

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE April 4, 2006	(3) CONTACT/PHONE Nick Forester, Planner (805) 781-1163	
(4) SUBJECT Hearing to consider an appeal by Donald Carnine of the Subdivision Review Board disapproval of his request for Tentative Parcel Map CO 05-0090 using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. County file number SUB2004-0348. Continued from January 24, 2006. (SUPERVISORIAL DISTRICT 1)				
(5) SUMMARY OF REQUEST The applicant, Donald Carnine, is requesting that the Board of Supervisors overturn the November 7, 2005 decision of the Subdivision Review Board denying Tentative Parcel Map CO 05-0090 using the Transfer of Development Credits program to subdivide an existing 40 acre Agriculture-zoned parcel into two parcels of 20 acres each. The Board heard the appeal on January 24, 2006 and took tentative action to uphold the appeal and directed staff to return today with an environmental determination for the project.				
(6) RECOMMENDED ACTION Adopt the resolution reversing the decision of the Subdivision Review Board, upholding the appeal and conditionally approving the application of Donald Carnine for Tentative Parcel Map CO 05-0090 based on the findings in Exhibit A and the conditions in exhibit B.				
(7) FUNDING SOURCE(S) Appeal Fees		(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Templeton Area Advisory Group, Subdivision Review Board, County Agriculture Department, County Counsel				
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____				
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, 2nd, 3rd, 4th, 5th, All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 30 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<p><i>OK</i> <i>Leslie Brown</i></p> <p style="font-size: 2em; font-weight: bold;">CS (4/4/06)</p>
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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS

**FROM:** NICK FORESTER, CURRENT PLANNING

**VIA:** WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

**DATE:** APRIL 4, 2006

**SUBJECT:** HEARING TO CONSIDER AN APPEAL BY DONALD CARNINE OF THE SUBDIVISION REVIEW BOARD DISAPPROVAL OF HIS REQUEST FOR TENTATIVE PARCEL MAP CO 05-0090 USING THE TRANSFER OF DEVELOPMENT CREDITS PROGRAM TO SUBDIVIDE AN EXISTING 40 ACRE PARCEL INTO TWO PARCELS OF 20 ACRES EACH. COUNTY FILE NUMBER SUB2004-0348. CONTINUED FROM JANUARY 24, 2006.  
SUPERVISORIAL DISTRICT 1

**RECOMMENDATION**

Adopt the resolution reversing the decision of the Subdivision Review Board, upholding the appeal and conditionally approving the application of Donald Carnine for Tentative Parcel Map CO05-0090 based on the findings in Exhibit A and the conditions in Exhibit B.

**DISCUSSION**

On November 7, 2005 the Subdivision Review Board Permit denied a request by Donald Carnine for a Tentative Parcel Map using the Transfer Of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida Planning Area.

On November 7, 2005, the Planning Department received an appeal of this decision by the applicant, Donald Carnine. The appeal was heard by the Board of Supervisors on January 24, 2006 and the Board took tentative action to uphold the appeal and continued the matter to today. Staff was also directed to prepare an environmental determination that found that the project would not have potentially significant impacts to agriculture and took tentative action to uphold the appeal. The tentative action was based on findings that the project does not involve development in the mapped Flood Hazard zone, would not increase the existing residential density of the site, and that the project is consistent with the requirements of Transfer of Development Credit (TDC) Program.

A Negative Declaration was issued for the project on February 15, 2006. On March 9, 2006 the Planning Department received a Request for Review of the Negative Declaration. The request for review was not received within the timeline specified in the County's adopted CEQA guidelines and thus a detailed response could not be presented in this staff report. The Request for Review did not provide substantial evidence that the project would have a significant impact on the environment. Staff will respond verbally to the issues raised in the Request for Review of the Negative Declaration at the April 4, 2006 Board of Supervisors hearing.

#### **OTHER AGENCY INVOLVEMENT**

Templeton Area Advisory Group, Subdivision Review Board, County Agriculture Department, and County Counsel.

#### **FINANCIAL CONSIDERATIONS**

The required appeal fee was paid at the time the appeal was submitted.

#### **RESULTS**

Approval of the appeal and approval of the tentative parcel map will allow for the project to go forward and will result in the creation of two Agriculture-zoned parcels of twenty acres each.

Denial of the appeal and denial of the tentative parcel map will result in no change to the present parcel configuration.

#### **ATTACHMENTS**

1. Resolution reversing the decision of the Subdivision Review Board, and conditionally approving the application of Donald Carnine for Parcel Map CO 05-0090. (includes Exhibits A and B - Findings and Conditions of Approval)
2. Proposed Negative Declaration
3. Request for Review of the Negative Declaration

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**ATTACHMENT 1**

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**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

4<sup>th</sup> day of April, 2006

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION REVERSING THE DECISION OF THE  
SUBDIVISION REVIEW BOARD AND CONDITIONALLY APPROVING THE  
APPLICATION OF DONALD CARNINE  
FOR TENTATIVE PARCEL MAP FOR PARCEL MAP CO 05-0090**

The following resolution is now offered and read:

WHEREAS, on October 3, 2005 and November 7, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the Subdivision Review Board) duly considered and disapproved the application of Donald Carnine for a tentative parcel map for Parcel Map CO 05-0090; and

WHEREAS, Donald Carnine has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 24, 2006, and the matter was continued to and a determination and decision was made on April 4, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld and the decision of the Subdivision Review Board should be reversed and that the application should be approved based on the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

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2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Donald Carmine is hereby upheld and the decision of the Subdivision Review Board is reversed and that the application of Donald Carmine for a tentative parcel map for Parcel Map CO 05-0090 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairman of the Board of Supervisors

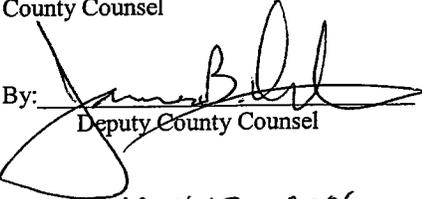
ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: MARCH 15, 2006



STATE OF CALIFORNIA,        )  
  )  
County of San Luis Obispo    )

ss

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk



## FINDINGS - EXHIBIT A

### *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 that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on February 15, 2006 for this project.

### *Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with the Transfer of Development Credit Program contained in the Land Use Ordinance and is being subdivided in a consistent manner with the Agriculture land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance using the provisions of the Transfer of Development Credit Program.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential uses, the parcels are limited to one residence per parcel and all future development is required to be located out of the Flood Hazard zone.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support residential dwelling units, the parcels are limited to one residence per parcel and all future development is required to be located out of the Flood Hazard zone.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site contains no sensitive species habitat.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.



- J. The site qualifies as a TDC Receiver Site as follows: (1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within 5 miles of an urban reserve line; (4) The footprint of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard Area, because none of the site is located within these areas; (6) the footprint of development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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## CONDITIONS - EXHIBIT B

### CONDITIONS OF APPROVAL CARNINE PARCEL MAP CO 05-0090

#### Approved Project

1. Request by Donald Carnine for a Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each.

#### Improvement Plans

2. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

#### Drainage

3. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. The applicant shall provide a Waste Water Discharge Identification Number to the county.

#### Parks and Recreation (Quimby) Fees

4. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

#### Affordable Housing Fee

5. If applicable, prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

#### Fire Protection

6. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements listed in the CDF letter dated May 31, 2005 prior to filing the final parcel or tract map.

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### Additional Map Sheet

7. 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. Second primary dwellings and/or secondary dwellings shall not be allowed on all lots within the land division. Each lot shall only be developed with one (1) single family residence.
  - b. The limits of inundation from a 100 year storm over lot two from Willow Creek shall be shown on the additional map. Future development shall be prohibited within the limits of inundation.
  - c. Future development (as defined by the County's Land Use Ordinance) shall be prohibited within the mapped Flood Hazard Zone as shown on the County's adopted zoning maps.
  - d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated May 31, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
  - e. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site

### Covenants, Conditions and Restrictions

8. 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 at a minimum the following provisions:
  - a. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

### Miscellaneous

9. This subdivision is also subject to the standard conditions of approval for all subdivisions using onsite wells and septic tanks a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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10. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

**TDC Program**

11. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.
12. The subdivider shall as a condition of approval of this tentative or parcel map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers or 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 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 though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
  - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
  - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
  - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.



7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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**ATTACHMENT 2**

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**  
(ver 2.1)

**Project Title & No.** Carnine Parcel Map CO 05-0090 ED 05-296

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Nick Forrester *Nick Forrester* 2/15/06  
Prepared by (Print) Signature Date

Steven McMasters *Steve McMasters* Ellen Carroll, 2/15/06  
Reviewed by (Print) Signature (for) Environmental Coordinator Date

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**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

Request by Donald Carnine for a Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located on the northwest portion of the intersection of Las Tablas-Willow Creek road and Niderer Road (4242 Las Tablas-Willow Creek road), approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida planning area.

ASSESSOR PARCEL NUMBER(S): 039-071-021

SUPERVISORIAL DISTRICT # 1

**B. EXISTING SETTING**

PLANNING AREA: Adelaida, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Residence , accessory structures

TOPOGRAPHY: Moderately sloping

VEGETATION: Grasses , dry farmed walnuts

PARCEL SIZE: 40.0 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Agriculture; residential	<i>East:</i> Rural Lands; residential
<i>South:</i> Agriculture; residential	<i>West:</i> Agriculture; residential

**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. <b>AESTHETICS - Will the project:</b>	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>

**Setting.** The proposed project site consists of a 40 acre parcel located at the northwest side of the intersection of Las Tablas-Willow Creek Road and Niderer Road (4242 Las Tablas-Willow Creek road), approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida planning area. One residence and various accessory structures currently exist on each of the proposed parcels. The remainder of the project site is gently sloping, and supports disturbed grassland dry farmed walnuts and an oak woodland. The surrounding area is characterized by gently to moderately sloping topography vegetated with grassland and scattered oak woodland, developed with residences. The project site and surrounding similarly developed areas are visible from Las Tablas-Willow Creek road and Niderer Road. Las Tablas-Willow Creek road and Niderer are two lane roads providing access to scattered residential development on the west side of Templeton.

**Impact.** The applicant is proposing to subdivide the project site into two parcels of twenty acres each. The project has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units. Approval of the project would not significantly change the visual character of the area and no visual impacts are anticipated.

**Mitigation/Conclusion.** Approval of the project site would not significantly change the visual character of the area. No visual impacts are anticipated and no mitigation is required.

**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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>

**Setting.** The soil types are as follows:

Gazos shaly clay loam, (9 - 30 % slope) . This moderately to steeply 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: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Lockwood shaly loam, (2 - 9% slope) . This gently sloping soil is considered moderately drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Santa Lucia-Lopez complex, (15 -50 % slope) .

Santa Lucia- This moderately to very steeply sloping soil is considered not well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Lopez- This steeply to very steeply sloping soil is considered very poorly drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

One residence and various accessory structures currently exist on each of the proposed parcels. The project site supports approximately 10 acres of dry farmed walnut orchard. The remainder of the site appears to be used for grazing.

**Impact.** The project was referred to the County Agricultural Commissioner’s Office. The County Agricultural Commissioner’s Office determined that the project had the potential for significant impacts to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long term agricultural production. Additionally, the County Agricultural Commissioner’s Office determined that the project would have potential significant impacts to agricultural resources and/or operations because the creation of substandard parcels in agricultural areas typically results in the development of nonagricultural uses that create additional incompatibilities with nearby agricultural operations (County Agricultural Commissioner’s Office; May 19, 2005). However, on January 24, 2006, the Board of Supervisors heard an appeal of the Subdivision Review Board denial of the project. A majority of the Board of Supervisors approved a motion that the project would not have potentially significant impacts to agriculture and the Board of Supervisors instructed county planning staff to prepare a negative declaration consistent with the

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adopted resolution.

The project proposes and has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units. The project as proposed may result in the creation of a fence between the proposed parcels. Impacts to agriculture are considered to be less than significant.

**Mitigation/Conclusion.** No mitigation measures are necessary.

3. AIR QUALITY - <i>Will the project:</i>	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.** The project proposes and has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units or site disturbance. 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.

**Mitigation/Conclusion.** No mitigation measures are necessary.

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4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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4. <b>BIOLOGICAL RESOURCES -</b> <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The following habitats were observed on the proposed project: Grasses

Based on the latest California Diversity database, and other biological references, the following is a list of sensitive vegetation, wildlife and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Habitat- Blue Oak Woodland (Scattered <10% Density)

Coastal Oak Woodland (Scattered <10% Density) at eastern edge of proposed development property boundary

Coast live oak forest is generally common in coast ranges within the valley bottoms as well as on slopes. Characteristic species include Pacific madrone (*Arbutus menziesii*), coulter pine (*Pinus coulteri*), coast live oak (*Quercus agrifolia*), poison oak, and California Bay (*Umbellularia californica*).

KEY: FE-Federally Endangered; PFE-Proposed Listing-Federally Endangered; FT-Federally Threatened; PFT-Proposed listing-Federally Threatened; FC-Federal Candidate; FSC-Federal Species of Concern (no longer used); FD - Federally delisted SE-State Endangered; SCE-State Endangered Candidate for listing; ST-State Threatened; SCT-State Threatened Candidate for listing; SR-State Rare; CSC- CA Special Concern Species; FP-CDFG Fully Protected; List 1A-CNPS Presumed extinct in CA; List 1B-CNPS Rare or Endangered in CA & elsewhere; List 2-CNPS Rare or Endangered in CA, but common elsewhere; List 3-CNPS Plants needing more info (Review List); List 4-CNPS Plants of limited distribution (Watch List).

**Impact.** The project proposes and has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units or site disturbance.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. <b>CULTURAL RESOURCES -</b> <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable

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5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</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 checked="" type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

**Impact.** The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. County planning staff visited the site and no evidence of cultural materials was noted on the property. The project proposes no site disturbance and will not result in the construction of any additional dwelling units. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** GEOLOGY - The topography of the project is gently sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered high. The liquefaction potential during a ground-shaking event is considered low..

No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is within the 100-year Flood Hazard designation. The closest creek (Willow Creek) runs along the eastern property boundary of the proposed development. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – The soil types and descriptions are listed in the previous Agriculture section under “Setting”. As described in the NRCS Soil Survey, the soil surface is considered to have low to high erodibility and lo to moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** The project as proposed will result in no site disturbance. Additionally, the project has been conditioned such that no future development will occur within the mapped flood hazard zone.

**Mitigation/Conclusion.** Any building permit within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO) section 22.14.070 (c) to evaluate the area's geological stability relating to the

proposed use. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</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 checked="" type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</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 checked="" type="checkbox"/>

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**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

**Impact.** The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

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**10. PUBLIC SERVICES/UTILITIES -**  
*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Templeton Station 32) is approximately 5.5 miles to the southeast. The closest Sheriff substation is in San Luis Obispo (Kansas Ave.), which is approximately 5.5 miles from the proposed project. The project is located in the Templeton Unified School District.

**Impact.** No significant project-specific impacts to utilities or public services were identified. While the creation of additional parcels would usually contribute to the cumulative impact of new development on public services, the subject property already is developed with two residences and has proposed to limit the parcels to the current development. No impacts to public services have been identified.

**Mitigation/Conclusion.** No impacts to public services have been identified and no mitigation measures are necessary.

**11. RECREATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The County Trails Plan does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

**Impact.** The proposed project will not create a significant need for additional park or recreational

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resources because the subject property is already developed with two residences and will be limited to that level of development.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**Setting.** Future development will access onto the following public road(s): Las Tablas-Willow Creek Road and Niderer Road. The identified roadways are operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

**Impact.** The applicant is proposing to subdivide the project site into two parcels of twenty acres each. The project has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units. The proposed project will not generate any additional trips and will not result in a significant change to the existing road service or traffic safety levels.

**Mitigation/Conclusion.** No significant traffic impacts were identified, and no mitigation measures are necessary.

**13. WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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. 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 applicant is proposing to subdivide the project site into two parcels of twenty acres each. The project has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units. The project proposes to use an on-site system as its means to dispose of wastewater. The proposed project will not result in a physical change to the environment and will not result in any additional effluent discharge or the creation of any new septic systems.

**Mitigation/Conclusion.** No significant wastewater impacts were identified, and no mitigation measures are necessary.

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.**

The topography of the project is gently sloping. The closest creek (Willow Creek) runs along the eastern edge of the proposed development. As described in the NRCS Soil Survey, the soil surface is considered to have low to high erodibility.

**Impact.** On water use: The applicant is proposing to subdivide the project site into two parcels of twenty acres each. The project has been conditioned to limit residential density to one residence per lot and thus will not result in the creation of any additional dwelling units. No additional water usage is anticipated as a result of the project.

Regarding surface water quality, as proposed, the project will result in no site disturbance.

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no mitigation measures are required.

**15. LAND USE - Will the project:**

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
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<b>15. LAND USE - Will the project:</b>	<b>Inconsistent</b>	<b>Potentially Inconsistent</b>	<b>Consistent</b>	<b>Not Applicable</b>
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

The project is not consistent with the subdivision design standards established by the Land Use Ordinance for the Agriculture land use category and thus the project could be potentially inconsistent with The subdivision design standards established by the Land Use Ordinance. However, the Transfer of Development Credit (TDC) program established by the county Land Use Ordinance specifically allows for the division of land that would not qualify using the traditional division standards and thus the project is consistent with the county Land Use Ordinance.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

<b>16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
---	--------------------------------	---	-----------------------------	-----------------------

- a) **Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**
  
- b) **Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)**
  
- c) **Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at: "http://ceres.ca.gov/topic/env\_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ) and when a response was made, it is either attached or in the application file:

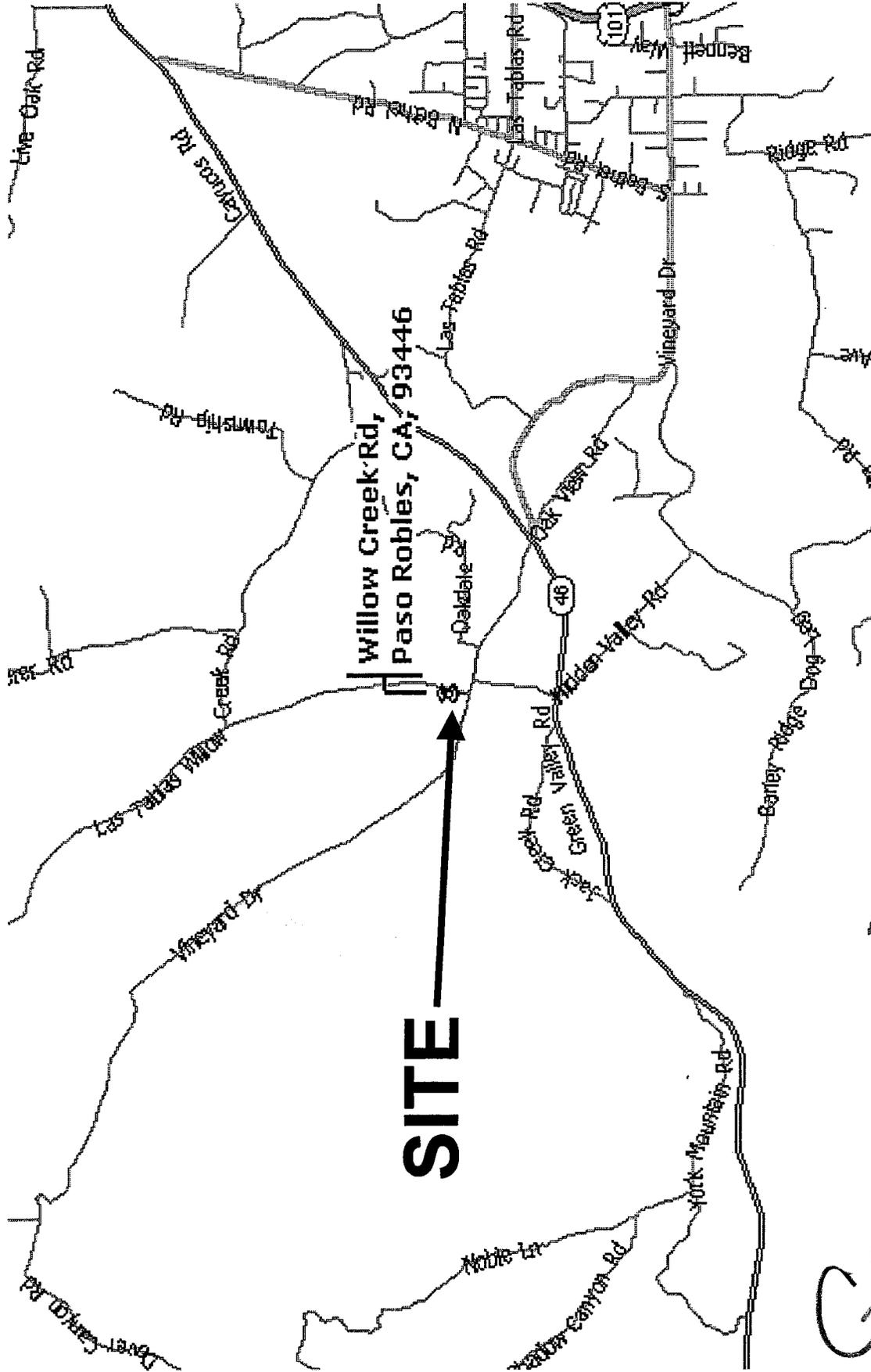
<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked () reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> Area Plan and Update EIR   |
| <u>County documents</u>   | <input type="checkbox"/> Circulation Study  |
| <input type="checkbox"/> Airport Land Use Plans   | <u>Other documents</u>  |
| <input checked="" type="checkbox"/> Annual Resource Summary Report  | <input checked="" type="checkbox"/> Archaeological Resources Map                                      |
| <input type="checkbox"/> Building and Construction Ordinance  | <input checked="" type="checkbox"/> Area of Critical Concerns Map                                     |
| <input type="checkbox"/> Coastal Policies   | <input checked="" type="checkbox"/> Areas of Special Biological Importance Map                        |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)   | <input checked="" type="checkbox"/> California Natural Species Diversity Database                     |
| <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: | <input checked="" type="checkbox"/> Clean Air Plan  |
| <input checked="" type="checkbox"/> Agriculture & Open Space Element  | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Energy Element  | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)   | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Housing Element   | <input checked="" type="checkbox"/> Regional Transportation Plan                                      |
| <input checked="" type="checkbox"/> Noise Element   | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input type="checkbox"/> Parks & Recreation Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)       |
| <input checked="" type="checkbox"/> Safety Element  | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input checked="" type="checkbox"/> Land Use Ordinance  | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Real Property Division Ordinance   |   |
| <input type="checkbox"/> Trails Plan  |   |
| <input type="checkbox"/> Solid Waste Management Plan  |   |

*Handwritten initials: CB 32*



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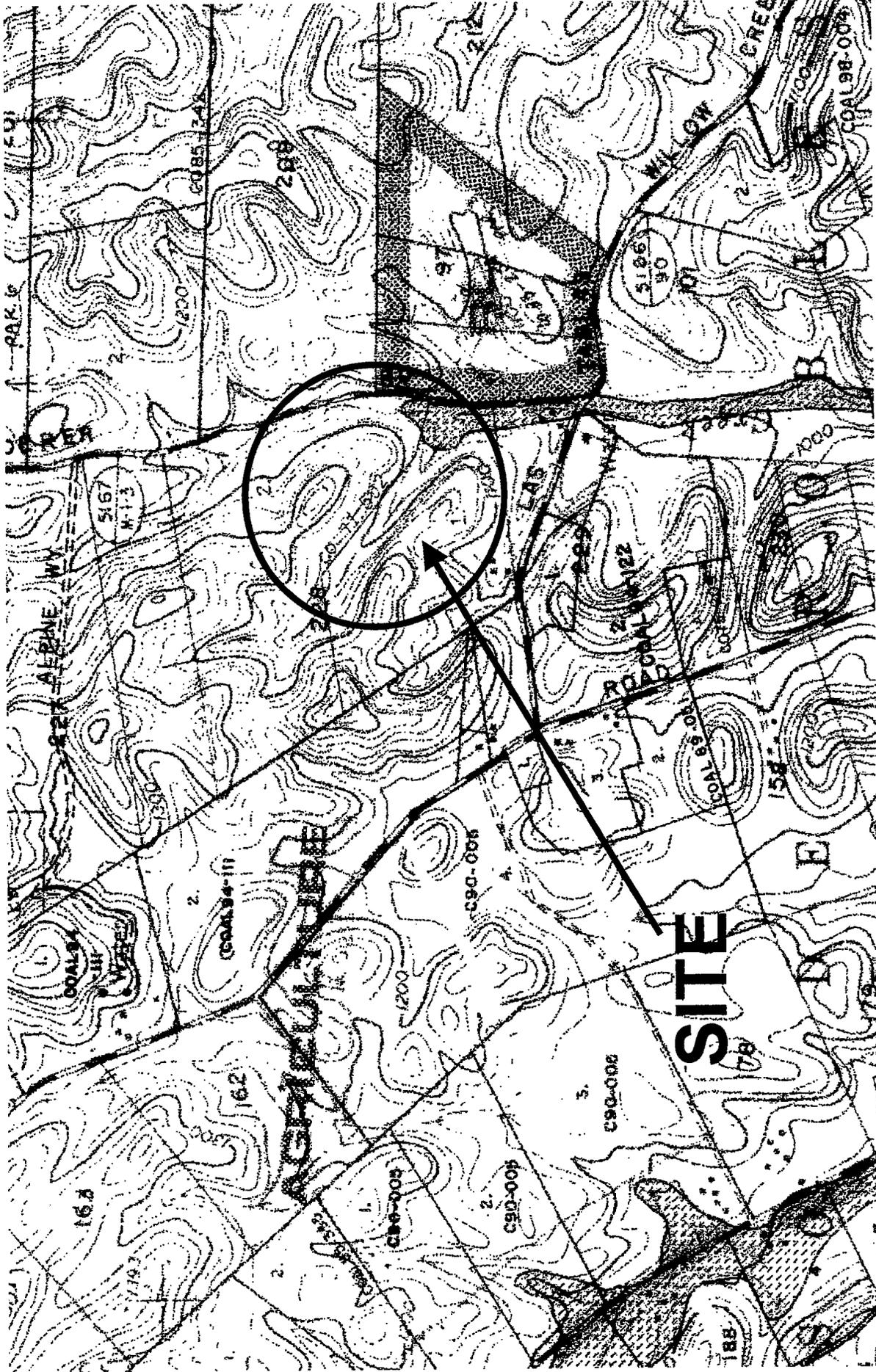
**PROJECT**

Parcel Map  
Carnine SUB2004-00348



**EXHIBIT**

Vicinity Map



PROJECT

Parcel Map  
Carnine SUB2004-00348

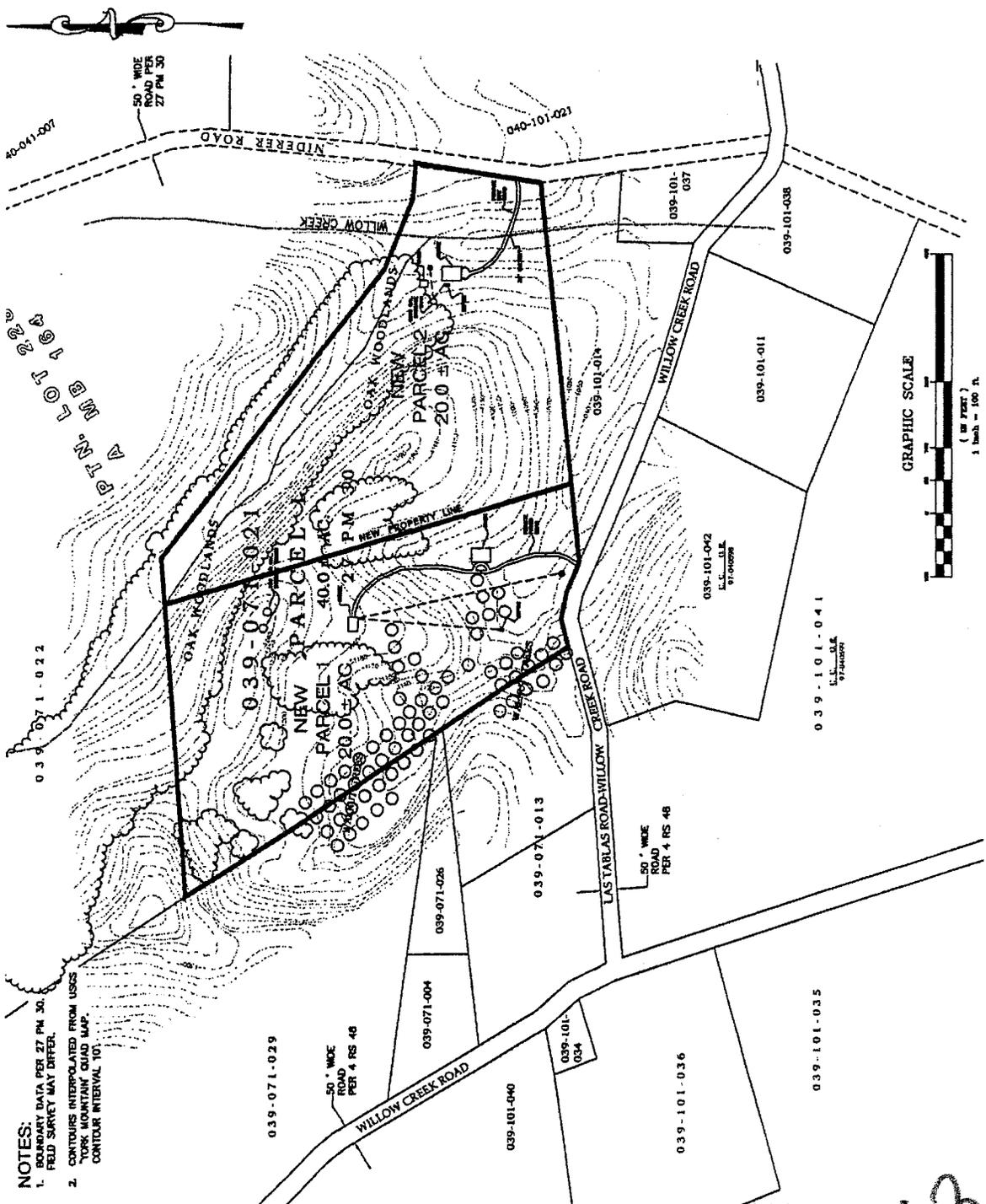


EXHIBIT

Land Use Category Map

CB  
24

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



**NOTES:**  
 1. BOUNDARY DATA PER 27 P.M. 30. FIELD SURVEY MAY DIFFER.  
 2. CONTOURS INTERPOLATED FROM USGS TOPOGRAPHIC QUAD MAP. CONTOUR INTERVAL 10'.

*CS 35*

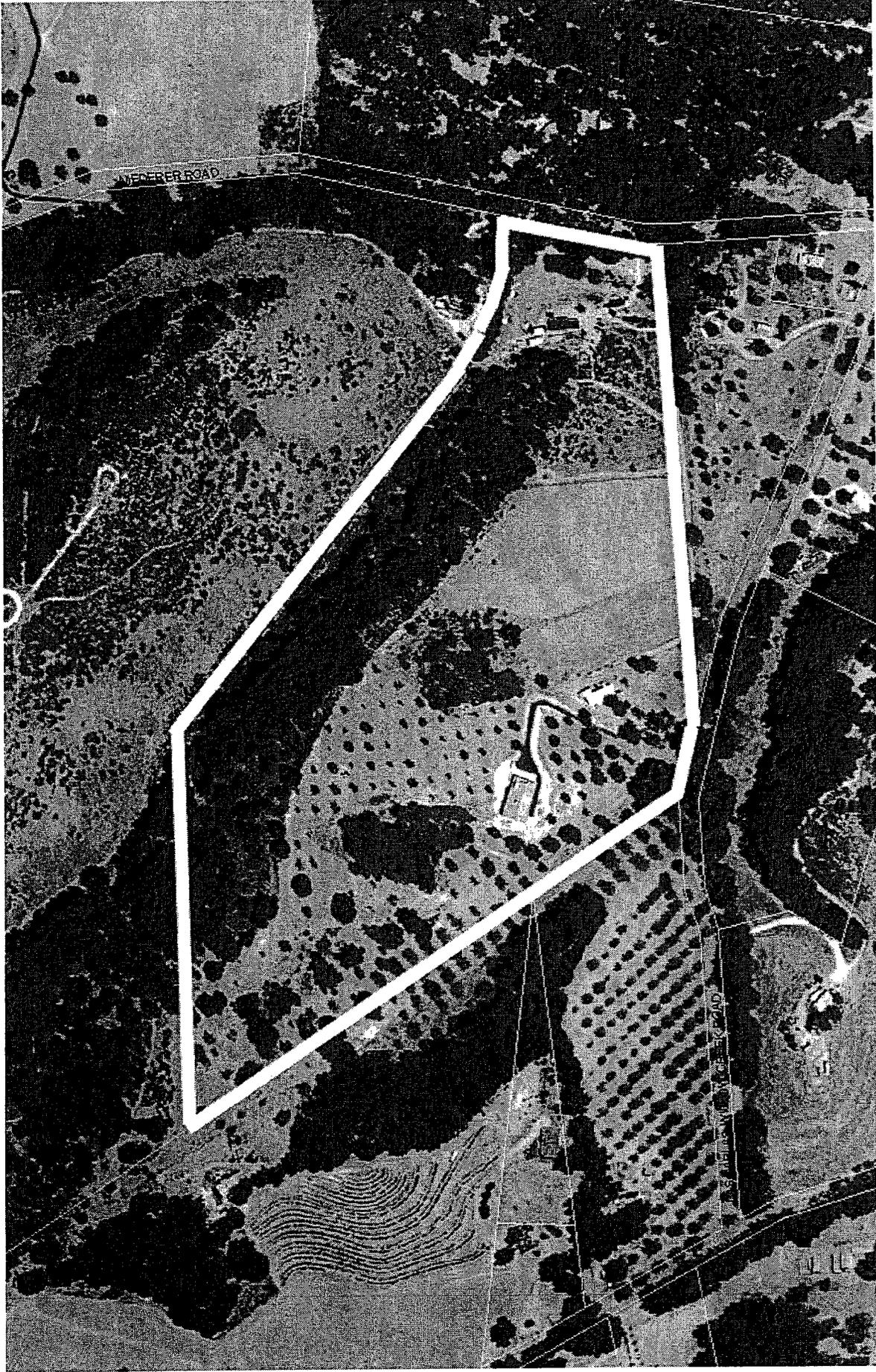
**EXHIBIT**

Site Plan



**PROJECT**

Parcel Map  
 Carmine SUB2004-00348



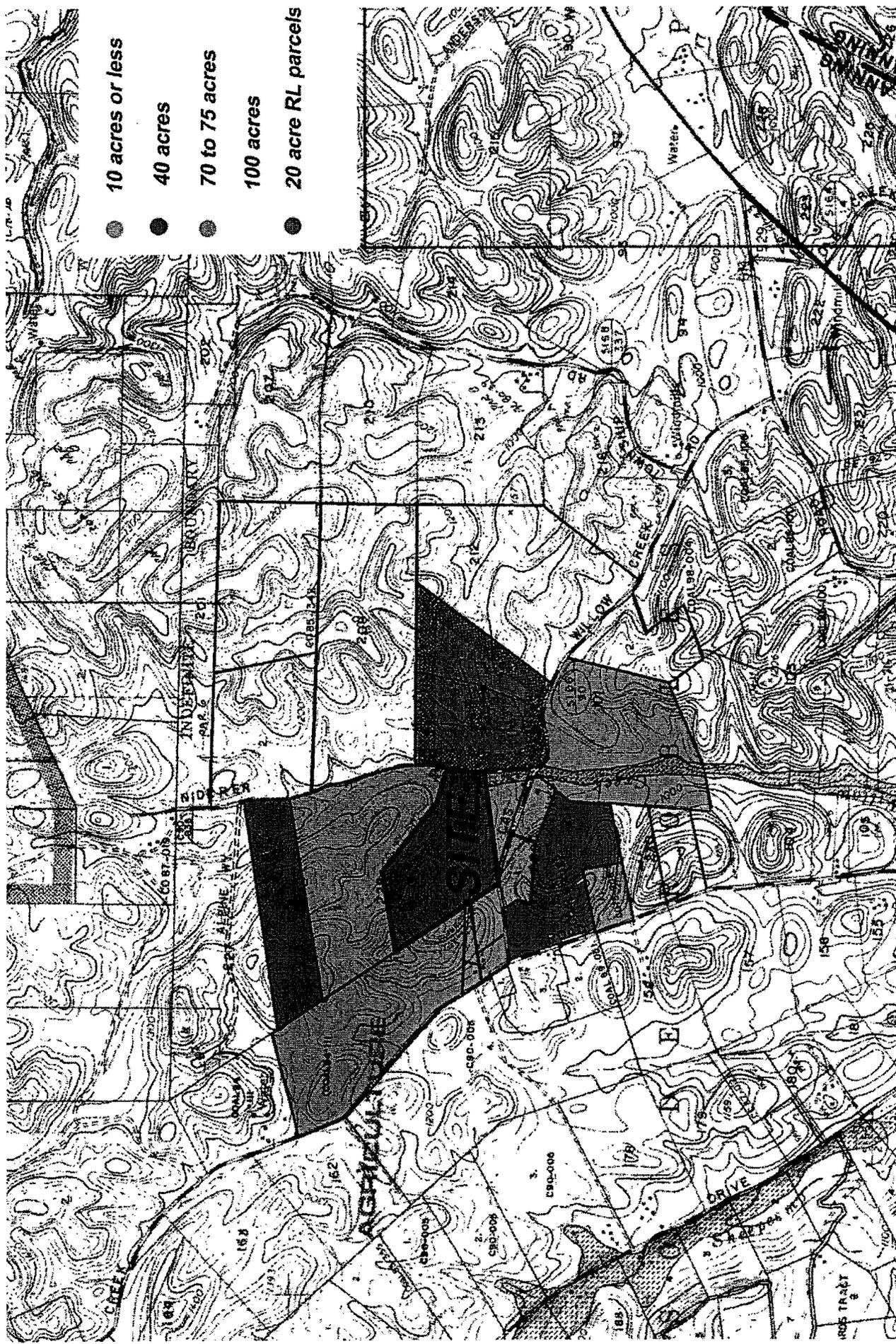
**PROJECT**

Parcel Map  
Carnine SUB2004-00348



**EXHIBIT**

Aerial Photograph



37

**ATTACHMENT 3**

CB  
32

March 9, 2006

To: San Luis Obispo Department of Planning and Building  
Environmental Division

From: PasoWatch  
Creston Citizens for Ag Land Preservation  
Citizens Concerned for Templeton's Future  
Adelaida Area Association

Re: Request for Review of Proposed Negative Declaration  
Carnine Parcel Map ED05-296 (SUB2004-00348)  
Use of Transfer of Development Credit (TDC) to  
subdivide parcel zoned for Agriculture

This project will have specific and cumulative environmental impacts to Agricultural Resources, Population/Housing, and Land Use which are not identified by the proposed Negative Declaration (ND) dated February 15, 2006.

Planning staff was instructed to prepare the proposed ND for this project so that it would be consistent with a 3-2 vote of the San Luis Obispo County Board of Supervisors. This vote reversed the decision of the Subdivision Review Board which denied the application to split this 40 acre ag parcel using a TDC credit.

The environmental determination for the entire TDC Program states that the ordinance itself "...does not pose potentially significant impacts...". (Page 12 (G950011N) dated May 3, 1996 ED 96-001 ).

Since 1996 however, according to planning department reports, the program has multiplied 42 existing lots into 252 credits which have or will create new lots . The 1996 ND therefore failed to identify the cumulative impact of the ordinance.

An informed decision which protects community interest in the environment can not follow from the error of the speculative conclusions in the original 1996 ND or the inadequate and flawed analysis in the current project-specific ND or from the Board of Supervisors decision to approve this project regardless of the identification of potential significant impacts by the Ag Commissioner, the local citizen advisory group recommendation for denial, the planning staff recommendation for denial, and the Subdivision Review Board findings for denial.

## Agricultural Resources

The conclusion that there is insignificant impact to ag resources is incorrect because there is no basis for that conclusion. The County Ag Commissioner is the expert in this area. The Ag Commissioner's review of this project found that there were potentially significant impacts to agriculture.

The County Ag Commissioner has determined that the land has some agricultural capability and that project has the potential for significant impacts to agricultural resources and/or operations because :

- 1) each proposed parcel would not have adequate resources to ensure sustainable long term agricultural production;
- 2) the creation of substandard parcels in agricultural areas typically results in the development of nonagricultural uses that create additional incompatibilities with nearby agricultural operations (County Agricultural Commissioner May 19, 2005)

Dividing a parcel with some agricultural potential in half creates two parcels, each with half the potential. It also doubles the number of nonstandard parcels. The TDC program was created to solve the problem of too many nonstandard parcels in rural areas.

The 40 acre parcel is characterized as "gently sloping" and "moderately sloping" with "grasses" and "dry farmed walnuts". This is an inaccurate description of the entire parcel. The north side and east side are heavily wooded and very steep. This heavily wooded and steep area would comprise a large portion of both parcels, primarily Parcel 2, rendering it unusable for agricultural purposes. Sixty-five percent of Parcel 2 could not sustain agriculture, whereas the 40 acre parcel can currently sustain some form of agriculture on over sixty percent of the land. Dividing the parcels would therefore diminish the agricultural potential of proposed parcel 2 and place the oak woodland at risk. For example, the oaks would need to be cleared to establish a vineyard or other ag use on that hillside.

Planning staff was instructed to prepare this proposed ND so that it would be consistent with the motion approved by a majority of the San Luis Obispo County Board of Supervisors that the project would not have potentially significant impacts to agriculture. The proposed ND states that the impacts to agriculture are considered to be less than significant, however, no facts are provided to support this conclusion. An objective analysis would show that this conclusion is totally inaccurate and is without any basis.

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40

This proposed ND also fails analyze cumulative and precedent setting impacts to agricultural resources.

Under the Mandatory Findings of Significance on page 16, item b should be marked as potentially significant. This project has impacts that are individually limited, but cumulatively considerable. The Ag Commissioner has identified a cumulative impact to agricultural resources that is potentially significant.

Standard fees referenced elsewhere in the ND are not adequate mitigation for the cumulative impact of using TDC credits to subdivide land zoned for agriculture.

The cumulative impact to farmland of allowing TDC credits to subdivide land zoned agriculture can not feasibly be mitigated except by not dividing the parcels.

This project lies with an existing 'Agricultural Preserve Area.' The proposed ND under the heading Agriculture Resources; Setting states "One residence and various accessory structures currently exist on each of the proposed parcels." These residences and accessory structure are allowable in the Agricultural land use category for uncontracted land within a preserve. However, subdividing this land is in conflict with the provisions of an 'Agricultural Preserve Area.'

In addition, legislation for establishing ag preserves appears to require an amendment to the General Plan before land is subdivided below the current land use category.

### Population/Housing

Conditioning this project to limit each new parcel to one primary residence has the appearance of a mitigation but is a requirement without a practical effect. That is, limiting the primary residences to those already built will have very little positive impact upon the environment.

The County Environmental Department's own research reveals that less than 4% of parcels entitled to build a second primary residence actually do. (Principal Environmental Specialist, John Nall at meeting of Shandon Advisory March 1, 2006)

Two primary residences on one parcel create problems for landowners because of financing, inheritance issues, and the inability to sell each house separately.

Splitting the parcel, especially when the new parcels are sold, increases the potential for each parcel to develop separately with secondary residences or guest quarters and farm support quarters all with separate access roads, allowable ag use development and site disturbance .

Secondary development on each new parcel would contribute to the cumulative impacts of new development on public infrastructure. If the parcel remains intact, the secondary development could reasonably be expected to be consolidated and would therefore have less impact .

### Land Use

The conclusion that the project is consistent with general and specific land use policies is incorrect because:

- 1) the TDC program was made part of the County General Plan by amendment in 1996. (G950011N);
- 2) the environmental determination filed on October 8, 1996 for the TDC program states that "The TDC program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas". (ED96-001 page 1);
- 3) a goal of the TDC program is to save ag land and preserve the rural character of the county.

The Ag Commissioner determined that this land has some agricultural capability as a 40 acre parcel, but that with division into 20 acre parcels the resulting parcels "would not have adequate resources to ensure sustainable long term agricultural production".

Therefore the project is inconsistent with the General Plan and the Land Use Ordinance and not in conformity with applicable local ordinances because it does not comply with the goal of the TDC program to protect land with agricultural capability.

The intent of the TDC Program as described in the Negative Declaration dated May 3, 1996 is "The TDC Program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas." The Negative Declaration dated February 15, 2006; Agriculture Resources; Setting states "One residence and various accessory structures currently exist on each of the proposed parcels." Since there are residences already on each of the proposed parcels the intent of the



TDC Program is not being met. Therefore the 1996 Negative Declaration does not apply nor can a TDC be used to subdivide this property as stated in the project description of the 2006 Negative Declaration.

There is also no reference to this project's consistency with the Adelaide Area Specific Plan. We would like to confirm that the Adelaide Area Specific Plan was reviewed in the process of preparation of this proposed ND.

The site plan and the aerial photo are not consistent. The Vicinity Map incorrectly locates the site. The site plan appears to indicate a new or additional building on parcel 1. Under Geology and Soils, there is a reference to "areas proposed for development" although there is not supposed to be any further development of residences. What is this other development or proposed development ?

The "Setting" on Page 3 of the proposed ND describes the surrounding area as "developed with residences". This is not true of all surrounding land. One parcel directly to the west is almost entirely in dry farmed walnuts. Another parcel directly to the west is a large vineyard (James Berry). The parcel directly to the north is approximately 60 acres and is undeveloped except for a residence. The parcel across Las Tablas/Willow Creek Road and to the south east of the Carnine parcel is entirely undeveloped and is used for cattle grazing.

The conclusions in this proposed ND are not consistent with the Findings of fact for other TDC on Ag projects which include:

Anderson CO03-0253 denied on appeal August 17, 2004

Kennedy CO03-0260 SRB denied July 12, 2004

Gorham CO03-0224 SRB denial July 12, 2004

Flagg CO04-0004 SRB denied April 4, 2005

Carnine CO05-0090 SRB denied November 7, 2005

Allowing ag land to be subdivided using TDC credits is directly contrary to the intent of the program . In addition this project does not meet all of the criteria to become a receiving site because a driveway is in a flood hazard area therefore is inconsistent with Section 22.24.070.A.5 of the TDC ordinance.

This project does not meet intent of Title 22.24; is inconsistent with Ag policy 4; Ag policy 15; General Goal 8; General Goal 10; is inconsistent with the pattern of development of the area and ignores cumulative impact.

We have an oversupply of small substandard lots in this area of the county - the very serious antiquated subdivision problem . The TDC program was created to solve that problem. Using TDC credits to create more small lots is growth inducing and does nothing to solve the problem of rural sprawl but clearly adds to it.

Handwritten initials 'CB' and 'UB' in the right margin.

The existence of some small lots in this area, apparently from antique maps, was cited by one Supervisor as a reason for approving this project. This practice can only result in reasoning to support the approval of even more substandard lots which then create the conditions for General Plan Amendments which would then remove these 20 acre ag parcels from zoning for agriculture. Up zoning these parcels would then allow them to be fractured into even smaller parcels.

This area of the county is growing at a rate exceeding the 2.3% maximum annual growth rate according to the annual Resource Summary Report for 2005.

Also, except for the three Denny site credits, the credits available for use by this project are not entirely from land zoned Agriculture but partly from parcels zoned Rural Lands. How is it responsible policy to use a credit that is nearly 22% from parcels zoned Rural Lands to subdivide a parcel zoned Agriculture?

Citizens have the right to rely upon orderly application of land use policy and decisions in the public interest. Following the recommendations of the Planning Commission, citizen groups, and citizen advisory councils, the Board of Supervisors has directed the planning department to prepare an amendment to the TDC program prohibiting the use of credits to subdivide land zoned agriculture. Until the amendment process is completed the consistent, orderly and reasonable action is to deny individual TDC on ag projects.

#### **Mandatory Findings of Significance**

This project will have potentially significant, cumulatively considerable impacts as defined on page 16 of this ND.

The project will have impacts that are individually limited, but cumulatively considerable. This is a precedent setting, growth inducing project and stands to serve as such for larger agricultural parcels up Niderer Road to be divided to substandard size under the TDC program. This is cumulatively considerable in its impact to surrounding agricultural land and probable future projects.

The Board of Supervisor's action to overturn the decision of the Subdivision Review Board allowed the creation this after-the-fact ND proposal. We believe approval of this proposed ND would be an abuse of the CEQA process and inadequate environmental review.

We understand that public participation in the environmental review process is encouraged and that this appeal which is also called a request for review is an important part of due process. We further expect that any further hearings for this project would be continued until the planning department can respond in writing to the Board of Supervisors and the undersigned appellants.

*Scheduled*  
CB  
BY

**PasoWatch**

Susan Harvey, President  
P.O. Box 240  
Creston, California 93432  
(805) 239-0542  
ifsusan@tcsn.net

**Citizens Concerned for Templeton's Future (CCTF)**

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Templeton, CA 93465  
(805) 227-4785  
aslufft@direcway.com

**Creston Citizens for Ag Land Preservation (CCALP)**

Maria Lorca, contact person  
P.O. Box 502, Creston, CA 93432  
(805) 674-1863  
mlorca@sbcglobal.net

**Adelaida Area Association (AAA)**

Elizabeth Rolph, contact person  
7710 Adelaida Rd,  
Paso Robles, 93446;  
(805) 237-8985;  
elizabethrolph@yahoo.com

**ATTACHMENT 3**

CB  
44

March 9, 2006

To: San Luis Obispo Department of Planning and Building  
Environmental Division

From: PasoWatch  
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Citizens Concerned for Templeton's Future  
Adelaida Area Association

Re: Request for Review of Proposed Negative Declaration  
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The existence of some small lots in this area, apparently from antique maps, was cited by one Supervisor as a reason for approving this project. This practice can only result in reasoning to support the approval of even more substandard lots which then create the conditions for General Plan Amendments which would then remove these 20 acre ag parcels from zoning for agriculture. Up zoning these parcels would then allow them to be fractured into even smaller parcels.

This area of the county is growing at a rate exceeding the 2.3% maximum annual growth rate according to the annual Resource Summary Report for 2005.

Also, except for the three Denny site credits, the credits available for use by this project are not entirely from land zoned Agriculture but partly from parcels zoned Rural Lands. How is it responsible policy to use a credit that is nearly 22% from parcels zoned Rural Lands to subdivide a parcel zoned Agriculture?

Citizens have the right to rely upon orderly application of land use policy and decisions in the public interest. Following the recommendations of the Planning Commission, citizen groups, and citizen advisory councils, the Board of Supervisors has directed the planning department to prepare an amendment to the TDC program prohibiting the use of credits to subdivide land zoned agriculture. Until the amendment process is completed the consistent, orderly and reasonable action is to deny individual TDC on ag projects.

### **Mandatory Findings of Significance**

This project will have potentially significant, cumulatively considerable impacts as defined on page 16 of this ND.

The project will have impacts that are individually limited, but cumulatively considerable. This is a precedent setting, growth inducing project and stands to serve as such for larger agricultural parcels up Niderer Road to be divided to substandard size under the TDC program. This is cumulatively considerable in its impact to surrounding agricultural land and probable future projects.

The Board of Supervisor's action to overturn the decision of the Subdivision Review Board allowed the creation this after-the-fact ND proposal. We believe approval of this proposed ND would be an abuse of the CEQA process and inadequate environmental review.

We understand that public participation in the environmental review process is encouraged and that this appeal which is also called a request for review is an important part of due process. We further expect that any further hearings for this project would be continued until the planning department can respond in writing to the Board of Supervisors and the undersigned appellants.

*CS*  
*SR*

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