



**Fw: Agriculture Cluster Ordinance**

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

12/03/2012 08:19 AM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 08:19 AM -----

From: "Sherri Danoff" <sherri39@charter.net>  
To: <boardofsups@co.slo.ca.us>  
Date: 12/03/2012 02:17 AM  
Subject: Agriculture Cluster Ordinance

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Dear Supervisors:

Preserving potential for agriculture dictates closing loopholes in the present ordinance.

As a past land use planner in Santa Barbara County I observed that agriculture buildings were clustered to retain maximum land in production. Since SLO County intends to continue allowing multiple residences on agricultural land, it is essential that these be clustered for consistency with County goals for protecting agricultural resources.

Thank you for your consideration of my comments,

Sherri Danoff, Consultant in Land Use Planning  
Avila area

Item # 18 Meeting Date: 12/04/2012

Presented by: Sherri Danoff

Received prior to meeting and posted to web  
on: December 3, 2012



**Fw: We support the adoption of ag cluster amendments!!**

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

12/03/2012 08:23 AM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 08:23 AM -----

From: Jill Denton <jillgdfnd@aol.com>  
To: boardofsups@co.slo.ca.us  
Date: 12/03/2012 08:22 AM  
Subject: We support the adoption of ag cluster amendments!!

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signed Jill Denton and Caroline Hall

Item # 18 Meeting Date: 12/04/2012

Presented by: Jill Denton

Received prior to meeting and posted to web  
on: December 3, 2012



**Fw: Amendments to Ag Cluster Ordinance**

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

12/03/2012 08:36 AM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 08:35 AM -----

From: "Joe St.Clair" <joej1@sbcglobal.net>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 12/01/2012 11:29 AM  
Subject: Amendments to Ag Cluster Ordinance

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Board of Supervisors  
San Luis Obispo County:

Dear Supervisors:

I support the amendments to the Ag Cluster Ordinance and they should be adopted. The amendments will end the speculation on whether there is enough water to support agricultural and other development and the amendments will clarify the issue of Ag buffers, end "density bonuses," require that the lots really be clustered, and require that roads and infrastructure be counted in the cluster acreage. Please avoid another project like the Santa Margarita Ranch Ag Cluster, and the legal suits that will surely follow.

Sincerely,

Joseph P. St.Clair  
1710 Southwood Dr  
San Luis Obispo, CA 93401-6032  
805-541-4558

Item # 18 Meeting Date: 12/04/2012

Presented by: Joe St. Clair

Received prior to meeting and posted to web  
on: December 3, 2012



**Fw: Ag Cluster Ordinance**

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

12/03/2012 08:36 AM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 08:36 AM -----

From: "Richard Kranzdorf" <rkranzdo@calpoly.edu>  
To: <boardofsups@co.slo.ca.us>  
Date: 11/30/2012 09:51 PM  
Subject: Ag Cluster Ordinance

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Please support the amendments to the Ag Cluster Ordinance.

Richard Kranzdorf

Item # 18 Meeting Date: 12/04/2012

Presented by: Richard Kranzdorf

Received prior to meeting and posted to web  
on: December 3, 2012



**Fw: ag cluster amendments**

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

12/03/2012 08:36 AM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 08:36 AM -----

From: Sandra Heller <sandih5@sbcglobal.net>  
To: boardofsups@co.slo.ca.us  
Date: 12/01/2012 06:17 AM  
Subject: ag cluster amendments

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I support the amendments  
Sandra Heller  
San Luis obispo

**Sandi Heller**  
<http://www.sandihellerart.com>

Item # 18 Meeting Date: **12/04/2012**

Presented by: Sandra Heller

Received prior to meeting and posted to web  
on: **December 3, 2012**



**Fw: Ag cluster amendments**

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

12/03/2012 08:37 AM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 08:36 AM -----

From: Cynthia Hawley <cynthiahawley@att.net>  
To: boardofsups@co.slo.ca.us  
Date: 11/30/2012 05:29 PM  
Subject: Ag cluster amendments

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Dear Chairperson Patterson and  
Supervisors,  
LandWatch San Luis Obispo County supports  
the recommended amendments to the  
Agriculture Element Policies, the San Luis  
Obispo Area Plan, and Land Use Ordinances  
Title 22 and Title 23 regarding agricultural  
cluster land divisions and asks that you  
approve the amendments.  
Best regards,  
Cynthia Hawley  
LandWatch San Luis Obispo County

Item # 18 Meeting Date: 12/04/2012

Presented by: Cynthia Hawley

Received prior to meeting and posted to web  
on: December 3, 2012



**Fw: Ag Cluster Ordinance**

James Patterson to: cr\_board\_clerk Clerk Recorder  
Sent by: Amy Gilman

12/03/2012 09:42 AM

please post

----- Forwarded by Amy Gilman/BOS/COSLO on 12/03/2012 09:42 AM -----

From: "Vicky Morse" <vicky@tcsn.net>  
To: <fmecham@co.clo.ca.us>, <ahill@co.slo.ca.us>, <pteixeira@co.dlo.ca.us>, <jpatterson@co.slo.ca.us>  
Date: 12/02/2012 04:20 PM  
Subject: Ag Cluster Ordinance

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Please OPPOSE the Revised Ag Cluster Subdivision Property Confiscation Ordinance.  
Vicky and Deon Morse

Item # 18 Meeting Date: 12/04/2012

Presented by: Vicky Morse

Received prior to meeting and posted to web  
on: December 3, 2012



**To:** Frank Mecham/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Adam Hill/BOS/COSLO@Wings, Paul Teixeira/BOS/COSLO@Wings, James Patterson/BOS/COSLO@Wings, cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
**Cc:**  
**Bcc:**  
**Subject:** Fw: Ag Custer Ordinance  
**From:** Frank Mecham/BOS/COSLO - Monday 12/03/2012 10:30 AM  
**Sent by:** Vicki Shelby/BOS/COSLO

Frank R. Mecham  
District 1 Supervisor  
1055 Monterey St. Rm. D430  
San Luis Obispo, CA 93408  
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 12/03/2012 10:30 AM -----

**From:** Dennis Loucks <dloucks1@hotmail.com>  
**To:** <fmecham@co.slo.ca.us>  
**Date:** 12/03/2012 09:37 AM  
**Subject:** Ag Custer Ordinance

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Dear Mr. Mecham

I reside in north San Luis Obispo County and for the past few weeks I have been reviewing the amendment to the Ag Cluster ordinance. I have not reached a firm opinion regarding this issue, and the more I examined statements from the Supervisors on November 13, statement from county counsel, omissions from staff and incorrect information contained on the county web site, I am of the opinion that this amendment should be either tabled or continued until clear and accurate information is presented. There seems to be a "political rush" to adopt this amendment, political expediency should not take precedence over good policy.

1. In review of the supervisor proceedings of Nov 13, Mr Mecham asked staff a question regarding economic impacts concerning the amendment and apparently the staff report made reference to a report/study that was not included in information supplied to the Supervisors. As Mr. Mecham correctly pointed out, if reference is made to a report and that report is not included for consideration, how can a Supervisor make an informed decision?.

**Recommendation:** Direct staff to include all information/reports that are referenced in the staff report and provide that information to the Supervisors as well as the public.

Item # 18 Meeting Date: 12/04/2012

Presented by: Dennis Loucks

Received prior to meeting and posted to web on: December 3, 2012

2. I had concerns regarding public comment, specifically not allowing citizens to speak on December 4 if they have previously spoken on November 13. This is an amendment that has spurred great public interest and it is very conceivable that a citizen could have many points that are relevant but they are unable to complete their comments in the time afforded, three minutes. I am not familiar with all of the legal issues concerning this issue and I paid particular attention to the statement from county counsel, Mr Mc Naulty. When this limitation was brought up by Mr Gibson, Mr. Mc Naulty stated the following: "*Also, I agree that if people speak today If we don't introduce anything new no new information is presented at the next hearing they should not necessarily be allowed the opportunity to speak again it will be at the boards discretion at that point but it is not a legal requirement*"

Following county counsel's statement, a motion presented by Supervisor Hill stated the following:

*" Continuance to December 4 with the understanding that those that have spoken today won't be afforded the chance to speak again in public comment December 4 but can submit written materials to us either before or at the meeting"*

In examining the minutes published on the county web site, it states: "*those speakers that have spoken today will have an opportunity to speak again in public comment on Dec 4th*"

In review of the motion and the minutes, clearly the minutes are in error. To aid in your review, below is the information copied from your web site.

Board of Supervisors November 13, 2012 05h 27m Agenda Minutes

Watch Download

Item: 4. Public Comment Period

Item:14. Hearing to consider a request by the County of San Luis Obispo to amend: (1) Sections of the Land Use Ordinance (Title 22) relating to Olive Oil processing and Agricultural Retail Sales - replacing Roadside Stand with Field Stand and Farm Stand requirements; and (2) Agriculture Element Policies AGP 5, 20, 22 and 23, the San Luis Obispo Area Plan, sections of the Land Use Ordinance (Title 22) and sections of the the Coastal Zone Land Use Ordinance (Title 23) regarding agricultural cluster land divisions. All Districts.

Item: Mecham - states he willing to take the remaining public comment today but would like to come back and absorb what has been heard and deliberate.

Item: Mecham - states willing to take public testimony and continue this hearing to dec. 4th for deliberation

Item: Gibson - asks that we come back with the basic plan, accomidate all public comment; dont have to let pub comment who spoke today not speak again.

Item:Hill - amends the motion the continuation to dec 4th with the understanding that those speakers who have spoken today will have an opportunity to speak again in public comment on Dec 4th but can

submit written materials either before or at the meeting and allow for public comment today.

**Recommendations:**

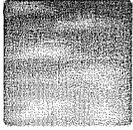
1. Request from County Counsel a legal opinion regarding public comment, specifically under what circumstances would the Supervisors be allowed to prohibit public comment.
2. Correct the minutes to accurately reflect Supervisor Hill's motion.
3. Continue or table this amendment until the aforementioned information is provided.

Thank you,

Dennis Loucks

1810 San Marcos Rd

Paso Robles, Ca



To: Frank Mecham/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Adam Hill/BOS/COSLO@Wings, Paul Teixeira/BOS/COSLO@Wings, James Patterson/BOS/COSLO@Wings,  
 Cc: Cherie Aispuro/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Hannah Miller/BOS/COSLO@Wings, cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Bcc:  
 Subject: Fw: District 1 - Contact Us (response #219)  
 From: Vicki Shelby/BOS/COSLO - Monday 12/03/2012 11:18 AM

Vicki M. Shelby  
 Legislative Assistant  
 First District Supervisor Frank R. Mecham  
 1055 Monterey St., D430  
 San Luis Obispo CA 93408  
 (805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess  
 "Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 12/03/2012 11:17 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "vshelby@co.slo.ca.us" <vshelby@co.slo.ca.us>  
 Date: 12/03/2012 11:09 AM  
 Subject: District 1 - Contact Us (response #219)

District 1 - Contact Us (response #219)  
 Survey Information

Site:	County of SLO
Page Title:	District 1 - Contact Us
URL:	http://www.slocounty.ca.gov/bos/District_1/District1ContactUs.htm
Submission Time/Date:	12/3/2012 11:08:46 AM

Survey Response

Name:	Timothy Kershaw
Telephone Number:	
Email address:	tkershawwcms@Live.com
	Dear SLO County Commissioners, Dear Frank Mecham, I want to thank you for your level headed leadership on the SLO County Commissioners. I am asking that you pass along my OPEN LETTER addressed to the board and residence of SLO regarding our concern about the vote tomorrow on the

Item # 18 Meeting Date: 12/04/2012

Presented by: Timothy Kershaw

Received prior to meeting and posted to web on: December 3, 2012

Comments or questions  
(8,192 characters max):

AG Cluster vote. I also would like to know how land owners will be compensated for the damage this will immediately cause land owners as it will immediately impair use and thus land values. These land grab-limitations on usage laws are a violation of our family's 5th and 14th Amendment rights under the US constitution. I want to briefly explain our family's situation. My wife and I live on a property owned in trust by our family. We eventually would like to build homes on the back side of the 51 acre property overlooking the river area in the Paso Robles area. There are two sites on the property we would eventually like to build homes on. Our property has water issues limiting our ability to expand or even maintain our family small vineyard that the Ag rule wants to protect. Currently we have about 12 acres of vineyard. Our vineyards do not produce a profit. Additionally we do not have the water in our wells to keep them producing or expand them. The properties only real value to us is the housing it provides. We currently have 3 residences on our property. Two of those are not in ideal locations due to large power lines and our concern about the health issue they may pose. They have been approved as safe but when we have the money we would like to build new homes in their place on the back side of the property closer to the river were we believe new wells will not run dry and where there is no risk caused by power lines. Under your Ag cluster rules that you are voting on, this would not be possible and deprive us of the use of our property as if the community has taken it away for its own use. What would be voted on next? Would you then decided that since we are not using our property to its best usage for AG purposes or the public good? Would you then have the right to farm it as well? After all it is in the public's good so the public that the AG land produce the food it needs. It may also be in the best interest of the public to decide what crops we grow on the property? As of now we have vineyard that are not profitable. As a local County Commission you have limited power and rights under the both the State of California and the US Constitution. If you vote this Agriculture Cluster bill onto law I would like to know how we will be compensated by the residence of SLO. You are clearly depriving us of "beneficial use of our property in violation of the Fifth and Fourteenth Amendments. We as land owners would like to know how you plan on compensating us for this. "taking" of private property without just compensation is a violation of the law. Sincerely, Timothy Kershaw



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2274)  
 From: Board of Supervisors/BOS/COSLO - Monday 12/03/2012 11:45 AM  
 Sent: Amber Wilson/BOS/COSLO  
 by:

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 11:45 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSup@co.slo.ca.us" <BoardOfSup@co.slo.ca.us>  
 Date: 12/03/2012 11:37 AM  
 Subject: Contact Us (response #2274)

Contact Us (response #2274)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	12/3/2012 11:36:37 AM

Survey Response

Name:	Peter Byrne
Telephone Number:	805 235 9616
Email address:	<a href="mailto:peterpaso1@yahoo.com">peterpaso1@yahoo.com</a>
Comments or questions (8,192 characters)	The objection that I have to the amendments to the Ag Ordinance to be discussed and possibly voted on tomorrow Dec 4th is the change allowing olive processing facilities to bring in olives from other than adjacent parcels for processing. Currently the ordinance only allows processing from the same or parcels adjacent to the facility. I have a residence adjacent to an olive processing plant which is currently not allowed to bring in olives for processing. My residence is only 30 feet from the access road that will now be allowed to bring in olives by truck for processing. I placed my residence in the corner of my lot adjacent to the road in order to save the land for farming as it has been dry crop farmed from the early 1900's and I did not want the land to be placed out of production due to the location of my residence. Please modify the proposed ordinance to provide a 300'-400' ag buffer FROM EXISTING residences to agricultural access roads where currently the ag

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Presented by: Peter Byrne

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max):

ordinance does not allow fruit to be imported for processing OR continue to ask for a variance or minor use permit where options may be discussed such as limiting the traffic to 8-5pm Mon-Fri. I built my house according to the current ag ordinance 16 years before the plant was built in 2011 and it is really not right to change the rules affecting EXISTING residences. I first heard of the proposed changes about two weeks ago. If the Planning Department really wanted to notify us and wanted to hear our input, they would have notified us just as we were notified of the minor use permit when the plant was first proposed at which time 16 of my neighbors attended the meeting. Thank you for your consideration.



**Fw: County File No. LRP2008-00010; Proposed Amendment to Ag Cluster Policies and Rules and Proposed Certification of FEIR**

Adam Hill, Amy Gilman, Bruce Gibson,  
Board of Supervisors to: Cherie Aispuro, Debbie Geaslen, Frank Mecham, James Patterson, Paul  
12/03/2012 12:12 PM

Sent by: Amber Wilson  
Cc: cr\_board\_clerk Clerk Recorder

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 12:12 PM -----

From: Robyn Lara-Faure <RLara-Faure@amblaw.com>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Cc: "VMontgomery@rrmdesign.com" <VMontgomery@rrmdesign.com>, "rneal@co.slo.ca.us" <rneal@co.slo.ca.us>, "tmcnulty@co.slo.ca.us" <tmcnulty@co.slo.ca.us>, "kgurnee@co.slo.ca.us" <kgurnee@co.slo.ca.us>  
Date: 12/03/2012 12:06 PM  
Subject: County File No. LRP2008-00010; Proposed Amendment to Ag Cluster Policies and Rules and Proposed Certification of FEIR

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Gentlemen:

Attached is a letter of this date for the hearing tomorrow December 4, 2012 before the Board of Supervisors.

Robyn Lara-Faure  
Legal Secretary to Dennis D. Law and Lisa L. Toke  
Andre, Morris & Buttery,  
A Professional Law Corporation  
1102 Laurel Lane  
San Luis Obispo, CA 93401  
S Voice (805) 543-4171  
□ Fax (805) 543-0752  
Also located at 2125 South Broadway,  
Suite 109, Santa Maria, CA  
www.amblaw.com



311908--Signed 12312 letter from DDL to BOS re proposed amendment.pdf

Item # 18 Meeting Date: 12/04/2012

Presented by: Robyn Lara-Faure

Received prior to meeting and posted to web on: December 3, 2012



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MORRIS  
&  
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Liss LaBarbera Tate  
Melissa McCann Baze  
Karon Gjerdrum Solbergill  
Collette A. Hillier

December 3, 2012

***Via Email***

Board of Supervisors  
County of San Luis Obispo

**Re: County File No. LRP2008-00010; Proposed Amendment to  
Agricultural Cluster Policies and Rules and Proposed  
Certification of FEIR**

Dear Members of the Board:

I offer this letter to you on behalf of Vic Montgomery and Keith Gurnee. Vic and Keith were directly involved in the creation of the County's existing agricultural lands clustering rules and policies and so they have a particularly keen interest in the County's proposed amendment of these rules and policies. This letter provides specific comments on the proposed amendments to the Agriculture Element (and related amendment to ordinances) and to the proposed certification of the Final Environmental Impact Report ("FEIR").

**1) The FEIR Fails to Consider Preservation and Enhancement Features of the Existing Ag Cluster Policies.**

The FEIR does not adequately address the potential impacts of the proposed amendments to the Agriculture Element and related ordinances. Below I have addressed specific issues, but the overall shortcoming of the proposed amendments is the failure to address the significant change in policy, and its potential to negatively impact agricultural and open space resources. The impacts analysis adopted by the FEIR in almost all segments focuses almost entirely on examining the potential increase in residential parcels that could result from ag clustering development, but fails to address the potential negative impact that could result from a change in the current policy which encourages ag clustering as a means of preserving ag and open space lands.

////

311877.doc

1102 Laurel Lane  
P.O. Box 730  
San Luis Obispo, CA 93406-0730  
ph 805/543-4171 fx 805/543-9752

2125 South Broadway, Suite 109  
P.O. Box 1430  
Santa Maria, CA 93456-1430  
ph 805/937-1400 fx 805/937-1444

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**a. Quotes from Official Discussions Supporting Existing Ag Cluster Policies.**

The County's existing policies, and the reasoning adopted in support of them, are premised on the concept that ag clusters should be encouraged because in the long run they will preserve and enhance ag lands and open space. Following are relevant statements contained in the County's Agriculture Element.

**AGP20 Discussion:**

"Agricultural cluster divisions provide a way to protect lands for continued and enhanced agricultural production, particularly if the homes are clustered in a compact, contiguous manner which reduces the agricultural/residential interface." At p. 2-33.

"To encourage the use of a cluster design, there should be an increase in the number of parcels that will provide a sufficient incentive to the land owner to choose the cluster approach. In return for that increase, areas of the site intended for agricultural production are permanently protected by a recorded open space easement, as well as being placed in a Land Conservation Act (Williamson Act) contract that will provide long-term protection of the agricultural resources." At p. 2-34.

**AGP21 Discussion:**

"The purpose of this policy is to revise the method of determining minimum parcel sizes for new land divisions to emphasize protection of the agricultural land resource for long-term crop production and grazing uses." At p. 2-34.

**AGP22 Discussion:**

"The Board of Supervisors adopted the agricultural cluster ordinance in 1984 as a tool available to inland property owners to 'encourage the preservation of agricultural lands... for the continuing and enhanced production of food and fiber...' " At p. 3-37.

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"The purpose of this policy is to make several proposed amendments to the existing ordinance to provide more incentives for its use..." At p. 2-39.

**AGP23 Discussion:**

"One of the reasons for this policy is to encourage agriculturalists to stay on the land and not sell the family farm." At p. 2-41.

"Another benefit of this policy is that by encouraging cluster division, agricultural lands can be permanently protected for continued and enhanced agricultural production." At p. 2-41.

"Many agriculturalists feel that there are not enough incentives or flexibility in the current land use regulations to encourage property owners to subdivide land using a cluster approach instead of a conventional land division." At p. 2-41.

**b. Existing Ag Cluster Policies Actually Preserve and Enhance.**

We see from these passages that the County's existing policies are premised on the conclusion that ag clustering is a means of preserving and enhancing ag and open space lands. One of the incentives is allowance of additional residential parcels. It preserves and encourages ag and open space lands by requiring significant permanent dedications of lands to ag and open space uses, as well as other conditions and requirements.

As discussed below, the benefits of the existing ag cluster policies are not hypothetical. They are apparent in the ag cluster projects that have been developed under existing policies. Over 10,000 acres of land has been permanently dedicated to ag and open space. Prior underutilized ag lands have been enhanced and developed.

**c. Removal of Incentives and Eligible Lands Will Hinder Ag Preservation.**

The proposed amendments to the Agriculture Element and the Land Use Ordinance remove incentives for ag clustering, and they remove eligible lands. The most notable incentive that is removed is the density bonus, but other changes reduce incentives as well, such as the change in minimum parcel size. Eligible lands have been reduced by changes to the URL

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criteria, omission of the areas that currently qualify for minor clusters and the omission of lands in the Rural Lands category. The FEIR estimates that the proposed amendments reduce the eligible lands by approximately 1 million acres (FEIR at p. 2-2).

**d. FEIR Dual Methodology Analysis Does Not Even Mention the Ag Preservation and Enhancement Objectives of the Existing Policies.**

In analyzing the impacts of the proposed amendments, the FEIR uses dual methodologies; "plan-to-plan" and "plan-to-ground" (FEIR at p. ES-2). In the FEIR's Project Description, it compares the "development potential" of the proposed amendments and the development potential of the existing ordinances (FEIR 2-22 to 2-25). Essentially the comparison is based on calculating the potential number of new parcels for each scenario; 418 parcels for the proposed amendments and 4,581 for the existing ordinances (inland only). It appears that these calculations are based on a full build-out scenario.

This approach only considers the increased number of new residential parcels, and does not consider the potential for ag and open space preservation which is at the foundation of the existing policies. There is no mention of the quantity of lands that would be preserved using ag and open space dedications nor any mention of lands that potentially could be converted to agricultural production with the incentives and criteria applicable under the existing policies. The reasoning and methodologies contained in the existing policies which are designed and intended to preserve and protect agricultural and open space lands are not even mentioned.

**1. Ag Resource Impact Analysis.**

This same approach is followed in the impact analysis for Agricultural Resources. The analysis looks solely to the potential for new clustered parcels to convert ag lands to non-ag uses (FEIR 4.1.2). It does not consider the potential preservation of ag lands, nor the potential that non-ag lands, or underutilized ag lands, would be converted to productive ag purposes. The basic premise of the existing policies is to enhance ag preservation and production, yet this concept is never mentioned, much less analyzed.

**2. Growth Inducing Impact Analysis.**

The analysis of growth inducing impacts uses solely the plan-to-ground approach. The analysis is premised primarily on the 418 new residential cluster units that

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potentially could come about under the amended policies (FEIR at p. 5-1). The permanent preservation of ag and open space lands would logically curb future growth, but this factor is never considered.

### **3. Resource Sections in General.**

This same analysis is at the root of most, if not all, of the resource sections. The air quality analysis is based on the potential number of residential parcels allowed under the existing ordinance versus the amended ordinance, and it does not take into account the potential preservation of ag and/or open space lands (FEIR at p. 4.2-5); biological impact analysis is similar (4,582 vs. 418; FEIR at p. 4.3-25); hydrology and water quality (FEIR 4.7-15); public services (FEIR at p. 4.9-20); transportation and circulation (FEIR at p. 4.10-11); and visual resources (FEIR at p. 4.11-9).

### **4. Alternative Analysis.**

The alternatives analysis incorporates the same approach, particularly the "no project" alternative (Alternative 1). Alternative 1 essentially compares the proposed amendments ( i.e., "the project") with the existing policies and ordinances (i.e., "the no project alternative"). This analysis evaluates the number of new single-family residences ("SFR") under the existing policies and compares them to the number of SFRs under the proposed amendments. The FEIR calculates the potential SFRs using 4,582 as the estimated number of new parcels under the existing policies, and 418 under the proposed amendment (see Table 6.1-1 on p. 6-14). Once again, there is no consideration of the potential ag and open space land preservation, rather only the residential impacts was considered.

#### **e. Adverse Consequence of Incomplete Analysis.**

The lack of consideration of the potential beneficial impacts of the current policies on ag and open space lands means the analysis only considers one part of the equation; i.e., the impacts of clustered parcels. Without an analysis of the existing ag and open space preservation policies, the conclusions are skewed and unsound.

I realize that proponents of the amendments believe that the incentives and scope of eligible lands incorporated into the existing policies do not effectively preserve and enhance ag

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and open space lands. But that is no justification for not doing a complete analysis that tests such beliefs. Upon their adoption nearly 30 years ago, the existing policies were discussed, analyzed and decided upon and until amended, they are valid and viable policies. The benefits of these policies cannot be overlooked in analyzing and evaluating the impacts of the proposed amendments.

**f. Benefits of Existing Preservation and Enhancement Policies.**

My clients, and many others, continue to believe that the existing policies are well reasoned and that they promote, enhance and preserve ag and open space lands. The requirement of an open space/agricultural easement dedication assures preservation of these lands removing the potential for future development that could occur with a change in laws and regulations. The nearly 1 million acre reduction in eligible lands means the potential loss of approximately 900,000 to 950,000 acres in dedicated open space/agriculture lands.

My clients have seen first-hand how projects developed under the existing policies enhance agriculture operations and preserve open space. Following are examples of the benefits of ag clustering cited by knowledgeable professionals:

**i. Varian Ranch.** In the case of Varian Ranch the ag productivity of the ranch was increased as a result of the application of the ag cluster ordinance provisions. Specifically the following ag improvements occurred at Varian Ranch:

- The addition of approximately 60 acres of citrus groves
- Improvements to the ag water system
- Improvements to the ranch fencing, pasture cross fencing and gates throughout the ranch
- Improvements in the cattle holding and loading/unloading facilities

**ii. Edna Ranch.** In the case of Edna Ranch the ag viability of the property was dramatically changed from a subsistence level grazing operation (barely beneficial enough to pay the property taxes) to a vineyard including:

- 320 acres of vineyards
- Vineyard irrigation and ag water supply facilities
- Frost protection system
- Road improvements (including roads shared by the vineyards and the residences), fencing, gates, etc.

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In both of these projects the specific ag productivity benefits *are in addition to* the broader environmental benefits of the 95% open space benefits such as species protection, habitat preservation and environmental resources protection. Large land areas of both of these projects are remote from the residential cluster areas and serve as effective habitat and open space. The open space in these projects also contributes to protecting the scenic back drop of the Edna Valley.

The environmental analysis should have adopted a methodology that would consider this type of information and evaluate the effect of existing policies on the protection, preservation and enhancement of ag and open space lands.

**g. Comments to the Draft EIR were Disregarded.**

These issues were raised by my clients, and others, in comments to the draft EIR. For example, Keith Gurnee's October 17, 2011 comment letter states that the EIR fails to evaluate the environmental impacts of removing hundreds of thousands of acres from eligibility under the ag clustering program (FEIR, comments at p. 8-75). He states that this change in policy will impair the County's ability to preserve 95% of those lands in permanent open space. He also states that the proposed amendments remove incentives for use of the ag clustering provisions which will cause ag land owners to resort to using conventional development entitlements and that the EIR fails to adequately address this issue (FEIR, comments at p. 8-75). He points out that every ag cluster project that has been implemented under the current policies has increased agricultural production (FEIR, comments at p. 8-76).

In his comments dated February 2, 2012 Keith points out that the draft EIR overstated the density allowed under the current policies. He states that under conventional entitlements each parcel is allowed to have two residences. The density bonus provisions of the existing ag cluster policies do not increase the number of residences, rather they just allow creation of a separate legal lot thereby allowing ag land owners the benefits of separate ownership. He states this is an important feature to allow ag families to stay on the land (FEIR, comments at p. 879). These are just examples of the comments made by Keith and several others who all voiced their concern that the draft EIR did not evaluate the ag and open space benefits of the existing ag cluster policies.

The FEIR drafters' response to these comments was essentially the same for similar comments. The drafters contended that the baseline for evaluating environmental impacts under

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CEQA is the existing environmental setting and the County is not required to use existing ordinances as a baseline comparison. Although there are variations on this basic response, this is the theme (FEIR response to KG1-5 at p. 8-75 and response to FB1-9 at 8-43; these are examples only). Based on this position, the FEIR fails to analyze or even consider the potential for the existing policies to preserve and enhance ag and open space lands.

This raises a legal issue; but of equal importance, it raises a policy question. If the existing ag cluster policies were discussed, evaluated and decided upon based on the premise that ag clustering was a means of preserving and enhancing ag and open space lands, how can the County reasonably and logically consider changing those policies without comparing the effect of the existing policies to the effect of the proposed amendments? The FEIR is supposed to be used as an evaluative tool, yet it is missing the most important component to the evaluation process; that being a basis of comparison.

**h. The FEIR Analysis Could Mislead.**

To make matters worse, the FEIR's plan-to-plan analysis is misleading. It purports to engage in a comparative analysis of the existing policies with the proposed amendment, but as just discussed, it is missing an analysis of the ag and open space preservation qualities of the existing policies. The plan-to-plan analysis creates confusion because readers of the FEIR are led to believe that the plan-to-plan analysis will in fact analyze the environmental effects of the existing versus the proposed.

Here is what the FEIR says: "This EIR includes both a "plan-to-plan" and "plan-to-ground" analysis of the proposed amendments. The plan-to-plan analysis compares the environmental effects of the existing and proposed ordinance standards... (FEIR at p. ES-2)".

Throughout the FEIR, in almost every section, it contains two analytical approaches; "Impacts Compared to Existing Conditions" and "Impacts Compared to Development Potential under the Existing Ordinance." In describing the plan-to-plan approach the EIR states: "The EIR describes the *difference* between the foreseeable impacts of the ordinance as it currently exists and after implementation of the proposed amendments (FEIR at p. 4.0-2)." Yet, the plan-to-plan analysis is merely an analysis of the potential new clustered parcels, and it omits any analysis of the ag and open space preservation qualities in the existing policies. That makes the FEIR very misleading, failing to serve its fundamental purpose of informing the public and the decision makers 14 Cal. Code Regs. section 15002(a)(1).

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The drafters of the FEIR attempt to excuse themselves from a proper analysis of the issues by stating the plan-to-plan is "for informational purposes only" (FEIR at p. 4.0-2). This doesn't help at all. Nowhere in the FEIR does it say that the plan-to-plan analysis, because it is for informational purposes only, is any less complete or accurate than the plan-to-ground analysis. In fact, just the opposite is true. Both methodologies appear side by side in the "Impact Analysis" section of numerous resource discussions and they use similar formats and approaches. Moreover, both methods are used to reach conclusions regarding classification of the impact and findings of significance (for example, see Agricultural Resources at p. 4.1-15 finding Class III, less than significant impact for plan-to-plan approach). A reader of the FEIR is left with the impression that both methods were treated and used with equal dignity and one would assume that both were intended to be complete, accurate and in compliance with CEQA.

**i. Legal Discussion.**

The entire FEIR is supposed to be for informational purposes, that is a basic purpose of CEQA. 14 Cal. Code Regs. section 15002(a)(1). An environmental impact report is supposed to be informational, meaningful and helpful to the public and the decision makers.<sup>1</sup> Once the County elected to present a plan-to-plan analysis, regardless of whether it is legally required or not, it took on the responsibility of conducting and presenting a correct analysis that is complete and accurate.

Furthermore, the drafters' response stating that the County is not required to use existing plans as a baseline misapplies CEQA's mandate. General plan amendments constitute a project that requires consideration of CEQA reporting requirements because general plans have an *ultimate* effect upon physical changes in the environment. *Black Property Owners Association v. City of Berkeley* (22 Cal.App.4th 974, 985). "[T]he question is the potential impact on the

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<sup>1</sup> Public Resources Code section 21061: "The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."

Public Resources Code section 21003(b) states; "Documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decision makers and to the public."

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existing environment of *changes* in the plan which are embodied in the amendment." *Black Property Owners Association v. City of Berkeley, supra*. The FEIR drafters' comments suggests that CEQA only requires an analysis of the proposed amendments in reference to existing physical conditions and without regard to the existing ag cluster policies. Doing so would ignore the *changes* that are being proposed and would result in an analysis done in isolation. In fact, this is not what CEQA requires. CEQA requires a baseline that considers both the existing physical conditions *and* the existing plan.

"Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions ... *as well as* the potential future conditions discussed in *the plan* (meaning current adopted plan). 14 Cal. Code Regs. section 15125(e). The courts have referred to this as a "two-baselines approach." Where "an agency's action includes alteration of a previously adopted plan, the EIR (normally) still must compare the project with "existing physical conditions" *but should also* compare it with "potential future conditions discussed in the plan" [citing 15125(e)]. The second comparison is important because, among other reasons, it enables the public and decision makers to identify possible inconsistencies between the proposed project and the previously adopted plan." *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 707.

Contrary to the FEIR drafters' responses to public comments, CEQA requires an analysis which considers both the existing physical conditions and the existing plan; and the FEIR is not excused from conducting a complete and proper analysis of both approaches. The FEIR's dual approach using a plan-to-plan and plan-to-ground methodology is appropriate, but neither of these methodologies have been implemented correctly because they have only looked at the impact of cluster parcels, and they have not considered the impact on ag and open space preservation features. Just as the drafters used estimates and forecasts in creating development assumptions for cluster parcels, so too they could have used reasonable forecasts to analyze ag and open space preservation features, such as assumptions regarding the number of acres that would result in permanent open space dedications and assumptions regarding enhanced ag activities (14 Cal. Code Regs. section 15144). These are just a couple of examples.

Such an analysis is not merely necessary to fairly evaluate the impacts of the existing policies resulting from residential ag cluster parcels, it is necessary in order to ascertain whether the removal of ag cluster incentives and the removal of eligible lands embodied in the proposed amendments would have negative impacts on the environment.

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Just as important, a complete analysis on this topic was essential in order to understand the merits of the existing policies in comparison to the proposed amendments. Without such an analysis not only is the FEIR legally invalid, it does not serve its purpose of informing decision makers on the critical issues. It allows decisions to be formed based on anecdotal considerations without the benefit of objective analysis. As mentioned above, the existing policies were adopted after being evaluated and discussed, as evidenced by the "Discussion" sections which follow relevant ag cluster policies in the Agriculture Element. The proposed amendments should be addressed carefully and only with proper analysis.

**2) Inconsistency with Water Policy.**

The FEIR mistakenly applies the water polices in the Conservation and Open Space Element, and fails to consider the impacts of individual wells versus a community well. The FEIR refers to Policy WR 1.9 of the Conservation and Open Space Element (FEIR at p. 4.12-36) stating that it precludes new community water systems. This is a misreading of the policy. Policy 1.9 is to "enable expansion of public services by community services districts and County service areas to serve contiguous development when water is available." In that context, it then states that new community water systems should be discouraged. It never states, nor suggests, that community water systems would be discouraged in favor of individual wells. That would be contrary to the intent of this policy.

Policy 1.9 supports "Goal No. 1" which is to "secure regional water supply." Hence community services districts and the like are preferred because they enhance coordination and regional management of water systems. While a private community water system, such as a mutual water company, may not provide as much management and coordination as a community services district would do, it is better than having numerous individual wells operated by individuals. To require individual wells will impede coordination and management and is contrary to Policy 1.9.

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**3) Conclusion.**

Thank you for the opportunity to provide these comments. On behalf of my clients I respectfully request that you decline to adopt the proposed amendments and that you decline to certify the FEIR. If you wish to continue considering potential amendments to the existing ag clustering policies, it will be necessary to revise and re-circulate the FEIR so as to address its shortcomings as described above.

Sincerely,



Dennis D. Law

DDL:rl

cc: Victor Montgomery  
Keith Gurnee  
Rita Neal  
Tim McNulty



**Fw: Letter from ALAB Chair on Ag Clusters**  
Amy Gilman to: cr\_board\_clerk Clerk Recorder  
Cc: Jason Giffen

12/03/2012 01:13 PM

for posting please.

----- Forwarded by Amy Gilman/BOS/COSLO on 12/03/2012 01:13 PM -----

From: Marc Lea/AgComm/COSLO  
To: BOS\_Legislative Assistants, James Patterson/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Paul Teixeira/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, Adam Hill/BOS/COSLO@Wings  
Date: 12/03/2012 12:21 PM  
Subject: Letter from ALAB Chair on Ag Clusters

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Board of Supervisors and Board Staff,

Acting chair of the Agricultural Liaison Advisory Board (ALAB), Jean-Pierre Wolff, asked me to provide you this letter regarding ALAB's input on the Ag Cluster ordinance. Jean-Pierre wanted to insure that you had access to ALAB's past comments on the issue.

Please let me know if you have any questions.

thanks,  
Marc Lea

Marc A. Lea  
Deputy Agricultural Commissioner  
San Luis Obispo County Department of Agriculture  
2156 Sierra Way, Suite A  
San Luis Obispo, CA 93401  
(805)781-5907 direct line



ALAB\_Ag\_Cluster\_Comments\_2012\_12\_03.pdf

Item # 18 Meeting Date: 12/04/2012

Presented by: Marc Lea

Received prior to meeting and posted to web  
on: December 3, 2012

# County of San Luis Obispo Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A  
San Luis Obispo, CA 93401



Agricultural Liaison  
Advisory Board (ALAB)

## Positions/Members/Terms

CHAIR: Vacant

VICE CHAIR: Jean-Pierre Wolff

District One: Mecham Appt.  
Cindy Steinbeck (1/13)

District Two: Gibson Appt.  
Lisen Bonnier (1/15)

District Three: Hill Appt.  
Tom Ikeda (1/13)

District Four: Teixeira Appt.  
Bill Struble (1/15)

District Five: Patterson Appt.  
Noah Small (1/13)

Ag. Finance Rep.  
Mark Pearce (8/14)

Cattlemen Rep.  
Dick Nock

Coastal San Luis RCD Rep.  
Jean-Pierre Wolff (8/14)

Direct Marketing/Organic Rep.  
Eric Michielssen (4/16)

Environmental Rep.  
Richard Hawley (1/15)

Farm Bureau Rep.  
R. Don Warden

Nursery Rep.  
David Pruitt (4/16)

Upper Salinas-Las Tablas RCD Rep.  
Charles Pritchard (1/14)

Vegetable Rep.  
Claire Wineman (4/16)

Wine Grape Rep.  
Neil Roberts (4/16)

County Agricultural Commissioner  
Marty Settevendemie  
*Ex-Officio*

U.C. Coop. Extension Farm Advisor  
Mary Bianchi  
*Ex-Officio*

**DATE:** December 3, 2012

**TO:** San Luis Obispo County Board of Supervisors

**SUBJECT:** ALAB Clarification on Past Comments Made Regarding proposed Agricultural Cluster Subdivision Policy and Ordinance Amendments

In light of the recent hearings regarding the proposed Ag Cluster ordinance changes and the hearing scheduled for tomorrow's Board of Supervisors meeting, ALAB would like to provide the June 2009 letter outlining ALAB's detailed consideration of the Agricultural Cluster Subdivision policy. ALAB spent considerable time discussing this issue and the attached letter is the result of those discussions; the June 2009 letter is the only official statement provided by ALAB on this subject.

We appreciate your time and effort in reviewing ALAB's previous input on this critical issue.

Sincerely,

Jean-Pierre Wolff  
Vice Chair

The June 3, 2009 ALAB letter is attached.

# County of San Luis Obispo Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A  
San Luis Obispo, CA 93401 (805) 781-5914



Agricultural Liaison  
Advisory Board (ALAB)

## Positions/Members/Terms

CHAIR: R. Don Warden

District One: Mecham Appt.  
Dee Lacey (1/13)

District Two: Gibson Appt.  
Lisen Bonnier (1/11)

District Three: Hill Appt.  
Tom Ikeda (1/13)

District Four: Achadjian Appt.  
Bill Struble (1/11)

District Five: Patterson Appt.  
Christine Maguire (1/13)

Ag. Finance Rep.  
Mark Pearce (8/10)

Cattlemen Rep.  
Dick Nock

Coastal San Luis RCD Rep.  
Jean-Pierre Wolff (8/11)

Direct Marketing/Organic Rep.  
Eric Michielssen (4/12)

Environmental Rep.  
Anne McMahon (5/11)

Farm Bureau Rep.  
R. Don Warden

Nursery Rep.  
David Pruitt (4/12)

Upper Salinas-Las Tablas RCD Rep.  
Charles Pritchard (1/10)

Vegetable Rep.  
Richard Quandt (4/12)

Wine Grape Rep.  
Neil Roberts (4/12)

County Agricultural Commissioner  
Bob Lilley  
*Ex-Officio*

U.C. Coop. Extension Farm Advisor  
Mary Bianchi  
*Ex-Officio*

**DATE:** June 3, 2009

**TO:** San Luis Obispo County Board of Supervisors

**SUBJECT:** Consideration of options for the Agricultural Cluster  
Subdivision Policy and Ordinance Amendments

Members of the Agricultural Liaison Advisory Board (ALAB) met on April 6, 2009, May 4, 2009, and June 1, 2009, to discuss the Board authorized modifications to policy and the ordinance language relating to Agricultural Cluster Subdivisions. Bill Robeson represented the Planning and Building Department at each meeting. The following provides a summary of ALAB recommendations to date.

**1) Suggested language for a preamble and standards:** The County of San Luis Obispo is committed to the preservation and long-term viability of production agriculture in the county, not only because the agricultural industry contributes significantly to the county's economy, but also because a healthy and vital agricultural industry can help to preserve the county's rural character and quality of life. The County of San Luis Obispo will strive to provide reasonable incentives, including alternatives to subdivision of agricultural land. The agricultural cluster ordinance should be used only to facilitate subdivisions that are truly compatible with and provide some guarantee of ongoing production agriculture.

The County recognizes that in a *limited* number of cases and for *some* farmers or ranchers, the county can achieve some quantifiable protection of agricultural land and future agricultural viability by allowing carefully-planned subdivision on agricultural land. While each situation will be unique, before accepting for processing any such proposals, the County shall ensure that a proposed agricultural residential cluster subdivision is consistent with the following adopted standards:

*Proposals for Agricultural Residential Cluster Subdivisions should:*

- Expect to record an agricultural easement in perpetuity and merge all existing contiguous agriculturally zoned parcels used to calculate the 95% of the project site that will remain in agricultural production. Terms of that easement will also prohibit some uses that would otherwise be allowed in the agricultural land use category.

*Additional standards will be discussed at future meetings*

ALAB Agricultural Cluster Subdivision Recommendations  
June 3, 2009

**2) Consideration of reducing the number of primary dwellings allowed on parcels in the Agriculture land use category to no more than one primary dwelling.** ALAB members approved a motion opposing the proposal to reduce the number of allowed primary residential dwellings on existing parcels and indicated that this limitation is not an appropriate way to deal with the cluster density issue.

**3) Reduce or eliminate the density bonus.** Considerable discussion has taken place regarding reducing the density bonus. To date, ALAB recommends major revisions to the agricultural cluster subdivision density bonus to meet the original goal to have adequate incentive to avoid standard subdivisions. Discussions will continue July 13, 2009.

**4) Require contiguous residential lots.** ALAB members agreed to recommend that all residential cluster parcels shall be contiguous unless not feasible due to site or agricultural constraints. Where site constraints preclude contiguous development, a maximum of two cluster pods be allowed.

**5) Require agricultural buffers on residential lots.** ALAB members recommend that agricultural buffers shall be on the residential parcel, consistent with the Board adopted buffer policy, and included in the 5% area that is allowed for residential development.

**6) Project site qualification and design requirements.** Based on review of the scoping questionnaire, ALAB members recommend that applicants be required to demonstrate that project sites have a history of active farming that meets subdivision requirements and that there is an adequate water supply to support both agriculture and proposed residences. Additionally, members recommend that the project be designed with roads and water infrastructure counted as part of the 5% of allowed residential development area.

Additional recommendations will be forthcoming. ALAB members look forward to continuing to provide input on this very critical issue.

Sincerely,

Bill Struble, Vice- Chairman  
Agricultural Liaison Advisory Board



**Fw: Ag Cluster Ordinance BOS meeting December 4, 2012**

James Patterson to: cr\_board\_clerk Clerk Recorder  
Sent by: Amy Gilman

12/03/2012 02:15 PM

please post. thank you.

----- Forwarded by Amy Gilman/BOS/COSLO on 12/03/2012 02:14 PM -----

From: Bev Phifer <phiferanch@gmail.com>  
To: fmecham@co.slo.ca.us, bgibson@co.slo.ca.us, Adam Hill <ahill@co.slo.ca.us>, Paul Teixeira <pteixeira@co.slo.ca.us>, Jim Patterson <jpatterson@co.slo.ca.us>  
Date: 12/03/2012 11:37 AM  
Subject: Ag Cluster Ordinance BOS meeting December 4, 2012

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The Ag Cluster ordinance will affect our lives in so many ways that I made the effort to present my 3 minute presentation at the BOS meeting on November 13th. After sitting through 1-1/2 hours of presentations to retirees, long term employee awards, employee of the year awards, etc., we were "offered" the opportunity to reduce our speaking time in trade for being able to go home before 6pm. First, in all my 55+ years of employment, every company I worked for did not expect their customers to sit through hours of their employees award presentations and retirement kudos. This type of company presentation was done privately, at no expense to their customers, at year end celebrations and retirement parties. Second, after speaking in the reduced 2 minute session, we were all informed that we would not be allowed to speak at the continued discussion on December 4th. We are continually subjected to the attitude by most of the BoS that we are not very "smart" and considered "rednecks" because we stand up for our property rights and are against what you call "smart growth". We are ashamed and embarrassed of the present Board's attitude toward us and for not sanctioning it's members for their own blatant arrogant and immoral behavior. Not even an "I'm sorry for being a jerk"?. I know you are very tired of hearing the "YOU WORK FOR US" statement, but I will continue to remind you of that fact. Together, our community will continue to fight for our rights and defend the Constitution at the ballot box.. OK, we are now told that in our written communication regarding this Ag Cluster Ordinance we should be succinct, so:::

This Ag cluster ordinance is nothing but the confiscation of private property by regulation.

The present BoS has not given any reason why it is necessary. If it ain't broke, don't fix it.

Sincerely,

Bev Phifer  
4360 La Panza Road  
Creston, Ca. 93432  
(805)432-3262

Item # 18 Meeting Date: 12/04/2012

Presented by: Bev Phifer

Received prior to meeting and posted to web  
on: December 3, 2012



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
Cc:  
Bcc:  
Subject: Fw: ammendments to Ag Cluster  
From: Board of Supervisors/BOS/COSLO - Monday 12/03/2012 04:49 PM  
Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/03/2012 04:49 PM -----

From: Jerry Spruill <jerryspruill@sbcglobal.net>  
To: boardofsups@co.slo.ca.us  
Date: 12/03/2012 10:02 AM  
Subject: ammendments to Ag Cluster

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Dear B.O.S.

Would you please add the ammendments to the Ag Cluster. I feel the following way:

- I support the amendments and they should be adopted
- the amendments will end the speculation on whether there is enough water to support ag and development
- the amendments will clarify the issue of ag buffers, end "density bonuses," require that the lots really be clustered, and require that roads and infrastructure be counted in the cluster acreage

Yours truly  
Eugene G Spruill Jr

Item # 18 Meeting Date: 12/04/2012

Presented by: Jerry Spruill

Received prior to meeting and posted to web on: December 3, 2012