



Fw: item 18 - Ag cluster amendments

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

11/30/2012 08:55 AM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 11/30/2012 08:55 AM -----

From: "Susan Harvey" <ifsusan@tcsn.net>
To: <boardofsups@co.slo.ca.us>
Cc: "James Caruso" <jcaruso@co.slo.ca.us>
Date: 11/29/2012 10:58 PM
Subject: item 18 - Ag cluster amendments

Please distribute our attached comments to the Supervisors. Thank you, Susan Harvey, North County Watch

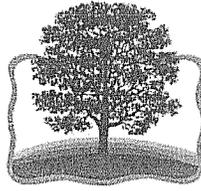


NCW BoS Ag Cluster Amendments 12-4-12.pdf

Item # 18 Meeting Date: Dec 4, 2012

Presented by: Susan Harvey

RECEIVED Prior to meeting At the Board meeting
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 Day of or after meeting not posted



North County Watch

Looking Out Today For Tomorrow

November 30, 2012

Board of Supervisors
County of San Luis Obispo
San Luis Obispo, CA 93406
Via Email boardofsups@co.slo.ca.us

RE: Item 18 Amendments to the Ag Cluster Subdivision Ordinance

Dear Chairman Patterson and Honorable Supervisors,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

We would like to respond to a few issues that have been raised in the on-going discussion of the ag cluster amendments.

NCW has never claimed that the cluster ordinance would not preserve ag lands provided that it adheres to the original intent of the ordinance. The proposed amendments secure the original intent of the program. Clusters such as Santa Margarita Ranch and Laetitia violate the intent of the cluster ordinance and illustrate a failure to protect ag lands. Contentious issues such as water, impacts to Class I soils, buffers, contiguous lot placement are just a few of the issues raised in our lawsuit against the County over the approval of the SMR cluster. Each of these issues is a real threat to the successful continuation of ag after a cluster has been approved.

We would like to speak specifically to the importance of the amendments addressing water. As you may know, in July 2008 NCW filed a Water Rights Complaint against the Santa Margarita Ranch as a companion issue to the approval of the ag cluster in order to address the serious issue of over-pumping riparian water on the Ranch. The State Water Board Complaint Division made site visits to SMR on October 27, 2009, January 5, 2011, and September 19, 2012. After four years of investigation, in November 2012 the State Water Board took the remedial action of installing flow meters in Trout Creek to determine if pumping is impairing the flows of Trout Creek. At the request of the State Water Board, SMR has installed gauges in three reservoirs to monitor compliance with regulatory storage. The Water Board plans to re-visit SMR every three months to download data.

During hearings for the SMR cluster, DFG, USFWS, NOAA and, NMFS submitted comments regarding the impacts to the endangered South Central Coast Steelhead and depletion of riparian waters, yet the Cluster got approved even with Class I impacts to Water. Mitigation

measures prescribed in the EIR, including monitoring of wells on the ranch, were deleted at the request of the applicant at the final hearings. We believe that the significance of the Water Board's action illustrates the failure of the current ordinance to protect water resources.

We are reviewing these issues and the SMR cluster because of our familiarity with this cluster and we wish to remind your Board and the public of the history behind the amendments.

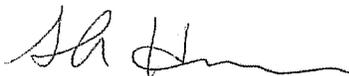
For the Laetitia cluster, water is again a central issue that threatens the continued sustainability of ag on the property. Both projects illustrate the importance of amending the current ordinance. The proposed amendments were designed to guarantee the sustainability of agriculture on lands proposed for a cluster.

Regarding the alleged cost impacts of pursuing an ag cluster: At the presentation of the amendments to the WRAC, planning staff explained that once the EIR for the amendments was certified and the amendments adopted, impacts from ag clusters would be such that a Mitigated Negative Declaration would suffice as environmental assessment for cluster applications. Currently, the cost to each cluster applicant of preparing an EIR and the uncertainty of the environmental review process are very likely to make a cluster unaffordable. The Farm Bureau could consult with SMR and Laetitia to confirm the extraordinary costs of preparing an EIR for each project and then, the mitigations still have to be paid in any case. The amendments would seem to be a huge cost savings – perhaps saving well over a million dollars in individual project EIR costs.

Briefly, we would like to comment on the issue of notification. On February 17, 2009 the Board – Supervisors Achadjian¹, Hill, Gibson, Mecham and Patterson – authorized amending the Ag Cluster ordinance on a 5-0 vote. After public scoping meetings including a Planning Commission meeting and initial review, on June 9, 2009, the Planning Director came to the Board to request direction on the amendments. On August 30, 2012 the Planning Commission held a hearing on the Ag Cluster amendments. At any time from February 2009 through November 2012, concerns about the issue of insufficient notification of the public could have been raised by any concerned Supervisor or the public, however, no such issue was raised until the hearing on November 13, 2012. The canard of insufficient notification is unworthy of an elected official who has held public office for over 12 years and is well aware of the notification process.

The proposed amendments are based on a review of the entire 25-year history of the cluster ordinance and are necessary to protect the sustainability of ag lands that pursue a cluster. They are not a last minute potluck of changes, sprung on an unsuspecting public.

Thank you for your consideration of our comments.



Susan Harvey
President, North County Watch

¹ We note that Supervisor Achadjian "reluctantly" (his word) voted to approve the SMR cluster. His vote to authorize amendments, may reflect his understanding of the flaws in the current ordinance.



Fw: Cluster Amendments

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

11/30/2012 01:34 PM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 11/30/2012 01:34 PM -----

From: "Dave King-Carol De Hart" <kingzin@tcsn.net>
To: <boardofsups@co.slo.ca.us>
Date: 11/30/2012 01:22 PM
Subject: Cluster Amendments

This is to inform the County Board of Supervisors of **our support** of the Cluster Amendments and believe they should be **approved!** My husband and I are long time residents of this county, and currently live in North County. We have concern for this county and the impact of unchecked growth and abuses that may occur in the future. We believe the Cluster Amendments are **necessary** and will anticipate a positive vote from the Supervisors, and thank you in advance.

Sincerely,

Carol De Hart-King
Dave King
Vista Del Rey Vineyards
7340 Drake Rd.
Paso Robles, CA. 93446

Item # 18 Meeting Date: 12/04/2012

Presented by: Dave King-Carol De Hart

Received prior to meeting and posted to web
on: November 30, 2012