/vegetation removal. These

measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.

5. By future applicants for agricultural cluster subdivisions and subsequent building permits pursuant to these ordinances, prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).
6. By future applicants for agricultural cluster subdivisions and subsequent building permits pursuant to these ordinances, at the time of project completion or during operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
7. By future applicants for agricultural cluster subdivisions pursuant to these ordinances, prior to approval of discretionary or building permit and/or recordation of the final map.
8. By future applicants for agricultural cluster subdivisions pursuant to these ordinances, prior to occupancy or final inspection of the development.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B.** As lead agency for the Agricultural Cluster Subdivision Program, the Board of Supervisors hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

EXHIBIT B - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geologic Hazards, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Public Services, Transportation and Circulation, Visual Resources and Water Resources and Growth Inducement. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Agricultural Resources, Air Quality, and Noise

Local Coastal Plan Amendment

- B. The proposed amendment to the Coastal Zone Land Use Ordinance (Title 23 of the County Code) is consistent with the Coastal Zone Land Use Land Use Element and other adopted elements of the Local Coastal Plan because the changes are consistent with the general goals of the Coastal Zone Land Use Element.

Amendments to Land Use Ordinance

- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the ordinance amendments will create a more effective agricultural conservation tool, will reduce future land use conflicts between residential and agricultural uses, will reduce water conflicts and reduce future air quality problems.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing cluster development that does reduce conflicts with agricultural resources, protects water available for both people and crops, and provides for buffers between agricultural practices and residential uses.