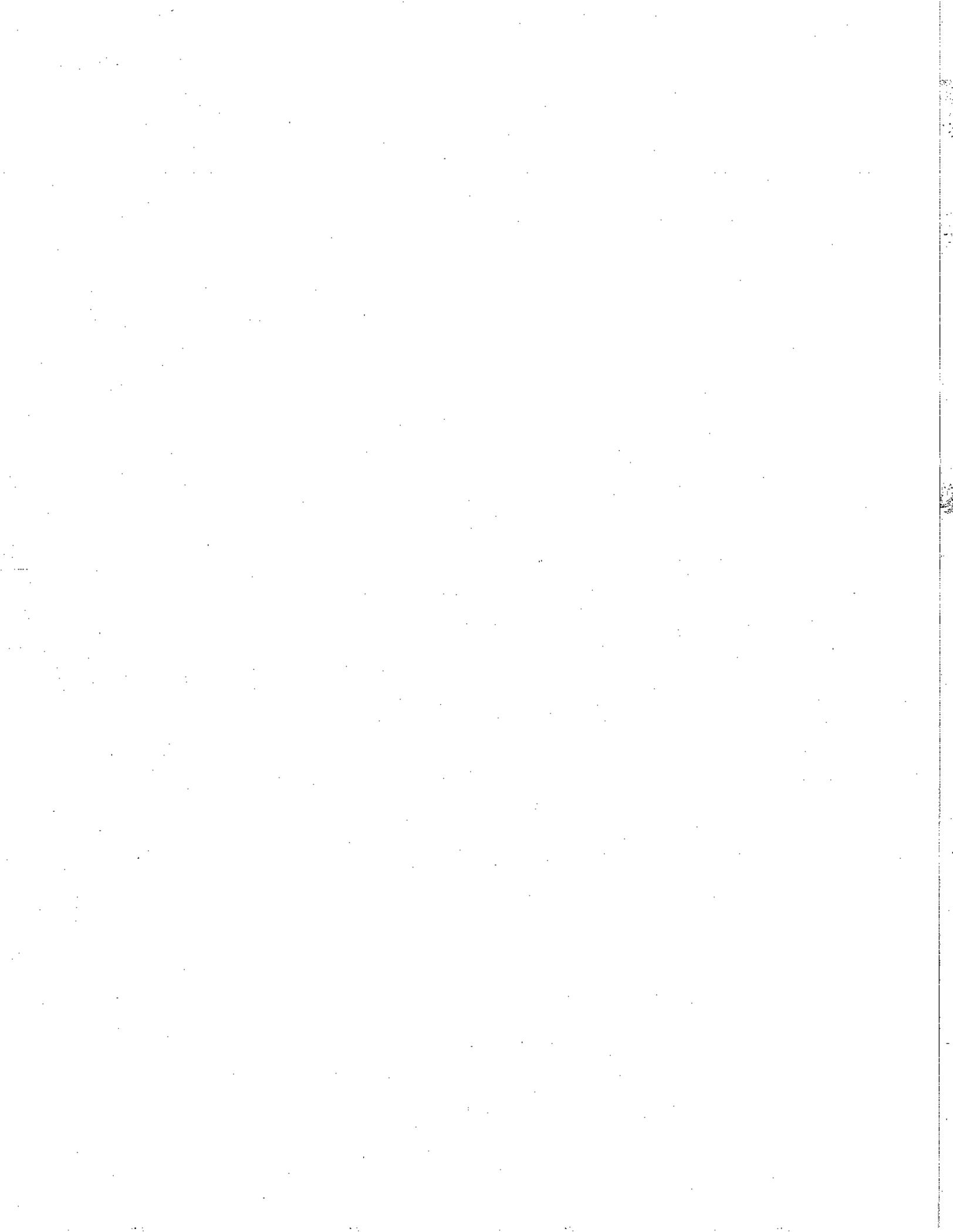
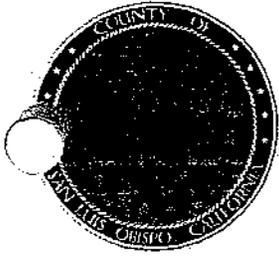


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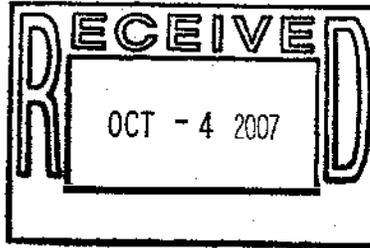




SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

October 4, 2007



Kenneth C. Bornholdt
1035 Peach St, Ste 202
San Luis Obispo, CA 93401

**RE: Public Records Request Dated August 16, 2007
Ag Clusters**

Dear Kenneth Bornholdt

Pursuant to your request received in our office October 3, 2007 for information concerning Ag Clusters, you searched our records and marked the following papers, which we copied and are now available during normal business hours:

1) 72 pages @ \$.10 a page \$7.20

The cost of copying is \$.10 per page. Please send your check to the Department of Planning and Building in the amount of \$7.20, made payable to the County of San Luis Obispo.

If you have any questions concerning this matter, please call me at (805) 781-5611.

Sincerely,

A handwritten signature in cursive script that reads "Paula Wooley".

Paula Wooley
Planning and Building Department

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

EDNA

I. PROJECT SUMMARY

FILE NOS: TRACT 2138 AND D920228D

AGENDA DATE: OCTOBER 28, 1993

APPLICANT/AGENT: CBS FARMS/RRI DESIGN GROUP

APPROVAL(S) REQUESTED: DEVELOPMENT PLAN AND VESTING TENTATIVE TRACT MAP

ENVIRONMENTAL DETERMINATION - FINAL ENVIRONMENTAL IMPACT REPORT, SEPTEMBER 1993:

STAFF RECOMMENDATION:

1. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT
2. RECOMMEND CONDITIONAL APPROVAL FOR DEVELOPMENT PLAN D920228D TO THE BOARD OF SUPERVISORS.
3. CONDITIONAL APPROVAL OF THE TENTATIVE MAP

PROJECT DESCRIPTION: A request to subdivide a 1631 acre agricultural site into 51 agricultural cluster homesites ranging in size from 1.0 acres to 2.5 acres, an equestrian center with a caretaker unit, tennis facility with pavilion, restroom and parking, two above ground water storage tanks, one below ground water storage tank, a vineyard manager's dwelling and an open space parcel totalling 1558 acres representing 95.5% of the site.

PROJECT LOCATION:

Planning Area: San Luis Obispo

Community: Rural

Site: North and south sides of Orcutt Road, just south of Morretti Canyon Road, approximately 3.6 miles southwest of the City of San Luis Obispo.

Assessor's Parcel Numbers: 044-071-005, 010, 012; 044-233-008, 011; 044-071-013

Supervisory District No.: 4

SITE CHARACTERISTICS

Area: 1631 acres

Topography: Relatively flat to gently sloping at the north end of the site with several blue line streams running north-south through the property.

Soils: See Final EIR

Vegetation: Grasses, forbs; riparian woodland

Water Supply: New community water system

Sewage Disposal: Individual septic systems

Hazards: Negligible landslide potential; low to high liquefaction potential; moderate fire hazard

Existing Use & Improvements: Vineyards; row crops; grazing; one single family dwelling

SURROUNDING LAND USES

North: Dryland farming

South: Agriculture

East: Undeveloped

West: Rural Residential

5.16.030 Preexisting agricultural uses not a nuisance.

- (a) No agricultural activity, operation, or facility, or appurtenance thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted farming standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed conditions in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began.
- (b) Subsection (a) of this section shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof, obstruct the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

5.16.040 Disclosure.

- (a) San Luis Obispo County has determined that the use of real property for agricultural operations is a high priority and favored use to the county, and those inconsistencies or discomforts arising from legally established agricultural activities or operations, as defined in the San Luis Obispo County Code, or state law, shall not be or become a nuisance.
- (b) Disclosure Statement: "The County of San Luis Obispo declares it a policy to protect and encourage agricultural operations as defined in Chapter 5.16 of the San Luis Obispo County Code. If your property is located in the unincorporated area of the county, near an agricultural operation, you may at sometimes be subject to inconvenience or discomfort arising from agricultural operations. If conducted in a manner consistent with state law and county code, said inconveniences and discomforts shall not be or become a nuisance."
- (c) The Disclosure Statement is given for information purposes only and noting in this Ordinance, or in the Disclosure Statement, shall prevent anyone from complaining to any appropriate agency, or taking any other available remedy, concerning any unlawful or improper agricultural practice.
- (d) The Disclosure Statement set forth above shall be used as described in sections 5.16.050, 5.16.060 and 5.16.070.

Baggett
ch St.
Obispo, CA
1-2800

Robert K. Schiebelbus
1010 Peach St.
San Luis Obispo, CA
(805) 541-2800

Christopher...
1010 Peach St.
San Luis Obispo, CA
(805) 541-2800

Appointment and Resignation. Any member of the ARC shall have the right to be appointed or resign from the ARC at any time. Appointments to or resignations from the ARC shall be made in writing to the ARC and be effective immediately thereafter.

Authority of the ARC. The ARC may from time to time, in its sole discretion, adopt, amend, and repeal reasonable rules and regulations relating to architectural standards for structures to be constructed on the Lots.

Criteria. The right of an Owner to construct or modify any improvement on a Lot shall be subject to the following conditions:

Minimum Size. Any single-family residence constructed upon a Lot shall be a minimum of three thousand square feet (3,000 sq. ft.), excluding garages.

Height Limitations. The maximum height for a single-family residence constructed upon a Lot shall be twenty-eight feet (28') feet as measured by the following methods from the average existing natural grade.

Exterior Colors. The exterior colors of a single-family residence shall contain natural, darker and subtle colors so as to decrease the visual impact on the surrounding area. The exterior colors of siding shall be from the Munsell Book of Colors, chroma 1-6 and value 4-8. The roof colors shall be from the Munsell Book of Colors, chroma 1-6 and value 2.5-5.

Fencing, Cattle Guards and Gates. Each Lot Owner shall install and maintain within the perimeter of each Lot. Such fence shall be four (4) rail, natural pole pine on eight foot (8') foot centers. Each Owner shall install and maintain a gate at the entrance of each Lot. Such cattle guard shall be approved by the ARC.

Trash Areas. All trash containers on a Lot shall be conveniently located and screened from view from the other Lots and Camino Edna by a solid fence of appropriate materials and colors consistent with the other structures situated on the Lot.

Energy Standards. All improvements constructed upon the Lots shall comply with the 2006 International Energy Efficiency Standards for Residential and Non-Residential Buildings.

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G. Residence Addresses. Residence addresses shall be placed at the location where the driveway enters a Lot on a freestanding sign or monument approved by the ARC.

H. Sewage Disposal. Sewage disposal systems on each Lot shall be designed, constructed and maintained in accordance with standards of the Water Company, including the requirement that all plans for sewage disposal systems shall be submitted to the County Planning departments for approval prior to issuance of a building permit. The preferred disposal site for leach field systems is within each Lot. However, if Lot Owners are not able to locate leach fields upon their Lots, the owners of the Agricultural Land hereby guarantee to each Lot Owner that they will grant a leach field easement within a one-hundred (100) foot perimeter around each Owners Lot; provided, however, if the distance between any Lots is less than two-hundred (200) feet, the easement areas where the leach fields may be located shall be one-half (1/2) of the distance between such Lots. The one-hundred (100) foot areas within which the leach field easements may be established are also reduced in size so that no leach field easement extends on to or under any roadway, structure, utility pipe or wire or upon any areas designated for setbacks. If adequate leach field areas are not found within the Lot or the one-hundred (100) foot leach field easement, the owners of the Agricultural Land guarantee to each Lot Owner that "off-site" leach field areas shall be made available to all Lot Owners. All leach systems constructed upon the Agricultural Land shall be underground.

I. Drainage. Drainage on each Lot shall be controlled to prevent erosion and runoff onto adjacent property. Rain gutters and downspouts shall be incorporated into the Plans and shall be constructed in a manner that directs water to ground cover areas. Construction and design of residences and appurtenant structures shall be in such a manner as to preserve and enhance existing natural drainage areas and encourage the incorporation of natural drainage systems in the Lots.

J. Exterior Lighting. Exterior lighting shall minimize impacts on adjacent properties.

K. Landscaping and Irrigation. Irrigated landscaping on any Lot shall not exceed eight-tenths (0.8) of an acre. Landscaping shall emphasize drought-tolerant species. Landscaping Plans shall preserve existing trees and shrubs to the greatest extent possible, shall utilize native plant species and low water-consuming species in combinations which minimize overall water requirements for landscaping, shall be consistent with the rural character of the area, shall limit topographic alterations, shall incorporate shade trees to reduce energy demand and shall preserve natural areas within the Lots. Mulch for moisture retention shall be used in landscaped areas. No oak tree shall be removed without the prior written approval of the ARC and County. Landscaping Plans for each Lot shall be approved by the ARC.

L. Placement of Residences; Grading. Residences and appurtenant structures shall be placed upon Lots so as to employ existing, natural visual barriers to minimize visual impacts from Corbett Canyon Road and to minimize disruption of the natural topography, and when not inconsistent with visual impacts, shall maximize solar access for energy conservation

This paragraph directly affects the proposed project site. The purpose of an agricultural cluster division is to encourage the continuation and extension of agricultural uses where appropriate. The availability of an adequate water supply was a focus of the project's EIR. The resultant analysis determined that upon implementation of the applicants' proposal and the required mitigation measures, the project will result in less water usage with more intensive agriculture and introduction of clustered residential homesites. The proposed project is consistent with the stated objective.

ENVIRONMENTAL REVIEW

As required by LUO Section 22.04.037f, an Environmental Impact Report has been prepared for the subject project. The EIR also addresses Tract 1957, a previously submitted standard ag subdivision on the Edna Ranch East site only, as well as the agricultural preserve features of the overall project. The following information is a summary of each of the sections of the Final Environmental Impact Report.

I. Agricultural Resources:

- a. Noise - The impact of noise from agricultural operations (equipment and wind machines) has been identified as the primary complaint by the Agricultural Commissioner's Office between residential and agricultural sectors. Wind machines are used several times each winter for frost protection for the vineyards. In order to reduce the impacts to a level of insignificance, mitigation measures are proposed that require building sites to be located a minimum of 350 feet from existing wind machines. Likewise, future wind machines will be placed in locations that minimize noise conflicts with residential uses. In addition, applicable portions of the County's Right to Farm Ordinance will be placed in the homeowner association's rules and regulations. The applicant has included similar language in the Edna Ranch Management Plan (Appendix C of Final EIR).
- b. Dust, odors, and use of agricultural chemicals - Field preparation and establishment of vineyards will require plowing the soil and applying chemicals to control weeds and insects. These activities could result in dust and odors. As with noise, these potential side effects of the agricultural operation can be mitigated to a level of insignificance by placing applicable portions of the County's Right to Farm Ordinance in the homeowner association's rules and regulations. The applicant has included similar language in the Edna Ranch Management Plan (Appendix C of Final EIR). In addition, the use of any agricultural chemicals is highly regulated as to types of chemicals allowed and application practices and procedures.

The development of a winery on the site could produce undesirable odors if the grape residue is not properly disposed. A mitigation measure prohibiting stock-piling of winery waste and requiring proper disposal will mitigate this impact to a level of insignificance.

- c. Trespassing/nuisance from uncontrolled pets - The increased resident population and associated pets (primarily dogs) could interfere with farming and grazing operations by trespassing onto the agricultural land. These potential impacts can be mitigated to a level of insignificance by including specific restrictions in the homeowner association's rules and regulations.

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

December 9, 1993

PRESENT: Commissioners Charmaine Gallagher, Don Keefer, Susan Ostrov, Ken Schwartz,
Chairman Shirley Bianchi

ABSENT: Commissioner David Oakley

RESOLUTION NO. 93-92
RESOLUTION RELATIVE TO THE GRANTING
OF A VESTING TENTATIVE TRACT MAP

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 9th day of December, 1993, grant a Vesting Tentative Tract Map to CBS FARMS/RRM DESIGN GROUP to allow a subdivision of a 1631 acre site into 51 clustered lots ranging in size from 1 acre to 2.0 acres and 1538 acre open space easement, an equestrian center, tennis facility and water tanks, in the Agriculture Land Use Category. The property is located on the east and west sides of Orcutt Road 1/4 mile south of Morretti Canyon Road, approximately 3.6 miles south of the city of San Luis Obispo in the San Luis Obispo Planning Area. County File Number: Tract 2138.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County

Plans

6. Improvement plans be prepared in accordance with the County Improvement standards and Specifications by a Registered Civil Engineer and submitted to the County Engineer and the County Health Department for approval. The plan to include:
 - a. Street plan and profile for Orcutt Road and Corbett Canyon Road, west cul de sac and east loop.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require)
 - c. Water Plan (County Health)
 - d. Grading and erosion control plan for subdivision improvements
 - e. Public utilities
7. The applicant shall enter into an agreement with the county for inspection of said improvements.
8. The engineer, upon completion of the improvements, must certify to the County Engineer that the improvements are made in accordance with Subdivision Review Board requirements and the approved plans.

Septic Easement

9. Leachfield easements shall be shown on the final map as needed.

Additional Map Sheet

10. Prior to recordation of the final map, the applicant shall prepare an additional map sheet, to be approved by the Director of Planning and Building and recorded with the final map. The additional map sheet shall include the following:
 - a. Building sites shall be developed at a minimum distance of 350 feet from any existing wind machine. Construction permit applications for each dwelling shall show the location of such machines for verification of distances.
 - b. Wind machines placed on the site after the development of residential uses on the clustered lots shall be strategically located so as to minimize noise conflicts pursuant to the provisions of the Noise Element of the County General Plan.
 - c. Water from domestic wells shall be tested and analyzed pursuant to state and local laws.
 - d. Domestic water supply shall be chlorinated pursuant to state and local laws, if necessary.
 - e. Sewage disposal systems shall be designed, constructed and maintained in accordance with the Regional Water Quality Control Board's resolution No. 83-12.
 - f. The mutual water company shall be responsible for the inspection, administration and maintenance of all sewage disposal systems.

- g. All septic systems shall be pumped every two years. The mutual water company is responsible for maintenance as noted above.
- h. All lot owners shall be guaranteed by the owners of the open space parcels in perpetuity that adequate area shall be made available for leach fields in the event of future "soil failure".
- i. Design of wastewater systems where percolation rates are slower than 60 minutes/inch or where pumps/force mains are needed shall be accomplished by a registered civil engineer competent in sanitary engineering in accordance with the State Water Resources Control Board's Central Coast Basin Water Quality Control Plan guidelines.
- j. Each homestead shall be located on a site that does not destroy natural visual barriers to minimize visual impacts. On all construction permit applications will state the visual barriers proposed for each homestead.
- k. All oak woodlands on the project shall be preserved in corridors of visual interest and as wildlife habitat.
- l. Landscaping plans prepared for all elements of the project (common facilities, entries, homesites) shall be consistent with the rural character of the area, shall limit topographic alterations and will preserve natural areas and existing trees.
- m. The angle of all graded slopes shall be gradually adjusted to the angle of the natural terrain to minimize alteration of natural landform and to reduce erosion.
- n. The use of non-native plant material shall be minimized for homestead and common facility landscaping.
- o. Grading and agricultural practices shall use appropriate soil conservation practices to minimize erosion from exposed areas in order to minimize visual impacts of grading.
- p. Water tanks 1 and 2 shall be painted with dark, natural colors.
- q. Cuts and fill for project roads, private drives and emergency access roads shall be minimized.
- r. A geologic report shall be prepared for each homestead in the GSA prior to construction permit application in order to identify areas of instability. Access driveways shall also be included in the report. The report shall also include measures for provision of uniform material for foundations of all structures in area of expansive soils.
- s. Grading for homestead and driveway construction on slopes of greater than 30% is prohibited.
- t. The construction of new access roads for future agricultural uses shall be located at least 50 feet from areas of sensitive riparian habitat on the Edna Ranch West site. Residences and landscaping on lots 1, 3, 17, 18, 19, 21, 35, 38 and 39 shall be located at least 100 feet from the sycamore alluvial woodland. Property line shall be located at least 50 feet from top of banks. All creek crossing leading to lots 38 and 39 shall be revegetated and restored. Revegetation and restoration plans shall be reviewed and approved by the Planning Director.
- u. The location of structures and the design of landscaping on lots 40-47 shall be consistent with the following requirements:
 - i. Structures or impervious material (i.e. asphalt, concrete or mortared

- brick) shall not be placed within 5 feet of any oak tree drip line.
- ii. Soil grade shall not be altered within the drip line of any oak tree.
- iii. Lot drainage shall be designed in accordance with the local code within any oak tree drip line.
- iv. Landscaping plants within any oak tree drip line shall be drought resistant native plants.
- v. Irrigation of landscaping within the 50-foot drip line shall be drip irrigation or spray irrigation with a minimum of 1 inch of water every 2 weeks a month.
- v. Shrubs and walls and other entry treatment elements shall be designed and constructed to not exceed 3.5 feet above the highway grade within a distance of 25 feet of Corbett Canyon Road.
- w. All woodburning appliances installed in the development shall have an air to fuel ratio of less than 35 to 1, or emit no more than 7.5 grams per hour of particulate. These types of appliances are EPA approved.
- x. Landscape plans for common facilities and residential development shall incorporate shade trees to reduce energy demand.
- y. Solar or solar assisted water heaters shall be installed in residences.
- z. All dirt roads in project area that carry over 100 daily non-agricultural trips shall be paved. The use of chemical dust suppressants may be used as an alternative to paving.
- aa. Increase the frequency of construction site watering when wind speeds exceed 15 miles per hour.
- bb. Suspend grading and scraping operations when wind speed exceeds 30 miles per hour.
- cc. On-site speed limit for all construction related traffic on improved roads shall be 15 miles per hour.
- dd. Card operated security gates shall be installed at project entrances. Card or electronically controlled gates shall have an emergency override so that access by emergency vehicles is not restricted.
- ee. Street signs shall be installed at all on-site street intersections.
- ff. House addresses shall be posted on a freestanding sign with an area not to exceed two square feet and placed within 10 feet of the edge of pavement.
- gg. The applicant shall encourage homeowners to install alarm systems.
- hh. All new development shall pay public facility fees as required by County ordinance.
- ii. Education material shall be developed, with assistance from the Sheriff's office and County Fire Department, and distributed to home buyers explaining the provision of police and fire services and shall include techniques for reducing crime and possibility of fire.

Open Space Agreement

- ii. Prior to recordation of the final map, the applicant shall record an "open space easement" in a form approved by County Counsel over the open space parcel(s). The open space parcel(s) shall be held in single ownership. The open space parcel is to be

STATEMENT OF OVERRIDING CONSIDERATIONS

Unavoidable impacts resulting from the proposed project will occur as a result of construction and use of the proposed project.

In balancing the project benefits against the unavoidable environmental impacts, the Committee reaches the following conclusions:

- A. The proposed project will permanently provide for open space easement of 1558 acres to the County.
- B. The proposed project will preserve the agricultural operations in the Edna Valley through the establishment and/or continuation of agricultural preserves and Williamson Act contracts.
- C. The proposed project will place approximately 436 acres of agricultural land into Williamson Act contracts.
- D. The proposed project will provide additional housing in relatively close proximity to the employment centers in downtown and the southern part of San Luis Obispo.
- E. All of the existing spray-irrigated agricultural crops will be converted to drip irrigation, resulting in reduced water withdrawals from the groundwater basin.
- F. All of the homes will be required to use gray water systems and cisterns for landscaping, which are state-of-the-art water conservation techniques.
- G. The proposed project is the environmentally superior alternative when compared to the other alternatives analyzed in the Final EIR.
- H. Construction of the project will provide a short-term economic benefit to the County by providing construction jobs.
- I. The benefits of the project outweigh the unavoidable environmental effects; therefore, the unavoidable environmental effects are acceptable.

INGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE

A. AGRICULTURAL RESOURCES

1. **Impacts** - Refer to Final EIR pages 6.1-1 through 6.1-16.
2. **Mitigation** - Refer to Final EIR pages 6.1-17 and 18.
3. **Finding** - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. **Supportive Evidence** - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:
 - a. **Noise** - The impact of noise from agricultural operations (equipment and wind machines) has been identified as the primary complaint by the Agricultural Commissioner's Office between residential and agricultural sectors. Wind machines are used several times each winter for frost protection for the vineyards. In order to reduce the impacts to a level of insignificance, mitigation measures are proposed that require building sites to be located a minimum of 350 feet from existing wine wineries. Likewise, future wind machines will be placed in locations that minimize conflicts with residential. In addition, applicable portions of the County's Right to Farm Ordinance will be placed in the homeowner association's rules and regulations. The applicant has included similar language in the Edna Ranch Management Plan (Appendix C of Final EIR).
 - b. **Dust, odors, and use of agricultural chemicals** - Field preparation and establishment of vineyards will require plowing the soil and applying chemicals to control weeds and insects. These activities could result in dust and odors. As with noise, these potential side effects of the agricultural operation can be mitigated to a level of insignificance by placing applicable portions of the County's Right to Farm Ordinance in the homeowner association's rules and regulations. The applicant has included similar language in the Edna Ranch Management Plan (Appendix C of Final EIR). In addition, the use of any agricultural chemical is highly regulated as to types of chemicals allowed and application practices and procedures.

The development of a winery on the site could produce undesirable odors if the grape residue is not properly disposed. A mitigation measure prohibiting stock-piling of winery waste and requiring proper disposal will mitigate this impact to a level of insignificance.

- c. Trespassing/nuisance from uncontrolled dogs (the increased resident population and associated pets (primarily dogs) could interfere with farming and grazing operations by trespassing onto the agricultural land). These potential impacts can be mitigated to a level of insignificance by including specific restrictions in the homeowner association's rules and regulations.

B. WATER SUPPLY AND WASTEWATER DISPOSAL

1. Impacts - Refer to Final EIR pages 6.2-1 through 6.2-23.
2. Mitigation - Refer to Final EIR pages 6.2-19 through 6.2-22.
3. Findings - 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.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the required mitigation which will reduce the identified impacts to levels of insignificance:

Water Supply - The EIR assumed a worst-case scenario that the Edna Valley ground water basin may be in a condition of overdraft. This assumption is based on a dependable yield of 2000 acre-feet per year (AFY) for the basin (reported in 1975 by the State Department of Water Resources (DWR)), and the fact that intensified agriculture along with increased residential land use since 1975 are likely causing basinwide extractions to exceed the 2000 AFY. Although ground water levels in the basin have declined over the past several years, it is unclear whether this is due to recent drought conditions, or constitutes a long term steady decline in water levels due to extractions that are in excess of safe yield. DWR is conducting a study that will be the basis for determining the sustained yield of the basin and whether the basin is in overdraft. One recent study that reviewed conditions in the Edna basin concluded that water levels in the basin historically recover quickly following significant recharge events, indicating that the basin may not be in a state of overdraft; however, it remains to be seen whether full recovery will occur following the drought of the late 1980's/early 1990's. Pending release of the DWR report, it is reasonable to assume a worst-case scenario that the Edna Valley ground water basin may be in a condition of overdraft.

With respect to the impacts on the ground water basin, the additional residences will result in a total domestic water demand of approximately 90 AFY whereas the agricultural demand would be 316 AFY. Together, the domestic and agricultural water demand would comprise about 20 percent of the dependable yield of the basin (405 AFY). However, the applicant's proposal includes converting the existing row crop irrigation systems to drip systems which would result in the project using less water than is presently consumed, (which is estimated to be 432 AFY). While this is a beneficial aspect of the project, the overall amount of water that the project would require is still considered significant because of the possibility that the

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The water basin may be in overdraft. It is therefore appropriate to require mitigation measures which will reduce even further the quantity of water required for domestic and agricultural uses.

In order to reduce the impacts to a level of insignificance, mitigation measures have been developed for the proposed project to address general agricultural and residential aspects of the project. An overall water management plan could be established by the mutual water company in conjunction with the agricultural operator. General measures include metering and monitoring wells, developing a priority system for water allocation in the event of shortages, and providing annual reports of water use. Agricultural measures include installing efficient irrigation systems that minimize runoff and evaporation, preserving natural drainage areas, minimizing surface water runoff, allowing floodplains and riparian recharge areas to remain in open space or agriculture, and not unnecessarily removing existing vegetation. Residential measures include determining and establishing a baseline water consumption for residences, restricting irrigated landscaping to 0.8 acres per lot, requiring water-conserving appliances, gray water systems and cisterns for landscaping, and developing an education package for all residents which will explain the water situation in Edna Valley and provide conservation measures.

Wastewater Disposal - The proposed method of wastewater disposal for the project will be the use of individual septic systems. Percolation tests have been performed on the property; percolation rates range from 15 to over 300 minutes per inch, indicating variable, as well as restrictive, soil conditions at the site. Because the cleared lots are small by nature, additional area may be needed off-site for leach fields. To accomplish this, two alternative contingency options in addition to the use of each lot are being proposed by the applicant to allow leach field area availability. A 100-foot maximum wastewater disposal area surrounding each lot's perimeter is proposed to be included on the final subdivision map. In addition, designated "off-site" leach field areas are proposed in the vicinity of areas where marginal percolation rates were exhibited if adequate leaching areas are not found on the lot or within the 100' expanded lot area.

In order to reduce the potential impacts of wastewater disposal systems to a level of insignificance, mitigation measures have been developed which include standard requirements of the Regional Water Quality Control Board Resolution 13-12 for the siting, design and maintenance of sewage disposal systems, proper inspection and certification by the design engineer at the time of installation, and designating the mutual water company to be responsible for maintenance and inspection. In addition, all lot owners will be guaranteed by the open space owners in perpetuity that adequate area will be made available for leach fields.

AL RESOURCES

Impacts - Refer to Final EIR pages 6.3-1 through 6.3-19.

2. **Mitigation** - Refer to Final EIR page 65:17 through 65:19.

3. **Finding** - Changes or alterations have been required or incorporated into the project which avoid, to a substantial degree, the significant environmental effects identified in the Final EIR.

4. **Supportive Evidence** - The following is a brief description of the impacts identified as significant and the required mitigation which will reduce the identified impacts to levels of insignificance:

Implementation of the project would introduce rural residential development to a site that currently is in an agricultural and open space condition. The existing visual character of the site would be permanently altered, as well as the existing views from area roadways, which could result in potentially significant impacts.

The visual analysis assumed a worst case scenario for visual impacts. View locations chosen for the analysis from Orcutt and Corbett Canyon Roads were those that offered the most direct views along valleys to the homesites. In addition, the analysis assumes the entire homesite location is at a height of 35 feet, which is the maximum height limit. Based on these assumptions, the homesite on Lot 41 would silhouette against the sky when viewed northbound on Corbett Canyon Road. In order to reduce this impact to a level of insignificance, the homes on this lot will be conditioned to be moved to an area below ridgecrest and be limited in height such that silhouetting does not occur when viewed from Orcutt Canyon Road.

None of the other homesites would silhouette against the sky from their proposed locations. Although many of the homesites would be visible or partially visible (depending on the actual location on the lot and the height) from one or more viewpoints, the distances of the homesites from Orcutt Road (1900 to more than 5000 feet away) on Edna Ranch East, and the existing tree cover on Edna Ranch West, would greatly reduce the homes' visual impacts. However, the proposed project could have impacts from greater distances off-site (i.e., toward San Luis Obispo), if bright colors are used which contrasts with the natural landscape. In order to reduce this impact to a level of insignificance, the project will be conditioned to use natural, darker, more subtle colors for homes and other buildings, as well as dark roof materials.

Three water storage tanks are proposed, two on Edna Ranch East and one on Edna Ranch West. The two tanks on Edna Ranch East would be located approximately 1.3 miles east of Orcutt Road and would be blocked by topography from key viewing areas. The tanks nevertheless have been required to be painted dark, natural colors. The water tank on Edna Ranch West would be situated underground and thus would not be visible.

Other mitigation measures that have been required to reduce potential visual impacts to a level of insignificance include:

- 1) preservation of the oak woodlands on the property;
- 2) landscape plans which emphasize plants which are compatible with the native/rural area;
- 3) use of soil conservation practices to minimize erosion caused by grading or agricultural operations;
- 4) minimize cut and fill, along with blending graded slopes into the natural terrain.

D. GEOLOGY AND DRAINAGE

1. **Impacts** - Refer to Final EIR pages 6.4-1 through 6.4-18.
2. **Mitigation** - Refer to Final EIR pages 6.4-17 and 6.4-18.
3. **Findings** - Changes or alterations have been required and/or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
4. **Supportive Evidence** - The following is a brief description of the impacts identified as significant and the required mitigation which will reduce the identified impacts to levels of insignificance:

The site area is characterized by soils that have low to high permeability, shrink-swell and erosion potential. Construction of lots near drainages, and planned stream crossings by new roadways or driveways may result in erosion and sedimentation impacts. Several lots are located within or near the designated Geologic Study Area, indicating the potential for landslides.

In order to reduce the impacts to a level of insignificance, the combination of the following will mitigate all potentially significant drainage, erosion and sedimentation impacts and geologic hazards:

- 1) standard conditions requiring preparation and approval of grading plans, sedimentation and erosion control plans, and drainage plans;
- 2) detailed geologic reports after home site locations are finalized;
- 3) special treatment, if required, for foundations and building pads;
- 4) avoid grading on rainy days, revegetate graded areas as soon as possible, avoid grading on slopes of greater than 30 percent, and minimize soil disturbance.

E. BIOLOGICAL RESOURCES

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Agricultural Cluster Projects. The requirements of this General Plan chapter are similar to the Land Use Ordinance development standards and partially include:

- a. Only property located within 5 miles of an urban area are eligible for clustering.
- b. Maximum number of parcels allowed is equal to the maximum number of dwelling units that could be allowed on a standard subdivision (i.e. two per parcel).
- c. All resulting agricultural parcels must be covered by a permanent easement.
- d. All resulting residential parcels are limited to one dwelling.

The proposed project is consistent with the provisions of the Ag and Open space Element of the General Plan.

ENVIRONMENTAL DETERMINATION

Biological Resources: The primary biological resource on or near the site is the San Joaquin Kit Fox, a federal and state listed species. The Huer Huero Creek corridor through the site on the east is a considered an important migration corridor for this endangered and threatened species.

The California Dept. of Fish and Game has established requirements for this project in order to protect kit fox. These measures are listed in the conditions of approval. Most importantly, the developer will have to dedicate easements and/or contribute toward the purchase of land suitable for the kit fox. The primary kit fox mitigation has been agreed to by the Department of Fish and Game and the applicant. It requires the dedication of protective easements at a ratio of 3:1 of habitat disturbed. Other options are also available such as restoring habitat near the Creek. As habitat restoration work is more highly valued, ratio is 1:1 instead of 3:1. The applicant is exploring all of these options.

Visual Resources: Protection of visual resources became the most difficult issue associated with the project review. The primary issue has been the proposed lots 1-14 on the easterly ridgeline overlooking the creek. Dwellings constructed on these hilltops will silhouette against the sky when viewed from Union Road. Dwellings constructed on lots on the west side of the site will not silhouette from Union Road but will, to a lesser degree, from portions of Linne Road. The issue was how to minimize silhouetting in public viewsheds but still allow the agricultural use of the property to control site planning.

Specific requirements for individual lots have been established. Lots 1-14 along the easterly ridgeline will use a combination house placement, finished pad elevations, height limitations, color, materials and roof forms to limit silhouetting of structures. The applicant has proposed a large scale vegetative screening program to ensure that no portions of the structure will silhouette. Conditions have been established requiring preparation of such a plan. Mechanisms for informing lot buyers of these requirements and long term maintenance responsibility of the vegetative screening are also addressed in the proposed development plan conditions.

There is approximately five acres of Class II soil near the Creek. The proposed equestrian center will

c. **Supportive Evidence** - As described in *Methodology and Thresholds*, above, the project would be considered consistent with the 1998 CAP if: (1) the population projects used in the project are equal to or less than those used in the CAP; (2) the rate of increase in vehicle trips and mile traveled is less than or equal to the rate of population growth for the same area; and (3) all applicable land use and transportation control measures from the CAP have been included in the project to the maximum extent feasible. The population projections of the proposed project would be consistent with those of the CAP. The population growth rate of the project area would exceed the rate of increase in vehicle trips and miles traveled generated by the project. The following TCMs would apply to the proposed project: T-1C (Voluntary Commute Options Program); and T-3 (Bicycling and Bikeway Enhancements). The project proposes no features that would implement either of these policies. Therefore, the project would be potentially inconsistent with the CAP, which would be considered a Class II, *Significant but Mitigable*, impact. Implementation of project transportation control measures, such as distribution of alternative transportation information to project residents would reduce impacts to a less than significant level.

E. AESTHETICS (Class II)

Impact AES-1: The clustering of the proposed residential units and preservation of open space and agricultural lands would partially maintain the rural character of the site. However, the proposed development has the potential to alter the aesthetic character of the site vicinity through alteration of scenic vistas from public viewing locations, introduction of community design elements that may be aesthetically inconsistent with the surrounding area, introduction of new light and glare generators in to the area, and the changing of the area's character from a rural to rural-residential condition. This is considered Class III, *significant but mitigable*, impact to aesthetic character of the area.

a. **Mitigation - Prohibition of Structural Silhouetting.** Proposed lots located on on-site ridgelines shall be relocated and/or building heights shall be limited such that the residential units do not silhouette against the sky when viewed from off-site viewpoints. If structural setbacks are implemented, structures shall be setback as follows: units on Lots 28, 29 and 31 shall be setback to the north from the top of the southern bluff; units on Lots 18-25 shall be setback to the east from the top of the western bluff; and units on Lots 1-17 shall be setback to the west from the top of the eastern bluff a sufficient vertical distance to preclude silhouetting of units on the top of on-site bluffs.

Architectural and Landscape Guidelines. The applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines. Enforcement of compliance with the Guidelines shall be the responsibility of the Planning and Building Department.

Tree screening. Tree screening techniques shall include the following:

- all street frontage landscaping shall be a minimum 36" box size to provide adequate screening;
- any oak trees proposed near residences shall be a minimum box size of 24" to provide adequate screening;

Tract landscaping. Landscaping guidelines shall describe the following elements:

- Landscaping shall emulate and be compatible with the surrounding natural environment to the extent possible;
- Fuel management techniques shall be used;
- Fire-resistant vegetation shall be used in as tract landscaping;

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Individual House Landscaping. Landscaping Plans for individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into surrounding area while preserving identified viewsheds. The project landscaping plans shall incorporate plants consistent with the Master Landscaping Plan for the project.

Masonry Walls. Clinging vines and/or vertical planting shall be provided on all masonry walls not on habitable structures to soften the visual effects of the structures.

Roofing and Feature Color and Material. Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Individual House Lighting. Prior to development of individual lots, proposed lighting shall be indicated on site plans that demonstrates that spill-over of lighting would not affect residential areas located east and west of the project site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used.

Avoidance of Visual Prominence. To avoid the visual prominence of structures located at this upslope site, no structure shall exceed a height of 22 feet, except for ancillary features such as antennas or other elements determined to be compatible by Planning and Building.

Compatibility with Adjacent Uses. The design, scale, and character of the project architecture shall be compatible with the scale of existing residential uses north, south, east and west of the site.

Understory and Retaining Wall Treatment. Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted.

Bury Water Tanks. The water tanks shall be placed below grade to reduce their visual profile. The tanks shall be placed at a depth such that the tanks do not silhouette against the sky. If water tanks are placed above ground, natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces.

Entrance Monuments. Project entrance monuments shall not be visually prominent and shall be consistent with the natural character of the area, and shall not be illuminated.

Lighting Limitations. All lighting of equestrian facilities shall be designed as accent features, and provided for safety and security only. Walkways and outdoor parking and plaza areas shall be lighted with bollard-style posts, limited to four feet in height. Any security lighting shall be screened such that lighting globes are not visible from a distance of 20 feet.

bring soils close to their optimum moisture content, limitations on cut and fill slope gradients, and/or removal and backfilling or potential landslide areas.

During construction grading, coordination shall occur between the civil engineer and the project engineering geologist and geotechnical engineer to ensure that the recommendations of the geologic and geotechnical investigations are properly implemented.

b. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence - The project site contains areas in the eastern portion of the site with slopes that average 50 to 75%, as well as several other substantial slopes. The project is underlain by the Paso Robles Formation, which is characterized by moderate slope stability hazard. Even though no gross or large landslides are known for or anticipated to be at the site, each area to be graded will need to be further inspected to ensure that the slope is not part of a landslide. If a landslide is encountered, then there is the possibility that grading the slope could destabilize or activate the slide. Geotechnical engineering of any landslide areas would be necessary to ensure that the slope will not be destabilized during the grading activity. Typically, the primary remedial measure to be employed during grading is the removal of the slump or debris slide from the top to the toe. The potential for destabilization or activation of mass wastage areas increases with an increase in the amount of proposed earth work. This impact is considered potentially significant for the proposed project. Debris flows typically form in response to local intense rainfall in steep swale areas that are filled with saturated, fine-grained soils. The project area, because of its relatively steep topography, is considered to have a moderate debris flow potential. Landslide impacts would be potentially significant. Project impacts related to slope stability would be reduced to a less than significant level through the implementation of mitigation measures, including preparation of site-specific geotechnical studies, and compliance with the recommendations thereof.

G. LAND USE (Class II)

Impact LU-2: The proposed project would alter visual conditions on the project site, and has the potential to create visual compatibility conflicts with adjacent agricultural uses and grazing land. This is considered a Class II, *significant but mitigable* impact.

a. Mitigation - Mitigation recommended in Section 5.5, *Aesthetics*, of the Final EIR would reduce the visibility of on-site development from both public and private viewing areas, in addition to improving the visual compatibility of the proposed facilities with adjacent agricultural and open space areas.

b. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence - The project site is located in a predominantly agricultural area. The nearest residential development are rural in nature, typically on large parcels that promote the agricultural character of the area. Buffering techniques, including 300-foot residential setbacks from vineyard areas, incorporated into project design would enhance visual compatibility of the proposed project with adjacent uses. No development would occur in drainage areas on the project site, and building envelopes would ensure that development is at least 1,300 feet (and generally much more) than the nearest existing homes. These setbacks are intended to minimize compatibility impacts of the proposed project on existing development. Visual impacts are considered potentially significant. Potential visual impacts are discussed in greater detail in Section 4.5, *Aesthetics* of the Final EIR.

Project impacts related to visual compatibility with adjacent uses would be reduced to a less than significant level through the implementation of mitigation that would reduce the visibility of on-site development from both public and private viewing areas and improve the visual compatibility of the project with adjacent uses.

Impact LU-4: Development may result in land use conflicts between proposed urban uses and agricultural operations on-site as well as off-site on adjacent properties to the north, south, east, and west. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation – Disclosure of Potential Nuisance.** In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property on the project site, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the proposed project aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, comprehensive supplemental notification information regarding vineyard operations shall be provided to prospective homeowners prior to property transfer, based on consultation with the San Luis Obispo County Department of Agriculture. Should vineyard maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents.

Maintain 300-Foot Agricultural Buffer. The applicant shall maintain a minimum 300-foot landscaped buffer between residential lots and vineyards. This could be accomplished through a combination of project lot redesign (for Lots 1-20, 25, 33-35, and 37), vineyard removal near these lots, or both.

b. **Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** Active vineyards and grazing lands are located throughout the project vicinity. The proposed residential uses may result in potential conflicts between the existing agricultural operations and new non-agricultural uses. Urban development adjacent to farmland can have several negative impacts on the continued vineyard production activities. Direct physical impacts resulting from trespassing may include vandalism to farm equipment and theft of crops. These impacts are considered potentially significant but mitigable. Residents living adjacent to farmland commonly cite odor nuisance impacts, noise from farm equipment, dust, and pesticide spraying as typical land use conflicts. The County's right to farm ordinance would protect on-going agricultural operation from nuisance lawsuits. Pesticides may be used in restricted quantities on both the on-site and off-site vineyards. Based on a review of the project by the County Department of Agriculture, a minimum buffer distance of 300 feet between development and vineyards was recommended (Mr. Robert Hopkins, Deputy Agricultural Commissioner, San Luis Obispo County Agricultural Commissioners Office, Telephone Communication, October 10, 2000). In most places, the project proposes buffers of 300 feet between residences and active vineyards. However, this buffer is not implemented in all locations within the project area, notably at the following locations:

- southwest side of proposed Lots 1 through 17 (actual buffer about 100 feet);
- south side of proposed Lots 18 through 20 (actual buffer about 100 feet);
- west side of Lot 25 (actual buffer about 100 feet);
- south side of proposed Lots 33, 34, 35 and 37 (actual buffer about 100 feet);

Because the project is not fully consistent with the setback recommendations of the Agricultural Commissioner, a potentially significant land use conflict could occur. Implementation of mitigation measures, including disclosure to project residents of potential nuisance associated with agricultural uses located adjacent to residential uses, and maintenance of a 300-foot buffer between vineyard areas and areas proposed for residential use.

H. CULTURAL RESOURCES (Class II)

Impact CR-1: Project development will result in earth disturbance at one location considered sensitive for archaeological resources. This is considered a Class II, *significant but mitigable* impact.

a. Mitigation - Historical Resource Construction Monitoring. A professional archaeologist familiar with historical resources shall be retained to monitor all brush clearance, grading and trenching where the Kuhnle Ranch complex was located. Based on their observations, the archaeological monitor shall have the authority to refine the monitoring requirements during construction as appropriate (i.e., change to spot checks, reduce or increase the area to be monitored). If potentially significant historic deposits are unearthed they shall be assessed for importance under Criteria D and mitigated as appropriate. In most cases this will require at minimum an Extended Phase I subsurface testing program or a more formal Phase II excavation. Goals of the subsurface testing program and/or Phase II excavation shall include:

- a) Determination of the find's/site's boundaries;
- b) Assessment of the site's integrity, (i.e., how intact the site and/or feature is);
- c) Evaluation of the site's significance through a study of its features and artifacts.

The artifacts recovered from all test excavations must be properly processed, cataloged, analyzed, and documented in a formal test excavation report meeting state guidelines, and curated at a facility that meets state standards.

If an archaeological site is found to be eligible for listing on the California Register then mitigation measures to reduce the project's impacts shall be implemented as follows:

- a) Avoidance of impacts to the archaeological site is the favored form of mitigation for sites whenever feasible.
- b) Archaeological sites which qualify for the California Register through Criterion (d) can be mitigated, when necessary, through a Phase III data recovery program.

b. Findings -Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence - The 1999 cultural resources survey of the project site identified foundations associated with a circa 1900-era ranch complex at the location of the project's proposed equestrian center. Conejo Archaeological Consultants researched and recorded the ranch site. Based on historic research and its current condition, the ranch complex remains do not meet California Register Criteria A, B or C for importance. However, it is possible that buried historic resources (i.e., privies, trash pits) associated with the former ranch complex may be destroyed by project implementation. Destruction of any such deposit, should they exist, is a potentially significant impact as such buried historic deposits often are important under Criterion D. Consequently, project impacts are considered potentially

a result of project development in combination with other expected development in the area, cumulative impacts to biological resources are considered Class I, significant and unavoidable.

Impact CI-2: The proposed project would exacerbate water supply deficiencies in the Paso Robles Groundwater Basin, which is currently in overdraft conditions.

a. Mitigation - No measures are available to mitigate cumulative water supply impacts, short of eliminating project water use.

b. Findings - These effects cannot be lessened to a less than significant level. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence - The project would utilize approximately 42 AFY of water from the Paso Robles Groundwater Basin. Other cumulative projects would draw from this aquifer, so their impact to existing groundwater sources would contribute to that of the proposed project. Therefore, cumulative impacts to water resources would be significant and unavoidable, Class I, because of ongoing demands within the region for pumped groundwater from the Paso Robles Groundwater Basin.

Impact CI-3: Cumulative development of proposed projects in the vicinity would result in a significant cumulative loss of open space and would irrevocably alter the character of the area from rural to semi-rural. The proposed project would incrementally contribute to this change in aesthetic character of the site and the surrounding areas.

a. Mitigation - No measures are available to mitigate the cumulative change of aesthetic character of the site and surrounding areas.

b. Findings - These effects cannot be lessened to a less than significant level. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence - The County General Plan land use designation of the proposed project site is agriculture, and the cluster development of up to 42 residential units is allowable pursuant to County General Plan Agricultural Ordinance #22. Development of the site for residential use was therefore expected and is consistent with the General Plan. Therefore, any impacts to the visual character of the site and the surrounding area were anticipated. However, several other residential projects, as well as commercial and industrial projects are also proposed for the surrounding areas. Cumulative development of these proposed developments would result in a significant cumulative loss of open space and would irrevocably alter the character of the area from rural to semi-rural. The proposed project would incrementally contribute to this change in aesthetic character of the site and the surrounding areas. Cumulative aesthetic impacts are therefore considered significant and unavoidable (Class I).

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

A. The projects significant, unmitigable, unavoidable adverse effects are as follows:

- 1. Loss of prime agricultural soils (Impact LU-3).

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2. Contribution to overdraft of groundwater basins (Impact W-5).
 3. Cumulative loss of wildlife foraging/breeding areas, and would restrict movement opportunities for the SJKF (Impact CI-1).
 4. Cumulative exacerbation of water supply deficiencies in the Paso Robles Groundwater Basin, which is currently in overdraft conditions (Impact CI-2).
 5. Cumulative loss of open space and alterations of the character of the area from rural to semi-rural (Impact CI-3).

B. Findings - The Planning Commission has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission finds 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 and Economic Benefits The project would result in the following social and economic benefits:
 - a. The proposed project would accommodate housing opportunities by creating 42 single-family residential units and farm support quarters. This is a 0.06% increase over the current County single-family housing stock of 71,241 dwelling units.
 - b. The construction of the project will result in short-term economic benefits to the County of San Luis Obispo and its residents.

2. Mitigation Enhancements The Final EIR contains many mitigation measures that will substantially lessen the significant effects of the project. The following are some of the more substantial environmental benefits:
 - a. Provision of 809 acres of permanent open space.
 - b. On-site tree protection and replacement;
 - c. Minimizing potential impacts to special-status plant and animal species;
 - d. Maintenance of a flood control easement and associated facilities;
 - e. Payment of fair-share traffic and bridge mitigation fees;
 - f. Minimizing impacts to air quality (ROG, PM₁₀, NO_x);
 - g. Minimizing odor impacts.
 - h. Provision of 300-foot residential structure setback from agricultural uses;
 - i. Development would indirectly facilitate additional police and fire facilities, bridges and roadways by providing funding for those amenities. Other public improvements which are anticipated to be financed by the project include sewer and storm drains improvements. Because of budgetary limitations, many of these necessary improvements could not be made without funding from the project.
 - j. Creation of perpetual open space easement over 808 acres.
 - k. Creation of protective easements for endangered species.

3. Alternatives. Pursuant to State CEQA Guidelines section 15091(a)(3), this section presents specific economic, legal, social, technological, or other considerations identified by the Board that make infeasible the project alternatives identified in the Final EIR. Four alternatives were considered in the Final EIR, including the "No Project" Alternative. A description of these alternatives and the reasons for their rejection are described in the paragraphs below.

- b. Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint;
- c. Description of potential odor sources at the facility;
- d. Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment; and
- e. Contingency measures to curtail emissions in the event of a continuous public nuisance.

See also condition 36 requiring Equestrian Management Plan.

- 47. The applicant shall provide an on-site bulletin board specifically for the posting of bus schedules and notices of availability for car-pooling and/or shall distribute such information to property owners upon occupancy. The applicant shall be responsible for maintaining this board and updating it every two months.

Aesthetics

- 48. Proposed lots located on on-site ridgelines shall be limited such that the residential units do not silhouette against the sky when viewed from off-site viewpoints. The following requirements will be implemented: 1) structures shall be setback as follows: units on Lots 28, 29 and 31 shall be setback to the north from the top of the southern bluff; units on Lots 18-25 shall be setback to the east from the top of the western bluff; and units on Lots 1-17 shall be setback to the west from the top of the eastern bluff a sufficient vertical distance to preclude silhouetting of units on the top of on-site bluffs.

Building permit applications for lots 15-17, and 18-37 will include a cross section through the site from Linne Road to show that the proposed development will significantly silhouette against the sky. Maximum building heights for these lots will be 25 feet from average natural grade. Development on these lots will also be subject to conditions 48 c-f below.

Development on Lots 1-14 shall be subject to the following standards:

- a. Finish floor elevations shall be lowered at least five feet from existing grades;
- b. All structures shall be limited to 16 feet from finished grade (not ang).
- c. Roofs shall be hipped-forms. Roofs shall be articulated and follow the general shapes of the hills and avoid flat planes which project against the sky in long straight lines or acute angles which may be considered intrusive to the existing natural character of the hills and vegetation.
- d. Building colors shall be darker, subdued and blend with the surroundings similar to surrounding natural colors. Generally, colors should be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of

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Planning and Building.

- e. Exterior wall colors shall be limited to muted tones. Whites and pastels shall be prohibited.
- f. Roof colors shall be limited to darker earth tones, deep muted reds, browns and grays and should be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Shiny metal roofs, bright orange red or blue shall be prohibited.

49. Prior to recordation of the final map, the applicant shall develop and implement **Architectural and Landscape Guidelines** that include the components listed below. The Guidelines shall be submitted to the Department of Planning and Building for review and approval. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines. In addition, all development requirements shall be included in the CC&RS. Enforcement of compliance with the Guidelines shall be the responsibility of the Planning and Building Department:

Tree screening. Tree screening techniques shall include street frontage landscaping a minimum 36" box size to provide adequate screening; and any oak trees proposed near residences shall be a minimum box size of 24" to provide adequate screening. These sizes may be adjusted by the Department as long as effective screening is maintained;

Tract landscaping: Landscaping shall emulate and be compatible with the surrounding natural environment to the extent possible; fuel management techniques shall be used; and fire-resistant vegetation shall be used in as tract landscaping.

Landscape Screening: Prior to recordation of the final map, the applicant shall submit a landscape screening plan prepared by a licenced landscape architect to the Department Planning and Building for review and approval. The Plan, at a minimum shall include the following:

- multi-species tree palette
- landscape screening shall be planted to mimic naturally occurring vegetation
- perpetual maintenance plan
- other requirements to ensure that no significant visual impacts occur

Individual House Landscaping: Landscaping Plans for individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into surrounding area while preserving

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identified viewsheds. The project landscaping plans shall incorporate plants consistent with the Master Landscaping Plan for the project.

Masonry Walls: Clinging vines and/or vertical planting shall be provided on all masonry walls not on habitable structures to soften the visual effects of the structures.

Roofing and Feature Color and Material: Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Individual House Lighting: Prior to issuance of building permits for each structure, proposed lighting shall be indicated on site plans that demonstrates that spill-over of lighting would not affect residential areas located east and west of the project site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used.

Avoidance of Visual Prominence: To avoid the visual prominence of structures located at this upslope site, no structure shall exceed a height of 22 feet, except for ancillary features such as antennas or other elements determined to be compatible by Planning and Building.

Compatibility with Adjacent Uses: The design, scale, and character of the project architecture shall be compatible with the scale of existing residential uses north, south, east and west of the site.

Understory and Retaining Wall Treatment: Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted.

Bury Water Tanks: The water tanks shall be placed below grade to reduce their visual profile. The tanks shall be placed at a depth such that the tanks do not silhouette against the sky. If water tanks are placed above ground, natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces.

Entrance Monuments: Project entrance monuments shall not be visually prominent and shall be consistent with the natural character of the area, and shall not be illuminated.

Lighting Limitations: All lighting of equestrian facilities shall be designed as accent features, and provided for safety and security only. Walkways and outdoor parking and plaza areas shall be lighted with bollard-style posts, limited to four feet in height. Any security lighting shall be screened such that lighting globes are not visible from a distance of 20 feet.

Street Light Limitations: Project street lights shall be pedestrian in scale, not to exceed a height of 10 feet, and shall be architecturally compatible with surrounding development. Street lights, where they are included, shall be primarily for pedestrian safety, and shall not provide widespread illumination

Clear Excess Debris: The developer shall clear the project site of all excess construction debris when completed with individual developments.

Geology and Soils

50. Prior to issuance of building permit application for all development, a geotechnical study shall be prepared by a registered civil or geotechnical engineer for segments of the project site where permanent structures are to be built. This report shall include an analysis of the liquefaction potential of the underlying materials. If the site is confirmed to be in an area prone to seismically-induced liquefaction, appropriate techniques to minimize liquefaction potential shall be prescribed and implemented. All on-site structures shall comply with applicable methods of the Uniform Building Code.

Suitable measures to reduce liquefaction impacts could include specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the ground characteristics. In areas prone to liquefaction, current structural engineering methods for foundation design may not be sufficient to prevent a buildings foundation from failing in a larger earthquake that results in stronger and longer ground shaking.

51. Prior to issuance of building permits for any structure, in order to avoid soil-related hazards, the individual lot owners and the project applicant shall provide a soils/foundation report as part of the application for building permit(s). To reduce the potential for foundation cracking, the report may recommend that one or more of the following be considered during design of the project:
1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and

6-6 9

and the project engineering geologist and geotechnical engineer to ensure that the recommendations of the geologic and geotechnical investigations are properly implemented.

Agricultural Compatibility

54. In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property on the project site, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the proposed project aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, comprehensive supplemental notification information regarding vineyard operations shall be provided to prospective homeowners prior to property transfer, based on consultation with the San Luis Obispo County Department of Agriculture. Should vineyard maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents.
55. The applicant shall maintain a minimum 300-foot landscaped buffer between residential lots and vineyards as approved by the Ag Commissioner. Any lot reconfiguration accomplished to meet this requirement shall be approved by the Ag Commissioner and the dept of Planning and Building prior to recordation of the final map.

Cultural Resources

56. An archaeologist, approved by the department of Planning and Building and familiar with historical resources shall be retained by the applicant to monitor all brush clearance, grading and trenching where the Kuhule Ranch complex was located. Based on their observations, the archaeological monitor shall have the authority to refine the monitoring requirements during construction as appropriate (i.e., change to spot checks, reduce or increase the area to be monitored). If potentially significant historic deposits are unearthed they shall be assessed for importance under Criteria D and mitigated as appropriate. In most cases this will require at minimum an Extended Phase I subsurface testing program or a more formal Phase II excavation. Goals of the subsurface testing program and/or Phase II excavation shall include:
- ▶ Determination of the finds/site boundaries;
 - ▶ Assessment of the site's integrity, (i.e., how intact the site and/or feature is);
 - ▶ Evaluation of the site's significance through a study of its features and artifacts.

project site would be visible from portions of these streets that extend adjacent to the southwestern boundary of the proposed development.

Light and Glare Impacts. Site illumination provides safety for vehicular and pedestrian movement, and increases security. It can also serve to interpret the plan arrangement by giving emphasis to focal points, gathering places, landscaping, and building entrances. Well-conceived lighting gives clarity and unity to the overall site and to each subarea within it. At the same time, the introduction of new lighting into an unlit area would extend the light glow of an urban area further into rural areas, proportionally affecting the urban light glow in the nighttime sky.

At present there is no nighttime lighting of the project site. However, implementation of the proposed project would require additional lighting that could be visible from the residences located to the north, south, and east. Streetlights, entry lights, and interior lights have the potential to adversely affect nearby residences and degrade the nighttime view of the foothill area. The addition of homes and streetlighting in this area would contribute to an alteration of the rural character of the site.

Sources of glare that may affect nearby residences would be building exterior materials, surface paving materials, and vehicles traveling or parked on roads and driveways within the project area. Any highly reflective facade materials would be of particular concern, as buildings would reflect the bright sunrays. Nearby residences may be impacted by project-generated lighting and glare.

Conclusion. Due to the clustering of the proposed residential units and the preservation of open space and agricultural lands, the project would not substantially alter the rural visual character of the site. However, the proposed development has the potential to alter the aesthetic character of the site vicinity by changing the scenic views from public viewing locations, introducing community design elements that may be aesthetically inconsistent with the surrounding area, and introducing new light and glare generators in to the area.

Mitigation Measures. The following mitigation measures would reduce project-specific impacts related to aesthetic impacts.

AES-1(a) Prohibition of Structural Silhouetting. Proposed lots located on on-site ridgelines shall be relocated and/or building heights shall be limited such that the residential units do not silhouette against the sky when viewed from off-site viewpoints. If structural setbacks are implemented, structures shall be setback as follows: units on Lots 28, 29, and 31 shall be setback to the north from the top of the southern bluff; units on Lots 18-25 shall be setback to the east from the top of the western bluff; and units on Lots 1-17 shall be setback to the west from the top of the eastern bluff a sufficient vertical distance to preclude silhouetting of units on the top of on-site bluffs.

Plan Requirement and Timing: The relocated and/or height-reduced units shall be shown on plans submitted to Planning and Building for review and approval prior to land use permit approval for tract

4.5.2 Impact Analysis

a. **Methodology and Significant Thresholds.** The assessment of aesthetic impacts involves qualitative analysis that is inherently subjective in nature. Different viewers react to viewsheds and aesthetic conditions differently. This evaluation measures the existing visual resource against the proposed action, analyzing the nature of the anticipated change. The project site was observed and photographically documented in its surrounding context. The County's LUO was reviewed for policy instruction relative to visual resources and design policy.

An impact is considered significant if it can be reasonably argued that:

- *the change would adversely affect a viewshed from a public viewing area (such as a park, scenic highway, roadway, or other publicly-accessible property);*
- *new light and glare sources are introduced that substantially alter the nighttime lighting character of the area; or*
- *an existing identified visual resource is adversely altered or obstructed.*

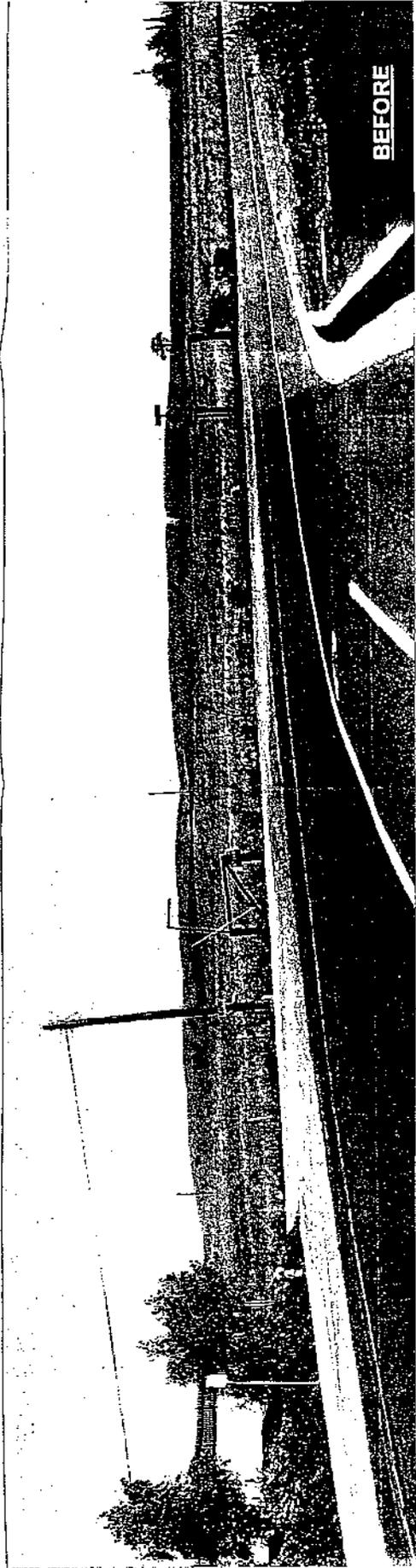
To assess the potential visual impacts that this project may produce, photographic interpretation of present view conditions was completed in addition to photographic simulations of post-project conditions. In this analysis, modifications to the viewshed were considered not significant if the modification would be visually subordinate. A modification that is visually dominant or one that substantially modifies the existing view adversely is considered a significant impact.

Views may be discussed below in terms of foreground, middleground, and background view: Foreground views are those immediately presented to the viewer, and include objects at close range. Middleground views occupy the center of the viewshed, and tend to include objects that dominate the viewshed in normal circumstances. Background views include distant objects and other objects that make up the horizon.

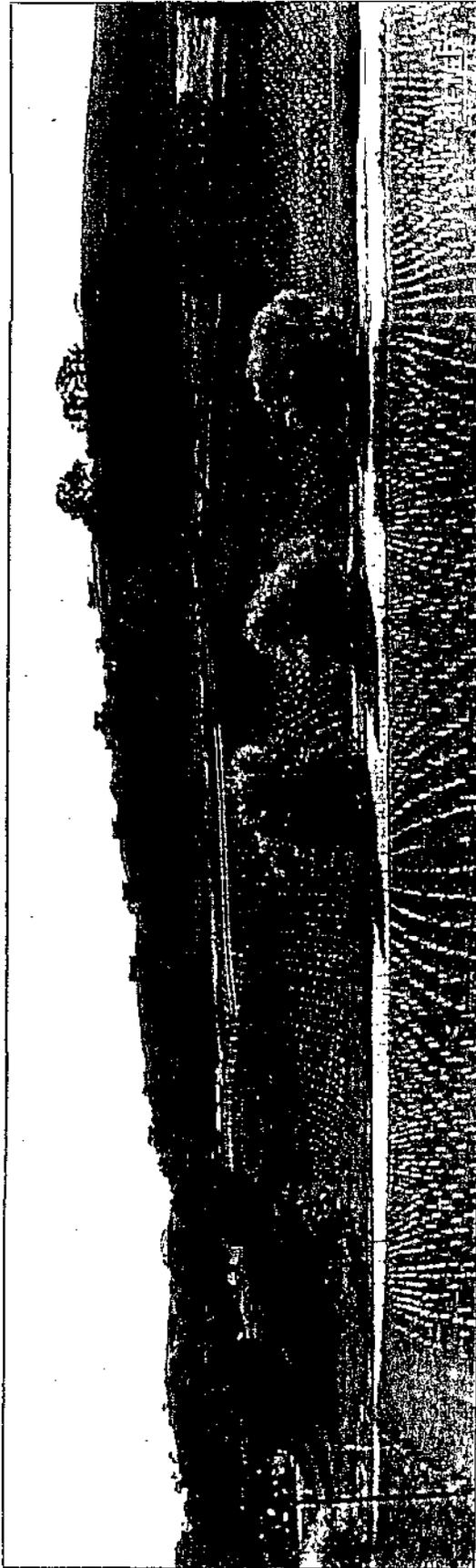
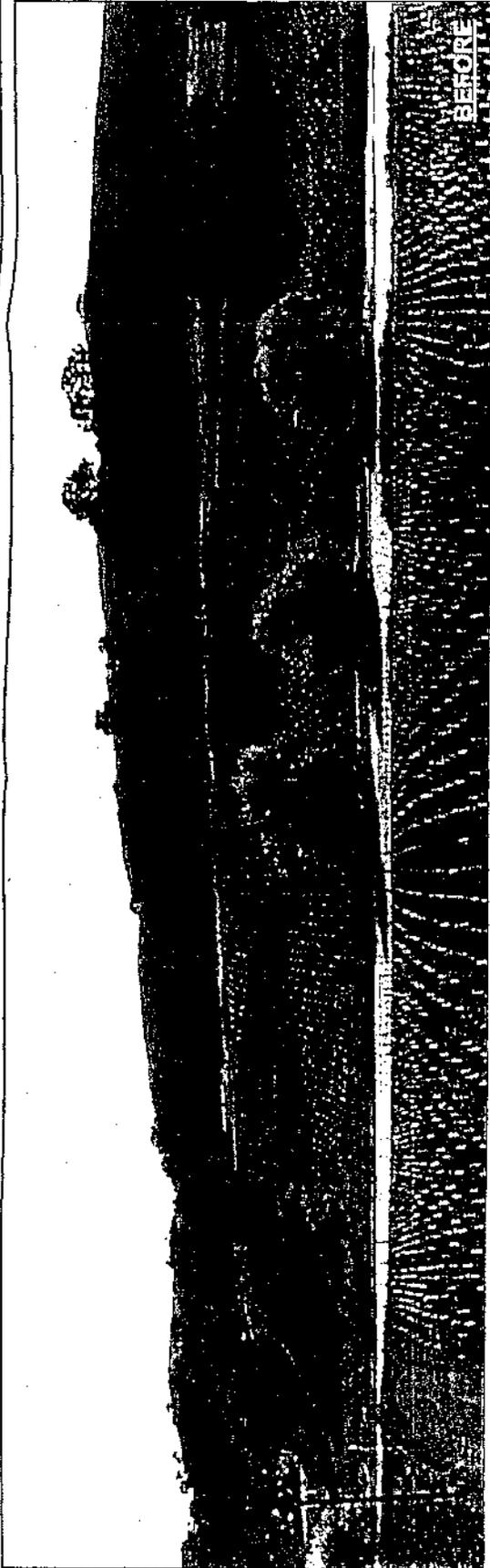
b. Project Impacts and Mitigation Measures.

Impact AES-1 The clustering of the proposed residential units and preservation of open space and agricultural lands would partially maintain the rural character of the site. However, the proposed development has the potential to alter the aesthetic character of the site vicinity through alteration of scenic vistas from public viewing locations, introduction of community design elements that may be aesthetically inconsistent with the surrounding area, introduction of new light and glare generators in to the area, and the changing of the area's character from a rural to rural-residential condition. This is considered Class III, *significant but mitigable*, impact to aesthetic character of the area.

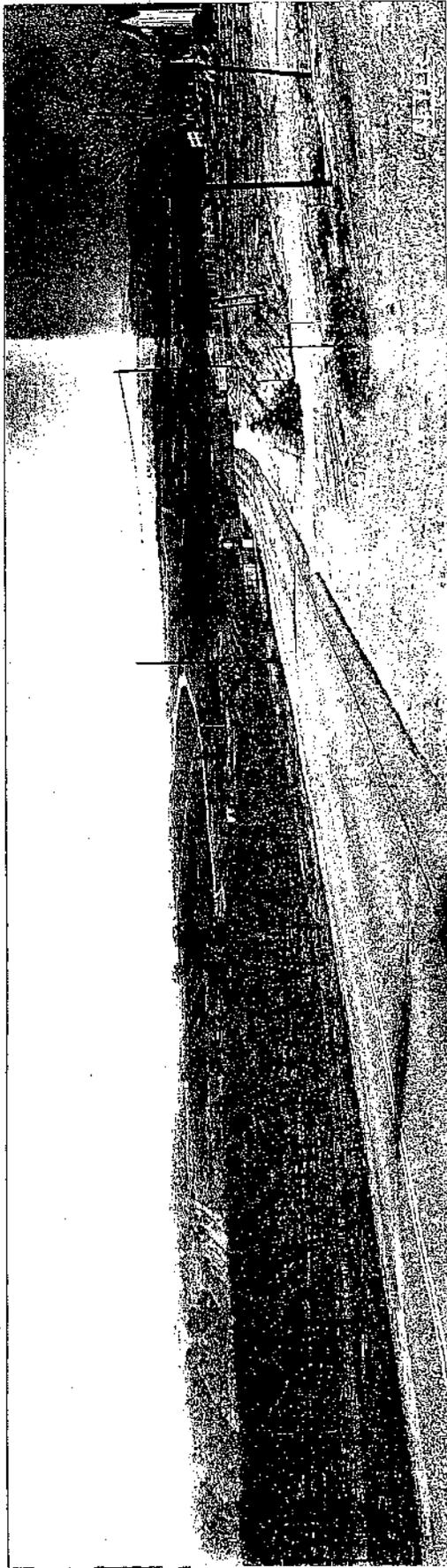
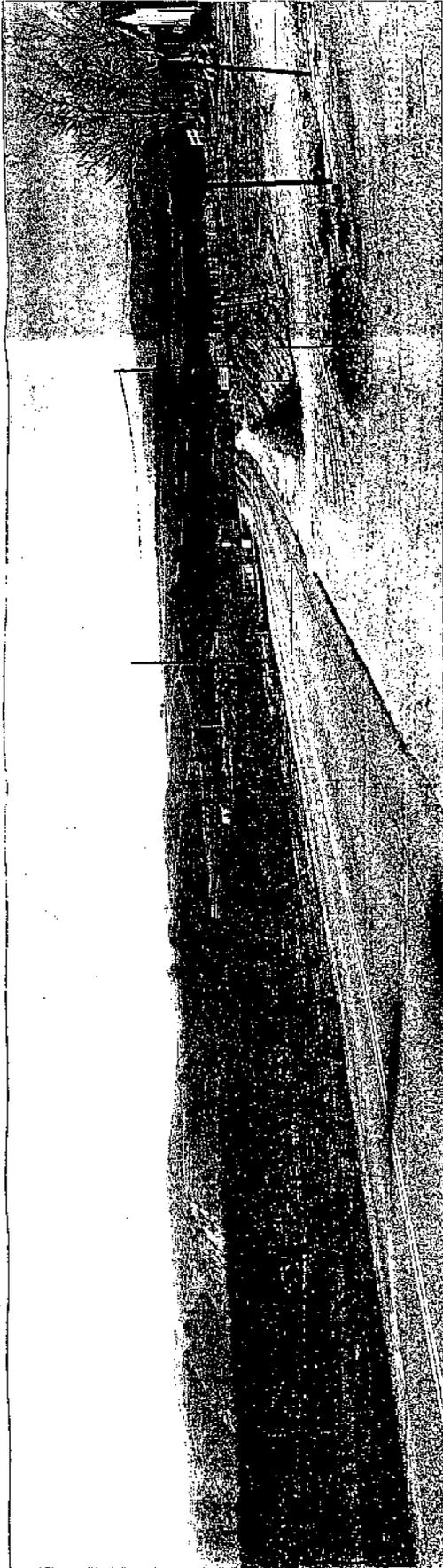
Viewing Corridor Impacts. The project site would not be visible from any State-designated scenic highways or routes. The site would not be visible from Highways 101 or 46. However, the City of Paso Robles General Plan designates the portion of Linne Road adjacent to the project site as a local scenic route. The project site is within a visible area adjacent to



Existing and Post-Project Viewshed from
Linne Road, West of Site



Existing and Post-Project Viewshed from
Union Road, East of Site



Existing and Post-Project Viewshed from
Union Road (Distant View)

that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used.

Avoidance of Visual Prominence. To avoid the visual prominence of structures located at this upslope site, no structure shall exceed a height of 22 feet, except for ancillary features such as antennas or other elements determined to be compatible by Planning and Building.

Compatibility with Adjacent Uses. The design, scale, and character of the project architecture shall be compatible with the scale of existing residential uses north, south, east and west of the site.

Understory and Retaining Wall Treatment. Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted.

Plan Requirements and Timing: Draft Design Guidelines shall be submitted to Planning and Building for review and approval prior to final map recordation and tract grading. Guidelines shall be recorded with the final map for the tract. A copy of the Guidelines shall be submitted with grading, building, and landscaping plans prior to land use permit approval for individual lot development. **Monitoring:** Planning and Building would review the Guidelines prior to final recordation. For both tract and individual house projects, Planning and Building would ensure construction according to plan.

AES-1(c)

Bury Water Tanks. The water tanks shall be placed below grade to reduce their visual profile. The tanks shall be placed at a depth such that the tanks do not silhouette against the sky. If water tanks are placed above ground, natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces.

Plan requirement: The buried tanks shall be depicted on building plans, to be submitted for Planning and Building approval prior to Land Use Plan approval for tract grading. Prior to issuance of building permits, the applicant shall submit topographical cross-section figures that demonstrate that the water tanks do not silhouette against the sky, subject to the review of County Planning and Building. **Monitoring:** Planning and Building shall review building plans and cross-section figures prior to issuance of building permits and inspect units prior to occupancy clearance.

improvements. Prior to issuance of building permits, individual lot owners shall submit topographical cross-section figures that demonstrate that proposed units do not silhouette against the sky, subject to the review of County Planning and Building. **Monitoring:** Planning and Building shall review building plans and cross sections prior to issuance of building permits and inspect units prior to occupancy clearance.

AES-1(b)

Architectural and Landscape Guidelines. The applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines. Enforcement of compliance with the Guidelines shall be the responsibility of the Planning and Building Department.

Tree screening. Tree screening techniques shall include the following:

- all street frontage landscaping shall be a minimum 36" box size to provide adequate screening;
- any oak trees proposed near residences shall be a minimum box size of 24" to provide adequate screening;

Tract landscaping. Landscaping guidelines shall describe the following elements:

- Landscaping shall emulate and be compatible with the surrounding natural environment to the extent possible;
- Fuel management techniques shall be used;
- Fire-resistant vegetation shall be used in as tract landscaping;

Individual House Landscaping. Landscaping Plans for individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into surrounding area while preserving identified viewsheds. The project landscaping plans shall incorporate plants consistent with the Master Landscaping Plan for the project.

Roofing and Feature Color and Material. Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Individual House Lighting. Prior to development of individual lots, proposed lighting shall be indicated on site plans that demonstrates that spill-over of lighting would not affect residential areas located east and west of the project site. The lighting plan shall incorporate lighting



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
RICHARD D. GREEK (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

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MAY 17 2001

Planning & Bldg

May 11, 2001

TO: James Caruso, Planner III

FROM: Robert Hopkins, Deputy Agricultural Commissioner

Robert Hopkins

SUBJECT: *Paso Robles Vineyard Agricultural Cluster Subdivision Project*
Draft Environmental Impact Report

Introduction

This report responds to your request for comments on the Draft Environmental Impact Report for the Paso Robles Vineyard Agricultural Cluster Subdivision project. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

6A

A. Agricultural Land Conversion

The policies in the Agriculture and Open Space Element and the existing sections of the Land Use Ordinance concerning agricultural clusters places a high value on maximizing the area for agricultural production. The analysis and discussion concerning the conversion of productive farmland and prime soils would appear adequate. Given all the design features and site constraints the conclusion concerning the conversion of Class IV soils to non-agricultural uses is appropriate.

B. Agricultural Compatibility

The DEIR correctly identifies the potential for conflict between residential uses and agricultural operations due to close proximity to each other. The discussion concerning the departmental uses of buffers accurately portrays the manner by which buffers are used to mitigate impacts.

6B

James Caruso, Planner III

May 11, 2001

Page 2

The project design has incorporated various buffer distances and in some locations landscape buffers, between vineyards (existing or planned) and residential sites. Buffer distances generally range from 120 to 300 feet. The evaluation of buffer distance identifies 25 lots which have buffer distances between vineyard areas and building envelopes of less than 300 feet. We concur with the analysis and with the concern for potentially significant conflicts. We support the need to have buffers of approximately 300 feet between the housing building envelope and vineyards, discussed in mitigation measure LU-4(b). The list of findings necessary for approval of an agricultural cluster project require clustering residences to the maximum extent feasible to protect agricultural production and to buffer residential uses from agricultural production. In our professional judgement buffer distances of 300 feet are necessary to achieve this outcome.

6B
(Cons)

It is our understanding that the phase III vineyard planting has not been done. With the need to increase the buffer distance for many lots, we recommend either a reduction of residential lots or adjustments to Phase III planting to accommodate larger buffers. Consideration could also be given to adding back lots which were in an earlier concept map (i.e., Alicia Court and Simone Court), which had buffers of 300 feet.

C. Mitigation Measures

LU-4(a) Disclosure of Potential Nuisance

Our office supports a comprehensive disclosure of potential conflicts with farming operations to perspective homeowners. However, clarification is needed with respect to what can be disclosed per the right to farm ordinance and what is necessary for a comprehensive disclosure program. The disclosure provisions of the Right to Farm Ordinance are limited to the specific disclosure language. The existing and proposed updated disclosure statements are both inadequate and not specific to the project and vineyard operations. We recommend this mitigation measure be amended to indicate the necessity for supplemental agricultural operation disclosure, not associated with the Right to Farm Ordinance. The disclosure of the vineyard operation practices needs to be a separate and much more comprehensive disclosure than what occurs with the right to farm ordinance.

6.

D. Project Alternatives

The DEIR describes, and analyzes three alternative projects. The three alternative projects essentially keep the project intact but locates home sites in other groupings and configurations. For each of the alternative projects, in order to address incompatibility problems, the required setback buffers would cause the removal of existing vineyards from production. To the extent that the alternative projects could displace existing vineyards we do not in support the alternative projects. We however do support those features of the alternative projects which would locate building envelopes, as indicated on two cul-de-sacs identified on an early map as Alicia Court and Simone Court, where the buffers are adequate.

6L

E. Alternative Project

In order to adequately buffer residential uses and promote agricultural uses, we offer another alternative project concept. Consider clustering more of the residential lots in the interior loop of Michele Circle. The planned for vineyards for this area are fairly constrained by the irregular shape, planned for residential uses and the drainage swell leading to a reservoir. In addition to providing buffering for residences, locating more of the residences in this area would provide better access to residential owners to the picnic area at the reservoir. With this alternative many if not most of the lots planned on Nicole Circle could be moved to Michele Circle.

6E

Letter 6

COMMENTOR: Robert Hopkins, Deputy Agricultural Commissioner, County of San Luis Obispo, Department of Agriculture/Measurement Standards

DATE: May 17, 2001

RESPONSE:

Response 6A

The commentor's concurrence regarding the adequacy of the EIR analysis regarding conversion of prime soils and farmland and the appropriateness of the EIR's conclusions regarding conversion of Class IV soils is noted.

Response 6B

The commentor's concurrence with the EIR analysis of potentially significant conflicts between agricultural uses and proposed residential uses is noted. As a point of clarification, the Phase III vineyard planting has been implemented. The commentor's recommendation of a reduction or reconfiguration of residential lots or adjustments to Phase III planting to accommodate larger buffers is nevertheless consistent with Mitigation Measure LU-4(b), which states: "The applicant shall maintain a minimum 300-foot landscaped buffer between residential lots and vineyards. This could be accomplished through a combination of project lot redesign (for Lots 1-20, 25, 33-35, and 37), vineyard removal near these lots, or both."

Response 6C

Mitigation Measure LU-4(a), on page 4.7-9 of the Draft EIR, has been revised as follows:

"Disclosure of Potential Nuisance. In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property on the project site, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the proposed project aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, comprehensive supplemental notification information regarding vineyard operations shall be provided to prospective homeowners prior to property transfer, based on consultation with the San Luis Obispo County Department of Agriculture. Should vineyard maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents.

Plan Requirements and Timing: The disclosure shall be provided by the property transferor to prospective homeowners upon the transfer of real property on the project site. The San Luis

Obispo County Agriculture Department will furnish to the property transferor supplemental information to be included in disclosure materials. Updated disclosure notifications shall be provided to existing and prospective homeowners on the project site as necessary if agricultural maintenance practices change. Monitoring: Planning and Building staff shall review the disclosure statement prior to project occupancy."

Response 6D

The commentor references a previous version of the site plan that included cul-de-sacs in the central southern portion of the site. These previous project features were eliminated due to environmental constraints related to visual resources. The commentor does not express support of any alternative, but rather supports aspects of a previous version of the site plan. It should be noted that since Phase III vineyard planting has occurred, the re-implementation of these project features would not avoid conflicts between existing vineyards and proposed residential uses.

Response 6E

As described in Response 6D, Phase III vineyard planting has occurred. Therefore, the interior loop of Michelle Circle is currently planted with irrigated vineyards. As a result, the commentor's recommended alternative project would not avoid conflicts between existing vineyards and proposed residential uses, and would not be environmentally superior in this regard.

JESPERSON

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION



Promoting the wise use of land
Helping build great communities

MEETING DATE September 13, 2007	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Andrew Blodgett	FILE NO. TRACT 2811 / SUB2005-00172
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SUBJECT
A request by Andrew Blodgett for a Vesting Tentative Tract Map (Tract 2811) and Conditional Use Permit to subdivide an existing 121 acre parcel into a total of seven parcels, including six residential parcels of approximately 1 acre each for the purpose of sale and/or development, and one 115-acre agriculture-open space parcel with a 6,000 square-foot residential building envelope, as a major agricultural cluster. The project includes off-site road improvements. The project will result in the disturbance of approximately 8 acres of a 121 acre parcel. The division will create an on-site residential road. The proposed project is within the Agriculture land use category and is located 4737 Jespersen Road, south of Buckley Road, south of and adjacent to the City of San Luis Obispo Urban Reserve Line. The site is in the San Luis Obispo planning area.

RECOMMENDED ACTION
Deny Vesting Tentative Tract Map 2811 and Conditional Use Permit SUB2005-00172 based on the findings listed in Exhibit A

ENVIRONMENTAL DETERMINATION
That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review, Flood Hazard	ASSESSOR PARCEL NUMBER 076-061-074	SUPERVISOR DISTRICT(S) 3
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PLANNING AREA STANDARDS:
Sec. 22.108.020 – San Luis Obispo Areawide Standards. Utilities, application referral, open space preservation, production agriculture
Does the project conform to the Planning Area Standards – No, see discussion

LAND USE ORDINANCE STANDARDS:
Sec. 22.22.040 – Agriculture Subdivision Design
Sec. 22.22.150 – Agricultural Lands Clustering

EXISTING USES:
One residence, seven agricultural buildings, wells, two fire storage tanks

SURROUNDING LAND USE CATEGORIES AND USES:
North: Industrial/row crop East: Agriculture / row crop and grazing
South: Agriculture / grazing West: Agriculture / horse stables and boarding kennels

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, ALUC, APCD, CSA 22 (SLO Airport Area), Cal Trans, RWQCB, City of San Luis Obispo	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Row crop, vineyard, riparian vegetation
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: August 13, 2007

BACKGROUND/MAJOR ISSUES

The project proposes six residential lots and one open space lot in a major cluster subdivision. Five of the proposed one-acre residential lots are clustered together south of a riparian habitat corridor, which provides a natural barrier with vegetative screening from the row crop to the north along Buckley Road. The sixth one-acre residential lot is proposed for the existing residence, which is centrally located on the property. An additional residence could also be developed within a 6,000 square foot building envelope on the proposed open space parcel, which is a total of 114.97 acres in size.

Agricultural Buffers

The project was referred to the Agricultural Commissioner for review and comment. The Ag Commissioner's letter dated July 16, 2007 (see attached) stated that the project has been designed to cluster residential parcels in a contiguous manner, except for the existing residence. Buffering is required for all clustered residential lots, and a 200 foot buffer was determined adequate for all residential parcels. The Ag Commissioner noted that the riparian habitat corridor sufficiently buffers the proposed five contiguous residential parcels, and that this buffer may be located off of residential parcels since it is a naturally-occurring barrier. A 200 foot buffer is also required for the parcel proposed for the existing residence. However, the applicant subsequently planted vineyard within 100 feet of the existing residence after this Tentative Tract Map application was filed and submitted a fence/vegetative screening as an alternative to the required 200-foot buffer. The Ag Commissioner stated that the alternate proposal is not adequate to mitigate the incompatibilities without the 200-foot buffer.

Given the Agricultural Commissioner's recommendations, and noting that the residence and planted vineyards approximately 85 feet from this residence are now both existing, staff scheduled the project for denial before the Planning Commission to receive a determination on the agricultural buffer issue. No environmental determination has been completed at this time. Following the hearing, staff will complete the initial study and environmental determination at the direction of the Planning Commission, if appropriate.

ORDINANCE COMPLIANCE:

The proposed project is a Major Agricultural Cluster as allowed by Section 22.22.152 of the Land Use Ordinance. The allowed number of parcels is based on a base density calculation and a bonus parcel calculation.



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

(805) 781-5910

AGRICULTURAL COMMISSIONER/SEALER

FAX (805) 781-1035

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

DATE: July 16, 2007

TO: Brian Pedrotti, Project Manager

FROM: Lynda L. Auchinachie, Agriculture Department *LLA*

SUBJECT: Jespersen Ranch Vesting Tentative Tract Map & Conditional Use Permit for a Major Agricultural Cluster, SUB2005-00172 (1125)

The Agriculture Department recognizes that the Agricultural Cluster provisions of the Agriculture and Open Space Element provide an alternative to traditional subdivision by maintaining the majority of a site for permanent agricultural production. The Department also recognizes that careful cluster design and analysis of potential impacts are necessary to avoid unintended impacts to the long-term agricultural capability of a site as well as to agricultural operations in the vicinity.

The comments and recommendations in this report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

For additional information, please contact me at 781-5914.

RECEIVED
JUL 17 2007

SLO CO PLANNING & BLDG.

Project Description and Site Information

The applicant is proposing to divide a 121-acre agricultural property into six one-acre residential parcels and a 115-acre agricultural parcel utilizing the county's major cluster ordinance provisions. The project site is located on the southwest corner of Buckley and Jespersen Roads, south of the city of San Luis Obispo. The site is currently developed with a residence and agricultural accessory structures.

The proposed subdivision has been designed to cluster five residential parcels immediately south of the stream/riparian area and west of Jespersen Road with a sixth parcel around the existing residence located in the middle of the property. The remainder of the site would be a 115-acre agricultural/open space parcel with a building envelope for a future residence. Additional residential development could occur on the agricultural parcel based on farm support quarters requirements. Access to the existing and future residences will be provided by existing agricultural roads.

Agricultural Setting

The property has historically been utilized for production of field crops, cattle grazing, and irrigated row crops. The site is within the Agriculture land use category. It is not currently enrolled in the Land Conservation Act program (Williamson Act contract). Adjoining properties to the east and west are under contract as are properties located generally to the south. Lands to the south, east, and west are within the Agriculture land use category. Property north of Buckley Road is within the Industrial land use category with a history of dry farm field crop production. Agriculture production in the general area includes field crops, cattle grazing, irrigated row crops, and vineyards.

Soils and Crop Production

The site's soils/map units are outlined in the following table. Approximately 1.5 acres of prime soils are currently developed with a residence and agricultural accessory structures and 3.5 acres are riparian habitat. In general, the prime soils are located on the northern and southern portions of the site.

Map Unit Symbol and Name	Farmland Classification	Irrigated Capability Class	Irrigated Capability Class	Acres
129 Diablo clay, 5- 9 % slopes	Prime	2	3	56.5*
130 Diablo and Cibo clays, 9-15%	Statewide importance	3	3	18.5
169 Marimel sandy clay loam	Prime	3	3	1.0
178 Nacimiento silty clay loam, 30-50%	Not prime	6	6	4.0
197 Salinas silty clay loam, 0-2%	Prime	1	3	28.5
216 Tierra sandy loam, 2-9 %	Statewide importance	3	3	7.5
TOTALS				116.0*

*Does not include 1.5 acres of existing development and 3.5 acres of riparian habitat.

Source: NRCS and SLO Planning Department. Acreages are approximate based upon GIS

The majority of the site has been used for dry farmed field crop production over the past five years with the exception of approximately 10 acres of irrigated tomatoes planted on the northern portion of the site in the summer of 2006. In the spring of 2007, 40 acres of vineyards were planted on the southern prime soils, near the existing residence, and 40 or more acres were seeded for cattle grazing pasture that is to be irrigated four months of the year.

Water Resources

A required finding for agricultural cluster projects is information to determine if the site has *"the water resources...adequate to serve...existing and proposed agricultural operations on the subject site and in the site vicinity"* (Section 22.22.150B.5.d). Adequate water resources include the need for the water to be of both adequate quality and quantity.

The site has a history of scarce on-site water resources and supplemental irrigation water has been required to be provided by a well located more than a mile from the site within the Silver City mobile home park. To determine if adequate water resources were available for the proposed project, a ground water study was conducted by Katherman Exploration Co. Based on the conclusions of the study, there is not adequate on-site water to support agriculture production and the residences. However, the study determined the Silver City well would be able to provide the necessary resources if there is the legal right/guarantee to the required amount of irrigation water.

Project Evaluation

The agricultural cluster is intended to be an alternative method of subdivision that avoids the breakdown of larger agricultural parcels inherent in conventional subdivision. The key policy statement about subdivision using the major agricultural cluster is "[t]he maximum number of parcels allowed in a major agricultural cluster project shall be equivalent to the number of primary dwellings that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria specified in Figure 2.2." (Ag & Open Space Element Policy 24). Parcels qualifying based on the 20 acre requirements are limited to one primary dwelling unit.

The subdivision of agricultural lands requires each proposed parcel to meet certain minimum standards. When proposing an ag cluster division, an applicant must show that the area proposed for permanent agricultural/open space protection has an adequate agricultural use or adequate agricultural (water & soil) resources in order to qualify for the cluster division. The applicant has indicated that they are qualifying based on the land capability test. There are 40 acres of irrigated NRCS class I and II soils on the site, enough to qualify for a two-parcel cluster division. The remaining 76 acres available for crop production could qualify for an additional parcel if there are adequate water resources to intensify crop production in these areas. It appears the Silver City well could provide adequate water for future intensification, thus qualifying for another parcel.

Cluster Design and Land Use Incompatibilities Evaluation

The cluster ordinance states that proposed residential development shall be clustered to the maximum extent feasible. Contiguous clustering provides for contiguous tracts of protected agricultural lands. Contiguous residential clusters also enhance the effectiveness of agricultural buffers by minimizing the overall interface between both current and future potential agricultural activities on the protected agricultural parcel.

The proposed project has been designed to cluster the residential parcels in a contiguous manner, with the exception of the existing residence. Clustering additional residential parcels near the existing residence was evaluated; however, the proposed location of the parcels is preferred because there are fewer impacts to agricultural resources and riparian area provides for natural buffering. A total of six acres of the site would be considered residential uses, which represents five percent of the total site.

As previously stated, the applicant is qualifying for the subdivision based on future intensification potential. For this reason, buffers will need to be established based on future potential uses. The clustered design of the five residential parcels minimizes the interface between future agricultural uses and residences. Based on the potential for future vineyards adjacent to the southern portion of the residential parcels, a 200 foot buffer is recommended on the residential parcels. The applicant indicated an interest to limit the importation of irrigation water to preclude intensification of this area. If that is to occur, additional buffering would not be necessary based on the potential for dry farm field crop production or cattle grazing.

The northern portions of the residential parcels are adequately buffered based on linear distance between the proposed residences and crop production area, combined with the existing riparian habitat that provides a natural barrier and screening. Please note, a buffer is typically required to be located on the residential parcels associated with cluster development. However, when naturally occurring features on a site preclude future agricultural intensification and provide screening, an off-site buffer may be acceptable as in this case.

Buffering is also required for the parcel to be created around the existing residence. Prior to planting the vineyards, the applicant was informed of the need for a 200 foot buffer between the existing residence and vineyards on the proposed residential parcel. Subsequently, the vineyards were planted within 100 feet of the south side of the existing residence. The applicant submitted a plan to establish a fence with vegetative screening to reduce the required buffer. The proposal was not adequate to mitigate incompatibilities without the minimum linear distance of 200 feet. If a separate residential parcel is to be created around the existing residence, a 200 foot buffer should be established between the residence and the vineyards. Additional buffering may be required if the existing grazing area is to be intensified. Buffering would not be required if this residence was on the agricultural parcel.

The five clustered residential parcels include a thin band of prime soil on the most northern portion of the parcels adjacent to the riparian area. The size, location, and configuration of the soil unit limit the production value. For these reasons, the conversion to residential uses is not considered significant. However, it should be noted that the LUO precludes structural development on these soils. Additionally, the proposed building envelope for a future

residence on the agricultural parcel is located on prime soils. This envelope should be relocated.

Recommended Mitigation

The proposed project has the potential to create significant adverse impacts to agricultural resources due to land use incompatibilities, conversion of prime soil, and water resource distribution. Mitigation is recommended to avoid these potential impacts.

- Incorporate a 200 foot buffer between the vineyards and the existing residence on proposed Parcel 6. The buffer should be entirely on the residential parcel.
- Establish building limits on Parcels 1-5 to restrict structural development on prime soils.
- The riparian habitat should be protected in perpetuity.
- Fencing between residential parcels and surrounding agricultural lands. Fences should be a minimum of six foot in height wire with a maximum mesh size of 3" and should be maintained in perpetuity by the residents.
- Utilize construction methods that provide better noise insulation and allow for the use of ventilation systems to avoid dust impacts would further assist in addressing inherent incompatibilities between rural residences surrounded by agricultural lands.
- Provide supplemental notification to the County Right to Farm Ordinance to all subsequent owners and occupants of the proposed residential parcels. Notification language shall identify that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
- Establish a legally binding agreement to ensure adequate water resources are provided to maintain agricultural resources that served as the basis for subdivision.
- The building envelope for a future residence on the agricultural parcel should be relocated to avoid prime soils.
- Additional buffering of the southern portions of the five clustered parcels and the northern portion of proposed Parcel 6 may be necessary based on additional information regarding future intensification.
- In order to ensure that residential utilities and water lines do not interfere with agricultural practices, any buried utility or residential water line should be located within road right of ways where possible or a minimum depth of 48 inches below grade when located elsewhere on the protected agricultural parcel.

County of San Luis Obispo • Public Health Department



Oasis Landscape Architecture and Planning
3427 Miguelito Court
San Luis Obispo, CA 93401

ATTN: **CAROL FLORENCE**
RE: **TENTATIVE TRACT MAP 2811/(JESPERSEN RANCH)**
A.P.N. 076-061-074

Water Supply

This office is in receipt of onsite water well information for the aforementioned subdivision map. Said information is considered satisfactory preliminary evidence of a domestic water supply.

Please be advised that additional water well documentation will be required for each lot prior to approving the map for recordation. Adequate documentation will include well completion report, well capacity (pump test) and water quality testing (not more than five years old) prior to final recordation.

The applicant will need to contact Marina Michel at 781-5544 or Brad Prior at 788-2049 to begin the process of setting up a public water supply. The construction, production, quality and infrastructure will need to be approved prior to this map recording.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met. A septic system feasibility evaluation has been performed for the development. Due to slow percolation and variations that exist at the site, each parcel will be required to perform three percolation tests and one deep soil boring, in the most likely area of system installation, prior to map recordation.

TRACT 2811 is approved for Environmental Health subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
South County Team, County Planning
Jespersen Ranch, LLC, owner
Marina Michel, County Environmental Health
Brad Prior, County Environmental Health

Environmental Health Service.

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

February 17, 2006 Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

LAETITIA

LINTHICUM

STAFF COMMENTS:

The location and size of the site, the existing development on the site and relatively untested minor agricultural cluster ordinance has made this project challenging. Planning staff met with the applicant, Agricultural Commissioners office, Public Works and CalFire on many occasions to reach the current project design that meets Land Use Ordinance and Real Property Division Ordinance standards. While there are still concerns over visual, agricultural, and water resources, the mitigation measures placed on the project through the environmental review process will lessen the impacts of future development to a level that will not significantly alter the overall character of this portion of Edna Valley.

AGENCY REVIEW:

Public Works - Supports project and road exception with conditions

Environmental Health - Shared well agreement needed, well to be shared shall be reviewed for construction production and quality, slope percentage and soil testing needs to be performed where the on-site wastewater system will be placed.

Ag Commissioner - Concerns regarding agricultural-residential compatibility, future development and conversion of agricultural land, and maximizing agricultural capability

County Parks - No comments received

CalFire - See attached fire safety plan

ALUC - Avigation easement required

APCD - (Review based on original tract map proposal) -Recognizes understands intent to preserve agricultural lands. However, does not support development because it creates three small agricultural parcels that are unsustainable.

City of San Luis Obispo - Concerns over visual impacts, rural character

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin and Warren Hoag

24. Prior to any site disturbance, any project involving over one acre of site disturbance will be required to submit a Stormwater Pollution Prevention Plan to be reviewed and approved by the Regional Water Quality Control Board.

Additional Map Sheet

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. That secondary dwellings shall not be allowed on all lots within the land division.
 - b. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building sites and access drives on the project plans.
 - c. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - d. **Prior to sale of each lot**, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. Notification shall also include language that identifies that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include greenhouses, processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
 - e. A buffer area of 200 feet on parcels 1 and 2 from the edge of existing agricultural uses on adjacent properties (both on and off the project site). No habitable structures shall be permitted in the buffer area. No habitable portion of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - f. A buffer area as shown on the tentative map for parcel 3. No expansion of habitable area shall occur on the parcel except to the south of the existing residence. If expansion of habitable area occurs, it shall not be any closer than 200 feet from existing agricultural uses on adjacent properties. No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.

- ii. **Prior to issuance of construction permits**, the applicant shall submit landscape plans for the proposed parcels that includes the following outdoor conservation measures: limited irrigated landscape area of 1,500 square feet, low water-use plant materials, turf area limited to 20 percent of the site's total irrigated landscaped area, soil moisture sensors, and drip irrigation systems.

Covenants, Conditions and Restrictions

26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide for the establishment of a Homeowners Association and shall also have at a minimum the following provisions:
 - a. Secondary dwellings shall not be allowed.
 - b. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
 - c. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - d. Notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. Notification shall also include language that identifies that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include greenhouses, processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
 - e. A buffer area of 200 feet on parcels 1 and 2 from the edge of existing agricultural uses on adjacent properties (both on and off the project site). No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - f. A buffer area as shown on the tentative map for parcel 3. No expansion of habitable area shall occur on the parcel except to the south of the existing residence. If expansion of habitable area occurs, it shall not be any closer than 200 feet from existing agricultural uses on adjacent properties. No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.
 - g. Maintenance of all local streets within the subdivision until acceptance by a public agency by the owners of Lots 1, 2 and 3. Maintenance to include care of the access roads, associated gates, drainage improvements, fences and other access related improvements.

development. These additional tanks could be visually intrusive depending on where they are placed on the proposed parcels. Mitigation measures have been added regarding location and that it be darker in color.

Mitigation/Conclusion. In order to lessen the visual impacts associated with development of the proposed parcels from the surrounding public roadways, the following mitigation measures have been agreed to by the applicant (see attached Developer's Statement) and will become conditions of approval for the project: 1) locating building envelopes (as shown on the proposed vesting tentative parcel map) in order to prevent development on the highest elevations of the subject property, 2) limiting the height of new structures to one story, no greater than 17 feet in height as measured from average natural grade, 3) submittal of a landscaping plan to provide for at least 50% screening of structures as seen from Orcutt Road and surrounding local roads such as Biddle Ranch Road, to be monitored for 5 years after planting to insure this is achieved, 4) minimizing the structure massing of new development, 5) providing muted colors for new development and 6) limiting "night lighting so that it is directed down and into the development with no direct light visible from surrounding public roads". Incorporation of these and other measures will reduce visual impacts to less than significant levels.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is bordered on the north by existing vineyards and on the west and south by grazing areas. The subject property and surrounding areas are designated Agriculture. The soil types are as follows:

Cropley clay, (0 - 2 % slope). This nearly level soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Salinas silty clay loam, (0 - 2 % slope). This nearly level sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class I when irrigated.

Zaca clay, (15 - 30 % slope). This moderately to steeply sloping soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

The site is currently planted with approximately 48 acres of irrigated row crops and orchards, consisting of approximately 30 acres of irrigated row crops and 17 acres of lemon trees. The applicant is in the process of expanding the amount of row crops on the open space parcel to 38 acres. The lemon orchard on the open space parcel is also being expanded by 4.75 acres. There is currently one residence on the open space parcel proposed as a farm support quarters.

Referrals were sent to the County Department of Agriculture. Over the last year or so, the project has been redesigned on numerous occasions in response to concerns outlined in referral responses from the County Department of Agriculture. A final referral response dated, July 18, 2007, is attached to this proposed Mitigated Negative Declaration. The County Department of Agriculture has concerns with regard to the proposed project resulting in: 1) policy issues, 2) unforeseen consequences of the 2004 cluster ordinance revisions, and 3) potential significant environmental impacts, in particular precedent setting impacts. These concerns are discussed under the "Impact" section below.

The proposed project was also referred to Planning and Building staff responsible for implementing the County's Williams Act program. The project was scheduled before the Agricultural Preserve Review Committee (APRC) on April 30, 2007, when the proposed project contained two agricultural/open space parcels. The APRC determined that, based on current planting, there was adequate area on both proposed open space parcels to qualify each for a stand alone Williamson Act contract. The current proposal of one 130.75 acre open space/agricultural parcel would also qualify for a stand-alone Williamson Act contract.

The property is currently served for water from four on-site production wells. Each of the operational wells is producing an average of 77.75 gallons per minute. On a yearly basis, if operating 90% of the time, yearly well production would equal 113 AFY [77.75 gpm X (60 min/hr X 24 hours/day X 365 days/year X 90%)] divided by 325,851 gallons/AFY. The four wells would then produce about 452 AFY.

Based on irrigation water use numbers provided by Santa Barbara County, two acre feet of water is needed per acre of crop for peppers for a total of 60 acre-feet of water based on 30 acres of peppers currently planted. Assuming two crops per season, this area would total approximately 120 acre-feet per year (AFY). For lemons, 1.1 to 2.1 AFY of water is needed for each acre of orchard. With 17 acres planted, and applying the more conservative 2.1 AFY per acre of water needed, 35.7 AFY is required to irrigate this crop. Therefore, under current planting, about 155.7 acre-feet of water is estimated to irrigate the lemon orchard and row crops. With the expansion of 8 acres of row crops (2-acre feet/acre/crop and two crops/year = 32 AFY) and 4.75 acres of orchard (2.1 AFY X 4.75 = 9.975 AFY), approximately 42 additional AFY of water will be needed for a total of 197.7 AFY. The two existing homes are estimated to use a total of approximately 3 AFY.

Impact. According to the project application, shared water for the proposed residential units will be taken from Well #1 as shown on the tentative map. The amount of water needed to serve the two new residential parcels (with one primary residence allowed on each, the existing residence on proposed Parcel 3 is served by a domestic well located on the open space parcel) totals 2.88 acre-feet per year (see Water section below). When the estimated potential water production from above (226 AFY) is compared to existing use estimates (197.7 + 3.0), approximately 26 AFY would be available for other use, which is well below the projected needs of the proposed development. Therefore, no significant impacts relating to the loss of agricultural water to residential development is anticipated.

Placement of residences in close proximity to vineyards and grazing operations off-site, as well as existing row crops and orchard operations on-site would potentially expose future residents to intensive agricultural practices such as pesticide use, dust, and noise. This could, in turn, limit the agriculturalist's ability to manage the areas currently under production.

Mitigation/Conclusion. The Agricultural Commissioner has recommended a number of measures to minimize the future conflict and reduce the potential impact to agricultural resources. These measures include 1) locating the well(s) that serve the residential parcels on the residential parcels (to separate water use for the agricultural and the residential use), 2) requiring water conservation

measures (see water section), 3) locating the farm headquarters and residential units off the Class I or II soil within the farm headquarters area, 4) limiting the area designated for farm headquarters and accessory uses, 5) applying minimum agricultural buffers of 200 feet on all residential parcels for both on and off-site agricultural operations (for Parcels 1 and 2, varied buffers for Parcel 3), and 6) provide right-to-farm disclosure for future owners of the residential parcels. These measures are discussed further below.

The mitigation measures in the Developer's Statement and requirements of the Land Use Ordinance and Agriculture and Open Space Element have been included as mitigation measures and will become conditions of approval for the project. Where the policies are not clearly defined in adopted regulatory documents, mitigation measures will be included within the staff report for the project for consideration and interpretation by the decision making body. The measures are discussed below.

Agricultural buffers and disclosure. The agricultural buffer and Right-to-Farm disclosure are clearly defined adopted policies that ensure a separation between agricultural operations and future residential development. The 200-foot buffer for both on and off-site operations that is proposed by the Agricultural Commissioners office is included as a mitigation measure, along with the recommended construction measures and landscaping plan requirements. Supplemental disclosure to future residents of the project will also be included as a mitigation measure.

Locating well(s) that serve the residential parcels on the residential parcels. This recommendation from the Agricultural Commissioners office is to ensure that there are adequate water resources to serve existing and future agricultural operations on the site. This recommendation and required mitigation is also consistent with the Agriculture and Open Space Element, Agricultural Policy #11, which strongly promotes maintaining water resources for production agriculture and preventing the loss of agriculture due to competition for groundwater. Currently there are five wells on the site, four of them operational according to the well reports submitted by the applicant. Since the water requirements for the proposed two new parcels is anticipated to be less than 3 acre feet of water annually (as discussed above), the use of Well #1 to serve the residential parcels was not seen as a significant impact requiring two additional wells to be drilled.

Development area. The Agricultural Commissioners office recommends: 1) limit the headquarters area to the footprints of the existing structures, 2) not allowing more than one acre of accessory or processing uses on the site, located off prime soils. These recommendations are intended to protect the existing prime soils on the site from further residential development.

The existing residence on the proposed open space parcel is located on the northwestern property boundary. It is proposed as a farm headquarters for the open space parcel and could qualify as farm support because the residents may work on the farm supporting the row crop operation. These structures are existing and not proposed for any expansion with this project. The applicant has shown all proposed building sites on each of the proposed parcels on the tentative map (which is attached to the Developer's Statement of this proposed negative declaration as an exhibit).

The designated building envelope on the open space parcel shall be a maximum of two acres for the farm headquarters/farm support area on the northern property boundary. The ordinance allows agricultural accessory structures or agricultural processing uses essential to the continuing agricultural production of food and fiber to occupy an aggregate area no larger than **five acres**. The applicant has agreed to limit the area of conversion on the open space parcel, outside of the Class I and II soils to two acres with an additional three acres of subterranean production use (i.e., caves) possible. The existing developed area on the northern boundary on the site will be limited to two acres total. Under a reasonable worst case scenario, farm support quarters could be developed on the open space parcel based on meeting the requirements outlined in the Land Use Ordinance. So, a total of two acres of conversion could occur on the northern property boundary within the proposed building envelope on the open space parcel with two additional acres of potential future conversion and an additional three acres of subterranean use allowable, for a total of seven acres. A mitigation measure has been added to prohibit any future residential development (including barns or accessory

structures) on the prime Class I or II soils, unless Minor Use Permit approval can justify that there is no other suitable location on the subject property.

Other mitigation measures agreed to by the applicant include: 1) Construction and maintenance of fencing in order to preclude trespassing on the adjoining protected agricultural land, 2) verification that the residences on the property used for farm support are occupied by a full time employee, 3) verification prior to final map recordation that development associated with the proposed residences, including access roads necessary for the residential use shall be limited to 10%, or 14.4 acres, and 4) a landscape plan is required in order to show how landscaping installed on the residential parcels will enhance the functionality of the agricultural buffer.

Incorporation of all of the above mitigation measures will reduce project specific agricultural impacts to less than significant levels.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other: <u>Dust</u></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 13,000 square feet for improvements with additional disturbance as the residential parcels are developed. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Asbestos. Asbestos is considered a toxic air contaminant by the State Air Resources Board. Asbestos-containing materials can be encountered during demolition of existing buildings and the removal or relocation of utility lines. In addition, the project site is located in an area potentially naturally occurring asbestos, serpentine or ultramafic rock. Asbestos is considered a toxic air

than 30 acres of row crop land and a 17-acre lemon orchard, essentially all located on prime soils. The recent row crop history, based upon pesticide use reporting data, is as follows:

Field	Acreage	2007	2006	2005	2004	2003	2002	2001
Orchard	17.0	----- Lemon -----						
1	6.7	Broccoli/ summer squash	Bell pepper -----		Fallow -----		Summer squash	Bell pepper
2	11.5	Summer squash	Bell pepper -----		Fallow -----		Summer squash	Bell pepper
3	9.0	Broccoli/ summer squash	Bell pepper -----		Fallow -----		Summer squash	Bell pepper
4	2.5	Broccoli/ summer squash	Bell pepper -----		Fallow -----		Summer squash	Bell pepper

Sources: Pesticide use reporting data & GIS

Water Resources

The property currently has six wells, five devoted to agricultural use and one to domestic use. The existing domestic well serves both residences. The property also contains a reservoir which is connected to the agricultural wells on the site. The reservoir has a 6.6 acre-foot capacity and is utilized for irrigation.

Based upon the California Irrigation Management Information System (CIMIS), July is the month with peak evapotranspiration (ET) in the SLO/Edna Valley area, with an average ETo of 6.43 inches (0.21 inches/day). Using this information and crop coefficient figures for citrus (0.65) and row crops (0.92), it is estimated that the 47 acres of established crops require approximately 20 acre-feet during July (0.70 acre-feet/day), the month with the highest water requirement.

Using the recent history of agricultural uses on site, it appears that there is an adequate water resource to support the existing irrigated crops. There is no evidence available to evaluate if adequate water resources are available to support additional residences or other water demands. Edna Valley's hydrogeology is not clearly understood, but general experience has been that the valley edges have limited available water resources.

C. Project Evaluation

The ordinance (SLO County LUO §22.22.150.B. et seq.) incorporates numerous requirements to address potential impacts to agricultural resources and operations. These requirements establish the minimum requirements for all agricultural cluster proposals. Recommended mitigation measures are intended to address potential impacts to agricultural resources and operations and ensure consistency with both county general plan policies and cluster ordinance requirements.

By clustering the residences and incorporating adequate buffers, the project represents an attempt to protect the majority of the site for long-term agricultural production. Measures to minimize residential water use, conflicts between residential water withdrawals and agricultural water needs, and overall development on the protected agricultural parcel assist in protecting this and adjoining agricultural sites for long-term agricultural use.

Agricultural - residential compatibility

The proposed project clusters new proposed residences so they share common property line and are located near a hilltop area that minimizes interference with current or likely future

agricultural production. Incorporating adequate buffers along with appropriate fencing and residential construction methods will increase the level of compatibility and help address issues such as trespass, vandalism or complaints. Providing supplemental notification to future owners and occupants about the nature of agriculture, and protecting the agricultural use from nuisance claims even if new or expanded agricultural operations occur on site will also help to ensure compatibility.

New infrastructure required for the residential development should not adversely impact agricultural operations. Buried utility and water lines should be at an adequate depth to ensure they do not impact current operations.

Since the long-term availability of water resources adequate to serve both existing and future residential and agricultural uses is not clear, measures should be taken to protect and maintain adequate water resources for agriculture, to reduce potential impacts to adjoining agricultural properties, and to preclude the sale or transfer of water from the protected agriculture parcel except to serve the proposed residences.

Codes, covenants and restrictions should ensure that new residential residents maintain all residential road improvements, including any drainage improvements, while also ensuring the farm operator has open access to use these roads.

Development

A minor agricultural cluster allows a maximum of 10 percent of the property to be utilized for residential purposes. Necessary new road development and improvements, and associated road right of way, should be considered development for residential purposes, and should be included in the 10 percent limit. All necessary road drainage should be within the road right of way, and this right of way should be limited to no more than necessary to protect the maximum amount of land for agricultural production.

The cluster provisions allow for both a farm headquarters and ancillary development area (agricultural accessory and agricultural processing structures). As with all cluster development, these structures are to be located off NRCS class I or II or other prime soils. However, the removal of the existing manufactured home and other structures located on prime class II soil does not promote the long term agricultural use of the site. The expansion of uses in this area would further impact these highly capable soils and should be precluded.

The proposed project site is one of the smallest agricultural cluster sites in the county, and existing and proposed development will utilize approximately 24 acres of the 144-acre site, including nearly 10 acres of roads and development envelopes on the protected agricultural parcel. This does not appear to be an appropriate amount of development on a relatively small site that is being protected for agricultural production. Limiting the proposed 5-acre ag processing envelope to no more than one acre, placing this envelope off prime farmland and adjacent to an existing or proposed road, would protect additional land for future crop production or grazing. Future agricultural processing uses should be primarily for the processing of crops grown on the project site or other sites in the same ownership.

The existing residence that will remain on lot 4, the protected agricultural parcel, is not one of qualifying residences based upon the 47 acres of irrigated prime soils on the site. The site qualifies for a 2 parcel division (one for each 20 acres of prime soil, with at least 18 acres planted with an irrigated use), and, as a minor cluster, obtains one bonus parcel for a total of 3 parcels. The fourth parcel is not allowed a residence, but can qualify for a farm support quarters (FSQ)

using county standards. To ensure this residence continues to function as a FSQ, the required documentation that at least one occupant is engaged in full-time farm work on the property should be submitted annually showing that the occupant of the FSQ continues to meet this requirement. If annual requirements cannot be met, conditions and the property's deed should require the structure to be removed or to convert to a non-occupied structure.

D. Recommended Mitigation

Residential Related Development

- 200-foot buffers for all habitable spaces located on proposed lots 1 and 2. The entire buffer distance should be on the residential parcel.
- Buffers for any habitable spaces located on proposed lot 3, including 75-foot buffers from north and west parcel lines, 125 feet from the east parcel line, and 200 feet from the south parcel line.
- Prohibit any habitable space within the agricultural buffer. Agricultural buffers and the limitations to convert structures to habitable space within the buffers should be recorded in the chain of title.
- Portions of new roads built to serve proposed residential lots should be included in the 10% developed area allowed on minor agricultural clusters.

Residential – Agricultural Compatibility

- Fencing between residential parcels and surrounding agricultural lands. Fences should be wire with a maximum mesh size of 3", a minimum of six foot in height, and should be maintained in perpetuity by the residents.
- Construction methods that provide noise reduction and mechanical ventilation systems.
- Notice of the County's Right to Farm Ordinance, Chapter 5.16 to all subsequent owners and occupants of proposed lots 1, 2 & 3.
- Supplemental notification to the County Right to Farm Ordinance to all subsequent owners and occupants of proposed lots 1, 2, & 3. Notification language shall identify that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include practices which differ from current agricultural practices, including nighttime operation, wind machine use, odor, dust, noise, legal chemical applications, use and creation of compost, irrigation, frost control, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, should not be considered a nuisance from the time of establishment.
- Water conservation measures for new residential uses, including, but not limited to the following:
 - Install ultra-low volume plumbing fixtures.
 - Limit total area of irrigated landscaping to no more than 1,500 square feet. Preclude water intensive lawn or turf.
 - Install landscaping that is drought tolerant, with low water requirements, watered through the use of drip irrigation, and with the use of computerized irrigation control mechanisms.
 - Ensure continued compliance with water conservation measures.

- If domestic water for the proposed residences is drawn from the protected agricultural parcel (lot 4), withdrawals should occur from a single location on the interior of the site, a minimum of 300 feet from any off-site agricultural property, in order to minimize potential water resource impacts off the project site.
- Water from the project site should remain on the project site. The owner of lot 4, the protected agricultural parcel, should retain and reserve all ground water and all appropriate, prescriptive, contractual or other water rights appurtenant to the property at the time the open space easement becomes effective, except for providing adequate water from lot 4 to serve a residential use on each of the three proposed residential lots. Water may be distributed from the protected agricultural parcel to a contiguous parcel or other property owned or leased by the owner of the agricultural parcel on an annual basis for agricultural production only. Any temporary distribution of water shall not impair the long-term agricultural productive capacity of the lot 4, the protected agricultural parcel.
- The conditions, covenants, and restrictions (CC&Rs) for proposed lots 1, 2, and 3 should address the following to help ensure the permanent maintenance of the agricultural lands:
 - Require all road maintenance for access roads crossing the agricultural parcel (lot 4) to be the sole responsibility of the owners of lots 1, 2, and 3. Maintenance should include care of the access roads, associated gates, drainage improvements, fences, or other access-related improvements.
 - Access easements should be granted in favor of the farm owner and operator(s) on all site roads/driveways.
 - Road design and maintenance should ensure that drainage avoids erosion of agricultural soils and maximizes groundwater recharge.

Maximizing Agricultural Capability

- Buried utility or residential water line should be located within road right of ways where possible or at a minimum depth of 48 inches below grade when located elsewhere on the protected agricultural parcel.
- Limit the farm headquarters area to the footprints of existing structures that are located on prime farmland. Future development in this area should not convert additional prime farmland.
- Locate the development envelope for future agricultural accessory and agricultural processing structures off of NRCS class I or II soil, adjacent to an existing or proposed road, and limited to an area of no more than one acre in size.
- Limit agricultural processing on the subject to primarily serve crops grown on the site.
- Deed restrict the residence on the protected agricultural parcel (lot 4) to function as a farm support quarters (FSQ). To ensure it is utilized to support agricultural production on site, documentation should be submitted annually showing that it continues to meet the requirements for a FSQ. Documentation should include evidence that at least one resident of the farm support quarters is in continued full-time employment on the project site or other property owned by the site owner. If annual requirements cannot be met, conditions and the property's deed should require the structure to be removed or to convert to a non-occupied structure.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

1

This Space For Recorder Only

WATER SYSTEM AGREEMENT

This WATER SYSTEM AGREEMENT entered into this _____ day of _____, 1999, by and between _____ herein after called Owners.

WHEREAS, Owners owns Parcels 1 and 2 of Parcel Map CO _____ as shown on a Map recorded in Book _____ of Parcel Maps at Page _____ in the office of the County Recorder of the County of San Luis Obispo and,

WHEREAS, there is located on Lots 2 and 3 of Section 13, Township 31 South, Range 12 East operating water well pumping facilities and water supply facilities sufficient to serve up to three (3) residences on said Parcel 1 and 2, and,

WHEREAS, said facilities are setforth and granted in that certain easement deed recorded in Volume 2969 of Official Records at page 460,

WHEREAS, the parties by the Agreement desire to the multiple and joint use of said well (State of California Well Completion Report No. _____) and water system for the use of water therefrom upon their respective Parcels and to define their rights and obligations relative to such use, and

WHEREAS, Owners has granted on said Map easements over and across said Parcels 1 and 2 for the placement of necessary water transmission and storage facilities for the transmission and storage of water to said Parcels 1 and 2, and

NOW, THEREFORE, the parties agree as follows:

1. GENERAL: The parties to this Agreement shall have equal rights to pump, transmit, and use water from the well and water supply facilities located on said Lots 2 and 3 of said Section 13 pursuant to the provisions of this Agreement. Provided that upon sale of Parcels 1 and 2, the new owners thereof shall have the right to become a party to this Agreement, and upon the sale of each Lot there shall be and amendment entered into this Agreement making said party a party to this Agreement.

2. **BOARD OF DIRECTORS:** A Board of Directors shall be established which shall consist of those persons owning said Parcels 1 and 2. For the purposes of developing policy and operating the water system, each person owning said Parcels 1 and 2 shall have one vote. A simple majority will be required to enact any water company business. The Board of Directors shall meet and establish a set of Bylaws for the operation and maintenance of the water system.

3. **USE OF WATER:** Said well shall be used solely for domestic purposes for one (1) residence on Parcel 1 and two (2) residences on Parcel 2.

4. **OPERATION AND MAINTENANCE**

A. **ACCESS:** Whoever shall at any time be the owner of said facilities setforth and granted shall provide reasonable access to said well and water supply facilities in said Lots 2 and 3 of said Section 13 for maintenance and operation.

B. **ELECTRICAL SERVICE:** Whoever shall at any time be the owner of said facilities setforth and granted shall not disrupt the electric service to said well.

C. **OPERATION and MAINTENANCE:** Whoever at any time shall be owners of said Parcels 1 and 2 shall have the right and duty to keep said well in operation and repair and to secure electric power to pumping and pressure facilities appurtenant thereto. Said owners shall also maintain a water storage facility and/or pressure system adequate to bring sufficient water to each Lot to be served under this Agreement.

5. **COSTS**

A. **APPORTIONMENT:** It is understood and agreed that the owners of Parcels 1 and 2 shall be liable for an equal proportionate share of the cost of operation, repair, and maintenance of said well, the storage facility, and pumping facilities. Said costs shall include an equal proportionate share of the cost of periodic electrical charges for the operation of said well and appurtenant facilities.

B. **ASSESSMENT:** It is understood and agreed that the owners of Parcels 1 and 2 shall pay an amount of \$15.00 per month for the operation and maintenance of the water system. It is further understood that an initial assessment of \$100.00, which is non-refundable, will be charged to each owners of Parcels 1 and 2 upon recordation of a Grant Deed.

6. **PIPELINES:** It is understood and agreed that a single water line serves more than one (1) Lot and the parties using said pipeline shall be jointly responsible for the maintenance of said pipeline. No party hereto shall do any act which interferes with the joint use of said pipeline and any party causing damage to said pipeline shall immediately repair said pipeline at their sole cost.

7. **COMPLIANCE WITH THE LAW:** It is understood that all parities have the continuing duty to assure that the operation of said well and said water system is done in compliance with all State and local laws and regulations. It is understood and agreed that this entire agreement is subject to such laws and regulations.

8. **CHANGES IN AGREEMENT:** It is understood and agreed that the parties to this

Agreement may amend or revise this Agreement in any manner at any time, including, but not limited to, provisions for separate metering of water to the Lots, etc..

9. **TERMINATION OF AGREEMENT:** Upon written termination of this Agreement for any reason, either as to all or any parties hereto, said party or parties shall reconvey to the underlying fee owner any easements for the use of said well and/or pipelines from said well, and upon such termination all rights in said well and appurtenant facilities under this Agreement shall cease as to the parties for whom said termination is effective.

10. **COVENANT WITH LAND:** The benefits and obligations of the covenants herein shall run with the Lots herein described so long as this Agreement is in effect and shall bind the respective parties hereto, their heirs, legal representatives, grantees, and assigns.

11. **VIOLATION:** In the event of any legal action arising out of violations of this Agreement by any party, the successful party or parties shall be entitled to costs of suit together with reasonable attorney's fees.

12. **ACCOUNTING PROCEDURES:** The Board of Directors herein above described shall supply all parties a written yearly accounting of all expenses incurred and a disposition of all funds.

EFFECTIVE DATE: This Agreement shall become effective and operative upon the recordation of this document with the San Luis Obispo County Recorder.

NOTARIAL

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On _____ before me, _____
personally appeared _____ I personally know to me (or proved to me on the
basis of satisfactory evidence) to be the person whose name is subscribed to the within
instrument and acknowledged to me that she executed the same in her authorized
capacity, and that by her signature on the instrument the person or the entity upon
behalf of which the person acted, executed the instrument

Witness my hand and official seal

Signature

Name Printed

County of _____
Commission Expires _____
Commission No. _____

NOTARIAL

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On _____ before me, _____
personally appeared _____ personally know to me (or proved to me on the
basis of satisfactory evidence) to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized
capacity, and that by his signature on the instrument the person or the entity upon behalf
of which the person acted, executed the instrument

Witness my hand and official seal

Signature

Name Printed

County of _____
Commission Expires _____
Commission No. _____

MORABITO

EXHIBIT B (Cont'd)

CONDITIONS OF APPROVAL FOR CO 04-0582 (Morabito Minor Ag Cluster)

- b. Each lot shall be limited to one residence (no additional primary residence or secondary residences)
- c. Agricultural buffers prohibiting residential structures as follows:
 - i. A buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based on existing topography, this will include a buffer of 180 feet on the northwest portion of parcel 1, a buffer of 120 feet on the west side of parcel 1, a buffer of 130 feet on the western portion of parcel 2, and a buffer of 135 feet on the west side of parcel 3.
 - ii. A buffer of 50 feet from the eastern property line of parcel 1.
- d. Withdrawals from the proposed community well shall be limited to uses on the project site only.
- e. Owners of the residential parcels shall maintain the access road.
- f. Future ranch/farm headquarters development shall be limited to a building site not to exceed one-half (1/2) acre.
- g. Future agricultural accessory structures/agricultural processing uses to a building site shall not exceed one (1) acre with the use directly relating to the on-site production of agricultural products.
- h. Fencing between the proposed residential parcels and the surrounding agricultural lands shall be maintained.
- i. The limits of inundation from a 100 year storm over lots 1 through 4 from San Luis Obispo Creek shall be shown on the additional map sheet and note the required building restriction on the sheet.
- j. **At the time of application for construction permits, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.**

FINDINGS - EXHIBIT C

Conditional Use Permit SUB2004-00235 (Morabito Minor Ag Cluster)

Minor Agricultural Cluster

- H. The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.
- I. The proposed project has been designed to:
1. Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties;
 2. Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads;
 3. Avoid placement of roads or structures on any environmentally sensitive habitat areas;
 4. Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas;
 5. Cluster proposed residential structures, to the maximum extent feasible, so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area;
 6. Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.
- J. The proposed project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.
- K. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.
- L. The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.

6-5

Flood Hazard

Portions of the property are located within the FEMA-designated 100-year flood area. Future development will be required to conform with all permitting, construction and location requirements identified in Section 22.14.060 of the Land Use Ordinance.

ENVIRONMENTAL REVIEW

Prior to the scheduled Subdivision Review Board hearing on July 10, 2006, the location of original parcel 1 was found to be within the path of the proposed Buckley Road alignment, which is intended to connect Buckley Road to South Higuera Street. Proposed parcel 1 has been relocated to the south on the same ridge as the original parcel. The proposed parcels have also been renumbered to reflect the revised configuration. The parcel sizes have changed slightly and are now 1.60, 1.61, 1.94, and 50.68 for Parcels 1, 2, 3, and the open space parcel, respectively.

The project was originally proposed with a Mitigated Negative Declaration which addressed aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, noise, public services and utilities, recreation, wastewater, and water (previous documents attached). The proposed parcel relocation will not result in any new potentially significant impacts in these issue areas nor raise any other potentially significant environmental impact. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162), the Lead Agency may prepare an addendum to an adopted negative declaration where all of the following apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration. Staff has determined that an ND Addendum is appropriate for the project changes, and various conditions regarding agricultural resources, wastewater, and water have been revised based on the new parcel configuration.

Airport Review Area

The project is within the Airport Review Area for the San Luis Obispo County Airport. The project was referred to the Airport Land Use Commission, and no concerns were identified. The height of the proposed structure and landscaping will not exceed what is allowed by the ALUP and Land Use Ordinance.

AGENCY REVIEW:

Public Works – Stock conditions attached. Private easement, floodplain must be shown, etc.

Environmental Health - Preliminary evidence of water and septic have been provided.

Ag Commissioner – Project will not result in significant impact to agricultural resources. Includes mitigation recommendations for future development, access, agricultural buffers, fencing, etc. (see attached letter dated February 10, 2005 and addendum letter dated July 24, 2006).

County Parks – No trail or dedication is needed at this time.

CDF – See attached fire safety letter dated March 14, 2005.

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located on South Higuera Road, a collector road, and is located approximately 300 feet east of Highway 101, a major arterial. The topography of the area is characterized by an elevated Highway 101, which drops into the floodplain of San Luis Obispo Creek. The floodplain includes the farmed portion of the subject property which slopes up to a ridge on the east. The site is vegetated primarily with seasonal row crops, with grasses and ornamental trees around the existing residence on the ridge. The area is primarily within the Agriculture land use category with agricultural uses and scattered residences in the area. To the northeast is a large area within the Industrial land use category partially developed with light industrial uses. The 80 acre property to the southwest is the Filipponi Ecological Area owned by the City of San Luis Obispo and managed by the Land Conservancy.

Impact. The proposed subdivision will result in three new residential parcels of approximately 1.61, 1.94, and 2.03 acres each, with a larger open space parcel of approximately 50.25 acres to be actively farmed. The site will be partially visible for approximately 8-10 seconds going north and south on Highway 101 from alternating angles through roadside and San Luis Obispo Creek vegetation. Existing development within the view corridor reduces the potential visual impact of the proposed project, and the backdrop includes scattered residences and a new industrial building (Dioptrics). The subject property is within the Highway Corridor Design Area of Highway 101, which protects the scenic corridor through requirements for silhouetting, grading, colors and materials, and screening landscaping. Proposed building envelopes for proposed parcels 1 and 3 are situated on elevations which have the potential to result in future residences silhouetting against the horizon. However, these building envelopes have been located so that they are not located on the prime agricultural land on the lower elevations. An existing residence on proposed parcel 2 does not silhouette because it is a one-story ranch-style house. The applicant provided site photographs showing the existing

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: July 24, 2006
TO: Brian Pedrotti, Planning Dept.
FROM: Michael Isensee, Agriculture Dept. *MI*
SUBJECT: Morabito July 20, 2006 Revised Parcel Map Sub2004-00235 (Ag# 1007)

SUMMARY OF FINDINGS

The Agriculture Department recommends the following changes to its earlier report in order to address an updated project design to this proposed minor agricultural cluster. It is the Department's understanding that the revised design is being made in response to an anticipated future County Public Works project that will impact the northern portion of the project site.

The revised map will not result in significant environmental impacts to agricultural resources or operations with the following modifications to earlier mitigation measures:

- Revise agricultural buffers for proposed parcel 1. The recommended revised buffer distances are:
 - 180 feet from the northwest parcel line (N16°38'58"E)
 - 120 feet from the west parcel line (S16°50'52"E)

These buffer distances will provide a minimum distance of 200 and 150 feet, respectively, from adjoining cropland. Existing topography and prevailing wind patterns will reduce potential incompatibilities. However, the distance separation to the west is still minimal, and the Department recommends establishing vegetation to further reduce potential incompatibilities.

- Establish vegetative screening between the west parcel line on proposed parcel 1 and the proposed residential building envelope on this parcel. Screening should be established prior to parcel development. Screening should be established at least thirty feet from the edge of the agricultural parcel and should be of adequate density, depth and height so as to reduce dust or other potential nuisance complaints. The screening should be maintained in perpetuity and should consist of plants appropriate for agricultural buffers in the applicant's climate zone as listed on the county-approved plant list.
- Maintain other previously recommended mitigation measures, including agricultural buffer distances for proposed parcels 2 and 3.

See the attached sheet for details on the changes in soils impacted by the creation of the proposed residential parcels.

The comments and recommendations in this report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. For additional information, please contact me at 781-5753.

Project Site Soils

The revised project impacts slightly different soils. Specific soils that are proposed to be converted by the establishment and development of residential parcels are:

Soil Type	Soil Capability		Residential Parcels		Total Site Acreage
	Irrigated	Non-irrigated	Former Proposal Acreage	Current Proposal Acreage	
120 Concepcion Loam	III	III	0.6	0.0	0.6
129 Diablo Clay, Prime	II	III	0.2	0.0	0.2
143 Gazos-Lodo Clay Loam	IV	VI	3.9	4.1	6.0
169 Marimel Sandy Clay Loam, Prime	III	III	0.0	0.4	39.1
197 Salinas Silty Clay Loam, Prime	I	III	0.4	0.0	9.0
216 Tierra Sandy Loam	III	III	0.0	<0.1	0.1
TOTAL ACREAGES			5.1	4.6	55.0

Acreages estimated using NRCS soils and County Planning parcel information

The revised proposal reduces overall residential parcel development by nearly one-half acre, protecting slightly more of the site for agricultural purposes. However, this reduction minimizes the area available for agricultural buffers. The use of a distance buffer coupled with the establishment of vegetative screening while also utilizing the site's natural topography and prevailing wind pattern limits any adverse environmental impacts to agriculture from the revised project design.

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: February 10, 2005
TO: Brian Pedrotti, Planning Dept.
FROM: Michael Isensee, Agriculture Dept. *MJel*
SUBJECT: Morabito revised Parcel Map Sub2004-00235 (# 1007)

SUMMARY OF FINDINGS

The Agriculture Department's review finds that the proposed Morabito Parcel Map, utilizing the Minor Agricultural Cluster of the County Land Use Ordinance (Sec 22.22.154), will not result in significant environmental impacts to agricultural resources or operations with the following mitigation measures:

- Limit withdrawals from the proposed community well to domestic use for the three residential parcels only.
- Require future owners of the residential parcels to maintain the access road.
- Require an access easement that provides access on and across the proposed residential access road to the owner of the open space parcel (parcel 4).
- Limit future ranch/farm headquarters development to a building site not to exceed one-half (1/2) acre.
- Limit future agricultural accessory structures/agricultural processing uses to a building site not to exceed one (1) acre with the use directly relating to the on-site production of agricultural products.
- Record agricultural buffers on the proposed residential parcels:
 - Locate a buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based upon the current configuration of the residential parcels, this buffer distance translates to a distance range on the proposed residential parcels: 0- to 135-feet on the southwest portion of parcel 1, 130-feet on western portion of parcel 2, and 135- to 150-feet on the west side of parcel 3.
 - Locate a buffer 50 feet from the eastern property line of parcel 1.
 - Buffers are for occupied structures only and do not restrict other uses on the proposed residential parcels.
 - The agricultural buffer should be duly recorded in the chain of title on the subject properties.
- Install fencing between the proposed residential parcels and surrounding agricultural lands.
- Place the property lines of the proposed residential parcels a minimum of 15 feet from the high water mark on the agricultural pond.
- Disclosure of the County's Right to Farm ordinance should be provided to all successors in interest as required by county ordinance (Chapter 5.16).

The comments and recommendations in this report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. For additional information, please contact me at 781-5753.

6-61

A. PROJECT INFORMATION

The applicant is proposing to divide an approximately 56-acre agricultural property into three residential parcels and one open space parcel utilizing the county's minor cluster ordinance provisions. The project is located on the east side of Higuera Street south of the City of San Luis Obispo.

B. AGRICULTURAL ZONING AND SITE INFORMATION

The property has historically been utilized for agricultural purposes and is zoned Agriculture. It is not currently enrolled in the Land Conservation Act program (Williamson Act contract) but the proposed agricultural/open space parcel would qualify for both a stand-alone preserve and contract due to the presence of more than 40 acres of prime soil utilized for the production of irrigated row crops. Virtually all the land in the immediate vicinity is zoned Agriculture; however, a portion of the parcel to the east is within the City of San Luis Obispo Urban Reserve Area.

Soils

The majority of the applicant's property consists of prime soils (Soil Survey of San Luis Obispo, Coastal Part, Natural Resource Conservation Service). These soils are capable of and have been utilized to produce a variety of irrigated crops on the low-lying portion of the project site. Primarily lower quality class III, IV and VI soils are found in the northeast 6.5-acre portion of the property where the residential parcels are proposed. This area is also topographically separate from the prime farmland, with an elevation gain in this area of approximately 40 feet.

Table 1: Morabito Site Soils

Soil Symbol, Name & Slope	Irrigated capability	Nonirrigated capability	Acres (approx)
120 Concepcion Loam 2-5%	III	III	0.5
<i>129 Diablo Clay, 5-9%</i>	<i>II</i>	<i>III</i>	<i>0.1</i>
143 Gazos Lodo Clay Loam, 15-30%	IV (Lodo); VI (Gazos)	IV (Lodo); VI (Gazos)	6.3
<i>169 Marimel Sandy Clay Loam, Flooded</i>	<i>III</i>	<i>III</i>	<i>39.5</i>
<i>197 Salinas Silty Clay Loam, 0-2%</i>	<i>I</i>	<i>III</i>	<i>9.2</i>
216 Tierra Sandy Loam, 2-9%	III	III	0.1
Total acres (approx.)			55.7

Potentially prime soils are in italics. All acreages based upon GIS data from the NRCS and County Planning

C. PROJECT EVALUATION

The Agriculture Department's review of proposed clusters focuses on the degree of agricultural resources lost, land use compatibility of the proposed cluster, and cluster design utilizing general plan policies, the land use ordinance, CEQA, and departmental policy.

Agricultural Resources

The applicant's proposal protects approximately 46.3 acres of the project site, including approximately 44 acres of prime farmland, for long-term agricultural use. The site has existing water rights to surface water from San Luis Obispo Creek and groundwater, and is located in an area with adequate groundwater resources to sustain irrigated uses on a property of this size. The proposal does place a community well for the three proposed residential parcels on the open space parcel, but limiting withdrawals from this well to domestic use for the three proposed residences can mitigate its presence on agricultural land.

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The proposal also includes an 18-foot access road to proposed parcels 2 and 3. This road crosses a portion of the proposed open space parcel and divides the agricultural pond from the remainder of the open space property. In order to avoid impacts to agricultural resources, the project should dedicate an access easement to guarantee access rights to future open space parcel (parcel 4) owners. The project conditions of approval should also clarify that the owners of the residential properties are responsible for ongoing maintenance of the access road.

The cluster ordinance allows for development of a ranch/farm headquarters occupying up to two and one-half (2.5) acres on the open space parcel (Sec. 22.22.150.B.8.c(1)). Due to the relatively small size of the open space parcel and the lack of potential residential development aside from farm support housing, future development on the parcel should be restricted to one-half (1/2) acre site. The ordinance also allows for the development of up to five (5) acres of agricultural accessory structures/agricultural processing uses (Sec. 22.22.150.B.8.c(3)). Again, due to the size of the proposed open space parcel, accessory development should be limited to no more than one (1) acre and should directly relate to on-site production of agricultural products.

Land use compatibility

The design of the proposed residential parcels limits the amount of interface between future residents and both on- and off-site agricultural operations. The three proposed residential parcels are clustered in one portion of the project site on the least productive soils. The location is above the surrounding agricultural lands. These factors reduce the likelihood of conflict between continued agricultural operations and the future development of residences. Adequate buffer distances and fencing can further increase the likelihood of compatibility.

The distance for future occupied structures on parcels 1, 2, and 3 should be 200 feet from the 90-foot elevation line. This elevation is the toe of the slope and defines the reasonable extent of future intensive agricultural operations on the project site. This 200-foot buffer recommendation would translate into a varying buffer distance on the proposed residential parcels. The agricultural buffer range on the residential parcels would be between zero and 200-feet on the southwest side of proposed parcel 1, 130-feet across the west portion of proposed parcel 2, and a 135- to 150-feet on the west side of proposed parcel 3. In order to accomplish this buffer recommendation and ensure adequate separation between future residential development and areas of intensified agricultural production, the building envelope on proposed parcel 3 should be reduced in size and moved further east.

Due to prevailing winds and the lower quality soils east of proposed parcels 2 and 3, no agricultural buffer is necessary on this side of these parcels. The only likely use of these soils is for grazing, and fencing and established building setbacks can ensure compatibility. However, a 50-foot agricultural buffer should be recorded on the east portion of proposed parcel 1, where dry-farming activities may continue up to and along the property line.

All three proposed residential parcels should be fenced from adjoining agricultural properties. Fencing that is located on the residential parcels reduces the possibility of trespass and damage to agricultural crops, liability concerns for agriculturalists and fencing costs for adjoining agricultural land owners.

Design

The proposed cluster will result in approximately 5.6 acres of the 56-acre site being utilized for three residential parcels ranging in size from 1.61 to 2.03 acres. As previously noted, the proposed residential parcels are located on a knoll that rises approximately 40 feet above the adjoining prime

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farmland to the west and southwest. Thus, the applicant is proposing to utilize the lower-quality portion of the site for future residential development, protecting the on-site prime soils for long-term agricultural use. The proposed parcels do include small portions of potentially prime soils; however, these are located on hillside areas and/or in such small quantities as to have little functional agricultural use.

The proposed parcel configuration locates an agricultural pond on the open space parcel, ensuring that future owners of the protected open space parcel can continue to utilize the existing irrigation system. However, proposed parcels 1 and 2 appear to include portions of the agricultural pond. These parcels should be reconfigured to ensure that the entire pond, plus a setback of at least 15 feet, is located on the open space parcel (parcel 4). This will provide future owners of the open space parcel access around the pond for repair work and, combined with fencing on the residential properties, will reduce liability concerns.

D. RECOMMENDED MITIGATION MEASURES

Based on the findings and conclusion in the previous sections, the Agriculture Department recommends that the project be conditioned to:

- Limit withdrawals from the proposed community well to domestic use for the three residential parcels only.
- Require future owners of the residential parcels to maintain the access road.
- Require an access easement that provides access on and across the proposed residential access road to the owner of the open space parcel (parcel 4).
- Limit future ranch/farm headquarters development to a building site not to exceed one-half (1/2) acre.
- Limit future agricultural accessory structures/agricultural processing uses to a building site not to exceed one (1) acre with the uses directly relating to the on-site production of agricultural products.
- Record agricultural buffers on the proposed residential parcels:
 - Locate a buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based upon the current configuration of the residential parcels, this buffer distance translates to a distance range on the proposed residential parcels: 0- to 135-feet on the southwest portion of parcel 1, 130-feet on western portion of parcel 2, and 135- to 150-feet on the west side of parcel 3.
 - Locate a buffer 50 feet from the eastern property line of parcel 1.
 - Buffers are for occupied structures only and do not restrict other uses on the proposed residential parcels.
 - The agricultural buffer should be duly recorded in the chain of title on the subject properties.
- Install fencing between the proposed residential parcels and surrounding agricultural lands.
- Place the property lines of the proposed residential parcels a minimum of 15 feet from the high water mark on the agricultural pond.
- Disclosure of the County's Right to Farm ordinance should be provided to all successors in interest as required by county ordinance (Chapter 5.16).

OCW

FINDINGS - EXHIBIT C

Conditional Use Permit SUB2004-00236

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 10, 2007 for this project. Mitigation measures are proposed to address agricultural resources, hazards and hazardous materials, noise, and water, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and potential inconsistencies with land use plans and policies could be overcome with the inclusion of mitigation measures addressing many of these issues, including: location of future development in relation to prime soils and established agricultural uses, establishing additional agricultural production areas on-site, establishment of emergency access and limitations on water use.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code and potential inconsistencies with land use plans and policies could be overcome with the inclusion of mitigation measures addressing many of these issues, including: location of future development in relation to prime soils and established agricultural uses, establishing additional agricultural production areas on-site, establishment of emergency access and limitations on water use.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the minor agricultural cluster project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the minor agricultural cluster project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Dana Foothill Road, a road which is constructed to a level able to handle any additional traffic associated with the project.

Minor Agricultural Cluster

- G. The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.
- H. The proposed project has been designed to:
1. Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties;
 2. Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads;
 3. Avoid placement of roads or structures on any environmentally sensitive habitat areas;
 4. Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas;
 5. Cluster proposed residential structures, to the maximum extent feasible, so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area;
 6. Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.
- I. The proposed project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.
- J. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.
- K. The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.

Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>)

14. **Prior to issuance of grading or construction permits**, the applicant shall submit a drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
15. **Prior to issuance of grading or construction permits**, the applicant shall submit a sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
16. **Prior to building permit issuance**, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

17. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
18. **Prior to occupancy**, residential parcels shall be fenced to preclude trespassing on the adjoining protected agricultural land.
19. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
20. If public improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

On-going conditions of approval (valid for the life of the project)

21. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded. Supplemental notification to the County Right to Farm Ordinance to all subsequent

owners and occupants of the proposed residential parcels is also required. Notification language shall identify, at a minimum, the following:

- i. Adjoining agricultural land is permanently protected for agricultural uses.
- ii. Future agricultural uses may vary from current uses and might include greenhouses, processing facilities, nighttime operation, early morning activity, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed.
- iii. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.

22. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
24. Only APCD approved wood burning devices can be installed in new dwelling units. Please contact APCD for a list of approved wood burning devices.
25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
28. The applicant shall as a condition of approval of this conditional use permit and tentative or final / parcel map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as through set forth in full..

one residence per parcel (no secondary dwellings allowed) and access roads. While the proposed residential development will be more concentrated than existing development in the area, the visual impact is not considered significant. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

<i>- Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	<i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	<i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types are as follows:

Diablo clay, (5 - 9 % slope). This gently sloping soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Lodo-Rock outcrop complex, (9 - 30% slope). This gently to steeply sloping soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Cropley clay, (0 - 2 % slope). This nearly level soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Tierra sandy loam, (2 - 9 % slope). This gently sloping soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class III when irrigated.

Impact. The project site consists of 83 acres of prime soils, 41 of which are currently planted. The entire existing orchard is approximately 60 acres. Of the 122.90 acre site, the proposed project designates 10.7 acres of the site for new residential parcels. Of those 10.7 acres, over eight acres are planted with orchards and over four acres are classified as prime soils.

The Agriculture Department reviewed the project and found the project has potentially significant impacts to agricultural resources and operations. Primary impacts include the loss of over four acres of prime soils planted with orchards and four additional acres of planted and capable agricultural lands. The proposed project locates residential parcels on soils currently and historically in agricultural production. Approximately eight acres of capable agricultural soils that are in production would be

impacted by the proposed residential parcels. Of these, four are classified as prime agricultural soils. Currently, there are 41 acres planted on prime soils. Therefore, ten percent of the existing orchard on prime soils on site would be devoted to residential uses and more than thirteen percent of the total existing orchard would be removed from production in order to accommodate the proposed residential parcels.

Other potential impacts include inadequate protections for the continued and expanded agricultural production on the protected agricultural parcel and inconsistency with Agriculture and Open Space Element policies 11 (Agricultural Water Supplies) and 18 (Location of Improvements). The proposed project introduces residential suburban development adjacent to production agriculture, raising land use compatibility issues such as an increased potential for trespass, liability, or complaints associated with residential uses adjacent to intensive agriculture operations. Water issues include potential impacts to agricultural water supplies (either quality or quantity) from increased residential development (including landscaping) adjoining protected agricultural lands. The agricultural lands rely on limited water resources during cycles of drought in order to maintain permanent agricultural crops.

Further, approval of this project could be considered precedent setting, leading to considerable loss of prime agricultural soils, loss of capable soils, loss of production agriculture, and increase conflicts between production agriculture and nonagricultural development. Please see the attached letters from the Michael Isensee of the Agriculture Department dated December 21, 2006 and July 20, 2006.

While the County Agriculture Department identified significant impacts, they also identified mitigation measures to minimize the conversion of productive agricultural soils, address compatibility concerns between agricultural uses and the proposed residential use, minimize competition for water between production agricultural and the proposed residential uses, and to ensure the long-term sustainability of the protected agricultural parcel. These mitigation measures include limiting future development on the protected agricultural parcel, provided agricultural buffers on the residential parcels, fencing and construction method requirements, well and septic location limits, and water conservation measures.

The Board of Supervisors determined that these measures were sufficient to reduce the potential agricultural impacts to a level of insignificance. In addition, the Board determined that the precedent setting nature of the project was not significant due to the unique set of circumstances and physical conditions of the project.

Mitigation/Conclusion. Mitigation measures have been identified to minimize the conversion of productive agricultural soils, address compatibility concerns between agricultural uses and the proposed residential use, minimize competition for water between production agricultural and the proposed residential uses, and to ensure the long-term sustainability of the protected agricultural parcel. These measures include the recommendations of the County Agriculture Department and are included in Exhibit B.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

(805) 781-5910

AGRICULTURAL COMMISSIONER/SEALER

FAX (805) 781-1035

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

DATE: December 21, 2006

TO: Martha Nøder, Senior Planner

FROM: Michael Isensee, Agriculture Department *MI*

SUBJECT: CEQA recommendations for SUB2005-00236 (Ag# 1152)

The Agriculture Department finds that the project as proposed has potentially significant impacts to agricultural resources and operations. The primary impacts include the loss of over four acres of prime agricultural soil plus four additional acres of planted and capable agricultural lands. Other potential impacts include approving an agricultural cluster subdivision without adequate protections for continued and expanded agricultural production on the protected agricultural parcel. Further, the project as proposed may be inconsistent with AGP 11 and 18 of the County's Agriculture and Open Space Element. Approval of an agricultural cluster project with these impacts could be considered precedent setting, leading to considerable loss of prime agricultural soils and other capable soils, land currently in production, as well as increased conflicts between production agriculture and nonagricultural development.

The project as proposed:

- Locates residential parcels on soils currently and historically in agricultural production. Approximately eight acres of capable agricultural soils that are in production would be impacted by the proposed residential parcels. Of these, four are classified as prime agricultural soils. Thus, more than ten percent of the total prime soils on site would be devoted to residential uses and more than thirteen percent of existing orchard would be removed from production in order to accommodate the proposed residential parcels.
- Does not address potential resource impacts to the remaining protected agricultural parcel. Potential issues include land use compatibility and competition for limited water resources. Land use compatibility issues include an increased potential for trespass, liability or complaints associated with residential uses adjacent to intensive agricultural operations. Water issues include potential impacts to agricultural water supplies (either quality or quantity) from increased residential development (including landscaping) adjoining protected agricultural lands. These agricultural lands rely on limited water resources during cycles of drought in order to maintain permanent agricultural crops.
- Does not appear to be consistent with the County General Plan, specifically Agriculture and Open Space Element policies 11 (Agricultural Water Supplies) and 18 (Location of Improvements).

These comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. For background information on the project site, please see the Agriculture Department project referral dated July 20, 2006.

For additional information, please contact me at 781-5753.

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

RECEIVED

JUL 2 - 2006

Planning & Bldg

DATE: July 20, 2006

TO: Martha Neder, Senior Planner

FROM: Michael Isensee, Agricultural Resource Specialist *mqd*

SUBJECT: OCW II & RMT (Wittstrom/Tannenhill) Revised Parcel Map Sub2005-00236
(Ag# 1152)

The Agriculture Department recognizes that the Agricultural Cluster provisions of the Agriculture and Open Space Element provide an alternative to traditional subdivision by maintaining the majority of a site in permanent agricultural production. The Department also recognizes that careful cluster design and analysis of potential impacts are necessary to avoid unintended impacts to the long-term agricultural capability of a site as well as to agricultural operations in the vicinity. As with all subdivision, the existing cluster ordinance and other county standards provide legal requirements that must be satisfied in order to utilize the cluster. While the proposed project would permanently protect ninety percent of this site, it does not meet all of the required county standards.

The proposed project does not appear to meet ordinance requirements for a Minor Agricultural Cluster (Land Use Ordinance Section 22.22.154) due to

- 1) impacts to prime soils and other agricultural production areas.
- 2) a lack of clarity regarding the adequacy of water resources on the site.

The following report provides additional details regarding these agricultural issues.

The comments and recommendations in this report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. The Department will gladly review an alternative design and/or additional information that could enable the project to meet ordinance requirements.

For additional information, please contact me at 781-5753.

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Background

The applicant is proposing to divide a nearly 123-acre agricultural property into three residential parcels and one open space parcel utilizing the county's minor cluster ordinance provisions. The applicant appears to be requesting as many as five residences, one on each of the clustered residential parcels and up to two on the protected agricultural parcel. No information about how the applicant qualifies for this amount of development was submitted with the application. The project is located at the intersection of Sheehy and North Dana Foothill Roads east of North Thompson Avenue in the Nipomo Creek watershed.

The property has historically been utilized for agricultural purposes (lemon orchard) and is zoned Agriculture. It is not currently enrolled in the Land Conservation Act program (Williamson Act contract) but the proposed agricultural/open space parcel would qualify for both a stand-alone preserve and contract due to the presence of more than 40 acres utilized for the production of irrigated orchard. Several adjoining properties are under contract.

Land to the southwest and southeast is zoned Agriculture. Land to the northwest, north and northeast are largely zoned Rural Residential, with a portion to the east zoned Rural Lands.

Agricultural Resources

Crops

The site had been planted with an 80-acre lemon orchard until 2005, when 20 acres of the orchard were removed. The orchard has not been well managed in recent years. The new owners have verbally stated their intent to replant portions of the site and have been upgrading irrigation in the remaining 60-acre orchard.

The orchard is planted on the following soils: 2.1 acres on 127 Cropley Clay, 39.3 acres on 129 Diablo Clay, and 18.0 acres on 151 Lodo-Rock Outcrop. Thus, 41.4 acres are planted on prime soils, and a total of just less than 60 acres is currently planted.

The Tentative Vesting Map states that 92.7 acres were historically planted with lemon trees on the site. There is no documentation available to verify this information.

Soils

The site contains the following soil resources:

Soil Type		Irrigated	Non-irrigated	Site Acres
127 Cropley Clay	Prime	II	IV	7
129 Diablo Clay	Prime	II	IV	76
151 Lodo-Rock Outcrop Complex		IV/VIII	IV/VIII	35
216 Tierra Sandy Loam	Statewide Important	III	IV	3
Total				121

Source: Natural Resources Conservation Service and SLO Planning Department
Acreages are approximate based upon GIS

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Soil type 151 is a fairly unique soil classification. Approximately 40% of soil type 151 is rock outcrop areas with essentially no agricultural capability (class VIII) while the majority of the remainder is Lodo soil with moderate agricultural capability (class IV). This bears out on the applicant's site, where approximately 60 percent of this soil is planted and the remainder is disturbed grassland or native habitat.

The project site consists of approximately 83 acres of prime soils and 100 acres of soils potentially available for crop production. The remaining 22 acres of the site are either rock outcrop (a 14-acre portion of soil type 151) or riparian areas (8 acres) with the north and south tributaries of Nipomo Creek as well as Melschau Creek on the property.

Specifically, the proposed project would impact the following soils by the creation of new residential parcels:

Soil Type		Irrigated	Non-irrigated	Proposed Residential Area (Acres)
129 Diablo Clay	Prime	II	IV	4.2
151 Lodo-Rock Outcrop Complex		IV/VIII	IV/VIII	6.5
	Total			10.7

Of these 10.7 acres, approximately eight are currently in agricultural production and over four are classified as prime soils. Therefore, the project has not been designed to "locate proposed development to avoid and buffer all prime agricultural soils on the site [and] other agricultural production areas on the site" as required by Section 22.22.150B.5.b.1 of the Land Use Ordinance.

Water Resources

A required finding for agricultural cluster projects is information to determine if the site has "the water resources...adequate to serve...existing and proposed agricultural operations on the subject site and in the site vicinity" (Section 22.22.150B.5.d). Adequate water resources include the need for the water to be of adequate quality, and the applicant needs to provide an agricultural water quality test that includes the typical constituents tested to Wells are also known to have limitations based upon specific chemical problematic from successful production agriculture, including boron, EC_w, SAR, and others not available in a domestic drinking water analysis. Unfortunately, the only tests available at this time are domestic water quality tests and not agricultural water quality tests. In order to determine the adequacy of the water resources, acceptable water quality test results will be needed.

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A Mitigated Negative Declaration has been prepared. On May 23, 2007, a Request for Review of the proposed Negative Declaration was filed by the Environmental Center of San Luis Obispo. The item was continued to August 7, 2007 in order to prepare the County's response to the request for review.

REQUEST FOR REVIEW

On May 23, 2007 the County received a Request for Review (RFR) of the proposed Negative Declaration for the Wittstrom Tentative Parcel Map (CO 06-0087) and Conditional Use Permit, from ECOSLO (Morgan Rafferty; May 23, 2007) with additional comments provided for ECOSLO by Babak Naficy (May 31, 2007). Per the County's CEQA Guidelines, the issues raised in the RFR are to be considered at the hearing for the proposed project.

ISSUES

Issue 1:

The Negative Declaration is inappropriate, and an Environmental Impact Report should be prepared.

Response:

The Board of Supervisors considered the information in the Initial Study and presented at the hearing on March 27, 2007. Based on this information, the Board of Supervisors identified mitigation measures to reduce potential impacts to less than significant levels, and determined that an Environmental Impact Report is not necessary. No additional information has been presented that would substantially alter that conclusion.

Issue 2:

The project is inconsistent with LUO 22.22.150(B)(7) in regards to placement of development on prime soils, and the requisite findings cannot be made.

Response:

The subject property includes 83 acres of soils with a Natural Resources Conservation Service classification I or II (prime soils). The area proposed for the residential portion of this minor agricultural cluster contains approximately 4 acres of these prime soils. The Board of Supervisors at their November 7, 2006 and March 27, 2007 hearings determined that loss of this small portion of the site's prime soils was consistent with the provisions of LUO 22.22.150(B)(7). In addition, the Negative Declaration identified mitigation measures to minimize the conversion of productive agricultural soils, address compatibility concerns between agricultural uses and the proposed residential use, minimize competition for water between production agricultural and the proposed residential uses, and to ensure the long-term sustainability of the protected agricultural parcel. Given these measures, impacts to agricultural resources will be mitigated to a level of insignificance and the findings required by LUO 22.22.150(B)(7) can be made.

Issue 3:

Due to the lack of secondary road access, and the exceedence of the maximum dead end road standard, the project is not consistent with requisite finding that:

OK

The proposed project has been designed to... Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.

Response:

At the November 7, 2006 hearing the Board considered the consistency of the project in relation to the above noted finding, and on March 27, 2007, the Board considered the issues of the lack of secondary access and the exceedence of the dead end road standard in relation to whether it constituted a significant environmental impact. The Board determined that the above referenced finding could be made, and the potential impact to hazards and circulation could be mitigated with the incorporation of specific measures. These measures include installation of sprinklers in residential structures, additional on-site water storage and inclusion of an additional on-site access road (to Sheehy Rd.) to improve emergency access. Given these measures, impacts to hazards and emergency access will be mitigated to a level of insignificance, and the requisite findings can be made.

Issue 4

The project is inconsistent with the County General Plan, specifically Ag and Open Space Policies #18 (location of development in relation to agriculture), 20 (land divisions and long term protection of agriculture) and 11 (adverse impacts to agricultural water sources).

Response:

The Board of Supervisors considered the project's consistency with these policies at the November 7, 2006 and March 27, 2007 hearings regarding the project. At the March 27, 2007 hearing, the Board identified mitigation measures that would allow the project to be found consistent with the above mentioned policies and that would mitigate impacts to agriculture to a level of insignificance. These measures address compatibility concerns between agricultural uses and the proposed residential use by siting and limiting residential uses, application of buffers and disclosure of the Right To Farm. The project also minimizes the loss of prime soils through minimizing the area that can be converted to non-agricultural uses. The project includes measure to minimize water usage associated with the residential uses by limiting landscaping, use of low flow fixtures, and limiting the transfer of groundwater resources. These measures will ensure the long-term sustainability of the protected agricultural parcel and will reduce impacts to agricultural resources to a level of insignificance.

Issue 5:

The County must prepare an EIR because the proposed project will likely result in one or more significant adverse impacts.

Response:

The Board of Supervisors considered the information in the Initial Study and as well as public testimony presented at the hearing on March 27, 2007. Based on this information, the Board of Supervisors identified mitigation measures to reduce potential impacts to less than significant levels, and determined that an Environmental Impact Report is not necessary. No additional information has been presented that would substantially alter that conclusion.

Issue 6:

The project is inconsistent with the Ag and Open Space Element and it will result in significant adverse impacts to agricultural resources by converting prime soils and existing agricultural operations to non-agricultural uses.

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Response:

At the March 27, 2007 hearing, the Board of Supervisors considered the information presented in the Initial Study, including the comments of the Agricultural Commissioner's Office and public testimony. Based on all the information in the record, the Board determined that there were mitigation measures that would mitigate impacts to agriculture to a level of insignificance. These measures address compatibility concerns between agricultural uses and the proposed residential use by siting and limiting residential uses, application of buffers and disclosure of the Right To Farm. The project also minimizes the loss of prime soils through minimizing the area that can be converted to non-agricultural uses. The project includes measures to minimize water usage associated with the residential uses by limiting landscaping, use of low flow fixtures, and limiting the transfer of groundwater resources. These measures will ensure the long-term sustainability of the protected agricultural parcel and will reduce impacts to agricultural resources to a level of insignificance.

Issue 7:

The project poses a health and safety hazard by locating residential dwellings in an area without secondary access. The mitigation measures do not mitigate the risk associated with inadequate evacuation route, and the project exceeds the maximum dead end road length.

Response:

On March 27, 2007, the Board considered the issues of the lack of secondary access and the exceedence of the dead end road standard in relation to whether it constituted a significant environmental impact. The Board determined that the potential impact to hazards and circulation could be mitigated with the incorporation of specific measures. These measures include installation of sprinklers in residential structures, additional on-site water storage and inclusion of an additional on-site access road (to Sheehy Rd.) to improve emergency access. Given these measures, impacts to hazards and emergency access will be mitigated to a level of insignificance.

Issue 8:

The project will have a significant adverse impact on transportation because the project exceeds the maximum dead end road limitation.

Response:

The project does exceed the maximum dead end road limitation. On March 27, 2007, the Board considered this issue in relation to whether it constituted a significant environmental impact. The Board determined that the potential impact to circulation could be offset by the inclusion of an additional on-site access road (to Sheehy Rd.) to improve emergency access. The Initial Study also identified a potential cumulative circulation impacts related to the project's contribution to areawide circulation (along with numerous other projects in the South County). This impact will be mitigated by the project's pro-rata share contribution to the South County Circulation Fee program. Given these measures, impacts to circulation will be mitigated to a level of insignificance.

Issue 9:

The project will impact water supply availability for agriculture due to new on-site wells for domestic use.

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Response:

The proposed project will result in additional domestic usage of groundwater supplies. At the March 27, 2007 hearing, the Board of Supervisors considered this issue and determined that the potential impact to water resources could be mitigated with the incorporation of specific measures. The measures to minimize water usage associated with the residential uses include limiting landscaping, use of low flow fixtures, and limiting the transfer of groundwater resources. These measures will ensure the long-term sustainability of the agricultural operations and will reduce impacts to water resources to a level of insignificance.

Issue 10:

The project is inconsistent with County policies and zoning ordinances designed to: protect agricultural resources, minimize risk to life and property, enhance and preserve agricultural operations. In addition the project is inconsistent with Ag and Open Space Policy 11 which is designed to protect agricultural water supplies.

Response:

The Board of Supervisors considered the project's consistency with these policies at the November 7, 2006 and March 27, 2007 hearings regarding the project. At the March 27, 2007 hearing, the Board identified mitigation measures that would allow the project to be found consistent with the above mentioned policies and that would mitigate impacts to agriculture and hazards to a level of insignificance.

Mitigation measures to address agricultural compatibility concerns between agricultural uses and the proposed residential use include: siting and limiting residential uses, application of buffers and disclosure of the Right To Farm. The project also minimizes the loss of prime soils through minimizing the area that can be converted to non-agricultural uses. The project includes measure to minimize water usage associated with the residential uses by limiting landscaping, use of low flow fixtures, and limiting the transfer of groundwater resources. These measures will ensure the long-term sustainability of the protected agricultural parcel and will reduce impacts to agricultural resources to a level of insignificance.

Mitigation measures to address hazard and safety impacts include installation of sprinklers in residential structures, additional on-site water storage and inclusion of an additional on-site access road (to Sheehy Rd.) to improve emergency access. Given these measures, impacts to hazards and emergency access will be mitigated to a level of insignificance.

Issue 11:

The approval of the project without processing an EIR will set a precedent leading to other similar project processed without adequate environmental review. The project must consider the precedent setting nature of the project and evaluate the foreseeable indirect and cumulative adverse impacts to County agricultural resources.

Response:

Processing the proposed project without preparation of an EIR does not set a precedent that would lead to any foreseeable indirect or cumulative impacts to agricultural resources. The issues identified in relation to agricultural resources are, to a great extent, project and site specific. Site specific aspects including: the number of acres of prime soils affected, the location of the proposed residential parcels in relation to public roads, the type and location of on-site and nearby agricultural operations, and project specific mitigation measures, were

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considered in the Board's deliberations regarding the project's consistency with applicable policies and the level of environmental impact. The Board weighed these issues in several public hearings and considered all the information in the record before concluding that a Negative Declaration is appropriate with the incorporation of mitigation measures. Given the importance of the specifics of the project, and the Board's careful consideration, it is unlikely that the project can be considered a precedent. It is unlikely that another project exhibiting the same specific characteristics would be proposed. Each future project will be appropriately analyzed and processed based in the specifics of the project. Future minor agricultural clusters may require an EIR or be processed with a Negative Declaration based on the results of that analysis.

Issue 12:

Significant adverse impacts associated with the project require an Alternatives Analysis.

Response:

While the Initial Study identified significant impacts associated with the proposed project, at the March 27, 2007 hearing, the Board identified mitigation measures that would reduce these impacts to a level of insignificance and allow the project to proceed with the preparation of a Negative Declaration. Given this, an Alternatives Analysis is not required by CEQA and one was not prepared.

All impacts associated with the proposed project have been mitigated to a level of insignificance as identified in the Negative Declaration and as implemented through the conditions of approval.

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San Luis Obispo County

Department of Planning and Building
Environmental Division

REQUEST FOR REVIEW OF A PROPOSED NEGATIVE DECLARATION

1. PERSON FILING THE REQUEST:

Name Environmental Center of San Luis Obispo
Address P.O. Box 1014
San Luis Obispo, CA 93406
Phone # 805.544.1777 (daytime)

2. NAME OF PROJECT:

CCW II / RMT Enterprises Parcel Map SUB 2005-00236 / C006-00

3. REASONS FOR REQUEST FOR REVIEW:

A letter stating your reasons for filing a Request for Review of the proposed Negative Declaration must be attached. Issues must be related to the environmental effects of the project.

4. FILE REVIEW

The person(s) filing the request has reviewed the project files and environmental information and has met with Environmental Division staff to discuss the Request for Review:

Yes No

5. SIGNATURES

I/we hereby request a review of the proposed Negative Declaration.

Signed Morgan Rafferty Date 5/23/07

Name (printed) Morgan Rafferty

Signed _____ Date _____

Name (printed) _____

Signed _____ Date _____

Name (printed) _____

6. FEES

Your Request for Review must be accompanied by the appropriate fee. This fee is currently \$55. Please include a check, made out to "The County of San Luis Obispo" for this amount.

7. WHERE TO SUBMIT THIS FORM

Submit this completed form and your letter describing the reasons for the request for review to the Environmental Division, Department of Planning and Building, County Government Center, San Luis Obispo, CA 93408 (805) 781-5600.

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13. WASTEWATER - Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

d) Other: _____

Setting. As described in the NRCS Soil Survey (see Agriculture section for soil types and descriptions), the main limitations for on-site wastewater systems relates to: slow percolation, steep slopes, shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent (no system is allowed on greater than 30% slopes). To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent "daylighting" to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Impact. The project proposes to use an on-site system as its means to dispose of wastewater. Based on the proposed project, adequate area appears available for an on-site system.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

- a) *Violate any water quality standards?*
- b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?*
- c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*
- d) *Change the quantity or movement of available surface or ground water?*

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for residential water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the residential portion of the proposed project. The Agriculture Department reviewed the project and raised concerns regarding consistency with Agriculture and Open Space Element policy 11 (Agricultural Water Supplies) and potential impacts to agricultural water supplies from increased residential development.

The topography of the project is nearly level to steeply sloping. The closest creeks (Nipomo and Mehlschau) are on site. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. On water use, based on the project description, as shown below, a reasonable "worst case" indoor residential water usage would likely be about 3.4 acre feet/year (AFY)

4 residential lots (w/primary (0.85 afy)) X 4 lots = 3.4 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

SSWaterUsage

The project has the potential to result in impacts to agricultural water supplies (either quality or quantity) from increased residential development (including landscaping) adjoining agricultural lands. These agricultural lands rely on limited water resources during cycles of drought in order to maintain permanent agricultural crops. Adequate water resources include the need for water to be of adequate quality. Water resources may have limitations based on specific chemicals that are problematic to successful production agriculture such as boron, SAR, and others.

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 6 acres. The area proposed for residential development is not within close proximity to surface water sources.

Mitigation/Conclusion. At the March 27, 2007 hearing, the Board of Supervisor's identified mitigation measures to reduce impacts to water quantity and surface water quality to less than significant levels. These mitigation measures include: limiting landscaping area associated with residential uses, requiring low flow and water saving fixtures in future construction, limiting transfer of water and water rights from the agricultural parcel, and requiring all residential control and run-off facilities to be provided within the boundaries of the residential parcels.

15. LAND USE - Will the project:

Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT 8-1
SUBDIVISION REVIEW BOARD**

Promoting the wise use of land
Helping build great communities

MEETING DATE September 11, 2006	CONTACT/PHONE Martha Neder, AICP (805) 781-4576	APPLICANT Chad Wittstrom and Ryan Tannehill	FILE NO. CO 06-0087 SUB2005-00236
SUBJECT Request by OCW II and RMT Enterprises, LLC for a Tentative Parcel Map (CO 06-0087) and Conditional Use Permit for a Minor Agricultural Cluster Subdivision to divide a 122.90 acre parcel into four parcels of 4.06 acres, 2.50 acres, 4.06 acres, and 112.28 acres. The proposed project is within the Agriculture land use category and is located on the southwest corner of the intersection of Sheehy Road and Dana Foothill Road, northwest of the community of Nipomo. The site is in the South County planning area.			
RECOMMENDED ACTION Deny Vesting Tentative Parcel Map CO 06-0087 and Conditional Use Permit SUB2005-00236 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 090-041-080	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: 22.22.150 Agricultural Lands Clustering			
EXISTING USES: Lemon orchard, single family residence, agricultural accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural <i>South:</i> Agriculture <i>East:</i> Residential Rural & Rural Lands <i>West:</i> Residential Rural & Agriculture			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: South County Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans, RWQCB

TOPOGRAPHY:

Nearly level to gently sloping

VEGETATION:

Lemon orchard, riparian

PROPOSED SERVICES:

Water supply: On-site well
Sewage Disposal: Individual septic system
Fire Protection: CDF

ACCEPTANCE DATE:

Not accepted

ORDINANCE COMPLIANCE:

Agricultural Lands Clustering

Section 22.22.150 of the Land Use Ordinance establishes standards for cluster subdivisions within the Agriculture land use category. The intent of this section is to encourage the preservation of agricultural lands for the continuing and enhanced production of food and fiber. These standards address permit requirements, application content, environmental review, open space preservation, findings for approval, access, site layout criteria, and number of dwelling units. The standards prohibit development on prime agricultural soils.

The proposed project does not meet Land Use Ordinance Section 22.22.150(B)7 Site Layout Criteria because structural development is proposed to be located on soils with a Natural Resources Conservation Service classification I or II. The project site consists of 83 acres of prime soils. The proposed project creates 10.7 acres of new residential parcels. Of those 10.7 acres, over four are classified as prime soils. The proposed project does not meet the minimum requirements for a minor agricultural cluster subdivision.

Further, the Review Authority must make the following findings, in addition to the findings required for a Conditional Use Permit, in order to approve a Minor Agricultural Cluster:

- a. *The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.*
- b. *The proposed project has been designed to:*
 - (1) *Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties;*
 - (2) *Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads;*
 - (3) *Avoid placement of roads or structures on any environmentally sensitive habitat areas;*
 - (4) *Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas;*
 - (5) *Cluster proposed residential structures, to the maximum extent feasible, so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area;*

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- (6) *Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.*
- c. *The proposed project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.*
- d. *The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.*
- e. *The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.*

The proposed project locates three parcels to be located along Dana Foothill Road at the intersection of Dana Foothill Road and Sheehy Road. These parcels and associated development area are located on prime soils in areas that are currently planted with lemon orchards. These parcels are also located approximately 1,500 feet beyond the maximum dead end road length of 2,640 feet.

Neither Finding a nor b(1) can be made because development is located on prime agricultural soils and in areas where orchards exist. The site had been planted with an 80-acre lemon orchard until 2005 when 20 acres were removed. The property owners have verbally stated their intent to replant portions of the site and have been upgrading irrigation in the remaining 60-acre orchard. The project site consists of 83 acres of prime soils. An additional 17 acres, while not prime soils, are potentially available for crop production. The proposed project creates 10.7 acres of new residential parcels. Of those 10.7 acres, approximately 8 are in agricultural production and over four are classified as prime soils. Therefore, the project will not "result in the continuation, enhancement and long-term preservation of agricultural resources and operations" and has not been designed to "locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site".

Finding b(6) cannot be made because the proposed project has not been designed to locate proposed development to minimize risks to life and property due to fire hazard as there is no secondary access proposed and the project exceeds the maximum dead end road length of 2,640 feet by approximately 1,500 feet. In order to meet the applicable fire safety rules and regulations, including the California Fire Code, the Public Resources Code, and any standards referenced therein, the project would need to provide a secondary access road. Therefore, the project has not been designed to "Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion."

Finding d cannot be made because the only water tests available at this time are domestic water quality tests. No agricultural water quality tests are available to determine whether chemicals problematic for successful agricultural production exist. Therefore, it cannot be determined whether "water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations."

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AGRICULTURE AND OPEN SPACE ELEMENT COMPLIANCE:

Agriculture Policies (AGP)

AGP18 - Location of Improvements: Locate new buildings, access roads, and structures so as to protect agricultural land. The proposed project is inconsistent with this policy because development is located on prime agricultural soils and in areas where orchards exist. The proposed project creates 10.7 acres of new residential parcels. Of those 10.7 acres, approximately 8 are in agricultural production and over four are classified as prime soils.

AGP20 - Agricultural Land Divisions: Where a land division is proposed, the proposed parcels should be designed to ensure the long term protection of agricultural resources. The proposed project is inconsistent with this policy because the proposed project creates new residential parcels on prime agricultural soils and in areas where orchards exist.

COMMUNITY ADVISORY GROUP COMMENTS: No comments returned on revised project.

AGENCY REVIEW:

CDF - The dead-end road length as measured from Thompson Road to the proposed parcels exceeds the dead end road length of 2640 feet. The project does not meet CDF/San Luis Obispo County Fire conditions. The project must be modified to meet and submitted to CDF/San Luis Obispo County Fire for another review. See attached referral response.

Public Works - Proposed project exceeds maximum dead end length by approximately 1,500 feet. Secondary access road is required. Tentative map needs to show proposed alignment of secondary access for review (possible creek crossing).

Ag Commissioner - The project does not meet ordinance requirements for a Minor Agricultural Cluster. See attached referral response.

APCD - The Clean Air Plan recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low density residential development, therefore the APCD does not support this project or this type of development. See attached referral response.

Environmental Health - Preliminary evidence of water, additional documentation required for each lot prior to map recordation. Individual wastewater disposal systems are acceptable provided the County and State installation requirements can be met.

County Parks - Proposed conditions.

Nipomo Community Services District - No response

Cal Trans - No response

RWQCB - No water quality issues.

LEGAL LOT STATUS:

The lot was legally created by voluntary merger (M03-0122) at a time when that was a legal method of creating lots.

SANTA
MARGARITA

SANTA
MARGARITA

TALLEY

VARIAN